




Canada: The State of the Federation 1991

Edited by
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Institute of
Intergovernmental
Relations

Institut des
relations
intergouvernementales



Canadian Cataloguing in Publication Data

Canada

1985-
Annual.

ISSN 0827-0708

the state of the federation

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PREFACE

This is the sixth volume in the annual series of the Institute of Intergovernmental Relations, *Canada: The State of the Federation*. This volume maintains the

CONTRIBUTORS

David L. Davis is Research Associate, Institute of Intergovernmental Relations



I

Introduction



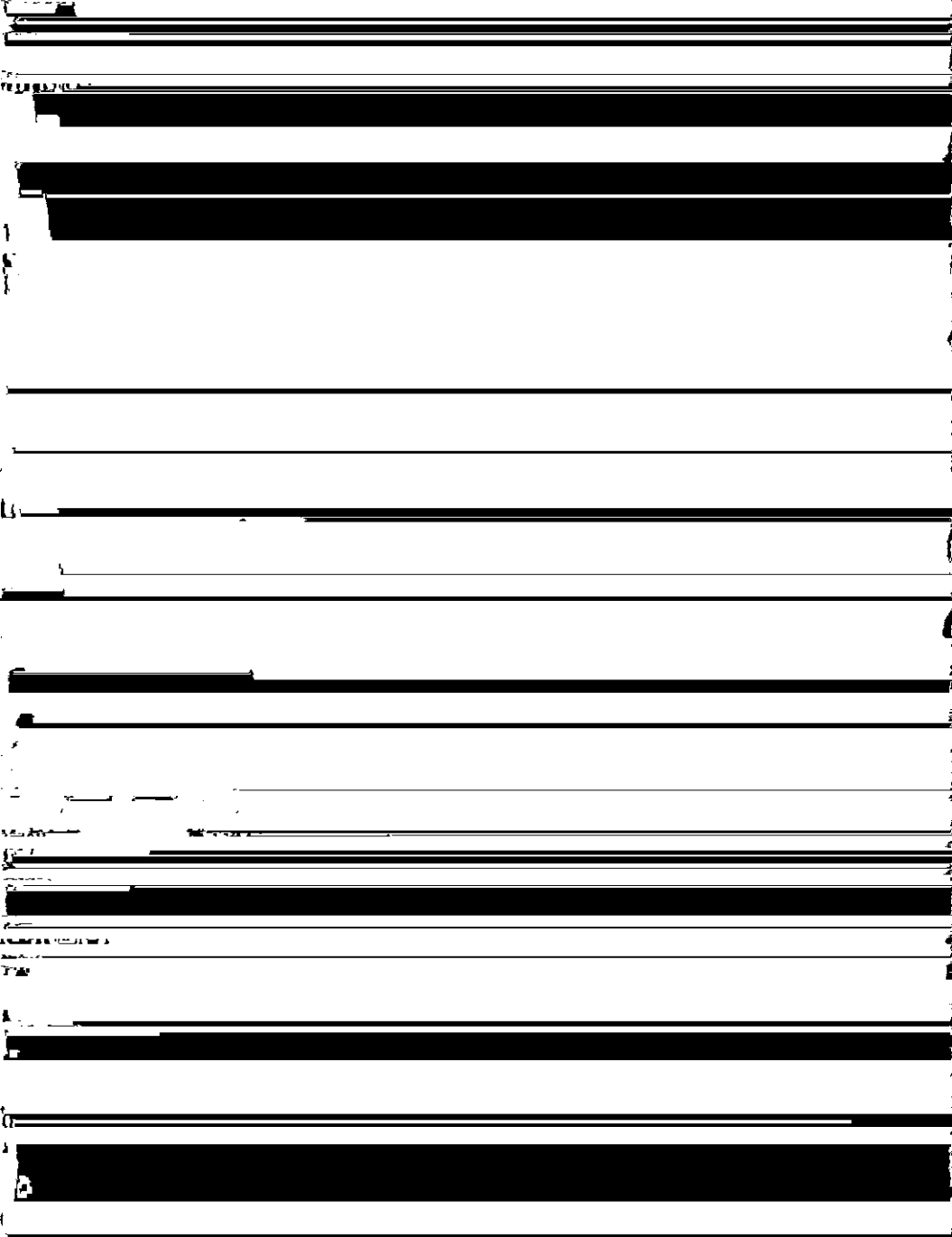
An Overview

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The Education Commission on the Status of Women, 1975

rooms. Canadians may be facing the banality of crisis, but crisis it is, nonetheless.

This edition is the cloth for the 1970 edition of the book.

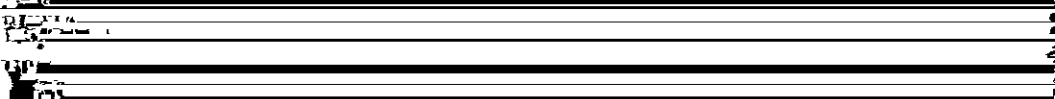
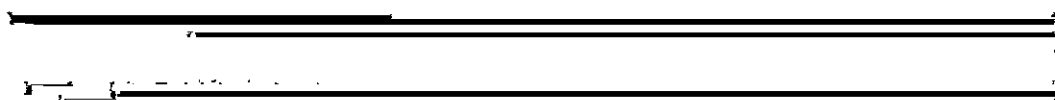
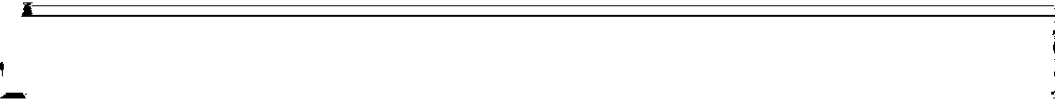
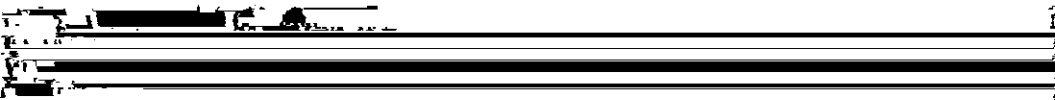


the aboriginal cause is clearly the benefactor, and a political momentum is

**FOCUS ON THE CONSTITUTIONAL DEBATE:
PREPARING FOR THE "CANADA ROUND"**

resume control over the pace of constitutional events by May 1991, when Joe Clark was appointed the minister of justice. He said, "I think it is important to have a government that is in control of the pace of constitutional events."

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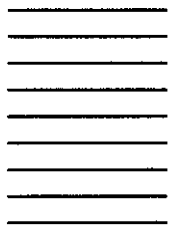


unemployment lines. These realities will force the two most populous provinces

coranlex that proposed solutions will be ...

[REDACTED]

5. For a good overview of aboriginal issues, current to early 1991, see Hawkes and Devine, cited above.
6. See *Le Devoir*, 2 July 1991.



