North American Competitiveness Council and the SPP: *Les agents provocateurs* at the Montebello Leaders' Summit

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Executive Summary:

Introduction:

In March 2006, one year into the Security and Prosperity Partnership of North America (SPP), a tri-national committee of 30 chief executive officers (CEOs) from Canada, the United States and Mexico was formed by the Prime Minister and two Presidents to give advice on the priorities for the next stage of integration in North America. Almost a year later, after a process of consultation with other business leaders in each country, the North American Competitiveness Council (NACC) released its recommendations to Ministers responsible for the SPP. In their February 2007 *Report to Ministers*, the NACC elaborated their priorities and issued 51 recommendations for "enhancing North America's competitive position in the world economy". They seek first of all to improve "the secure flow of goods and people within North America". Secondly, they want governments to "cut red tape". Thirdly, they are working to protect the prosperity of the United States by ensuring a "secure supply of imported energy."

The NACC commented on the progress made on the SPP in advance of the third annual meeting of the Presidents of Mexico and United States and the Canadian Prime Minister. This "Montebello Summit" took place in Quebec in August 2007.

It is vitally important to evaluate the impact on accountability and democracy of this new institutionalization of corporate interests in the governance within North America. Yet, this concern with process must be accompanied by a careful analysis of the content of what is being decided behind closed doors. Some of substantive work of the SPP can now be deciphered from agreements announced at the Montebello Summit. These include the *North American Plan for Avian and Pandemic Influenza; Regulatory Cooperation Framework; Intellectual Property Rights Strategy;* and the *Agreement for Cooperation in Energy Science and Technology.*

I Border Facilitation:

The Leaders' approach to the integration of emergency planning was to announce a detailed report on a *North American Plan for Avian and Pandemic Influenza*. The Plan is the public face of preparations for tri-national emergency management as well as the *ongoing* protection of critical infrastructure. The Plan "extends beyond the health sector to include a

coordinated approach to critical infrastructure protection, including the importance of business continuity planning and recognition of interdependencies among sectors."

Plans for "emergency management" and the "resumption of trade" are accompanied by the expansion of cross-border law enforcement. Governments will expand "trusted traveller" programs, and enforce a hierarchy of citizenships across North America. Security forces compile and then share data banks of information to make their assessment of each individual on an ongoing basis. Police records are given to the U.S. and Mexican governments and are being used to restrict mobility rights, restrain political dissent, and prevent individuals from living and working in other countries of North America.

II. Regulations:

The *Regulatory Cooperation Framework* very closely approaches the NACC recommendations. There are agreed upon areas where specific regulations will be harmonized, but the corporate executives have secured an even bigger prize: They have set the agenda, the process of liberalization will be ongoing and regulations will conform increasingly to private industry norms. Leaders have made a text-book commitment to harmonizing the regulatory process according to the particular interests of global corporations. The community interest, however, will be increasingly subjected to the discipline of trade impact studies, cost-benefit analyses, and international private sector norms.

Leaders have also committed to increased protections of intellectual property rights. The largest corporations who own copyrights, trade marks, patents and claim protection for trade secrets will be able to count on the full support of state security forces to protect and extend their already extensive private property rights. Although Canada would benefit from an open debate on whether or not to strengthen IPR protections, especially when it comes to issues of social concern such as pharmacare, those who would challenge intellectual property rights are cast in the shadow of piracy and counterfeit.

III. Energy

The three Leaders presented their agenda on energy integration as a cooperative agreement on "sustainable energy and the environment". In fact, it is an Agreement for Cooperation in Energy Science and Technology. In their

statement, the three governments are very clear that it is not enough to conduct Research and Development. Scientific inquiry is now meant to bring the results of research directly to the market and so the concept of "Deployment" is added. The Agreement makes clear that the private sector will be involved in this effort.

The governments of North America have agreed that cooperation may include research, development and deployment in the areas of renewable energy and energy efficiency, but they also include nuclear energy, fossil fuels and electricity equally in this list. They acknowledge possible advances in low, or zero emission energy production might be the result of cooperation, but they also list "technology for cyber-security related to energy infrastructure"; electricity generation, storage and transmission; energy security planning tools and "*any other energy-related area, as the Parties may mutually decide upon in writing.*" (Art.3) (emphasis added)

The Agreement goes on to discuss the protection of intellectual property and business confidential information. Now that the tar sands development is well underway, corporations have trained their sights on Mexico, and the private exploitation of the country's public energy resources.

Conclusion:

The paper concludes by suggesting that democratic participation has become so discredited in the eyes of the elite that government leaders are now taking their direction openly and explicitly from a group of unelected corporate leaders. The CEO "prosperity" agenda is presented and justified through a "security" discourse. The CEOs go to great lengths to show how the two agenda can be mutually reinforcing. In the view of the NACC, security doesn't *trump* trade. Rather, trade can *grow* security.

It is left to the social movements and critical voices of opposition to decipher the implications of what was said and left unsaid at the Montebello Summit.

Introduction[1]

> "*Working people across this country know the SPP is not about security and prosperity for us. It's about the corporate class being able to get a stranglehold on this country.*"[2]

In March 2006, one year into the Security and Prosperity Partnership of North America (SPP), a tri-national committee of 30 chief executive officers (CEOs) from Canada, the United States and Mexico was formed by the Prime Minister and two Presidents to give advice on the priorities for the next stage of integration in North America.[3] Almost a year later, after a process of consultation with other business leaders in each country, the North American Competitiveness Council (NACC) released its recommendations to Ministers responsible for the SPP.[4]

In their February 2007 *Report to Ministers*, the NACC elaborated their priorities and issued 51 recommendations for "enhancing North America's competitive position in the world economy". They seek first of all to improve "the secure flow of goods and people within North America". Secondly, they want governments to "cut red tape". Thirdly, as they state quite clearly, they are working to protect the prosperity of the United States by ensuring a "secure supply of imported energy."[5]

Business leaders have been actively engaged with governments in defining their post-9/11 priorities for deregulation, harmonization and integration of economic and security matters in North America. In January 2003, the Canadian Council of Chief Executives announced their proposals for a "North American Security and Prosperity Initiative."[6] They called for

increased regulatory cooperation, a North American security perimeter, a resource security pact, an expanded Canadian military, and a new institutional framework for tri-national cooperation. Their vision was instrumental in shaping the five priorities identified by the three government Leaders at their first SPP Summit in Waco Texas in 2005. These were refined at the Cancun Summit in 2006, and affirmed by Ministers at their tri-national meetings as well.[7]

With the creation of the NACC, business' historically privileged relationship with governing elites is now institutionalized at a supra-national level. There are significant and obvious differences between the three political systems but these are meant to be smoothed over through a discourse of North American executive branch cooperation. For example, there is no common term to identify the two presidents and one prime minister. As a result of this awkward situation, governments have taken to the inelegant new title of "Leader", a term with no constitutional basis in any of the three countries. Not only are the broader concerns of civil society excluded at this level of decision-making, but only a very small number of government departments are involved in setting the agenda for ongoing North American integration. Moreover, the legislatures of the three countries have been excluded from a process in which the intent is "to see how much we can cooperate without changing a single law."[8] With the advent of a deeply integrated security infrastructure, we must consider the very real possibility that the judicial branch of government is being marginalised as well.

