

**EVOLVING FEDERALISM: INTERGOVERNMENTAL RELATIONS AND
MULTILEVEL GOVERNANCE IN CANADA**

by

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Abstract

The following research paper investigates the changing character of federalism in Canada, as expressed through intergovernmental relations. Specifically, the impact that individual prime ministers and their governments may have on these relationships is explored. In particular, Stephen Harper and Justin Trudeau's management styles are compared in order to determine what lasting or significant effect, if any, these individuals have had on how Canada's federal and provincial governments interact with each other. Secondary literature describing and summarizing Harper's style of open federalism, in conjunction with primary research on Justin Trudeau's reversion to a more collaborative style, concludes that though each prime minister was able to have some tangible effects on federal-provincial relations during their time in office, these effects were, or will be, easily overridden by their successors.

The following research asks whether Harper and Trudeau's actual styles of intergovernmental relations were consistent with their rhetoric on the same subject. Though Harper spoke often about his preferred style of open federalism, it appears to many scholars that not all of his actions reflected the core tenets of this model. Likewise, though Trudeau advertised a collaborative, more multi-level approach to governance during the 2015 election campaign and during his time in office, I conclude that much of his efforts to follow up on these principles are symbolic at best. In both cases, it appears that the federal government consistently pursues its own goals, regardless of the rhetoric used to describe provincial involvement, rights, and in Trudeau's case, genuine collaboration with both the provinces and additional third-party groups.

Lay Summary

The following research paper contributes to the discipline of political science in a number of ways. By linking the relationships between the provinces and the federal government in Canada to how we understand federalism more broadly, I highlight the way in which federalism is expressed through everyday interactions and investigate how individual prime ministers may be able to change the character of this expression. Given that Justin Trudeau has only recently become prime minister and there is not currently a wealth of scholarly work published on his time in office, my paper contributes to a more detailed understanding of his tenure and style of governance. By doing so, I am also able to make some predictions regarding the overall evolution of federalism in Canada and possible changes (or lack thereof) that may come in the future.

Preface

The entirety of the following thesis, including all data collection and analysis, was carried out by Jessica Weller. No part of the following document has been published in any capacity or submitted in any other term paper for evaluation at any academic institution.

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Chapter 1: Introduction

Canadian federalism is changing constantly. Scholars in the field have been studying its transformations for decades – both retrospectively and in real time – as the federation continues to reshape itself in response to new leaders, world events, and an ever-evolving public and political culture. Canadian political scientists are continually working to identify changes in the country's federal structure, map the progress of these developments, and predict how they may shift in the future. Although this has traditionally resulted in the division of Canada's federal history into four or five distinct “eras of federalism,” some scholars are becoming sceptical about the value of dividing up the decades in such a manner. In addition to looking at broad trends, scholarship has begun to explore shorter-term changes in the expression of federalism, especially in regards to the effects of individual leaders and governments. In recent years, scholars have had a huge pool of information available to them. Decisions made by current prime ministers and their cabinets can be observed in real time and analyzed as the effects of these decisions ripple throughout the federation. Especially in an era of highly mediatized politics, speeches, meetings, and actions can be monitored and evaluated as they occur. It should be of no surprise that recent prime ministers (arguably from Jean Chrétien forward) and their individual perceptions of federalism have been placed under much higher scrutiny than those that came before them.

Canadian political science scholarship has, unsurprisingly, begun to turn its attention to Justin Trudeau and his new Liberal government. Various authors have wondered what kind of leadership Trudeau will bring to the federation, what changes he has already made, and whether these will change the way the country operates. In comparison to Stephen Harper, Trudeau has promised to be more open to multilateral decision making, collaboration, and multi-level

governance, leading scholars to wonder whether he could have a significant impact on the nature of intergovernmental relations between the provincial and federal governments in Canada.

If change is imminent, the answer is that intergovernmental relations will indeed be impacted. Federalism, at its most fundamental level, is about power sharing between sovereign units and the relationships that exist between them. If there is to be change in the way that the prime minister conceptualizes federalism, then change in the way that these units interact will surely follow. That said, in a federal system in which it is difficult for current prime ministers to make sweeping changes to the status quo, these changes may be somewhat marginal in nature. The important question, then, is whether Trudeau's apparent focus on multilateralism, cooperation, and collaboration will translate to significant, observable, and meaningful change in the federation, even if these changes do not transform the overarching or inherent nature of Canadian federalism more broadly.

1.1 Topic and goal of inquiry

In my research, I evaluate Prime Minister Trudeau's actions regarding federalism and intergovernmental relations while in office in comparison to his rhetoric regarding the same topics during the election campaign immediately preceding the Liberal Party's election. Doing so contributes to the study of political science in two ways. First, my work contributes to the growing body of descriptive and evaluative work on the change promised by Trudeau and the actual transformations (if any) observed during his tenure as prime minister. By doing so, my research questions whether the individual "brands" of federalism brought about by new prime ministers are mostly rhetorical in nature or whether they have significant impact on the way in which governments interact with one another. Second, by placing my findings within a broader

historical context, I shed further light on the evolution of federalism in Canada. By examining how provincial governments interact with the federal government, what they expect from these interactions, and the possibility of third-party actors (such as First Nations governments and municipalities) becoming more involved, my work challenges the notion that Canadian federalism is still based only on provincial-federal relationships.

1.2 Research questions

The following questions help to narrow the above research topic and guide the majority of my inquiry:

1. Has Justin Trudeau’s “collaborative federalism” made a tangible impact on the way that the provinces, federal government, and additional third parties interact with one another in comparison to Stephen Harper’s “open federalism”? Have these two individual prime ministers had a significant or lasting effect on the character of Canadian intergovernmental relations?
2. How can these impacts on intergovernmental relations be understood within the scope of Canadian federalism? Must it now be understood to include a wider range of actors, rather than only the provincial and federal governments?

1.3 Methodology

It is first necessary to operationalize several of the above concepts. To define Justin Trudeau’s “brand of federalism,” I use the expectations outlined by several scholars in working papers for the Institute for Research on Public Policy, which are based on Trudeau’s rhetoric and campaign promises. Trudeau’s collaborative federalism is based on two main tenets. First,

intergovernmental relations should become more multilateral and more cooperative. Practically speaking, this should result in more First Minister's Conferences, more contact (through meetings, phone calls, emails, etc.) between the federal government and the provincial governments, and evidence suggesting that the federal government is genuinely open to ideas and suggestions from other governments rather than Trudeau simply using this contact to impress the will of the federal government upon them. Second, governance should begin to include actors outside of the traditional bounds of federal-provincial relations. Again, evidence of contact between the federal government and third-party actors already mentioned above (First Nations governments and municipalities) should be noted and evaluated for genuine collaboration over direction and control on the part of the federal government. I do not expect this evidence to represent a holistic departure from Stephen Harper's style of intergovernmental relations, but rather changes in how collaboration is carried out. The potential impact of Trudeau's government can be conceptualized as any change in outcomes noted between Trudeau's federalism and those of past governments (i.e. fulfilling promises, frequency of collaboration, etc.).

My inquiry follows in several steps. First, a brief overview of the existing literature on Canadian federalism and multilevel governance summarizes the traditional assumptions about federalism and the implications of integrating more actors into a federal or quasi-federal structure. This section will be followed by work examining empirical evidence on the recent and current states of intergovernmental affairs in Canada to discern whether rhetoric concerning federalism has been translated to the way in which the federal government relates to provincial governments. Before evaluating Justin Trudeau's rhetoric and actions, I include a careful study of Stephen Harper's time in government and his preferences regarding the provinces, both to

provide a comparison against which Trudeau can be measured and as further evidence for answering my first research question. Finally, a third and final section evaluates the possibility that Justin Trudeau has moved successfully towards multilevel governance by integrating First Nations governments and municipalities into decision-making processes. My conclusions address my research questions and assert whether significant changes in the execution and expression of federalism may be brought about by Trudeau's changes.

Chapter 2: Modes of Intergovernmental Relations

Canada is only one of many countries that deals with multiple levels of government and the question of how best to manage the relationships between them. Likewise, Canada's prime ministers are not the only individuals who have ideas about which model of intergovernmental relations is the most appropriate. A wealth of literature spanning the experiences of federal systems – and some non-federal ones – across the world explores the relationship between federal and sub-national governments. Before looking at trends and evidence from Stephen Harper and Justin Trudeau's tenures as prime minister in Canada, it is necessary to first to use this literature to explore developments in this field through a wider lens. Doing so ultimately allows the identification and operationalization of the terms and measures I later use to determine the progression (or lack thereof) of intergovernmental relations in Canada.

My analysis follows in two steps. First, I look at the main tenets of Canadian federalism and how these affect the relationship between Canada's provinces and federal government as well as the flexibility of this relationship. Briefly, I introduce some ways in which scholars have suggested this rapport could be augmented for the better, with some reference to other federations which have approached the relationship between their central governments and constituent units quite differently. Secondly, I examine the literature on multilevel governance, specifically by looking at trends toward "network" and "new public" governance. By providing this background of information, I create measures against which Harper and Trudeau can be compared when looking at their personal brands of intergovernmental relations in more detail.