II

Focus on the

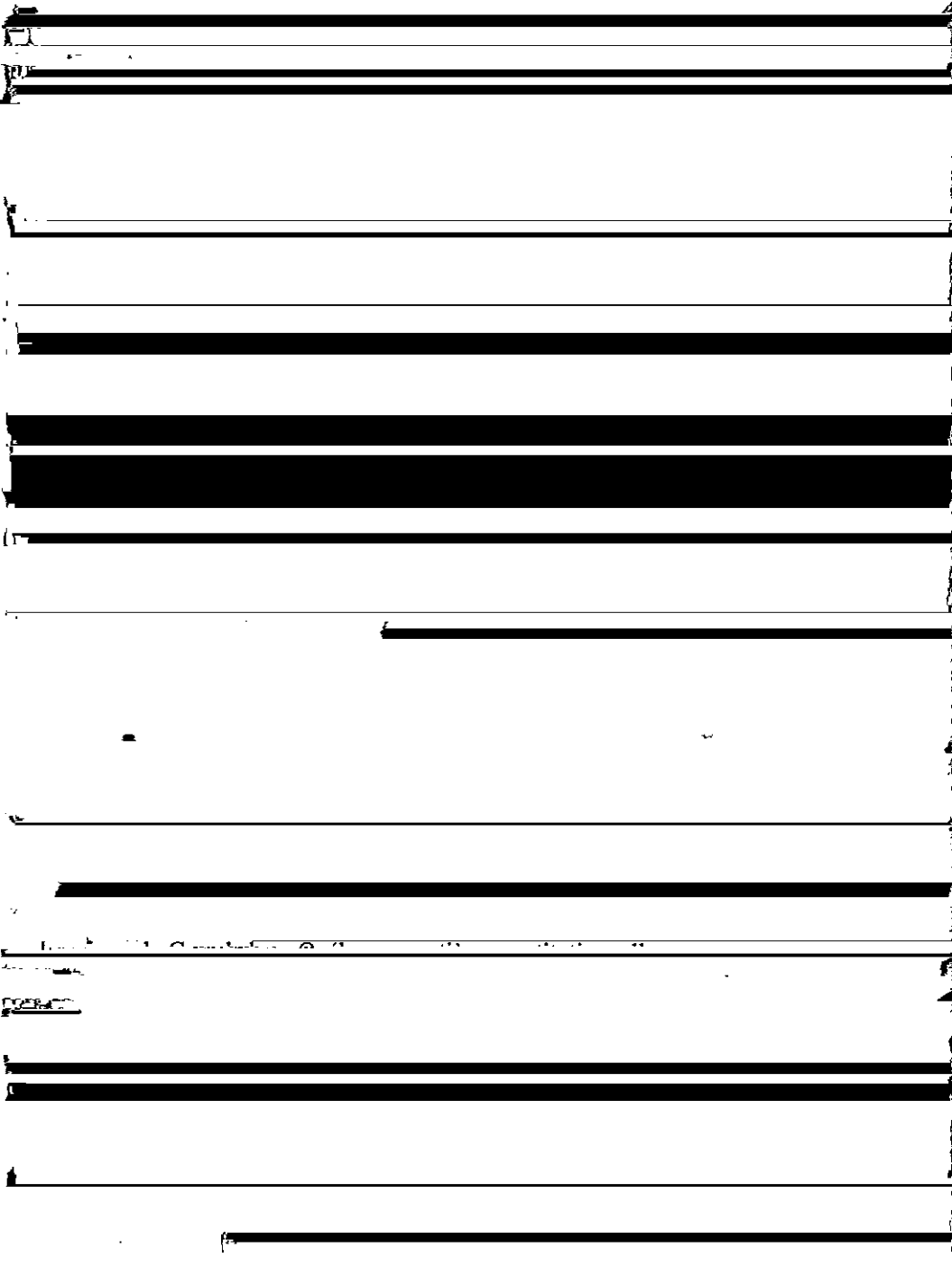


FEU L'ACCORD

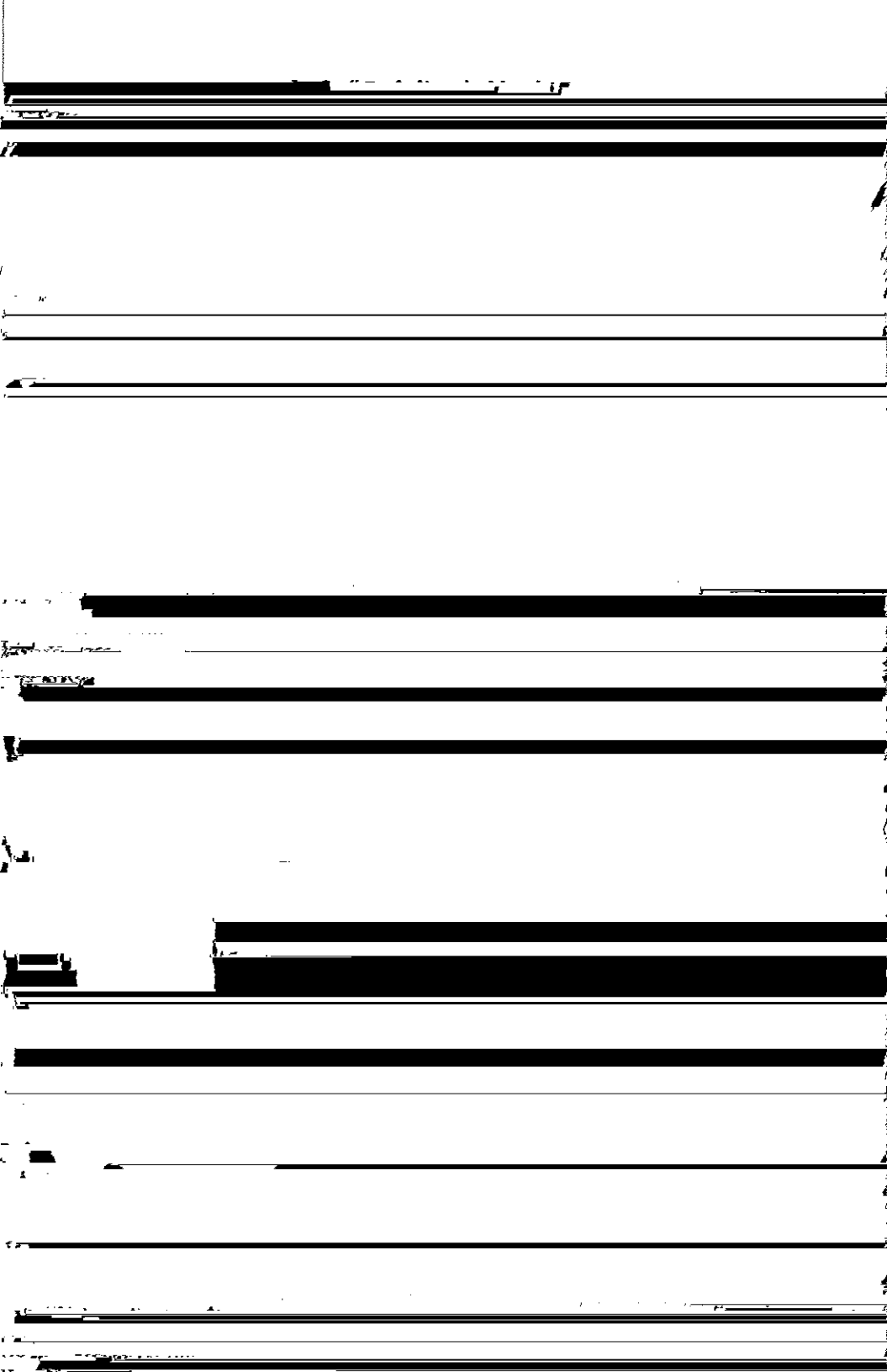
Le naufrage de l'Accord du lac Meech le 23 juin 1990 aura eu pour conséquence
d'ouvrir le débat de l'indépendance.

l'exaspération d'une majeure partie de la population québécoise face au cul-de-sac constitutionnel dont le Québec venait une fois encore de faire les frais. Au

Journal of the History of Mathematics, 1998, 29(1), 1-11. doi:10.2307/2373000



Rourassa et Jacques Parizeau officiaient, à tout le moins, à la même "grande



trois grandes centrales québécoises, les mouvements nationalistes et leurs filiales (Société Saint-Jean Baptiste, Ligue d'action nationale, Mouvement national des Québécois), le Parti québécois, l'Union des artistes et certains autres organismes individuels ou collectifs.

suivant cette optique, les Anglo-canadiens pourraient finalement s'offrir leur

Il est évident que le Québec a subi un choc de l'après-Meech. Le 28 novembre 1991, le Québec a été placé devant un choix qui n'a jamais été posé auparavant.





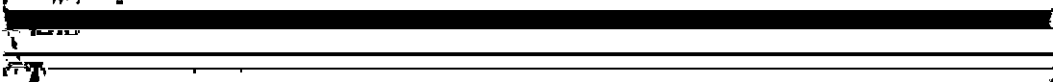
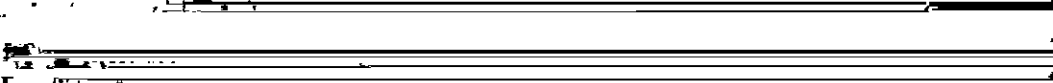

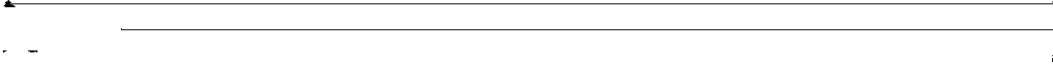

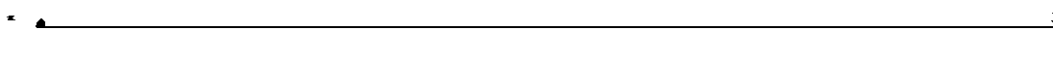
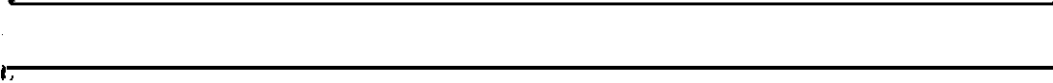



Le Québec a été placé devant un choix qui n'a jamais été posé auparavant. Le Québec a été placé devant un choix qui n'a jamais été posé auparavant.

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Le Québec a été placé devant un choix qui n'a jamais été posé auparavant. Le Québec a été placé devant un choix qui n'a jamais été posé auparavant.

dissiper l'impression que le Québec entend faire bande à part; c'est pourquoi on tenait à affirmer que "le Québec n'est plus seul dans son pays" (1970, p. 14).



au sein de l'Etat canadien, un scénario d'emblée inacceptable pour le Canada

Le Québec 33 *Le Québec de l'après-Meech* 33 *Le Québec de l'après-Meech* 33

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Le régime fédéral de Démocratie sociale a été dit à distance

Commission de "banaliser la question du Québec". Elliptique sur la question du partage des pouvoirs, le rapport Spicer aura plaidé en fait pour un fédéralisme ~~neuf~~ ou ~~neuf~~ asymétrique, lequel serait fondé sur une équité.

morte-née à la suite de l'échec de la conférence, constituait néanmoins, à

étant donné que ces deux partis, nullement en compétition sur les plans territorial et électoral, pourraient à eux deux décrocher, en toute vraisemblance. la

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provinciales. Le défi reste entier et de taille pour Ottawa, chaque province y

por vingte dias antes de cada sessão: a Comissão trabalha em carregamento

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ici, de son parti) pour participer aux travaux du comité mixte fédéral qui pilotera

des conférences fédérales-provinciales par le Québec est officiel mais loin d'être

du forum "Les jeunes et l'avenir du Québec". Voir *Rapport de la Commission sur l'avenir politique et constitutionnel du Québec*, Québec, mars 1991, pp. 4-5.

de la Commission. Qui plus est, il y aurait approximativement 5 milliards\$ d'économie potentielle en éliminant l'ensemble des dédoublements de services entre Ottawa et Québec. Cette estimation n'aura cependant pas intégré l'impact du partage de la dette nationale et du rapatriement des actifs fédéraux au Québec

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62. Voir Graham FRASER, "Clark unlikely to claim panel has consensus"; *The Globe and Mail*, July, 8, 1991, pp. A1, A5.
63. Voir Chantal HEBERT, "Ottawa offrira la société distincte et la culture au Québec"; *Le Devoir* 22 août 1991, pp. 1 et 4. Voir aussi Edina STEWART "Clair-

