

plants. Minnesota claims Ontario is polluting its wilderness area with a Hydro coal-fired generating-plant in Atikokan. A similar plant in Saskatchewan on the East Poplar River has enraged Montana residents.

Extraterritorial

The last major flashpoint in U.S.-Canadian relations is potentially the biggest source of trouble: the question of extraterritorial application of domestic laws. A current U.S. anti-trust case naming Canada as a member of an "illegal" uranium cartel suggests the disturbing possibility of federal officials being forced to

testify in a U.S. court. Canada has rejected such extraterritoriality, as it has stoutly insisted in the past that Canadian subsidiaries of U.S. firms who strike deals with Cuba cannot be held to violate the U.S. Trading with the Enemy Act.

As a truculent Congress moves into the final two years of the Carter Presidency, the "mature" relation with Canada will be tested by a series of issues. And as Canada steers its way through its most difficult constitutional crisis, capped with a Quebec referendum, federal-provincial unity at the bargaining table could turn out to be an illusion. In that case, today's lull stands the chance of becoming a minor historical footnote.

IJC at age seventy

International Joint Commission and the Garrison Diversion

By Kim Richard Nossal

It has now been 70 years since the Canadian and American Governments signed the Boundary Waters Treaty regulating the binational management of waters shared by the two countries. In the intervening years, both the 1909 treaty and the International Joint Commission (IJC), which was set up to oversee the treaty's provisions, have often been praised by political leaders in both countries as exemplary means of conducting international relations. Though few observers have been as immodest as Mackenzie King, who claimed in 1923 that the IJC was "the New World answer to Old World queries as to the most effective methods of adjusting international differences", most contemporary political and academic assessments have been equally sanguine.

A 1976 Canadian Senate committee report on Canadian-American relations

noted that the IJC had had a "most notable record of achievement" — only in four of 98 cases had the six IJC commissioners been unable to reach agreement on a problem referred to them. A further measure of the Commission's success has been the tendency of the governments in Ottawa and Washington to listen to its recommendations: in the past 70 years, Article X of the treaty, providing for binding arbitration, has never been used. The IJC's recommendations, Kal Holsti and T. A. Levy suggested in a 1974 article, "pretty well establish the parameters within which policy-makers at all levels of government will subsequently operate".

The premise underlying these optimistic assessments is that the willingness of the federal governments in Ottawa and Washington is the key to the IJC's success. As an official of Environment Canada said at a seminar on Canadian-American natural-resource issues at the University of New Hampshire in 1975, the IJC "is viable only as long as the two governments which created the system both want it to work". The focus of this conventional interpretation is on the executive branch

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