

Drifting Apart? Canada, the European Union and the North Atlantic

Zusammenfassung

Eines der wiederkehrenden Leitmotive bei den kanadisch-europäischen Gipfeln ist die Beschwörung einer transatlantischen Partnerschaft, die über den gemeinsamen Raum des Atlantiks hinaus für die gesamte Welt gilt. Demnach sind die EU und Kanada eng verbunden bei der Lösung globaler Probleme. Bereits 1976 wurde diese Partnerschaft zwischen Europa (damals noch Europäische Gemeinschaften) und Kanada durch das „Rahmenabkommen über kommerzielle und wirtschaftliche Zusammenarbeit“ besiegelt. Dennoch ist es immer wieder zu transatlantischen Verstimmungen und Handelskonflikten gekommen. Der folgende Aufsatz analysiert die Geschichte des Rahmenvertrags und illustriert anhand zweier Fallbeispiele (Fischerei- und Robbenkonflikt), inwiefern der gemeinsame Raum Konfliktpotentiale hervorbringt, bevor in einem weiteren Schritt die unterschiedlichen Raum- und Wertekonstruktionen beider Seiten in den Blick genommen werden.

Résumé

Un des leitmotivs récurrents des sommets UE-Canada est l'évocation d'un partenariat transatlantique portant sur la zone commune de l'Atlantique et valable pour le monde entier. En conséquence, l'UE et le Canada sont étroitement liés pour résoudre des problèmes mondiaux. Dès 1976, ce partenariat entre l'Europe (à l'époque, la Communauté Européenne) et le Canada est scellé par « l'accord cadre de coopération commerciale et économique ». Malgré cela, des désaccords et des conflits commerciaux transatlantiques surgissent régulièrement. Le présent article analyse l'histoire de l'accord cadre et illustre par deux cas d'étude (conflits sur la pêche et la chasse aux phoques) comment l'espace géographique commun est potentiellement source de conflit. Dans un second temps, les différentes conceptions de l'espace et des valeurs des deux parties sont prises en considération.

One of the recurrent official themes of Canada-European Union (EU) relations is the concept of being partners, both across the Atlantic and in the wider world. This partnership is based on the idea of sharing specific values and pursuing similar

interests internationally. Both sides continue to stress the significance of this historically forged “strategic partnership that builds on [...] shared values,” (Canada-EU Summit Declaration 2009) most recently in the May 2010 EU-Canada Summit Statement.¹ It may come as no surprise, then, that Canada was the first industrial country to establish a privileged partnership with the European Communities (EC) when it signed the Framework Agreement for Commercial and Economic Cooperation in 1976.² Yet, as a cursory look at the past thirty-four years of this “contractual link”³ shows the relationship has not always been smooth as it abounds with trade disputes, some of which have escalated into open ‘trade wars.’ The EU and Canada may be partners in the world but more than once they have been adversaries across the Atlantic.

This article will argue that not only these trade irritants but also Canada’s place in the transatlantic relationship originate in the geographical fact that Europe and Canada share a common space: the North Atlantic. While the Atlantic may serve as a bridge it also becomes a bilateral battleground over wheat, uranium, oil, fish, lumber, seal hunting and fur trapping as well as over ideas about the geo-economic and geopolitical position of Canada and Europe. Taking this spatial dimension into account the following analysis of the Canada-EU⁴ relations will focus on three different aspects. Firstly, it will assess the degree to which Canada’s geographical position vis-à-vis Europe and the United States has influenced Canada’s European policy, especially during times when European integration took on increasingly political dimensions. Secondly, it will examine those bilateral disputes that concern Atlantic products such as fish and seal. Thirdly, it will discuss how Canada’s relations with Europe are sometimes jeopardized because of conflicting ideas on the exploitation of specific resources and diverging constructions of shared spaces.

The North Atlantic as Political Space

Official relations between Canada and the EC/EU are based on a number of agreements including the 1976 Framework Agreement, the 1990 Declaration on European Community-Canada Relations and the 1996 Joint Political Declaration and Action Plan, which envisaged closer cooperation in the areas of trade, foreign policy and security (Barry 2004, 35-58). What begun as a trade agreement appeared to increasingly become a political dialogue. The partnership was broadened to include

1 “The leaders expressed their commitment to reinforce the long standing, strategic EU-Canada relationship which is firmly anchored by shared history and values.” EU-Canada Summit Press Statement 2010. See also EU-Canada Summit Statement 2007: “Our partnership is anchored firmly by our shared history and values, our common objectives and our mutual resolve.”

2 For a full text of the agreement see <http://www.canadainternational.gc.ca/eu-ue/assets/pdfs/eu02-eng.pdf>.

3 It was known and discussed in Canada at the time as the “contractual link” in Canada. Granatstein/Bothwell 1990, 158-77; Mahant 1976, 553.

