

Legacies of Patriation Conference Program

Day 1: April 21, 2022

NOTE: ALL TIMES LISTED IN MDT (MOUNTAIN DAYLIGHT TIME)

8h00 (MDT) - Conference Welcome and Opening Remarks from Her Excellency, the Right Honourable Mary May Simon, Governor General of Canada

Session 1: 8h30 (MDT) - Opening Lecture: *Section 35: Constitutionalism and Legislative Reconciliation* | Naomi Metallic (Dalhousie University) Moderator: Hadley Friedland

Naomi Metallic Abstract: The presenter will explore how the implementation and recognition of Aboriginal rights, including the right to self-government, has largely been abdicated to the courts since confederation. A commitment to constitutionalism would see governments in Canada, in partnership with Indigenous peoples, seeking to implement their rights through legislation, as well as policies and agreements. She will explore how little governments in Canada have done through legislation and posit that there is a place for 'legislative reconciliation' in moving forward.

9h30 – Break – 15 minutes

Session 2: 9h45 (MDT) - Conversation: *Impacts of Meech Lake and Charlottetown* | Jamie Cameron (Osgoode Hall Law School) and Justice Patrick Monahan (Ontario Superior Court of Justice) Moderator: Richard Albert

Jamie Cameron & Justice Patrick Monahan Abstract: Only a few years after Canada was empowered to amend its own Constitution, the Meech Lake Accord failed in 1990 for lack of ratification, and the Charlottetown Accord was rejected in a nationwide referendum in 1992. Though the two Accords proposed radically different approaches to constitutional reform, both responded to momentous pressures for change that cut across provincial boundaries and engaged complex, competing demands for constitutional amendment. This session features Professor Emerita Cameron and Justice Monahan in conversation about their firsthand experiences in the Meech Lake and Charlottetown processes. Their discussion will draw a number of themes from the legacy of the Accords, and may include: the relationship between patriation and the Accords; the political calculations and fault lines that were exposed in the two processes of reform; the lessons learned from the failure of each; and the enduring impact of the Accords on constitutional amendment today.

10h45 – Break – 15 minutes

Session 3: 11h00 (MDT) Concurrent Panels:

Panel 1: *Quebec's Place in the Constitutional Order:* | Daniel Turp (U of Montreal) | Radha Persaud (York U) | Antoine Brousseau (Université du Québec à Montréal) Moderator: Alain G Gagnon

Daniel Turp Abstract: Forty years after the passage of the Canada Act 1982 and a patriation that was considered unilateral by Quebec because of the lack of consent of its government, parliament, or people, there are reasons to question why the National Assembly recently adopted a unilateral amendment to the Constitution Act, 1867 to include two sections on the "Fundamental Characteristics of Quebec" to the effect that "Quebecers form a nation" and that "French shall be the only official language of Quebec [and] the common language of the Quebec nation." The question of the constitutionality of this amendment will be discussed in light of the debates surrounding its adoption and the arguments that were presented by both its proponents and opponents.

April 12, 2022

Radha Persaud Abstract: This presentation examines the provisions of Bill 96 as a nation-defining moment in Canada's constitutional development. It is argued that such changes must come to terms with patriation: the unfinished constitutional reform process of 1980-1982. Important statecraft lessons can be drawn from the intergovernmental relations that produced a new constitutional settlement without the consent of Quebec. The presentation argues that the changes proposed in Bill 96 must be viewed in light of patriation, federalism, and national sovereignty. In this regard, the presentation will draw on the two major constitutional reform failures after patriation (Meech Lake and Charlottetown) and the Supreme Court's pronouncement on Quebec secession to offer a normative perspective on the current initiatives by Quebec. Any attempt by Quebec to unilaterally declare French as its official language and Quebecers as a nation in the Canadian Constitution must enhance and not detract from Canada's sovereignty and constitutional maturity.

Antoine Brousseau Abstract: Cette présentation retracera les transformations de la culture politique québécoise du référendum de 1980 au rapatriement constitutionnel de 1982. Alors que le Québec perd l'initiative des débats constitutionnels, l'enjeu n'est plus de se positionner sur l'enjeu de la souveraineté du Québec, mais bien de contester (ou soutenir) le projet de rapatriement de Pierre Elliott Trudeau.

En nous appuyant sur les débats de l'Assemblée nationale et sur les audiences publiques tenues en commission parlementaire, nous identifierons les valeurs et représentations mobilisées par les élus québécois et les représentants de la société civile qui interviennent alors. Ces valeurs et ces représentations donnent un sens à leurs prises de position face au rapatriement.

