

ENDNOTES

1. Kim Richard Nossal, *The Politics of Canadian Foreign Policy* (Scarborough, Ontario: Prentice-Hall Canada, 1985), pp. 191-210.
2. Douglas M. Brown and Murray G. Smith, "Introduction," in Douglas M. Brown and Murray G. Smith, eds., *Canadian Federalism: Meeting Global Economic Challenges?* (Kingston, Ontario: Queen's University of Institute of Intergovernmental Relations, 1991), pp. 3-4.
3. David Barrows and Gordon Jansen, "International Trade and the Management of Federal-Provincial Relations," in Brown and Smith, eds., *Canadian Federalism: Meeting Global Economic Challenges?* P. 148.
4. Most federal constitutions clearly allocate authority in foreign affairs to the central government. The British North America Act has also been interpreted by centralists as conferring to the federal government a wide array of constitutional powers granting it control over external trade policy. These include: section 132, the royal prerogative for treaty-making; section 91(2) which explains the trade and commerce power; section 122 which outlines customs and excise control; section 91(14-21) which deals with monetary matters; sections 91(10)c and 92(10) which discuss the framework for transportation systems and the declaratory power; section 121 dealing with the provisions for economic union; and the peace, order and good government (POGG) in the preamble to section 91. Critics, however, disagree with this interpretation and note that sections 91 and 92 of the British North America Act do not explicitly assign competence in foreign affairs to either the federal or provincial levels. In fact, a number of observers believe the only reference to international affairs in the entire Act is section 132 which outlines the treaty process in Canada and states that "The Parliament and Government of Canada shall have all powers necessary or proper for performing the Obligations of Canada or of any Province thereof, as Part of the British Empire, towards foreign Countries, arising under Treaties between the Empire and such Foreign countries." Why do Canada's constitutional provisions not clearly define the roles of both levels of government in terms of international economic agreements? It must be remembered that Great Britain was responsible for Canada's external relations in 1867 and it was not until well after the turn of the century that London began to relax its control in this area of policy. As a result, constitutional mechanisms defining federal and provincial authority in terms of international economic matters were essentially "non-issues" when drafting the British North America Act.
5. Robert G. Richards, "The Canadian Constitution and International Economic Relations," in Brown and Smith, eds., *Canadian Federalism: Meeting Global Economic Challenges?* Pp. 58-59.
6. *Ibid.*, p. 59.

7. Canada, Parliament, Senate, Senate Standing Committee on Foreign Affairs, *Proceedings of the Standing Senate Committee on Foreign Affairs – Issue Number 21, May 4, 1988* (Ottawa: Canada Communication Group – Publishing, Supply and Services Canada, 1988), p. 10.
8. The *Manitoba Egg Reference* case (1971) and the *Central Canada Potash Company v. Saskatchewan* ruling (1978) provided further case law supporting the JCPC's earlier decision. Although other judicial decisions have also suggested that the federal government must limit itself to international transactions, some judicial rulings, such as the *Natural Products Marketing Reference* (1937) and *R. v. Klassen* (1959), have extended federal authority to intraprovincial transactions where the regulation of which was needed to uphold a valid federal marketing plan.
9. Richards, "The Canadian Constitution and International Economic Relations," p. 62.
10. Ian Robinson, "The NAFTA, the Side Deals, and Canadian Federalism: Constitutional Reform by Other Means," in Ronald L. Watts and Douglas M. Brown, eds., *Canada: The State of the Federation 1993* (Kingston, Ontario: Queen's University Institute of Intergovernmental Relations, 1993), p. 214.
11. Richards, "The Canadian Constitution and International Economic Relations," p. 60.
12. Ibid.
13. Douglas M. Brown, "The Evolving Role of the Provinces in Canadian Trade Policy," in Brown and Smith, eds., *Canadian Federalism: Meeting Global Economic Challenges?* P. 86.
14. Ibid., p. 86-87.
15. Ibid., p. 89.
16. Ibid., p. 90. Italics are mine.
17. Ibid.
18. Douglas M. Brown, "The Evolving Role of the Provinces in Canada-U.S. Trade Relations," in Douglas M. Brown and Earl H. Fry, eds., *States and Provinces in the International Economy* (University of California, Berkeley and Queen's University: Institute of Government Studies Press and Institute of Intergovernmental Relations, 1993), p. 115. Italics are mine.
19. Robinson, "The NAFTA, the Side Deals, and Canadian Federalism: Constitutional Reform by Other Means," p. 210.

