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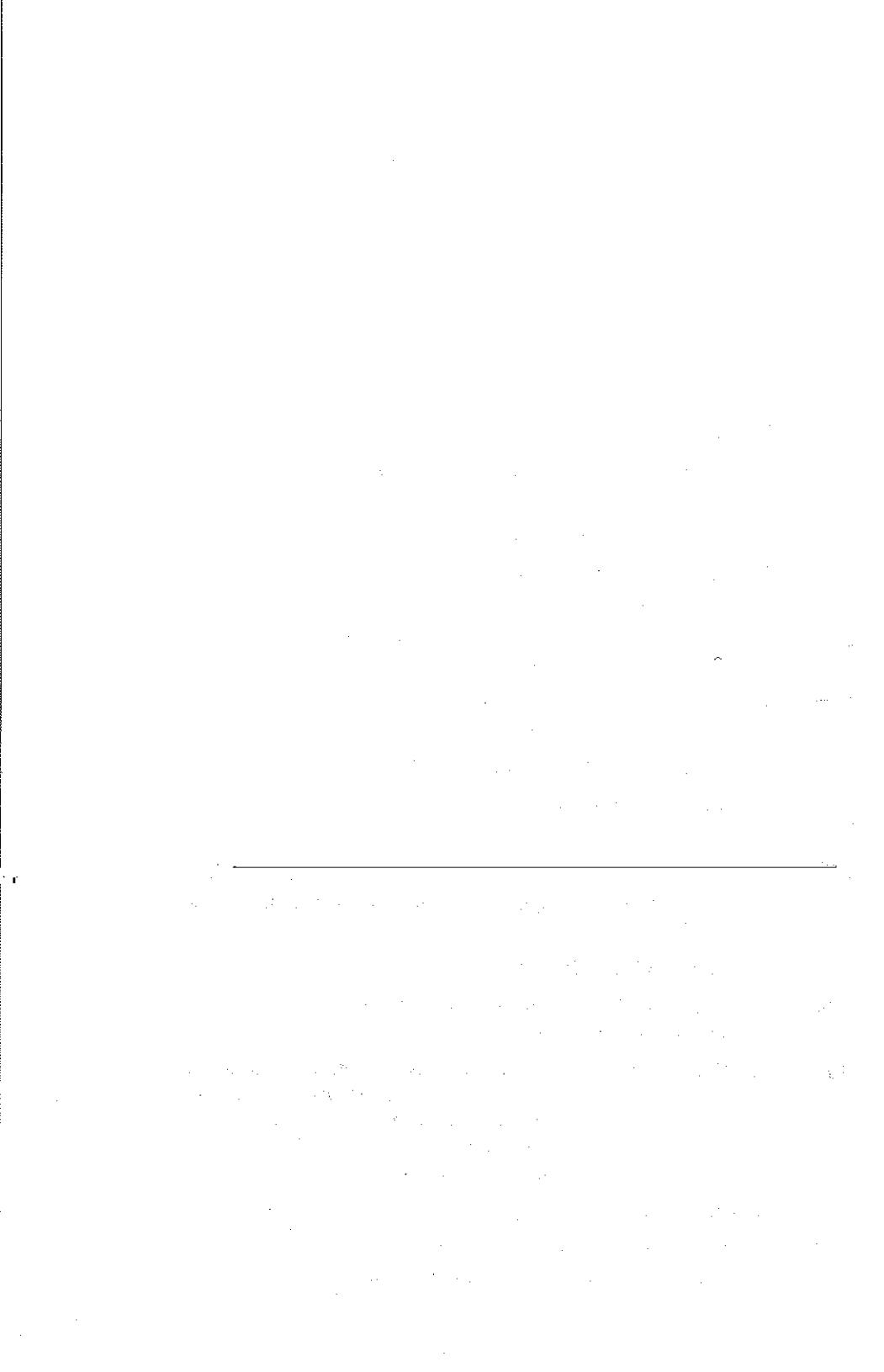
**Annual.**

**Continues: Year in review.**

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THE PREDICTIVE CAPABILITY OF THE CLASSICAL EQUATIONS OF MOTION

BY RICHARD M. LIEBERMAN

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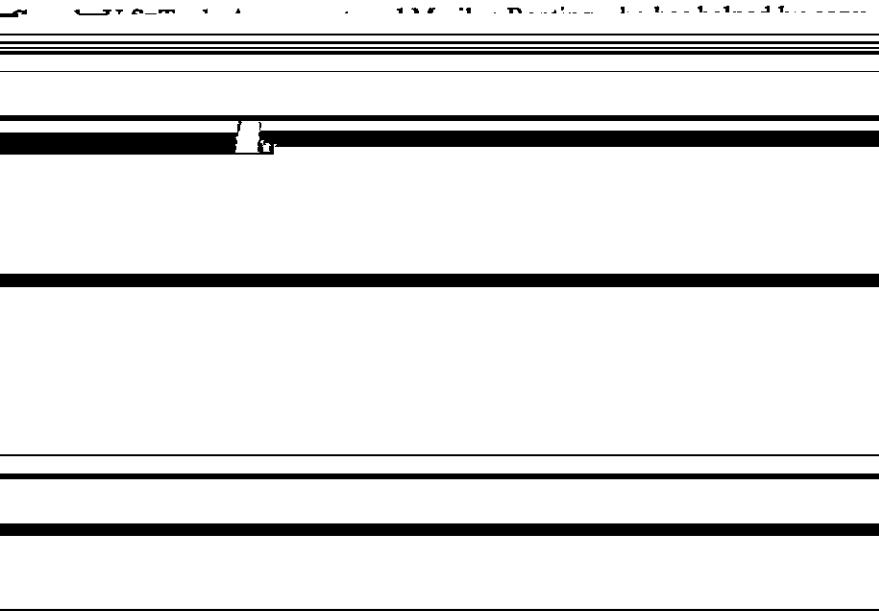
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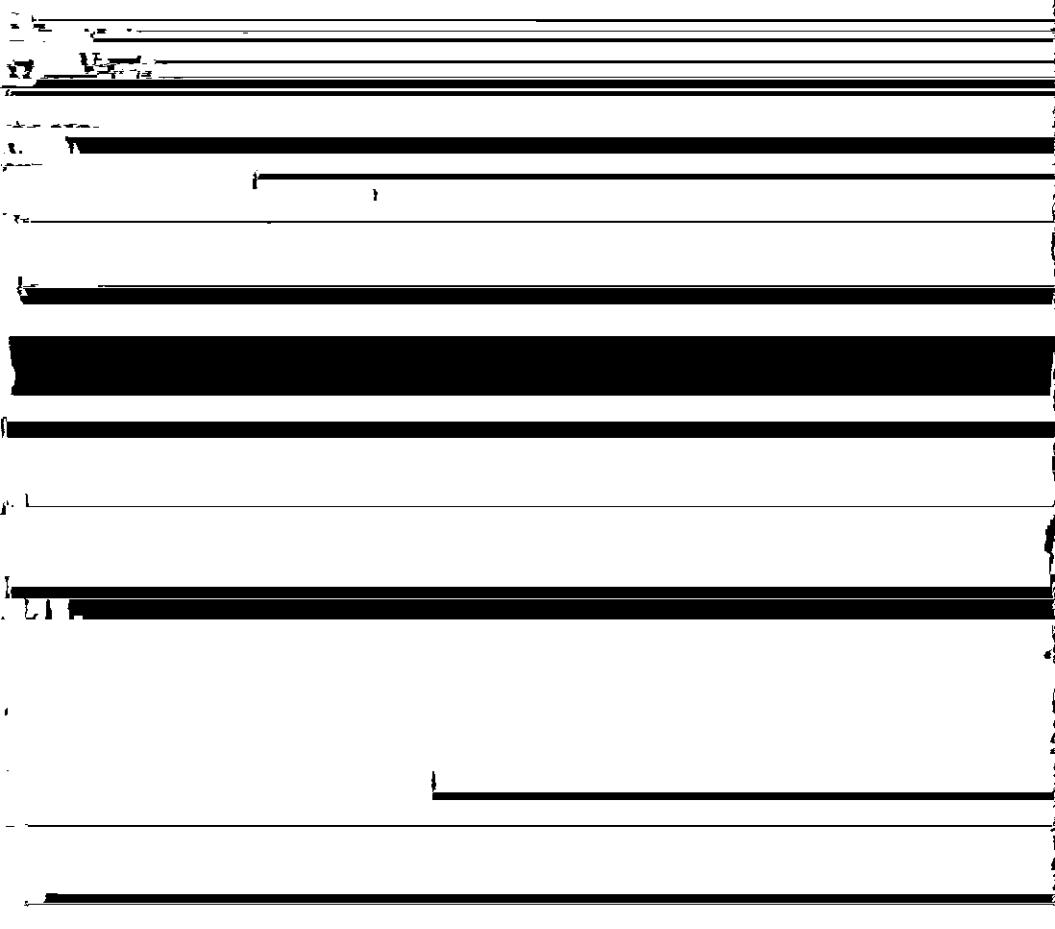
Research Assistant in the Institute, for preparing the chronology. We would also like to thank Michael Hawes who reviewed several of the contributions on the



## CONTRIBUTORS

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Formerly with the Intergovernmental Affairs Secretariat of the Government of



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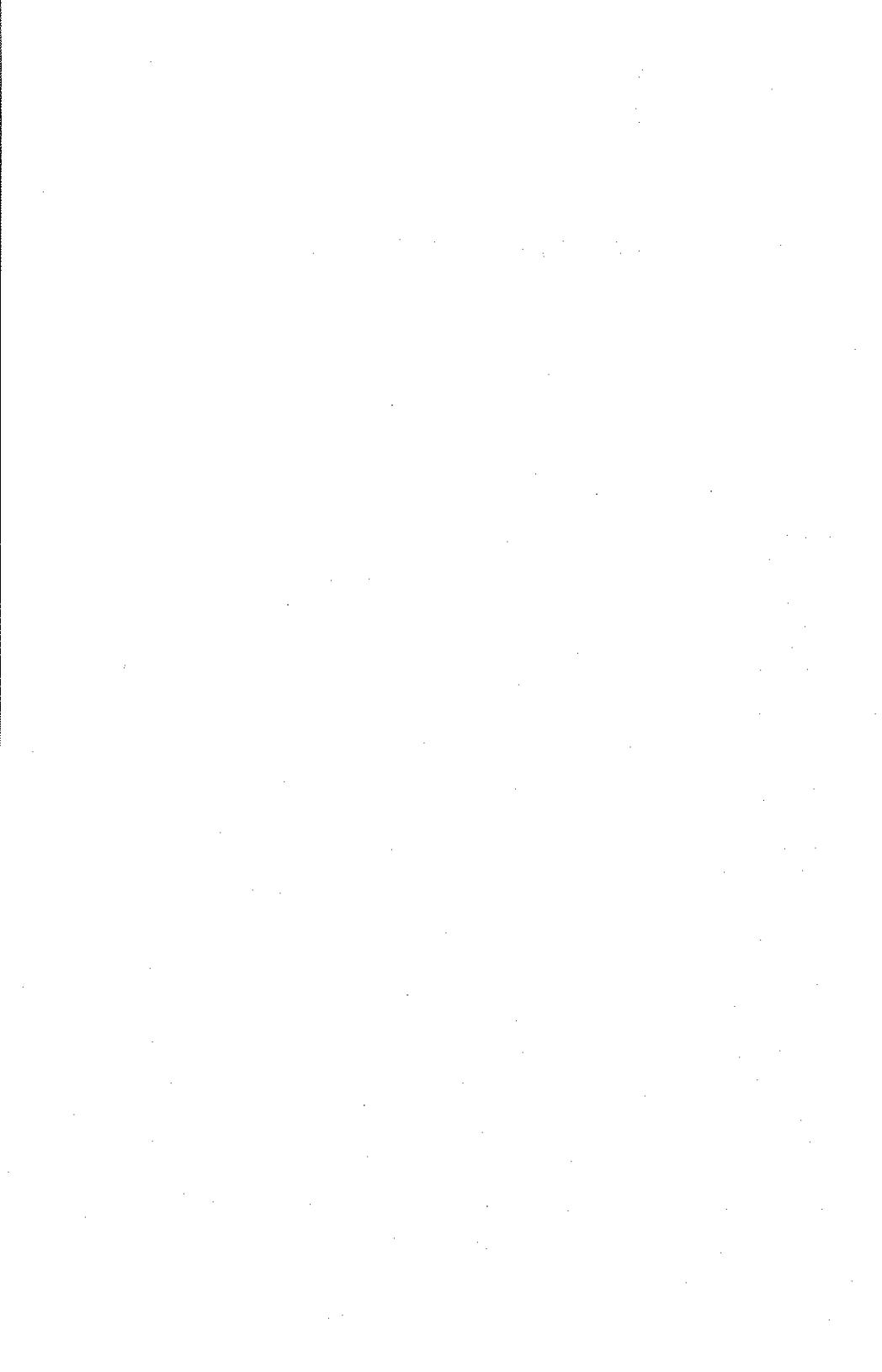
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ONE

## The Peripheral Predicament: Federalism and Continentalism

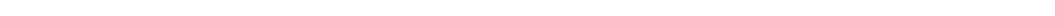
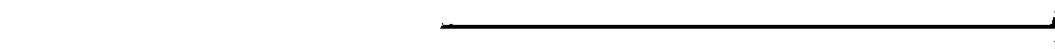
Peter M. Leslie<sup>1</sup>

*L'auteur de ce chapitre effectue une analyse de l'Accord du lac Meech et de celui sur*

P

timately about tension between the values of prosperity and national independence, in other words about Canada's ability to fashion its own future within North America, economically, socially, and culturally.

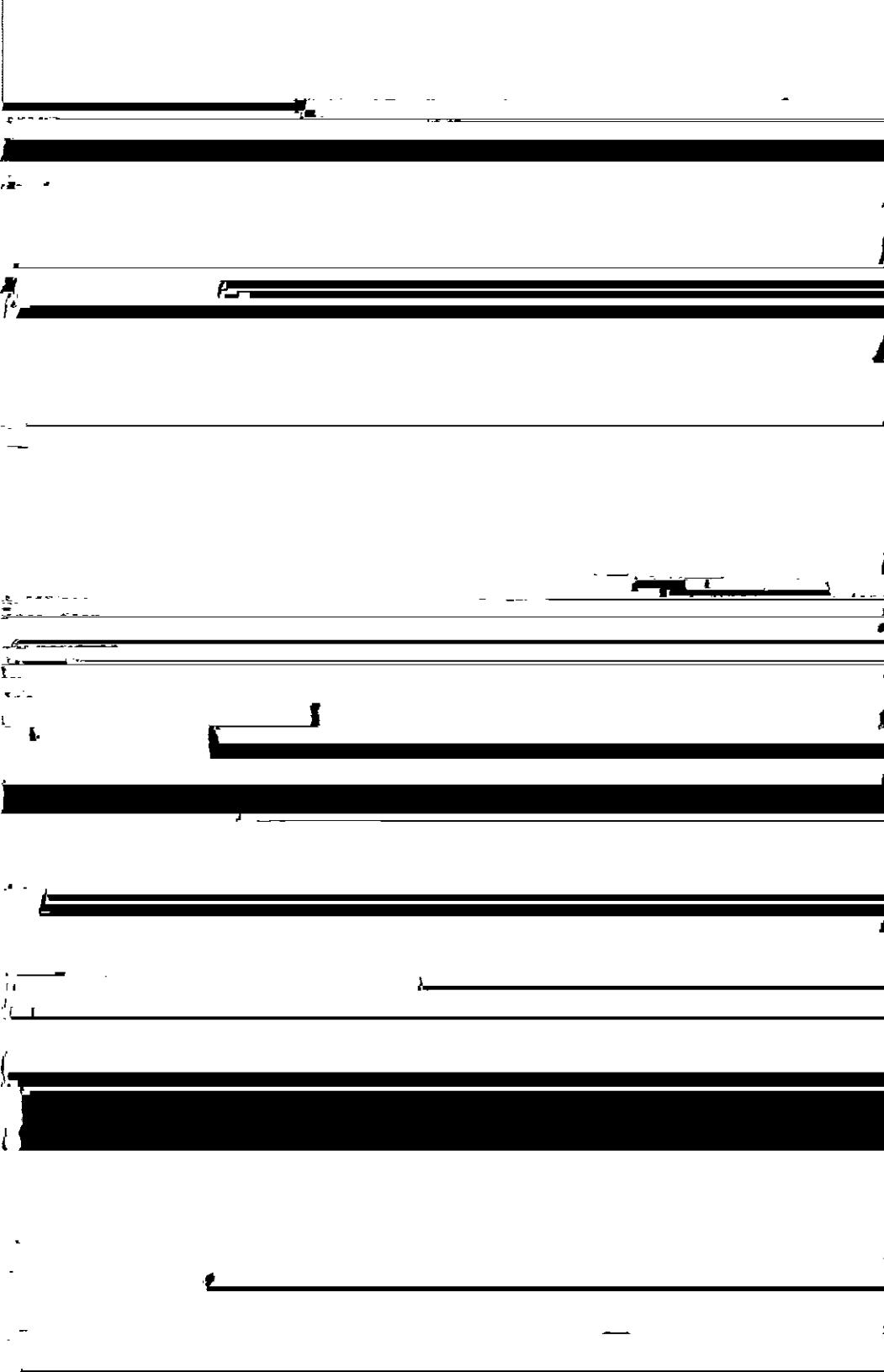
*It thus appears that both the Macmillan and the*



**Advantages and Disadvantages of indefinite postponement** However there are risks



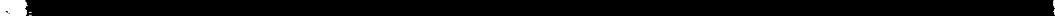
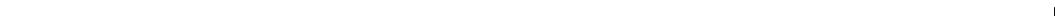


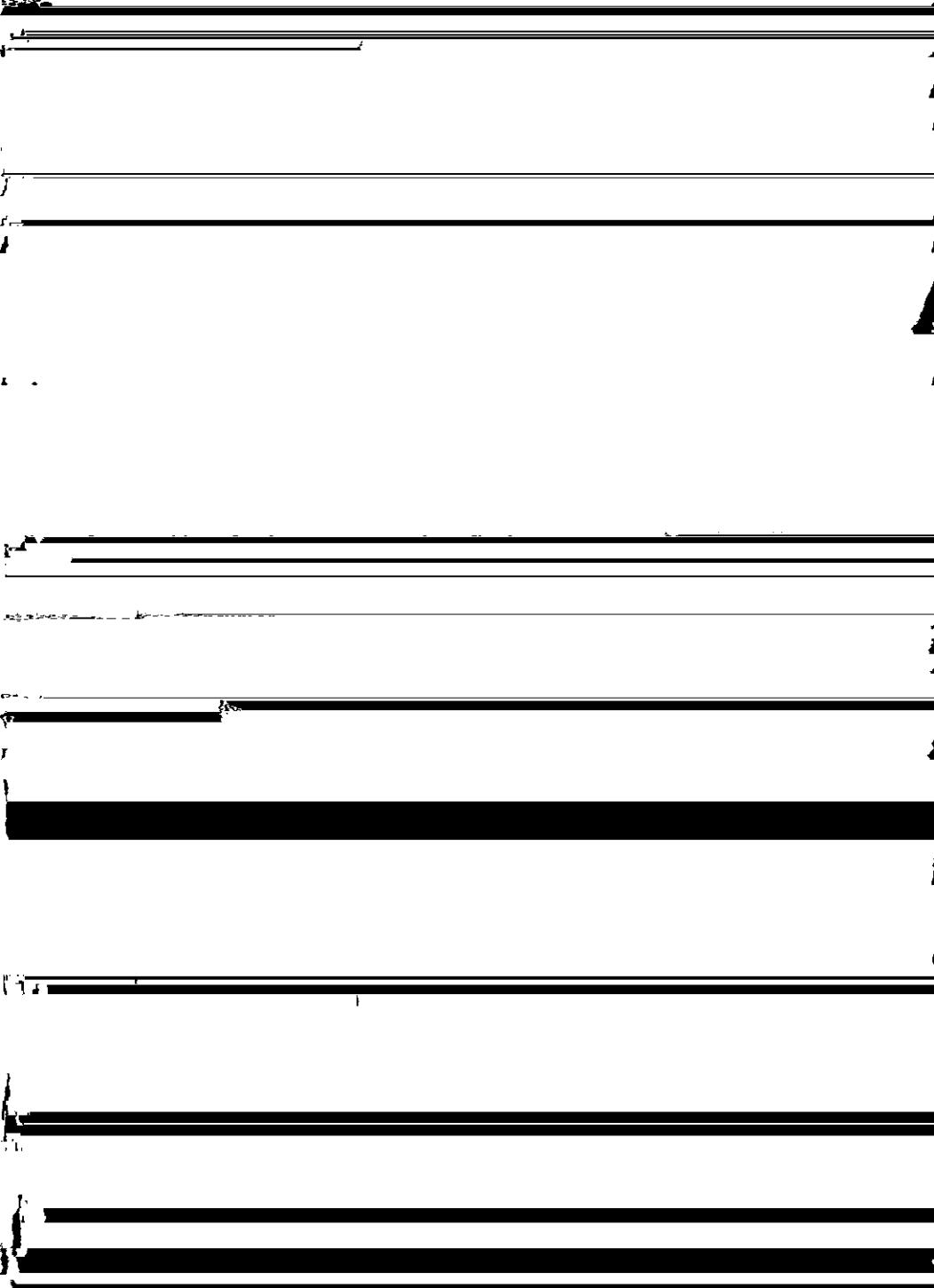




of favours that compensated them to some extent for the costs that protectionism

clothing, footwear, rubber goods, and paper—Quebec began to see itself as a





federalism for Canada. For political reasons, the PQ could never be satisfied. However, it is important to recognize that not only the PQ was opposed to the terms of the act; it was denounced by the opposition Liberal Party as well, and was censured by unanimous vote of the Quebec legislature. Although Quebec

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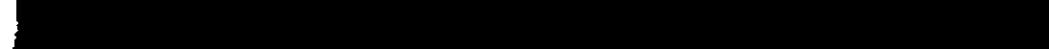
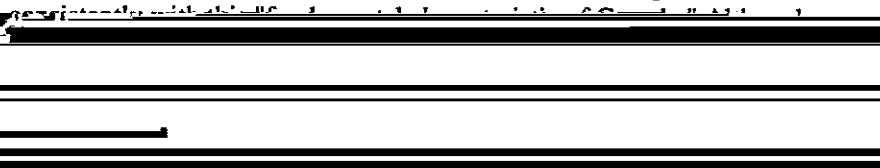
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\*

the following words and phrases:

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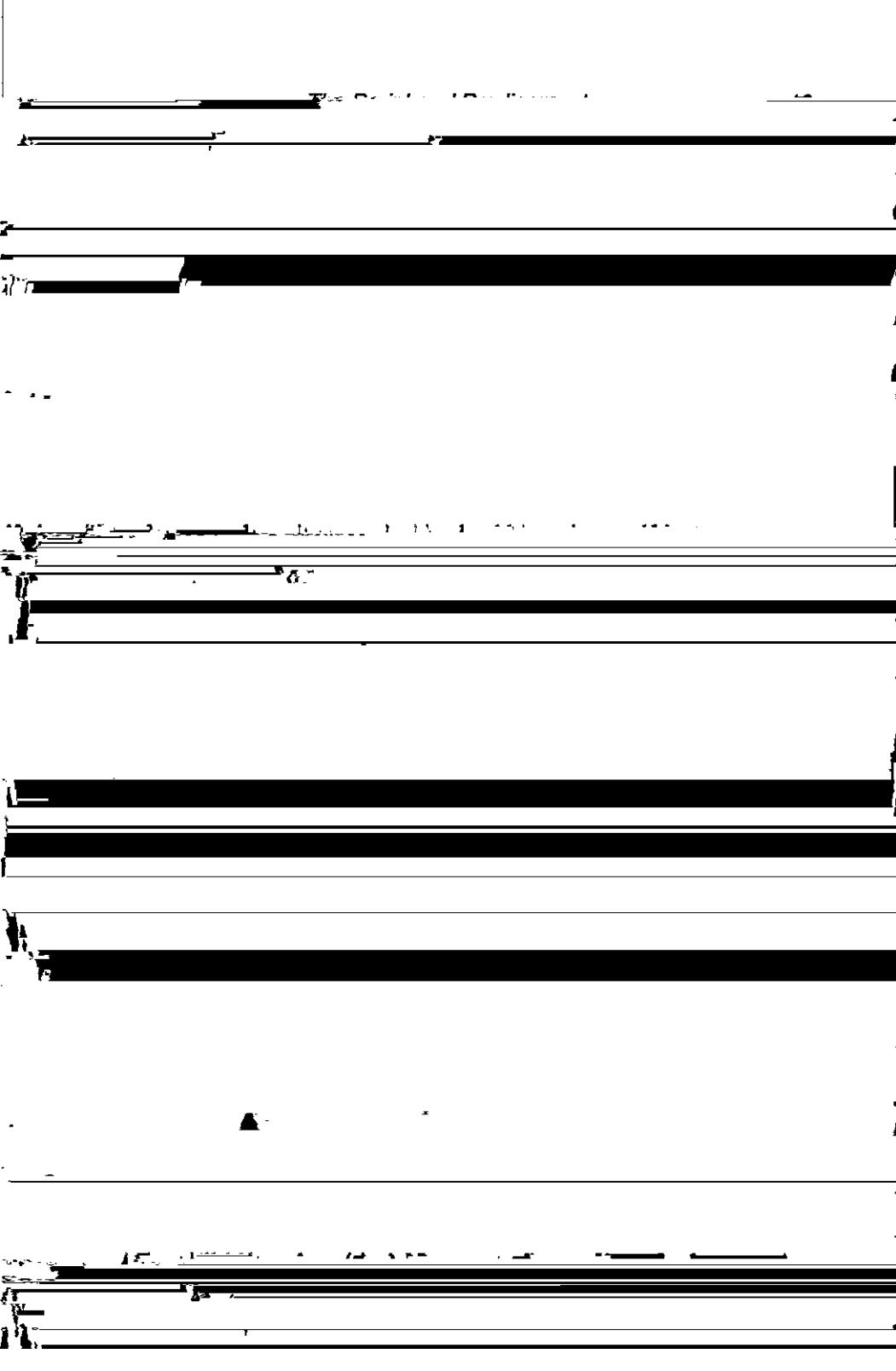
elsewhere in Canada; the courts are also instructed to interpret the constitution



*Freedoms, but sought in return another route to cultural security: control over immigration. The response to this demand in the Meech Lake negotiations was*

Mr. Rémillard was clearer in saying that a federal commitment once made

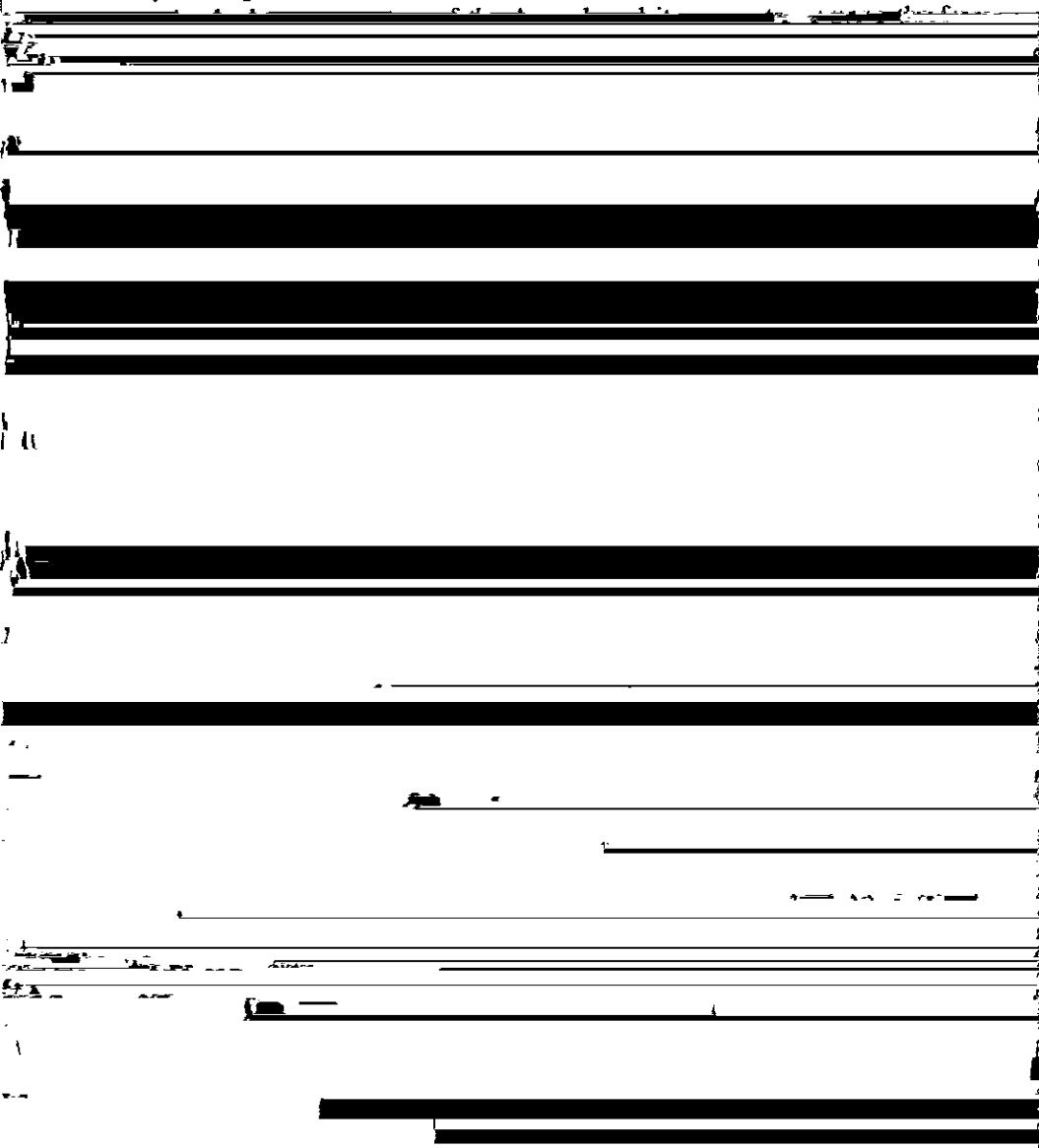
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well.

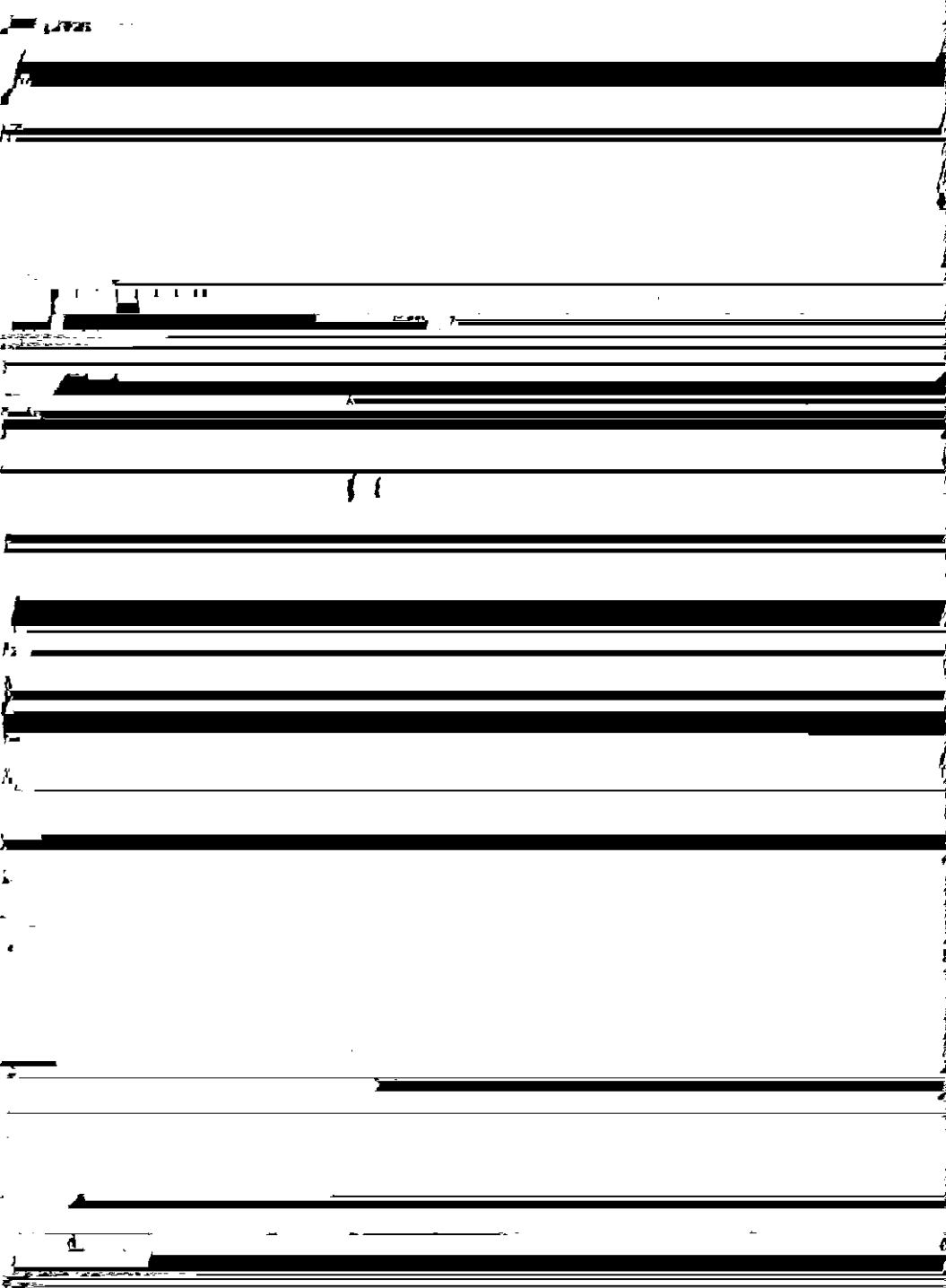


Quebec has attained, in the view of its francophone supporters, is the assurance that the constitutional framework will not be altered without its consent: the clauses on the amending formula, the spending power, and the Supreme Court are all intended to minimize this possibility. It is not all that could be desired by francophone Quebecers, but it reduces risk.

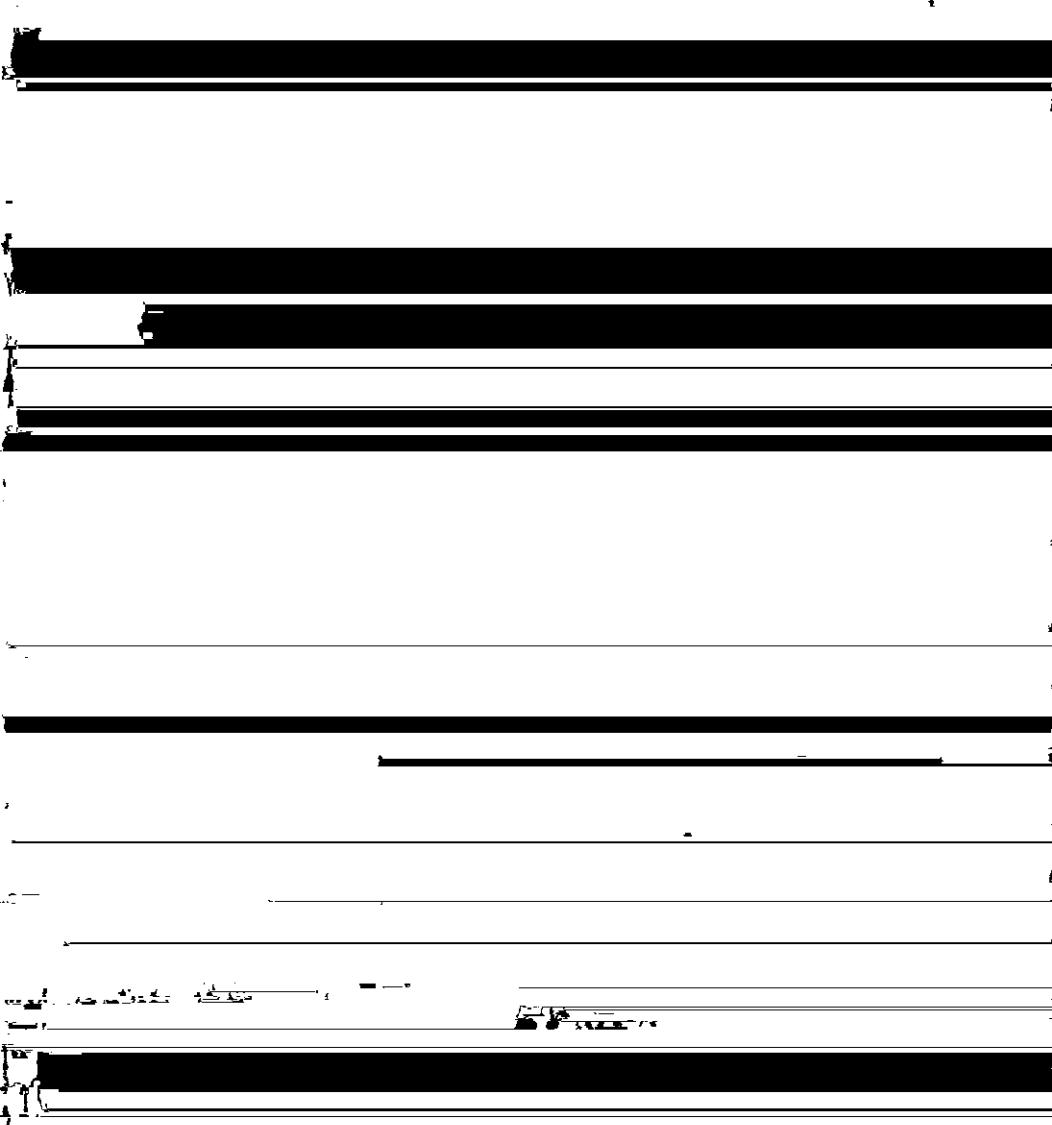




pressed through the provincial government, from the time of the Quiet Revolution onwards. The Meech Lake Accord offers assurance—for some, too limited assurance—that those nation-building instruments will not slip out of their grasp. By the same token—some of those people who are now in favour



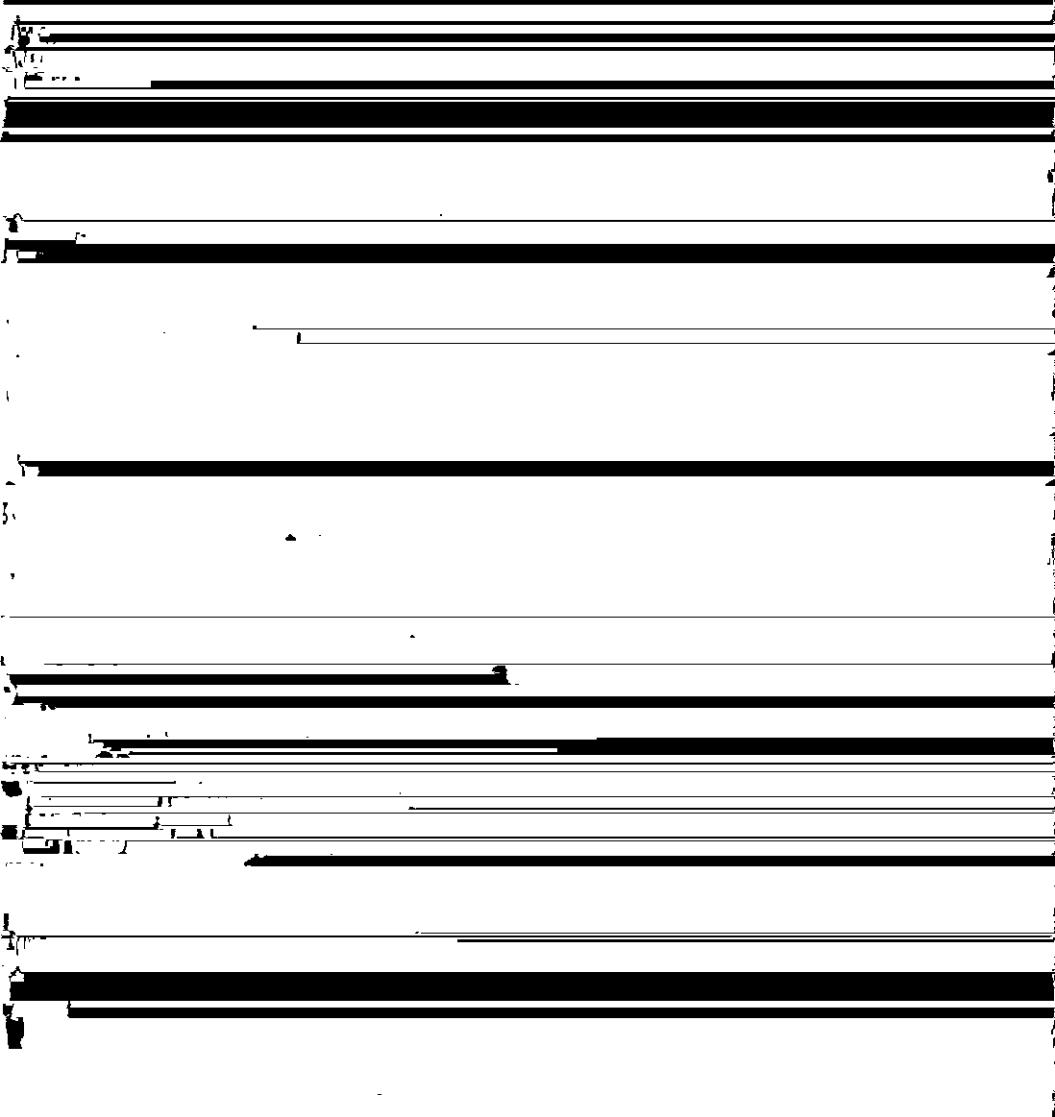
I'd describe what those Canadians think about their country.



