

1993

## Volume 19

Canada-United States Law Journal

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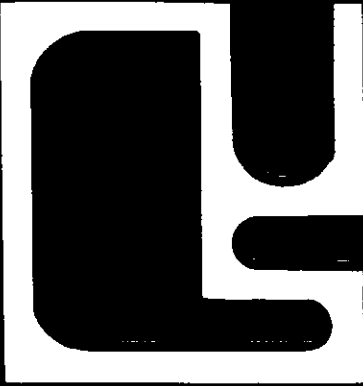
### Recommended Citation

Canada-United States Law Journal, *Volume 19*, 19 Can.-U.S. L.J. Iss. (1993)

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# Canada- United States Law Journal

Volume 19

1993

SEP 23 1994

CONFERENCE PROCEEDINGS

**AN INDUSTRIAL POLICY FOR NORTH AMERICA  
(CANADA/U.S.): LEGAL AND ECONOMIC  
CONSIDERATIONS**

Conducted Under the Auspices  
of

**THE CANADA-UNITED STATES LAW INSTITUTE**

and

**CASE WESTERN RESERVE UNIVERSITY SCHOOL OF LAW**

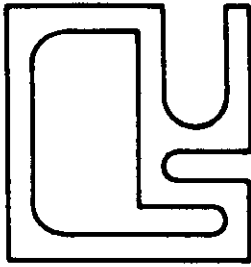
Cleveland, Ohio  
April 16-18, 1993

*Conference Chairman*  
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CAN.-U.S. L. J.

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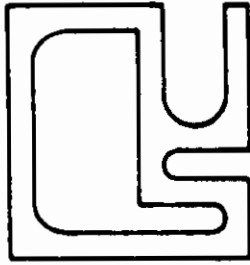
The following are the proceedings of a Conference held under the auspices of the Canada-United States Law Institute and Case Western Reserve University School of Law. The Conference was held in Cleveland, Ohio, April 16-18, 1993. The theme of the Conference was *An Industrial Policy for North American (Canada/U.S.): Legal and Economic Considerations*.

The articles and discussions printed here have been compiled from transcripts of the Conference and papers submitted by the speakers. Minimal editing has been done in order to preserve the spirit of the Conference, while ensuring clarity of expression. Questions regarding unfootnoted assertions and cited materials should be addressed to the authors.

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The Editor would like to thank those people who have assisted in the production and printing of this volume, in particular Rhonda O'Neal, Lisa LaGuardia, Rosyln Chao and Afsaneh Azar. The Editor is also grateful to Carolyn Speaker and Debbie Korenchan of the Case Western Reserve University Law School Staff.



PROCEEDINGS OF THE CANADA-UNITED STATES  
LAW INSTITUTE CONFERENCE

AN INDUSTRIAL POLICY FOR NORTH AMERICA  
(CANADA/U.S.): LEGAL AND ECONOMIC CONSIDERATIONS

Cleveland, Ohio  
April 16-18, 1993

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**Speakers at the Canada-U.S. Law Institute Conference on  
An Industrial Policy for North America (Canada/U.S.):  
Legal and Economic Considerations**

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**ROBERT COUZIN** is associated with Societe Jundique Internationale, (in association with Stikeman, Elliott, Paris). He is also a partner of Stikeman, Elliott in its Toronto office. He holds degrees from the University of Chicago (A.B. 1967, A.M. 1968) and received his B.C.L. (Gold Medal) from McGill University in 1972. Mr. Couzin currently serves as Vice Chair of the Ontario Fair Tax Commission and as President of the Canadian Branch of the International Fiscal Association. He is a former Governor of the Canadian Tax Foundation and has served as a lecturer in law at the University of Toronto and McGill University. Mr. Couzin has published extensively in Canadian Tax Foundation publications as well as various other tax and legal journals both in Canada and abroad.

**DAVID CRANE** is the economics editor for *The Toronto Star*, Canada's largest-circulated newspaper, where he writes on economic and political issues. He has served as Director of Corporate Affairs for the Canada Development Investment Corporation, the Crown agency responsible for Canadair, de Havilland Aircraft, Eldorado, Teleglobe, Fishery Products International and the government's controlling interest in Canada Development Corporation. A graduate of the University of Toronto, Mr. Crane has traveled extensively in his newspaper career, reporting on national and international issues, including trade policy, fiscal and tax policy, industrial policy, energy policy, Canadian-American relations and foreign investment policy. He has written three books, the latest of which, *The Next Canadian Century*, sets out the sweeping economic and social challenges facing Canada and proposes an agenda for growth and wealth creation in a knowledge-based, innovative economy.