Ainsi, en évaluant la manière par laquelle les acteurs situent l'événement dans l'histoire du Québec et envisagent ses conséquences sur le fédéralisme canadien, nous pourrions mesurer toute son importance dans la transformation de la culture politique québécoise.

Panel 2: *Unity and Diversity* | Mary Liston (UBC) | Colleen Sheppard (McGill) | Dwight Newman (U Sask) Moderator: Vanessa MacDonnell

Mary Liston Abstract: This presentation suggests that a modernized concept of the "mixed constitution" opens up legal and political space for better recognition of Canada's deep diversity. This concept could function as a defining feature of our constitutional structure, providing a fresh logic that recognizes the constitutive dimension of collective identity and supports multijuralism. The concept of a mixed constitution could have significant import for the growing jurisdictional space for self-governing Indigenous nations. It may also have import for how the legal order manages or regulates other forms of pluralism, the local, and the particular. The courts' role under the ancient or mixed constitution is to "sustain and curate the domain of the political" (Berger). The presentation therefore argues for a "re-recognition" of the mixed constitution as an organizing principle of Canadian constitutionalism and as part of our ongoing project of crafting workable solutions to meet the demands of diversity and legal pluralism.

Colleen Sheppard Abstract: The patriation of the Constitution marked an important moment in Canadian history in two domains – sovereignty and rights. Patriation broke another strand in Canada's colonial relationship with Britain and it constitutionally entrenched a range of human rights and freedoms, including Indigenous rights. But these two dimensions of patriation – sovereignty and rights – are contested concepts. One version of the story of Canadian constitutionalism highlights the connection between patriation and the enhanced sovereignty of the Canadian state. In turn, constitutional rights are viewed as particularly significant for the politically dispossessed – to be substantively defined and protected by the courts. Another version, however, disrupts these traditional divides between sovereignty and rights, gesturing towards the possibility of a more transformative constitutional culture. Through this lens, sovereignty is multiple and divided, and important for communities that have been denied political power. Rights, too, are reframed to go beyond substantive claims for protection within the current power structures, towards enhanced democratic participation, social inclusion, political agency, and institutional change.

Dwight Newman Abstract: Picking up on some of the questions asked in a different context by Anthea Roberts in her important book, *Is International Law International?*, this presentation will interrogate presumptions that there is a unified school of Canadian constitutionalists. Highlighting cleavages on linguistic lines, lines related to association with divergent models of constitutional sources, and lines associated with approaches to constitutional interpretation, the presentation will argue that the Canadian-patriated Constitution is subject to profound questions over whether there is constitutional law that is (pan-) Canadian. The presentation will connect the more substantive cleavages to underlying divisions concerning theoretical background, teaching, and exposition of constitutional law, with these latter divisions raising the possibility of a corpus of Canadian constitutional law subject to ongoing fracture. The latter parts of the presentation will try to propose some recommended ways of trying to overcome some of the associated challenges.

12h30 – Break – 30 minutes

Session 4: 13h00 (MDT) Keynote Lecture | *Patriation and Sovereignty*: Peter Russell (U of Toronto)
Moderator: Catherine Kellogg

Peter Russell Abstract: Forty years ago, through Patriation, Canadians ended the legal status of their country being a British colony. At the same time Indigenous peoples within Canada began the process of ending their legal status as colonies of Canada. Since 1982, Indigenous peoples in Canada, through processes that include political action, court cases, a royal commission, a truth and reconciliation commission, and action at the United Nations, have made considerable headway in overcoming their colonized status. However, for both colonizers and colonized, it may be that decolonization is never complete.

14h00 – Break – 15 minutes

Session 5: 14h15 (MDT) Concurrent Panels

Panel 3: *Section 55*: Darius Bossé (Power Law), Francois Larocque (U of Ottawa) | *Section 36*: Karine Millaire / Moderator: Valérie Lapointe Gagnon

Darius Bossé & Francois Larocque Abstract: While French and English are Canada's official languages, most of our constitutional documents (22 of 30 documents) only have official status in English, including the Constitution Act, 1867. The framers of the Constitution Act, 1982 sought to cure the injustice of this defect by enacting section 55, which obligates Canada to prepare a French version of the relevant documents "as expeditiously as possible" and to put them forward "for enactment by proclamation ... pursuant to the procedure then applicable to an amendment of the same provisions of the Constitution of Canada." A complete translation was prepared in 1990, but no meaningful action has been taken to enact the French version of Canada's Constitution. This presentation will explore the legal, practical, and symbolic consequences that flow from the continuing breach of section 55 with regard to the principles of constitutionalism, the rule of law, and the protection of minorities.