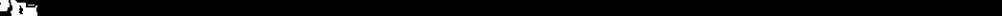
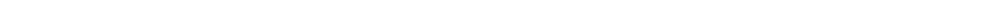
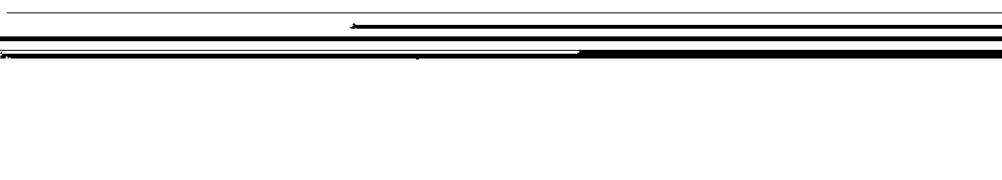
costs would have to be minimized by the terms of the agreement itself, and it

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fields of investment, trade in services, and access to Canadian energy supplies.  
These matters are indeed covered by the CETA.

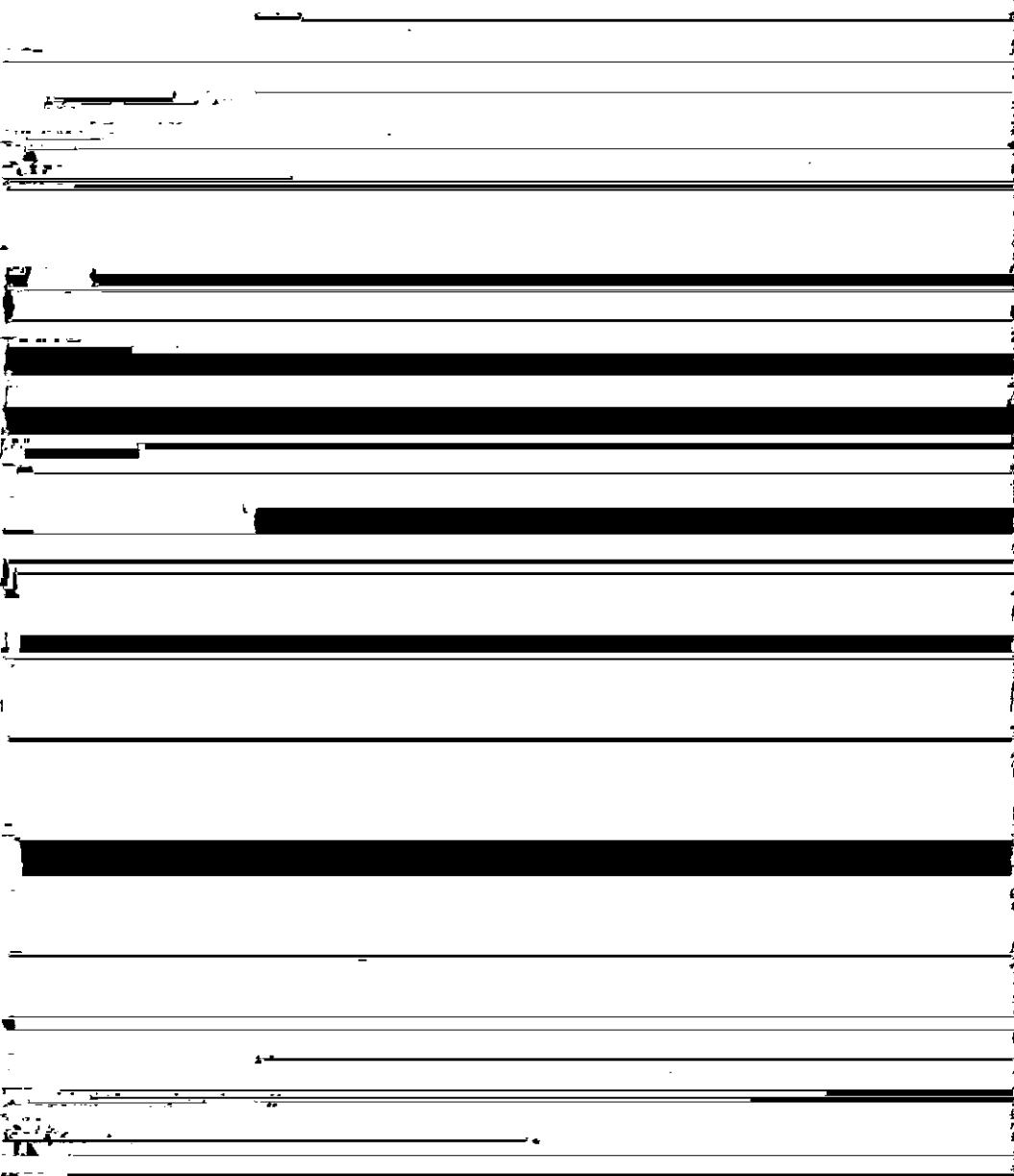


law as it might apply to Canada. On the Canadian side, the inclusion of a new  
subsidies code would have required a non-reversible commitment by the federal

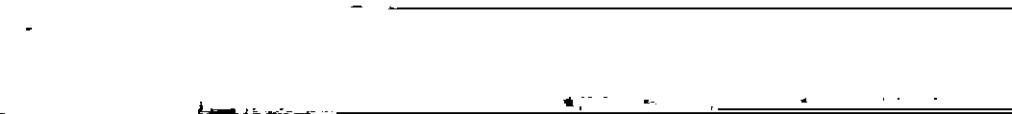
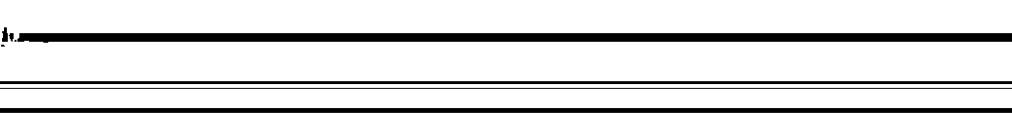
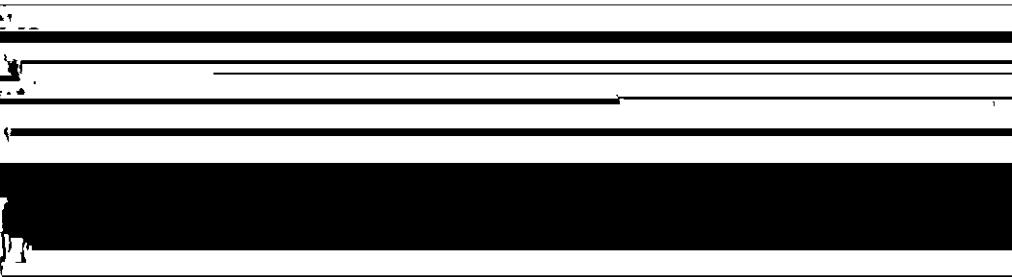


the establishment of a free trade area as that term is conventionally understood.<sup>32</sup> It does not establish a customs union, although one may question

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Canada has chosen to bind itself still more closely to its powerful neighbour on





fair advantage on Canadian producers. (This is most credible in the case of industrial assistance policies; but we have seen it applied to the management of crown forest reserves and the question of stumpage dues; moreover, certain American interests have occasionally complained about Canadian unemployment insurance as it applies to fishermen, and about public medical insurance as it applies to workers in industries where, in the U.S., medical insurance can



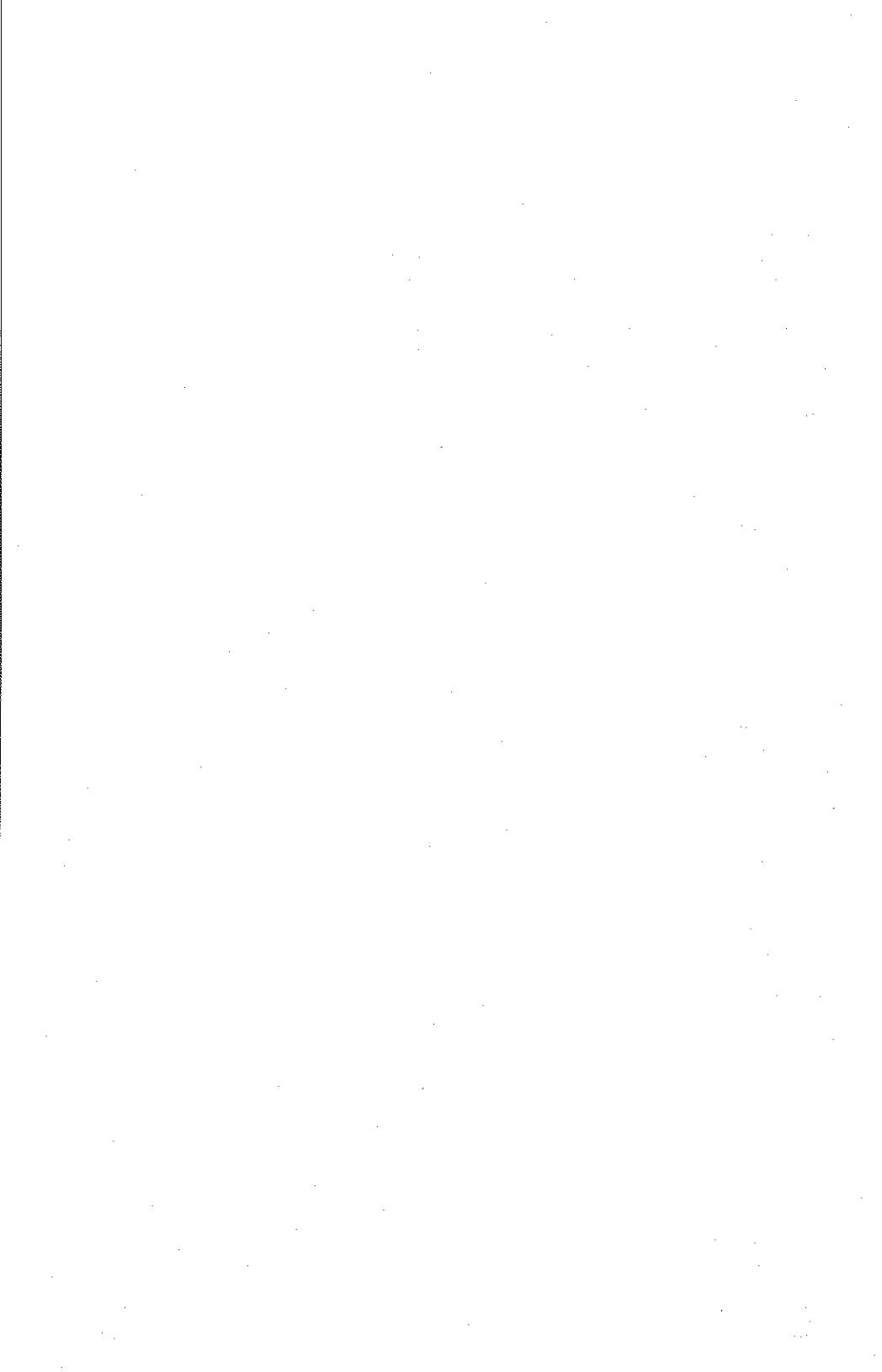


same group—those who look to the federal government as the agent and protector of Canadian social values.

The basis of the apparent or supposed threat to national values differs in the two cases. With Meech, the nationalists' concern has to do with internal differentiation or fragmentation; with the EFTA their concern is about external

## II

# Canada-U.S. Free Trade



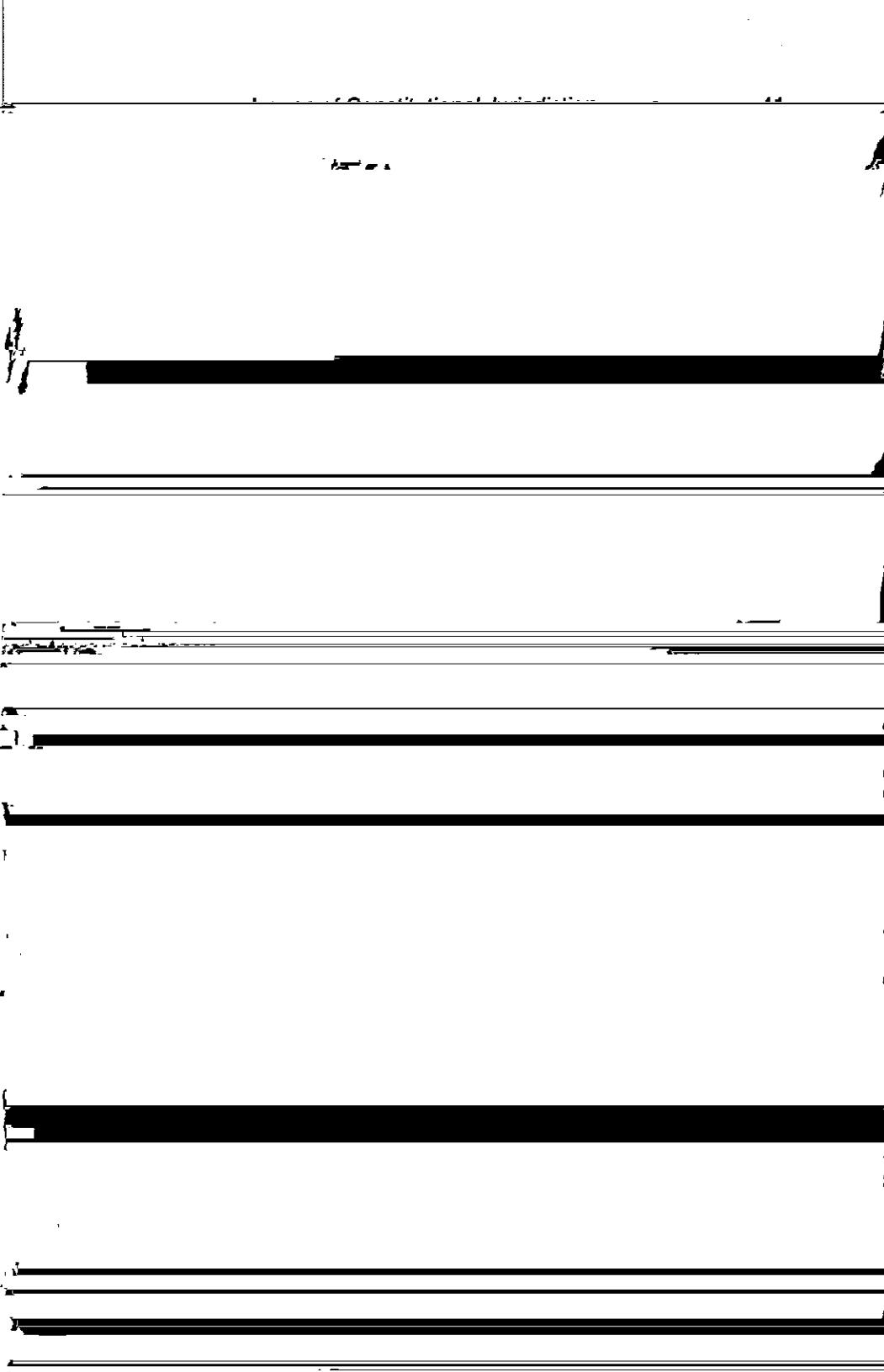
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## **Issues of Constitutional Jurisdiction**

Anonymous<sup>1</sup>

### **Article 103: Extent of Obligations**

The Parties to this Agreement shall ensure that all necessary measures are taken



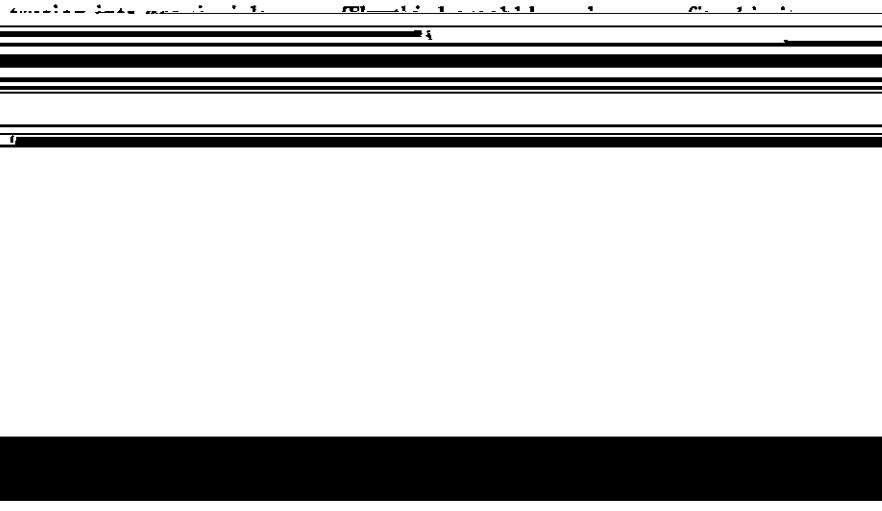


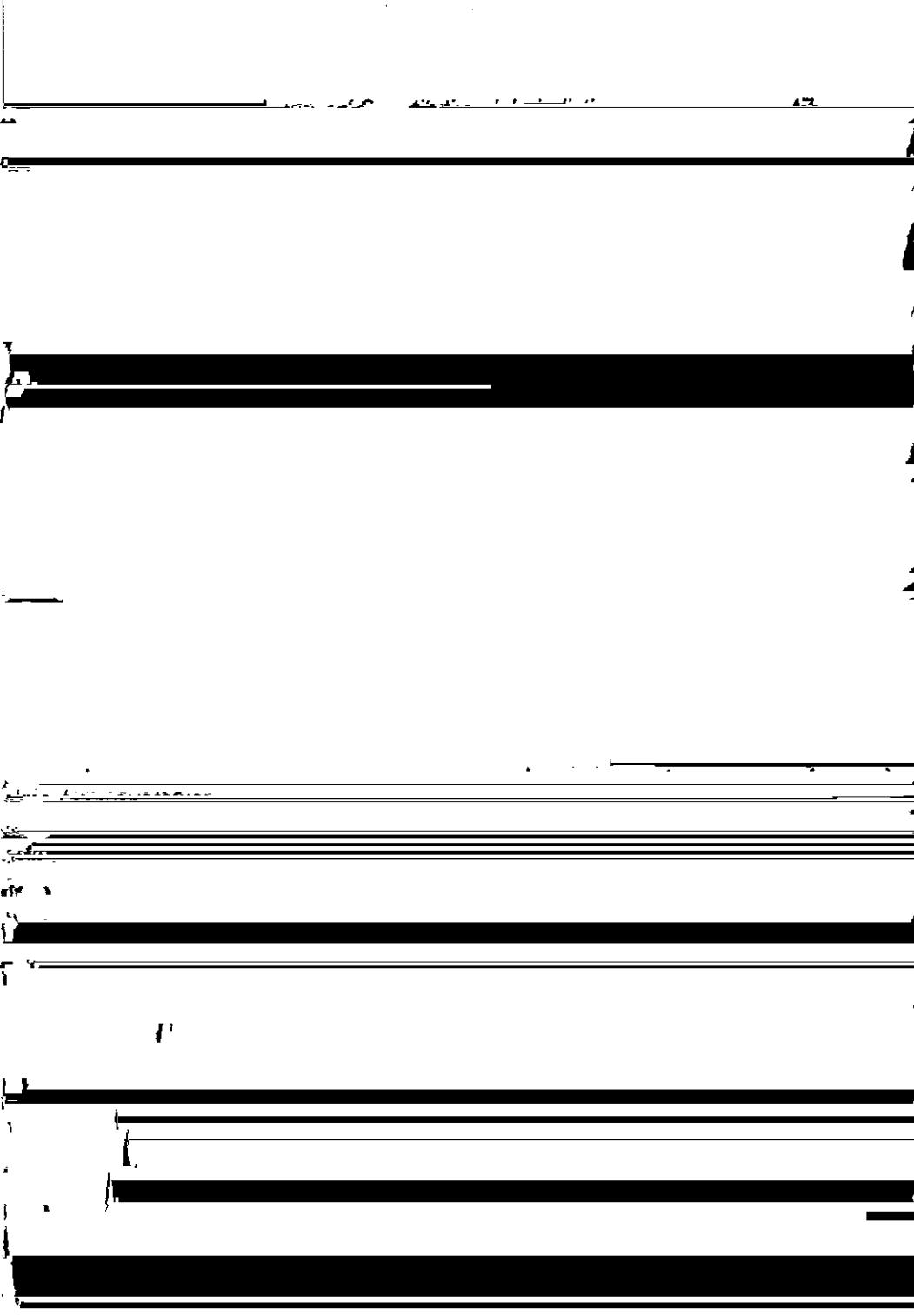


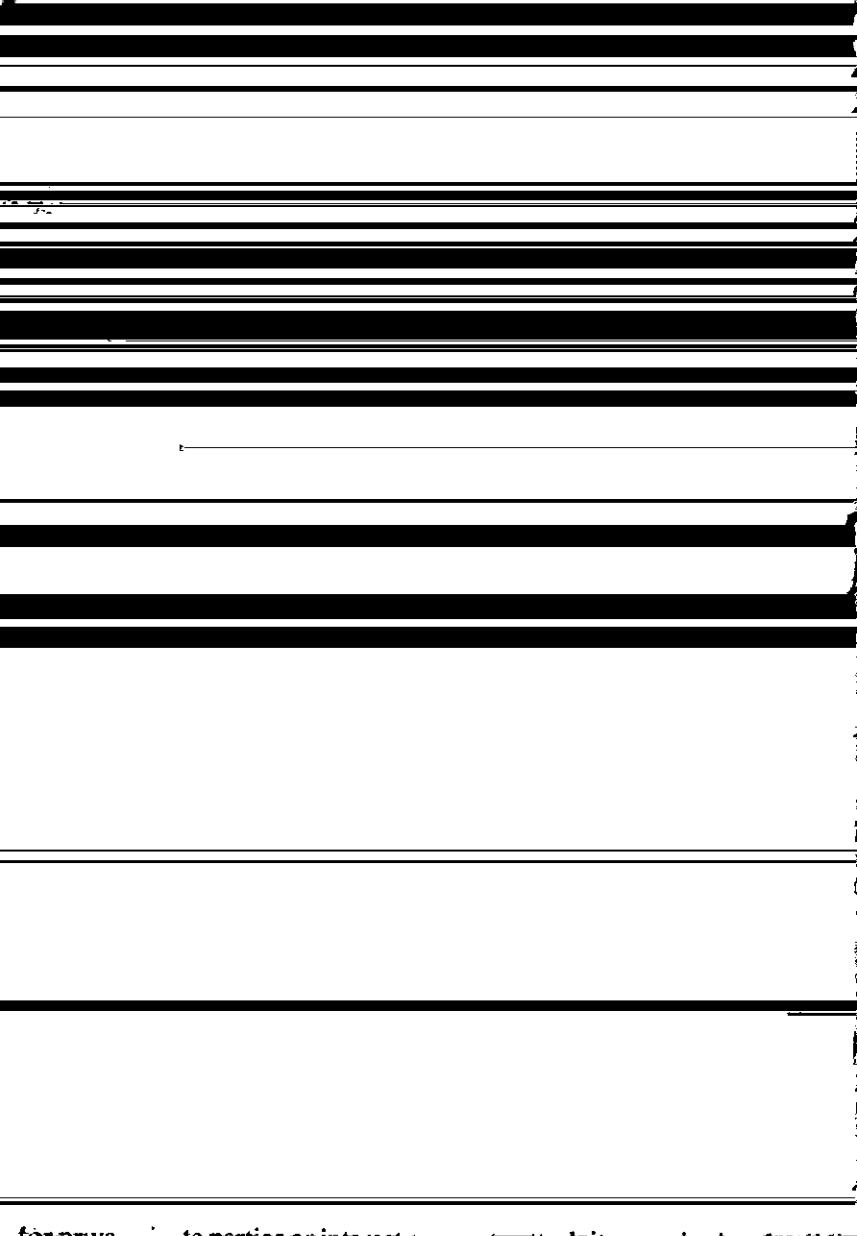


crimatory treatment of imported wines and has made it clear that it has no intention of mending its ways.

The second option would have been almost as aggressive in the general sense, but would have put off until some future time the actual triggering of the in-



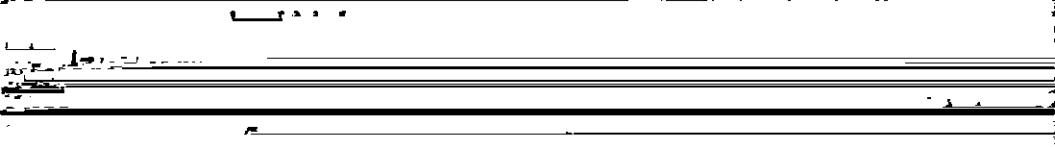
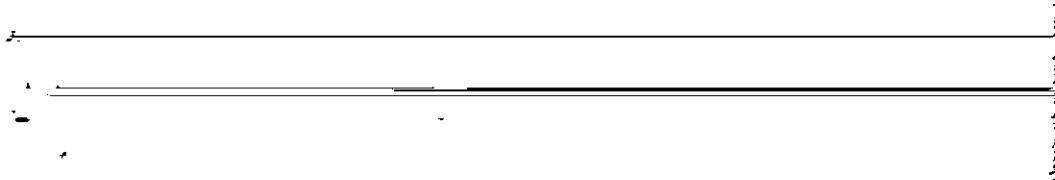
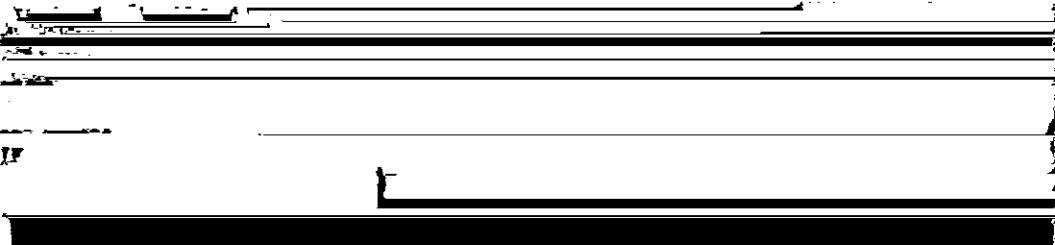


**LITIGATING THE IMPLEMENTATION ISSUE**  


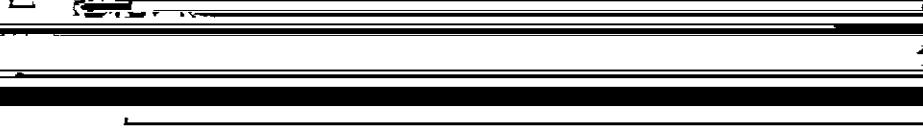
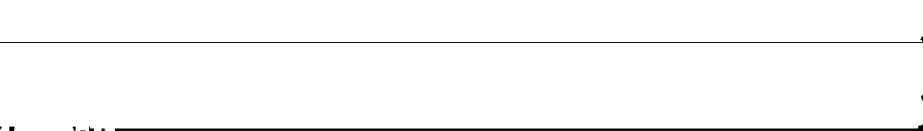
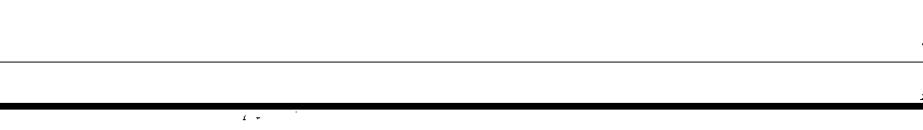
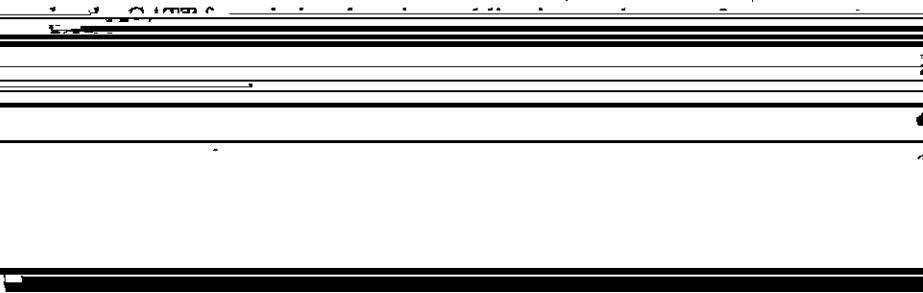


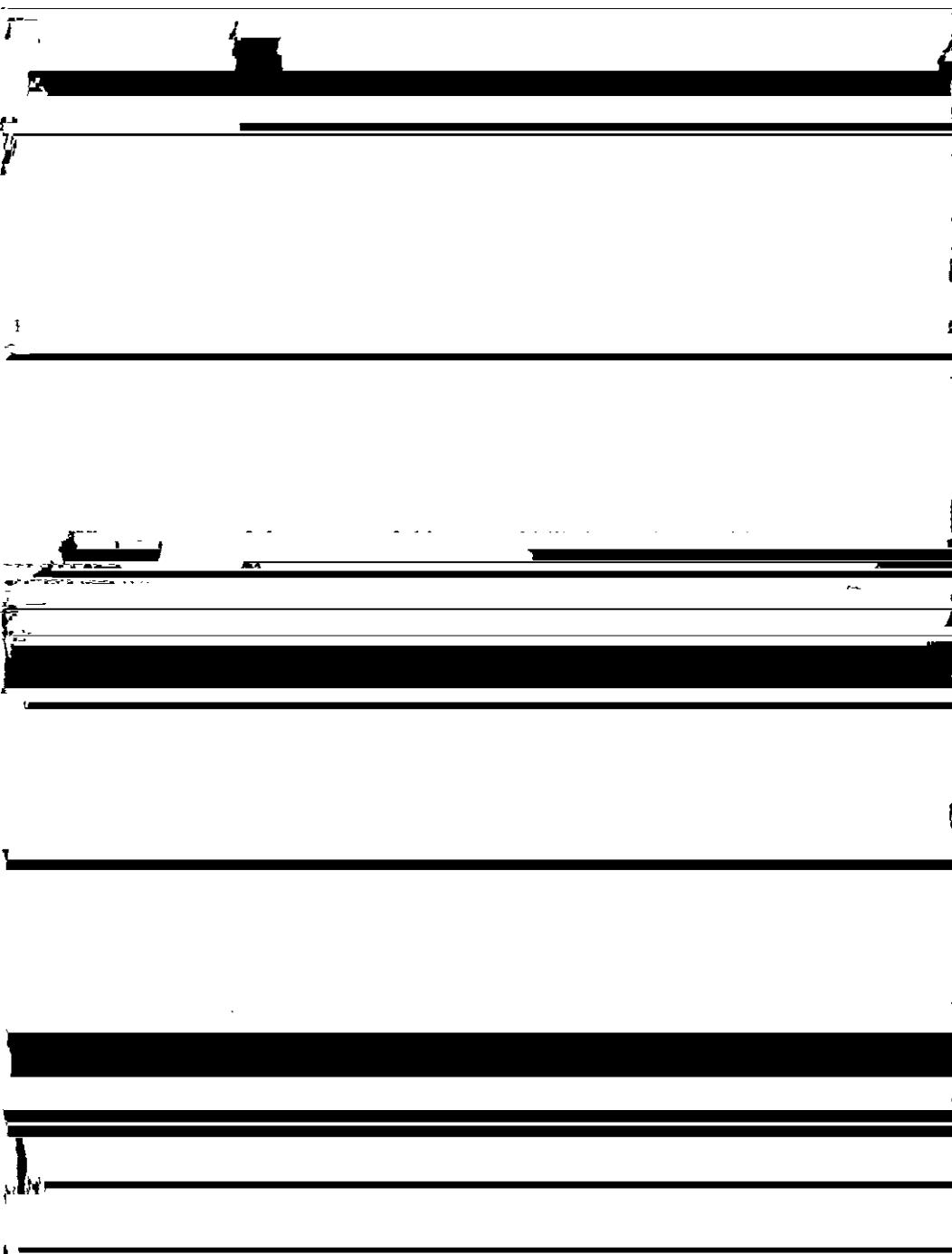
both the regulation of trade and commerce and POGG, there have been recent  
indications of expansionary tendencies in the Supreme Court of Canada.

government also would rely on a very broad test of what is necessarily incidental or rationally connected to the rest of the implementing legislation. This



Canada for "obvious reasons." The delegation noted that even though a measure may be available constitutionally, it may not be reasonable and that