2.1 Intergovernmental relations: an overview of the literature

Perhaps one of the most pertinent measures by which intergovernmental relations can be measured is the degree of asymmetry found within a given federation. Ronald Watts identifies this important distinction between federations – a difference especially relevant when studying Canada – in “A Comparative Perspective on Asymmetry in Federations.” Watts delineates between federal symmetry and asymmetry, where the former is defined as “the uniformity among member states in the pattern of their relationships within a federal system,” and the latter as “differentiation in the degrees of autonomy and power among the constituent units.” His notion of asymmetry between constituent units is further specified by his distinction between *de jure* and *de facto* asymmetry, where *de jure* asymmetry “refers to asymmetry embedded in constitutional and legal processes, where constituent units are treated differently under the law.” Oppositely, *de facto* asymmetry refers to the actual practices or relationships arising from the impact of cultural, social and economic differences among constituent units within a federation.”¹ The aim of Watts’ article is to point out that asymmetry is more common in federations than many scholars assume or acknowledge, which is important in understanding how constituent and federal governments relate to each other.²

Canada’s federal system incorporates aspects of both *de jure* and *de facto* asymmetry. Provinces such as Quebec have been awarded various legal benefits based on differing territorial and cultural needs (for example, in allowing Quebec to follow civil instead of common law), but at the same time, the federal government continues to work with provinces individually and may work out arrangements for transfers or funding differently based on what each province may

¹ Ronald Watts, 2005, “A Comparative Perspective on Asymmetry in Federations,” *Asymmetry Series*, issue 4, Institute of Intergovernmental Relations, Queen’s University, 2.

² Ibid, 1.

need, regardless of whether this differentiation is outlined by law. According to Watts, this kind of asymmetry is present in all federations, and is simply a natural product of the system itself.³ Asymmetrical systems are inherently more conducive to change within intergovernmental relations than perfectly symmetrical systems (of which there may be virtually none) because of their flexibility. In asymmetrical systems, the federal government is better able to address the needs of groups of constituent units or individual units without having to promise change or commitment to all; in fact, this need for flexibility is often the reason asymmetrical federations are formed in the first place.

In Canada's past, this has produced a federal system that has been accommodating to change. Federalism has transformed hugely since the country's birth, both in large, sweeping trends, and in smaller, subtle ways with each passing government. Though Canada's asymmetry has always been guaranteed in its constitution, individual prime ministers have been able to take this framework to make it more or less flexible as they saw fit. For example, Jean Chrétien and Paul Martin were known to disagree over how much power should be devolved to the provinces while working together in Parliament, with Chrétien strongly believing that a centralized government was the most effective. Other prime ministers might have agreed with him; Pierre Elliott Trudeau was strongly in favour of a Canada firmly guided by the federal government, while Brian Mulroney had more consideration for regional interests.

Justin Trudeau's Liberal government has focused on returning intergovernmental relations in Canada to a more collaborative model. Collaborative federalism, which first emerged during Jean Chrétien's time as prime minister, is a form of intergovernmental relations in which

³ Ibid, 2.

there is higher parity among federal and constituent units than under other models, such as cooperative federalism, where a clear hierarchy between the federal and provincial governments exists. Originally, this style of federalism grew out of a need to reunite Canada's governments after divisions sprung up as a result of the failed constitutional negotiations in the 1980s and 90s. The focus became building intergovernmental frameworks and accords instead of looking to the Constitution to solve disputes. This thinking led to the development of the Social Union Framework Agreement (SUFA), which allowed federal funding in provincial jurisdiction, but not without forewarning to the provincial government in question. During the rise of collaborative federalism, the provinces and territories also began collaborating more often without the federal government, in order to set national standards in areas such as health care, education, and child welfare.⁴

Despite more powerful individual units under this model, governments are still highly dependent on their relationships with one another to achieve their goals. Scholars such as Meekison et al. have argued that this collaborative model tends to support executive federalism because negotiations between units most often happen between their premiers or upper-level ministers, since collaboration that includes a larger body of participants is often awkward and inefficient. This collaborative, executive decision-making typically includes federal-provincial conferences and committees, intergovernmental summitry such as the First Ministers'

⁴ David Cameron and Richard Simeon, "Intergovernmental Relations in Canada: The Emergence of Collaborative Federalism," *Publius* 32:2 (2002), 54.; Jennifer Wallner, "Cooperation without the Leviathan: Intergovernmental policymaking in Canadian education," *Regional & Federal Studies* 27:4 (2017): 425-427.; Julie Simmons, "Securing the Threads of Co-operation in the Tapestry of Intergovernmental Relations: Does the Institutionalization of Ministerial Conferences Matter?" in *Canada: The State of the Federation 2002. Reconsidering the Institutions of Federalism*, ed. by J. Peter Meekison, Hamish Telford and Harvey Lazar, Montreal: McGill-Queen's University Press, 2004, 293.

Conferences in Canada, and close work together in coordinating agencies.⁵ These may be infrequent or not, but important decisions must be made in these collaborative environments if this model is to be effective and genuine. Scholarship has proposed that deficiencies in the model may be solved by moving from inter-state to intra-state measures, which guarantee regional representation within the central federal government. These kinds of measures, such as Senate reform, decreased party discipline, and provincial input for the appointment of Supreme Court judges, have thus far been unsuccessful in Canada. That said, they have been used successfully in other federations, such as Germany, where sub-unit interests have more formal recognition and representation in central government institutions.⁶

Under Chrétien, difficulties with the collaborative model also became apparent. While the significance of Annual Premiers Conferences (APCs) began to increase, the frequency of First Ministers' Conferences (FMCs) began to decline, apparently due to the federal government's reluctance to meet with all of the provinces at once. Additionally, the system proved to be fragile. With no constitutional roots to intergovernmental agreements, collaborative federalism is left at the mercy of current first ministers' willingness to put in the effort; constitutionally, neither the provincial nor federal governments can bind future legislatures. Though collaboration is highly favoured by the public, it was proven in the 1990s to be challenging: the federal government sought to maintain control by interacting with the provinces only on their own terms, the executive nature of FMC and APC negotiations obstructed interest

⁵ J. Peter Meekison, Hamish Telford, and Harvey Lazar, "The institutions of executive federalism: Myths and Realities," in *Canada: The State of the Federation 2002. Reconsidering the Institutions of Federalism*, edited by J. Peter Meekison, Hamish Telford and Harvey Lazar, Montreal: McGill-Queen's University Press, 2004, 6.

⁶ Ibid, 7.

groups, legislatures, and citizens, and it was difficult to ascertain whether cooperation of this kind was ever genuine.⁷

2.2 Multilevel governance

The 1960s brought increased public scrutiny and tighter government budgets in many countries, where citizens were becoming more aware and critical of government process and expenditure.⁸ Though different solutions to address these problems emerged and took hold in different states, one trend that took hold especially in western capitalist nations was the notion that as more actors became involved in the organization of society and their relationships with each other became more complex, the sole centralization of power in traditional government made less sense. To solve this growing issue, governments should diffuse their authority to avoid corruption and better reflect the diversity of influences and actors involved. Broadly, these ideas fall under a model known as multilevel governance.

Flinders defines multilevel governance as governance focusing on the integration of organizations and institutions for governance and the linkages between them, whether this is only within government itself or between government and society. In either case, but especially the second, the goal is to improve trust, collaboration, and legitimacy and can improve the public's view of government operations.⁹ Multilevel governance falls into broader public management trends such as New Public Management (NPM) and New Public Governance (NPG). According

⁷ Donald Smiley, "Federal-Provincial Conflict in Canada," *Publius* 4.3 (1974): 21.

⁸ Christopher Pollitt and Geert Bouckaert, "Comparative Public Management Reform: An introduction to key debates," in *Public Management Reform: A Comparative Analysis – New Public Management, Governance, and the Neo-Weberian State*, ed. Christopher Pollitt and Geert Bouckaert (OUP Oxford, 2011) 5-6.

⁹ Matthew Flinders, "Governance and Patronage," in *The Oxford Handbook of Governance*, ed. David Levi-Faur (Oxford University Press, 2012) 278.

to Pollitt and Bouckart, NPG politicians are on equal footing with all other actors within their networks, and must be able to coordinate with these actors just as much as they must be able to move forward with their own goals. Importantly, the authors note that this is often difficult because politicians are unlikely to want to give up their own control and even if they do, agreement is perhaps more difficult to come by than the theory gives credit for. There is also the question of the democracy function: in a multilevel system, it may be difficult to discern if non-government actors, such as interest groups or private corporations, have the same legitimate decision-making authority as elected officials. While the complexity of designating responsibility is not a new difficulty in federal systems, the addition of unelected bodies creates an added level of intricacy that must be treated carefully.¹⁰

“Governance” is a term increasingly used in public management scholarship and refers to the shift in thinking of authority and the organization of society as dominated only by traditional government. In this line of thought, the well-rounded involvement of civil society, government, and bureaucracy in the progression and maintenance of society is highlighted and encouraged. If the NPG model is successful, networks of governance form in place of traditional hierarchies. The rise of these networks has been attributed to the rise of a network society: with technological developments and individualization increasing, traditional ways of relating to society and government are changing and becoming more diverse. Governments are now looking at ways to govern *with* society instead of *above* it, which involves horizontal mechanisms with civil society in all of its forms. This has grown in tandem with New Public Management (NPM). Though not the same thing, NPG and NPM both favour decentralizing government power. Integral to their

¹⁰ Christopher Pollitt and Geert Bouckart, “Politics and Management,” in *Public Management Reform: A Comparative Analysis – New Public Management, Governance, and the Neo-Weberian State*, ed. Christopher Pollitt and Geert Bouckart (OUP Oxford, 2011) 173.

operation, networks are not open to anybody – they are not pluralistic in nature. Logistically, it is impossible, or at least highly inefficient, to include all actors in negotiations of any kind and thus, there must be some kind of prerequisite to participation. Since cooperation is complicated, networks must be carefully organized, members must be willing to work together, and they must be able to adhere to certain rules and entry requirements. Not all actors have the resources to do this and therefore networks should not be expected to include all interested parties.¹¹

Moving toward multilevel governance and collaboration with a wider variety of bodies comes with both advantages and disadvantages. As mentioned above, better transparency and even the appearance of cooperation tends to result in better public opinion of government. Though somewhat controversial among scholars, the purpose of public governance and networks is, at its root, to create more efficient government that better addresses the needs of all sectors involved. If this is achieved, governance would become less wasteful, less needlessly time-consuming, and ultimately more effective. Primarily, this means that leaders engaging in these practices could expect to have a more successful tenure in power and secondarily, public opinion would improve thanks to the quality of governance produced.

