Assessing the Collaboration That Was "Collaborative Federalism" 1996-2006

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Abstract. From a vantage point fifteen to twenty years after a number of scholars labeled the intergovernmental climate of the mid/late 1990s as "collaborative federalism," this article re-assess the appropriateness of this label. Looking particularly at social policy, we consider the process of collaboration itself, both in terms of the institutions and forums where the federal and provincial partners to the collaboration met (have initial attempts to grow the apparatus of intergovernmental negotiations had lasting effects), and in terms of the culture and relationships involved (have provinces and the federal government negotiated in ways that place the two orders of government on equal footing, or have they reverted to a hierarchical relationship). The article also considers whether provincial and federal governments produced collaborative policy outcomes, given their pledges to do so, as elaborated in a series of intergovernmental agreements. We find that the "collaborative" of collaborative federalism comes to look quite thin, particularly compared to the definition of collaboration advanced by scholars a decade ago. We conclude with some brief reflections on what the lack of collaboration in collaborative federalism means for the broader taxonomic question of how we understand the intergovernmental relations of these years, and suggest that a more accurate descriptor might be the unraveling of competitive federalism.

Keywords. Intergovernmental relations; federalism; social policy renewal; Council of the Federation.

Résumé. Avec un recul de quinze à vingt ans, après que nombre de chercheurs ont étiqueté le les rapports intergouvernementaux du milieu et de la fin des années 1990 comme « fédéralisme collaboratif », cet article réévalue la pertinence de cette dénomination. En se penchant tout spécialement sur les politiques sociales, nous considérons le processus de collaboration en soi, à la fois en termes d'institutions et de forums, où les partenaires fédéraux et provinciaux se rencontrent, et en termes de culture et de relations engagées. L'article considère également que les gouvernements provinciaux et fédéraux ont produit des résultats de politiques publiques collaboratives, étant données leurs engagements, ce qui se manifeste dans une série d'accords intergouvernementaux. Nous trouvons que le « collaboratif » dans le fédéralisme collaboratif apparaît assez mince, en particulier si on examine la définition de collaboration avancée par les chercheurs il y a dix ans. Nous concluons avec de brèves réflexions sur ce que le manque de collaboration dans le fédéralisme collaboratif signifie pour la question taxonomique plus vaste qui se résume à comment comprendre les relations intergouvernementales au cours de ces années, et suggérer qu'une description plus pointue soit l'effilochement du fédéralisme compétitif.

Mots clefs. Relations intergouvernementales ; fédéralisme ; renouveau de la politique sociale ; Conseil de la Fédération.

Introduction

An important strand of research on Canadian federalism is taxonomic: it involves classifying different types of federal-provincial dynamics at work, and in defining temporal categories where specific relationships or mixes of interaction are deemed to be particularly dominant. This has led to an unfortunate multiplication of descriptors, as scholars experiment with new metaphors: 9-1-1 federalism (Gibbins 1999), checkerboard federalism (Bakvis 2002), handshake federalism (Torjman 2001), federalism with a footnote (Noel 2003b) or instrumental federalism (Phillips 2003). However, at least in terms of providing a historical portrait of changing federal relationships, a number of terms are now widely shared, drawing from Simeon and Robinson's (1989)

magisterial history. These include the characterization of the 1896 to 1939 (excepting the First World War) period as one of "classical federalism", followed by a "cooperative federalism" that stretched from 1945 into the late 1960s, when it was supplanted by a "competitive federalism" which evolved into "constitutional federalism" (see also Simeon and Robinson 2004).

About fifteen years ago, several leading scholars characterized the intergovernmental relations climate of the mid/late 1990s as "collaborative federalism". This federalism was thought to be distinct from that of previous eras because it was less hierarchical (Lazar 1997) with provincial and federal governments co-determining intergovernmental policy outcomes, negotiating as equals (Cameron and Simeon 2002). As analysts today attempt to brand the type of

federalism emerging under the Stephen Harper government and its relationship with what came before, it is useful to re-assess collaborative federalism. From a vantage point fifteen to twenty years after this form of federalism emerged, should we still accept the characterizations of those writing in its early years? Did they truly capture novel features that would justify a new label, or ultimately have the forms of interaction characterizing the earlier period persisted into the present?

As an evaluative strategy, we take the adjective (i.e. collaborative) seriously and, looking particularly at social policy, we ask, "What can we make of this collaboration?" On the one hand, we consider the *process* of collaboration itself, both in terms of the institutions and forums where the federal and provincial partners to the collaboration meet (have initial attempts to grow the apparatus of intergovernmental negotiations had lasting effects), and in terms of the culture and relationships involved (have provinces and the federal government negotiated in ways that place the two orders of government on equal footing, or have they reverted to a hierarchical relationship). On the other hand, the article considers the outputs of the collaboration in relation to the announced goals of the parties. In other words, have provincial and federal governments produced collaborative policy outcomes, given their pledges to do so, as elaborated in a series of intergovernmental agreements across an array of policy areas?

Ultimately, as the article moves from a discussion of the institutions of collaboration, through to the policy outputs and then to the question of culture and relationships, we find that the "collaborative" of collaborative federalism comes to look quite thin, particularly compared to the thicker definition of collaboration advanced by scholars a decade ago. We conclude with some brief reflections on what the lack of collaboration in collaborative federalism means for the broader taxonomic question of how we understand the intergovernmental relations of these years, suggesting less a change in the behaviour of the actors (e.g. from competition to collaboration) than in their relative interest in achieving goals that implicated the involvement of other orders of government. The more tranquil intergovernmental waters, then, might have less to do with collaboration, than with a federal government adopting a more modest understanding of its leadership role in social policy, and of provinces not being terribly ambitious to take its place.

