The Council of the Federation: Effectiveness in Intergovernmental Institutions

by

Megan Semaniuk

A thesis submitted in partial fulfillment of the requirements for the degree of

Master of Arts

Department of Political Science

University of Alberta

Abstract

This thesis examines the effectiveness of the Council of the Federation as an intergovernmental institution. Through an analysis of sixteen communiqué periods, the researcher found that the Council of the Federation is an effective intergovernmental institution because it facilitates the identification of common priorities among premiers. This research demonstrates that weak institutionalization does not amount to ineffective institutions. The analysis also concluded that interprovincial collaboration has become the most salient element of the Council of the Federation communiqués. Overall, this thesis offers insight into what effectiveness means in Canadian intergovernmental institutions.

Acknowledgements

This thesis would not have been possible without the help and guidance of a number of individuals.

The inspiration for this project came from my former professor, advisor, and mentor, Dr. Jared Wesley. As a fellow academic and public servant, Dr. Wesley is truly inspiring. In my undergraduate degree, I took Dr. Wesley's course titled Intergovernmental Relations in Canada. This course simulated a Council of the Federation meeting, and inspired me to learn more about intergovernmental relations and federalism through Master's research. Despite his very busy schedule, Dr. Wesley always made the time to meet to provide encouragement and thoughtful feedback. This is a mark of a truly excellent instructor and students at the University of Alberta are fortunate to have his expertise. Thank you for your time, energy, and thoughtful comments on this thesis, and for teaching me that I know more than I give myself credit for.

I am also thankful for my experience as a summer student with the Federal-Provincial Relations branch of the Ministry of International and Intergovernmental Relations, Government of Alberta. I was a sponge that summer! This position added more meaning to the research I would eventually conduct on intergovernmental relations and the Council of the Federation.

Thank you to my parents, who have financially supported me throughout my degrees. You have always had unwavering faith in my abilities, and I am thankful that you made sure I had the tools and resources to attend University. You have – and always will be – my biggest cheerleaders and I can't thank you enough.

Last but certainly not least, my fiancé has offered tremendous support as I worked toward this final thesis. Most importantly, he has been my emotional support in both difficult times and small victories. Réal has always believed in me, even when I did not believe in myself. Thank you.

I would also like to thank the Department of Political Science and the Faculty of Graduate Studies and Research for helping students, like myself, succeed. I am appreciative for the generous funding that was provided to me through the Government of Alberta Queen Elizabeth II Graduate Scholarship.

Table of Contents

List of Figures and Tables

Chapter One: Introduction

> *Canadians do not agree on what Canada is or ought to be. That does not worry me. I think it is great. Canada has evolved into something quite different than what it was supposed to be. That is clear enough. Canada is still evolving and will continue to evolve as long as we do not agree on what Canada is. Fortunately that is likely to be a long time hence.*
>
> Robert Lorne Stanfield
> Premier of Nova Scotia 1956-1967
> Leader of the Progressive Conservative Party 1967-1976

Canada has, and always will be, about the act of compromise. Historically, Canada's provinces and territories have worked together on countless issues, amongst themselves and with the federal government. While decisions facing this country have not always been easy, negotiations tend to take place in the spirit of eventual agreement. Ensuring the diverse voices and interests are accommodated is a challenging feat. From East to West, North to South, varying opinions and interests make it difficult to agree on one particular vision of Canada. Intra- and interstate institutions help facilitate the development of compromise in federations with competing interests.

Based on their belief that Canada exhibits weak regional representation in Ottawa, one school of thought argues for reform to institutions such as the House of Commons and the Senate (Smiley and Watts, 1985: 25). Arguably, the Fathers of Confederation had designed the upper chamber with this function in mind. In modern day practice, however, appointments to the Senate are primarily partisan in nature, and consequently do not guarantee representatives will act for their originating regions. Recent media attention has also called the actions of particular Senators into question. As a result, reforms to existing institutions – as well as proposals for the creation of new ones – have been part of the

ongoing federal conversation. Various models have been suggested and compared. For instance, the German Bundesrat model has been idealized as a potential variation, in part because it would allow for the representation of provincial *governments* within the confines of the central state (*Ibid*.: 34). Often, provincial-territorial governments have opted to engage separately from the confines of federal intrastate institutions, and meet through interstate institutions to facilitate the development of common stances.[1] This can be tied to the difficulty of intrastate reform in the Canadian federation, which would require constitutional amendment.

This thesis examines one particular intergovernmental (interstate) institution: the Council of the Federation (COF), the successor to the Annual Premiers' Conference (APC).[2] As the "meat and potatoes side of executive federalism," these interprovincial meetings and conferences have involved the heads of government of all Canadian provinces (and now territories), and are instrumental in facilitating relationships and dialogue (Smith, 2004: 100). The existence of intergovernmental institutions acknowledges that some issues are best addressed in partnership. Governments willingly come together to discuss mutual issues and sometimes agree on actions that can be taken, because many national and subnational "spill-over" issues require discussion, collaboration, and compromise (Berdahl and Gibbins, 2014: 92). In Canada, issues such as climate change, global epidemics, and population health are borderless and do not discriminate based on geography. Intergovernmental institutions ensure governments and

[1] Interstate institutions refer to those that facilitate interactions between governments. In contrast, intrastate institutions refer to those that incorporate regional representation within the central government.

[2] The Council of the Federation was rebranded to Canada's Premiers in Summer 2014. COF remains the organization's corporate name, however, and this thesis uses the two names interchangeably.

leaders meet to engage with each other about these common challenges and define priorities.

With significant time, attention, and resources diverted to the various initiatives of these conferences, it is important to assess whether or not these institutions are performing effectively. In essence, are they able to help governments and their respective premiers define and achieve common goals and priorities? If so, what do these common priorities look like? These are the principal research questions addressed by this thesis.

This introductory chapter will begin with a historical overview of the interprovincial conferences and meetings since Confederation.[3] Approximately eighty premiers' meetings have occurred since 1867, each focusing on different themes and developments.[4] A review of the literature on this institution will follow, including what academics and theorists have had to say about the institutionalization of the APC into COF, as well as the institution's historical effectiveness. Chapter Two will establish the research methodology employed in this project and set the parameters for the research findings. Chapter Three will detail the research findings and explore potential explanations for the observed conclusions. The final chapter will offer concluding thoughts and direction for future research.

A Lack of Research

Research on the Annual Premiers' Conference (APC) is minimal. While raw data is available on the location, attendance, and agendas of these Conferences, historical overviews of interprovincial relations have tended to focus on the Conference's relation to

[3] The term 'interprovincial,' where used, is not intended to exclude territories. The reader may consider this synonymous with 'provincial-territorial.'

[4] Premiers' meetings are not the only form of interprovincial meetings that take place. Meetings of Ministers, Deputy Ministers, and Senior Officials occur on a routine basis. These meetings form a large part of interprovincial relations in Canada.

First Ministers Conferences/Meetings (FMCs/FMMs).[5] As J. Peter Meekison describes, the APC and FMMs have a form of "symbiosis" or "interdependence" (2004a: 163). In the past, Canada's premiers have met and subsequently called for meetings with their federal counterparts. In the eyes of some observers, this was the principal reason for premiers' conferences: to establish consensus and a common front to engage Ottawa. After all, the 'power in numbers' approach appears more effective than one-on-one interactions. At other points in time, premiers have met regardless of meetings with the prime minister.

Where it has existed, research on interprovincial relations has tended to highlight the various interactions among individual provinces or regions (Gibbins, 1980; Roach, 2003; Meekison, 2004b; Berdahl and Gibbins, 2014). For instance, the 'West' as a regional bloc meets once a year prior to the Council of the Federation (COF) summer meeting. Commonly referred to as the Western Premiers' Conference (WPC), "one of the objectives of the WPC is to present the western policy positions to [COF]" (Meekison, 2004b: 192). As such, it is primarily a political meeting to determine where the region stands on issues relative to other provinces and territories (Berdahl and Gibbins, 2014: 99). These regional intergovernmental institutions reinforce the notion that the country can be subdivided along regional lines and that these provinces and territories have common interests. Similarly, the Council of Atlantic Premiers (CAP) meets twice a year and seeks to develop common regional positions prior to COF meetings (2000). The same

[5] FMCs are multi-day meetings, whereas FMMs are single-day meetings between the prime minister and the provincial-territorial premiers (the 'first ministers'). Historically, FMCs have been held to address constitutional issues and also tend to be more institutionalized. The term FMM is used throughout this thesis to refer to the institution as a whole.

can be said of the Northern Premiers Forum, as well as meetings between Ontario and Quebec premiers.

With over eighty premiers' meetings to speak of since Confederation, then, it is surprising that scholarly work in this subject area has been so narrowly focused. Canada's premiers have met for over a century yet their meetings, as intergovernmental institutions, have not been subject to a thorough analysis or measurement of their effectiveness. This thesis will address this gap and discuss what it means for premiers' meetings to be effective.

Historical Overview

The first conference of premiers was held in Québec City, Quebec, in 1887.[6] Two decades post-Confederation, premiers had considerable time to develop positions on issues facing the new country and their respective territory. Discussions reflected this, taking place over eight days from October 20-28, 1887. The meeting was hosted by Premier Honoré Mercier of Quebec, chaired by Premier Oliver Mowat of Ontario, and attended by five of the seven provincial premiers of the day (CICS).[7] No federal participant or observer attended. Most noteworthy from this inaugural meeting was the collective vision furthered by Premier Mercier of Quebec. In the Premier's words, "the Conference must not be considered in the light of a hostile move against the Federal Authorities" (as cited in Meekison, 2004a: 142). Instead, Mercier envisioned the Conference as being a forum for provinces to meet and resolve issues of national importance, and not one of federal, regional, or provincial complaint. The main items discussed at this meeting were amendments to *The British North America Act* (*Ibid.*: 143).

[6] At the time, this meeting was more commonly referred to as an 'interprovincial conference.'
[7] The early conferences were hosted and chaired by Ontario, Quebec, or both. The first province to host premiers other than Ontario or Quebec was Prince Edward Island in 1961.

Premiers proposed a total of seventeen constitutional amendments following the meeting, including the process of selecting Senators, the declaratory power, disallowance, and federal statutory subsidies (*Ibid.*). Accordingly, Prime Minister John A. Macdonald was invited to meet with premiers to discuss the resolutions, to which he declined (Stevenson, 1993: 74-5).[8]

Premiers met once more for a three-day conference in 1902 at Government House in Québec City, Quebec (CICS). Again, it was made clear that the provincial governments' intent was not to "embarrass" the federal authorities (Meekison, 2004a: 143). In Quebec Premier Simon-Napoleon Parent's opening remarks, he noted that he was optimistic that the federal government would give "favourable attention" to provincial proposals (*Ibid.*). Thus, it was important that interprovincial meetings not be seen as intending to cause conflict with the central government; rather, provinces should develop solutions to collective problems. Building on the work of this particular conference, premiers met with the federal government in 1906 for the first Dominion-Provincial Conference (which came to be known as "First Ministers Conferences" or FMCs). A 1907 amendment concerning statutory subsidies resulted from federal-provincial negotiations (*Ibid.*).

Premiers met again in 1910, 1913, and 1926 in Ottawa, before a long hiatus from formal meetings (CICS). The 1910 and 1913 conferences were one and three days in length respectively, and were largely convened at the request of Maritime premiers to discuss provincial representation in the House of Commons (Meekison, 2004a: 143-144). Discussions proved to be difficult, leading Meekison to conclude that "little support

[8] The federal government's disinclination to meet with premiers makes the effectiveness of this inaugural conference difficult to assess.

existed for the Maritime position among the other six provinces. As a result, the premiers collectively did not take a position on the matter" (*Ibid.*). Another agenda item at these meetings was an increase to federal subsidies to the provinces. Prime Minister Robert Laird Borden gave remarks on behalf of the Government of Canada, and was invited into the conference at prescribed times to receive premiers' resolutions and discuss the course of action moving forward. Overall, Prime Minister Borden seemed amenable to more frequent FMCs to discuss similar issues with the provinces in the future (*Ibid.*: 144).

The 1926 meeting of premiers was held in Ottawa. Numerous developments distinguish this particular Conference from others of this time period. First was the introduction of regional issues into interprovincial discussions. With the federal appointment of the Duncan Commission to examine Maritime constitutional grievances that same year, this meeting saw the "subject of regional disparities [make] its debut onto the premiers' conference agenda" (Meekison, 2004a: 144). Second was the introduction of logistical arrangements, such as the premiers' decision to exclude the press from deliberations and not to invite federal representation (*Ibid.*). At the close of this meeting, premiers expressed interest for an annual meeting. Despite this traction, following the 1926 Conference, a number of FMCs (chaired by the prime minister) appeared to replace premiers-only conferences to deal with important national issues. Topics such as reconstruction following the Great Depression and Second World War, as well as the discussions that led to the development of the welfare state, were popular among both premiers and the federal government (Smith, 2004: 99). As a result, these events "delayed the institutionalization of the APC for several decades" (Meekison, 2004a: 145).

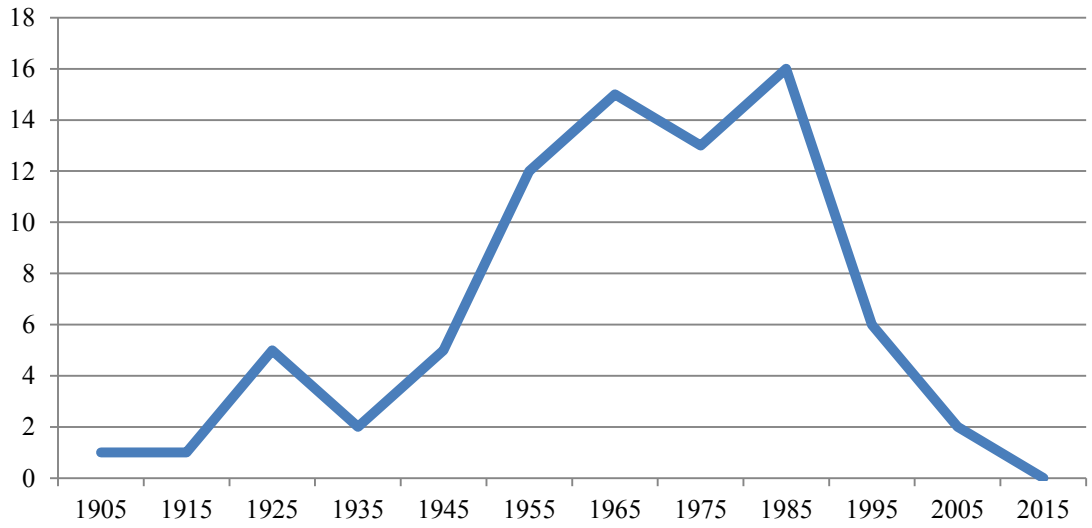
The notion of annual premiers' conferences was reinvigorated by Premier Jean Lesage of Quebec in 1960. Much like the very first premiers' conference, the province of Quebec hosted premiers in Québec City and Premier Leslie Frost of Ontario chaired the meeting (CICS). Also echoing the first conference was Premier Frost's assertion that "there must not be any ganging up on Ottawa" (as cited in Meekison, 2004a: 145). Reflecting the attitude of Premiers Mercier and Mowat in 1887, these meetings were intended to discuss matters of interprovincial importance. This meeting marked the beginning of the APC as it is known today, and premiers have met annually since that time (CICS).

Decades of APCs followed. This coincided with the peak years of FMMs from 1963 under Prime Minister Lester B. Pearson to 1993 under Prime Minister Brian Mulroney (Stevenson, 2009: 277). In thirty years, provincial premiers and the prime minister of the day gathered to discuss constitutional issues a total of forty-seven times (CICS). Premiers met without the prime minister an additional thirty-seven times over the same period (*Ibid.*).

In sum, FMCs and FMMs from 1905 to 2015 are detailed in Figures 1.1 and 1.2. Conference agendas were seldom made public and sessions were closed to the press. While the majority of APCs were intended to forge common positions in advance of FMCs on constitutional issues, others focused more on interprovincial issues as envisioned in 1887 and 1960. Some common issues during this time period were health care costs, transportation, and interprovincial trucking (*Ibid.*).

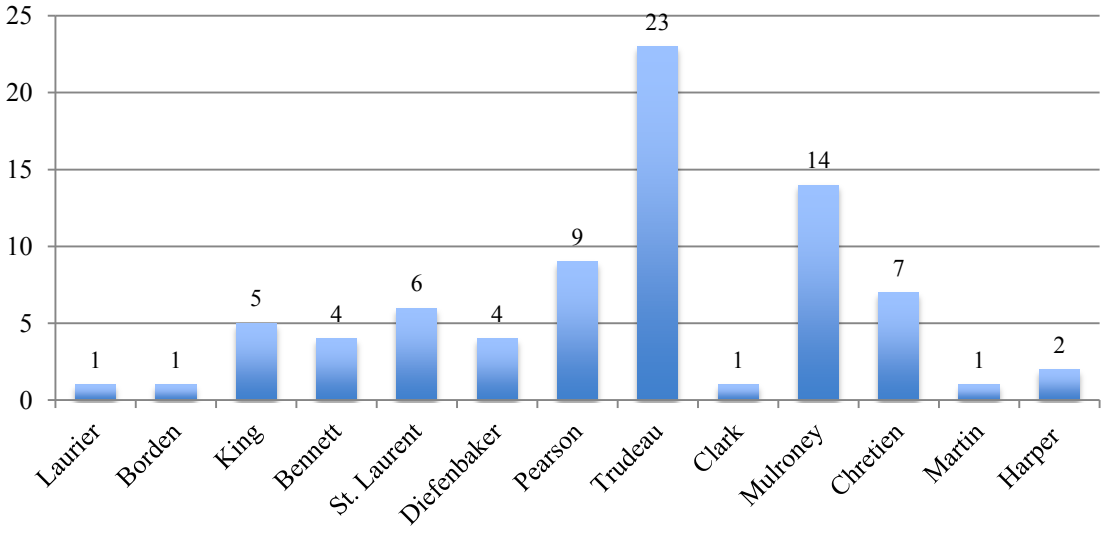
One important development in the 1970s was the creation of the Canadian Intergovernmental Affairs Secretariat (CICS). This independent organization was a joint

Figure 1.1: Number of First Ministers' Conferences/Meetings, 1905-2015*



*Data adapted from the Canadian Intergovernmental Conference Secretariat, particularly the document *First Ministers' Conferences 1906-2004*. Not inclusive of the November 2015 First Minister Meeting.

Figure 1.2: Number of First Ministers' Conferences/Meetings by Prime Minister, 1905-2015*



*Data adapted from the Canadian Intergovernmental Conference Secretariat, particularly the document *First Ministers' Conferences 1906-2004*. Not inclusive of the November 2015 First Minister Meeting.

initiative agreed to at the May 1972 FMC in Ottawa and officially created in 1973 (CICS, "Our Organization"). Prior to the establishment of CICS, individual host provinces provided all administrative services for premiers' meetings, and Ottawa did the same for FMCs. CICS's role was to provide services such as translation, registration, media coordination, and on-site support for all meetings of first ministers, ministers, and deputy ministers. CICS first provided services to the APC in 1975 and continued its role until the institutionalization of COF in 2003, at which time a separate COF Secretariat was created. Today, CICS primarily assists with interprovincial meetings at the ministerial and deputy ministerial level.

The *Constitution Act* was signed on April 17, 1982, and shaped much of the interprovincial discussions of successive APCs. In discussions with the federal government over constitutional matters leading up to 1982, provincial premiers had requested more formal and routine meetings with the prime minister. This mandated consultation was not included in the 1982 package, and as a result, federal engagement formed a large portion of the APC agenda from 1984 to 1988 (CICS). Notably at the 1984 APC in Charlottetown, premiers stressed the importance of annual meetings with the prime minister (*Ibid.*). In 1985, Prime Minister Mulroney committed to hosting annual FMCs.[9] The first of these meetings, scheduled for November 1990, was cancelled and FMCs were subsequently not enshrined in the Constitution (Papillon and Simeon, 2004: 122).

Additionally, interprovincial politics in the following years were influenced by Quebec's lack of support for the patriation of the Constitution and the accompanying

[9] In the period 1985-1990, a total of nine FMCs took place. No FMC occurred in 1988. Four of the nine meetings revolved around constitutional matters, four general, and one on the state of the economy.

