

*Freedoms* and the amending formula, which required legislative approval of constitutional amendments at both levels of government. For different views on the relative importance of the Charter and broader societal changes see Ian Brodie and Neil Nevitte, "Evaluating the Citizens' Constitution Theory," *Canadian Journal of Political Science*, 26 (June 1993): 235-59; Alan C. Cairns, "A Defence of the Citizens' Constitution Theory," *Canadian Journal of Political Science*, 26 (June 1993): 259-78.



conference room than inside it" during federal-provincial negotiations over the constitution in the 1960s. *Federal-Provincial Diplomacy* p. 235

... that Ontario would not give away any more ... "Decease filled with

last minute compromises," *The Globe and Mail*, 28 September 1991, p. A5.

46. Ibid., p. A5.



# III

## Immediate Issues



extensive opportunities to articulate their demands in both the public and

[REDACTED]

THE CHARLOTTETOWN ACCORD:  
PROCESS AND SUBSTANCE

The failure of the Accord to achieve constitutional status has led to



depends upon the residual strength of the Charlottetown Accord process. It is possible that the participation achieved by Aboriginal People in 1992 will turn out to have been, for some time to come, a *sui generis* event. Such aboriginal

Canada. While the concept of inherency attempted to acknowledge the historical self-governing status of Aboriginal

laws of aboriginal governments. Also, as Sanders suggests, paragraph 41 indicated that aboriginal legislative powers would overlap with federal and provincial ones and that in case of conflict the laws of aboriginal governments





Accord.<sup>11</sup> Rosemarie Kuntana President of the Inuit T

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neighbouring non-Indian communities to be enumerated and vote. As Chief

job of either explaining or selling the Accord to the grass-roots Indian community



process in the immediate future, given the message sent by the Canadian electorate in its decisive rejection of the Accord that it was fed up with

economic and other concerns.

With respect to a projected macroeconomic adjustment will vary with the level of

who is also Minister of National Affairs responsible, among other things, for developing and implementing a national political strategy relating to

[REDACTED]

development efforts that were either put on hold or pushed to the background

during the Charlottetown Accord process. First, treaty First Nations will continue to push for revitalization of treaties, not only from the viewpoint of enforcing current Crown obligations, but also as a base for the evolution of future Indian-Crown relationships. Second, the absence of a constitutional



aspirations to self-government as a "Nation" are linked to their acquisition of

The Inuit, meanwhile, are least affected at the community level since the new Territory of Nunavut fits within the current federal system and constitutional amendment is not necessary to achieve Inuit aspirations. Two votes were held

in 1992 on the Inuit land claim settlement which would establish Nunavut. In May, the proposal was narrowly passed by voters in the Northwest Territories, although opposition to the deal was strong among some western Arctic com-



land claim negotiations, including the establishment of new mechanisms for negotiations, where necessary.

Faced with the necessity of stringent budget cuts over the next several years, provinces will be forced to take a cautious approach towards enlarging their

personal and collective healing for Aboriginal People and communities.<sup>35</sup> The



... solutions until Canadians are willing to accept a reorganisation of

the constitutional reform process.

**NOTES**

1. ...

7. Indian and Northern Affairs Canada, *Report to Parliament: Implementation of the 1985 Changes to the Indian Act* (Ottawa: Indian and Northern Affairs Canada, 1986).

- nal Peoples* (Ottawa: DIAND, February 1993), pp. 2-4.
29. "DIAND Reorganization Reflects Wishes of First Nations," *Transition*, 5, 3 (Ottawa: Indian and Northern Affairs Canada, March 1992): 1-2. See also Indian and Northern Affairs Canada. *Towards a Working Relationship with Indian First*

*Nations in Alberta: A New Organizational Structure for the Alberta Region of*



The existing system of federal-provincial fiscal arrangements is a reflection



affecting the major transfer programs amounts to \$40.8 billion. In 1992-93

the estimated total transfers will be 21 percent less than they would have

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the issues associated with FPE and CAP and some proposals for reform of these

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Since 1947 Quebec had chosen to opt out of these arrangements (initially

Ontario had opted out also) and had instead received standard abatements tied

to federal revenue collections within the province. In 1954, Quebec introduced



be just under \$2.7 billion in 1992-93.<sup>16</sup> The province of Quebec estimates that

A significant aspect of this proposal is the

[REDACTED]

Proposals by Robin Boadway and this author go further than this.<sup>23</sup> They

compute EPF entitlement as a net entitlement: that is, actual entitlement plus

equalization entitlement. For those provinces with negative equalization entitlement (the have provinces), then, their net EPF entitlement would be less than for the have-not provinces. Under such a scheme, the net effect would be to

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... with respect to

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integrate the delivery of social assistance with the personal income tax system.



figure would have been substantially lower in the absence of the growth ceiling on equalization entitlements.

In order to partially alleviate this latter effect, the base year against which the growth ceiling is applied has been altered to 1992-93. While this had the effect of restoring equalization flows for that fiscal year, the growth ceiling is again expected to bite in 1993-94.<sup>37</sup>

It seems clear that of the three major transfer programs, the fiscal equaliza-

quantitative analysis of the impact of the

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the federation. Yet it may be that there has been too much reliance on the federal

appears to be some scope for developing a greater degree of interprovincial

within the framework of the existing federal-provincial fiscal

12. A tax abatement involves the payment to a provincial government of a fixed

30. Ibid.

... into the ...

representative tax system (RTS). see Hobson and St-Hilaire, *Rearranging Federal-*

*Provincial Arrangements.*

32. Ibid.

... *Provincial Income Tax Coordination: The Federal Provincial Tax*



Indeed, the most important element of these agreements are the new international investment rules that they grant to investors, and the new restrictions that

By this light, this sense of

The chapter considers mainly how the NAFTA



The NAFTA contributes to capital mobility in two ways. It eliminates all remaining tariffs among three countries over a period of 15 years, and most long

by contrast private investors must persuade their national governments to





investor interests. This is reflected in the fact that countries in which labour movement power is high tend to have larger and more stable

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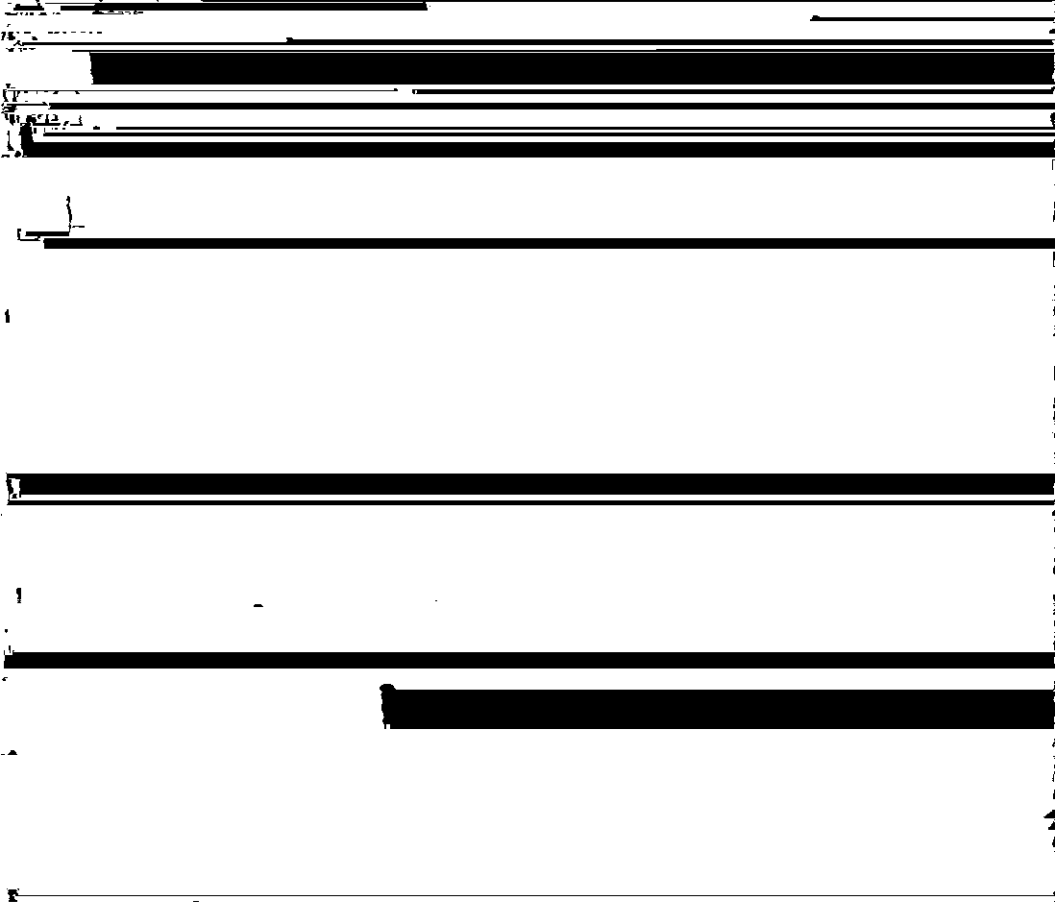
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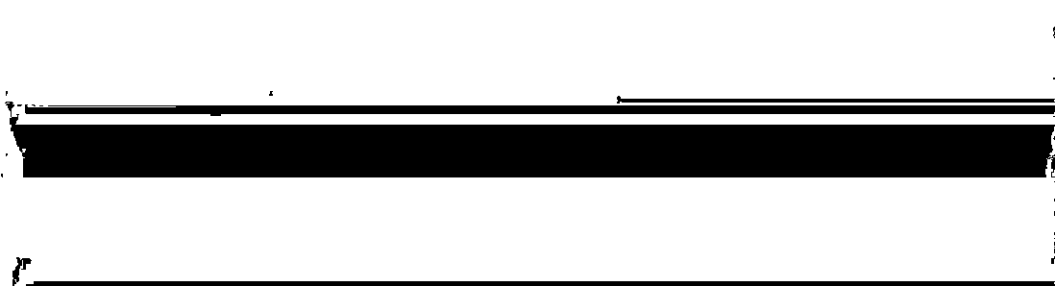
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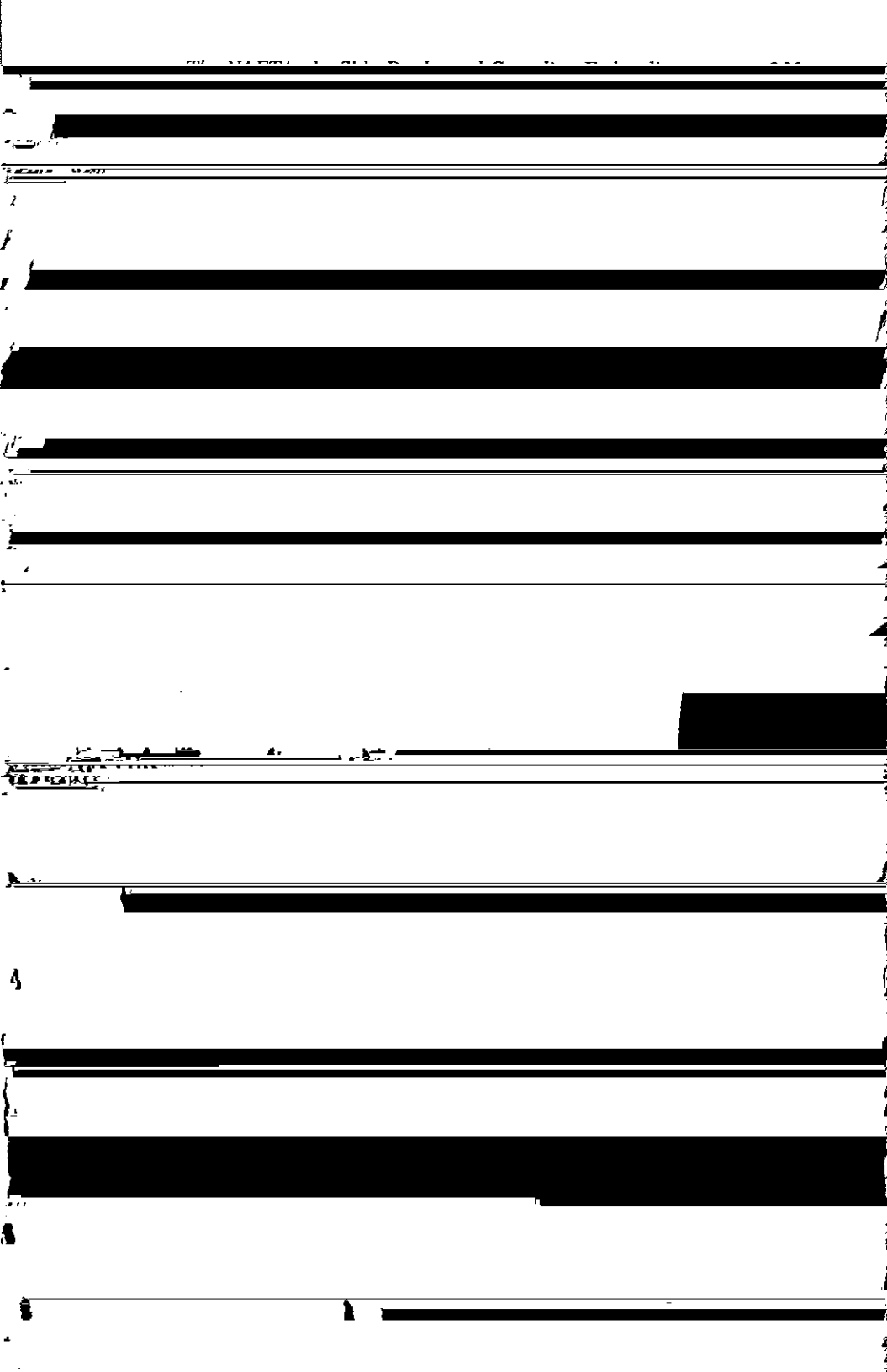
prepare "analytical reports" on issues relevant to disputes at the request and under the terms of reference of its council. Neither secretariat has subpoena powers, and neither is entitled to make recommendations as to how the council should proceed.