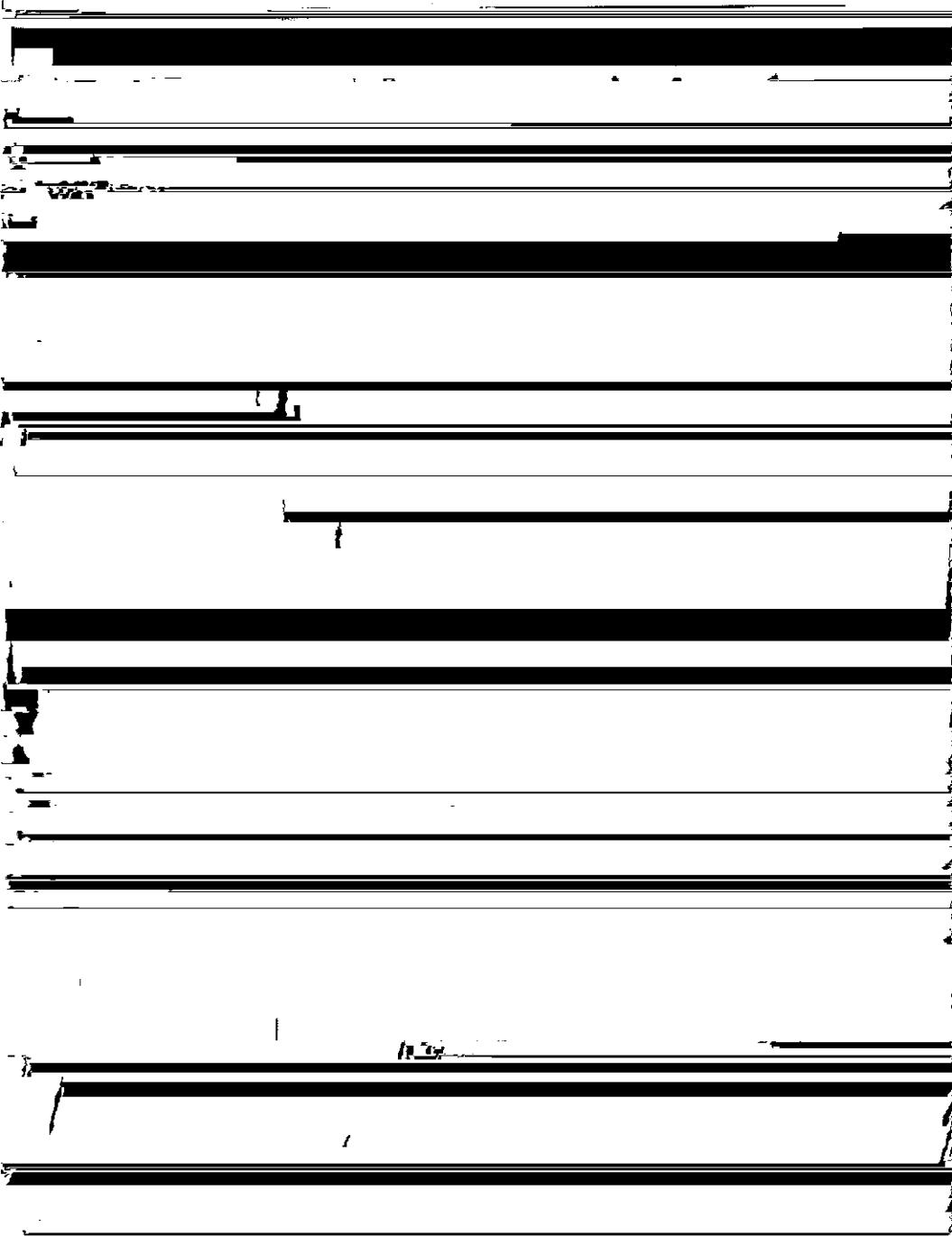






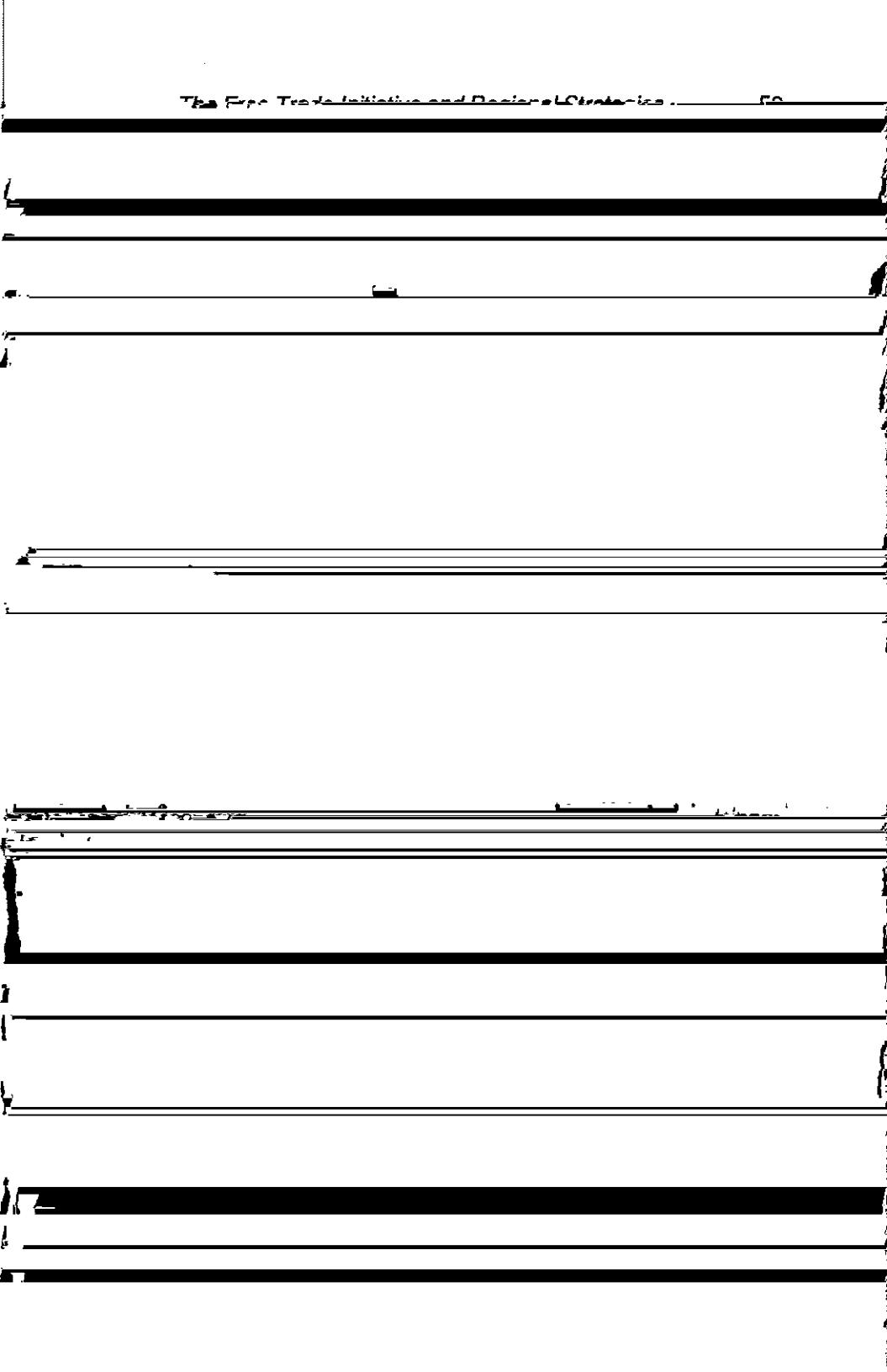


THREE



applied to them—that could have influenced each government's decision. A

The Five Translations and Decisions Considered. 50

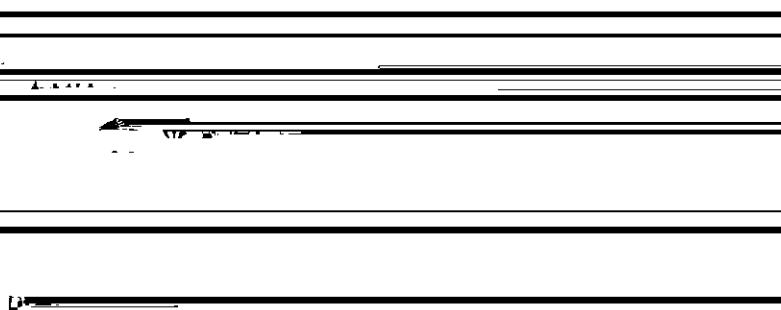


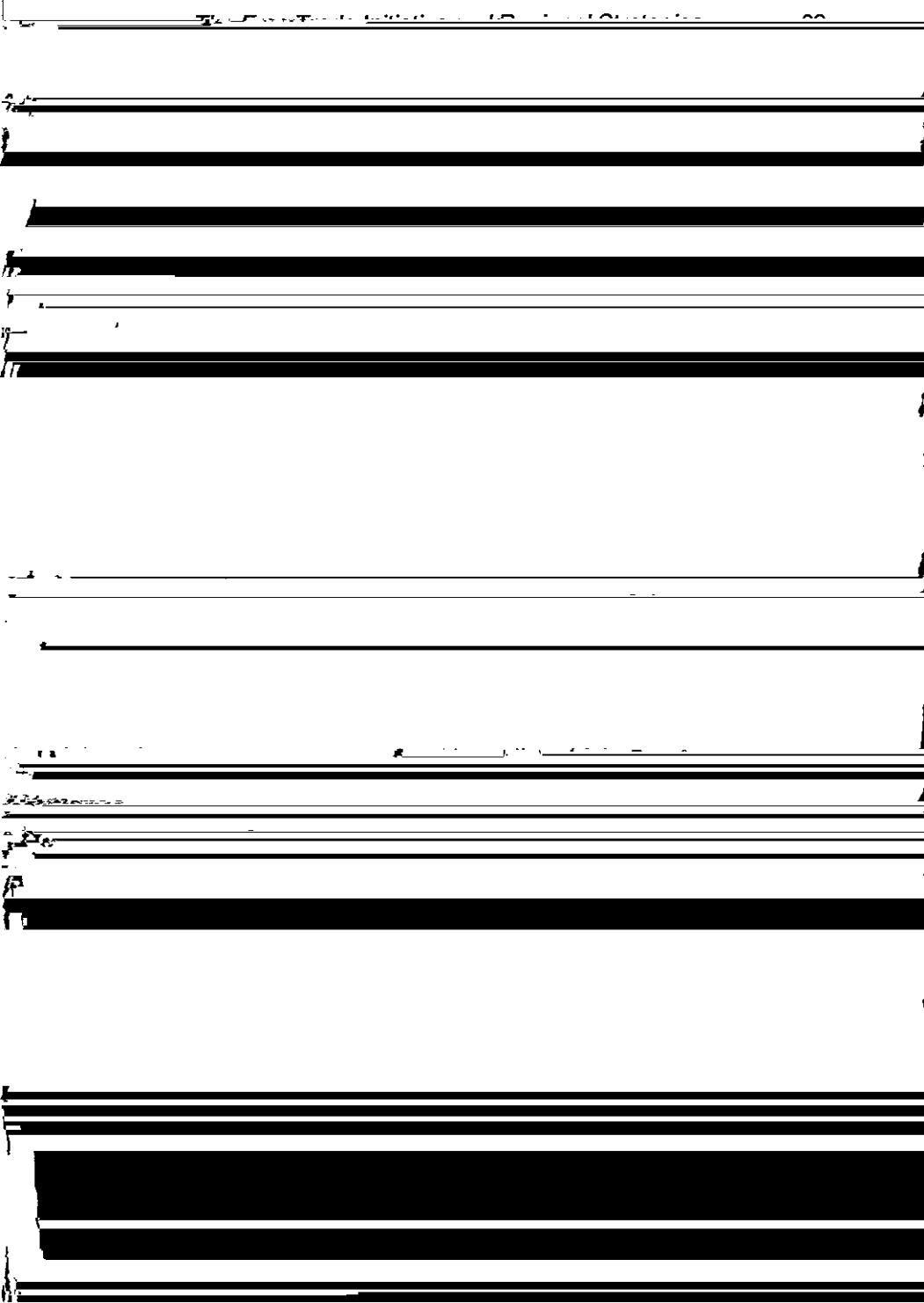


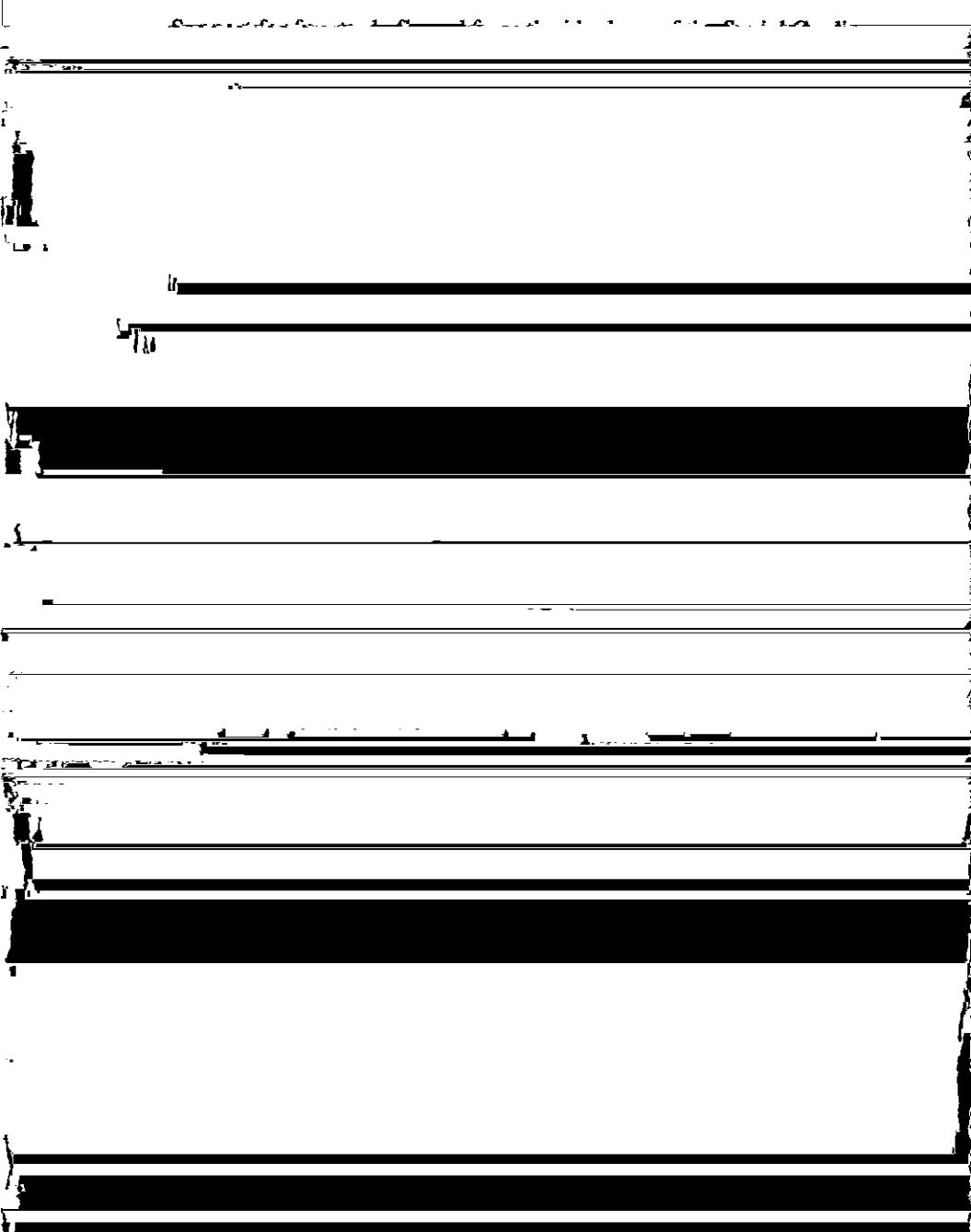
times, entreating Ontario to embrace, what he claimed were, the virtually



threatened by competition, protectionism and uncertain pricing. seemed to be





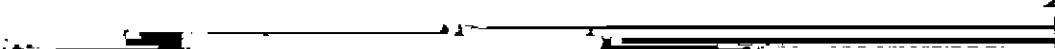
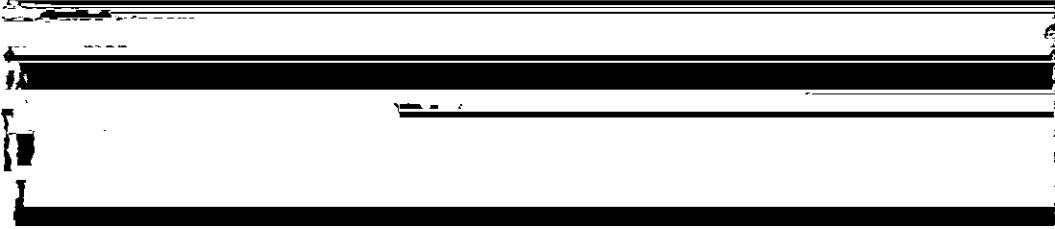


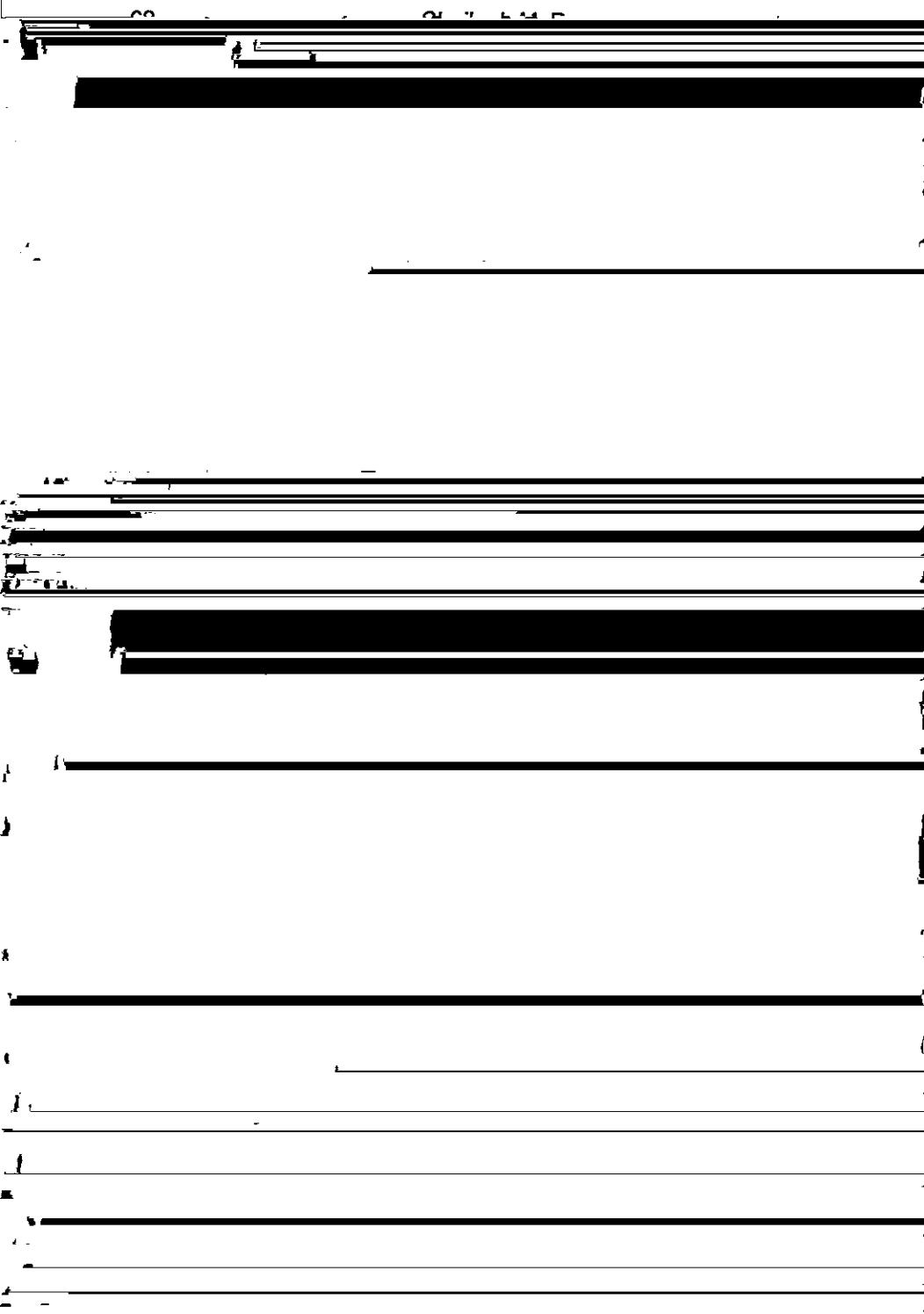
Desire for gains from an increased emphasis on trade with the Pacific Rim may

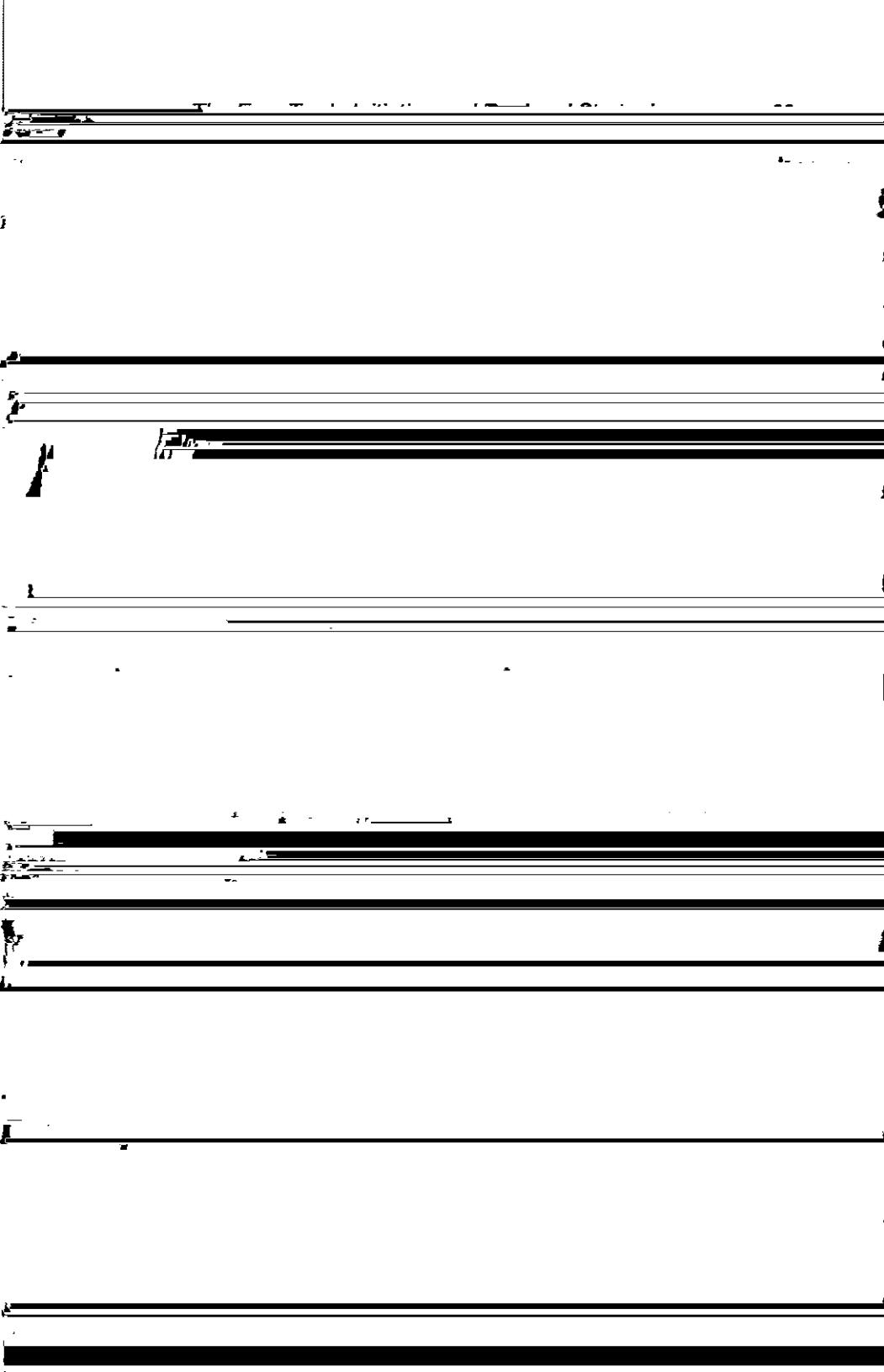


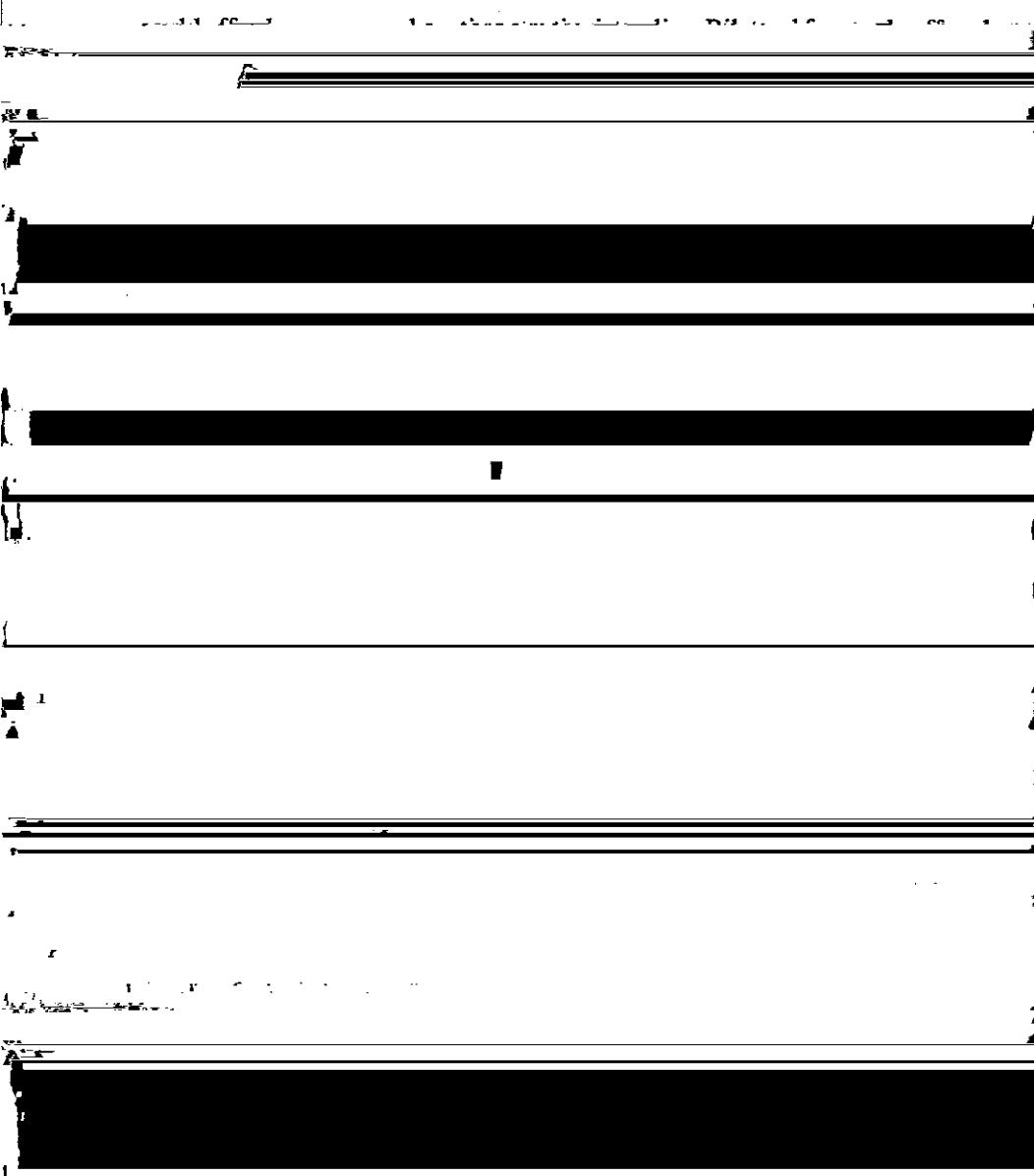


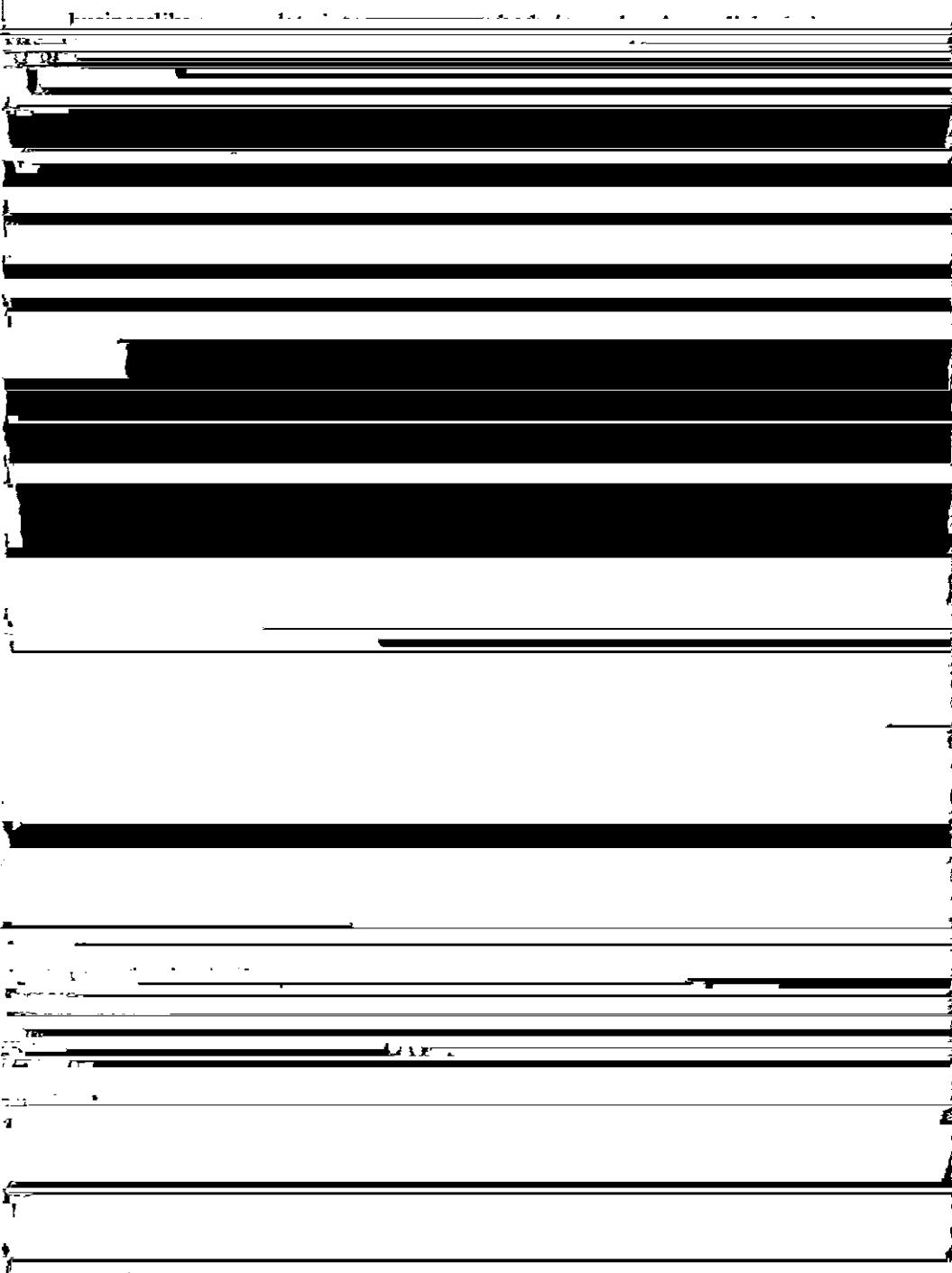
for the future and ability to achieve that vision challenged the federal govern-



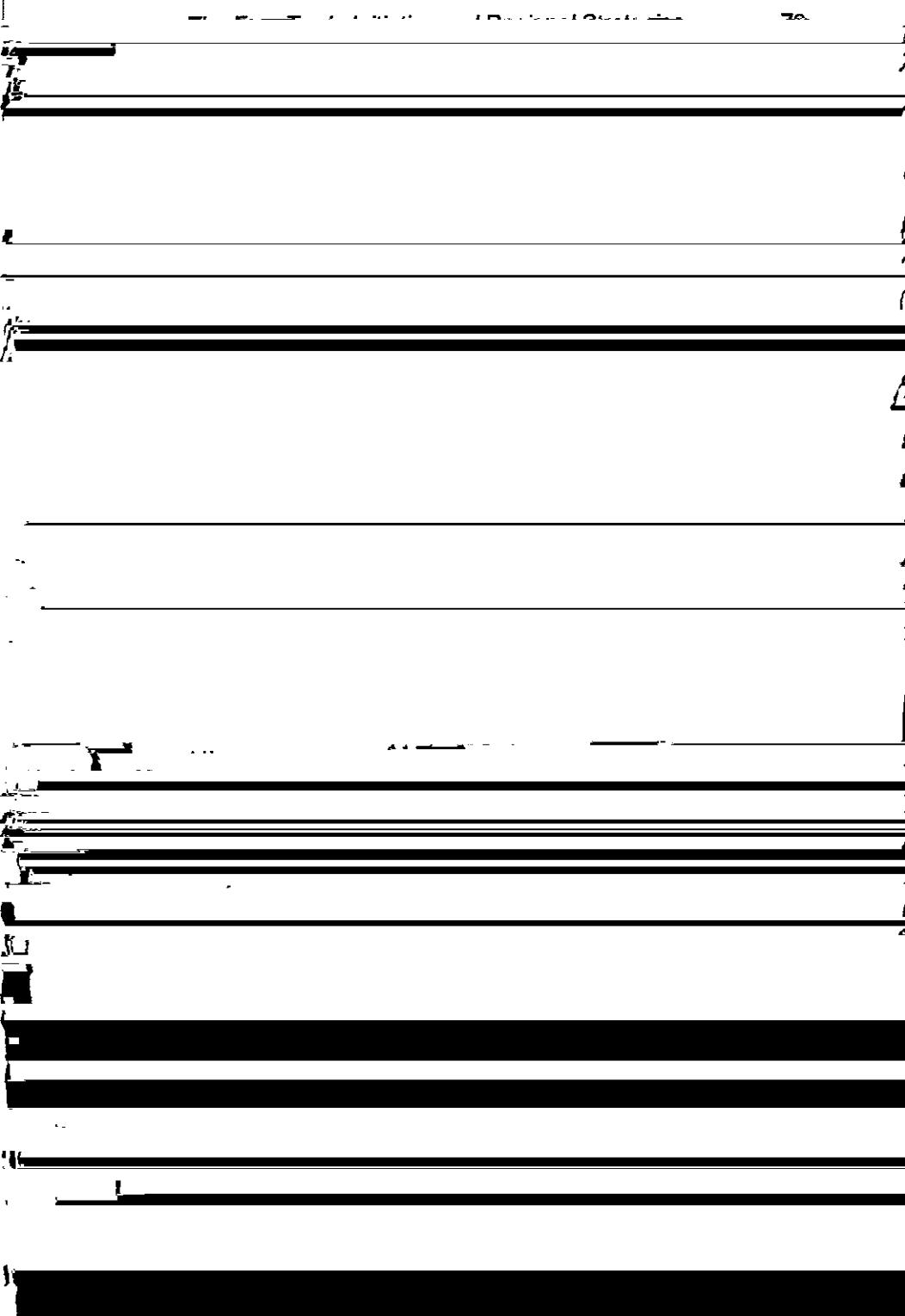








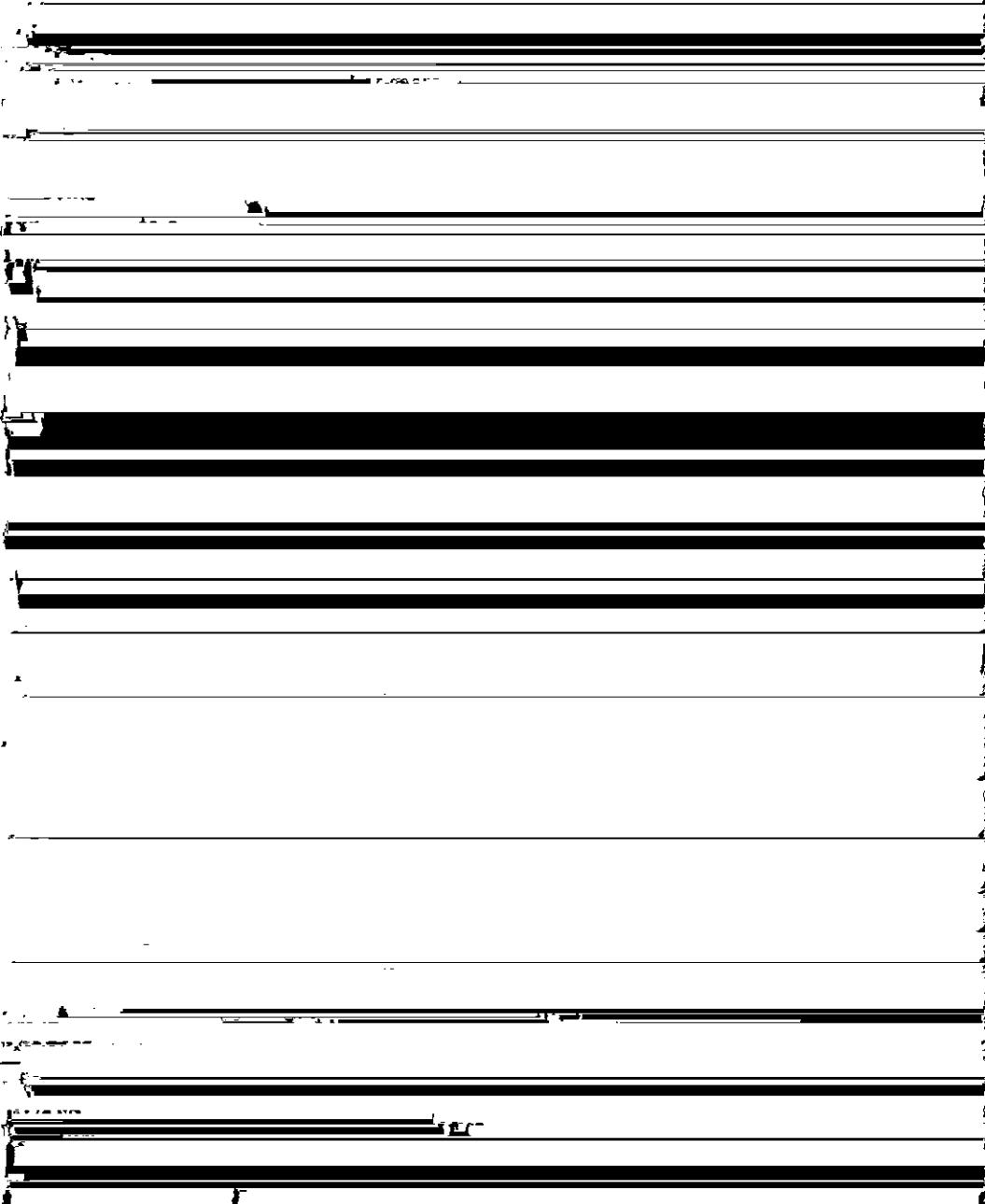




**IMPLICATIONS FOR FUTURE INTERGOVERNMENTAL**

(REDACTED)

must be solved by helping provinces to "run faster", rather than by forcing On-



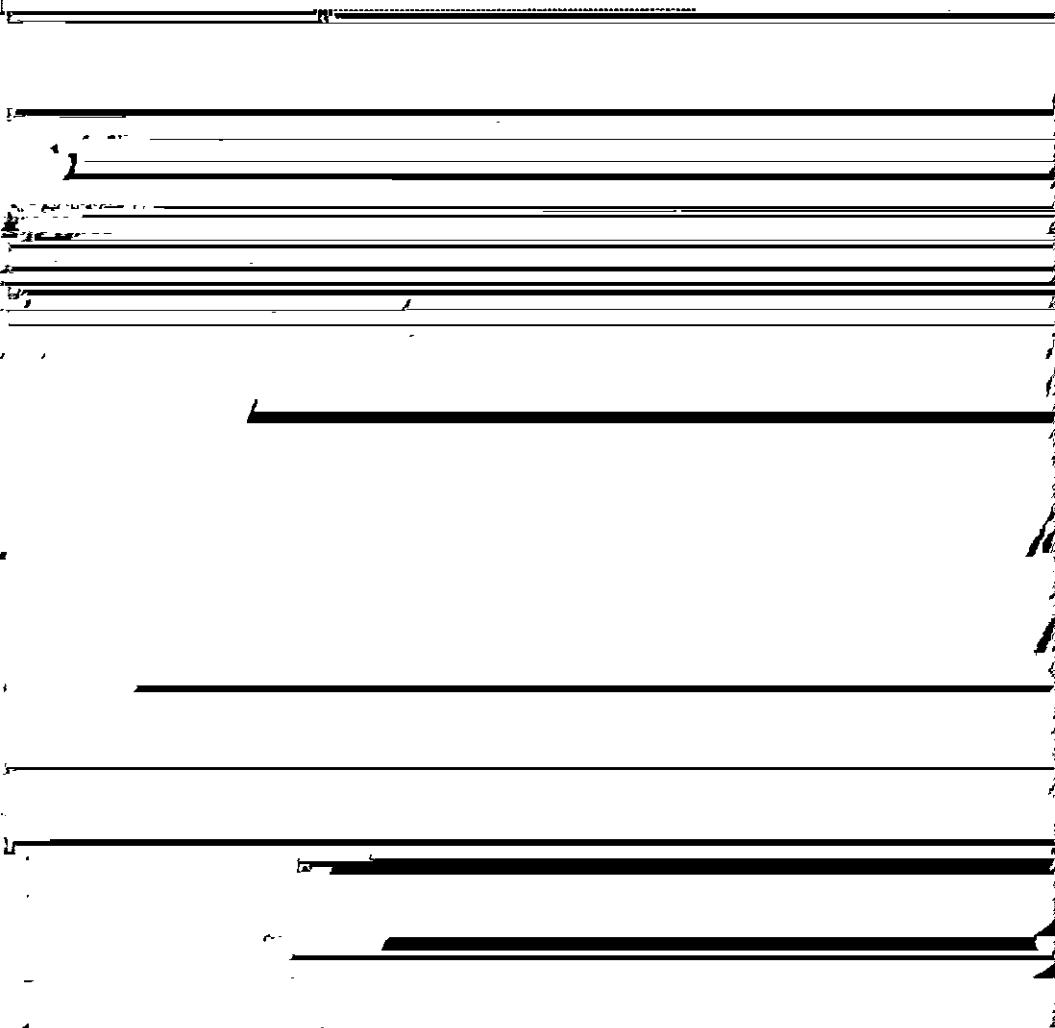


## FOUR

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### The Federal-Provincial Consultation Process

*Douglas M. Brown<sup>1</sup>*

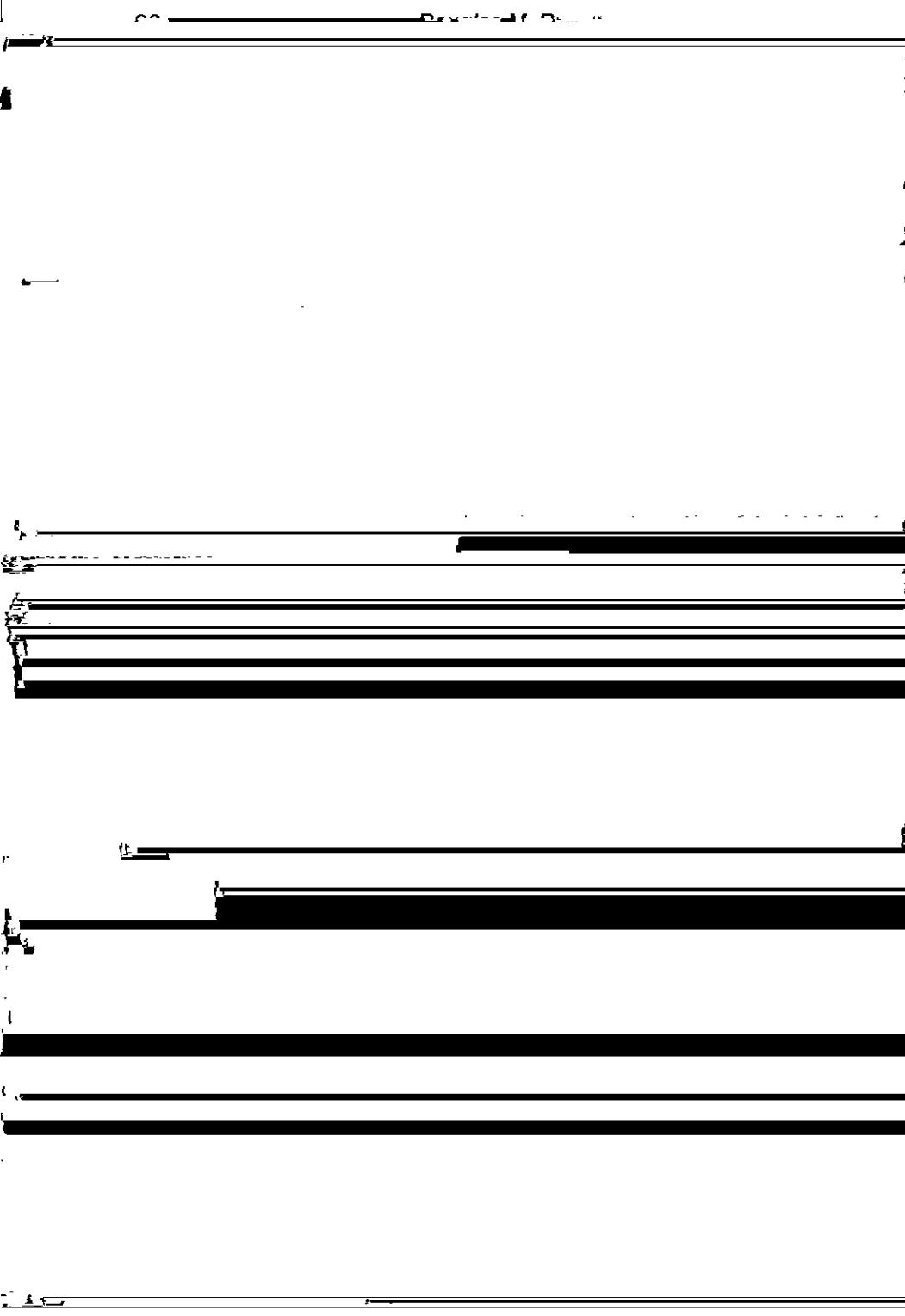


## INTRODUCTION:

The Canada-U.S.-U.S.S.R. Space Trade Association

The decision to launch comprehensive trade "liberalization" negotiations

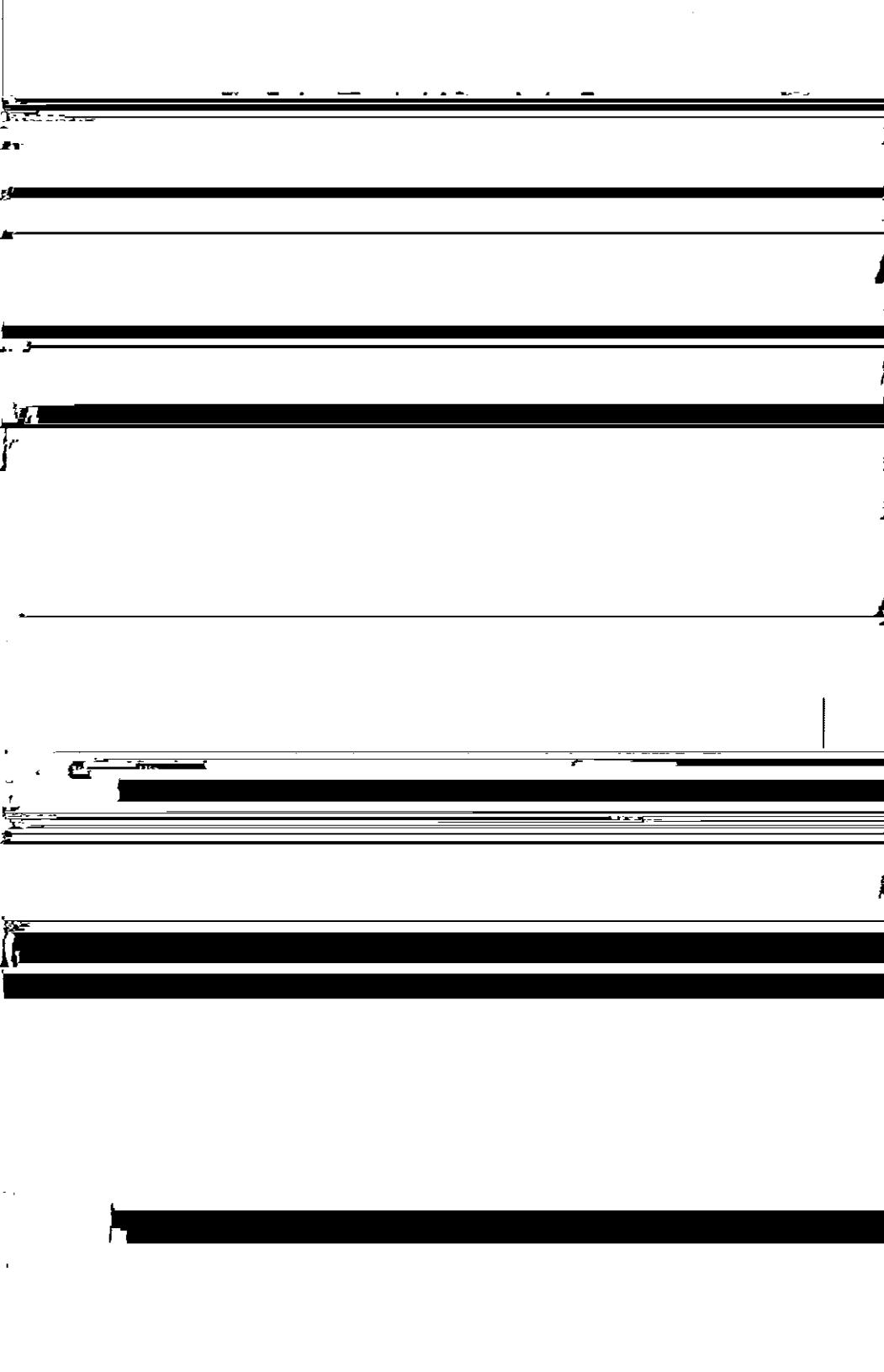




## **PREPARING FOR TRADE NEGOTIATIONS**

The Ministers agreed to the principle of full provincial participation in the





for consultation. The provinces would not be "in the room," but would have an input to the Canadian strategy and conduct of the negotiations.