The Politics of Process

Kathy L. Brock

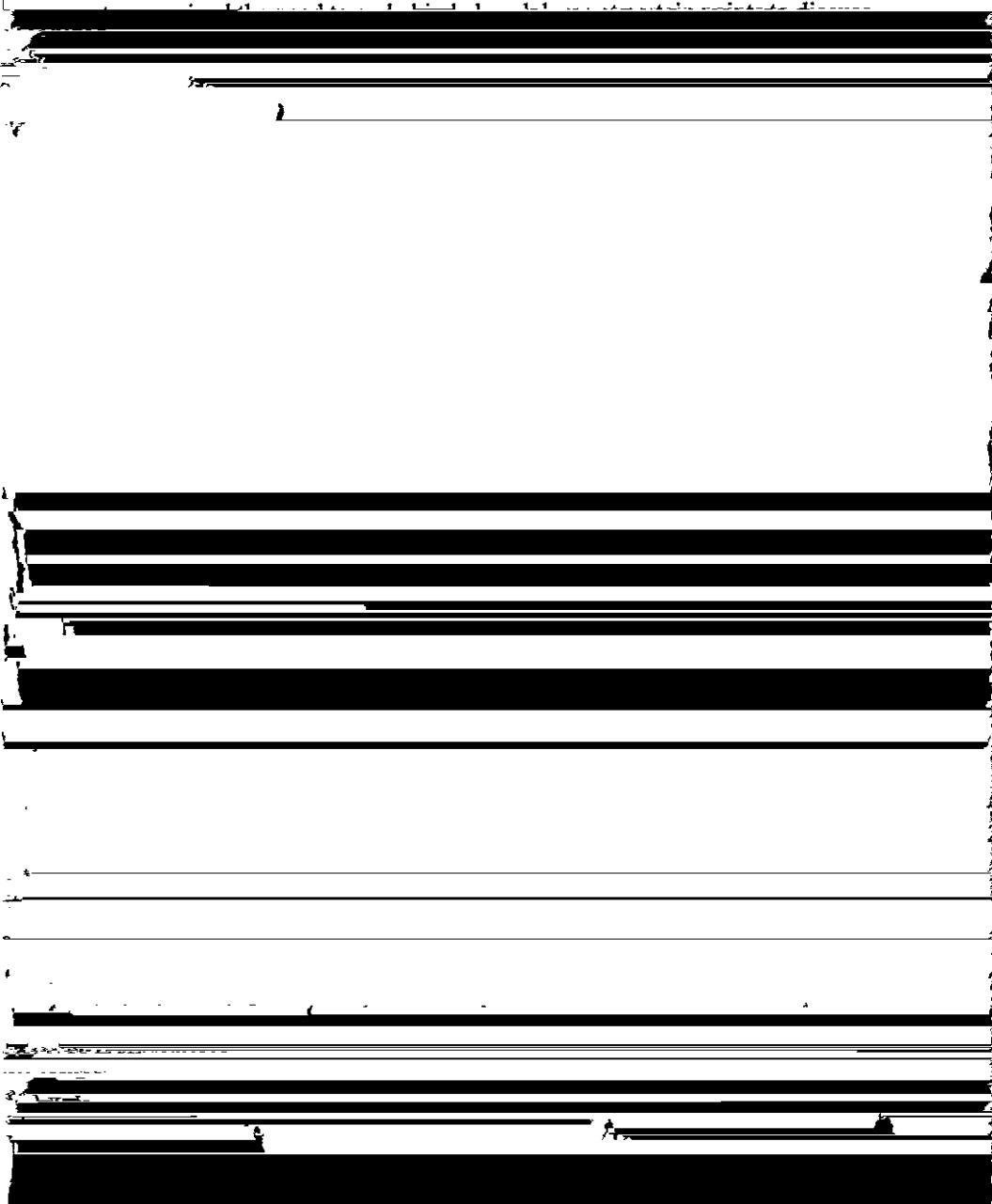
The failure of the March 1968 election to bring about a change in the

...and accepted as a result of the 1992 constitutional process. The subject

follows that the Constitution with its many non-federal concerns cannot be

[REDACTED]

more information on the negotiations as they were being conducted. Although



every legislative entity, be it committee or assembly, that was charged with the

Canada's constitution. As Cairns states, "Patient, honest explanation of the



of the Quebec Liberal Party, chaired by Jean Allaire, released its report. The

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they are competent to do the job. The work of the Committee will reveal which

has heard over 600 witnesses and identified key issues that should be addressed in future constitutional talks. Its original reporting deadline of 27 June 1991 has been extended until late October to allow it to

concerns of the smaller and have-less provinces regarding limits on federal spending, it does suggest reworking the equalization scheme to assist these provinces if they assume greater responsibilities. However, it must be remem-



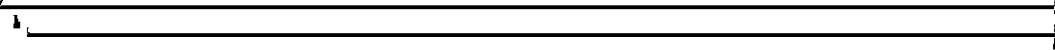
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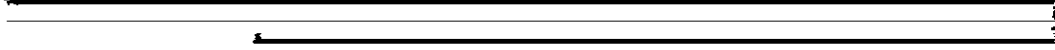
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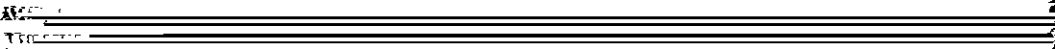
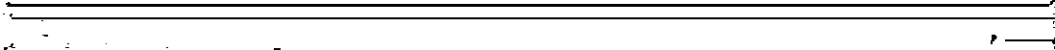
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in these domains federal spending power and overlapping interventions;

- the exclusive attribution to Quebec of powers and responsibilities

- the transfer of tax and financial resources related to the powers and responsibilities which Quebec exercises;
- the maintenance of a Quebec representation in common institutions

Canada is capable of making choices that fully satisfy Quebec's own needs.

Committee argued that the recommended committee

[REDACTED]

tensions that undermined the Meech Lake Accord. Given that the rhetoric of

that is public. [REDACTED]

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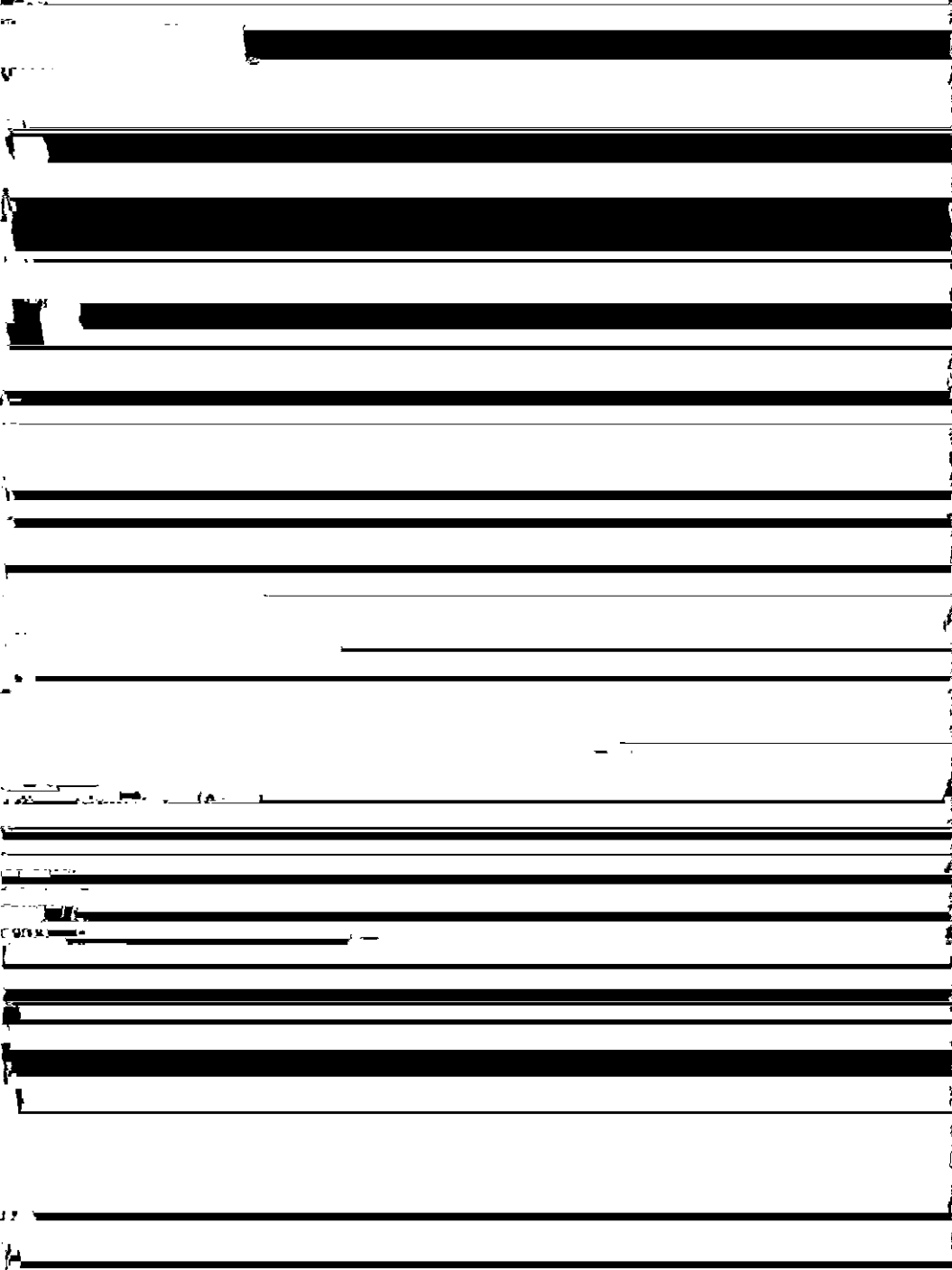
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in Canada, they have been often suggested as a possible means of settling
differences in constitutional interpretation. 76



reasonable option if a deadlock in negotiations were to occur.⁸⁰ Similarly, the

much of the bitterness and the recriminations of the Meech Lake process might be avoided. Actions would conform to expectations. These measures should

3. For an account of the impact of this process on governments' bargaining positions and styles, see Michael B. Stein, *Canadian Constitutional Renewal, 1968-1981: A Case Study in Integrative Bargaining*, Research Paper 27, (Kingston, Ont.: Institute of Intergovernmental Relations, Queen's University, 1989).

13. Alan Cairns, "The Charter, Interest Groups, Executive Federalism, and Constitutional Reform," p. 27.
14. Beverly Baines, "After Meech Lake: The Ms/Representation of Gender in Scholarly Spaces," in Smith et al., *After Meech Lake*, p. 208.
15. *Ibid.*, pp. 208-13.
16. Leo Panitch, "Elites, Power and Class in Canada," in M.S. Whittaker and C.

32. The Honourable Jean Chrétien, *Submission to The Commission on the Political and Constitutional Future of Quebec*, 17 December 1990, pp. 37, 39, 40-43, 47-48; cf. Hugh Winsor, "Liberals fall short of goals in repair work at Ontario talks," *Globe and Mail*, 17 June 1991, p. A4.
33. New Democratic Party of Canada, *Resolution on the Constitution of Canada*, Approved by Convention, 8 June 1991, p. 1.

51. *Ibid.*, pp. 47-8.

52. *Ibid.*, n. 50.

53. *Ibid.*, p. 50.

54. *Ibid.*, pp. 74-5.

55. *Ibid.*, n. 22.