Canadian Charter of Rights and Freedoms. In the 1980s and early-1990s, interprovincial discussions revolved around ways to constitutionally recognize Quebec's special status in Confederation. At the two-day APC in Edmonton in August 1986, premiers discussed constitutional priorities and agreed that the goal was "to bring about Quebec's full and active participation in the Canadian federation" (CICS). This framed discussion on the subject at the November 1986 FMC, as well as those held at Meech Lake in April 1987 (CICS).[10] Ultimately, the Meech Lake Accord failed to be ratified by all provincial legislatures in the three-year deadline imposed by Prime Minister Mulroney. Quebec's premier did not attend the APC again until August 1992 (CICS).

A total of sixteen interprovincial conferences and meetings were held in the 1990s; two of these were specifically designated as "Premiers' Meetings on the Constitution" (CICS). Three meetings were held in 1992 alone, dealing largely with discussions of the proposed Charlottetown Accord.[11] Following the demise of the Charlottetown Accord on October 26, 1992, provincial and territorial premiers quickly turned their attention away from constitutional issues and towards issues such as the economy and the environment. In the conference communiqué from the summer 1993 APC, subjects included international and internal trade, infrastructure, agriculture, fisheries, and health and social programs. According to some observers, however, these were items that were primarily dealt with on a bilateral basis between individual

[10] The Meech Lake Accord was a proposed package of constitutional amendments developed by Prime Minister Brian Mulroney and provincial premiers at Meech Lake, Quebec in 1987. Included in the proposed amendments was the recognition of Quebec as a "distinct society," changes to the constitutional amending formula, and the appointment of Senators and Supreme Court Justices.

[11] The Charlottetown Accord was a proposed package of constitutional amendments that sought to improve on the perceived shortcomings of the failed Meech Lake Accord. The Charlottetown Accord was rejected by a majority of Canadians in a majority of provinces in a public referendum in 1992.

provinces and Ottawa (Leyton-Brown, 1999: 65). This represented the "demise of multilateralism in the post-Charlottetown era and the re-emergence of bilateralism in relations between Ottawa and the provinces" (*Ibid.*). The 1993 APC also televised multiple sessions (CICS). This was the first time the Conference had conducted discussions that were open to the public – partly in response to public backlash over the closed-door nature of the Meech Lake and Charlottetown Accords (Meekison, 2004a: 147). Conference sessions were closed once again in 1994 (CICS).

Five interprovincial conferences were held between 2000 and 2002. Continuing their avoidance of constitutional issues, premiers began the new millennium with discussions of health and social policy, and fiscal federalism. In particular, federal programs such as the Canada Health and Social Transfer (CHST) and equalization were popular topics of discussion. These were contentious issues, as provincial governments had different ideas about how and whether to engage the federal government. For instance, in the 2000 APC, a dispute arose among the Premiers of Alberta and Newfoundland (Meekison, 2004a: 154). Alberta Premier Ralph Klein argued against further federal intrusion in areas such as health care (*Ibid.*). Premier Brian Tobin of Newfoundland responded that Klein was furthering a "new kind of intolerance" (*Ibid.*). The feuding only stopped when Premier John Hamm of Nova Scotia intervened, pointing out that the provinces are weaker divided than they are united (*Ibid.*).

The 2000, 2001, and 2002 communiqués also show that the fiscal imbalance was a priority item. While this was not a new term at the turn of the 21st century, multiple reports concerning 'balance' in the federation were released from these meetings. At the request of premiers, provincial finance ministers produced a joint report providing

recommendations to address the fiscal imbalance. This report, titled *Addressing Fiscal Imbalance*, was a product of interprovincial effort and provided premiers with suggestions for sustainable health care (2001). The following year, premiers commissioned The Conference Board of Canada to produce a similar report, which was publicly released (2002). Both documents proposed an increase in federal funding to the provinces for health and social programs. Thus, rather than focusing on interprovincial issues, as was explicitly intended in the early years of the APC, Meekison argues the Conference has instead shifted towards "pressing" or "immediate" issues of federal-provincial-territorial relations (2004a: 157).

The most recent development in the Conference's history is the transformation of the APC to the Council of the Federation in 2003. The Founding Agreement, dated December 5, 2003 was signed by all provincial and territorial premiers and represented a significant shift in the attitude towards interprovincial conferences. Most significant was the ability of premiers to agree to common terms of reference. The APC had operated without a formal set of guiding principles and rules of engagement. The Founding Agreement outlined a mandate and objectives for the Council, as well as determined quorum; the role of a Chair and the rotation schedule; when and how often meetings would be held; federal representation if the Council deems it fitting; the formation of a permanent, standalone Secretariat; and funding on a pro rata basis. Section 20 of the Founding Agreement also states the vision that "the Council of the Federation will evolve, as required, to ensure its maximum *effectiveness*" (2003). This thesis takes COF up on its promise by assessing its maximum effectiveness. Since the signing of the Founding Agreement, premiers have held twenty-three meetings to discuss both ongoing and new

developments. These will be discussed in the following chapters.

Themes and Trends across Time

Some themes emerge from this historical overview of interprovincial meetings. Among them are the primary objective of premiers' meetings to forge a common front against the federal government; the varied federal response to engaging with the provinces; the historical role of Quebec; the gradual inclusion of the territories; and the collective's relationship with Aboriginal people.

Foremost is the perception that premiers' meetings are a venue for the provinces and territories to 'gang up' on Ottawa. This 'power in numbers' view is purely mathematical: subunit governments outnumbered the central government seven to one at the inaugural FMC, and that ratio has only grown over time. As noted, premiers verbally sought to steer the direction of premiers' meetings away from this perception and define a mandate that was open to federal participation. Especially in the early years of Confederation, provincial leaders were clear in their intentions that they were not strategizing against the federal government behind closed-doors. In the minds of these premiers, premiers' meetings were intended to be an interprovincial forum for collaboration on issues that mutually affect their jurisdictions. This idyllic sentiment has not always played out in recent history. Provinces and territories have, at times, projected demands and harsh criticism of the federal government depending on the issue at hand. This perception of forming a united front to confront the federal government has been a common thread throughout the modern history of premiers' meetings.

The federal government's corresponding approach to the APC has also shifted over time. Throughout the history of the APC, meetings have generally concluded with

requests to meet in-person with the prime minister. While at times the federal government has fulfilled these requests – even initiated meetings and conferences – at other times it has been decidedly standoffish. Meetings of first ministers take place at the discretion of the prime minister of the day; the prime minister invites premiers to gather at a prescribed time and place, or agree to attend at the invitation of the premiers (Papillon and Simeon, 2004: 126). Regardless of how frequently premiers may formally or informally, individually or collectively, call for a meeting of first ministers this does not necessarily always occur. As will be explored in Chapter Three, individual prime ministers have chosen very different approaches to federal-provincial-territorial relations than their predecessors. Since 1991, prime ministers have met with premiers at one-day meetings rather than multi-day conferences. Also since the late 1990s, prime ministers have more often opted to meet with premiers individually (bilaterally) rather than as a whole (multilaterally). This 'divide and conquer' attitude, to some, is considered strategic in nature and intended to avoid inevitable conflict with the provinces and territories (Berdahl and Gibbins, 2014: 93). Nevertheless, the federal government and prime minister's approach toward first ministers is a reoccurring issue that can be observed throughout the institution's history.

Another theme can be seen in the role of the province of Quebec in developing the institutions of interprovincial collaboration. More specifically, Quebec premiers with federalist inclinations have played important roles in advancing both the APC and COF. Beginning with the province's inaugural host status in 1887, to the re-emergence of the APC in 1960 under then Premier Jean Lesage, to Premier Jean Charest's 2003 proposal to establish a new Council of the Federation, various premiers of Quebec have been highly

influential in setting the tone and terms of interprovincial relations. The Government of Quebec's 2003 proposal, *The Council of the Federation: A first step towards a new era in intergovernmental affairs in Canada*, is often cited as the blueprint for the current Council of the Federation.[12] The original proposal suggested federal participation. As the first committed federalist premier since 1994, this shift away from sovereignty and towards enhancing federal institutions was "striking" (Smith, 2004: 157). More recently, the Spring 2014 election of federalist Premier Philippe Couillard has also shown promise with respect to the institution. Premiers have expressed enthusiasm towards the Couillard contributions to premiers' meetings, particularly as they signal a willingness to engage in pan-Canadian initiatives like the Canadian Energy Strategy (Council of the Federation, 2015). Needless to say, should a distinctly pro-sovereignty government be elected in Quebec in the future, the tides may shift once again. Generally speaking, when conditions are favourable, Liberal premiers of Quebec play a leading role in institutional developments concerning interprovincial relations.

A recent trend can be seen in the increased role of the territories. The Northwest Territories, Yukon, and Nunavut have developed and formed territorial governments with varying levels of autonomy at different points in Canadian history. Nunavut, the newest territory, entered the federation in 1999. Constitutionally, territories are not equal to provinces. Thus, while the Northwest Territories entered Confederation as early at 1870, territorial representatives were not present at annual premiers' gatherings. Government leaders from the Northwest Territories and Yukon were first invited to the August 1982 APC (CICS). In 1991, the same year as NAO leaders were first invited to the meet with

[12] Notably, the Government of Quebec also prompted work on the Social Union Framework Agreement (SUFA), the Premiers' Council on Canadian Health Awareness, and the identification of the "vertical fiscal imbalance" (discussed in subsequent chapters).

premiers prior to the Conference, territorial leaders were invited into premiers' private sessions (*Ibid.*). All three territories signed the Founding Agreement of COF in 2003 and are currently considered equal partners in the institution, even receiving hosting rights for the first time in 2016.

The relationships among National Aboriginal Organizations (NAOs) and the APC/COF has also changed over time. At present, NAOs include the Assembly of First Nations (AFN), the Congress of Aboriginal People (CAP), the Métis National Council (MNC), and the Native Women's Association of Canada (NWAC). As heads of the main bodies representing the diverse interests of Aboriginal persons across Canada, the interaction of NAO leaders with federal and provincial first ministers is significant. Traditionally, the federal government has opted not to meet with NAOs, while premiers began the practice of meeting with NAO leaders in the 1990s. At the 1991 summer meeting in Whistler, Premier Rita Johnson of British Columbia extended the invitation to NAO leaders to participate in the private session on Aboriginal issues (CICS). This practice has varied since that time. In recent years, separate meetings outside of COF tend to be held on a day prior to COF proceedings. Premiers have also instructed their respective ministers responsible for Aboriginal relations to meet with NAO leaders on a twice-annual basis, forming what is known as the Aboriginal Affairs Working Group (AAWG). In the days leading up to the summer meetings of 2014 and 2015, premiers met with NAO leaders separate from COF and subsequently released communiqués dealing with Aboriginal children in care, marking the first time that official communications materials emanated from the closed door meetings. Whether this is a long-term trend is unclear and requires further observation and research.

The Council of the Federation: Searching for Meaning

The Council of the Federation (COF) is an interesting case study for students of Canadian federalism. COF's founding inspired many politicians, academics, and the media to proclaim a new era of intergovernmental relations had arrived. In a federal system where provinces had traditionally been hesitant to cede authority to institutional mechanisms, the institutionalization of the APC in 2003 was widely viewed as "a monumental leap forward," particularly among academics (Bakvis et al., 2009: 108). Establishing a mandate, pre-determining meeting regularity and frequency, and creating a Secretariat, it was hoped, would "push governments to move beyond talking ... to actually walking" (Berdahl and Gibbins, 2014: 95). Albeit not legally binding, this new "walk" would involve predictability and consistency. Thus, COF had great expectations.

However, some argue that premiers missed a valuable opportunity to do more in 2003 (Bakvis et al., 2009). Proposals for similar councils have periodically cropped up throughout the latter part of the 20th century as a potential solution to the 'federalism deficit,' whereby "the national Parliament is not well equipped to represent all regions of the country effectively" (Simeon and Nugent, 2012: 61). Thus, many of these proposals have focused on the intrastate institutions of Canadian federalism through parliamentary reform. In particular, the Senate has been the subject to a wide range of reform proposals, as "the accepted reason for a second chamber in the Parliament of Canada is to protect provincial and regional interests… and the Senate has been relatively ineffectual as a protector of [these] interests" (Smiley and Watts, 1985: 118-119).[13] Such perspectives see

[13] In addition to sectoral interests, approaches to Senate Reform have also addressed the method of selection and powers of Senators. For a contextual overview of the arguments surrounding Senate Reform in Canada, see Bruce M. Hick's 2015 article "Placing Future Senate Reform in Context," part of the *Constitutional Forum* series.

a strengthening of the Senate's role in Parliament as beneficial.

Many of these proposals build on and compare Canada's institutions to other federations. For example, the German Bundesrat has often been cited as a useful model to draw upon for Canada's upper chamber. The Bundesrat is a legislative body that consists of governmental delegates or representatives chosen from each länder (or subunit). The number of votes each länder receives is based on population, with votes cast en bloc. Donald V. Smiley and Ronald L. Watts note the number of proposals focused on this particular European institution; academic articles written by Donald Briggs, Ronald Watts, and R. M. Burns each speak to the elements of the German Bundesrat that can be imported to improve the Canadian Senate (*Ibid.*: 121). Writing in 1975, R. M. Burns stated that while a Bundesrat model "may not be adaptable to Canada … it might provide a means of reconciling provincial and national interests. It would combine provincial power with political responsibility" (541). The Task Force on Canadian Unity and the Beige Paper of the Quebec Liberal Party also forwarded Bundesrat-inspired proposals. In a re-envisioned "Federal Council," or "House of Provinces," provincial delegates would act on instruction from their respective provincial governments (1979; 1980). Similar to the Bundesrat, delegation size would be contingent on population and votes would be cast in provincial blocs (*Ibid.*). This 'provincialization' of the upper chamber would ensure the protection of provincial and regional interests. These proposals have not come to fruition.

The Council of the Federation was an interstate solution to the lack of intrastate representation in Canadian parliamentary institutions. While previous proposals called "for a radical departure from the more traditional parliamentary second chamber," COFs

creation was much more modest (Smiley and Watts, 1985: 123). Premiers went outside parliamentary process and created a new institution that would exist alongside the already established intrastate structures. However, without constitutional acceptance, the body would be unable to hold the same constitutional weight as other institutions within the federation. Further, the Founding Agreement signed by all premiers is criticized as being too vague to create meaningful policy, the decision-making procedure of consensus too loose to create tangible policy, and the lack of federal representation a fatal flaw. Particularly compared to other federal institutions on an international scale, many observers perceived COF as 'weak' (Bolleyer, 2006). In practice, this "new council would operate much as the old premiers' conference had" (Bakvis et al., 2009: 110).

From Early Optimism to Reality

Despite early optimism, then, the literature now supports the notion that current intergovernmental institutions in Canada fall short of most definitions of "effectiveness." Nicole Bolleyer supports this notion in her analysis of federal countries and substate dynamics (2006). According to Bolleyer, COF can be classified as 'weakly' integrated due to the lack of meaningful decision-making, comparatively low number of meetings, and lack of constitutional weight (*Ibid*.: 486). Especially compared to other federations with similar subunit institutions, COF leaves much to be desired. Even when they are reached, formal agreements "exist in legal limbo … and are not legally enforceable contracts" (Simeon and Nugent, 2012: 65). This negatively impacts the accountability of provincial-territorial commitments, for governments are not legally bound by their commitments and can theoretically change positions on issues come provincial election time. This, according to Bolleyer, has implications for effectiveness (2006).

Others point to the internal dynamics present at these meetings as evidence of their ineffectual character. Through an analysis of Canadian ministerial and senior official meetings, Julie M. Simmons finds that the identification of common priorities is contingent on much more than just institutionalization (2004). Instead, factors such as governmental will, the personalities of intergovernmental actors, the issue at hand, and external events affect deliberations much more than formalization (*Ibid.*). For instance, certain personalities and individual approaches can help "establish a sense of trust and camaraderie" at the table (*Ibid.*: 306). This is more influential than an increase in the number of meetings or the frequency alone. In effect, this means that institutionalization in itself does not necessarily lead to more or less agreement. Rather, other factors may affect positive and negative relations. Nevertheless, an increase in the frequency of interactions – or institutionalization of these interactions – is more likely to foster positive working relationships and 'trust ties' (Dupré, 1988).

Others argue that interprovincial meetings serve as platforms for the expression of parochial provincial interests, and are therefore ineffective at facilitating compromise. Premiers are "free to raise at the conference economic [and other] matters that are of pressing concern to their province and to convince their colleagues that they should be reflected in whatever conference communiqué is eventually produced" (Meekison, 2004a: 150). These may be pan-Canadian or regional issues, impacting one or multiple provinces. Using examples such as former Alberta Premier Ralph Klein's attempt at convincing premiers to join him in opposing Ottawa's signing of the Kyoto protocol, Bakvis et al. argue that advocating for particular 'pet projects' is common at these gatherings (2009: 109). Likewise, Ontario Premier Mike Harris' efforts to inspire provinces to take primary

responsibility for national standards surrounding social policy, rather than relying on federal assistance, were futile (*Ibid.*). A recent example can be seen in the 2014 creation of a task force to explore the effects of aging on Canada's population, an initiative furthered by Premier Robert Ghiz of Prince Edward Island ("Premiers' Task Force to Support Chair's Initiative on Aging").

Additionally, critics hold that premiers' meetings tend to be adversarial in nature, inspiring conflict and 'blame shifting' amongst governments (Bolleyer, 2006: 473). This is particularly true vis-a-vis the federal government. From calls for increased federal funding to negotiation on matters of provincial jurisdiction, urging the central government to engage with the provinces has become commonplace – even anticipated at these yearly forums – at least according to critics. This raises the question of whether the institution would be less adversarial with the prime minister at the table. Critics view the lack of federal inclusion as a missed opportunity of the institution. If the institution's purpose is to foster intergovernmental consensus, why are all governments not at the table?

Conflict is certainly not confined to federal-provincial relations; at times provinces and territories will use premiers' meetings as a venue for proxy wars with each other. For instance, Meekison conveys the disagreement between Alberta and Ontario during the 1980 APC (2004a: 152). Both provinces held "very divergent views" on energy, especially in the midst of the federal National Energy Program (*Ibid.*). Another instance can be seen in the friction between Premiers Brad Wall and Rachel Notley during the 2015 summer meeting. Regarding the Energy East pipeline, Premier Wall criticized Premier Notley as effectively handing Quebec a veto on pipeline development. Premier Notley refuted this claim, and stated that discussing pipelines and environmental

stewardship is doing what is necessary to "ensure that the industry is acting environmentally responsibly" (as quoted in Cook, 2015). Disagreeing with Wall's approach, Notley went on to say "negotiations are not all about standing in a corner and having a tantrum" (*Ibid.*). Situations like this can often lead to premiers making personal remarks in the heat of the moment – either intentionally or unintentionally. Meekison maintains this affects the ability to identify common priorities, in that:

> Personalizing the disputes, either through stereotyping or name-calling, makes it that much more difficult to work together and to develop compromise positions. Thus such clashes between premiers serve only to undermine their willingness and ability to develop common positions. In turn, the effectiveness of the APC as an interprovincial mechanism to find a common ground is greatly diminished (*2004a:* 155).

Perhaps these summit-level interprovincial institutions have simply run their course, for "in the jaundiced eyes of some observers, these demands were becoming too ritualized to have much impact either on Ottawa or the general public" (Bakvis et al., 2009: 109).

Notwithstanding widespread criticism, most observers view forums like COF as necessary for the facilitation of intergovernmental relations in Canada. After all, where there is interdependence, the "need for institutional support is greater" (Meekison et al., 2004: 4). Canadian federalism is interdependent, as multiple policy areas require some degree of coordination. This interdependence can lead to productive relationships that extend beyond the boardroom: premiers "can and do form lasting friendships that are often reflected in the business meetings" (Meekison, 2004a: 151). This can determine what makes it onto the intergovernmental table. At the 2015 COF summer meeting, Premier Kathleen Wynne of Ontario and Premier Couillard of Quebec noted the importance of their 'Central Canadian alliance' ("Ontario's Wynne and Quebec's Couillard join forces on energy talks," 2015). In an interview following the formal

proceedings, both Premiers acknowledged their neighbourly relationship and the profiles their governments would continue to work together on separate from COF (*Ibid.*). These 'trust ties' also extend beyond premiers to the administrative side of government (Dupré, 1988). Increased familiarity establishes mutual confidence at the ministerial and senior official level. Therefore, reciprocity is an important, albeit unwritten component of intergovernmental conferences.