The effectiveness of these mechanisms would hinge crucially on the political will of First Ministers, particularly the premiers, to allow the federal government

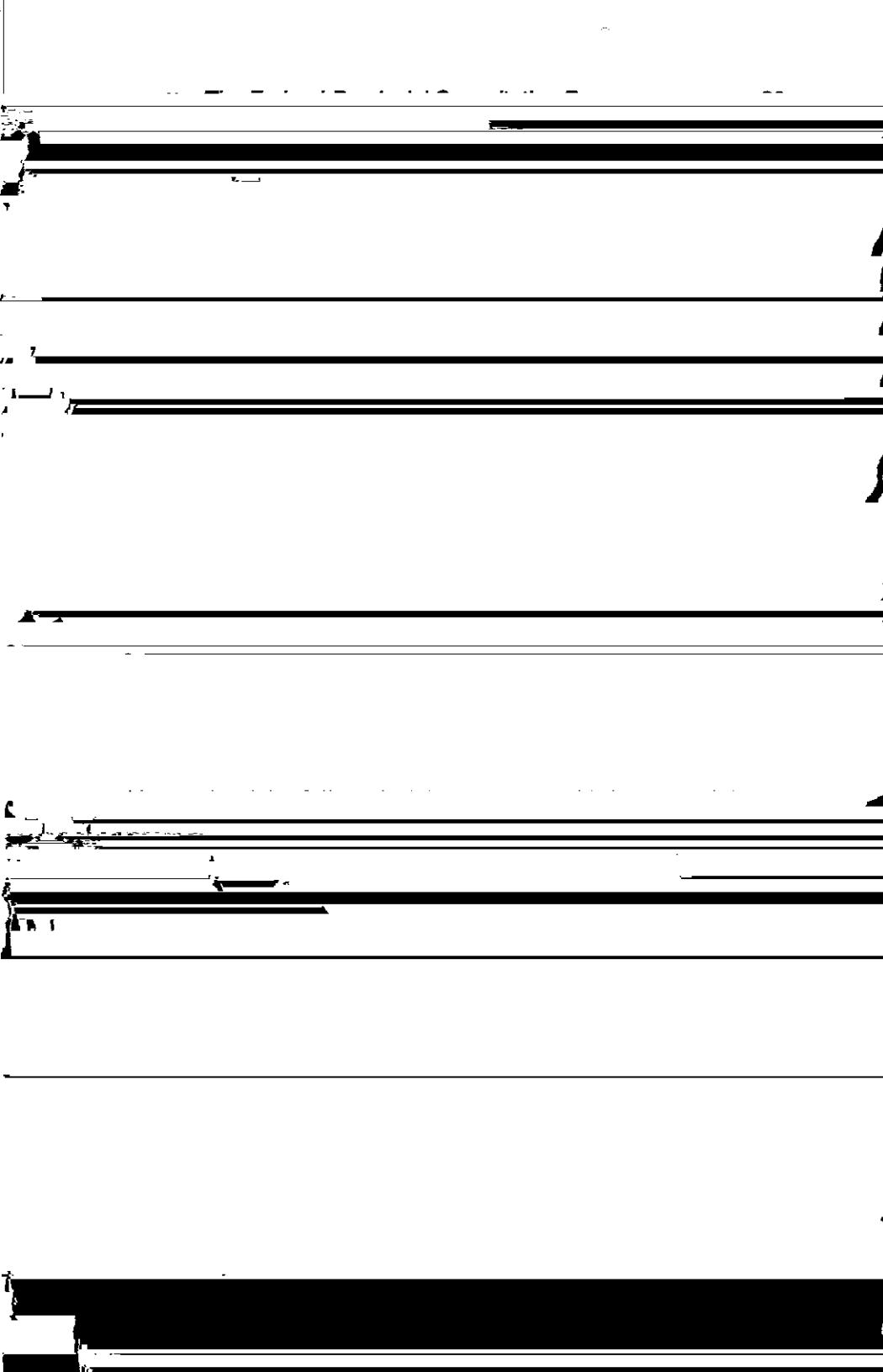


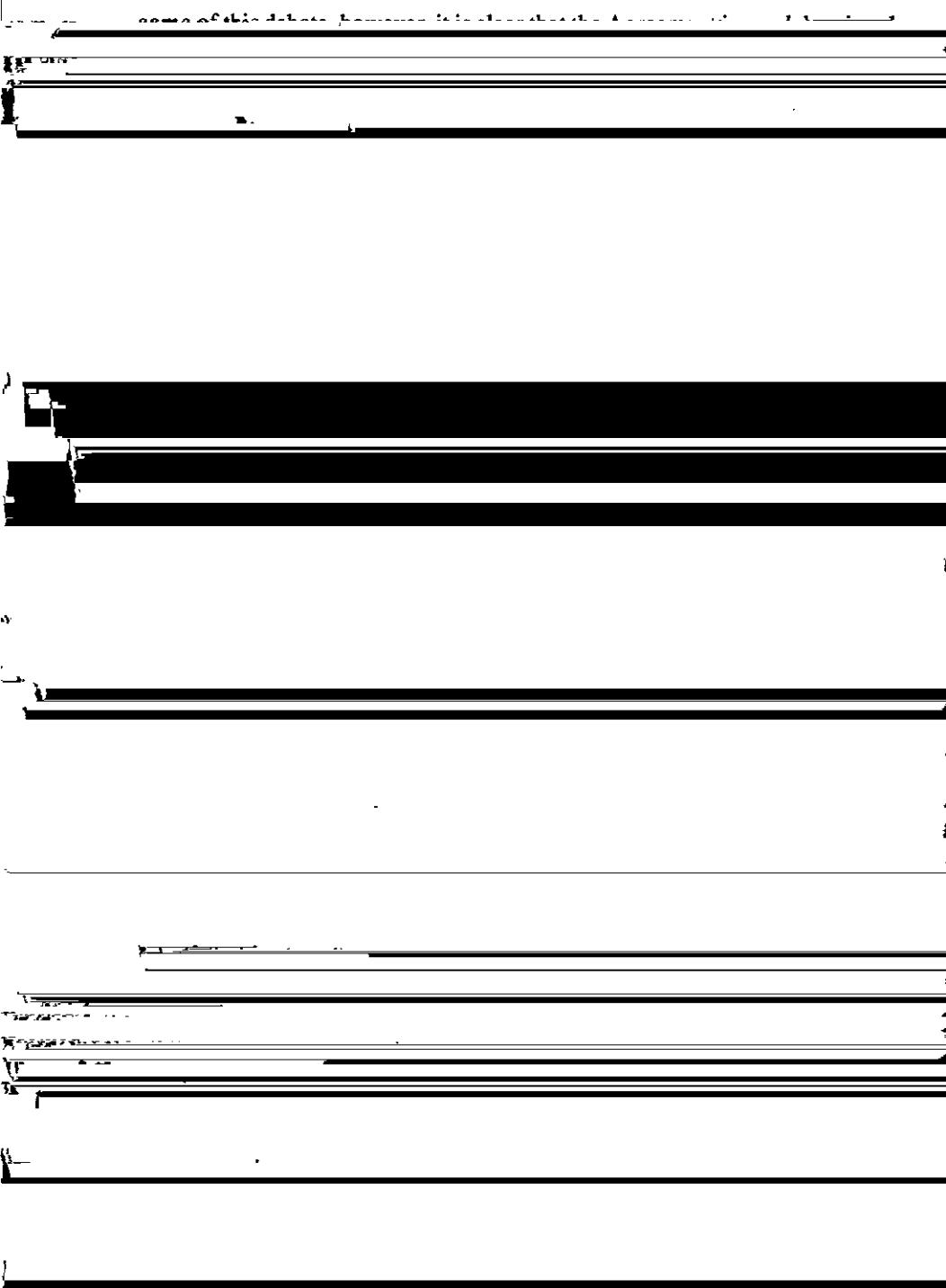


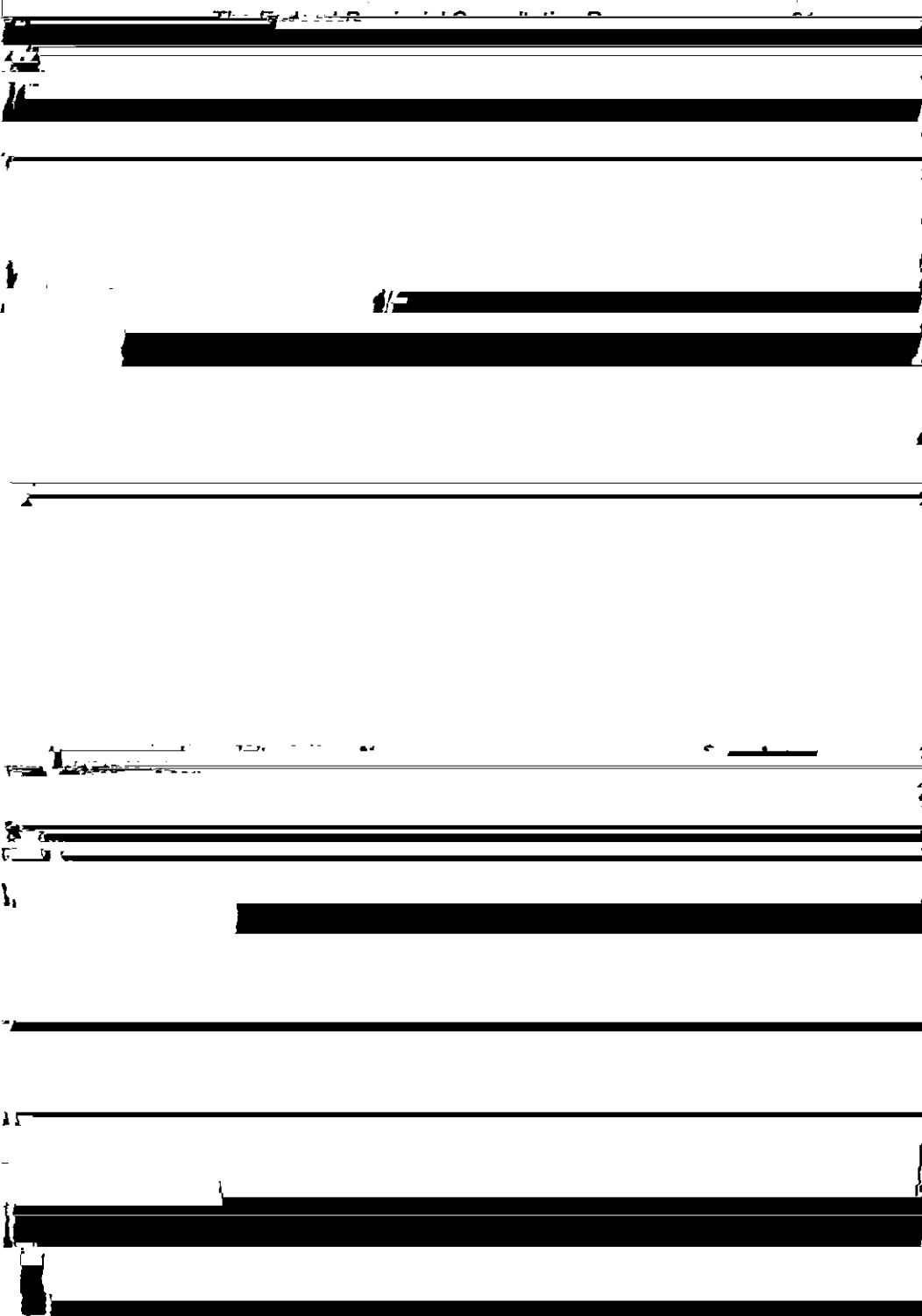
many issues, if Ontario, Quebec and Alberta took differing views, most other provinces simply echoed the position of one or other of the lead provinces.

The CCTN's agenda frequently began with an update on the progress in the bilateral negotiations (as well as the multilateral trade negotiations also under-



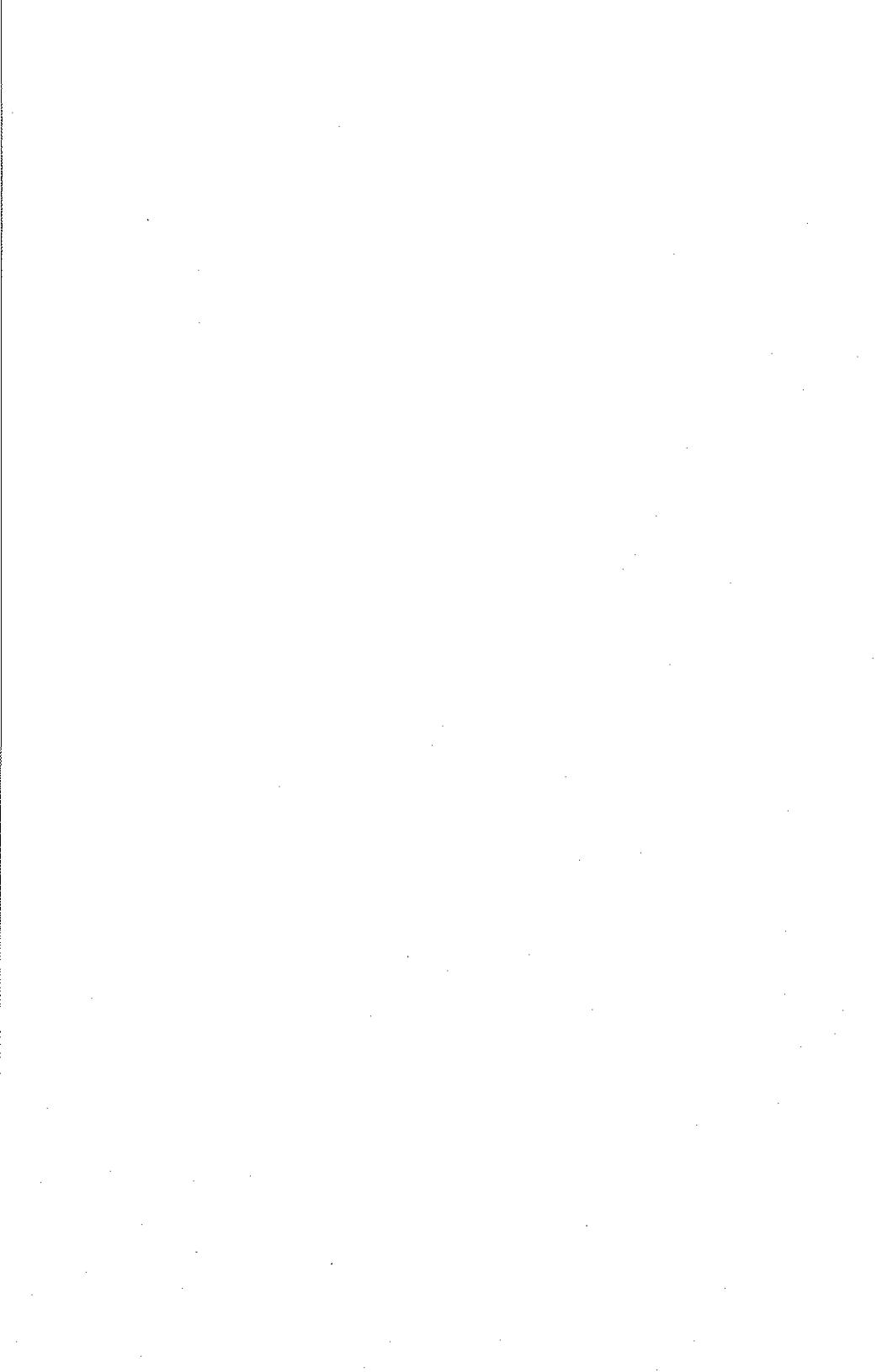






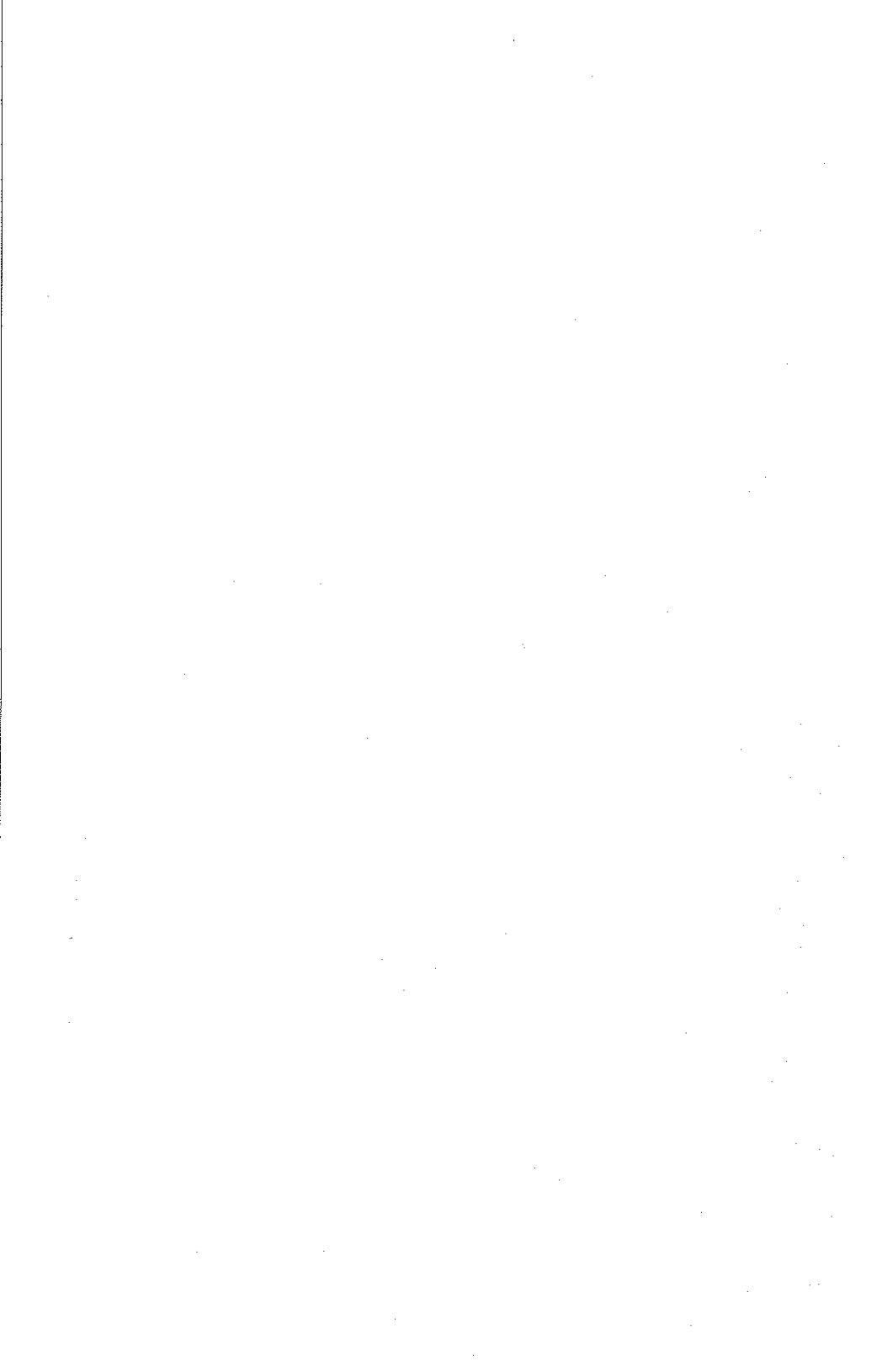


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# III

## The Meech Lake Accord



## Much Ado About Meech

*David A. Milne*

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*Les conséquences juridiques et politiques de l'Accord du lac Meech ont été interprétées d'une multitude de façons par les spécialistes, de même que par ceux qui prirent part à son achèvement. Ces divergences reposent davantage sur l'idéologie de chacun face au fédéralisme canadien, que sur les implications techniques et légales de l'Accord. A cet égard, l'analyse de l'article reconnaissant le Québec comme une société distincte est*

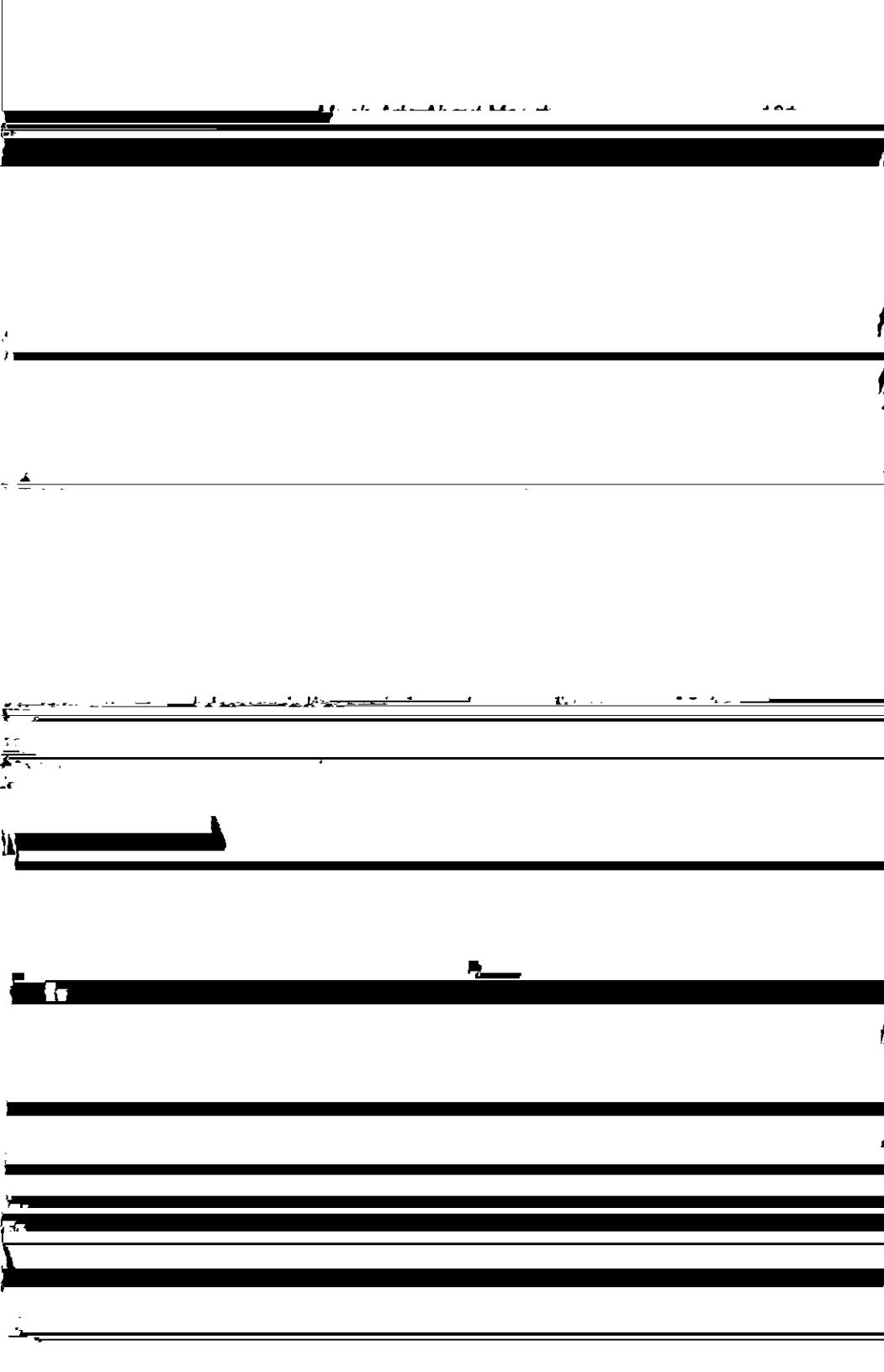
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its part, the Canadian public has not looked kindly on elite bargaining as the

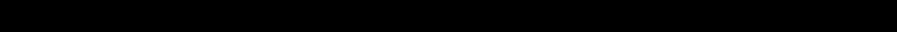
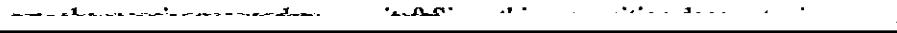




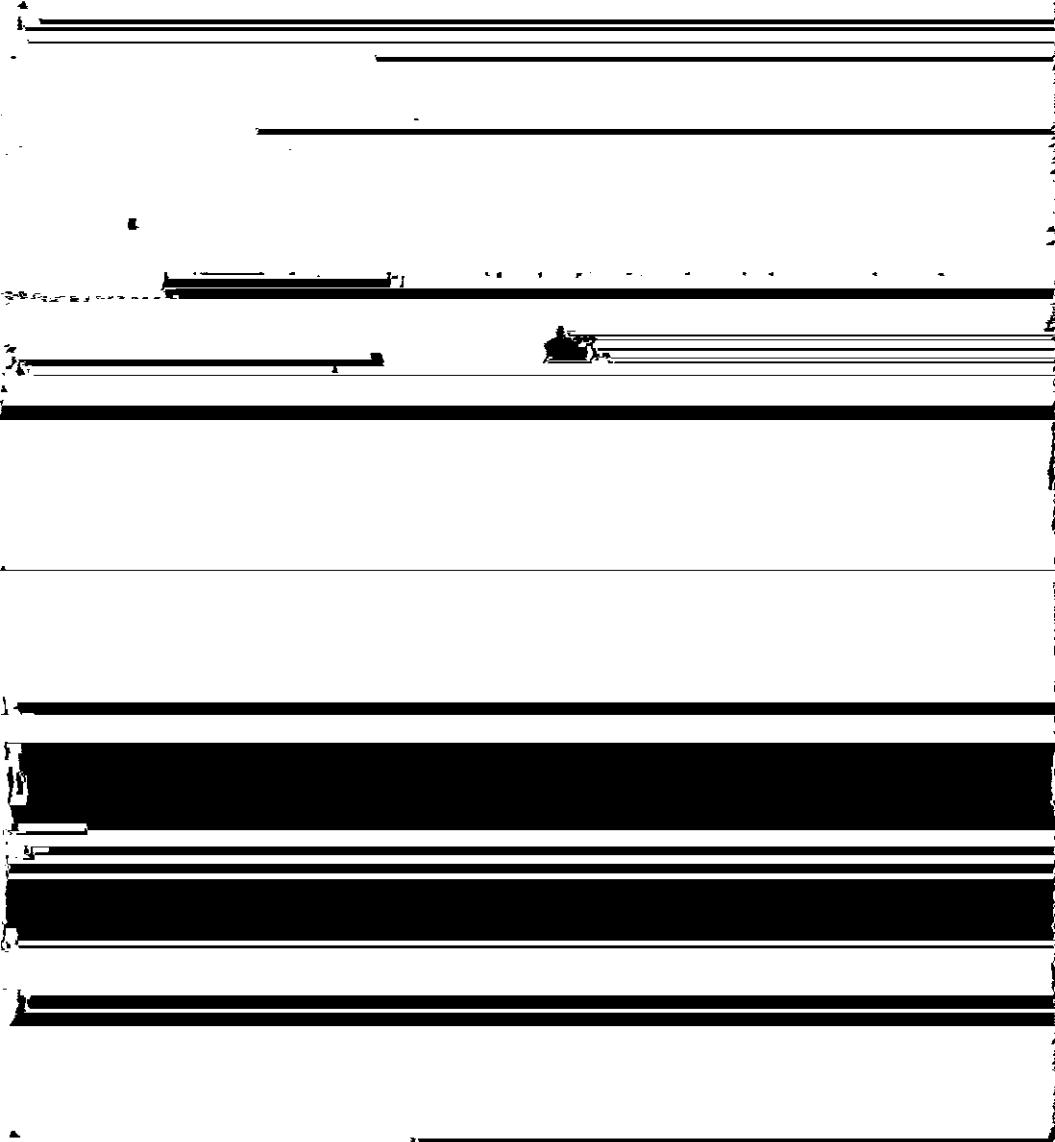
## QUEBEC NATIONALISM AND THE FUTURE OF THE FEDERATION



how to characterize legislation passed in the name of promoting the distinct identity of Quebec. Will this interpretative principle, prominently placed at the very outset of the *Constitution Act, 1867*, be read as a fundamental part of Confederation, a new directive to treat Quebec legislation passed in its name with

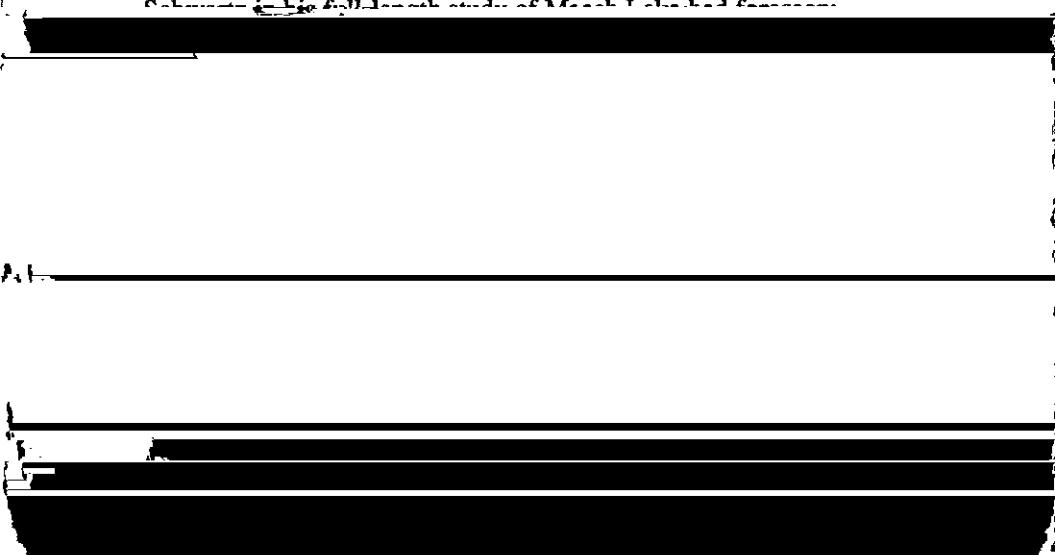


Although the courts have already recognized the right of the province to...

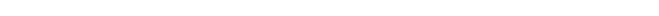
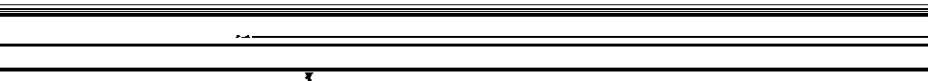


"distinct society." This train of events was precisely what analysts like Bryan

~~Colonialism and Capitalism in Canada~~



Quebec political culture of the late nineteenth century, and Trudeau has ac-





vene a constitutional conference at least once each year, with a required agenda

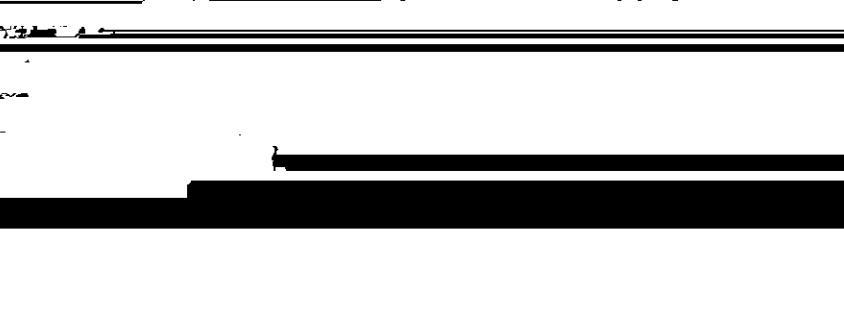
agreement is in fact approved without change despite widespread public clamour over both substance and process, it will certainly encourage such ambitious acts of executive fiat.

the early years of this decade. The consequences of executive federalism, as

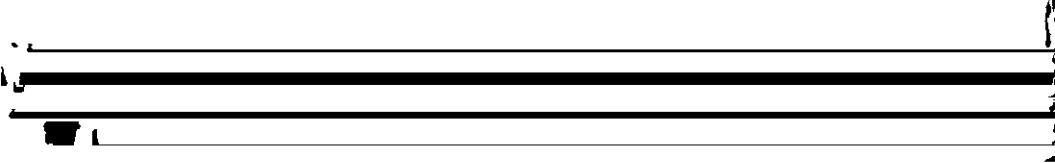
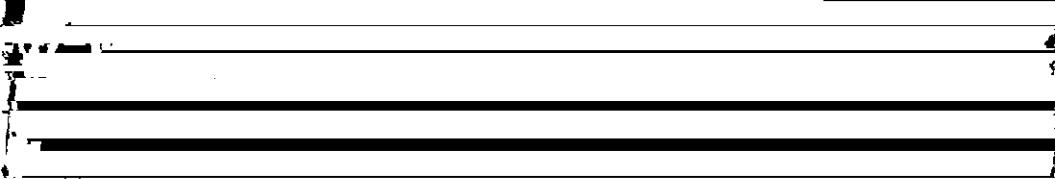
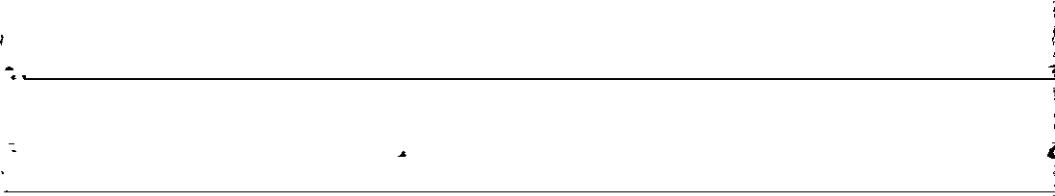
democratic perspective: whether or not they are also dangerous in terms of the



the provinces directly (or indirectly through a reformed Senate) in appoint-



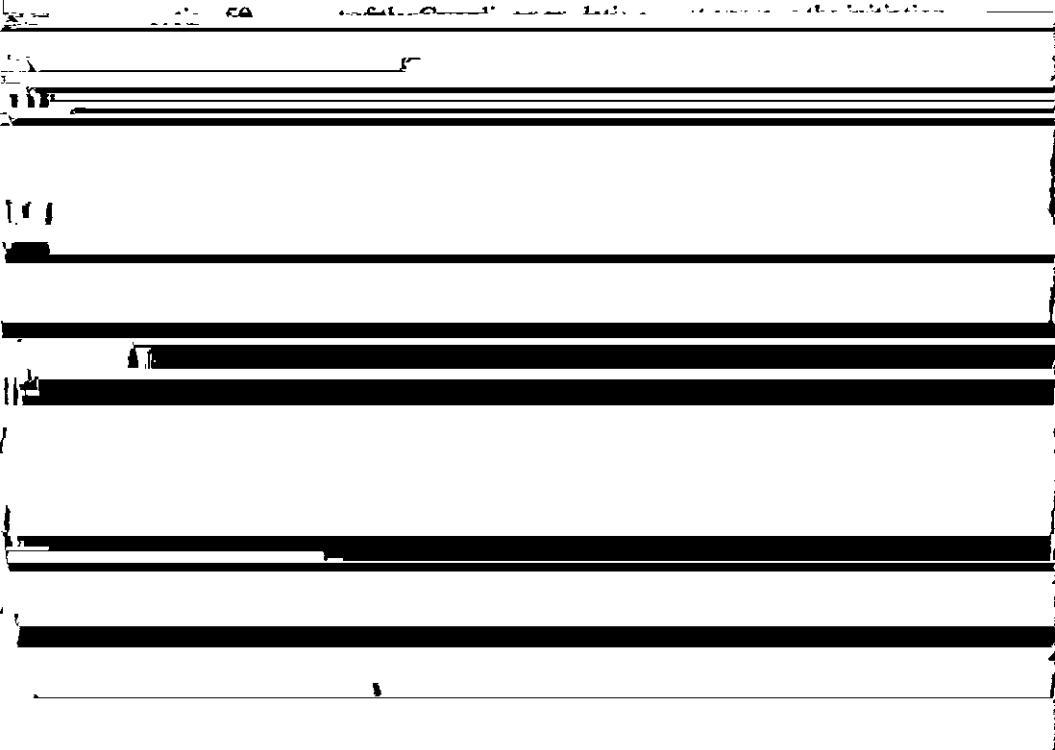
it has been long said is needed. It is no answer against Meach T. also to argue



the known preferences of several provinces for election, together with pressure  
from the public should make the situation 18

provincial variations in social policy which may well arise in a post-Meech Canada. As Keith Banting has argued:

Quebec government had set as one of its five conditions that seven provinces

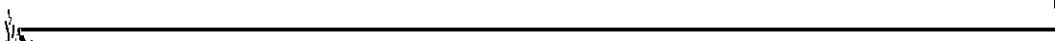
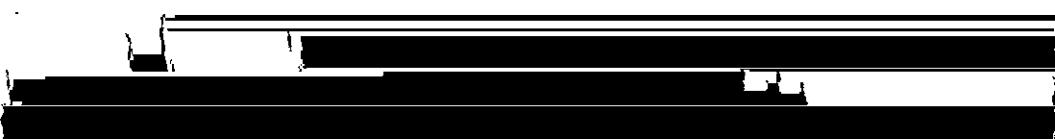




SIX

<sup>1</sup> La signification de l'Amour dans la littérature française au XVII<sup>e</sup> siècle

