

that policy making is fragmented and sometimes fails to deal with problems that cross provincial borders. In the late 1980s, Canadian courts began to be more involved in environmental disputes, complicating regulatory efforts. Canada-U.S. economic relations, shaped by NAFTA and other accords, also affect environmental policy and the sustainability of natural resources. Public lands policy in Canada is particularly complicated by the debate over the rights of indigenous peoples. Like their neighbors to the South, Canadians have been primarily concerned with ensuring that lands and natural resources were available for the use of the polity as a whole, and native peoples were either removed to reservations or encouraged to assimilate into white society. While relatively few claims for Aboriginal lands remain in the United States, there are a growing number in Canada that are being pursued in the courts and in Parliament. While both Congress and Parliament have broad power to regulate native peoples lands, Canadian courts have been much more willing to subject the acts of Parliament to stringent review to protect the interests of the First Nations. One of the greatest differences between the two nations lies in the traditional Canadian opposition to Indian self-government. Unlike the widespread acceptance in the United States of tribal government, the Canadian federal government has kept very strong reins on the tribal councils it established to govern tribes and reservations.

A dramatic breakthrough occurred in 1991 when the government of Ontario formally recognized the inherent right of native peoples in that province to be self-governing. In an agreement with the Chiefs of First Nations, the Ontario Premier became the first Canadian government leader in the country to acknowledge the right of self government. The agreement refers to the 14,000 members of native tribes in the province as "distinct nations with their governments, cultures, languages, traditions, customs and territories" and proclaims their right to self-government "flows from the Creator and from the First Nations' original occupation of the land." The ill-fated Constitution of 1992 gave unprecedented recognition to the right of aboriginal self government. The agreement negotiated between representatives of the federal government and aboriginal peoples emphasized that the Constitution should recognize the inherent right of self-government for aboriginal peoples. The proposal would have made Aboriginal governments one of three constitutionally recognized orders of government within the Canadian federation. The mechanisms of self-government were to ensure that the needs and circumstances of Aboriginal communities across Canada were addressed, and that all Aboriginal peoples would have equitable access to this negotiating process. Laws enacted by Aboriginal governments would have to be consistent with "federal and provincial laws essential to the preservation of peace, order and good government in Canada.

The defeat of the constitutional reforms in 1992 have created great uncertainty concerning how natural resource development, environmental protection, and rights of First Peoples will be balanced. Many Canadians, like U.S. residents, believe that since their nations have cut down their old-growth forests and polluted the atmosphere with their coal cannot without great irony lecture to the less developed countries about how to engage in sustainable development or how to preserve the land rights of native peoples. Disputes over salmon fishing have brought together Aboriginal peoples in Canada and the U.S. with Federal, state, and provincial officials.