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Slouching Towards Canada

Graham Fraser

Depuis l'échec de l'Accord du lac Meech, tout démontre que le Québec et le reste du

1990-1991

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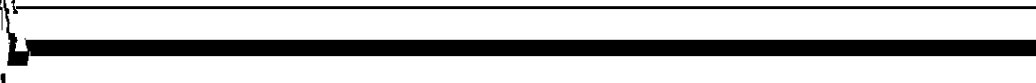




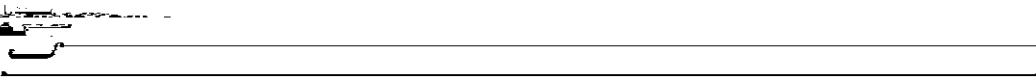

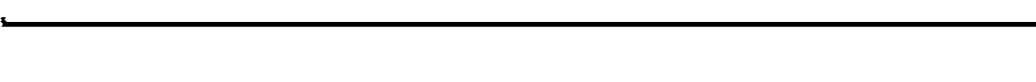



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country. That's why I did it — and I thought we could win. I thought we could have a strong hand to deal with things in a sensitive way to try to keep the country together in some semblance of order.



"I am certain that if we can get the right kind of...

[REDACTED]

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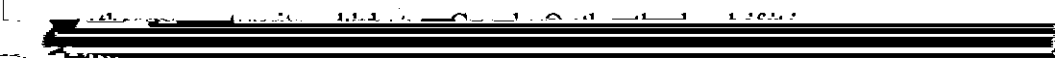
...of Canada and I think

had moved in a year. No longer could Clyde Wells be said to speak for the dominant thinking in the leadership of the Liberal Party. Moreover, it is highly likely that the federal proposal will be designed in such a way that it will not

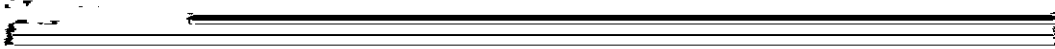
previously unacceptable, to see English-speaking Canadian leaders who are

[REDACTED]

government, that the division of powers issue would be, as he put it, "a two-way



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THE POLITICAL ECONOMY OF THE 1980S

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The other rocks to be avoided, of course, will be the feeling outside Quebec

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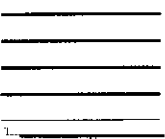
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13. Canada. *A Preliminary Report of the Royal Commission on Bilingualism and*



III

Focus on the Issues





Constitutional Change and National Social Programs

Terrance Hunsley

INTRODUCTION

The (Meech Lake) Constitutional Accord and its unmet fulfillment

...and a greater degree of independence in its social policies than have the

for national social programs and the concept of national standards. The Com-

and the "peace order and good government" laws have been

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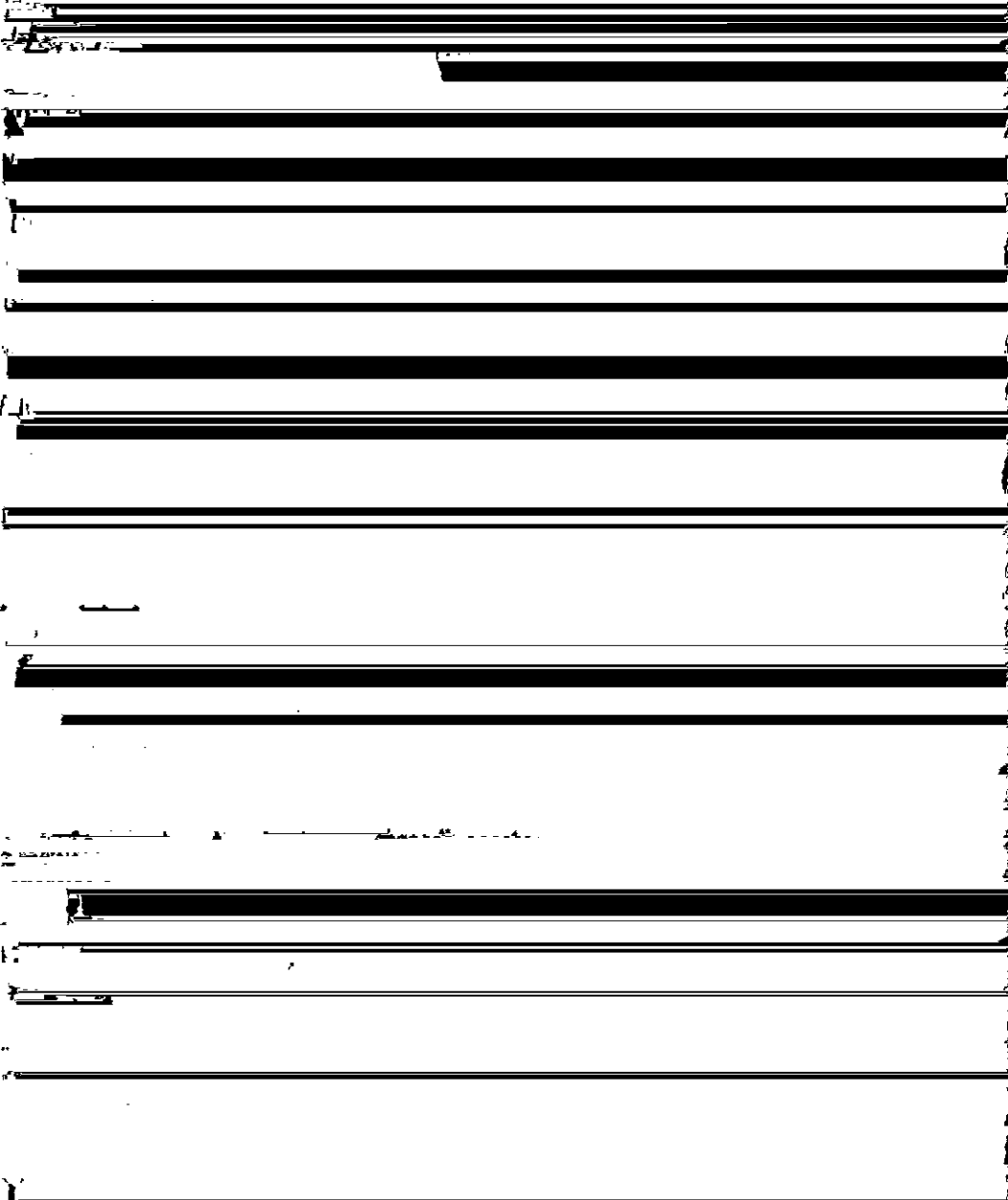
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part to limit the amount of discretion exercised by program administrators, and in part to ensure that processes of determining benefits were public, and demonstrably fair.

As social and economic change took place, and the variety of programs was extended, change in one program became ever more likely to have effects on



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record in their influence, perhaps because their mandate focused on process, rather than the substantive areas of program expertise, or financial planning. In

their incidents. These are not average or minimum standards. . . .

The national infrastructure socializes the costs of market inequities, and of economic development and disruption. The Unemployment Insurance Program and Canada Assistance Plan represent automatic state increased need caused by

[REDACTED]

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of welfare recipients, signed during the mid-eighties, appear to have achieved