4 To facilitate readability “Canada-EU relations” is used to refer to Canada’s external relations with the EC and later the EU.

non-trade matters and to address issues that go beyond direct bilateral relations. Canada and the EC/EU viewed each other as like-minded champions of multilateralism voting together in international organizations in many cases.

While these agreements illustrate how Canada-EU relations have evolved into a form of political partnership, one has to qualify such an optimistic evaluation by adding that this has oftentimes been a very loose partnership wherein the partners ignore each other. Several times, Canadian decision-makers were frustrated with Western Europe's exclusive attention to internal matters. Canada's own European policy oscillated between "momentary bouts of enthusiasm interspersed by longer periods of seemingly benign neglect" (Buteux 2001, 116-7; Potter 1999, 65, 70). Here, the Atlantic becomes more of a distancing than a bridging force. The drifting apart is partly caused and certainly aggravated by the growing importance of other economic spaces for Canada: the North American continent, the American hemisphere and the Pacific. As former Canadian ambassador to Germany, Marie Bernard-Meunier, observed in 2006: "Canada's old obsession with the United States and new obsession with emerging markets leave little room for Europe [...]" (Bernard-Meunier 2006, 109). Such 'benign neglect' is also displayed by the Canadian public. With the exception of major trade confrontations, e.g. during the 'turbot war' and more recently the seal hunt controversy (see below) relations with Europe do not feature prominently in the Canadian press or public discourse.

Intensified political cooperation is also complicated by the existence of NATO. It is one thing to rhetorically invoke a "strategic partnership" between Canada and the EU but quite a different one to provide an institutional framework for such military and security partnerships. Even the oft-cited cooperation between Canada and EU in military missions (Balkans, Afghanistan) rather functions within NATO structures (Kaim 2008). This institutional division between the economic (Canada-EU) and strategic (NATO) transatlantic partnership lies at the heart of Prime Minister Stephen Harper's understanding of the relationship: "We have historic cultural and demographic relationships as well as important strategic and military relationships through NATO. And of course we have strong economic and trade links with the European Union being Canada's second most important trading partner and investor" (Statement by the Prime Minister of Canada 2010). For Canada, the transatlantic Canada-EU dialogue is predominantly about economic matters. In contrast, European counterparts promote closer political cooperation. At the May 2010 Canada-EU Summit Herman Van Rompuy, President of the European Council, called for "a broadened relationship with Canada." He continued to explain that "[a]n upgrading and modernisation of our political relationship would better reflect the relationship and the fact that both Europe and Canada are global economic and political actors" (Conseil Européen, Le Président, 2010).

It was through NATO that Canada institutionalized its security partnership with a nascent united Europe. After the Second World War, maintaining the link across the Atlantic – through being a founding member of NATO and sending troops to allied

countries in Europe – became the litmus test for Canada's position as a transatlantic versus a North American nation. This new type of partnership built on existing transatlantic ties with individual European countries, such as the UK (Jockel/Sokolsky 2009, 317; Haglund 1997, 465-466) and France and it instigated the emergence of new enduring relations with other European countries such as West Germany. As Kim Richard Nossal and others have shown, the concept of an "Atlantic Community" was a driving force behind Canada's role as charter member of NATO and its policy towards Western Europe during the Cold War. Of fundamental concern to the Canadian government were developments that either threatened NATO as such or that led to a "two-pillar" conceptualization of the alliance, with Europe on the one side and North America – i. e. the United States and Canada forming *one* pillar – on the other (Nossal 2001, 223-34; Pentland 1991, 126; Pentland 2003-2004, 146-7). It was this spatial conception of transatlantic relations and Canada's own place in it that directed Canadian policy toward Western Europe in the early 1970s (Mahant 1981). Two developments in particular led to intensified efforts on the Canadian side to reposition and deepen its relations with Western Europe: one was caused by the Europeans and the other by the United States.

In reaction to the combined detrimental effects of the international economic crisis of the early 1970s, Canada's increasing dependence on US markets and investment, and US President Nixon's protectionist economic measures the Canadian government under Prime Minister Trudeau pursued closer economic links with other parts of the world, especially across the Atlantic. As early as 1970, the Trudeau government's foreign policy white paper argued that Canada and Europe both faced problems created by American power and influence in the world. It explained that "Canada seeks to strengthen its ties with Europe, not as an Anti-American measure but to create a more healthy balance within North America and reinforce Canadian independence" (Department of External Affairs 1970, 19). Western Europe was to serve as a "counterweight" to the United States. This geographical shift was confirmed with the 1972 announcement of the 'Third Option,' a policy that championed trade diversification away from continental patterns. The Trudeau government reckoned only a transatlantic connection could ensure that Canada remained politically independent and able to counteract centripetal continental forces. Canada's place was with Europe and so Europe became a prime target for closer cooperation as Canadian policy-makers' attention was directed across the Atlantic (Mahant 1976, Rempel 1996, Stempel 1987, 147-8).

