



***Canadian Policy Towards Mexico:
Pastor's Puzzle Reconsidered***

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The contemporary Canadian-Mexican relationship has a distinctly strange shape. On the one hand, since the North American Free Trade Agreement came into effect in 1994, there have been considerable successes on the economic side. Trade between the two countries has dramatically increased. Two-way trade increased from \$4.056 billion in 1993 to \$21.928 billion in 2009, an overall increase of more than 440 per cent, or an average annual rate of 11 per cent. Likewise, Canadian foreign investment in Mexico increased from less than one billion dollars in 1999 to a cumulative total of \$8.7 billion in 2009 (Mexico, 2009: 1–2); the increased economic activity generated by NAFTA has shifted the relative economic importance of the two countries to each other (Goldfarb, 2005). In addition, Canada and Mexico are deeply integrated into a number of North American arrangements – energy in particular (Morales, 2006; Dukert, 2009). Thousands of Mexican temporary agricultural workers migrate each year to Canada for seasonal work (Basok, 2003); Mexico is a major destination for an estimated million Canadian tourists each year. An increasing number of Canadians are choosing to winter in Mexico. Academic and cultural linkages are strong.

On the other hand, there has been little comparable growth and development on the political/diplomatic side of the relationship. To be sure, during the 2000s there was considerable institutionalization at the trilateral level – notably the

institutionalization of summits at the leaders' level and the inauguration of a relatively short-lived process, the Security and Prosperity Partnership. Likewise, there has been considerable bilateral activity at the diplomatic/political level. But generally the other facets of the relationship have not kept apace with the growth of the economic relationship.

Indeed, many observers think that there might – and should – be more to the relationship. Some of those who have written about the bilateral relationship in the last decade – for example, Duncan Wood and George MacLean (1999), Andrew F. Cooper (2008), and of course Andrés Rozental and Robert Pastor (2008) – believe that it is a relationship that is marked by unfulfilled promise and, as Duncan Wood (2008: 265) has argued, “significant potential.” Even those who are somewhat sceptical, such as Isabel Studer (2004), clearly hope for more. In short, there seems to be a common view that the growing *economic* relationship forged by NAFTA should be matched by a growth of relations on the *political* side.

There is no more ardent supporter of the idea of enhanced Canadian-Mexican relations than Robert Pastor, who long ago noted the persistence of what he innovatively called “dual bilateralism” – in other words, the three North American countries do not have a real trilateral relationship, but rather two largely separate bilateral relationships (Pastor, 2004, 2008). However, Pastor notes that there is overt resistance in Canada to the development of such a relationship. In the 2009-2010 issue of *Canada Among Nations*, he outlines the various ways in which the Canadian government has persistently tried to stop the development of multilateral institutions for North America and has demonstrated little interest in the development of good relations with Mexico. For Pastor, this constitutes a real

puzzle: “Why has Canada, the world’s leader in multilateralism and humanism, been uninterested in creating multilateral institutions in North America and ungenerous when it comes to its poorest neighbour?” (Pastor, 2010, x).

It is a good question, but Pastor really does not provide an answer – other than to say that there are a number of Canadians who believe that Canada’s special relationship with the United States would be negatively affected. He really does not explain why the “world’s leader in multilateralism” is not really interested in building multilateralism in North America. Thus, the purpose of this essay is to reconsider Pastor’s puzzle and put it in perspective.

“The World’s Leader in Multilateralism”?

Let me begin with his puzzle about multilateralism. One of the reasons that Pastor is puzzled is that he believes that Canada is a deeply multilaterally-minded country, deeply committed to pursuing foreign policy goals through multilateral diplomacy. And, if this is one’s working assumption, then indeed it is rather strange that the government in Ottawa has been so hesitant to extend its multilateralist enthusiasms to the North American region.