The Labour Commission will be more complicated than its environmental



component national administrative offices (NAOs) will be established in







## EVALUATION

mental side-deal is problematic if its point is to prevent price competition based on unsustainable forms of environmental exploitation: Past inadequacies in the enforcement of such schemes — e.g., the failure of B.C. logging companies to meet their commitments to reforestation — have contributed to a situation in

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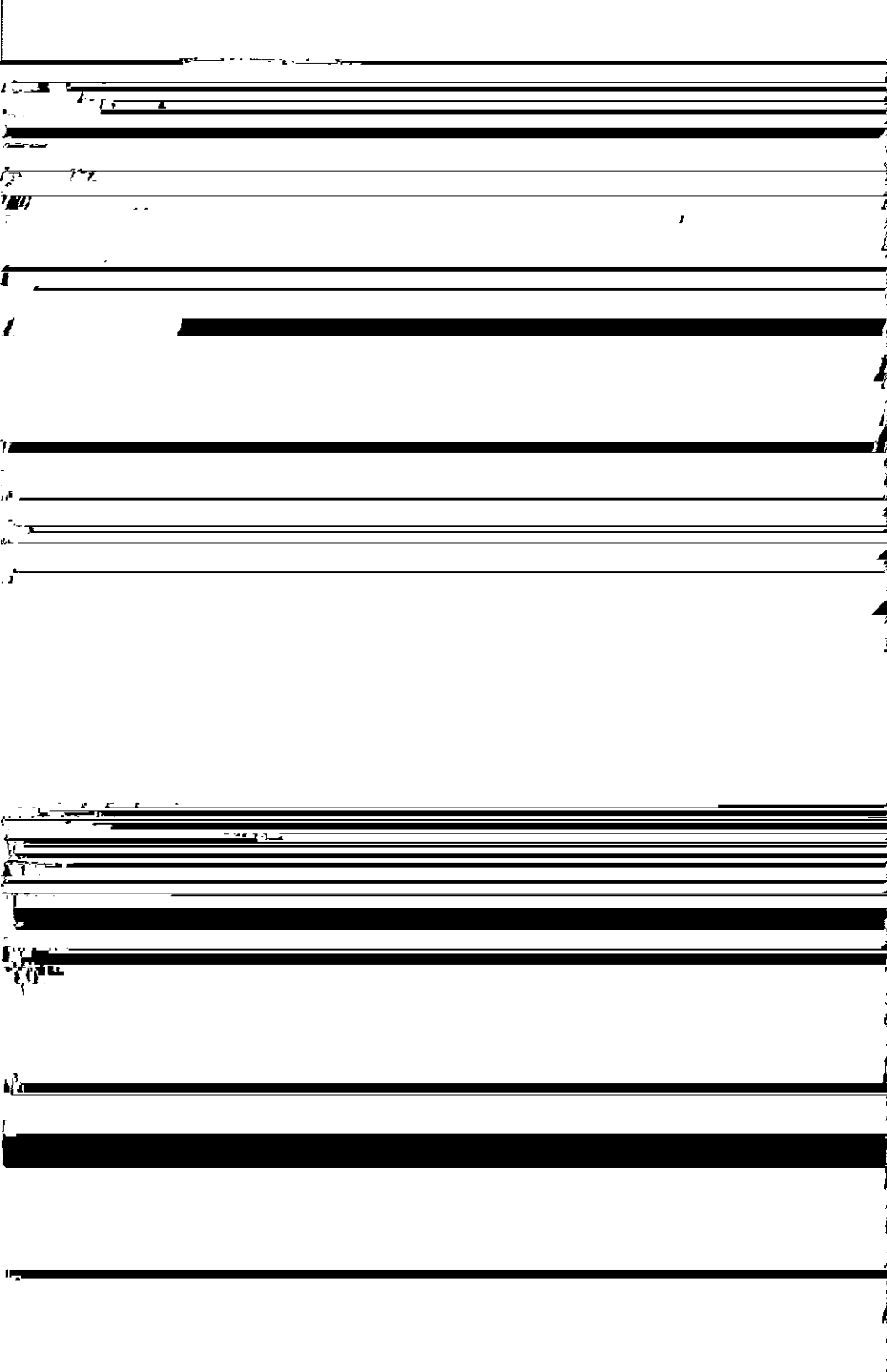


Consider the new performance requirement prohibitions. Product mandating and technology transfer are important industrial policy instruments for provincial as for federal governments, particularly in countries such as Canada that rely heavily on foreign investment. TNCs may not wish to see the wide diffusion of technologies that they develop, as this may increase the competition that they

be characterized as a situation of *de facto* concurrent jurisdiction, in which the two orders of government interact as follows:

Generally, the federal government agrees to establish national baseline effluent

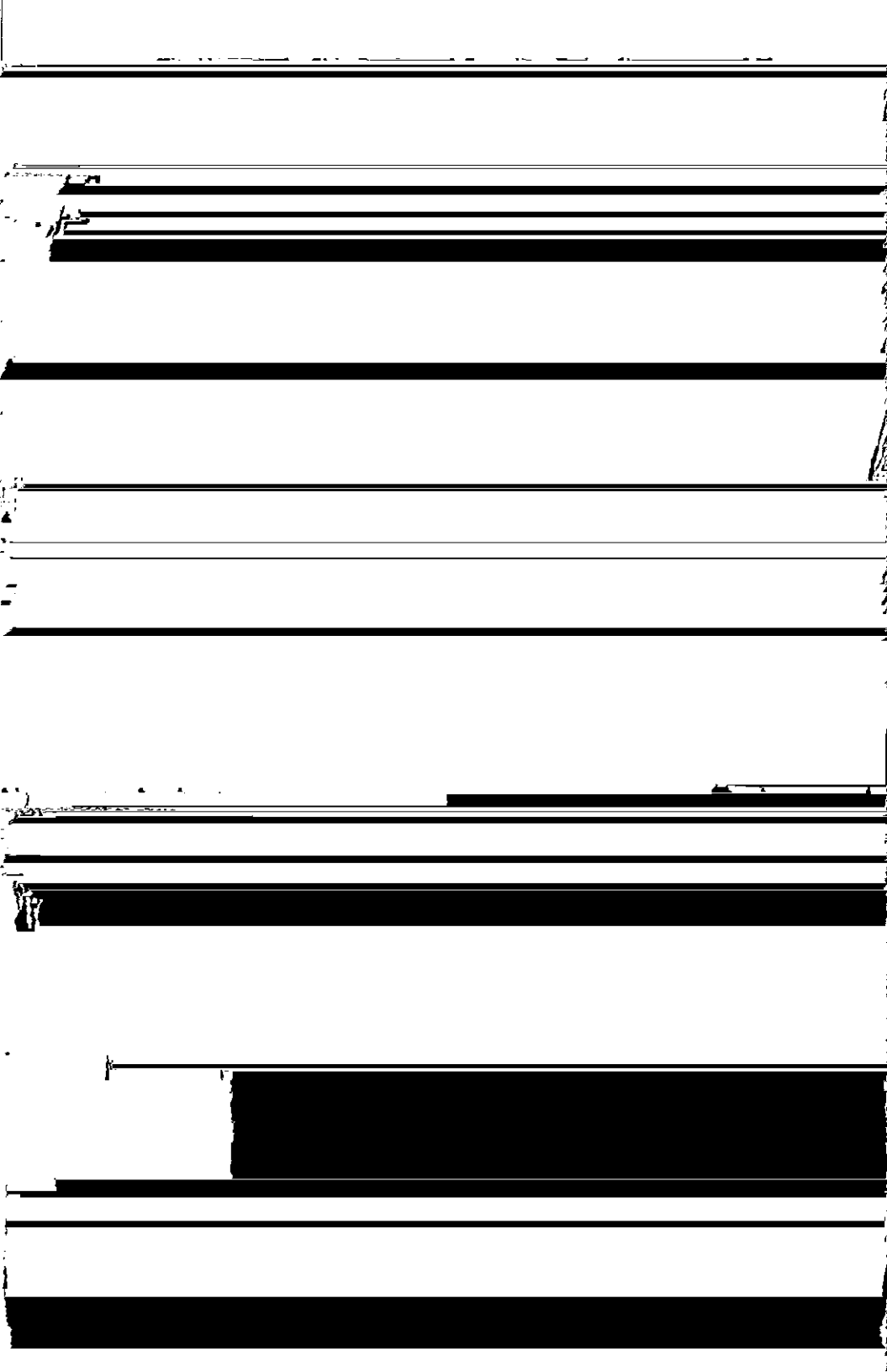
dian jurisdictions than in either the United States or Mexico. The same can confidently be said of environmental standards and their enforcement in Cen





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result in the abrogation of the NAFTA. On the other hand, with a lot of money



The leading case expanding the POGG power is *Crown Zellerbach* (1988).  
In that case, the Supreme Court of Canada upheld federal legislation prohibit-

rather than on a case by case basis if a government sends a more general

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major trading partner, and so on, at least as compelling as balancing the federal budget?