The Canadian government has yet to address the SPP fully in the legislature. Nevertheless, after much persistence and parliamentary wrangling, New Democratic Party M.P. Peter Julian was able to secure

hearings on the SPP at the House of Commons Standing Committee on International Trade in early May. The matter has still not been fully considered by the Canadian Parliament, or any other legislature in North America for that matter.[9] Between the Ministerial meeting in Ottawa in February 2007 at which Ministers received the NACC recommendations, to the Leaders' Summit in Montebello, Quebec in August 2007, it was the social movements, including a community of opposition M.Ps, left academics and public intellectuals that brought the SPP to the attention of the Canadian people.[10]

At the level of the civil service, the 10 security working groups, and 9 prosperity working groups attended to their tri-lateral and dual bi-national responsibilities within and between bureaucracies during the year.[11] As the working groups continued their efforts to increase cooperation in more than 300 areas, they received direction from the executive branch of government which was itself engaged in ongoing communication with the executives of the business community. For example, in September 2006, a secret meeting of the "North American Forum" took place in Banff, Alberta. Participants at the meeting included Ambassadors, Cabinet Ministers, CEOs and military commanders. Nine months after making Access to Information requests, the Canadian Labour Congress is still waiting for full disclosure of documents relating to what was presented by Canadian government officials at this meeting. Most of official SPP information was first published on U.S. government web-sites, but it was only through Freedom of Information requests that U.S. observers were able to secure some of the significant SPP documents.[12] The Canadian government did not set up a SPP web-site until the tri-national meeting of "Security and Prosperity" Ministers in Ottawa in February 2007.

Despite public outcry about privileged corporate access, the working groups were not given direction to consult with the public during the year. Government Ministers have not issued full reports on what the working groups have accomplished, but the NACC had sufficient information to issue a 30 page evaluation of progress before the Leaders' Summit in Montebello, Quebec in August 2007. Notably, it was not the Ministers, but rather the CEOs, who issued this report on the progress of the SPP.[13] A rather streamlined list of accomplishments is the sum total of the government's disclosure of the broad range of activities of the working groups since the Ministers issued their Report to Leaders in August 2006.[14] One wonders who was actually reporting to whom when the Leaders subsequently issued their joint statement at the close of the Montebello Summit.[15]

It is vitally important to evaluate the impact on accountability and democracy of this new institutionalization of corporate interests in the governance within North America. Yet, this concern with process must be accompanied by a careful analysis of the content of what is being decided behind closed doors. Some of the substantive work of the SPP can now be deciphered from agreements announced at the Montebello Summit. These include the *North American Plan for Avian and Pandemic Influenza; Regulatory Cooperation Framework; Intellectual Property Rights Strategy;* and the *Agreement for Cooperation in Energy Science and Technology.*

In this paper I explain the three main priorities of the NACC as they were set out in its initial report in February 2007. The NACC recommendations are organised into three themes including: Border-Crossing Facilitation; Standards and Regulatory Cooperation; and Energy Integration. The following discussion will take each of the three themes in

turn, looking at the initial recommendations of the NACC and their subsequent evaluation of progress on the SPP. I will then analyse the implications of what was announced by the Leaders in Montebello in August 2007.

I Border-Crossing Facilitation

The NACC Recommendations - February 2007

In its first report to Ministers, the NACC welcomed the Leaders' decision to coordinate preparedness strategies and response planning by focussing on avian and pandemic influenza, but recommended that "a similar approach be taken more broadly across the full spectrum of emergency management issues".[16] The NACC indicated the private sector expects to be a partner in the protection of critical infrastructure and the resumption of trade in the event of a disaster.[17] The CEOs want governments to share intelligence related to infrastructure security with the private sector, but expect that private owners will be shielded from access to information laws that might reveal confidential and commercially sensitive information they give to government. So too, does the NACC expect that the protection of property and the "resumption of trade" should be the priority of emergency management. As well, they recommend a mechanism for identifying those individuals who should be "trusted" during an emergency and those who should be the ones to maintain freedom of movement during a crisis, or the first to regain mobility rights with the resumption of trade.

There is little discussion of the possible humanitarian implications of a disaster. There is no mention of the need to involve civil society

organizations or unions in emergency planning. Neither is the NACC explicit about their understanding of what kind of "incident" would lead to the emergency plan being put into effect. One might imagine the definition of emergency could include any event leading to the disruption of cross-border energy flows or cargo shipments, such as extreme weather caused by global warming, or the failure of crumbling infrastructure post-privatization and under-funding, or even a strike.

Business leaders made a series of recommendations on ongoing customs harmonization. They remain concerned that congestion is increasing at ports-of-entry because of increased security. The NACC recommends pre-clearance pilot projects; the expansion of border infrastructure; the expansion of waterborne trade, and suggests that the United States team up with Mexico to screen U.S. bound cargo at Mexican seaports. They call for a suspension of the U.S. Animal and Plant health inspection service charge. They go beyond the case for a customs union in North America by recommending the harmonization of information systems, looser rules-of-origin requirements, the elimination of the NAFTA certificate on shipments; and easier ways to source components.[18] "Every measure that adds to the cost or time to cross borders within North America", argues the NACC, "is in effect a tax on enterprise, a tax on investment, or a tax on jobs across the region…"[19] The security implication is that CEOs would prefer a tighter perimeter around North America, rather than face delays at the border.

The NACC agrees with the Leaders that the best way to ensure the more efficient movement of goods is by protecting the region from external threats, and also agrees with the "risk management" approach to screening goods and people. Both trade facilitation and security goals could be more

easily met, says the NACC, if the benefits to voluntary business participation in security programs became obvious through faster and more streamlined customs requirements. The NACC wants to see a fully integrated joint trusted-traveller system by 2008 and an extension of the current "NEXUS" program to land, as well as air and sea.[20] The CEOs elaborate the need for increased supply-chain security, and ongoing cooperation by governments and the private sector in criminal and security investigations. They expect governments to construct a North American customs clearance system by 2010. They recommend a medium term goal of establishing a fully-integrated credentialing program that would identify low-risk people before they get to the border.