The agreement reached at _____

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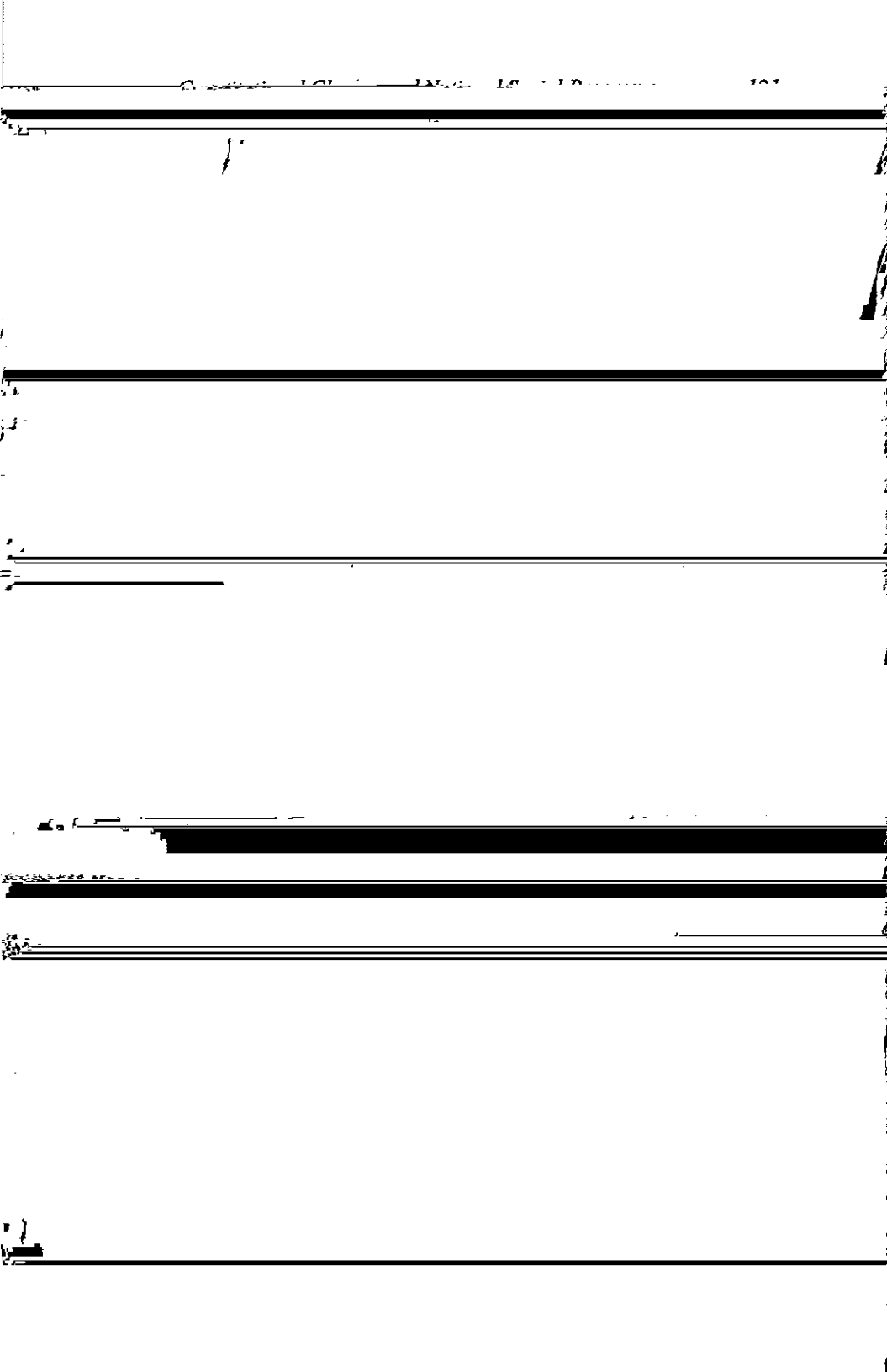
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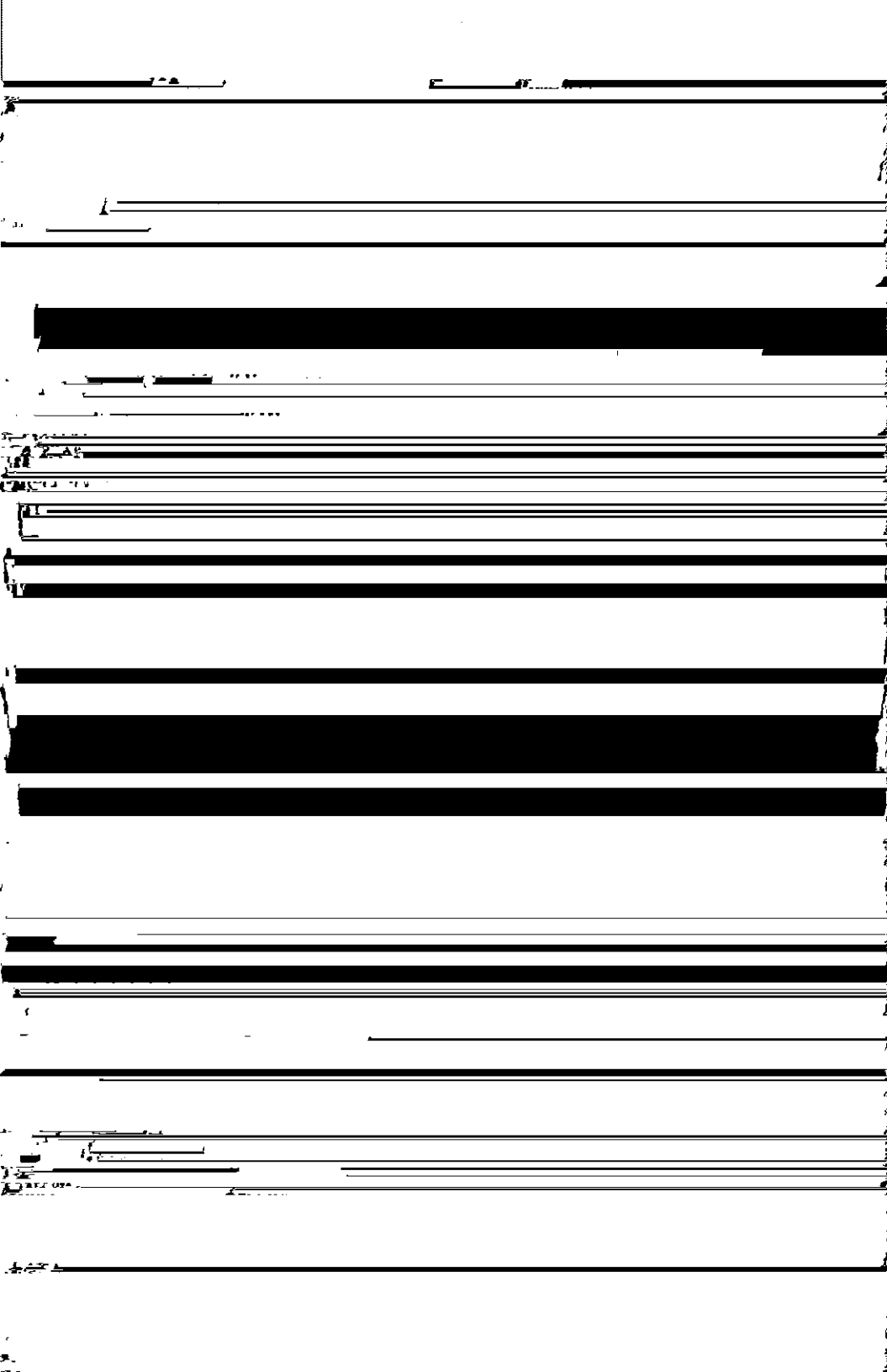
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interprovincial consultations. Within provinces, arguments about federal re-

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decreasing population results in fewer resources, but higher per capita costs of service and administration. This combination may have a smaller effect

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connected since they could then have a more...

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calculation removes a disincentive to be employed, while also supporting incomes of low-wage working families. The possibility to more effectively

4. Canada, Citizens' Forum on Canada's Future (Spicer Forum), *Report to the People and Government of Canada* (Ottawa: Minister of Supply and Services Canada, 1991).
5. Ontario, Select Committee on Ontario in Confederation, *Interim Report*, March 1991.
6. For a more complete discussion of existing constitutional jurisdiction over social

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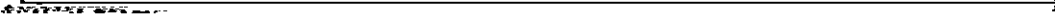
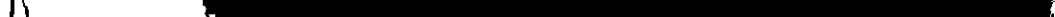
fisheries" — federal; "local works and undertakings" — provincial; "the

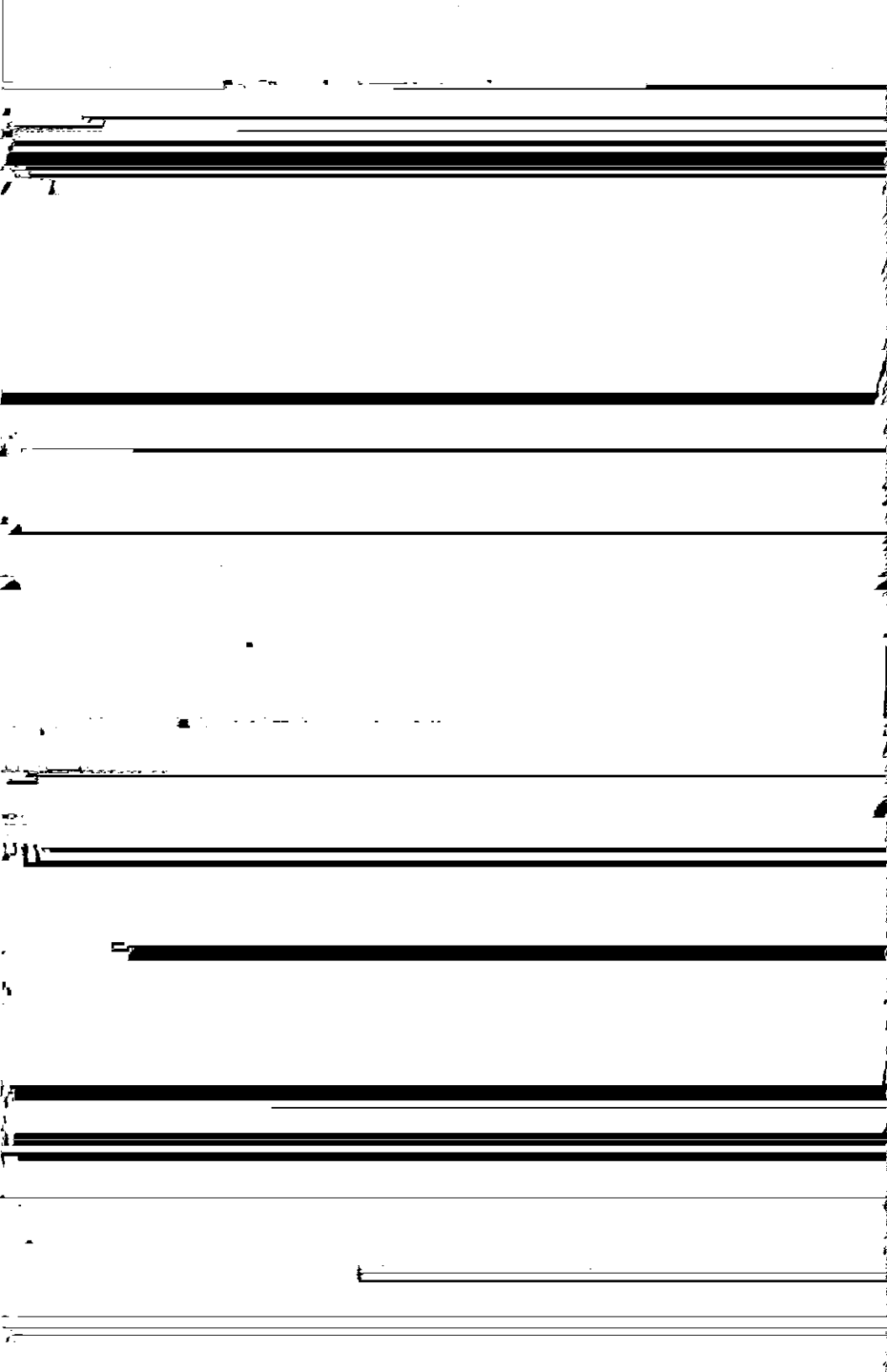
LESSONS IN FEDERAL-PROVINCIAL COOPERATION

It is instructive, at the outset, to illustrate federal-provincial cooperation on the environment with examples. The two examples presented, "fisheries" and "drinking water standards" demonstrate a pragmatic, practical response to two

facilities obtain a permit to construct (s.3) and a license to operate (s.4). Conditions attached to these permits and licences usually limit emissions from the facility into the relevant watercourse. Compliance with the permit or licence

(c) Where the Drawing cannot, or for some reason fails to, refer to





Canadians polled said they were concerned with the quality of drinking water



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the federal government. The matter of federal-provincial relations was not yet a central issue, but it was highlighted by some commentators and participants. For example, an editorial in a widely read environmental digest contained the

The notion of *emplotment* is a critical concept in the history of

Cooperation in environment that...
[The remainder of the page is obscured by heavy black redaction bars.]

THE EARP LITIGATION

Despite the fact that the [REDACTED] of the [REDACTED] [REDACTED]

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Order which is "any initiative, undertaking or activity for which the government of Canada has a decision making responsibility." In order for a proposed project to act as a trigger for section 6(c) of the Guidelines Order there must be both a federal decision-making responsibility *and* an environmental effect on an area of federal responsibility.