The APC and COF have also produced valuable research and information that has contributed to the sharing of best practices. Meekison sees numerous deliverables, such as joint research papers and reports produced on behalf of and for COF, as being indicators of the forum's overall effectiveness (2004a). These documents, such as *Climate Change: Leading Practices by Provincial and Territorial Governments in Canada* have acted as a starting point for discussion and negotiation (2007). Such was the case with the *Canadian Energy Strategy*, as similar documents laid the groundwork by building on common priorities and sharing successes (2015). Another document, *From Innovation to Action: The First Report of the Health Care Innovation Working Group*, helps to identify challenges common to all jurisdictions and suggests areas in which governments can work collaboratively (2012). Collectively, these products synthesize provincial and territorial positions and enable premiers, through meeting, to advance identifiable objectives. All told, COF provides the opportunity for Canada's premiers to collaborate and share information and best practices with each other. While scholars may point to the shortcomings of these institutions, their absence would be felt should they cease to exist.

Toward Defining and Measuring Effectiveness

Therefore, to determine whether organizations such as COF are effective, we must first understand what it means to be *effective.* For the purposes of this research it can be understood as "achieving some degree of coordination between the different levels of government..." (Simeon, 1993: 135).[14] This 'degree' will be explored further in the next chapter, but for now can be understood as the ability to define and identify common priorities. This is a complex task. The needs of thirteen highly decentralized subunits are difficult to reconcile in a country the size of Canada, each exhibiting different political cultures and interests (Berdahl and Gibbins, 2004: 94). Solutions that ensure no voice is diluted – while still preserving uniqueness – is a continuous challenge.

In sum, there is no shortage of criticism of the Council of the Federation as an effective intergovernmental institution. Yet, despite analysis, no comprehensive work exists delving into the empirical accuracy of these perceived shortcomings. Loleen Berdahl and Roger Gibbins even observe that there is a curious lack of scholarly work on provincial-territorial relations in general (2014: 92). This thesis fills this gap and contributes to the wider literature on intergovernmental relations in Canada. Further, it challenges the assumption that COF is weakly institutionalized and thus weak in terms of effectiveness. Instead, this research suggests that weakly institutionalized organizations may, in themselves, be effective.

Intergovernmental institutions have been a part of Canada's history since Confederation. While compromise and agreement is not always straightforward, these institutions have facilitated interactions in the spirit of compromise. The Council of the Federation is one such institution that aims to bring together Canada's diverse provincial

[14] This definition is a portion of a longer definition that will be explored in subsequent chapters.

and territorial interests and identify common priorities that are facing their governments. Over time, the frequency, subject matter, and attitude towards these meetings and conferences have varied. Whether this evolution has been positive, whether these institutions are effective, and whether a high degree of institutionalization determines effectiveness, are questions posed by this thesis.

In addition to synthesizing the academic research on the APC and COF since its inception, the following chapters operationalize what it means for this intergovernmental institution to be effective. In so doing, the thesis touches on the modern reality of interprovincial affairs in Canada, the connection between levels of institutionalization and effectiveness, as well as what a realistic interpretation of effectiveness actually looks like in this country.

Chapter Two: An Operational Framework for Effectiveness

The introductory chapter noted the difficulties involved in analyzing the effectiveness of Canadian intergovernmental institutions. From definition to measurement, numerous factors affect the consistency of understanding across fields, disciplines, and professions. A common understanding and definition of effectiveness would not only be advantageous for political scientists: it would aid the future studies of intergovernmental institutions. This chapter will establish the operational framework for this thesis and communicate the necessity of this task.

Operationalizing Effectiveness

Effectiveness is an extremely difficult concept to define. All too often, individuals and organizations operate under a misguided assumption of universal understanding, opting not to explicitly address the meaning and implications of this loaded term. Put simply, effectiveness is understood as the achievement of intended results, or, the "extent to which goals and objectives have been realized" (Canadian Comprehensive Auditing Foundation, 1987: 22). This is not to be confused with efficiency. Often, both words are used interchangeably when, in fact, they are quite unique. Efficiency differs from effectiveness in that it is often narrowly associated with 'value for money;' it concerns itself with governmental transactions, resources, and cost. Whereas a government or administration may be considered efficient by achieving a short-term goal with a minimal expenditure of resources, it does not necessarily hold that it is effective. Effectiveness describes the adherence to longer-term, broadly defined, big picture ideals and objectives. Thus, the interpretation of effectiveness is constantly open for debate and contestation. Relative effectiveness is also a long-term process, which tends to be mired by

administration or short-term measurements.

Unfortunately, there is a considerable lack of academic literature defining 'effectiveness' itself. Though a simple search for the term produces a large number of results, further examination shows that few accounts develop the precise *meaning* of effectiveness. To complicate matters further, different disciplines have different uses for this term. From health to education, finance to non-profit organizations, consensus is unclear as to what effectiveness actually entails. In the public administration literature, for instance, effectiveness has increasingly become associated with performance indicators. This is consistent with the trend towards professionalization and the new public management of the governmental sector, in which attention is placed on the ability to show value, usually monetary, for completed work (Inwood, 1993; Johnson, 2006). In fact, Gregory Inwood points to the 'Three Es" of public administration: Efficiency, Economy, and Effectiveness (1993). When these three components are achieved, "the public is getting the biggest bang for its buck, so to speak" (*Ibid.*: 13).

For political scientists, Richard Simeon perhaps offers the most comprehensive definition of effectiveness as it relates to federal institutions. According to Simeon, effectiveness is:

> …achieving some degree of coordination between the different levels of government, making tough decisions to manage the deficit and ensuring that the costs of that are fairly distributed, and establishing a policy framework in which we can build the linkages between fiscal arrangements and social policy and other policies aimed at economic restructuring… Effectiveness in the federalism context also means the ability to minimize interregional and intergovernmental conflict and to maximize the responsiveness of intergovernmental processes to citizen concerns (1993: 135).

This all-encompassing definition reflects a time riddled with constitutional uncertainty

and closed-door negotiations. Hence, Simeon favours a vision of effectiveness that sees political institutions operating openly and transparently. This is not an uncommon thread amongst theorists who approach democracy in this manner**.** Accordingly, Bossone et al. explore the interrelatedness of effectiveness and legitimacy in global economic institutions (2013). Increasingly, international institutions such as the World Bank and United Nations require both of these elements for long-term success, as "effectiveness and legitimacy, in fact, are mutually complementary in the long haul" (*Ibid.*: 2). The pursuit of these two ideals is fundamental to western democratic society. Yet, it is important to separate the two concepts when analyzing the "effectiveness" of an intergovernmental institution like the Council of the Federation (COF).

Other perspectives connect effectiveness with results. For example, Bakvis and Skogstad associate effectiveness with policy outcomes (2012: 11-15). In their audit of the performance, effectiveness, and legitimacy of the modern Canadian federation, they point to the substantive nature of policy outcomes and outputs as being instrumental to the operation of intergovernmental institutions (*Ibid.*). Such deliverables can include policy documents, programs and the establishment of services. Recently, Eccleston and Woolley examine effectiveness as the mitigation of subunit conflict in the face of territorial resource disparities (2014). Through a comparative analysis, they find that institutional arrangements have a profound impact on the extent to which individual states experience tension. In this case, decentralization diffuses conflict (*Ibid.*).

What, then, can we conclude from this review of the literature on effectiveness in intergovernmental relations? First, the effectiveness of Canadian intergovernmental institutions has not been adequately studied. With the exception of Meekison et al.'s

analysis of First Ministers' Meetings and the Annual Premiers' Conference (the precursor to COF), there is no comprehensive work on the contemporary effectiveness of routinized high-level summits (2004). Rather, the literature tends to focus on the operation of parliamentary democracy, or the management of the federation through intra- and inter-parliamentary institutions more generally. Second, the operationalization of effectiveness requires extrapolation.

This thesis explores effectiveness from an etic, rather than an emic, perspective. (Headland et al., 1990).[15] In social science, etic research generally describes the observations of a scientific outsider (Lett, 1990: 131). As a student of intergovernmental affairs, uninvolved in intergovernmental 'culture,' this perspective is appropriate.[16] Because the writer writes from an etic perspective, and was not physically present at the meetings analyzed, it is very possible that the interpretation of the communiqués may have been construed very differently than was intended. The emic alternative – measuring effectiveness according to the standards of the institution itself or its members – is certainly a worthy endeavour, but beyond the scope of this thesis. Where possible, the following definition draws on the Council of the Federation's stated goals (embodied in its Founding Agreement), and the author's informal conversations with intergovernmental officials. Yet, the definition remains grounded in an etic (outsider's) perspective.

Accordingly, this thesis defines **e**ffective intergovernmental institutions in Canada as:

---

[15] Kenneth L. Pike first used the terms 'emic' and 'etic' in linguistic and anthropological research. Today, the terms are used across multiple disciplines. For an extensive dialogue related to emics and etics, see Headland et al., *Emics and Etics: The Insider/Outsider Debate*.

[16] The author wishes to acknowledge her current position as a public servant with the Ministry of Treasury Board and Finance, Government of Alberta. The author also held temporary employment in the Ministry of International and Intergovernmental Affairs, Government of Alberta.

The identification of common provincial-territorial priorities. Establishing consensus on priorities is the first stage of the intergovernmental process. In order to realize points of agreement, governments engage in long-term dialogue. In some instances, the identification of common priorities may be the pinnacle of this interchange; in others, momentum may continue. This momentum can be focused internally and/or externally.

Internal action refers to the actions taken within the collective based on the identified common priorities. This includes the sharing of best practices, policy diffusion or harmonization, and committing to specific action items. These can take the form of reports, intergovernmental agreements, and/or memorandums of understanding stating common policy positions. Informal conversations, the creation of task forces, and the assignment of research for review are also less direct means of developing internal actions.

External action refers to the collective's objective to influence the agendas or actions of other orders of government, the media, and the public. In the simplest form, this may include calling on other governments to act. Ultimately, this may lead to a change in policy direction on behalf of another order of government, as well as written accords**.**

Internal and external actions are not mutually exclusive. For instance, premiers may agree on a priority and commit their ministers to produce a report detailing best practices (internal action). At the same time, premiers may advocate for a change to federal policy

or funding (external action). Hence, internal and external actions may occur simultaneously.

Various by-products result from these relations. These side effects – whether intended or not – are easily confused as being the principal objectives of intergovernmental bodies. In practice, they can be considered both causes and consequences of intergovernmental institutions.

In this sense, two positive elements can result from, or contribute to, interprovincial coordination: **the ability to produce positive relationships** and **the ability to mitigate conflict.** Conversely, institutions can also provide opportunities that hinder relationships and build animosity and tension. Be they a result of inequities or the personal actors involved, tensions are inevitable in political organizations. The extent to which this tension can be curtailed, and the ability to facilitate discussion to overcome this conflict, is crucial to the effectiveness of intergovernmental institutions. In effect, this minimizes 'blame shifting' and the negative usage of politics (Bolleyer, 2006: 478). Primarily, then, the nature of this relationship can be determined by looking to the interactions between federal and provincial-territorial first ministers. However, the working relationships and development of 'trust ties' between other senior bureaucrats also require attention (Dupré, 1988). Determining the quality of these relationships requires consideration of status, the frequency of interactions, as well as the intensity of the same.

In the Canadian case, measuring effectiveness of intergovernmental institutions requires an examination of the routine meetings of premiers. Be they positive or negative interactions, productive or symbolic, the effectiveness of intergovernmental relations

hinge on these gatherings. These events act as a forum to establish common provincial-territorial positions as stepping-stones to further action. They have been particularly important in times where the federal government has taken a 'hands-off' approach to intergovernmental affairs.

The Council of the Federation

Established in 2003, The Council of the Federation (COF) consists of all thirteen provincial-territorial premiers. Much like its predecessor, the Annual Premiers Conference (APC), this forum strives for the strengthening of interprovincial-territorial cooperation, the forging of closer ties between members, and the exercising of leadership on national issues (Council of the Federation, 2003). Unlike its parent, the institutionalization of the conference saw the codification of certain guidelines and expectations. According to the Founding Agreement, provincial and territorial premiers agree to meet twice a year at a predetermined location (*Ibid.*). Meetings are generally held in the summer and winter months and tend to span multiple days. Holding this meeting over such a period of time offers considerable time for socialization and merriment (Meekison, 2004a: 151). In many ways, "the APC is a family affair," with non-business activities being coordinated for off-the-record discussion (*Ibid.*). Premiers' significant others are often invited to be a part of the festivities, extending the relationship-building ability of the Council. Back in the boardroom, decision-making is guided by consensus, with each premier holding equal status at the intergovernmental table (Council of the Federation, 2003). COF is also supported by a permanent Secretariat in Ottawa, which provides administrative and conference support to governments. This Secretariat also serves as a point of consistency in an ever-changing provincial-territorial climate.

The Council's Founding Agreement establishes more than just procedure; it is a useful point of reference for the body's mandate. Signed by all provincial-territorial premiers, the collective "…agreed to create a Council of the Federation, as part of their plan to play a leadership role in revitalizing the Canadian federation and building a more constructive and cooperative federal system" (2003). This foundational point of consensus offered a blueprint for the institution's actions moving forward. The formal objectives outlined in this document are:

a) Strengthening interprovincial-territorial cooperation, forging closer ties between the members and contributing to the evolution of the Canadian federation;

b) Exercising leadership on national issues of importance to provinces and territories and in improving federal-provincial-territorial relations;

c) Promoting relations between governments which are based on respect for the constitution and recognition of the diversity within the federation;

d) Working with the greatest respect for transparency and better communication with Canadians.

These ideals are consistent with the definition of effective intergovernmental institutions outlined above.

Expectation and reality are constantly being reconciled with COF. As idyllic as these notions are in theory, in practice this organization often acts as an arena for intergovernmental advocacy with individual provinces and territories attempting to further their own regional agendas (Bakvis et al., 2009; Watts, 2003); inspires "blame shifting" and negative, often personal encounters (Bolleyer, 2006: 478; Watts, 2003); and lacks concrete policy capacity due to the consensual nature of the decision-making process (Bolleyer, 2006). Thus, academics generally interpreted the inner workings of intergovernmental affairs in Canada to be subject to conflict rather than coordination

(Bakvis et al., 2009).

Methodology

The methodology of this research is twofold. First, it analyzes the extent to which COF has, over a period of time, constituted an effective organization in its ability to identify common provincial-territorial priorities. As the primary characteristic of effective intergovernmental affairs in this country, the degree to which this has increased, decreased, or remained the same, since inception is valuable information.[17] This requires both qualitative and quantitative analysis. Second, once these priorities have been determined, this thesis examines whether or not these priorities have had a policy diffusion effect on other provincial-territorial or federal governments. Through examining documents produced by Working Groups of COF, the extent to which best practices are shared between governments will become apparent. Altogether, this will provide a more thorough understanding of the effectiveness of the primary intergovernmental institution in Canada.

The Ability of the Council of the Federation to Identify Common Priorities

Communiqués, or formal press releases, are one type of document that can be studied to determine the relative effectiveness of COF. As described by Meekison:

> To some, these communiqués are self-serving, not too informative and not particularly riveting. While these criticisms may have some merit, they overlook the reasons for producing them in the first place. One clear purpose for having communiqués is to send a message to the federal government staking out the common provincial position. A second purpose is to serve as a record or minutes of the discussions and the consensus reached. A third purpose is to identify matters for follow-up to the meeting (2004a: 156).

[17] This thesis does not measure the relationship between institutionalization and effectiveness. Rather, this is an analysis of a sixteen communiqué periods from 2000 to 2015 that speaks to COF's effectiveness as an intergovernmental institution.

Transcripts, publications, reports, speeches and agreements could also be useful in measuring the effectiveness of COF. Examples of these documents include reports produced by the various Working Groups of COF, including research and information on best practices across jurisdictions. However, these documents vary widely in terms of consistency, frequency, volume, and applicability. There is no pre-determined schedule of release for these publications, and are therefore no routine documents to examine over time. Thus, press releases were chosen in an effort to analyze relatively similar documents within a reasonably comparable timeframe. This is not to minimize the importance of other documents. Future researchers may choose to research alternative sources.

Communiqués have various unique characteristics. Primarily, considerable attention is paid to communiqués leading up to the annual meetings. Regardless of length, senior officials pore over wording and language in an effort to ensure the positions of their respective governments are preserved. Even a small paragraph may demand hours of communication and debate through bureaucratic e-mails and teleconferences. These releases are treated with great sensitivity, as the messages can say a lot about individual governments, relationships and alliances. Oftentimes, the final product looks quite similar to what was drafted in advance of the premiers' gathering. At others, documents are significantly altered to reflect the discussions held. In essence, predictability has its limits in intergovernmental affairs.

Another important characteristic of communiqués is the intended audience for whom they are drafted. While these documents are available for public download, it is rarely the case that regular citizens take advantage of this availability. Rather, it is governments, the media, interest groups, and other political observers that analyze

communiqué content. Some of the key messages drafted by senior bureaucrats strategically consider the federal government. Especially with the decline of First Minister's Meetings in the past decade, forums such as COF fill a communicative void with the central government. Communiqués may highlight positive and negative developments, as well as request action from the federal government.

Finally, these records are not simply minutes of meetings; they are selective records of the consensus determined at closed-door meetings. As Meekison perfectly describes:

> Since the conferences are closed and provide ample opportunities for private sessions consisting of only the 13 leaders, the disputes that arise, for the most part, receive little publicity. The obvious solutions are to omit any reference to divisive issues in the communiqué, to issue no communiqué at all on those subjects, or to develop an acceptable compromise. All of these solutions have been used at one time or another. An alternative, but seldom-used approach, is to acknowledge the disagreement in the communiqué (2004a: 152).

Thus, while it is tempting to view communiqués as detailed summaries, it is neither accurate nor fair to the content of these meetings. Logistically, every discussion, decision, or promise cannot be recorded or publicly broadcasted. As a result, lengthy gatherings are condensed and points of interest highlighted. What is perhaps more telling are the items that do not make it onto the formal agenda; private meals, candid conversations, and leisure events mean much of the dialogue goes undocumented. The nature of these documents – as pre-drafted, having an intended audience, and being selective – are significant features of COF communiqués.

With this in mind, the author conducted an analysis of sixteen communiqué periods of the APC/COF. These periods are detailed in Appendix I and range from meetings held in the summer of 2000 to the summer of 2015. The start date of the

analysis allowed for the examination of the final four years of the APC, serving as a useful comparison with COF. Each communiqué period occurred between the months of May and August, spanning one to four days in duration. Since COF was established in 2003, any patterns or effects related to institutionalization will be observed. COF meets twice a year, once in the spring/summer and once in the fall/winter. Winter periods were not included, as the summer meetings tend to garner a greater number of communiqués and span a greater amount of time. Based on an observation of their communiqués, winter meetings are generally accepted as operational gatherings, offering premiers the opportunity to hear interim reports on key initiatives between summer meetings.

A total of seventy-four individual communiqués of COF were examined, varying in content and length.[18] At times, the body released a single, all-encompassing press release with headers for certain topics, reflecting the consensus items for one meeting period. Predominantly, however, COF distributes several, separate communiqués organized according to agenda item. Individual communiqués also vary in length, from one page to upwards of ten. Simply put, the institution has varied in its media approach over time. From the sample provided, content material from COF that was not included pertained to fall/winter meetings, logistical details including location and cultural activities, media backgrounders, and the announcement of Annual Literacy Award recipients. Press releases were obtained through the Canadian Intergovernmental Conference Secretariat (CICS) website, the Council of the Federation website, and through online provincial archives where applicable.

[18] General data regarding communiqué titles is incorporated in the following chapter. An analysis was conducted to assess the main theme of each communiqué based strictly on title.

In analyzing the individual documents, communiqués were dissected using the 'quasi-sentence' classification established by the Comparative Manifestos Project, whereby "the verbal expression of one political idea or issue" is identified as the unit of observation (Klingemann et al., 2006: 165). In this model, punctuation and layout are often valuable indicators. However, while a 'traditional' punctuated sentence may delineate between 'quasi-sentences,' others appear as multiple lines or paragraphs. Therefore, conducting this particular content analysis entailed much more than simply reviewing the document in question and highlighting titles and applicable terms. Rather, it involved qualitatively examining the content implicit in these titles, headings, and sentences through an analytic lens. The coding sheet can be found in Appendix II.

Once a quasi-sentence was identified, the message was coded into one of three areas: federalism, federal-provincial-territorial relations, and provincial-territorial relations. This was done to distinguish between the main types of common priorities and actions premiers had identified in their discussions. Quasi-sentences were then further organized into subcategories.

Federalism

Federalism, as a category, refers broadly to federal ideals and institutions. Quasi-sentences were coded according to 'institutional reform,' 'principles,' 'regionalism,' or 'jurisdictional autonomy.' A quasi-sentence in the 'institutional reform' subcategory, for instance, would speak to the premiers' collective position that change was needed to a particular federal institution (like the Senate). The 'principles' subcategory saw COF reiterate foundational beliefs, consistent with federalism. Quasi-sentences that were coded as 'regionalism' recognized the work done by regional coalitions, such as the New

West Partnership. Last in this category, the 'jurisdictional autonomy' label reminded the audience which order of government was responsible for a particular policy area.