In these recommendations on "Border-Crossing Facilitation", the corporate executives identify their preoccupation with finding ways to reduce the security burden on businesses. Moreover, they identify their own interest in economic integration as being fundamental to the security of the region. By giving their consent to the risk management approach to screening, they assume it is the responsibility of the state to categorize residents and travellers into the more or less trusted categories; the more or less deserving populations; and those groups entitled to full or partial citizenship rights in North America.[21] It is evident they expect businesses to be able to participate in the "most trusted" category. The CEOs expect to be full partners with government and commit to building support for the security agenda in society more broadly.

NACC Report to Leaders - August 2007

In their Report to Leaders in advance of the Montebello Summit, the CEOs evaluated governments' progress in meeting their expectations. The

NACC commended the governments for advancement in their work on border facilitation including: "emergency management and post-incident resumption of commerce"; and for concluding a "Megaports Agreement" between the United States and Mexico to increase screening capacity in Mexican ports. They were pleased with the decision to create a new crossing at Detroit-Windsor and expect to be involved in its planning. They supported the expansion of the "trusted traveller" programs and expect this to lead to an interoperable identification document.[22]

The NACC was disappointed, however, by the failure of agreement on the land pre-clearance pilot project at Buffalo/Fort Erie and, without commenting on the reason for the breakdown of talks, "strongly urged" governments to get back to the table and negotiate an agreement. (The negotiations were called off by the United States Department of Homeland Security because the Canadian government would not approve fingerprinting protocols by U.S. Border guards on Canadian soil that violate the Canadian Charter of Rights and Freedoms.[23]) The CEOs were also very critical of the U.S. decision not to withdraw the Animal and Plant Inspection service charges on all commercial trucks, loaded rail cars and aircraft entering the U.S. from Canada. They "urged Leaders to give clear directions that would bring about a reversal of this decision."[24] The NACC is further disappointed that the U.S. government has not accepted an alternative to passports in the form of secure drivers' licenses under the Western Hemisphere Travel Initiative. The NACC is "profoundly disappointed" Mexico has not agreed to negotiate a cargo liberalization agreement with the United States.

Montebello Leaders' Statement

The Leaders' approach to the integration of emergency planning was to announce a detailed report on a *North American Plan for Avian and Pandemic Influenza*.[25] The Plan "extends beyond the health sector to include a coordinated approach to critical infrastructure protection, including the importance of business continuity planning and recognition of interdependencies among sectors."[26] Although we might ask why governments have chosen to cooperate on this particular public health concern, the Plan for Avian and Pandemic Influenza is, in fact, a case study in emergency preparedness.

If we strike particular references to avian and pandemic influenza in the description of the goals of the Plan, and replace them with any other word for "disaster", the intent becomes clearer:

> The North American Plan for **(Emergency Management)** provides a framework for:
>
> - The basic structure and mechanisms for trilateral emergency coordination and communication;
> - Collaboration on the prevention, control and eradication of **(terrorism)**
> - Collaboration on a North American approach to (**extreme weather)** preparedness and response, including border monitoring and control measures to stop or slow down the spread of **(civil unrest)**;
> - Collaboration on a North American approach to keeping critical infrastructure and essential systems functioning properly in the event of (**a strike).**

This exercise is not without merit, since the SPP overview of the Plan clearly states that the Plan "describes the organizational emergency management frameworks in each of the three countries and how they intend to coordinate their activities."[27] The Leaders have asked Ministers to

continue to deepen the work of emergency preparedness and the movement of people and goods across the border in an emergency.

What becomes evident from this discussion is that the pandemic preparedness strategy is the mechanism through which a North American emergency management infrastructure will be set in place. The *North American Plan for Avian and Pandemic Influenza* is the public face of preparations for tri-national emergency planning as well as the *ongoing* protection of critical infrastructure.

Also with respect to these border facilitation issues, the working groups in the bureaucracy report very modestly that Canada and the U.S. have agreed on standards for travel documents; both Mexico and Canada have installed or will install radiation detection equipment at ports; Mexico and the U.S. have established a new border facilitation working group; Canada and the United States liberalized air-cargo transportation; Mexico and the U.S. expanded border services' hours of operation; Canada and the U.S. have a new agreement on the transportation of dangerous goods; Canada and the United States have begun to harmonize commercial information systems. Canada and the United States have agreed to expand wireless service at the borders for the benefit of citizens, and to ensure "national security authorities have the spectrum they need, when they need it." Mexico and the United States have also signed a protocol to facilitate cross-border wireless communications.

The Leaders re-state their commitment to moving forward on the "Smart and Secure Borders" agenda. They confirm their commitment to risk-based border management, new technologies, border infrastructure development and moving inspection and screening away from the border

itself. "It is sometimes best to screen goods and travellers prior to entry into North America."[28] This is called, in other words, "pushing out the border". to increased border security and to facilitate "legitimate" trade and travellers across borders. [29]

Leaders have asked Ministers over the next year to coordinate on inspection protocols and to further cooperate on "interoperable law enforcement models that promote seamless operations at the border"; and to improve radio communications for both border and cross-border law enforcement. There will be ongoing attempts to alleviate bottlenecks at the Mexican-U.S. border and at the Windsor-Detroit border.

The statement by the three Leaders is both understated and cryptic on the issue of borders. Unless one has been following the SPP process over the past year, it is nearly impossible to know what "risk-based" border management implies. Since the Leaders last met, Canada has set in place a "Passenger Protect" program, but this accomplishment is absent from the Montebello Leaders' Statement.[30] Canada's "No-Fly" list has been unanimously condemned by federal, provincial and territorial privacy commissioners and ombudsmen across the country for its "…secretive use of personal information in a way that will profoundly impact privacy and other related human rights such as freedom of association and expression and the right to mobility."[31] The privacy commissioners have called on the government to suspend the program.

The Leaders are very clear that they have instructed their Ministers to continue to cooperate on interoperable and cross-border law enforcement at the border. They will continue to build data bases of police information on citizens, residents and travellers in Canada. This information is being

shared not only between Canadian police and immigration officials, but with the security forces of the United States (and presumably Mexico) as well. Canadian police data bases contain information stretching back decades. Whether or not the individual was ever convicted and even if a convicted individual served their debt to society, police records are still being given to foreign governments. This information is being used to restrict mobility rights, restrain political dissent, and prevent individuals from living and working in other countries of North America.[32]

What we are beginning to see, is evidence that not only has there been no *legislative* review of the SPP in the legislatures of Canada, the United States and Mexico, but the *judicial* branch of government is being undermined as well. Instead, it is the *executive* level of both government and business which is working with police and security forces to define this next stage in North American integration.

II Standards and Regulatory Cooperation

The NACC Recommendations - February 2007

In 2005, when the SPP was announced, government Leaders also announced their intention to set up a Regulatory Cooperation Framework by 2007. The NACC argues that this tri-lateral framework on regulations should not only reduce differences on standards and rules, but should establish the principle that North American or international private sector standards should be the default position as any new regulations are made.