Karine Millaire Abstract: Section 36 of the Constitution Act, 1982 is an under-valued legacy of the patriation. It has been widely characterized as being "too vague" to ground legal obligations (e.g., by Hogg). Since "promoting equal opportunities," "furthering economic development to reduce disparity," and "providing essential public services of reasonable quality to all Canadians" would be no more than principle-based, moral and political commitments entrenched in our Constitution, they could not be justiciable. As there is now a substantial – if not unanimous – degree of agreement among the provinces that the federal-provincial partnership in sharing health costs had been unsustainably modified in the last decades, it is more than time to revisit section 36's place as a constitutional norm.

Panel 4: *Patriation and the People* | Penny Bryden (UVic) | Alain G. Gagnon (UQAM) and Andrew Parkin (Environics Institute) | Moderator: Johanne Poirier

April 12, 2022

Penny Bryden Abstract: In the 15 years prior to the patriation of the Constitution, Canadians were increasingly drawn into the drama of negotiations through televised first ministers meetings (in Toronto, Victoria, and Ottawa), nail-biting elections (Quebec, 1976, and federally in 1979 and 1980), and political brinksmanship on all sides. The patriation of the Constitution itself relied on public investment in the process, with the suggestion of a referendum eventually tipping the balance in its favour. But what did people – real people – think about the process of patriation? Part of a larger study of constitutional culture in Canada since Confederation, this presentation uses diaries and private papers from non-political spectators to illustrate the growing affection Canadians were developing for a Constitution that may not have been set out directly by “we the people,” but was increasingly embraced by them.

Alain G Gagnon & Andrew Parking Abstract: The 1982 Constitution was the incomplete conclusion of decades of negotiations among governments and nations within Canada. The agreement left major issues unresolved, and yet succeeded in providing a new focal point for Canadian identity. Over the ensuing 40 years, questions have remained about the public’s relationship with Canada’s constitutional architecture. How uniformly is the constitutional deal accepted (particularly in Quebec)? How have citizens come to view the judiciary and its relationship to legislatures? To what extent does the public support the Constitution’s protections of community and minority rights? To what extent has the 1982 Constitution facilitated the expression of a unifying constitutional identity? And what is the public’s appetite for tackling Canada’s unfinished business, especially in terms of the recognition of minority nations? These questions will be answered through an analysis of the results of the 2022 edition of the Confederation of Tomorrow Survey of Canadians.

15h15 – Break – 15 minutes

Session 6: 15h30 (MDT) Keynote Lecture: *Patriation in Comparative Perspective:* | Cheryl Saunders (University of Melbourne) | Moderator: Hoi Kong

Cheryl Saunders Abstract: Patriation, as understood in Canada, was neither needed nor experienced in the other former British Dominions. In each of them, nevertheless, the colonial underpinnings of constitutional arrangements required unravelling as independence was achieved. This presentation will explore the reasons for the divergent paths of Canada and the other Dominions, explore similarities and differences in progress to independence, and consider whether these are likely to be carried through in dealing with remnants of colonial status in the future.

Day 2: April 22, 2022

NOTE: ALL TIMES LISTED IN MDT (MOUNTAIN DAYLIGHT TIME)

Session 1: 8h00 (MDT) Keynote Lecture | *A Trickster's Perspective on Canada's Federal Constitution:*
Jean Leclair (U de Montreal) Moderator: Eric Adams

Jean Leclair Abstract: The presenter will investigate how the Supreme Court of Canada struggled to find a way to make room for Indigenous peoples in Canada's constitutional universe since patriation. The idea is not to revisit for the "nth" time the case law under sections 35 and 91(24), but rather, to investigate what the Court's schizophrenic approach to these sections' interpretation reveals about its understanding of Canada as a "federal society."