Equally important for understanding Canada's European agenda in the early 1970s were events in Western Europe that the Canadian government viewed as directly impacting on Canada's standing in the North Atlantic Alliance and which it feared would erode Canada's position as independent from the United States. Admittedly, the Trudeau government itself had severed this vital transatlantic link when first contemplating the complete withdrawal of Canadian troops from Europe and then announcing their reductions in 1969. Whatever the reasons for this shift in

Ottawa's alliance policy it certainly evoked a negative reaction from Canada's European NATO partners, foremost amongst them Germany. And it was exactly this consideration of troop withdrawal that proved to be a major stumbling block to Canada's hopes for closer cooperation with the EC, which was only overcome by Canada purchasing German Leopard tanks and thus *proving* its commitment to the transatlantic alliance (Rempel 1996, 47-55, 85-7, 127-32, 139-42; Granatstein/Bothwell 1990, 158-77; Potter 1999, 31-40, Bleek 1987, 129; Bleek/Rempel/Stallmann 2000, 64-73; Jockel/Sokolsky 2009, 325-6).

During the early 1970s Canada came to realize that a closer and more institutionalized link with Western Europe was desirable, not only because of Britain's accession to the EC, which terminated preferential treatment under a Commonwealth setting but also because recent developments within the European Communities had pointed toward more systematic cooperation on political issues that directly affected NATO, the "Atlantic Community" and Canada's transatlantic role. What served as an eye-opener to Canadian officials in the Department of External Affairs were European attempts at coordinating foreign policy through the newly formed D'Avignon Committee on European Political Integration. While in 1967 British accession to the EC had been seen as reviving Western Europe's function as counterweight to the United States and strengthening "effective co-operation between Western Europe and North America,"⁵ these very successes seemed jeopardized by the new thrust of European political cooperation.

Starting in 1970 telegrams trickled into Ottawa from European posts reporting on the progress Europeans were making towards political union. Canada welcomed these developments but feared to be left out on important international issues. In the summer of 1971 the D'Avignon group had issued a common policy position on the Middle East on which "Canada ha[d] neither been consulted nor directly informed." This led the Canadian representative in Brussels to caution "that inwardness and exclusively European considerations which exist in [the] economic sphere are in danger of being applied to political and foreign policy questions."⁶ Yet, more importantly, it undermined alliance cohesion since a "European Political bloc might form within NATO."⁷ Unlike the United States, Canada was troubled by this turn of events since Canada's "voice is equal to that of other members" only within NATO's consultative process.⁸ The Canadian Permanent Representative to NATO summa-

5 Memorandum on Britain's approach to the EEC, [...] including agreed talking points which was annexed to the Cabinet memorandum on the Canada-U.K. Ministerial Committee Meeting approved by Cabinet, April 11, 1967, pp. 4-7, in Memorandum from the Under-Secretary of States for External Affairs, Ottawa, April 28, 1967. National Archives Canada (NAC), RG 25 / 8594, File 20-1-1-7: Political Affairs – Policy & Background – Global Trends – European Economic Community (Political Consultation Among the Six), Vol. 3.

6 Telegram from McLellan, Brussels, June 18, 1971. NAC, RG 25 / 8594, File 20-1-1-7, Vol. 4.

7 Telegram from Cadieux, Washington, July 16, 1971, "Political Consultations with Six", *ibid.*

8 Telegram from the Canadian Delegation to NATO, Menzies, January 24, 1973, "Political Consultations in NATO and EEC", NAC, RG 25 / 8594, File 20-1-1-7, Vol. 6.

rized Canada's fear when he predicted that the "Atlantic Alliance would eventually comprise two main partners, Europe and USA."⁹

One of the immediate strategies to counteract these changes was the proposal to establish direct bilateral links between Canada and the EU that Mitchell Sharp, Secretary of State for External Affairs, made during his April 1971 visit to Brussels.¹⁰ Yet, as the Canadian post in Brussels cautioned, this could only "be confined to commercial and economic subjects," the only possible political part of it being the "establishment of joint economic consultative machinery."¹¹ This assessment proved quite accurate as the 1976 Framework Agreement covered exclusively economic matters. As will be discussed below "consultative machinery" was indeed put in place but it was insufficient to resolve contentious bilateral matters.