20. Provincial activity in the international system, however, is not a new phenomenon. British Columbia has been represented in London for over 100 years and Nova Scotia sent officials to Britain as early as the eighteenth century to lobby the Colonial Office on economic matters. A number of provinces have also become welcome participants in local “functional” agreements with the United States on such issues as law enforcement, forest-fighting, waterways management, power grid arrangements, road, and highway and bridge management.
21. Jock A. Finlayson and Stefano Bertasi have argued that the Third Option and FIRA both failed to diversify Canadian trade, or to retard in any way the longer term process of North American economic integration. For a more detailed explanation of these conclusions, please see Jock A. Finlayson and Stefano Bertasi, *The Evolution of Canadian Postwar International Trade Policy* (Ottawa: The North-South Institute, 1990), p. 6.
22. Sean Riley, “Federalism and Canadian Trade Policy: The Early Days of the Mulroney Government,” in Tom Keating and Don Munton, eds., *The Provinces and Canadian Foreign Policy, Proceedings of a Conference, University of Alberta, March 28-30, 1985* (Toronto: Canadian Institute of International Affairs, 1985), p. 46.
23. Brown, “The Evolving Role of the Provinces in Canada-U.S. Trade Relations,” p. 106.
24. Peyton Lyon, “The Provinces and Canada Abroad,” in Don Munton ed., *Groups and Governments in Canadian Foreign Policy, Proceedings of a Conference, Ottawa, Canada, June 9-11 1982* (Toronto: Canadian Institute of International Affairs, 1985), pp. 27-28.
25. Elliot J. Feldman and Lily Gardner Feldman, “The Impact of Federalism on the Organization of Canadian Foreign Policy,” in M.W. Westmacott and R.D. Olling, eds., *Perspectives on Canadian Federalism* (Scarborough, Ontario: Prentice-Hall Canada, 1988), p. 272.
26. Personal interview with confidential source, February 11, 1994.
27. Brown, “The Evolving Role of the Provinces in Canadian Trade Policy,” p. 101.
28. Ibid.
29. Ibid., p. 106.
30. F. Scott Fairley, “Constitutional Aspects of External Trade Policy,” in M. Krasnick, ed., *Case Studies in the Division of Powers: Research Studies of the Royal Commission on the Economic Union and Development Prospects for Canada*, Vol. 62 (Toronto: University of Toronto Press, 1986), p. 29.

31. Brown, "The Evolving Role of the Provinces in Canadian Trade Policy," p. 101.
32. There was no guarantee that the countervail action would allow a full recovery of American lumber interests. If the situation remained unchanged despite the countervail activity, it could actually precipitate new U.S. legislation with a more protectionist definition of subsidy.
33. Brown, "The Evolving Role of the Provinces in Canadian Trade Policy," p. 103.
34. Ibid.
35. Brown, "The Evolving Role of the Provinces in Canada-U.S. Trade Relations," p. 121.
36. Kimberly Noble, "An Industry at War," *Globe and Mail* November 16, 1991, p. B-18.
37. Ibid.
38. Drew Fagan, "U.S. Challenge Cuts to Core of Trade Pact," *Globe and Mail* September 16, 1994, p. B-1.
39. Ibid.
40. Brown, "The Evolving Role of the Provinces in Canada-U.S. Trade Relations," p. 122.
41. Canada, Department of External Affairs and International Trade, *North American Free Trade Agreement: An Overview and Description* (Ottawa: International Trade Communications Group, Supply and Services Canada, August, 1992), p. vii.
42. Robert Williamson, "B.C. Struggles with Slump in Asian Trade," *Globe and Mail* January 16, 1995, p. B-5.
43. PEMEX spent most of the 1980s attempting to service the Mexican debt and is only now attempting to repair and replace its outdated equipment in the oil and gas sector.
44. In a press conference at the Canadian embassy in Tokyo, Klein told the Japanese media that "back home he was regarded as something of a connoisseur of beer." For more information on Klein's attempts to market Alberta beer in Japan, please see Mark Lisac, "Diplomatic Debut for Alberta Beer in Tokyo," *Edmonton Journal* November 9, 1993, p. C-7.
45. Personal interview with confidential source, January 24, 1994.