Federal-provincial-territorial (FPT) relations

The second category includes quasi-sentences pertaining to federal-provincial-territorial (FPT) relations. Quasi-sentences in this category were labeled as 'calls for action,' 'support,' 'criticism,' or 'fiscal federalism.' Examples of the 'calls for action' subcategory are those in which premiers specifically ask the prime minister to perform or stop a certain action. Quasi-sentences that offer 'support' to the federal government are those that approve of Ottawa's actions, often in terms of a policy decision or a position on an international development. Quasi-sentences in the 'criticism' subcategory are the opposite: premiers disagree with a particular stance the federal government has taken on an issue. With respect to 'fiscal federalism,' premiers call for reforms to the funding, formulas, or distribution of the Canada Health Transfer (CHT), Canada Social Transfer (CST), Equalization program, the Territorial Formula Financing (TFF), or other federal-provincial transfers.

Provincial-territorial (PT) relations

The final category provides insight into the provincial-territorial collaborative process. In this case, quasi-sentences are considered as expressions of 'commitment,' 'disagreement,' 'symbolic,' or 'other.' Those quasi-sentences falling under the 'commitment' label, for instance, are those in which premiers agreed a specific action should be taken with a report-back mechanism either built in or prescribed. Often, premiers task ministers responsible for a certain profile to work together on a given issue. Premiers may also approve a plan or report upon review, or else commit to the

continuation of an already existing initiative. Quasi-sentences labeled ‘disagreement’ spoke to the instances where a province sought to be excluded from the opinion of the collective. For instance, since Quebec is responsible for its own immigration system, any discussion relative to immigration required a footnote or acknowledgement of the province’s unique situation. Disagreement, in this sense, does not necessarily denote conflict. Quasi-sentences organized into the ‘symbolic’ subcategory refer to those in which leaders indicate their commitment to working together, yet offer no firm commitment. These types of quasi-sentences generally include a statement of priorities. Finally, quasi-sentences coded as ‘other’ include statements relating to external agreements and international developments, such as United States legislation, or for which premiers agreed to defer discussion.

A secondary coder conducted an analysis on a thirteen percent sample of communiqué periods to determine the reliability of the data. Of this sample, a nineteen percent margin of error was calculated and the resulting inter-coder reliability was eighty-one percent. Disparities can be tied to the subjective nature of the analysis; the determination of individual quasi-sentences is ultimately dependent on individual interpretation.

Quantifying and categorizing quasi-sentences according to these criteria is one means of measuring the effectiveness of COF. If the institution’s effectiveness hinges on the ability to identify common priorities, then seeing what has been agreed to in writing is a useful indicator of this ability. As communiqués entail consensus, from drafting to public release, they are records of the common priorities identified at meetings. Through a more detailed sub-categorical distinction, the researcher can observe the particulars of the

common priorities. In essence, what common priorities are most prevalent? Is the distribution of common priorities consistent in a given subcategory from year-to-year or is it more random? Collecting this data over a period of time helps establish patterns and draw connections surrounding intergovernmental affairs more broadly. Furthermore, employing a longitudinal approach helped to compare whether or not the presence of agreement has increased, decreased, or remained static over time. Comparing a pre- to post-COF sample is also telling of whether effectiveness has increased alongside institutionalization.

All told, these communiqués provide a glimpse into the closed-door, elusive gatherings, intended to foster cooperation and coordination between the various actors and governments involved. They do not address every element of the meeting period, but do record the ability to identify common priorities.

The Sharing of Best Practices and Collaboration

In addition to the main analysis of communiqué periods, the author conducted a supplementary analysis to assess whether the identification of common priorities moved beyond rhetoric. As noted above, COF releases a number of other publications. These include externally and internally commissioned reports, particularly COF Working Group reports. COF Working Groups will be discussed in the following chapter, but it is important to establish briefly the purpose of these documents and their intended audience.

Much like communiqués, reports of COF Working Groups communicate information about premiers' joint initiatives. Where these differ from communiqués is that they are focused on a particular policy area and have specific objectives. The reports, in particular, are intentionally focused and provide an update on the work that is being

done in respective jurisdictions to further an identifiable, common aim. In essence, premiers delegate some of the follow-up from meetings to the Working Groups, and these reports measure progress. The primary audience of Working Group reports is provincial and territorial governments. Through information sharing, these documents elaborate on best practices in select jurisdictions and thus propose innovative ways to tackle common issues. Member governments may look to these documents and develop new policies consistent with these approaches, lifting and adapting as they deem appropriate. Secondarily, these reports serve as a public record of the actions being taken by premiers. They provide a point of reference for premiers to report to the public that they are making progress on common initiatives. Thus, these documents establish what actions are being taken to further common priorities that have already been identified. They are developed by and for provinces and territories, and concentrate on action in a particular policy area.

Using qualitative methods, the author completed a content analysis of the Report of the Health Care Innovation Working Group (HCIWG), titled *From Innovation to Action* (2012). Aptly named, this particular report establishes the work that is being done to move beyond common priorities and ideals and towards change or collaboration (where possible). These reports are useful documents to assess the ability of premiers to move beyond the issue identification process and towards the sharing of best practices and even collaboration. They highlight what is being done, as well as what areas need more work, either at a provincial or territorial level or collectively. These publications form an important part of COF.

In sum, the primary intergovernmental institution, the Council of the Federation, has not been subjected to a thorough examination of effectiveness. This chapter has

outlined what is intended by the loaded concept of effectiveness; how it relates to intergovernmental relations in Canada; and justified the utilized research methodology. As part of a long-term plan to "play a leadership role in revitalizing the Canadian federation and building a more constructive and cooperative federal system," premiers are accountable to the mandate set out in 2003. Chapter Three will now discuss the research findings.

Chapter Three: Applying an Operational Framework of Effectiveness to the Council of the Federation

Intergovernmental meetings like those of the Council of the Federation (COF) are incredibly complex. Communiqués offer an insightful glimpse into the diverse material discussed at these forums. While they do not record every item discussed at these gatherings – either inside the boardroom or out – they are nonetheless the best indication of the points of consensus among governments. Accordingly, communiqués provide a point of reference for governments, political scientists, and citizens, to gauge interactions and stances on pressing issues.

This chapter reports the data and information obtained through an analysis of sixteen COF communiqué periods from the years 2000 to 2015. Breaking down these public press releases aims to answer the question of whether the Annual Premiers' Conference (APC) and its successor, COF, are effective intergovernmental institutions. A body is 'effective' insofar as it is able to successfully identify common priorities among the parties involved. According to this analysis of communiqué content, COF is indeed an effective intergovernmental institution: through facilitating routine interactions, provinces and territories are able to reach agreement and take common stances on a wide variety of national and subnational issues. Premiers have also been able to build on these common priorities through a variety of joint initiatives.

This chapter will begin by presenting the observations and data obtained through the analysis. It will then delve more deeply into the themes exposed by communiqués, as well as posit explanations as to why certain elements of the interprovincial and federal relationship have changed and/or remained the same. Overall, it was found that

provincial-territorial relations – that is, without reference to the federal government – comprised the largest amount of communiqué material. This conclusion goes against the traditional perspective that interprovincial institutions like COF primarily exist to "gang up" on the federal government. Instead, provinces and territories are collaborating and innovating amongst themselves. Flowing from this, it was found that working groups are unique inventions of COF that have aided in provincial-territorial collaboration, and that consensus decision-making has been meaningful. In essence, COF has evolved into a much different institution than initially predicted.

The Identification of Common Priorities: Findings

The first visible characteristic of communiqué periods is length. On average, five communiqués per period were examined, averaging 2,897 words. Although some years produced lengthy documents, others were extremely short. For instance, the greatest number of communiqués released in a given meeting period is eleven (2015). In contrast, a number of years released a modest two communiqués. With reference to word count, the longest period had 6,284 words spread across six communiqués (2000). The shortest period was the following year and contained l,232 words over two communiqués (2001). The total number of quasi-sentences ranged from a low of twenty-one to a high of 101 (2008; 2002; 2000). Period lengths, including the number of documents released, word count, number of quasi-sentences, and corresponding averages, are detailed in the following table.

Table 3.1: Data Per Meeting Period, 2000-2015

Year	Number of Communiqués	Word Count	Quasi-sentences
2000	6	6,284	101
2001	2	1,232	23
2002	5	1,591	21
2003	4	2,565	34
2004	2	3,782	55
2005	2	4,060	69
2006	2	2,463	57
2007	3	1,583	25
2008	2	2,577	21
2009	6	2,167	27
2010	5	2,745	47
2011	4	3,791	55
2012	5	2,410	32
2013	6	3,452	59
2014	9	2,761	37
2015	11	2,888	54
TOTAL	**74**	**46,351**	**717**
AVERAGE	**4.6**	**2,897**	**44.8**

Generally speaking, there was no discernible pattern with respect to length. For instance, eleven communiqués were released at the 2015 summer meeting in St. John's. This comparatively high number can be attributed to a number of different factors. For instance, the release of a relatively high number of communiqués could mean that many issues were discussed, and that there was general agreement on what should be disclosed in each communiqué. Alternatively, premiers may have discussed a great deal of items, but were unable to come to consensus for the purposes of a communiqué release. In these cases, there may be a number of short communiqués. Further still, premiers may have a lot to say about a particular subject and release two communiqués on the same agenda item. Such was the case in 2015, when two communiqués were released on similar

matters related to Aboriginal issues, as well as for climate change and the Energy Strategy. Thus, patterns were not discernible.

Also, no pattern with respect to word count was observable. For example, if a communiqué had a low number of words, premiers may have been unanimous in their discussions and did not devote much attention to a certain topic. In one communiqué dated August 6, 2010, total word count 284, premiers focused on creating solutions to improve health care services across Canada ("Premiers Protecting Canada's Health Care Systems"). A cursory reading sees premiers as agreeable to working collaboratively moving forward. Therefore, a lengthy communiqué may not have been necessary; bettering Canadians' health care may not have been a contentious issue. Conversely, shortness may mean that consensus was difficult to achieve and was consequently left unaddressed in the formal communiqué. Counting words is not always the best indication of consensus. Analysis, then, requires one to read between the lines.

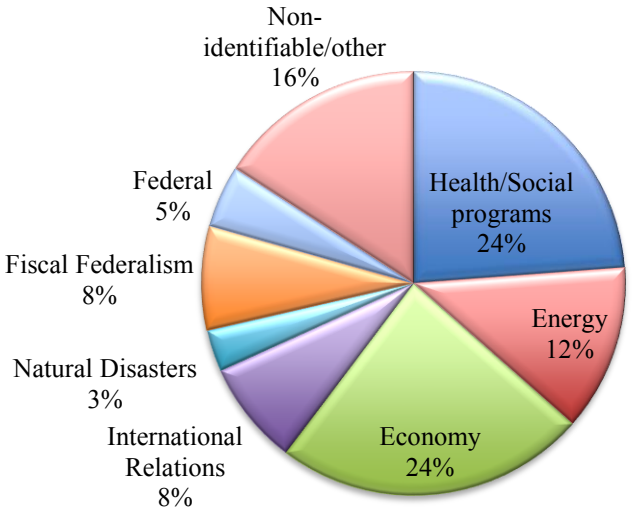
Communiqué content also did not appear to follow any sequential or consistent structure. The layout of sentences and paragraphs varied depending on the topic being discussed. Some communiqués touched almost exclusively on federalism, federal-provincial-territorial (FPT) relations, or provincial-territorial (PT) relations, while others may have exhibited a mix of categories. One example can be seen in the communiqué titled "Climate Change: Fulfilling Council of the Federation Commitments" (2008). This particular case contained eleven quasi-sentences pertaining solely to provincial-territorial collaboration. Another release dated August 11, 2005, covered a wider range of material with federalism, FPT relations, and PT relations dispersed throughout the document

("Communiqué"). Thus, no observable, predetermined formula has been established in drafting these messages.

Communiqué titles also relayed some popular themes and topics. Headings ranged from the short and simple "Skilled Workforce," to long statements such as "A New Study by the Conference Board Confirms the Existence of an Important Fiscal Imbalance in Canada" (2014; 2002). Others had no identifiable theme, such as "Premiers announce progress on key initiatives," or "Communiqué" (2004; 2006; 2005). Thus, while some material was open to interpretation and no subjective value, others would draw attention to a particular stance on an identifiable issue. The most common themes based on title were the economy, health care and social programs, and energy.

The following figures represent the proportion of communiqué themes overall (Figure 3.2) and across time (Figure 3.3), as determined by communiqué title.

Figure 3.2: Overall Proportion of Communiqué Themes (as per Communiqué Title), 2000-2015

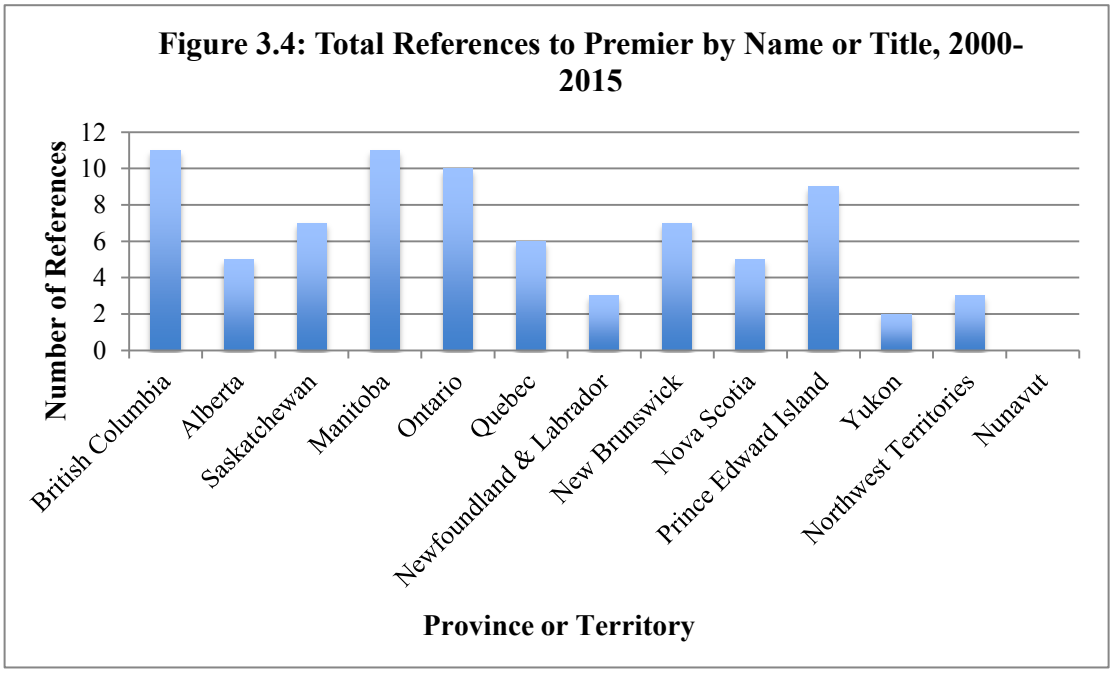


Across time, themes were dependent on circumstance. Some themes, such as natural disaster mitigation, were time-sensitive. For instance, communiqués in 2011 and 2013 were released during a time when Alberta, Saskatchewan, and Manitoba were experiencing severe flooding ("Premiers Support National Disaster Mitigation Funding Program," 2011; "Canada's Premiers discuss disaster mitigation, emergency preparedness and response, and rail safety," 2013). Premiers of these provinces pushed for this material to make it into the formal news releases, either to demonstrate to citizens that it was on their governments' priority list, or to call for federal assistance. Others communiqués, such as "Premiers work to sustain economic recovery," demonstrated a provincial commitment to recovering from the global economic downturn of 2008-09 (2010). Communiqué periods generally displayed a mix of thematic material, such as summer 2014, with all but natural disasters and federal relations present in the communiqué material.[19] The years 2005 and 2006 were anomalies in this regard, as the four communiqués were classified as 'non-identifiable/other.' ("Communiqué," 2005; "Communiqué," 2006). These years, the body decided to release two documents broadly titled "Communiqué" (*Ibid.*). Therefore, while these releases discussed a variety of themes, they were not adequately reflected in their respective headings.

[19] See Appendix I.

Figure 3.3: Proportion of Communiqué Themes Per Meeting Period, 2000-2015

Another notable trend is the mention of individual premiers in the communiqué text. The premiers of Manitoba and British Columbia are mentioned the most in the meetings examined – a total of eleven times each. The premier of Ontario is mentioned ten times, and the premier of Prince Edward Island nine times. Oftentimes, these are references to leadership on a given initiative. In a 2013 communiqué, for example, "Premiers thanked Premier Ghiz and Premier Wall for leading health ministers for the last 18 months … Premiers Wynne, Redford and Pasloski will co-chair the Health Care Innovation Working Group going forward" ("Canada's Provinces and Territories Realize Real Savings in Healthcare through Collaboration"). This allows for certain provinces to play a role in developing policy, agreements, or identifying areas that require more attention. Figure 3.4 shows the overall total references to individual premiers since 2000.



Lastly, certain cities hosted the conference more than others. The Council's Founding Agreement states that the summer meeting will be held in the province of the

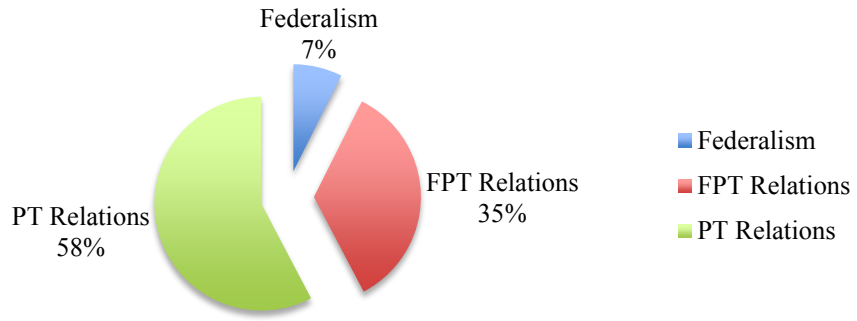
incoming chair, which is identified using a predetermined rotation designed to ensure each province has an equal opportunity to host (sections 7-9). The exact location within the province is ultimately left up to that chair. Halifax, Nova Scotia, Niagara-on-the-Lake, Ontario, and Charlottetown, Prince Edward Island, are three cities that have each hosted the summer meeting twice in a fifteen-year period. Regionally, summer meetings have been held in Central Canada three times, Atlantic Canada six, and the Western provinces six. In 2016, the Council of the Federation will meet for the first time in the North (Whitehorse, Yukon).[20] Thus, there has been significant distribution in the venues of premiers' gatherings. A record of each meeting period's location can be found in Appendix I.

As discussed in Chapter Two, the three primary categories coded for in this communiqué analysis were federalism, federal-provincial relations (FPT) and provincial-territorial relations (PT relations). Overall, PT relations comprised fifty-eight percent of all communiqué content (quasi-sentences).[21] FPT relations were second, totaling thirty-five percent. Federalism represented the lowest amount of material with seven percent. Figures 3.5 and 3.6, respectively, illustrate the overall distribution of topical material, as well as how it has been distributed over time.

[20] Canada's Premiers announced at the 2015 summer meeting that they will meet in the Territories for the first time in 2016.

[21] Data presented in this chapter is rounded to the nearest whole number. Unless otherwise noted, percentages are reported as proportions of all communiqué material as measured by quasi-sentences.

Figure 3.5: Overall Communiqué Content, 2000-2015



Federalism

Although the concept of federalism is the backbone of intergovernmental relations, statements related to the federation as a whole garnered the least amount of attention with seven percent of communiqué material. This could speak to the fact that attempts at constitutional reform in 1990 and 1992, and the Quebec sovereignty referendum in 1995, exhausted far-reaching discussions surrounding the core principles of Canadian federalism. Currently, premiers may be reluctant to open discussions surrounding the Constitution with the knowledge that reaching a universally acceptable resolution is extremely difficult. This may be tested in the years to come, with Senate Reform being a salient and recurring theme in the media. The 2000 and 2001 conferences saw categorical highs of fifteen and seventeen percent of the periods devoted to federalism. Conversely, 2002, 2008, and 2012 contained zero mentions of the federal system. Much of the discussion on federalism was broad in character, focusing on ideals as opposed to action. Figure 3.7 details the breakdown of the various subcategories.