In essence, Canada welcomed European integration but feared the impact closer political consultation would have on Canada's place in the shared transatlantic space. These discussions would of course resurface with the end of the Cold War and related speculation over NATO's long-term future (Pentland 1991, 128-9; Pentland 2003-2004, 147-152; Jockel/Sokolsky 2009, 319, 328-9). For Canada, this was not a new discussion. Its geographical position as neighbor to a super power and transatlantic partner to an increasingly powerful EC/EU had made life as the third pillar more precarious than ever. The 1976 Framework Agreement was not going to change that. Most historical analyses of the agreement have shown that it failed to ensure a strengthening of Canada's position as an Atlantic power (Potter 1999, 31-40; Granatstein/Bothwell 1990, 158-77; Rempel 1996, 85-7, 139-42). The verdict of John Halstead, one of the main architects of the contractual link, in December 1976 that "the Community thought it was worthwhile having a second partner in North America" and that "they wanted Canada to be engaged in the common political and security framework" (Granatstein/Bothwell 1990, 170) turned out to be too optimistic. Ottawa's repeated failure to trilateralize economic talks across the Atlantic in the 1990s and during the more recent US-EU discussions on a "Transatlantic Marketplace" have once again emphasized the junior role Canada has been assigned in this North Atlantic space (Mildner 2008, 647-56; Potter 1999, 99-103, 204-16; Potter 2001, 193-222). After all, the Europeans commented, "geography created problems."¹² Canada was not a European nation, it was located *across* the Atlantic.

If the contractual link and subsequent bilateral Canada-EU agreements could not fulfill the objective of securing Canada's place within transatlantic *political* relations

9 Telegram from Campbell, Canadian Delegation to NATO, June 18, 1971, NAC, RG 25 / 8594, File 20-1-1-7, Vol. 4.

10 See Memorandum from Commercial Policy Division, June 28, 1971, Subject: "D'Avignon Committee: Lack of Information on Mid-East Policy", NAC, RG 25 / 8594, File 20-1-1-7, Vol. 4.

11 Telegram from Langley, Brussels, July 14, 1971, "Political Consultation with Six", NAC, RG 25 / 8594, File 20-1-1-7, Vol. 4.

12 Viscount D'Avignon quoted in Telegram from Langley, Brussels, August 2, 1971, "Political Consultation with Six", NAC, RG 25 / 8594, File 20-1-1-7, Vol. 4.

how successful was it, at least, in creating an amicable relationship in which bilateral *economic* problems could be addressed? In other words, did the bilateral agreement lay the foundation for trust-building exercises between two partners that would clash over issues where they were not partners but competitors?

The North Atlantic as Economic Space

For the EC the motivation to consider a framework agreement with Canada was based on a combination of political and economic considerations. Formalizing relations with an industrialized country outside Europe matched the Commission's political aspiration, especially in areas of foreign policy decision-making. Whatever the economic rationale behind the agreement was, it was not put forward by commercial interests but provided by European bureaucrats. Alarmed by some of the economic decisions of the Nixon administration they welcomed closer cooperation with Canada who was seen as a reliable partner in international economic institutions. In addition, Canada's strategy to present itself as a reliable provider of energy and primary resources fell on fertile ground as European leaders began to look for secure supplies of strategic resources after the 1973 oil price crisis. Hence, bilateral trade was not the primary driving force on both sides and the political nature of its origin may have limited the effectiveness of the agreement to offer mechanisms to deal with trade disputes.

One of the most acrimonious standoffs between Canada and the EU has certainly been over fish quotas in the North Atlantic, a dispute that escalated in 1995 when Canadian patrol boats stopped the Spanish trawler *Estai* off the Grand Banks just outside Canada's 200-mile coastal zone. The Canadians fired warning shots at the ship and the Spanish captain was accused of illegally fishing turbot, known in Europe as Greenland halibut. After a month of intense negotiation an agreement was reached to end the 'turbot war', which after its initial 'gunboat diplomacy' had turned into a 'war of words' (Barry 1998). Although Canada consented to give up some of its quota to Spain, the settlement was seen as a victory over a divided European Union because it introduced stricter inspections and conservation measures under the auspices of the multilateral Northwest Atlantic Fisheries Organization (NAFO), to which both Canada and the EU are contracting members (Barry 1998, 253-84; McCorman 1994-95, 5-28; Cooper 1997, 142-72; de Mont 1995a, 12, 1995b, 23; Wallace 1995, 18).

