Institutions or Networks?
The Future of Conflict Management Between Canada and the United States

Christopher Sands
Center for Strategic and International Studies
Washington, D.C.

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Integration and Conflict

The relationship between economic integration and violent conflict has received growing attention from scholars in recent years. At the root of this interest is the observation that democracies are less likely to go to war against each other, and argument often referred to as "the democratic peace." One explanation offered for why this would be logical is that democracies tend to be open societies and trade with other democracies; mutual trade reduces the likelihood of conflict, since it is in the interest of both societies to continue beneficial economic exchanges that would be disrupted by conflict (Mansfield and Pollins 2003). This variation might better be called "the free market peace."

Mansfield and Pollins (2003) find that economic interdependence reduces the risk of violent conflict, but increases the likelihood of micro-conflicts over economic interests; as interdependence grows, the economic interests of two communities become intertwined, and the reconciliation of small, diffuse disputes is complicated by the multiplication of such disputes. The challenge for the governance of integrated economic spaces is to bring adequate political capital to bear on dispute resolution at the microeconomic level, and not just one or two times, but repeatedly and constantly.

Gleditsch (2002) identifies this diffusion of the need for governance as a major challenge for governance under globalization. He argues that as local issues become test cases for dispute resolution, they can determine the popular perception of the effectiveness of current institutional arrangements for dispute settlement. In this way, small disputes previously considered beneath the notice of multilateral institutions or national governments take on new significance for the future of economic integration. This phenomenon forces the integration of policy spheres in a way that undermines boundaries between what is considered domestic and what is considered international, and challenges analysts to reconsider comfortable level of analysis assumptions.

This challenge is of course not new. Keohane and Nye (1977), in particular, raised it in the context of traditional realist power politics arguing that in the case of complex interdependence, notions of relative power had to be re-evaluated. Using the example of Canada and the United States, Keohane and Nye argued that despite the superpower status of the United States (including possession of nuclear weapons, a large military, and so forth) officials in Washington were not able to leverage this kind of power against Canada – a threat to use nuclear weapons to resolve a dispute over softwood lumber, for example, would not be credible in either country, and indeed is unthinkable.

As a result, Keohane and Nye speculated that interdependence gave Canada a margin for maneuver that other states would not have with the United States, one that allowed governments in Ottawa to approach Washington in the expectation of treatment as a sovereign equal. This explanation fit comfortably with the prevailing spirit of a "special relationship" between the two countries that emerged after World War Two. Although arguably this special relationship was founded on the warmth many in U.S. leadership positions had for the young Canadians with whom they shared wartime experiences and sacrifices, and on Canada's shift from the British Empire trading system into the American commercial orbit, for Canadians the Keohane and Nye argument held the appeal of reassurance. Rather than a status bestowed on Canada, and on which Canada was highly dependent, the special relationship was a natural consequence of interdependence, and so the United States had no option but to extend to Canada exemptions from various measures and other privileges. The special relationship between Canada and the United States was thus transformed intellectually from a mutual friendship to a Canadian entitlement – the latter formulation offering Ottawa even greater license to diverge from U.S. policies and act independently, not *despite* of interdependence, but *because* of it.

In recent years, it has appeared that Canada's margin for maneuver with the United States has narrowed if not disappeared altogether. The focus of attention has largely been on the public perception of the private relationship between U.S. and Canadian leadership. But on closer inspection, the problem seems larger. Canada finds itself increasingly confronted with an anarchy of special interests (e.g. business, non-governmental organizations, local governments, etc.) in the United States, each of which poses a challenge or threat to Canadian interests. This too is a consequence of interdependence, and as Gleditsch (2002) notes this situation is part of a global trend, and is not a dilemma specific to Canada's relationship with the United States. The larger context is important as it reveals the obsession with personalities to be at best symptomatic of, rather than the cause of change in the bilateral relationship.

Adding to the frustration in Canada with this evolving policy environment in North America has been the apparent unwillingness, though more probably the inability, of Washington policymakers to rein in U.S. interests – or to aggregate various actors and factions into a single U.S. position that can be negotiated with by a single Canadian governmental actor. There are several recent examples of this, particularly in trade disputes over Pacific Salmon (during the Clinton administration) and softwood lumber (a

perennial conflict currently confronting the Bush administration, as we will hear in Greg Anderson's paper). Canadian cultural protectionism has also struggled with this challenge. U.S. private sector interests organize to attack Canadian protectionism of cultural sector firms, and get the U.S. government to take action against Canada, but when Canadian cultural interests work closely with Ottawa to develop a strategy to engage the United States, as it has in the form of the international instrument on culture that Ottawa has proposed be added to the array of international trade agreements, Washington is disinterested in responding, and does not attempt to corral the U.S. interested parties together in order to respond (as discussed by Jason Bristow in his paper). The NAFTA Chapter 11 dispute settlement mechanism related to foreign investor protection has been widely criticized because it represents an additional step toward stakeholder empowerment: it allows firms to make claims against governments (addressed on this panel by Danny Calhoun). The anarchy of interests confronting Canada in the United States seems likely to continue.

