Why can't we be Friends?

-

Informal Relations, Public Policy, and Federalism in Canada

Emmet Collins

A thesis submitted to the Faculty of Graduate and Postdoctoral Affairs in
partial fulfillment of the requirements for the degree of

Doctor of Philosophy

in

Political Science

Carleton University

Ottawa, Ontario

© 2016

Emmet Collins

To all the people who helped me get here.

ABSTRACT

Canada is an “under-institutionalized” federation (Cameron and Simeon, 2002b). In the extensive world of intergovernmental relations (IGR) which exist between the federal, provincial and territorial governments, formal relations are said to be “the tip of the iceberg” (Kernaghan, 1985: 156). This leaves a good deal of governmental activity in Canada within the realm of ‘informal relations,’ a world of intergovernmental relations between public servants without formal rules to guide the process. Broadly considered, those relations are important (Inwood et al., 2011). However, scholarship is not neutral on this point: informal relations are frequently treated as being unstructured and inefficient (Meekison et al., 2004). This dissertation tackles the issue of informal relations by asking, at the level of public servants, what are the effects of informal relations on intergovernmental relations? If they are ‘important,’ what is the nature of this importance?

Using a model derived from primary research, the study explores how context shapes informal relations in three case studies of intergovernmental relations: the Agreement on Internal Trade, the Health Care Innovation Working Group, and the Ministerial Conference on the Canadian Francophonie. By focusing on variables at various levels, one can better understand how informality operates in a given context. The study makes two central arguments: first, that informality should not be equated with disorder. By examining the environment in which informal relations occur, one can better understand the effects of those relations. Second, while informal relations are important, this importance must also be understood in context: informal relations have effects on the speed and efficiency of work among public servants, but the environment in which they occur plays an important role in limiting the effects of informality. Thus, the effects of informal relations are shaped by context. Informal relations are present and ‘important,’ but although they are ‘informal,’ they are still structured by the environment of Canadian federalism.

ACKNOWLEDGEMENTS

The idea that I would reach this point seemed, at times, questionable. Five years did not go by lightly. But if I needed to imagine progress on my dissertation where there seemed to be none, I thought about who I'd need to thank if I ever *did* finish. The list is long.

This project would not have gone far without the willingness of public servants throughout Canada to take time out of their busy schedule to talk to me. Nearly 50 individuals did, and were genuinely interested in the study and in sharing their experiences. Confidentiality (and space) prevent me from thanking them all individually, but if I can use one public servant as a proxy, I am particularly indebted to Chantal Alarie with the Ministerial Conference on the Canadian Francophonie. Chantal championed my research, allowed me to have access to teleconferences and prodded her colleagues to make time in their schedules (as well as agreeing to be thanked by name). Merci Chantal.

My principal advisors, Dr. Jonathan Malloy and Dr. Raffaele Iacovino, were consistently available, encouraging, and accepting of my particular path through the PhD. When I told them in 2014 that I intended to write the bulk of my dissertation from my home town of Winnipeg, they expressed no concern (at least not openly!) even though it must have seemed like I was asking for enough rope to hang myself with. Having thus far avoided the noose, I thank them profoundly for their faith and understanding.

Dr. Rob Shepherd went considerably above and beyond what was expected of him as the third member of my dissertation committee. He took his duties seriously, providing thoughtful, challenging, and (admittedly) voluminous feedback. Rob was always available to provide clarification within a day or two when I had questions. Like Jon and Raffaele, he also demonstrated faith in my ability and willingness to do the necessary work. Although I may occasionally have despaired on reading some of his comments, this dissertation is unquestionably better for his input.

Dr. Chris Stoney and Dr. Carolyn Johns took the time out of their summer to read my dissertation and serve on my defense committee, for which I am very grateful. I can only hope I have done justice to the work of Dr. Johns and her colleagues, which formed an important part of the background research on which this dissertation is based.

Thank you to my colleagues and classmates at Carleton University: Mike Lincoln, Michael To, Viktoria Thomson, Hamed Mousavi, Jack MacLennan, Eric VanRythoven, Josh Johnson,

Jillian Curtin, and Julia Calvert. You made discussions of abstract political ideas stimulating and fun, provided a sympathetic ear throughout the process, and laughed with me as we ignored author Stephen Van Evera's stern warning to avoid social distractions while writing our dissertations. I'm especially grateful to Scott Pruyers, who among his many helpful moments suggested the title of this dissertation, and to Julie Blais for all their help on a personal and professional level.

The Department of Political Studies at the University of Manitoba proved to be my once and future home, providing me with teaching opportunities as well as an academic environment in which to work when I moved back to Winnipeg. Special thanks to Dr. Andrea Rounce and Dr. Royce Koop, who never hesitated to answer my many (many) questions and made me feel like a real part of the department. Dr. Jared Wesley, formerly of the University of Manitoba, has also continued to be a friend and mentor long past when his official duties as my Master's advisor ended.

My parents expressed genuine enthusiasm to read this dissertation when I asked them if they would copy-edit a final draft. I don't know that I can think of a better example of their support over the years.

Finally and most importantly, there isn't enough space for me to adequately thank my wife Erin, to whom I got married in between writing comprehensive exams during the summer of 2012 (not a sequence I'd recommend, incidentally). She has always believed in me and supported my choices, even when I didn't. Erin moved across the country with me. She very wisely ignored me when I insisted I didn't need an apartment with a second bedroom for an office. She always knew how to make me laugh when I was sick to death of institutional theory. If this dissertation is complete, it's because she provided an environment in which it could be. At her insistence, and borrowing from Pierre Burton, I also thank the various cats that I have known, including our retired farm cat, Ruby.

Contents

ABSTRACT.....	iii
ACKNOWLEDGEMENTS.....	iv
Chapter 1 - Introduction	
Importance of the Topic	2
Literature Review.....	3
What are Informal Relations?.....	9
The Structure of the Study.....	11
Chapter 2 - Methodology	
Theory	14
The Micro – Rational Actors and Public Choice.....	15
Public Choice, Canadian IGR and informal relations	16
The Macro- Neo-institutionalism	18
Neo-Institutionalism and Canadian IGR	19
Between Institutions and Actors: Institutional Analysis and Development.....	22
IAD: Institutional Statements and Rules	25
Position rules.....	26
Boundary rules	26
Choice rules	26
Aggregation rules	26
Information rules.....	26
Payoff Rules.....	27
Scope Rules	27
Practice	27
Selecting Cases	27
A Note on the Bureaucratic Focus.....	29
Variables	31
Policy Type.....	32
Jurisdiction.....	32
Goals.....	32
Actors.....	33

The Cases	34
The Agreement on Internal Trade	34
The Health Care Innovation Working Group	35
The Ministerial Conference on the Canadian Francophonie	36
Data Collection	36
Direct observation	37
Elite Interviews	37
Questionnaire	41
Chapter 3 - Understanding Informal Relations	
The Model	44
Understanding Informality	48
What are Formal Relations?	49
Formal Meetings	49
Formality and the Written Word	49
Formality and Behaviour	50
What are Informal Relations?	51
Purely Personal Relations	52
Working Relations and Information Gathering	52
SYSTEM LEVEL VARIABLES	54
Meta Variables: The Rules	54
Position rules	55
Boundary rules	55
Choice rules	56
Aggregation rules	56
Information rules	58
Payoff rules	58
Scope rules	58
Macro Variables: External Factors	59
Resources	60
Jurisdictional Authority	61
Profile	62

Political Will	62
INDIVIDUAL LEVEL VARIABLES	64
Meso Variables: Establishing Confidence	64
Personal Factors	65
Familiarity	70
Organizational Norms.....	72
Goals.....	76
Micro Variables: Trust	78
Applying the Model	79
Understanding Effects	81
Personal Effects	82
Professional Effects	83
Policy Effects.....	84
Moving Forward.....	87
Chapter 4 - The Agreement on Internal Trade	
Introduction	88
The AIT in Brief.....	89
Applying the Model	94
SYSTEM LEVEL VARIABLES	94
Meta Variables: The Rules	94
The Position Rule.....	94
The Boundary Rule	95
The Choice Rule	96
The Aggregation Rule	96
Information Rule	97
Payoff and Scope Rules	97
Macro Variables: External Factors.....	98
Resources	98
Jurisdictional Authority	98
Profile	99
Political Will.....	99

INDIVIDUAL LEVEL VARIABLES.....	100
Meso Variables: Establishing Confidence.....	100
Personal Factors	100
Familiarity.....	101
Organizational Norms	101
Goals.....	102
Micro Variables: Trust	103
Effective?	103
Understanding Effects	104
Personal effects	104
Professional effects	105
Policy effects.....	107
Conclusion	109
Chapter 5 - The Health Care Innovation Working Group	
Introduction	111
The HCIWG in Brief	112
Applying the Model	115
SYSTEM LEVEL VARIABLES	115
Meta Variables: The Rules.....	115
The Position Rule.....	115
The Boundary Rule	115
The Choice Rule.....	117
The Aggregation Rule	117
The Information Rule	118
Payoff and Scope Rules	119
Macro Variables: External Factors.....	119
Resources	119
Jurisdictional Authority	119
Profile	120
Political Will.....	120
INDIVIDUAL LEVEL VARIABLES.....	121

Meso Variables: Establishing Confidence.....	121
Personal Factors	121
Familiarity.....	123
Organizational Norms	123
Goals.....	124
Micro Variables: Trust	125
Effective?	125
Understanding Effects	126
Personal effects	127
Professional effects	128
Policy effects.....	129
Conclusion	132
Chapter 6 - The Ministerial Conference on the Canadian Francophonie	
Introduction	134
The CMFC in Brief	135
Applying the Model	140
SYSTEM LEVEL VARIABLES	140
Meta Variables: The Rules	141
The Position Rule.....	141
The Boundary Rule	141
The Choice Rule.....	142
The Aggregation Rule	142
The Information Rule	142
Payoff and Scope Rules	143
Macro Variables: External Factors.....	143
Resources	144
Jurisdictional Authority	144
Profile	146
Political Will.....	146
INDIVIDUAL LEVEL VARIABLES.....	147
Meso Variables: Establishing Confidence.....	147

Personal Factors	147
Familiarity.....	150
Organizational Norms	151
Goals.....	152
Micro Variables: Trust	153
Effective?	153
Understanding Effects	154
Personal Effects	154
Professional Effects	155
Policy effects.....	156
Conclusion	159
Chapter 7 - Conclusion	
Returning to the Literature.....	161
A Few Conclusions	165
Modeling Efficiency	171
What is Unaddressed?	175
Annex	
Interview Script.....	178
QUESTIONNAIRE	178
RESULTS- Interview Data	180
RESULTS- Questionnaire Data.....	181
Works Cited	185
List of Tables	
Figure 2.1- Questionnaire Response Rate	42
Figure 3.1- Enabling and limiting conditions for informal relations in Canada	43
Figure 3.2- Gender of respondents.....	67
Figure 3.3- Officials who listed personality as a factor which affects informal relations.....	68

Chapter 1- Introduction

Policy-making is a complicated activity in any country, even in mundane matters. As Pressman and Wildavsky note of policy implementation, it can be easy to overlook “how difficult it is to make the ordinary happen” (1973: xii). This complexity is compounded in federal states, where power is split between different orders of government. Although the logic of Canadian federalism was nominally based on a ‘watertight compartments’ view of the separation of powers between the federal and provincial governments, “The classical ‘watertight compartments’ model of federalism no longer exists, if indeed it ever did in reality” (Simeon and Nugent, 2012: 64). The practical effect is that virtually since the creation of Canada, intergovernmental relations (IGR) have played an important role in the functioning of the state. More importantly, intergovernmental relations in this country are characterized by a relative lack of structure; Cameron and Simeon for instance argue that Canadian IGR is “ad hoc and under institutionalized” (2002b: 50). The IGR process has been covered extensively by some of the best known Canadian political scientists. Despite this attention, however, some aspects remain under-studied. One such aspect is the role of informal relations in IGR, which, given the ‘under-institutionalization’ inherent in Canadian federalism, may play a significant role in the process. Concentrating on the role of public servants, this study uses the Agreement on Internal Trade (AIT), the Health Care Innovation Working Group (HCIWG), and the Ministerial Conference on the Canadian Francophonie (CMFC) as test cases. It poses the following question:

What are the effects of informal relations on Canadian intergovernmental relations?

This brings up a set of related questions: what exactly are informal relations? Are the effects the same in different sectors? What accounts for difference/similarity?

Informal relations are a crucial component of the Canadian IGR process, as they encompass an enormous amount of work. This study proposes that informality is a crucial component of Canadian IGR and necessary, for instance, in creating channels for effective communication. However, while their effects are significant and vital to the process, informal relations are bound by institutional constraints, most notably the drive to protect jurisdictional autonomy, which place important limits on their scope. Thus, informal relations among officials have only limited effects on intergovernmental policy. These structural limits on informality

exist in spite of the relative lack of institutionalization in Canadian IGR. Put simply, this study argues that a lack of formal institutions does not mean that informal relations operate in unstructured or unpredictable ways, and that informal relations are necessary for effective IG (intergovernmental) communication, but not sufficient to effect policy change.

Importance of the Topic

Within Canadian political science, federalism is omnipresent. It can be argued that in Canadian politics, all roads lead to federalism. Studying public policy, for example, requires an understanding of federalism and intergovernmental relations. In fact, virtually all facets of political life in Canada are connected to federalism somehow, as it is the background condition of Canadian political life.

The fact of federalism in Canada has preoccupied scholars from the very beginnings of Canadian political science. Early institutionalist scholars such as J.A. Corry (1939) paid close attention to the constitutional underpinnings of federalism and commented on the changing power relations between the federal government and the provinces. When the intellectual climate in the Anglophone world turned against federalism during the Great Depression, this too was represented in Canadian political science by scholars like F.R. Scott (1938). Some of the most important works of political science in Canada's history are at least implicitly about federalism (Lipset's 1950 work on settlement patterns, for instance). Throughout what Russell (2004) calls the 'mega-constitutional' period (roughly 1968-1993), federalism -and its inherently conflictual nature- became almost an obsession for a generation of scholars, including Smiley, Russell, Cairns and Simeon (to name but a few). In short, there has never been a period when federalism has not attracted considerable academic attention in Canada.

Beyond studying federalism qua federalism, those who study public policy in Canada must also pay close attention to the federal division of power. As mentioned above, governments seldom act totally independently, which means that policy in Canada tends to involve a certain amount of coordination (if not collaboration) between orders of government. This interaction is studied through intergovernmental relations.

Intergovernmental relations are where policy and federalism meet. The study of IGR is the study of the mechanism of federalism. Contrary to other approaches that may see federalism through the lens of normative evaluation or economic theory, scholarship on IGR tends to be

focused on the process of federalism. The work of two scholars in particular that laid the foundation for much of that scholarship in Canada. The first is Richard Simeon's idea of studying intergovernmental relations as analogous to international relations, which formed the basis of his influential *Federal Provincial Diplomacy* (1972 [2006]). The second is Donald Smiley's (1974) notion of 'executive federalism.' Both works demonstrated the fact that politics in Canada were often dependent on negotiations between the political executives of the provinces and the federal government. The notion of executive federalism is now a standard part of the literature on Canadian federalism although, as many scholars have argued, there is an increasing disjuncture between the very general notion of executive federalism and the study of particular policy areas, which are typically presented as being multifaceted and nuanced (Collins, 2012; Skogstad, 2009; Smith, 2005a).

There is, therefore, a difference between approaches that focus on federalism and approaches that focus on public policy. Inwood et al. (2011: 5) note this and argue that the literature must move beyond such distinctions if it really seeks to understand intergovernmental relations. It is with this warning in mind that this research will be undertaken. This research is situated within a varied and extensive literature that has been of continual importance to Canadian political science, and seeks to elucidate a very real issue in the creation of public policy in Canada: the role of informal relations.

Literature Review

Whether referred to as trust, personal relations or informal relations, the general concept of informality has been understood as an important part of organizational theory for many years. As with much social science, it is useful to begin with a brief discussion of the work of Max Weber, whose description of ideal-type bureaucracy has been remarkably enduring both as an organizing concept for the modern state and as an academic tool. Yet, as noted by Blau (1956, 1963, 1964), Weber's description of impersonal bureaucracy is at odds with the practices of bureaucratic organizations. Weberian bureaucracy "demands the personally detached and strictly 'objective' expert" (Weber, 1947: 215). Given that Weber was describing an ideal type, this is unsurprising. The reality of personal interactions is necessarily different.¹ Studies on the

¹ Although certain organizations do in fact seek to prevent their members from developing positive informal relationships (Scott, 1992).

functioning of organizations have repeatedly noted that on a basic level, informal relations matter (a fact which is also recognized in the Canadian literature). This is well established in a variety of academic literatures, from public administration (Willem and Buelens, 2007; Leach and Lowndes, 2007), to organizational literature (Morand, 1995; Innes et al., 2007), to international relations (Paulson and Naquin, 2004; Larson, 1997, 1998; Michel, 2012), and sociology (Blau, op. cit.). Indeed, as early as the 1930s, Roethlisberger and Dickson (1939) as well as Barnard (1938) identified the importance of informal relations and unofficial rules. The concept has recurred in a variety of works. Blau, for instance, observes that “close bonds of companionship must be anticipated under bureaucratic conditions, in which daily contacts continue for years and common problems call for collective solutions” (1963: 174). At the extreme, Lipsky (1980) suggests that in some organizations, “street-level” bureaucrats effectively create policy through their use of discretion. Because certain bureaucratic jobs have relatively high levels of autonomy and discretion, “individual actions add up to agency behaviour” (Ibid.: 13). Blau concludes succinctly: “congenial informal relations between co-workers, and not completely detached ones, are a pre-requisite for efficient bureaucratic operations” (1963: 177).

Weber’s notion of impersonal bureaucracy necessarily missed a major part of the picture. Furthermore, there may be an enormous degree of variance in the importance of informal relations. Even in highly regulated organizations where standard operating procedures are prescribed, informal relations play a significant role, and their importance only grows from there.

In terms of intergovernmental relations, both the Canadian and the international literature take pains to note the role of informality in IGR. Although the international discussion on intergovernmental relations has often been framed around ‘cooperative federalism,’ it inevitably includes some mention of informal relations as a crucial part of intergovernmental relations (see for instance Elazar, 1962, 1965; Wright, 1974; Agranoff, 2001 on the United States; Benz, 1989 on West-Germany; León and Pereira, 2011 on Spain). This occurs even at the local level: in a study of American city managers, Kane (1984) found that the relational and informal elements of IGR were considered to be crucial components of working in that world (see also Mikulecky, 1980). Non-federal systems also feature their own versions of intergovernmental relations, which engender informal relations as well (see for instance Leach and Lowndes, 2007 on the United Kingdom).

The role of informal and ad hoc relations within intergovernmental relations is not surprising. Intergovernmental relations are, after all, a form of inter-organizational relations, and as a varied scholarship demonstrates, informality is part of how organizations operate. More to the point, the institutional foundations of 19th century federations did not include much in the way of formal structures for IGR. Thus, commenting on American federalism, Clark (1938) noted that “Much of the cooperation between the federal and state governments has been found in the sea of governmental activity without any chart, compass, or guiding star, for cooperation has been unplanned and uncorrelated with other activities of government even in the same field” (7). Elazar, writing in the early 1960s, agreed, noting for instance in his study of American federalism that “A substantial share of American government has been the search for such methods to provide for the necessary collaboration among the various units in the system” (1962: 305).

In Canada, the study of intergovernmental relations has given us well developed and nuanced understandings of much of the history of federalism. Scholars such as Donald Smiley, Alan Cairns and Richard Simeon laid the foundations that still serve as the basis for current research. Yet there are two key elements of IGR that need elaboration. First, a clearer definition of informal relations is necessary in order to better understand how informality works in practice. Second, the effects of informal relations must be more clearly studied in order to identify the role they play in the IG process. The role of those relations, both between elected executives and between public servants, has been understood as important: Kernaghan, for instance, observes that “It is clear that the participation of officials in formal intergovernmental meetings is only the tip of a sizeable iceberg” (1985: 156). The problem is that this seems to be as far as the answer goes. The most notable attempt at theorizing the role of relationships in IGR comes from the work of Stefan Dupré (1985). Dupré adapted the concept of ‘trust ties’ from economic literature and applied it to Canadian IGR, arguing that ‘trust ties’ were crucial to making IGR work. Dupré’s analysis is interesting but dated; Bakvis et al. (2009: 127) note this, as do Inwood et al. (2011: 450).

More to the point, Dupré’s use of the concept is somewhat inaccurate. He adapted the term from Breton and Wintrobe’s *The Logic of Bureaucratic Conduct*. However, Breton and Wintrobe fundamentally conceive of trust in the context of the bureaucratic “surrogate

competitive market” (1982: 88). In other words, in their conception trust in bureaucracy is the analogue of law in the market: it underpins all interaction and works as a sort of guarantee.

There are clear problems with this analogy and more broadly with the comparison between the public sector and the market. In their desire to present a singular model of bureaucracy, Breton and Wintrobe’s definition is lacking in nuance. This is important not only for its own sake, but for the Canadian conversation as well. Dupré borrows the concept of ‘trust ties’ from a work that uses it in a particular way. Consider the following: Breton and Wintrobe are quite insistent that ‘trust ties’ in bureaucratic networks are productive instruments (Ibid.: 79). Trust is not just about making bureaucratic interactions more pleasant for participants or even exchanging information. In Breton and Wintrobe’s conception, it is about creating policy outcomes (Ibid.). The Canadian literature is far from conceiving of ‘trust ties’ only as productive instruments. In fact, Dupré explicitly states that in his conception, trust-ties contribute to the workability of federalism, meaning that “it provides a forum (or more accurately a set of forums) that is conducive... to negotiation, consultation or simply an exchange of information” (1985: 1). Dupré’s use of ‘trust ties’ was in a specific context. Thus, while the term is borrowed from Breton and Wintrobe, it refers to something somewhat different.

More importantly, the difference in the usage of the term ‘trust-ties’ speaks to a larger problem with the study of informal relations in Canada: there is no clear definition of what the term means. Informal relations are referred to in a very general way that encompasses a wide variety of meanings. Informal relations could be personal friendships between officials, or they could be unspoken working rules and norms that govern the functional component of IGR. Often, informal relations are defined as simply being non-formal relations, a good example of which comes from Inwood et al. (2011). On formal relations, they observe that: “The focus has particularly been on the roles and responsibilities, and the ensuing relations that the institutions of executive federalism encourages or discourages... Formal relations are established within the parameters of the Constitution... which delineates the nature of official interaction between governments” (75). In their subsequent definition, informal relations are: “Overlapping and usually complementing the formal relations is an informal sphere of activity with a myriad of networks and relationships” (76). Inwood et al.’s work is again representative of the status quo in Canadian federalism literature, which discusses the importance of informal relations without

systematically exploring the terms or exploring what public servants mean by their use of it. In this regard, this study stands to fill a notable gap in the existing literature.

Informal relations are, in the most basic sense, not formal relations. This loose definition is understandable, but obviously inadequate. Understanding how informal relations affect IGR first requires a working definition of what informal relations are. I turn to this issue below.

While scholars may not have a clear sense of just what constitutes ‘informal relations,’ there is a consistent recognition of their importance to the intergovernmental system. Despite the flaws in Dupré’s use of ‘trust ties,’ virtually any author who has studied the topic over the past 30 years has made reference to it (see Leslie, 2004; Lazar, 2005). Informal relations also do not seem likely to diminish in importance, at least according to Janice Stein, who argues that federalism is “given life” by informal networks, and that “social glue –shared norms, shared values, long-standing ties of friendship... often underpins highly functional networks” (2006: 53; see also Kernaghan, 1985).

The most comprehensive look at Canadian intergovernmental relations comes from the 2011 book *Intergovernmental Policy Capacity in Canada* by Gregory Inwood, Carolyn Johns and Patricia O’Reilly. A recurring theme in the book, and in their earlier work (Inwood et al., 2004; Johns et al., 2006, 2007) is the importance of informal relations to IGR (according to the numerous IGR officials they interview). However, the authors note the limitations of studying informal relations: “questions about the role of both formal relations and informal relationships in IPC [Intergovernmental Policy Capacity] are not easily answered” (2011: 468). Inwood et al.’s work stands out because it is the most thorough survey of Canadian IGR ever conducted. Yet even they are forced to conclude that “These informal networks and relations are not easily studied” (Johns et al., 2007: 34). Moreover, they also note that “many officials argued that there are limits to both leadership and trust, and would agree with the official who stated that “capacity within the intergovernmental system is not ensured by the level of warmth between officials.”” (Ibid.: 35).

Here is the problem with the existing literature clearly manifested: informal relations are recognized as important, but not so important as to overcome institutional factors such as the drive to maintain autonomy inherent in Canadian federalism. Thus, existing scholarship provides a somewhat unsatisfying answer to what may be a crucial part of the intergovernmental policy process in Canada. Inwood et al. repeatedly note that IGR practitioners themselves

considered informal relations to be a critical component of IGR: “When we look across the span of ideas, institutions, actors, and relations affecting the IPC [intergovernmental policy capacity] of the system, it was the relations, *especially informal relationships*, which were seen by officials as most salient...” (2011: 416-17, emphasis added). Moreover, in Inwood et al.’s research, officials considered informal relationships to be more important to IGR than institutional reform. Overall, Inwood et al. paint a portrait of an intergovernmental system that is heavily dependent on informal relations. As the previous few pages note, authors from Dupré on have consistently noted the role of informality in intergovernmental relations (typically through ‘trust ties’), which suggests that its importance has not diminished.

This situation leads to important questions about Canadian intergovernmental relations, particularly in an environment of a ‘broken bargain’ (Savoie, 2003) or what Aucoin (2012) calls New Political Governance (NPG), in which the traditional division between politics and administration is changing. Given this context, the use of informal relations by public servants should be studied in a more rigorous manner, rather than simply being referred to as ‘important.’

Similarly, discussions of intergovernmental relations and informality also take place in a background of concerns over accountability. When he wrote on executive federalism, Smiley was not simply describing Canadian intergovernmental relations, he was simultaneously making normative judgements: “My charges against executive federalism are these: First, it contributes to undue secrecy in the conduct of the public’s business. Second, it contributes to an unduly low level of citizen-participation in public affairs. Third, it weakens and dilutes the accountability of governments to their respective legislatures and to the wider public...” (Smiley, 1979: 105). Although they may seem overly dour (Vipond, 2008), Smiley’s warnings have appeared with regularity in the work of Richard Simeon and others (Cameron and Simeon, 2002a, 2002b; Simeon and Nugent, 2008, 2012; Simeon and Robinson, 2009). To understand the role of informality in Canadian IGR, one must take stock of existing concerns over the changing role of the public service, and around accountability in IGR more generally.

To summarize, as in the international literature on federalism, existing Canadian literature identifies that informal relations are important and gives some explanation of why, but does not explain how those relationships manifest themselves, what the differences are between policy areas, and what exactly informal relations look like. As a result, there is a gap in understanding how federalism in Canada works. Although this issue emerges from a gap in the literature, its

importance is not purely academic, as the issue of informality should be of interest not only to scholars, but to anyone who wants to understand how public policy is created in Canada.

What are Informal Relations?

In order to make a contribution to our understanding of the role of informal relations, this study must be grounded by an understanding of just what informal relations are, and how they matter in specific circumstances. Answering the question of how informal relations affect specific programs within the realm of intergovernmental relations will provide useful empirical evidence, but the analysis must begin from a more generally defined notion of what constitutes informal relations.

The concept of informality has more than one meaning (Morand, 1995: 834; Dubin, 1958: 65-78). Dubin notes that it can either refer to ways of working that exist outside of official policies or friendly interpersonal relationships (Ibid.). This general approach is used in work centered on ‘unwritten rules.’ This might include norms of interaction, including behaviour which is constrained from above, or actions which are not taken for some reason (Blau, 1963). It could also include semi-formal rules of interaction or personal affinity (Paulson and Naquin, 2004). Attempting to define informal relations is a complex yet key part of this research.

As noted, the question of what informal relations are comes up in a variety of literatures with varied responses. Johns et al. put the emphasis on the human component of informal relations, noting that the focus should be “human interaction rather than institutional analysis” (2007: 35). In earlier work they also drew attention to administrative agreements and communication networks (Johns et al., 2006). Aasland et al.’s (2012) work focuses on informal behaviour, while in a similar vein, Morand emphasizes the role of “behavioural spontaneity [or] casualness” (1995: 831; see also Paulson and Naquin, 2004). Leach and Lowndes (2007) prefer a quasi-institutional approach, focusing on the ‘working rules,’ a strategy also used by Ostrom (2005, 2007; see also León and Pereira, 2011). Helmke and Levitsky (2004, 2006) combine the two approaches in their work on ‘informal institutions’, as does Lauth, who notes that informal institutions are rendered visible “when empirically observed behaviour proceeds in an ordered fashion” (2000: 22). This characterization of ‘informal institutions’ as being based largely on behavioural norms is common to a good deal of neo-institutionalist literature (see North, 1990; Lauth, 2000; O’Donnell, 1996; Brinks, 2003).

One can also turn to more functional definitions provided by scholars assessing the day-to-day workings of intergovernmental systems. Daniel Elazar (1965), for instance, lists several examples of informal relations in the American context: “Among the most common... [are] conferences, the provision of advisory and training services, the exchange of general services, the lending of equipment and personnel, and the performance of services by one government in place of another” (13). Also in the American context, Wright (1975: 7) focuses on the behaviour, beliefs, perceptions and preferences of individual bureaucrats.

Defining informal relations has proven to be tricky. In the simplest definition, informal relations are not formal relations, but this is unhelpful. Nevertheless, before defining informal relations, it is useful to distinguish them from formal relations. In fact, as noted, informality is often defined in contrast to formality (either in terms of institutions or relations). Helmke and Levitsky, for instance, define informal institutions as:

“Socially shared rules, usually unwritten, that are created, communicated, and enforced outside of officially sanctioned channels. By contrast, formal institutions are rules and procedures that are created, communicated, and enforced through channels widely accepted as official. This includes state institutions (courts, legislatures, bureaucracies) and state-enforced rules (constitutions, laws, regulation)...” (2004: 727).

While this definition provides some contrast, it is also problematic (what are non-official channels? Could informal rules be created within formal institutions?). As noted above, Inwood, Johns and O’Reilly (2011: 75-76) also define informal relations in relation to formal relations. Their definition notes difference, but less explicit contrast, as informality coexists with formality.

Inwood et al.’s work points to a broader issue: informal relations operate *in* and *around* formal relations. As Knight (1992) notes, the former are almost always a pre-requisite for the latter. However, informal relations do not end once a formal agreement is signed; Innes et al. observe that sometimes “informal processes may be deliberately created to make the formal ones work” (2007: 198). Agreements and legislation are often vague on implementation, and considerable discretion may be left to governmental actors. Informal relations are likely necessary to make policy work. This is reflected in the definition Aasland et al. provide for ‘informal practice’: “behaviour not in line with formal procedures stipulated for dealing with a given problem or *behaviour aimed at solving problems for which there are no (clear) formal procedures*” (2012: note 2 at 116, emphasis added).

Another approach common to a good deal of the work on informality in organizations has focused on ‘trust’. That said, as with informal relations more generally, the concept of trust, or of personal relations, is inherently difficult to measure. Where Breton and Wintrobe (1982) perceive of it using a market logic, more recent work from Michel suggests that the concept needs to be broken down into two parts: ‘reliance,’ the more objective component, and ‘trust,’ which is “subjective, personal, inarticulate, emotive [and] moralistic” (2012: 18). Blau neatly summarizes the difficulty: “In contrast to economic commodities, the benefits involved in social exchange do not have an exact price in terms of a single quantitative medium of exchange, which is another reason why social obligations are unspecific. *It is essential to realize that this is a substantive fact, not simply a methodological problem*” (1964: 94-95, emphasis added).

Measuring informal relations is therefore more than simply a matter of assuming utility maximization; Blau is suggesting that social obligations are particular to their setting. The value and the products of these exchanges will vary and may not, in fact, be comparable across sectors. Although it is not simply a methodological problem, this situation still causes methodological problems. This methodological difficulty is likely a major part of the reason why informal relations have remained understudied in Canada.

Two common themes emerge from the literature: behaviour and structure. This study therefore adopts the following definition: **informal relations are structured patterns of individual interactions that exist in and around formal political institutions**. They may be obvious, but they may also exist in ways that participants do not realize. While this definition is broad, it provides a necessary starting point from which to flesh out our understanding of informal relations in the Canadian context.

The Structure of the Study

This study attempts to provide a systematic analysis of informal relations within the context of three Canadian cases of intergovernmental relations. Given some of the major gaps in the existing literature, it spends more time theory building than theory testing. To a large degree, the study is exploratory, because it aims to provide a reliable definition of informality and identify different elements of informal relations. The case studies are a means of refining the definition and suggesting broader conclusions, which is reflected in the structure of the dissertation.

Following this initial chapter, Chapter 2 covers theory and methodology. Since this study is in some ways a return to the old dilemma of structure or agency, I review literature from both traditions and consider their applicability to the case of Canadian IGR. While both have merit, both are also lacking, which leads to a third theory: Institutional Analysis and Development. Having established the theoretical grounds for the project, I then cover the practical methodological concerns with studying informality and justify the choice of the three case studies: the AIT, the HCIWG, and the CMFC.

Chapter 3 focuses on providing a way of systematically understanding informal relations as both a dependent and an independent variable. Drawing on primary research, it proposes a socio-ecological model of informal relations which identifies meta, macro, meso and micro variables which may constrain or enable informal relations. The model is used to understand the specific case studies and structures the subsequent chapters. Identifying the factors which affect informality, and the effects of informality on the broader IGR process is useful for moving beyond the general definition of informal relations towards a more specific identification of several key elements.

When considering the effects of informal relations, three separate effects are posited: personal, professional, and policy effects. Although informal relations provide ample space for the first two effects, the link between informality and policy effects is considerably more tenuous at the level of officials. This study is based on three specific case studies, but if the macro conditions are similar in other examples of Canadian IGR, it would be reasonable to expect that these results are more broadly applicable. The value of the model is that it allows for a systematic inquiry into different contexts: if a future study found that informal relations had significant policy effects, this could likely be linked back to the variables identified in the model.

A central part of this research is Institutional Analysis and Development. In contrast to scholarship which focuses almost exclusively on formal institutions, IAD is specifically designed to uncover institutions in multiple settings, even informal ones. If the central argument of this dissertation is, essentially, that informal relations are subject to important limits, IAD helps suggest why that is the case. Identifying the way the IAD ‘rules’ (position, boundary, choice, aggregation, information, payoff, and scope rules) operate in the Canadian context is an important part of understanding informality. In the model, these rules are identified as operating at the meta level: background conditions which shape informal relations. Crucially, this

approach, as part of the model suggested in Chapter 3, is transferable to other contexts. A scholar wishing to understand other examples of Canadian IGR or international contexts could use the model and the IAD rules to identify how certain meta variables structure informality. In other words, one can take a boundary or aggregation rule and ask whether it applies in other contexts. If the constellation of rules is similar in different cases, the results may be so as well.

Using the model identified in Chapter 3, the three case studies are examined in detail in Chapter 4 (the Agreement on Internal Trade), Chapter 5 (the Health Care Innovation Working Group) and Chapter 6 (the Ministerial Conference on the Canadian Francophonie). Each chapter follows a similar template. First, it provides a brief history and explanation of each intergovernmental body. Second, the chapter uses the model to explore how informal relations are likely to be shaped by context. Third, it focuses on effects, exploring the question of what effects informal relations had in the specific case study being examined.

The final chapter takes a broader view, returning to the theory and suggesting ways that the model of informal relations can be used to uncover the workings of informal relations in comparative contexts. It then returns to the central issue of Canadian IGR more broadly. Revisiting the work of scholars such as Inwood et al., I draw three central conclusions. First, the treatment of intergovernmental relations in Canada as being ad hoc and under-institutionalized (in the formal sense) should be nuanced by a realization that reliance on informal relations is not equivalent to chaos. In other words, informal relations are still ‘institutionalized’ and can be understood as adhering to comprehensible rules. Second, these rules suggest that informal relations in Canadian IGR demonstrate the health of the traditional understanding of the relationship between politics and administration. In the case studies analyzed, ministers (or premiers) gave directions, and officials used formal and informal channels to follow those directions. Third, while the relationship between politics and administration is healthy, concerns raised by scholars such as Smiley about the secretive and insular nature of IGR are still valid. Informal relations follow clear rules, but do so within a relatively closed system.

Chapter 2- Methodology

This chapter takes the central research question (what are the effects of informal relations on intergovernmental relations in Canada?) and shows how it will be addressed, both from a theoretical and an empirical standpoint. I begin by considering different theoretical approaches to the question of assessing the role of individual agency within institutions. The debate around structure and agency is an old one in political science, and different schools of thought have emerged which put the emphasis on either structure or agency. While each has something to offer, both approaches are found to be lacking essential elements; this has led many scholars to adopt a more nuanced approach which incorporates elements of both. One such approach is that of institutional analysis and development.

The latter part of the chapter is devoted to the challenges and choices made in studying informal relations in practice. The methodological approach, a comparative case study, is explored. The specific choice of case studies (the Agreement on Internal Trade, the Health Care Innovation Working Group, and the Ministerial Conference on the Canadian Francophonie) is justified, along with the use of elite interviews as the central research tool. The chapter concludes with a discussion of the ways in which the data is parsed and analyzed.