9h00 – Break – 15 minutes

Session 2: 9h15 (MDT) Concurrent Panels

Panel 1: *Patriation and the Role of the Courts:* Justice Colin Feasby (Alberta Court of Queen's Bench) | Erin Crandall (Acadia U) | Mark Harding (U of Guelph) | JC Bedard-Rubin (U of Toronto) | Moderator: Madame Justice Georgina Jackson

Justice Colin Feasby Abstract: The Supreme Court of Canada's living tree constitutionalism and purposive method of interpretation shaped the Charter over the last four decades. This presentation explains that the Court is revising its approach to Charter interpretation in reaction to criticism by observers who advocate textualism and originalism. The presentation explores the contours of the Court's new purposive textual method of interpretation and considers the implications of the new interpretive approach for existing Charter jurisprudence. Further, it identifies potentially significant implications of the new interpretive method.

Erin Crandall Abstract: This presentation considers some of the possible factors that affect public support of the Supreme Court and its consequences for Canadian democracy. For the Supreme Court, the patriation of the Constitution Act, 1982 significantly expanded its role in constitutional review and with it, constitutional amendment. It was inevitable that this increased role would have political consequences for the Court and one of these appears to be public support. While the Supreme Court has historically enjoyed a high level of public support, polling suggests that it has dropped over the last decade. This is concerning given that public confidence is an essential component of the Court's institutional legitimacy. Yet, maintaining public support is not straightforward given that it is the Court's job to make decisions that will be contentious and even unpopular, a challenge that has only been heightened since the patriation of the Constitution Act, 1982. This presentation will explore some of these challenges for the Supreme Court and their relationship to patriation.

Mark Harding Abstract: This presentation reflects on the 40th Anniversary of the Constitution Act, 1982 through the debate between political and legal constitutionalism — an increasingly prominent theoretical distinction within constitutional studies. Political constitutionalism sees rights protection as the product of institutional interactions amongst the elected branches of government, whereas legal constitutionalism sees the judiciary as the primary custodian of rights. This presentation examines the testimony at the Special Joint Committee on the Constitution, 1980-81, to show how these two perspectives were already present amongst the participants. However, it argues that patriation marks the point where Canada began to transition away from being a regime primarily oriented around political constitutionalism to one based on legal constitutionalism. Moreover, it illustrates how the clash between these accounts persists in shaping the post-Charter debates over the role of courts and legislatures. The Charter has elevated legal constitutionalism without extinguishing political constitutionalism.

JC Bedard-Rubin Abstract: Forty years ago, many feared that the adoption of the Charter would “Americanize” Canadian constitutional culture. Since then, most commentators agree that the dreaded Americanization did not materialize. Even though the Supreme Court of Canada was asked to pass judgment on highly disputed moral issues such as assisted dying, prostitution, and abortion, it has navigated these troubled waters and built an outstanding global reputation. Focusing on precedents and justiciability as two of the three main institutional constraints on courts, the presentation argues that the Canadian Supreme Court has built its diffuse support by embracing rather than feigning to reject its role as a national policy maker. Positioning itself as demos-enabling rather than demos-constraining, the Supreme Court carefully avoided redefining its role in terms of a strict separation of powers. This posture reflects a distinctive approach to the Court’s role and reveals stark differences between Canadian and American constitutional culture.

Panel 2: *Fundamental Rights* | Leonid Sirota (University of Reading) | Stephanie Chouinard (Queen’s) and Danielle McNabb (Queen’s) | Kristopher Kinsinger (McGill) | Moderator: Carissima Mathen

Leonid Sirota Abstract: One of the political compromises that made patriation possible, and one of its innovations, was the “notwithstanding clause” that allowed legislatures to override some of the protections of the new Canadian Charter of Rights and Freedoms. Although Canadian legislatures did not avail themselves of this power for much of the Charter’s history, some constitutional scholars urged them to do so, hoping that this would encourage legislative engagement with contested views on rights, and a richer dialogue with the judiciary. Recent years have seen several provinces either invoke the “notwithstanding clause” to protect legislation from judicial scrutiny or seriously contemplate doing so. This presentation will examine the legislative debates surrounding these proposals to ascertain whether academic hopes for legislative engagement with rights have been fulfilled on some occasions — or whether, instead, legislatures simply chose to disregard rights, and assert their power in the name of collective interests or preferences.

Stephanie Chouinard & Danielle McNabb Abstract: Depuis 1982, plusieurs chercheurs se sont penchés sur le phénomène qu’on appelle la “judiciarisation de la politique”, où les enjeux autrefois débattus dans l’arène politique se sont déplacés devant les tribunaux. C’est le cas des langues officielles. Cet article offrira une analyse quantitative et qualitative de l’intervention des organismes représentant les minorités de langue officielle à la Cour suprême depuis le rapatriement de la constitution afin de faire la lumière sur les acteurs politiques importants devant les tribunaux, l’ampleur de leur mobilisation juridique, et le type de discours qu’ils ont présenté à la Cour dans leurs mémoires depuis 40 ans.