Figure 3.6: Proportion of Federalism, Federal-Provincial-Territorial Relations, and Provincial-Territorial Relations Content Per Meeting Period, 2000-2015

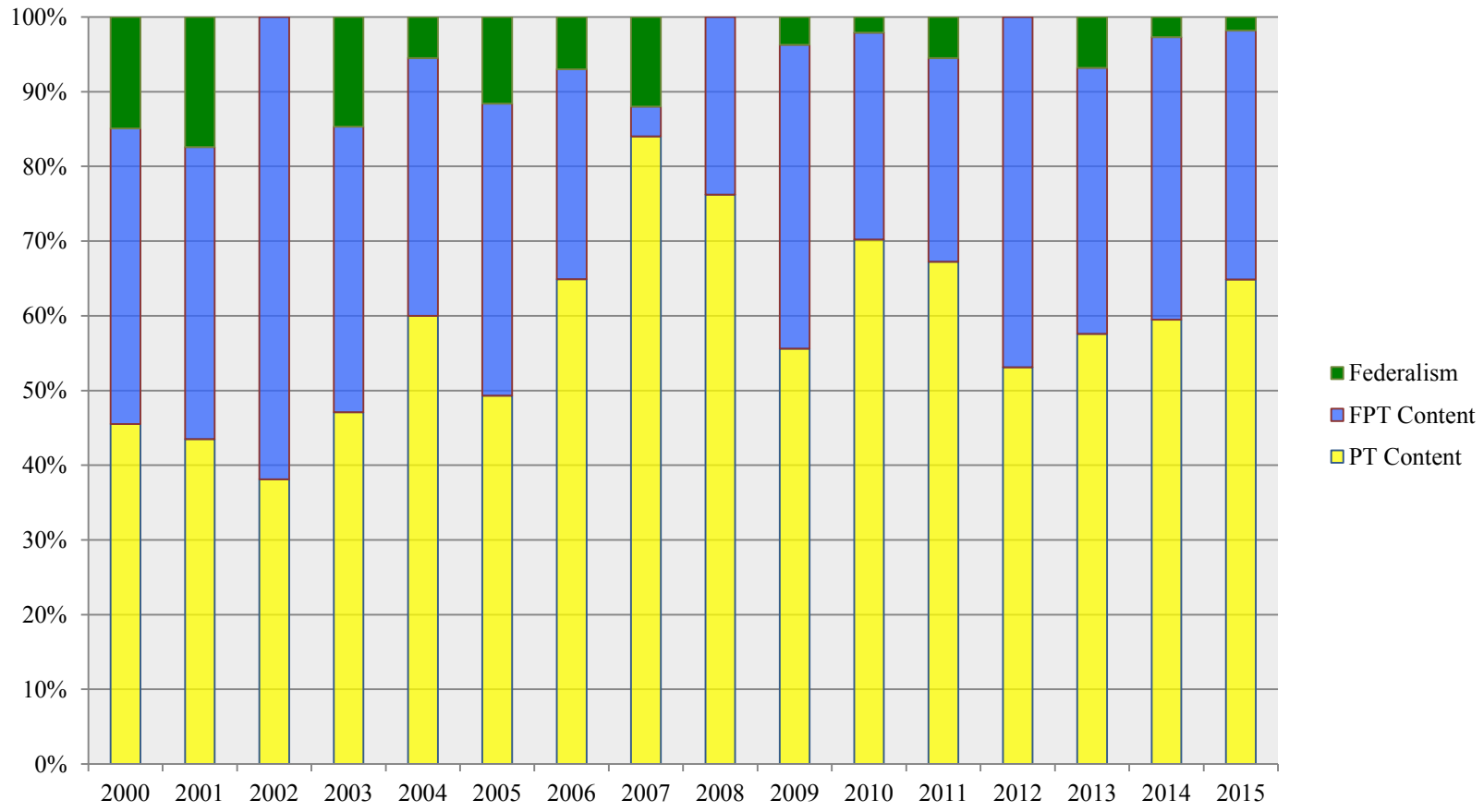
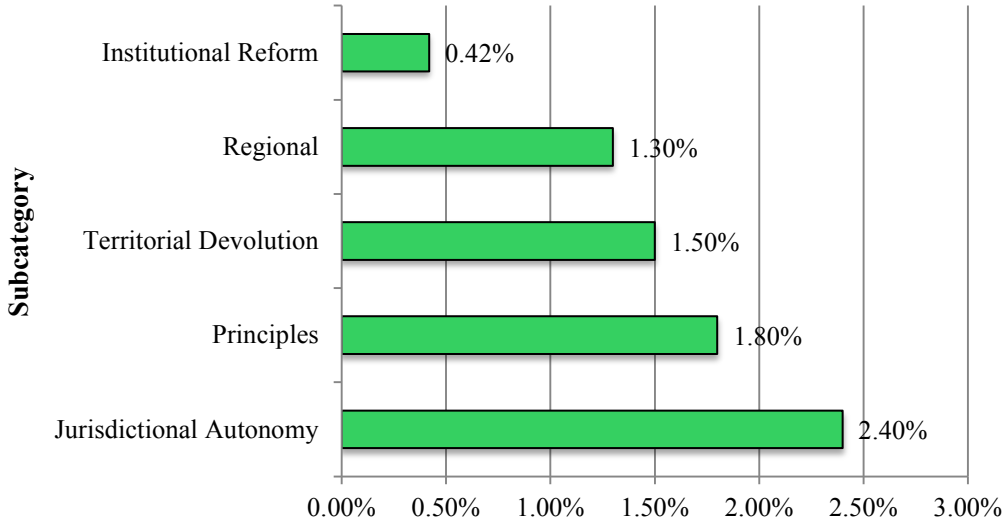


Figure 3.7: Quasi-sentences Coded as Federalism, All Communiqués, 2000-2015



Of these federalism subcategories, jurisdictional autonomy was the most frequently mentioned, at two percent of all communiqué content. These statements included reminders of the constitutional division of powers, as well as the important role provinces have to play in national and international affairs. For instance, in a news release dated August 11, 2000, premiers stated that "Provincial and territorial governments have constitutional responsibility for health and accordingly play the primary role in the design, management, and funding of the health system within their jurisdictions…" ("Premiers' commitments to their citizens"). Another example from August 11, 2005 saw premiers express their position that "as the owners of Canada's natural resources, provinces and territories must take a leadership role in creating innovative energy policies for Canada's future" ("Communiqué"). In international affairs, it was not uncommon for premiers to express their view that "Canada's provinces and territories have a full, meaningful, and vital role to

play in strengthening Canada – U.S. relations and enhancing North American trading relationships" (*Ibid.*). Clearly, it is important that premiers make their place in the federal system known. This includes emphasizing their governments' collective roles and responsibilities.

Commitments to the basic principles of Canadian federalism were expressed in the second highest proportion of this category at two percent. These references addressed the question of what kind of country Canada was or should be. For instance, premiers discussed the ideals of their respective health care systems and the importance of universal health care having been established with the understanding of 50/50 cost sharing with the federal government ("Sustainable Health Care for Canadians," 2001). Health care forms an important element of the Canadian identity. Another year, premiers stated the importance of constructive and cooperative federalism, and the desire to emulate these types of relations ("Premiers Announce Plan to Build a New Era of Constructive and Cooperative Federalism," 2003). Altogether, these sentences established the foundation for premiers' discussion.

Territorial devolution comprised two percent of all communiqué material. These statements of support have lessened over time, perhaps due to the conclusion of particular devolution agreements. As of 2014, the Yukon, Northwest Territories, and Nunavut were at different stages in the devolution process. At the time, Yukon and the Northwest Territories had entered into agreements with the federal government to obtain control over natural resources within their borders. However, the territories as a whole still have significant restrictions on their autonomy compared to provinces. From advocating for greater autonomy to developing the local labour market, premiers generally expressed support for

their territorial partners. In recent years, premiers have taken the position that allowing territories greater autonomy would help northern, largely indigenous communities and their economies flourish. As such, these were coded as 'calls for action' under FPT relations (see below), as "Indians and the lands reserved for them" fall under section 91(24) of the Constitution (*Constitution Act*, 1867).

Mentions of regional coalitions or bodies comprised one percent of overall communiqué material. Such references include those initiatives born of sub-national governments aimed at achieving a localized objective. For instance, the Trade and Investment (TILMA) signed by the governments of British Columbia and Alberta was recognized as a desirable model for future agreements on internal trade ("Communiqué," 2006; "Premiers Strengthen Trade," 2007). Labour Mobility Agreements between the provinces of Ontario and Quebec were received with similar accolades (*Ibid.*). Premiers collectively applauded the work of these interprovincial alliances and sought to expand on these existing initiatives. Another example can be seen in reference to panels created to review impacts and changes to Employment Insurance on workers, communities and employers in Quebec and Atlantic provinces ("Jobs and the Economy Key Priorities for Canada's Premiers," 2013).

Calls for institutional reform of Canadian federalism were the least frequent discussion item according to communiqués. Again, this could speak to the fact that institutional reform largely entails constitutional amendment. The 'megaconstitutional' period of the 1980s and 1990s demonstrated reform to be difficult, as "first ministers seemed set on dancing around the constitutional mulberry bush forever" (Russell, 2004: 138). Therefore, while reforms to different legislative and judicial bodies have been

discussed throughout the history of APC and COF, post-2000 talks only focused on the Senatorial selection process in the time period examined. Premiers believed this change could be implemented without opening the Constitution. Specifically, premiers expressed their dissatisfaction with the current Senatorial selection process exclusively from the years 2004 through 2006 ("Premiers Announce Progress on Key Initiatives," 2004; "Communiqué," 2005; "Communiqué," 2006). Premiers believed that unilateral federal appointments to the Upper Chamber did not "reflect the federal nature of Canada" and wished to see greater provincial-territorial input moving forward (*Ibid.*, 2005). A lack of attention to this issue may also mean that premiers have chosen to place more emphasis on issues that directly affect Canadians, such as the economy and health care.[22]

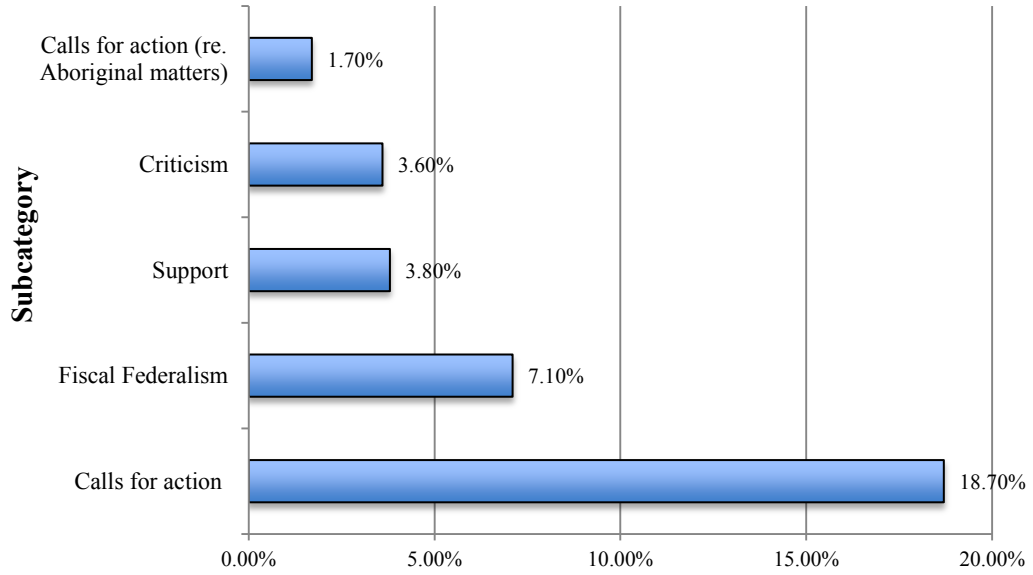
Federal-Provincial-Territorial (FPT) Relations

Federal-provincial-territorial (FPT) relations comprised the second highest proportion of overall communiqué material (thirty-five percent). Of this, year-to-year references ranged from a low of four percent of the period's material in 2007 to a high of sixty-two percent in 2002. Observably, FPT affairs tended to be negative in character – both implicitly and explicitly. This has remained relatively stable over time. From urging the federal government to assume a particular position, to expressing concern over an issue, premiers have been largely critical of the central government's actions. Figure 3.8 shows the distribution of the communiqué content for this section.

[22] For a concise summary on provincial perspectives on Senate Reform, see "Where the Provinces Stand on Senate Reform," *McLean's*, June 12, 2015.

Of the five FPT subcategories, the most common by far were those calling for federal action. These totalled nineteen percent of overall communiqué content, and were consistently present in every meeting period. These requests took a number of forms: asking the federal government to repeal certain policies; modernizing or amending federal legislation; fulfilling past commitments; and generally inviting Ottawa to collaborate with provinces and territories. First Ministers also used these channels of communication to address international developments. Topics ranging from international trade, to the signing of agreements and accords, saw premiers request a federal response that reflected

Figure 3.8: Quasi-sentences Coded as Federal-Provincial-Territorial Relations, All Communiqués, 2000-2015



provincial-territorial concerns. One such instance can be seen with the Bovine Spongiform Encephalopathy (BSE) crisis of 2003-2004. As the US government closed its borders to Canadian livestock, premiers "urged the Prime Minister to personally intervene at the highest levels of the United States Administration to urge the reopening of U.S. borders to

live cattle" ("Premiers Announce Progress on Key Initiatives," 2004). The Conference identified an issue common to their economies, and called upon the central government to intervene accordingly.

Discussions surrounding the Canada Health Transfer (CHT), Canada Social Transfer (CST), Equalization Program, and Territorial Formula Financing (TFF) comprised a large portion of the federal relations category and totalled seven percent of all communiqué material. While provincial and territorial governments are constitutionally responsible for delivering health care and social services, cost-sharing with the federal government is essential to maintain these programs. As such, discussions surrounding the vertical fiscal imbalance (VFI) were also salient. According to premiers, the VFI "is an expression used to describe the situation when the distribution of revenue resources between the federal and provincial/territorial orders of government is inconsistent with the cost of meeting their respective constitutional spending responsibilities" ("A New Study by the Conference Board of Canada Confirms the Existence of an Important Fiscal Imbalance in Canada," 2002). In this sense, premiers commissioned an independent report and devoted considerable communiqué space toward confirming this imbalance, and calling upon Ottawa to rectify it by fulfilling historic or future transfer commitments.

Statements supporting the federal government totalled four percent of all communiqué material. These included messages that were positive in tone when referring to the federal government, such as endorsements, encouragement, and recognition. From time to time, premiers explicitly acknowledged positive action by Ottawa, but then followed up these expressions with criticism or calls for action. For instance, in a 2005 communiqué:

> Premiers welcomed the recent efforts by the Government of Canada, through the release of Canada's International Policy Statement and the negotiation of liberalized air transport agreements with China and India, to create opportunities for Canadians to benefit from the growth of China, India and other economies. / More needs to be done, however. The federation needs to be aggressively re-positioned as an active participant in a shifting world economy in order to take advantage of strategic national assets such as our geographic location, our preferential access to the North American economic space under NAFTA, our strong and diversified economy, and our multicultural population ("Communiqué," 2005).

Expressions of disapproval, such as the latter half of this statement, made up four percent of all communiqué content. These approaches implied disappointment, discouragement, concern, and pessimism towards federal action or inaction. In a news release dated August 1, 2002, for example, provinces noted the failure of the federal government to fund health care initiatives ("Premiers Call for New Funding Partnership for Health Care for Canadians"). According to premiers, provinces and territories are doing their share and "it is time for the federal government to join [them] in [their] call for a new health care funding partnership on behalf of all Canadians" (*Ibid.*). Notably, the severity of critical language has lessened over time; phrases such as "failure of the federal government" are not as common in the latter portion of the analysis (*Ibid.*). Rather, passive statements such as "premiers noted concern…" and "the federal government should honour these commitments…" have increased ("Canada's Premiers are committed to a fair and inclusive society," 2013; "Premiers work together to strengthen Canada's future prosperity," 2015). In fact, criticism of the federal government has lessened over time. Instead, premiers have focused on interprovincial collaboration and less on federal disapproval. A prime example can be seen in the communiqué titled "Collaboration on health care achieves results for Canadians" (2014). This communiqué contained no

criticisms of Ottawa, opting to emphasize COF working groups and interprovincial collaboration instead.

In some cases, the language has shifted to assertive statements, such as "premiers look forward to engaging the federal government on this issue" and "premiers will work with the federal government on developing a stronger relationship that is essential to the further success of Canada" ("Canada's Premiers are committed to a fair and inclusive society," 2013; "Premiers collaborate on the Economy," 2012). These were accordingly coded as anticipatory calls for action, rather than criticism. This shift, from harsh criticism to more passive concern or assertion, can be tied to the nature of response on behalf of the federal government (or lack thereof, under the Harper government's approach to 'open federalism'). It can also be related to the increase of interprovincial collaboration, recognizing that criticism and requests of the federal government often falls on "deaf ears" (Bakvis et al., 2009).

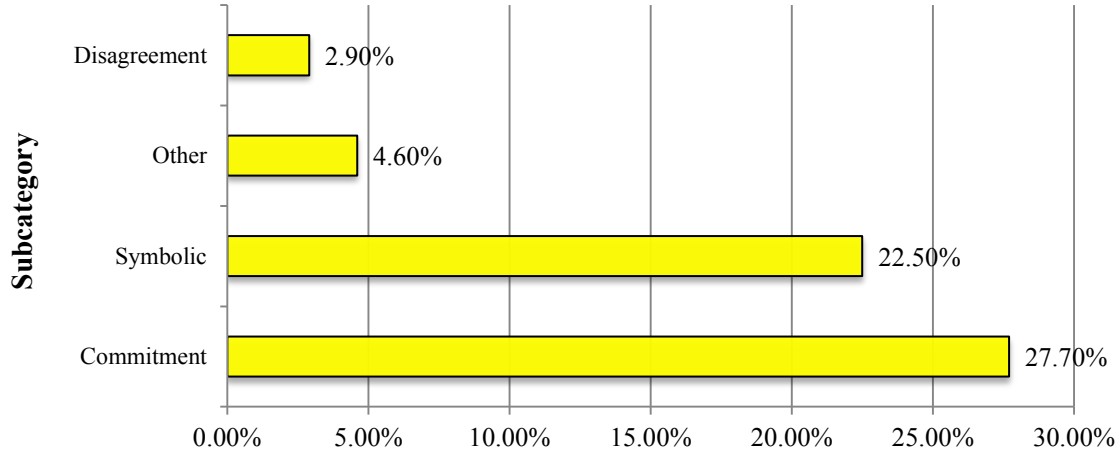
Lastly, calls on the federal government to act in relation to Aboriginal matters made up two percent of all communiqué content. Since "Indians and the lands reserved for them" fall under section 91(24) of the *Constitution Act*, 1867, much of the provincial-territorial rhetoric surrounding this subject involved signalling the appropriate federal actors to act. However, 2014 marked an exception and possibly a turning point. In a communiqué titled "Premiers commit to improving outcomes for Aboriginal children in care," premiers identified a problem not explicitly under their assigned jurisdiction, and agreed to work amongst themselves to improve this situation (2014). Premiers continued this agenda topic the following year, releasing two communiqués relative to Aboriginal issues ("Premiers affirm commitment to action in response to Truth and Reconciliation Commission Report";

"Improving outcomes for Aboriginal children in care," 2015). These communiqués may not be an anomaly: prior to 2014, premiers met with National Aboriginal Organization (NAO) leaders in the days leading up to the formal meeting, and thus did not form part of the formal COF agenda or resulting communiqués (Wesley and Marland, forthcoming). By 2014, Aboriginal issues had made their way onto the formal COF agenda. Regardless of the Provincial-Territorial-Aboriginal collaboration, however, leaders "emphasized that it is essential to have a committed federal partner in addressing Aboriginal child welfare issues." ("Premiers commit to improving outcomes for Aboriginal children in care," 2014).

Provincial-Territorial (PT) Relations

Provincial-territorial (PT) collaboration made up the majority of all communiqué content, with fifty-eight percent of material surrounding this theme. Through conferences, premiers were able to gauge provincial and territorial perspectives on issues, share information, agree on priorities, and make a significant number of joint commitments. These symbolic and concrete actions are reflected in the communiqués. A summary of the subcategories of PT relations can be seen in Figure 3.9.