The savage wars of free market peace?

Three very recent policy challenges illustrate how economic integration colors conflicts between Canada and the United States, and brings new policymakers to the fore. In chronological order, the three challenges are: border security policy; the SARS outbreak in Toronto; and the 2003 blackout .

Borders. The U.S. Congress began a policy debate over border security in 1993, in preparation for the NAFTA debate (Sands 2002). Initially driven by concerns over illegal immigration from Mexico, Congress struggled to reconcile the continuation of openness and easy passage across the northern border wit Canada on the one hand with the growing threats to U.S. security perceived to be coming from international terrorism. Ottawa responded by trying to assert the special nature of the bilateral relationship as a rationale for continuing the policy of maintaining a relatively open border with Canada with the Mexican border with the United States was fortified. This failed to persuade Congress, which in 1996 passed the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) which required records of the entry and exit of individuals to/from the United States via land borders, similar to the records kept for entry by air and sea. After several attempts to manage this issue in bilateral frameworks that placed the United States government and the Canadian government in partnership to address border problems and forestall implementation of the entry-exit record provisions of the IIRIRA, Ottawa saw powerful potential allies in U.S. border communities and businesses. From this insight, the Canada-United States Partnership, or CUSP process was born: a stakeholder consultation that served as a policy brake effective for a time as a counterweight to the U.S. Congress.

Writing during this period, Meyers and Papademetriou (2001)argued that awareness of local conditions and needs was essential in order to manage that Canada-U.S. border flexibly. Given its length (5,525 miles) and variety (including large cities and wilderness, the Great Lakes and the Alaskan panhandle), they considered that Federal border agency

leadership in the field – that is, in border communities – was best placed to listen, adapt, and attain local buy-in to national border policy goals. After September 11, 2001, the pressure on policymakers related to border management grew intolerable and Canadian resistance to IIRIRA entry-exit recording diminished as Congress prepared to fund technological solutions to facilitate these records with minimum disruption for stakeholders. As Flynn (2003) argues, homeland security and the open border are not impossible to reconcile; continental integration allows for new solutions to old problems, particularly with the application of information technology.

SARS. The unfortunate incidence of several cases of Severe Acute Respiratory Syndrome in Toronto was an economic disaster for Canada's largest city. Fear of contracting SARS led some international meetings scheduled to take place in the city to be cancelled, representing the loss of millions of dollars to the local economy. The relative newness of SARS initially baffled medical professionals. Some in the United States worried that the high degree of interaction between Americans and Canadians would result in the rapid spread of SARS – in fact, studies of epidemics used to anticipate bioterror attacks highlighted the vulnerability of both countries to an outbreak in the other.

The Government of Canada's own post-event analysis (Naylor Committee 2003) chronicled the helpful interaction between doctors at the Centers for Disease Control in Atlanta, Georgia and those in Toronto, as well as the constructive cooperation between public health officials in nearby New York state. The SARS outbreak was eventually contained, and remained confined to the Toronto area – largely thanks to the efforts of non-national policymakers who nonetheless worked with support from all levels of government. Washington and Ottawa were, in a sense, "second responders" with the "first responders" in Ontario taking the lead. The relative smooth interaction across between U.S. and Canadian officials at the local level included an anarchy of interests who organized themselves quickly around the task at hand, which was response to an urgent crisis.

Blackout: The August 14, 2003 blackout affected electricity consumers in Michigan, Ohio, Pennsylvania, New York and Ontario. National policymakers, and some state officials in New York, seemed to focus on assigning responsibility to each other. Yet power was restored to consumers as a result of close cooperation and consultation among utility companies across these jurisdictions. Thanks to economic integration and interdependence – or perhaps more accurately emblematic of these trends – emergency management teams working for these companies had worked together regularly in the past and were able to quickly establish contact with counterparts to focus on getting power restored.