Theory

Academic literature from a variety of fields recognizes that informal relations are an important part of how organizations operate, which is reflected in models of bureaucratic action. In Canada, a good deal of intergovernmental work occurs at the level of individual public servants in the absence of formal IG agreements (this is the proverbial iceberg to which Kernaghan [1985] refers). It therefore makes sense to begin this investigation by looking at the most prominent approach to understanding individual behaviour in bureaucracies: public choice theory.

The Micro – Rational Actors and Public Choice

One of the most widely used models of individual human behaviour in social science is the rational actor model, which is premised on methodological individualism (Geddes, 2003). In other words, social processes are explained in reference to the behaviour of individual agents. The rational actor model assumes that humans are rational, utility maximizing agents, and explain behaviour with reference to those basic assumptions. It also makes predictions of behaviour, which gives it a potential other models lack. Adapted from economics, the rational actor model has been used in a variety of fields, including international relations and public administration.

The application of economic ideas to politics began in the 1960s and quickly spread to a variety of sub-fields within political science. Following the pioneering work of scholars like James Buchanan, Kenneth Arrow and Anthony Downs, the idea of people as utility maximizing rational actors was applied in various contexts, including voters, politicians, and bureaucrats. The use of ‘public choice’ theory to explain the behaviour of bureaucrats can be linked to the work of William Niskanen in particular. Public choice theory partly emerged as a response to the fact that institutionalist accounts of bureaucracy did not take into account the role of bureaucrats themselves. As Niskanen argued in 1968: “The currently dominant approach to public administration is to provide the organizational structure, information system, and analysis to bureaucrats who, for whatever reason, want to be efficient” (293). Niskanen wanted to explain the behaviour of bureaucrats using the assumptions of rational choice. Considering the various ways that bureaucrats might maximize their utility (job security, salary, power), he concluded that all of these are a function of the total budget of a bureau, which led to the image of the ‘budget maximizing bureaucrat’ (Niskanen, 1971). Bureaucratic action is thus explained by the desire of individuals to increase their departmental budget and their personal position. This explanation of the behaviour of bureaucrats stands starkly at odds with the Weberian model of the neutral expert who (selflessly) serves the interests of the government. The picture that emerged in the 1970s, partly as a result of public choice, was that of a cynical bureaucracy whose motives could not simply be assumed to be the vaguely defined ‘public interest.’ Indeed, the British satire *Yes Minister*, which deftly portrayed manipulation of the political executive by the bureaucracy, was directly inspired by public choice theory (Borins, 1988).

There are two major contested assumptions in Niskanen's work. First, he assumes that total budget is an adequate measure of utility for *all* bureaucrats. Second, he assumes that bureaucrats are able to bring about whatever changes they wish. Even if one accepts the basic premise that bureaucrats behave as rational actors, these secondary assumptions are contested. Breton and Wintrobe (1975) point out that politicians are not neutral spectators. This is particularly relevant when considering Canadian IGR, which is characterized as being *heavily* driven by political actors (see Smiley, 1974, 1979). Regarding the total budget as a substitute for utility, Margolis (1975) and Udehn (1996) argue that budget maximization is not an adequate explanation of bureaucrat motivation, that Niskanen is overly simplistic in his characterization of a monolithic bureaucrat, and that governmental action does not fit the requirements for applying what is, at its heart, an economic model. However, Blais and Dion -who agree with many of the critiques- still argue that there is "a kernel of truth in the budget-maximizing bureaucrat mode" (1990: 673). In sum, the public choice understanding of bureaucratic behaviour should be treated with a degree of skepticism, but it does offer certain predictions. The question remains if public choice has something to say on the role of informal relations in the administrative process.

Public Choice, Canadian IGR and informal relations

Public choice literature on bureaucracy is frequently focused on *intra*-governmental issues. Bureaucrats are treated within the context of their own bureau, or within their own government. When *inter*-governmental relations are considered, the focus tends to be on governments as singular actors (see MacKay, 1984). In public choice literature as in economic literature more generally, intergovernmental issues are treated as economic issues: decentralization is viewed through the logic of economic competition (Breton, 1990). Politics, and individuals, are frequently excluded or ignored, which is of little use to those who wish to truly understand the reality of functional-level intergovernmental relations. Even if one accepts the assumptions of public choice and apply them to Canadian IGR, the answers are not clear. A few examples will suffice to demonstrate this point.

Fundamentally, understanding rational actors means understanding and ranking their preferences (Elster, 1986). In Canadian intergovernmental relations, this is not always easy. There are cases where governmental preferences are clear, such as Equalization: the interests of all the provinces in that program are evident (get more money), and provincial interests are mutually exclusive, since the gains of one province come at the expense of another. This is

probably the best example of clear preferences in Canadian IGR, but it is unique: most cases are not as clear (Howlett, 2007). Actor preference in Canadian IGR tends to be highly contextual: without an adequate understanding of the background of both Canadian federalism and the specific policy area, the preferences of actors in many intergovernmental negotiations may seem chaotic, and as Geddes (2003: 181) notes, the rational actor model is poorly equipped to deal with idiosyncratic goals. Moreover, preferences in IGR may be malleable, as Rosenthal suggests: “Every actor in IGR is bound to have a space in which value preferences are unclear or the options available are open to interpretation. In some of these situations, actors may enter intergovernmental negotiations with no fixed positions on certain issues and allow the negotiations themselves to yield a solution” (1980: 39). The very nature of Canadian IGR (which is executive driven, ad hoc, irregular and, to an extent, irrational)² makes it difficult to generalize preferences or fulfil the assumptions of public choice theory. Essentially, public choice is ill-suited to provide an understanding of Canadian intergovernmental relations.

If public choice is lacking when it comes to understanding Canadian IGR generally, it is even less useful for understanding informal relations. The public choice model makes no particular room for informal relations in the bureaucratic process, with one exception. This comes from the work of Breton and Wintrobe (1982) who advance the notion of ‘trust ties.’ As noted in Chapter 1, this notion was applied to Canadian IGR by Dupré (1985), but has since become dated and inadequate. To reiterate, trust ties in Breton and Wintrobe’s work are ‘productive instruments’: they underpin intergovernmental negotiations in the same way law underpins market transactions. Yet this is problematic for three reasons. First, IGR is not the market, and may not ‘produce’ anything, at least not in a tangible sense. Intergovernmental relations on some issues are ongoing and consultative rather than ‘productive.’ Second, IGR does not stop in the absence of trust (while market transactions likely would if law were to break down). Trust-ties were notably broken in 1995 by the federal government’s unilateral cuts to transfers, but the process of IGR did not grind to a halt (Bakvis et al., 2009). To some extent, governments are forced to work with each other in the course of day to day operations; this is the case whether those involved trust each other or not. Third, the analogy ignores a variety of other kinds of informal relations beyond trust ties (working rules, norms, unexplored options and so

² Or at least demonstrating adherence to a ‘logic of appropriateness’ rather than a ‘logic of expected consequences’ (March and Olsen, 1998).

on). Informal relations may be important or unimportant to Canadian IGR. In most cases, however, public choice is not the right framework to address that issue.

Public choice theory was meant to shine the spotlight on the role of bureaucrats as individuals, but it did this in a reductive way. The assumption of a rational actor is parsimonious and allows for neat modelling, but it misses a major part of the process of bureaucratic action. In the Canadian context, certain situations can be explained by using the assumptions of public choice, but most cannot. In understanding informal relations, public choice is again of little value, with the notable but dated exception of Breton and Wintrobe's work.

The most prominent approach to understanding government action from a micro perspective is, therefore, unhelpful in uncovering and understanding informal relations. In fact, as noted, context is often crucial in understanding the role of informal relations, which suggests a need to start with a macro understanding of how bureaucratic action fits within an institutional setting.

The Macro- Neo-institutionalism

A variety of approaches can be brought under the broad umbrella of neo-institutionalism. At its core, neo-institutionalism is a theoretical approach which argues that institutions shape action (Lecours, 2005). The theory emerged in reaction to the overly functionalist theories of scholars such as David Easton (1965), who considered the state to be a 'black box.' Just what constitutes an 'institution,' however, is contested in the literature. Some scholars tend to focus on formal bodies such as Congress or the Supreme Court. This perspective is reminiscent of 'old-institutionalism,' which focused on describing and understanding the major political institutions of a state.

At the other end of the spectrum, some scholars define institutions in terms of culture, norms and ideas (Hall and Taylor, 1996). This branch of neo-institutionalism emerged from organization theory, and focused on the way institutions shaped the preferences and norms of actors (Powell and DiMaggio, 1991). As Lecours (2005: 5) argues, public policy scholars were among the first to enthusiastically adopt neo-institutionalism. The wide range of neo-institutionalist work on bureaucracies is reflected in Allison and Zelikow's (1999) discussion of 'organizational behaviour.'

Allison and Zelikow use 'organizational behaviour' to account for otherwise confounding government action. Rather than acting as a whole, government is shaped by various bureaucratic

units, which often resort to standard operating procedures (Allison and Zelikow, 1999: 147). This not only shapes the range of options available to policy makers, it also shapes the way policy makers think about a problem (Ibid.: 145). They also appeal to the idea of institutional actors being shaped by a ‘logic of appropriateness’ (March and Olsen, 1998). In this conception, not only are bureaucratic actors shaped by their institutional context, they are also shaped by their particular institutional culture, which might include norms of behaviour and unwritten rules. Behaviour cannot be understood outside of the particular institutional context. This approach to understanding the effects of institutions is reflected in the work of Leach and Lowndes (2007) as well as León and Pereira (2011).

Another example comes from Elinor Ostrom’s institutionalist theory of public policy. Ostrom (1999, 2005, 2007; see also Ostrom et al., 2014; and especially Crawford and Ostrom, 1995) adapts the micro-theoretical approach of rational choice institutionalism to public policy in two ways. To begin with, she identifies the external constraints on actions (such as resources actors bring to the table, number and nature of participants, and available information [2005: 44]). Next, she focuses on how rules enable or constrain action, by looking at working rules (entry and exit rules, authority rules, payoff rules, and so forth [Ibid.: 53]). More importantly, Ostrom also argues for the importance of unwritten rules, although she cautions that “working rules alone never provide both a necessary and a sufficient explanation...” (2007: 37). Ostrom’s work has formed the basis for the most promising approach to the study of informality in government (described below).

What these diverse models share in common is a focus on institutional action and constraints. Although neo-institutionalism (or at least the more recent versions of the theory) does not deny individual agency, it begins with structure. The behaviour of bureaucrats is structured by issues such as formal constitutional limits, considerations of partisanship, budgetary constraints, and the particular culture of the institution. If rational choice starts at the micro level and works outwards, neo-institutionalism starts at the macro level and works inwards.

Neo-Institutionalism and Canadian IGR

Neo-institutionalism has been enthusiastically adopted by Canadian scholars, although it should be noted that its adoption was no radical shift. Indeed, Canadian scholars did not need to ‘bring the state back in’ because it had never left: “In English-Canada, political institutions have never

been out of fashion in the study of Canadian politics” (Smith, 2005b: 101). This is true of many sub-fields within Canadian political science, including the study of federalism and IGR. As Smith (Ibid.) argues, Canadian scholars have tended to see Canadian issues through the lens of institutions and institutional reform: the 25 year quest for constitutional reform is a perfect example of that.

A focus on political institutions, and particularly the institutions of federalism, characterized the work of scholars such as Donald Smiley, Alan Cairns, and Richard Simeon, whose writings are required reading for students of Canadian politics. Countering American scholars such as Livingston, who argued that federalism was a function of societies, Cairns (1977) argued that a major factor in determining the course of Canadian federalism was the institutional strength of the provinces, rather than any inherent sociological basis (at least outside of Québec). For his part, Simeon (1972 [2006]) argued that IGR should be approached in the same way as international diplomacy, and examined IGR by looking at it through a whole-of-government lens (see Schultz, 1980 for a critique). One of Smiley’s most lasting contributions was the coining of the term ‘executive federalism’ to describe the executive (rather than legislative) driven nature of Canadian IGR (see Smiley, 1974). The notion of ‘executive federalism’ has been an important one in terms of understanding Canadian federalism on its own and in an international context.

Yet this broadly institutionalist work has a few central problems. First, it tells us little about the functional element of Canadian federalism, or the workings of intergovernmental relations and the specific place of informal relations within that system. Informal relations are understood to be part of the process, but their importance is unexplored. Second, the informal nature of Canadian IGR is taken to be negative and, as was noted in Chapter 1, is implicitly linked to concerns about accountability. In the work of Smiley, Simeon and others, executive federalism is taken to be at odds with norms of democratic accountability, since the process has frequently been conducted in secret with little public consultation. Furthermore, due to the nature of parliamentary government, most intergovernmental agreements are not enforceable. The process of intergovernmental relations is neither transparent nor accountable. Ultimately, however, it continues because it is necessary, and to an extent, unavoidable (Simeon and Nugent, 2012). This view of intergovernmental relations has characterized much of the research on institutions of intergovernmental relations. This position, which tends to view informality as

detrimental, is not a particularly promising one from which to begin a systematic inquiry into informal relations. The recent work of Inwood et al. (2011) provides something of a corrective, focusing on the more functional element. Their approach to intergovernmental relations is to examine a variety of sectors (health, trade, environment and finance) and consider the effects of institutional constraints and actors on IGR in those sectors. Each chapter goes through a list of factors (for example constitutional and administrative constraints). Contra Simeon and Smiley, Inwood et al. take a more favourable view of informal relations, although they may be reflecting the importance that practitioners place on it.

A neo-institutionalist framework has both advantages and disadvantages. One of the main challenges for neo-institutionalists has been to reconcile agency with structure, although the most recent work not only recognizes the role of agents, but has provided ways of thinking about ‘working rules’ and other forms of quasi-institutional informal relations. Neo-institutionalism is also extremely useful in that it forces a consideration of context when attempting to understand administrative processes. That said, there are inherent limits to a neo-institutionalist approach.

As mentioned, Inwood et al.’s work is probably the most thorough look at IGR ever attempted in Canada. However, while it repeatedly alludes to the role of informal relations in the intergovernmental process, the framework it uses is insufficient to elaborate on this. This is not surprising: informal relations operate around and within institutions in non-evident ways. Examining institutions and context can provide some information, but it cannot be the only solution. This is particularly relevant in the Canadian case, in which intergovernmental relations are characterized by a high degree of flexibility and informality, as opposed to the German model (for example), in which institutional rigidity led to a “joint decision trap” (Painter, 1991; Benz, 1989).

The most significant problem with the neo-institutionalist approach to Canadian IGR is that informal relations have often been treated as a remainder: only once the roles of factors such as the constitution and political parties are addressed are informal relations brought in. As Helmke and Levitsky note, “Distinguishing between formal and informal institutions, however, is only half the conceptual task. ‘Informal institution’ is often treated as a residual category, in the sense that it can be applied to virtually any behavior that departs from, or is not accounted for by, the written-down rules” (2004: 727, see also Brinks, 2003).

This need not be the case. Based around the work of Elinor Ostrom and others, a particular branch of institutionalist scholars have worked to develop a greater understanding of the role of behaviour and institutions. This framework is known as ‘Institutional Analysis and Development’ (IAD).

Between Institutions and Actors: Institutional Analysis and Development

One particular approach to institutions is the Institutional Analysis and Development framework developed most notably by Elinor Ostrom. In a variety of works, Ostrom has developed the concept of institutions as comprising rules and norms. This is apparent in her definition of institutions: “Broadly defined, institutions are the prescriptions that humans use to organize all forms of *repetitive* and *structured* interactions...” (Ostrom, 2005: 3, emphasis added). The same general approach is also found in O’Donnell’s oft-cited definition of institutions: “a regularized pattern of interaction that is known, practiced, and accepted (if not necessarily approved) by actors who expect to continue interacting under the rules sanctioned and backed by that pattern” (1996: 6-7; see also North, 1990: 3).

The IAD approach is loosely based on game theoretic premises, although it abandons the idea of mathematical modelling of institutional settings (which is overly complex), and considers game theory’s view of human behaviour to be only one part of a spectrum (Ostrom, 2005: Ch. 1). A similar approach comes from the work of Fritz Scharpf (1997). His work appeals to game theory, but his conception of ‘actor-centered institutionalism’ remains institutionalist at heart. As he notes, his approach is only useful if “we are able to resort to institution-specific information for the specification of actor capabilities, cognitions and preferences” (Ibid.: 22). Scharpf attempts to avoid the chicken-and-egg structure/agency debate, but in the end he puts structure (institution) prior to agents. Actors are only agents in that institutional context.

Ostrom’s work focuses on the importance of differences in scale. She likens IAD to using a map. No single map will work in every situation: sometimes it is necessary to go into greater detail. However, in the IAD approach, one can change scales without having to alter the analytical language. What this means in practice is that the IAD approach distinguishes between, for instance, the constitutional level and the operational level while using the same basic concepts to analyze both. For the purposes of this study, it is the operational level that is of primary concern. However, as Sproule-Jones notes, both rules and policies can be ‘stacked,’ that is to say that they operate on multiple levels (1993: 48).

A closely linked idea is the concept of ‘nested institutional statements,’ that is to say rules which exist within a broader framework and may be subject to that framework (Crawford and Ostrom, 2005: 171; Basurto et al., 2010; see also Tesebelis, 1990 for similar work). A simple example would be federal legislation, rules which exists within the framework of the Canadian constitution. Similarly, municipal by-laws exist within the framework of existing provincial law. Rules operate at different levels and can affect each other, and while it is intellectually orderly to treat them as separate statements, one must also be keenly aware of how they relate to each other.

At the operational level, the focus is often on rules-in-use as opposed to rules-in-form “When rules actually possess operational relevance –when they are enforced and enforceable– we may refer to them as rules-in-use. In contrast, rules that have no impact on behaviour are rules-in-form” (Sproule-Jones, 1993: 24; see also Ostrom, 1999, 2005, 2007; Ostrom et al., 2014). The focus in this conception is on rules as they pertain to behaviour. This definition is consistent with the broader approach, which views institutions as being, essentially, patterns that regulate behaviour. As a result, this approach to bureaucratic action is one that understands behaviour within the context of institutions. This is a useful starting point for studying informal relations, since it is at the nexus of behaviour and institutions that informal relations take place. Institutionalist literature has incorporated this aspect of institutional life with the concept of ‘informal institutions.’

Although institutional rules can refer to formal, constitutional or other official rules, that need not be the case. If institutions are rules, then they can be informal. This is apparent in the work of a number of neo-institutionalist scholars who focus on ‘informal institutions’ (O’Donnell, 1996; Lauth, 2000; Brinks, 2003; Helmke and Levistky, 2004, 2006). Although the approach is based in a particular theory, scholars in this tradition are often concerned with empirical work and with finding evidence of informal institutions. This reflects the fact that the IAD approach is concerned with understanding how institutions really work. In practice, this means that institutions and behaviour cannot be understood only in reference to a theoretical model of behaviour. Ostrom notes this concern: “I strongly advise institutional analysts not to rely on one and only one theoretical tool to explain human behavior” (2005: 103). This points to the need for context in understanding institutions. As in other neo-institutionalist work, actors operate using a contextually based ‘logic of appropriateness’ (March and Olsen, 1998).

In the Canadian literature, there are a few examples of this type of approach to studying public policy: Sproule-Jones' 1993 book adapts the IAD framework, for example. Painter (1991) has also used IAD to study intergovernmental relations, and to a degree uses the concept of rules in his work. Working at the macro level of institutionalized IGR and writing in the aftermath of the failure of the Meech Lake Accord, Painter explores whether intergovernmental collaboration in Canada could lead to a 'joint-decision trap,' as in Germany. He argues that conflict cannot be entirely removed from the Canadian system (an issue to which I return in the conclusion). For the moment, however, what is important is Painter's application of IAD rules. While his work does not focus on individual IGR officials, or informal relations, it is a demonstration of the concept, and it suggests what might be expected of certain rules.

In this study, I use the IAD framework and the related conception of informality to gain a better understanding of the role of informal relations in Canadian IGR. This has certain methodological implications. However, before proceeding it is necessary to outline some issues with this approach. As mentioned earlier, a neo-institutionalist approach is potentially problematic for studying informality. Given the low level of (formal) institutionalization inherent in Canadian IGR, one could wonder how this approach is useful. A neo-institutional approach is a starting point, one that is grounded in a developed literature and provides a theoretical umbrella. It is not, however, the entire picture. As Ostrom notes of her 30 years of studying institutions, "I am still not fully satisfied with my own understanding" (2005: 3). Neo-institutionalism will likely miss certain nuances of informal relations, but this does not mean it is without merit. This study is, to a degree, exploratory. Fully understanding informal relations will take more than one study. That said, IAD can be useful for capturing particular elements that have so far been referred to only in very general ways.

The advantage of the IAD framework is in the fact that it conceives of institutions as being based in behaviour. In doing so, it allows room for studying informality. In this literature, institutions can exist (as norms, for instance) *and can be studied* without actors necessarily being conscious of them (Schlüter and Theesfeld, 2010; Crawford and Ostrom, 1995). However:

"The capacity of humans to use complex cognitive systems to order their own behavior at a relatively subconscious level makes it difficult at times for empirical researchers to ascertain what the working rules for an ongoing action arena may actually be in practice. It is the task of an institutional analyst to dig under surface behavior to obtain a good understanding of what rules participants in a situation are following" (Ostrom, 2005: 19).

Adopting an institutional analysis and design framework carries with it certain methodological implications. Before getting into these, however, it is important to reiterate that an institutionalist framework also imposes necessary limitations. I do not claim that this approach tells us the entire story of informal relations, but it is a useful way to begin mapping the unknown.

IAD: Institutional Statements and Rules

In a widely cited paper, Crawford and Ostrom (1995) suggest a way of understanding institutions (defined as “enduring regularities of human action in situations structured by rules, norms, and shared strategies, as well as by the physical world” [582]). They focus on ‘institutional statements,’ which “refers to a shared linguistic constraint or opportunity that prescribes, permits, or advises actions or outcomes for actors... Institutional statements are spoken, written, or tacitly understood in a form intelligible to actors in an empirical setting” (Ibid.: 583). In other words, institutional statements are used to identify and articulate the rules which underpin behaviour in group settings. These statements may not be explicitly articulated in any one place, and can range from formal to informal. Laws, for instance, are the most formal type of institutional statement, but Crawford and Ostrom argue that an institutional statement does not need to be explicitly recognized by those partaking in it, as it may form part of their tacit knowledge (2005: 139).

If institutional statements can be used to identify the rules in a given setting, IAD also proposes a set of rule-types which allow for the classification of institutional statements. This allows one to clarify and contrast given settings, for instance by identifying and comparing the ‘entry rule.’ Ostrom identifies seven general types of rules: position, boundary, choice, aggregation, information, payoff, and scope rules.

In the context of Canadian IGR, the classification of rules using this framework allows one to understand the purpose served by the uncovered institutional statements. One is able to use this framework to better understand the role of informal relations in Canadian IGR, for instance by arguing that informal relations are related to choice rules but not boundary rules. The specific application of the rules is elaborated in the model set out in Chapter 3, then applied in the subsequent case studies.

Position rules

As indicated by the name, position rules dictate the positions held by participants in the ‘action situation.’ They provide the scaffolding for the scenario, and different positions may hold different levels of authority (Crawford and Ostrom, 2005: 193). Some scenarios may have only one position held by all participants, but this is unlikely.

Boundary rules

As defined by Crawford and Ostrom (2005), boundary rules “define (1) who is eligible to enter a position, (2) the process that determines which eligible participants may enter (or must enter) positions, and (3) how an individual may leave (or must leave) a position” (194).

Choice rules

Choice rules are those rules that specify what a participant in a certain position may, must, or must not do (Crawford and Ostrom, 2005: 200). However, this only applies where other rules (such as information rules and aggregation rules) do not already determine the range of actions. Choice rules effectively serve to widen or narrow the range of available actions and set out the distribution of power (Ibid.: 201).

Aggregation rules

Aggregation rules relate to the decision making process that is necessary to move forward. For instance, an asymmetric aggregation rule might see one participant have veto power while others do not. As Crawford and Ostrom (2005) note, “aggregation rules are necessary whenever choice rules assign multiple positions partial control over the same set of action variables” (202). This situation describes IGR in Canada, since decision-making is inherently multilateral. Moreover, IGR tends to operate on a consensus basis (with certain exceptions), meaning that it follows symmetric aggregation rules.

Information rules

Rules relating to the information available to participants in an action situation constitute an important part of Crawford and Ostrom’s framework (2005: 206). Specific examples of information rules could include those which establish channels for communication, frequency, subjects, or official languages of communication.

Payoff Rules

Payoff rules “assign external rewards or sanctions to particular actions” (Crawford and Ostrom, 2005: 207). In many IGR scenarios, this is not likely to be relevant, since governments do not punish or reward each other for action taken (or not taken). However, in other cases payoff rules may apply, particularly where the federal government is involved. Federal pressure on provincial and territorial governments is often based on payment in exchange for certain policy goals, making these cases literal “payoff” scenarios (see for instance the 2004 Health Accord, which exchanged federal funding for specific health goals).

Scope Rules

Like choice rules, rules governing scope are a residual category, applicable where information, aggregation or other rules do not apply. Where choice rules govern possible action (which may, must, or must not be taken) on the part of participants, scope rules govern outcomes, narrowing the range of allowable outcomes (Crawford and Ostrom, 2005: 210). They are also associated with measuring performance rather than limiting action.

Practice

Selecting Cases

The previous section outlined the IAD framework and the ways that it may uncover some of the functional elements of IGR. This section will explore the methodological choices for studying informality in Canadian IGR. I begin by outlining four questions related to case studies: what case studies offer, what exactly is meant by a case, what the theoretical purpose of the case studies is, and why cases should be compared.

The major part of the research for this study involves comparative case studies. This flows logically from the theoretical perspective adopted in the previous section. Work based on IAD has often been applied to particular cases, which is unsurprising given the importance Ostrom places on understanding specific situations. Recall that Ostrom (2005) cautions against any model of behaviour which too narrowly constrains the range of action, because these narrow assumptions are rarely reflected in reality. This raises the first issue, understanding what case studies offer. The advantage of a case study is its richness and depth (Halperin and Heath, 2012). It allows for a serious understanding of a particular situation. The benefit of this

approach for this study is clear: cases studies can provide the kind of deep knowledge required to make any claim about the functional element of a particular situation in Canadian IGR.

The second issue that arises with this approach is in understanding what constitutes a ‘case.’ Despite the lengthy history of using case studies in political science, there is frequent disagreement over what exactly is meant by the term (see Eckstein, 1975; Kaarbo and Beasley, 1999; Gerring, 2004). In political science, the case study method was once closely linked to comparative politics (Lijphart, 1971). As a result, a case is often taken to mean a state. However, this need not be the case. As King, Keohane and Verba argue, a case “can mean a single observation... However, a case can also refer to a single unit, on which many variables are measured, or even to a large domain for analysis” (1994: 117). Noting the disagreement over definition, Kaarbo and Beasley (1999) refer to a case as simply being a single data-point. In this study, the same general issues are present. What constitutes a ‘case’ could be defined in different ways: it could be individual actors or jurisdictions (Saskatchewan as a singular actor, for instance). It could also be the policy area, or the wider system of intergovernmental relations. This study adopts a mid-level definition. Although the behaviour of individuals is being studied, it is being studied in a particular context. It is less the individuals involved than the interactions between them that are of interest. Thus, for my purposes, a case is the set of regularized interactions that take place within a given intergovernmental context.

The third issue that arises is in understanding the theoretical (and not just empirical) purpose of case studies. Many scholars (Lijphart, 1971; Eckstein, 1975; King et al., 1994) have outlined the various purposes that a case study can serve. While case studies were once derided for being descriptive and a-theoretical, this has long since been rejected (Verba, 1967). Case studies are now considered to be useful at all stages of inquiry, from data gathering to theory testing and theory generating. This study’s use of case studies is closely related to what Eckstein (1975) refers to as a ‘plausibility probe’ (it is also in line with what Lijphart [1971] refers to as a ‘deviant case’). Effectively, this use of case studies is situated between theory generation and theory testing. Using the Institutional Analysis and Development framework gives some guidance to the study. I cannot, therefore, claim to be generating theory. However, IAD does not provide exact predictions about what to expect. A major part of the purpose of IAD (and of this study) is that the specifics of the situations are unknown. What IAD does is provide the tools to understand those situations, as well as providing a general idea of what may be found.

Thus, IAD leads me to believe that I will find patterns of regularized, contextually determined behaviour in IGR, and that those patterns can be understood. However, it does not tell me what those patterns will be. The role of the case study in this study is to refine theory. In simple terms, the case studies should answer two questions: are there rules, and what are they?

This brings me to the fourth and final issue in selecting case studies: why compare them? What does a comparison of three cases bring to the table? Before answering this question, it is necessary to return to the fundamental puzzle at the heart of this study: the role of informality in Canadian IGR. Two questions are at the centre of this analysis: what are informal relations, and what are their effects? As indicated, the application of IAD to a case study offers the potential to answer the first question. A comparative case study is useful in answering the second, and for verifying the hypothesis that, rather than being simply ad hoc and unpredictable, informal relations in Canada are shaped by contexts in a way that can be understood. A comparative analysis of case studies can begin to either confirm that general impression, or disprove it.

The selection of cases to compare for this study was purposive and based on Przeworski and Teune's (1970) "most different systems design" (MDSD, taking after J.S. Mill's "method of difference"). According to Peter (1998), such an approach is well-suited to a phenomenon such as informal relations, since "most different design strategy begins with an assumption that the phenomenon being explained resides at a lower, sub-systemic level" (40). In the initial design of this study, it was expected that there could be significant variance between the cases, and that the role of informal relations might be quite different. In order to test this idea, cases were deliberately chosen for their differences on a number of variables (such as jurisdictional authority, type of participants, goals, and policy type). These differences should not be overstated; after all, I am not comparing Japan to Germany. The cases are all within the realm of Canadian intergovernmental relations, and therefore exhibit a certain degree of similarity. That said, the cases do differ in significant ways, and were selected specifically for that reason.

A Note on the Bureaucratic Focus

This research focuses exclusively on the role of **bureaucrats** in IGR rather than political executives. It is based on interviews with IGR officials and considers the effects of informal relations at the level of public servants. The decision to exclude political figures is a deliberate one, but one that stands to be justified, as it runs contrary to the prevailing trend in Canadian federalism research (which tends to focus on political executives, particularly first ministers and

ministers). In choosing to limit the focus to officials, I recognize that this study misses a major element of intergovernmental relations.

The relations between politicians are an important piece of understanding IGR in Canada. Suggesting otherwise would be ignoring the repeated examples of instances where politicians struck a deal in informal settings. Some of the most fascinating chapters in Canadian history have occurred as a result of informal relations between political figures. These kinds of stories make for interesting anecdotes, and often feature prominently in the recollections of retired political figures³. That said, there are reasons for putting the emphasis at the level of officials.

The first comes from a limitation in the explanatory power of political accounts. Recalling matters after the fact, politicians are, at the very least, unreliable narrators. As public figures, they are inclined to present a particular version of a story. Seeking confirmation of a deal between premiers, for example, relies on the account of two people who are very aware of their public persona and legacy. There is an inherent risk that experienced politicians will provide a self-serving account. Regardless of whether politicians are presenting what they believe to be the truth, their recollection is not always reliable. They may have privileged their own participation to the exclusion of other factors. Of course, the same risk exists in any study that relies on interview data (Manheim et al., 2002: 322). However, the risk is lower at the level of officials. Since they are speaking under conditions of confidentiality, they are afforded greater freedom to give an honest interpretation. Further, because the sample size is greater, the findings can be more readily validated.

The second explanation for focusing on officials comes from the value of that perspective. The fact that officials do not represent the entirety of IGR does not mean that their perspective is invalid. Most IGR work is done by public servants working with other public servants. It is at this level that one will find the majority of informal relations in Canadian IGR, even if the results and the accounts are less sensational. The mundane reality of everyday bureaucracy is arguably as important to the functioning of the state as the more dramatic actions of politicians, and as Inwood et al. suggest, “the changing landscape has made intergovernmental officials important actors in Canadian federalism” (2011: 66). Moreover, focusing on officials does not mean excluding the realm of political action entirely. Even when considering the work of officials,

³ See for instance Thompson’s (2006) interview with former New Brunswick Premier Frank McKenna, in which he related having struck a 300 million dollar deal with former Prime Minister Jean Chrétien during a game of golf.

one cannot ignore the role of political machinations. As will be seen, political will is a driving factor in intergovernmental relations and informal relations at all levels. One cannot realistically exclude the political factor when considering IGR: when considered from the perspective of officials, political will constitutes an important macro variable which structures their work. However, by abstracting political will and avoiding the more specific (and often sensationalist) accounts of political maneuvering, the study can garner a sense of how that maneuvering affects informal relations.

Finally, the story of informal relations between politicians has also in some respects been told. Scholars of Canadian federalism have often justifiably focused on summitry, for instance during the long mega-constitutional period. As noted, examples of these inter-executive relations abound. Providing yet another account of such relations would not advance the discipline significantly. For instance, even if one does not know the specific details of recent informal discussions between the premiers of BC and Alberta over pipeline construction, it can be discerned that the system creates such opportunities for purely ‘executive federalism.’ One can anticipate that such discussions may occur. With that in mind, how does that possibility affect work being done at other levels? How does the fact of executive federalism structure informal relations between officials? Examining the work of officials helps us answer these questions.

Variables

In order to conduct this study in keeping with the logic of most different systems design, cases were selected based on their variance along specific criteria. Cases varied in a number of ways, including by policy type, jurisdictional authority, goals, and type of actors. In modified form, these variables also became important parts of the model of informal relations (see Chapter 3). Once these variables had been established, a search was conducted to find which intergovernmental action-scenarios might make appropriate case studies. To a certain degree, the issue of novelty played a part in determining the final choice. Neither the Ministerial Conference on the Canadian Francophonie nor the Health Care Innovation Working Group had been studied, and the Agreement on Internal Trade was in a state of flux. Although the cases demonstrated less difference than initially expected, the MDSD logic was an appropriate one with which to search for difference.

Policy Type

For the purposes of this research, three separate policy types have been chosen for comparative study: economic, social, and cultural. These three types are represented by the Agreement on Internal Trade (AIT), the Health Care Innovation Working Group (HCIWG), and the Ministerial Conference on the Canadian Francophonie (CMFC), respectively. These three examples can reasonably be expected to have differing goals and methods. The explicit economic goals of the AIT, for instance, can be contrasted to those of the CMFC, which seeks to advance linguistic rights, while the HCIWG is dedicated to improving provincial ability to provide health care services to citizens. The target audiences and the goals of these organizations are, therefore, different.

Jurisdiction

Jurisdictional authority is also different in these three sectors. The HCIWG is an exclusively provincial-territorial affair based on the usual inter-provincial practice of consensus-based decision-making. Conversely, the AIT features all provinces, territories and the federal government. Although the federal government has at times played a more robust role in the AIT (see Chapter 4), at the present time, the AIT operates as a relatively even playing field. While the federal government has nominal jurisdictional authority over interprovincial trade, it has shied away from legally imposing itself for a variety of reasons (see DiGiacomo, 2010 for a critique of the federal government's position). Finally, the Francophonie issue is one that is also effectively a shared jurisdiction. With the notable exception of Québec, provinces tend to look to the federal government for leadership on the issue of the French language in Canada. Although provinces have control of education and certain cultural issues, the federal government has significant roles in culture and in assuring minority language education. At an institutional level, the differences between the jurisdictions can also be observed: the federal government does not participate in the HCIWG, participates as one among 14 in the AIT, and holds a permanent co-chair position in the CMFC.

Goals

The goals in each policy area vary considerably. Of the three, health is clearly the most focused on direct program delivery. The work and the recommendations of the Health Care Innovation Working Group are fairly narrow in scope, but occur within the broader context of provincial

health systems, which create and manage programs. However, there is a distance between the work of health IGR officials and those within the department who create programs, and the recommendations of IGR officials are not necessarily implemented. Nevertheless, the fact that IGR officials can come to an agreement at all suggests a level of political support, which presumably will have effects throughout the entire department. Thus, HCIWG officials are in a different position than in the other case studies: they are within the same department which will implement (or not) their recommendations and may be supported by their minister in suggesting programs. This differs from the other two case studies, where the officials involved are not in the same department as those responsible for implementation.

The Agreement on Internal Trade is not focused on program delivery, and therefore operates in a different context. Rather than paying for providers and infrastructure, the main cost involved in the AIT is the staff necessary to further the Agreement and resolve disputes, along with potential fines resulting from those disputes. Costs may result from the trade agreement, but these are assumed by other government departments or other stakeholder groups altogether. The main difference between the AIT and the other case studies is the binding nature of their work. The Agreement on Internal Trade is a binding trade agreement, and one that has the potential for monetary penalties since 2009. Although other government departments are the ones who may feel the effects of the Agreement (as opposed to the case of the HCIWG), they are not free to simply ignore the results of the AIT (as they are with the CMFC).

The CMFC is in a somewhat similar position to the AIT, since the work of the Conference is often one of ‘sensitization’ of other government departments to the realities of francophone communities. Neither CMFC officials nor officials responsible for Francophone affairs across Canada are those who decide to fund or provide services. As with the AIT, if expenses are associated with the policy area, they are assumed elsewhere (for instance in departments of justice, education, or health). Contrary to the AIT, however, the agreements of the CMFC are not binding. Part of the work of CMFC officials is to attempt to convince those other departments to offer those programs and assume the expense.