Figure 3.9: Quasi-sentences Coded as Provincial-Territorial Relations, All Communiqués, 2000-2015



In fact, twenty-eight percent of all communiqué content involved premiers making concrete commitments. Of these pledges to collaborate, premiers most often assigned ministers a specific task (twelve percent of all content). For instance, premiers may have discussed an issue, such as addictions and recovery among their respective populations, and have called on their respective ministers of health to collect information and share best practices. Such statements generally preceded instructions for ministers to report-back at a later date, or simply work together to improve the state of a given policy area (without requesting a formal report on the matter). Premiers also established new joint initiatives (seven percent of all communiqué content), committed to continuing work on a specific issue (five percent), or formally requested a report-back (three percent). Examples of these include new Task Forces or Working Groups, and the announcement of information sharing symposia.

Of note here are the various COF Working Groups that have been established since 2003. The three main bodies are the Fiscal Arrangements Working Group (FAWG), the

Health Care Innovation Working Group (HCIWG), and the Canadian Energy Strategy Working Group (CESWG). At the 2014 and 2015 summer meetings respectively, a new Steering Committee on Internal Trade and Economic Productivity and Innovation Working Group (EPIWG) was also created. These Working Groups are unique inventions of COF and are referenced often in communiqués. While other Task Forces and initiatives existed under the APC, COF has highly formalized these interactions. Generally speaking, one to three premiers serve as chair or co-chair of a ministerial table. Thus, each Working Group is supported by a group of provincial-territorial ministers responsible for a given policy area. COF Working Groups produce reports, often on an annual basis, and have contributed to the sharing of best practices among provincial-territorial governments.

COF has also commissioned external organizations to produce reports. These are distinct from reports completed by provincial-territorial ministers, which have been requested by premiers and require interprovincial collaboration. One such instance can be seen in the 2014 communiqué, wherein premiers discussed a report prepared by the Conference Board of Canada ("Report confirms fiscal disparity"). This Report, *A Difficult Road Ahead: Canada's Economic and Fiscal Prospects*, outlined the growing fiscal disparity between the provincial-territorial and federal governments (*Ibid.*). and served as an update to the aforementioned Conference Board report on the vertical fiscal imbalance. Premiers typically endorse the findings of these reports, and may often release them publicly. Premiers may have chosen to outsource these pieces to add an impartial lens to the subject matter at hand. Having reputable organizations external to COF present findings enhances the legitimacy of the findings, and helps premiers avoid the perception that provinces and territories are 'ganging up' on the federal government.

Symbolic statements were the second most common type of FPT content, comprising twenty-three percent of all communiqué material. Broken down further, premiers were able to agree on common priorities in thirteen percent of the communiqué periods examined. These types of quasi-sentences refer to those areas premiers agreed require their collective attention. Often, these types of quasi-sentences had no sort of formal follow-up attached. The economy and health care were two areas in which PTs found agreement most frequently. An example of this classification would be premiers "continue to promote sustained economic recovery by fostering a culture of innovation…" ("Premiers Working to Sustain Economic Recovery," 2010). This is distinct from premiers discussing the potential of their governments collaborating, which totalled seven percent of overall communiqué material. For instance, premiers once committed to "work together to highlight their leadership on climate change…" ("Strengthening International Trade and Relationships," 2010). Both statements are symbolic and have no concrete actionable item attached. The last kind of symbolic content was that which praised the work of PT ministers. This occurred in two percent of overall material.

The 'other' subfield included items with no specific theme attached. These made up five percent of overall material and include items for future discussion, as well as agreements external to provinces and territories. Sometimes, premiers deferred their conversations on a topic for a later date, until greater information could be compiled. Lastly, premiers discussed agreements by external governments and organizations. A pertinent example was seen in 2013 with the United States Government Country of Origin Labeling (COOL) restrictions, which acted as an impediment to cross-border trade ("Jobs

and the Economy Key Priorities for Canada's Premiers," 2013). Premiers expressed concern with the adverse effects of this US policy (*Ibid.*).

Provincial exclusion, or 'disagreement,' was very infrequent in communiqués, totalling three percent of all communiqué material. Disagreements referred to those instances where certain governments took a different position from the collective. Such discrepancies may or may not have been indicative of conflict among governments. For example, the governments of British Columbia and Quebec did not participate in the Canadian Energy Strategy until 2013-2014 ("Canadian Energy Strategy," 2014). Premier Christy Clark's government previously refrained from joining the CES due to pipeline development conditions (British Columbia, 2012). In Spring 2014, the federalist Quebec Liberal Party led by Philippe Couillard was elected to the provincial legislature and wished to be a partner in pan-Canadian strategies, such as the CES. Up until that point, these governments chose not to take part in a premiers' initiative, and this information was made explicit either in the body of the communiqué or in an endnote.

Other times, a certain province or territory chose to identify its unique situation within the federation as part of the communiqué. For the most part, these statements identified Quebec as having an asymmetrical arrangement, for instance, with respect to immigration policy. Altogether, these types of statements constituted a minute part of the analysis. This perhaps reflects the tendency for dissenting opinions to be communicated verbally among premiers, and not documented in formal communiqués (which are, by definition, consensus documents). As a result, disagreements may not be clearly evident through communiqué analysis.

The Identification of Common Priorities: Observation and Analysis

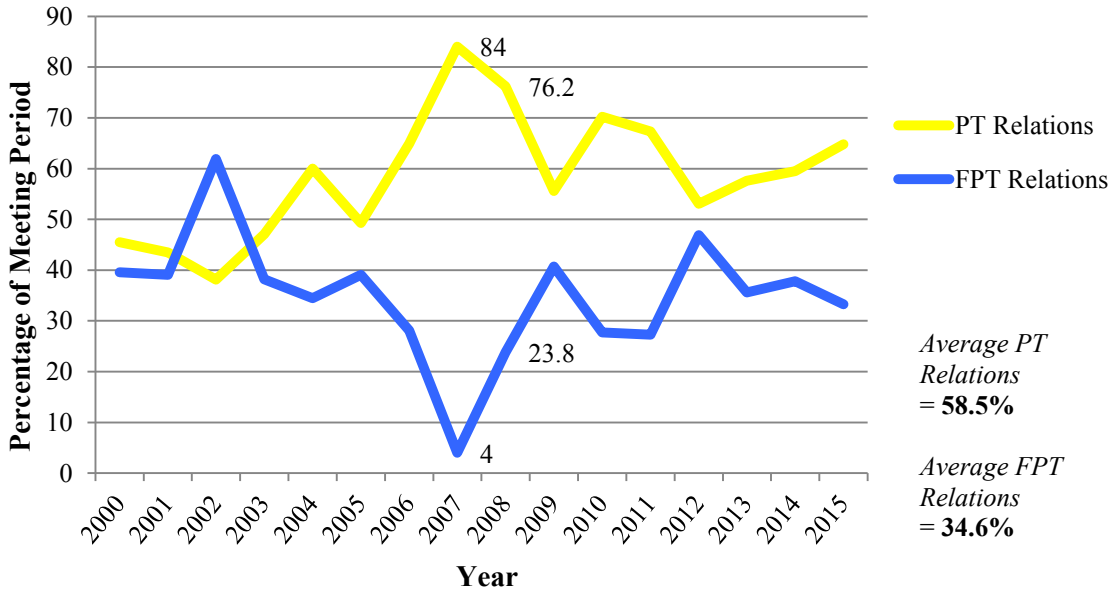
Conferences provide the time and space premiers need to conduct intergovernmental relations. The types of discussions held at these meetings might not happen should in-person interactions be eliminated. COF allows provincial and territorial leaders to come together and identify common priorities with respect to national and regional issues. Largely, these positions have been drafted and negotiated by intergovernmental officials in advance of the gathering. Premiers fine-tune and provide ultimate approval of these positions. However, while COF is effective in this sense, certain aspects of the consensus deserve greater attention. The following discussion outlines three primary conclusions from this analysis and possible explanations for these trends.

Conclusion #1: *Interprovincial collaboration - and not FPT relations – has become the most salient element of COF communiqués.*

This conclusion rejects the view that the APC and COF have traditionally been held to discuss federal-provincial-territorial issues. While premiers' meetings have tended to focus on FPT relations at points throughout the APCs long history, this modern analysis shows the bulk of premiers' conversation as focused on interprovincial issues, as well as ways in which collaboration can occur. From being perceived as an "interprovincial dress rehearsal" for FMMs, to what is now an independent body, COF has defined its niche and established a forum for PT interaction and collaboration to occur (Meekison, 2004a: 168). This is not to say that federal-provincial-territorial relations are no longer discussed at premiers' meetings. Rather, it is to say that they have declined in the time period examined and the emphasis on interprovincial efforts has simultaneously increased.

As evidenced in Figure 3.5, the majority of communiqué material from 2000 to 2015 was focused on provincial-territorial relations. During this time period, an average of fifty-eight percent of communiqué material pertained to provincial-territorial relations, and thirty-five percent to federal-provincial-territorial relations. Figure 3.10 graphs the range of communiqué material for PT and FPT relations specifically, making note of the overall averages.

Figure 3.10: Proportion of Provincial-Territorial Relations and Federal-Provincial-Territorial Relations Per Meeting Period, 2000-2015



At the beginning of the analysis period, the gap between PT relations content and FPT relations was relatively small. This gap increased in the middle years, with 2007 exhibiting a wide difference of eighty percentage points, and 2008 exhibiting a difference of fifty-two percentage-points. In the past five years, provincial-territorial relations have consistently remained above fifty percent, whereas FPT relations have been below forty

(with the exception of 2012). Also discernible in the last five years of communiqué material is the increasing divergence between PT- and FPT-related material.

This gradual shift from discussions surrounding the federal government towards interprovincial collaboration is especially true when examining health care related communiqués. Of the sixteen meeting periods analyzed, fourteen have a corresponding health care related communiqué. Overall, the proportions of those communiqués that call for federal funding or relate to fiscal federalism have decreased. For example, one 2000 communiqué had a FPT relations to PT relations ratio of 3:1 ("Understanding Canada's Health Care Costs"). Similarly, a 2002 communiqué exhibited a ratio of 2:1 ("Premiers call for New Funding Partnership for Health Care for Canadians"). In comparison, a 2013 communiqué shows there to be an emphasis on PT relations, with a ratio of 8:0 in favour of PT relations ("Canada's Provinces and Territories Realize Real Savings in Healthcare through Collaboration," 2013). The same can be seen in 2015, with a ratio of 5:1 in the health care related communiqué focusing on PT efforts ("Health Care remains a top priority"). The titles are indicative of this shift away from requests for federal funding and towards interprovincial collaboration (emphasis added):

- "Understanding Canada's Health Care Costs" (2000)
- "Premiers Call for New Funding Partnership for Health Care for Canadians" (2002)
- "Premiers' Action Plan for Better Health Care: Resolving Issues in the Spirit of True Federalism" (2004)
- "*Premiers Protecting* Canada's Health Care Systems" (2010)
- "*Premiers Drive* Health Innovation" (2012)
- "*Canada's Provinces and Territories Realize* Real Savings in Healthcare through Collaboration" (2013)
- "*Collaboration* on health care achieves results for Canadians" (2014)

From an emphasis on what the federal government can contribute to pan-Canadian health programs, to modern premier-driven initiatives, these titles demonstrate that COF is focused on provincial and territorial efforts.

One explanation for PT relations being the most frequent consensus item in this analysis can be tied to the ethos of the previous federal government. The Conservative Party of Canada, led by Stephen Harper, won minority governments in the 2006 and 2008 federal elections, followed by a majority in 2011. The literature is vast on the ways that Prime Minister Stephen Harper actively reformed Canadian politics in his ten years in office.[23] Under the guise of 'open federalism,' Harper actively defined a new form of Canadian federalism and reconfigured the relationship within and between the central and subnational governments. Discussed below, this federal disengagement may have prompted premiers to find interprovincial solutions to pressing pan-Canadian problems. Rather than calling on Ottawa to engage or provide funding to address concerns like health care – calls that have gone repeatedly unanswered – premiers appear to have decided to go at it alone.

'Open federalism' was first introduced in a *National Post* commentary dated October 27, 2004. Penned by the then Leader of the Official Opposition, Stephen Harper, this article set the stage for the newly minted Conservative Party of Canada's interpretation of federalism. Among other assertions, Harper pledged to "… re-establish a strong central

---

[23] See Prince, Michael J., 2012, "The Hobbesian Prime Minister and the Night Watchman State: Social Policy Under the Harper Conservatives." In *How Ottawa Spends, 2012-2013: The Harper Majority, Budget Cuts, and the New Opposition,* edited by G. Bruce Doern and Christopher Stoney, 53-70. Montreal & Kingston: McGill-Queen's University Press; and Jean-François Caron and Guy Laforest. 2009, "Canada and Multinational Federalism: From the Spirit of 1982 to Stephen Harper's Open Federalism." *Nationalism and Ethnic Politics,* 15, 27-55, for two perspectives on how Prime Minister Stephen Harper has changed the Canadian political climate.

government that focuses on genuine national priorities such as national defense and the economic union, while fully respecting the exclusive jurisdiction of the provinces" (Harper, 2004: A19). In addition to respecting provincial autonomy, 'open' federal relations advocated for strong provinces, a distinct role for Quebec within the federation, and the tackling of the fiscal imbalance. 'Open federalism' was further reiterated in the Conservative Party's 2006 federal and Quebec election platforms, and in a 2006 *Policy Options* interview wherein the Conservative leader expressed his concern over federal intrusion into areas of provincial obligation. In his mind, "Ottawa has gotten into everything in recent years" (Harper, 2006: 6). Harper sought to redefine this intergovernmental relationship away from unilateralism and in the direction of "democratic reform and national unity" (Harmes, 2007: 417).

This approach to federal relations denotes a "watertight compartments" approach to constitutionally delineated jurisdictions (Bakvis et al., 2009). This reading offers a strict interpretation of sections 91 and 92 of the Constitution, including the powers each independent order of government is bestowed. In other words, Ottawa should "do what it is constitutionally mandated to do, and do those things really, really well" (Banting et al., 2006: 3). Consequently, the federal government should take a hands-off approach to areas of provincial responsibility. This has had wide-ranging implications in some areas of public policy, as well as for the federation as a whole (Friendly and White, 2012: 183).

One area of retrenchment has been in the frequency of First Ministers' Meetings (FMMs). These gatherings – between the Prime Minister and provincial-territorial premiers – are "a relatively underdeveloped institution" in Canada (Papillon and Simeon, 2004: 114). Generally, Martin Papillon and Richard Simeon maintain that "after a steady growth

from the 1950s onward and quasi-institutionalization in the late 1980s, [FMMs'] role and significance changed dramatically in the aftermath of the Meech Lake and Charlottetown failures" (*Ibid.*). There appeared to be little appetite to undertake repetitive meetings to discuss lofty constitutional ambitions. This is evidenced in the marked decrease in multilateral meetings among the prime minister and premiers since the turn of the century. Whereas former prime ministers have held upwards of eighteen FMMs, former Prime Minister Jean Chrétien held a total of seven FMMs, and his successor Paul Martin hosted one (Canadian Intergovernmental Conference Secretariat, 2004). Prime Minister Stephen Harper held only two such meetings. These occurred within a three-month period: the first in November 2008 and the second in January 2009 (Canada, News Release, 2008; 2009). Both meetings occurred in the midst of a global economic downturn and invited the different orders of government to work together to address the crisis (*Ibid*). Internal trade was also a topic of discussion in the January 2009 meeting (*Ibid.*). Following that episode, Prime Minister Harper did not convene an FMM, preferring to meet with premiers on a bilateral (and infrequent) basis.

Possible explanations for Prime Minister Harper's unwillingness to meet multilaterally with premiers point to this reluctance to "tie the hands of his government by subjecting its decisions to a bargaining process in which successful outcome … [is dependent] on reaching a consensus with the provincial and territorial first ministers" (Bakvis et al., 2009: 133). Instead, Harper preferred to host one-on-one interactions between himself and premiers, often to discuss issues of mutual significance. However, these too have declined in frequency, as individual premiers' efforts to initiate meetings have been unsuccessful. In an August 2015 *Maclean's* interview, Ontario Premier Kathleen

Wynne expressed her dissatisfaction with the Prime Minister (Wells, 2015). Despite repeated attempts and requests at meeting with Harper, Wynne asserted "… this Prime Minister has decided he is not going to work with us premiers, doesn't meet with us, doesn't talk to us, doesn't engage us as a group" (*Ibid*.).

The lack of FMMs may have raised an opportunity for a new *raison d'être* for COF. With the drop in FMMs occurring simultaneously with the institutionalization of the APC, premiers may have viewed COF as a new venue to forge common solutions to complex pan-Canadian problems. Realizing that, collectively, premiers have not been able to meet, engage, work with, or receive funding from the central government, they have opted to collaborate amongst themselves. Particularly since the 2009 communiqué period, premiers have increasingly released communiqués stating their intentions to work together rather than call upon the federal government. Communiqués such as "Premiers Steer Canada's Economic Future," and "Premiers Guide Development of Canada's Energy Resources," demonstrate an increased interprovincial profile on a variety of national issues (2012; 2013). This compares to more federally directed communiqués in the early 2000s, such as those related to health care listed above (2000; 2002; 2004). This leads to the next conclusion.

The Sharing of Best Practices and Collaboration: Observation and Analysis

Conclusion #2: *Working Groups are unique initiatives of COF that have increased the ability of Canada's premiers to collaborate and share best practices.*

Once premiers have identified a common priority, the potential exists for collaboration. Working groups are a creation of COF that have aided in premiers' ability to

build on these identified priority areas. As discussed, premiers volunteer to lead or co-lead a given working group and supervise the work of select ministers on a given issue. Ministers and senior officials form a steering committee and meet on a regular basis to discuss the work being done in their respective jurisdictions. Reports are produced roughly once a year and are often archived on COF's website. These publications are discussed at COF meetings and serve as a platform for discussion, decision-making, and future collaboration. A number of ministers and senior officials within each jurisdiction may be involved in working group's activity. For instance, the work of Finance Ministers may coincide with transportation and infrastructure profiles. In many cases, working groups necessitate cooperation *within* governments.

Working groups are innovative resources 'made by and for premiers.' While interprovincial groups of this nature have been created before, COF Working Groups are more formalized, and mandates are more refined. This adds an additional dimension of institutionalization to COF. Delegating much of the work to internal ministers allows the more appropriate sector of government to identify challenges, opportunities, and remedies in a given area. The added value of publications also disseminates information across jurisdictions. The role of the working groups is twofold, then: they compile and disseminate best practices across jurisdictions, as well as serve an important consultative function. Premiers require this information in order to make informed decisions. The following table outlines the current COF working groups and priority areas.

Table 3.11: Council of the Federation Working Groups

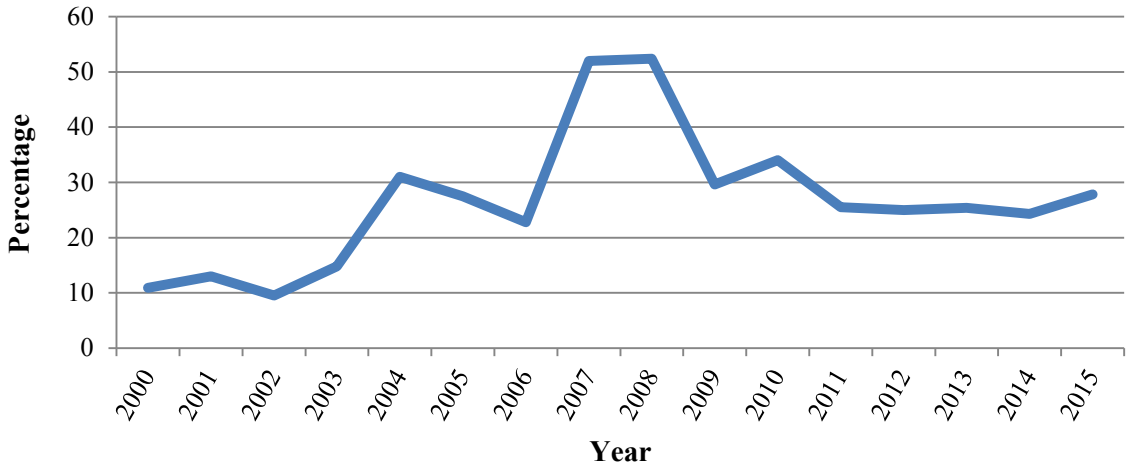
Working Group	Year Est.	Priority Areas
Fiscal Arrangements Working Group (FAWG)	2012	• Fiscal arrangements
Health Care Innovation Working Group (HCIWG)	2012	• Pharmaceuticals • Appropriateness of care, including Team-based Health Care Delivery Models • Seniors care
Canadian Energy Strategy Working Group	2012	• Energy innovation • Climate change
Steering Committee on Internal Trade	2014	• Government procurement • Goods & Services • Investment • Technical barriers to Trade • Regulatory cooperation
Economic Productivity and Innovation Working Group (EPIWG)	2015	• Economic productivity • Competitiveness

The increase in Working Group activity is captured by the increase of overall communiqué content dedicated to PT commitments from 2000 to 2015. These types of commitments consist of actionable items, such as premiers tasking ministers to conduct further research, the continuation of an initiative, or the creation of a new working group. In the first four years of the communiqué periods analyzed, an average of twelve percent of overall communiqué content spoke to premiers acting on a given issue. In comparison, the establishment of COF saw an increase in the proportion of material dedicated to PT collaboration through action. From 2004 on, an average of forty percent of overall communiqué material revolved around various commitments. Figure 3.12 charts the evolution of these particular kinds of quasi-sentences from 2000 to 2015.