Some Conceptual Preliminaries

Taxonomic enterprises have their limitations, including the danger of ending in highly ideographic accounts, with unique and specific explanations for how each type or category came about. In some ways, this would describe Mallory's (1965) "Five Faces of Federalism". Simeon and Robinson's (1989) history of Canadian federalism began to take a different approach, describing factors driving the relationship over time such as shifts in the political economy, the development and evolution of nationalism, and changing bureaucratic capacity. They then related specific constella-

tions of these factors to periods of intergovernmental relations, paying particular attention to the relative power and capacity of the federal and provincial governments, on the one hand, and the broad vision of development driving these governments on the other. To the extent that "collaborative federalism" builds on this taxonomical basis, and it has been adopted by Robinson and Simeon in their later work (2004), we should expect it to address changes in these dimensions.

One difficulty of creating temporal categories is identifying reasonable start and end dates, as intergovernmental relations are not likely to shift on a dime, nor are they uniform across issue areas (e.g. environmental policy versus infrastructure policy versus social policy) or level of relationships (e.g. first ministers level versus operational level relationships). So we are faced with a similar question to one like: when exactly did competitive federalism replace cooperative federalism? While "constitutional federalism" might have a clear endpoint with the 1992 rejection of the Charlottetown Accord in a national referendum, it is not clear that the stage of "collaborative federalism" was discernible in the months following. For the purposes of this paper, we date the beginnings of collaborative federalism following the accounts of Cameron and Simeon (2002) and Lazar (1998a), who saw this form emerging out of a confluence of factors in the early-to-mid 1990s.

A central driver in both accounts of collaborative federalism was the move to fiscal restraint by both orders of government in the mid-1990s. The 1995 federal budget, with its unilateral and substantial cuts to cash transfers to provinces for health, post-secondary education and social assistance, amplified existing deficit-reduction challenges that provinces were confronting. Cameron and Simeon (2002) argue that the fiscal situation brought on by the 1995 federal budget invested provincial governments "with a stronger sense of their autonomy, their responsibility, and their right to judge... what the national as well as the provincial interest requires" (54) while reducing the federal government's perceived legitimacy to act as a protector of a national interest. The unilateralism also weakened trust relations between orders of government.

Another key driver was the collapse of the Meech Lake and Charlottetown constitutional amendments, the subsequent near-victory for the "yes" campaign in the 1995 Quebec referendum, as well as the strengthened regionalist pressures exemplified by the success of the Bloc Québécois and the Reform parties in the 1993 federal election. These pressures put a stamp on the subsequent era in several ways. First, public opposition to the elite bargaining of the constitutional period increased the importance of transparency and accountability in executive federalism (i.e. the relations between the elected and appointed officials of the two orders of government (Smiley 1980)). Second, the failure to reach a grand constitutional compromise created a pragmatic response of searching for solutions to make the federation function.

For a federal government seeking to ensure some sense of pan-Canadian leadership and integration without riling sovereignist and regionalist sentiment, and seeking to do so in a tight budgetary space, a less confrontational and more

egalitarian approach to intergovernmental relations was indeed attractive. It is worth noting that this argument about the dynamics underlying a new era of federalism is consistent with the view that shifts in the relative power of governments set apart epochs. But unlike Simeon and Robinson's analysis of previous eras, this argument does not include an analysis of changing ideas about social and economic development. In terms of the adequacy of the characterization of this period as "collaborative," this omission may mean that something important is overlooked. We revisit this point in our conclusion.

The end-point for our purposes is the election of the Harper Conservative government in 2006. It may be that the collaborative ethos continued for a few years thereafter. Some academic attention has been given to the question of whether Stephen Harper's statements about "Open Federalism" and his commitment to "taking advantage of the experience and expertise that the provinces and territories can contribute to the national dialogue" and "respecting areas of provincial jurisdiction" (Prime Minister of Canada 2006) amounts to a real change of direction (e.g., Mendes 2012), with others noting a fair degree of continuity beneath the rhetoric of change (Banting 2006; Montpetit 2007). Yet, a more recent set of high profile developments, ranging from the Conservative government's rush to pass within its first 100 days the omnibus Bill C-10 (The Safe Streets and Communities Act) with its significant financial implications for the provinces (see Libin 2011); to the federal government's initiative to establish a National Securities Regulator (halted by the Surpreme Court); the 2013 budget's unilateral reimagining of federal-provincial labour market agreements; the abrupt termination of funding for the Health Council of Canada; and especially to the federal imposition on provinces of a new health transfer funding formula, suggest that another era of federal/provincial interaction is unfolding (Behiels and Talbot 2011). At the very least, it is suggestive of a shift in federal-provincial power dynamics similar in scale to that used by Cameron, Simeon and Lazar to date the beginning of "collaborative" federalism. By maintaining 2006 as an end-date for collaborative federalism, we stay closer to the actors and contexts that led to the crafting of the "collaborative" descriptor, providing a more charitable analysis. We are mindful however, that a decade is a short time in such periodizations, and that some embryonic institutions or intergovernmental agreements from that period may come to take on a more impressive form over time, leading to different conclusions from a vantage point somewhere in the future.

So what made "collaborative federalism" something new and different? If we take a simple understanding of "collaboration" as parties working together to a joint end, presumably, other periods of federalism would also count as collaborative on this score. Faced with the presumed vacuity of the term, some scholars have attempted to define "collaboration" much more narrowly and specifically. For instance, Minaeva (2012) sets up a continuum of intergovernmental relations that starts from coexistence and moves through communication, cooperation, and coordination to reach collaboration. Her continuum sets a very high bar for collaboration in terms of equality of power, interdependent use of resources, shared results, jointly created rules and structures, frequent communication, and capacity for dispute resolution. Not surprisingly, in surveying key moments in the collaborative period, such as the Agreement on Internal Trade and the Social Union Framework Agreement, she finds very little that is truly collaborative. That said, if one wishes to evaluate the adequacy of thinking of this period as collaborative federalism, the fit with abstract definitions is less important than the fit with the meanings that those using the term for the post-1995 period invest in it.