To conclude the NAFTA main agreement (unlike the side-deals) purports to

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ends it serves. I have argued that neo-conservative globalization will enshrine

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not appear in the final text, but it indicates the unique importance attached to this chapter by American negotiators.

7. FTA Article 1603. Performance requirements are conditions that investors must



Comparison of Trends within OECD Countries," Working Paper 92/13 (Leicester: Centre for Labour Market Studies, University of Leicester, November 1992).

30. See David R. Cameron, "Social Democracy, Corporatism, Labour Quiescence, and the Representation of Economic Interest in Advanced Capitalist Society," in John H. Goldthorpe (ed.), *Order and Conflict in Contemporary Capitalism: Studies in the Political Economy of Western European Nations* (Oxford: The Clarendon Press, 1991), pp. 115-42.



countervailing and those that should not, leaving this judgement to national legislation. The code's principal impact was on countervailing duties, rather than

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57 Testimony of the deputy minister of the environment for Ontario to the Ontario

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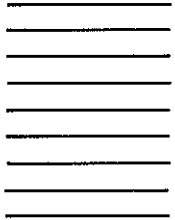
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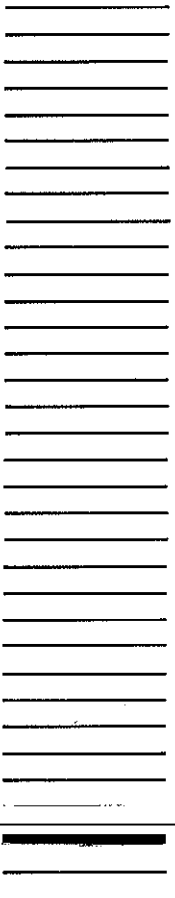
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# IV

## Chronology



*Anne Poels*

An index of these events begins on page 255

1 July 1992  
*Taxation*

Personal income taxes rise in British Columbia by one percent to 52.5 percent of federal tax payable, in Ontario by 1.5 percent to 54.5 percent and in Newfoundland by 2.5 percent to 64.5 percent of federal tax. The tax increases are expected to generate \$900 million over the next two years.

Analysts fear that provincial as well as municipal tax increases will...



setback" for the province, and that changes would be needed; other areas of concern identified by the premier were provisions relating to the division of powers and aboriginal self-government.

10 July 1992  
*Constitutional  
Reform*

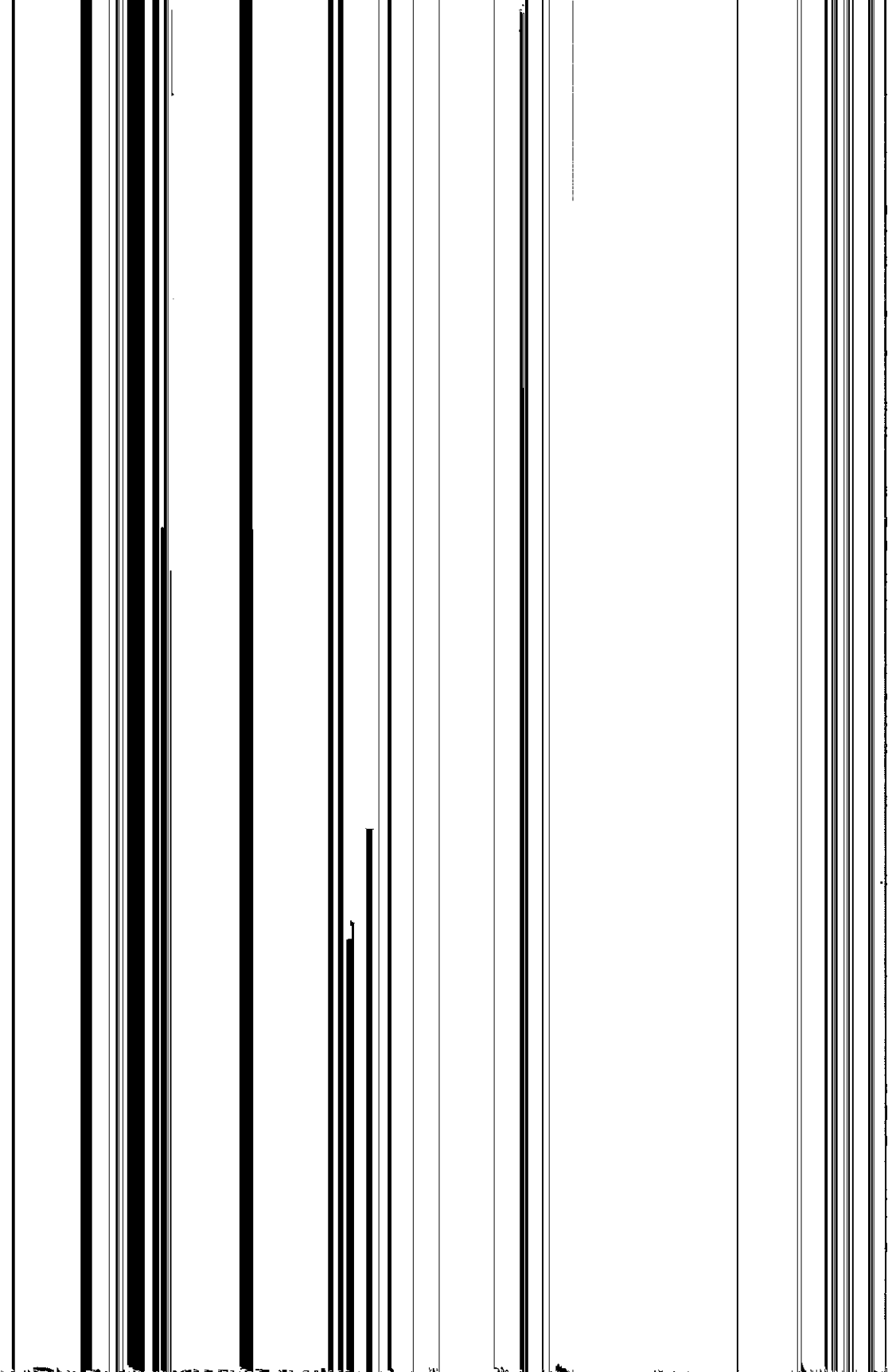
At a news conference, Prime Minister Brian Mulroney hails the deal as containing "fundamental elements of an agreement" and says that Quebec could not expect much more from a constitutional settlement; indicating that the agreement would need some fine tuning, the prime minister cancels plans to recall Parliament 15 July to consider the constitutional deal.