That said, the equal footing given to all involved in multilevel governance and collaborative negotiation, while having the potential to serve the collective in a more efficient manner, strips individual actors of any power gifted to them by traditional hierarchies. While the federal government may benefit from the way that collaboration looks to the public, it may also struggle to achieve any goal that differs from the interests of the other governing bodies involved in the network. In the case of serious disagreement, renegotiation may be the only option besides

¹¹ Erik-Hans Klijn, “Networks and Inter-organizational Management: Challenging, Steering, Evaluation, and the Role of Public Actors in Public Management,” in *The Oxford Handbook of Public Management*, ed. Ewan Ferlie, Laurence E. Lynn Jr., and Christopher Pollitt (Oxford University Press, 2007) 259-260, 263-264.

abandonment of the issue altogether. In either case, governments may find that they are unable to pursue their goals to the same level of satisfaction than if they had unilateral power available to them.

Scholars such as Hooghe and Marks have argued that multilevel governance is no longer a theory, but a reality of today's society.¹² As the right to govern has slowly dissipated from the traditional sovereign state to a broader set of actors, both on the international and domestic levels, governments have been forced to consider how to readjust. Examples of this are numerous: how are members of the European Union to reconcile their sovereignty with the authority of the Union? How are sovereign constituent units within member states (such as the German Länder) to reconcile their sense of authority with the authority of the EU? Similar problems arise in Canada: how should provinces react to the federal government signing an international agreement without their involvement? In many ways, states with federal systems, such as Germany and Canada, already have experience dealing with the core issue at stake here: overlapping jurisdictions. In cases where multiple governments exist, negotiation and cooperation is imperative – often, these systems cannot escape the calling of multilevel governance.¹³

Federalism and multilevel governance are understood by some scholars to be inherently tied to one another, given the complexity of decision making that comes along with overlapping jurisdictions. Even in simple federal systems, jurisdictional authority is negotiated by governing bodies and is either divided or shared between them. For example, in Canada, the environment and climate change does not constitutionally fall under either the federal or provincial

¹² Liesbet Hooghe and Gary Marks, "Unraveling the Central State, but How? Types of Multi-Level Governance," *The American Political Science Review* 97:2 (2003) 233.

¹³ Ibid, 234.

government's jurisdiction, but is shared by both. As a result, governments must share authority and work together in order to accomplish goals within this sphere. However, when government actors work together in these kinds of settings – within the confines of an established sovereign state – the jurisdictional relationships are usually predictable, thanks to existing constitutional law. With the addition of new non-traditional government actors, such as the EU or Indigenous communities, these relationships become muddled. As a result, if national governments are interested in including these new actors in governance in any capacity, they must make efforts to determine jurisdictional authority outside of constitutionally federal terms. Simply, they must decide which bodies will be involved, in which issues they will be included, and how much authority will be given to each. Some scholarship notes that federalism tends to favour a hierarchical approach, in which many governments are nested within one another and jurisdictions remain fixed, rather than actors collaborating with each other as equals. Hooghe and Marks still identify this method as a type of multilevel governance, but note that this tends to be more rigid than models following a more fluid approach, in which jurisdiction is flexible depending on the issue at stake and a wider variety of actors can be involved.¹⁴

2.3 Growing influence in Canada: cities and indigenous governments

As mentioned above, some actors are better suited to participating in networks and multilevel governance, especially those that already have structures of governance in place through which they can relate to other governing bodies. For this reason, it therefore should be of no surprise that cities are quickly rising to the forefront of the multilevel governance movement; they are

¹⁴ Ibid, 236-7.

organized well for communicating with other levels of government and have the added benefit of electoral legitimacy. Though municipalities do not often hold claim to constitutional sovereignty – for example, cities fall under provincial jurisdiction in Canada – they have been more and more frequently rising to the forefront of innovation and collaboration, especially regarding environmental issues. In some cases, such as in Germany, cities like Berlin and Hamburg exist as “city-states,” which are represented in the federal government as territorial sub-units.¹⁵ In recent years, major cities around the world have become leaders in climate change innovation and negotiation – the world’s largest network of major cities, the C40, which focuses on these issues, includes Toronto and Montréal as members and Vancouver as both a member and “innovator city.” In more general terms, cities are increasingly recognized as more active participants in international negotiations regarding climate change and important actors on the ground, since much of tangible day-to-day efforts to curb climate change are funnelled through them. Additionally, cities are able to cooperate in such a way that often transcends international boundaries – they are not necessarily limited by the conflicts that govern relationships between sovereign states.¹⁶ As cities increasingly become more connected internationally and have more resources available to them, scholars have noted that the field of climate change adaptation is the perfect grounds for exploring multilevel systems of governance and better understanding cities’ roles within them.¹⁷

¹⁵ Arthur Gunlicks, *The Länder and German Federalism*, (Manchester University Press, 2003): 36.

¹⁶ David J. Gordon and Michele Acuto, “If Cities Are the Solution, What Are the Problems? The Promise and Perils of Urban Climate Leadership,” in Craig Johnson, Noah Toly, and Heike Schroeder, eds. *The Urban Climate Challenge: Rethinking the Role of Cities in the Global Climate Regime* (New York: Routledge, 2015): 67-68.

¹⁷ Harriet Bulkeley and Michele M. Betsill, “Revisiting the Urban Politics of Climate Change,” *Environmental Politics* 22 (1) (2013): 163–154.

Like municipalities, Indigenous governments in Canada are also good candidates for participating in multi-level governance, given their pre-existing organizational structure and hierarchy. Similar to municipalities, these Indigenous governments are not guaranteed sovereignty by the constitutional government, although their relationship with the provincial and federal governments is often more complicated. In Canada, Indigenous communities have historically related to the federal government on the basis of treaties, which in many cases, were designed to allow the federal government access to land and resources in exchange for compensation and particular rights for hunting and fishing.¹⁸ As time has gone on, Indigenous communities have been forced to fight for these agreements to be upheld and to be included in negotiations on issues that uniquely affect their people. Like cities, Indigenous communities and their governments are capable of offering specific perspectives on issues such as the environment and climate change, given their vested interest in protecting land and natural resources in many cases and their communities' particular sensitivities to these issues. Though some progress has been made in their inclusion in negotiations, Indigenous governments are often turned away from participating in provincial-federal meetings and federal promises made to them have often been broken in the past, resulting in a relationship between the Indigenous and federal governments that is tenuous at best. Nonetheless, these conditions have produced communities and leaders who are motivated to participate, who have relevant experience in doing so, and who stand to gain much from increasing their presence at the negotiation table.

¹⁸ "Treaties with Aboriginal Peoples in Canada," Indigenous and Northern Affairs Canada, 9 September 2010. Online.

Chapter 3: Open Federalism: Rhetoric Versus Reality

Stephen Harper served as Prime Minister of Canada for nearly ten years between 2006 and 2015. Both throughout and after his tenure in office, political scientists have analyzed his self-styled “open federalism.” The following section discerns the overarching conclusions of scholarship on the difference between the rhetoric used by Harper during his time in office and the realized effects of his personal style of federalism on intergovernmental relations in Canada.

3.1 What was open federalism intended to be?

Stephen Harper had touted the rhetoric of open federalism long before taking power in Ottawa. Shortly after Harper became leader of the new Conservative Party of Canada and the Official Opposition, he began the process of introducing the notion of open federalism to the public, outlining his ideas in an op-ed piece published by the *National Post* in 2004. In this piece, Harper describes open federalism as a process by which the federal government withdraws from issues of provincial jurisdiction, while governing strictly for those issues falling under federal jurisdiction.¹⁹ This style of federalism called back to principles Harper had expressed in 2001, when he, along with several other prominent Conservatives, published the now famous “firewall” letter to Ralph Klein which encouraged the Alberta premier to take more strict control of pensions and health care and suggested that Alberta found a provincial police force, among other things.²⁰ Harper advertised this style of federalism as highly advantageous to the provinces, given that there would be limited to no federal interference in policy areas that the provinces felt should be left to themselves. The federal government would be small and confined mostly to

¹⁹ Stephen Harper, “My plan for open federalism,” *National Post*, 27 October 2004, A19.

²⁰ Stephen Harper et al., “An Open Letter to Ralph Klein,” *The National Post*, 24 January 2001.

Ottawa. Later, the principles of open federalism would be reinforced, though in a somewhat gentler manner, in the 2006 Conservative Election Platform. There, open federalism had its own section, where the Harper Conservatives promised to “support the creation of practical intergovernmental mechanisms to facilitate provincial involvement in areas of federal jurisdiction where provincial jurisdiction is affected, and enshrine these practices in a Charter of Open Federalism.” In a section dedicated to practical action, the Conservative Party then promised to include the provinces in international negotiations where provincial jurisdiction is affected, such as inviting Québec to partake in UNESCO on account of its membership in la Francophonie. Additionally, the federal government was to encourage and facilitate trade opportunities for the provinces (though to which trade the document refers is unclear), and to support the Council of the Federation to strengthen intergovernmental cooperation.²¹ Finally, the Harper Conservatives would limit the use of the federal spending power in areas of provincial jurisdiction and proposed that provinces should be able to apply for compensation if they wished to opt-out of nation-wide social programs to pursue their own policy.²²

In essence, the Conservative Party under Harper touted a more “authentic” federalism, in which power-sharing between the federal and provincial governments would be clearer and more genuine to the intentions of the Constitution. By purporting to draw stronger divisions between areas of provincial and federal concern, Harper’s hope was to underline the strength and equality of federal and provincial sovereignty after decades of federal interference in provincial matters.