However, my view of Canada and multilateralism is somewhat different than Pastor’s. While I agree with scholars like Keating (2002) who argue that there is a strong multilateralist tradition in Canadian foreign policy, I do not agree with those who take the argument one step further and conclude that Canada is therefore always and automatically multilateral in its international policies. Rather, a careful examination of Canadian foreign policy suggest that the Canadian government’s bilateralist and unilateralist tendencies are at least as deeply rooted as its

multilateralist tendencies. In other words, the government in Ottawa will embrace multilateralism when it believes that Canada's national interests cannot be achieved by other means.

For example, Canada's long-standing and deep attachment to the North Atlantic Treaty of 1949, and the Organization created two years later, was driven by the belief that Canada's national interests were best achieved by having the United States deeply enmeshed in European defence against the Soviet Union. While the original rationale has changed with the disappearance of the Soviet Union, that multilateralist impulse is still evident, and helps us understand why Canada is so committed to NATO today.

Likewise, Canada will embrace multilateralism when there is nothing to be lost by doing so. Good examples of this were Canada's active efforts to achieve a ban on anti-personnel landmines in 1997; its strong support for the creation of an international criminal court in 1998; or its attempts to advance the doctrine of the responsibility to protect from 1999 to 2005. But it should be recognized that these initiatives, while important, were very easy for Canada to embrace and push, simply because they cost Canada very little, and did not affect Canadian interests directly.

But when multilateral solutions do *not* advance Canadian interests, Ottawa tends to embrace bilateralism, dealing with other countries one-on-one. The clearest examples of this are the North American Air Defence command agreement of 1957, which continentalized air defence against the Soviet Union or the Cold War, or the Auto Pact of 1965, which rationalized Canada's uncompetitive automotive industry, or the Canada-US free trade agreement that came into effect

in 1989. But one could also include any number of bilateral arrangements with other countries.

And when multilateral solutions have a *negative* impact on Canadian interests, the government in Ottawa has no hesitation at all in embracing a robust policy of unilateralism – doing what it wants to suit its own interests, without caring what the rest of the world thinks. Three examples illustrate this tendency towards unilateralism: Canada’s claims on the Arctic; Canada’s approach to climate change and greenhouse gas emissions; and Canada’s attachment to supply management in some agricultural products.

Canada’s approach to the ownership of the waters of the Arctic archipelago has been in defiance of accepted international law. Canada has always claimed the waters between the Arctic islands as “internal waters,” relying on impenetrable multiyear ice to back that claim. To be sure, Canadian unilateralism in 1970 – extending Canadian jurisdiction over pollution 100 miles beyond the Arctic archipelago – helped to change the Law of the Sea as it relates to the Arctic, but Canada’s claim that the passage through the archipelago is not an international strait is based on a unilateral rejection of international law.

Likewise, Canada’s steadfast refusal to abide by the Kyoto Accords that it pretended to support in 1997 is an example of the ease with which Canada tends to simply ignore even those multilateral obligations it has signed. The Liberal government of Jean Chrétien signed the Kyoto Accord in 1997, committing Canada to cutting emissions to six per cent below 1990 levels. And while it indulged in huge self-congratulatory rhetoric, the government then spent the next seven years not only doing nothing to reduce GHG emissions, but watching as Canadian

emissions climbed steadily from 1997 levels (Simpson et al, 2007). (When the Conservative government of Stephen Harper came to power in 2006, it tried to tell Canadians that the Kyoto target was a number quite literally pulled out of thin air by Prime Minister Chrétien. However, so fierce were the criticisms from the public that the Harper government simply abandoned the effort and adopted a fresh set of GHG emission targets – the so-called 20/20 targets, cutting GHG emissions 20 per cent of 2006 levels by 2020 – that will prove to be equally impossible to meet given Canada’s rapid population growth.)

But perhaps the most egregious example of unilateralism is Canada’s steadfast commitment to its particular brand of agricultural protectionism, the supply management system that protects Canada’s dairy, egg and poultry industries (Skogstad, 1993). Even though supply management has been rejected as a method of agricultural protection throughout the international system and makes Canada a laughing-stock in international trade circles (Simpson, 2010b), every political party in Ottawa is deeply committed to maintaining the supply-management system because of the electoral importance of Québec and Ontario farmers, where most of the affected agricultural industries are located.