The work of the Health Care Innovation Working Group (HCIWG) demonstrates the collaborative efforts between provinces and territories. Health care is a common area of concern for all provinces and territories. Regardless of locale, premiers are generally

agreeable that citizens need access to affordable and responsive health related services. As Premier Robert Ghiz commented, "we run 13 distinct health care operations across this country and certain provinces are doing certain things better than others. We think there is a great opportunity for us to be able to collaborate together." (*From Innovation to Action: The First Report of the HCIWG*, 2012). Through the HCIWG, ministers have gathered

Figure 3.12: Overall Percentage of Quasi-sentence Material Dedicated to Provincial-Territorial Relations and Commitments Per Meeting Period, 2000-2015*



*2007 and 2008 were relatively short communiqué periods (three and two communiqués

inter-jurisdictional information surrounding best practices, as well as provide recommendations to make the various health care systems across Canada work better.

The 2012 publication: *From Innovation to Action: the First Report of the Health Care Innovation Working Group* highlights some particulars of this collaborative work. This twenty-three-page document recognizes the various contemporary strengths and challenges of the health care systems across the country and identifies areas where significant savings and action can occur. For instance, the Report acknowledges that

Canada faces significant challenges with respect to an aging population, vast geography, and sustainability, but that there are multiple opportunities for innovation through research, technological advancements, and health care providers themselves. Part of the Report then focused on health human resources. According to the Report, seventy percent of health costs can be attributed to human resources (*Ibid*.: 18). Each province has traditionally addressed these in isolation, rather than looking at the big picture. Taking a step back, ministers were able to recommend that premiers endorse some joint principles for the management of health human resources. Ministers also recommended the creation of a pan-Canadian website to promote communication and the sharing of information.

Premiers spoke to this Report and the work of the HCIWG in a communiqué dated July 26, 2012 ("Premiers Drive Health Innovation"). In this communiqué, premiers note the practical innovations of the Report, and "intend to implement [them] as they deem appropriate to their health care system[s]" (*Ibid.*). This is significant as it reflects the fact that COF is not a policy based institution, and instead leaves the policy direction and implementation to individual jurisdictions. In addition to the recommendations related to health human resources, premiers acknowledged tangible action items such as the promotion of the adoption of clinical practice guidelines to treating heart disease and diabetes, as well as the pursuit of team based models in primary care (*Ibid.*). Equipped with the HCIWG's Report, COF became informed of best practices in each health care system. With a mandate to provide educated recommendations, ministers were better able to identify feasible suggestions for improving systems in Canada. This feedback has been instrumental in governmental collaboration.

The creation and success of Working Groups can also be tied to the changing nature of federalism under 'open federalism.' As Ottawa retreated from regular meetings with premiers, COF has shifted the focus towards interprovincial collaboration. This has had a positive impact on provincial-territorial relations, and the proliferation of COF Working Group activity. Rather than having their words 'fall on deaf ears,' COF has adapted to the current federal situation and flourished (Bakvis et al., 2009). The working groups, such as the HCIWG, help premiers build on areas they have already identified are common and create platforms for action. However, it does not create or implement common policy, as one-size-fits-all solution may not be appropriate. In a situation where Ottawa is unwilling to work with premiers either individually or collectively, premiers are given more incentive to cooperate with one another for mutual benefit. Working groups and their various publications serve as momentum for the common priorities identified, and provide the groundwork for collaboration. Working group activity also demonstrates that further institutionalization is taking place outside of the main body of COF. Overall, in terms of effectiveness, they are positive developments.

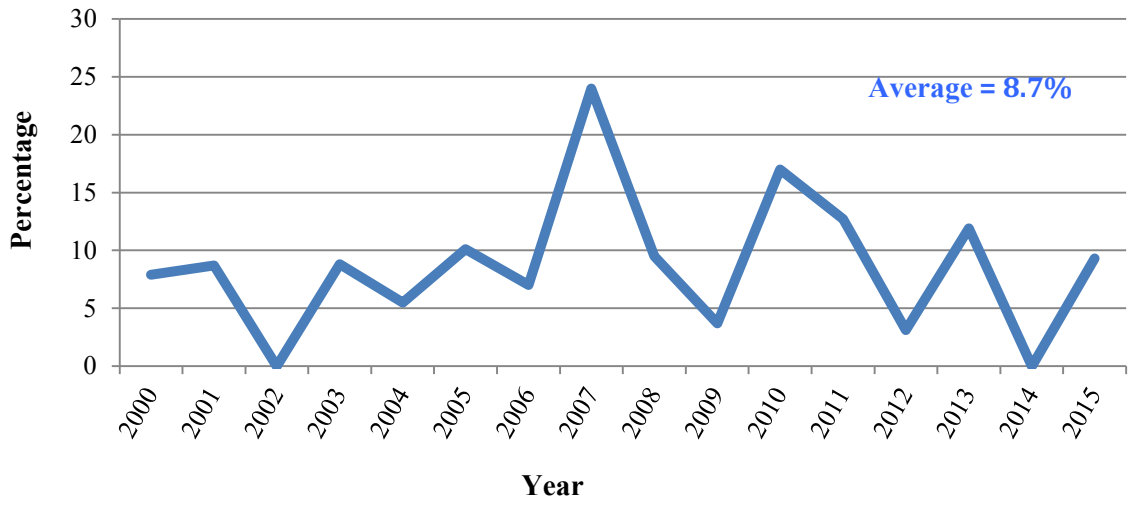
Conclusion #3: *The consensual decision-making procedure of COF has resulted in meaningful decisions and collaboration among PT governments. Much of this activity occurs at the ministerial level.*

Initially, politicians, public officials, political pundits and observers, were optimistic that institutionalization of the APC into COF would improve upon intergovernmental relations in Canada. Definition of both interaction and procedure was perceived to increase predictability and accountability. One point of contention, however, was the lack of a

codified decision-making procedure. Traditionally, clearly defined decision-making and dispute resolution procedures indicate strong institutionalization (Bolleyer, 2006: 474; Papillon and Simeon, 2004; Meekison, 2004a). According to some, this meant that, for COF, "the only meaningful decision-making rule left is unanimity" (Bakvis at al., 2009: 132). This analysis has shown that COF has been able to consistently make decisions, albeit different decisions than are traditionally recognized as 'meaningful.' These decisions entail the delegation of tasks to the ministerial level, as is evidenced in Figure 3.13.

Premiers tasked Ministers with a given issue an average of nine percent of communiqué periods. With the exception of two meeting periods, quasi-sentences of this nature formed a considerable proportion of the analysis. These decisions are meaningful in their own right. Once a common position has been identified at the premier level, premiers

Figure 3.13: Overall Percentage of Quasi-sentence Material Dedicated to Provincial-Territorial Relations, Commitments and Premiers Tasked Ministers Per Meeting Period, 2000-2015



may delegate additional work to the ministerial level. COF communiqués do not clearly communicate the productivity and effectiveness of ministerial bodies; in order to fully examine this, one needs to go beyond COF communiqués. Depending on the policy area,

this may entail ministers working together to develop plans, strategies, or reports for future consideration (as indicated above by working group activity). These decisions are not legally binding, although there "appears to be a firm expectation that a government will observe its intergovernmental commitments" (Heard, 2014: 172).

Multiple examples of meaningful decision-making by consensus can be seen in the 2007 meeting period. In a communiqué titled "Premiers Strengthen Trade," premiers discussed a number of issues including labour mobility and agriculture (2007). Within these two topics, premiers directed Labour Market ministers to "develop a compliance and communications strategy … [and] provide them with a list of non-compliant occupations by December 2007" (*Ibid.*). In this instance, the decision to further workers' mobility across provinces was supported by products of ministers. In the same communiqué, premiers "direct[ed] Agriculture Ministers to undertake immediate work on the Agriculture and Food Goods Chapter and report back … with a progress report on wording by December 2007" (*Ibid*.). These sample statements provide dates as deadlines for ministers, ensuring that there is follow-up attached. Through a consensus-based decision-making process, premiers made significant strides to furthering collective policy and strategy, if and where appropriate.

Another example can be seen in the area of education. In a communiqué from 2010, premiers

> …direct[ed] Ministers of Education to work with provincial and territorial Ministers of Immigration to further develop an international education marketing action plan by March 2011 which identifies areas for investment and opportunities for federal-provincial collaboration on marketing ("Premiers Working to Sustain Economic Recovery").

In these samples, premiers do not commit to pan-Canadian policies or inter-governmental agreements – one measure of strong institutions (Bolleyer, 2006: 474). Premiers are, however, requesting the information they need to make decisions. Because of time constraints, the bulk of the research and development work is delegated to ministers. Timelines ensure ministers will work together so that premiers may discuss the issue at a future COF meeting. Future decisions flow from these initial decisions, and thus are meaningful decisions in intergovernmental meetings.

As COF's prescribed form of decision-making, consensus recognizes that provinces and territories will collaborate on a variety of initiatives at different levels. These decisions do not always result in a common product or legislation, but are meaningful given the various complexities and changing circumstances of Canada's provinces and territories. Rather than working against this fact, COF's consensual decision-making procedure acknowledges that unanimity is difficult and aims to accommodate for it. By channelling work towards more appropriate levels in the intergovernmental system, these decisions are evidence of meaningful decision-making.

As this chapter has demonstrated, communiqués are indicative of the overall state of provincial-territorial relations. These findings have also demonstrated that a large number of factors affect the ability of premiers to identify and reach common priorities: in short, the effectiveness of government-government relations.

This chapter has provided an in-depth glimpse into the contemporary state of provincial-territorial affairs in Canada from 2000 to 2015. While this analysis has focused exclusively on communiqué material rather than on confidential meeting notes or interviews with officials, it is nonetheless indicative of the types of agreement that have

been reached. Through institutionalizing these relations, governments have established a consistent forum to meet, share information, and relate cross-border concerns. This has helped provincial and territorial governments identify their priorities in relation to others and develop points of consensus; COF has grown to be an effective institution.

The main conclusions garnered from the analysis of sixteen APC and COF meeting periods counter the early predictions for the institution. This thesis demonstrates that despite the weakly institutionalized nature of COF compared to its international counterparts, it has evolved and served a useful purpose for provincial-territorial relations. Rather than stagnant or negative outcomes, COF has developed into an institution that enables premiers to identify common priorities and areas of collaboration. Further, it has innovated and adapted to the current state of Canadian federalism. In addition, despite the diversity and uniqueness present in the thirteen jurisdictions across Canada, meaningful agreement has resulted from COF.

The diversity of Canada's territory, culture, and people are an inevitable reality of modern governance. As a result, one-size-fits-all approaches are not always feasible, practical, or desirable. Rather, premiers must be able to use the tools available to them to find areas of common agreement where possible, and accommodate and modify these practices in times of disagreement and uniqueness. Using their constitutional powers, some creativity, and consensual decision-making, premiers have been able to make the most of their institution. COF has shown itself to be an effective body that has found a purpose in a country with thirteen distinct jurisdictions.

Chapter Four: Conclusion

This thesis assesses the effectiveness of Canada's premier intergovernmental relations institution. Communiqués from the Council of the Federation (COF) summer meetings offer particular snapshots of provincial-territorial relations and are valuable documents for external analysis. While not all interprovincial activity is captured in these press releases – discussions in venues such as private luncheons and dinners remain outside of the public realm – communiqués are consistent sources of information that detail what premiers were able to collectively agree upon.

This concluding chapter expands on some of the points for further consideration, as well as considers what effectiveness really means for provincial-territorial relations in Canada. Effectiveness was defined in Chapter Two as the identification of common provincial-territorial priorities. Considering Canada's immense diversity, are common positions even desirable, if that means the dilution of provincial/territorial uniqueness? Can – or should we - expect more from Canada's primary interprovincial institution?

Points for Further Consideration

Canadian citizens voted in a federal election on October 19, 2015. One point for future consideration is the impact a Liberal government will have on Canada's premiers, either individually or collectively. At the summer 2015 meeting, in the midst of the federal election campaign, premiers released a letter to the leaders of the Conservative Party of Canada, the Liberal Party of Canada, and the New Democratic Party of Canada. This letter outlined premiers' priorities for Canadians, and urged the successful party leader to partner with them to tackle some of these pressing issues. Justin Trudeau, leader of the Liberal Party of Canada and newly elected Prime Minister, responded to the letter directly,

indicating his willingness to work with provinces and convene a First Ministers' Meeting (FMM) – the first in nearly a decade.[24] In particular, Trudeau promised to "call a federal-provincial meeting to reach a long-term agreement on health care funding" (*Ibid.*). Health care, in particular, may provide an opportunity for federal-provincial-territorial collaboration. According to Ontario Premier Kathleen Wynne, "this country works better when the Prime Minister works with premiers" (as quoted in Wells, 2015). Yet, prior to the November 2015 meeting, only one of thirteen premiers has ever attended an FMM.[25] Should FMMs be reintroduced on a routine basis, the collective's approach to the federal government and each other may vary. Additionally, should newly elected Prime Minister Justin Trudeau have different approaches to federal-provincial-territorial relations, it is uncertain how Canada's Premiers may react.

This raises an additional question: is this adaptation to the federal situation a short- or a long-term trend? Are positive provincial-territorial relations contingent on the prime minister in office? The Conservative Party of Canada, led by Prime Minister Stephen Harper, held minority and majority governments for nearly ten years. In this time, Harper was relatively consistent in his approach to provincial and territorial governments, offering a sense of predictability to the state of affairs with Ottawa. Prime Minister Justin Trudeau indicated throughout the campaign that he intends to take a different approach to intergovernmental affairs. As a new federal leader with a new ideology, the balance of power may shift as certain provinces take sides with the new federal government's policies, while others take issue. The name 'Trudeau' has particular significance in certain

[24] Leader of the New Democrat Party of Canada, Thomas Mulcair, also committed to calling FMMs. His commitment came in the form of an online news release through the New Democrat Party's website.

[25] Prior to the November 2015 FMM, Premier of Saskatchewan, Brad Wall, was the only current Premier in office to have attended an FMM in 2009.

provinces, such as Alberta, where the memories of the famed 1980 National Energy Program introduced by Trudeau's father and former Prime Minister Pierre Elliot Trudeau, still remain. Trudeau, both as a politician and government leader, may prove divisive among provinces. This may disrupt the collective strength among provinces and territories observable over the past five years. How provinces respond – either individually or collectively – will be an interesting trend to monitor, beginning with the first ministers' joint participation in the COP-21 climate summit in Paris in November/December 2015.

As a result, premiers are at a crossroads. COF may continue to further a collaborative approach to provincial-territorial relations. Regardless of the federal government's willingness, premiers may choose to work among themselves independent of the federal government. As this analysis has demonstrated, this approach has become the essential project of intergovernmental affairs. Alternatively, COF may agree to invite Prime Minister Trudeau to attend at COF meetings. This may or may not include participation. In fact, section 11 of The Founding Agreement states that premiers may, from time to time, invite the federal government to attend COF meetings (2003). While this provision has not been utilized to date, it exists at the discretion of premiers. Should this occur, the federation may shift towards a new era of 'collaborative federalism,' whereby the two orders of government work together in a close relationship. Movement in either direction will affect the character of PT and FPT relations in the years to come.

Further, the new federal Liberal government has pledged to address some dormant issues in the federation. Should some of these issues be introduced to the intergovernmental table, premiers may find the identification of common priorities difficult. The ability to reach common stances on issues may have increased in recent years due to the relative

absence of contentious federal-provincial-territorial issues. For instance, Prime Minister Trudeau pledged in his electoral campaign to work with provincial-territorial leaders to tackle climate change. Confirmation of the priority Trudeau and his government place on this issue, 'climate change' was added to the newly appointed Minister of the Environment and Climate Change's profile on November 4, 2015. Strategies to address climate change have been particularly contentious among premiers, and federal leadership may add another (and recently unfamiliar) level of complexity to negotiations. The COP-21 summit in Paris, mentioned above, offered a glimpse into the collective's approach to this issue. For example, a day after the Government of Alberta released plans to implement a province-wide carbon tax by 2017, Premier Wall of Saskatchewan expressed concern over the energy sector's relation to jobs and the economy (Wherry, 2015). In sum, if these questions require premiers' attention in the future, common positions may be more difficult to identify. This may change the composition of provincial-territorial relations content in communiqués towards more disagreement, rather than agreement on priorities and initiatives.

Effectiveness, Institutionalization, and the Canadian Intergovernmental Context

This thesis has explored the notion of effectiveness in Canadian intergovernmental institutions. Understood as the "extent to which goals and objectives have been realized," this term is often loosely defined and not qualitatively explored (Canadian Comprehensive Auditing Foundation, 1987: 22). Perhaps universal definition is not possible, as effectiveness tends to be contextual. What it means for a non-profit organization to be effective, for instance, compared to an interprovincial institution such as COF, is different. In the latter context, effectiveness has been defined as the ability to identify common

priorities among premiers. Once Canada's premiers have reached a common objective, they may move towards political agenda-setting (external action) or policy collaboration and coordination (internal action). This thesis has examined the latter potential of information gathering and the sharing of best practices evident through conference communiqués. COF meetings facilitate these developments and are an integral component of intergovernmental relations in Canada.

This thesis has taken a different approach to studying the effectiveness of COF. To date, other studies have linked intergovernmental effectiveness to democratic principles, policy integration, and relationships (Smith, 2004; Bakvis and Skogstad, 2012; Bolleyer, 2006). Simultaneously, these studies have defined Canadian intergovernmental institutions, such as COF, as weak. In contrast, this thesis has demonstrated that weak institutionalization does not necessarily produce *ineffective* institutions. Effectiveness can be considered independent of institutional design. Thus, while COF is weakly institutionalized, it is an effective institution that operates despite two main attributes which produce a system in which executive federalism dominates. These include the fact that Canada's provinces have considerable executive legislative authority as per the Constitution, and that regional representation in intrastate institutions like the Senate is weak. Strong subunit jurisdictional authority and weak regional representation offer insight into what effectiveness means for this institution and the operation of Canadian intergovernmental relations more generally.

The *Constitution Act,* 1867 conferred powers to the provinces, which were, "in the language of the day, of only 'local' incidence and concern" (Smiley, 1987: 84). Over time, these 'local' responsibilities have grown in profile. Today, provinces are responsible for a

number of policy areas that affect Canadians, such as health care, natural resources, and education. Since a number of these profiles require collaboration, provincial governments are both "interdependent and autonomous" (*Ibid.*: 85). At the same time, there is no "institutional machinery for effecting the authoritative resolution of conflicts between them" (*Ibid.*). Bakvis et al. summarize the connection between provincial authority as it relates to Senatorial representation:

> Within their spheres of jurisdiction, governments can theoretically act as though they were quite unitary. But in practice, national institutions make it possible for regions or regional governments to have a say in what the federal government does … while Canada has a second chamber based on regional representation – the Senate – its members are appointed directly by the federal government and thus lack the legitimacy accorded by either direct election or appointment by provincial governments. Canada stands in contrast to other federations in this respect, and many observers would argue that the Canadian federation is essential incomplete because of it (King, 1982 as cited in Bakvis et al., 2009: 6).

Because of these components, intergovernmental institutions such as COF have aimed to fill a crucial void.

COF recognized the intricacies of Canadian federalism at institutionalization. The COF Founding Agreement states one of the body's objectives is to "[promote] relations between governments which are based on respect for the constitution and recognition of the diversity within the federation" (2003). This reflects the fact that the perspective of an individual in St. John's may differ from that of downtown Calgary. From "the Arctic north, the pre-Cambrian or Laurentian shield, the Rocky Mountains, the prairies, the St. Lawrence River and the Great Lakes, and the collection of islands and peninsulas that comprise Atlantic Canada," Canada's regions are dynamic (Stevenson, 2012: 21). Hence, the subunits that exist in Canada should not be expected to align perfectly on every issue, nor – given their constitutional powers and long history of intergovernmental relations – should

they be expected to submit to the will of the majority of their partners in Confederation. To expect perfect policy coordination or democratic accountability does not consider COF's own history and self-identified objectives. It is fair to challenge these objectives; however, it is unfair to hold COF to standards it, as an organization, did not commit to.