Furthermore, argues the NACC, regulatory agencies should be in constant communication with one another in the development of regulations, and should justify why there should be any deviation from the North American standard. They recommend that the regulatory framework agreement should be signed in 2007 and that a "North American Regulatory Cooperation and Standards Committee", which would include private sector representation, should be immediately formed. The NACC further recommends that "regulators of each NAFTA country create simple regulations that make mandatory reference to private sector international standards."[33]

The NACC warns against "veiled" protectionism in food safety regulations. It recommends a North American standard on fortified foods and an end to duplication in food safety audits. It argues in favour of common approaches to labeling and compatible approaches to risk-management in food safety. On Transportation issues, the NACC opposes unnecessary restrictions on air carriers and calls for an Open-skies U.S. – Mexico Agreement on cargo. It recommends more flexibility for express carriers who move goods within North America. The CEOs call for the standardization of rest periods and maximum driving and work periods for commercial truck drivers. It calls for cooperation on the transportation of dangerous goods and load securement standards.

On financial services, the NACC wants to see reduced barriers to the movement of capital across borders and to greater capacity in financial cooperation in North America. It wants governments to eliminate with-holding taxes on cross-border interest payments between Canada and the United States, and movement towards a tri-lateral tax treaty. The CEOs call for an increase in the percentage of assets that insurers based in Mexico

are allowed to invest overseas. The NACC recommends greater access for insurers to cross-border coverage for trucks and auto, and increased cross-border access to electronic trading platforms in North America.

The NACC also calls for greater protection of Intellectual Property Rights (IPR). The CEOs suggest that both governments and industry should be "attacking the growing threat of counterfeiting and piracy" and recommend that the IPR strategy be completed in 2007. Their concern is to protect their ability to sell products and their market-share. The NACC recommends that increased intelligence capabilities be developed through the creation of an IP data-base; the creation of a full-time anti-counterfeiting and piracy police force; and joint industry and law enforcement actions to target transnational intellectual property criminal activity.[34]

On the regulatory agenda, business leaders are very clear in their demands: Governments will either reduce costs associated with regulation, or watch companies "relocate to foreign countries, such as China, where labor and structural costs are substantially lower."[35] Their security discourse moves back and forth between the assertion that the best way to ensure North American security is to enhance competitiveness, and the argument that future private sector investments require increased protection from piracy and "veiled" barriers to trade. The NACC approach to "red tape" would bind governments to regulate by means of international private-sector standards which are themselves voluntary for businesses. There is no acknowledgment that other groups in society might have a legitimate right to participate in discussions about appropriate regulatory mechanisms, for example unions representing workers in transportation industries.

NACC Report to Leaders - August 2007

The NACC August Report to Leaders indicates that governments are moving forward on the NACC recommendations on labeling; the elimination of the withholding tax on cross-border interest payments; increasing limit on assets of Mexican based insurers based over seas; allowing Canadian trucks to enter the U.S. with Canadian insurance; and electronic trading. They acknowledge governments might prefer to "encourage" rather than "require" regulators to reference international standards, but expect this will lead to the desired outcome nonetheless.[36] Otherwise, the NACC does not celebrate their remarkable victory on regulatory cooperation.

Furthermore, the NACC was aware before the Summit that the Leaders would release the IPR Strategy. It was not enough for them to recognize what had been accomplished on their behalf, but they immediately pushed harder in urging the Leaders to "agree on an accelerated timetable to address the NACC recommendations in this area."[37] They also criticized the Canadian government for not passing stronger IPR laws:

> …we strongly encourage the Government of Canada to show greater progress in enacting stronger IPR laws and in providing more effective tools for law enforcement officials to interdict shipments of pirated and counterfeit goods in and out of the country.[38]

On this issue, the CEOs reveal once again their attempt to frame their narrow and particular interests in terms of a wider societal interest. What is the actual public interest in intellectual property rights? At a time when spiraling pharmaceutical costs are undermining public healthcare, for example, the interests of the public will be met not by increasing patent

protection for the pharmaceutical industry, but by finding ways to lower the costs of pharmaceuticals, and develop a public pharmacare program.

Montebello Leaders' Statement

The Leaders announced two agreements related to Standards and Regulatory Cooperation, the *Regulatory Cooperation Framework* and the *Intellectual Property Action Strategy*.

The *Regulatory Cooperation Framework* is a voluntary agreement, yet it sets out goals governments have committed to. The three governments have agreed to cooperate in the development of regulations at all stages of the regulatory process. They have agreed to ongoing evaluation of regulatory process with the intention of streamlining them. They have agreed to promote the use of international private sector standards in regulations and to eliminate "redundant" testing and certification. The Cooperation Framework includes an Action Plan which outlines how they are going to meet their goals.

The Leaders will set up a Regulatory Cooperation Coordinating Committee made up of various state agencies concerned with regulation to ensure "the effectiveness and accountability" of the Framework. It will develop an annual work plan that identifies areas of mutual interest and the Committee will offer stake-holders an opportunity to comment on the development of the work plan. The plan will be shared with the public. Each year, the Coordinating Committee will report to Leaders, Ministers and the public, highlight examples, include benchmarks and make recommendations for further cooperation.

It is clear that the *Regulatory Cooperation Framework* very closely approaches the NACC recommendations on this topic. The Leaders have not agreed to appoint private sector representatives to the Committee overseeing this Framework, but the CEOs will be asked to help develop its work plan. The broader social interest is not necessarily served, however, by governments regulating according to the "technical" standards arrived at by corporations. We would furthermore expect that the particular interests of corporations and the wider societal interest could often diverge on issues such as food safety, the transport of dangerous goods, labour standards, financial regulation or tax policy. These are the key areas of where there is general agreement among the elites on the need for regulatory harmonization, but the corporate executives have secured an even bigger prize: they have set the agenda, the process of liberalization will be ongoing and regulations will conform increasingly to industry norms.

As far as sovereignty is concerned, despite the qualifying statement that the Framework aims to improve regulatory cooperation "while in no way diminishing the sovereignty of each Partner", the Leaders have made a text-book commitment to harmonizing the regulatory process according to the particular interests of global corporations concerned with increased profits and global competitiveness. The societal, national or local interest of communities will be increasingly subjected to the discipline of trade impact studies, cost-benefit analyses, and international private sector norms. There is notably no discussion on how this agenda will affect provincial and local government regulatory practices.

At the Montebello Summit, the Leaders also agreed on an "*Intellectual Property Action Strategy*" to combat piracy and counterfeiting. Governments have agreed to create "enforcement networks to enhance

information sharing and enforcement operations" to detect and deter trade in pirated and counterfeit goods, and collaborate on transnational IP crime. The IP Action Strategy will encourage the private sector to assist enforcement and prevention of IP infringement. The governments have also agreed to develop bench-mark measurements to assist enforcement strategies.