As an early adopter of the term, Harvey Lazar placed collaborative federalism as a mid-point in a continuum between the classical federal model and the model of federal unilateralism. The latter was characterized by considerable federal/provincial interdependence but with the federal government having ultimate say on conditions on transfers provincial governments. Unilateralism was apparent during the era that is commonly referred to as cooperative federalism during which the welfare state was established. Collaborative federalism shared an acceptance of a high level of federal-provincial interdependence with cooperative federalism, in contrast with the disentanglement of classical federalism. Yet collaborative federalism was far closer to the non-hierarchy/non-subordination of the latter than it was to cooperative federalism's vision of Ottawa as the senior level of government (1998a, 110).

Elsewhere, Lazar defined collaboration as "governments working together on a non-hierarchical basis in a manner that reflects their interdependence" (1998b, 21). This type of federalism could take two forms. The first was a rules-based collaboration in areas like pensions where the constitution authorizes both orders to act. The second was a "consensual federalism", where governments signed political and administrative agreements but without a constitutional backing. For Lazar, this non-constitutional route required "a highly interactive process between governments and entail[s] formal agreement in achieving results" (1998a, 111). In other words, it should produce observable changes, either in terms of new institutions or processes.

For Cameron and Simeon (2002), perhaps the most important feature of collaborative federalism was the "principle of co-determination of broad national policies" with the "two orders of government working together as equals," or, in some cases, of "provincial and territorial governments taking the initiative on their own-acting collectively in the absence of the federal government-to formulate national policy" (49).[1] This principle was grounded in the view of governance in Canada "as a partnership between two equal, autonomous, and interdependent orders of government that jointly decide national policy." While Cameron and Simeon note that the federal government does not "generally share this view," they argue that it "has been drawn into a process that is premised on this assumption" (50). This characterization is quite close to Lazar's although more provincialist, as it is phrased less in terms of degrees of hierarchy imposed by the

federal government, and more in terms of provincial participation in setting the national conversation.

Writing a decade after the failed referendum on the Charlottetown Accord, Cameron and Simeon were struck by the reprise of previous constitutional quarrels on the economic and social union, the spending power and jurisdiction, but also the manner in which these could now produce some degree of productive resolution through joint declarations and framework agreements, such as the Agreement on Internal Trade and the Social Union Framework Agreement (SUFA).[2]

Collaborative federalism was argued to have an impact on intergovernmental institutions as well. This included the growth of the Annual Premiers' Conference as First Ministers' Meetings and Conferences, which are normally hosted by the Prime Minister, declined in frequency. The features of its growth that were noted included greater support by professional civil servants, an on-going agenda of work, and the growth of the role of the chair, who has become a spokesperson for the Premiers between meetings (61). Perhaps more significant was the growth of Ministerial Councils as the workhorses of the intergovernmental system, playing a central role in the policy process (62). Here, the conclusion seems heavily influenced by the Ministerial Councils on Social Policy Renewal and their initiatives leading to the adoption of the SUFA. Both the Councils on Social Policy Renewal and the SUFA are examined in greater detail in subsequent sections of this analysis.

Having said as much, Simeon and Cameron took pains to note that the inherited institutional landscape was not favorable to collaboration, both in terms of responsible government (which limited the ability to make binding commitments) and the professionalization of intergovernmental relations (leading to zero-sum jurisdictional turf-guarding by intergovernmental specialists, rather than a perspective of "how to collaborate to solve our joint problems"). As such, while they felt the conditions were ripe for collaborative federalism to have a long run, they at the same time treated it as a fragile emergence. The same could be said for Lazar, who for instance noted that effective collaboration required a degree of predictability in government behaviour, so as to nurture trust relationships. He felt Canada was not yet there (Lazar 2000a, 31). Likewise, while he saw the SUFA s.4 commitments around joint planning and information sharing as very promising in terms of delivering coherence and value for money, he likewise felt these commitments needed to be reinforced with new institutions such as a legislative committee on the Social Union or arm's length bodies (Lazar 2000b, 107-110).

Taken together, the accounts we have just summarized provide a specific understanding of collaboration. First, there is a sense that collaboration needs to be rooted in new or changed institutions if it is to prove lasting. Second, without being very clear about thresholds and orders of magnitude, there is a sense that this collaboration is reasonably fruitful in terms of confronting challenges and coming up with promising solutions to difficult problems. Third, true collaboration requires that the parties to the collaboration are relatively equals, and that their "working together" is based on largely on consent and unforced cooperation. This does not mean absolute harmony and unity of purpose: recall Cameron and Simeon mentioning that the federal government does not fully share the idea of co-leadership in setting national priorities. But they then speak of the federal government being "drawn into" (as opposed to, say "forced into") processes, suggesting a dynamic of mutual benefit.

While the form of federalism practiced in the 1996-2006 period has been criticized on a variety of grounds[3], there has been relatively little analysis that directly challenges the terminology per se. The exception would be Alain Noël (2003a), who, in his debates with Lazar's account, challenged the assertion that this federalism was relatively non-hierarchical. For Noël, the SUFA, and by extension social policies like the National Child Benefit and the National Children's Agenda of the late 1990s, reflected the hierarchy implicit in new governance arrangements, with the federal government steering while the provinces rowed. At base of this critique was whether the degree of coercion implied in that hierarchy was consistent with the ideas of consent, autonomy and equality that seem to be part of collaboration.