Actors

The number of actors at the table also varies according to the policy area. The HCIWG features one representative from each province, but its sub-working groups also feature participation from extra-governmental participants, such as representatives of the Canadian Nurses Association and

the Canadian Medical Association. This distinguishes it from either the AIT or the CMFC. While these organizations are not devoid of stakeholder participation, that participation is less built into the core of the intergovernmental interaction than with the HCIWG. As will be seen, the HCIWG's example of stakeholder inclusion is atypical in the context of Canadian IGR.

The Cases

The Agreement on Internal Trade

The Agreement on Internal Trade was signed in 1994 with the goal of eliminating barriers to internal trade in Canada. Since that time, a community of trade policy officials from the federal, provincial, and territorial (except Nunavut) governments has worked around the Agreement. The federal government is arguably in a preponderant position, since it has constitutional jurisdiction over regulating interprovincial trade. However, the legal argument has rarely been put to the test, in part because it is not clear that the federal government would win. The Supreme Court's ruling against a national securities regulator in 2011 is an apt demonstration of the fact that the federal government cannot necessarily count on jurisdictional authority to force the issue of internal trade regulation. Moreover, for the federal government, forcing matters would also be counter to the collaborative aims of the AIT, perhaps best represented by the consensus-based decision making built into the Agreement. The Agreement has evolved considerably since it was first signed, having gone through periodic waves of intense activity (the most recent of which has involved a provincial commitment to replace the AIT entirely with a new Canadian Free Trade Agreement [COF, 2016b]). Internal trade is different from other policy areas in that "federal-provincial policy making is not normally characterized by macro multi-policy field negotiations" (Doern and MacDonald, 1999: 26). As indicated above, the AIT is not a vehicle for program delivery. As a result, the work of officials who populate the world of internal trade intersects with many other departments and interests.

These factors make the AIT an interesting case study. While all intergovernmental officials, whether in line departments or in central agencies, have interactions within their own government, the range of issues that internal trade officials deal with is arguably broader (infrastructure, labour, and procurement to name a few). The array of issues to deal with, combined with the fact that internal trade officials tend to be situated within central agencies, may lead one to believe that trade officials have more in common with each other than with other

officials from their own government. This may alter the informal dynamic (indeed, this idea is firmly part of Dupré's concept of trust ties). However, trade issues are also subject to more ideological polarization than other issues. Consider, for instance, that when the AIT was proposed, provincial NDP governments were the most vocal critics. NDP governments have since evolved and none is avowedly anti-free trade, but there is a difference between left and right wing governments in terms of their enthusiasm for free trade. This may also have an effect on informal relations. Finally, internal trade has also recently been the focus of a good deal of political attention, as during the period of study former federal Conservative Industry Minister James Moore publicly expressed interest in eliminating barriers to internal trade, and at the July 2016 meeting of the Council of the Federation, the premiers committed to replace the AIT altogether. This political attention may have changed the intergovernmental dynamic at the level of officials, and makes the AIT a topical subject.

The Health Care Innovation Working Group

The Health Care Innovation Working Group is an interprovincial group created in 2012 under the auspices of the Council of the Federation. According to officials, it was a reaction on the part of premiers and health ministers to the fact that in December 2011, the federal government unilaterally decided to tie healthcare funding increases to growth in the nominal Gross Domestic Product (GDP) after 2014. The provinces decided at that point to work together to find efficiencies in their health systems through targeted initiatives such as joint prescription drug procurement and studies of best practices. The initial year of the HCIWG was considered enough of a success that the group was renewed for a three year mandate.

The HCIWG is worth studying for a few reasons. The first is that it represents the increasing trend of interprovincial collaboration without the federal government, an interesting and understudied development (Collins, 2015). Second, the very nature of the Working Group was meant to be punctual and short-lived. Although it has been renewed, those involved felt that there would be an inevitable limit. Moreover, in the first year it was not clear that the Working Group would be renewed, which placed urgency on the work being conducted. This seems likely to have created an interesting dynamic at the informal level, perhaps in contrast to the ongoing work of the AIT, which has no particular end-point. The pressure at the level of officials was also likely compounded by the fact that the work was driven by the political will of the premiers. Third, in contrast to other forms of intergovernmental relations in Canada, the

HCIWG included external stakeholders in its structure. The initial three working groups featured participation from the Canadian Nurses Association and the Canadian Medical Association. While external stakeholder consultation is not atypical of intergovernmental relations, it is unusual to see that element built into the structure of intergovernmental organizations.

The Ministerial Conference on the Canadian Francophonie

Like the AIT, the Ministerial Conference on the Canadian Francophonie (referred to hereafter by its French acronym, CMFC) dates back to 1994. The Conference brings together federal, provincial and territorial ministers responsible for the Francophonie and seeks to advance the French fact in Canada. The Conference represents an interesting contrast to the other case studies. As opposed to health or trade, outside of Québec minority language rights are rarely a salient political issue (although this has not always been the case: see Hébert, 2005). The CMFC can on some level be called apolitical, in that partisan difference seems to make little difference with the obvious exception of Québec.

Because of low political salience, the CMFC is also more low-key than other intergovernmental organizations, and the issues raised in the Conference are rarely risky or overly sensitive. This is represented by the fact that of the three case studies, only the CMFC was willing to provide access for direct observations of their teleconferences (see below). Finally, like the HCIWG, the CMFC is understudied.

Data Collection

From a practical perspective, studying informal relations among intergovernmental officials presents certain challenges, which explains in part why previous scholars have left the issue unexplored. Conducting this kind of research is inherently qualitative and based in the knowledge of officials. Although primary interviews were the central research tool used to gather information, the study also adopts a ‘triangulating’ approach based on using multiple methods of data gathering to access the same phenomenon. Thus, this study employed direct observation and follow-up questionnaires along with primary interviews in order to approach the challenge of studying informal relations from different angles (see Kahn, 1990 for a similar approach).

Direct observation

There is often a distance between academic understandings of how organizations work and the reality for those involved in the organizations. This functional component is a crucial one for truly understanding exactly what ‘informal relations’ are and how they operate. The first part of this research design was, therefore, based on direct observation of intergovernmental relations in Canada. Unstructured observation can be used to “discover patterns that can provide a basis for theorizing” (Manheim et al. 2002: 334; see also Jorgensen, 1989). The functional element of Canadian IGR is understudied precisely because it is difficult to access. Direct observation allows for access to that process, and also allows for an unmediated view of the components of IGR, including informal relations. This approach, which links empirical analysis to theory through observations, is standard in social science field research. Meehan’s study of ‘political values,’ for instance, notes that a “focus on empirical inquiry, or empirical application, serves to anchor the meaning of concepts in observation or experience” (1982: 255). In the initial stage of research, this aided in theory generation and shaped the subsequent research. Unfortunately, only one of the three case studies, the CMFC, was open to observation. Requests were made to and denied by the AIT and the HCIWG, which reflects the more sensitive natures of the discussions and the topics. Despite these limitations, observations of the CMFC were still useful and provided important context for the rest of the study. In total, eight teleconferences, ranging in length from 1.5 to 2 hours, were observed. These observations took place under conditions of anonymity. Notes were taken, but officials were not cited from their conversations during teleconferences, a condition which was necessary in order to secure access. These observations served primarily as a means of supplementing further research: as Snow and Thomas (1994) argue, observation research is generally (and should be) combined with other forms of research.

Elite Interviews

Elite interviews have been an important part of political research for some time, and can provide unique access to the political process itself (Dexter, 1970). As has frequently been the case in the study of Canadian IGR (Inwood et al., 2011), the second component of the research design of this study was based on elite interviews with IGR officials throughout Canada. This was a necessary part of the research, since practitioners are best positioned to realistically assess the role of informal relations. In his analysis of ‘rules-in-use,’ Sproule-Jones observes that “These rules are most visible at the operational level” (1993: 48). Previous scholars have described the

backroom dealings behind certain agreements (see for instance Cohen, 1990; Monahan, 1991), but while such accounts are fascinating, they do not provide the type of material necessary for this study. A second hand analysis of the role of informal relations would not provide the raw interview data that is required. In order to assess various points of view and garner a comprehensive account, interviewees were sought out from various jurisdictions (federal, provincial and territorial governments).

As the concept of informal relations is fairly vague, this component of the research involved gathering data from which examples of informal relations could emerge. This process is typical of elite interviews: “The need to measure abstract concepts often attracts researchers to the elite interview approach in the first place because these concepts are difficult to capture with other approaches... Rather than explaining such constructs to respondents overtly, a better strategy is to develop an instrument that poses questions that bring these underlying dimensions into relief” (Beamer, 2002: 88).

Following the method set out by León and Pereira (2011) as well as Leach and Lowndes (2007), personal interviews were semi-structured with a variety of questions to identify and compare the relative importance of various factors in IGR. As Ostrom notes, “Being armed with a set of questions concerning how X is done here and why Y is not here is a very useful way of identifying rules-in-use, shared norms, and operational strategies” (2007: 23). The ultimate goal of the elite interviews was to establish a sense of the role of informal relations in the functioning of specific policy sectors. By focusing on specific sectors, I aimed to garner a sense of the importance of informal relations in particular contexts, rather than relying on a general impression.

Gaining access to the world of IGR officials can prove challenging (Inwood et al., for instance, refer to being ‘scanned’ by the Canadian IGR community before gaining access [2011: 128]). For the HCIWG and the AIT, an initial email was sent to the lead official from the chairing jurisdiction explaining the project and inviting participation. For the CMFC, an email was sent to the national coordinator. In all three cases, the initial invitation allowed the lead official to communicate the project to their colleagues. Following initial contact, officials from all 14 jurisdictions were invited to participate. None of the case studies was able to include officials from every jurisdiction, despite repeated attempts (the territories in particular proved

difficult to access)⁴. As was also the case in Inwood et al.'s (2011) work, there was greater representation of provincial over federal officials (and in the HCIWG federal participation was not relevant). In all of the case studies, the primary sampling method was an invitation sent to the lead official on the file. In certain cases, the study used a snowball sample, where officials suggested other individuals for interviews either within their own jurisdiction or in others. Interviews were mostly conducted by telephone, except where face-to-face interviews were possible (most of the officials from the Prairie provinces were interviewed in person). Interviews were largely conducted one-on-one, however, in certain face-to-face contact, officials preferred to be interviewed simultaneously for the sake of time. Interviews ranged from 30 to 90 minutes (where two people were interviewed at the same time) and averaged 48 minutes.

In total, 49 semi-structured interviews were conducted between May 2014 and March 2015. In the initial phase, a group of eight IGR generalists were contacted to 'test the waters,' gain access to the IGR world, and to verify the adequacy of the interview script. These interviews do not form part of the analysis, and were used primarily as a means of testing and refining the interview script (as recommended by Gottlieb, 2006). In the AIT, 14 provincial and federal officials as well as one former secretariat official were interviewed. In the HCIWG, 10 provincial officials as well as four stakeholder representatives were interviewed. In the CMFC, 12 current and former federal, provincial and territorial (FPT) officials were interviewed. Interviews were conducted in English or French depending on the circumstances.

Interview subjects ranged in position but the majority ranged from senior policy analysts to executive directors. Providing exact comparison is complicated by the fact that different jurisdictions use different titles and that external officials (stakeholder representatives and secretariat officials) occupied different positions. With the exception of the eight initial test interviews, the government officials interviewed for this research were policy specialists working in line departments, rather than generalists working in central agencies. External health stakeholders and secretariat employees formed a different cadre, but the method used to recruit their participation was the same: an email message explaining the project and inviting their participation.

Interview data formed the principal research material for this study. Because I am interested in the "deep knowledge" of officials involved in the intergovernmental process

⁴ In order to ensure confidentiality, the jurisdictions which participated in each case study have been withheld.

(Grofman, 1997: 76; Weible et al., 2012), the interview data was analyzed qualitatively using content analysis. This provided ready comparisons between cases in terms of how frequently words were used, but this alone did not suffice. The fact that an official used the word ‘trust’ seven times in an interview said little about informal relations without some understanding of the context. It indicated still less about the broader research question. As a result, this study takes a “thick” approach to data analysis, one which situates the responses of interview subjects both within the context of the interview itself, and within their particular institutional context.⁵

In the first stage, I was solely responsible for conducting, recording and transcribing the interviews, which gave me an initial familiarity with the over 32 hours of audio recordings and over 400 pages of written data. This was followed by a period of “soaking and poking” (Wesley, 2011; Putnam, 1993; Fenno, 1978), reading and rereading the interview transcripts as well as re-listening to the interviews. Following this, a set of key questions were developed based in part on the interview script, and the interview transcripts were coded using NVIVO, a qualitative analysis program. Responses were compared first within then across the separate case studies. This allowed me to write initial drafts of the case study chapters and begin to draw conclusions. Four months after the initial coding, the interviews were coded separately a second time, which uncovered a few matters that had been missed in the first round.

A concern with this kind of analysis, as Cyrenne (2006) argues, is that thick analysis risks situating itself so deeply in the knowledge of participants that comparison becomes impossible. He further warns of “the false certainties of thick description... [which] never tells us as much as we think” (Ibid.: 320). The concern of becoming so embedded in deep knowledge that comparison is no longer possible is mitigated by the design of the research. The fundamental purpose of this research is to draw on case studies to provide a more general explanation of the role of informal relations. The need to tie case studies to each other and to the broader literature goes a long way in preventing a myopic view of the case studies. This is reflected in the theoretical model adopted, which provides grounds for future comparison: the main purpose of IAD is that it provides a means for comparing institutional statements between institutions. While the local knowledge of officials was sought, the questions they were asked (see the annex for a list) were more about developing a general understanding of informal relations than comprehending every facet of their particular experience.

⁵ This approach is common in ethnography (see Geertz, 1973; Chabal and Daloz, 2006).

What the interview script did not do was seek to definitely define the exact effects of informal relations on intergovernmental relations in Canada. The interviews were semi-structured, and as the study advanced, the script was partially adapted to inquire into the effects of informality (for instance by asking what would happen in the absence of informal relations). Officials frequently answered questions in a broad manner, and it was rare for an interview to not touch on the effects of informal relations. That said, the interviews were not used for the specific and exclusive purpose of understanding the effects of informality on IGR. Thus, the discussion of the effects of informal relations below must be read with the limitations of the empirical research firmly understood. While this is a limitation, it should again be noted that this study is largely exploratory. Moreover, methodological limitations impose constraints on what can be accomplished through interviews. It will likely take further study to investigate the effects of informal relations. To reiterate, officials alluded to certain effects, and it is partly from this (as well as from existing literature) that the sections on the effects of informal relations were drawn, but interview subjects were generally not asked directly about the effects of informal relations. On the other hand, interview subjects *were* specifically asked about the variables which affect informal relations, as well as the distinction between formal and informal relations. In both of these cases this study represents a first.

Questionnaire

In addition to elite interviews and direct observation, the third component of the research involved a follow-up questionnaire. As with direct observation, the use of the questionnaire was intended as a supplement to elite interviews as the central research instrument. This component was added for a few reasons. First, it was hoped that the questionnaire would make a limited timeframe for the interviews more manageable. In the interest of not overly intruding on the time of interview participants, 45 minute interviews were proposed (a limit recommended by Dexter [1970] and Grøholt and Higley [1972]). In most cases this timeframe proved adequate, but in the interest of supplementing the interviews a questionnaire was provided. The questionnaire component also took a somewhat different approach to understanding informal relations. As indicated, interviews were based on the personal experience of participants in their particular job and sector. The goal of the interview component was to allow participants to give an honest account of what bureaucratic interactions look like at a functional level. While it was expected that participants would mention informal relations, it was anticipated that this might not

occur. In the questionnaire, interviewees were prompted with more direct questions about informal relations. Finally, the questionnaire was expected to draw more from certain participants, as certain people are more comfortable expressing themselves in writing than in person. The questionnaire also allowed for participants to mention any further reflections they had after the interview. The questionnaire contains both open-ended and close-ended questions, a method suggested by Rivera et al. (2002) in studying political elites. This method combines the comparability of close-ended questions while also maintaining the advantages of an open-ended design. The overall response rate was 56%.

Figure 2.1- Questionnaire Response Rate (%)

AIT	HCIWG	CMFC	Total
53	43	67	56

Data gathered from the questionnaires tended to support the impression garnered by the interviews. Perhaps unsurprisingly, respondents tended to use the questionnaire as a way of confirming or compounding what they had said during the interviews. The questionnaire data is used as an important supplement to the interview data throughout the study, and provides another way to access the knowledge of officials working in IGR.

Chapter 3 – Understanding Informal Relations

Figure 3.1- Enabling and Limiting Conditions for Informal Relations in Canada

A major part of this study, and of the interviews with practitioners, is an attempt to garner more information on informal relations. As has been noted several times, the existing conception in the literature is one of vaguely defined ‘importance.’ I do not contest the idea that informal relations have an important role to play in IGR, but argue that this conception is one which needs elaboration.

This chapter begins by exploring informal relations as the dependent variable, first through an analysis of exactly what is meant by informal and formal relations. Using a multi-

level approach recommended by Klein et al. (1999) and Hackman (2003) among others, it proposes a socio-ecological model (figure 3.1) which is then broken down into its component parts: system level (meta and macro) variables, and individual level (meso and micro) variables. This approach is also common to organizational models: “Perhaps the most common form- and a very useful one- is the cross-level model in which higher-level variables are hypothesized to moderate the relationship of two or more lower-level variables” (Klein, 1999: 246). Indeed, the socio-ecological approach is one which the latest versions of IAD have been moving towards (Ostrom et al., 2014). Each type of variable plays a role in enabling or constraining informal relations. System level variables tend to set out institutional factors which limit the space for informal relations, while individual level variables tend to set out optimal interpersonal conditions for effective informal relations within that space.

Beginning at the meta level, the IAD rules noted in Chapter 2 are used to identify important constraints resulting from the nature of federalism in Canada, while the interview data is used to observe how specific macro variables affect informality. Turning to meso variables, this chapter explores the factors which create the conditions in which informal relations can function effectively at the level of groups of public servants. Finally, I explore how the micro level variable of individual trust is connected to informal relations. The relations between levels are also explored. With an understanding of what factors affect informality, the latter part of the chapter turns to the issue of informal relations as the independent variable, by examining how informal relations affect IGR more broadly. It focuses on three types of effects: personal, professional, and policy.

The Model

Understanding the role of informal relations in Canadian intergovernmental relations involves two distinct steps: the first is assessing which factors affect informality, essentially treating informal relations as a dependent variable. The second step is assessing how informal relations affect IGR by treating informal relations as an independent variable. The first part of that process is represented by figure 3.1, the model which will be used to explore the specific case studies in subsequent chapters.

The model proposed above is an attempt to make sense of primary research data. As such, it is explicitly inductive: this study’s approach is shaped by the data, rather than applying a pre-

existing structure to the primary research material. Individual components of the model certainly have a basis in different academic literature (which will be explored), but it is worth noting that the model proposed in figure 3.1 is a model specific to Canadian IGR.

Socio-ecological models, which focus on micro, meso and macro variables have a rich history going back decades (Bronfenbrenner, 1979). These kinds of models were adapted for use in social science to draw attention the role of context in shaping individual behaviour (Crooke, 2015). Socio-ecological models have been used in a variety of ways and contexts, but a common theme which unites these models is the decision to focus on the ‘ecological context’ as a set of nested structures (Bronfenbrenner, 1979; but see also Tudge et al., 2009). To put it simply, these types of models help one to specifically understand how different levels of context affect a central variable (such as informal relations) and understand how the levels interact with each other.

In the context of this study, the idea of interaction effects between levels is critical: a socio-ecological model specifically presents different levels of analysis because each has an effect on the action-arena being studied (to use the language of IAD). Moreover, the levels are ‘nested’, which suggests that, for instance, meta variables have an effect on macro variables independently of whether informal relations are present or not. Bronfenbrenner’s 1979 model provides some clarification as to how one understands relations between levels of analysis. Focusing on the micro (individual) level, he notes that factors at that level are “experienced” by the individual (Bronfenbrenner, 1979: 22), which is to say that individuals are aware of, and affected by factors at this level. Thus, trust, for instance, is a factor which an individual experiences. Moving up the scale to meso variables involves changing setting: from interactions based on personal trust into a system of shared organizational norms or shared goals (for instance). Key to these variables is that they involve the individual public servant in a shared action-arena among others. Rather than being about direct trust among individuals, it becomes about the characteristics of the group in that arena.

The choice to place macro and meta variables at the system level rather than the individual level involves the fact that system level variables do not involve individuals as “active participants” (Bronfenbrenner, 1979: 25). Part of the purpose of this level of variable is that noting these variables help distinguish particular empirical situations from one another, especially in their effects on the individual. Meta variables refer to those which result from the

structure of government in Canada (a highly decentralized federation), while macro variables refer to specific factors related to each action-arena, such as political will. Each of these factors also has effects on the meso and micro variables, as will be seen.

There is also a degree of overlap between the socio-ecological approach used in this study and Edgar Schein's notion of 'culture' in organizations (Schein, 1992, 1996). Schein's work, which focuses on understanding the concept of 'organizational culture,' identifies the ways variables at different levels impact a central concept (in his case culture). It also focuses on variables which are both discerned by participants and those which are less evident. Those who are familiar with Schein's work will certainly see parallels in this study, but while Schein's work is a relevant frame through which to view informality, it is a supplementary rather than a superior approach. The model at figure 3.1 is more firmly based in neo-institutional concepts, which makes systematic identification of variables a more straightforward task. Allusions can and will be drawn to Schein's notion of culture, but the similarities do not invalidate the IAD/socio-ecological approach.

The model is also selective in its inclusion of variables. While I have used a set of variables which are based in an extensive literature and which are crucial to understanding informality, the model is not exhaustive. It is possible that certain variables which are not part of the model may also help to explain informal relations. Factors such as the ideational climate are a central part of the work of Inwood et al. (2011), and other factors such as technology (for example the possibility of using Skype to videoconference) may also have an impact on informal relations. Concerns around what the model does not include should be addressed.

The first response to such concerns is to note that the model incorporates a good deal which is not explicitly stated. The example of Schein's work on culture is instructive: questions of culture are inherent in the model, even if they are not always stated. Similarly, a number of factors such as ideology will be evident when one considers a macro variable such as 'political will' or a meso variable such as 'organizational norms.' Second, while the model at 3.1 is inductive and based in empirical study, it is also a theoretical model. In other words, in bringing order to the raw data in which this study is based, I have opted for a degree of parsimony. This is not only necessary for the sake of modeling, it is entirely appropriate to the nature of the study. This study is exploratory, and does not make any claim to be the final word on informal relations in Canadian IGR. As noted in Chapter 1, this study is meant to provide the first systematic

attempt at understanding the role of informality in the Canadian federation. Hopefully it will not be the only such attempt. Future scholars may find that the model is insufficient in incorporating certain variables (even tacitly), which will necessitate a new approach. As it stands, however, the model is an attempt to balance empirical data and academic theory. It is worth reiterating that such an attempt stands as a contribution to the Canadian literature.

In advancing this model (and generally in undertaking this research), this study makes certain assumptions which should be restated and justified. It is focused on informality in the Canadian context, and a very basic assumption of this study is that these informal relations matter: if informal relations played only a minimal role in IGR, they would not be worth exploring. While the existing literature does have gaps, on this point at least, it is clear. As was seen in Chapter 1, in studies spanning several decades, a variety of scholars have identified that informal relations are present in Canadian IGR (to again cite Kernaghan, formal relations represent only the “tip of the iceberg” [1985: 156]). More to the point, these same scholars note that informal relations are, on some level, ‘important.’ Inwood, Johns and O’Reilly’s work is typical in this regard: “The informal system of individual networks is a relatively hidden yet influential playing field about which we know very little... These informal networks are an important part of making federalism work in Canada” (Johns et al., 2007: 37). These conclusions (that informal relations are present and important) justify a focus on informality as both a dependent and independent variable. Both the factors which affect informal relations and the ways that informal relations affect IGR deserve a better understanding.

The model is also, to a degree, prescriptive. An approach which seeks to understand the conditions which enable informal relations in an action-arena implies a belief that optimal or ‘effective’ informal relations are a desirable outcome. The calls into question what is meant by “effective”, and why this study takes effective informal relations as a net positive.

‘Effective informal relations’ are the informal relations which make up for the lacuna of formal relations, for instance by ensuring communication. As the study of IGR in Canada has frequently noted, informal relations are occasioned by the fact that there are few formal structures in place. As such, one of the most significant roles of informal relations is that they are used to bridge the gap, to ensure that work proceeds in spite of a relative lack of institutions. Note that this definition does not take a particular normative stance as to the *results* of IGR.

Focusing on ‘effective’ informal relations should not be seen as constituting approval or disapproval of the state of intergovernmental outcomes.

The second question relates to why ‘effective’ informal relations matter. Effectiveness is important because such relations are a crucial component of IGR in Canada. As Bakvis et al. argue: “workable federalism requires the generation of trust ties, mutual respect and understanding...” (2009: 17). The impression which is apparent in the literature, and in the simple notion of “executive federalism,” is of an IGR system in which informality plays an important procedural role. In other words, existing studies of Canadian intergovernmental relations not only argue that informal relations play a role, but that ‘effective’ informal relations play a role. This is also the perspective of officials themselves, who note that: “You need effective interpersonal relations to enhance [intergovernmental relations]” (Inwood et al., 2011: 125).

Understanding Informality

Chapter 1 outlined the following definition of informal relations: informal relations are structured patterns of individual interactions that exist in and around formal political institutions. There are two key components to that definition: structured patterns and individual interactions. As will be made clear, informal relations do not operate in an unstructured or random way. By examining the context, and by using the variables in the model, one can develop a sense of how these variables will enable or limit informal relations. However, while context plays a major role, informal relations operate at the level of individuals, whether in pairs or in small groups. To return to the neo-institutionalist perspective outlined earlier, institutions create conditions which structure individual behaviour.

The definition of informal relations adopted by this study is grounded in neo-institutionalist literature. Nevertheless, the approach of this study is inductive: if the model bears little relation to reality, it is not a useful way to understand Canadian IGR. As shall be seen, the definition proposed above is in keeping with the way intergovernmental officials themselves understand informal relations.

In interviews, officials were given the chance to describe what they felt formal and informal relations were. There is a good deal of overlap between the two concepts, and this was reflected in the answers of officials. Therefore, it may be artificial to try to separate the two, and in practice the differences are not so neat. However, there is an intellectual benefit in attempting

to parse out the two concepts, as has been demonstrated in the work of other scholars (Helmke and Levitsky, 2004; Inwood et al., 2011). Further, any systematic attempt to understand informal relations should at least attempt to distinguish formality and informality. The two are inextricably linked in practice, but for the sake of academic modeling can be separated.

What are Formal Relations?

Over the course of the interviews, several officials elected to compare informal relations to formal ones, or to define the two separately. This mirrors the approach taken by several scholars (see Chapter 1), and provides a useful contrast. There was consistency in their responses, which put the emphasis on three related factors: the difference between formal and informal settings, the importance of written documents such as agendas or briefing notes as manifestations of formality, and the difference in behaviour in formal settings. As the focus of these relations are individual interactions, all of the factors pointed to one key distinction: formal relations are interactions in which officials are explicitly acting as representatives of their government.

Formal Meetings

When asked about formal relations 39% of officials interviewed (15 of 41; see the annex) noted scheduled meetings with formal agendas (either in person or over the phone) as the main manifestation of formal relations: “The formal aspects would be... the ministerial meetings, the senior officials meetings, both in person and on the phone, and the regular ITR discussions and forums and committees and things like that”; “I would consider formal being more your planned, scheduled, meeting.” In the context of Canadian IGR, using official meetings as the standard for formal IGR is logical. Given the constraints of scheduled meetings, in which specific times are set, ministers may make decisions on their government’s behalf, and notes are taken, a more formal atmosphere can be expected. A focus on scheduled meetings is also consistent with the definition provided above, as informal interactions often operate around the confines of formal meetings.

Formality and the Written Word

Similarly, written documents, including briefings, summaries and agendas were also considered formal by 22% of interview subjects (9 of 41): “In my world, if I’m engaged in a consultation or a dispute... my appreciation, anything professional in that nature, obviously it’s very much a formal process. Drafts are submitted, opinions are submitted, and it’s not something that we chat

about.” Another official noted that some kind of record typically came out of formal relations, “Whether that’s an official record of decision or even an email.” One source even argued that emails could be considered formal relations, because they are accessible through freedom of information requests: “I’m split on whether I’d consider emails formal. Because there are very casual emails, but as a government employee, everything you send out can be looked at, at one point or another.” The common theme in these responses is some kind of written document: formal relations tend to leave some kind of written evidence to which officials can later refer. The use of written documents to confirm comments or decisions creates a situation in which written documents are necessarily treated more formally by officials and politicians. If one knows they may be held to the written word, they are more likely to be careful in how things are written. As an example of this principle, communiqués emerging from ministers’ meetings are often the subject of agonizing discussions and lengthy arguments about the use of specific words. Here again, the interaction is rendered formal by the fact that it can be used as evidence of a government’s position.

Formality and Behaviour

One interview subject made the key distinction between formal and informal behaviour, a distinction that was also observed by 27% of officials who were interviewed (11 of 41). Basing it on their dual role as both an individual and a government representative: “I think that informal relations are when it’s me who’s talking personally, and formal relations are when it’s the representative for my government who is talking.” This point was supported by a different official, who observed that informal relations partly consisted of: “An opportunity to find out the difference between “this is our government’s positions” versus “this is my personal view”.” Another explained that formality tends to exist on a scale: “Formal activities are partially defined by setting. Anything that’s face to face tends to be more formal than something done over the phone. Anything involving ministers or deputy ministers, anything to do with an ADM tends to be more formal than informal.” Context also plays a role in determining formality, for instance through the number of participants and the time limits at play: “Il y a une certaine rigidité à être assis 14 autour une table avec un agenda, un ordre du jour à la minute.”⁶ Formality is also manifested through extra-verbal cues, such as clothing: the decision to change into more casual clothes for a supper meeting was used as an indicator of a less formal atmosphere. In brief, by

⁶ “There’s a certain rigidity to being 14 around a table with an agenda that’s determined to the minute.”

their behaviour and by their adaptation to the setting, officials can make an interaction more or less formal. If a meeting in a pub involves a change of clothes, it also involves a change in tone. A comment made over drinks is far less likely to be meant (or taken) as an official government statement, and is therefore less formal.

Although this study attempts to disentangle formal and informal relations, I recognize that to an extent this is impossible. Informal relations occur during formal meetings, and in general there is a steady mix of both at work in many intergovernmental fora, a fact which was noted by public servants: “Je pense qu’il y a une distinction, mais il y a des fois où c’est quand même assez proche, où ça s’imbrique l’un dans l’autre.”⁷

What are Informal Relations?

When officials were asked specifically about what informal relations were, different aspects were raised, such as the variety of interactions that exist both within formal contexts and outside of them. Bilateral discussions were often used as an example: “I think it’s the phone calls more than anything.... There’s bilateral and trilateral discussions that take place over the phone, on trying to troubleshoot something, or get a sense of what their jurisdiction’s position might be in the lead up to a meeting.” For external stakeholders who may not have access to the formal table, opportunities such as hallway conversations were a key way of ensuring that their position could be represented. Similarly, because their access is not guaranteed, external groups must work harder to maintain informal relationships: “So it’s really important for us afterwards, we follow up and try to follow up with thank yous, and ‘you mentioned this and that, here’s some additional information,’ that sort of thing, to send to the staff person to try and maintain those relationships.”

One official largely confirmed the operative definition of informal relations that has been used for this research, noting that: “It’s those things that happen around the boundaries of the formal, written agenda, that would be fair to say.” In spite of these different components, the analysis of what constitutes informal relations generally returned to a distinction between interactions which were purely personal, and interactions which served professional purposes.

⁷ “I think there’s a distinction, but there are times when it’s pretty close, when one mixes with the other.”

Purely Personal Relations

Unsurprisingly, personal relationships were often noted as a major component of informality (highlighted by 41% of interview subjects, 17 of 41): “We develop real personal ties, lots of friendships, and a lot of the work was based, at least in my case, based on those close connections.” Several interview subjects discussed supper meetings or going out for a drink in conjunction with informal relations. This type of informality is consistent with the idea of intergovernmental relations as a ‘club.’ The notion of government officials bonding over drinks after a long session is well-worn in discussions of Canadian IGR (Clarkson and McCall, 1990). This is perhaps the classic image that comes to mind when informal relations are mentioned. However, it should be noted that the IG officials interviewed in this study did not consider purely personal relations to be the whole of informal relations.

Working Relations and Information Gathering

One response summed up the major distinction between purely personal relations and working relationships:

“You go out for dinner, and you talk about your families, and you talk about sports things, right? That’s pure informal relations, it has nothing to do with the file, it’s just you getting to know individuals and developing relationships and friendships... Then there’s an element of that I would distinguish... *what you can bring into the formality of the meeting is an informality that comes by virtue of having those relationships*, so somebody kind of goes off on some technical point, or tries to make a policy position, and you just go back at them based on something out of an informal relationship.”

Both the personal and the working relationships were raised by the majority of the officials interviewed. However, while both were raised, the working relationships were clearly the more important of the two, and were noted in 71% of interviews (29 of 41). In fact, the personal was frequently presented as a path for developing the working relationships, as can be seen in the italicized section of the above citation. Another official expressed a similar sentiment: “You’d get to know people over time, and are almost... if they’re not friends, they’re certainly good acquaintances that you build relationships with. And from that, over time, you have a group of contacts, people that you can draw upon to help you with your work, when you need something.”

Even though such personal interactions were informal, working relationships largely revolved around the need to have channels for communication and information-gathering. Personal relationships are frequently used to gather or share information about a government’s

positions, or to overcome obstacles. Virtually all descriptions of informal relations amounted to the ability to gather and share information with ease. “I would say because we do so much by conference calls, formal agendas and meetings, the informal part of it would be... I will call people in advance of meetings and just talk about the meeting”; “Trying to plan a way forward informally, so getting positions on where we’re going to stand at the table when we next meet.”

Knowing the positions of individual governments in various negotiations was considered an important asset, and one of the most common uses of informal relations. “It’s sort of best to get your ducks in a row and know where people are standing as much as possible.”; “A lot of times I like to have those informal discussions and try to figure out where the province sits.” This element was considered important not just for the sake of knowing, but also in preparing future proposals. Knowing how to frame a proposal so that it appeals to another jurisdiction is considered an important skill in terms of informal relations:

“Some of the informal relations is understanding what some of the issues might be for particular jurisdictions to not support a particular piece of work that’s happening, or why they might be taking a certain approach, so it’s kind of what are the obstacles that those trade officials are working with themselves. So sometimes you look for what the opportunities are to make a particular way forward palatable for a particular government depending on what circumstances they have.”

Intergovernmental officials noted two major distinctions when questioned about informal relations: the difference between working relationships and purely personal relations. As noted in Chapter 1, existing scholarship has noted the importance of informal relations without always defining what the term meant. This study also represents the first systematic attempt to allow public servants the opportunity to define what the term means to them. Distinguishing between informal and formal relations in this way, and giving public servants the opportunity to do so, represents a contribution to the Canadian literature.

The questionnaire sent to officials after interviews included the question “what words come to mind when you think of informal relations?” This chapter distinguishes between defining informal relations, understanding component parts, and exploring their effects. The answers provided in the questionnaires were less neatly separated. They can broadly be separated into six key words (see the annex for a complete list), which cover different elements of the intergovernmental process. **Relationships** and **personality** are more closely related to the personal elements of the process, while **trust**, **cooperation**, **information** and **efficiency** are

linked to procedural element of informal relations and the results of the process. Ultimately (and not surprisingly) officials do not think of informal relations in neat academic terms. There is a distinction to be made between formal interactions and informal ones, but both are used by officials to do their work. This is not to suggest that warm personal relations are used as a ploy: officials in many cases spoke fondly of long-standing friendships. However, it is important to understand that both formal and informal interactions serve the broader purpose of doing one's job.

Informal interactions do not exist in a vacuum. Explicitly and implicitly, officials noted a number of variables which have an effect on the work they do and the informal interactions they engage in. In some cases the variables were raised in response to a direct question such as "What factors affect informal relations?" but in general such variables were noted in answer to many different questions throughout the interviews. Certain of these variables were immediate and apparent to the officials interviewed, while others were so ingrained in the system that they did not stand out in the minds of interview subjects. The model explores both.

SYSTEM LEVEL VARIABLES

Meta Variables: The Rules

The main purpose of the Institutional Analysis and Development framework is to provide a tool for understanding how individual behaviour is structured by institutional rules in given action-arena. This study is attempting to understand how informal relations operate at the level of officials, use of the IAD rules to determine certain institutional constraints is, therefore, a good starting point. To reiterate, Institutional Analysis and Development theory proposes seven kinds of rules which will be present in particular scenarios: position, boundary, choice, aggregation, information, payoff, and scope rules. Not all of the rules were explicitly identified by interview subjects, but with the exception of payoff and scope rules (see below) these rules played an important role in understanding what shaped the context in which informal relations occurred. The specific rules are explored when the model is applied to the case studies, but for the sake of understanding the model, it is enough to understand how each rule could potentially affect an IGR scenario, and specifically affect informal relations.