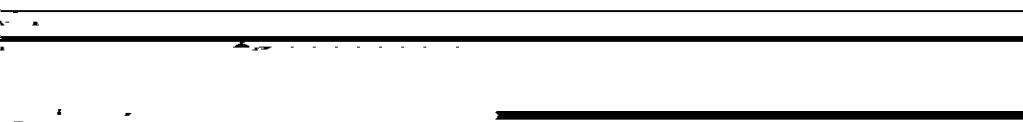
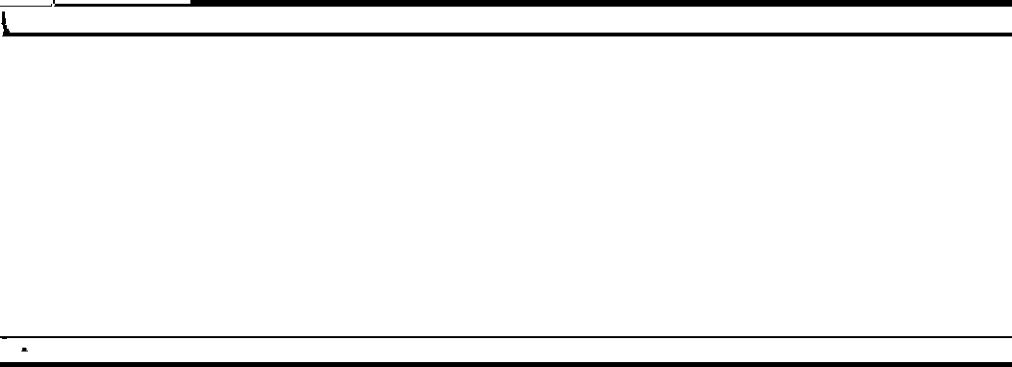
Fille Québécoise a renoncé à faire l'immigration qu'il est plus difficile d'entreprendre dans

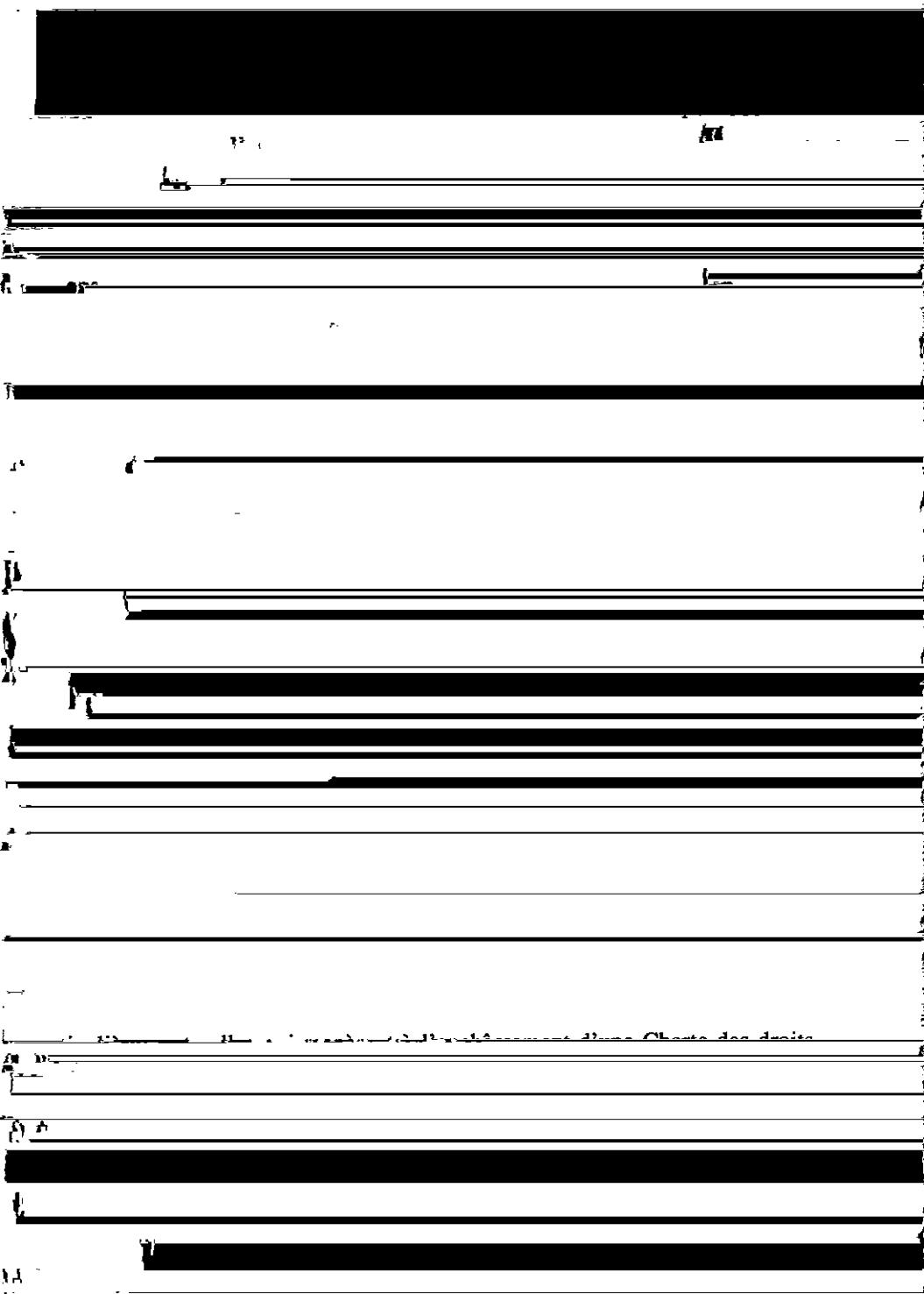


## LE DEBAT AU CANADA ANGLAIS: UNE CONCESSION MAJEURE

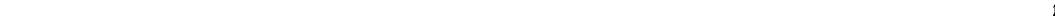
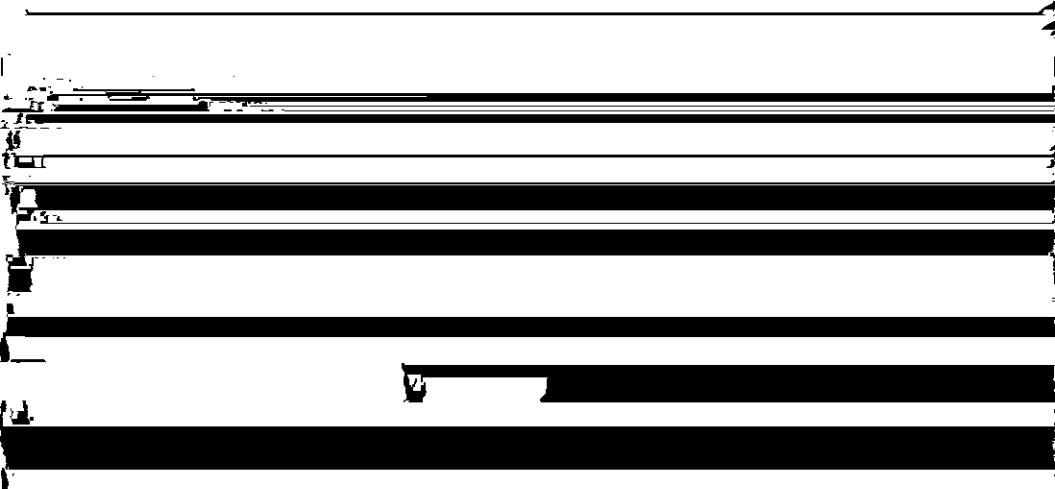
Accommodation with Quebec must not be achieved at the cost of grievous damage to the federation's central institutions of government such that Canada could no longer function effectively.

que la majorité des députés québécois au Parlement fédéral ne rentraient pas

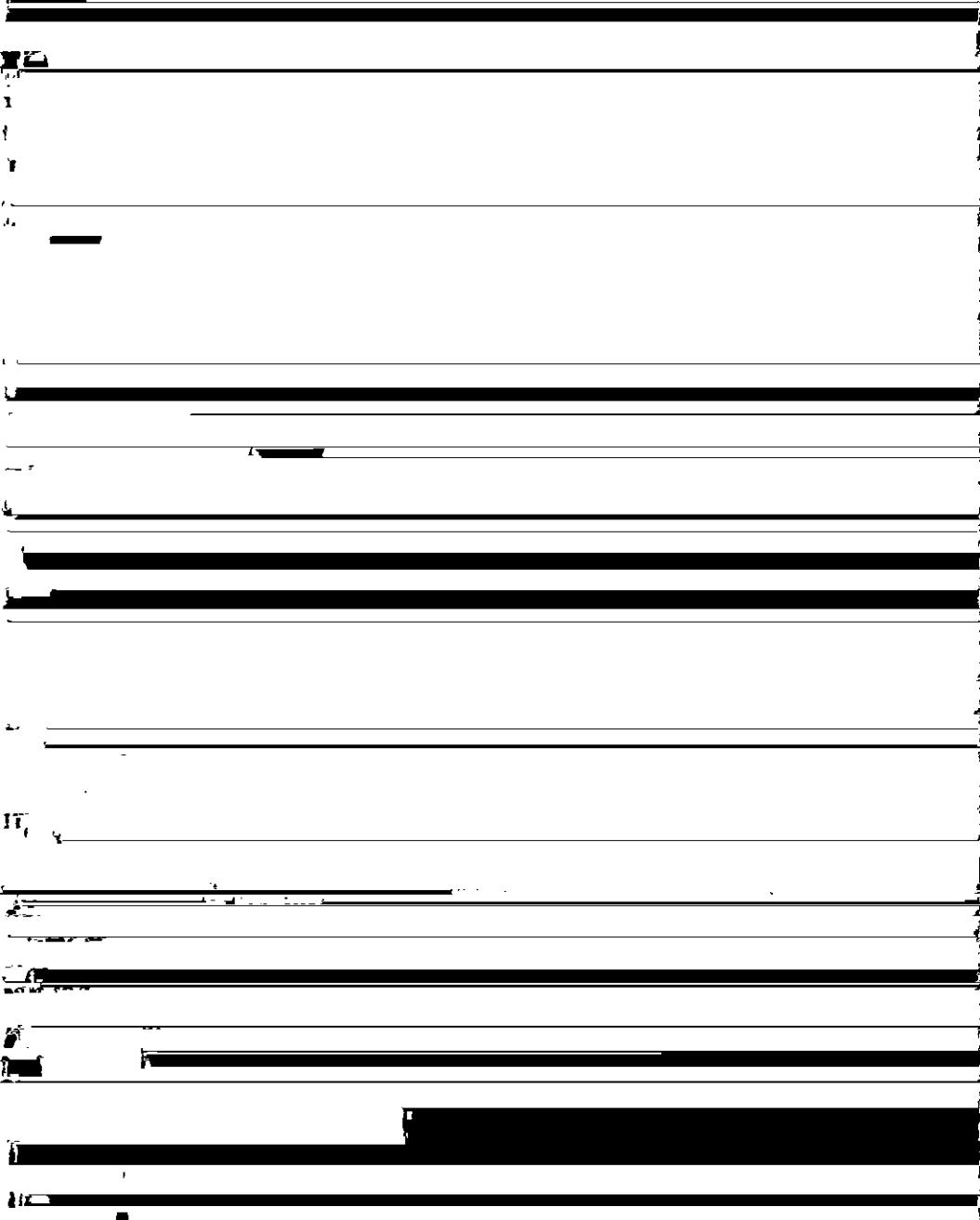




*11. Quæber societè distincte*



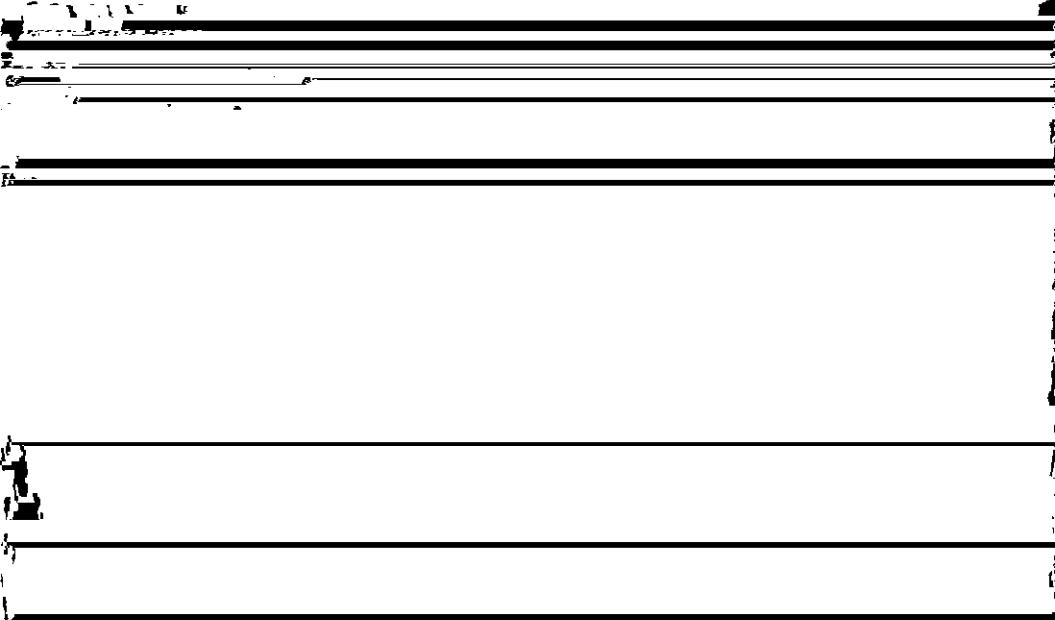
...the general advantages of Canada, the criminal

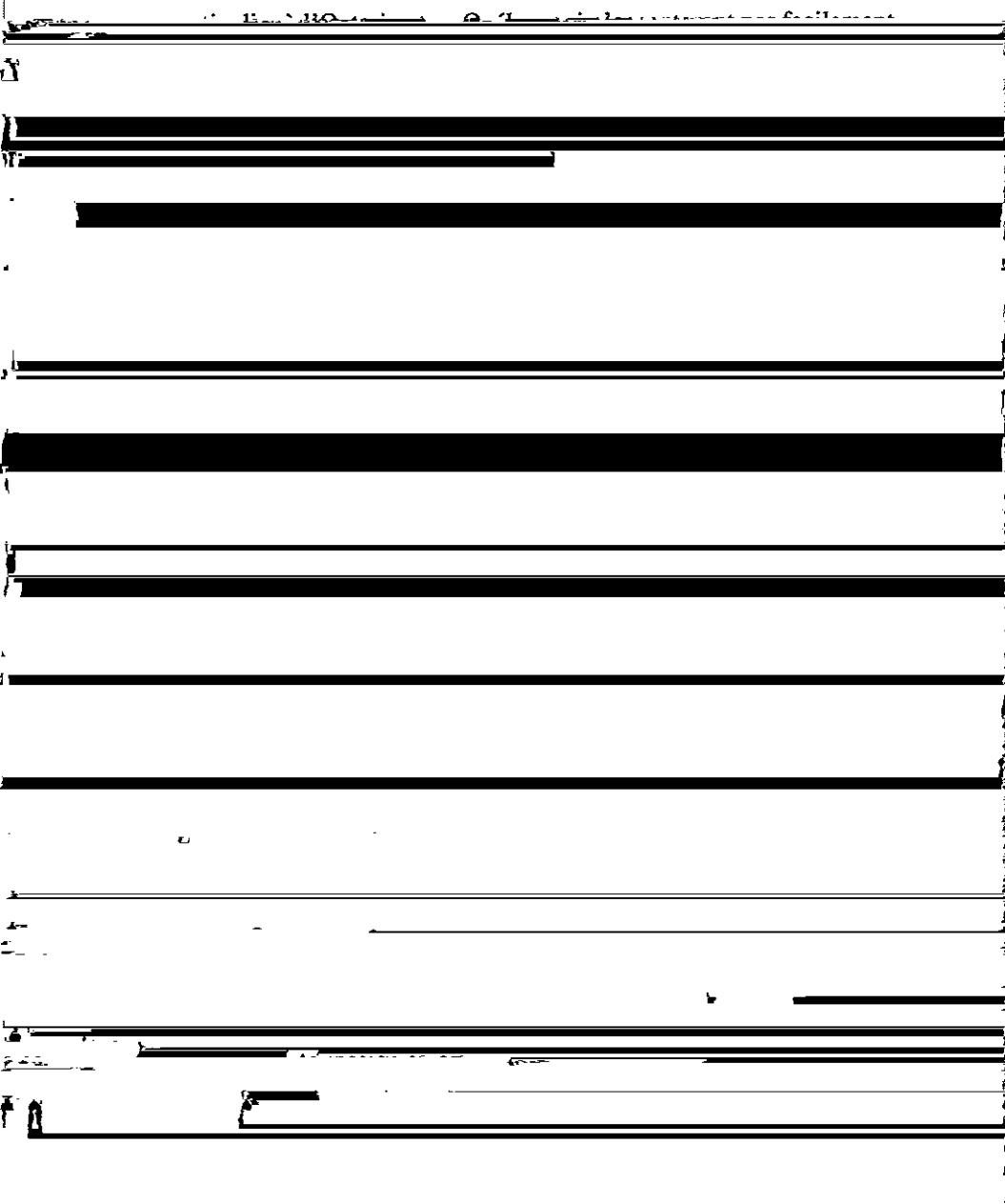


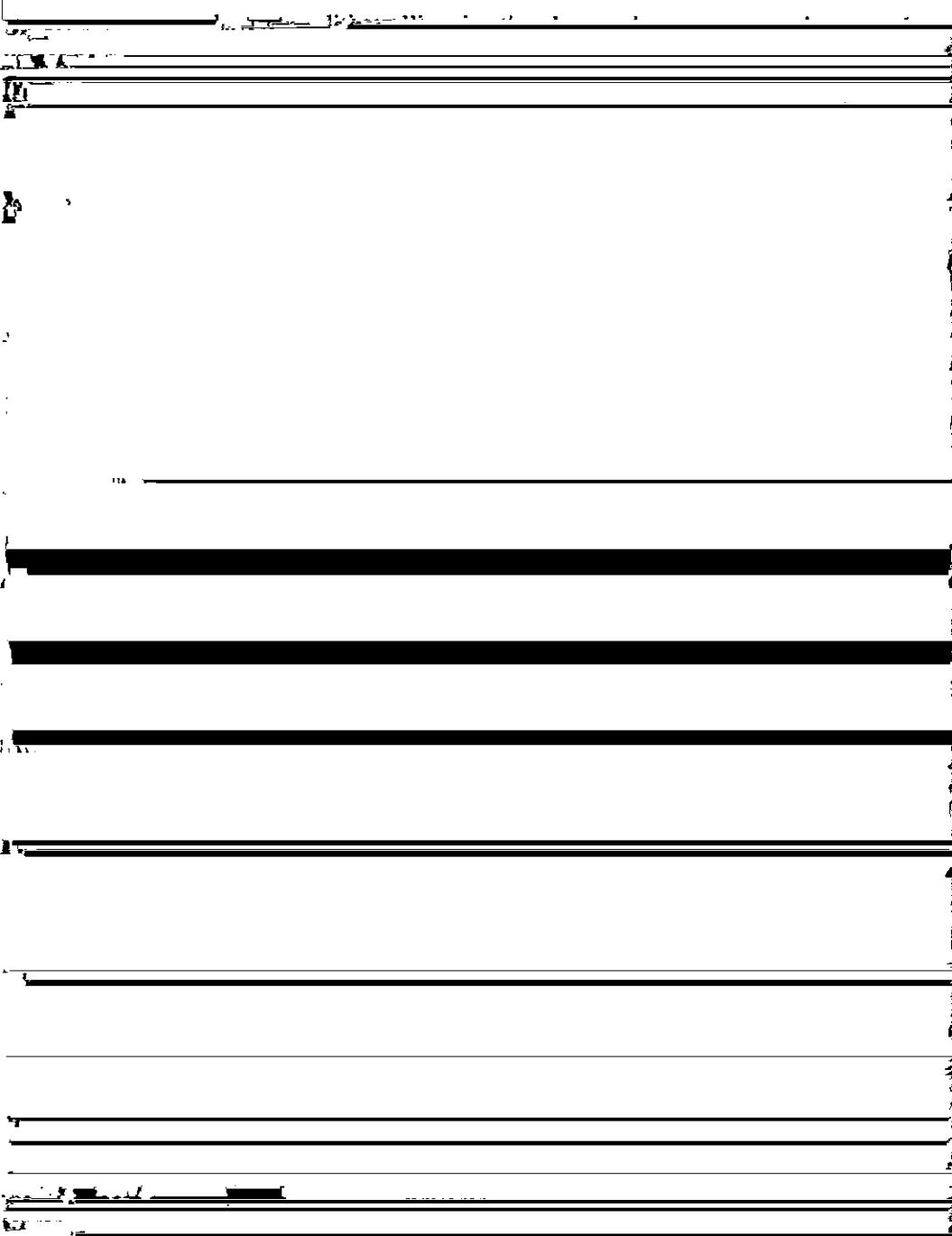
Dans les 11 communes de l'arrondissement.

litigieux), et la portée réelle de cet article est beaucoup plus limitée que ne le laisse entendre ses détracteurs. En effet, cinq conditions devront être respectées

from the Supreme Court decisions on the Charter are transmitted through a single



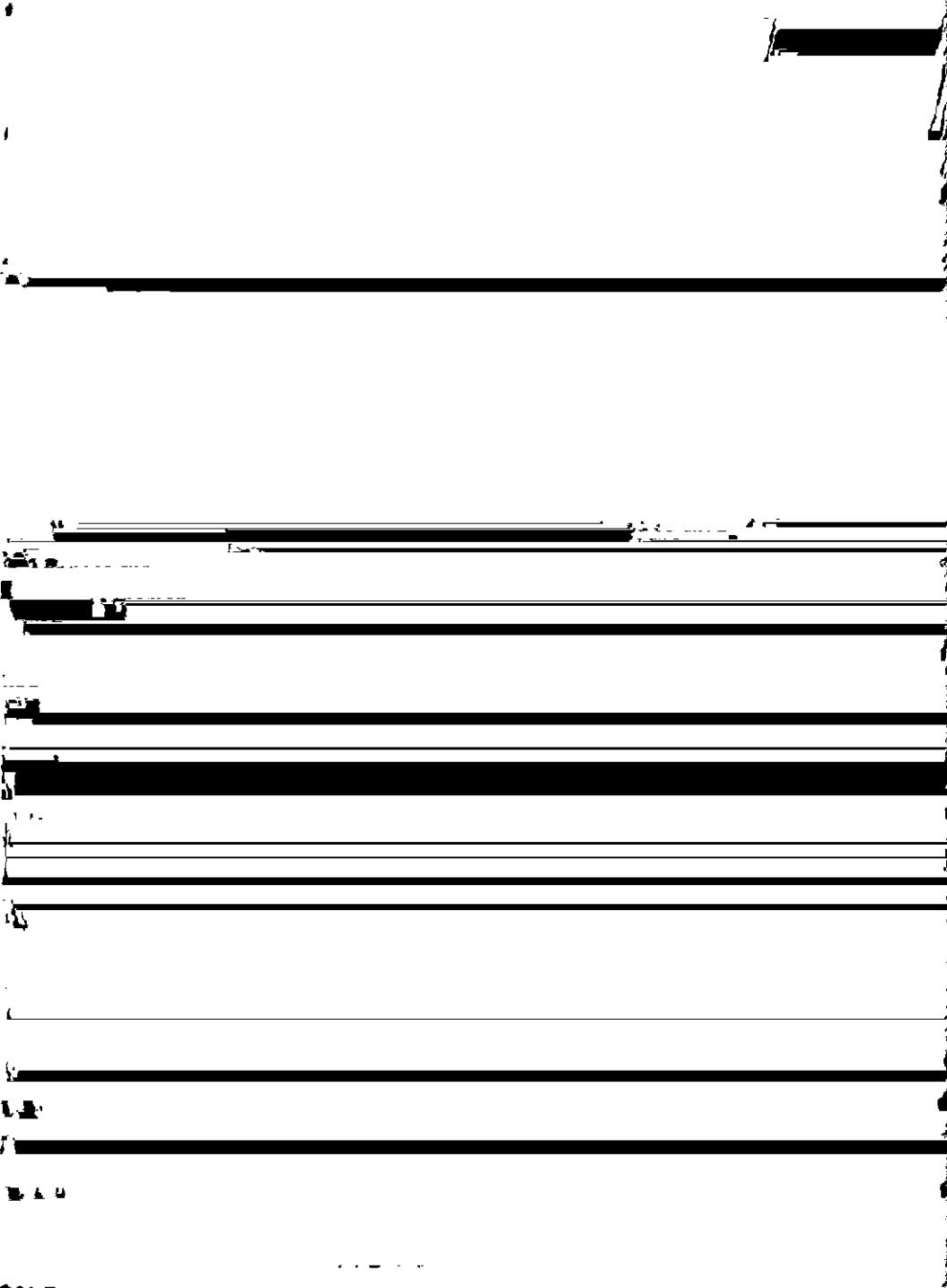




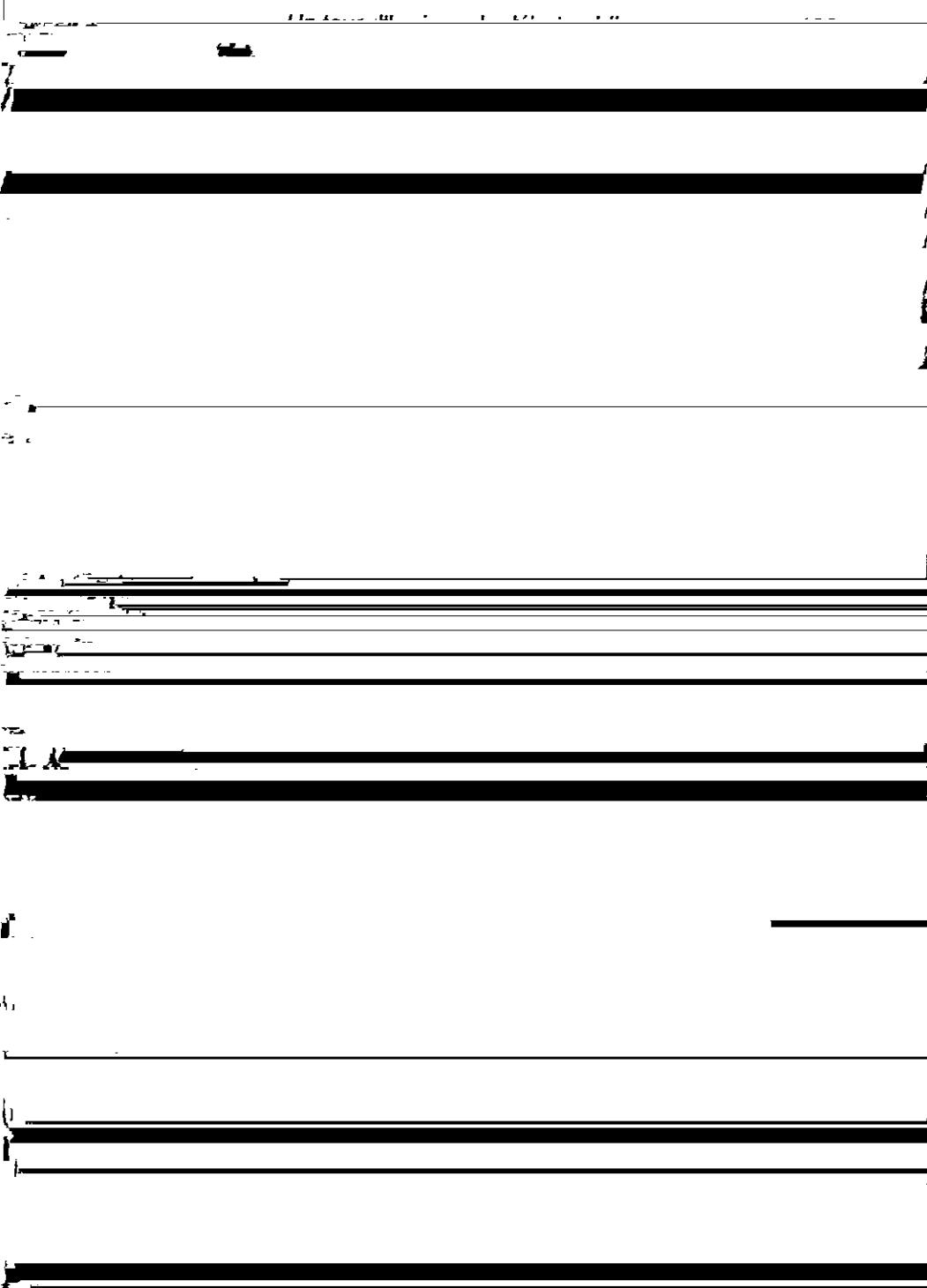


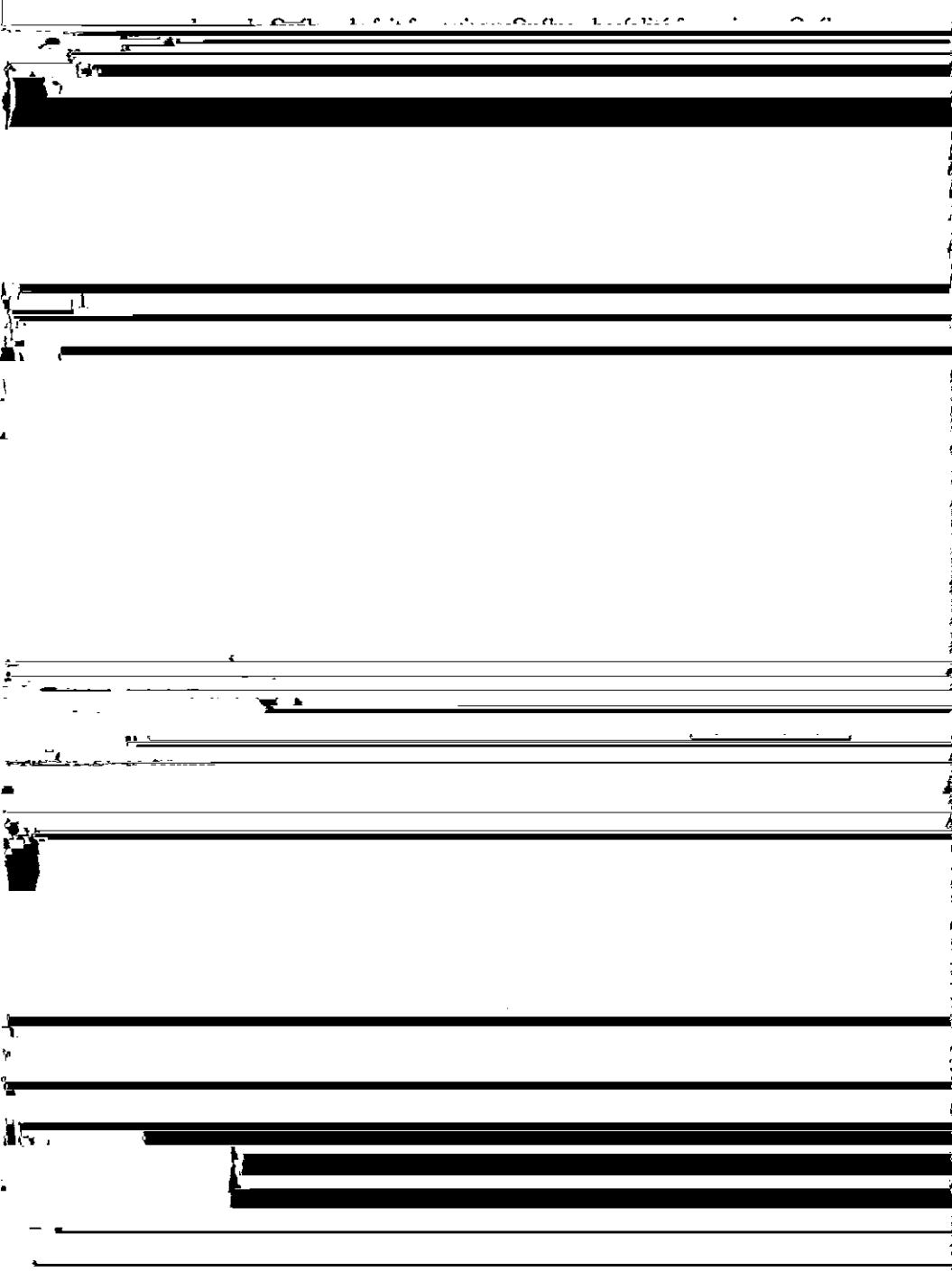
120 [REDACTED] 121

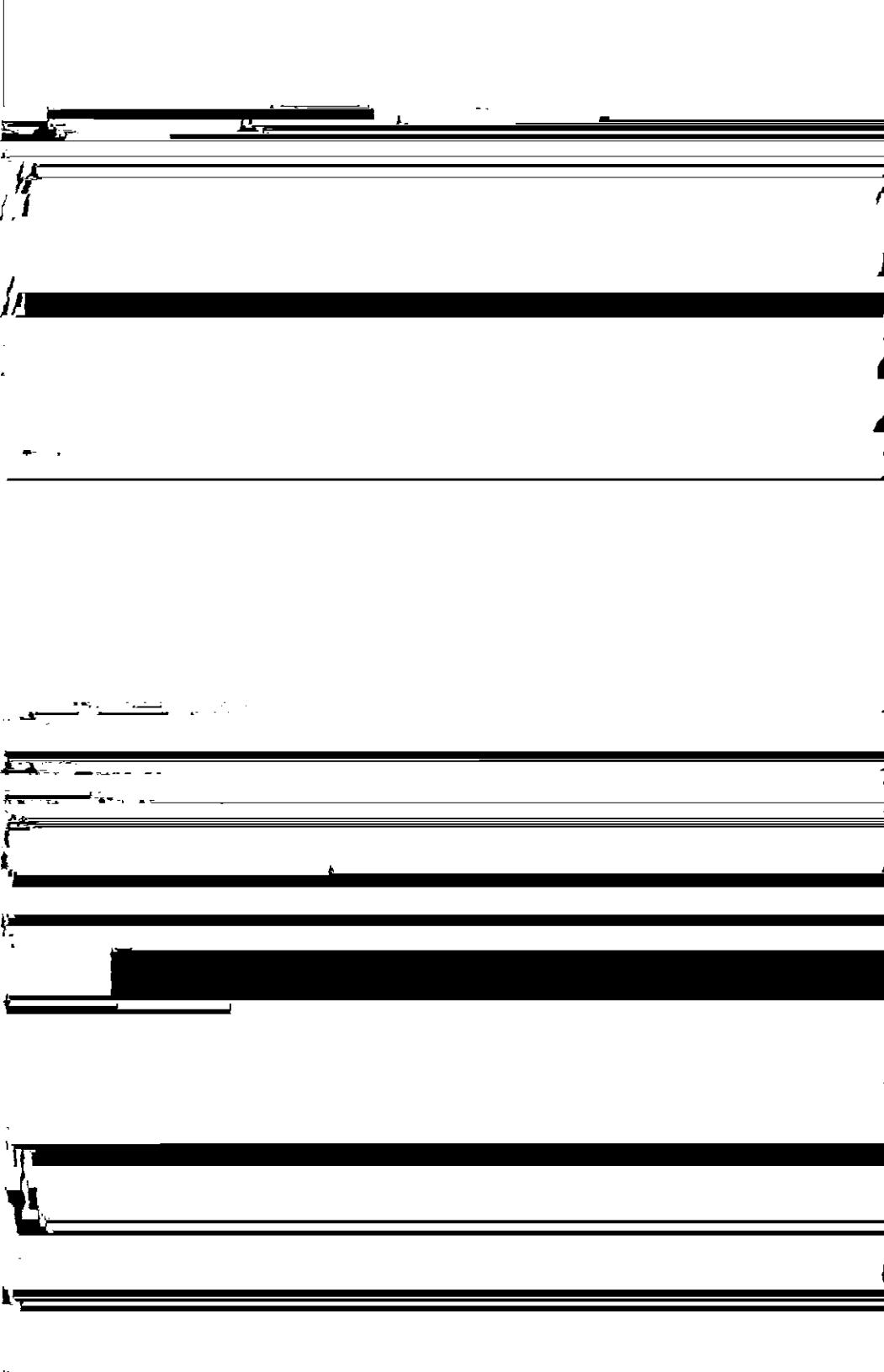
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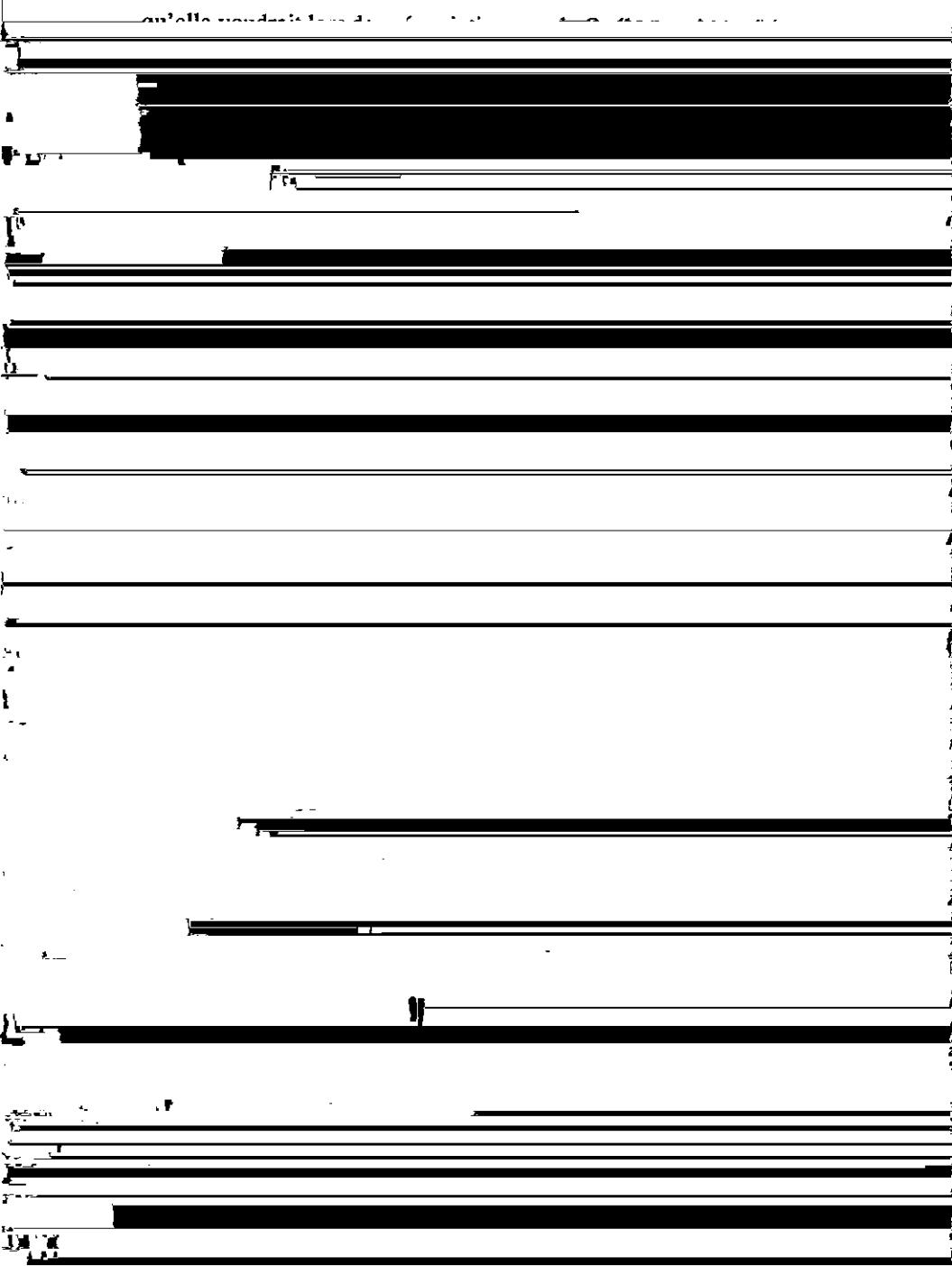








francophone soit traitée de la même façon que les autres à travers le pays. Ainsi,



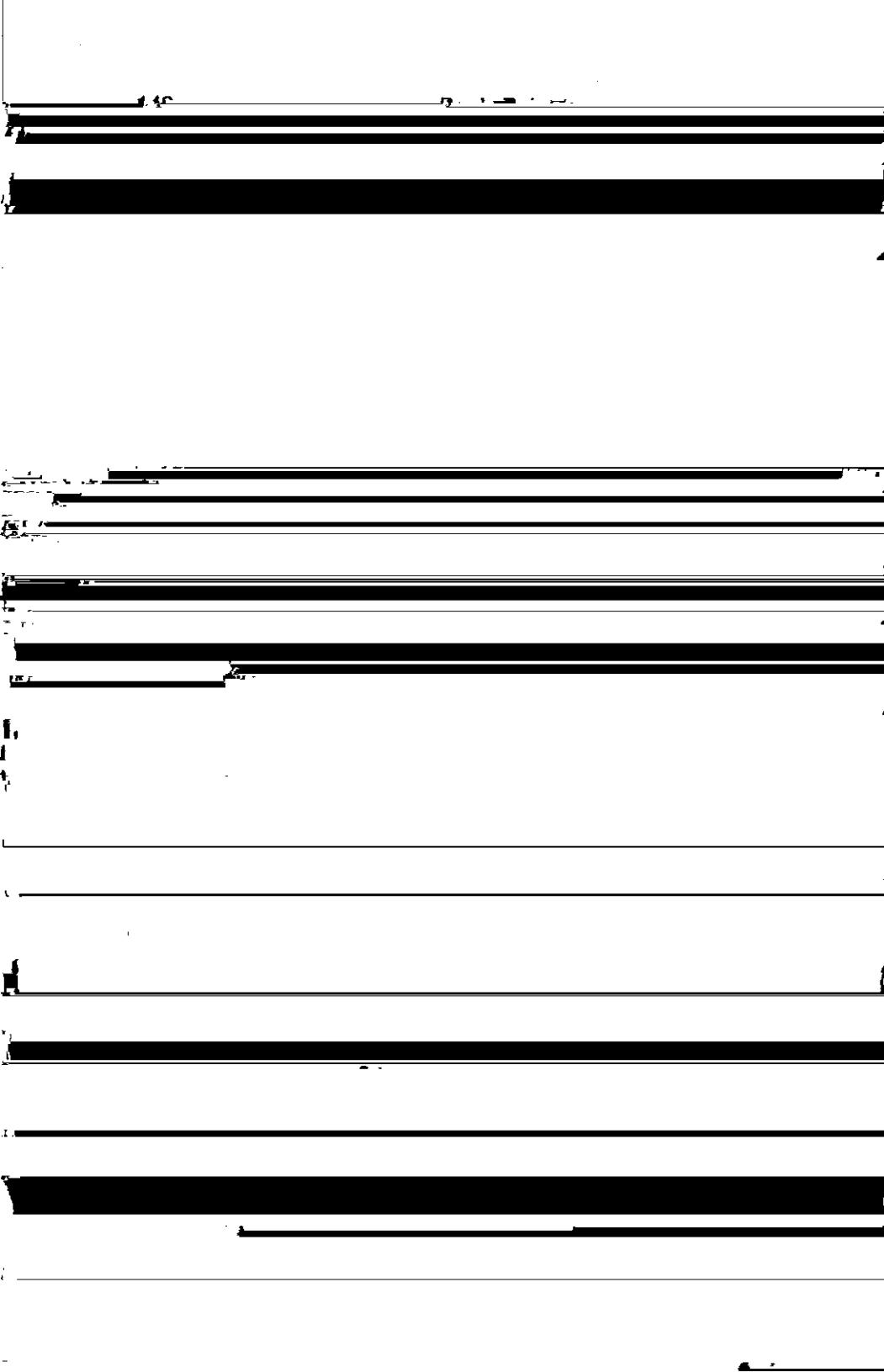
tion. Ainsi, à leur avis, l'objectif qu'ils convoitaient d'accroître leur représentativité dans les institutions centrales, plus particulièrement au sein d'un Sénat réformé, vient de disparaître. Il en va de même pour la création de provinces dans les territoires où ils forment la majorité.