A recent report by utility companies in Michigan (Michigan 2003) highlighted the vulnerability of their power grid to disruptions to power outside the state, including Canada, as among the primary lessons learned from the August 14, 2003 experience. The joint U.S.-Canada report (Abraham Dhaliwal Report 2003), to be issued by the U.S. Department of Energy and the Canadian Ministry of Energy and Natural Resources,

follows an intense investigation into the cause of the blackout and the quality of the binational response. This report underscores the importance of local responders in the public and private sector in quickly addressing the problem, and the strength of collaboration between these actors without the need for federal management by either country as a vital component of U.S. protection of critical infrastructure.

Taken together, these three examples illustrate the need for a wider frame of reference to encompass governance in North America under deepening economic integration; that is, we must expand our models of the relationship to include the anarchy of interests that characterize our interaction and, as these cases demonstrate, can order themselves in response to need or crisis.

Beyond Institutions

In each of these cases, national policymakers in Canada and the United States were confronted with problems for which extant institutional mechanisms provided inadequate means to formulate joint responses. One reaction to this would be to consider each of these examples to be an outlier, a *sui generis* special case uncharacteristic of other problems. Another would be to focus on the need to develop new institutions to manage these interactions. Pastor (2002) is among those who argue that the future of North American governance requires new institutions to replace the ad hoc responses of the current system.

Frieden and Rogowski (1999) take a less episodic view, and argue that for all governments, the forces of globalization will increasingly impose problems that are difficult if not impossible to resolve with current powers and resources. This is because, they argue, the sources of the challenges are fundamentally transnational, and they therefore defy national – and moreover state-provincial or local resolution. For small open economies such as Canada's, there are limited tools for the management of transnational challenges. But Frieden and Rogowski observe that there is more to be gained from recognizing transnational linkages as important than by attempting to confine responses to national and subnational jurisdictions acting, or seeking to act, independently to mitigate their negative effects.

The most common response worldwide to the vulnerability of national and local governments to transnational forces beyond their capacity to control has been to attempt to retreat to the redoubt of national sovereignty. Kobrin (1997) argues that such responses will only further weaken governments as transnational forces and actors form networks that in effect offer governance structures for the transnational flows. Such networks take shape around the shared need for a solution among stakeholders, and are often fissile. But they offer a counterweight to global governance structured by, and for the benefit, of nation-states. Arguably, these networks are a natural response to a governance vacuum, real or perceived.

For Canada and the United States, the problem is not that private transnational networks are pressing governments out of the governance of continental integration. The problem

is not a breakdown of the institutions of the Canada-United States partnership that has created a vacuum into which such actors have stepped.

In fact, the problem is that most Canadians and Americans have not yet reconceptualized the bilateral relationship to include the participation of stakeholders of all types, and have not yet recognized that networks are a powerful and flexible alternative to institutions.[1]

The nature of networks and governance

This brings us to an important debate over the nature of networks and their interaction with another important organizational structure, the market. Rauch and Hamilton (2001) provide an excellent overview of this debate, being conducted between sociologists, who may be credited with much of our current understanding of networks, and economists, who have done the same for our understanding of markets.

Sociologists observe that networks are a natural form of social organization. They are characterized by significant (if selective) mutual knowledge among network participants, and this knowledge facilitates trust, and thereby allows for the exchange of information and a will to cooperate to achieve a particular goal or goals. Decisions are taken within networks at various points, and importantly, these are often decentralized or diffused throughout the network. Some decisions can cause fractures to the network, or can expand or even reconstitute the relationships among the network participants. This accounts for the remarkable flexibility, fluidity, and adaptability of networks.

Economists observe that markets are in some ways a form of advance over networks as a method of social organization. Markets allow the exchange of complex information about products and services through the summary mechanism of price, which allows exchange between participants in a market with little or no mutual knowledge. It is possible to buy steel from a company overseas without knowing the family history of the company owner, for example. Markets generate standardization through such information exchanges, allowing for interactions on a wide scale among millions of individuals at a very rapid pace. Market structures, however, tend to favor hierarchical organization of participants to achieve this scale, whether it is an assembler-supplier hierarchy, or the organization of individuals into a corporation to facilitate market participation.

This stark contrasting of markets and networks presents a false picture, since the two forms of social organization coexist and support one another, and nearly always have. For example, the purchase of steel from overseas requires a letter of credit that is recognized as a guarantee of trust through an international network of banks. And networks of NGOs interact in a market competition of ideas, seeking to influence public perceptions, or those of key decisionmakers. Rauch and Hamilton (2001) suggest that networks are reshaping markets as markets become global. As market exchanges take place among more disparate people, the need for trust networks to supplement market information and mitigate risk has emerged more strongly, particularly in response to the security concerns

[1] This problem is not new, nor a consequence of the September 11, 2001 terror attacks on the United States. See Sands 2000.

associated with terrorism. If governments facing transnational forces occasionally retreat to sovereignty as a line of defense, market actors will similarly retreat to trusted partners as a means of escaping risk.