Between 1986 – the year that Spain and Portugal joined the EC – and 1995 the fisheries dispute was the most contentious bilateral issue between Canada and the EC. At the heart of it lay two problems. The first one is the depletion of Atlantic fish stocks due to overfishing. While both sides compete for the same scarce resources of the North Atlantic, this competition is characterized by a spatial asymmetry. Geographically the fish are closer to Canada and part of the problem is that fish stocks "straddle", i.e. they cross the 200-mile exclusive economic zone within which coastal countries have the right to economically explore resources in the water column and

the seabed (Barry 1998, 255). Spain was pushed across the Atlantic to fish close to Canada's waters because the EU limited Madrid's quota in Europe thus externalizing intra-European struggles over fishing quotas (Teece 1997, 94.). While Spain insisted on its historical rights to fish off the Grand Banks, Canada in turn claimed that it was mainly interested in conservation, which would have to extend across maritime boundaries in order to be effective. Related to this is the second problem: conflict over the legitimacy of Canada establishing a 200-mile exclusive commercial zone in 1977. This issue was resolved once the 1994 Law of the Sea Treaty recognized 200-mile Economic Exclusion Zones. However, new legal questions on boundaries have arisen since then because Canada's continental shelf extends past the 200-mile limit, a fact that is also being discussed with respect to extraterritorial jurisdiction in the Arctic. These issues have yet to be resolved. They will remain contentious for the immediate future and may jeopardize transatlantic relations.

Besides Canada's exposed geographical position adjoining the Atlantic and depending on its finite resources, the 'turbot war' furthermore illustrated Ottawa's historic unwillingness to deal with transatlantic irritants within existing bilateral institutions. The 1976 Framework Agreement had created the Joint Cooperation Committee but despite its initial successes (Strempel 1987, 152-4) in the long run it was underutilized for crisis management. Instead, bilateral trade disputes were either dealt with through direct high-level personal contacts or referred to multilateral institutions, especially to GATT/WTO or in this case NAFO. In part, this is due to the asymmetrical nature of Canada's transatlantic relations with an increasingly powerful European Union. A multilateralist approach was seen as best suited for defending Canadian interests. Thus, multilateral functional institutions such as NAFO carve out a political space where the EU and Canada meet and agree on managing protection of fish in the North Atlantic. Canadian fisheries officials admit that it is this trust-building capacity that has become the prime function of NAFO (confidential source). Still, there is a high political price Canada has to pay. All is not well if single issues can derail the whole relationship. Canada had to suffer serious repercussions in the wake of the turbot controversy when, soon after, Spain managed to halt the European Union's talks with Canada on a Transatlantic Free Trade Area (Potter 1999, 215-6).

The fisheries conflict might have been muted over the past couple of years but it has been replaced by an equally rancorous disagreement – over seal. The seal hunt controversy has been simmering since the 1970s when the Atlantic seal population declined drastically. Pressured by animal rights and environmental groups the EC imposed a ban on seal pup skin and products in 1983 (Strempel 1987, 155).¹³ Canada, who is one of the main exporters of seal products, reacted by withdrawing European fishing licenses. To protest such 'blackmailing' British consumers boycotted Canadian fish. Following the recommendations of the 1986 Report of the Royal

13 The United States banned seal products as early as 1972.

Commission on Seals and Sealing in Canada and submitting to consumer and EC pressures Ottawa finally banned the commercial hunting of infant harp and hooded seals in 1987. From then on, hunters were only allowed to commercially hunt seals that had begun molting (Barry 2005).

However, the controversial matter of seal hunting did not go away. Animal rights groups continued to criticize the Canadian government for permitting the commercial hunt of seals and in Europe a number of celebrity activists, amongst them Brigitte Bardot and Paul McCartney, helped keeping the discussion alive. Pressured by their respective publics by 2007 a number of EU countries (Netherlands, Belgium) had individually imposed a ban on seal products while others were contemplating such legislation (Luxembourg, Italy, Austria, Germany). Again, the Canadian government resorted to the multilateral negotiation option. On July 31, 2007 Ottawa announced that it would "seek formal consultations under the World Trade Organization (WTO) dispute settlement process." In explaining this step foreign minister Peter MacKay stressed that consultations with the Belgian government had been futile: "It is regrettable that we have had to come to this point, but Canada's government will fight bans of this kind on all fronts – people's livelihoods are at stake" (*National Post* 1 August 2007).

In the meantime, steps had been taken to institute a EU-wide policy. The European Parliament adopted a declaration in September 2006 calling for the Commission to introduce legislation that would prohibit the importation of seal products. However, it took another two years before the EU Environment Commissioner proposed such legislation. Finally, in May 2009 the European Parliament voted for a ban on seal goods exempting products from indigenous communities. The Council of Ministers endorsed the legislation in their July 2009 meeting without discussion. Not surprisingly, the Canadian government responded by lodging a claim with the WTO. Ottawa interprets the EU ban as violating international trade regulations and appears determined to contest the EU decision. It is not yet clear what the outcome of this latest round of the seal hunt controversy will look like but some commentators speculate already whether this dispute is to the detriment of current negotiations between Canada and the EU over closer economic cooperation (*The Economist* 13 April 2010).