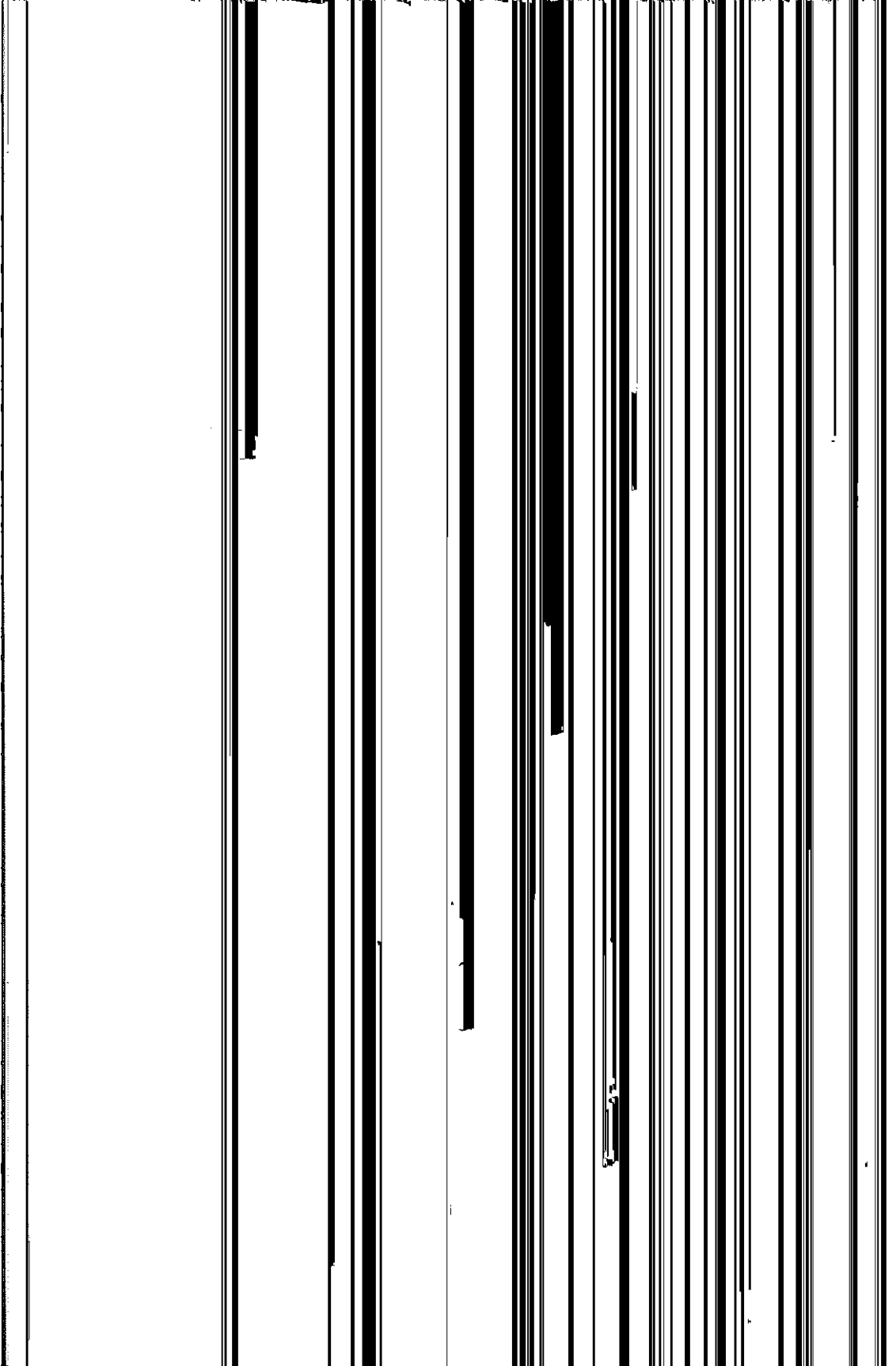
28 July 19  
*Industrial  
Ontario*

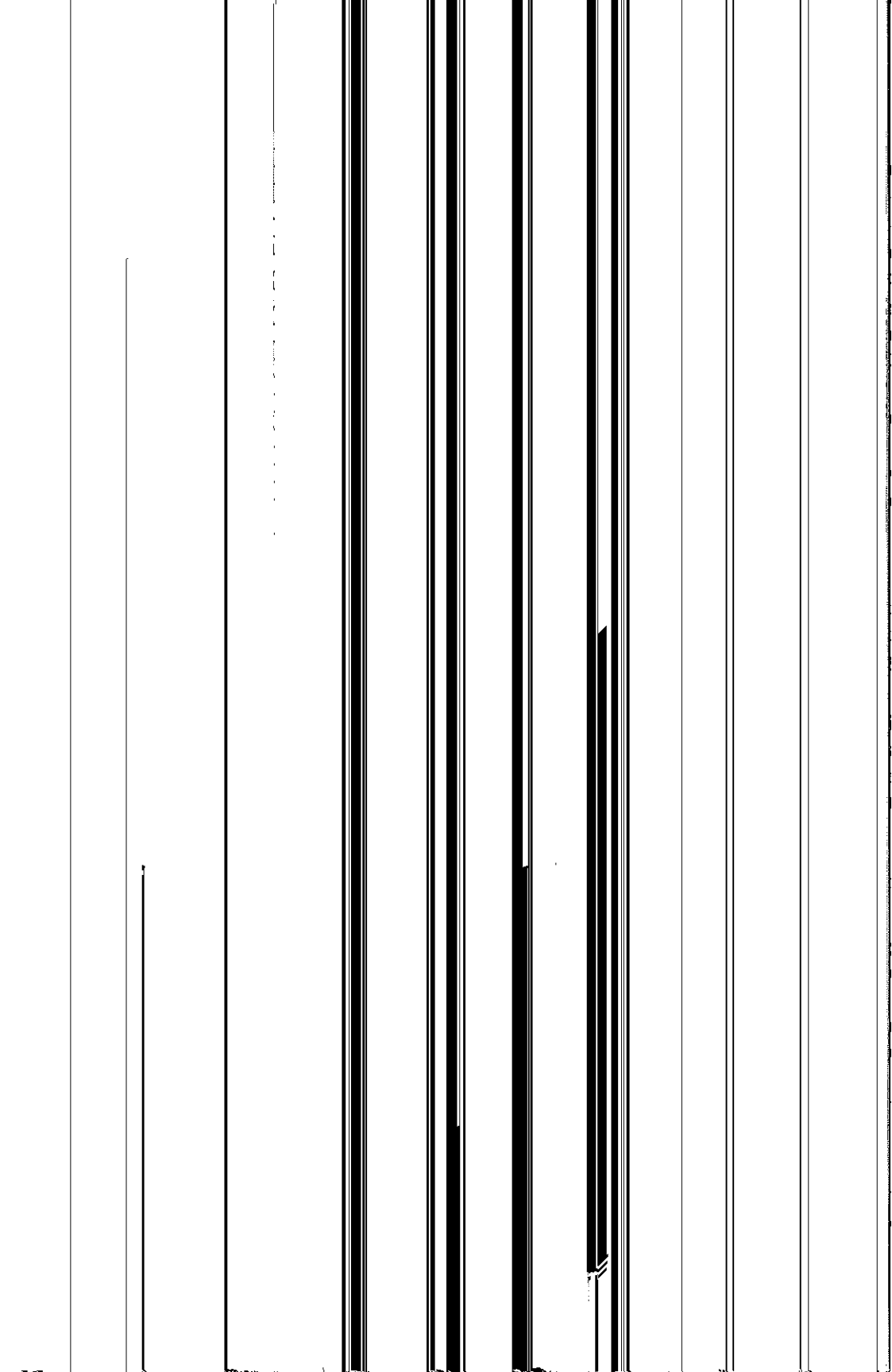
29 July 19  
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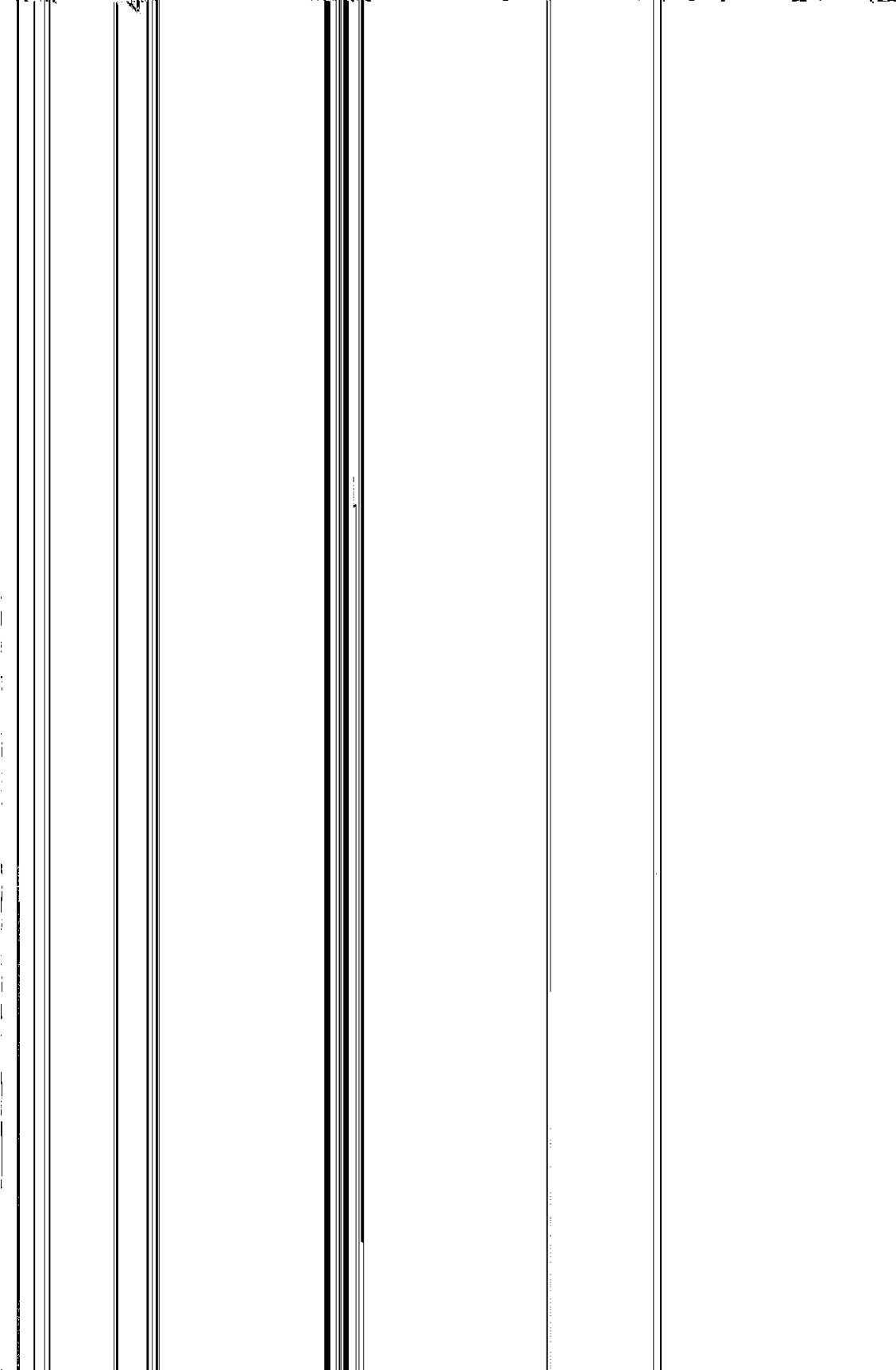
12 August  
*Free Trad.  
America*