This debate in many ways became one about the nature of the spending power (see Graefe 2008; Simmons 2009), an issue that arises a number of times below. However, in what follows we take an approach that differs in two respects. First, we assess collaborative federalism more broadly, by considering what the development and use of new institutions or forums of decision-making (the first criterion for collaboration) tells us about the commitments of the participants to formalize or extend their collaboration and by looking more closely at what the outputs (intergovernmental agreements) tell us about the depth of collaboration. Have they been fruitful in confronting challenges and devising promising solutions to difficult problems (the second criterion for collaboration)? In our examination of both institutions and outputs, we also assess whether governments worked together as equals based on decision-making by consent, rather than forced cooperation (the third criterion of collaboration). Second, our approach is distinctive because, while the normative commitments of Lazar and Noël pushed them to accentuate either the strengths or limits of collaboration, we are less driven to praise or to bury the term. Our interest remains empirical, that is, finding out how "collaborative" collaborative federalism truly was; and analytical, that is, bringing these empirical results into debates over typologies and taxonomies of federalism.

Processes of Collaboration – Changed or New Institutions and Forums

During the decade under consideration there was indeed a decline in the occurrence of highly politicized First Ministers' Conferences (FMCs) or First Ministers' Meetings (FMMs), and a corresponding growth in Federal/Provincial summit style relations conducted through the Annual Premiers Conference (APC). Prime Minister Chrétien hosted fewer FMCs or FMMs than his predecessor Brian Mulroney. During his decade-long tenure as Prime Minister (1993-

2003), Chrétien hosted seven of these kinds of meetings, virtually all in private, and relatively brief in duration, whereas Mulroney hosted fourteen over a period of seven years some of which were more public, and taken together, were relatively longer in duration. Paul Martin hosted two during his short run as Prime Minister from 2004-2005 – one on the topic of health care, the other on Aboriginal issues, demonstrating more enthusiasm for these forums (Inwood, Johns and O'Reilly 2011, 42) than Chrétien. Yet, when compared to current Prime Minister Harper, who has held just two in the last six years, both Chrétien and Martin displayed less reticence towards this form of federal/provincial/territorial communication.

With respect to Provincial/Territorial (P/T) intergovernmentalism, there is no doubt that it became more institutionalized over the decade under consideration. Most notably, the APC has been replaced by the more institutionalized Council of the Federation (COF), which, in contrast to the APC, meets at least twice a year, and is supported by a steering committee of senior deputy ministers representing one of the 13 member governments, a permanent secretariat with a board of directors, and a head responsible to this board. This new institution was formed in 2003 with objectives that included "solidification of interprovincial-territorial cooperation," and "exercising leadership on national issues of importance to provinces and territories and in improving federal-provincial-territorial relations" (Council of the Federation 2003). This latter objective affirms the provincial leadership role in setting the national conversation that is associated with governments interacting as equals – our second criterion of collaboration.

In terms of the "workhorses" of the intergovernmental system - the meetings among P/T and Federal/Provincial/Territorial (F/P/T) ministers of specific policy areas - perhaps most anticipation for collaboration surrounded the Ministerial Council on Social Policy Renewal, the P/T variant of which had been particularly active from 1996 through to the creation of the Social Union Framework Agreement in 1999. The F/P/T variant of this Council, while more nascent, seemed a logical forum for social policy development in the post SUFA era. Beyond these two Councils, the meetings of P/T and F/P/T ministers or deputy of specific policy areas, numbered roughly 100 a year, during the so-called collaborative federalism era and remained much more prevalent than First Ministers' Meetings or Conferences.[4] However, looking back over the period in question, it seems that Bakvis, Baier and Brown's observation that "relatively few deals or agreements are struck at intergovernmental meetings," holds true (2009:112). By and large, these meetings remained opportunities to discuss issues, make commitments to examine various issues further, and possibly work towards future consensus, with communiqués emphasizing generalities rather than specifics. As in previous eras, communiqués were not always issued at the conclusion of these meetings suggesting impasse among the participants. No additional sectors have adopted the name "council", or developed secretariats, though the councils of forestry, transportation, education and environment remain. However-

er, one study (Simmons 2004) notes that there is no correlation between the institutionalization of intergovernmental forums and cooperation, with some of the least institutionalized forums producing the most noticeable collaborative federal/provincial/territorial agreements such as the weakly institutionalized ministers responsible for social services and the 1997 National Child Benefit.

There are reasons to believe that the momentum behind the further institutionalization of sectoral intergovernmental meetings disintegrated in the 2000s; the starkest indicator was the petering out of the Ministerial Councils for Social Policy Renewal. The P/T variant of this council last met, according to the Canadian Intergovernmental Conference Secretariat, in July of 2001, while the F/P/T variant met just four times following the signing of the SUFA in February of 1999. In May of 1999 the F/P/T council launched a national dialogue for the National Children's Agenda which was to develop "common vision, values, goals and areas for action to engage all parts of society in an effort to better meet our children's needs" (Canadian Intergovernmental Conference Secretariat 1999). However, with the exception of one meeting with the leaders of the five National Aboriginal organizations in late 1999, there were no subsequent press releases issued by this Council, let alone reports and other documentation. The collapse of the Ministerial Councils on Social Policy Renewal signals that the sails of collaboration found no wind once the SUFA had been signed by First Ministers.

On balance then, there is mixed evidence about the evolution of the intergovernmental apparatus in the collaborative federalism era. Perhaps the strongest evidence of greater collaboration is the advent of the provincial/territorial Council of Ministers, its activity and degree of institutionalization. At the same time, when the Ministerial Councils for Social Policy Renewal atrophied, it marked the end of two of the most promising forums of intergovernmental collaboration and the prospect of not just federal/provincial coordination, but coordination of social policy initiatives across a large number of policy areas. These forums had the potential to function like the Open Method of Coordination for Social Inclusion in the European Union with member states (the provinces) coordinating social policy initiatives in a number of fields and/or the federal government also active in this coordination (Simmons 2013a). With respect to First Minister activity involving the Prime Minister, again the evidence is mixed, depending on whether we compare the 1996-2006 period to the Mulroney or Harper years of intergovernmental relations.