Kristopher Kinsinger Abstract: Although Prime Minister John G. Diefenbaker had high hopes for the 1960 Bill of Rights, the legislation was constitutionally marginalized following its mostly negative treatment by the Supreme Court and the subsequent entrenchment of the Charter of Rights and Freedoms. However, it would be a mistake to trivialize the importance of the Bill of Rights in the evolution of the Canadian Constitution. The debate leading up to and following the enactment of the Bill of Rights was, at its core, a contest between markedly different visions of Canadian constitutionalism. In several key respects this contest remains unresolved, as jurists and scholars continue to debate the limits of parliamentary sovereignty and the role of unwritten principles within Canada’s constitutional architecture. To this end, this presentation examines the historical debate over the Bill of Rights to determine what insight (if any) the legislation offers to the ongoing project of Canadian constitutionalism.

10h45 – Break – 15 minutes

Session 3: 11h00 (MDT) Plenary Panel: *Indigenous Rights, Jurisdiction, and Sovereignty at 40* | Josh Nichols (McGill) | Genevieve Painter (Université Concordia) | Emma Feltes & Jocelyn Stacey (UBC) | Moderator: Madame Justice Michelle O’Bonsawin

Josh Nichols Abstract: In *Sparrow*, the Supreme Court recognized that section 35(1) of the Constitution Act, 1982, “represents the culmination of a long and difficult struggle in both the political forum and the courts for the constitutional recognition of aboriginal rights.” Despite this, the Court went on to hold that “there was from the outset April 12, 2022

never any doubt that sovereignty ... vested in the Crown.” This statement establishes the “background” of Aboriginal law in Canada, but it provides no legal explanation for the disappearance of Indigenous sovereignty. It is easy to forget that the Sparrow Court’s approach to the interpretation of section 35 was not the only possibility. This presentation attempts to show how the courts could play a meaningful role in facilitating deeper constitutional reconciliation by shifting away from the vocabulary of rights and toward that of shared sovereignty and jurisdiction.

Genevieve Painter Abstract: This presentation revises a key chapter of the patriation debates by centring Indigenous women's demands for equality in the re-founding of Canada's constitutional order. In 1985, Parliament amended the Indian Act to revise the rule that passed Indian status only along the male line. The dominant narrative depicts these reforms as the fallout of a battle that wielded Charter rights against statutory discrimination. Drawing from archives and interviews, this presentation debunks this narrative and shows that the 1985 reforms were shaped by three broader constitutional conflicts between settler and Indigenous lawmakers and activists. First, how should Canada recognize Indigenous jurisdiction in Canada’s Constitution? Second, should the federal government delimit the gendered boundaries of the status Indian population (and how)? Third, how should gender equality rights be formulated in the Charter given a multicultural populace? This retelling challenges received wisdom about the relationship among equality rights, the Constitution, and Indigenous sovereignty.

Emma Feltes & Jocelyn Stacey Abstract: Instances of crisis, while appearing to disrupt the status quo, reveal constitutional habits deeply engrained in the everyday operation of the Canadian state. For the Tsilhqot’in Nation, constitutional practice since its landmark Supreme Court decision has entailed countless hours of advocacy and dialogue with BC and Canada to assert and seek support for its jurisdiction (with productive results). Yet, when crisis strikes, Tsilhqot’in jurisdiction is made to disappear, and dominant constitutional narratives of cooperative federalism bear little relation to reality on the ground. From wildfires to floods to the COVID-19 pandemic, crises beget jurisdictional conflict in Tsilhqot’in territory, revealing that advances made to lift up Tsilhqot’in laws and authority have not yet become structural or habitual. Building on our partnership with the Tsilhqot’in National Government, this presentation uses crisis as a lens to assess a central question left open by section 35 in 1982: the question of Indigenous jurisdiction.