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Lastly, there is no doubt that the EARP process can be used as a delaying tactic by environmentalists. Many developers involved in the exploitation of

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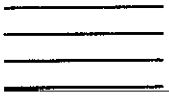
of concurrent jurisdiction with little conflict. The regulation of complex technical matters such as "the protection of the fishery" and "safe drinking water,"

which would bring certainty to the situation and would be drafted in such a way
as to prevent any challenge

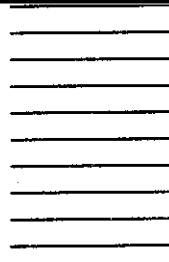
7. For an interesting analysis of the polling data on environmental issues, see V.

55. Correspondence: Louis Henderson, Chairperson, National Steering Committee

78. See *Canada (Attorney General) v. Saskatchewan*, [1999] 1 S.C.R. 1025.



IV



Focus on the Provinces



The Search for the Holy Grail: Maritime Cooperation

Donald J. Savoie

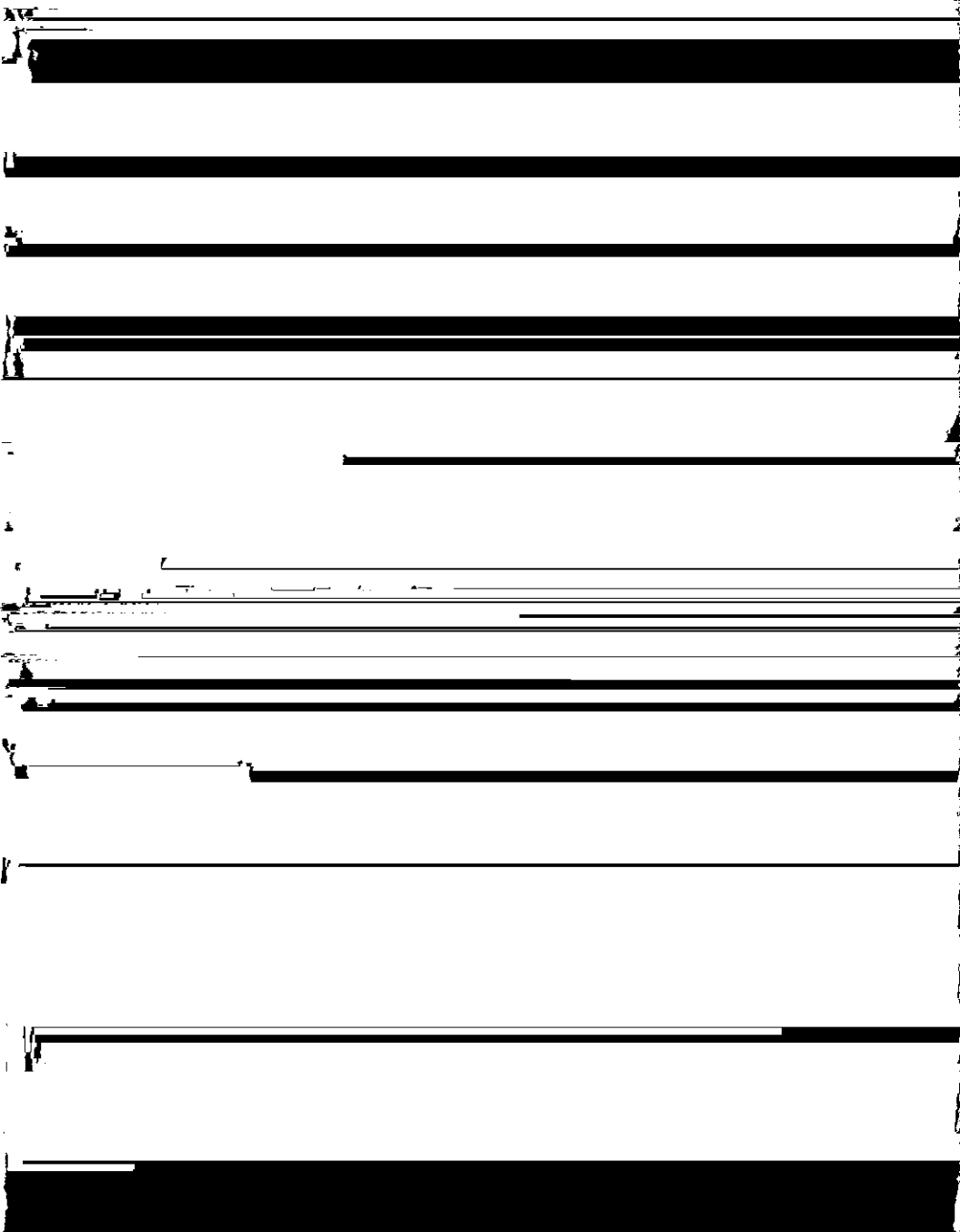
Les efforts pour promouvoir une plus large coopération politique et économique entre les trois provinces maritimes datent d'avant la Confédération. L'histoire nous révèle

meet regularly to discuss a host of regional and national issues from a western perspective. Members however are interested in

rating, economy in government, removal of tariffs with a consequent improve-

idea of a Maritime political union, P.B. Waite explains, "reached the Conference

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being pulled down."³¹ Premier Smallwood pointed out that Newfoundland was not on the mainland, and so could not be considered a "Maritime" province. In any event, he reported that Newfoundland much preferred dealing directly with Ottawa and not as part of the Maritime Provinces.³² Perhaps for good measure, Premier Smallwood attended only one more Atlantic Premiers' Conference and it was later disbanded. Despite his reservations, Stanfield obviously saw merit in Chisholm's proposal since he later suggested that Newfoundland ¹¹

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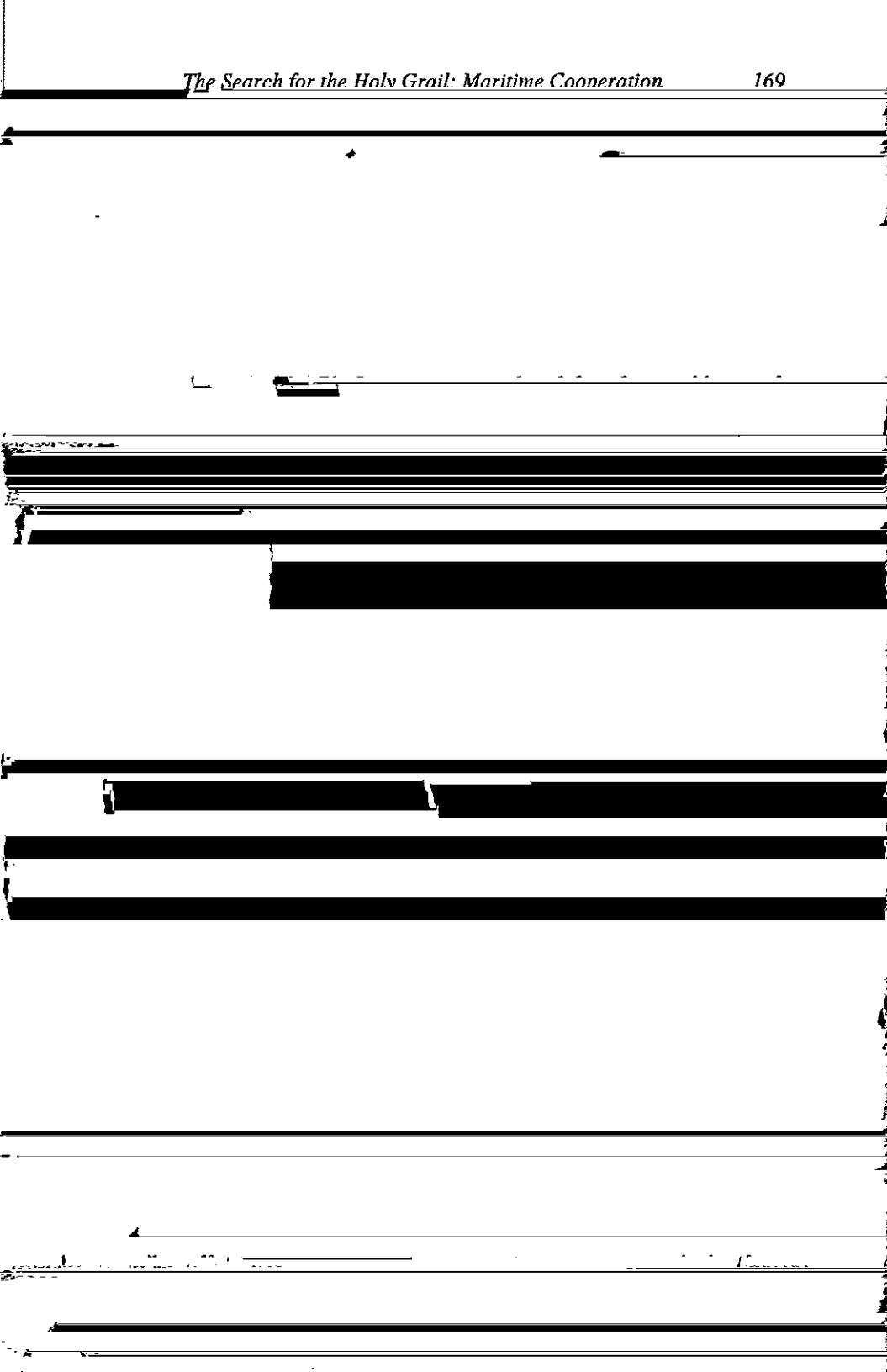
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Assembly. The power to constitute the Commission was built into the legisla-
tion establishing the Council. However, the