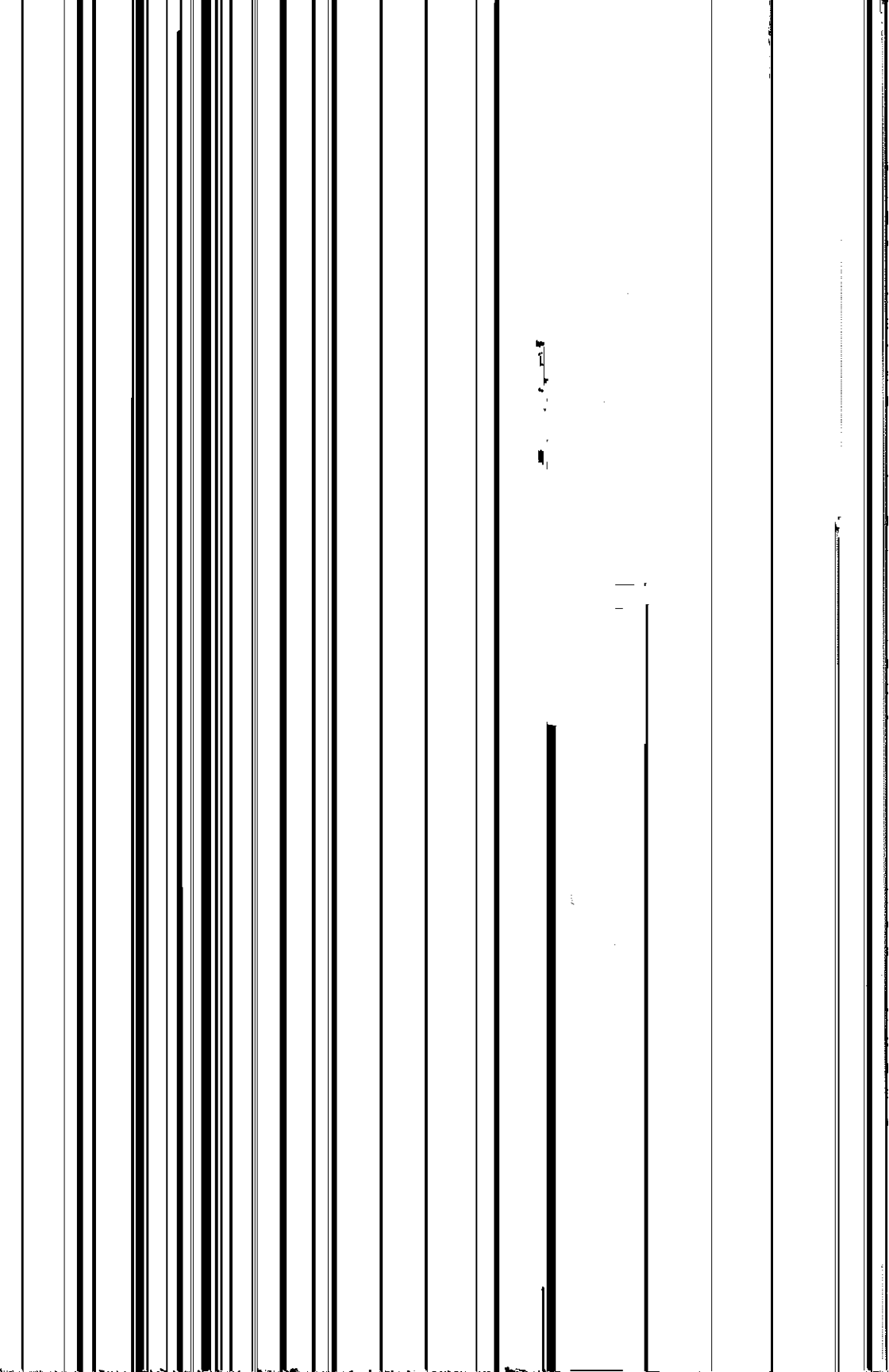


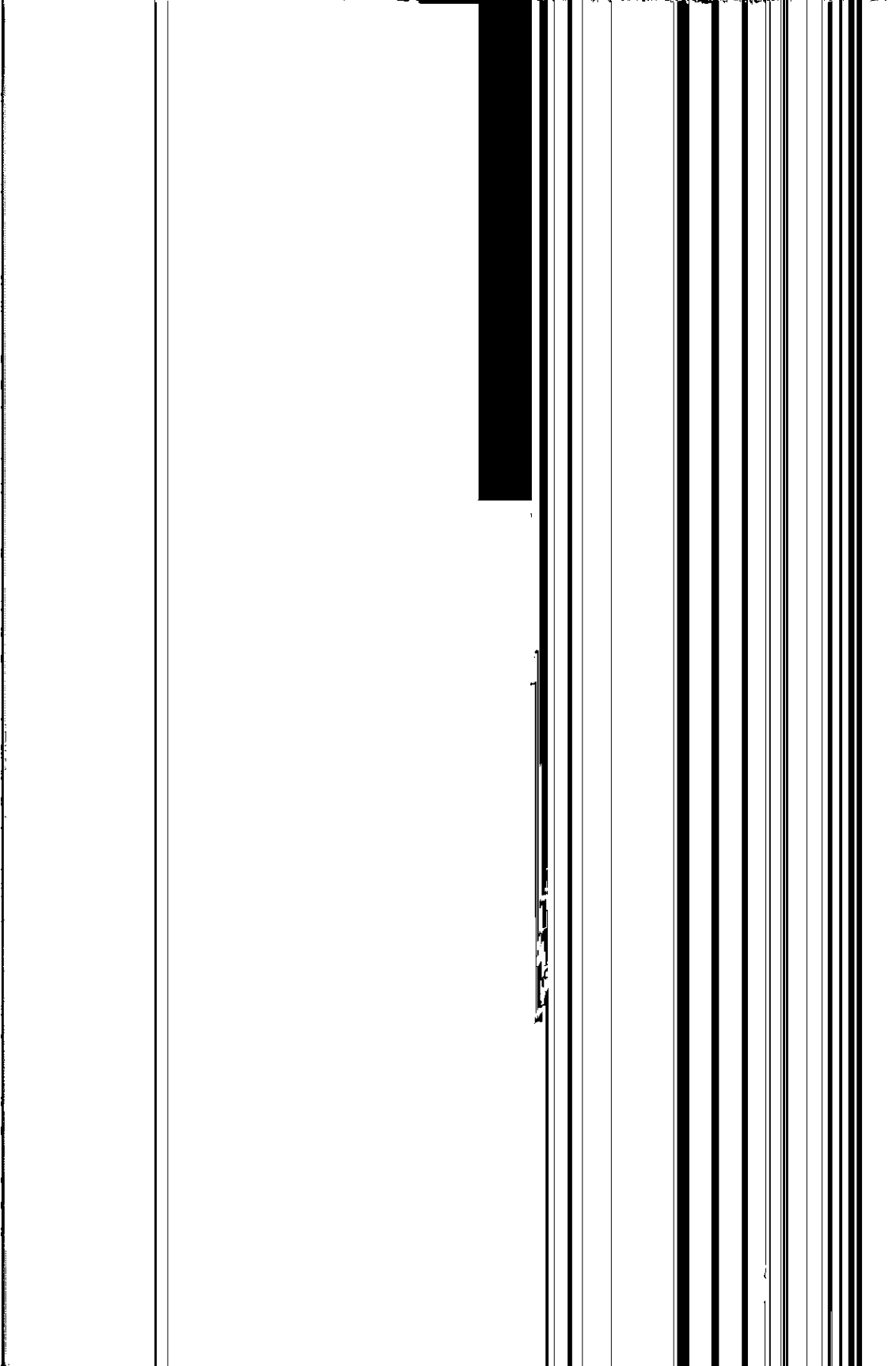












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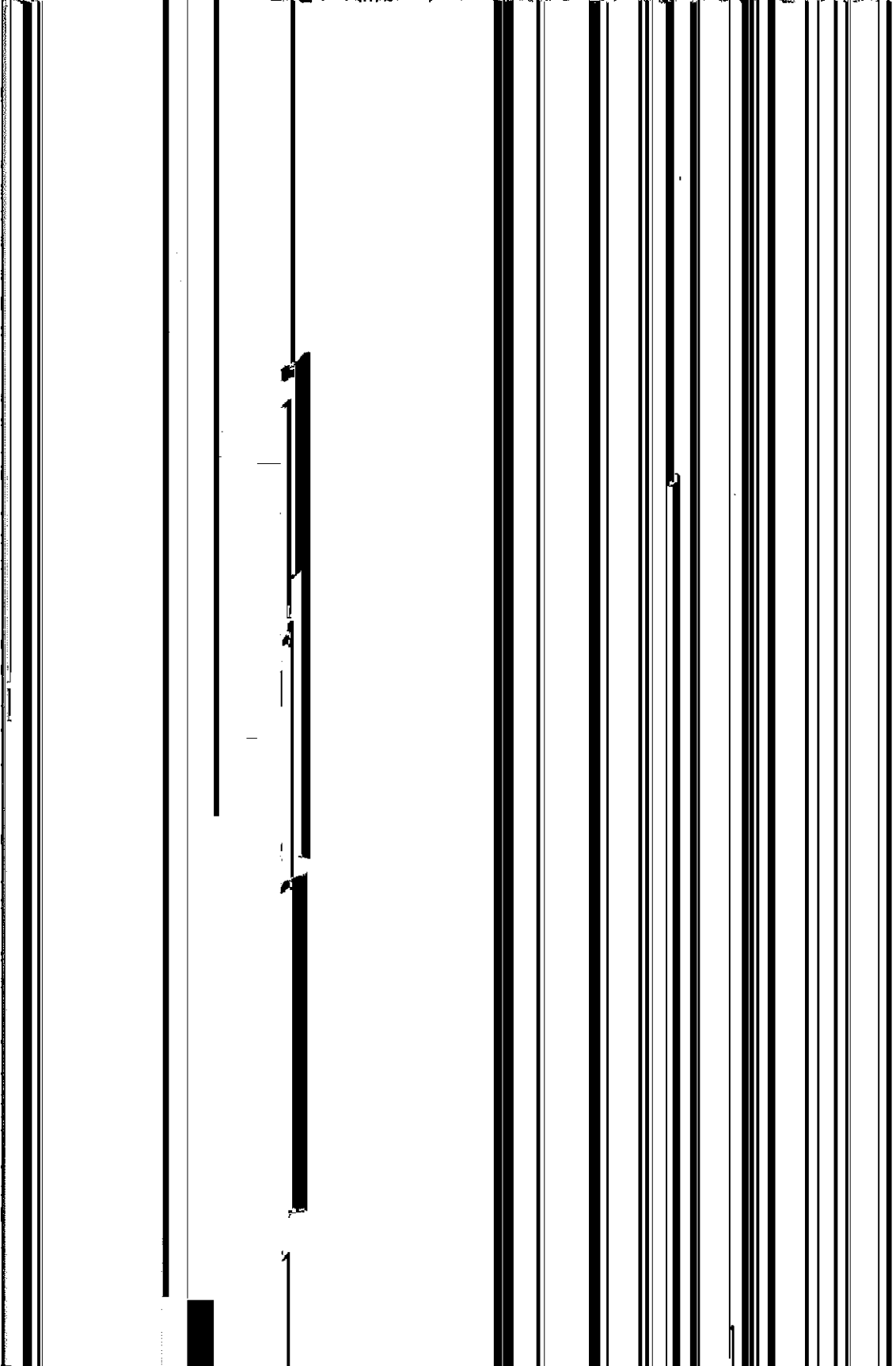
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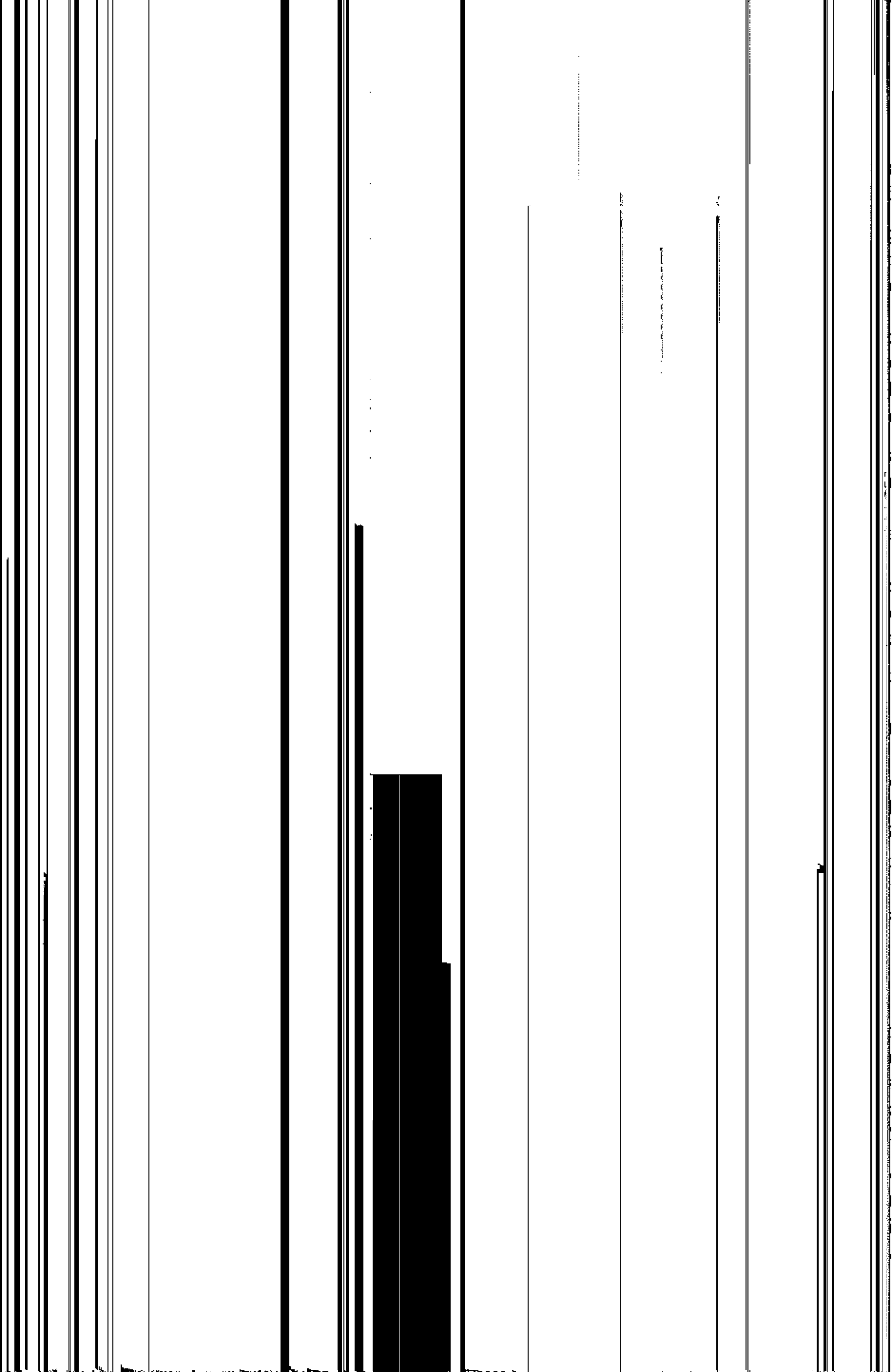