²¹ “Stand up for Canada: Conservative Party of Canada Federal Election Platform 2006,” The Conservative Party of Canada, 42.

²² Ibid, 42-43.

3.2 Did open federalism translate to real change?

Broadly speaking, we know that changes in Canada's federal structure are observable. As previously noted, most scholars of Canadian politics agree that the way in which Canada's fourteen governments interact is constantly undergoing change and evolution; although the exact dates are somewhat disputed, most agree that five broad "eras of federalism" are distinguishable.²³ That said, the more pertinent question remains: regardless of broader trends in the federal reality and structure, was Stephen Harper able to effectively change how the federal government interacted with the provinces in a meaningful way? In other words, did open federalism deliver on its promises?

The initial response to Stephen Harper's 2006 election campaign was one of serious concern. Liberals and former Progressive Conservatives alike expressed their worry that the new Conservative leader was pushing for provincial rights in such a way that threatened national unity and mimicked a "night watchman" role for the federal government.²⁴ Based on this reaction, it seemed that there was significant fear that even with a minority, the new government would be able to radically alter the federal character of the country. This concern was not unwarranted: during the first two years of Harper's time in office, it appeared that the government was indeed committed to the principles of open federalism. First, the new Conservative government followed up on its promise to include Québec in Canada's delegation to UNESCO, demonstrating its commitment to involve the provinces in matters of federal jurisdiction that nonetheless affected provincial issues (in this case, Québec's distinct culture). In

²³ Patrick Malcolmson et al., *The Canadian Regime: An Introduction to Parliamentary Government in Canada*, University of Toronto Press (2016): 64-66.

²⁴ Brooke Jeffery, *Dismantling Canada: The New Conservative Agenda*, McGill-Queen's University Press (2015): 279.; Keith McArthur, "Liberals step up attacks in new TV ads; With the Tories closing in on a majority, their leader becomes the target," *The Globe and Mail*, 11 January 2006.

2006, Harper also initiated a parliamentary motion in the House of Commons that recognized Québec as “a distinct nation within a united Canada,” again demonstrating federal deference to issues of provincial concern.²⁵ Additionally, increases in the Canada Health Transfer, the Canada Social Transfer, and equalization payments increased provincial fiscal autonomy while the federal government continued to devolve power to the provinces, such as in labour market policy, which was handed entirely down to the provinces under Harper.²⁶ These actions, among others, indicated that the Conservative government was legitimately interested in putting open federalism into action.

Based on these first two years of governance, open federalism seemed to be working in a real and tangible way, but this trend did not last for long. After 2008, Harper’s style began to evolve, arguably in response to exogenous events that forced his government to at least partially abandon the principles of open federalism. In fact, scholars such as Christopher Dunn have argued that open federalism was Harper’s strategy for a much shorter period of time than generally assumed and that characterizing his entire tenure as such does little to specify the changes made under his leadership. Dunn instead argues that Harper’s tenure can be divided into three separate phases: open federalism (2006-08), recession federalism (2009-10), and deficit federalism (2011-15).²⁷

When the 2008 financial crisis hit, Harper’s government chose to revert back to a more collaborative, centre-driven style of federalism to deal with the recession. In particular, in policy areas such as infrastructure, the federal government became highly involved in multilateral

²⁵ Canada, Parliament, House of Commons, *Debates* [Daily Editions], 39th Parl., 1st sess., November 27, 2006.

²⁶ Christopher Dunn, 2016. “Harper without Jeers, Trudeau without Cheers: Assessing 10 Years of Intergovernmental Relations,” *The Institute for Research on Public Policy: Canada’s Changing Federal Community*, 4.

²⁷ *Ibid*, 3.

decision-making processes and established Canada's Economic Action Plan, through which the Harper government supported the provinces, territories and municipalities with stimulus funding.²⁸ After the recession, in the period termed "deficit federalism" by Dunn, Harper's government continued to move further away from the original intentions of open federalism by moving forward unilaterally in a number of policy areas that clearly affected the provinces. The Canada Job Grant was announced without consultation with the provinces and changes to the Canada Health Transfer and pensions were announced by the federal government with no input from the provinces and no FMCs to support the decisions. Importantly, the Harper government's decision to ramp up funding and make sweeping changes to Canada's criminal justice system had deep financial implications for the provinces, which pay for three quarters of the system's needs.²⁹ During this period, Stephen Harper and then finance minister Jim Flaherty also pushed for the creation of a single national securities regulator, much to the opposition of Québec, Alberta, and Manitoba, which worried about job loss and the efficacy of a new system.

This shift clearly represents a departure from the principles of open federalism and the practices favoured by the Harper Conservatives in their early days in government. Though Harper's government was tightly controlled at the centre and did exercise strict control over issues of federal jurisdiction, the considerations promised to the provinces were clearly not prioritized and gave way to the Conservative's desire to drive policy forward unilaterally. These clearly different approaches adopted during and after the 2008 recession supports Dunn's thesis that Stephen Harper's style of open federalism was not consistently practiced throughout his

²⁸ Ibid, 5-6.

²⁹ Ibid, 6-8.

tenure and to use the phrase as a blanket term for his nine years in power is inaccurate and misleading.

From a theoretical perspective, scholars such as Jean François Caron and Guy Laforest have suggested that open federalism did not represent a genuine departure from the monist state envisioned by Pierre Elliott Trudeau and did little, if even that, to establish a truly multinational framework for governance.³⁰ Even though particular actions, such as the inclusion of Québec in the UNESCO delegation and its recognition as a nation in the House of Commons, hinted that open federalism could have the potential to recognize Canada's regional diversity and better serve the interests of individual provinces, Caron and LaForest are doubtful that this ended up having significant positive impact. Rather than resulting in consequentialist multinationalism, which "has direct and concrete consequences for the self-determination of the minority nation," these actions were symbolic at best.³¹ This suggests that even the actions taken by the Harper Conservatives that are best understood to adhere to the tenets of open federalism may not have had a meaningful impact on the roles of the federal and provincial governments and the ways in which they interact. That said, it is important to note that the typical Western Canadian may not share these views, but rather hold that Harper did devolve significant power to the provinces successfully. In this regard, the measure is important – Caron and Laforest may simply set a higher bar for what they consider to have a genuine impact on provincial or regional power.

This begs the question: why did the Harper government divest itself of the practice of open federalism after campaigning on it and spending two years actually implementing these election promises? Scholars have offered numerous reasons for doing so. The first is perhaps the

³⁰ Jean François Caron and Guy Laforest, "Canada and Multinational Federalism: From the Spirit of 1982 to Stephen Harper's Open Federalism," *Nationalism and Ethnic Politics* 15:1 (2009) 30.

³¹ Ibid, 41.

most obvious: the Conservative Party likely expected the notion of open federalism to be popular with the provinces and therefore with the public, but never intended to adhere to it. As a purely political move, it was advantageous to include in the 2006 election platform and further so to implement at the beginning of Harper's time in office. Then, once time had passed and the party had new objectives it wished to pursue, Harper divested himself of the practice when it no longer benefitted these goals. Authors such as Brooke Jeffery have gone so far as to suggest that, "the only rational explanation for Stephen Harper's vision of Canadian federalism is one based not on academic theories and history but on his desire to implement major policy change by stealth."³² Simply put, the Harper Conservatives never intended to take action to recognize provincial authority, but used the rhetoric for doing so as political leverage. The second reason offered by scholars is somewhat less cynical: politicians cannot predict what challenges their governments will face during their tenure. In Harper's case, there was no way he could have known that the 2008 financial crisis and subsequent recession was a mere two years away while campaigning in 2006. In the face of tough economic times, it is not uncommon for governments to centralize – the same pattern of "recession federalism" (or what would traditionally fall under "emergency federalism") was observed during the Great Depression.³³ When the economy was delicate and all governments were intimately tied to small shifts in the country's financial situation, multilateral collaboration coupled with effective management was arguably necessary. If nothing else, the Conservatives knew that the public would not want to see the federal government becoming less involved during a time of crisis.

³² Jeffery, "Dismantling Canada," 277.

³³ Patrick Malcolmson et al., *The Canadian Regime*, " 64-66.

Regardless of the whether Harper’s personal style of intergovernmental relations can actually be boiled down to one or more types, the more practical question remains: were any tangible effects of Harper’s personal brand(s) of federalism discernible? From a pragmatic standpoint, prime ministers can make small changes in their managerial styles all they like, but if these differences have no practical impacts, then they are of no help in understanding whether intergovernmental relations have changed and if they have, why and how they have done so.