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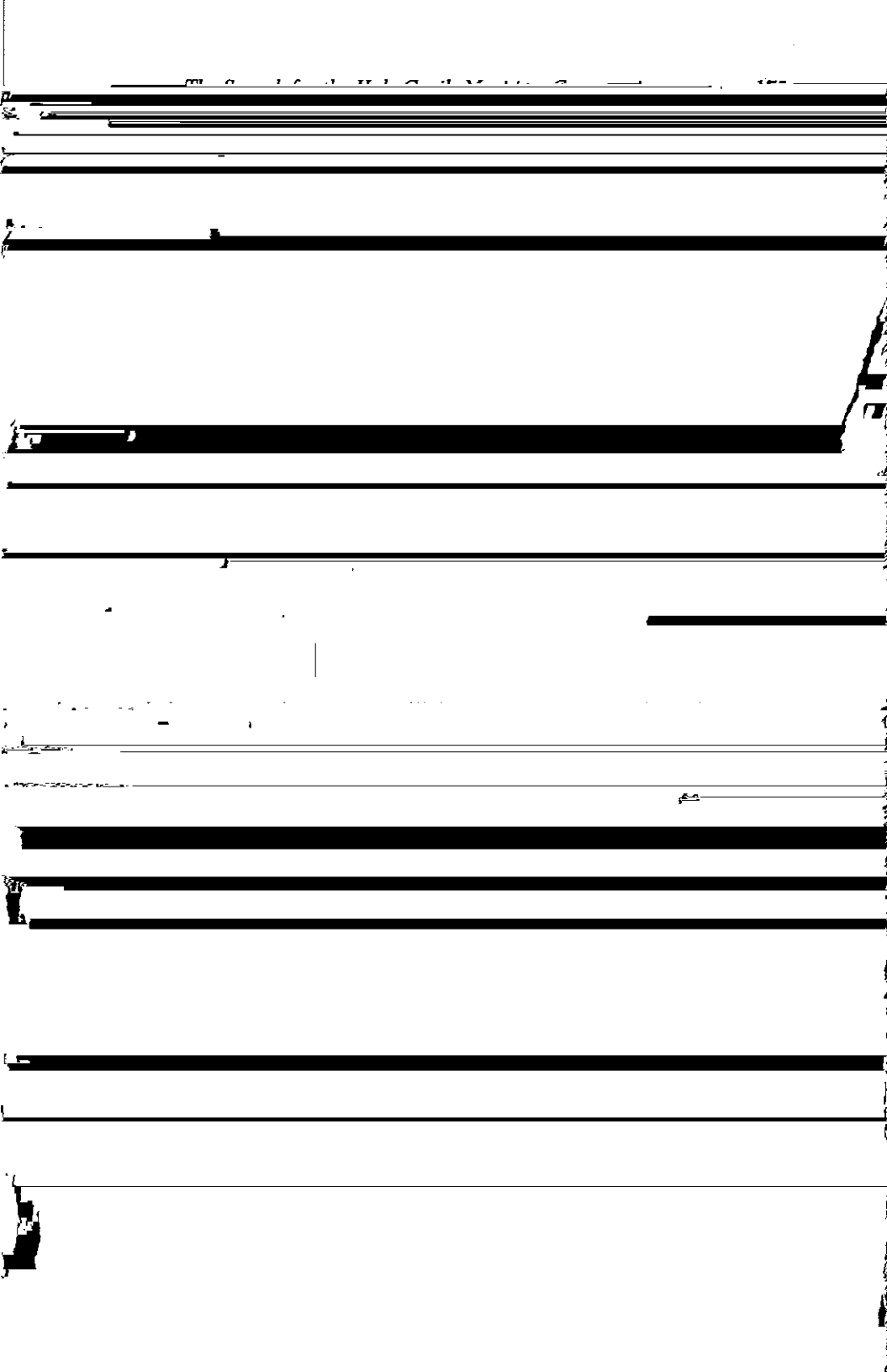
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establishment of a Maritime commission. Still the main reason for the

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exclusively provincial in scope. Only in the case of tourism has the federal



explained that "Newfoundland's economy is more tied into that of Central Canada. ... I don't think maritime union represents any real alternative for Newfoundland. It is not a big issue here. I would say that if there is any kind of option that Newfoundlanders would entertain, if Canada does break up, the first one that they will want to explore will be independence. There is still a strong

Some observers concluded the negative implications that the search for the Holy Grail would have on maritime cooperation.

reason, one does not easily give up these. Moreover, by each having a certain

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56. Ibid., p. 3.
57. Ibid., p. 46.
58. Ibid.
59. Ibid.
60. Ibid., p. 44.
61. Ibid.

83. Quoted in Donald J. Savoie, *Establishing the Atlantic Canada Opportunities*

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Pacific Perspectives on the Canadian Confederation:
British Columbia's Shadows and Symbols

Norman J. Ruff

Depuis une dizaine d'années, la Colombie Britannique a subi une transformation...

OVERVIEW

As British Columbia emerges from its troubled 1980s, it seems haunted by many

conditions as structural rather than cyclical in origin and a product of fundamental changes in global demand for commodities. The author also

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A. W. C. ... (perhaps Quebec) is making such

generate their own potential for collisions between intergovernmental policy priorities. The recent past has seen a number of such collisions, and it is

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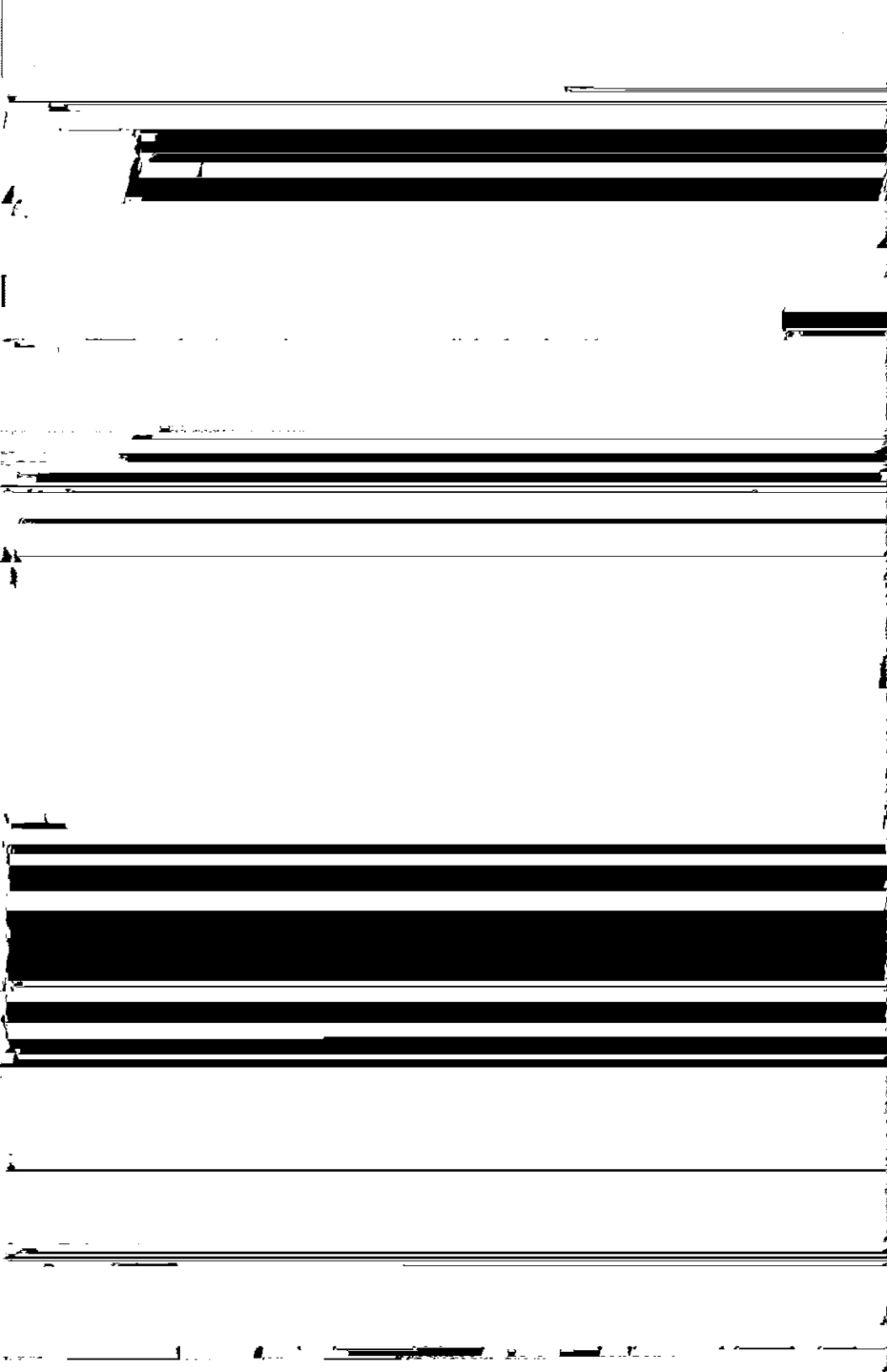
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symptom of a fundamental problem in the fiscal arrangements and that a



has come to sound more like a bargaining position and a little less like the old adamant adversarial stance. The exception to this rule has been attacks on the NDP opposition leader Mike Hancock who has been particularly vocal in his criticism of the government's economic policy.

Columbia River Barometer Commission noted that native land claims were

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Columbia concept as that evidenced at W.A.C. Bennett's unveiling of a five province map of Canada at the 1969 First Ministers' Conference. Although

helped to open up the review process by requiring a referendum on the subject.

style Ontario or Quebec constitutional veto was entirely unacceptable within British Columbia.⁴²

and francophones" was also included in the collection. During a recent forum

[The body of the page contains several lines of text that have been almost entirely obscured by heavy black redaction bars. Only a few faint characters are visible, including the word "Eva" on one of the lines.]

21. Following passage of the Federal Bill C-92, Saskatchewan, under S-16, C-92

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V

Chronology

Durrell's Raid

An index of these events begins on page 239

Officially Published This is 23 2

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27 July 1990
*Western Premiers'
Conference*

Canada's western premiers meet for two days in
Lloydminster to discuss the "new realities" of Confed-
eration after the failure of the Meech Lake Accord.

15 August 1990
Regulation -
Environment -

A federal panel examining the environmental risks involved in building a fixed link between Prince Edward Island and the mainland reports that the \$600 million project would cause unacceptable environmental damage.

20 August 1990

On 20 August 1990, the British Government announced that it had decided to withdraw its troops from the Falkland Islands.

The British Government announced that it had decided to withdraw its troops from the Falkland Islands. This decision was met with surprise and concern in the Falkland Islands, where the British presence had been a long-standing and significant factor in the islands' history and development.

The British Government's decision to withdraw its troops from the Falkland Islands was a major event in the islands' history. It raised questions about the future of the islands and the role of the United Kingdom in the region.