Does the evolution of intergovernmental apparatus reflect "working together" based largely on consent and unforced cooperation (the third criterion for collaboration)? The lack of F/P/T First Minister activity and greater P/T activity, and the exclusion of the federal government from the Council of the Federation are indicators of a competitive or conflictual form of federalism rather than a collaborative one. Among the many aspects of the Council's mandate is the statement that it will "provide an integrated and coordinated approach to federal-provincial-territorial relations through the development of (provincial-territorial) shared

common analysis and positions, where appropriate," (Council of the Federation 2003) which facilitates the collective development of a strategy vis a vis a common adversary (the federal government), more than developing trust ties between the two orders of government.

Turning to the nature of the work of the Council of the Federation, again, it seems to suggest an adversarial relationship with the federal government, rather than a collaborative one, particularly with respect to the issue of fiscal imbalance. In the Council's early days, after a terse exchange of letters between the Council and then federal Minister of Intergovernmental Affairs, Stéphane Dion, the Council of the Federation established an independent panel of five "experts" to advise premiers on the issues of vertical and horizontal fiscal imbalance. The panel's lengthy report was informed by processes of public deliberation facilitated by Canadian Policy Research Networks, a national think tank. The federal government also lunched its own Expert Panel the same year, and engaged citizens through requests for feedback on a "Key Issues" paper, and through a series of regional roundtables (see Simmons 2012). There is no doubt that these measures, at both orders of government, indicate an increase in the volume of documented intergovernmental activity, and a certain degree of transparency traditionally lacking in intergovernmental relations. However, they can be interpreted as the byproduct of *conflict*, with governments engaging citizens as they have historically, as a way to legitimize their negotiating position vis a vis the other order of government (see Montpetit 2006), rather than as a new way of conducting intergovernmental relations that emphasizes greater accountability to citizens.

Have provinces, through the Council of the Federation a) demonstrated a track record of interprovincial/territorial cooperation and/or b) and ability to set the intergovernmental agenda through this cooperation? Given that we are only considering 1996-2006, and the Council was established in 2003, the 2003-2006 timeframe is perhaps too short to draw conclusions on either count. However, the pattern of interprovincial/territorial activity on the issue of fiscal imbalance in 2005/2006 looked remarkably traditional, with individual provinces departing from any interprovincial consensus when it was in their interest (Boadway 2006; Lazar 2008; Stevenson 2009). Consider for example, the bilateral agreements between Newfoundland and Labrador and Ottawa, and between Nova Scotia and Ottawa in early 2005 on the subject of offshore resource revenues. Consider also, Ontario's "Fair Share" campaign that same year which resulted in another bilateral Ontario-Ottawa agreement on fiscal transfers, all of which took place amidst the supposedly broader conversation of establishing a new rules-based approach to fiscal transfers from Ottawa to provinces. This campaign and the subsequent "Strong Ontario for a Strong Canada" summit organized by the Ontario government indicate a significant willingness, perhaps never as well and systematically organized before by any province, to mount a campaign characterizing fiscal relations as zero sum: losses of one province are the gains of another.

Certainly, owing in part to the disparate interests of provinces, it seems as though the Council of the Federation did not become the lynch pin of P/T cooperation in the fiscal imbalance debate that premiers might have initially envisioned. The only other documented initiative of the Council in the pre-Harper era was the far more muted call by premiers for a National Transportation Strategy. But there are reasons why provinces' enthusiasm to speak with one voice to the federal government might also have waned post 2006. Their experience on the fiscal imbalance file would reveal the practical time-intensive and human resource costs of P/T collaboration, and the difficulty of moving off a P/T consensus position, painstakingly established in the first place, once the federal government makes a move on the intergovernmental chess board.

Outputs of the Collaborative Era

We now turn to the second criteria of collaboration: promising solutions to difficult problems. There are several intergovernmental agreements in specific policy areas which punctuate the decade under consideration and which, by virtue of the accountability arrangements they engender, suggest collaboration among relatively equal orders of government. During the welfare-state building era of cooperative federalism, provincial social assistance, health care and post-secondary education regimes were in part funded through conditional federal transfer payments. Provinces were accountable to the central government with provinces receiving reimbursement from the federal government when a federal department deemed provincial expenditures to be compliant with programmatic conditions agreed to by the two orders of government. The major shift in the collaborative federalism era was towards provincial accountability to citizens (rather than the federal government) through public reporting of policy results (rather than on how monies have been spent (outputs)). The latter accountability arrangement was thought to be less hierarchical, with the federal government having much weaker levers to dictate the design of provincial social policy. It was reliant primarily on public reporting resulting in "policy learning" across provinces either through their sharing of best practices (Saint-Martin 2004), or by citizens monitoring and comparing governments' performance, and punishing poorly performing governments at ballot box (Graefe et al. 2013). It is noteworthy that the emphasis on intergovernmental performance measurement also emerged at roughly the same time in some other federations (Fenna 2010) and in the European Union through the Open Method of Coordination (Tommel and Verdun 2009).

In the Canadian context this new mode of intergovernmental governance was elaborated in SUFA, which emphasized "transparency and accountability" and committed governments to "monitor(ing) and measure(ing) outcomes of its social programs and report(ing) regularly to its constituents on the performance of these programs." Governments also pledged to "use third parties, as appropriate, to assist in assessing progress on social priorities" (Canadian Intergovernmental Conference Secretariat 1999). Similar language is evident in the 2000 Early Childhood Develop-

ment Agreement (ECDA) which transferred $2.2 billion federal to provinces for programs in five broad areas: healthy pregnancy, infancy, and birth; parenting and family supports; early childhood development, learning, and care; and community supports; and in the subsequent, more focused 2003 Multilateral Agreement on Early Learning and Child Care which transferred $1.05 billion to provinces for improving access to affordable, quality, provincially and territorially regulated early learning and child care programs and services.