On the one hand both the fish and seal controversy show that minor trade irritants can gain prominence in Canada-EU dealings to the point that they disrupt negotiations that are in progress at the same time. On the other hand past disputes have shown that disruptions are only of a short-term nature and are unlikely to impede the long-term trade relations between the EU and Canada which must still be characterized as smooth and healthy. The Atlantic may serve as a divider in areas where the two partners compete over scarce resources such as fish. However, it equally brings the two together where supply and demand of products and services are complementary and where both have the same interests with regard to international economic regimes. While the 1976 Framework Agreement was an expression

of those shared interests the examples of the turbot and seal controversy also show that it did not provide a durable institutional framework to deal with trade irritants nor did it create common interests.

The North Atlantic as Moral Space

The two examples not only show the ineffectiveness of the Framework Agreement's consultative process but also point toward further problems, problems that have the potential to affect the relationship on a much deeper level. First of all, the seal controversy is not a trade dispute as such. Rather it is about different values that are partly informed by the different interests of Canadian producers on the one hand and European consumers on the other. This antagonism between non-state actors is negotiated via political state actors (Canada, EU, European member countries) across the Atlantic. It reveals a larger Canadian dilemma: as natural resources constitute an important part of bilateral Canada-EU trade Ottawa increasingly has to deal with post-modern consumer concerns in Europe, which demand improved environmental, animal health and phytosanitary standards. As a consequence, Canada was blamed as the environmental culprit in transatlantic relations in a growing number of instances. This not only affected Canada's trade in seal products but also the export of lumber and fur. For example, in 1991 the EC issued a ban on fur caught by leg-hold traps. This time, Canada and the EC worked together to reach an understanding under the WTO that would allow further imports while negotiating more humane trapping standards. A third contentious issue involving European environmental concerns emerged with respect to lumber products in the late 1980s. Canadian forestry practices and plant health questions alerted European consumers and led to EC measures against importation of lumber (Potter 1999, 148-61).

The implementation of trade regulations due to environmental concerns is highly controversial. Often these concerns are condemned as being justifications for interest-driven motivations such as discriminating in favor of European producers (Brinkhorst 1995, 12-19). Accordingly, in the latest controversy over seal some Canadian commentators were adamant about the fact that while the EU banned the importation of seal products from Canada Europeans were still allowed to kill seal. The same kind of allegations had been made in the turbot war but in the current case it is rather difficult to see a commercial interest involved considering the much smaller number of seals hunted in Europe. More important was Ottawa's utilization of conservationist reasons to defend its position in both the turbot and seal confrontation. What we saw in the latest conflicts was one environmental argument (conservation) used to offset another (animal protection). Both the Europeans and Canadians claimed high moral ground insisting that their actions were informed by environmental rationales. However, these rationales were quite different and incompatible.

Since the 1990s there have been several instances where both partners were portraying their position as morally informed. The issue of ethics in foreign (economic)

policies has aggravated a number of the transatlantic disagreements and contributed to misunderstandings. At times, Europeans were astonished by how unilaterally and thus 'un-Canadian' Canada behaved and they were bewildered by the "aggressiveness with which Canada pursue[d] its claims on these matters" (Stoett 2001, 251; Darnton 1995, 4.). During the turbot controversy Canada's legal basis for action was a law unilaterally passed for conservation purposes (Missios/Plourde 1996, 145; Teece 1997, 93; Barry 1998). While Europeans condemned the *style* – i.e. Canada's unilateralism – as immoral, Canada in turn insisted that the *objective* of such unilateral action was ethical since it aimed to protect the environment where multilateral institutions had failed to do so (Cooper 1997, 151; Springer 1997, 27, 35). Such Canadian "environmental unilateralism" was not new. Former measures included moving from a three- to a twelve-mile fisheries limit (1964), establishing exclusive Canadian fishing zones by drawing closing lines (1971) and the Arctic protection legislation of 1970 which unilaterally established a 100-mile zone to protect the high North from pollution (Stoett 2001, 261; see also Teece 1997). Similarly, the current disagreement over the status of the Northwest Passage, which Canada claims to be internal waters and the EU sees as an international strait, is partly informed by the EU seeing Canada acting unilaterally and Canada insisting it needs to do so to ensure maximum environmental stewardship in the region.