Certainly, one of the most well documented and commented-upon effects of Harper’s style of federalism, as noted above, is the decreased number of FMCs that took place between 2006 and 2015. As a result of Harper’s focus on bilateralism, even when multilateral decision-making became slightly more frequent during Dunn’s “recession” and “deficit” phases, the provinces could no longer rely on the federal government to provide them with a platform on which they could communicate, negotiate, and bargain with each other. The following table compares Stephen Harper’s record with FMCs to those of his predecessors:

Table 1: Number of First Minister’s Conferences per Prime Minister 1993-2017³⁴			
Prime Minister	Approximate Time in Office	Number of FMCs Held	Average number of FMCs/Year
Jean Chrétien	10 years	7	0.7
Paul Martin	2 years	1	0.5
Stephen Harper	9.5 years	2	0.2
Justin Trudeau	2 years	4	2

³⁴ “First Ministers’ Conferences 1906-2004,” *Canadian Intergovernmental Secretariat*, 103-110.; Peter McKenna, “It’s beyond time for Harper to call a First Ministers’ Conference,” *The Globe and Mail*, 10 December 2014.; “Prime Minister hosts First Ministers’ Meeting,” Justin Trudeau, Prime Minister of Canada. 23 November 2015. “Communiqué of Canada’s First Ministers,” Justin Trudeau, Prime Minister of Canada, 3 March 2016.; “Communiqué of Canada’s First Ministers,” Justin Trudeau, Prime Minister of Canada, 9 December 2016.; “First Ministers meet to discuss shared priorities for Canadians,” Justin Trudeau, Prime Minister of Canada, 9 December 2016.;

In comparison to his predecessors, Harper held significantly fewer of these meetings: Jean Chrétien averaged approximately one meeting every year and half every for ten years and Paul Martin held one during his two years in office. Comparatively, Harper averaged one meeting per year for the first two years of his time as prime minister, and then held no further meetings between 2009 and 2015. Many scholars associate this lack of venue with the recommitment to and strengthening of provincial-territorial collaboration that came about in the form of the Council of the Federation (CoF). Though established in 2003, before Harper's government came to power, the CoF played a significant role in intergovernmental relations during his tenure as prime minister. As a collective, the provinces and territories could come together in order to discuss their goals in various policy areas and come to agreements before any of them had a chance to discuss the matter with the federal government. In essence, the CoF served as a way for the premiers to present a strong, united front to the federal government, regardless of whether they had a chance to do so through multilateral negotiations.

The Harper Conservatives' decision to publically announce their support for the CoF in their 2006 election platform is perhaps surprising, given that the Council exists first and foremost to facilitate negotiations between the provinces, though the federal government is not barred from these negotiations. As mentioned, the purpose of the CoF is rather to provide the provinces with a means through which they can collaborate with each other and build a stronger collective voice when necessary. But while some scholars have maintained that the culture of Harper's open federalism – collaboration on overlapping jurisdiction and little else – unintentionally forced the provinces to come together in a more united manner, it may be that his government actively encouraged it in order to displace the responsibility of negotiation onto the provinces and further divest itself of involvement in provincial matters. That said, Harper was certainly not

out of contact with the provinces, even though his government was not involved in CoF meetings. Harper continually displayed his strong preference for bilateralism throughout his tenure – in fact, a spokesman for Harper stated that between 2006 and 2012, more than 250 bilateral calls and meetings with individual premiers took place.³⁵

While in office, Stephen Harper made several attempts to improve relationships between his government and cities and Indigenous communities, to varying degrees of success. At the beginning of his tenure as prime minister, Harper was adamant that his government would help cities deal with issues such as infrastructure, poverty, and housing, but a lack of commitment to these promises irritated Canadian mayors on multiple occasions. Instead, Harper was accused of funding projects like building a Scarborough subway in order to help political allies rather than focusing on national transit plans or affordable housing policy. This, according to some critics, resulted from Harper's lack of understanding of urban life and the needs of large municipalities typically outside of his voter base.³⁶ While cities argued that the government was not invested in creating long-term solutions to problems that consistently plague large municipalities, the Office of the Social Development Minister countered by saying that the funding already in place (about \$2 billion per year) allowed provinces and cities to respond flexibly to their own needs.³⁷ Efforts such as the At Home Program have experimented with homelessness and poverty in Canada's larger cities by providing subsidized housing to the homeless with no strings attached, in the hopes that security of tenure will inspire positive change in their lives.³⁸ Nonetheless, though the

³⁵ Dunn, "Harper without Jeers, Trudeau without Cheers," 8.

³⁶ Christopher Hume, "Harper ignores cities at Canada's peril: Hume," *The Toronto Star*, 5 August 2015.

³⁷ Mike De Souza, "Cities say Stephen Harper government getting 'cold feet' on fighting poverty," *Canada.com*, 9 February 2014.

³⁸ Heather Scoffield, "A housing-for-homeless project belies Harper's hard-line reputation," *The Globe and Mail*, 26 December 2011.

program has been hailed as innovative and effective, lack of funding has limited its positive effect.³⁹ Harper also committed funding to transit projects in Canada's largest cities, such as \$350 million for Vancouver's Evergreen SkyTrain Extension and \$2.8 billion to the SmartTrack plan in the Greater Toronto Area.⁴⁰ Stephen Harper's government generally held up Paul Martin's promises for more infrastructure funding to municipalities, but was criticized by Canadian mayors, and by Martin himself, for failing to engage in a real partnership with cities; though the money was available, Harper avoided giving municipalities a more formalized voice in Ottawa.⁴¹

Unfortunately, Harper's record with Indigenous communities in Canada was less positive. Despite making an official apology to the children of residential schools on behalf of all Canadians in 2008, the Harper government appeared to consistently ignore Indigenous issues, even going as far as to claim that Canada did not have a colonial history at one point.⁴² After winning the 2006 election, Harper's government immediately cut funding that was to be set aside for Indigenous housing following the Kelowna Accord by \$350 million. Though the government did move to include individuals living on reserves in the *Canadian Human Rights Act*, claims could only be made against band councils, not the Canadian government. In several instances, funding, programs and legislation were promised in order to improve the quality of life for Indigenous communities (such as in regards to education, domestic violence, and financial

³⁹ Carey Doberstein and Alison Smith, "Housing first, but affordable housing last: The Harper government and homelessness," in *The Harper Record: 2008-2015*, ed. Teresa Healy and Stuart Trew, 265-278. The Canadian Centre for Policy Alternatives, 2015.

⁴⁰ Darcy Wintonyk, "Harper commits \$350 million for BC transit line," *CTV News*, 18 May 2012.; Tess Kalinowski, "Stephen Harper promises \$2.6 billion in SmartTrack funding," *The Toronto Star*, 18 June 2015.

⁴¹ Bruce Campion-Smith, "Canadian cities mark 'new deal' milestone," *The Toronto Star*, 23 May 2010.

⁴² Indigenous and Northern Affairs Canada, "Prime Minister Harper offers full apology on behalf of Canadians for the Indian Residential Schools system," 11 June 2008, Ottawa.; David Ljunggren, "Every G20 nation wants to be Canada, insists PM," *Reuters*, 25 September 2009.

transparency), but in many cases, these promises fell through or were highly criticized for being “assimilationist” and failing to fully involve the communities in decision-making.⁴³ In addition, the Harper government’s omnibus Bill C-45 encroached on Indigenous peoples’ rights to be involved in discussions that affect their access to the environment – in this case, waterways and environmental protection.⁴⁴ One of the most highly criticized of these instances was Harper’s refusal to fund a Royal Commission to investigate over 1200 missing and murdered Aboriginal women in Canada; the then-prime minister staunchly refused to look into the problem, saying that the issue was not high on the government’s radar.⁴⁵ Overall, Harper’s treatment of Indigenous communities and governments reflects a legalistic understanding of federalism; since Indigenous governments are not part of the constitutional order, they are not guaranteed the right to collaborate with those who are.

Whether Stephen Harper’s style of federalism – be it “open federalism” or not – represented a drastic, radical shift in the way intergovernmental relations operated in Canada is perhaps not the essential question at all. It is entirely possible that this transition simply was not intended to be revolutionary, but rather was intended to support changes already under way. In fact, in Harper’s 2004 op-ed, he motioned broadly to the notion that open federalism was “not entirely new” and went on to highlight how federalism and intergovernmental relations needed to continue to evolve in order to address changing realities.⁴⁶ Of course, it would be remiss to evaluate this kind of statement without acknowledging the political implications of Harper’s editorial: the piece was designed to criticize stagnation in government due to the Liberal Party’s

⁴³ Cynthia Wesley-Esquimaux, “Stephen Harper and Indigenous Peoples,” in *The Harper Factor: Assessing a Prime Minister’s Policy Legacy*, ed. Jennifer Ditchburn, McGill-Queen’s University Press (2016), 220-232.

⁴⁴ Ibid, 228.

⁴⁵ “Full text of Peter Mansbridge’s interview with Stephen Harper,” *CBC News*, 17 December 2014.

⁴⁶ Harper, “My plan for open federalism.”

unwillingness to focus on real issues. Furthermore, it is likely that Harper, on such a public forum, was intending to present open federalism as a concept in such a way that avoided frightening voters while impressing upon them the importance of real change.

The statement itself was clearly highly partisan in nature and undoubtedly politically motivated, but its point nonetheless stands: Harper believed that he could shape the nature of intergovernmental relations in Canada and the existing relationship between the provinces and the federal government without doing so in a jarring or even necessarily obvious way. Not only was he confident that such a thing could be done, but that it was, in fact, imperative to do so. Though scholarship is divided over whether these small changes had a positive impact on intergovernmental relations, it is undeniable that change was effected; if not in the root of the character of Canadian federalism, then certainly in the day-to-day operations between governments.

Chapter 4: Justin Trudeau and Collaborative Federalism

From the beginning of the 2015 federal election campaign, the Liberal Party focused on change. Its strategy rested on convincing the public that the Conservative Party was stuck in its ways and that a radical shift away from Stephen Harper – in the form of the young, energetic, and fresh-faced Justin Trudeau – was the only way for Canada to move forward. The slogan for the aforementioned campaign was simple: “Real Change.” The Liberals were adamant that this change, which would revitalize the country, could be pursued in many forms, including the way in which the federal government interacted with the provinces. The following section explores whether Trudeau and the new Liberal government have thus far been able to make significant changes to intergovernmental relations in Canada, specifically by reversing changes made by Stephen Harper and moving toward a more collaborative brand of federalism.

