

an assessment panel is completely within his or her discretion. The law also makes clear that projects may proceed to construction and completion if the minister concludes that adverse environmental effects are justified. To the extent that Canadian environmental policy had been judicialized by the Federal Court, it had now been re-politicized.

More than the dynamics of the parliamentary system were at work here. Of equal importance was the reality of Canadian federalism. Mulroney wanted the discretion provided by the law in order to allow his government to conciliate the provinces, especially British Columbia, Alberta and Québec. The CEAA fit well into Mulroney's objective of bringing Québec back into the constitutional fold in contrast to Trudeau's decision to go ahead with patriation of the constitution in 1982 in spite of Québec's objection (Skogstad and Kopas 1992, 55). If Mulroney was to confront the provinces, he would choose the field of battle and would not allow the judges to select it for him. Mulroney was unable, however, to shield Québec from judicial intervention in its plan to develop the hydroelectric potential of its northern region.

The Role of the Courts in the Postponement of Great Whale

Québec elites regard harnessing the rivers flowing into James and Hudson Bays as critical to the future success of Québec's economy (Bourassa 1985). Not only would cheap hydroelectric power attract massive foreign investment in high-energy-consuming industries like aluminum but it could also be exported to the New England states and New York, earning billions of U. S. dollars in sales. Nationalists see it as the key to making separation from Canada feasible. This means that as far as Québec is concerned any environmental impact assessment of the Great Whale project must be a provincial rather than a federal one. The stakes in the role of the federal government in the environmental assessment of the Great Whale hydroelectric project, thus, were even higher than those in the British Columbia, Alberta, Saskatchewan and Nova Scotia