In what appears to be a war against copyright infringement, Leaders have committed multiple law-enforcement agencies at different levels of government to collaborate on this apparently critical threat to North American competitiveness. The Action Strategy will depend upon the sharing of best practices from the private sector and "new innovative border enforcement techniques" to detect the trade in pirated and counterfeit goods within North America and arising from "third countries".

Once again, we must ask why this issue has been raised as the focus of this highly militarized discourse and concerted effort on the part of industry and government security forces. The answer is that IPR protect business interests and the right of corporations to sell products. The increasing reliance on security forces, however, is not going to protect freedom of speech or nourish the creative spirit in North American communities by committing public support to cultural industries, schools for the creative arts, educational institutions. Nor have Leaders redoubled their efforts to ensure freedom of expression. Rather, as if they hadn't already been granted more than enough protection from NAFTA, the largest corporations who own copyrights, trade marks, patents and claim protection for trade secrets will be able to count on the full support of state security forces to protect and extend their already extensive private property rights. As a society, Canada would benefit from an open debate on

whether or not to strengthen IPR protections, especially when it comes to issues of social concern. For a society, it is not helpful for a debate over the production of knowledge wrapped in a discourse of criminality, piracy, theft and counterfeit as the NACC suggests. The issues of law-making and law-enforcement should not be conflated in this way.

III Energy Integration

The NACC Recommendations - February 2007

The NACC recommendations on Energy Integration cut to the very heart of the SPP agenda. The entire focus of this third section of its first report to Ministers is to demonstrate that it is imperative for the United States to "develop untapped energy potential and reduce reliance on importation from more distant and less secure energy suppliers". [39] Furthermore:

> Secure access to global energy resources on market terms is a strategic imperative for the United States… Few issues have as significant a strategic national component. At the same time, Canada and Mexico have been blessed with abundant energy resources, which, if developed efficiently and effectively, can be a leading engine of regional development and an important contributor to global competitiveness. [40]

The NACC begins by acknowledging that the Canada-U.S. energy market is already well integrated, but, "(t)he single biggest challenge to maximizing the benefits of energy integration on a regional basis, however, is the need for energy sector reforms in Mexico." The NACC acknowledges they are aware of the political implication of being seen to interfere with Mexico's national energy policy. Even so, their recommendations are severely interventionist in ideological as well as institutional terms:

> Although reform of Mexico's energy sector is a domestic issue, which as noted above is in principle beyond the scope of the NACC, the sizeable economic benefit that could be unlocked by intermediate initiatives more than justifies bringing it to the table. In doing so, we are confident that as the gains from intermediate initiatives come to fruition, the logic of an integrated market will set the pace for fundamental reform instead of continuing to wait for the reverse to happen.[41]

The implication here, is that the political battle over the liberalization and privatization of Mexico's energy resources will be determined if "there is no alternative" returns to political discourse as the only idea that could be held by a reasonable person. North American CEOs will not, however, try to win the hearts and minds of Mexicans by challenging the Constitution directly.

The NACC proposes an entire strategy for dealing with Mexican Domestic Policy Reform. They recommend that governments circumvent the Mexican Constitution, which protects energy resources, by suggesting liberalization could take place through trade, storage and distribution of refined products and by making organizational changes and changes to governance in Mexico's state-owned energy company, Petróleos Mexicanos (PEMEX). The recommendation that governments support the "ongoing legislative process around corporate reform in PEMEX"[42] is an interventionist statement in itself. But they go even farther by recommending the benefits of an ideological campaign:

> (P)ublicizing a trilateral benchmarking exercise which illustrates PEMEX's operational gap vis-à-vis private oil companies would help unveil inefficiencies and highlight the huge economic potential from liberalization"[43]

The NACC recommends this analysis:

> should link these performance gaps to corporate governance issues and give the Mexican government a compelling case for proceeding with structural changes to the governance and operations of PEMEX within the country's constitutional framework.[44]

They are very specific in their recommendations that the "non-associated gas industry" could be spun-off from PEMEX into a separate state-owned entity (Gasmex) to allow for exploration and production projects in the 'vast natural gas reserves" alongside the Northern Gulf coastline.[45]

The NACC applauds the 1995 change to the Mexican laws covering Constitutional Article 27 which permitted the partial liberalization of imported gas and liquefied natural gas and restricted PEMEX's rights to their reserves. The NACC now suggests that the same logic be applied to refined products. It argues that PEMEX has not been able to invest sufficiently in refining because of limitations on private investment and continues to import refined products. The CEOs recommend the liberalization of trade, storage and distribution of refined products. This would include the construction, ownership and operation of pipelines. This would, they argue, have the effect of bringing market discipline to PEMEX distribution practices. In effect:

> a proper regulatory environment should be put in place to allow for an efficient flow of refined products. This would allow for the countries to maximize the storage and distribution capacity of multinational oil companies with distribution capabilities in the United States.[46]

The NACC returns to the theme of critical infrastructure protection and ties it to the need for effective integration of cross-border energy distribution. Arguing that Mexico faces growing demand for electricity that cannot be

met through the public system, the CEOs suggest that U.S. producers along the Gulf of Mexico have excess capacity to sell to Mexican corporations if the interconnection network between the two countries were to be expanded.

They argue that the *Comisión Federal de Electricidad* (CFE) does not have the budget to invest sufficiently in such a project. As a result, private sector investments are needed. However, because the Constitution reserves electricity generation, transmission and distribution for the federal government, a "comprehensive energy policy should address a new liberalized and integrated energy market, ensuring that prices alone determine the rationing of energy products and sources."[47] They recommend that by 2010, Mexico should permit Mexican corporations to purchase electricity from U.S. producers.

The NACC is aware that domestic political considerations could threaten their plans for energy integration. As a result, the CEOs call for "a sound North American regulatory arrangement to prevent unilateral actions that could compromise supply on either side of the border."[48] This means, in effect, that the private sector wants to be sure it will be insulated from popular opposition and future democratic change.

The NACC affirms the tri-lateral SPP Energy Security Initiative in which Leaders have given priority to cross-border energy distribution, energy efficiency standards, sustainable energy technologies, expansion of clean energy supply and advanced technologies. The NACC favours further attention to tri-lateral cooperation on a range of energy distribution issues, including the security of cross-border infrastructure and effective environmental regulation.

Along with restrictions on investments, the CEOs argue, a shortage of skilled labour creates a bottleneck to the expansion of Mexico's energy sector. They recommend the three countries should convene a conference to identify their human resources issues, including the need for training and expanded temporary migration policies. Unions do not appear in their list of stakeholders. The NACC suggests this conference could be the model for future conferences in other sectors, such as financial services.