Although much has been made of the Canada-United States Free Trade Agreement and NAFTA models of broad trade liberalization, another model is worth contemplating: the 1965 Auto Pact. Unlike the CUFTA and NAFTA, which liberalized trade among all actors in the two markets, the Auto Pact ratified the privileges of certain firms that formed a close-knit network: automotive assemblers in the United States and Canada. This is an example of how the two structures can shape the responses of nation-states to transnational activity: reliance on networks can be oligopolistic, while resort to freeing markets is generally more egalitarian.

Castells (1996) argues that it is becoming less necessary for trade agreements and indeed nation-states to choose between networks and markets as the basis for institutions intended to structure social organization across national or other jurisdictional boundaries. In the information age, markets can be structured to operate more like networks in the increased amount of information available in real time to market participants, facilitating trust at a deeper level than previously possible, and forms of exchange more sophisticated than trade, such as coproduction or collaborative research, development, and design that would heretofore have been possible only following an attempt to merge company hierarchies – a risky proposition in itself. Just as important, Castells notes that information technology can allow networks to behave more like markets, operating on a scale never before imagined and easily crossing jurisdictional frontiers.

While the dynamics of markets are better understood in the 21st century than in the past, Barabási (2002) argues that our understanding of networks is limited beyond the dynamics of networks formed by people – those documented and analyzed by sociologists. Barabási contends that networks are a naturally occurring pattern of organization, comprising many different types, that exist everywhere in nature. Therefore he calls for a more scientific study of network dynamics that can be applied in time to deepen our understanding of the potential of human networks to evolve perhaps even to replace markets altogether as we now conceive of them. Without going that far, it is difficult to disagree with Barabási's observation that our need to understand networks is more imperative now that our markets and our national security is threatened by a powerful new network, that of al Qaeda.

The competitive advantage of North America in the global marketplace is often said to be the strength of generally open (liberalized) continental markets for most goods and services. But is there also a potential competitive advantage for these two countries in the strength of their networks? Putnam (2000) argues that individuals in societies are connected through the medium of social capital, which is itself generated through our interactions with one another in clubs, offices, and other social structures. In effect, trust builds among participants in networks, allowing those networks to deepen and to become more satisfying to individual participants. As I have argued elsewhere (Sands 2003),

Canadians and Americans are liked by a myriad of ties: family relationships, business relationships, alumni networks, and basic friendships. This has been the case since the 18th century at least, but the addition of relatively inexpensive travel and communication has allowed these relationships to deepen and interaction to become more frequent and richer. These networks have provided alternative venues for interaction and ultimately for conflict management between Canadians and Americans at a time when the relationship between Washington and Ottawa has been overwhelmed by macro-challenges associated with the War on Terror to the exclusion of micro-conflicts (including some that are not very micro). The strength of the networks that connect Canadians and Americans belies the characterization of the bilateral relationship as troubled. In fact, the center of gravity of this relationship has shifted away from the Washington-Ottawa nexus and now encompasses new actors, as evidenced in the cases cited above.

Competing concepts of partnership and re-bilateralization

Doran (1982) evinced a certain nostalgia for the notion of bilateral partnership, or at least for the principle of respect for co-equal sovereignty in approaching the bilateral relationship, before this spirit had fully disappeared from the scene. In many ways, he laments the spirit of entitlement that caused both sides to take as granted the strength of the bilateral relationship and to assume its capacity to weather disagreements of all types. Mattli (1999) notes that economic integration frequently generates intergovernmentalism in response, which he defines as the attitude that nation-state actors are the prime movers of integration, shaping its forms and resolving its disputes. Intergovernmentalism can be a barrier to a complete perception of the forces at work in an integrating economy, and therefore can complicate the intergovernmental management of conflicts arising from integration.

Recent tensions in the relationship between Washington and Ottawa, as well as the accumulated effects of deepening economic interdependence and the inevitable emergence of micro-economic conflicts, have led some to propose an intergovernmentalist response. For the most part, these arguments are based on a concern for the health of the free market. Dobson (2002) calls for a large scale bargain between the two countries that advances toward a customs union and further integration in exchange for more secure market access for Canadians to the United States – specifically access that cannot be suspended by new U.S. Homeland security measures. Gotlieb (2003) calls for a "North American Community of Law" in which both countries combine their efforts to harmonize security and other standards to defend the rule of law as a transparent and reliable bulwark against anarchic forces as well as terror. This legalistic approach to partnership would make Canadians and Americans equal before the law, and allow legal structures such as courts to adjudicate disputes. Contrasted with the anarchy of interests that Canada faces in the United States currently, Gotlieb's law and order platform would offer Canadians a significant gain. The benefits of this for the United States are less clear.