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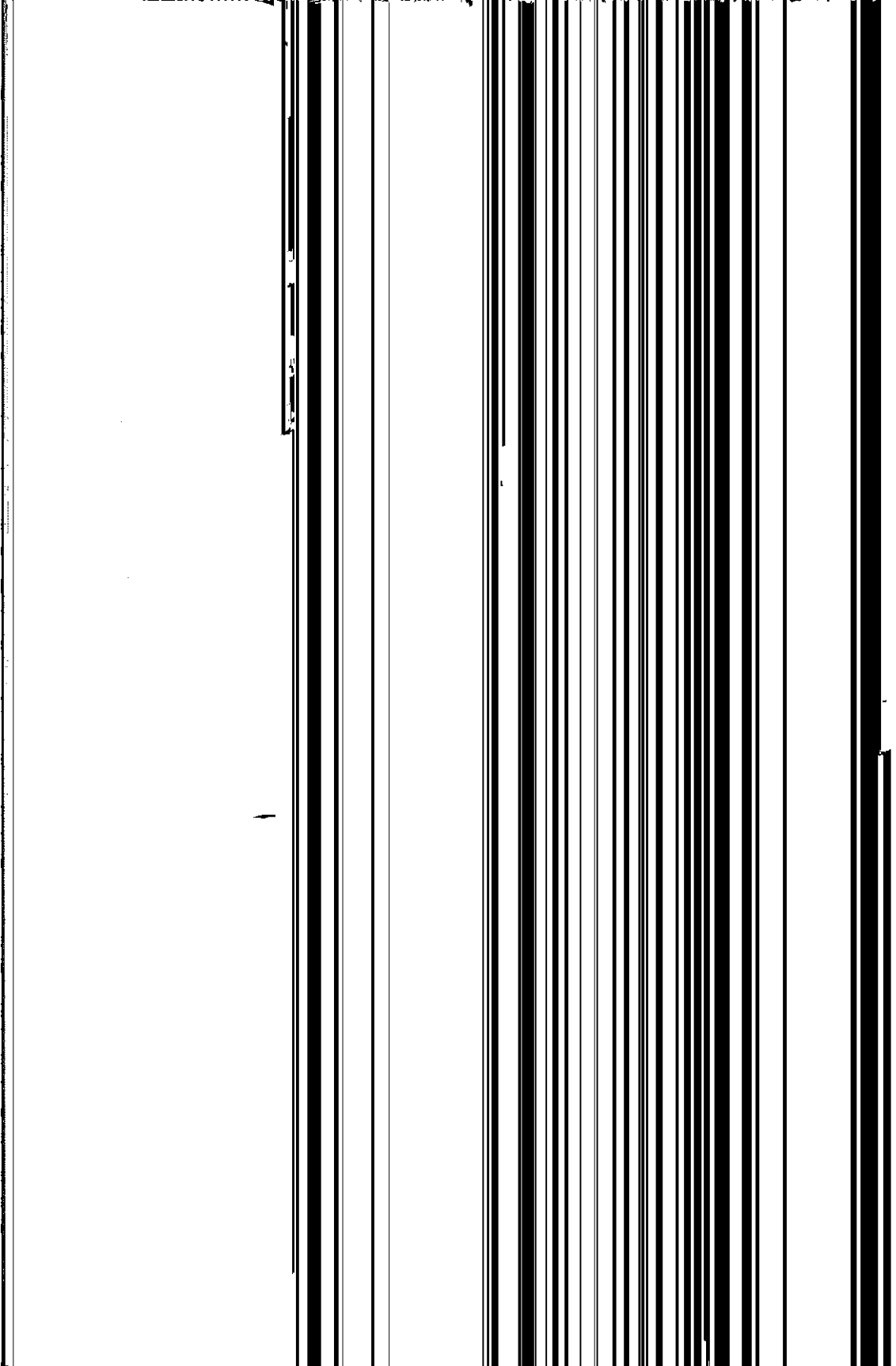
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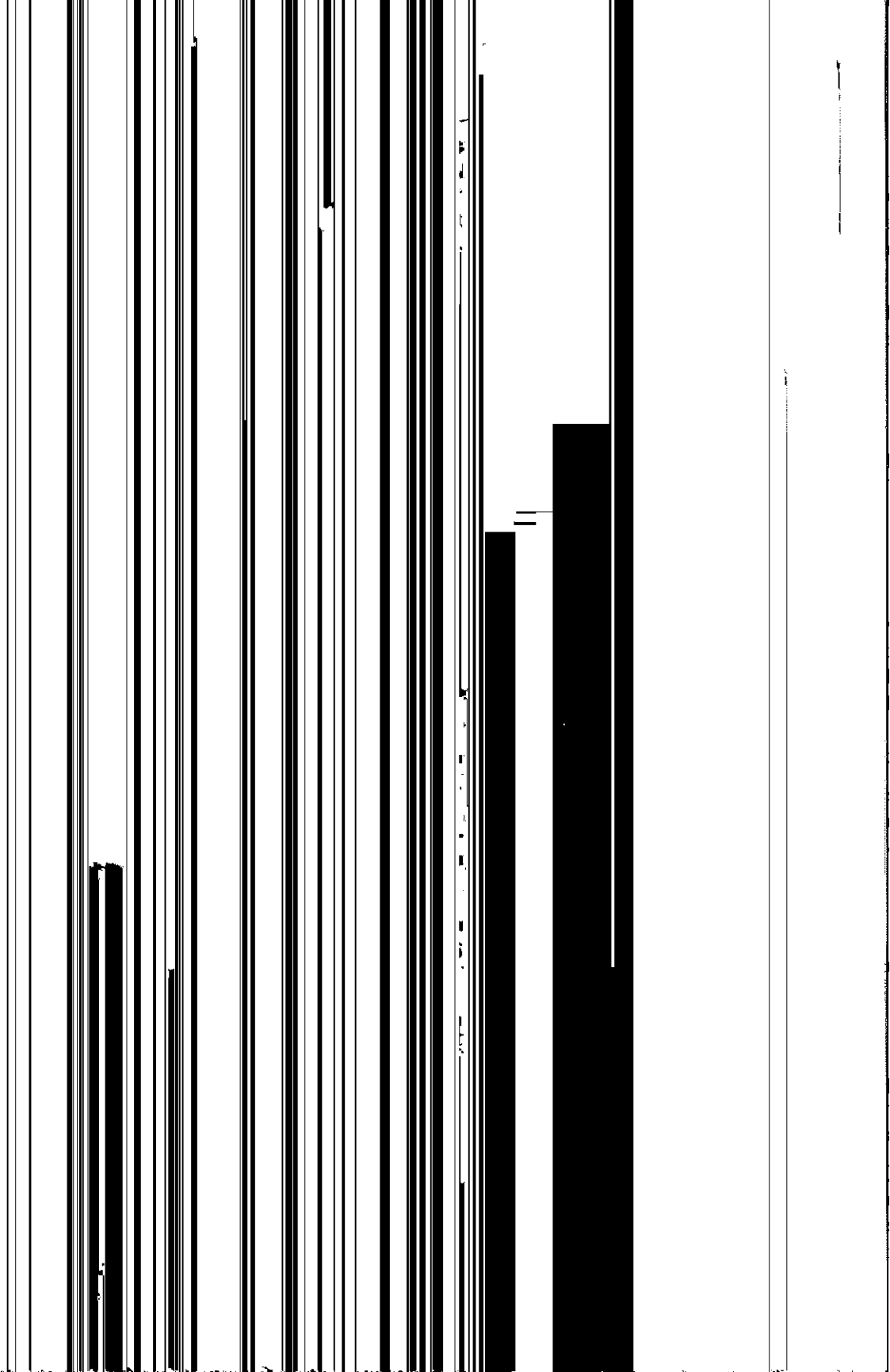
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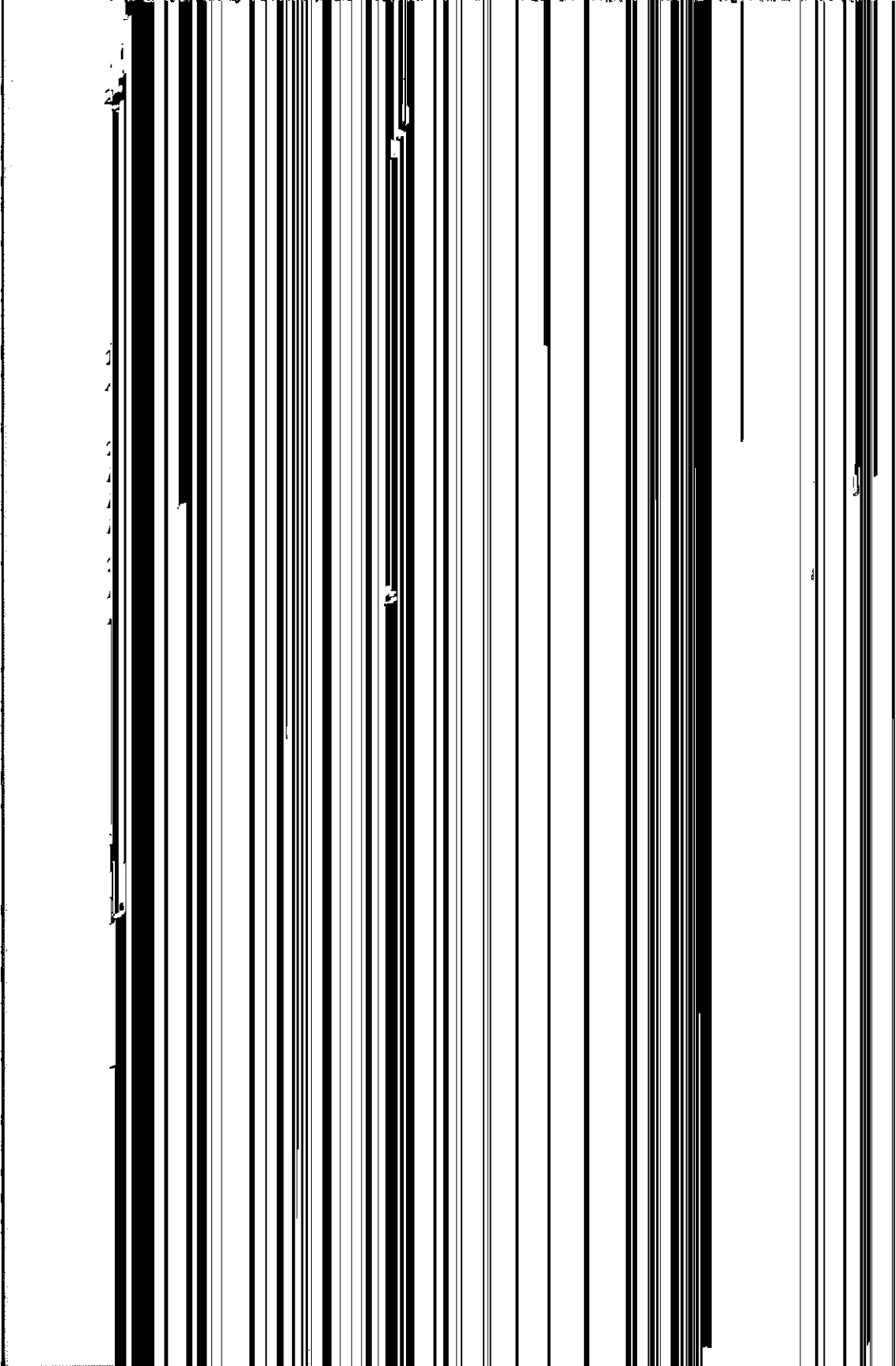