It must immediately be said that Canada is by no means unusual in this respect. Every political community will pursue its interests using whatever techniques it judges will best advance those interests. But what is unusual about Canada is that beginning in the early 1990s, Canadian politicians increasingly claimed that Canada was a deeply multilaterally-minded country – that Canadians always acted in the interests of the international community; that Canada always supported the United Nations; that Canadians had a moral calling in international

affairs. Likewise, a number of political leaders often encouraged Canadians to criticize other governments when they embraced unilateral means to advance their national interests (Nossal, 1997).

There is no better indicator of this tendency than the number of Canadian officials who gave speeches using the line that multilateralism is in Canadians' DNA, or part of the country's "genetic make-up," or otherwise somehow inherent in Canadian policy (Nossal, Roussel and Paquin, 2011: 38). This unfortunate trope was given added legitimacy when it was used by Renato Ruggiero, the former president of the World Trade Organization (Ruggiero, 1996). (Given that Ruggiero would have experienced first-hand Canada's persistently unilateral insistence on maintaining its agricultural protectionist supply management system, some might suggest that he was being slyly ironic, but there is no hint of irony in his speech.)

I acknowledge that the constant refrain by Canadian officials that Canada is deeply multilateral has had a long-term impact on policy. The self-portrait of Canada as a multilateralist state quickly grew to become enormously popular among Canadians, and generated its own feedback loop. A number of students of Canadian foreign policy have noted that Canadians quickly grew to love being flattered by their leaders with exaggerated stories about Canada's role in the world, and indeed they rewarded their political leaders who embrace the multilateral line with their votes at election time. As Denis Stairs (2003: 502) has noted, the "inflated and self-serving rhetoric" of this era was "clearly designed to appeal to the preferences and prejudices of a population indoctrinated by its own myths." But the self-portrait was indeed mythical, in the sense that it did not entirely reflect reality. As importantly, large numbers of people in other countries have also

embraced this mythology. In other countries, Canada is often seen just as Pastor describes it – “the world’s leader in multilateralism.”

Rather than accept the mythology, as Pastor has done, I prefer to take a more realistic approach and recognize that the rhetoric about Canada’s attachment to multilateralism tends to hide Ottawa’s deep attachment to bilateralism and unilateralism in a North American context. To a consideration of each I now turn.

Bilateralism

There always has been a strong commitment on the part of the Canadian government to bilateralism as its preferred approach to relations with the United States. Canadian officials simply do not believe that Canadian interests would be better served by trading the bilateral relationship with the US for a multilateral approach, or even a trilateral approach. After all, NAFTA arose precisely because Canada wanted to preserve its bilateral trade connection with the United States. Canada’s request to turn the Mexican-American free trade negotiations into a North American free trade negotiation had nothing to do with any Canadian desire to create some sort of trilateral or multilateral North American community. On the contrary, that request was all about protecting Canadian interests.

We have seen a perpetuation of that original orientation since NAFTA came into force. For example, the Security and Prosperity Partnership (SPP) arose precisely because the Canadians did not want Mexico to get a bilateral advantage, and so suggested that it be turned into a trilateral arrangement. Likewise, many officials in Ottawa insist that Canadian interests are better served by dealing

bilaterally with Washington rather than trilaterally with Washington and Mexico City.

The Canadian government insists that some issues, such as the border, must be dealt with differently. The clearest example of dual bilateralism were the Smart Border negotiations conducted in the aftermath of 9/11. At that time, Canada refused to negotiate together with Mexico, and instead insisted on negotiating a bilateral Smart Border agreement with the United States (that was then copied by Mexico and the US some months later).

But this is entirely in keeping with a long tradition in Canadian foreign policy of a lack of enthusiasm for multilateralism or trilateralism in a North American context. When Canadian officials insist today that “three can talk, two can do” (D’Aquino, 2008), they are merely echoing a common Canadian diplomatic line from the 1980s that claimed that “two’s company, three’s a crowd.”