In the field of health care, a similar emphasis on public reporting is evident, but with a focus on the role of third parties in monitoring performance. In 2000 First Ministers agreed to a five year funding arrangement for $21.1 billion federal funds with provinces agreeing to publicly report on fourteen indicators of performance. Reflecting the language of the SUFA, this agreement emphasized "respecting each other's responsibilities, all governments believe in the importance of being accountable to Canadians for the health programs and services which they deliver. Clear public reporting, with appropriate, independent, third party verification will enhance the performance of health services" (Canadian Intergovernmental Conference Secretariat 2000). The First Ministers' Communiqué also underscored the non-hierarchical relationship between the federal and provincial governments: "the purpose of performance measurement is for all governments to be accountable to their public, not to each other. The amount of federal funding provided to any jurisdiction will not depend on achieving a given level of performance" (Canadian Intergovernmental Conference Secretariat 2000).

In 2003, another intergovernmental deal on health care, worth $34.8 billion over five years, committed participating governments to establish a Health Council comprised of "experts" and "the public" to report annually on the implementation of the Accord (Canadian Intergovernmental Conference Secretariat 2003). The 2004 10 Year Plan to Strength Healthcare also involved a significant federal fiscal transfer to the provinces; committed governments to reporting annually to their citizens on "wait times" reductions in five areas of service; and authorized the Canadian Institute for Health Information, another third party with a board of directors consisting of a small collection of government and non-governmental actors, to "report on progress on wait times across jurisdictions" (Canadian Intergovernmental Conference Secretariat 2004). Another form of public reporting was adopted by governments in their National Child Benefit initiative of 1997. In contrast to their commitments in the childcare agreements, participating governments agreed to annually and collectively report in one document the value of each government's financial commitment to the NCB (inputs) and the performance of the program (outcomes or results).

In the field of labour market training, following the Quebec referendum, the Chrétien Liberal government agreed to transfer its staff, funding and assets for Employment Insurance to provincial governments who were interested in assuming responsibility for active employment measures.

Bilateral agreements between provinces and the federal government elaborated that provinces would account for federal funding with reports on program results. As Klassen and Wood (2013, 117) explain, these first Labour Market Development Agreements "were designed to ensure that the two orders of government were able to cooperate, or at least interact, with a minimum of friction and in a manner to ensure effective policy outcomes" and thus the agreements emphasize just three performance indicators, and the obligation that provinces create annual plans. A second set of employment-related bilateral agreements was negotiated in 1998 and is associated with the 1997 Multilateral Framework for Employability Assistance for People with Disabilities (EAPD). These five year agreements required that both federal and provincial governments "prepare a multi-year program and expenditure plan for review" and that provinces also report annually on results, which would be compiled as one national report and made public (Graefe and Levesque 2013, 131). A second generation of bilateral agreements resulted from the 2003 Multilateral Framework for Labour Market Agreement for Persons with Disabilities (LMAPD), with provinces having increased flexibility in their reporting requirements.

The assessment of reporting varies across fields, with some having relatively harmonious and cooperative reporting systems (such as labour market training) and others where reporting remains an ongoing bone of contention (such as labour market programs for people with disabilities). Generally speaking, the requirement to provide annual plans and reports has been resented by provinces in some fields (disability, childcare) as an imposition by the federal government. The argument from the provinces is that they have their own planning, audit and evaluation processes, and that layering a new one on for a joint federal-provincial program is an inefficient duplication. For instance, if you were the Ontario government, why produce a plan and reports on labour market programs for people with disabilities that are co-funded by the federal government, in addition to the plan and reports on the whole suite of labour market programs for this target group? (Graefe and Levesque 2013) As a result, reporting has been the basis of provincial resistance, which to date has meant that reporting is done reluctantly rather than enthusiastically.

Yet, as much as provinces in many cases resisted burdensome reporting requirements and tried to keep them as flexible as possible, it is also true that these requirements were generally not used aggressively by the federal government (e.g. Fafard 2013, Findlay 2013). On that score, there seemed to be some commitment to make reporting work for its longer-term effects on policy learning rather than as a tool to ensure maximum provincial compliance. For instance, when some have-less provinces continued to fund addictions services under the labour market programs for people with disabilities, even when this was not deemed an allowable expense, the federal response was to look the other way (Graefe and Levesque 2013). Similarly, while the federal government did fund a third party, the Childcare Advocacy Association of Canada, to study provincial reporting on the

early childhood development agreements, it did not reprimand the provinces for the pattern of late, incomplete, misleading and unclear information in their reports (See also Findlay 2013 and Anderson and Findlay 2010).

In the case of health care, comparable data has been gradual in development. Since 2008 there has been comparable data for three of the five wait times priorities identified by First Ministers in 2004. But as of 2012 it is still not possible to compare wait time across jurisdictions in the other two priority areas (Canadian Institute for Health Information 2012). Part of this slow progress can be attributed to the complexity of coordinating across jurisdictions how data is collected to ensure its comparability. However, there has also been some provincial reluctance to participate. For example, from the outset, two provinces (Quebec and Alberta) chose not to participate on the Health Council tasked with monitoring the implementation of the 2003 and 2004 health care agreements.[5]

It is therefore not surprising that joint planning and reporting have not provided a basis for deepening collaboration. In most cases it is a pro forma exercise, providing information in a manner that is not that useful for other governments, stakeholders or citizens. For instance, even in a case where provincial and federal governments have embraced reporting and data sharing, namely the National Child Benefit, difficulties in developing comparable data have been significant. Even where they are manageable, the linkages of policy choices to broad outcomes are difficult to pin down in a manner to draw reliable inferences about proper policy mixes (Simmons 2013b).