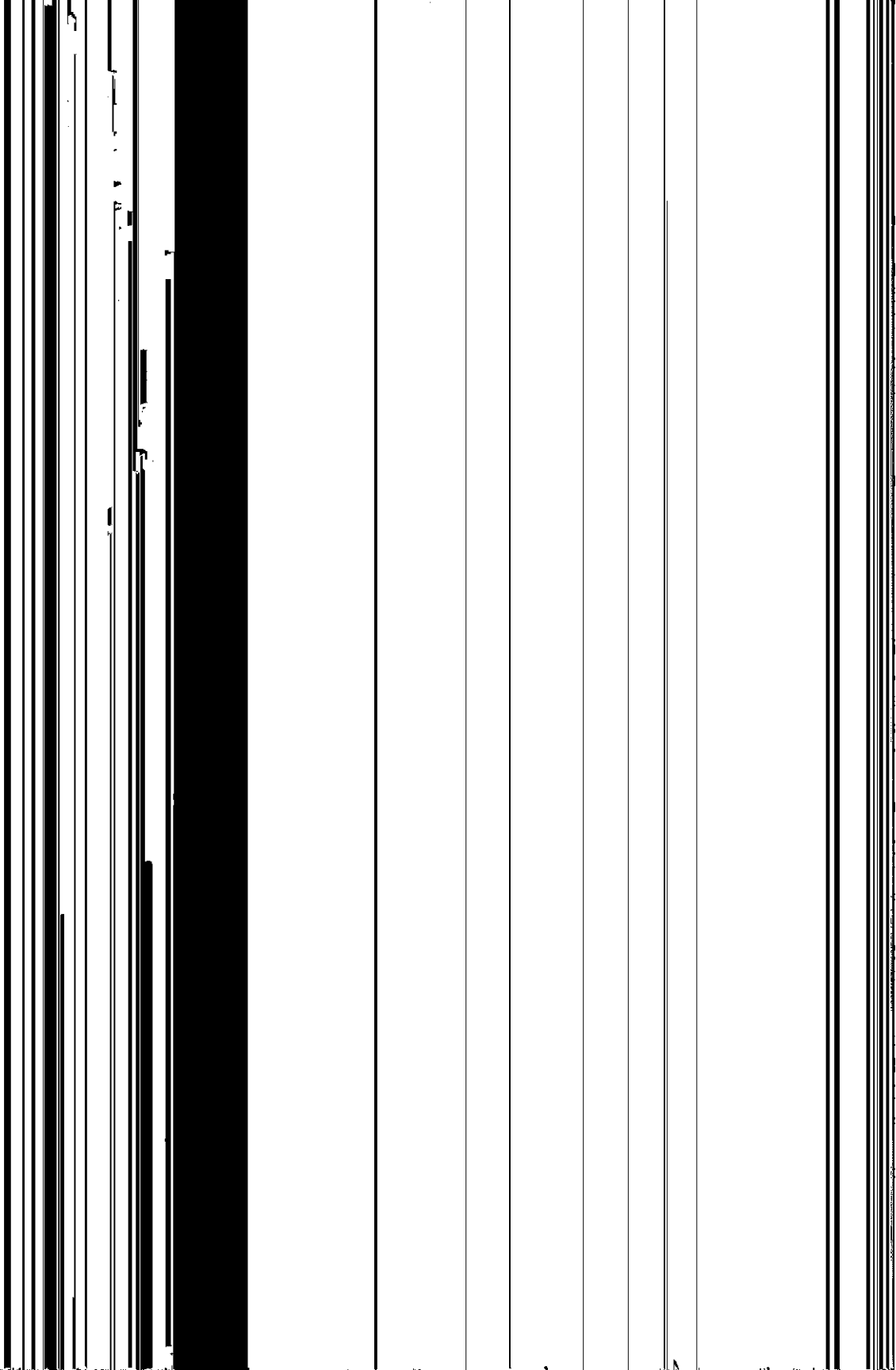


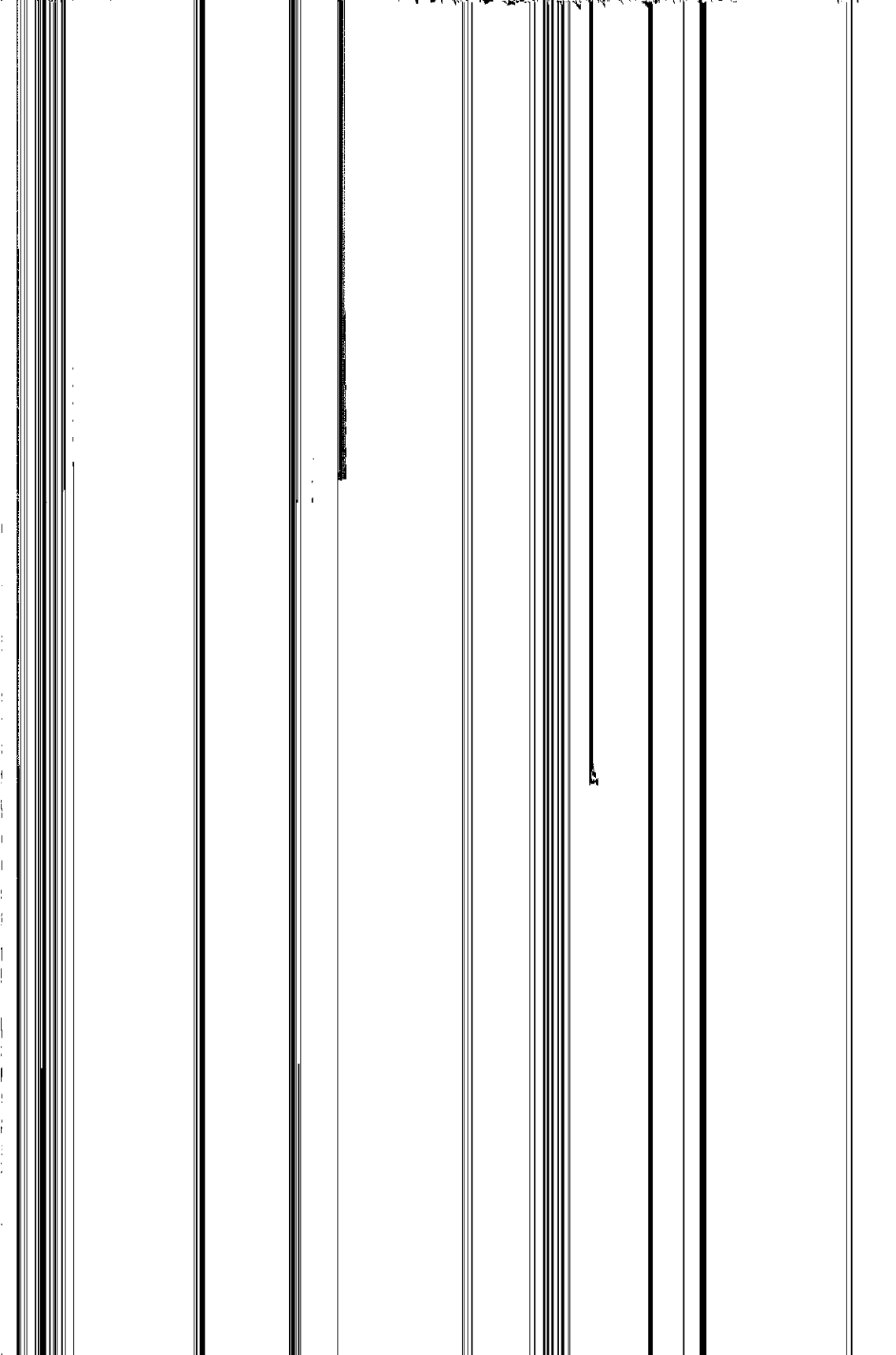


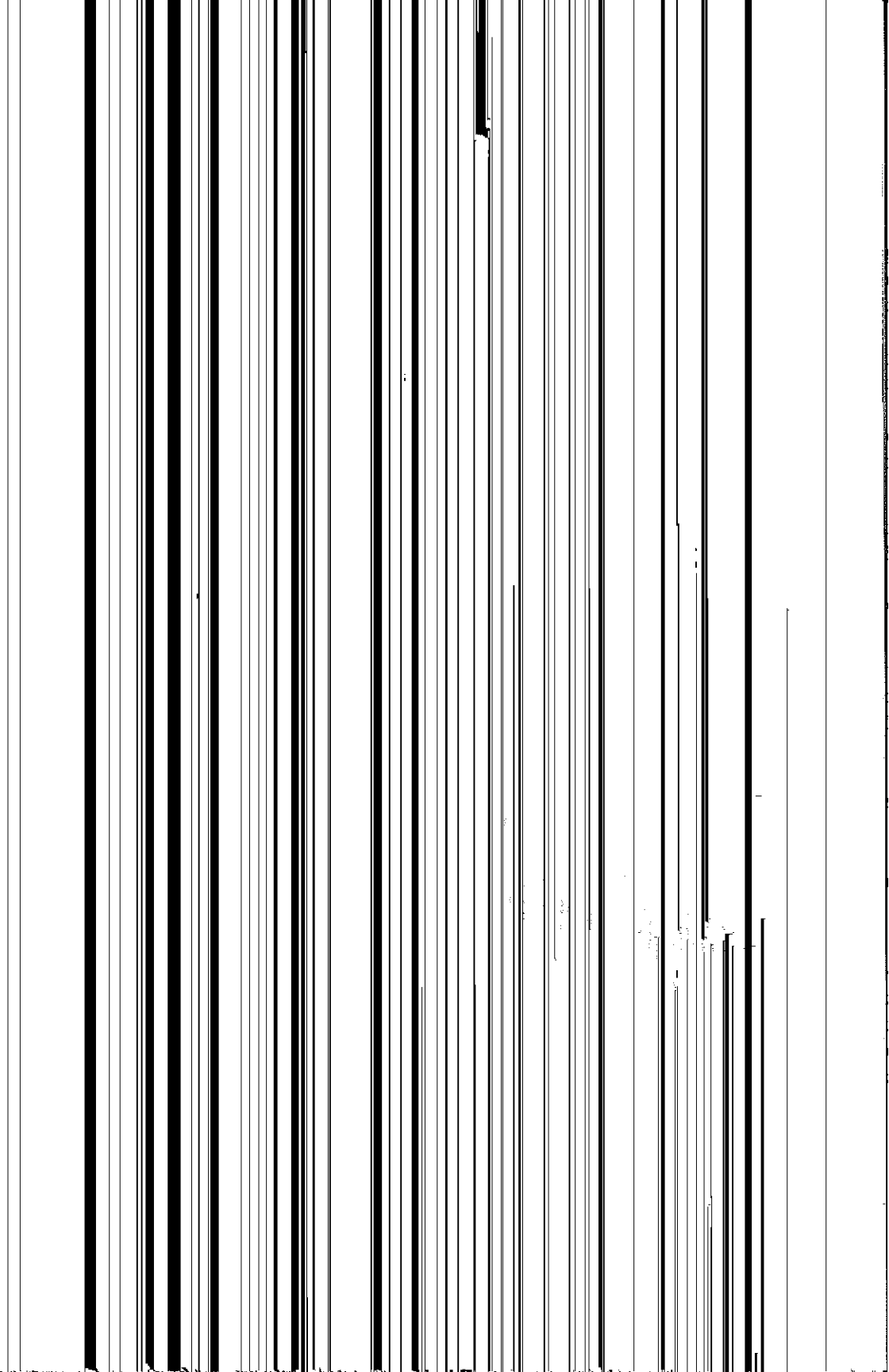












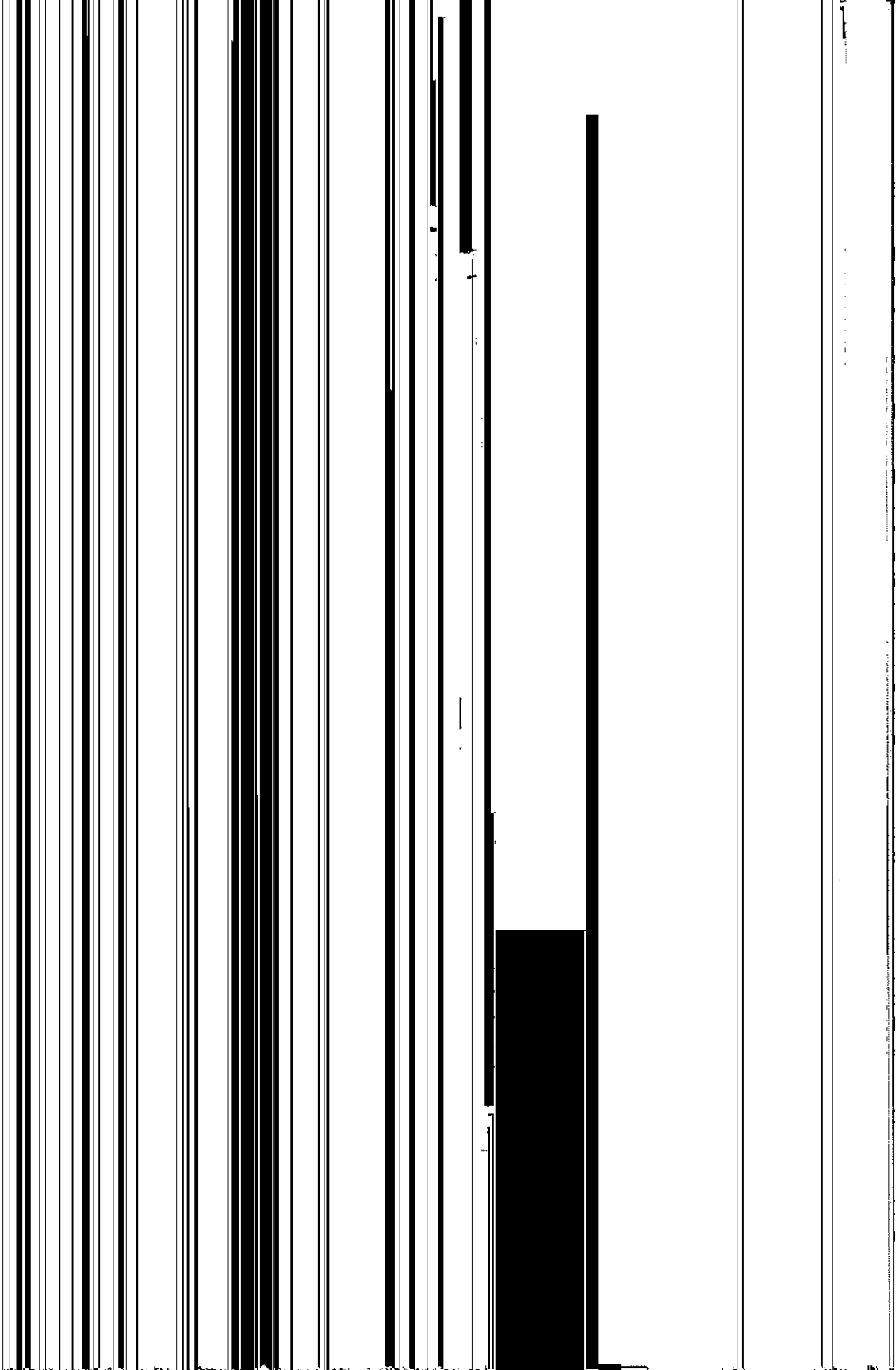