The NACC supports the Canada-Mexico bilateral initiative on temporary exchanges of skilled energy workers. The NACC recommends rapid development of the Canada-Mexico Partnership to facilitate temporary movement of energy workers from Mexico to Canada. Their intention is to increase the capacity of Mexico "when it sees fit to do so" to have people ready to develop its own energy resources. The NACC recommends a similar program for workers in the nuclear energy industry. The CEOs advocate for cooperative human resource programs in the energy sector to stimulate liberal reforms in Mexico.

Technological development and secure sourcing, rather than conservation is the strategy favoured by the NACC to ensure sustainability in energy use. The CEOs recommend that governments collaborate on clean energy technology development and increasing energy efficiency standards in order to save oil consumption. They recommended further, that there should be tri-lateral convergence on energy efficiency and sustainability which would mean that governments should encourage Mexico's current legislative agenda on privatization and liberalization.

Finally, the NACC urgently recommends the North American Energy Working Group (NAEWG) increase its level of dialogue with the private sector. They recommend that governments create an "Energy Outlook" to review supply and demand trends 25 years into the future. They would like governments to convene a bi-annual meeting of North American energy governors. Finally, they recommend that, eventually, a North American Energy Council be created as a permanent forum for government-company interaction.[49]

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In August, the NACC applauded the Ministers' work on developing a program for skilled labour in emissions monitoring and in the nuclear sector; on developing an Energy Outlook; expanding the mandate of the North American Energy Working Group to cooperate more closely with the private sector, as well as states and provinces; and the development of bio-fuels and energy efficiency standards. The CEOs were pleased with the work on cross-border energy projects. They congratulated Energy and Natural Resource Ministers for having signed a Trilateral Agreement for Cooperation in Energy, Science and Technology in July 2007.[50]

Oddly enough, given the importance of energy integration issues in the initial NACC document, the August report to Leaders only devoted two paragraphs to its discussion, and they registered no issues of concern with respect to their energy priorities. This silence conflicts with the vociferous message of their initial recommendations to Ministers in February 2007. We can conclude that their understated approval of the new Trilateral Agreement warrants a close reading of the document.

Montebello Leaders' Statement

The three Leaders, none of whom are known for their positive ecological commitments, presented their agenda on energy integration as a cooperative agreement on "sustainable energy and the environment". In fact, it is an *Agreement for Cooperation in Energy Science and Technology*. Of all the announcements arising from the Montebello Summit, this is the one that lies at the heart of the economic integration agenda. This Agreement is not signed by Ministers of the Environment. It is an Agreement signed by Ministers of Energy and Natural Resources. This is not an agreement based on environmental or ecological considerations. It is an agreement for cooperation on energy science and technology as a mechanism for establishing tri-lateral integration of the energy sector. It is also an agreement that deflects attention away from the Leaders' stated commitment to energy security issues. It is an agreement which is based on the belief that if "the Parties cooperate through sharing tasks, facilities, scientific and technical information, costs and human resources, (they) can enhance accomplishment of their respective objectives more efficiently and cost-effectively."[51]

In their statement, the three governments are very clear that it is not enough to conduct Research and Development. Scientific inquiry is now meant to bring the results of research directly to the market and so the concept of "Deployment" is added: The "overarching goal of the Parties is to foster bilateral and trilateral energy research and development and deployment of advanced energy technologies" (Art 2). The agreement makes clear that the private sector will be involved in this cooperation:

> The Parties shall encourage and facilitate....direct contacts and cooperation between other entities including

> government agencies, universities, science and research centers, institutes and institutions, *private sector firms* and other entities of the Parties." (Art.2) (emphasis added)

The governments of North America have agreed that cooperation may include research, development and deployment in the areas of renewable energy and energy efficiency, but they also include nuclear energy, fossil fuels and electricity equally in this list. They acknowledge possible advances in low, or zero emission energy production might be the result of cooperation, but they also list "technology for cyber-security related to energy infrastructure"; electricity generation, storage and transmission; energy security planning tools and "*any other energy-related area, as the Parties may mutually decide upon in writing.*" (Art.3) (emphasis added).

The Agreement provides for the transfer of material, equipment and personnel into each territory. Article 11 outlines the commitment of each Party to facilitate "prompt and efficient access, as appropriate, to relevant geographical areas, information, equipment and material, institutions and persons participating on behalf of Participants". A "Participant" is defined as any entity, *including a private sector entity*, participating in a Cooperative Activity (emphasis added).

There is every indication that the regular work permitting process will be lifted to ensure the "prompt and efficient entry into its territory, for domestic travel and work therein, and exit from its territory, or persons participating on behalf of Participants." If an oil or gas company should like to explore Arctic or Mexican Gulf reserves, does this Agreement welcome them openly? If there should be a strike, does this mean that replacement workers would enter freely?

Article 12 goes on to discuss the protection of Intellectual Property and Business Confidential Information. Further, the Agreement declares that:

> …the rights of a cooperating Party outside its territory shall be determined by agreement of the cooperating Parties considering the relative contributions to the creation of the intellectual property of the cooperating Parties *and their participating entities* (emphasis added).

As well, each Party agrees to protect:

> …business confidential information in accordance with its applicable laws, regulations and administrative practices. Information may be identified as "business-confidential" if a person having the information may derive an economic benefit from it or may obtain a competitive advantage over those who do not have it, and the information is not generally known of publicly available from other sources…" (Annex I iv.)

This would seem to imply that Access to Information laws will be revised to protect private sector information. The Agreement will stand in place for five years and will be automatically renewed unless one of the Parties objects in writing 6 months ahead of time. Annex I confirms that termination of the Agreement will not affect the protection of Intellectual Property created under the Agreement.

The document states that "the Agreement does not enter into force until all three countries have completed their respective legal processes and notified each other as stipulated by the Agreement." The Canadian government will not introduce legislation. It will introduce an Order-in-Council to enact this tri-national Agreement. This will not require any debate or public discussion.[52]

In the text of the Agreement, there are provisions for meeting many of the NACC recommendations to increase the pool of personnel trained in private sector management strategies; conduct benchmarking studies meant to undermine PEMEX legitimacy; develop an institutional "architecture" for ongoing energy cooperation; protect intellectual property rights; circumvent the Mexican constitution; ensure private sector involvement in energy integration; increase efficiencies to increase U.S. Oil security; move towards tri-lateral convergence on standards so as to influence Mexico's legislative agenda; increase the security of critical infrastructure; explore the Northern Gulf coastline; move towards the privatization of electricity; create reliable network of north-south electrical grids.