12h30 – Break – 30 minutes

Session 4: 13h00 (MDT) Plenary Panel: *Constitutional Amendment:* Emmett MacFarlane (Waterloo) | Dave Guénette (McGill) | Catherine Mathieu (UQAM) | Richard Mailey (U of A) | Moderator: Vanessa MacDonnell

Emmett MacFarlane Abstract: The amending formula entrenched in 1982 is one of the most complex and onerous in the world. The legacy of patriation itself, particularly the efforts at mega-constitutional reform in the Meech Lake and Charlottetown Accords, have contributed to a political culture making formal amendment of the Canadian constitution even more difficult. In recent years, these twin challenges have been exacerbated by the Supreme Court's approach to the amending formula - and to identifying what counts as the Constitution of Canada. As a result, we are less certain than ever where the line between informal constitutional change and the requirements of formal amendment is drawn.

Dave Guénette Abstract: Since 1982 and the coming into force of the Canadian constitutional amending formula, we have seen that beyond its juridical modalities, the formal process of amending the Canadian Constitution involves major political choices. Thus, while Part V of the Constitution Act, 1982 tells the actors in place what rules to follow and what levels of consent are required to change the various parts of the Constitution, it also leaves them some room for political discretion.

This presentation will examine three different examples in support of this argument: the Meech Lake Accord, Senate reform, and the recent unilateral constitutional amendment proposal by Quebec (Bill 96). In all of these examples, the main actors made political choices not only about the content of the change, but more importantly about the process to be used. Ultimately, those choices impacted the success or failure of the proposed amendments.

Catherine Mathieu Abstract: At the time of patriation, the amendment procedure set out in Part V of the Constitution Act, 1982 was mainly intended to provide a framework for multilateral constitutional amendments resulting from prior provincial-federal agreements. As a result, the requirements of the amendment formula are designed for multilateral constitutional initiatives, where provincial and federal executives agree on specific amendments during an intergovernmental constitutional conference, as was the case in the context of Meech Lake and Charlottetown. However, Part V is not tailored or adapted for unilateral initiatives and, as such, it provides limited guidance as to how to unilaterally initiate a constitutional change or to carry out a unilateral amendment. This presentation aims to build on two recent examples, namely Alberta's referendum on the equalization formula and Quebec's Bill 96, to explore and reflect on the gaps and silences of the amendment procedure regarding unilateral constitutional changes.

Richard Mailey Abstract: What impact did patriation have on constitutional amendment in Canada? This presentation will suggest that it generated two distinctive models of amendment. On the one hand, patriation constitutionalized an executive federalist model via the 1982 Constitution Act's amendment rules, the most demanding of which requires total governmental consensus among Canada's provinces. On the other hand, the national populism inherent in certain aspects of the federal government's approach to patriation played an important role in entrenching a set of political expectations regarding wider public input in amendment processes. Having fatefully ignored these political expectations during the Meech Lake process, the government attempted to fuse the two models — the governmental and the public — during the Canada Round, but without success. The key question is: is it even possible to fuse these two models in a nation as constitutionally pluralistic as Canada, and do other constitutional systems offer any lessons on this front?

14h15 – Break – 15 minutes

Session 5 – 14h30 (MDT) Interview: – *Constitution Making as State Craft*: John Whyte (U Regina)

Interviewer: Richard Mailey

John Whyte Abstract: Although there is no doubting the importance of Canada's achievement of constitutional sovereignty, national political life after patriation reveals the failures of the constitutional bargain struck by Trudeau et al. Constitution-making is statecraft and it demands that attention be paid to structure and relationship, and to what best serves nationhood as well as what promotes justice and stability. The 1976-1982 constitutional process was not a model of nation-affirming constitution-making, and it has not led to an arrangement that guides Canada toward a stable, effective multinational democracy. Failure to form a common purpose, the resort to opportunistic ideas, weak analytic processes, indifference to the creation of uncertainty, and parochialism marked the choices made. The story of Canada's most significant national exercise of constitutional reform accordingly warrants critical analysis. In this presentation, I shall draw from elements of the negotiations' history and examine the consequences of the options chosen or accepted.

15h15 – Break – 15 minutes

Session 6: 15h30 (MDT) Conversation: *Patriation's Impact on the Power of the State*: Justice David Paciocco (Ontario Court of Appeal) in conversation with Professor Carissima Mathen | Moderator: Steve Penney

16h15 – Break – 15 minutes

Session 7: 16h30 (MDT) Finale –Round Table Discussion: *Culture, Conflict, Change and the Future*: Eric Adams (U Alberta), Richard Albert (Texas U at Austin), Alain G. Gagnon (UQAM), Valerie Lapointe-Gagnon (U Alberta), Carissima Mathen, (U Ottawa), Patricia Paradis (U Alberta)