Position rules

Position rules dictate the positions held by participants in an arena. In the context of the HCIWG, for instance, there are at least four distinct positions: stakeholders from health provider groups, intergovernmental officials, ministers, and premiers. In terms of their effect on the scenario, external health stakeholders would be at the low end of the authority spectrum, since they speak for their organization but cannot force an action. The other case studies do not include external stakeholders, but feature two main positions: officials and ministers. Officials occupy the most common position. Even if their titles vary (analyst, director, executive director, etc.), their positions and associated authorities are broadly similar, since they are representatives of their respective governments with no ability to force the hands of other participants. Ministers often constitute the official membership of the intergovernmental forum (as an example, it is called the *Ministerial* Conference on the Canadian Francophonie), and in most cases are the representative with the greatest authority. They hold a decision-making authority over the officials from their government. Finally, premiers may be involved and unlike ministers, are the final authority for their government, which puts them in a different position. In terms of understanding informal relations, position rules can create an important limiting condition: officials will enter into a given scenario with an understanding as to what their position allows them to do. However positive their personal relationship with another official may be, the position rule imposes significant constraints on the space for informal relations.

Boundary rules

Boundary rules establish eligibility for positions. While certain regional groupings exist in Canada (the Western Premiers Conference, or the New West Partnership, for instance), most instances of intergovernmental working groups are inherently pan-Canadian, which is to say that at a minimum, they include all the provinces and territories without exception (the participation of the federal government is more varied). Individual provinces and territories may choose not to participate (this is sometimes the case with Québec, for example), but as a default, they are invited. This is the case with the Council of the Federation, which includes all provincial and territorial (PT) governments and operates on a consensus basis. The HCIWG is a working group of COF, and as a result, PT governments were immediately eligible for entry. Both the CMFC and the AIT include all of the provinces and territories as well as the federal government. The rule governing the participation of external stakeholders is a different matter, and can be

considered an invitational boundary rule. Here there is a clear distinction between position rules and boundary rules. Where governments hold an automatic entry by virtue of their position, external stakeholders do not. As it pertains to informality, the boundary rule is most evident in the difference between external participants who are invited in, and those who have an automatic seat at the table.

Choice rules

Choice rules set out the range of available actions available to each participant in an action-arena. In all three case studies, as in most other instances of IGR, choice rules are determined by jurisdiction, rather than cumulatively. In other words, the same choice rules do not apply to all participants: the range of choices available to one particular official or minister will depend on their particular context. This is due to the autonomous nature of sub-national units in Canada. One jurisdiction cannot determine for another which actions its representatives should take, and different jurisdictions will likely assign different ranges of actions to their representatives. This is perhaps most evident when one considers the difference between the federal government and the provinces and territories. Several of the officials interviewed observed that the higher degree of hierarchy in the federal government meant that the chain of command was more strictly followed. As a result, the choices available to the individual official in the federal government were seen as being more constrained. The choice rule may operate in the same way as the position rule in its effects on informal relations: the range of actions available to officials is constrained by the nature of their position, which imposes limits on the space for informality.

Aggregation rules

Aggregation rules refer to the process necessary for decision-making in an action-arena. With some exceptions, in Canada this process is based on consensus decision-making. A consensus-based decision-making rule was explicitly part of the three case studies analyzed. A single government's opposition to a decision can prevent action, even with something as simple as a communiqué. Governments exercise different levels of influence, to be sure, but at the end of the day, if the government of even the smallest province seriously objects to something, it can prevent any further action in that forum. In that case, the situation often reverts to the status quo.

Observers of Canadian federalism may point to an obvious flaw in labelling intergovernmental decision making 'consensus-based': Québec's periodic non-participation.

The government of Québec has frequently chosen to ‘opt out’ of certain intergovernmental fora, for instance by participating only as an observer. Alain Noël (2000) calls this “federalism with a footnote” (see also Gibbins, 2001), and while the issue flared up around the 1999 Social Union Framework Agreement, Québec’s uneven participation in intergovernmental relations goes back at least to the Quiet Revolution (see Ryan, 2003; Simeon, 1972 [2006] Ch. 3; Russell, 2004 Ch. 10).

Nonetheless, the issue of Québec’s fluctuating participation does not necessarily invalidate the label of ‘consensus based,’ particularly not within the Council of the Federation (which includes Québec), which declares itself to be based on consensus decision making in its founding principles. Québec is, in some sense, the exception that proves the rule. It is a particular case where the participation of the province varies. Other jurisdictions know this, and it has been a part of Canadian federalism for decades. Québec may sit out certain intergovernmental discussions, but –crucially– other jurisdictions do not. There is a distinction to be made between jurisdictions which participate but refuse certain action and a jurisdiction which does not participate at all, or only in a minor way. In brief, the use of consensus decision making applies to the other jurisdictions because they have chosen to take a seat at the table, and can be said to apply to the process generally even though one jurisdiction may have opted out.

More generally, consensus-based aggregation rules are relevant to all three case studies, since they operate on a consensus basis from top to bottom. These consensus-based symmetric aggregation rules place significant constraints on the possible results. Since governments cannot force each other to take actions, the recommendations and the outputs are adjusted accordingly. Take, for instance, the following note from the 2012 report of the HCIWG: “Provinces and territories intend to implement the measures and recommendations in the report *as they deem appropriate* to their health care system” (6, emphasis added). The report is replete with such hedging references to the freedom of jurisdictions to essentially take or leave sections of the report as they see fit.

This consensus-based approach not only affects the final recommendations, and their applicability, it also affects the interactions between officials. Officials cannot move forward with work if they face significant opposition from another jurisdiction, and the action-arenas themselves are under similar constraints, since outputs must be approved by the ministers and (in the case of the HCIWG) the co-chair premiers. Thus, if a suggested piece of work faces

considerable opposition that cannot be resolved, it does not advance. This is not to suggest that this happens frequently, only that the possibility exists. Jurisdictions work together, compromising and negotiating to determine what outputs are acceptable. However, the ‘nuclear option’ of outright refusal to engage in the work is a possibility that was recognized by officials.

Information rules

Rules relating to the exchange of information are also part of the IAD framework. As regards IGR in Canada, this subset of rules is likely crucial in understanding informal (and formal) relations. The vast majority of interactions in IGR involve information sharing (as opposed to communication for the purpose of decision making, for instance) and, as will be seen in the case studies, informal information exchange is one of the most important examples of informality at work in Canadian IGR. Information is shared through both formal and informal channels, and there is no doubt a structure of rules and norms governing the subjects as well as the frequency of information sharing at the informal level.

Payoff rules

In the IAD literature, payoff rules deal with rewards or sanctions. While these are most obviously present in action-arenas where the federal government has imposed conditions in exchange for funding (such as the 2004 Health Accords), “payoff rules” could be present even at the PT level. The Agreement on Internal Trade, for example, began implementing monetary penalties for violation of the Agreement following reforms in 2007. However, even in that case, payoff rules are essentially irrelevant, since there is no exchange in funding. In the other case studies there is little in the way of room for payoff rules due to the particular nature of provincial-territorial and, at times, federal-provincial-territorial relations: the cases analyzed involved little in the way of arguments over funding, which limits the importance of payoff rules to informal relations.

Scope rules

Scope rules effectively deal with acceptable outcomes, and performance measurement. In the case of Canadian IGR, understanding scope rules is constrained by the issue of autonomy. While outcomes and performance do receive attention, this is achieved on a jurisdiction by jurisdiction basis, rather than in a multilateral way. To put it another way, in many cases, performance outcomes are measured individually by governments rather than collectively. The general lack

of scope rules among jurisdictions means that informal relations are likely unaffected by such rules.

The IAD rules are not the sole determining factors of how informal relations operate in Canadian IGR, but they do suggest important constraints on informality. They are key components of understanding informal relations as a dependent variable, and they can be used to identify the ways structural factors (those resulting from the nature of Canadian federalism) affect informal relations.

Macro Variables: External Factors

Any attempt at understanding what factors affect informal relations in Canadian IGR must recognize the importance of certain macro factors. Some of these variables are predicted by the IAD rules at the meta level, but more importantly, all of these macro variables are well established in the Canadian literature. It is therefore not surprising that they were identified by officials as affecting informal relations. The following section considers some of these factors as they pertain to informality but does not present an exhaustive portrait of the many factors which affect the entire IGR process. It is worth noting here again that the model at figure 3.1 is not meant to present an exhaustive portrait of every single variable at work in Canadian IGR. Certain variables may have been omitted, but in many cases the effects of these missing variables are captured by existing variables.

There are a few reasons to limit the focus on external factors. The first is that this research is focused on informal relations specifically. While one can recognize that external factors have an influence, for the purposes of this research, they are important for the effects they have on informal relations, not for their effects on the entire IGR process. External factors are used as a means of better understanding informal relations specifically.

Second, the existing literature has already provided a fairly comprehensive understanding of how intergovernmental relations function in a general sense. The process is well covered by scholars such as Simeon (2006 [1972]) and Inwood et al. (2011). In his 1972 work, for instance, Simeon lists eight factors that are necessary to understand an IGR situation: social and institutional context, actors, goals and objectives, issues, political resources, sites and procedures, strategies and tactics, as well as outcomes and consequences (12-16). Inwood et al. note four factors in their search for ‘intergovernmental policy capacity’: ideas, institutions,

actors, and relations (18-21). Thus, providing a comprehensive understanding of the factors at work in a given IGR situation is well-trodden ground.

However, any attempt to model informal relations cannot avoid external factors, as even a cursory analysis of those relations would indicate the importance of the external environment in understanding them. There are a range of factors which might affect informal relations, including resources, jurisdictional authority, profile, and political will, all of which have similar effects in limiting the space for informal relations in given action-arenas. This is evident in the comments made by practitioners.

Resources

This category essentially refers to the fiscal commitments being made by government. This factor varies from situation to situation: in the HCIWG, for instance, few resources were being committed. The Working Group did not commit any government to spending outside of its own priorities. The AIT is similar, in that while it commits jurisdictions to particular economic actions, governments are not necessarily called on to expend major resources which they would not otherwise have committed.

In terms of their effects on intergovernmental relations, resources operate primarily as a lever to move agendas. It is not difficult to find areas in which the policy priorities of a provincial government were shifted through the promise of federal transfers. The 2004 Health Accords, for instance, involved billions of dollars in transfers from the federal to provincial governments in exchange for particular policy goals.

The federal government is notorious for using transfers as a way of moving policy. A major example of this was in the 1999 *Social Union Framework Agreement* (SUFA), which saw the provincial consensus shift from the Québec driven approach to one more consistent with the federal Chrétien government's vision thanks in part to an infusion of money from the federal government (Facal, 2005; Noël, 2000). This dynamic is evident in most IGR scenarios, as a provincial health official noted: "A concern sometimes among the PTs that the feds, sometimes what they like to do is have one-off conversations with people, and then use that to try and play people off against each other, or try and divide wedges between provinces and territories, they try to advance a certain agenda." A federal official reflected on this dynamic, observing that: "The provinces and territories know that it's the federal government who gives money... We don't use it [as a bargaining tool], it's just the reality."

This can have a significant limiting effect on informal relations. If the priorities of a government have been dictated by fiscal factors such as the need for a transfer, informal networks of communications are unlikely to have a major effect on the scenario. The SUFA example is again instructive: in that scenario, the government of Québec felt betrayed by the move on the part of the rest of the provinces towards the federal position (Facal, 2005). In this case the effects of informal relations were limited by resources as an external factor: broader fiscal considerations led to a foundering of the agreement between Québec and the rest of the provinces. The issue of resources can be linked to the payoff rule identified at the meta level: as the case studies seem unlikely to feature a payoff rule, the issue of resources should be minimal in terms of affecting informal relations. However, the SUFA case demonstrates that this may not always be the case.

Jurisdictional Authority

Another external variable which affects informal relations is the authority of the governments involved. Nominally, many areas of government activity are the sole jurisdiction of one order or the other, but the reality is often more complex. Governments frequently collaborate even in areas of sole jurisdiction. However, a willingness to work together does not mean an abdication of responsibility, and governments are aware of the limits of their authority. Concern over protecting jurisdictional boundaries, particularly among the provinces, is a defining feature of Canadian federalism (Cairns, 1977; Bolleyer, 2009). This may be most obvious in terms of federal-provincial relations, but the same dynamic exists at the inter-provincial level. As an official commented in another study of IGR: “We approach [intergovernmental] files with the view that our premier objective is to maintain policy flexibility. And for the most part, we’re no more willing to yield to the policy prescriptions of others, whether that be Ottawa or the other provinces and territories collectively.” (Collins, 2015: 597).

The drive to protect jurisdictional autonomy also has effects on the role of informality. Informal relations exist in a particular context, one in which officials may communicate informally but must operate with a clear understanding of what governments will and will not do (this also brings to mind the choice rule noted above). Concerns over and awareness of jurisdictional authority often serve as a background sine qua non of intergovernmental relations. This affects informal relations by setting boundaries from the outset. These boundaries may depend on the particular scenario, but they are not difficult to see reflected in intergovernmental

work. As with resources, jurisdictional authority acts as an external variable which affects informal relations by limiting the possible effects of informality. The repeated references to implementation “as appropriate” in the first report of the HCIWG is just one example.

Profile

The profile of an issue can also act as an external variable which affects informal relations. If an issue attracts regular attention from the media, politicians are more likely to be sensitive to it, and more likely to pay closer attention to the work being done on the file (Inwood et al., 2011: 160). Officials working on low-profile portfolios such as the Canadian Francophonie are more likely to have greater leeway in their work and may have a greater influence on the end result, since politicians may be less concerned with it. In sum, a higher profile makes a file more politicized, which limits the effects of informal relations among intergovernmental officials by involving politicians to a greater extent.

Political Will

As will be shown in the analysis of the case studies, political will is a major driving factor behind most IGR work in Canada, a point which is frequently made in the literature on Canadian federalism (Inwood et al., 2011; Simeon and Nugent, 2012; Bakvis et al., 2009). Indeed, the very term ‘executive federalism’ is premised on the importance of political executives. The importance of this variable was born out in interviews with officials, who frequently pointed out that they were ultimately doing the bidding of their political masters, noting for instance that: “There are some files here that I feel very strongly about, but if the premier doesn’t feel that it’s worth getting into a worsened relationship with another jurisdiction over, they’re not going to move forward.”; “At the end of the day, we’re officials, we don’t make the decision. At the end of the day, officials are going to have to work with each other, regardless of whether they have a personal relationship with each other or not.”

The importance of political will can perhaps be overstated, but should also not be underestimated. There is discretion in the application of political mandates, and that discretion is manifested in informal relations. A minister’s table may direct the bureaucracy to move forward on implementing a particular trade rule, but does not give specific direction on how that work should be done. Application of the mandate is left up to IGR officials. However, the process was begun and is maintained by political will. If the political table decided to abandon work on

a file, officials indicated that they would turn their attention elsewhere. Similarly, if one minister decided that their government was unwilling to advance on an issue, the respective official would be forced to limit their own participation. In this way, political will not only drives informal relations but also sustains them or, in rare cases, can attenuate them.

That said, non-action on the policy front does not necessarily mean a total absence of communication at the professional level. Political will drives and sustains work on specific goals, but in a larger sense, officials tend to maintain networks, if only in a very general way. A provincial official discussed a situation in which another province was refused access to a specific intergovernmental table while it was under an NDP government. However, in informal discussions, the official told their colleague:

““You know something? This is today. It doesn’t mean that tomorrow things will not change. So let’s keep the dialogue open.” So informally, I told them at a very high level what we were working on, and where we would find alignment in our agendas. So lo and behold, the NDP government was kicked out of power, they had the more conservative government, and they were invited to the table.”

Here the role of political will as an external factor come into focus. Informal relations are affected by political will, certainly, but the absence of political will does not spell the end of informal relations between officials (similarly, the absence of any factor in the model should not be assumed to prevent informality altogether). Public servants know that maintaining relations over time is beneficial, and that a decision today may change in the future. As a result, informal relations are maintained even where governments disagree at higher levels. However, what can be achieved through those informal relations is significantly limited by the presence or absence of political will. This stands as a demonstration of the different effects informal relations can have on intergovernmental relations more generally, an issue to which I turn in the latter part of this chapter.

The macro and meta factors in the model can have a significant effect on the work of officials in given action-arenas, and the extent to which they engage in informal relations. These are factors which are largely inherent in the system: the drive to protect jurisdictional autonomy exists independent of the officials who work in that system. Officials working at the functional level are seldom actively aware of their effect, and in this respect they are similar to Schein’s (1992) notion of ‘basic underlying assumptions’ in understanding culture. However, informal relations are also affected by a number of factors which are more directly related to the personal

conduct of officials, rather than external factors. I label these variables meso variables: variables which play a role in creating conditions for informal relations. In contrast to the meta and macro variables, which were not always identified by officials explicitly, these variables were specifically highlighted by officials and were incorporated into the model as a result, since the model was determined inductively and is meant to provide a realistic portrayal of intergovernmental relations among officials.

INDIVIDUAL LEVEL VARIABLES

While the meta and macro variables generally served to demonstrate important limits on informal relations, meso and micro variables generally identify enabling conditions for informal relations in given action-arenas. This section draws on the experiences of interview subjects, who noted the variables listed below in response to the question “what factors make for good or bad informal relations?” As opposed to system level variables, which may operate in a background manner, individual level variables are more immediately obvious to those working in IGR.

Meso Variables: Establishing Confidence

At the most basic level, informal relations are interactions that occur between individuals. However, as the model and IAD theory demonstrate, individual interactions are structured by variables at other levels. Even when one focuses on the level of a small community of officials, there are norms and patterns which structure individual interactions. Using a meso level of analysis is a practical way of analyzing “patterns of connection among groups, group members, and group meanings, as explanatory factor[s]” (Lengermann and Niebrugge, 2007: 341; see also Schein’s (1992) concept of ‘espoused belief and values’). The meso level variables listed in the model include personal factors, norms of conduct, familiarity, and conceptions of goals.

These factors all contribute to creating a condition of confidence. This condition is not the same as ‘trust’, which occurs at the individual level; it is important to make this distinction. In a review of the many different uses of the terms, Barbalet argues that “confidence relates to contingent events and trust to the subject's own engagement” (2009: 375⁸). Confidence is linked

⁸ See also the work of German sociologist Niklas Luhmann (1979), on whom scholars in this tradition frequently draw.

to the conditions for trust, but the existence of those conditions does not ensure trust at the individual level. This point will be elaborated on in the discussion of trust as the micro-variable.

Personal Factors

Personal factors refer to the various differences that exist between officials, whether in terms of their personality, their experience, or their particular context. For the purpose of the model, these characteristics may all affect informal relations. In discussions of interpersonal interactions such as intergovernmental relations, issues arising from such personal factors are common. Studies of organizations have for decades noted the importance of these kinds of factors (see Chapter 1), while models of bureaucracy that include personal factors are well established (Katz and Kahn, 1966; Stevens et al., 1978). These factors are treated as meso variables because they play a key role in establishing conditions in which individual informal interactions can take place. Personal factors are not by any means the whole of informal relations, but they can enable them. Three major personal factors at work in IGR are personality, experience, and size.

Personality

A major factor described by 73% of interview subjects (30 of 41; see the annex) was the effect of personality on the creation of informal relationships and on intergovernmental relations more generally. Of those who responded to the questionnaire, 95% (21 of 22) ranked personality as either “somewhat important” or “very important” (although curiously, one respondent ranked it as “not at all important”). The effects of personality were felt in different ways. The first was fairly general, and can be summarized by noting that good personal relations lead to good informal relations. As one official commented: “Often, I think, connecting with someone at a personal level helps form a good informal relationship.”

Some officials believed that the format of the meetings had an effect, and that some of their colleagues were more open in face-to-face settings rather than in teleconferences (more on this below): “Some of that is just their personality, their preference for not speaking into a black room on a phone call...” On the other hand, some people were less comfortable in informal settings: “There are issues of personality, some people are less engaging and less willing to discuss or find consensus off-line, they’d prefer to do it at the table.”

Most of the discussion on personality revolved around the ‘right’ kind of IGR personality. There was a belief among several officials that certain types of people are well suited to the work, and will not stay in the position if they are not: “People naturally have soft skills, that’s who’s in these jobs.” Personality conflict was rare but did occur, and most officials could think of instances where such conflict was disruptive: “Unfortunately there can be, occasionally, individuals who are trying to express an impossibly noxious attitude.” The notion that there would be convergence of beliefs around the ‘right’ kind of personality in specific action-arenas is unsurprising, as it has been recognized in public administration literature going back decades (see Gibbons, 2004 for a review).

The ‘right’ kind of IGR personality involved certain attributes. The ability to move past difficult discussions by bringing humour to the table was noted as beneficial. Similarly, a few officials argued that being overly strident would be ineffective at IGR tables: “I think [IGR representatives are] very tempered in terms of the way they communicate. They avoid being abrasive or confrontational.” It was not enough to simply avoid being unpleasant. An effective IGR official was also considered to be someone who was outgoing. The ability to engage with others, to develop relationships, and to ask a favour are all components of the ‘right’ IGR personality. One manager at the provincial level noted, for instance, that this was a quality he sought in potential employees: “When you’re interviewing ten people, you look for a certain skillset which is probably not evident on paper. You’re hearing them, you’re seeing how they speak, you’re... all your senses are geared towards, is this person a fit for this role? Not just that they’re a fit because he or she is academically brilliant, but is he or she also capable of maintaining and building relationships.”

A personal factor related to personality which features prominently in the literature but was less evident in the interview data is homogeneity. Simply put, having a similar background, gender, age, ethnicity, and education “could have some bearing on their understanding and appreciation of the “shared concepts” that exist within the overall esprit de corps of the field.” (Inwood et al., 2004: 252). Based on a survey administered in 2001, Inwood et al. found that the respondents were typically well-educated, with a background in policy analysis or program management as well as being overwhelmingly white (81%) and male (71%) (Ibid.). This study cannot comment on this issue, since the sampling method used to contact interview subjects is

inappropriate for generalizing⁹, except to note that the sample studied in this project represented a more balanced gender profile (although one that varied considerably by case, see figure 3.2).

Figure 3.2- Gender of respondents (%)

	AIT	HCIWG	CMFC	Total
Male	67	50	38	52
Female	33	50	62	48

The idea of professional similarity as being key to informal relations is one that featured prominently in the work of Stefan Dupré (1985: 4) on ‘trust ties’ (see also Bakvis et al., 2009: 125-127). As an example, a discussion over health policy will be more difficult if one side is composed of economists and the other of health professionals. Ultimately, Bakvis et al. (Ibid.) argue that the scenario presented by Dupré is out of date. Similar professional backgrounds may contribute to good informal relations, but Dupré’s focus on them as being crucial to trust-ties was perhaps an overstatement at the time and is certainly one now. Certain officials did mention similarity as being a contributing factor to effective informal relations, noting for example that the world of IG officials is “self-selecting,” but this factor was very rarely raised. Similar professional backgrounds may be a factor, but they fit within the broader scope of personality.

Flexibility was also considered an asset, whether this meant flexibility in dealing with issues at the table or after formal meetings or flexibility in terms of willingness to compromise on one’s position. This issue also linked to understanding of what was possible and the goals of IGR in the given arena (also discussed below): “The problem that we were facing was that IGR, in order to achieve an outcome, you have to be flexible and to know when to lower your expectations to get to the common denominator, otherwise you are not really doing business.”

A particularity of the CMFC, as it pertained to personality, was the issue of personal passion. In contrast to the other case studies, CMFC officials frequently noted the personal passion of officials for French language rights (this may also be seen in the emphasis placed on “personality” by CMFC officials, see figure 3.3). This is not to suggest that other officials are dispassionate, but the personal connection to the issue felt by those working in the CMFC appears to be different. As a result, an aspect of the ‘right’ IGR personality in that context includes an element of personal passion for language issues (see Chapter 6).

⁹Although Inwood et al.’s response rate of 24% is equally problematic (2004: 251).

Figure 3.3- Officials who listed personality as a factor which affects informal relations (%)

AIT	HCIWG	CMFC	Total
73	64	83	73

As with other meso variables, personality can either contribute to effective informal relations or constrain them. A similar effect is seen in the discussion of organizational norms below. If officials approach IGR with the ‘right’ personality (such as being flexible or having a sense of humour), this creates an atmosphere of shared understanding, which can lead to confidence at the level of the IGR scenario and to effective informal relations at the individual level.

Experience

Similarly, 66% of interview subjects (27 of 41) identified experience as being an important factor in shaping informal relations. Part of the value of experience was in being able to contribute: “Strong knowledge of the individuals, strong knowledge of what are the goals of other provinces and territories might be, a strong sense of what it is that the federal government might do.” Several officials highlighted the importance of having institutional memory at the table in order to know what had been tried, what had worked, why certain documents were worded in certain ways, and so on: “The thing people don’t realize about intergovernmental relations is every seven years, that bad idea comes up again, that terrible, awful idea that no one wanted to do, and you tried to do it and it failed miserably, guaranteed in seven years is coming back.”

An official with years of experience brings more to an IGR scenario than someone new, and is a more valuable contact for the other officials in that setting. “Une des avantages premières quand on participe à ce genre de groupe là pendant un certain temps c’est qu’on bénéficie de la mémoire corporative, donc on sait ce qui a déjà été fait, on sait pourquoi on l’a fait, on sait pourquoi on ne l’a pas fait, qu’est-ce qui a fonctionné, qu’est-ce qui n’a pas fonctionné.”¹⁰ However, virtually every official who observed the importance of experience also noted the downside of longevity: “The longer you’ve been in this job, you become more cynical, and your relationship with your colleagues becomes knowing and cynical as opposed to

¹⁰ “One of the first advantages when you participate in these groups for a certain time is that you benefit from corporate memory, so you know what’s already been done, you know why it was done, why it wasn’t done, why it worked, why it didn’t work.”

anticipatory and joyful.” The development of stale ideas and group think were identified as risks, although the natural turnover experienced in the course of 14 jurisdictions interacting was said by officials to limit these risks.

As with personal factors, experience enables informal relations by creating a condition in which they can take place. Through their knowledge of files, individuals, and context, experienced IG officials establish ongoing links and become valuable contacts for other officials.

Size

While the issue of jurisdictional size was not raised frequently in interviews (by 29% - 12 of 41 officials), it constitutes a contextual variable which conditions how officials approach (and *can* approach) their work in the particular action-arena. This has effects on the development of effective informal relations in three ways: through capacity, approach and influence. Some officials from larger jurisdictions expressed reservations about dealing with jurisdictions that do not have the institutional capacity to assume the work in which they engage themselves. This manifests itself in a certain degree of frustration: “The reality is that there’s only a couple of jurisdictions in the country that have the staff and the horsepower to push some of these things, and they’re always the same characters. And that does create some dynamics at the table, whether it’s just people are resentful, or envious, or it’s always the same cast of characters.”

The other issues related to size are the differing influence of jurisdictions and their approach to intergovernmental relations. On the issue of differing approaches, an official from a smaller province observed that, for instance: “PEI is a hundred and some odd thousand people, so by nature they’re a little informal. Yukon is a little informal. Manitoba is a little informal. There are cultural differences between the smaller and less metropolitan provinces and the big ones.” This is also the case in terms of influence. A provincial official noted that: “Ontario in the past has been guilty of leading by size and pushiness. That tends to erode confidence, and that tends to mean that you’re not working cooperatively with them.” Asked how this manifested itself, another official argued that “We’re very aware of the size.” As regards informal relations, these differences put pressure on the concept of equality and respect, on which further informal relations often rest. These differences should not be overstated, however, as even those officials who noted them cautioned that these factors were not preponderant.

When considering interactions between officials in IGR, personal factors such as those related to personality, experience, and size, play an important role in enabling effective informal

relations in specific arenas. Meso factors such as personality are unlikely to override a meta or macro-variable: the ‘right’ personality does not eliminate a directive from the premier, for instance. That said, variables such as personality can lead to effective informal relations. In summary, the absence of a factor such as experience does not prevent informal relations, but its presence can enable them.

Familiarity

The role of familiarity in organizations and in personal relationships is intuitive and supported by the literature in Canada and elsewhere (see Inwood et al., 2011; Feldman, 1984). Familiarity refers the fact that officials get to know one another over time through repeated interaction. As Okhuysen argues: “Familiar groups- those whose members have interpersonal knowledge about each other- behave in ways that support shared social norms as a normal part of their work... For example, social interactions such as joking are important in familiar groups because humor can construct and reinforce relationships” (2001: 795). In the model, familiarity is a meso variable which establishes confidence in a set scenario. Familiarity on its own does not establish trust or lead to informal relations, but it can help create the conditions which will.

Nearly three quarters of those interviewed (30 of 41) highlighted familiarity as a factor that contributed to effective informal relations and to trust. This is not surprising, since trust tends to develop among individuals who know each other. This familiarity was crucial to establishing strong informal links, and manifested itself in a variety of ways.

One of the most frequently indicated sub-factors (highlighted by 49% - 20 of 41 interviewees) was the importance of face-to-face contact. Most officials lamented the fact that they had less opportunity for face-to-face meetings, given that government travel budgets have been tightened across the country. Face-to-face meetings are a superior forum for developing informal relations for a number of reasons, including the ability to read body language, to assign a name to a face, and to develop personal affinities: “The phone doesn’t always play well by people. You can’t see body language, you can’t see when someone’s smiling while they’re talking, or looking interested. And there can be such dead space. And it makes a difference.” Face-to-face meetings can also force individuals to be more present and attentive than in teleconferences.¹¹ Moreover, these meetings were seen to improve informal relations in an ongoing sense: “Certainly, you know, I’ve found once you had met everyone in person, it was a

¹¹ As can face-to-face interviews.

lot easier to make those phone-calls, even if you didn't really have a big relationship or something, it's just knowing who they are, them knowing who you are, then the call is a lot easier." Frequency of contact was also noted as a contributing factor: "If I'm looking for information, I would certainly go to the people I know the best first, versus someone I've only probably met one time." Informal relations are certainly not impossible to develop in the absence of face-to-face meetings, but the process is enabled by personal, ongoing contact.

Another factor which contributes to familiarity and to informal relations is regional ties. These regional ties were often observed in passing, and were considered to be almost accidentally, if inevitably, beneficial. In other words, officials spend more time with their regional colleagues simply by virtue of the nature of Canadian federalism, which benefits their informal relations in multiple settings. A good relationship in the Western Premiers' Conference carries over into a pan-Canadian ministerial conference. Regional ties are related to both policy similarity and geographical proximity. As one official put it, "The fact that we're contiguous means that our populations, our trade links, our professionals travel back and forth far more often, so we're not only neighbours, but we're like-minded neighbours." Alberta and BC, for instance, have close relations both because they are neighbours and because they share policy priorities through the New West Partnership. Similarly, the Atlantic provinces share a procurement agreement. Such regional groupings are evident throughout the country and contribute to a sense of familiarity among IG officials within those groups and in different IGR arenas. Finally, even a factor as simple as the massive geography of Canada can contribute to regional familiarity. One official from Western Canada observed that it was more difficult to maintain networks with the Atlantic provinces due to time-zone difference between them.

A related factor is that of experience, discussed above. Although the experience of individuals is important from the point of view of their knowledge of the file, their knowledge of individuals is also relevant, as it makes ongoing relationships more likely. The fact of having worked with a colleague from another jurisdiction over years or decades evidently contributes to informal relations. Conversely, rapid turnover makes for an unfamiliar set of players at the table, which reduces, or at least slows the development of confidence. This factor was frequently noted by provincial officials in conjunction with federal officials, who were seen as having a

much higher rate of turnover than the provinces.¹² A related issue is that of understanding the appropriate context for informality, which was linked to experience. A new official will often have a period of “feeling out” their surroundings, during which they will generally be reticent to engage informally: “Faut voir qu’au début, peut-être aussi pour se protéger, par insécurité, par peur de faire des fautes, de se tromper, on reste dans le formel.”¹³ In the context of the functional level of IGR, familiarity is a key component which can lead to confidence and therefore to informal relations.

Organizational Norms

Organizational norms of conduct refer to shared ideas within an action-arena about what constitutes normal, acceptable practice (whether formal or informal). Such norms are an important variable which create confidence and lead to informal relations. Once more, the idea that shared norms enable work is both intuitive and supported by the literature. This notion was a key component of Dupré’s (1985) work, and was still found to be relevant in Inwood et al.’s (2011) comprehensive study of Canadian IGR. Provan and Milward also make the case that “...institutional-level factors, particularly those based on professional norms, can substantially enhance an understanding of why organizations act as they do” (1991: 394; see also Dimaggio and Powell, 1983; Gibbons, 2004). It is worth noting that, in contrast to Dupré, this study does not assume professional norms are tied to shared professional background or training, since as Bakvis et al. (2009) and Inwood et al. (2011) argue, this approach is outdated. However, a reference to professional norms does not need to rely on a shared professional/educational background. As Hall (1967) observes, organizational norms can exist independently of ‘professional norms,’ and should not necessarily be equated with them.

Organizational norms of conduct are an important component in creating confidence, which allows for informal relations. Shared norms of conduct involve an understanding of how other individuals work, and what is normal, predictable behaviour. Organizational norms are also linked to overall confidence in the IGR scenario, since confidence emerges in part due to an

¹² Inwood et al. (2011) find support for the proposition that turnover leads to poorer relations, but do not find evidence that federal turnover is necessarily higher than at the PT level (the question is simply not addressed). In Johns et al. (2007: 36), for instance, they find that deputy ministers of IGR average 2.4 years in the job, and that the federal government is part of that average.

¹³ “You have to understand that at the beginning, maybe to protect oneself, through insecurity, through fear of making mistakes, one stays in the formal.”

understanding of what is acceptable and what is not. Three related terms were raised by officials in relation to organizational norms: openness, honesty, and respect.

Openness

Openness was raised in 59% of interviews (24 of 41) as a factor which contributed to effective informal relations. As with other factors, this involved different elements of openness. It should be noted, for instance, that openness is not equivalent to indiscretion. The importance of discretion as part of professional conduct was highlighted in a few different ways, for example in the importance of knowing what information could be shared and what could not. A norm of openness in informal relations, and the avoidance of undue secrecy, does not necessarily mean that any and all information will be shared automatically. “Actually, you might not respect the person if that person is telling you everything. Because you are also playing the role of the bureaucrat who’s representing a province. So there’s a certain line that you don’t cross.” Another official concurred, arguing the limits of openness: “It’s important to realize that at no time should we be communicating things that we don’t have authorization to do. For myself, there’s clearly a bright line which I can’t cross.”

With that caveat outlined, a major factor in terms of openness was the importance of sharing information and of being transparent. Discussing the creation of a working group, one official noted the need to “keep the lines of communication open, to be as transparent as possible with your colleagues across the country, so there were no surprises, and everyone felt that at least they were being kept in the loop.” This was especially important for establishing the motive of other participants. Individual officials use informal channels to determine how another jurisdiction is likely to place itself on certain issues: “[It is important] to know the person themselves and their motivation, and also the principle direction they’re likely to have received.” While these officials did not rely exclusively on informal relations to acquire that information, the ability to reach out for information was considered crucial. Thus, the appearance of transparency, of not withholding information, is an important contributor to effective informal relations in action-arenas. On some level this returns to previously discussed issues, such as personality. An official who is not predisposed to share information (for instance by not communicating warnings of their government’s intentions) may be seen to be out of step with organizational norms. This lack of openness prevents the development of effective informal

relations. As one public servant noted: “It’s hard to have a relationship with someone when they deliberately hide information from you.”

Another element of openness comes in the ability to have free-wheeling discussions. In a situation where confidence had been established, officials felt that they could be open in informal contexts because they knew it would not come back to haunt them. Officials may take certain risks in sharing particular information. One of the major advantages of confidence, trust, and effective informal relations is the fact that their colleagues are discreet with that information, that “T’as moins besoin d’être sur tes gardes.”¹⁴ Commenting on sharing sensitive information, an official observed that: “If it’s going to be detrimental to IGR, that’s the kind of information that I think people recognize there’s a need to maintain some kind of level of confidentiality around. So, knowing that’s the case, I tend to be very frank and open.”

A further issue related to openness and organizational norms was predictability. Knowing an official informally and sharing information is useful in large part because it ideally leads to knowing how another jurisdiction will behave in the future. One official commented that: “If you end up with this sense of an individual, and you really have no real sense of where they’re going to be on an issue... I think that’s when you wind up with the worst kind of informal relationship.” The issue of timeliness was also tied to organizational norms. One of the major reasons for the existence of informal relations is the inadequacy of formal channels. As a result, there is an expectation that effective informal relations lead to speedy and effective communication.

Honesty

A closely related issue is that of honesty, which was often raised in conjunction with openness (if less frequently than openness, at 34% - in 14 of 41 interviews). Although the two are both manifestations of organizational norms, honesty refers to a slightly different set of issues. The first is the importance of frankness and of not being seen to be ‘feeding the party line’ to colleagues. Coming to the table as an ‘honest broker,’ as someone whose intentions are clear, can also foster good informal relations, whereas a sense of dishonesty, or of being manipulative, would have the opposite effect: “If there were a sense of being manipulated, then that is a negative impact.”

¹⁴ “You don’t have to be as guarded.”

This is closely related to the issue of the difference between the personal role and the professional role, discussed in the definition of informal relations. The ability to be honest and to present one's personal opinion was a key facet of informal relations, and was considerably more likely to occur through informal relations rather than through formal relations. This is also linked to the role of experience, which teaches officials when they can and should present an honest, personal opinion.

Respect

The issue of respect was raised repeatedly in interviews with officials (63% - 26 of 41 interviews), and different issues illustrated what exactly was meant by the term. In large part, respect referred to the ability of officials to distinguish between the personal role and the professional role, to be able to put aside differences at the end of the day and understand when a person was just doing their job as a representative of their government: "The collegiality and the respect for each other is critical to actually get things done. You don't have to like your colleagues, but you have to respect them." This concept of respecting the person even while disagreeing with their position extended to a fundamental understanding of constitutional jurisdiction: jurisdictional action is largely autonomous, and even the smallest governments are free (in many circumstances) to apply specific sections of IGR agreements and not others.