In order to determine whether Justin Trudeau has had a significant impact on these relationships, his style of governance will be compared to that of Harper and in key areas the question will be asked: have the Liberals been able to reverse the trends in intergovernmental relations put into motion by the Harper Conservatives? If this is the case – if real change has been effected – then differences should be noticeable in several areas. First, multilateralism should be the preference over bilateralism. Not only was bilateralism a distinct preference of Stephen Harper, but by nature, collaboration requires multilateral negotiations in order to ensure that the needs of one province are not overridden by the needs of others. Therefore, provinces should be observed working together in conjunction with the federal government for two reasons. First, to do so is inherently collaborative and second, because it would represent a departure from the Harper era of governance: i.e. “Real Change.”

In addition to a focus on multilateralism, decisions made after federal-provincial meetings should appear to reflect a collaborative approach. Effectively collaborative negotiations should result in all parties having a say on the final decision. If this is not the case, then this represents one party's preference being prioritized over another's, which would be evidence of a less-than-truly multilateral, cooperative effort to make decisions. In the case of intergovernmental relations, the federal government should not be observed calling the premiers together ostensibly to discuss an issue and come to a solution together, only to end up pursuing the best interests of the federal government despite opposition from the provinces. In order to avoid this, structures designed specifically to facilitate dialogue and consultation should be put into place. In a perfectly collaborative process, all of this would be true, but evaluating for this evidence is difficult, given that the evaluation will always be subjective, depending on the perspectives of each party involved. Therefore, if evidence to suggest that a truly collaborative system is in place is difficult or impossible to determine, then evidence simply suggesting that an effort to be more collaborative will be taken into consideration, regardless of outcome.

Finally, if the federal government is to truly practice a collaborative approach, the provinces should recognize this. In a perfectly collaborative system, the provinces would not feel as if they must collaborate without the federal government in order to present a strong, united front against the federal agenda. Unfortunately, this sentiment is also difficult to measure. Historically, the provinces have often opposed the federal government through meetings of the CoF. That said, it is unlikely that these meetings would become less noteworthy due to increased trust and collaboration between the provinces and the federal government, since this venue also serves as a way for the provinces to communicate about inter-provincial issues that do not concern the federal government. Nonetheless, if collaboration were to increase, this should mean

that meetings of the CoF would become less focused on conflict between the federal and provincial governments overall.

This section recognizes that no government, including that of Justin Trudeau, will ever be wholly collaborative. In certain instances, individual provinces may staunchly refuse to cooperate for reasons unrelated to the issue at hand, such as Manitoba's refusal to sign the Climate Framework Agreement in order to hold out for health care funding, which will be explored in the following pages. In these cases, or in cases where issues might need to be solved quickly and do not allow for adequate deliberation time, governments may be forced to take unilateral action. Therefore, one should not expect that the Trudeau government move only and immediately to multilateral action in all circumstances. Likewise, it is unrealistic to assume that the provinces would immediately trust the new government. Due to these considerations, the following section looks to identify more general trends toward multilateralism and toward a more trusting relationship between the provinces and the federal government.

4.1 The rhetoric of collaborative federalism

Justin Trudeau had a significant history of criticizing the Conservative Party and its approach to intergovernmental relations before he came to power. The Liberal Party platform for the 2015 election made reference to the kinds of changes that Trudeau envisioned for the future; for example, in its section on strengthening the middle class, the platform points out that it had been more than ten years since a prime minister had conversed with the provinces and territories about health care. The platform goes on to promise that as prime minister, Trudeau would have this conversation with the premiers in order to come up with a new Health Accord to improve the current system, as well as to negotiate a "pan-Canadian collaboration on health innovation,"

which would include an agreement among governments to buy prescription drugs together in bulk.⁴⁷ Similar references to working closely with the provinces and territories are included in regards to the student loan system, transit, childcare, and agriculture. The platform includes a lengthy chapter on the environment, where again, collaboration between governments is prioritized. In particular, the platform frames action on climate change as an area in which the provinces are eager to act, but could not move forward due to lacklustre support from the previous federal government under Stephen Harper. Interestingly, though the environment is considered to be shared jurisdiction between the provincial and federal government, the platform affirms that the federal government would take a national leadership position and Canada's commitment to its international agreements – over which the provinces have no power – is underlined.⁴⁸

4.2 Collaborative federalism in action?

Little empirical work has been done to explore whether Justin Trudeau has been able to follow up on the promises he and his party made during the 2015 election campaign. Though relatively little time has passed (especially in comparison to the nine years of data available on Harper's time as prime minister), there are still some helpful indications of how Trudeau has decided to move forward with his collaborative style and the effect that this has had on the federal government's relationship with the provinces.

Perhaps the most obvious and well-publicized decision was Trudeau's move back toward regular multilateral negotiations with the premiers in the form of FMCs. Although the CoF is still

⁴⁷ "Real Change: A New Plan for a Strong Middle Class," Liberal Party of Canada, 9.

⁴⁸ Ibid, 39.

a functioning body, Trudeau has given the provinces another channel with which to discuss intergovernmental matters with the reintroduction of these collaborative meetings. Since his election, the Prime Minister has held four of these such meetings, exceeding in a mere thirteen months Stephen Harper's grand total of two. In this way, Trudeau has followed through on his promise to encourage cooperation and discussion among the federal government and the provinces.

The issue of climate change has stood out as one of the primary sectors in which change implemented by the Trudeau government is most broadly visible. The first conference held by Trudeau in November 2015 included discussion of the upcoming United Nations Framework Convention on Climate Change (UNFCCC) and how Canada would approach the negotiations there.⁴⁹ As noted above, the Liberals were purportedly interested in working with the provinces in order to continue to negotiate climate change solutions at the international level as well as on a domestic one. In practice, this translated almost immediately to the makeup of Canada's delegation to the 2015 UNFCCC in Paris, which included seven premiers and several provincial ministers of environment in addition to federal officials. Though the provinces were expected to cover the cost of sending their own delegates to the conference, their invitation to and inclusion in the official delegation stood as a way for Trudeau to underline his promise to collaborate closely with them and ensure that their voices were heard.⁵⁰ This kind of gesture reflects similar strategies used by Chrétien during his time in office, such as the Team Canada Missions, in

⁴⁹ "Prime Minister hosts First Ministers' Meeting," Justin Trudeau, Prime Minister of Canada. 23 November 2015.

⁵⁰ "The Price of Paris: Canada sends more than 300 delegates to climate talks," CTV News, 3 December 2015.

which first ministers travelled together to promote business and trade abroad.⁵¹ In both examples, first ministers are given the opportunity to collaborate together in a non-FMC environment.

With that said, there has also been some criticism over the decision to send such a large delegation to Paris (over 300 official delegates). Though the media focused most closely on the cost of the conference, I argue that the inclusion of the premiers and provincial representatives was largely symbolic and had little actual impact on the terms of the agreement to which Canada signed. The Paris Agreement, signed at the 2015 UNFCCC, was largely constructed prior to the conference itself and refined over a number of days through intense multilateral negotiation. To suggest that individual provincial premiers had a significant sway over Canada's terms in signing the agreement is doubtful at best, considering that Canada was not involved in any major negotiations at the conference to begin with; that they could have had any influence whatsoever over the core tenets of the agreement is extremely unlikely. For these reasons, it is likely that the premiers' inclusion at the 2015 UNFCCC was less about getting actual input from the premiers on the document than it was a way to accomplish other collaborative goals, such as building trust between governments and garnering public support for climate change issues.

The second FMC, held in Vancouver in March 2016 also focused on environmental issues, where the conversation centred on climate change mitigation and reducing emissions.⁵² The third FMC, held in December of the same year, continued this trend by focusing on creating the Pan Canadian Framework on Clean Growth and Climate Change, which further focuses on federal-provincial teamwork to reduce emissions to 30% below 2005 levels by 2030. Interestingly, though both conferences appeared to focus broadly on collaboration and the federal

⁵¹ Allison Dunfield, "Martin will scrap Team Canada, Chrétien aide says," *The Globe and Mail*, 23 October 2003.

⁵² "Communiqué of Canada's First Ministers," Justin Trudeau, Prime Minister of Canada, 3 March 2016.

government's intention to work with each province individually in order to achieve the goals set out by the framework, not all provinces were satisfied by this. Notably, Saskatchewan's premier Brad Wall refused to sign the framework agreement. Given the federal focus on collaboration, it is unlikely that Trudeau would have been unwilling to negotiate with Saskatchewan, but rather that Trudeau and Wall may simply have been unable to rectify the differences in their interests.⁵³ Importantly, Manitoba premier Brian Pallister also refused to sign the agreement in December, apparently due to provincial discord regarding the Federal Health Transfer, but Pallister has also recently raised concerns about the constitutionality of what would become a unilateral move to impose the contents of the Framework on provinces that had not signed the agreement.^{54, 55}

Doubt concerning Trudeau's serious intention to collaborate on environmental issues is furthered by the federal government's action on a carbon tax. Despite promising collaboration and mutual agreement on areas of federal and provincial concern, the federal government announced in the spring of 2017 that all provinces must implement some kind of carbon tax by 2020, by way of a cap-and-trade system or direct taxation. This announcement came four months after the last FMC in 2016, and was introduced unilaterally on the part of the federal government. Unsurprisingly, this decision has not been well received by all provinces and serious opposition has been voiced by some, such as Premier Wall. Wall has expressed his concern that the imposed carbon tax would affect Saskatchewan's industries more so than those of other provinces, though other carbon-dependent provinces, such as Alberta (which already has

⁵³ "Communiqué of Canada's First Ministers," Justin Trudeau, Prime Minister of Canada, 9 December 2016.

⁵⁴ John Paul Tasker, "Trudeau announces "pan-Canadian framework" on climate – but Sask., Manitoba hold off," *CBC News*, Politics, 10 December 2016.