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In Nova Scotia, Roger Bacon, former deputy premier and housing minister in Mr. Buchanan's Progressive

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of form tax abatement and the GST have been stalled.


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Québec is required to submit plans for new dams or generating stations to fulfil the U.S. contracts to "appropriate environmental reviews." The conditions take into











17 October 1990.
*Taxation -
Federal-Provincial
Relations*

Ontario Premier Bob Rae announces that his province will intervene in cases launched by both British Columbia and Alberta challenging both the federal government's controversial Senate legislation and the GST.

18 October 1990.

Top Stories Court of Canada

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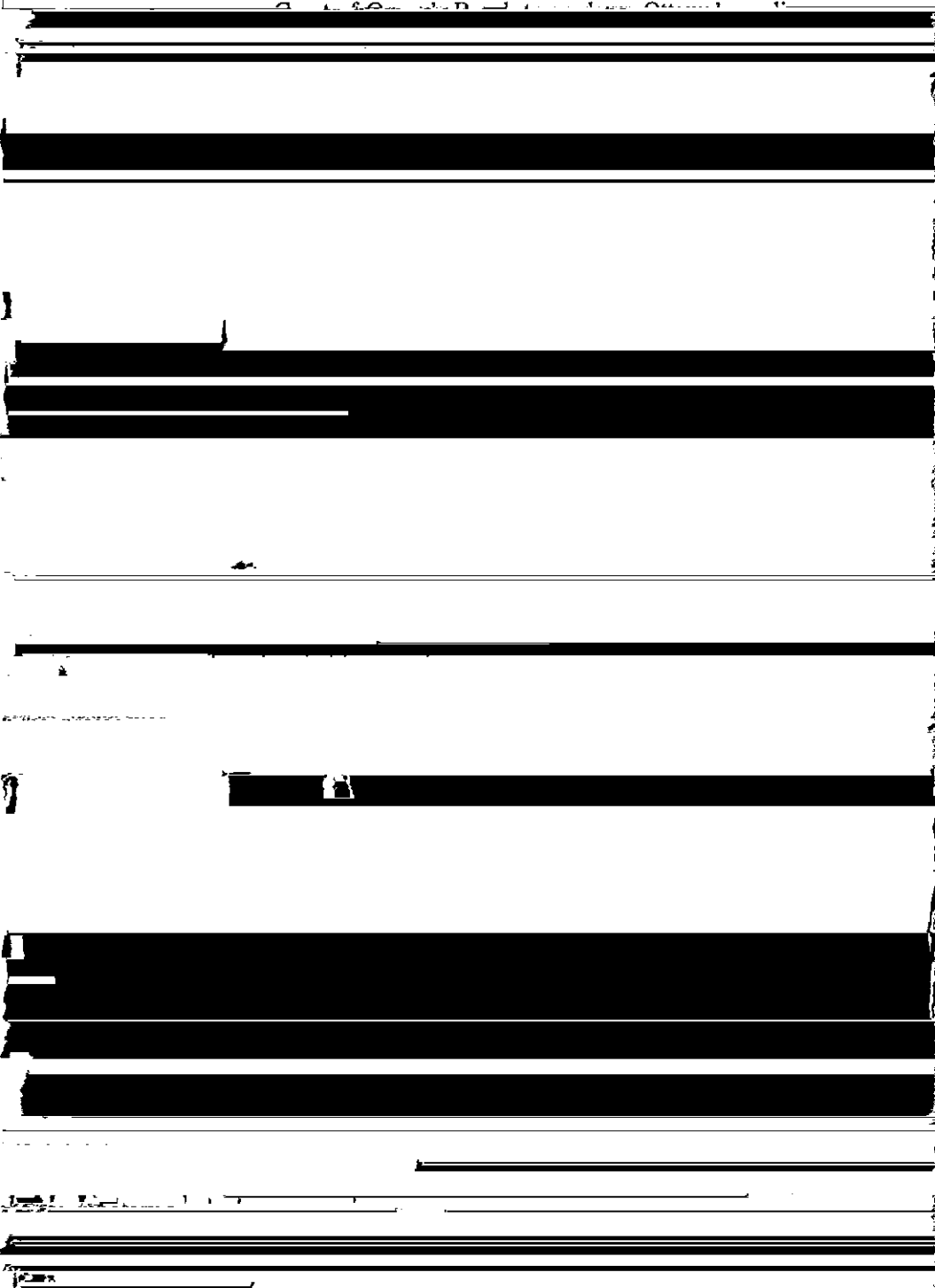
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Columbia's aboriginal land claims at the same time. According to Indian Affairs Minister Tom Siddon, it is hoped that the negotiation process will be in effect by

Canada Health Act provisions aimed at deterring medical user fees in the provinces.

11 December 1990
*Regulation –
Environment*

Federal Environment Minister Robert de Cotret announces details of the federal government's long-awaited \$3 billion Green Plan, promising more than 100 measures to protect Canada's land, water, soil, forests

17 December 1990
*Industrial
Development -
Nova Scotia*

The federal and Nova Scotia governments sign a \$63 million agreement to foster industrial development in Nova Scotia. The agreement, funded equally by the two

28 January 1991 . . . Canada's federal and provincial finance ministers meet
Federal, Provincial . . . in Toronto. After discussions the ministers . . .

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...with OTC through a Markets board committee

two governments remain in disagreement over federal participation in the assessment of roads, airports and other infrastructures needed to build the complex.

Wildlife transportation or Indian affairs. A ruling on the

Administrative Management Association (1992, 2001)

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provinces. Reform Party leader Preston Manning expects the move east will put to rest the party's image as

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10 May 1991
*Constitutional
Change —*

The British Columbia government releases a report *The
Renewal of the Federation — a British Columbia Per-
spective*, prepared by longtime civil servant Mel Smith.

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government, which might have had to redraw electoral boundaries had the Supreme Court upheld the suit.

them more evident importance and to avoid the impres-

Chronology: Index

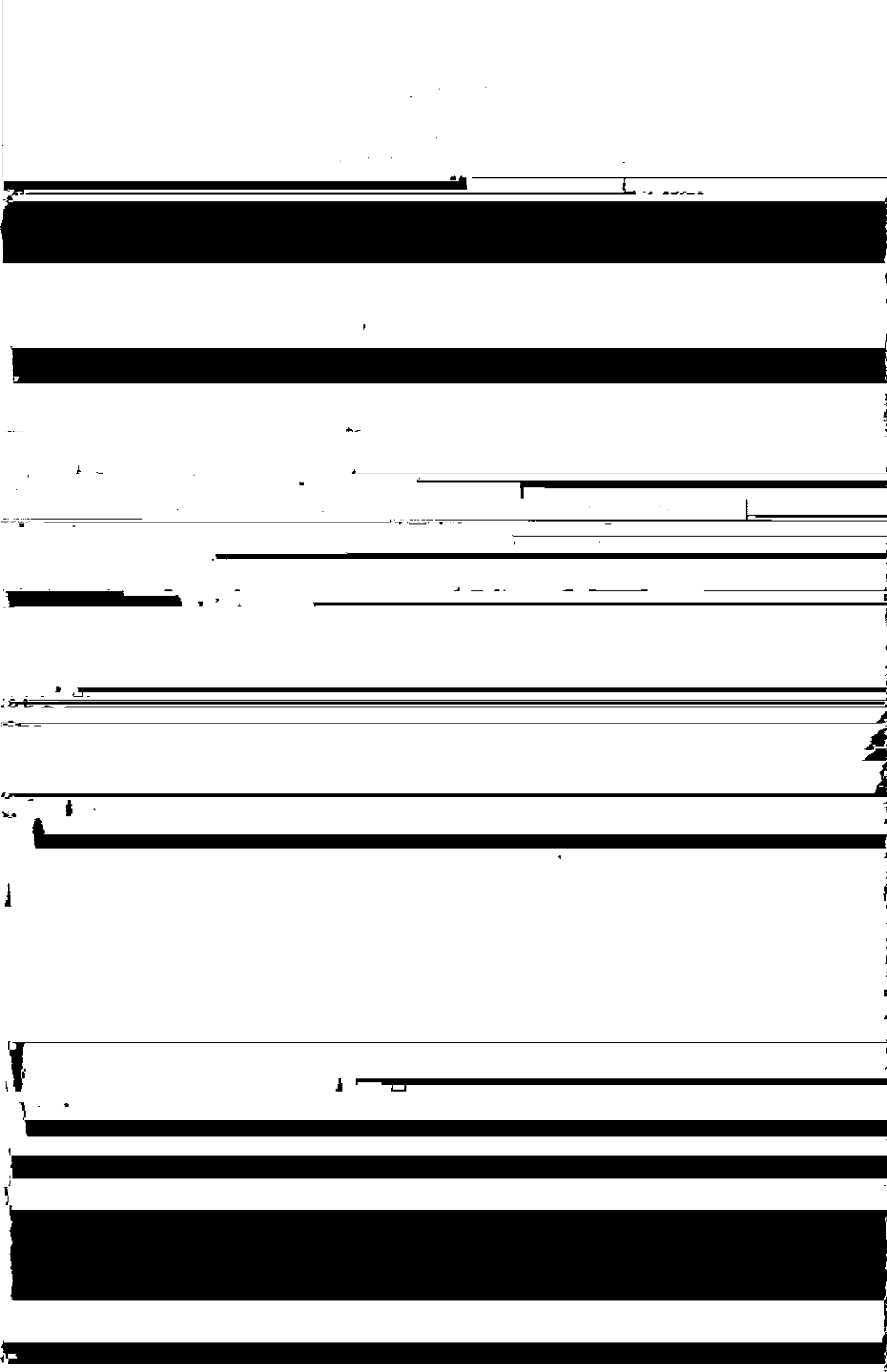
Aboriginal Peoples 18 March 1991

Aboriginal Peoples - Land Claims 11 July 1990, 18 July 1990, 9 August 1990,
20 August 1990, 27 August 1990, 26 September 1990, 7 November 1990, 9 November 1990

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Industrial Development 17 December 1990

Interprovincial Trade Barriers 17 December 1990



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[The remainder of the page is obscured by heavy horizontal black bars, rendering the text illegible.]

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(\$16)

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8. Thomas J. Courchene, *The Community of the Canadas*, 1991. (\$5)

7. Gordon Robertson, *Does Canada Matter?* 1991. (\$3)

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