This Agreement is explicitly meant to ensure that private sector companies and their personnel and equipment will be guaranteed access to energy rich regions for "scientific" work. While the rest of the populations of North America find themselves ever more restricted, energy companies will be guaranteed supra-national rights to move about the continent in direct confrontation with the domestic laws of one of the "partners". As we saw in the NACC's proposal for the design of a benchmarking study to discredit PEMEX, this Agreement on Science and Technology is similarly politicized. Knowledge is not left to reside in any democratic space. Rather, the results of research are meant to flow to the market-place for private not for public benefit, and for the benefit of corporations, not communities. There is nothing in this vision of energy integration, which is democratic or responsive to the needs of the peoples of North America. There is nothing in this vision which supports the development of energy resources in light of the present or future needs of communities. Rather, it is the corporate executives who, now that the tar sands development is well underway, have

trained their sights on Mexico, and the private exploitation of the country's public energy resources.

Conclusion:

It has been over thirty years since a self-appointed group of powerful private citizens calling themselves the Trilateral Commission launched their attack on the "excess of democracy" for having undermined authority, over-burdened states and fragmented traditional forms of representation within the party system. [53] They acknowledged that the 1960s had brought to light certain inequalities, but inequality should be tolerated. "In itself" they said, "this marginality on the part of some groups is inherently undemocratic, but it has also been one of the factors which has enabled democracy to function effectively."[54] As social movements brought to light the needs of communities not represented within the traditional form of liberal democratic politics, these leaders of business saw not a revitalization, but a crisis of democracy. Their scribes lamented the fact that "the imperatives of national security are no longer obvious, the desirability of economic growth is no longer unquestioned." [55]

The mythical societies to which these words refer no longer exist as a problem for the most powerful CEOs of North America. In the intervening years democratic participation has become so discredited in the eyes of the elite that government leaders are now taking their direction openly and explicitly from a group of unelected corporate leaders. Since 9/11, the CEO "prosperity" agenda is presented and justified through a "security" discourse. The CEOs go to great lengths to show how the two agenda can be mutually reinforcing. In the view of the NACC, security doesn't *trump* trade. Rather, trade can *grow* security.

The NACC suggests that the Leaders should "ensure that legislatures of the three countries remain fully informed about progress and actively engaged in the process of improving the region's competitiveness." They do not, however, suggest that their agenda should be reviewed or debated by the legislatures. Rather, they see their role as building support within society for this new phase in North American integration. They see the importance of waging an ideological battle.[56]

It is left to the social movements and critical voices of opposition to decipher the implications of what was said and left unsaid at the Montebello Summit. There was no mention, for example, of tri-national cooperation on defence policy. There was no discussion on the strategies being used to confront narco-trafficking. Neither was there any discussion of the renewed attack on the human rights of undocumented workers which is currently underway in the United States. It was only after the Montebello Summit that Foreign Affairs Ministers Bernier and Espinosa announced their intention to establish a Canada and Mexico working group on labour mobility and another on security which will complement the political-military talks which apparently, have been ongoing since 2006.[57]

As activists from all quarters gathered in Québec on August 20, 2007 to demonstrate against the Security and Prosperity Partnership (SPP), it was a determined trade union leader who led the confrontation against three *agents provocateurs* in the crowd.[58] The news spread like wildfire and after a couple of days of unrelenting pressure, the *Sûreté du Québec* had to admit the three masked men with duct tape on their police boots and carrying rocks were, indeed, undercover cops. For months, unions and coalition partners had been speaking against the mounting police presence

around the Leaders' Montebello Summit, and the threat to human rights underlying the agenda within the SPP. Even as the president of the Canadian Council of Chief Executives, Tom d'Aquino opined that "civilized human beings" don't protest, the ever-tightening web of surveillance and security was illuminated with a democratic spark.[59]

As social movements and oppositional political parties analyse the implications of this new moment in continental integration, the threat to democracy in North America is all too real. We might ask who were the most dangerous *agents provocateurs* at the Montebello Summit? Posing as democrats, the CEOs come to these meetings as civil society organizations advising government. Yet they continue to discredit public participation and undermine the democratic wishes of the people. They provoke in the name of security, and for the benefit of profits. They sustain markets freed by technologies of fear. They assert the ever-present twin threats of war and off-shoring. They ally themselves with political leaders who push government past the bounds of legality into a secretive territory, in which the use of surveillance and intimidation to quell dissent is normalized. This is a territory fraught with human rights abuses, attacks on sovereignty and communities. This is the territory of the new North America in which corporate rights and military power are enshrined.

It is also, however, a territory in which there are communities of people who have their eyes open. On this ground, social movement and trade union leaders together delivered 10,000 petitions to the gates at Montebello from people across Canada who object to the SPP. On this ground, opposition Members of Parliament stood with the people.[60] On this ground, a tri-national meeting of energy workers took place just before Montebello even as two Mexican guests were intimidated by security forces

as they landed in Montreal. On this ground there were demonstrations in the nation's capital and hundreds of people gathered to learn more about the SPP. On this ground there are many with the courage to declare for all to hear: "This is *our* line. Back-off. Put the rock down. Take your mask off. This is *our* line. It is *not* yours." [61]

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1 The author wishes to thank Andrew Jackson, Tom Juravich, Sheila Katz and Shanaz Moloo for helpful comments on an earlier draft.

2 Barb Byers speech at the demonstration on Parliament Hill on Sunday August 19, 2007 http://ottawa.indymedia.ca/en/2007/08/5366.shtml

3 The NACC members are from Canada, the United States and Mexico. Members include Canadian CEOs from: Manulife Financial; Power Corporation of Canada; Ganong Bros.; Suncor Energy; Canadian National Railway; Linamar Corporation; Bell Canada Enterprises; Canfor Corporation; The Home Depot Canada; Bank of Nova Scotia. Mexican CEOs are from: Consejo Coordinador Empresarial (CCE) ; Grupo Impulso, Realiza & Asociados, Inmobiliaria Realiza and Optima; Consejo Mexicano de Hombres de Negocios (CMHN); Mexicana de Aviación; Grupo Posadas; Confederación de Cámaras Industriales (CONCAMIN) ; Consejo Mexicano de Comercio Exterior (COMCE); Consejo Nacional Agropecuario (CNA); Kimberly-Clark de México; Tubos de Acero de México; Avicar de Occidente; Grupo CYDSA; Finca Montegrande. The U.S. CEOs are from: Campbell Soup Company; Chevron Corporation; Ford Motor Company; FedEx Corporation; General Electric Company; General Motors Corp; Kansas City Southern; Lockheed Martin Corporation; Merck & Co., Inc.; Mittal Steel USA; New York Life Insurance Company; Procter & Gamble (joined in 2007); UPS; Wal-Mart Stores; Whirlpool Corporation.

4 North American Competitiveness Council, "Enhancing Competitiveness in Canada, Mexico and the United States: Private Sector Priorities for the Security and Prosperity Partnership (SPP); Initial Recommendations of the North American Competitiveness Council, (NACC)" February 2007, 63pp.