En plus, l'ajout de l'article 16 dans l'Accord constitutionnel du 2-3 juin, qui affirme que la règle interprétative (reconnaissant la dualité canadienne et la société distincte du Québec) n'a pas pour effet de porter atteinte aux droits

à devenir des centres décisionnels importants. C'est pourquoi les gens des ter-



Tout d'abord, quels étaient les reculs ou les effets de la *Loi constitutionnelle*





autrement les pouvoirs du domino judiciaire et constitutif de la loi.

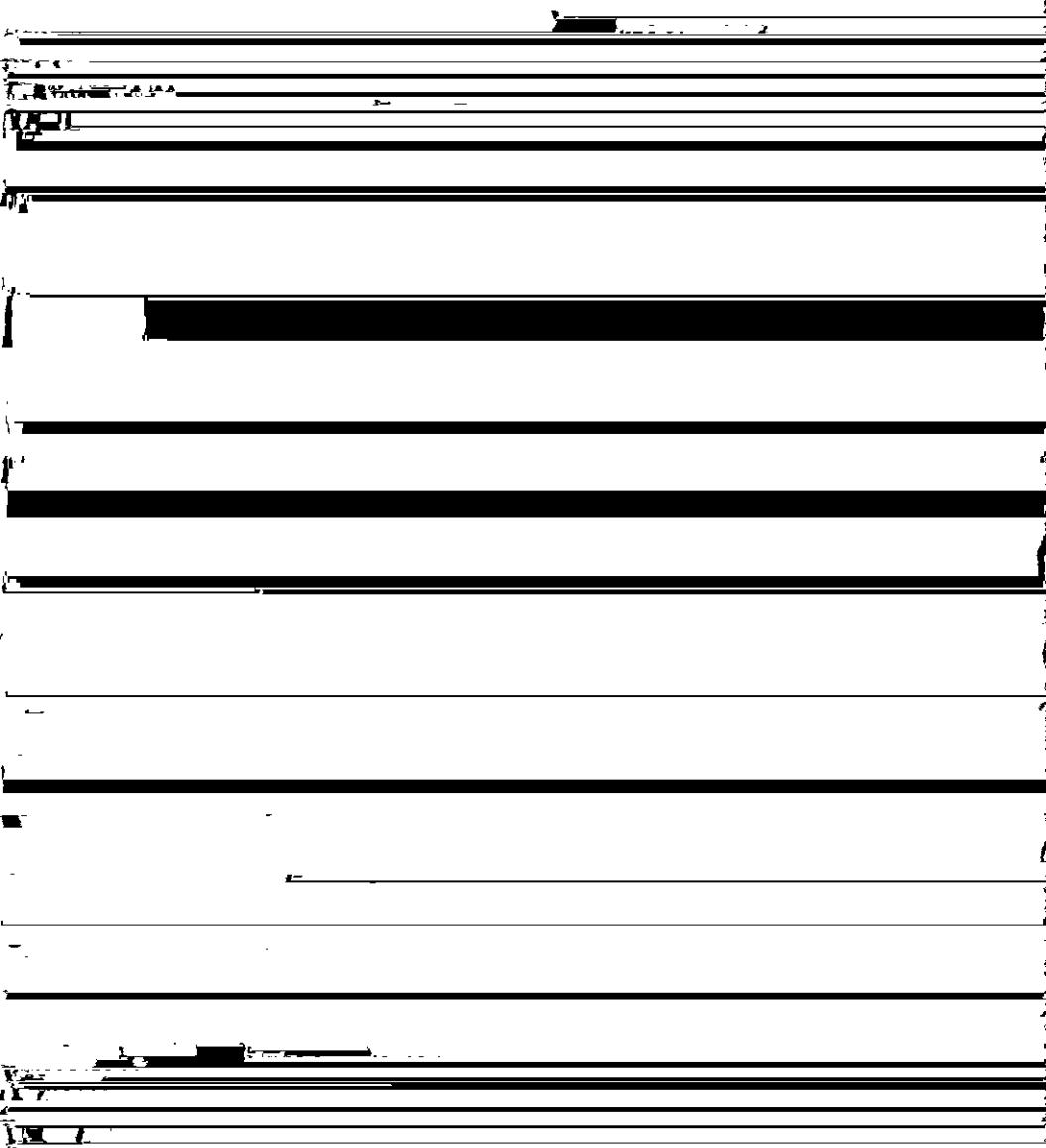
*pau*. et au'il sera difficile dans l'avenir pour le Ouébec d'obtenir de nouveaux

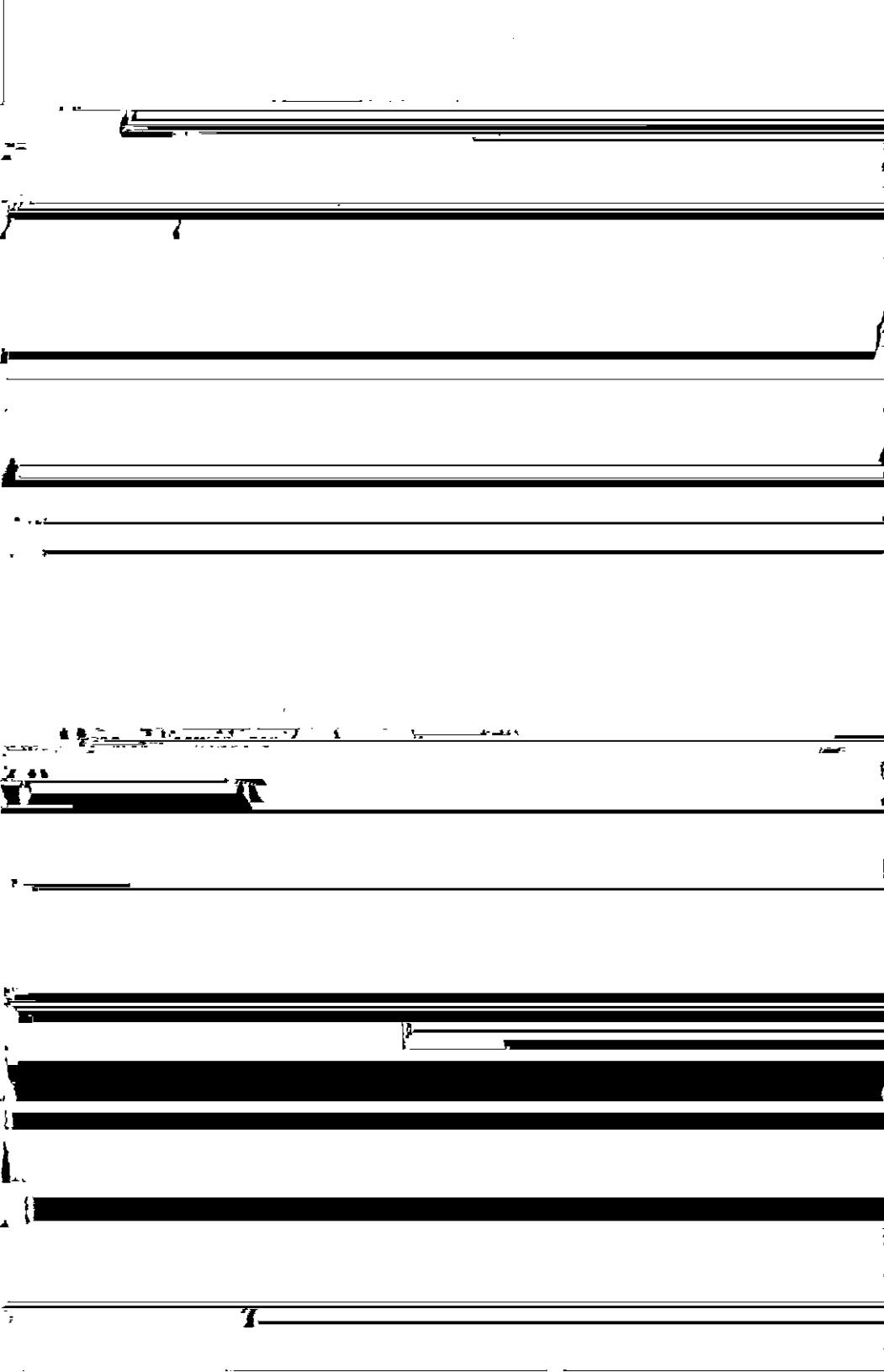
tant que règle d'interprétation de la Constitution, "s'imposera au juge dans l'interprétation de toutes et chacune des dispositions de la constitution".



une caractéristique fondamentale, au même titre que la dualité canadienne; et que le gouvernement du Québec et l'Assemblée nationale prennent l'"engagement" (terme plus entreprenant que celui de "rôle") de protéger et de promouvoir la spécificité québécoise.

Malgré le fait que les deux clauses font maintenant l'objet de "rôle" (bien





<sup>11</sup> Le décret du 12 juillet 1995 abrogeant la loi sur les émissions de gaz à effet de serre au Canada et approuvant le protocole.





En outre, ceux qui, à l'instar du gouvernement québécois, souscrivent à l'article

gouvernements provinciaux d'un oeil beaucoup moins favorable que

[REDACTED]

Le journaliste Uzanneau, quant à lui, a mis le drame du Québec en berne le

...Quibus methodis substantia...

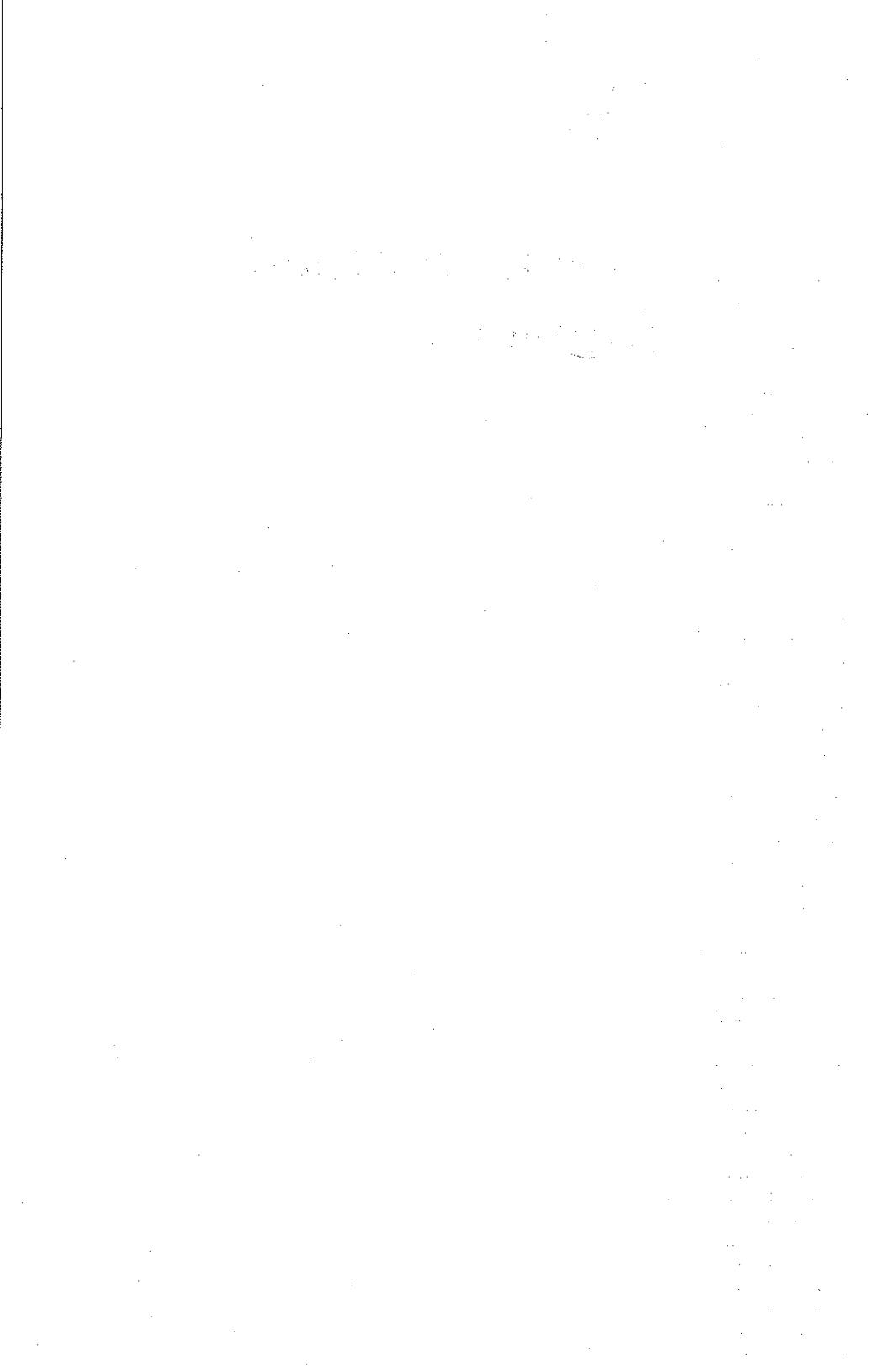


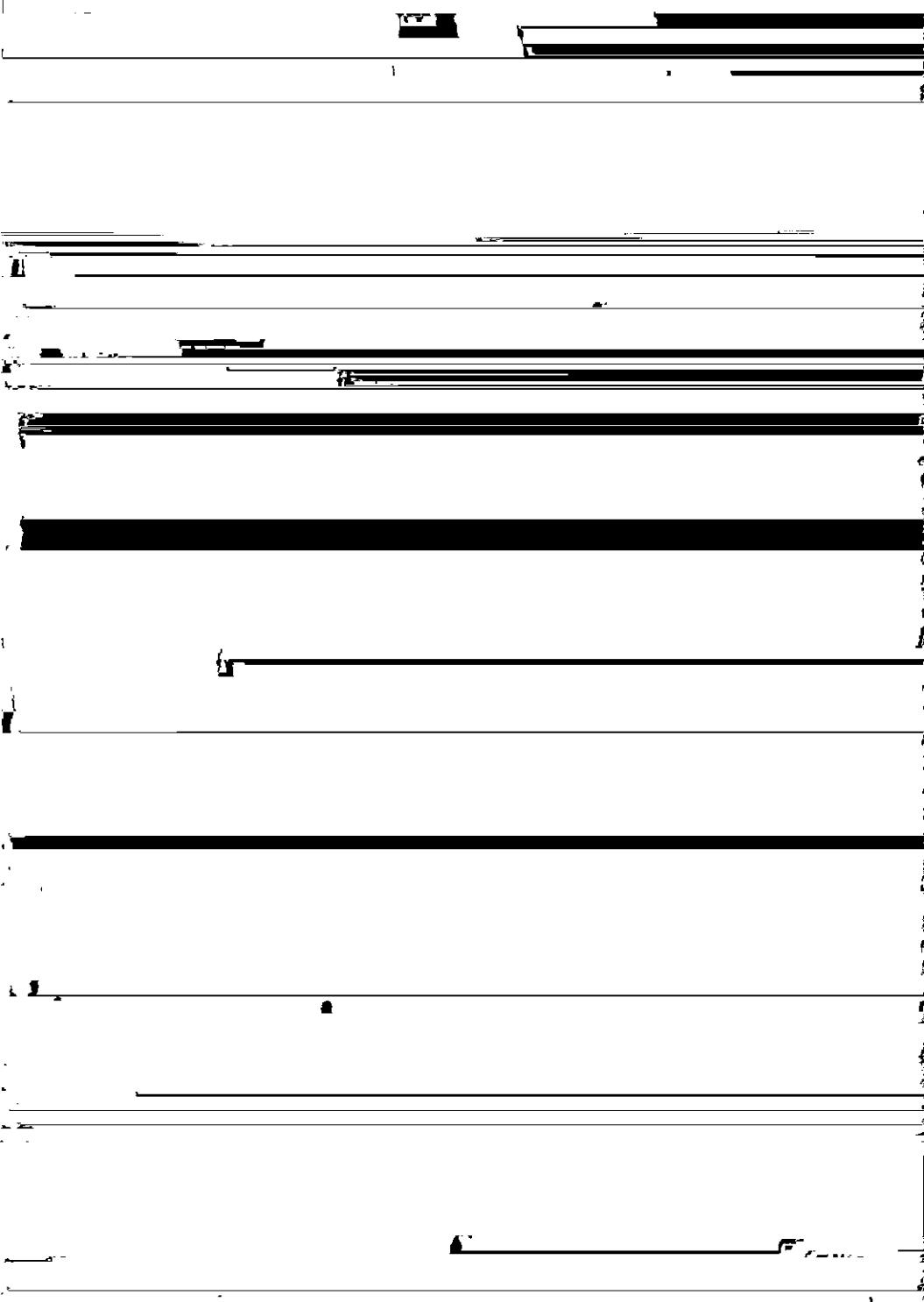
# IV

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## Impact



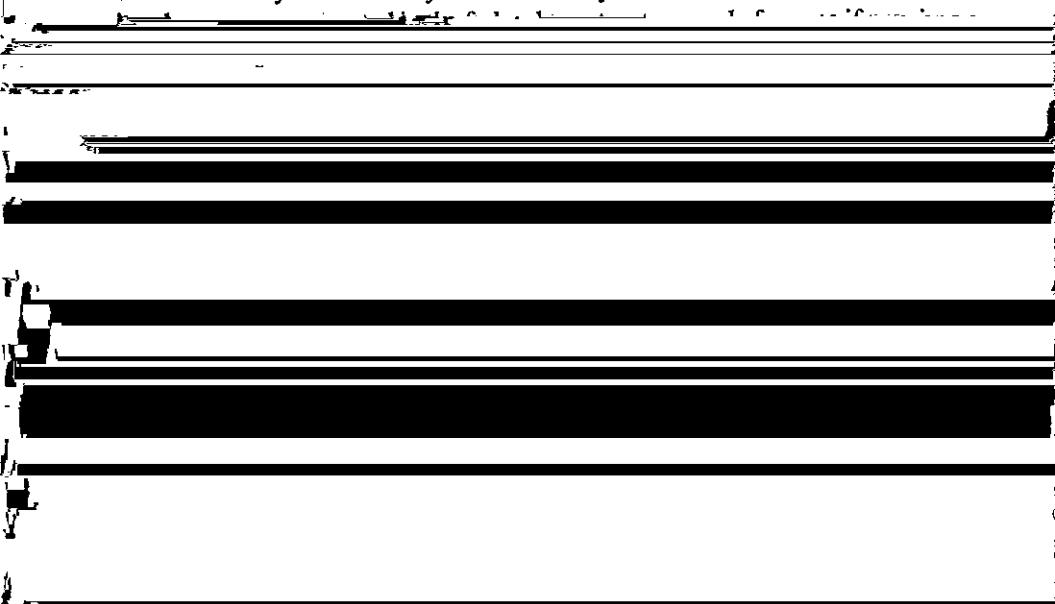


globalization of nearly every aspect of economic, social and cultural life.

the *Financial Post* report on the federal-provincial conflict already at hand because of the competition among the provinces to attract so-called



Understandably the whole system has always come under strain whenever



agreements, and especially offshore oil and gas where the constitutional rulings clearly support federal authority. Nevertheless, both the Newfoundland and Nova Scotia accords surrender not only major potential revenues to the provinces, but also important measures of policy and administrative control. At the

the federal view suggests an unfortunate prospect of disorder and disarray. It is hard to imagine any worse approach to a sphere of global activity normally characterized at best by volatility and rapid change.

THE WALK CHANNEL

Do you feel like you have no alternative now of choosing what to offer

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## Round Table Discussion: Executive Federalism, Public Input and Public Interest

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### EDITORS' NOTE

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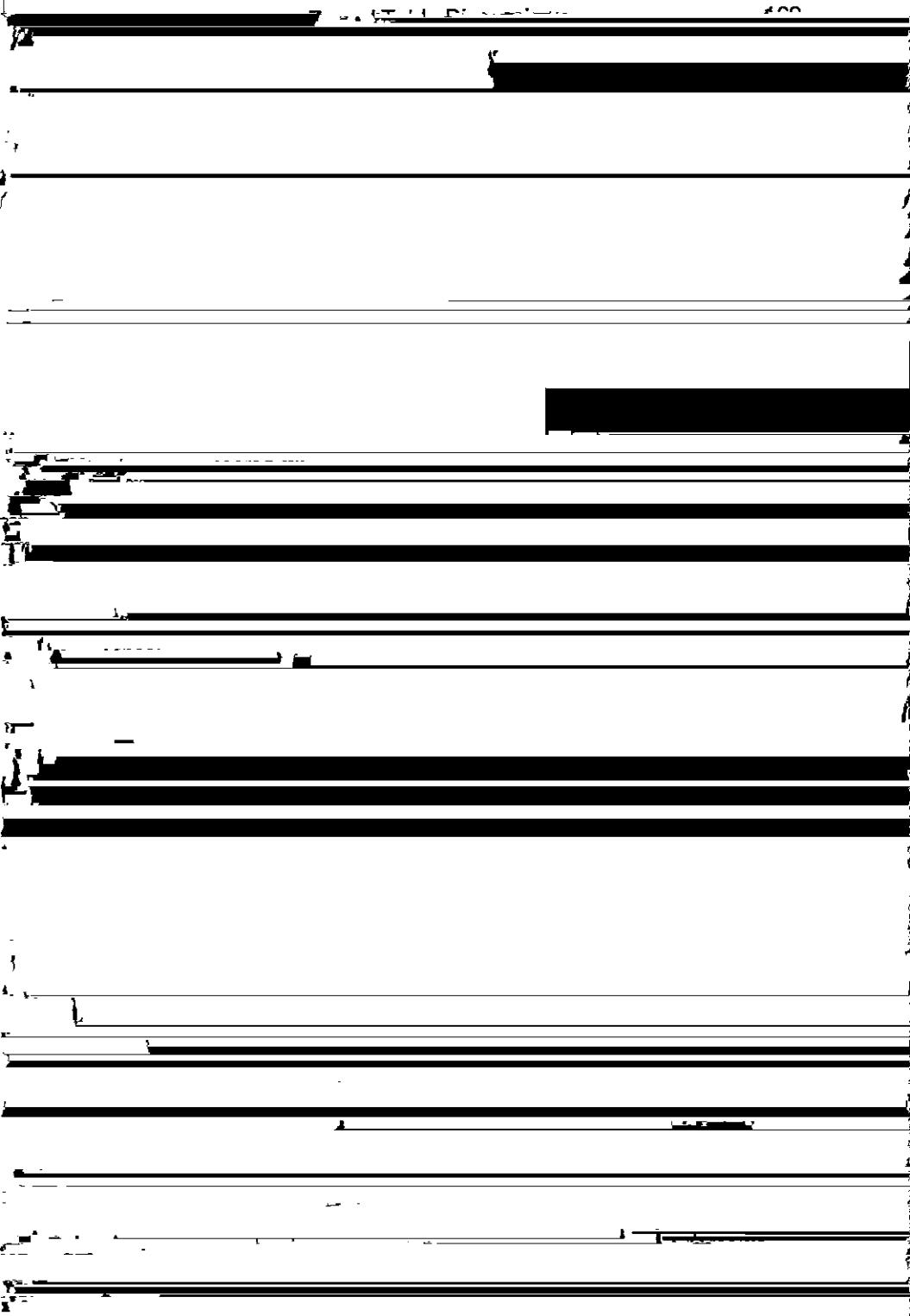
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*Keith Brownsey  
and Hugh Mellon*

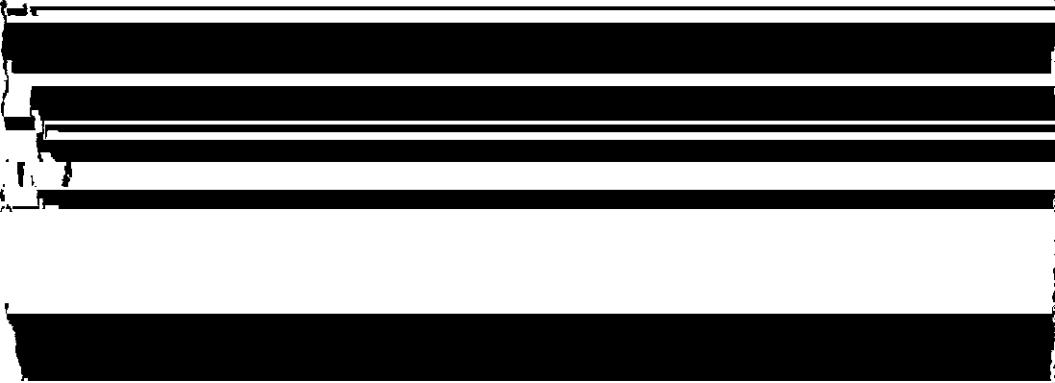
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*La réunion annuelle du Conseil consultatif de l'Institut des relations intergouvernementales porta sur les difficultés d'établir un consensus dans les domaines des modifications constitutionnelles et de l'élaboration des politiques économiques. Plus précisément, les discussions aborderont l'héritage de l'administration Trudeau, les limites à la participation du public, et l'interaction entre les groupes d'intérêt et la*

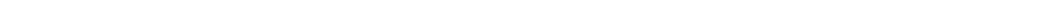
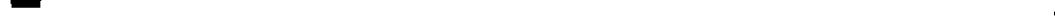
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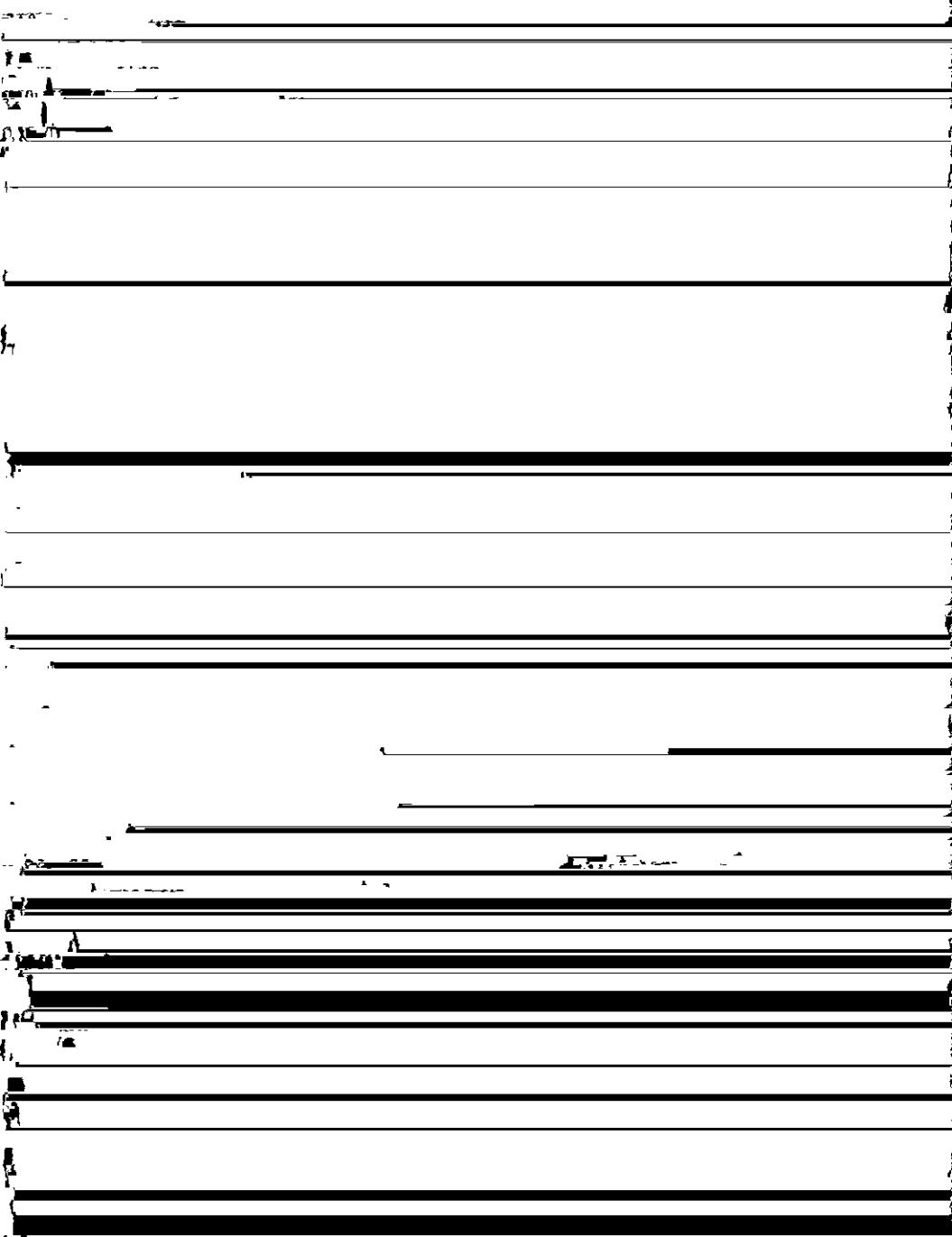
The focus of this research was on the ability of the CBT model to



...the CBT model to

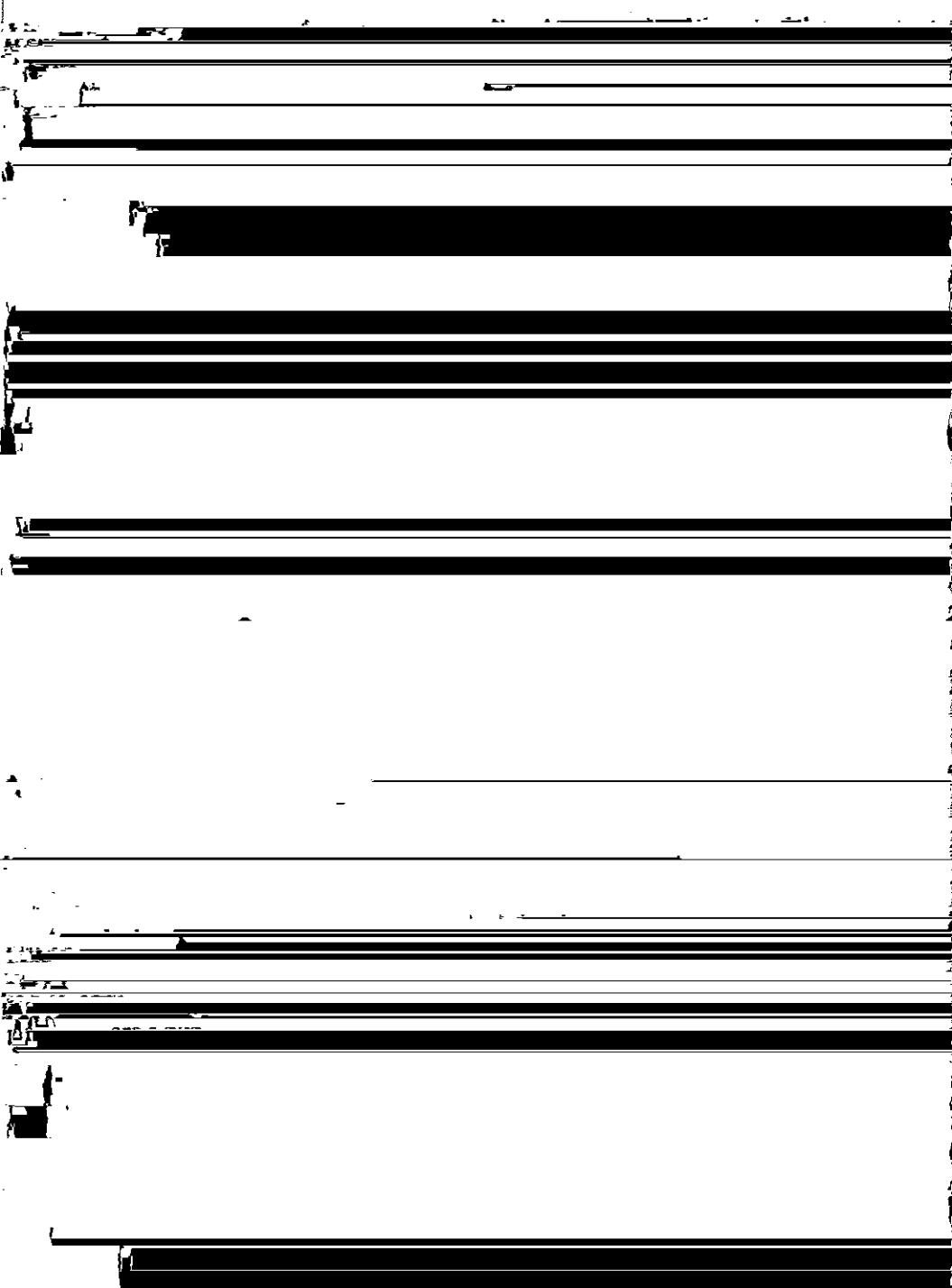


speaker argued that Canadians should be aware that constitutional amendment

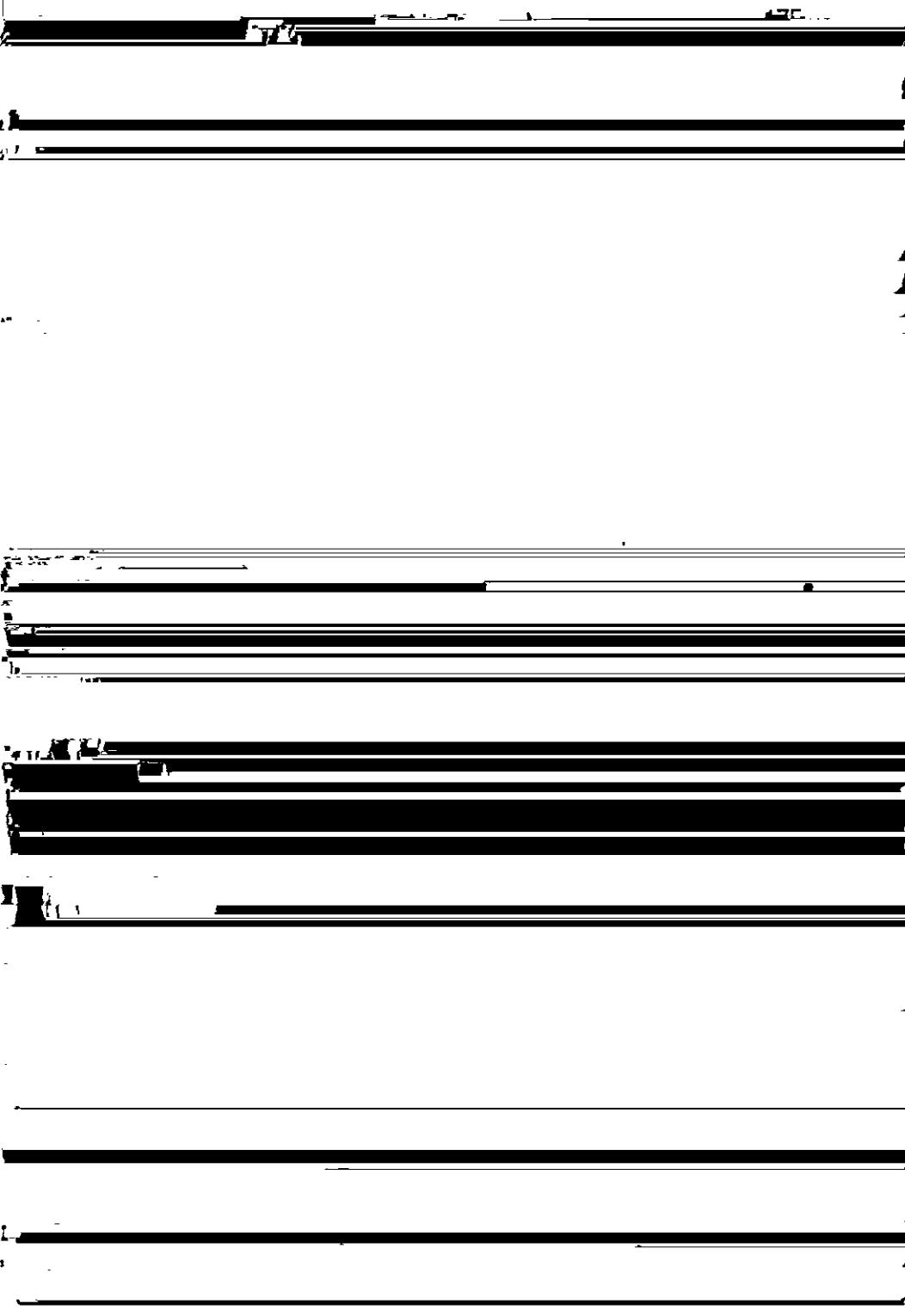


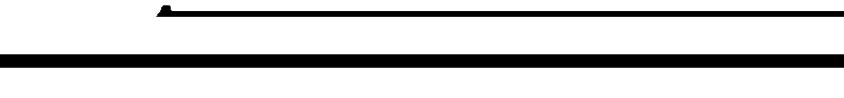
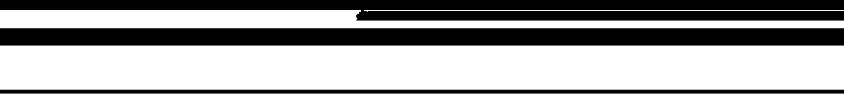
Participants who were nominating politicians were asked what they



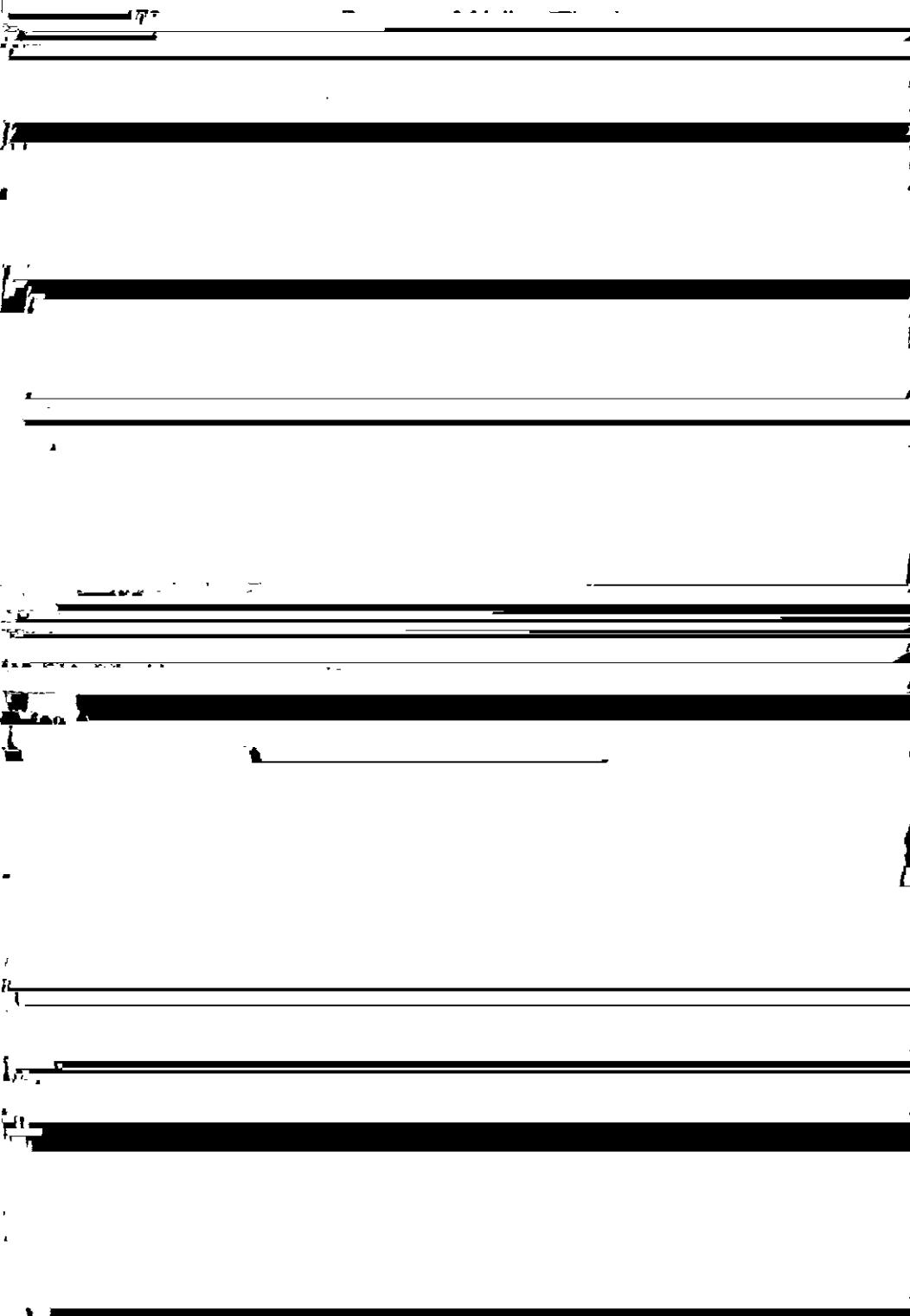






in the interests of completing the unfinished agenda from 1981-82 and "bringing [the] Church in."        





ing federal system?