Respect also meant listening to others and attempting to understand their position. Someone who was unable to do so would have difficulty in developing good working relationships with their colleagues. Respect was seen as a necessary component for moving forward with IG work: "We tackle difficult issues, but respect each other as human beings. Whereas if you don't respect each other as human beings, you won't even get the easy stuff done, let alone the hard stuff."

Another issue linked to respect was the tendency to provide warnings, or to avoid surprises. Put simply: "Hauling out a surprise is never very well received." Even if one's government was opposed to a particular piece of work, relations would not worsen so long as other representatives knew what to expect and had time to prepare. If an official knew his government would not agree and did not warn his colleagues, this would be poorly taken, and would eventually lead to mistrust. That said, there are situations where political figures make announcements that surprise even their own officials, and in those cases officials are not held responsible by their colleagues for the actions of the minister.

Both federal and provincial officials indicated issues around respect that strained the development of trust and had an effect on informal relations in given action-arenas. In one case, federal officials felt that they were not sufficiently warned by PT officials about a contentious issue, while in others provincial officials believed that they could not rely on federal officials to provide information. The degree of tension varies from arena to arena, but in a general sense there is greater difficulty in establishing trust between PTs and the federal government than between the province and territories themselves. This has effects on later work, as a feeling of lack of respect hinders the establishment of trust, which leads to sub-optimal informal relations.

One issue that was raised by external stakeholders in the HCIWG (see Chapter 5) as being indicative of respect was genuine inclusion: being involved in IG work throughout the entire length of the process. As one stakeholder put it colourfully: “If you’ve sailed the ship and you’re halfway down the strait, and then you want to get [health provider groups] on board, it’s very difficult to get providers engaged in something.” Another expressed frustration at being presented work which was a “fait accompli.” This idea of respect as inclusion was not noted by government officials, likely because it did not occur to them: they are included in the process as a default and do not need to worry about being excluded.

This issue of consultation speaks to the broader effect of respect and of organizational norms generally: enabling trust between individuals. In arenas where officials know their experience, their role, and their knowledge are being respected, they will have more reason to trust, or at least not to mistrust their colleagues. When this is combined with an ongoing relationship driven by familiarity through repeated contact, it enables an action-arena in which officials feel comfortable engaging informally.

Organizational norms of openness, honesty, and respect create a condition of confidence in which intergovernmental work takes place. In these conditions, interactions between individuals may move forward with individual level trust.

Goals

Another meso variable which affects informal relations is a shared concept of goals. This is an understanding of what IGR processes can accomplish, and what individual jurisdictions are seeking. Briefly, in much of Canadian IGR, the goal of each jurisdiction (to work together as closely as possible while respecting jurisdictional autonomy [see Bolleyer, 2009]) plays a large role in determining the collective goals of the IG group and the specific goals of individual

officials. Furthermore, this understanding was explicitly noted by over half of officials (59% - 24 of 41) and came up in every interview with an external stakeholder in the HCIWG. The external perspective is useful in this case, because it demonstrates the difference between the expectations of officials and those of the stakeholders, which affected informal relations over time. The details of the HCIWG case will be discussed in Chapter 5, but there was a clear difference between how external provider groups perceived the goals of the HCIWG at the beginning of the process versus later on. One commented that “Even though we viewed this as a quality improvement exercise, in reality, the politics trumped health.” Another was unsurprised, since external providers come to the table with inherently different goals and expectations: “It’s been interesting, I think you get a bunch of people with good intentions trying to do the right thing, but there are different perspectives and different challenges and barriers for how that work gets done.”

The difference in perspectives was less obvious in the comments of officials, but several of them were cognizant of which types of goals were realistic. On the HCIWG, one official commented bluntly that “By successful I don’t mean outcomes, I mean satisfying the premiers.” Another made a more general observation on the role of informal relations and the possibilities of IGR work: “In IGR, our results are sometimes perceived as small and incremental and so on, but even to get to those incremental, small results, it’s a lot of work that needs to be done.” This understanding of what goals are possible in specific IGR arenas is closely linked to the idea of shared organizational norms and of the ‘right’ intergovernmental personality: part of that ‘right’ personality involves having an understanding of the nature of IGR work and the goals of that process.

A lack of shared goals has repercussions for the establishment of confidence, particularly when different goals become apparent. Officials may work together assuming they share the same conception of purpose. If and when it becomes apparent that they do not, this has an effect on trust between individuals. If expectations are not clearly communicated, this can eventually lead to sub-optimal informal relations, and can eventually lower the frequency and intensity of informal contact. To put it simply, IG officials or stakeholders who realize that their goals are significantly different than those of other participants may decide the process is not worth their time. This tension was most visible in the relations between external stakeholders and IG officials in the HCIWG, but could conceivably happen at the level of officials. If one official

came to the table with a radically different expectation of what was possible, this could eventually create a rift between them and their colleagues. In IGR, however, officials seem to work with a firm understanding of the limits imposed on their work, and with a shared conception of goals.

In contrast to meta and macro variables, which tend to set out limits for informal relations, meso variables set out factors which enable informal relations. To restate the argument made earlier, the absence of any one of these variables does not prevent effective informal relations, but their presence enables them. Meso variables also create a condition of confidence which may enable trust between individuals working together.

Micro Variables: Trust

The factor which is most closely linked to informal relations in the model is trust. For the purposes of this study, trust here is taken to mean a willingness to engage in informal relations on an individual level. This is related to the way trust is conceived in the literature (see for instance Mayer et al.'s [1995: 712] focus on *willingness*; see also Schein's (1992) work on 'artefacts,' which are experienced at the individual level), but is also an inductive definition derived from the way officials tended to use the term. As noted in Chapter 1, there is no consensus on the meaning of the term 'trust'. Breton and Wintrobe approach the term from the perspective of market logic, while organizational literature has often focused on trust as being synonymous with 'risk taking' (see Mayer et al., 1995 for a review). Trust was implicit in many of the factors noted above, and interview subjects frequently raised it in conjunction with other factors such as credibility or consistency. This again points to the fact that the variables in the model may have implicit meaning which is tied to other variables. Although certain variables were excluded, the model captures multiple effects (the link to Schein's work on culture is an example).

The notion of 'trust ties' has been a key part of understanding informal relations in Canada from Dupré on, but beginning and ending with 'trust ties' (as much of the literature does), ignores the pre-conditions for individual level trust (meso variables such as organizational norms and macro/meta conditions which limit the space for informal relations). It also ignores the subsequent effects of 'trust ties' and informal relations. Trust is neither the beginning nor the end point of a discussion of effective informal relations in Canada. Trust is enabled or constrained by certain factors, and leads to certain other factors.

That said, as a concept related to informality, trust is essential. Indeed, all of the 21 officials who answered the questionnaire noted that trust was either “somewhat important” or “very important” (19% and 81% - 4 and 17, respectively). To a degree, trust at the individual level relies on all of the enabling attributes and conditions in the action-arenas. For example, the ability of one official to trust another is aided by a shared understanding of what the end result will be (shared goals), or by a common interest in the benefits of collaboration (personality), or by the existence of shared ideas about discretion (organizational norms).

As noted above, a key component of trust in the model is that it is distinguished from ‘confidence’: trust occurs between *individual* officials working together. Organizational norms or personal factors may create conditions of confidence which enable trust, but do not guarantee it: individuals may share norms and have similar personalities without trusting each other. Crucially, and in contrast to the Canadian literature, trust is not equated with informal relations. Trust leads to informal relations, but in keeping with the definition of informal relations used in this study, trust is not assumed to mean the same thing. Trust is a willingness to engage, whereas informal relations are the engagements themselves. Understanding the difference between these terms becomes apparent when one considers how the model may be used for empirical study.

Applying the Model

As has repeatedly been noted, the model at figure 3.1 is adapted from existing literature, but is also explicitly drawn from the primary research for this study. It is grounded in empirical study of Canadian IGR and is meant to be used in that context. This will be seen in the case studies, but first I will explore the way the model can be used.

No single variable in the model explicitly prevents or guarantees that informal relations will occur. As was discussed regarding meso variables, neither the existence of organizational norms nor a shared conception of goals guarantee that informal relations will occur. Even the existence of trust is not a guarantee: officials may be *willing* to engage in informal relations in a set arena, but prevented from doing so by a rule established at the meta level (for example a boundary rule). Conversely, the absence of trust does not necessarily mean that informal relations will *not* occur. Intergovernmental officials may have little confidence or trust and be *unwilling* to engage and yet be pressured by a macro factor (such as political will) into engaging

in informal relations. It must be stressed again that no single variable guarantees or prevents informal relations.

Informal relations are inherently difficult to measure, which is part of the reason they have been under studied (Helmke and Levitsky, 2004). It is therefore both unrealistic and unfeasible to conduct empirical analysis which measures exactly what degree of informal relations occurred in an action-arena, or exactly what degree of influence those relations had. Short of following every official in the course of their work and accounting for the minutia of their day to day activities, it is a practical impossibility to know the exact extent of informal relations. Even focusing on a single factor such as trust between individuals is difficult. A common approach when discussing ‘trust’ in academic literature has been to either focus on trust through surveys (such as the World Values Survey [see Miller and Mitamura, 2003]), or through game-theory modeling (Kee and Knox, 1970). As was discussed in Chapter 2, neither of those approaches is a useful way of studying intergovernmental relations in Canada. The model suggested above does not permit that, and the empirical research undertaken for this study does not produce these kinds of results. Thus, the study is left with the difficult issue of measuring trust in an individual case study. To solve this problem, I turn to the method employed by Deutsch (1958) by focusing on context, understanding informality by understanding the factors which affect it. When one “delineates the situation” (Kee and Knox, 1970: 358), one can garner a better sense of what informal relations looked like in a particular context. This is the purpose of the model, and the way in which the model will be used to analyze the case studies.

In the analysis of the case studies, I begin by establishing the meta variables, using the IAD rules to determine the ways structural variables constrain (or enable) informality at the individual level. A similar process will occur at the level of macro variables. When the system-level variables have been determined, the analysis will focus on individual level variables. Using the interview data, meso variables will be identified, followed by the micro variable of trust. This approach does not provide a definitive sense of the extent to which trust operated in the HCIWG. However, by delineating the action-arena, determining which organizational norms were present, whether shared conceptions of goals existed, or the level of experience of officials, one can reveal a good deal about informal relations. As an example, if an official lacked experience, this would make individual level trust more difficult (but by no means impossible) to establish, and could lead to less effective informal relations. Similarly, a disagreement over the goals of the

process might make trust more difficult to establish, and consequently have an effect on informal relations. The model uses context to link meta, macro, meso and micro variables to informal relations. A given action-arena may feature meta and macro variables which constrain informal relations, and meso and micro variables which enable individual trust, leading to a particular kind of informality. With that context established, one can better understand what informal relations looked like in a particular setting, and what role informal relations had on intergovernmental relations. This raises the second portion of the study's approach: treating informal relations as an independent variable.

Understanding Effects

Setting out a means of understanding informal relations in their context, and understanding how other variables affect informality, constitutes a major part of the work of this study, and is a clear addition to the Canadian literature. However, it also raises the question of what the effects of informal relations are on IGR. If informal relations are 'important', what is the effect of that importance on the work being conducted by officials? Drawing again on interview data and on existing literature, this section argues that the effects of informal relations can be understood in three possible ways: through personal, professional, and policy effects. I argue that the effects of informal relations on intergovernmental relations are evident at the level of personal and professional effects, but less so at the level of policy effects. As with the model in figure 3.1, the approach towards understanding effects is inductive. The choice to identify potential effects in three ways is based on the primary data, but these effects have also been noted in Canadian and international literature. It must again be noted that the interview transcripts did not always explicitly address the question of the effects. This section is therefore less based in primary research than the previous section, which was based on direct questions about variables which affected informal relations. However, as noted above, the effects of informal relations on IGR were frequently discussed by interview subjects. Moreover, the suggested effects are based in an existing literature rather than being purely speculative. Although this project cannot claim to offer a definitive portrait of whether informal relations had personal, professional, or policy effects, this research does allow us to suggest likely effects based on interview data.

Personal Effects

Blau's reference to "congenial informal relations" (1963: 177) refers to a basic fact of organizational life: people enjoy their work more when they like the people they work with. Not surprisingly, studies of group interactions support this idea. Kahn, for instance, notes the importance of "rewarding interpersonal interactions" in creating a sense of meaning among employees (1990: 707; see also Gibbons, 2004). In a basic sense, one of the most obvious effects of informal relations is likely to be at the purely personal level: good interpersonal relations resulting from ongoing informal contact leads to greater job satisfaction. A norm of positive personal relations in a group setting should not necessarily be surprising, since intergovernmental relations are not altogether different from other social settings.

These personal effects were apparent in the case studies, and were noted by 71% of interview subjects (29 of 41; see the annex). Officials specifically noted the extent to which they enjoyed their work: "Alors moi j'aime beaucoup ma job. Ce n'est pas un dossier facile, mais c'est vraiment un dossier qui m'a donné beaucoup."¹⁵ One trade official of long experience noted the longevity of his tenure could be linked to informal relations: "One thing I would say, having done trade policy for a lot of years, is without the strength of the informal relations that exist, particularly between trade policy communities at the provincial level, I'm not sure I would have stayed for trade policy so long." That said, there were important limits to positive personal relations, which officials were careful to note: "At the end of the day, officials are going to have to work with each other, regardless of whether they have a personal relationship with each other or not. " Consider for instance the fact that over 50% (12 of 21) of those who answered the questionnaire considered friendship to be "not very important" or "not at all important" to the intergovernmental process. As will be seen in the case studies, positive personal relations were treated as being the norm, and were beneficial where present, but would not be allowed to impede intergovernmental work if they were not present.

Ultimately, personal relationships are generally improved by informal relations. In the grand scheme of IGR, this effect may seem relatively minor, but it is one which can be linked to informality, and one which matters to the officials working in that world. However, while the personal effects were nearly uniformly positive, they were generally not taken in isolation: they

¹⁵ "So I like my job a lot. It's not an easy portfolio, but it's really one that has given me a lot."

were considered positive because they led to better communication, which leads to the second set of effects: professional effects.

Professional Effects

Professional effects refer to the effects of informal relations on the ability of IG officials to do their jobs. Perhaps the most concrete demonstration is in their capacity to speed up the work of IGR officials. This effect was repeatedly observed by all interview subjects, and fits in the general theme of ‘trust ties’ that has been prominent in the literature. Trust-ties are, after all, important because they enable the sharing of information, speed up work flow, and generally comprise “one of the crucial lubricants that keep the federal machinery working” (Bakvis et al., 2009: 119). This kind of effect is partly predicted by the relative lack of formal mechanisms for intergovernmental relations. As Helmke and Levitsky (2004) argue, informal mechanisms are often created out of the inadequacy (or total absence) of formal mechanisms.

In interviews with officials, informal relations were treated as necessary to advance work and to overcome the limitations of formal relations. In strictly formal gatherings, such as ministerial meetings or even weekly teleconferences, officials are limited (to varying degrees) by a number of factors. Formal meetings have formal agendas, multiple participants, and time limits, which constrain the ability to have a free flowing discussion on one particular topic. As a result, officials often noted that they engaged in informal discussions outside the confines of official meetings in order to allow those meetings to work at all. Questioned on what would happen in the absence of informal relations, one official commented simply: “It’d be a nightmare.”

That said, most officials were careful when speaking about the professional effects of informal relations. Most indicated that the work would be challenging without informal relations, but not impossible: “I think it would probably slow things down. But there again, I think the outcomes may not change, but you may take a longer time getting there.” Officials are mandated to complete certain tasks within a particular time-frame. One official described a situation where poor informal relations had prevented work, but also observed that “It was the first and the only time in my whole life when I was not able to deliver on something that I was tasked with.” In the absence of exceptional circumstances, officials will accomplish their assigned tasks either with the assistance of positive informal relations or in spite of negative ones. In this respect, the effects of informal relations operate in a similar manner to the way

variables affect informality: intergovernmental work is enabled by informality, but not entirely prevented by a lack of effective informal relations.

This suggests something of a quandary. On the one hand, officials had difficulty imagining a situation in which they had to accomplish intergovernmental work without informal relations. On the other, they were adamant that in such a situation, the work would get done. The solution comes from the fact that in most circumstances, the two realizations are not at odds. In other words, officials need to attain certain results, and informal relations are an essential way of ensuring that this occurs. While there may be cases where informal relations and intergovernmental work are at cross-purposes, these should not be exaggerated, and do not seem to constitute the norm. Informal relations are primordial in the vast majority of cases because they enable the work of officials, for instance by overcoming the limitations of purely formal relations.

Policy Effects

A third potential effect of informal relations relates to policy, specifically to the use of informal relations to effect policy change, either in a minor or major way. This necessarily raises two issues: why focus on policy effects, and what is meant by policy change?

As has been mentioned throughout this study, the case studies appear to demonstrate little evidence of policy effects resulting from informal relations among IG officials, although here again I must note the caveat that the research design did not explicitly question the existence of policy effects. Nonetheless, the issue of effects was frequently mentioned, and the apparent lack of policy effects resulting from informal relations stands in contrast to the existing literature, which tends to view the lack of formal institutions for IGR as inherently problematic. This concern is evident in Smiley's (1979) warning about executive federalism (see p.8), or in Simeon's repeated work on the undemocratic nature of intergovernmental relations (Cameron and Simeon, 2002a; Simeon and Nugent, 2008, 2012). Although these works have generally focused on intergovernmental summitry, they do not limit their conclusions to that level. As a result, the impression given by certain classic pieces in Canadian political science is that the system of intergovernmental relations in Canada is (to a degree) unaccountable and undemocratic. Anyone reading such work is left with reasonable questions about the role of intergovernmental officials in that system. This is especially the case in a context where public servants are not assumed to be neutral actors: public choice literature going back to Niskanen

(1971) has called into question the motivations of public servants. Moreover, this concern is not limited to the literature, but is also present in the way political figures think about bureaucracy. For instance, Peter Aucoin's (2012) notion of 'New Political Governance' (NPG) explores the ways in which politicians are suspicious of the public service (see Chapter 7 for more). If informal relations are as important and unstructured as the literature claims, this may imply that overreach occurs on the part of officials. In the worst case scenario, officials may be using informal relations to shift policy agendas and undermine political direction. In the case studies, this scenario was manifestly not the case. However, the literature is vague on this point, which makes the question worth exploring.

Understanding policy effects is a challenging issue. What are 'substantial policy effects?' Professional effects revolved around quick turnaround and effective communication. A policy effect should therefore go beyond that. The issue has attracted much scholarship (see Kingdon, 1984; Sabatier, 1993; Baumgartner and Jones, 1993; Baumgartner, 2013). Scholars tend to be united in their focus on policy change within particular contexts, but when measuring change, different approaches are evident. The first focuses on written documents for evidence of change.¹⁶ Showing change in a written document is a relatively easy way of empirically demonstrating policy change: when studying written documents, one can (for instance) compare the beginning of the process, when expected outputs are set out, to the actual tangible outputs produced at the end of the process. To use a Canadian example, if a report produced a year after a working group was established differed greatly in its content than what the initial communiqué suggested, this could be taken as evidence that policy was altered in the course of the process.

Another way of considering policy change is to focus on the effects of policy on their own merits and to consider what factors led to them. This approach is common in program evaluation literature (McDavid et al., 2013) and is commonly used by governments to assess policy effects (Canada, 2012). The literature in this regard is considerable, but beyond the scope of this study.

There are significant difficulties in applying either of these approaches to understanding how informal relations may shape intergovernmental policy in Canada. Focusing on written documents presents the immediate difficulty that written documents in Canadian IGR are considered 'formal' (as was noted above). Focusing on long-term program evaluation requires a

¹⁶ Including the study of speeches from the throne (Montpetit and Foucault, 2012), legislative output (Hurley et al., 1977), the effects of whistleblowers (Johnson and Kraft, 1990), court rulings (Baum, 1988), and regulatory regimes (Bernstein and Cashore, 2000; Nelson and Yackee, 2012), to name only a few examples.

considerably different approach to primary research. More broadly, attributing policy change to any one factor, particularly intangible factors such as informal relations, is extremely difficult. Many other factors also affect policy, and in many cases the actions of bureaucrats can be seen as evidence of their fulfilling a political mandate first and foremost. Public servants may not be so much exercising discretion through informal relations as they are ‘doing their job.’ This being the case, these policy effects are an extension of the professional effects, where informal relations are used as a necessary, but not sufficient conduit for doing the work (see Skocpol, 1979; Dion, 1998).

As a result, it is reasonable to expect that the policy effects of informal relations at the level of officials are likely minor. Conclusively demonstrating policy effects from informal relations is challenging, but returning to the factors which affect informal relations can be instructive. A number of the meta factors, for instance, limit the extent to which informal relations between officials *could* reasonably be assumed to affect policy. Thus, analyzing the ways informal relations are constrained can provide a clearer sense of the ways policy effects would be constrained.

The limiting effects of a macro factor such as consensus-based decision making on policy change in Canada is an issue that has been recognized by others. In her 2009 book, Nicole Bolleyer argues that the institutional underpinnings of Canadian federalism make for a particular kind of intergovernmental relations. Because Canadian governments feature power concentration (as opposed to Switzerland or the United States), there is little incentive to either institutionalize IGR, or integrate more fully. Bolleyer’s work is concerned primarily with institutions and IG agreements, but the implications of her arguments can also be seen at the level of informal relations. The same factor that makes governments wary of institutionalization and integration (the desire to maintain autonomy) would necessarily impose limits of what can be expected to come out of IG negotiations, which in turn limits the effects of informal relations in IGR (this will be discussed further in the final chapter). In short, even if there are significant challenges involved in measuring policy effects of informal relations, focusing on constraints can provide a useful alternative.

Moving Forward

Drawing on the literature and the primary data, this chapter has outlined a definition for informal relations, provided a model for understanding how context shapes informality, and suggested certain ways that informal relations may affect IGR more broadly. The elements of the model and the potential effects were inductively determined, which is to say they were highlighted because I believe they are a useful way of understanding real, practical examples of IGR. This will be tested in the case study chapters. Following an exploration of the case, the model will be used to analyze the factors which enabled or constrained informal relations, while the effects of informal relations on the case itself will also be explored. This approach is used beginning with the first of the three case studies, the Agreement on Internal Trade.

Chapter 4- The Agreement on Internal Trade

Introduction

This chapter examines informal relations in the context of the Agreement on Internal Trade (AIT). For over 20 years, the AIT has seen ongoing negotiations and has changed several times. The Agreement covers an issue that is of great interest to governments, but has proved challenging in its implementation. It features a degree of institutionalization via the Agreement itself, the Committee on Internal Trade, and the Internal Trade Secretariat. Unlike other areas of government activity, the AIT is not based on punctual program delivery, but on ongoing negotiations and dispute resolution, without a specific end-goal in sight. This creates a context for ongoing informal relations, one in which the continuous nature of the work can result in the development of long-term relationships. The federal government's participation has varied considerably in the AIT, which also creates an interesting informal dynamic between the provincial-territorial (PT) governments and Ottawa. The AIT, therefore, provides a background for study that is different from the other case studies in this research program.

Following an analysis of the AIT, the chapter uses the model set out in Chapter 3 to explore the ways informal relations are enabled or limited by contextual variables. Informal relations within the Agreement are, in some respects, hindered by tension between the federal and PT governments. The Agreement frequently raises politically sensitive questions such as procurement or trade barriers, which often exist to appeal to particular constituencies within a jurisdiction (for instance labour in Manitoba or the wine industry in British Columbia). The political sensitivity of these questions can also lead to tension between the provinces and territories. In this case, this kind of macro variable would constitute a limiting factor for the development of effective informal relations. The changes occasioned by rule changes within the AIT are prone to political sensitivity due to both their media profile and the potential for weakening jurisdictional authority. In terms of their effects, informal relations are not likely to have major effects on policy in the case of the AIT, an assessment which is supported by the case study. This is not to suggest that informal relations are unimportant, since they still play a

crucial role in enabling communication, a finding which will be explored in the latter part of the chapter.

The AIT in Brief

The Agreement on Internal Trade was negotiated by the federal and provincial governments, and came into effect July 1, 1995. It was created in a particular context: on the political side, it took place in the dying days of Québec's Johnson Liberal government, and followed the failed Meech Lake and Charlottetown Accords. In the area of economics, the AIT was negotiated in an era of free trade in North America and around the world. At the same time, the Australian federation was undergoing a significant renegotiation of its economic union (Painter, 1998), while the Canadian government had signed a free trade agreement with the United States, and would soon negotiate the North American Free Trade Agreement with the US and Mexico. This confluence of events turned the attention of politicians, business leaders, and economists to the internal workings of the Canadian economy, and to the various barriers to trade that existed between the provinces. Alongside domestic calls for action on this issue, international organizations such as the Organization for Economic Cooperation and Development (OECD) called for the dismantling of barriers to internal trade in Canada (Palda, 1994).

Although there had been attempts at changing the conditions of internal trade in Canada throughout the 1980s (including the recommendations of the MacDonald Commission), it was not until the early 1990s that a serious and sustained attempt was made involving provincial and federal negotiators (Doern and MacDonald, 1999). Over a few years, negotiations were ongoing and survived a major change in government following the federal election of 1993. The lengthy negotiations resulted in the signing of the AIT on July 18, 1994.

The Agreement has been one that has experienced constant modification since its creation: it is a work in progress. In the initial period, progress was slow, and certain jurisdictions were slow in reacting to rulings against them (Knox, 2001). Reports on the AIT noted that it was a step in the right direction, but that a lack of political will and sustained effort kept it from achieving its goal of eliminating barriers to interprovincial trade in Canada (Canadian Chamber of Commerce, 2004). The period of 2000-2002 in particular saw several reports and editorials criticizing the slow pace of change in the AIT, characterizing it as "invisible" (Knox and Kelly-Gagnon, 2001: 2) and "so riddled with loopholes as to be worthless" (Toronto Star, 2000).

Although it had been the driving force behind the Agreement, the federal government hesitated in applying pressure for reform. This can partly be explained by the fact that political pressure on an issue could not be applied indefinitely: in the same period the federal government was also focusing on the Social Union Framework Agreement and attempting to rebuild frayed relations with provinces following the 1995-1998 cuts to federal-provincial transfers (Bakvis et al., 2009). This constraint was exacerbated in the context of the AIT, in which the federal government is just one jurisdiction among others. While it may have more influence, it only has one vote among 13 (Nunavut has not signed the Agreement) in a consensus-based decision making process. An additional barrier for the federal government is that, as Brown (2002) argues, the federal government has historically been wary of pushing for the elimination of trade barriers through constitutional means. The balance of Supreme Court decisions does not necessarily rest in its favour. Indeed, the Supreme Court ruling in December of 2011 against a national securities regulator is a demonstration of the fact that the federal government may not have the authority to move unilaterally on this issue. That said, a recent ruling on interprovincial liquor laws also demonstrates that challenging trade barriers through courts may be a path forward in certain cases (White, 2016). In short, for both provinces and the federal government, the legal path is an uncertain one, and has therefore been avoided.

Despite the lack of federal interest in the early 2000s, in 2003 the formation of the Council of the Federation (COF) out of the Annual Premiers' Conference (APC) spurred renewed interest among the premiers in moving forward with the AIT. A work plan was announced in 2004 which committed the provinces and territories (without the federal government) to resolving outstanding issues with the AIT (COF, 2004). Since then, work on the AIT renewal and amendment has been led by the provinces and territories. Several major changes have occurred, including the negotiation of chapters that had not yet received legislative approval and increased formalization of the mechanisms of the Agreement, for instance via the addition of monetary penalties for non-compliance with dispute resolution rulings. As Berdahl notes, "While AIT reform remains incomplete, subnational agency in recent years has resulted in important advances in internal trade policy" (2012: 280).

Reform to the AIT was, according to some officials, encouraged by the negotiation of the Trade, Investment, Labour Mobility Agreement (TILMA) by British Columbia and Alberta in 2006 (subsequently expanded to include Saskatchewan and renamed the New West Partnership).

Berdahl (2012) argues that ideational factors, namely an ideological disposition towards free trade, and frustration at the slow pace of AIT reform motivated the two westernmost provinces to work together. This then allowed other provinces to observe how certain changes, such as monetary penalties, might work in practice.

More recently, the federal government expressed renewed interest in moving forward on internal trade. In 2013, the federal government took its turn in chairing the Committee on Internal Trade, the lead body on the Agreement. Following that year, former federal Industry Minister James Moore was vocal in calling for movement on the AIT (Bailey, 2014). As has been the case several times before (beginning with then Industry Minister John Manley's public critiques of the AIT when it was signed in 1994 [Brown, 2002: 161]), renewed public attention has brought with it editorials and commentary highly critical of the AIT, in part due to the persistence of "parochial provincial rules" on matters such as the interprovincial trade of wine (National Post, 2014a). This caused some consternation among provincial governments, as will be seen, since the former Conservative federal government's approach was to suggest, in a very public way, that the AIT had stagnated. Provincial representatives felt that this was a mischaracterization of events, and that "...It has had a counterproductive effect... which I think is actually contrary to the effect [the federal government] were going for." Referring to former Minister Moore's plan to take on the "low hanging fruit" of internal trade, one official noted that "We've seen renegotiations of the AIT ad nauseam... so we gear up for another round of picking low-hanging fruit that doesn't exist." In spite of consistent (if slow-paced) progress on negotiating the AIT, ongoing critiques of the Agreement seem to have come to a head. At the July 2016 meeting of the Council of the Federation, the premiers announced an agreement in principle that the AIT would be replaced by a new Canadian Free Trade Agreement (COF, 2016b). It remains to be seen whether and how this new agreement will take place.

The AIT is a non-constitutional agreement, which is to say that it exists within the confines of Canadian federalism without having the force of constitutional law and without altering the fundamental division of powers. The Agreement features a dispute resolution mechanism, but the results of this formal procedure do not have legal force. For much of the AIT's existence, governments have been held to it mainly through political pressure from other governments. This facet of the AIT was long criticized (Knox, 2001; OECD, 2002), but as Berdahl (2012) argues, "It was only once constitutional options were "taken off the table" that internal trade

policy finally gained traction” (278). In 1995 as today, the AIT was unlikely to be a constitutional document because this would represent a fundamental change to the Canadian federation. As a result, in the beginning it operated on voluntary adhesion and could only have been negotiated along those lines. However, since that time adhesion has come to rely less on political pressure, and since 2009 non-compliance has carried a monetary penalty (Ibid.).

Internal trade features a level of institutionalization, although as Brown notes, “The agreement establishes a minimalist secretariat and the rather weak overseeing role of a ministerial council” (2002: 169). It is led by a committee of ministers from the jurisdictions, the Committee on Internal Trade (CIT). At the level of officials, there is the table of Internal Trade Representatives (ITRs), with one representative from each jurisdiction. These officials vary in rank, but generally sit in mid-management at the level of senior policy analysts or directors. Below the ITR table are the multiple working groups which are formed to deal with problems on an ad hoc basis.

Supporting the entire process is the Internal Trade Secretariat, a very small administrative body which deals with issues of a procedural nature (as opposed to policy issues). In the initial proposals, there was some disagreement as to the exact nature of the secretariat, as some jurisdictions preferred a stronger, more capable secretariat (Brown, 2002: 157). In the end, the minimalist interpretation of the secretariat’s role was implemented, although in the early years of the AIT the secretariat played a slightly more robust role, producing research (at the behest of the CIT) and offering some recommendations (see for instance Internal Trade Secretariat, 2002). The role of the secretariat changed in the early 2000s, as the secretariat itself shrank and became more focused on procedure. Some officials noted that this was due to the fact that the Council of the Federation took on a leadership role in internal trade when it was created in 2003-2004. However, one former secretariat official argued that the secretariat was deliberately limited in its scope by political leaders in the early 2000s, and that Ontario in particular was opposed to anything but a bare-bones secretariat: “In this case it was blatantly political... it wasn’t subtle. It wasn’t killing, but paralyzing. They wanted a secretariat without any teeth, without initiative, which would scrape by and not do much” (see also Inwood et al., 2011: 232). As a result, when COF took the lead, the secretariat itself was already being pared down.

Whether the ITS was inordinately affected by one period of political sensitivity over jurisdictional issues or not, it is clear that the various governments have since then been keen to

keep the secretariat's mandate narrow. In fact, one official argued that having secretariat officials present sometimes limited discussions "...there have been some problems before in that role, and so I think there's a little bit of broken trust about what you say in front of a third party at the table." Several officials noted the importance of avoiding policy discussions with the secretariat, and one official commented that "I think both the secretariat and the ITRs have a very clear understanding of what is appropriate and what is not appropriate." In sum, while the AIT does have a secretariat, its role is very tightly focused on administrative matters.

The Agreement is a semi-comprehensive economic agreement that was initially left "deliberately incomplete" as a result of inability to negotiate certain issues at the time of its creation (Berdahl, 2012: 278). Since 2004, the Agreement has undergone a period of intense, ongoing renegotiation. At least one official predicted that the recent negotiation of the Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union would put pressure on internal trade barriers: "So [CETA negotiations] encouraged and demanded a certain style and approach, and I think what's happened is now coming to the AIT." The announcement that the AIT will be replaced gives some credence to this view, although a number of factors likely contributed to pressure to modernize the Agreement.

The AIT was modeled after international trade agreements such as the General Agreement on Trades and Tariffs (GATT) (Doern and MacDonald, 1999). Its structure reflects this approach. The initial Agreement contained 18 chapters. It sets out the guiding principles governing the Agreement (such as reciprocal non-discrimination, for instance), and has chapters dedicated to various economic issues, ranging from sectoral concerns (in areas such as agriculture, transportation, and alcohol) to more institutional concerns (procurement and labour mobility, to name a few).

The AIT has been amended on 14 occasions since 1994. Some of the changes have been "minor and cosmetic" (Brown, 2002: 151), while others have been more substantial, such as the above-mentioned changes making the dispute resolution mechanism more robust. In general, since 2007, changes have been more substantial. As noted, the signature of TILMA by Alberta and British Columbia was said to have spurred significant changes to the AIT, and the increased links between those provinces and Saskatchewan via the New West Partnership seems to be continuing this process.

Applying the Model

The model proposed in Chapter 3 set out variables which enable or limit the space for informal relations within a situation. Identifying the meta, macro, meso and micro variables at work in the AIT allows a better understanding of whether informal relations were ‘effective’, and what factors either enabled or constrained such relations. Following this application of the model, the effects of informal relations on the Agreement on Internal Trade are considered.

SYSTEM LEVEL VARIABLES

Using the rules proposed by Ostrom’s IAD framework permits a degree of systematization and comparability. The rules noted below demonstrate the significant ways in which informal relations are limited by structural constraints such as jurisdictional autonomy.

Meta Variables: The Rules

As noted in Chapter 3, the IAD rules are useful for identifying important meta-constraints on informal relations. Even if intergovernmental officials did not explicitly identify these rules or their effects on informal relations, they play a crucial role by shaping the context in which informal relations take place.

The Position Rule

“By the nature of their position as public servants, AIT officials may not make significant policy changes without political approval.”

Position rules set important limits on the effects of informal relations. The basic distinction between politics and administration means that there is a distinction to be made in terms of decision-making authority. Simply put, ministers and premiers have the authority to significantly alter a government’s position, while officials generally do not. This calls into question what constitutes ‘significant’ change, a question which was addressed in the previous chapter. The distinction is likely to be unclear in most circumstances, and the politics/administration dichotomy is admittedly an ideal-type distinction. Nevertheless, it still provides important guidelines for understanding how government works in Canada. Moreover, it is a distinction that was still top of mind for many officials in the AIT: “At the end of the day, we as successful bureaucrats better have a pretty good sense of the direction and the positioning

of our political masters.” The position rule demonstrates a major limiting factor on informal relations.

The Boundary Rule

“As a default, participants at AIT related tables belong to one of the signatory governments.”

In terms of the internal trade representatives’ table, the boundary rule represents a barrier to entry for those not representing a particular government. In practice, this means that external participants are excluded from multilateral informal relations, and from IGR generally. The effects of boundary rules on informal relations are less evident in the AIT than, for instance, in the HCIWG (as will be demonstrated in the following chapter). However, there was one area where the boundary rule made a difference: the internal trade secretariat (ITS).

A particularity of the AIT is the existence of the ITS, a neutral administrative body which exists to provide support for the work of the internal trade officials and advance the AIT more generally. However, it is not a policy body, and this was reflected in how officials (including former secretariat officials) thought about it. Informal relations exist, but the lack of policy work seems to limit these relations to a more superficial level: “...given the fact that the secretariat does not do policy work, that really limits the opportunities for the kind of network building and informal relationship that you see in the rest of the AIT.” These attitudes can be formulated in a fairly straightforward rule regarding the secretariat.

“Secretariat employees must only engage in procedural matters.”

There was a clear sense among both government officials and the former secretariat official that there would be clear and tangible sanctions if a secretariat employee were to become overly policy oriented. Interestingly, the onus seemed to be on the secretariat employee to maintain this rule. While government officials were certainly aware of it and unlikely to ‘tempt’ the secretariat employees, government officials would not necessarily be punished if they tried to influence the secretariat unduly, where ITS employees could face reprimand if they engaged in such behaviour, even if they did not initiate it. In this instance, boundary rules prevent ITS employees from being full participants in the intergovernmental process and constrain the extent to which informal relations are developed and used between ITS employees and ITRs.