Closely related to this issue of ethics and morality is the emergence of symbolic politics whereby Canadian and European politicians engage in highly visible and public acts to criticize the other side and cater to an attentive home audience. Since the European Parliament voted for a ban on any seal products in spring 2009 the controversy has taken on an increasingly emotional undertone. Various Canadian politicians engaged in events publicizing their support of the seal hunt. In May 2009, during a visit of Nunavut, Governor General Michaëlle Jean was shown gutting a seal and eating some of the raw heart. In the same month, the Canadian Parliament unanimously voted for a motion that requested Canada's team at the 2010 Winter Olympics in Vancouver to wear seal products. While Jean only alluded to her action being motivated by the European seal ban the supporters of the motion openly admitted it was to help protest the ban (*Globe and Mail* 26 May 2009; *Vancouver Sun* 7 May 2009). Then, the February 2010 meeting of the G7 finance ministers was not only scheduled in Iqaluit, Nunavut, but also included a traditional community feast including seal. And in March 2010 Canadian MPs were served seal meat in the parliamentary restaurant and legislators in Nunavut asked for government liquor stores to discontinue stocking alcohol from Europe (*Globe and Mail* 8 March 2010, 16 March 2010). While it is unlikely that this will become official Nunavut policy it does reflect the strong sentiments involved in the controversy. On the other hand, in its official media release immediately following the EU Parliament's decision to ban seal products Gail Shea, Minister of Fisheries and Oceans, urged the Europeans to stick to the facts and to "not make trade decisions based on emotion" (Fisheries and Oceans Canada, 2009).

Another strategy reflects a different kind of ethics and targets the European support for indigenous groups. Already in 2007 Fisheries and Oceans Minister, Loyola Hearn, tried to appeal to Europeans' sympathy with indigenous hunters: "Sealing is an important way of life for many Canadians, including Inuit and other Aboriginal peoples" (*National Post* 1 August 2007). What had become clear during the many years of the seal hunt controversy was that Aboriginal seal hunters would be the best PR weapon Canada could employ in Europe even though their respective share of the annual hunt is very small. Europeans signaled that they were supportive of the Inuit argument and exempted seal products from indigenous sealers in the EU ban. However, Inuit refer to their earlier experience with trade restrictions in the 1980s when they had suffered despite an exemption. The main problem for them is the price development since every European import ban depresses the world price for seal products.

In January 2010, several Canadian and international Inuit organizations, amongst them the Inuit Tapiriit Kanatami (ITK) and the Inuit Circumpolar Council (ICC), as well as several Inuit individuals filed a claim against the EU ban at the European general court. Mary Simon, ITK president accused the EU of "cultural bias" for interfering with the traditional Inuit way of life. She also challenged the European environmental argument and insisted that the seal hunt was neither cruel nor inhumane. ICC president Aqqaluk Lynge was quoted as saying: "It is important for Inuit [...] to [...] fight this unethical legislation. [...] we must contend with animal rights extremists who fundamentally do not respect our life." Another Inuit activist pointed out that the ban was the result of the EU "bend[ing] to the skillfully orchestrated pressure of those who would satisfy their own self-serving interests while ignoring the clear double standard and dubious legal nature of their decision" (Inuit Tapiriit Kanatami 2010).

While these are harsh words it must be said that it is indeed puzzling that the European Council endorsed the ban this time while numerous times before it refrained from doing so. Since animal rights groups have lobbied for decades this cannot be the only explanation for their success (Pope, 2009). It seems as if the decision was not necessarily interest or even ethically driven but was rather symbolic catering to the European public and showing activism to an audience that is becoming increasingly apprehensive about the EU's role as a foreign policy actor in its own right. In terms of its economic significance the seal hunt is negligible for Europe and this may have facilitated the decision to reach a ban when it does not really hurt anyone. However, Europeans failed to realize that in Canada it does provide the main income to hunters in peripheral regions, especially in Eastern Newfoundland, and that it would create a public outcry.

Obviously, Canadians and Europeans have different ideas about the future use of resources of the Atlantic, including its most northern parts. The fact that some of the ideas are equally informed by environmental concerns does not help bridge the differences as these are not always compatible. Environmental disputes will have

the potential to impede future Canada-EU relations. Unfortunately, some of these environmental arguments lean themselves easily to symbolic action and publicity stunts and they can take on emotional undertones. In that sense the Atlantic has become a moral battleground. And there may be more problems on the horizon as the Arctic may prove to become another transatlantic theatre for disputes. Not only is the status of the Northwest Passage or the future usage of resources such as fish, oil and gas in dispute but also the interpretation of the Arctic as a circumpolar versus an international political space. Again, this disagreement can be attributed to different ideas and values.

Extending the North Atlantic? The Arctic, Canada and the EU

As Gerd Braune and others have pointed out Europeans look toward the Arctic through focusing on the international North Pole first and then extending their view toward states adjoining the Arctic, whereas Canada's perspective begins at home and then extends beyond its coast toward the North Pole. As a consequence, European mental maps construct the Arctic as an international political space whereas Canadians perceive of the Arctic as national sovereign territory. In addition, for most Europeans the Arctic has gained international significance as a place where climate change has its most visible impact and so the developments in the Arctic are seen to be of a global concern (Braune 2009; Dolata-Kreutzkamp 2008). While there is acknowledgement of the existence of sovereign countries in the Arctic there is the tendency to see the area as a global commons, much like the Antarctic. Accordingly a number of members of the European Parliament have called for a comprehensive treaty for the Arctic along the provisions of the Antarctic Treaty.