⁵⁵ Steve Lambert, "Manitoba seeking legal advice on federal carbon pricing plan," *The Toronto Star*, 29 June 2017.

a carbon-tax in effect), have offered their support for the project.^{56, 57} This discord would have come at no surprise to the federal government, given Wall and Trudeau's long-standing disagreement over the issue. Nonetheless, Trudeau has been adamant that the framework agreement will move forward and that a national carbon tax will be implemented, regardless of dispute.

Discord among the provinces in response to the proposed carbon tax plan is unsurprising. What is perhaps more surprising is the apparent incongruence of Trudeau's decision to table the plan unilaterally, after making such a serious effort to collaborate with the provinces on the exact same subject only months prior. This begs the question: what was the real motivation behind Trudeau's negotiations with the provinces and their inclusion in the delegation to Paris? Is Trudeau's white paper a sign that his government is following in the footsteps of Stephen Harper's, and only utilizing the rhetoric of intergovernmental collaboration when it is convenient to do so and instead pursuing federal goals unilaterally when the provinces cannot come to agreement?

Regardless of whether this is true, it is clear that the provinces do not feel that their interests are well represented in FMCs to desist from working together on their own. Despite Trudeau's efforts to create space for the premiers to come together and collaborate with the federal government, the provinces continue to convene separately as well. In July of 2017, the CoF convened in Edmonton to discuss a variety of provincial issues, including health care, the opioid crisis, and international trade, but the premiers also came together against the federal government in regards to marijuana legalization. Though the Trudeau government has stood firm

⁵⁶ David Baxter, "Sask. Premier describes federal carbon tax plan as a 'ransom note,'" *Global News*, 18 May 2017.

⁵⁷ Mike De Souza, "Smiling Rachel Notley open to Trudeau's carbon tax after pipeline approvals," *National Observer*, 29 November 2016.

in its commitment to effect legalization by July 1, 2018, the provinces attending the July meeting publicly demanded that the federal government be clearer in its expectations and plans for legalization if the provinces were to be adequately prepared for implementation. Comments were made by individuals, such as Manitoba premier Brian Pallister, which implied that the federal government was more focused on meeting the promised deadline than on working on a realistic and reliable framework for legalization.⁵⁸ The issue was once more addressed at Trudeau's fourth FMC in Ottawa on October 3, 2017, where the federal government proposed that an excise tax be placed on the sale of marijuana and split equally between the federal and provincial governments. Unsurprisingly, premiers were once again frustrated by the federal government's apparent self-interest, given that Ottawa had previously encouraged provinces to keep tax on marijuana sales low. Pallister once again voiced his concerns against the federal government, saying that it was unfair for them to collect 50% of the excise tax, when most of the work involving implementation and policing would fall to the provinces.⁵⁹

Further pressure was placed on the federal government by the premiers after their July meeting in Edmonton in regards to the creation of a national pharmacare program. As mentioned above, pharmacare programming was included in the Liberal Party's 2015 election platform, though up until this point, no action has been taken to put a plan into place to help Canadians cover the cost of prescription drugs. Currently, Ontario is the one province engaged in a progressive plan covering the full cost of all prescription drugs for Ontarians under the age of 25. It is therefore of no surprise that Ontario premier Kathleen Wynne encouraged future discussion to extend similar coverage to Canadians living across the country. As in many other areas, the

⁵⁸ "Premiers to call for more information on marijuana legalization at summer meet," *Global News*, 19 July 2017.

⁵⁹ John Paul Tasker, "Premiers resist federal proposals for excise tax on legal cannabis," *CBC News*, 3 October 2017.

provinces' leaders – notably health ministers – have already begun to come together to collaborate together on pharmacare, but need the federal government to become involved in order to get the project moving.⁶⁰

The concerns of the premiers expressed in July hint at a possible issue with Trudeau's apparent usage of multilateral negotiations: that they are only offered to the premiers when the federal government is already willing to make concessions and take suggestions from the provincial governments. Though Trudeau responded to the premiers' inquiries regarding marijuana legalization, saying, "We are continuing to work with the provinces to make sure the framework will be in place as soon as possible," no visible action has been taken to do so and the statement clearly gives little detail on how the provinces' concerns will be met.⁶¹ Even after a meeting between federal and provincial justice ministers in September 2017, where the provinces' concerns regarding the timeline for legalization were repeated, the federal government has not made any significant change or clarification to their plans.⁶² In regards to a national pharmacare program, the Trudeau Liberals have thus far refused to commit to a program, despite pressure from the provinces and beta-like programs moving forward in Ontario. In response to questions about why Trudeau has not yet responded directly to this pressure, federal Health Minister Jane Philpott argued that to pursue such a program at this point would be irresponsible without first focusing on driving down the prices of prescription drugs, saying that foregoing this step would result in a publicly funded program that would cost taxpayers more than if the cost was first diminished. These remarks have recently come under fire from

⁶⁰ Rob Ferguson, "Wynne hopes Ontario's approach to pension reform leads to a national pharmacare plan," *The Toronto Star*, 19 July 2017.

⁶¹ "Premiers to call for more information on marijuana legalization at summer meet," *Global News*.

⁶² "Provincial justice ministers want answers on marijuana legalization," *CBC News*, 14 September 2017.

provincial leaders and experts alike, who instead argue that the creation of a national program would drive down prices on its own thanks to bulk-buying, and that to delay this step is only to waste time and money.⁶³ Policy options presented in the past have included bulk buying strategies, the creation of national pricing, and coverage for Canadians undergoing undue financial hardship due to their pharmaceutical needs, but the provinces are not yet all agreed on a plan for pharmacare.⁶⁴ Nonetheless, the motivation is there to do so and it is clear that negotiations between premiers and provincial health ministers will continue, regardless of federal interest.

Ultimately, there is no clear, easy answer to the question of whether Trudeau's government has encouraged genuine collaboration. Based on the number of meetings that have taken place between governments since Trudeau's election in comparison with the number held by Harper during his time as prime minister, it is clear that at least the character of the relationships between governments has changed. The Prime Minister's Office made this intention clear in a statement released following the October 3, 2017 meeting: "This was the fourth First Ministers' Meeting hosted by Prime Minister Justin Trudeau, which reflects the federal government's collaborative approach to intergovernmental relations."⁶⁵ What is less clear is whether any real difference in provincial satisfaction has come of this collaborative process. Though Trudeau has increased the number of FMCs since 2015 and has included the provinces in international negotiations on climate change, clearly not enough has been done to reconcile all

⁶³ Meagan Fitzpatrick, "Pharmacare advocates hope Ontario plan will push Trudeau to act," *CBC News*, 29 April 2017.

⁶⁴ Health Canada, Strategic Policy Branch. 2006. National Pharmaceuticals Strategy: Progress Report. Ottawa: Health Canada.

⁶⁵ "First Ministers meet to discuss shared priorities for Canadians." Justin Trudeau, Prime Minister of Canada. 3 October 2017.

differences between Canada's governments. There is certainly the possibility that though Harper did not meet with the premiers as a collective on a regular basis, that he was able to keep them all relatively happy through bilateral negotiations. Ultimately, the Pan-Canadian Framework on Clean Growth and Climate Change works with the provinces and territories on an individual basis and though the framework was signed by eleven out of thirteen provincial and territorial governments in the same place and at the same time, this does not mean that it applies symmetrically to all of them. Instead, the federal government has pledged to work with each government on a one-on-one basis in order to ensure that all reach their goals, albeit in different ways. Though it inspires some scepticism regarding the value of large-group teamwork, the same outcome could have been reached bilaterally.

Chapter 5: A Trend Toward Multilevel Governance?

In addition to pledging to work with the provinces in a more meaningful manner, Trudeau's 2015 campaign promises included the intention to work more closely with a wider variety of governing bodies in order to effectively implement change in intergovernmental relations, climate change, and transit. This plays into the Liberal Party's promise to operate on a basis of more open, transparent, and collaborative government, but opens this promise not only to the provinces, but also to additional third party actors such as Indigenous governments and municipalities. The following section looks to determine whether Trudeau has followed up on these promises in his first 21 months in government.

5.1 Justin Trudeau's use of multilevel governance

Collaboration (or its appearance) is clearly a part of Trudeau's approach to federalism: his meetings with the premiers are evidence enough of this. That said, in the scheme of things, this approach is neither unusual nor revolutionary; the inclusion of the provinces in negotiations about issues that affect them is not unusual. The question then, is not whether Trudeau is showing signs of practicing the principles of NPG in regards to the provinces (a practice discussed in Chapter 2), but rather whether these principles of collaboration are being extended to additional parties not usually included in governance. The following subsections will explore Trudeau's collaboration with municipalities and Indigenous governments in order to ascertain whether more political bodies are becoming closely involved with public governance and if so, whether this is a trend specific to Trudeau or whether this shift in inclusion has been building in Canadian culture more broadly and over a longer period of time.

First, the Trudeau government has been visibly including Indigenous leaders in discussions regarding climate change, especially during negotiations for the Pan-Canadian Framework on Clean Growth and Climate Change. Three regional chiefs and the national chief of the Assembly of First Nations (AFN) were present at the Framework's public announcement on December 9th, 2016, in addition to Indigenous representation at the territorial and provincial levels. At the meeting preceding the announcement, the AFN delegation secured a commitment from the federal government to continue to include First Nations' negotiators in discussions surrounding climate change.⁶⁶ The press document released at this meeting acknowledges the specific impact of climate change on Indigenous communities and commits the federal government to "a renewed, nation-to-nation, Inuit-to-Crown relationship, and government-to-government relationship, with First Nations, Inuit and the Métis Nation based on recognition of rights, respect, trust, co-operation and partnership," and recognized Indigenous peoples as "full and effective partners in advancing clean growth and addressing climate change goals." The document goes on to list how this partnership will be achieved: three senior-level tables for First Nations, Métis, and Inuit negotiations and consultations on climate change mitigation that will meet at least twice annually beginning in 2017. Though each of these tables will include at least one representative from the federal government, they are understood to be distinct and will not necessarily negotiate with each other.⁶⁷

Though the Trudeau government has made efforts to include Indigenous governments and communities in governance, as evidenced by their presence at several collaborative

⁶⁶ National Chief Perry Bellegarde, "Meeting of First Ministers and Indigenous Leaders on Climate Change," *Assembly of First Nations*.