Thus, in the Canadian context, COF is effective because it facilitates the development of common priorities "where appropriate", despite the apparent tension between strong provincial autonomy and weak institutional representation. The phrase "where appropriate" is ubiquitous in COF communiqués, indicating the extent to which governments respect each other's constitutional authority. These characteristics have been a challenge to the identification of common priorities among provincial, territorial, and federal governments. Over time, other considerations have affected the ability of premiers to agree on common stances. Constitutional negotiations, political will, and leadership have all contributed to differences in opinion and ideology across the country. Considering this, the objective of this institution was not to enhance citizen participation in democracy and intergovernmental processes, nor was it to harmonize public policy or operate to the same standard as other intergovernmental bodies. In fact, premiers deliberately rejected the Australian-style model embodied in the Quebec Liberals' initial proposal for the structure of COF. While some of these may be side effects, they are not the main objective of the APC or its successor, COF.

In sum, Canada's Premiers have willfully come together to identify and build on collective priorities. They do so at the same time as the literature describes COF as weakly established. Undeniably, this definition of effectiveness interprets the purpose of interprovincial institutions differently than traditional studies. According to this thesis,

COF is an effective intergovernmental institution that is, at the same time, weakly institutionalized. In the future, the opportunity to analyze a more in-depth case study in a given policy area may help to determine sectoral effectiveness and the internal and external actions taken by COF.

Conclusion

This thesis serves as a starting point for future discussion and consideration of COF. The complexities of intergovernmental relations in Canada through COF cannot be thoroughly examined in the space provided. This century-old institution offers a table for premiers to congregate and discuss items of mutual interest. Sometimes, these discussions result in the identification of common priorities; at others, disagreement may result.

Multiple conclusions developed from research. First, provincial-territorial relations have come to comprise the majority of communiqué content. This is a shift from earlier years, when federal-provincial-territorial relations (and calls on the federal government) made up a greater proportion of communiqués. In addition, working groups are a unique invention of COF that have aided in the body's ability to identify and build on common positions. These working groups produce reports sharing best practices, which present premiers with a menu of options for policy innovation within their respective jurisdictions. Finally, the consensus-based decision making procedure of COF has resulted in meaningful decisions and actions. Many of these, however, tend to be at the ministerial level. These conclusions have added to the literature on COF, even dispelling some of the earlier predictions for the institution.

These observations may change in the years to come. Numerous factors and developments hold the potential to shift the ability to identify common positions within the

Council of the Federation. A new federal government, and new national issues may impact how provinces and territories react to Ottawa and each other. A new federal government may even usher in a new era of Canadian federalism. If the recent past is any indication, however, premiers will continue to work towards the identification of common priorities through an institution that aims to "[promote] relations between governments which are based on respect for the constitution and recognition of the diversity within the federation" (Council of the Federation, 2003).

References

Addressing Fiscal Imbalance: Report of Provincial and Territorial Finance Ministers. 2001. http://www.gov.bc.ca/igrs/attachments/en/fisca_imbalance_website_version_english.pdf (November 3, 2015).

Bakvis, Herman, Gerald Baier and Douglas Brown, eds. 2009. *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*. Don Mills, ON: Oxford University Press.

Bakvis, Herman and Grace Skogstad, eds. 2012. *Canadian Federalism: Performance, Effectiveness, and Legitimacy*. Don Mills, ON: Oxford University Press.

Banting, Keith G., Roger Gibbins, P. M. Leslie, Alain Noël, Richard Simeon and Robert Young. 2006. *Open federalism: interpretations, significance*. Kingston, ON: Institute of Intergovernmental Relations, Queen's University.

Berdahl, Loleen and Roger Gibbins. 2014. *Looking West: Regional Transformation and the Future of Canada*. Toronto, ON: University of Toronto Press.

Bolleyer, Nicole. 2006. "Federal Dynamics in Canada, the United States, and Switzerland: How Substates' Internal Organization Affects Intergovernmental Relations." *Publius*: *The Journal of Federalism* 36(4): 471-502.

Bossone, Biagio, Maria Chiara Malaguti, Susanna Cafaro and Saverio Di Benedetto, eds. 2013. *Legitimacy and Effectiveness in Global Economic Governance*. Newcastle, UK: Cambridge Scholars Publishing.

Braid, Don. 2015. "Rachel Notley Calls out Brad Wall: There are better ways to promote Energy East than 'having a tantrum.'" *Postmedia News*, July 17.

British Columbia. Office of the Premier. 2012. "Statement by Premier Christy Clark." July 27.

Burns, R. M. 1975. "Second chambers: German experience and Canadian needs." *Canadian Public Administration* 18(4): 541-68.

Canada. Prime Minister's Office. 2008. "Prime Minister Invites Provincial Premiers and Territorial Leaders to a First Ministers' Meeting on the Economy." December 3.

Canada. Prime Minister's Office. 2009. "First Ministers Endorse Full Labour Mobility Across Canada." January 16.

Canada. Privy Council Office. 1979. *The Task Force on Canadian Unity - A Future Together: Observations and Recommendations*. Ottawa, ON: Privy Council Office.

Canadian Comprehensive Auditing Foundation. 1987. *Effectiveness: Reporting and Auditing in the Public Sector*. Ottawa, ON: Canadian Comprehensive Auditing Foundation.

Canadian Intergovernmental Conference Secretariat [CICS]. *Premiers' Conferences 1887-2002*. Ottawa, ON: Canadian Intergovernmental Conference Secretariat.

Canadian Intergovernmental Conference Secretariat [CICS]. *First Ministers' Conferences 1906-2004*. Ottawa, ON: Canadian Intergovernmental Conference Secretariat.

Canadian Intergovernmental Conference Secretariat [CICS]. "Our Organization." http://www.scics.gc.ca/english/view.asp?x=176 (November 3, 2015).

Conference Board of Canada. 2002. "Fiscal Prospects for the Federal and Provincial/Territorial Governments."

Cook, Timothy. 2015. "Notley versus Wall: Spat between premiers exposes friction on oil." *The Canadian Press*, July 17.

Council of Atlantic Premiers. 2000. *Memorandum of Understanding on Atlantic Canada Cooperation*.

Council of the Federation. 2003. *Council of the Federation Founding Agreement*.

Council of the Federation. 2007. *Climate Change: Leading Practices by Provincial and Territorial Governments in Canada*.

Council of the Federation. 2012. *From Innovation to Action: The First Report of the Health Care Innovation Working Group.*

Council of the Federation. 2015. *Canadian Energy Strategy*.

Council of the Federation. 2015. *Closing News Conference*.

Dupré, J. Stefan. 1988. "Reflections on the Workability of Executive Federalism." In *Perspectives on Canadian Federalism*, eds. R. D. Olling and M. W. Westmacott. Scarborough, ON: Prentice-Hall.

Eccleston, Richard and Timothy Woolleyy. 2014. "From Calgary to Canberra: Resource Taxation and Fiscal Federalism in Canada and Australia." *Publius: The Journal of Federalism* 45(2): 216-243.

Friendly, Martha and Linda A. White. 2012. "'No-lateralism': Paradoxes in Early Childhood Education and Care Policy in the Canadian Federation." In *Canadian Federalism* (3rd ed.), eds. Herman Bakvis and Grace Skogstad. Don Mills, ON: Oxford University Press.

Gibbins, Roger. 1980. *Prairie Politics and Society: Regionalism in Decline*. Toronto, ON: Butterworths.

Harmes, Adam. 2007. "The Political Economy of Open Federalism." *Canadian Journal of Political Science* 40(2): 417-437.

Harper, Stephen. 2004. "My plan for 'open federalism.'" *National Post*, October 27, A19.

Harper, Stephen. 2006. "A Conversation with the Prime Minister." *Policy Options*, March 1.

Headland, Thomas N., Kenneth L. Pike and Marvin Harris, eds. 1990. *Emics and Etics: The Insider/Outsider Debate*. Newbury Park, CA: Sage Publications Inc.

Heard, Andrew. 2014. *Canadian Constitutional Conventions: The Marriage of Law & Politics* (2nd ed.). Don Mills, ON: Oxford University Press.

Inwood, Gregory J. 1993. *Understanding Canadian Public Administration: An Introduction to Theory and Practice.* Scarborough, ON: Prentice-Hall Canada Inc.

Johnson, David. 2006. *Thinking Government: Public Sector Management in Canada* (2nd ed.). Peterborough, ON: Broadview Press.

Klingemann, Hans-Dieter, Andrea Volkens, Judith Bara, Ian Budge and Michael McDonald. 2006. *Mapping Policy Preferences II: Estimates for Parties, Electors, and Governments in Eastern Europe, European Union and OECD 1990-2003*. Oxford, UK: Oxford University Press.

Lett, James. 1990. "Emics and Etics: Notes on the Epistemology of Anthropology." In *Emics and Etics: The Insider/Outsider Debate*, eds. Thomas N. Headland, Kenneth L. Pike and Marvin Harris. Newbury Park, CA: Sage Publications Inc.

Leyton-Brown, David, ed. 1999. *Canadian Annual Review of Political and Public Affairs, 1993*. Toronto, ON: University of Toronto Press.

Marland, Alex and Jared J. Wesley. Forthcoming. *Inside Canadian Politics*. Toronto, ON: Oxford University Press.

Meekison, J. Peter. 2004a. "The Annual Premiers' Conference: Forging a Common Front." In *Canada: The State of the Federation 2002. Reconsidering the Institutions of Canadian Federalism,* eds. J. Peter Meekison, Hamish Telford and Harvey Lazar. Montreal and Kingston, QC and ON: McGill-Queen's University Press.

Meekison, J. Peter. 2004b. "The Western Premiers' Conference: Intergovernmental Co-operation at the Regional Level." In *Canada: The State of the Federation 2002. Reconsidering the Institutions of Canadian Federalism,* eds. J. Peter Meekison,

Hamish Telford and Harvey Lazar. Montreal and Kingston, QC and ON: McGill-Queen's University Press.

Meekison, J. Peter, Hamish Telford and Harvey Lazar, eds. 2004. *Canada: The State of the Federation 2002. Reconsidering the Institutions of Canadian Federalism*. Montreal and Kingston, QC and ON: McGill-Queen's University Press.

"Ontario's Wynne and Quebec's Couillard join forces on energy talks." 2015. *CBC Radio*, July 18.

Papillon, Martin and Richard Simeon. 2004. "The Weakest Link? First Ministers' Conferences in Canadian Intergovernmental Relations." In *Canada: The State of the Federation 2002. Reconsidering the Institutions of Canadian Federalism,* eds. J. Peter Meekison, Hamish Telford and Harvey Lazar. Montreal and Kingston, QC and ON: McGill-Queen's University Press.

Parker, Jeffrey. 2015. *Comparative Federalism and Intergovernmental Agreements: Analyzing Australia, Canada, Germany, South Africa, Switzerland and the United States*. Routledge Series in Federal Studies. Milton Park, UK: Routledge.

Quebec. Government of Quebec. 2004. *The Council of the Federation: A first step towards a new era of intergovernmental affairs in Canada*.

Quebec Liberal Party. 1980. *A new Canadian federation* [Beige Paper]. Montreal, QC: the Constitutional Committee, Quebec Liberal Party.

Roach, Robert. 2003. "Common Ground: The Case for Interprovincial Co-operation in Western Canada." Calgary, AB: Canada West Foundation.

Russell, Peter H. 2004. *Constitutional Odyssey: Can Canadians become a sovereign people?* (3rd ed.). Toronto, ON: University of Toronto Press.

Simeon, Richard. 1993. "The Political Context for Renegotiating Fiscal Federalism." In *The Future of Fiscal Federalism*, eds. Keith G. Banting, Douglas M. Brown and Thomas J. Courchene. Kingston, ON: School of Policy Studies, Queen's University.

Simeon, Richard and Amy Nugent. 2012. "Parliamentary Canada and Intergovernmental Canada: Exploring the Tensions." In *Canadian Federalism* (3rd ed.), eds. Herman Bakvis and Grace Skogstad. Don Mills, ON: Oxford University Press.

Simmons, Julie M. 2004. "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 Canadian Federalism,* eds. J. Peter Meekison, Hamish Telford and Harvey Lazar. Montreal and Kingston, QC and ON: McGill-Queen's University Press.

Smiley, Donald V. 1987. *The Federal Condition in Canada*. Toronto, ON: McGraw-Hill Ryerson Limited.

Smiley, Donald V. and Ronald L. Watts.1985. *Intrastate Federalism in Canada*. Ottawa, ON: Minister of Supply and Services Canada.

Smith, Jennifer. 2004. *Federalism.* Vancouver, BC: UBC Press.

Stevenson, Garth. 1993. *Ex Uno Plures: Federal-Provincial Relations in Canada 1867-1896*. Montreal and Kingston, QC and ON: McGill-Queen's University Press.

Stevenson, Garth. 2009. *Unfulfilled Union: Canadian federalism and national unity*. Montreal and Kingston, QC and ON: McGill-Queen's University Press.

Watts, Ronald. 2003. "Intergovernmental Councils in Federations." Kingston, ON: The Institute of Intergovernmental Relations, Queen's University; Montreal, QC: The Institute for Research on Public Policy.

Wells, Paul. 2015. "Kathleen Wynne: Time to kick Harper out." *Maclean's*, August 14.

Wherry, Aaron. 2015. "Amid a climate-change parade, Brad Wall casts himself as a Harper Lite." Maclean's, November 23.

Appendix I: Communiqué Periods and Communiqués

Period	Location	Date of Communiqué	Communiqué Title
Summer 2015	St. John's Newfoundland	July 16, 2015	1. "Premiers commit to Apprentice Mobility" 2. "Premiers affirm commitment to action in response to Truth and Reconciliation Commission Report" 3. "Providing services for an aging population" 4. "Improving outcomes for Aboriginal children in care" 5. "Premiers work together to strengthen Canada's future prosperity" 6. "Emergency Management and Response" 7. "Premiers discuss issues of importance to Canadians" 8. "Heath Care remains a top priority" 9. "Premiers support joint action on climate change" 10. "Implementing an Energy Strategy for Canada" 11. "Canada's Premiers engage federal party leaders"
Summer 2014	Charlottetown, Prince Edward Island	August 28, 2014 August 29, 2014	1. "Collaboration on health care achieves results for Canadians" 2. "Supporting infrastructure for job creation and economic growth" 3. "Premiers' Task Force to support Chair's Initiative on Aging" 4. "Report confirms fiscal disparity" 5. "Skilled Workforce" 6. "Canadian Energy Strategy" 7. "Premiers will lead comprehensive renewal of Agreement on Internal Trade" 8. "Premiers commit to improving outcomes for Aboriginal children in care" 9. "Improving international market access"

Summer 2013	Niagara-on-the-Lake, Ontario	July 25, 2013 July 26, 2013	1. "Canada's Premiers continue to have concerns with proposed Canada Job Grant" 2. "Canada's Premiers are committed to a fair and inclusive society" 3. "Canada's Provinces and Territories Realize Real Savings in Healthcare through Collaboration" 4. "Canada's Premiers discuss disaster mitigation, emergency preparedness and response, and rail safety" 5. "Canada's Premiers continue to work on modernizing fiscal arrangements" 6. "Job's and the Economy Key Priorities for Canada's Premiers"
Summer 2012	Halifax, Nova Scotia	July 26, 2012 July 27, 2012	1. "Premiers Drive Health Innovation" 2. "Premiers Collaborate on the Economy" 3. "Fiscal Arrangements" 4. "Premiers Guide Development of Canada's Energy Resources" 5. "Premiers Steer Canada's Economic Future"
Summer 2011	Vancouver, British Columbia	July 21, 2011 July 22, 2011	1. "Premiers Focus on Families" 2. "Premiers Support National Disaster Mitigation Funding Program" 3. "Premiers Release Strategy on the Global Economy: Plan Trade Mission to Asia" 4. "Council of the Federation tackles Health Sustainability in preparation for discussions with the federal government"
Summer 2010	Winnipeg, Manitoba	August 5, 2010 August 6, 2010	1. "Premiers Working to Sustain Economic Recovery" 2. "Premiers Endorse Water Charter" 3. "Premiers Support Bay of Fundy in 7 Wonders of the Natural World Campaign" 4. "Strengthening International Trade and Relationships" 5. "Premiers Protecting Canada's Health Care Systems"
Summer 2009	Regina, Saskatchewan	August 6, 2009 August 7, 2009	1. "Premiers Agree on EI Reforms and call for a Retirement Income Summit" 2. "Provinces and Territories make H1N1 preparations a priority" 3. "Premiers Advance Open Trade in Canada" 4. "Premiers to Strengthen Canada-US Relations" 5. "Premiers Focus on Innovation" 6. "Premiers Focus on Canada's Place in the World"

Summer 2008	Québec City, Québec	July 18, 2008	1. "Climate Change: Fulfilling Council of the Federation Commitments" 2. "Labour Market: Meeting the Requirements of the 21st Century"
Summer 2007	Moncton, New Brunswick	August 9, 2007 August 10, 2007	1. "Council of the Federation Releases Shared Vision for Canada's Energy Future" 2. "Premiers Strengthen Trade" 3. "Council of the Federation Commits to Reduce Greenhouse Gas Emissions"
Summer 2006	St. John's, Newfoundland	July 28, 2006	1. "Communiqué" 2. "Communiqué"
Summer 2005	Banff, Alberta	August 12, 2005 August 11, 2005	1. "Communiqué" 2. "Communiqué"
Summer 2004	Niagara-on-the-Lake, Ontario	July 30, 2004	1. "Premiers Announce Progress on Key Initiatives" 2. "Premiers' Action Plan for Better Health Care: Resolving Issues in the Spirit of True Federalism"
Summer 2003 (APC)	Charlottetown, Prince Edward Island	July 10, 2003 July 11, 2003	1. "Premiers Announce Plan to Build a New Era of Constructive and Cooperative Federalism" 2. "Canada- United States Relations" 3. "Health Care Remains Premiers' Number One Priority" 4. "Jobs and the Economy"
Summer 2002 (APC)	Halifax, Nova Scotia	August 1, 2002 August 2, 2002	1. "A New Study by the Conference Board Confirms the Existence of an Important Fiscal Imbalance in Canada" 2. "Premiers Call for New Funding Partnership for Health Care for Canadians" 3. "Climate Change" 4. "Federal-Provincial-Territorial Consultation" 5. "Trade"
Summer 2001 (APC)	Victoria, British Columbia	August 2, 2001	1. "Energy" 2. "Sustainable Health Care for Canadians"
Summer 2000 (APC)	Winnipeg, Manitoba	August 10, 2000 August 11, 2000	1. "Understanding Canada's Health Care Costs" 2. "Early Childhood Development" 3. "Fifth Progress Report on Social Policy Renewal Released to Canadians" 4. "Fiscal Imbalance in Canada" 5. "Infrastructure and Transportation Requirements to Strengthen Canada's

			Competitiveness” 6. “Premiers’ Commitments to Their Citizens”

Appendix II Coding Sheet

			THE FEDERATION
1	**a**		*Institutional reform* (e.g. Senate, House of Commons, electoral, etc.)
2	**a**		*Principles of Canadian federalism*
3	**a**		*Regional coalitions* (e.g. bodies such as WPC and APC, the NWP, etc.)
4	**a**		*Jurisdictional autonomy* – Reminder of provincial jurisdiction
	b		*Provincial autonomy* – Devolution
			FEDERAL GOVERNMENT
1	**a**		*Calls for action* (e.g. "We urge/ call upon/ invite the federal government…")
	b		*Calls for action* – Aboriginal matters
2	**a**		*Support* (e.g. "Premiers are encouraged/ acknowledge the good work being done by the federal government…")
3	**a**		*Criticism* (e.g. "Premiers are discouraged/ concerned…")
4	**a**		*'Fiscal Federalism'* (e.g. CHT, CST, Equalization, TFF)
			PROVINCIAL/TERRITORIAL COLLABORATION
1	**a**		*Commitment* – Continuation of premiers' initiative
	b		*Commitment* – Establishment of premiers' initiative
	c		*Commitment* – Premiers approved plans
	d		*Commitment* – Premiers tasked ministers
	e		*Commitment* – Report-back
2	**a**		*Disagreement* – Provincial exclusion (recognition of; opt out)
3	**a**		*Symbolic* – Premiers applauded the work of ministers
	b		*Symbolic* – Premiers committed to working together (no action)
	c		*Symbolic* – Premiers agreed on priorities (no action)
4	**a**		*Other* – External agreement (e.g. international trade, energy, etc.)
	b		*Other* – Item for future discussion