**E. DONALD ELLIOTT** is the Julien and Virginia Cornell Professor of Environmental Law and Litigation at Yale Law School, and is also affiliated with the law firm of Fried, Frank, Harris, Shriver & Jacobson, in New York and Washington, D.C.. From July 1989 to August 1991, he served as Assistant Administrator and General Counsel of the U.S. Environmental Protection Agency, where he was primary legal advisor and a principal policy advisor to the EPA Administrator and the White House on all of EPA's programs. Before joining EPA, Professor Elliott served for five years as Special Litigation Counsel, Corporate Environmental Programs, General Electric Co., and he has recently been recognized by the *National Law Journal* as one of the nation's top twenty-five environmental and toxic tort attorneys. Professor Elliott has written and lectured extensively, both here and abroad, on regulatory policy and environmental liability. He received his B.A., Summa Cum Laude and Phi Beta Kappa, from Yale University (1970) and his J.D. from Yale Law School (1974).

**CALVIN S. GOLDMAN** is a partner in the law firm of Davies, Ward & Beck in Toronto. He has served as Assistant Special Prosecutor for the Attorney General of Canada in the Uranium Cartel proceedings and as Director of Investigation and Research under the Canadian Competition Act. As Director, Mr. Goldman was head of the Bureau of Competition Policy in the Government of Canada and, in that capacity, addressed various aspects of Canadian competition law and policy in a domestic and international context. He has served as Vice-Chairman of the OECD Committee on Competition Law and Policy, and is the new Chairman of the Canadian Committee on Competition Law and Policy for the Business and Advisory Committee to the OECD and for the International Chamber of Commerce. Mr. Goldman is a graduate of Osgoode Hall Law School of York University (1973 Gold Medal), and he completed his LL.M. at Harvard Law School in 1974. He has spoken extensively and has published a number of articles

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**CARL GRENIER** is Director General of Trade Policy of the Québec Department of International Affairs, where he is closely involved in the defense of Québec's interests through the federal-provincial mechanisms which have allowed provincial participation in the Canada-U.S. free trade negotiations, the trilateral negotiations between Canada, the U.S. and Mexico, and the current Uruguay Round of GATT negotiations. Mr. Grenier was named Assistant Deputy Minister (Policy and Management) in 1990. He holds a degree from l'Université Laval, where he studied mathematics and geography.

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**KENT H. HUGHES** is President of the Council on Competitiveness in Washington, D.C., an action-oriented leadership organization composed of chief executives from America's business, labor and academic communities. Prior to joining the Council, he held a number of senior positions with Congressional committees, where he focussed on international and long-term economic issues, including: chief economist to U.S. Senate Majority Leader Robert Byrd, senior economist of the Congressional Joint Economic Committee, legislative director of the office of U.S. Senator Gary Hart, and international economist with the Congressional Research Service. Mr. Hughes holds degrees from Yale University (B.A.), Washington University (Ph.D., Economics) and Harvard Law School (LL.B.), and is on the board of the Congressional Economic Leadership Institute.

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**J. LAURENT THIBAUT** is Co-Chair of the Canadian Labour Force Development Board in Ottawa, Ontario. Prior to assuming his present position, he was President of the Canadian Manufacturers' Association from 1985 to 1991. Mr. Thibault holds degrees from Laurentian University (B.A., Economics, 1966) and the University of Toronto (M.A., Economics, 1968), and is a member of the Board of the Canadian Foundation for Economic Education and the National Advisory Panel of the Canadian Advanced Industrial Materials Forum and of the Board of Governors of McMaster University.

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**DEBORAH L. WINCE-SMITH** was Assistant Secretary of Commerce for Technology Policy, where she served as the principal officer in the Commerce Department for developing, coordinating and advocating policies to increase the role of technology in enhancing the competitiveness of the U.S. Prior to that, Mrs. Wince-Smith was Assistant Director for International Affairs and Global Competitiveness in the White House Office of Science and Technology Policy. As a National Science Foundation Program manager from 1976 to 1984, she was responsible for managing bilateral research activities between U.S. scientists and engineers and their counterparts in Eastern Europe. She is currently with the Council on Competitiveness in Washington, D.C. Mrs. Wince-Smith graduated Magna Cum Laude and Phi Beta Kappa from Vassar College (1972) and received her Master's Degree from Cambridge University (1974).

**Speakers and Participants at the Canada-U.S. Law Institute  
Conference on an Industrial Policy for North America  
(Canada-U.S.): Legal and Economic Considerations**

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