Pastor and I can readily agree that such views are dominant in Ottawa. But where do such sentiments come from? I would argue that these sentiments reflect the fact that Canada and Mexico are, simply, in very different geostrategic spaces, with very different geostrategic conceptions of world politics. While there may be like-mindedness between Ottawa and Mexico City on some contemporary global issues, the fact is that there is a major divergence on strategic/military matters. By contrast, there is deep convergence between Canada and the United States on military and strategic matters. Canadian defence policy is deeply integrated with the defence policy of the United States. Canadian military units are designed to be interoperable with American forces. Canadian officers, for example, have commanded some US forces in Afghanistan.

The military component of Canada's bilateral relationship with the United States will for a variety of historical and ideological reasons never be replicated on the Mexican side. And thus the Canadian-Mexican relationship will always be lacking that crucial element that binds nations – and their governments – together. In my view, it is for that reason, more than anything else, that there is such a deep commitment on the part of Canadian officials to dual bilateralism in North America. And, in my view, that commitment is not going to change any time soon. It is too deeply entrenched. Indeed, it can be argued that the SPP, when three were talking and three were doing, actually caused Canadian bilateralism to become even more deeply entrenched. In addition, in Canada that commitment is bipartisan – shared by both Liberals and Conservatives alike.

Unilateralism

If there will be no end to Canadian attachment to bilateralism any time soon, we also need to keep in mind that the Canadian government will also pursue a unilateral approach to policy when it suits their interests. There is no better example of this tendency than the July 2009 decision by Ottawa to impose a visa requirement on Mexican citizens wishing to visit Canada.

There is only one way to explain that decision: it was a classic case of foreign policy unilateralism at work. The Conservative government of Stephen Harper faced a policy problem: over the course of the 2000s, there had been a steady rise in refugee claims from Mexico – from 1100 in 1999 to over 9500 in 2008. By the end of 2008, fully 25 per cent of all refugee claims in Canada were from Mexico (Citizenship and Immigration Canada, 2008). But almost 90 per cent of those

refugee claims were found to be without merit and were rejected by Canadian authorities. Moreover, there was considerable evidence that people-smuggling rackets were behind the increased flow. Faced with this challenge, the Harper government decided to impose a unilateral solution, without giving the Mexican side an opportunity to negotiate, without giving any thought to Mexican interests.

But, like all examples of unilateralism in global politics, the Canadian decision had a particular political logic to it. The Canadian government's official explanation was that the surge in Mexican claimants was not only "creating significant delays and spiraling new costs in our refugee program," but also that "the sheer volume of these claims is undermining our ability to help people fleeing real persecution." The minister of immigration, Jason Kenney, claimed that the visa was designed to help "people who really need Canada's protection" (Citizenship and Immigration Canada, 2009). But it is important to recognize that what is not admitted by the government in Ottawa is the degree to which this decision is all about domestic Canadian politics.

Canada has what is widely seen as an approach to refugees that is one of the most generous in the world – or, more correctly stated, to those individuals who are able to make it to Canadian soil and claim refugee status (because Canada is really are not that generous towards refugees who are not able to arrive on Canadian soil). But for those who actually make it to Canada to claim refugee status, there is not only a likelihood of success. Between 40 and 50 per cent of refugee claimants are eventually formally admitted to Canada, because the boards who determine status use the widest possible definition of the 1951 Convention Relating to the Status of Refugees when making their decisions. But in addition,

between arrival and that determination, the Canadian state generously supports refugee claimants with welfare payments.

Moreover, since 1985, refugee claimants in Canada have enjoyed unprecedented political rights as the result of a decision by the Supreme Court of Canada, *Singh v. Minister of Employment and Immigration 1985*, that determined that refugee claimants on Canadian soil must be given the same rights to the principles of natural justice as citizens – in other words, this decision required that the Canadian government provide each claimant with an oral hearing at which the case could be heard.