The relative policy "thin-ness" of a number of high profile intergovernmental agreements, coupled with the nature of collaborative behaviour reported here, gives us a sense of governments working hard to "keep up appearances". Patrick Fafard (2013) asks whether the emphasis on tracking and reporting on indicators in health agreements was in part a public relations exercise, to signal to the public that governments were actively involved in trying to improve system efficiency and quality.

Collaborative Decision-making?

Taking a closer look at the third criterion of collaboration – negotiating as equals - one would presume that a shift to a "collaborative" federalism would lead to new forms of interaction, negotiation and decision-making, as we might not expect to find changes in behaviour unless the structure of "pay-offs" contained in the institutional context changed. This perhaps explains why Lazar and Cameron and Simeon were the least optimistic when the time came to discuss institutions, because it was hard to deduce what "parametric changes" might displace well-entrenched forms of interaction. One possibility might be new rules, such as those in the SUFA around the spending power and dispute resolution, which could augment predictability and, by extension, trust. Another possibility would be to move intergovernmental relations from the high politics of jurisdictional squabbles, down to the policy and implementation level. Arguably, this

latter arena increased the relative value attributed to policy goals as opposed to intergovernmental goals, producing more space for collaborative outcomes (Cameron and Simeon 2002, drawing on Dupre 1985).[6]

In practice, it appears that behaviour varies widely across policy fields. If we take the National Child Benefit as one face, and the health field as another, we note quite contrasting patterns of interaction. The National Child Benefit remains the poster child of collaboration. It was collaborative in that there was a parallel development of an agenda for change. At the federal level, the idea reached back to the 1970s social security review, and re-appeared anew with Human Resources Development Canada's 1994 Social Security Review. A number of provinces also had devised, and in some cases implemented, child benefits. But beyond this joint agenda setting, participants in the creation of the NCB underline how the process did not take place in the atmosphere of bitterness and mistrust that prevailed in intergovernmental relations in the early 1990s (Simmons 2004). This absence of bitterness and mistrust seems to owe something both to the creation of horizontal structures within governments, on the one hand, and a consensus-based process among governments, on the other (August in Warriner and Peach 2007). The ability to obtain early agreement on objectives, principles and a work plan may have in turn aided the progress of a consensus-based process. As Barbra Senchuk (in Warriner and Peach 2007, 106) notes, many intergovernmental initiatives "stall or flounder" due to skipping this step, failing to agree on basic objectives, or having one order of government act unilaterally.

Policy scholars might also add that the "problem" addressed by the NCB was one propitious for positive relationship for two reasons. First, there was a clear "win-win" possibility, since federal investment "freed up" existing provincial expenditures for other uses. Second, the monies were "freed up" from politically unpopular social assistance programs (that moreover varied greatly in expense over the business cycle) and put into less unpopular and more budgetarily predictable areas, closer to the control of Finance Ministries. Be that as it may, the degree of collaboration and consensus on this file does stand out as exceptional, and seems to have continued into the post-enactment period of evaluation.

Health funding and health reform seems most unexceptional by contrast. Here, the pattern was one of public posturing by the provinces for greater health transfers, and of federal attempts to target at least a share of increased transfers to a number of federally defined priority areas. Meaningful discussion of how to confront shared challenges of provincial health systems was largely pushed out of the formal intergovernmental channels as First Ministers hammered out the health agreements of 2000, 2003, and 2004. Indeed, the targeting of funds and attaching reporting requirements to give this effect, was an ongoing bone of contention in the negotiations This was not all zero-sum: the priority areas represented areas of ongoing policy dialogue and debate and so were not devoid of provincial input. But the general tenor of exchanges tended towards the petty, with officials of both orders of government questioning the

commitment of the other and expecting the worst. For instance, at both orders they suspected the other of gaming the reporting process for their narrow public relations advantage (Bourns 2006; see also Fafard 2013)

If we look around at other fields, they fall between these poles, but certainly tend towards the health example. We can consider this pattern further by looking at the relationships involved in agenda setting and in reporting and accountability. In terms of agenda-setting, if we look at the major policy initiatives once grouped under the "social union", including labour market programs for people with disabilities, the National Children's Agenda and early childhood development, the story is mixed but on average is not one of joint development. In the case of disability policy, the development of the In Unison document in 1997 to guide reform was an inclusive and collaborative process reflecting changing perceptions of disability for both orders of government. The provisions of the labour market programs for people with disabilities in 1998 and 2003 reflected this shared agenda. However, the desire among many provincial officials to push further on these agreements or to consider a realignment of responsibilities along the lines of the NCB seemed to meet a wall of disinterest on the part of their federal interlocutors. In other words, the basis of collaboration developed through joint action in the early/mid-1990s was not renewed (see also Graefe and a Levesque 2010). The National Children's Agenda, which lay behind the early childhood development and child care agreements (2000, 2003) likewise involved some collaborative development of shared perspectives, although perhaps more at the level of generalities that avoided areas of disagreement. As the agenda moved towards implementation, the federal spending power returned as a major agenda-setter, pushing the process in an increasingly specific direction (childcare) and recreating predictable forms of intergovernmental exchange around points of disagreement (Friendly and White, 2008).

This general picture is corroborated by Rick August[7], who in 2007 noted that true collaboration means, "joint definition of problems and strategic agreement on proposed solutions." For August, "we've seen no parallels since the NCB of major issues coming forward from multilateral bodies for joint analysis and action," although there have been "several social policy initiatives defined and directed by the federal government" (August in Warriner and Peach, 2007, 102).[8] It is also affirmed by the Health Council of Canada which, in 2012 identified the absence of clear collective goals for Canada's health care systems, not lack of data, as the reason why "increased reporting has not significantly improved the Health Council's ability to report on progress towards health care renewal" (Health Council of Canada 2012, 8).