Barry (2003) points out that the notion of partnership between Canada and the United States is rather more mythologized than real. He argues that the two countries have

generally sought progress in resolving issues – pragmatism – over partnership. As a result, Barry is less optimistic that big ideas and grand bargains will successfully restore an intergovernmental framework to manage the bilateral relationship. At the same time, his analysis is less pessimistic that in the absence of bilateral partnership agreements integration itself will proceed and/or be successful in terms of benefits to citizens of the two countries.

The factors working against a restoration of intergovernmentalism in North America are more powerful than in Europe, where institutions undergird the intergovernmental approach. What these analyses fail to account for is the coexistence of networks with the integrated market. Bilateral partnership is a hierarchical response natural to a smaller, weaker state like Canada, acting under the aegis of sovereignty, seeking the more powerful United States government as an ally in managing the rigors of integration. It may be that Canadian proponents of this approach overestimate the power of the United States to arrest these forces; alternatively, it may be that Canadian proponents see the effects of integration and even globalization as imposed on Canada principally by the United States and therefore, unlike other countries that have no interlocutor to negotiate with the forces of globalization, Canada hopes the United States will act as globalization's proxy (and accept the transfer of blame by Canadians frustrated with the indignities of transnational forces that their own jurisdictions seem powerless to influence). From the United States, intergovernmentalism holds less appeal precisely because the weaknesses of the U.S. government and other jurisdictions are more apparent and so control of transnational forces seems less plausible, notwithstanding its desirability, which would be debated among Americans as it has been elsewhere.

The savage wars of "network peace"

If old institutions, including the bilateral intergovernmental partnership, are unable to effectively manage the conflicts associated with deepening bilateral integration and market openness to transnational forces; and if new institutions seem unlikely at this juncture, what can be done to cope with such conflicts? Particularly given that the integration of the economies and the interdependence of these two markets will inevitably give rise to periodic conflicts between national interests that must somehow be resolved and/or reconciled?

It may be time to develop the notion of a network peace as a factor within highly integrated economic spaces; that is, that highly networked societies are less likely to array themselves along the battle-lines of national conflict, violent or otherwise. This would be due to the difficulty of one state retaliating effectively against the other without damaging its own interests – the storied notion of linkage which has long been part of Canadian debates about foreign policy toward the United States, but taken further. Rather than the avoidance of linkage, the network peace is ensured by allowing Canadian and American interests to manage and resolve conflicts through their networks, short of bilateral diplomacy. This approach relies on the recognition of capable actors at the subnational and local level, in the private sector and among NGOs. In the network peace context, institutions are one option but not the sole or even best option. Canadian firms may join

networks like the Business Round Table in the United States to advocate for policies they favor, in concert with U.S. firms. The softwood lumber dispute might be left for firms to resolve in the market, or for networks of consumers (such as homebuilders) to broker.

States and provinces, already multiplying their contacts with one another, could take these contacts further still. This is part of a larger challenge that lies behind sustaining a network peace: establishing networks of governance that link appropriate counterparts in the governments of the two countries at whatever level – without institutionalizing them, so that in some unforeseen crisis, the reaction may follow the path of the actors resolving the recent blackout, organizing themselves to respond to a specific necessity, rather than maintaining institutions that have little to do.

This suggests a broad agenda for the reform of governmental institutions, perhaps along the lines suggested by Karmack (2000), who contends that public administration cannot effectively deal with the forces of globalization if it does not understand them, and if it is wedded to rigid bureaucratic structures more appropriate before globalization. Simeon and Wallis (1997) argue similarly that governance must become more responsive to demanding citizens who favor performance over forms, the achievement of outcomes over the appearance of activity.

One lesson markets teach us about the challenges ahead is that there is likely to be a considerable advantage that will accrue to those interested actors who are among the first to successfully adapt to the policy environment created by deepening integration. Whether that advantage will correlate with national communities, subnational communities, shared interest communities – which we may call networks – or clever individuals is yet to be seen, although the shared interest communities seem to have a significant head start on the others.

Canada and the United States face the challenge of governance coexisting and competing with other actors over a network of regional markets and market actors engaged in transborder flows. But the network of markets is only part of the challenge; there is also a heated competition emerging among a marketplace of networks as citizens choose participation in networks that best serve to advance and secure their well-being. Governments can act as market-regulators hoping to control this competition, or form networks that allow them to join this competition.

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