Even Canada's approach to failed refugee claimants is marked by generosity. Canada's deportation process tends to be very slow. Moreover, there are numerous options even for those who are ordered deported: for example, Ottawa maintains a large list of countries to which the government simply refuses to deport people. And because failed refugee claimants are not routinely detained, many manage to remain in Canada. An audit by the Auditor-General in 2008 discovered that there were 41,000 individuals who had immigration warrants for removal, or deportation orders, against them, but whose location was unknown to the Canadian Border Services Agency, the bureaucracy responsible for deporting them (Auditor General, 2008: 15). In short, it is not surprising that Canada's generous approach to refugee claimants actually *encourages* asylum seekers to try to land on Canadian soil and claim refugee status, and encourages the global people-smuggling rings.

Historically, the Canadian government's "solution" to the distortions and dysfunctions caused by its own policies is simple: when the "market" produces a large number of claimants from a particular country, the government simply

imposes a stiff visa requirement that is designed to purposely make it difficult to travel to Canada. Even would-be tourists to Canada are required to submit a raft of deeply personal documentation, including deeds to real property and car registrations, six months of financial statements, letters from employers, etc. (see Canada Visa Application Centre—Mexico, 2010; also Valpy, 2009; Simpson 2010a).

However, this crude policy works. First, the burdensome requirements has an immediate effect on travel to Canada. In the case of the Mexican visa requirement, Table 1 demonstrates the degree to which a burgeoning number of visitors to Canada from Mexico over the five years prior to the visa requirement was reduced by more than a third, far more than the dip in travel to Canada from other countries caused by the Global Financial Crisis of 2008–2009. Table 2 shows the month-over-month impact of the visa requirement from the spring of 2009 to February 2010, the latest month for which figures are available.

Table 1

Visitors to Canada, 2004-2009

	Mexico	+/-%	Total World*	+/-%
2004	177,269	--	4.22m	--
2005	194,344	9.6%	4.51m	6.8%
2006	213,945	10.1%	4.52m	0.3%
2007	250,633	17.1%	4.68m	3.6%
2008	270,828	8.1%	4.76m	1.8%
2009	172,006	-35.5%	4.17m	-12.5%

*Does not include visitors from the United States

SOURCE: Statistics Canada, 2004–2010

Table 2

Mexican Visitors to Canada, March 2008-February 2010

	2008	2009	+/-%
March	22,195	13,823	-37.7%
April	16,589	21,541	+29.9%
May	21,658	14,884	-31.3%
June	31,150	23,191	-25.6%
July	52,693	31,906	-39.4%
August	32,339	14,725	-54.5%
Sept	27,027	10,664	-55.6%
Oct	15,492	5,693	-63.3%
Nov	10,133	3,852	-62.0%
Dec	18,756	7,476	-60.1%
	2009	2010	+/-%
Jan	13,284	6,380	-52.0%
Feb	10,967	5,276	-51.9%

SOURCE: Statistics Canada, 2004–2010

Second, when onerous visa requirements are imposed, the number of refugee arrivals from countries with a Canadian visa requirement is guaranteed to drop, sometimes dramatically. For example, the number of refugee claimants from Mexico fell from 1000 a month before July 2009 to just 150 in December 2009 (Smith, 2009; Simpson, 2010a). Importantly, this blunt instrument ignores the fact that there may well be bona fide human rights problems in the country against which the visa has been imposed (Neve, 2008).

The effectiveness of the visa instrument means that the government in Ottawa never really has to address what some have called Canada's "broken" refugee policy (Gallagher, 2008). The government is able to pretend that Canada has a world-class approach to refugees, but it is only able to do this by treating the appearance of refugee problems like a game of Whac-A-Mole – just like the fairground game, when a refugee problem country appears, Ottawa smashes it back into its hole with a mallet, and then waits for the next problem to pop up.