More generally, if one were trying to draw a trend line through these data points, it would be one of continuity with the sort of competitive behaviour captured forty years ago in Richard Simeon's *Federal-Provincial Diplomacy* (1971). This statement does not mean that the governments do not work together to get things done, but that the observed behaviour and interaction is more one of strategic actors in competition with each other and arriving at power-laden compromises, rather than one of actors working on the basis of cooperation and equality mapping out a joint vision and program of action to achieve it.

Concluding Discussion

This analysis does lead us to question the descriptive value of "collaborative" in collaborative federalism. Canadian governments have long worked together to manage the interdependencies related to the division of powers, as well as to manage competition for citizen loyalties. But in the richer sense of collaboration mentioned above, the actual performance has not really been one of working together as equals to pragmatically solve joint problems. As we have seen, there is some evidence of greater institutionalization of provincial/territorial intergovernmental relations in the creation of the Council of the Federation, and a host of F/P/T social policy agreements brokered during the decade under consideration which, through the accountability regime they engender, suggest a non-hierarchical relationship between the two orders of government. Nevertheless, the absence of the federal government from the COF; the activity of some provincial governments during the initial major campaign regarding fiscal imbalance, the pattern of government reporting under new accountability regimes, and the shallow depth of the financial commitment of the federal government to social policy renewal all suggest that, with few exceptions, the spirit of collaboration is weak during the 1996-2006 period.

But what stands behind the inadequacy of this adjective? Is it simply the need for a better descriptor, like "holding up appearances" federalism or "shadow-boxing" federalism? Or ultimately is the problem that there is not a discontinuity to name? In other words, rather than representing something new, maybe it was something old. So rather than seeing the mid-1990s to 2006 period as a representing a specific era of federalism, it may be more useful to consider it as a final unraveling of an earlier competitive federalism.

To put it otherwise, one thing that cooperative and competitive federalism shared in common was a federal government seeking to advance a pan-Canadian sense of social citizenship by engaging the provinces in their fields of jurisdiction. The shift from cooperative to competitive federalism came with the strengthening of the provinces, and their ability to counter the federal government or limit its ambitions. Nevertheless, the federal government still had strong pan-Canadian ambitions, so the provincial response in turn involved responses that were also ambitious. In the post-1992/95 world, much of the energy has escaped from the system, with a federal government that Lazar portrays as hesitating between a "post-war consensus" mission statement for the federation and a "more conservative" one (Lazar 2000a, 28). But driven by similar fiscal realities and ideological trends, most provinces cannot be said to hold great ambitions to counter federal overtures and offers. Thus, even if there is an empirical basis to Lazar's view that the period in question mixed interdependence with less hierarchy (Laz-

ar 2006), this is not a reflection of a collaborative ethos than a federal loss of heart in applying the spending power and a decline in the vision that animated federal leadership in the 1960s and 1970s. To return to our earlier discussion of Cameron and Robinson's typology, the dimension of ideas about social and economic development may need to be integrated alongside the dimension of the relative strength of the orders of government.

In this context, if the federal government puts small pots of money on the table and most of what it would like in return is the ability to craft provincial actions into a "national story"[9], without a great deal of specificity about what that story will be, why not take the money and run? Alternatively, if the federal government hears a parade coming and then marches in front of it, pretending to lead it,[10] who will complain, provided the federal government pays for the naming rights?

This is a thin and cynical collaboration in the aggregate, and perhaps there is a more apt descriptor. But it also seems to mark a transition point, where the post-war pan-Canadian project needed to be re-invented to respond to new social risks, or be replaced with a new narrative of the Canadian nation. As such, it may be best to see this 1996-2006 era as the wrapping up of "competitive federalism", where the protagonists are mostly going through the motions. In the future, we will likely find the seeds of a next era in these years, but at the moment it looks unlikely that those will be ones of equal and autonomous orders of government coming to consensual solutions to productively manage their interdependence.

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Endnotes

1 The willingness to consider interprovincial confederalism as well as non-hierarchical federal provincial partnerships as examples of collaborative federalism does raise some tensions, especially if confederalism is used as a power-resource to force the federal government in the latter. It raises the question of the acceptable degree to which a party to collaboration can exert raw power without upsetting the mutual consent usually assumed in collaboration.

2 It is worth noting that Cameron and Simeon found the SUFA "loose and general in character" and that early indications around follow-through were "not encouraging" and showed "little sense of a commitment to joint problem solving." (57)

3 These include criticisms that: national standards fell by the wayside in agreements (Day and Brodsky 2008; Mendelson 2003), or alternatively that there was too much standardization in fields of provincial jurisdiction (Gagnon and Iacovino 2007); that citizens were promised much more transparency and accountability than was ever delivered (Kershaw 2006; Graefe, Simmons and White 2013); and that Quebec was systematically excluded from the collaboration (Noël 2003b; Boismenu 2006).

4 This observation is taken from the annual list of conferences and meetings served by the Canadian Intergovernmental Conference Secretariat. These are not complete lists as a few conferences and meetings (for example those among Finance officials) are not served by the CICS. These lists can be found at www.scics.gc.ca.

5 Alberta joined in 2012 (Fafard 2013).

6 A third option for changing the pay-offs would be for the federal government to put a much larger amount money on the table, but this obviously would undermine claims to things being "collaborative" as set out here.

7 At the time he was quoted, August was the executive director of strategic policy for the Saskatchewan Department of Community Resources and Employment.

8 Anecdotal evidence from our ongoing interactions with federal and provincial social policy and intergovernmental officials supports this general conclusion.

9 This idea of assembling provincial activities into a national story comes from informal conversations with some federal HRDC officials in 2010.

10 We thank Harvey Lazar for suggesting this analogy, circa 2005.