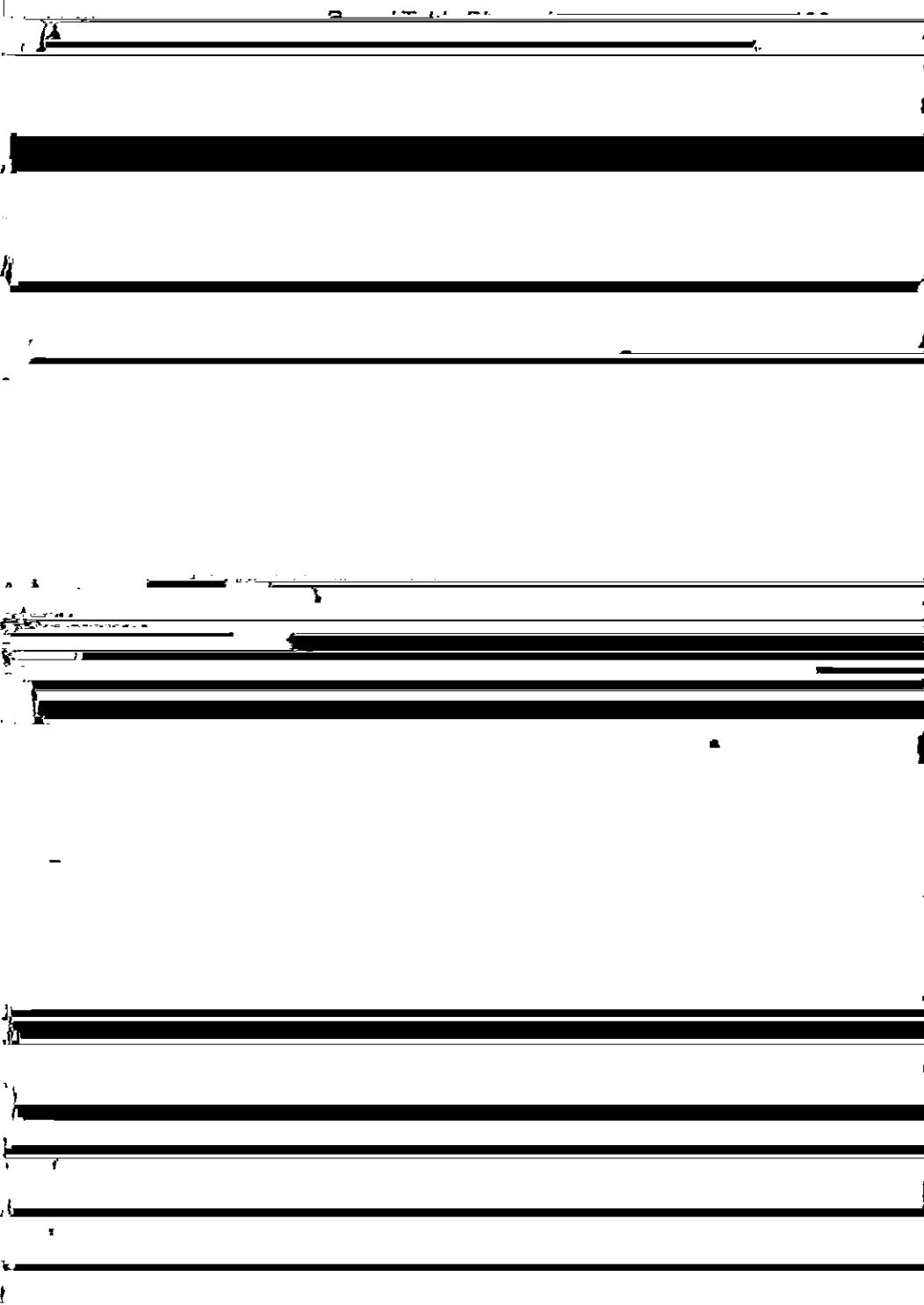
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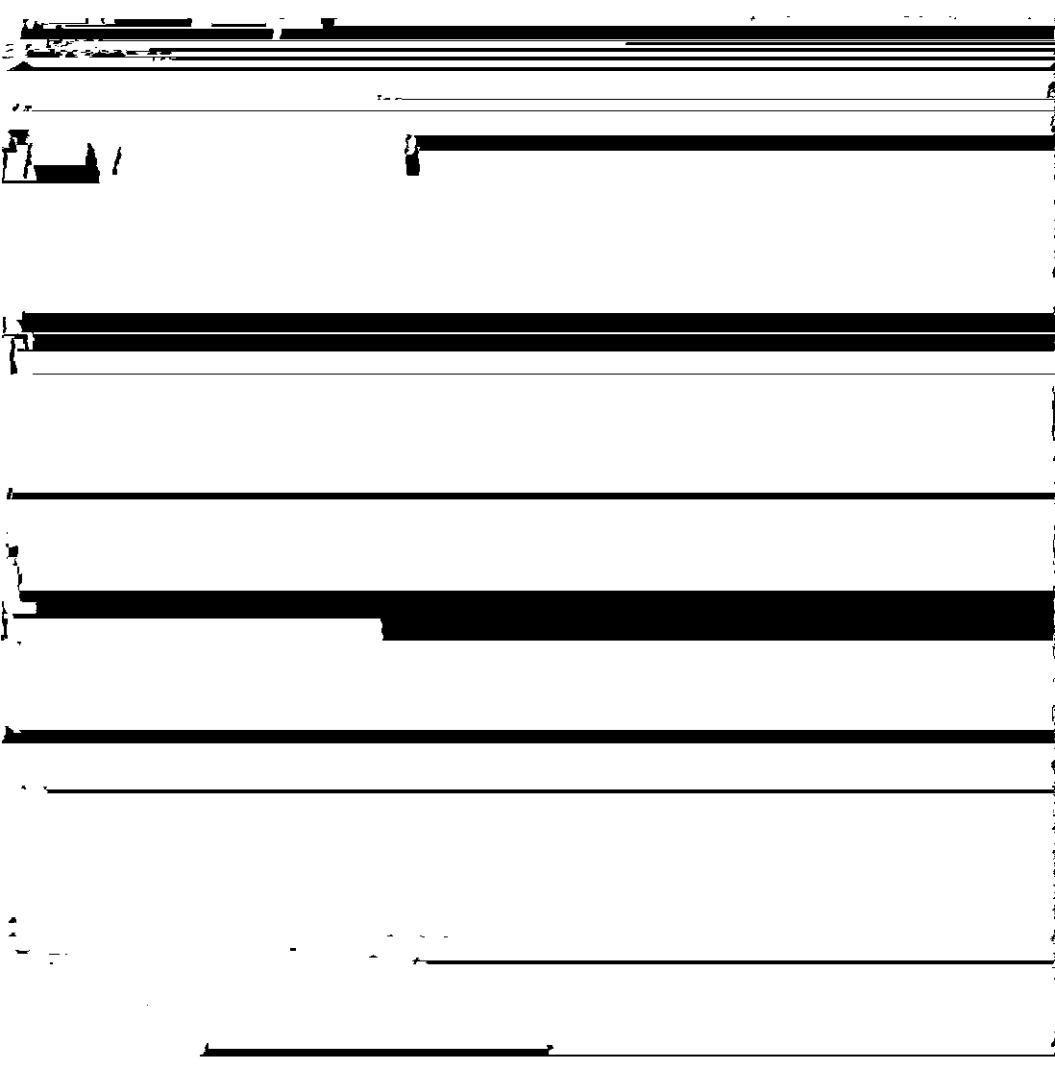
rooted and therefore not amenable to quick solutions. Furthermore, if constitutional debates emphasized decentralization and provincial autonomy, it is

- 3 -









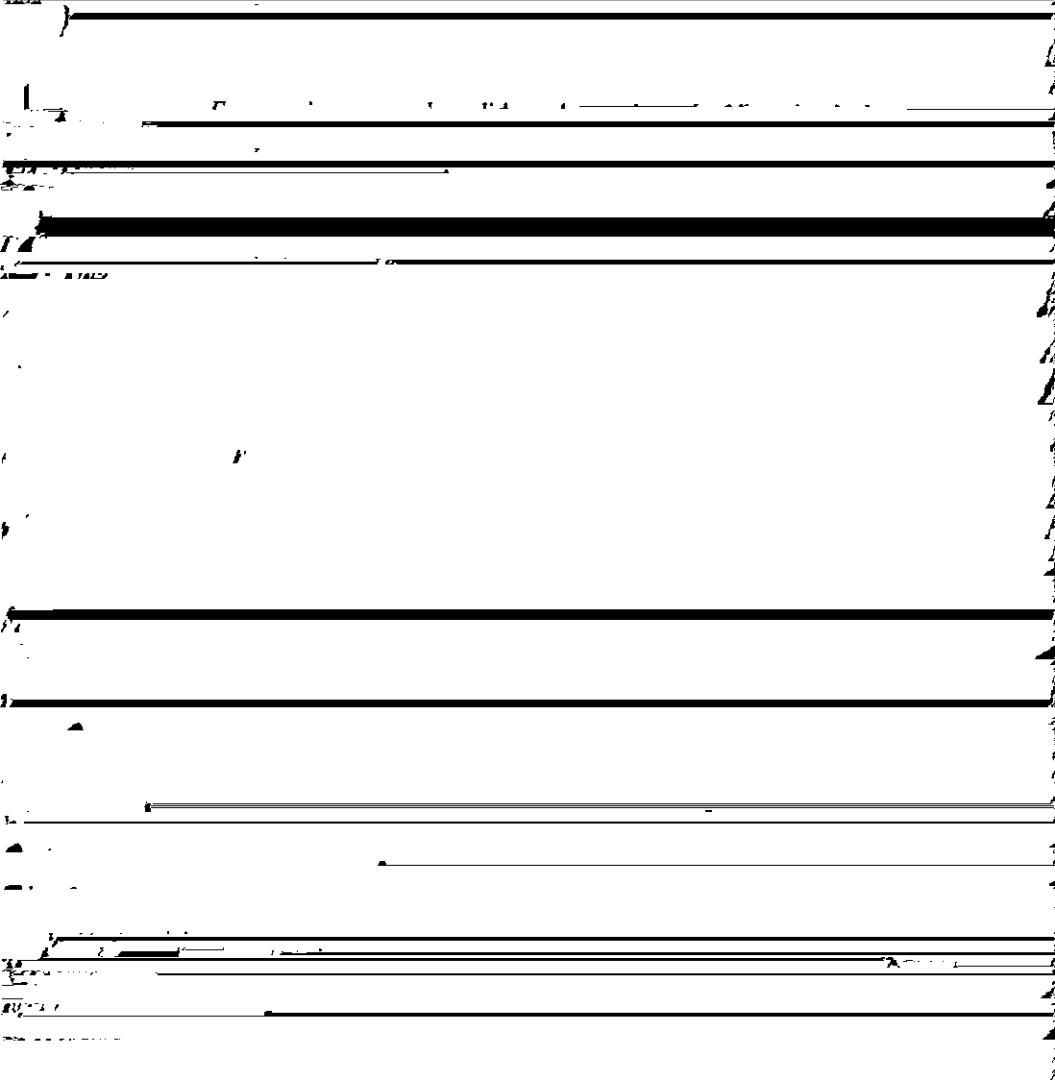


## Commentary

*Avigail Eisenberg*

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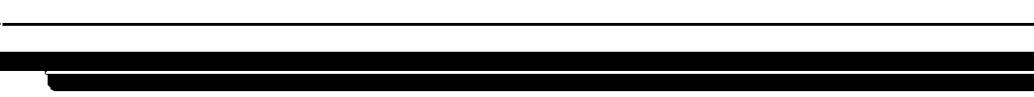
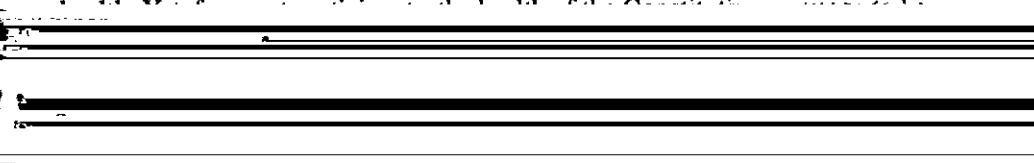
*Les discussions du Conseil consultatif de l'Institut des relations intergouvernementales sur les modifications constitutionnelles et l'élaboration des politiques économiques ne permettent pas de tirer des conclusions précises quant au meilleur mécanisme pour y*



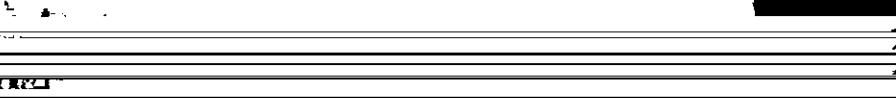
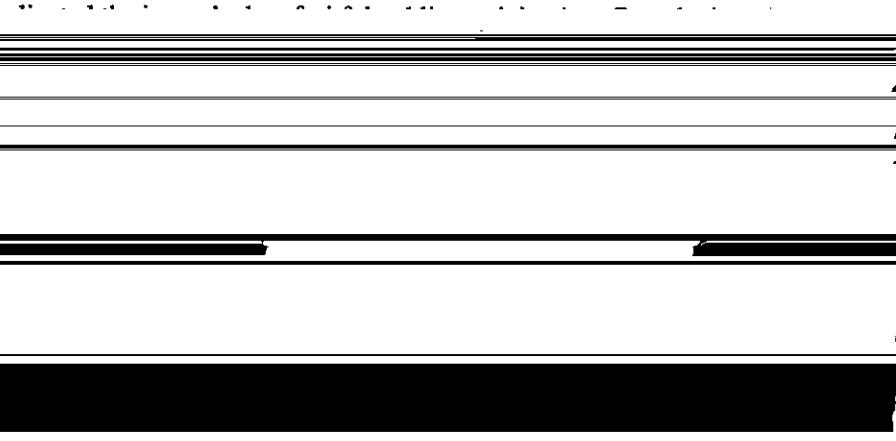
matters that in part depend on which sector of the economy is being scrutinized.

Participants who expressed their preference for competitive federalism did not address their arguments directly to those made by their opponents. Instead they pointed to the conclusions of the Royal Commission on the Economic Union and Development Prospects for Canada which also support a combination of federal and decentralized fiscal policies.

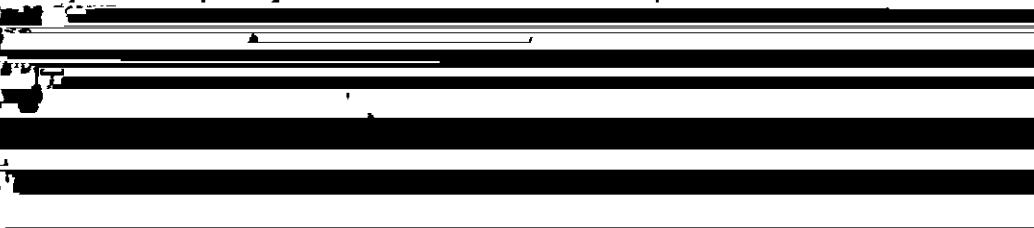
and the Meech Lake Accord. The health of the economy was seen to involve the public directly in the sense that the public is largely responsible for creating a healthy economy and the public is ultimately the judge of the economy's



A third problem also relating to the nature of the issue is that the more com-



Second 1902 movement. The conditions favored the



16



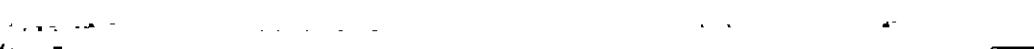
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21



was it considered to be a worry by the participants. If anything, the worry was directed to the absence of conflict between the premiers and the Prime Minister in contrast to the apparent conflict among various sections of the public. It seems that just as too much conflict is undesirable, so is the appearance of too little conflict.

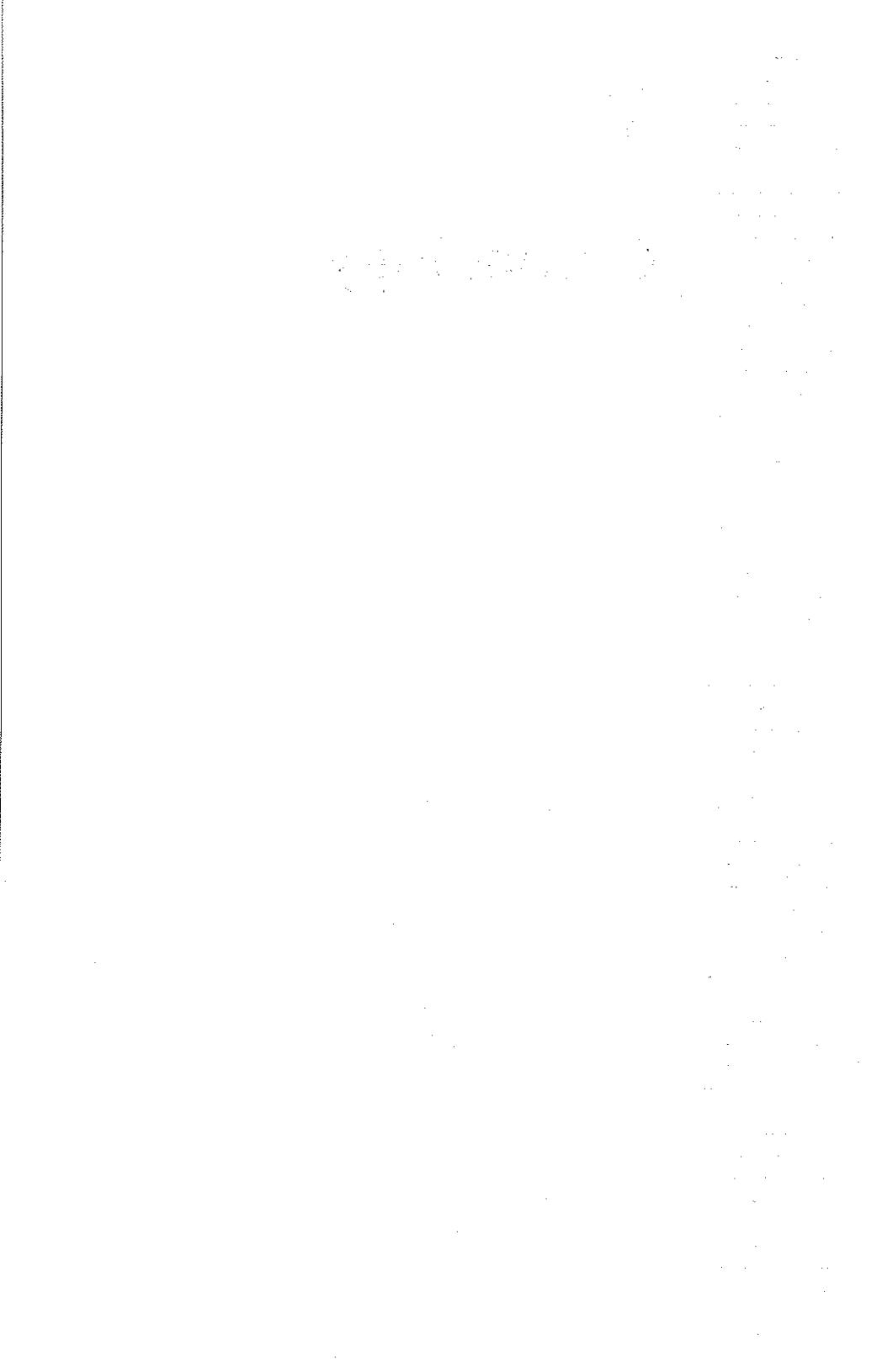
Many of the problems which the executives faced in the Meech Lake process ought to have been handled by the mediating institutions. One of the most im-

process. In addition, the continuity of such committees may allow for a broader-than-provincial perspective to be represented within each province. The committees may be able to travel to different provinces at times when there is not a pressing and politically volatile issue on the agenda. However, the mere ex-

[REDACTED]

# V

## Chronology



## NINE

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### Chronology of Events 1986-1987

A list of recurring entries begins page 250

#### 1986

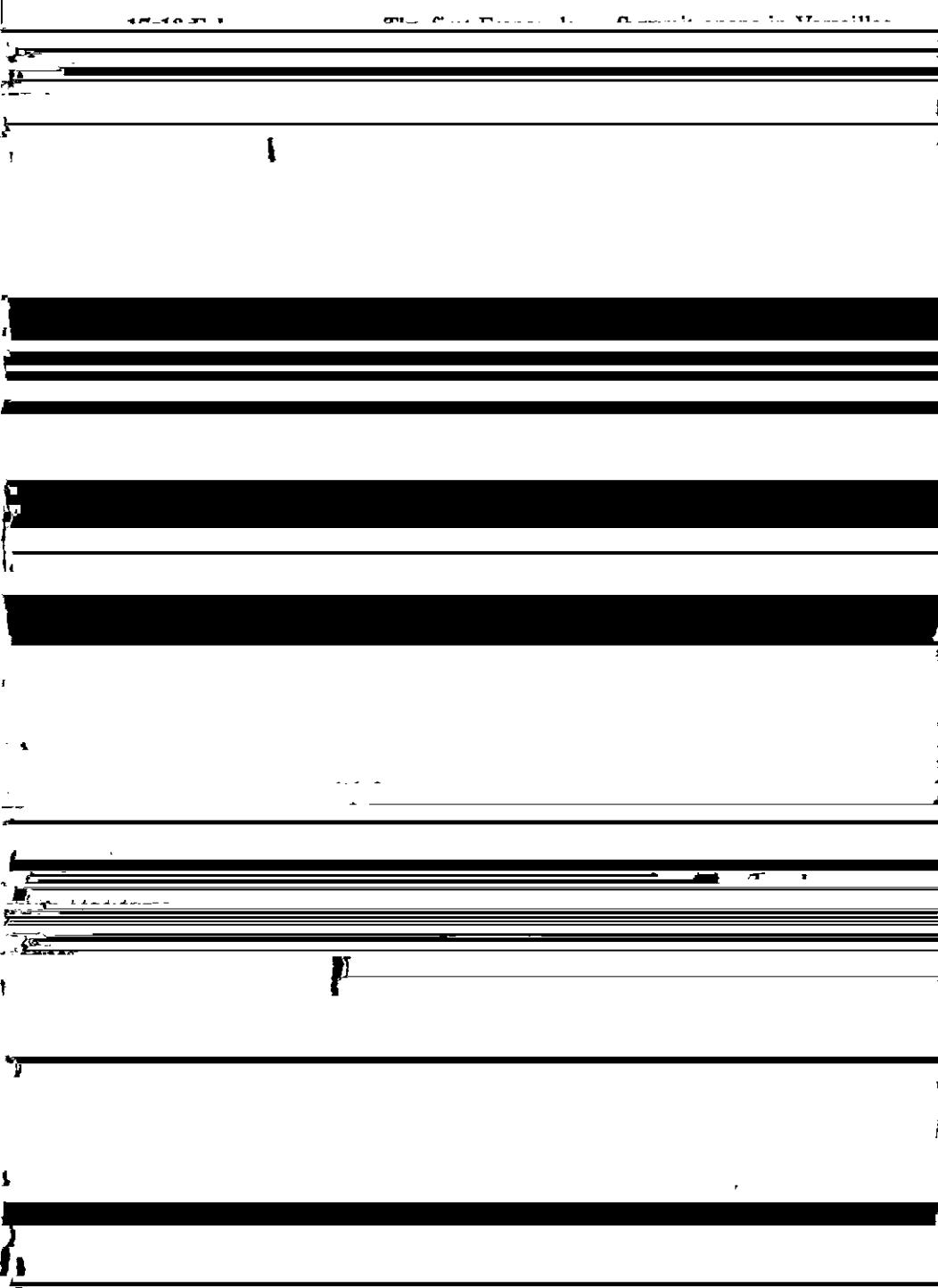
**8 January**  
*Environment—Acid Rain—Canada-U.S.*

Special Canadian envoy on acid rain, William Davis, and his U.S. counterpart Drew Lewis recommend in their Joint Report of the Special Envoys on Acid

[REDACTED] It is the first documentation for the [REDACTED]

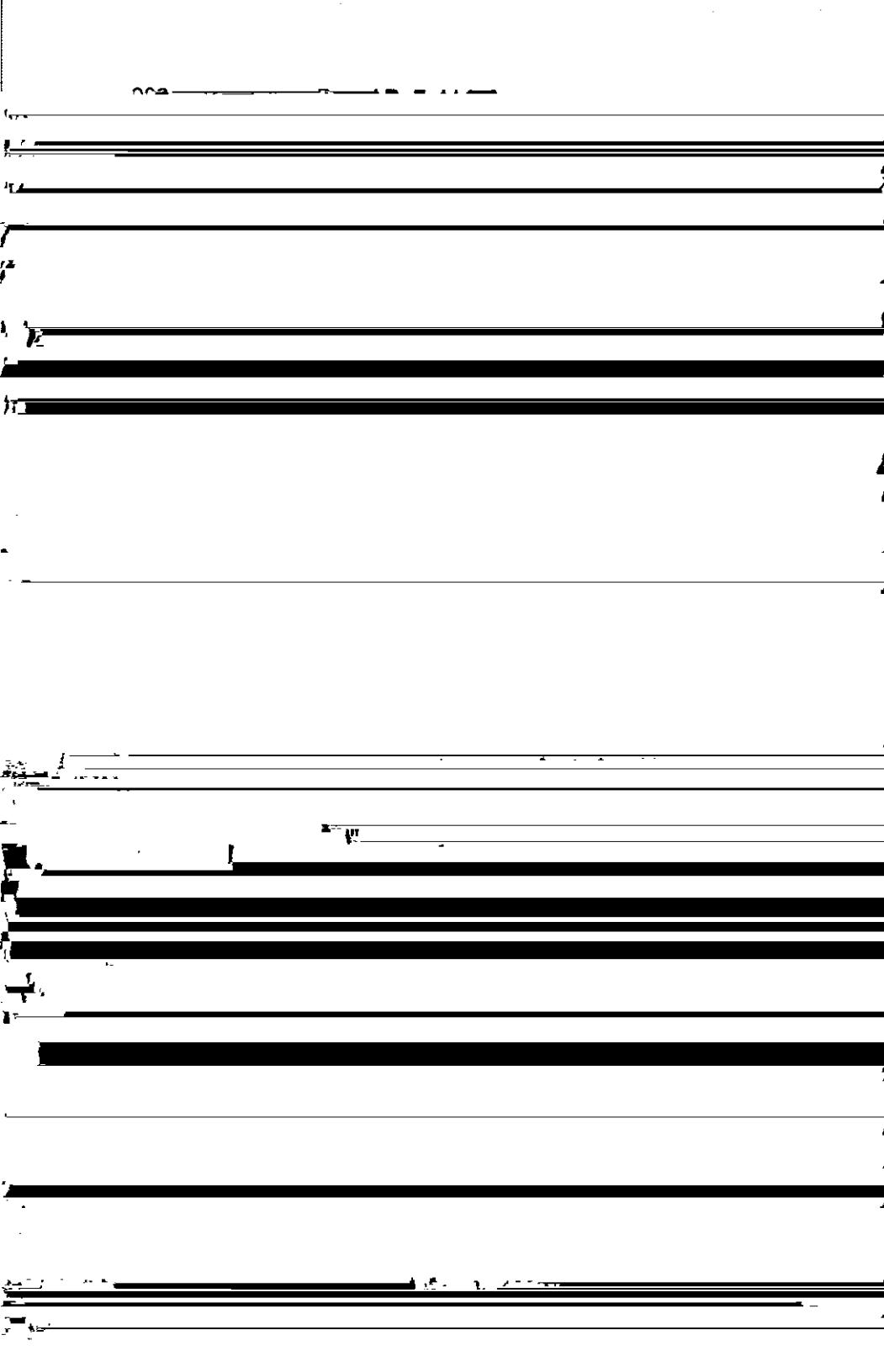
**14 February**  
*Federal-Provincial*

Despite strong opposition from the provinces,  
Finance Minister Michael Wilson tables *Bill C-96*, a



individual taxpayers \$5.2 billion over the next five

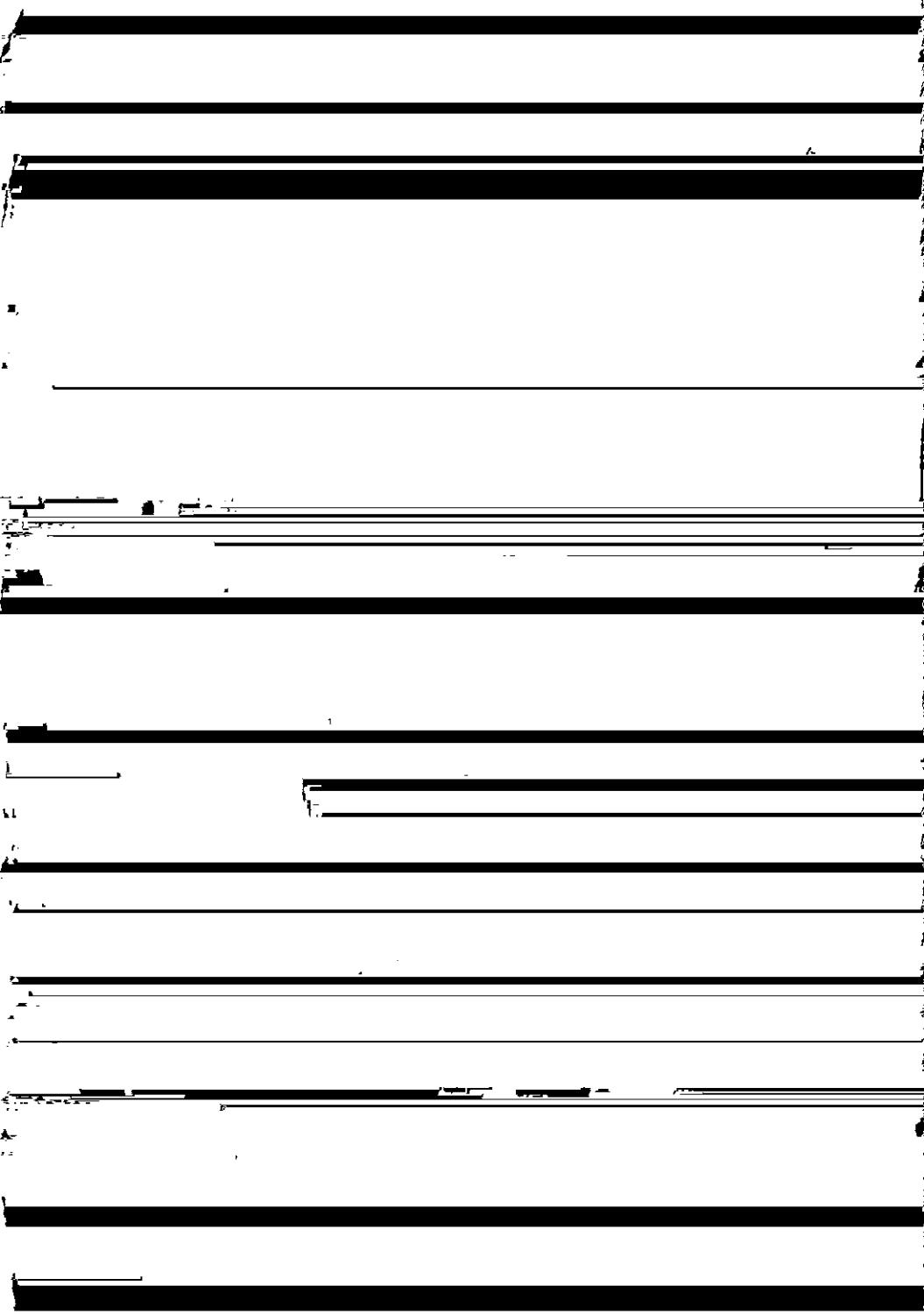
years. The total cost to business is \$1.5 billion.





20A

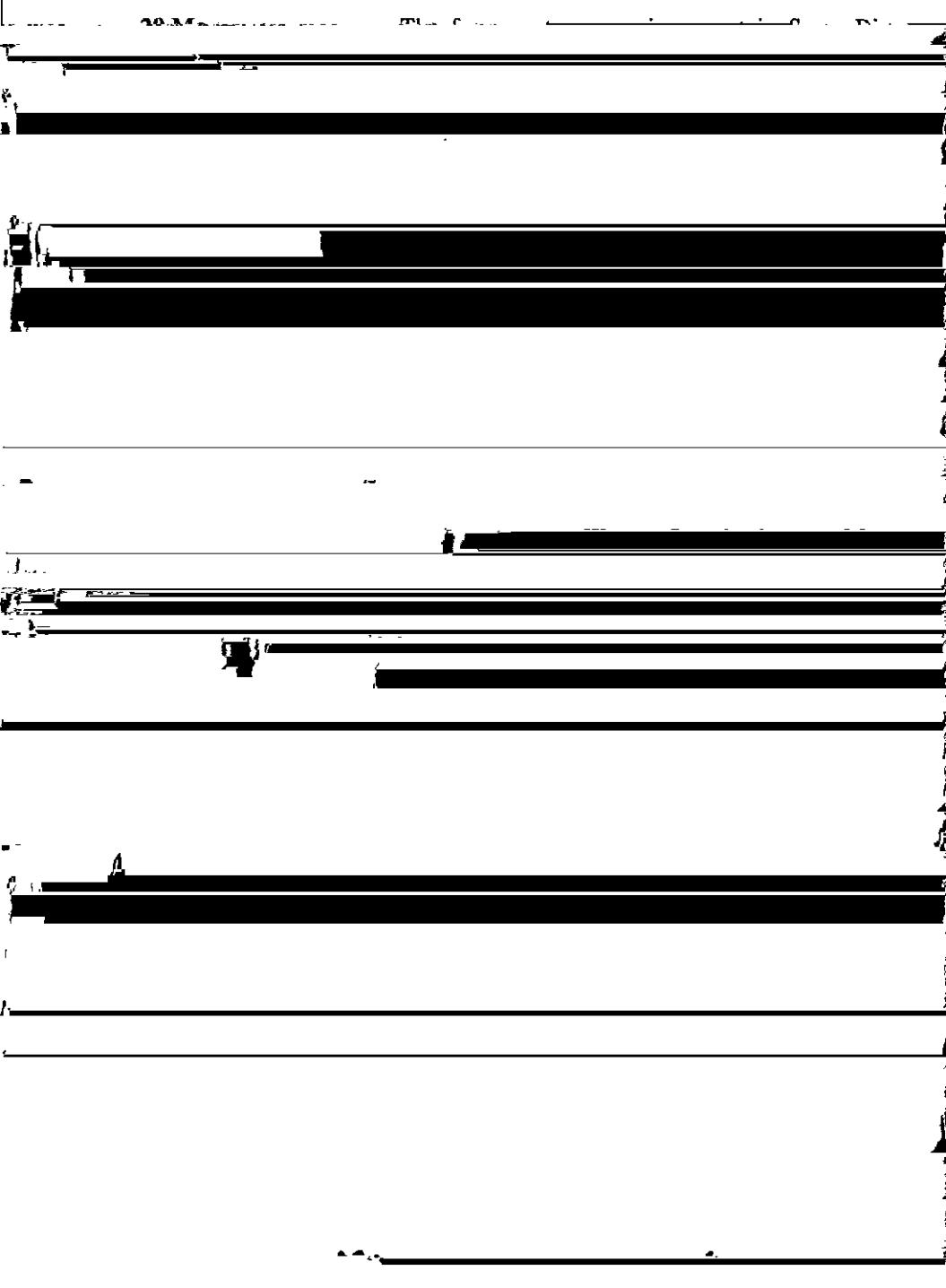
Detailed Description of Evidence



ments.