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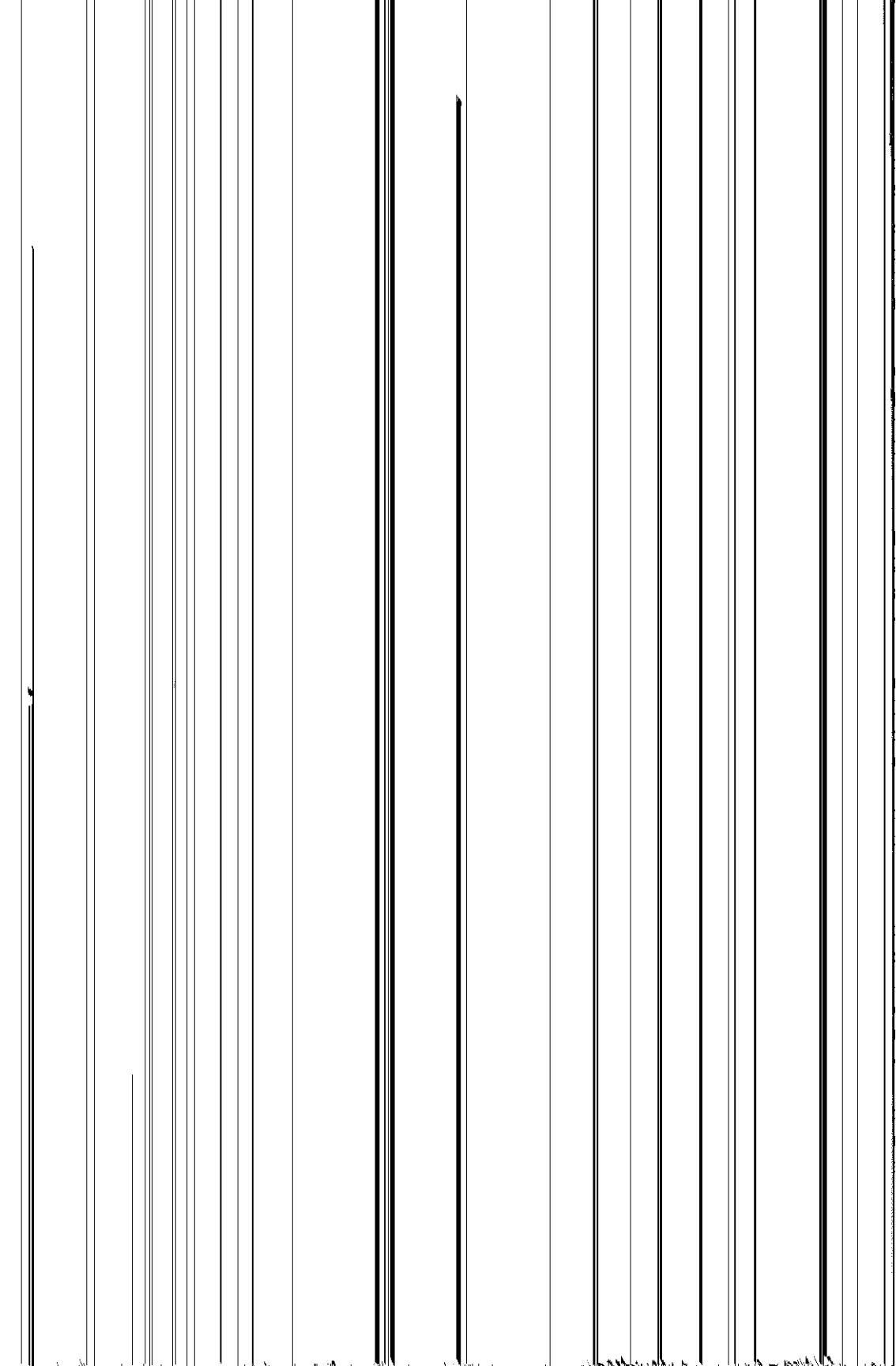
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