46. The NEP is still attacked on an almost daily basis in the Alberta legislature as an example of federal policy with little or no consideration of provincial economic interests.
47. Canada, Department of External Affairs and International Trade, *North American Free Trade Agreement at a Glance* (Ottawa: Canada Communication Group – Publishing, Supply and Services Canada, 1993), p. 19.
48. For a more detailed examination of the traditional/cultural nature of the Quebec dairy sector, please see Rheel Seguin, “Quebec Dairy Farmers Worried,” *Globe and Mail* December 13, 1993, p. A-3.
49. Nossal, *The Politics of Canadian Foreign Policy*, pp. 199-200.
50. Feldman and Feldman, “The Impact of Federalism on the Organization of Canadian Foreign Policy,” p. 268.
51. Quebec nationalism is obviously not a new phenomena in Canadian federal-provincial relations. As early as 1865 opponents to Confederation argued that societal differences between Quebec and the rest of Canada made the prospects for future unity unlikely at best. Henri Joly de Lotbiniere, who would later become Premier of Quebec, suggested sarcastically during the Confederation debates that Canada should adopt the rainbow as its symbol as it “had an endless variety of colours, an elongated shape, and no substance.” At the same time, however, it is also important to note that Quebec is not the only province that has pursued a “political” agenda at the international level. In 1980 for example, a group of dissident premiers, mostly from the West and Quebec, lobbied the British government in an attempt to rally support against Trudeau’s plans to unilaterally patriate the constitution. Although British Prime Minister Margaret Thatcher made it clear that any position on the constitutional issue would violate Commonwealth protocol provincial bureaucrats continued to lobby British MPs. Although most members of the House of Commons in London were treated to lavish dinners by the provinces, what was then labeled as the “battle of the dining rooms,” the constitutional bill was passed by the British Parliament without difficulty in March of 1982.
52. Nossal, *The Politics of Canadian Foreign Policy*,” p. 201.
53. *Ibid.*, p. 205.
54. *Ibid.*, p. 203.
55. *Ibid.*, p. 204.
56. Graham Fraser, “Bouchard Carries ‘S’ Word to U.S.: Bloc Quebecois Leader Visits UN, Bluntly Talks of Separation,” *Globe and Mail* March 2, 1994, p. A-1.
57. *Ibid.*, p. A-3.

58. Ibid.
59. Susan Delacourt, "Bouchard's Pitch Overseas Irritates Ottawa: Taking Separatist Campaign to Paris, Brussels is Abuse of Opposition Leader's Title, Ouellet Says," *Globe and Mail* May 16, 1994, p. A-3.
60. Ibid.
61. Bill Schiller, "French Treatment Shocks Bouchard in Bid for Support: He's Shooed from Elysee Palace After 'Empty' Mitterand Meeting," *Vancouver Sun* May 18, 1994, p. A-1.
62. Schiller also accounted an incident in which Bouchard's own staff was publicly embarrassed in front of the international media. In Schiller's words "some members of Bouchard's staff were absolutely elated when the palace's Republican Guard emerged, shortly before the end of the meeting, to stand at regal attention, festooned with feathers and steed with armor. 'It's for Lucien,' one of Bouchard's young staff beamed proudly to numerous journalists. 'Its for Lucien.'" Alas, it was not for Lucien. It was for Jozef Moravcik, the Prime Minister of Slovakia. As Bouchard sped off Moravcik sped in."
63. Maryse Berniau, "France Neutral on Quebec," *Vancouver Sun* October 17, 1994, p. A-9.
64. Graham Fraser, "Bouchard Reassures U.S. Audience on Sovereignty," *Globe and Mail* March 3, 1994, p. A-3.
65. Ibid.
66. "U.S. Might Seek to Annex West, Bouchard Says: Americans Won't Resist Breakup, Bloc Leaders Tells Business Group," *Globe and Mail* May 30, 1994, p. A-1.
67. Ibid.
68. Julian Beltrame, "U.S. Officials Warned Bloc Boss Over Entry to NAFTA, Diplomat Says," *Vancouver Sun* March 11, 1994, A-15.
69. Fraser, "Bouchard Reassures U.S. Audience on Sovereignty," p. A-3.
70. Although rarely enforced a convention on state succession was negotiated at the United Nations in 1978 that allows signatories to existing treaties the right to object to the unilateral declaration of membership of those states not involved in the original agreement.
71. Monaco has been cited as an example of a state lacking sovereignty as it shares its currency and other economic policy initiatives with France.

72. "U.S. Might Seek to Annex West, Bouchard Says," p. A-1.
73. Lawrence L. Herman, "The PQ Can't Count on Easing Quebec into NAFTA," *Globe and Mail* July 8, 1994, p. A-21.
74. Ibid.