⁶⁷ "Process Document for Ongoing Engagement on the Pan-Canadian Framework on Clean Growth and Climate Change," Justin Trudeau, Prime Minister of Canada, 9 December 2016, 1-2.

meetings, the question of whether these efforts are genuine or effective continues to be at stake. At the most recent FMC in Ottawa, Indigenous leaders were invited to join the provincial and territorial premiers for the first portion of their agenda, but were not permitted to stay for the entire meeting. Specifically, it seemed that when the most controversial and important topics for the day came up, the Indigenous leaders were asked to leave the room, prompting the Ontario regional chief, Isadore Day, to state that, “The first ministers meeting was just nothing but words.”⁶⁸ To the disappointment of Indigenous leaders, the separation of these meetings was pre-meditated and the agenda pre-set, meaning that there was little time dedicated to issues identified by the leaders themselves. The federal government notified participating individuals that environmental issues were to be discussed, but other issues faced by Indigenous communities, such as housing, illness, and suicide prevention, were not included on the agenda.⁶⁹

Trudeau has also spent time over the last two years connecting with municipal leaders in a way that may also indicate a desire to extend the negotiative process to parties beyond provincial governments. Even outside the issue of climate change, mayors of Canada’s largest cities, such as Naheed Nenshi of Calgary, continue to be vocal about their hopes for federal attention to municipal issues. If Trudeau is legitimately interested in expanding governance, he should be observed engaging more often with cities, especially in regards to the environment, since municipalities have taken on significant responsibility in this field.

Trudeau met with Vancouver mayor Gregor Robertson in early August 2017 to discuss the opioid crisis, affordable housing, and public transit. Supporting and expanding public transit

⁶⁸ Tasker, “Premiers resist federal proposals for excise tax on legal cannabis.”

⁶⁹ Catharine Tunney, “Inuit leader frustrated with agenda of Oct. 3 first ministers meeting,” *CBC News*, 9 September 2017.

in cities was a prominent part of the federal Liberals' 2015 election platform.⁷⁰ Nonetheless, though the Prime Minister seemed open to discussing issues affecting Vancouver, no discussion of environmental issues took place in his meeting with Robertson, who had recently expressed his displeasure in the federal government's decision to move forward with the Kinder Morgan Pipeline project.⁷¹ The agenda for their meeting is revealing: all three of the issues discussed were relatively easy to agree on, while the one issue that remains divisive was ignored. In other instances, mayors of major cities such as Denis Coderre of Montréal have also expressed their concerns over pipeline projects and their effects on the environment. In fact, in January 2017, Coderre was one of 82 mayors who came out against the Energy East pipeline, a project for which the Trudeau government has expressed its support.⁷² Nonetheless, though mayors are welcome to express their displeasure at these projects, they have no constitutional jurisdiction over the environment and as Trudeau's insistence on moving forward with the Kinder Morgan and Energy East pipelines has shown, their preferences are clearly not given top priority when conflicting with the goals of the federal government.

Though it is clear that Trudeau has made efforts to expand governance to new parties in significant ways and has continued partnerships that have existed in the past in perhaps more meaningful ways, it is almost certain that these efforts have not contributed to a network style of governance. In each of the above instances, it is clear that the federal government remains at the top of the hierarchy. This is evident in three ways. First, the federal government has clearly shown its intention to move forward with its own goals as a priority above collaboration. Second,

⁷⁰ "Real Change: A New Plan for a Strong Middle Class," Liberal Party of Canada.

⁷¹ "Prime Minister Trudeau and Vancouver's mayor meet," *Global News*, 1 August 2017.

⁷² "Denis Coderre meets with Justin Trudeau, says 'right balance' needed on pipeline project," *CBC News, Montreal*, 26 January 2016.

either in writing or otherwise, the federal government has made no commitment to creating legally binding, equal partnerships among itself and either Indigenous groups or municipalities. In all negotiations, collaboration is the focus, but ultimately, nothing exists to bind the federal government to the conclusions of these negotiations. Thirdly, and perhaps most tellingly, in many cases the federal government continues to negotiate bilaterally with the majority of these parties. For example, the senior-level tables set up for First Nations, Métis, and Inuit consultation on climate change involve negotiation directly with the federal government and no one else. In the case of municipalities and the environment, mayors are regularly in contact with one another to take action on climate change in the form of collective protests or collaboration, but again, the federal government is not involved in facilitating this kind of multilateralism.⁷³ Besides multilateral meetings with the premiers, the federal government has shown very limited interest in creating collaboration among actors.

This is likely indicative of what was mentioned in Chapter 2 regarding the drawbacks of a NPG style of intergovernmental relations. In cases where political bodies external to the federal government have had the chance to come together and negotiate without them, such as is done with the CoF, these bodies have often used their strength in numbers to pressure the federal government together. To encourage this sort of behaviour would likely result in the same problem for the Trudeau government and therefore it is in their best interests to prevent this sort of collaboration from occurring. If they are able to avoid it, they are better suited to pursue their own goals while also avoiding the negative public feedback that comes with public shaming or pressure from external bodies.

⁷³ Carl Meyer, “Canadian big-city mayors defiant in face of Trump’s exit from Paris accord,” *National Observer*, 1 June 2017.

It is also largely worth noting that much of Trudeau's efforts to collaborate with these bodies are not significantly different from strategies employed by previous governments. For example, though the Trudeau government claims to be investing more in transit than any other government before (\$28 billion), some of the projects being paid for by the current government were planned and put into place by the Harper Conservative government, such as the GO transit project in the Greater Toronto Area.⁷⁴ In regards to the better representation of Indigenous communities and governments, Canadian governments have been slowly integrating First Nations, Inuit, and Métis representatives into negotiations and consultations on relevant issues for decades. Especially since the failed Meech Lake Accord, Indigenous leaders have pressed governments for direct involvement in discussions surrounding climate change, the environment, and other relevant issues.⁷⁵

Some work has been done by previous governments, such as by the Harper Conservatives, to try to improve relationships with Indigenous groups in Canada and recognize their important contributions and perspectives. Unfortunately, in many cases these efforts have fallen short of meaningful change. This trend has existed for some time and the new Liberal government's efforts to build on this marginal momentum so far show little commitment to furthering the movement. Unless Indigenous communities are given guaranteed vetoes or influence equal to that of the provinces or the federal government itself, the federal government will still have room to push its agenda through unilaterally, and ultimately, little to no real change will have been effected.

⁷⁴ Jordan Press, "Justin Trudeau's Transit Funding Claim has 'a little baloney,'" *Huffington Post*, 5 April 2017.

⁷⁵ Martin Papillon, "Canadian Federalism and the Emerging Mosaic of Aboriginal Multilevel Governance," in *Canadian Federalism, Performance, Effectiveness, and Legitimacy*, ed. Herman Bakvis and Grace Skogstad, Oxford University Press, 2012: 293-4.

Chapter 6: Conclusions

It is important to acknowledge the challenge of making claims in this field. Because of the executive nature of Canadian federalism, many meetings (both multilateral and bilateral) occur behind closed doors and it is therefore difficult to identify and measure real transformations in intergovernmental relationships. Even if all meetings and phone calls were available for analysis, much of this change may be ideational in nature and therefore still quite difficult to evaluate: individuals may hold biases against their colleagues, certain ministers may share a history together that affects the way they interact, or the personality of a particular prime minister may simply make the premiers feel more trusting of them. All of these factors, and many more, may have serious impacts on the quality of collaboration between governing officials and yet, is often beyond scholarship's reach. Because the relationships that exist below the surface of intergovernmental relations are concealed, so too is the change (or lack thereof) that may stem from them.

Nevertheless, Stephen Harper evidently had an impact on the nature of federalism in Canada and its expression through his government's relationship with the provinces. Already, Justin Trudeau has made clear efforts to reverse some of Harper's tendencies and has had his own personal influence on the character of intergovernmental relations in Canada as well. To answer the first of my two research questions, individual leaders and their governments unambiguously have the power and resources available to them to consistently have these effects. Though these actions may be disputed or reversed by their successors, there is no doubt that observable differences between Harper and Trudeau's styles of federalism exist.

The second of my two research questions is arguably more difficult to answer. Though small changes are made by each successive prime minister, these changes last only as long as

their tenure in office and thus far have not been shown to necessarily contribute to sweeping, revolutionary change to the nature of Canadian federalism or intergovernmental relations. As discussed throughout Chapters 3-5, there is also significant reason to believe that even Harper and Trudeau were not committed to the brands of federalism that they advertised, but rather used them as campaign tools and then only when it was convenient to do so once in office. In both cases, this indicates that procedurally, some changes may occur – for example, more FMCs may take place, or Indigenous leaders may be consulted more frequently – but when it comes to final decision-making, the federal government is interested in upholding these practices only so long as they contribute to federal goals. In short, the nature of Canadian federalism has not changed only as a result of actions by one or two prime ministers and their personal ideas about intergovernmental relations. Though Trudeau has indicated that he is interested in including a wider variety of parties in discussion, there has thus far been no hard evidence to suggest that he is committed to including more actors in the final stages of decision making.

It is clear that the Canadian federal system is constantly adapting to change and that this reliably affects the character of the relationship between the federal and provincial governments. Whether these changes happen in broad strokes over many decades or in more delicate, individual interactions between first ministers, the effects are significant and worth the time it takes to understand their origins and possible implications for the future.

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