The Choice Rule

“Internal trade representatives are required to act in the interests of their government when engaging in intergovernmental negotiations.”

This statement provides obvious and wide-ranging constraints on the range of action that may be taken by individual officials (their choices, in the language of IAD). As the model of informal relations demonstrates, the choices available to an official are limited by a number of factors, ranging from meta constraints to meso factors such as experience. In this way, the choice rule demonstrates an important limit on the effects of informal relations: even if an official is experienced and personally trusts their colleagues, the simple fact that they must act in the interest of their government limits the extent to which informal relations can be used. This must be kept in mind when assessing the effects of informal relations.

The Aggregation Rule

“Governments, and their internal trade representatives, cannot force one another to change their positions.”

At a formal level, the Agreement on Internal Trade is a document which is based on consensus. This is evident in the history of the Agreement, or the long-standing lack of agreement on seemingly simple matters such as interprovincial wine trade. Even the smallest jurisdiction can resist unwanted change if it does not agree, as demonstrated by the fact that the 14th protocol of amendment, which was negotiated and agreed to by all jurisdictions, was not implemented for several months because one of the smaller provinces refused to sign on. This kind of aggregation rule creates important constraints on the space for informality in the AIT. Officials may have excellent, well developed informal relations, but those relations cannot force a government to change its position if it does not agree. The agreements of officials on drafts of documents are not a substitute for political approval.

The position and choice rules are also relevant here. Because officials are not the decision-making authority, they cannot necessarily be coerced into changing their mind through group pressure, or ‘locked in a room’ until a consensus is agreed to (a tactic favoured by Brian Mulroney when dealing with the premiers).

The possibility exists that intergovernmental officials may try to bring a consensus proposal to their minister in order to convince them of its merits. In such situations, the particular setting as well as the knowledge and experience of officials may play a role: some

officials will be more likely to convince their minister, and some ministers will be more suggestible. This dynamic plays a role in the CMFC (see Chapter 6), but was not noted by any of the officials involved in the AIT case study. Such effects may be present, but separating informal relations from other effects is extremely difficult. This again points to the need to ‘delineate the situation’ in order to understand informal relations and refer to the constraints set out by the aggregation rule: governments may not force each other’s hands.

Information Rule

“Internal trade representatives should develop and maintain strong informal relations in order to overcome the limitations of the formal network.”

An issue which was raised repeatedly by those studied for this case was the importance of creating and maintaining robust networks for informal communication. Even officials who spoke of the development of personal relationships often did so in reference to the need to use personal relationships for more effective informal relations at the professional level. Formal channels of communication are simply inadequate for the volume of work that must be conducted by officials. In order to fulfil the mandates assigned to them by politicians, internal trade representatives have to rely on more than the occasional face-to-face meeting or even weekly teleconferences. The ability to reach colleagues at a moment’s notice is a necessary skill in the AIT and in IGR generally. A corollary to this information rule is the idea that honesty and openness should be reciprocated in order to maintain networks of informal communication (an idea which will be explored further in the discussion of meso variables). As opposed to other rules which thus far have shown constraints on informal relations, information rules establish a realm of action within which informal relations can thrive. Not only are such relations *permitted* for the sake of information exchange, they are *necessary*.

Payoff and Scope Rules

Because federal involvement in IGR can carry with it the promise of funding (or a withdrawal of funding), the federal government’s participation in the AIT suggests that payoff rules might be more relevant. In general, however, this does not appear to be the case. While there may be instances where federal influence was able to spur provincial action through a promise of funding (for example), in general the provinces are wary of giving up jurisdictional autonomy. If anything, provinces are more wary of federal interference on economic matters. An example is

the resistance of the governments of Ontario and Alberta to federal intrusion in the area of securities regulation. Moreover, much of the work on the AIT over the past ten years has been driven by provincial rather than the federal government.

Scope rules, which govern acceptable outcomes, can certainly be expected in the context of internal trade, but not at the level of officials. Given the long term changes represented by amendments to the AIT, and the political sensitivity of many existing barriers to trade, scope rules are not likely to be determined at the level of public servants or their informal networks.

Macro Variables: External Factors

Contextually specific macro variables can play an important role in shaping the environment in which informal relations take place. In the case of the AIT, the issue of resources played relatively little role, but profile and especially jurisdictional authority as well as political will had important effects on informal relations.

Resources

In cases such as the 1999 Social Union Framework Agreement, the federal government has used the promise of transfer payments or other fiscal means as a lever to move provincial policy (Facal, 2005; Noël, 2000). One might expect to see a similar situation in the AIT, but this appears not to be the case. None of the officials interviewed noted this concern, and the long delays in implementing certain changes to the Agreement suggest this is not a significant issue in the discussions around it. The very nature of the Agreement may partly explain this: governments implement changes to the AIT (or not), but these are changes whose effects are generally felt by industry, rather than directly by governments. As regards informal relations in the AIT, resources did not appear to have an effect either way.

Jurisdictional Authority

In contrast to resources, concerns over jurisdictional authority had significant effects on informal relations. Indeed, concerns over ‘politicization’ often had to do with concerns on the part of provinces that their jurisdictional authority was being compromised. Disagreements between the federal and provincial governments were frequently based on a sense that the federal government was ‘intruding’. Even the decision to limit the scope of the Internal Trade Secretariat was based in part on concerns over authority: entrusting an independent secretariat with policy-making capacity could reduce the need for such capacity at the provincial level. In

time, this could have deleterious effects on the policy capacity of the provinces. Concerning informal relations, such jurisdictional concerns had limiting effects on the AIT, since governments were (and are) careful about the commitments and the compromises they make. This is also closely connected to the issues of profile and political will.

Profile

Although the AIT is seldom front-page news, it does attract periodic attention, as the earlier discussion of James Moore or John Manley's interventions demonstrate. Frustration at a perceived lack of progress leads to editorials. To what extent this encourages further work on the AIT is debatable. As was discussed, one official felt that public pressure from the federal government had a "counteractive" effect. Because the Agreement attracts occasional attention from the media and from the business community, politicians are more likely to pay attention to the ongoing negotiations. As an example, if a minister suspects a particular industry group will react with publicized anger to a concession being made on the AIT, they will likely want to be kept up to date. As will be seen, closer political attention can be linked to important constraints on informal relations.

Political Will

An occasionally high public profile and concerns over jurisdiction mean that political figures are likely to be aware of the work being done on the AIT, and likely to pay closer attention to the minutia of the work. This can have enabling or limiting effects on informal relations among officials. If a minister is keen on a change, officials will likely use informal relations to do the necessary work, whereas if a minister is against a change (the example of the 14th protocol of amendment is illustrative) the space for informality is limited. Officials may use informal channels to communicate the reasons for their government's lack of action, but those channels will not be used to overcome that limiting factor until political figures decide otherwise. This point is also made by Inwood et al. (2011), who note that in trade IGR "The degree to which informal political relationships set the conditions under which bureaucratic relations existed was often commented on by officials as affecting [Intergovernmental Policy Capacity] positively or negatively" (250-251).

As the model suggests, in the AIT system level variables, as represented by meta and macro factors, generally have a limiting effect on informal relations (with exceptions, such as the

information rule). They impose significant constraints on what can be accomplished through such relations in ways that are explicitly or tacitly recognized by officials. The drive to protect jurisdictional autonomy has major limiting effects on the space for informal relations among the ITRs working on the Agreement.

INDIVIDUAL LEVEL VARIABLES

While system level variables establish conditions which may not be visible in their effects on informal relations among officials, individual level variables demonstrate the day-to-day workings of informality, and the conditions in which they can take place.

Meso Variables: Establishing Confidence

The model suggests that meso variables play an important enabling role in creating the conditions for effective informal relations, namely confidence. This involves four related factors: personal factors, familiarity, organizational norms, and goals.

Personal Factors

The personal factors which are conducive to effective informal relations appeared to be present at the officials' table of the AIT. Officials often noted the importance of personality (73% - 11 of 15; see the annex), but there was general agreement that with few exceptions, those who worked in IGR had the type of personality which enabled informal relations: they were flexible, willing to engage, and had senses of humor, for example.

In terms of experience, there was a mix of officials with greater or lesser experience, often within the same government. Several provinces, for instance, still had the officials who had negotiated the AIT in 1994 on staff, although in different positions. Institutional memory was preserved, but the day to day negotiations were left to newer staff. While recognizing the potential for "stale thinking," officials who raised experience as a factor in the AIT (73%, 11 of 15) also felt that there was sufficient turnover to ensure new ideas. The major exception to this was at the federal level, where (as in other cases), provincial and territorial officials felt that there was a lack of institutional memory due to the short tenure of both officials and especially political figures. Issues relating to jurisdictional size (such as capacity to follow up on work commitments) were noted by very few officials in the AIT (13% - 2 of 15) and in general did not seem to be a factor in terms of informal relations.

Familiarity

Conforming to the model, familiarity was considered a crucial and well-developed element of informal relations within the AIT (noted by 93% -14 of 15 officials). In one province, for instance, the lead officials made a point of including a younger colleague in their network, even though it was not strictly necessary, to ensure that they developed their own contacts. In particular, the importance of face-to-face contact was underlined by a number of officials (67% - 10 of 15) as a critical factor. Although more face-to-face contact would likely be welcome, at least one official with experience in international trade observed the relatively high level of face-to-face contact, noting that: “The amount that we actually see one another face to face might occur more than other files.” This is likely related to the fact that provincial officials frequently pull double-duty, working on both internal and international trade. As a result, they develop their relationships through multiple settings.

Organizational Norms

Both openness (60% - 9 of 15) and honesty (20% - 3 of 15) were observed by officials as factors which influenced informal relations. In the AIT, neither factor seemed to deviate from the model, with one exception: relations between provinces and territories exhibited no particular problems, but relations between federal and PT officials were considered to be less conducive to effective informal relations. To put it simply, PT officials felt that federal officials were less open and honest in their dealings, or even that the federal government was wary of the provinces: “At times you just didn’t feel like this was a discussion amongst equals.”

Respect was noted as an important factor for establishing confidence (by 60% - 9 of 15 officials), but was also an area which featured some federal-provincial difficulties. As noted above, during the period of this study, then federal Industry Minister James Moore was making statements to the media suggesting that the federal government would kick-start work on the file, and that the Agreement had simply lagged in the absence of federal leadership. Several provincial officials highlighted this issue with reactions ranging from anger to puzzlement: “More recently the federal minister has tried to seize control, we’re a little bit more standoffish at this point with the feds, it changes my rapport with them.” There were two issues pertaining to respect with these announcements: first, the provinces were surprised and somewhat blind-sided by the federal government. Second, the minister’s statements had little mention of provincial prerogative or effort, which was perceived as a slight against jurisdictional autonomy. This

raises a question as to the informal effects of political matters on the bureaucracy: given that the statements were made by the federal minister, not his officials, were the informal relations between those officials affected? A federal official noted that “I will certainly say that I think that the PT counterparts that I deal with continue to behave in a very professional way, and I hope that they perceive the federal government’s representative as doing the same.” On the other hand, one frustrated provincial official commented that: “If the federal government were to request a meeting, we might be less apt to want to attend it, or make it less easy to schedule, it’d certainly be at my convenience, not theirs. Little things like that.” Ultimately, most officials were careful to note that professionalism transcended political fighting. However, a mistrustful relationship between governments in a general sense seems likely to have some effects in the particulars of bureaucratic informal relations, which may manifest itself in terms of communication. Commented one official: “There’s particular people that we’ve worked with in different provinces who, their personalities are just so similar that they’re basically like oil and water, they just have come to the point where they can’t work, they can’t just let it go where they’re arguing about something because they have slightly different viewpoints, or slightly different approaches.” Similar effects were noted by Inwood et al. (2011) in their study of trade. As an example, they quote an official who argued that “Once a federal minister made a major money announcement without telling his Ontario counterpart. This destroys capacity due to the lack of trust. It works all through the system” (251). Although the official in that case uses the language of ‘trust,’ the model in this study allows us to specify this effect within the organizational norm of respect and of not pulling out any surprises.

Goals

On the issue of shared goals, there was less agreement. In the abstract, one can say that no jurisdiction is in favour of maintaining harmful trade barriers. In the specific context of IG negotiations, however, the situation is different. One jurisdiction’s ‘barriers’ are considered a necessary economic corrective by another. As economists and business analysts point out periodically, there is a litany of what Saskatchewan Premier Brad Wall called “dumb rules” (National Post, 2014b). Despite two decades of work on the AIT, and real progress in many respects, there remain a number of trade barriers the average Canadian would consider unnecessary. These rules may seem like a nuisance, but they are often maintained for very specific reasons, for instance to appeal to a particular constituency.

As a result, there can be significant disagreement over the goals of the AIT process for different governments. At times, these disagreements have led to stagnation of the Agreement. In more recent times, these disagreements have remained minor irritants in the process of inter-provincial trade liberalization. In the past several years, all governments in Canada have been committed to fulfilling the promise of the AIT, and have directed the work of officials towards that goal. Periodically, however, a piece of work will become stalled due to a disagreement between jurisdictions on the goal of the process. This is not unique in Canadian IGR, but the willingness of governments to stall work due to relatively minor issues (such as tax exemptions on wine) demonstrates a constant source of potential disagreement on goals.

Micro Variables: Trust

Empirically measuring individual trust presents a quasi-impossibility, but officials did comment on the role of trust in the AIT. All of the eight AIT officials who answered the questionnaire responded that trust was either “very important” or “somewhat important” (see the annex). Trust was generally noted in conjunction with other variables, and in many cases was more closely tied to the sense of ‘confidence’. Officials did not, therefore, mean trust in the sense meant by the model (operating among individuals). However, the use of trust by officials did reflect many of the factors in the model. Trust was enabled or constrained by other factors. The choice of placing it at the center of the model is confirmed by the case: trust operates in context.

Effective?

Using the model, does the AIT feature effective informal relations? The answer is somewhat complex. First, there is a clear difference between PT-federal relations and inter-PT relations (an enduring dynamic in Canadian federalism). During the period of study, political pronouncements soured relationships between the federal and PT governments, creating a lack of trust and ultimately less-than-effective (or sub-optimal) informal relations between officials (an effect which was also noted by Inwood et al. [2011] in their work on trade IGR). While officials maintained their respect and professionalism at the meso level, trickle-down effects resulting from macro variables such as political disagreements are mostly unavoidable. Second, relations are not entirely effective even within the provinces and territories. Personal factors and trust are not lacking, but at the level of organizational norms the potential for disagreement over goals is

present. For example, in 2014 the 13 governments negotiated and agreed to pass the 14th protocol of amendment to the AIT. This was then prevented from going forward by one jurisdiction, to the irritation of officials and politicians from other jurisdictions, who noted for instance that “It casts a real pall over the negotiation.” More generally, the meta level drive to maintain autonomy has effects all throughout the process: disagreements over goals are just one example. A consensus based aggregation rule enables the kind of situation seen with the 14th protocol of amendment. In this way, it may enable *ineffective* informal relations. In sum, relations within the AIT were sub-optimal in many respects, particularly as regarded relations between Ottawa and the PTs.

Understanding Effects

Using the model, I have argued that informal relations in the AIT certainly occur, but are constrained by various factors. This begs the question of whether sub-optimal relations led to different effects than those suggested in Chapter 3. Three types of effects resulting from informal relations were noted: personal, professional, and policy effects. As predicted, examining the AIT suggests the first two effects, but demonstrates little concrete evidence of policy effects.

Personal effects

Positive personal relations appeared to be the norm in the AIT, and were noted by 67% of interview subjects (10 of 15; see the annex). Several of the respondents had lengthy and positive personal experiences in the AIT, noting for instance that: “It certainly makes life more agreeable...”; “... it makes it much more worthwhile on a personal level.” Another official noted that informal relations serve as a way to release frustration in a safe setting: “...it can be a bit of a release valve in a few of the more contentious areas, or where one province has taken a position that is contrary to what they were saying the day before.” That said, there are limits to personal relations, as suggested in Chapter 3: “There’s always a level of formality, because we are always, regardless, on the IG side, regardless of who we’re talking to, and in what context, we are representing the government.”

Professional effects

Arguably the most significant effect of informal relations is the capacity to speed up the work of IG official, which confirms the professional effect suggested in Chapter 3. This effect was highlighted repeatedly by a number of interview respondents (6 of 15, 40%), as demonstrated by this representative comment: “So that’s the main advantage to me of building the informal relationships: you build your network, it helps you do your job more quickly.” Informal relations were treated as necessary to advancing work in a timely fashion, and helped maintain professional efficiency during difficult negotiations: “...very critical, because when things go smoothly, less important, but when you hit roadblocks, that’s when it pays its dividends, because if you know someone and you know them well enough, you can pick up the phone and call them.” As noted, formal channels have particular limitations related to their very nature. As a result, informal discussions outside the confines of official meetings are a necessary component of intergovernmental relations in Canada.

When discussing the importance of informal relations, several officials (11 of 15, 73%) also noted the ability to both find out the position of another government, and effectively communicate the position of one’s own government: “So it’s about clear lines of communication more than anything else... And hopefully building support for some of your positions through the clear lines of communication.”; “I would definitely agree that it’s important, it allows government better understanding of positions of different jurisdictions.”

Some officials (5 of 15, 33%) felt that the informal element was important in teaching new participants of the corporate history of internal trade and explaining the particularities of the AIT: “I’d say that’s when informal relations are the most helpful, just for gaining that understanding.” They noted for instance, that the ability to informally call a long-serving official in another jurisdiction and ask a few questions about why something was worded in a particular way was invaluable. “The informal relationships can also be really key in bridging that corporate history piece...” This also returns to the issue of longevity: informal relations can create an atmosphere in which people like their job and stay in the same area a long time. This has personal effects, as noted, but also professional effects, since that longevity becomes an informal resource. However, informal relationships were not the only means of acquiring information, and in the absence of an experienced colleague to turn to, a new civil servant would not be completely helpless: “I think... you have the relationship, but there’s also, the information is

available. We have records that you can go back to, or you can rely on the secretariat, who is sort of the record keeper... there's other sources."

Overall, with respect to professional efficiency, informal relations were considered important for the sake of effective and, especially, rapid communication. As one official observed: "For every one item [on a formal agenda], there was a mountain of informal discussions it was based upon." As a result of informal relations, the official agenda could proceed smoothly. If informal relations were absent, the formal agenda would still exist, but working through the contentious issues would take much longer: "It's important to remember that occasionally you have to drag an informal element into the formal... if you're stalled out, sometimes it's actually helpful to go back to an informal setting."

A unique feature of the AIT (relative to the other case studies) is the presence of an established dispute resolution procedure. In two interviews, officials observed the importance of informality to that process : "[It's] probably fair to say that as the agreement becomes more and more developed, and as more and more things get hammered out and written down, the importance of the ad hoc [...] would diminish over time [...] but on the dispute side, those are always going to be there." A Western official observed that informal relations were sometimes used to avoid using the formal dispute resolution mechanism entirely.

Nevertheless, in the AIT as elsewhere, officials generally noted the importance of the broader context in considering the professional effects of informal relations. Most indicated that the work would be challenging without informal relations, but not impossible: "They're important, but they will often take the back seat when the rubber hits the ground. When you're forced into a position, your position will be largely dictated by your interests and your political master's interests." AIT officials are mandated to complete certain tasks within a particular time-frame. To use an example to which I return, in 2009 the premiers directed that the financial services sector be brought under the labour mobility provisions of the AIT by 2011. This was then taken up by a specific group of officials who worked with the industry and with each other to ensure that this was completed. Informal relations between officials were undoubtedly necessary to ensure that the work was completed, but a lack of informal relations would not have been taken as a viable excuse for not completing the work. To summarize, the professional effects of positive informal relations were significant. Negative informal relations were rarely

found to be the case, and when they did occur were seen to be unable to completely prevent the work of officials.

The professional effects of informal relations in the AIT can be tied to particular variables. The information rule at the meta level creates a space for informal relations to make up for the inadequacies of formal relations, and although political will can be an important limiting factor, it can also drive work and provide impetus for informal relations. Organizational norms and experience allow officials to understand whether and when they should work together, and individual trust between officials can further enable an effective exchange of information through informal channels. This chapter has focused a good deal on the ways the variables in the model limit the space for informal relations, but the professional effects demonstrate that certain variables also enable informality.

Policy effects

Both the personal and the professional effects were subject to caveats, namely the necessity of public servants to follow the directives of political leaders. In the case of the AIT, this means engaging in negotiation to flesh out the Agreement itself (or, in rare cases, to prevent advancement). Most officials interviewed noted something to this effect: “At the end of the day, we’re officials, we don’t make the decisions [...] At the end of the day, officials are going to have to work with each other, regardless of whether they have a personal relationship with each other or not.” The question then becomes to what extent informal relations affect the ability of officials to alter the content of the Agreement, and to effect policy change.

Chapter 3 argued that demonstrating policy effects resulting from informal relations is difficult. Even when examining minor policy changes (Hall, 1993), where bureaucrats (and the informal relations between them) could conceivably have an influence, these effects are not especially evident, and in many cases could also be construed first and foremost as evidence of fulfilling a political mandate. Public servants are not so much altering policy through informal relations as they are ‘doing their job.’ These policy effects are an extension of the professional impacts, where informal relations are used as a necessary, but not sufficient conduit for fulfilling obligations. As a result, as suggested in Chapter 3, policy effects from informal relations at the level of officials are minor, or at least extremely difficult to detect, a point which is effectively illustrated with a detailed example.

Chapter seven of the Agreement on Internal Trade deals with labour mobility provisions, with the stated aim to “eliminate or reduce measures adopted or maintained by the Parties that restrict or impair labour mobility in Canada and, in particular, to enable any worker certified for an occupation by a regulatory authority of one Party to be recognized as qualified for that occupation by all other Parties” (AIT, 2015: 85). These barriers to mobility have frequently been applied to regulated professions in Canada. Work on this file has been slow, but became a priority particularly after 2009, when first ministers drew specific attention to the issue and endorsed full labour mobility across Canada (Canada, 2009). This resulted in the AIT’s ninth protocol of amendment, which replaced and significantly altered the previous chapter seven. The major change was to ensure that mutual recognition of employment credentials became the norm, and to place the onus on jurisdictions to demonstrate why they would not recognize certain credentials. While there are grounds for legitimate exceptions, the system is now one of mandatory rather than voluntary recognition (AIT, 2009: 16). As of 2014, hundreds of professions were covered by the provisions of the AIT (AIT, 2014).

At the summer 2009 meeting of the Council of the Federation, the premiers directed the ministers responsible for internal trade to make recommendations on bringing financial services occupations under the aegis of chapter seven by July 2011 (COF, 2009; AIT, 2012: 5). This led to the creation of a Financial Sector Occupations Working Group, and the 2011-2012 annual report on the AIT noted that “The Financial Services sector will legally come under chapter seven once all jurisdictions have signed the 12th protocol of amendment of the AIT” (AIT, 2012: 1). This was reportedly the case (AIT, 2013), although one would not know whether the financial services sector was included by looking at the 12th protocol of amendment, which only contains a simple wording change to chapter seven. Some loose ends are reported to remain, and work is ongoing on the file (AIT, 2014).

On the government side alone, work on bringing financial services within the scope of the labour mobility provisions of the AIT involved a directive from premiers, the Forum of Labour Market Ministers, the Financial Sector Occupations Working Group, departments responsible for financial sector occupations, the Committee on Internal Trade and internal trade representatives. An untold number of industry groups from different jurisdictions must also have been involved in the process, although AIT documentation gives no indication of how many groups were involved, or the extent of their involvement.

In terms of assessing working level informal relations, the inclusion of financial service occupations presents a significant challenge, and is hardly unique. The example was chosen because it is representative of a single element of the ongoing work of the AIT. Even without knowing the specifics of this particular piece of work, one can assume that bringing this sector under chapter seven involved an incredible volume of ongoing contact between intergovernmental trade officials and external participants. The inclusion of financial services under chapter seven constitutes a policy change, if a minor one. Could informal relations therefore be said to have had a policy effect in this case?

When looking at informal relations in a broader sense, it is critical to consider the factor which launched the entire process: a directive from premiers. This measure of political will was the driving force behind the entire exercise. Moreover, this fits with what interview subjects explained: informal relations are important to the extent that they allow public servants to do their jobs, and the job of public servants is to fulfil the mandates dictated to them by their political masters. Thus, it is reasonable to argue that in this specific case, informal relations had professional effects, in that they allowed public servants to communicate efficiently with each other and with the affected groups, but that the policy effects were a fulfilment of political will, not the result of informal relations per se.

Conclusion

As an intergovernmental forum, the Agreement on Internal Trade represents certain particularities that might be expected to affect informal relations, for example its longevity and the relatively constant negotiations aimed at expanding its range. Its work is ongoing and has no particular endpoint, which may encourage ongoing productive relationships. It is also a forum based on negotiation rather than implementation, and while the economic changes can be significant, the AIT's work generally does not involve commitment of significant resources. On the other hand, the work of the AIT is often politically sensitive for a few reasons, not the least of which is the fact that the negotiations often involve contentious discussions of jurisdictional power.

These factors all manifest themselves in the practice of informal relations between officials, as represented by the variables in the model. Without reiterating every variable noted above, in the case of the AIT it is apparent that a meta level choice rule significantly limits the

range of choices available to most officials. At the macro level, profile brings increased political attention, which further constrains the effects of informal relations. At the meso level, in the period of study, provincial officials tended to perceive a relative lack of respect on the part of the federal government, which was said to have a negative impact on effective informal relations. The net effect of this situation is that informal relations have clear personal and professional effects, but that the policy effects are much harder to discern. There may be instances where policy effects result from informal relations, but in a general sense one can expect that they will not. However, the other two case studies represent different circumstances which may create different opportunities for informal relations.

Chapter 5- The Health Care Innovation Working Group

Introduction

In January 2012, the provincial and territorial premiers, reacting to a unilateral federal announcement on health funding the previous month, created the Health Care Innovation Working Group (HCIWG). As a purely horizontal group, the HCIWG was meant to demonstrate the ability of the provinces and territories to work together on health without the federal government. This chapter uses the HCIWG (or simply ‘the Working Group’) to garner a better sense of the role and importance of informal relations. Attempting to reconcile the inherently individual nature of informal relations with the broader institutional context of federalism in Canada, I argue that in the case of the HCIWG as in the other case studies, contextual factors limit the space for informal relations and create major constraints on the exercise of such relations. The effects of informal relations must therefore be understood in context. Informal relations are important in enabling positive work environments and in supporting rapid communication, but as with the AIT, finding evidence of policy effects is less clear.

The chapter begins with a short review of the history of the HCIWG and of its context. It then uses the model outlined in Chapter 3 to assess the different meta, macro, meso and micro variables which enable or limit informal relations. As in the AIT, the HCIWG was limited by meta factors, perhaps most critically the fact that provinces and territorial relations operate on the basis of jurisdictional autonomy. However, in contrast to the AIT, the absence of the federal government removed a source of tension. Informal relations were still sub-optimal as regarded the participation of the representative from external health stakeholder groups, since their participation was not maintained over time. Thus, while the members agreed on certain best-practices (such as the treatment of diabetic foot ulcers), they were distinctly silent on the question of implementing those practices. All of these factors will be explored in further detail. In terms of the effects on informal relations, the HCIWG created a forum where personal and professional relations were required, but one in which discussions of policy change were off the table: officials could make recommendations for such change, but these did not necessarily

progress beyond the reports of the HCIWG. This can be seen in the rules governing informal relations, most notably the choice rule.

The HCIWG in Brief

The Health Care Innovation Working Group is an intergovernmental working group created under the auspices of the Council of the Federation (COF). It is composed of provincial and territorial health ministers and co-chaired by a group of premiers. The Working Group was created in January of 2012 with a mandate “to identify innovations in health delivery that could be shared across Canada” (COF, 2012b: 7). In the initial phase of the Working Group, the two co-chair premiers, Brad Wall of Saskatchewan and Robert Ghiz of Prince Edward Island, set out a “one hundred day challenge,”¹⁷ mandating the Working Group to draft a report on innovations that could be taken in three theme areas: clinical practice guidelines, team-based health care delivery models, health and human resource management initiatives. The HCIWG achieved this goal, producing the July 2012 report *From Innovation to Action*.

Satisfied with the initial work of the HCIWG, the premiers then extended the mandate of the Working Group by three years in July of 2013 and determined a new set of theme areas in which to seek innovation: pharmaceutical pricing, senior care, and appropriateness of care (COF, 2013b). In addition, paramedics were included in the discussions around team-based models of care, along with doctors, nurses, and pharmacists, who had been involved at the outset (Ibid.). In August of 2014, the premiers mandated the HCIWG to continue its work, particularly in the area of senior care (COF, 2014). Significantly, the government of Québec also agreed to join the HCIWG as a full participant. Prior to 2014, its participation in this work had been limited in some areas, such as drug pricing, although this is not unusual in the context of Canadian intergovernmental relations (see Noël, 2003; Gibbins, 2001). In fact, while it is beyond the scope of this study, the statement of the Couillard government to the effect that it would make necessary legislative changes to allow Québec’s participation represents an interesting development in intergovernmental relations in Canada (although the change has yet to occur).

Initially, the HCIWG operated on an ad-hoc basis, which is to say that it received little in the way of additional resources or funding. Many officials commented that the work was

¹⁷ The “100 days” ran from mid-January to late July. As one official notes “It wasn’t actually a hundred days; that was a communications thing, as you can imagine.”

completed “off the side of their desks.” Given that the Working Group was initially a limited exercise, this is unsurprising. The lack of resources changed slightly with the extension of the mandate, due in part to the creation in 2013 of a secretariat to work on the issue of drug pricing.

The issue of pharmaceutical pricing has been the most prominent for the HCIWG, and not always for positive reasons: a much publicized 2014 report was highly critical of the apparently arbitrary way in which the price for generic drugs was determined (Beall et al., 2014). In general, the drug-pricing work of the Council of the Federation has received periodic attention and predates the creation of the HCIWG (in January of 2016 the federal government also announced that it would join provincial attempts to lower prescription drug prices through bulk purchasing [Church, 2016]). The pan-Canadian Pharmaceutical Alliance (pCPA) was created in 2010, and its work was later attached to the HCIWG. The creation of a pCPA secretariat was announced in September 2014, but as this work is centered on pharmaceutical pricing, this does not necessarily constitute a formalization of the Working Group itself.

All of the sources interviewed for this research noted that the HCIWG was a direct reaction to the federal government’s unilateral announcement in December of 2011 that it would not renegotiate a new health accord after 2014, when the previous accord expired, and would instead move to a funding model based on nominal growth in gross domestic product (GDP). According to these sources, the premiers had expected negotiation of the new health accords to be a major intergovernmental issue, and were caught by surprise when then federal Finance Minister Flaherty made his 2011 declaration. As the premiers had already planned a January 2012 meeting of the Council of the Federation, they decided to focus their efforts on a common approach to provincial-territorial health management.

The assessment of IGR officials and health stakeholder groups is reflected in the messaging that emerged from the January 17, 2012 premiers’ meeting, which was still focused on the surprise announcement of the previous month. Take for instance then Québec Premier Jean Charest’s comments at the press conference: “No one expected the federal government and the prime minister to side-swipe us, which happened on the 19th of December. It is unprecedented that the federal government would walk in without any exchange of information, any discussion, any dialogue and debate, on the issue of transfers and say “here’s the decision, that’s it.””(Fitzpatrick, 2012).

Following the 2012 report, documents regarding the HCIWG were sparse until the release of a final report in July of 2016. From 2013-2015, a yearly communique on the work of the HCIWG was released around the time of the premiers' annual summer meeting, but nothing as comprehensive as *From Innovation to Action* was released until 2016. Conversations with officials seemed to indicate that such reports existed, and an Access to Information (ATI) request was filed in January of 2015, but the request and a subsequent appeal were unsuccessful, as intergovernmental relations are protected under ATI laws.

The 2016 report concludes the work of the HCIWG by reporting on the implementation of commitments (COF, 2016a). The document is positive in tone, noting many examples where health outcomes were improved through shared information or adhesion to the recommendations of the HCIWG. Topically, the 2016 report is somewhat unsystematic: for example, there is little in the way of explanation for why particular ailments were chosen for elaborating appropriateness guidelines (see 'policy effects' below). Although the report is replete with specific case studies from different provinces, it is also lacking in a broader assessment of the implementation of recommendations, or a comparison of which provinces have adopted which recommendations. The fact that this information is not present is to be expected given the 2012 report's commitment to implement recommendations "as appropriate" (COF, 2012: 6). In its silences, the 2016 report of the HCIWG seems to demonstrate some of the central limits on provincial-territorial relations, elaborated on in the model below.

The HCIWG has so far not been examined by Canadian scholars, although the broader issue of health administration in Canada is well covered (Banting and Corbett, 2002; Lazar and St. Hilaire, 2004; Wilson, 2008). This lack of attention is to be expected, as the Working Group is one small example in the broad spectrum of Canadian IGR, and a relatively new one at that. Nevertheless, it does represent an interesting case study. As a group with an initially limited mandate, it faced significant pressure to produce results in its first year. This changed to a degree with the extended three-year mandate. As a provincial-territorial (PT) group, it operates free of federal pressure, but also free of the related funding potential. As is common in Canadian intergovernmental relations, particularly in PT relations, the HCIWG operates on a consensus basis, which creates important limitations. It also brought in external health provider groups in a way that those providers described as unprecedented both in interviews for this study and elsewhere (Morrison, 2013). Because of its short time-frame, high degree of political pressure

from first ministers, and the atypical inclusion of external health providers, the HCIWG represents an interesting test-case for studying the effects of informal relations.

Applying the Model

Informal relations occur within a defined context, which shapes those relations by enabling them or limiting them. The description of the HCIWG suggested a few ways in which the case differed from the other case studies that form this study. Using the model allows one to differentiate this case from the others according to the system and individual level variables.

SYSTEM LEVEL VARIABLES

As the previous chapter demonstrated, using IAD rules to identify meta variables demonstrates important constraints (and a few enabling variables) for informal relations. Although the case in question is different, the meta variables are likely to be similar, since they are the result of the very nature of the Canadian state and the operation of federalism. Macro variables, however, are different in this case, which may have different effects on informal relations.

Meta Variables: The Rules

The Position Rule

“By virtue of their positions, officials in the HCIWG are limited in their range of action.”

As in all intergovernmental fora, the positions of officials are administrative, not political. Strictly speaking, the Working Group itself is composed of the PT health ministers as well as the co-chair premiers, and it is at this level that decisions are made and mandates are decided. At lower levels, officials at the table in the HCIWG are not empowered to make decisions that would significantly change their government’s policy stance, and those studied explicitly understood this limitation.

The Boundary Rule

“Inclusion of non-intergovernmental officials at the HCIWG requires ongoing, active effort.”

Positions rules suggest that there are differences in how various actors may participate in the HCIWG. The position of a director does not carry the same weight or decision-making power as a deputy minister or minister, which has an effect on how informal relations are

conducted and what they can accomplish. However, while there are important differences between a minister and an official, I argue that the difference between governmental participants and external participants is even starker, and relates to the barrier to entry. Government officials always have a seat at the IGR table. External stakeholders, in this case representatives of health provider groups such as the Canadian Nurses Association, are only present at the invitation of government. As one official commented: “We’re not used to dealing with such organizations, and we didn’t know how to accommodate them within our structures.” Moreover, the continued participation of such groups depends on the willingness of government over time. This is evident in the HCIWG, which initially saw very active participation from external stakeholders in the first year, but less participation as time went on. Some officials, and most stakeholders, felt that this was a return to standard procedure.

The effects of this boundary rule on informal relations in the HCIWG can be linked to various other factors in the model, particularly goals. Informal relations are limited by certain factors, but enabled by others. In a general sense, one can point to the idea that shared norms are an enabling factor at work at the meso level. This shared understanding creates a condition of confidence. However, that shared understanding exists in a somewhat insular world. Officials share an understanding in part because the positions they occupy are the same, they operate within the same constitutional context, and are beholden to the same political constraints. Health stakeholder representatives do not necessarily share this understanding (as will be seen). More importantly for the present purpose, the boundary rule makes it difficult for external stakeholders to *gain* (or attempt to change) that understanding. Because their participation needs to be renewed on an ongoing basis, it is difficult for these external participants to overcome obstacles to shared understanding. In the HCIWG, this has an important effect on informality by preventing certain variables from enabling informality between officials and stakeholder representatives. Even though they may have had good personal relations and even trusted each other on an individual level, the boundary rule made it likely that certain other variables would not support informal relations. One of the main limitations imposed by this boundary rule is that it created an insular status quo, a situation in which intergovernmental relations excluded outside actors, to which I return in the concluding chapter of the study.

The Choice Rule

“Officials in the HCIWG are beholden to the preferences of their government rather than the collective.”

The Health Care Innovation Working Group is no different than other areas of IGR, where the choices available to officials reflect individual jurisdictional autonomy more than collective choice. This is not to suggest that collective will has no influence on officials. Governments can be convinced to change their positions, for instance in the face of particular evidence. In those cases, however, the change will have been determined not by officials but at a higher level. The leeway afforded each representative official in terms of their choice of action depends on a number of factors, including their personal experience and knowledge of the file, their ability to convince their superiors, and their particular government. However, despite these differences, even if one does not know exactly how officials will exercise choice, one can assume that they will choose in a way that respects their government’s autonomy. This imposes an important limitation on informality by putting conditions on the decision-making power of an official. Even if an official is swayed by a particular argument put forward in an informal setting, they will have to consider their government’s position and seek approval before making any changes to that position.