The European Commission and in particular the High Representative of the Union for Foreign Affairs and Security Policy, Catherine Ashton, would not go as far. However, in a recent debate on a EU-wide Arctic policy Ashton did insist that the EU had an important contribution to make: "I think we have much to contribute, from our diplomacy on environment to our climate change policies; from our extensive Arctic research programmes to our policy supporting indigenous policies worldwide" (European Parliament 2010). The EU claims to be a norm entrepreneur who should play a role in the Arctic. This role is furthermore justified with reference to Europe's geographical position and its historical involvement in Arctic research. Consequently, the EU applied for permanent observer status in the Arctic Council, an intergovernmental circumpolar institution. However, this request was denied not least because of Canada's opposition. While the EU ban on seal may have been one reason it also reflects Canada's mistrust of European intentions in the region. For Ottawa, the Arctic is a regional space which is sufficiently governed through functioning international and circumpolar regimes such as the Arctic Council, the United Nations Convention on the Law of the Sea (UNCLOS) and the International Maritime Organization (IMO). Many Canadians see an official European Arctic policy as meddling in their affairs. After all – so goes the popular argument – Canada does not tell the EU

what to do in the Mediterranean. Unlike the Atlantic, the Arctic is not seen as a shared EU-Canada maritime space. It is also not seen as an extension of existing security spaces. Accordingly, Canada does not support the inclusion of the Arctic in NATO's New Strategic Concept which is currently contemplated.

Conclusion

This brings us back to the beginning of this article and the idea of Europe as a counterweight. The more recent history of agreements seems to indicate a shift in priorities back to the economic side of the relationship. Since Canada and the EU agreed on a "Canada-EU Partnership Agenda" in 2004 there have been several initiatives to facilitate transatlantic trade and investment further and push for greater economic integration, namely the Trade and Investment Enhancement Agreement (TIEA) Framework (2004), the Framework on Regulatory Cooperation and Transparency (2004), and more recently the Comprehensive Economic and Trade Agreement (CETA) negotiations which followed the findings of a joint study entitled "Assessing the Costs and Benefits of a Closer EU-Canada Economic Partnership" (2008). While not all these initiatives come to fruition and may take a long time before providing results there have been sectoral successes such as the Comprehensive Air Transport Agreement that Canada and the EU signed in late 2009.

As mentioned above it is Canada who is mainly pushing for the transatlantic *economic* agenda. On the European side this is met with some reservation or even indifference (Mildner 2008, 651-3). In contrast, the EU seems more interested in *political* cooperation. However, Canada exhibits only lukewarm support for closer political cooperation. This may also be attributable to new geopolitical realities and diverging values. If Canada sees itself as an emerging energy superpower and Arctic power (Dolata-Kreutzkamp, 2008) it may no longer need the EU as a counterweight. While Marie Bernard-Meunier may be right in arguing that Canada can only "play a role in the world that matches its rhetoric" if it were to "enter into strong partnerships with countries that share its values and its over-arching goals" it is not so clear that the EU is always one such "reliable, like-minded, multilateralist player [...] with enough resources and political will to make a contribution" (Meunier 2006, 91). As foreign policy priorities shift and the Atlantic becomes less important as a bridge the question begs whether Canada and the EU are really that like-minded. Apart from the different (environmental) values involved in the seal and fishery controversy as well as the Arctic policy there have been also issues such as the UN Security Council Reform, missile defense, Kyoto Protocol and Germany's Afghanistan engagement (Kaim 2008), where Canada and some of her European partners did not always agree. There are a number of policy areas where Canada and the EU face common challenges but they may not always show 'partnership' spirit or interpret these challenges in the same way or translate them into foreign policy priorities in the same fashion.

To understand Canada-EU relations it is helpful to analyze the spatial dimension of this relationship. While in the past, the transatlantic community of values (Risse-Kappen 1995; Pentland 2003-2004, 164; Haglund 1997) led Canada and the EU to be partners in the world, most of the bilateral tensions arose from sharing the same space, the North Atlantic. These shared values and interests have not so much made themselves felt in bilateral Canada-EU relations but in transatlantic cooperation within NATO and in international organizations. Of course a study such as this will overemphasize conflict and cloud the fact that the largest part of bilateral trade functions smoothly. However, in a relationship that is characterized by frequent and mutual 'benign neglect,' it is exactly those disagreements which "tended to [...] make bilateral relations appear irritant-driven to publics on both sides of the Atlantic" (Potter 1999, 189). Future developments may shift the common space further north into the Arctic and refocus Canada's and Europe's attention on new issues, issues that have the potential to distance the two partners.

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