Why does the Canadian government not simply change the way refugees are treated? It is a good question, and easy to answer: Canada's refugee policies are deeply connected to electoral politics. They were designed by Liberal governments who knew that immigrants in Canada tend to vote overwhelmingly for the governing party, which for much of the 20th century was the Liberal Party of Canada. After more than a quarter of a century, these policies are so deeply entrenched that it would take a huge effort to change them, particularly given the 1985 Supreme Court decision. That decision, with its requirement that each refugee claimant had the right to a judicial hearing, created what in essence is a sizeable refugee "industry" in Canada. This "refugee complex" – an equivalent to the "military-industrial complex" or the "prison industrial complex" – includes lawyers, consultants, church groups, and not-for-profit non-governmental organizations whose mandate includes refugee protection and advocacy. And because the refugee complex has always mounted strong resistance to any move to reform the system, reform has always been "politically unpalatable" (Cohn, 2009).

By the same token, there are few political gains to be had by attempting reform. While some immigrant communities in Canada see refugee claimants from

countries considered safe as “gaming” the system, and jumping a queue to Canada that they themselves had to wait in, there are considerable inertial dynamics built into the system. For example, the refugee complex has been able to capture broader public sympathy on the issue of refugees. Because the numbers are actually quite small, relative to the overall population of 34 million, there is a widespread view that a few thousand more would not be the end of the world.

For these reasons, all Canadian governments down to 2009 have taken the easiest political route: no government has dared to try to seriously reform Canada’s refugee policies. In 2010, the Harper government introduced a measure to reform the refugee system. Bill C-11, An Act to Amend the Immigration and Refugee Protection Act and the Federal Courts Act, was given first reading in the House of Commons on 30 March 2010 and was sent to committee after second reading on 29 April. While there has been considerable opposition to this measure, coming not unexpectedly from the refugee complex, it can be argued that the Mexican visa imbroglio may have generated sufficient political will to overcome the inertia this time.

Conclusion

I have looked at Canada’s visa requirement decision in such detail because it is an excellent example of the essence of unilateralism in world politics. In other words, when explained from the perspective of Canadian interests, the visa decision makes considerable sense. Needless to say, however, the unilateralist doesn’t care about the interests of others – that’s what makes it unilateralist.

So in this case, only Canadian interests were considered; Mexican interests were completely unimportant, as were all those business interests in Canada affected by the dramatic decrease in visitors from Mexico. Moreover, officials in Ottawa calculated correctly that Mexico was in no position to introduce a mirror visa requirement, which would have instantly dried up tourists from Canada.

But the visa decision is important because it demonstrates so clearly how little impact multilateralism has on Canadian policy towards Mexico, thus making sense of Pastor's puzzle. It also shows how little interest the Canadian government has in developing a relationship with Mexico that goes beyond the dual-bilateralism that has marked the North American project since NAFTA came into being.

It is true that some have suggested that this particular episode was simply a result of the present Conservative government of Stephen Harper. For example, when Rosario Green was in Toronto last fall, she bluntly told reporters that the relationship will improve "when you [Canadians] change prime ministers" – in other words, the evolution of the contemporary relationship is a result of the Conservative government of Stephen Harper (Valpy, 2009). I disagree; in my view, a Liberal government would have acted with the same complete disregard to the interests of others in classic unilateralist fashion. What the Conservative government did to Mexicans in 2009 was simply standard operating procedure for the Canadian government, Liberal and Conservative, simply because that solution has always been easier than fixing Canada's refugee policy mess.

The picture painted here is not one that will be pleasing to those who would like to see a different set of relationships in North America. But it is not clear that the Canadian-Mexican relationship at the governmental level is going to be

transformed into the kind of “true partnership” advocated by Andrés Rozental and Robert Pastor, even if Canadians change prime ministers. Rather, it is likely that the lopsided pattern we have seen emerge in the last fifteen years will continue: trade will continue to grow, investment will continue to increase, the economic integration of North America will continue – but the political architecture will continue to be dominated, as it has since 1994, by Pastor’s dual-bilateralism.

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