The Aggregation Rule

“Participants in IGR may not force the position of another government or have their position forced by another government.”

Aggregation rules refer to the rules which determine what conditions are needed to move forward with work. As it operates under the Council of the Federation, the HCIWG uses consensus-based decision making. If any single government objects to a piece of work, it cannot advance. This can occur whether the work is on a major point, such as a particular clinical practice guideline, or a minor one, such as the wording of a communique (the latter point was made by several officials).

Stated in that way, the effects of aggregation rules on informal relations become apparent. Officials serve as the representatives of their governments. They can share information, but in many cases they cannot change the positions of even their own governments, let alone others. This is especially relevant in the HCIWG, where mandates are determined ahead of time and firmly imposed at the political level. It also has effects after the fact. Once work has moved

beyond the IGR realm, it is beyond the scope of IGR officials. Even though officials interviewed in this case study worked in health ministries, they were involved at the intergovernmental, not the implementation level. They were therefore unable to ensure that their government followed through on the commitments made at the IGR level, and issue which was recognized by all officials interviewed and which was written into documents. *From Innovation to Action* contained many wording choices which allowed governments freedom of action. As in the case of the choice rule, the hesitancy of governments to be constrained and the fact that the IGR system cannot force action place important constraints on informal relations. Officials may agree on a particular policy, but if their government does not, this agreement simply does not matter.

The Information Rule

“Because formal channels are inadequate, officials in the HCIWG communicate frequently with their counterparts so that they have the necessary information to move forward with their work.”

Health officials noted that prior to the establishment of the HCIWG, they would engage in a regular, formally scheduled teleconference per week. Following the creation, they added an additional teleconference per week, but a meeting of all of the jurisdictions for a few hours was not enough. Simply put, the HCIWG involved too much work to be discussed at one formal teleconference per week. It involved a plethora of communications at the informal level to ensure that work was completed on time.

In the HCIWG (as in the AIT), officials have a great deal of leeway in the application of information rules. While there are formal communication channels, the informal channels are ultimately created, maintained, or terminated at the discretion of working officials. In fact, the inadequacy and slowness of formal channels requires that information be exchanged through informal channels. The same corollary identified in the case of the AIT also applies: government officials who communicate honestly and openly can expect reciprocation from their counterparts. This rule suggests an important effect related to informal relations: not only do the meta variables allow for the creation of networks of informal communication, in some respects they necessitate it.

Payoff and Scope Rules

As regards the HCIWG, the basic equality of provincial and territorial government combined with the absence of the federal government creates a situation in which neither payoff nor scope rules are relevant. In terms of payoff, there is no conceivable outcome in which the participants exchange significant amounts of resources. Ontario is not likely to agree to fund PEI's health innovations in exchange for certain measurable outcomes. This situation also explains the lack of scope rules, which govern acceptable outcomes. While governments may collectively agree to certain outputs, there is a significant gap between these outputs and eventual outcomes. Part of the frustration of external providers was the fact that there was no long-term plan for linking outputs to outcomes. Moreover, even if there were, these would be determined and measured internally within governments, not established at an intergovernmental table.

Macro Variables: External Factors

Broadly, the meta variables in the HCIWG are similar to those in the AIT. This is to be expected, as they both emanate from the same political system. However, in terms of macro variables, the HCIWG featured major differences.

Resources

The absence of the federal government and the reticence of provinces to engage in intergovernmental commitments meant that the issue of resources had little effect on informal relations. Provincial and territorial governments did not make and did not expect to make fiscal commitments to each other. The low level of institutional support provided for the work was reflected in that fact that initially, the file was led by two of the smallest jurisdictions (Saskatchewan and PEI) with among the smallest institutional capacity on health IGR, without the infusion of additional money or staff. In the first year, the HCIWG was simply added on to the existing work of health IG officials across the country. Even the addition of a secretariat in the later years was tied primarily to the work on prescription drug purchasing. This demonstrates the hesitancy of governments to commit even modest resources to the completion of the work.

Jurisdictional Authority

In the AIT, concerns over jurisdictional authority were primarily linked to PT wariness of the federal government. In the HCIWG, on the other hand, there was little expression of this kind of concern. Solely provincial-territorial tables are built on an understanding and indeed an

appreciation of jurisdictional authority. There appeared to be little friction because there was never any consideration that the work would challenge that authority. This kind of agreement may also be tied to the meso level of shared organizational norms or the meta level of the aggregation rule. It passively enables informal relation by eliminating a factor (fears over jurisdictional encroachment) which may make informality less likely in other cases.

Profile

Political will is often tied to the profile of an issue: the media are likely to pay greater attention to an issue if a first minister makes it a priority. In this case, premiers attempted to create a higher profile for the HCIWG than it might otherwise have gotten. However, media attention to interprovincial discussions is typically low outside of Council of the Federation meetings, which meant that the HCIWG was unlikely to be of great interest unless outside observers could be convinced of its merit. Since its creation, the level of media attention to the HCIWG has been very low. This lack of attention might have reduced some of the pressure on officials, but also occurred in a context of heightened political attention, which had an effect on informal relations.

Political Will

Premiers not only spurred the creation of the HCIWG; the Working Group was headed by co-chairing premiers from two or three provinces. This brought extra impetus to the work of officials. In terms of informal relations, this could have two effects by simultaneously enabling and limiting informal relations among officials. First, faced with a directive to have a report completed by a certain date, officials mobilized their informal networks to ensure the most efficient exchange of information possible. As one official commented: “The outcomes of our work were more political than we used to have at the minister’s level. So our personal relationships had to be... not more nuanced, but accommodate this influence from the two lead premiers at the time.” The second effect of political will on informal relations was that it imposed limits: with clear mandates and shortened timelines, officials appeared to have been relying on informality in particular ways and with reference to the need to satisfy the premiers. This issue becomes apparent when considering the effects of informal relations in the HCIWG.

INDIVIDUAL LEVEL VARIABLES

The meta and macro variables noted above set out a number of conditions which constrain informal relations, or at least enable a particular kind of informal relations (discussed in the section on professional effects). Moreover, the role of external health stakeholders was linked to individual level variables, which may change the way that meso and micro variables affect informality.

Meso Variables: Establishing Confidence

In the AIT, meso variables were generally factors which enabled informality among officials by creating a condition of confidence. As has been discussed, however, the HCIWG operated in environment where political will played a critical role. This might have led to a situation where meso variables mattered less (since political will was an important driving force), but the data suggests that these meso variables are not altogether different from those in the other case studies.

Personal Factors

The Health Care Innovation Working Group represents an interesting contrast with the other case studies because it is a time-limited working group, rather than a ministerial conference with two decades of history. When the HCIWG was created, not only were the topics new to the officials working on the file, but the short-term approach which included outside stakeholders was also novel. As a result, certain personal factors may have been less important at the outset.

Despite the fact that the HCIWG was new, the issue of personality did not seem to be different than in the other case studies, although officials did tend to mention personality less than in other cases (raised by 9 of 14 interview subjects, 64% as compared to 73% for the entire study; see the annex). Those at the table were typically experienced in IG negotiations and knew each other from other contexts. As such, they understood the nature and the process of the work being conducted. Even the external stakeholders did not seem to have major differences in terms of their personalities. Although they may not have had experience with multilateral PT work, they were professionals with experience at negotiating with governments. The characteristics of the ‘right’ intergovernmental personality (flexibility, willingness to listen, having a sense of humor, and so on), also seem to be the characteristics stakeholder groups search for in the people

they use to liaise with government. There was no sense, from either the stakeholders themselves or the officials, that there were radical differences in the personalities of the two groups.

In terms of experience, ongoing knowledge of the file was evidently not possible in the same way it would be in another context, although as the Working Group went on, experience and knowledge of the file became assets for officials (9 of 14 [64%] of those interviewed, for instance, felt that experience was important). In fact, due to the ad-hoc nature of the work, and the fact that no additional resources were allocated, the knowledge and experience of officials as well as their personal connections may actually have been more important in setting up the Working Group. An inexperienced official who is called on to do additional work without additional resources and without knowing who to contact will likely have more difficulty than an experienced official. However, the effects of experience on informal relations must be considered in conjunction with the strict timelines and clear political mandate that guided the work. In the HCIWG, pressure to deliver drove work where a lack of experience or of pre-existing personal connections might have slowed it down.

One area where personal factors may have had an impact on informal relations is the issue of size and capacity. Provinces and territories vary considerably in the size and capacity of their IG bureaus. In a situation where no additional resources were provided and the work was led by two of the smaller jurisdictions, jurisdictions with larger policy capacity were called upon to do more of the ‘heavy lifting,’ at least according to one official: “It’s only through those informal relationships that you can appreciate [...] that a jurisdiction is too small to participate on, doesn’t have the resources to do certain things. So even though their premier says “We will lead this,” we know that they cannot lead it, because they just don’t have the resources.” Another official went further, arguing that a lack of capacity could lead to bad informal relations: “Some jurisdiction keeps volunteering for work, and they have zero capacity to do it, and everything is late, it drives people crazy.” Although it was underlined by fewer than half of officials (6 of 14, 43%) as a factor which affected informal relations, the issue seems to have been more pronounced in the HCIWG, as those officials accounted for 50% of all mentions of size as an issue affecting informal relations in the study.

The personal factors evident in the HCIWG were particular to their context. A new working group featuring new participants from outside of IGR took place in a context of a short

timeframe and pressure to deliver. In terms of the effects on informal relations, this context appears to have supported a specific kind of informality, one dedicated to speed and efficiency.

Familiarity

As was noted in the discussion of personal factors, the HCIWG created a situation in which a certain lack of familiarity was present, for example between government officials and external health stakeholders. Moreover, the shortened timeline did not allow time for getting to know one another or even for face-to-face meetings (at least in the first year). Somewhat surprisingly, familiarity was still considered important (noted by 10 of 14 interview subjects, 71%), although not as much as in the AIT (14 of 15, 93%). The compressed timeframe may have contributed to trust in other ways. A co-lead official, for instance, noted that they had developed a very solid relationship with their counterpart due in part to the volume of calls they made (commenting “I shudder to think what my telephone bill was in that year”).

A relative lack of familiarity between officials and external stakeholders did not necessarily prevent the development of effective informal relations between the groups: two of the four health provider representatives specifically noted that they had experienced positive informal relation, for instance highlighting that they had been allowed to sit-in on frank informal discussions after a face-to-face meeting. Given the fact that their purpose, their goals, and their loyalties are different, external stakeholders might have been perceived as interlopers. In spite of conditions which led to a general lack of familiarity between officials in the HCIWG (in contrast to the other cases), there appears to have been the development of certain effective relationships based on ongoing contact in the initial year of the HCIWG.

Organizational Norms

As in the AIT, both openness (9 of 14, 64%) and honesty (7 of 14, 50%) were raised by officials and stakeholders as factors which contributed to effective informal relations. Neither factor was noted as being a problem in the context of the HCIWG. As with the case of personality, honesty and openness as norms of conduct appeared to have been shared by both officials and external stakeholders.

On the issue of respect, the HCIWG features certain differences from the other case studies. Respect was highlighted as a factor which affected informal relations by 57% (8 of 14) of interview subjects, in contrast to 63% for the entire study. Tensions between the federal and

PT governments, or between the PT governments on issues of jurisdiction, were absent from the HCIWG, but the presence of external health stakeholders made a difference. Initially, external stakeholders felt that despite their different point of view, their knowledge and contribution were respected. However, over time, the relationship changed. As noted in Chapter 3, a lack of engagement by officials was, in some cases, taken as a lack of respect. Even if stakeholders did not blame individuals, they felt the system was designed to exclude them (which can be linked to the boundary rule).

Moreover, they did not expect that state of affairs to change: “More likely the way it’s going to go is they’ll go to their assistant deputy minister, and they’ll think “well we had [stakeholders] on a teleconference in the last twelve months,” and a little check-mark and they’ll go “yes, we engaged them”.” The level of informal (and indeed formal) communication between officials and external stakeholders changed significantly after the first report was released, and none of those interviewed expected that this would change: “I suspect we’re more entrenched in the old way of doing things.”

Officials in the HCIWG were experienced in IG work, and shared an understanding of the norms of that work (such as flexibility and honesty). This enabled informality among those officials. The ability to share those professional norms initially enabled effective informal relations between officials and external health stakeholders, but over time other factors rendered this agreement moot. In terms of informal relations, this demonstrates a situation where informality effectively ceased to occur.

Goals

One way of understanding the changing relationship between officials and stakeholders over time is to consider differences in goals. While intergovernmental officials do not necessarily have the same goals in every context (particularly when federal and PT officials are at the same table), there is at least an understanding of the context. Officials and politicians are cognizant of the history of IGR, of their files, and of the constraints on their activities. In short, they are aware of what is possible and what is not, which contributes to a condition of confidence. Officials who share an understanding of goals are less likely to have their informal relations negatively affected by disagreements.

External stakeholders do not necessarily share the same beliefs or goals. They may understand some of the reasons why governments take certain actions or not, but this does not

mean they agree. In the HCIWG this manifested itself in the difference between outputs and implementation. Ideally, the HCIWG produced recommendations (outputs such as *From Innovation to Action*) which were then implemented. Intergovernmental officials were focused on the former while external stakeholders were focused on the latter. For IG officials, the point of their work was to produce a document which would satisfy the expectations of the premiers. This is not to suggest that IG officials (or premiers, for that matter) are callous and do not want to see improvements to the health care system. However, a meta variable such as the choice rule can impose significant constraints: officials must, first and foremost, satisfy the expectations of their governments. As regards the HCIWG, their job was to produce recommendations, not to implement those recommendations. This was a point of contention for external stakeholders, who all noted that their job was to improve the quality of health care for Canadians. One stakeholder put it quite bluntly: “I will never assume that the specific government party or body or premier or prime minister is doing what’s best for the public. And I will guide [my organization] to always do what we believe is best for the public.” Over time, disappointment at and questions over a lack of implementation led to diminished involvement of external stakeholders. In this case, disagreement over goals partly led to an end to informal relations.

Micro Variables: Trust

All five of the HCIWG respondents who answered the questionnaire noted that trust was “very important”, but here again, trust seemed to be linked to a variety of factors such as familiarity or openness, rather than referring to individual trust between officials. However, the fact that trust was linked to other related terms in the model suggests that understanding trust in context, and using the model to identify variables at other levels, is a useful way of conceiving the conditions in which individual trust occur.

Effective?

Using the model to explore different variables affecting informality in the HCIWG, I have suggested certain limits, certain enabling variables, and certain ways in which informality was sub-optimal. Meta level variables played a similar role in the HCIWG as they did in the AIT, for instance by establishing that informality among officials can only go forward so long as it conforms to a consensus-based aggregation rule. At the macro level, the major factor was political will, which was said by officials to create a context in which there was considerable

pressure to accomplish objectives in a short timeframe. This seems to have enabled informality, as officials were aware of the pressing need to work together informally. At the meso level, informal relations among officials were largely free of sub-optimal effects. In spite of a lack of familiarity, officials shared norms, personal factors, and goals, which allowed them to work together effectively in informal settings.

However, relations between officials and external stakeholders are clearly where informal relations were sub-optimal in the HCIWG. Although the initial work demonstrated that trusting, productive relationships were possible, in the long run the inclusion of outsiders stood at odds with intergovernmental norms. Disagreements over goals were a clear demonstration of the difference between the two camps. Having identified this issue, one can wonder how informal relations might have been improved. If the initial work was viewed so favourably by all sides, could it have continued? Ultimately, it would have been difficult. The two groups, officials and stakeholders, came to the table with significantly different goals. When the premiers instructed the officials to move on to a new set of priorities, they did so, while the stakeholders questioned the lack of follow-through on the initial priorities. Without a change on one side or the other, such a significant disagreement may have been insurmountable. Informal relations can only go so far when participants do not see a point to the process. That said, greater communication about the goals of the process at the outset may have set the groundwork for more fruitful relations in the long run.

Understanding Effects

The effects of informal relations can be difficult to discern. This applies when one considers the effects that informal relations have on the Working Group writ large. Because informal relations are intangible, their effects are not evident. While certain interview subjects made statements such as “informal relations account for 50% of my work,” these were obviously meant as approximations. In spite of this, using the data and the model to establish context helps determine probable effects. As proposed in Chapter 3, personal and professional effects seem present, while policy effects are much more difficult to uncover.

Personal effects

The first issue concerns the effects of informal relations on a strictly personal level. Good interpersonal relations make one's job more pleasant, and while this may not seem like a major effect when considering informal relations as a whole, it can be significant for those who work in intergovernmental relations. Good interpersonal relations were the norm, according to those interviewed, and personal effects were highlighted by 64% of officials interviewed (9 of 14; see the annex). Several officials noted that they had enjoyed the work and worked well with their colleagues. One external stakeholder, who was otherwise skeptical of the work of the HCIWG, still described the good working relationship: "I can say it was a pleasure... and the people from the government, the civil servants... were delightful and very competent, very committed, for sure they were committed, so all that was beautiful."

Officials were hard pressed to think of examples of poor interpersonal relationships. Where certain individuals had incompatible personalities, they tended to move on from IGR work. As one official noted, "...most people who are in IGR are in it because they enjoy it. And they enjoy the dynamic of the negotiation and discussion with others, with their counterparts." As such, it can be said that the impact of informal relations on the personal level was to improve the work for those officials doing it. Returning to the variables in the model, it would be surprising if this were not the case. In situations where meso variables lead to a shared understanding and a condition of confidence, indeed, a situation where interpersonal trust is present, it would be unusual if such conditions did not at least occasionally lead to positive interpersonal effects.

However, most interviewees were careful to note something approximating the following: "It works because we have to make it work. As officials, we have to make it work." In some cases, participants were quite forceful in their insistence of that point. Informal relations were treated as being important on a personal level, but the personal effects were not so important as to overcome the need to reach certain outputs. In other words, in the rare case where informal relations led to poor interpersonal relations, officials argued that this would not have been allowed to prevent work from going forward. The informal interactions might be more awkward in those situations, but informal relations do not only have personal effects, and the professional effects of informal relations were seen to supersede personal ones.

Professional effects

Officials interviewed frequently noted the ‘professional’ impact of informal relations, or the ability to use informal relations to ensure effective workflow. In a formal context, public servants were constrained by their ‘official’ role as representatives of various governments or stakeholder organizations. This, in combination with the formal structure of an agenda and the time limits of official meetings, made formal meetings a poor setting for the exchange of information. It was only in informal settings that officials could relay the reasoning behind their government’s position, or could indicate how a proposal might be modified to be more acceptable, or were able to act as a go between for other jurisdictions, to name a few examples.

If the professional effect of informal relations in the HCIWG can be summarized in a word, it is speed. The speed with which the work could be accomplished was dependent on informal relations, according to many officials (11 of 14 interviewees, 79%). This was especially the case in the Working Group, because of its time-constrained nature. The report that emerged from the initial “hundred day challenge” might simply not have happened: “If it had to be through a structured process, any kind of communication, we would not have achieved the outcomes that we achieved... So especially for time-sensitive items, where you’re under tight timelines, it’s quite important.” As the information meta rule observed earlier notes, the importance of informal relations here are the result of the inadequacies of the formal process (a weekly phone-call). The limits of that setting (multiple participants, a set agenda, the fact that officials in that setting are acting ‘formally’, and especially time limits) forced officials to find other ways to accomplish the work. These other ways occurred through informal relations.

The issue of speed dominated in the first few months. Later work was conducted under less pressure, but was similar in the fact that informal relations were used to provide necessary information, a fact which was noted by 57% of interview subjects (8 of 14). Commenting on the work that was done on drug pricing, one official observed the importance of developing relationships with people working on pharmaceutical policy already:

“So, we don’t negotiate lower prices on pharmaceuticals. Our drug-plan departments do that, those folks, so building that really good, strong relationship with them, that’s critical... Because you can’t do that work by yourself, you don’t know. You don’t have that knowledge and expertise. So you can make that up, but then the program area comes up to you and says “What it this? This is nothing.””

Interestingly, the development of informal relations seems to be a necessary effect of the HCIWG itself. In other words, the HCIWG would simply not function without informal relations, at least according to officials. This seems to be corroborated by the very existence of work such as *From Innovation to Action*. Creating that kind of document in such a short period of time required working outside the bounds of official weekly teleconferences. Personal effects are secondary to the need for rapid, reliable exchanges of information.

These effects are, to a degree, predicted by the model. The factors which affected informal relations also have effects on the IG process more generally. An information rule created the space for officials to use informal channels, while a choice rule ensured that their actions would conform to certain norms (preserving autonomy). As a macro factor, political will drove the work being done and put considerable pressure on officials to work quickly. Meso and micro variables such as shared goals or organizational norms enabled effective informal work. This context privileged a certain role for informal relations, one in which informality was used to produce an interprovincial consensus-based document in a short period of time.

As a result, it seems reasonable to conclude that, so far as the HCIWG was concerned, the effects of informal relations on the professional component were significant. Work was accomplished and mandates were fulfilled because of the ability of public servants to communicate efficiently and as needed. However, a consideration of the effects of informal relations inevitably leads to the question of the broadest effects. If informality was necessary for accomplishing the work that was produced, did it have an effect on the substance of that work?

Policy effects

As noted in Chapter 3, one of the ways of considering policy change is in differentiating between policy outputs and outcomes. In the example of the HCIWG, *From Innovation to Action* would be an output, whereas the adoption of the recommendations it contains would be an outcome. Yet this again poses the problem that relying on official written documents is relying on ‘formal’ pieces of work, which is a poor way of measuring the effects of informal relations. Another way of considering policy effects is to measure outcomes over time, but this also poses problems, since finding evidence is difficult (to the point of being blocked under Access to Information legislation). The final report of the HCIWG contains certain examples of implementation, but this is done in a somewhat haphazard and unsystematic way, which is unhelpful when attempting to conduct a thorough analysis. According to one official, this reflected the fact that the exercise

was largely a political one: “We’ve been reporting all these things every year, I don’t want to dismiss it, because it created a conversation, but they haven’t really improved outcomes in any way.”

This point was a major issue for external stakeholders, most of who felt that the HCIWG was a missed opportunity. At the outset, external stakeholders felt that they were fully involved, and dedicated time and effort to the creation of the initial report. When this report failed to translate into results, they felt that momentum dissipated, and their relationship with government became less collaborative, noting that subsequent work was presented to them as a “fait accompli,” reflecting a return to a typical “government relations exercise.” One external health stakeholder expressed frustration at the lack of follow-up between recommendation and implementation: “You can’t just say “Oh, we expect everybody tomorrow to wear purple,” and expect that to work out. People don’t know where to buy purple, they don’t know how purple exactly looks, what shade of purple, how do I wear purple, etc.” In terms of understanding policy effects by assessing outcomes, there are clear difficulties. As in the AIT, focusing on smaller changes may be a way of assessing whether informal relations had policy effects. A minor example within the 2012 report of the HCIWG demonstrates the difficulty in uncovering evidence of even small policy change resulting from informal relations.

When the HCIWG was created, Alberta and Ontario were asked to lead the table on clinical practice guidelines (RNAO, 2013). This drew from earlier work on clinical practice guidelines that had been mandated by the premiers in 2010 (COF, 2012b). The first report of the HCIWG recommended adopting the Registered Nurses’ Association of Ontario’s (RNAO) *Guidelines for the Assessment and Management of Foot Ulcers for People with Diabetes* (COF, 2012b), an updated version of 2005 RNAO clinical practice guidelines. Given the fairly broad mandate of “clinical practice guidelines”, why were diabetic foot ulcers chosen for specific attention? The HCIWG report justifies the choice by noting that certain criteria were used to determine which specific health issues would receive attention: “Incidence and prevalence of the diseases the guidelines address; Level of impact the guidelines would have on patients; Disease’s burden or level of cost to the health care system and; Availability of high-quality, evidence-informed clinical practice guidelines for the disease” (COF, 2012b: 11).

There are a few plausible explanations for the choice of diabetic foot ulcers. Instructed to use the criteria listed in the HCIWG report, officials may have sought out further information,

found that foot ulcers were a pressing problem, and returned to the premiers with that suggestion. Alternately, government officials may have asked health stakeholders for their recommendations with the same result, or found an already existing document on foot ulcers which largely met their criteria. Or ministers themselves could have mandated that recommendations be made on dealing with diabetic foot ulcers (which seems somewhat unlikely). It is even possible that the issue was chosen because one individual with a particular interest championed it and convinced their colleagues. If this was the case, it would seem to be a policy effect, in that formal policy recommendations were shaped by the individual use of informal relations to persuade others.

Even if this is the case, however, one can use the model to understand how informal relations may have been limited. The choice of diabetic foot ulcers would not have been chosen if it had been against the interests of any one government. Not only would officials from other jurisdictions have to be convinced, ministers or premiers from other jurisdictions would as well. If, for instance, a particular government had a poor record on treating foot ulcers, the choice and aggregation rules make it likely that informal relations would not have been able to overcome resistance. Alternately, if a minister had become an enthusiastic proponent of these guidelines, their officials would likely have been forced to move forward with it, through formal and informal channels. More to the point, even if informal relations were used to ensure a certain recommendation in the report, there is a considerable distance between recommendation and implementation. As has been noted, the HCIWG record on this issue is largely silent, even in the 2016 report on implementation.

A likely scenario reveals itself. Faced with criteria for evaluation, officials in the two co-lead provinces turned to health stakeholder representatives for their ideas. The issue of diabetic foot ulcers was chosen in part because it met the criteria and in part because it already had well-developed guidelines. Given that work on clinical practice guidelines pre-dates the HCIWG by three years, officials may already have been aware of them. Officials returned this suggestion to the ministers, who approved the work. In the absence of major objections from any of the other jurisdictions, these particular guidelines were included for recommendation. An official largely confirmed this version of events, noting that the choice of foot ulcers was based on the fact that it was topical and that there was already an existing consensus on the choice of that particular guideline.

Informal relations were undoubtedly used in the case of foot ulcer guidelines. As an official noted, "...we're looking at foot ulcers specifically. And I don't know where to even start with that. Whereas that program area knows exactly what we're talking about, what needs to be done to do innovation there." The lack of information on the part of IG officials and the need for them to work quickly necessitated that some of their work be accomplished informally. When considering the policy effects of those relations, however, it is important to consider the various ways the variables identified in the model constrain the potential effects of informality among officials.

Conclusion

The Health Care Innovation Working group was established partly in response to federal unilateralism as a way of demonstrating the ability of the provinces and territories to work collaboratively. While it produced an initial set of recommendations in short order, and has since moved on to other areas, little has emerged from the HCIWG in the way of documents or results (the 2016 report notwithstanding). In terms of the working level, the HCIWG represented a unique opportunity in its inclusion of external health stakeholders, at least initially. It also operated in an atmosphere of limited resources, limited time, and very little in the way of formal institutionalization, which created an atmosphere where informal relations were necessary. Simultaneously, however, it also operated under well-established political mandates, which limited the role of informal relations and the exercise of discretion.

The parameters of informal relations in the HCIWG fit the expectations of the research. The biggest difference with the Working Group was the inclusion of external stakeholders, but the effects of this inclusion were more obvious to those stakeholders than to government officials. Inclusion of external stakeholders required a concerted effort, and after an initial flurry of activity the Working Group returned to intergovernmental business-as-usual. This returned external health provider groups to the periphery of IGR negotiations, where they were consulted after the fact rather than being included in an ongoing manner. A follow up conversation with one of the stakeholder representatives in August 2016 confirmed that this situation did not change following the interviews.

The effects of informal relations on the Health Care Innovation Working Group, or rather the *limits* of these effects, can be understood by referring to the variables in the model. On the

personal level, for example, effective informal relations were enabled by shared organizational norms (even among stakeholder representatives), but were also limited by eventual disagreement over goals. At a macro level, political will was a significant driving force which enabled a particular kind of informality (one based on speed), and at a meta level, informal relations at the level of officials are limited by the aggregation rules at work in Canadian federalism and, in a related way, by the position rules. In short, intergovernmental officials are representatives of their governments, which constrains the way they use informal relations. Informal relations are useful to the extent that they help a government achieve its goals, but they do not change those goals, at least in the case of the HCIWG.

This does not stand completely at odds with the work of Inwood et al. (2011) or Dupré (1985), who argue that informal relations form a crucial part of IG work in Canada. This assessment is correct to an extent. However, it is an argument that needs to be supplemented by a broader understanding of IGR. Informal relations do matter. They speed up and enable the work being done by officials. That said, they are constrained by a variety of factors. The centralization inherent in Canadian government and the drive to maintain autonomy create certain unavoidable realities for officials working in IGR, represented by the IAD rules. The network of informal relations in the HCIWG also appears to reflect the insularity of IGR work. Creating room for external participants requires concerted effort. In sum, informal relations ‘work’ within particular parameters. Changes to those parameters would likely change the effectiveness and the impacts of informal relations.

Chapter 6- The Ministerial Conference on the Canadian Francophonie

Introduction

The final case study is the Ministerial Conference on the Canadian Francophonie (CMFC¹⁸). The CMFC represents somewhat different circumstances for the study of informal relations. As a low-profile intergovernmental forum on cultural matters, it is characterized by a less charged atmosphere than the AIT or the HCIWG. Although during the period of study two premiers (in Manitoba and PEI) sat as their government's representative, interest in advancing French language rights and services varies significantly across the country.

I begin by considering the 20 years history of the CMFC and exploring some of its particularities as an intergovernmental forum. Applying the informal relations model, I then suggest that certain features (particularly at the meso level) may be more conducive to productive informal relations in the Conference. The apparent personal passion that officials (who are, by and large, members of their francophone communities) bring to the table combined with the relatively low bar set for agreement on goals means that change may occur at the policy level as well as the professional and personal levels. This proposition is then explored and found to be plausible. As this study has repeatedly noted, however, the effects of informal relations must be contextualized. The specifics of the CMFC appear to allow for engaged officials to push forward with modest policy change in particular circumstances. This does not constitute a major rupture of Canadian IGR, and the model of informal relations shows general adherence to the norms apparent elsewhere. In short, while the CMFC has some quirks, these do not fundamentally challenge the precepts and institutional statements that have been explored already.

¹⁸ As the Conference is known to its participants by its French name, and the working language is French, I will hereafter refer to it as the CMFC.

The CMFC in Brief

The CMFC is an intergovernmental forum which brings together the federal, provincial and territorial ministers responsible for francophone affairs as well as a network of bureaucrats working on the file. The Conference's primary goal is to "[promote] initiatives that increase and enhance services in French, thus providing a better quality of life to citizens and ensuring the vitality of the French language and Francophone cultures" (CMFC, 2008a: 2).

Because francophone affairs have an impact across government, the work of officials in that sector tends to be more horizontal (within their own government) than in other cases. Officials communicate and exchange ideas multilaterally, but seek to apply those ideas within their own government. The small francophone affairs offices that exist across most of the country are not equipped to provide the desired services. Instead, their work is often "un travail de sensibilisation."¹⁹ This evidently includes sensitization within one's own government, but officials also noted trying to bring forward the issue of French language rights in other ministerial fora, such as the intergovernmental immigration table. One official noted that the best case scenario for their work was a situation where other government departments considered the issue of language rights without having to be pushed or reminded to do so.

While the issue of minority language rights has been extensively covered by Canadian scholars (see notably Pal, 1993), the CMFC itself has remained unstudied. Like the AIT, the CMFC was created in 1994, although an informal group of officials began working together a few years earlier. While issues like health or trade cannot help but be on a government's agenda, the same is not true of francophone affairs, which in most of the country attract little attention. As a result, the creation and increasing formalization of the CMFC was driven in large part by officials involved. The first steps occurred through the actions of a handful of provincial public servants in the early 1990s. An informal meeting of officials responsible for francophone affairs was held in 1991 as a way to exchange information and find out what was happening across the country (an official involved in the earliest meeting recalled that it occurred in a hotel room during the 1991 annual general assembly of the *Fédération des Francophones Hors-Québec*²⁰). Following the first meeting in 1991, several officials found the process useful and began to harmonize their positions on certain issues (CMFC, 2015a). This working group process

¹⁹ "A job of sensitization."

²⁰ Now named the *Fédération des Communautés Francophones et Acadiennes*.

continued over a few years until the officials gradually came to realize that some of the actions they wished to proceed with required ministerial approval. They pushed for a formal meeting of the ministers responsible for francophone affairs, which occurred in 1994 under the name *Conférence ministérielle sur les Affaires Francophones*, which in 2005 was changed to *Conférence Ministérielle sur la Francophonie Canadienne* (Bourgeois et al., 2007: 62). It is worth highlighting here again that the formalization of the Conference and the inclusion of ministers was in part driven by officials responsible for the file. Indeed, while each province had at least a small staff dedicated to French language services, in 1994 not every province had a designated minister (or even a designated legislator).

The first official minister's meeting was a round table which allowed the participants to apprise each other of their individual situations (CMFC, 1994). Except for occasional press releases, the first ten years of the Conference's existence did not provide much in the way of documentation. Existing documents show that the Conference discussed diverse topics, including economic development of French communities, French language health services, and early childhood development. The initial period of the Conference's existence can be described as one of establishing links and sharing information, as well as determining common concerns. It was also one of slowly building a truly national network, since not every jurisdiction participated initially. Québec only joined in 2003, while Alberta as well as Newfoundland joined in 1996. British Columbia joined in 2000 along with Nunavut (CMFC, 2015a: 2). One official argued that the jurisdictions that joined later were motivated by the apparent success of the model as well as the pressure from their own officials.

In the early 2000s, there was an increasing formalization of the role of the Conference and of its members, particularly following the formation in 2003 of the Charest Liberal government, in Québec, after which Québec joined as a full member (Québec, 2006). This resulted in a declaration of principles in 2002, a plan of action in 2003 and a first strategic plan in 2005 which outlined areas of focus and of responsibility. This coincided with a formalization of the federal government's role in 2005, which included co-chairing the Conference on an ongoing basis.

Concerns shifted over time, and the CMFC ministers created strategies for francophone youth engagement and francophone immigration while maintaining focus on issues like economic development and health services. In theory, the CMFC's scope could encompass most government activity, since the extension of French services and opportunities can be applied to a

number of areas. This is obviously not the case in practice, but the growth of the CMFC has meant increased attention to a variety of issues. The Conference's second decade was one of increasing formalization through means such as work plans and strategy documents.

The CMFC is a fairly typical ministerial forum in some respects. A yearly ministerial meeting is held, along with a number of ongoing meetings at the level of officials, which identify problems, produces recommendations, and allow for communication. The Conference is part of a wide array of intergovernmental fora for discussion of issues pertaining to the status of French as a minority language in Canada. The CMFC is perhaps the primary intergovernmental body on the issue for many of the provinces and territories, but each jurisdiction maintains a network of bilateral relations on the issue, including a series of agreements between Québec and the other PTs. The multitude of venues for francophonie IGR is no different than with any other issue: the HCIWG is obviously not the only health forum. However, a number of particularities about the Canadian francophonie and the CMFC as a ministerial conference distinguish it from the other case studies.

A major distinguishing factor is the vast difference between the provinces and territories in terms of their francophone populations, a difference which is unlike that seen in other areas. For instance, while there are significant differences between the economies of Ontario and Prince Edward Island when it comes to negotiating trade agreements, these are often issues of scale, not of scope. Even if the size of the industry is different, PEI still has financial regulators, agricultural providers, teachers, and so on. As regards minority language populations in Canada, there are major differences in size, vitality, influence, and legal frameworks.

The size differential is the most obvious. Québec, with 6.4 million native French²¹ speakers comprises 85% of Canada's maternal French speaking population (CMFC, 2006). One would be hard-pressed to find another example of an intergovernmental issue where one province represented such an overwhelming majority. Ontario and New Brunswick together account for 77% of French speakers outside of Québec, but there is a significant difference in terms of the proportions of the provincial population these groups represent: New Brunswick's 245 000 francophones represent 35% of the provincial population, while Ontario's 596 000 francophones constitute less than 5% of the provincial population (Statistics Canada, 2011). In

²¹ Those who identify French as their mother tongue.

this respect Ontario is similar to the other jurisdictions, where francophones represent less than 5% of provincial/territorial populations (Ibid.).

Demographic size is not the only determining factor. There are a range of other factors that determine the willingness and ability of jurisdictions to participate fully in the CMFC. The legal and administrative support for French language rights varies from province to province. Eight provinces and territories²² have adopted legislation on French language services, while others have administrative policies with differing degrees of coverage. French is the only official language of Québec, while New Brunswick is the only officially bilingual province. French is an official language in Nunavut, but it is one among 10 others.

The influence of francophones outside of Québec varies as well. While this is partly a matter of size, it is not solely determined by numbers. The historical roots of the francophone population and the presence of a geographic center (the neighborhood of Saint Boniface in Winnipeg, for instance) can give a group greater influence than their demographic proportion would suggest (Wiseman, 1992). A few officials, for instance, noted that the relative dispersion of British Columbia's francophone population posed challenges for organizing and reaching them.