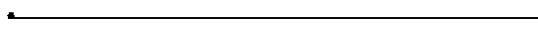
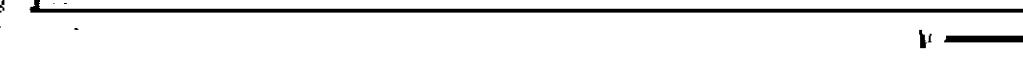
*Bills to the Grand Narrows and Telinton Indian*

*11 May*



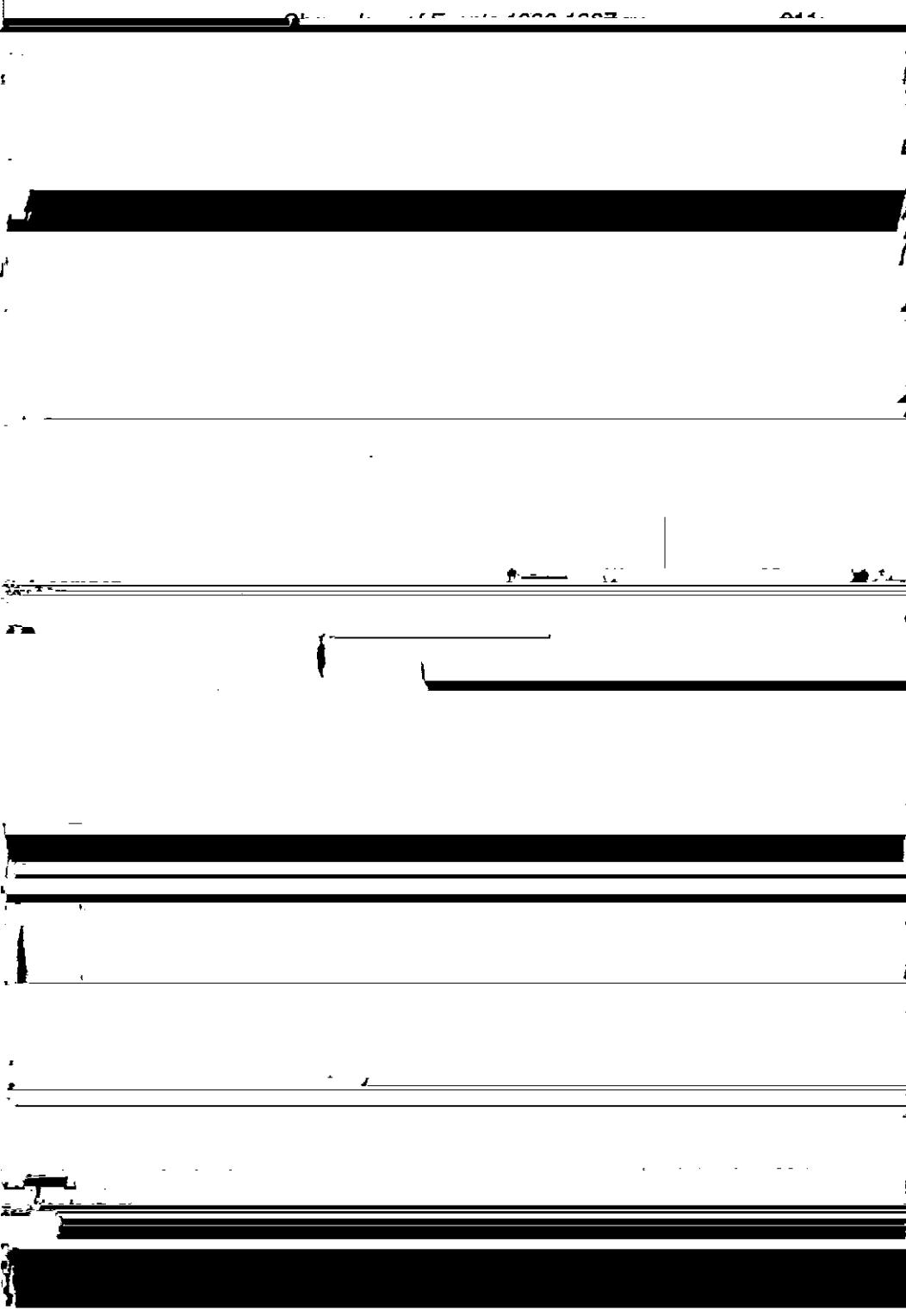
riars between the provinces. To aid in reducing inter-

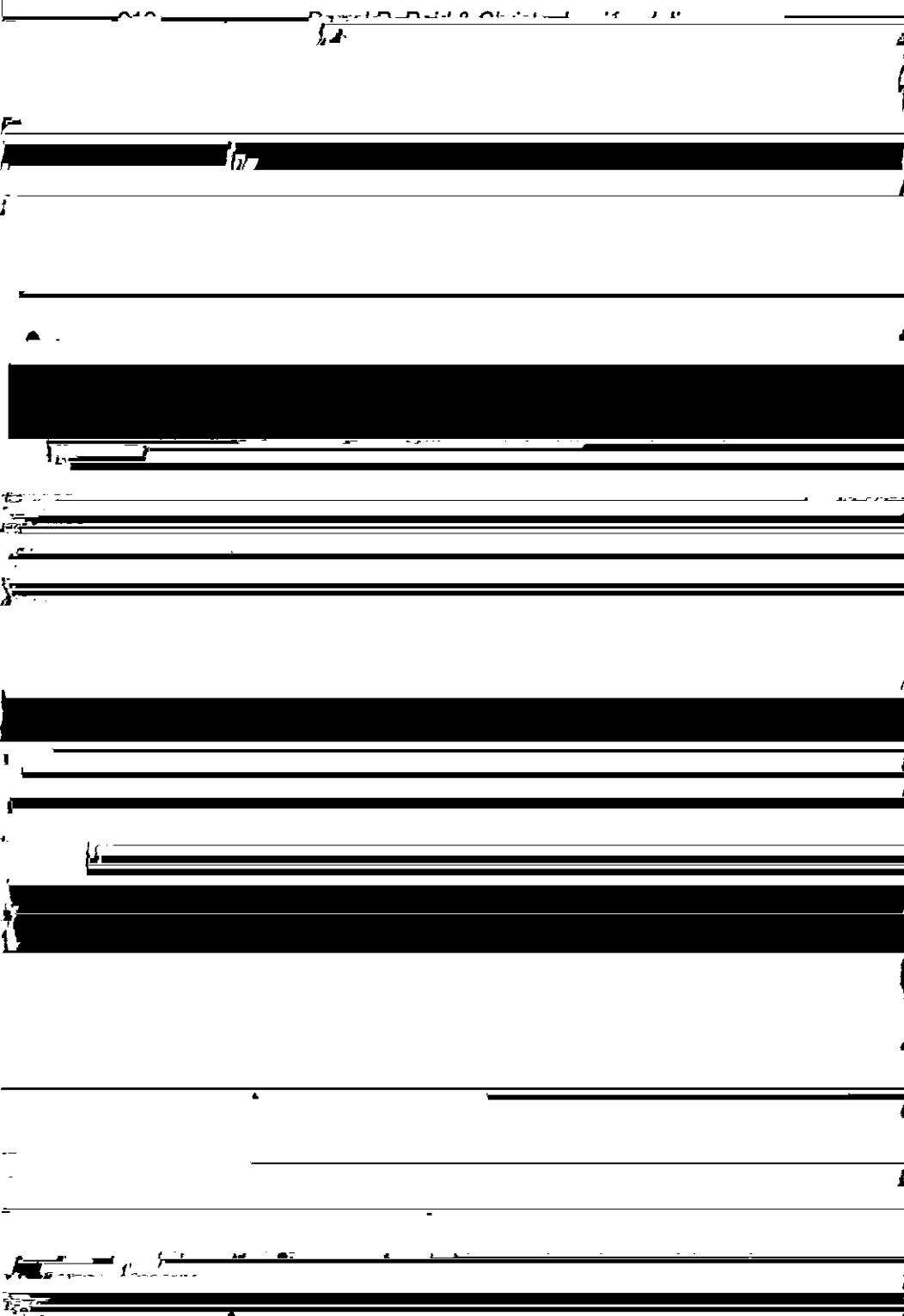
they had promised in 1979. The original agreement



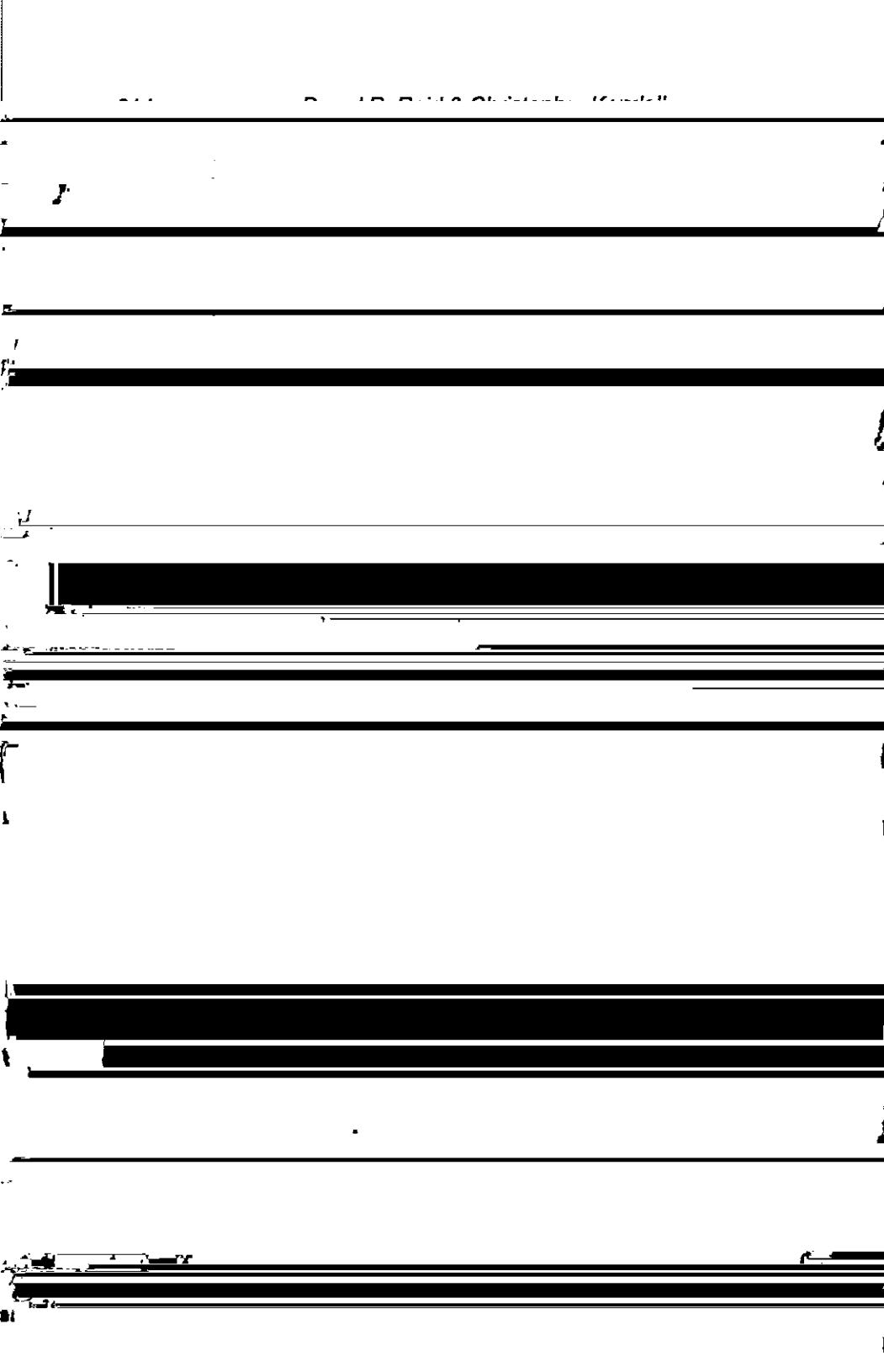
months. Mr. Wilson tells the ministers not to expect much in the way of an increase in transfers—already reaching \$5.5 billion, although he announces his



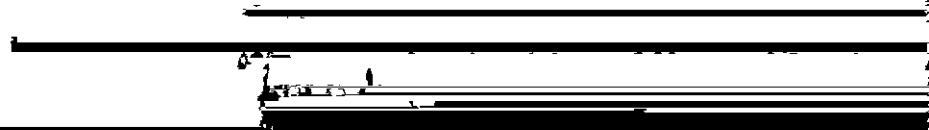




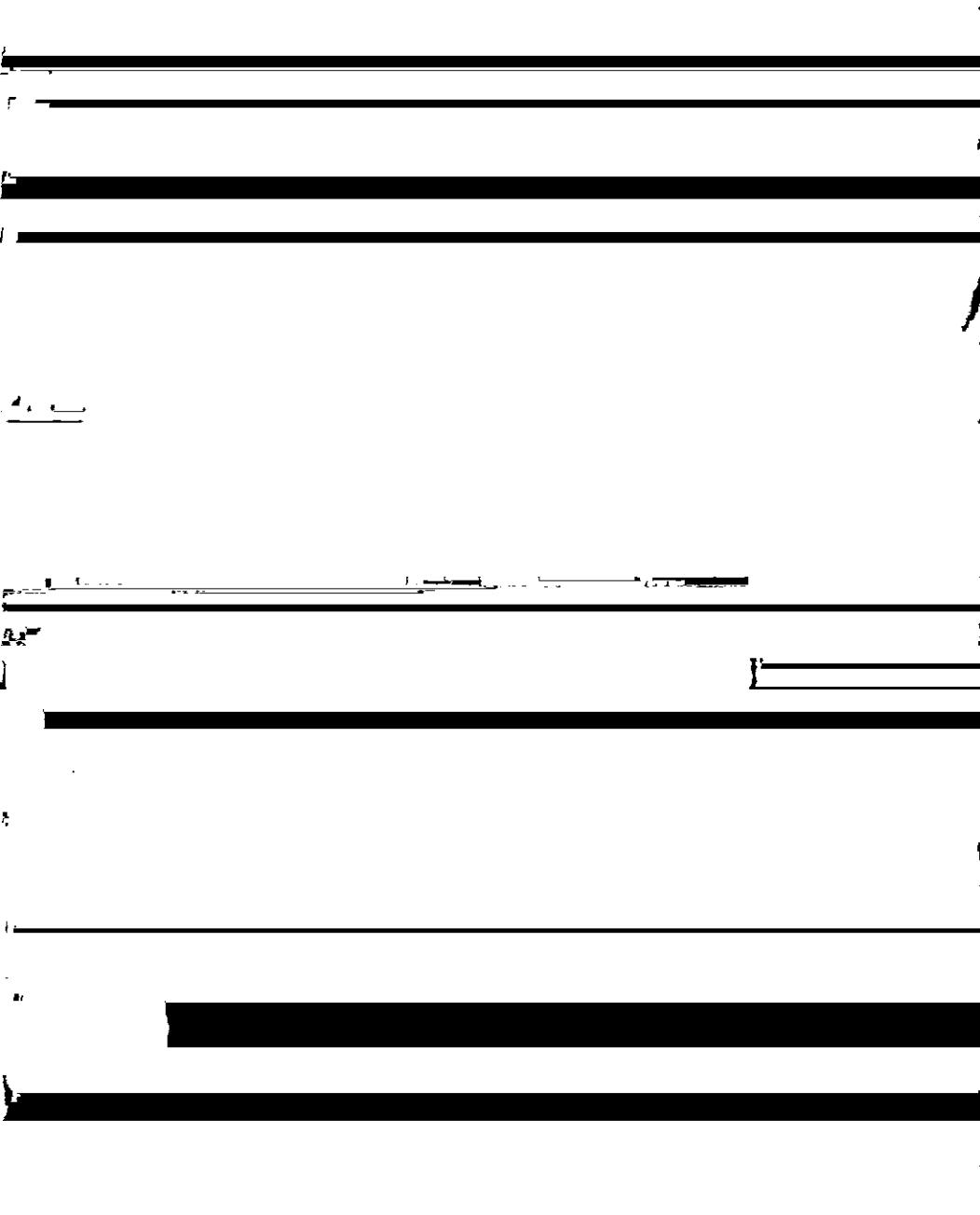
**22 October** Premier Bill Vander Zalm leads his Social Credit  
*Elections—British* Party to victory in British Columbia, winning 49



needs to compete in the highly-competitive international market. The new legislation will permit banks,



048 DRAFT D-130 OBSERVER'S GUIDE

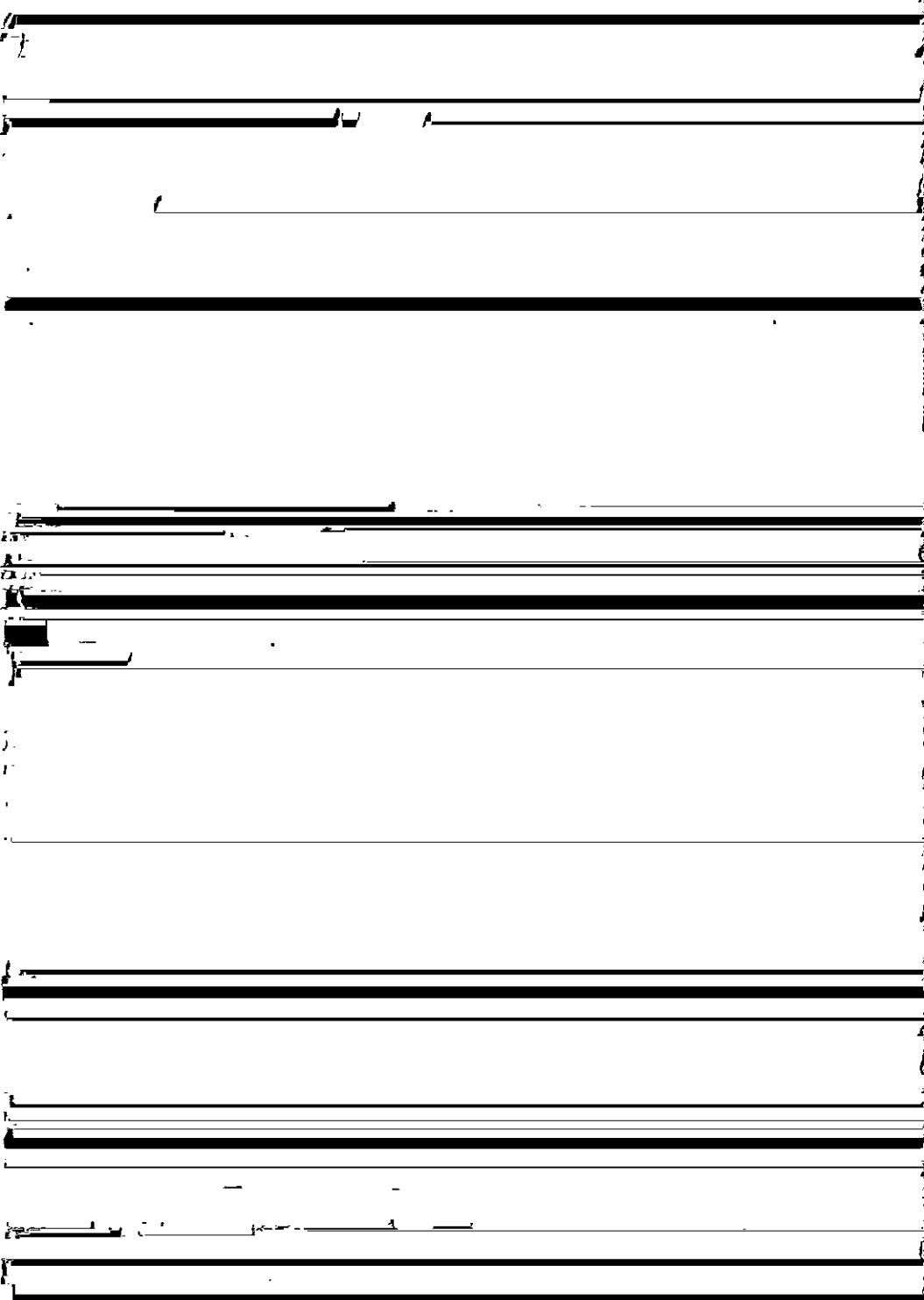


**1987**

**15 January**

*Northwest*

After lengthy negotiations, a tentative agreement for  
the division of the Northwest Territories is reached  
~~the new capital at Inuvik formerly Frobisher~~





vironment Minister Tom McMillan, is the first between the federal Government and a province to fo

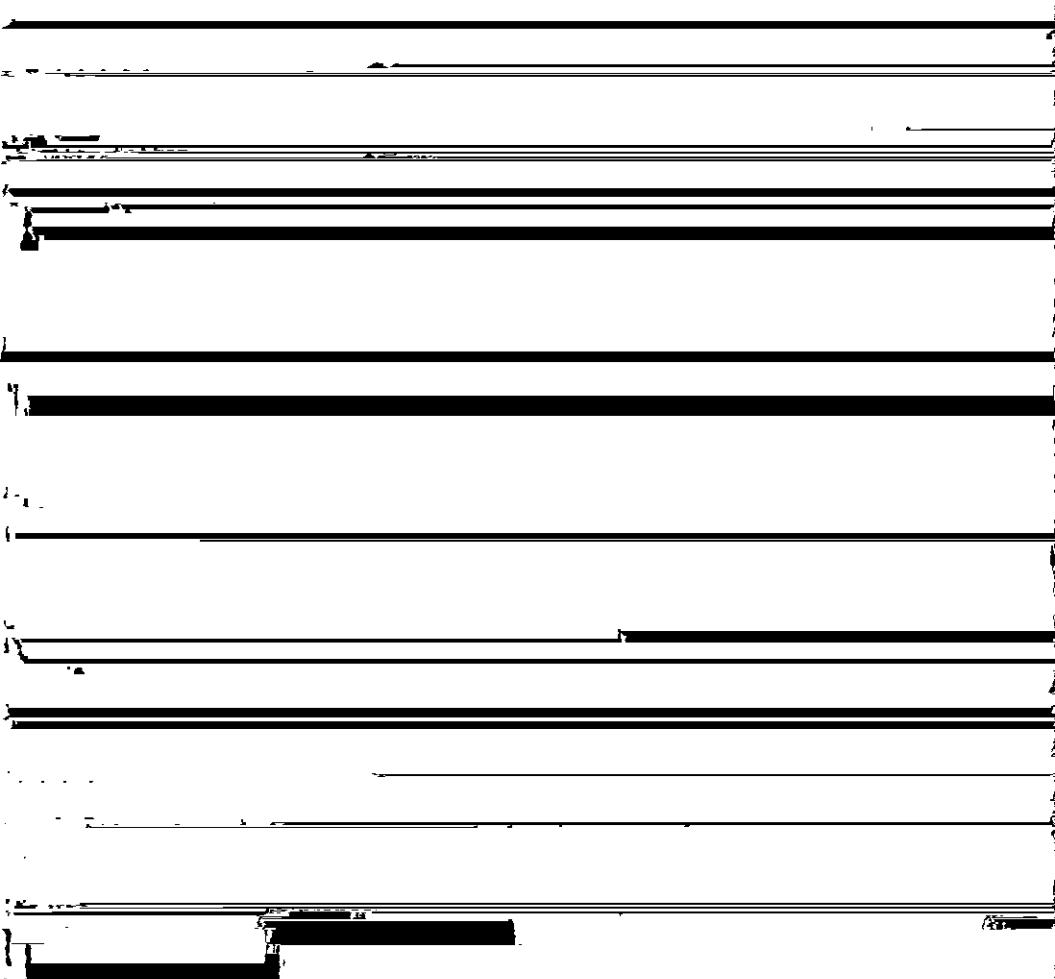
**26-27 March**  
*First Ministers'  
Conference on*

The First Ministers' Conference on Aboriginal Constitutional Matters convenes in Ottawa to attempt to reach an agreement on aboriginal self-government

???

Darrel R. Reid & Christopher Kendall

two leaders discuss Canada's proposal to license film



7 April

The Ontario Government officially opens an office



[REDACTED]



26-27 May

## The premiers of the four western provinces gather in





800-221-0000

800-221-0000



and Freedoms. *Bill 30*, the plan to extend the fund-



**7 July**  
*Free Trade*

The provincial premiers gather in Ottawa to be briefed on the free trade negotiations. Ontario Premier Peterson announces, following the briefing,



[REDACTED]



[REDACTED]



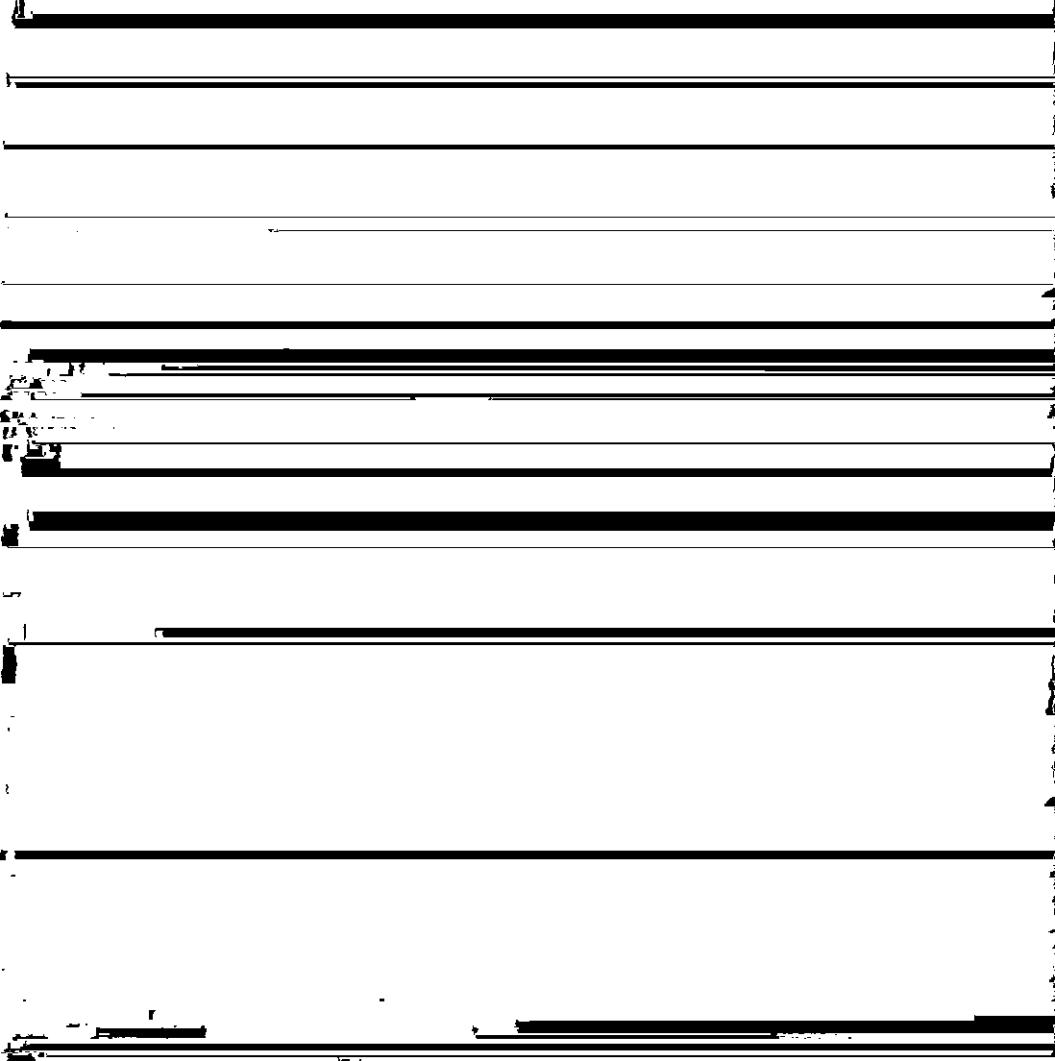
[REDACTED]



[REDACTED]



them to abandon unprofitable lines more easily. A 2.



14 September

## The Newfoundland delegation to the Canada-France

**23 September**  
*Constitution—  
Meech Lake Accord*

The Saskatchewan Legislative Assembly votes 43-3 to ratify the Meech Lake Accord. Three New Democrats oppose the bill.

tober. Key elements of the agreement, as announced the next day, include the following:

- the creation of a continental energy market. Canada

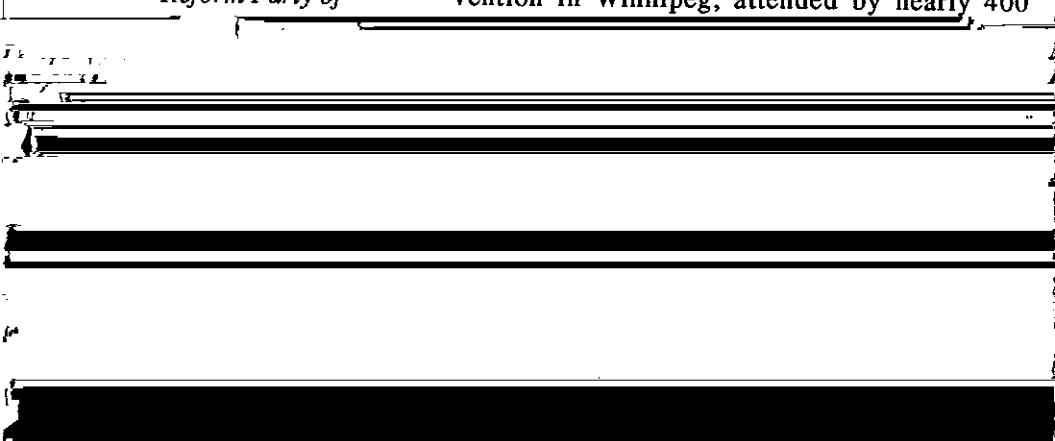


Quebec's intention to impose no limits on the owner-



**30 October**  
*Reform Party of*

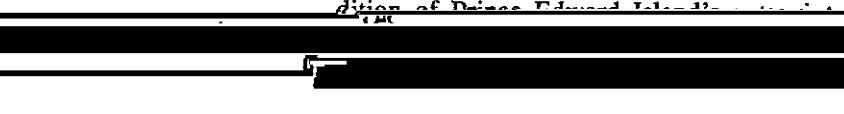
The Reform Party of Canada holds its founding convention in Winnipeg, attended by nearly 400



**16 November**

Hearings begin in the Supreme Court of Canada over

*dition of Defense Education Act—*



*the Defense Education Act—*



*the Defense Education Act—*



*the Defense Education Act—*



*the Defense Education Act—*



*the Defense Education Act—*



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*the Defense Education Act—*



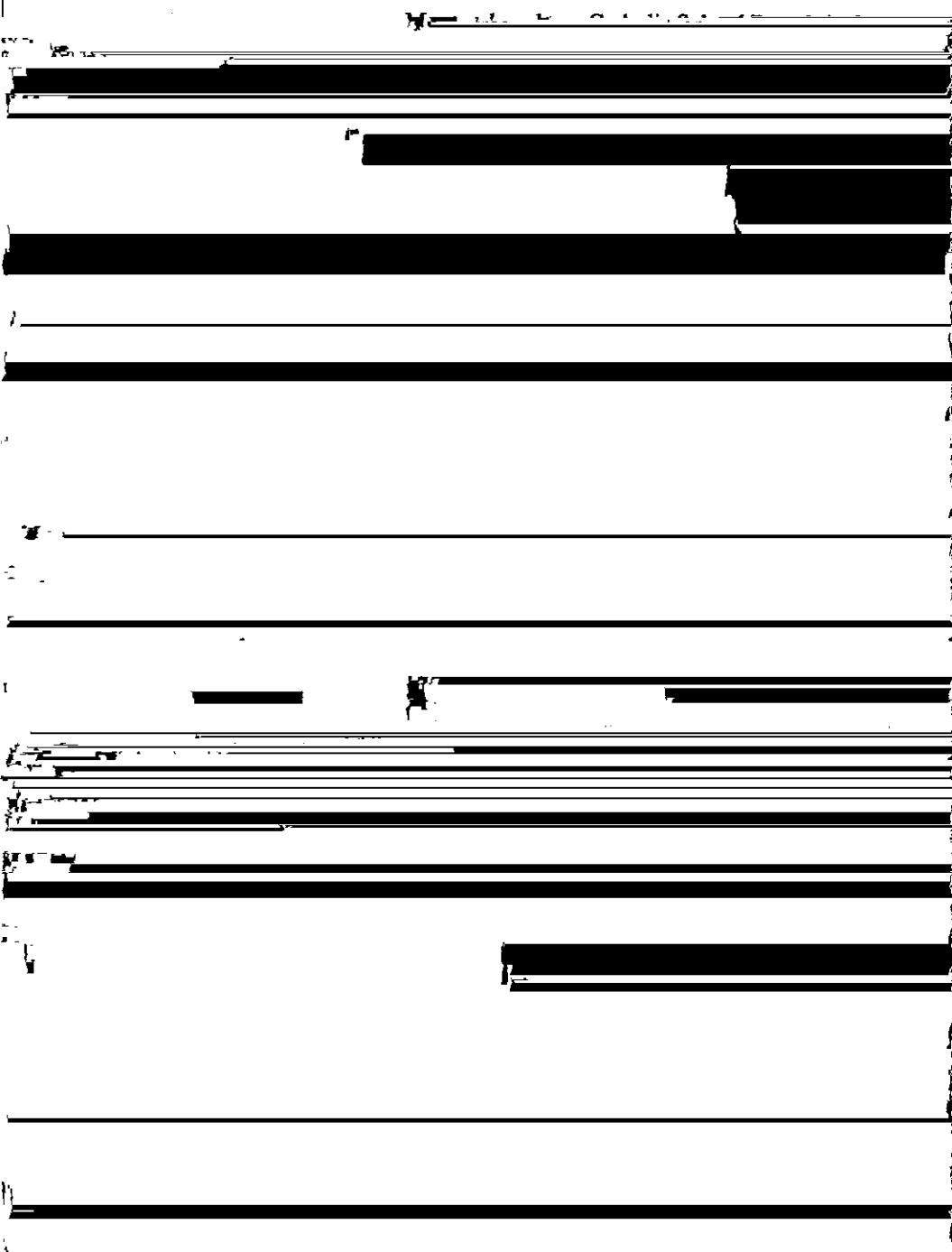


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DEPARTMENT OF STATE



Ontario Treasurer Robert Nixon, concerned that his province might lose business to the new international banking centres, announces that the province will reluctantly offer tax breaks or other financial incentives to banks if it becomes apparent that the federal

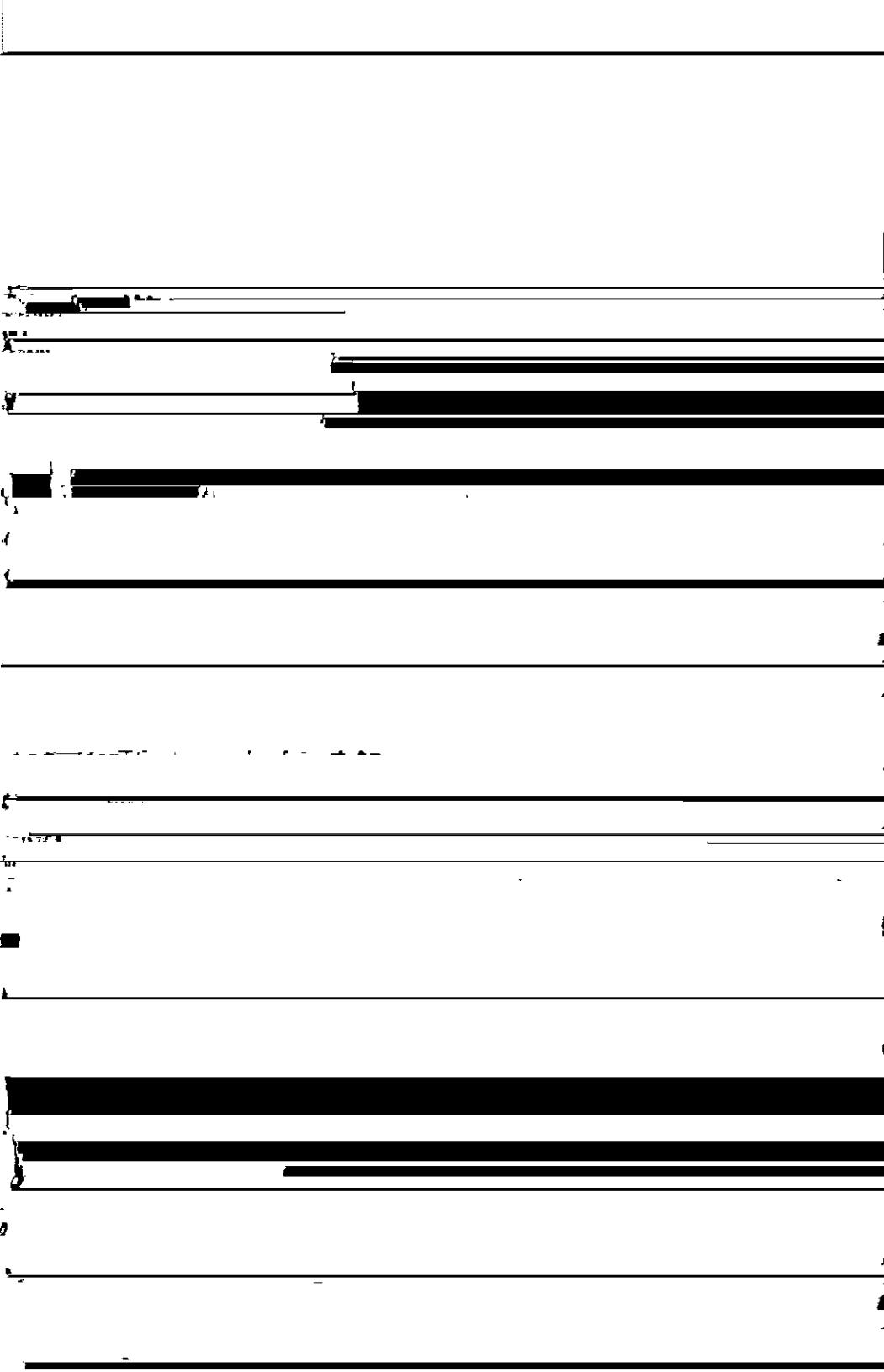


**Free Trade Agreement.** The three back away from earlier threats of a court challenge to the deal, stat-

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## List of Titles in Print

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Peter M. Morris, *Rebuilding the Relationship: Conflict and the Church*, 1998

[REDACTED]

7. ~~Proposed Name, Backer(s), Company, Description, General~~

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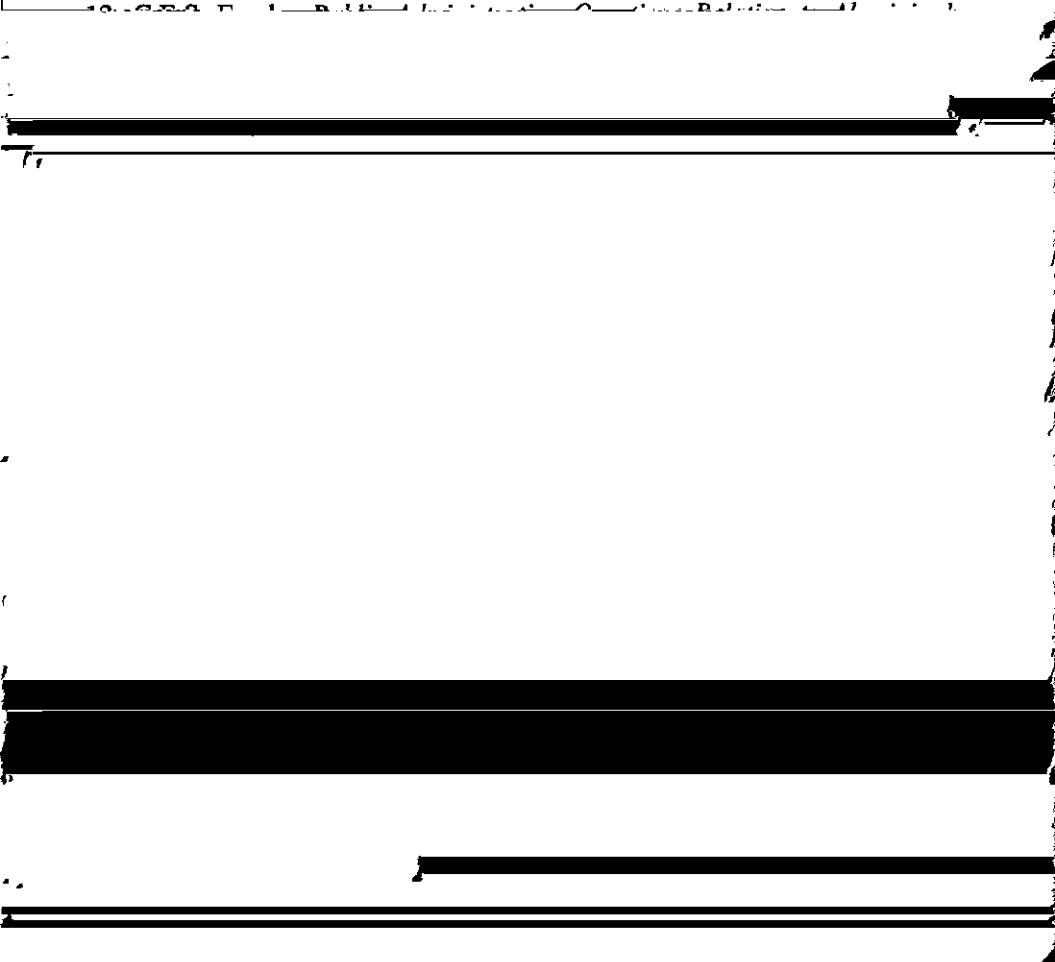
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14. Delia Opekokew, *The Political and Legal Inequities Among Aboriginal Peoples in Canada*, 1987. (\$7)
  13. Ian B. Cowie, *Future Issues of Jurisdiction and Coordination Between Aboriginal and Non-Aboriginal Governments*, 1987. (\$7)
- 

David C. Hawkes and Evelyn I. Peters *Implementation of Aboriginal Self-Governance*

