

CONFIDENTIAL

June 18, 1980

CCMC handling of the 12 Agenda Items

In assessing the work to be done under each item and in following it along through the weeks of negotiation, it is useful to break the work down into its Five Phases. Some of the items on the list have already moved through a number of the phases.

The Five Phases are:

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| Phase I
(Ministers) | - presentation of <u>initial policy position papers</u> |
| | - initial ministerial <u>discussion</u> of these papers |
| | - <u>reference to officials</u> for study |
| Phase II
(Officials) | - <u>clarification</u> of intent and technical detail of the various policy positions presented |
| | - <u>listing of policy issues</u> requiring ministerial decision, noting alternatives proposed in the papers |
| Phase III
(Ministers) | - discussion of the <u>policy issues</u> |
| | - decision on as many policy issues as possible |
| | - decision to review alternatives later, or to refer to First Ministers |
| | - reference to officials for preparation of the <u>legal text</u> , including texts for alternatives where policy issues undecided |
| Phase IV
(Officials) | - preparation of legal texts with the alternatives, for consideration by Ministers |

Phase V
(Ministers)

- review and approval of legal texts
- decisions on alternatives where possible
- reference of agreed texts and remaining alternatives to First Ministers

Note

Some aspects of an item may have to "go back" a phase or two, as governments change positions, or as Ministers ask officials to clarify some matters, or to examine new alternatives or prepare new legal texts. Basically, however, each item will have to move through these five phases, if it is to be ready for consideration by First Ministers at the September Conference.

Applying the Five Phases to the Work Ahead:

(1) Resource Ownership

<u>Stage Reached</u>	<u>Work Remaining</u>	<u>How to Tackle</u>
- A Best Efforts Draft exists - Assuming no federal withdrawal across the board, this item is already at Phase V	Phase III and Phase IV remain to be done on some aspects: define "compelling national interest", define "resource", define "discrimination", before Phase V can be completed	Use initial round of July 8-9 to review positions and cover Phase III on aspects outstanding. Officials then work on Phase IV and Ministers work on Phase V across the board in 2nd or 3rd weeks, with a final try in <u>late August week</u>

✓ (2) Communications

- Phase V on Cable - Phase I on all other aspects - /a federal draft text on cable, acceptable to most, is on the table/	Phase III and Phase IV work on some aspects of cable, Phases I-IV on any other aspects chosen (e.g., broadcasting), before Phase V can be completed	Use July 8-9 to determine aspects to be included, to cover Phase III on Cable, and Phase I on rest. Officials then do Phase IV on cable and Phase II on the rest. Ministers do Phase V on cable and Phase III on rest in 2nd and 3rd weeks, and Phase V on rest in <u>late August week</u>
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(3) Senate

Stage Reached

Work Remaining

How to Tackle

Still at Phase I

All Phases

/though many papers
available/

Use July 8-9 to assess situation. Officials then prepare charts of major alternatives (Phase II). Phase III should be done in late 1st, or 2nd week. Phase IV done in 3rd week and, at latest, before Phase V is done in late August week

(4) Supreme Court

- A Best Efforts
Draft exists

No work unless Quebec or Alberta press for a "Constitutional Court"

- At Phase V

Use July 8-9 to determine if work needed re "Constitutional Court". If so, officials do Phase II on that aspect, Ministers do Phase III in 2nd or 3rd weeks, officials do Phase IV in 3rd week and, at latest, before Phase V is done in late August week

✓ (5) Family Law

- A Best Efforts
Draft exists

No work remains except touch-up

- At Phase V

Use July 8-9 to agree on touch-ups. Phase V should be completed in 3rd week, or if necessary in late August week

(6) Fisheries

At Phase I

All phases

Use July 8-9 for Phase I. Officials do Phase II that week, and Ministers do Phase III in 2nd week. Phase IV is done in 3rd week or, at latest, before Phase V is done in late August week

(7) Offshore Resources

<u>Stage Reached</u>	<u>Work Remaining</u>	<u>How to Tackle</u>
At Phase III /a federal proposal is on the table/	Phase III to complete, plus IV and V	Use July 8-9 for Phase III. Officials do Phase IV in readiness for Ministers to make "start" on Phase V in 3rd week; complete Phase V in <u>late August</u> <u>week</u>

(8) Equalization

- A Best Efforts Draft exists	No work remains	Use July 8-9 to complete Phase V
- At Phase V		

✓ (9) Charter of Rights

- At Phase III with elements of Phase V	Phases III and V (assuming federal text covers Phase IV)	Use July 8-9 to start Phase III. Schedule long session in 1st week, if possible, to complete it. There is little work for offi- cials until this is done. Phase IV will take little time. A first session on Phase V should be held in the 3rd week, with com- pletion in the <u>late</u> <u>August week</u>
- /a federal draft text is on the table/		

✓ (10) Patriation, including
Amending Formula

At Phase III but with several legal texts available	Phases III, IV and V	Use July 8-9 for Phase III and to ensure that <u>legislative delegation</u> <u>is included</u> . Phase IV will be a presentation of alternatives in legal text form. A first cut at Phase V is needed in 3rd week and the final in <u>late</u> <u>August week</u>
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(11) Powers over the Economy

Stage Reached

- At Phase I

Work Remaining

Phases I to V

How to Tackle

Use July 8-9 to present federal position paper and refer to officials. Phase II should be done in 2nd week with Phase III later in 2nd week or early in 3rd. Phase IV should begin in 3rd week and, at latest, be finished before Phase V is done in late August week

✓
(12) Statement of Principles

- At Phase III

Phases III-V

- /several potentially, useful texts exist/

Use July 8-9 to present federal case again and to decide whether a statement is desired, and hopefully some major points to cover. Phase IV should be done in this case by some Ministers and officials and should be finished by end of 2nd week. Phase V should be covered in 3rd week, or at latest, begun, and finished in late August week.