5 "The section on energy integration addresses a third vital issue of competitiveness related both to economic opportunity and to security. The prosperity of the United States relies heavily on a secure supply of imported energy. Canada's vast oil sands… have given that country the second-largest conventional reserves in the world after Saudi Arabia. Mexico, while blessed with abundant reserves, faces major challenges in attracting capital and developing the human capacity needed to realize the potential of its resources for the benefit of its people." NACC, "Enhancing competitiveness", p.5.

6 Canadian Council of Chief Executives, "Security and Prosperity: Toward a New Canada-United States Partnership in North America, Profile of a New North American Security and Prosperity Initiative." January 2003. http://www.ceocouncil.ca/publications/pdf/716af13644402901250657d4c418a12e/presentations_2003_01_01.pdf

7 The five priorities identified by Leaders in Cancun include: regulatory cooperation; emergency management; avian and pandemic influenza; energy security; and smart, secure borders. "Statement by Ministers Responsible for the Security and Prosperity Partnership of North America", Ottawa, February 23, 2007 http://spp-psp.gc.ca/progress/02_23_2007-en.aspx

8 Canadian government official, Department of Public Safety and Emergency Preparedness, Ottawa, February XX 2007.

9 Standing Committee on International Trade, First Session, 39th Parliament, *Evidence*, April 26, 2007 http://cmte.parl.gc.ca/Content/HOC/Committee/391/CIIT/Evidence/EV2878030/CIITEV58-E.PDF ; Standing Committee on International Trade, First Session, 39th Parliament, *Evidence*, May 1, 2007 http://cmte.parl.gc.ca/Content/HOC/Committee/391/CIIT/Evidence/EV2891051/CIITEV59-E.PDF ; Standing Committee on International Trade, First Session, 39th Parliament, *Evidence*, May 3, 2007 http://cmte.parl.gc.ca/Content/HOC/Committee/391/CIIT/Evidence/EV2176289/CIITEV01-E.PDF

10 Canadian Centre for Policy Alternatives www.policyalternatives.ca; Canadian Labour Congress www.canadianlabour.ca; Council of Canadians www.canadians.org; Polaris Institute www.polarisinstitute.ca Common Frontiers www.commonfrontiers.org Reseau Quebecois sur l'integration Continental; Maureen Webb, "Illusions of Security: Global Surveillance and Democracy in the Post-9/11 World" (San Francisco: City Lights Open Media, 2007) 304pp.; Bruce Campbell and Ed Finn, *Living with Uncle: Canada-US Relations in an Age of Empire* (Toronto: James Lorimer and Company, 2006) 279 pp.; Ricardo Grinspun and Yasmine Shamsie, *Whose Canada: Continental Integration, Fortress North America and the Corporate Agenda* (Montreal and Kingston: Canadian Centre for Policy Alternatives and McGill-Queens University Press, 2007),

566pp; Gordon Laxer, "Canadian Energy Security: Easterners could freeze in the dark" Globe and Mail, May 28, 2007; Murray Dobbin, "The Plan to Disappear Canada: "Deep Integration" comes out of shadows" *The Tyee* June 8, 2007;

11 The "Security" working groups include: Traveller Security; Cargo Security; Border Facilitation; Aviation Security; Maritime Security; Law Enforcement; Intelligence Cooperation; Bio-Protection; Emergency Management; Science and Technology. The "Prosperity" working groups include: E-Commerce and ICT; Energy; Environment; Financial Services; Food and Agriculture Regulatory Systems; Health; Manufactured Goods and Sectoral and Regional Competitiveness; Movement of Goods; Transportation. http://spp-psp.gc.ca/overview/working_groups-en.aspx (Retrieved August 30, 2007)

12 Judicial Watch http://judicialwatch.org/SPP.shtml;

13 North American Competitiveness Council, "Building a Secure and Competitive North America: Private Sector Priorities for the Security and Prosperity Partnership of North America; 2007 Report to Leaders from the North American Competitiveness Council (NACC)" August 2007, 30pp.

14 Government of Canada www.psp-spp.gc.ca/

15 Prime Minister Harper, President Bush, and President Calderón, North American Leaders' Summit Joint Statement, Montebello Quebec, August 21, 2007.

16 NACC, "Enhancing Competitiveness", p.15.

17 Critical infrastructure includes transportation links, pipelines, electrical grids, financial services and telecommunications networks. NACC, "Enhancing Competitiveness", p.15.

18 A customs union, as distinguished from a free trade area, has a common external tariff. A common market has even fewer impediments to the movement of goods and people across borders.

19 NACC, "Enhancing Competitiveness", p.4.

20 The NEXUS program is designed to enrol citizens or permanent residents of the U.S. or Canada for pre-clearance at borders. To qualify, an individual must apply, pass a security clearance check, submit to iris scans, finger printing and digital face photograph (biometric information), be interviewed by a border official from the other country, and pass 'risk assessments' by both Canada and the United States. Canada Border Services Agency http://www.cbsa-asfc.gc.ca/travel/nexus/privacy-privee-eng.html Retrieved September 9, 2007.

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24 NACC, "Building a Secure and Competitive North America", p.14.

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27 Security and Prosperity Partnership of North America, "North American Plan", p.v

28 Prime Minister Harper, President Bush, and President Calderón, North American Leaders' Summit Joint Statement, Montebello Quebec, August 21, 2007. p.3.

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32 International Civil Liberty Monitoring Group and Canadian Labour Congress, "Creation of a no-fly list in Canada", http://canadianlabour.ca/index.php/Equality/1211

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37 NACC, “Building a Secure and Competitive North America”, p.10.
38 NACC, “Building a Secure and Competitive North America”, p.14.
39 NACC, “Enhancing Competitiveness”, p.42.
40 NACC, “Enhancing Competitiveness”, p.42.
41 NACC, “Enhancing Competitiveness”, p.43.
42 NACC, “Enhancing Competitiveness”, p.49.
43 NACC, “Enhancing Competitiveness”, p.49.
44 NACC, “Enhancing Competitiveness”, p.51.
45 The NACC argues that the capital budgeting rules in PEMEX do not permit development of non-associated gas projects because they cannot compete with the returns of associated gas projects. NACC, “Enhancing Competitiveness”, p.49-50.
46 NACC, “Enhancing Competitiveness”, p.50.
47 NACC, “Enhancing Competitiveness”, p.45.
48 NACC, “Enhancing Competitiveness”, p.45.
49 NACC, “Enhancing Competitiveness”, p.52.
50 NACC, “Enhancing Competitiveness”, p.11.
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52 Cover page, Agreement for Cooperation in Energy Science and Technology http://montebello2007.gc.ca/doc/energ-en.pdf; Correspondence with Natural Resources Canada, September 13, 2007.
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54 Trilateral Commission Report, p.114.
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60 “Report Back from Montebello from Kim Elliott and Libby Davies” http://www.peterjulian.ndp.ca/page/534
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