Although the federal government is one participant, its role is preponderant. It co-chairs the Conference on a permanent basis, is responsible for 50% of the CMFC secretariat's funding, as well as being responsible for much of the funding for provincial French language services (see macro-variables, below). The federal government's unique position in the Conference leads to occasional tension. As outlined in the CMFC's mandate, it is the official organ which represents the provincial and territorial governments in their dealings with the federal government on Canadian francophonie issues (CMFC, 2015b). While the bilateral deals between the federal and PT governments are not necessarily the purview of a multilateral intergovernmental conference, these agreements do come up at the ministerial table, for instance in a call to create a framework which "sets uniform terms and conditions for negotiating and managing French-language service agreements" (CMFC, 2007; see also CMFC, 2004, 2008b). Tension can also occur around particular issues. One such issue is budget cuts to CBC/Radio Canada, which were highlighted by ministers in 2009 and 2014 (CMFC, 2015a: 4-5). In 2014 the file was led by Jean-Marc Fournier and Madeleine Meilleur, the ministers from Québec and Ontario respectively. To this

²² New Brunswick, Ontario, PEI, Nova Scotia, and all of the territories. Manitoba also passed a law in June of 2016.

effect, they released a series of statements on the importance of Radio Canada as a component of French culture in Canada, and commissioned a report on alternate models of funding for the public broadcaster (Québec, 2015). A CMFC press release did note the issue in a relatively minor way (CMFC, 2014). However, some provinces were more muted in their critique of the federal government and apparently resented Ontario and Québec's claim to speak on behalf of all the provinces. The federal government was also apparently unprepared and not favourably disposed to being criticized on the issue: "Tu as le fédéral qui nous dit "Bien, tu sais, si à chaque fois que notre ministre présente à la rencontre, elle va se faire attaquer, elle est pour se faire attaquer sur des enjeux comme Radio-Canada, comme l'immigration francophone, bien ça ne sera plus le fun pour cette ministre-là de se présenter, donc ce n'est pas sûr qu'on va être là".²³

Provinces and territories critiquing the federal government in multilateral fora is not new in Canadian IGR. It has been widely recognized and criticized by commentators, who frequently encapsulate provincial participation in IGR by using terms like "extended gripe" (Robson, 2014). What is slightly different about the CMFC is the identity-based nature of the criticisms. Attacking the federal government for underfunding a health-system is arguably different than claiming that its actions are having "un effet néfaste sur le développement et l'épanouissement des communautés francophones de partout au pays"²⁴ (Québec, 2014). In any case, the federal government's participation in the CMFC is not without tensions, which serve to reinforce the different power dynamic. To reiterate, Ottawa is one *among* fourteen, but it is also one *against* thirteen, since provinces and territories try to present a united front, and use the CMFC as the organ to do so.

A further difference with the CMFC is its secretariat. Since 2001, the CMFC has had a permanent secretariat which is co-funded by the FPT governments (Bourgeois et al., 2007: 62). The secretariat has a largely administrative role, and is currently composed of two people. While the existence of the secretariat is not unusual in the context of Canadian IGR, a few differences stand out. First, the secretariat is independent, rather than being housed and funded by the federal government, as occurs in the Ministerial Meeting of Ministers Responsible for Culture and Heritage. Second, the CMFC secretariat is housed in New Brunswick and operates under the

²³ "You have the federal government telling us "Well, you know, if every time our minister comes to the meetings she's going to be attacked on issues like Radio-Canada, on francophone immigration, well, it won't be fun for that minister to come, so it's not sure that we'll be there."."

²⁴ "An adverse effect on the development and the growth of francophone communities from all over the country."

administrative rules of that province (for matters governing issues such as hiring, vacations, and so on). Other jurisdictions provide the government of New Brunswick funding for the secretariat. Moreover, despite being housed within a provincial government, officials believed that it maintains its neutrality and independence. Somewhat surprisingly (given the context of the AIT secretariat) not one official expressed concern over even the appearance of non-independence in the CMFC secretariat.

This highlights a major difference as regards the AIT secretariat: the leeway granted the national coordinator. This is particularly obvious when the CMFC is contrasted to the AIT, where the secretariat was held to purely procedural issues. While the role of the CMFC secretariat is also nominally administrative, there seemed to be a good deal of trust and respect for the advice of the national coordinator. One official went so far as to refer to the national coordinator as the CMFC's collective "policy shop." While this may be overstating the case, there was considerable trust placed in the national coordinator to keep work on track, ensure consistent decision-making, suggest ways to work past impasses, and generally advance the agenda of the CMFC. For a number of reasons, the CMFC was therefore different from the other case studies, which leads to questions about the effects of this difference on informal relations.

Applying the Model

While the history of the CMFC suggests a number of differences, using the model of informal relations proposed in Chapter 3 allows for a more systematic approach to uncovering how those differences affect informality.

SYSTEM LEVEL VARIABLES

In terms of issues such as trust towards the secretariat and the low level of political will, the CMFC seems to be different from the other case studies. However, it still operates within the background of Canadian federalism, which suggests that the meta variables are likely to have similar effects.

Meta Variables: The Rules

The Position Rule

“The authority of CMFC officials is limited by the very nature of their role.”

A simple statement reflects the basic political/administrative dichotomy which structures Canadian government. Policy decisions are not the purview of officials, and while public servants certainly have an influence on policy, there was a clear understanding on the part of those studied that there were limits to the appropriate role of a government representative. Officials are not ministers and internalize that fact, which impacts the role of informal relations by limiting the range of action. In this way the position rule is linked to the choice rule. Consequently, while officials may have effective informal relations, their ability to effect change through those relations is limited by the nature of their role.

The Boundary Rule

“The core membership of the CMFC will be composed of officials who represent particular governments.”

Although officials occasionally reflected on bringing in third parties to share their experience, this was the exception, and not different from other IG tables, where experts are periodically brought in. The CMFC operates as a standard intergovernmental table which excludes outsiders by default. Individual representatives maintain close relationships with their francophone community organizations (they are generally obligated to, since this forms part of their duties), but those relationships do not extend to the intergovernmental forum: the head of the Franco-Manitoban Society is not included in the ongoing work of the CMFC, for instance.

One point of difference in terms of the boundary rule is the leeway afforded the national coordinator. As opposed to the AIT, where the boundary rule has the effect of limiting the participation of the Internal Trade Secretariat, the national coordinator of the CMFC is said to be heavily involved in the IG work being conducted at the table. Although the role is primarily one of coordination, as noted above it also implies a good deal of work that would typically be considered the sole responsibility of government representatives. This situation is unusual and may be specifically linked to the person currently occupying the post. The CMFC's collegial atmosphere may lend itself to greater participation on the part of the post of national coordinator, but in the absence of further study, this situation should be treated as an interesting exception

rather than a supplementary boundary rule. In effect, the boundary rule creates an insular community which, as in other cases, creates a community of individuals with similar jobs, similar commitments, and similar understandings of the context, all of which may enable informal relations. This community is also somewhat exclusionary, although this case did not feature external stakeholders to note that facet of it.

The Choice Rule

“The range of action available to officials in the CMFC is ultimately determined by their particular jurisdictional setting and by the need to advance their government’s interests.”

Similarly to the other case studies, the choice rule at work in the CMFC is one which notes constraints on the range of actions available to them. An official’s room for manoeuvre is affected by a number of meso variables, including personal experience. An official with 15 years of experience likely commands more respect at the IG table and from their own minister than someone who has been on the file for six months. However, that may also change depending on the macro variable of political will. More broadly, the choice rule notes that officials operate in a context of separate jurisdiction, which limits their range of actions and their use of informal relations.

The Aggregation Rule

“Participants in the CMFC represent autonomous governments whose positions cannot be forced.”

The CMFC is a consensus-based decision making body in its official rules, which puts major constraints on the potential effects of informal relations. In a situation where governments *could* force each other’s positions, the scope of informal relations could change significantly. In the present situation, the consensus-based aggregation rule imposes firm outside limits on the effects of informality.

The Information Rule

“In order to fulfil their obligations and complete the work mandated by political masters, officials should use informal channels to ensure they have adequate information.”

Here again the information rule is one which not only enables informality, but necessitates it. Because formal channels are insufficient, officials are forced to develop and use informal channels for communication. The CMFC is also no different than the other case studies in the

application of the follow-up information rule, that honest and open communication can be expected to be reciprocated.

This leads to a question about the extent of reliance on informal channels for communication. Given that the CMFC does not have the same time constraints as the HCIWG, does it feature a greater or lesser reliance on informality? The matter is a difference of degree rather than substance. In both the CMFC and the HCIWG (and the AIT, for that matter), officials are called on to complete work with specific timeframes. The timeframes may have been tighter in the HCIWG, but the same factors which make formal channels inadequate in that case (structured agendas, too many participants on teleconferences) were also evident in the CMFC. The information rule describes an important enabling condition for informality in all three case studies.

Payoff and Scope Rules

As has been noted, the CMFC's work is primarily one of sensitization. CMFC officials attempt to make other ministerial tables aware of how they can improve French language services in their respective areas, but the Conference itself does not position itself as the funding body behind these services. As a result, the issue of payoff is absent from the CMFC table. While PTs receive and sign funding agreements from the federal government, and these have been the subject of discussion at the CMFC, it is the process, not the substance of these agreements that has come up. In other words, federal-PT agreements are negotiated away from the CMFC, and most of the work of the Conference is independent of such concerns. Scope rules are also absent from the CMFC for a number of reasons. In large part this is due to the autonomy of the governments involved, but the significant differences in the French communities across the country also limits the ability of governments to agree to common action.

Macro Variables: External Factors

Political context differs from case to case, which can have an impact on informality. The CMFC is a low key ministerial Conference, which may alter how informal relations operate. Given the generally low profile of the Conference, one can expect that macro variables will encourage informality by removing political pressure. This may also be tied to the effects of informal relations on the IG process generally. In other words, a low key environment affects informal relations, but also the affects IGR generally.

Resources

The CMFC is not a high resource portfolio. The nature of the issues being discussed at that table as well as the small number of francophones in most jurisdictions mean that major allotment of resources is generally not on the agenda. Provincial and territorial officials and politicians may share priorities and information, but mostly the nature of francophone affairs across Canada is such that governments commit relatively few resources within their own jurisdictions, let alone at intergovernmental tables. This issue removes a potential source of tension and contributes to relatively low expectations from the Conference. Officials may work together effectively, but they do so in the knowledge that few resources are likely to be committed to the results of their work.

That said, the relationship between the federal and PT governments did feature an awareness of issues related to resources. While nominally representing one voice among 14, the federal government provides much of the funding for francophone programs on a bilateral basis, as well as funding 50% of the cost of the CMFC secretariat. Although the use of the federal spending power is present in many other areas of activity, the extent to which minority language communities rely on the federal government for support is significant. One provincial official bluntly indicated that without federal support, their province would likely provide no particular funding for francophone affairs. The federal government's role applies not only in terms of funding, but also in terms of legislative and judicial support. In fact, a number of historic high-profile cases since the 1970s have pitted francophones with the support of the federal government against their respective provincial governments (see for instance Collins, 2010). In short, while PT relations were unaffected by concerns over resources, the relationship with the federal government featured such concerns in the background.

Jurisdictional Authority

Issues related to the French language are a shared but somewhat muddled jurisdiction in Canada. The federal government has clear obligations relating to the *Official Languages Act* and the constitution (particularly Section 23 of the Charter of Rights, which guarantees minority language education). Québec and New Brunswick have French as official languages, while Manitoba and Ontario are officially bilingual on the level of legal and legislative matters (de jure if not always de facto). A recent Supreme Court ruling (the *Caron* case) absolved Alberta and Saskatchewan from having any constitutional obligations to their French-language communities,

but both provinces do offer a certain level of service. The same can be said of the other provinces and territories to varying degrees.

These dynamics all have effects on informal relations among officials. The difference position of Québec was observed by some officials. Although Québec's presence was appreciated, some officials noted that the interventions of that province sometimes demonstrated a misunderstanding of the realities for francophones outside of Québec: "Des fois il y a un travail de sensibilisation à se faire. Pas parce qu'ils ne savent pas ce qui se passe, c'est juste que quand il y a des réalités Québécoises qui sont comparés à des réalités hors-Québec, les visions sont tellement différentes et les réalités sont différentes."²⁵ In terms of the effects on informality, this can be seen at the level of meso variables, particularly in the notion of shared goals.

Because of its high proportion of francophones, New Brunswick also played a leading role that was somewhat atypical of most instances of Canadian IGR. An official from that province commented that because the framework for services and rights is already well-established, "Des fois on donne plus qu'on reçoit. Mais ça nous permet d'être plus solides dans notre dossier quand on retourne chez nous. Mais je dirais qu'on joue un rôle assez particulier dans la conférence, juste parce que notre situation linguistique est particulière."²⁶

As in many other areas of intergovernmental relations, the federal government is simultaneously an equal and an unequal participant. The work of the Conference often turns on major federal initiatives, such as the 2008-2013 *Feuille de route sur la dualité linguistique* or the 2013-2018 *Feuille de route pour les langues officielles*, and it is not uncommon for the bilateral relations between the federal and PT governments to become a subject for the CMFC. The uneven role of the federal government is widely recognized even by federal officials, who noted that they often have to be careful to avoid being seen as overstepping jurisdictional boundaries. A formal example of this can be seen in the 2005 amendment of the *Official Languages Act*, when a section was included which explicitly recognized separate areas of jurisdiction (Bourgeois et al., 2007: 17). This situation can lead to a degree of tension between officials, similarly to that which occurs between PT and federal officials in the AIT.

²⁵ "Sometimes there's a bit of sensitization that's needed. Not because they don't know what's going on, it's just that when you compare Québec's reality to that outside of Québec, the viewpoint and the realities are just different."

²⁶ "Sometimes we give more than we receive. But that allows us to be more solid in our own portfolio when we go back home. However, I'd say we do play a particular role in the Conference, just because our linguistic situation is particular."

Profile

A difference between the CMFC and other ministerial conferences is in the level of media attention it receives. As Chapter 4 demonstrated, the AIT attracts periodic bouts of interest from national media, and health negotiations attract some interest, even if the HCIWG itself is not the focus. Barring exceptional events, however, francophone affairs very rarely capture the eye of the public. In fact, when minority language issues do attract attention in Anglophone media, it is usually for negative reasons. Bourgeois et al. put it succinctly, “the initiatives announced by the provinces and territories are sometimes ignored by the media.” (2007: 12). This issue is one that was identified in conference calls by officials working on the file. As an example, the occasion of the CMFC’s 20th anniversary was suggested as a way of increasing the media profile of its work.

Political Will

Finally, as in all areas of intergovernmental relations, political will can be a significant factor. Simply put, governments across Canada have varying degrees of enthusiasm for advancing French language rights in their jurisdiction. A major way of considering this is to look at the way government press releases deal with official languages issues. As Bourgeois et al. note:

“The provincial and territorial governments often fail to publicize their contributions. A number of provincial and territorial public servants have admitted that their government has been reluctant to report its accomplishments for fear of a negative reaction by citizens opposed to bilingualism and the French fact, and in some provinces, the charge of favouring one ethno-cultural group over another.” (2007: 12)

This was also suggested by the officials interviewed for this research, who noted that the governments of Saskatchewan and Alberta are typically reticent when it comes to moving forward on French language issues, particularly in light of ongoing court challenges. Although this reticence had not always been the case, the unwillingness to publicize accomplishments went back several years:

“L’Alberta, ce qui est intéressant c’est que le gouvernement a fait beaucoup pour la communauté francophone, par exemple ils ont investi énormément dans les écoles françaises. Mais ils n’étaient pas intéressés à ce que ce soit très connu. Alors ils ne sortaient pas de communiqués de presse ou rien, alors que nous des fois on sortait des communiqués de presse quand on donnait une subvention de 5000\$.”²⁷

²⁷ “In Alberta what’s interesting is that the government did a lot for the French community, for instance they invested enormously in French schools. But they weren’t interested in having it known. So they never came out with any press releases, while we were sometimes doing press releases when we gave a \$5000 grant.”

As this relates to informal relations, the varying attention across the country can have different effects. While some officials may see an opportunity to use their informal networks to move forward on certain issues, others may feel the opposite pressure. In a context of low levels of political will, the consensus-based aggregation rule is likely to limit the effects of informality: when consensus is required, intergovernmental work will tend towards the lowest common denominator. That said, the relatively modest goals of the Conference and the passion of officials may also allow them to overcome resistance and lead to some degree of policy change.

INDIVIDUAL LEVEL VARIABLES

Macro and meta variables set out a given environment for informal relations, specifically, one in which low levels of political will and profile, combined with the typical background factors represented by the meta rules, seem to limit the space for informality. As will be seen, however, on an individual level, there were certain factors which seemed to create greater space for informality.

Meso Variables: Establishing Confidence

Personal Factors

Issues of personality featured many of the same factors as the other case studies, although personality was noted more frequently by CMFC officials (10 of 12 interviewees, 83%, in contrast to 73% for the entire study; see the annex). The same kinds of factors which were noted in Chapter 3 (such as flexibility or having a sense of humor) were also raised by officials: “Habituellement, les gens qui occupent ces postes-là, c’est des gens qui ont été embauchés parce qu’ils ont des talents de communications, ils ont beaucoup d’expérience.”²⁸ ; “Une personne qui a une bonne personnalité, qui est un bon vivant avec un bon sens de l’humour, on dirait qu’il va avoir beaucoup plus de facilité.”²⁹

However, there was a difference in terms of personality in the CMFC, and this was related to personal passion. In interviews, officials repeatedly noted the personal passion of their

²⁸ “Usually, the people occupying these posts are people who’ve been hired because they’re talented communicators, they have a lot of experience.”

²⁹ “A person with a good personality, who’s a *bon vivant* with a good sense of humor, I’d say they’d have greater ease.”

colleagues as a distinguishing element. This was noted by 58% of CMFC officials (7 of 12), but what is most striking is the fact that this element was not raised in the other case studies at all. This is not to suggest that other IG forums are un-collegial, but in the case of the CMFC, “Je dirais qu’une des choses que je trouve, c’est vraiment le niveau d’engagement professionnel autour de la table au réseau. Ce sont tous des gens très engagés à faire avancer la francophonie Canadienne à tous les niveaux [...] Je dirais qu’il y a probablement personne, ou peu, autour de la table qui ne contribue pas dans leur vie personnelle aussi.”³⁰ This appeared to be the case despite the major differences between jurisdictions. Although their approach to francophone affairs differed in several respects, “Ce qui nous rallie tous c’est le sujet de la francophonie canadienne.”³¹ Even those from jurisdictions which were more reticent seemed to be personally in favour of pushing forward with rights and services for minority language communities. One official recalled former colleagues from two Western provinces, noting that in their dealings with their own governments: “C’étaient des batailleurs, et ils étaient prêt à aller jusqu’au bout. Ils étaient prêts à se faire sacrer à la porte s’il le fallait.”³² A retired provincial official argued that during his tenure “On a pu créer et innover, parce qu’on n’était pas juste des bureaucrates, on était des champions pour les affaires francophones.”³³ A number of officials felt that those who worked in the portfolio were not randomly assigned, but had specifically chosen it out of personal affinity. One official noted that even when a new civil servant or minister came to the table without any prior knowledge or sympathy, “On les a vite assimilés, comme le Borg dans Star Trek.”³⁴ In other words, those who stay at the Francophonie table are those who are genuinely attached to the issue, are often from their respective community, and are willing to push their government to advance on the issue. This evidently would lead to improved informal relations, as this shared passion can be source of agreement or of commiseration. There was some discussion of a different institutional culture at the federal level, however. The increased hierarchy at the federal level meant that officials were less able and less willing to share

³⁰ “I would say that one of the things I find is the level of professional engagement around the officials’ table. These are people who are very engaged in advancing the Canadian francophonie at all levels... I would say there’s probably no one, or few, around the table who don’t also contribute in their personal lives as well.”

³¹ “What rallies us all is the issue of the Canadian francophonie.”

³² “They were fighters, and they were willing to go until the end. They were ready to get thrown out the door if that’s what it took.”

³³ “We were able to create and innovate because we *weren’t just bureaucrats*, we were champions for francophone affairs.”

³⁴ “We quickly assimilated them, like the Borg in Star Trek.”

information. Commented a provincial official: “Dans le cas du fédéral, il y a un encadrement beaucoup plus rigide [...] quand ils voulaient faire passer quelque chose, on sentait que les étapes administratives étaient beaucoup plus lourdes.”³⁵

Officials ranged in experience, but as with the AIT, there seemed to be the sufficient blend of experience and novelty at the table: institutional memory was not noted as lacking, although experience was raised by fewer officials in the CMFC (7 of 12, 58%) than in the study as a whole (66%). One official observed a potential negative effect on informal relations resulting from a lack of experience or a reticence to adapt oneself to the norms of the group: “Quand il y a des postes qui sont comblés, et des nouvelles personnes qui se joignent, le groupe en général... je ne devrais pas dire est méfiant des nouveaux venus, mais ils sont assez durs avec les nouveaux venus, dans le sens où si vous n’adoptez pas notre façon collégiale de fonctionner, vous allez avoir de la difficulté.”³⁶³⁷ Atypically for many IGR situations, certain ministers had a good deal of experience, for instance Madeleine Meilleur in Ontario, who was the minister from 2003-2016, and Greg Selinger of Manitoba, who was the minister responsible from 1999-2016.

Size as an issue was highlighted by one third of officials (4 of 12), which was consistent with the study as a whole (33%). As noted above, capacity and size varied significantly between the jurisdictions for a number of reasons. In some cases the results were obvious: Québec, Ontario and New Brunswick were considered leaders in terms of their attentiveness to the issue, their institutional capacity, and their expertise. In other cases the results were less obvious. Manitoba and Prince Edward Island were considered advanced in certain issues (for instance in judicial translation or in legislation), despite the demographic unimportance of their francophone populations. The three Western-most provinces were considered to be the most reticent and the most difficult to bring along at the multilateral level.

These differences point to the importance of political will as a macro variable driving the process. For instance, size is not necessarily a hindrance to participation if political will is present. Prince Edward Island’s activity on the file can at least partly be tied to the fact that the minister responsible is the premier (since 2015 Wade McLaughlan), and that former Premier

³⁵ “In the case of the federal [government], there’s a more rigid framework... when they wanted to do something, we felt that the administrative steps were a lot heavier.”

³⁷ “When there are posts that are filled, and new people join, the group in general... I shouldn’t say is suspicious of new arrivals, but they’re fairly hard on them, in the sense that if you don’t adopt our collegial way of working, you’re going to have difficulty.”

Robert Ghiz was especially interested in the file. Without that political will, the participation of Prince Edward Island might be reduced (for instance through a reduction in the staff assigned to the issue).

Personal factors in the CMFC conformed to those identified in the general model. Officials who are flexible and have a sense of humor, for instance, are likely to find that those factors make for more effective relations. Issues related to experience were similar to the other case studies, while the topic of size and capacity did not seem to have a predictable effect on informality, due in part to the significant variance between jurisdictions in terms of the francophone populations. Where the CMFC stands out, however, is in the issue of personal passion, which was specifically highlighted as being part of the personality of effective officials and which contributed to the effectiveness of informal relations.

Familiarity

As the model suggests, familiarity in the CMFC is a factor which contributes to effective informal relations, noted by 50% of interviewees (6 of 12): “Il y a beaucoup plus qui se dit... je dirais que c'est encore plus évident quand on se rencontre en personne, qui est quand même l'élément humain quand on se rencontre face-à-face, qui nous permet de dire des choses, de faire avancer des dossiers, ou de tenter de faire avancer des dossiers.”³⁸ The mechanisms for ensuring familiarity, for instance (frequent contact and face-to-face meetings) were present, along with the usual regional groupings, and stability of tenure for officials created the opportunity for an ongoing informal network. Regional ties were also noted as a factor which contributed to effective informal relations. One official noted for instance the shared realities of Acadian communities, while another in Western Canada noted that informal relations with their Western colleagues were enabled by “des facteurs démographiques, au nombre de proportion de francophones dans la population, ou l'importance politique des affaires francophones.”³⁹ As in the other case studies, familiarity in this case enables informal relations.

³⁸ “There’s a lot more that’s said... I’d say it’s even more obvious when we meet face-to-face, which permits us to say things, or to advance certain files, or to try and advance certain files.”

³⁹ “Demographic factors, in terms of the proportion of francophones in the population, or the political importance of Francophone affairs.”

Organizational Norms

Similarly to the other cases, officials noted honesty (6 of 12, 50%) and openness (4 of 12, 33%) as factors which affected informal relations. On these factors, few issues were noted which might lead to sub-optimal informal relations between provinces and territories. However, the example of the Radio Canada issue should be kept in mind, and there was a difference between the openness of PTs with each other than with the federal government: “Les relations avec les provinces et territoires sont plus flexibles, sont plus ouvertes, plus transparentes, plus proactives. Avec le fédéral, c'est beaucoup plus formel et formalisé.”⁴⁰ This issue was repeated by a number of sources, and evidently has an impact on both honesty and openness when dealing with the federal government. In short, informal relations between the PT and federal government were less open, which made them less effective. While officials often added that the relations between FPT governments were generally good, there is a tension that exists and affects informal relations at all steps of the process, which is less evident when considering the interactions of the provinces and territories alone.

Respect was observed by three quarters of officials (9 of 12) as being important. A typical comment noted that: “Moi ce que je remarque autour de cette table là c'est qu'on réussit tous à s'apprécier comme êtres humains, comme personnes, et on réussit tous à trouver des intérêts communs même si on représente des intérêts divers au point de vue des gouvernements.”⁴¹ Although respectful relations were considered to be the norm, some sub-optimal behaviour was observed. Here again this was particular evident in the relation between the federal government and the PTs. One major example that occurred during the period of this study was the issue of Radio Canada, discussed above. The fact that the issue was raised by Québec and Ontario outside the confines of an official meeting agenda was noted by several officials as having caused ripples not only with the federal government, but also with other provincial governments. This falls under the norm of ‘no surprises’, since other jurisdictions were not warned that the subject would be raised. As one official put it: “Je pense que si la représentante avait appelé

⁴⁰ “The relations with the provinces and territories are more flexible, are more open, more transparent, more proactive. With the federal, it's a lot more formal and formalized.”

⁴¹ “What I notice around the table is that we all manage to appreciate each other as humans, as people, and we all manage to find common interests even if we represent different interests from the point of view of government.”

pour dire “écoute, ça s’en vient, ça, je sais que tu ne seras pas content, je te donne un ‘heads up’” ça aurait aidé. Mais ce n’est pas ce qui a été fait.”⁴²

The tension between the federal and PT governments is unsurprising, since there is an institutional tension built into the CMFC: the fact that the Conference is the official organ of the provinces and territories creates an inevitable division, which affects the development of informal relations in the CMFC. This was observed by a federal official, who noted a greater sense of distance between the federal government and the provinces than between the PTs themselves. However, as the example of the AIT also demonstrates, this is not an unusual situation in Canadian intergovernmental relations.

Shared norms around issues such as openness, honesty, and respect enable informal relations, for instance by making it easier to share information: “Alors si t’as confiance, ça te permet de dire vraiment ce qui arrive chez vous, dans ton domaine, c’est quoi ta position. T’as moins besoin d’être sur tes gardes.”⁴³ As the case of the Radio Canada issue demonstrates, when officials do not meet those shared expectations (by raising an issue without prior warning), it can have a negative effect on informal relations.

Goals

In terms of goals, there seemed to be clear and open communication and agreement on goals, even at the level of the federal government. This is partly linked to the issue of passion: at a basic level, most officials present are personally committed to seeing French language rights developed to their fullest extent. This is also significantly tied to the fact that the goals of the conference are often horizontal and involve sensitization of other government departments. Governments work towards sharing best practices but are not necessarily committed to implementing those practices (and realistically cannot be, since their circumstances are so different). They are able to agree on broad principles and on pressuring other departments without having to get into the details of operationalizing, for instance. This is somewhat typical in IGR, since those who negotiate at the IGR table are not those who create and maintain specific programs. This makes agreement on goals easier at the level of the CMFC than in other intergovernmental arenas, and this agreement enables informal relations.

⁴² “I think if the representative had called to say “Listen, this is coming, I know you won’t be happy, I’m calling to give you a heads up”, it would have helped. But that’s not what happened.”

⁴³ “So if you have confidence, that permits you to really say what’s going on in your jurisdiction, in your area, what’s your position. You don’t have to be as guarded.”

Micro Variables: Trust

Of the eight CMFC officials who answered the questionnaire, all ranked trust as either “very important” or “somewhat important”, and trust was noted by interview subjects as being crucial. As in the other cases, trust was frequently linked to other factors, such as transparency or openness. Thus, while trust is undoubtedly important, it is linked to other factors.

Effective?

This brief review of the variables which affect informal relations leads to a basic question: are informal relations in the CMFC effective? In many respects, the answer is yes. The meta and macro variables create a similar profile to that which exists in the other case studies: the aggregation and choice rules (notably) limit the space for informality, while the information rule necessitates a certain application of informal relations. However, meso variables arguably enable more effective informal relations than is seen in other cases, particularly through the passion that officials are said to bring to the table. The most significant issue which would constrain informality at the meso level is the difference between the PTs and the federal government. There is a difference in the nature of those relationships which leads to sub-optimal relations. As mentioned, this is partly built into the CMFC, and this tension seems to be built into IGR more broadly. At the level of PT governments, no variables stand out at either the meso or micro level which would constrain informal relations. Familiarity and respect were present, as were honesty and openness. In theory, informal relations could be improved, particularly if the federal government had a rapprochement with the provinces and territories. Yet despite these differences, shared goals between the FPT governments were possible in the conference, a relatively rare intergovernmental occurrence which could lead to better informal relations. Relative to other intergovernmental examples, the CMFC presents a case where shared goals and a common cultural bond may create the most optimal situation possible. To summarize, although there are obvious constraints on informal relations at the system level, issues such as shared goals and personal passion create a singularly enabling environment for informal relations.

Understanding Effects

The fact that the CMFC has several factors which enable informal relations leads to questions about the broader impact of informal relations. Even if informal relations in the conference are mostly optimal, are their effects substantially different than in the other case studies? The following section argues that personal and professional effects are evident, as in the other cases. There are even suggestions of policy effects resulting from informal relations. However, this suggestion must be understood within the context of modest expectations. Ultimately, the CMFC does not present a radically different example of informal relations within Canadian intergovernmental relations.

Personal Effects

As with other cases, the CMFC as a forum is no different than other social interactions in the sense that good interpersonal relations make the work more pleasant. If anything, personal effects in the CMFC appear to be accentuated by the nature of the subject, and 83% (10 of 12; see the annex) CMFC interview subjects observed personal effects (as compared to 71% for the entire study). As noted above, those working on the file tend to be francophones from their home communities or francophiles who have chosen to engage with these communities. The personal passion that officials bring with them accentuates the personal benefits of intergovernmental work and creates a compelling group dynamic. One official compared the CMFC's table of officials to a family and observed that "C'est envahissant comme dossier, parce que c'est tellement viscéral."⁴⁴

The passion individuals brought to the table made for good personal relations even where jurisdictions were forced to disagree. Rather than leading to frustration, officials noted that disagreements led to commiseration and sympathy, since they know that the decision to not move forward with a piece of work is not the decision of individual officials. Moreover, they would try and help each other in those cases, for instance: "En appuyant nos collègues qui sont dans des gouvernements où ce n'est pas aussi évident, en leur donnant des arguments qui pourraient plaire à leur gouvernement."⁴⁵ This differed from official to official, however. One public servant expressed frustration at the reticence of certain jurisdictions and wondered

⁴⁴ "It's invasive as a portfolio, because it's so visceral."

⁴⁵ "By supporting our colleagues who are in governments where it isn't as obvious, for instance by giving them arguments which could convince their governments."

whether their efforts would not be better spent outside the confines of the Conference's work: "[Pour] Les faire avancer d'un millimètre sur l'échiquier politique, tandis que pour la même énergie ici, je peux peut-être faire un kilomètre."⁴⁶ Ultimately, however, the passion of officials leads to a background assumption that, in the best case scenario, every person present would go as far as they could in advancing the rights of *their* community, even if the government they represent would not.

Professional Effects

In keeping with the other case studies, the central effects of informal relations in the CMFC were to do with professional effects. This ties in to the information rule, which notes the importance of using informal channels in being an effective IG official. In essence, there is a need for effective communication which is often met through informal relations and networks of officials. This also operates within the confines of the other meta and macro variables, however. Officials must first and foremost do their job, which means representing their government. Informal relations were primarily used to this end. In order to have accurate information on the positions of other governments, to communicate disagreement, to request information on best practices, to test new ideas, or to work out problems before the official minister's meeting, informal relations are necessary. The issue of speed/efficiency was noted by 58% of officials (7 of 12), while the use of informal relations to gain information was observed by 42% (5 of 12). Asked what the effects of informal relations were, a CMFC official observed: "L'identification de directions communes plus rapides. Des nouvelles idées qui émergent. Des collaborations qui créent des enjeux qui sont discutés et qui sont solutionnés."⁴⁷ In answer to the same question, another official noted simply "Meilleure communication."⁴⁸

Although CMFC officials were unique in the extent to which they raised the issue of passion and collegiality, in many respects the conference conformed to IGR norms. Officials were careful to communicate the same caveat on the role of informal relations that exist in other areas: "Je vais défendre une position qui est en accord avec mon gouvernement. Ah oui. Nos

⁴⁶ "To make them advance by a millimetre on the political front, while for the same energy here, I can maybe move a kilometer."

⁴⁷ "The quicker identification of common directions. New ideas emerging. Collaborations which create issues that are discussed and solved."

⁴⁸ "Better communication."

mandats, atomes crochus ou pas d'atomes crochus, c'est qu'est-ce que mon gouvernement voit là-dedans. Ce n'est pas un club d'amitié, là.”⁴⁹

One official noted a downside to excessive reliance on informal relations, however. They observed that the national coordinator was often responsible for remembering and noting the positions jurisdictions had taken so they could not renege at a later point. Over time, the official noted, this led to a greater reliance on more formal documents, such as records of decisions. This official suggested that informality should give way to formality in order to ensure better functioning of the Conference. Thus, while informal relations do fill and void and create a necessary means of exchanging information, there are limits to how much can be accomplished through those channels. If a government changes position suddenly because there is no capacity and no documentation to prove otherwise, this leads to poor communication and poor informal relations. The case of the CMFC demonstrates that even in situations where informal relations are well developed and functional, there are limits to the work that can be done through informal means. Informal networks may be necessary, but in this case, they are not a substitute for more formal means.

This raises the issue of whether informal relations had a greater policy effect in the CMFC than in the other case studies. On one level, it would be reasonable to expect that they would. The CMFC features arguably greater collegiality, broad agreement on goals, and a low-pressure environment both in terms of the profile of portfolio and the resources allocated. Of the three case studies, the CMFC represents the most likely case for policy effects resulting from informal relations.

Policy effects

One of the main policy effects identified by officials, which was unique to the CMFC, was the willingness of public servants to take the time and effort to convince their superiors of the merit of certain proposals. In contrast to the other case studies, where the issue was not raised at all, the use of informal relations to convince political leaders was raised by 58% of CMFC officials in interview (7 of 12). One official even went so far as to observe that: “Certains fonctionnaires vont défier leur cadre politique pour faire avancer le dossier.”⁵⁰ This kind of account was also

⁴⁹ “I’ll defend a position which is in agreement with my own government’s. Yes. Our mandates, common bonds or no common bonds, it’s what my government sees in there. It’s not a friendship club.”

⁵⁰ “Some public servants will sidestep their political setting to advance the file.”

observed by others, although it should be noted that the more common effect identified was at the level of professional effects, not policy. Still, there appear to be policy implications resulting from the personal passion of officials involved. This willingness to put in the effort necessary to convince ministers of the merit of CMFC proposals is likely also linked to the relatively low-key nature of the issue. Certain ministers come to the file with no particular knowledge of or attachment to the Canadian francophonie (or even without working knowledge of the French language), which means that their official stances are informed by the officials who work for them. This process of “spoon-feeding” ministers (as one official called it) likely makes them more suggestible. In other words, officials are willing to expend the energy to convince their ministers because their ministers have few preconceived ideas or positions in many cases. Officials try and convince because ministers can be convinced.

However, the discussion of the ability of officials to press their superiors for change must be tied into the policy goals of the CMFC. As mentioned above, the work of the conference is generally horizontal, in that the officials involved are not the ones who will implement policy. Agreements may be struck, and goals may be agreed to, but at the end of the day, French language rights and services will be offered by a plethora of other ministries: justice, education, immigration, and so on. The work of the CMFC is primarily one of sensitizing other government departments to the necessity to actively offer minority language service.

In a typical IGR scenario, as work progresses, consensus becomes harder to achieve and maintain. Reaching the level of a protocol of amendment to the AIT, for instance, can take years. Because of the different expectations of what constitutes ‘success’ in the CMFC, the pressure may be lessened. This is not to suggest that there are no disagreements in the conference: the issue of Radio Canada demonstrates that much. The nature of the work is simply such that conflicts may be less forthcoming, and agreements are easier to achieve. If ministers are convincible, it is partly because the goals of the CMFC are fairly modest.

An example illustrates this point. Given the extent to which interview subjects noted the issue of personal passion as an important variable in the CMFC, following the interviews, certain of the participants were approached with a question about whether or not they could think of specific examples where the personal passion of public servants led to demonstrable policy change. After some time, only one official could think of a concrete example, suggesting the *Principles of Government Leadership With Respect to the Canadian Francophonie*, signed

during the 2002 ministerial meeting in Newfoundland. According to that official, “À mon avis, c’est en bonne partie grâce aux convictions profondes et au travail d’arrache-pied de quelques-uns qu’il a été possible d’en arriver à des énoncés aussi forts dans la déclaration.”⁵¹ The declaration of principles (CMFC, 2015c) includes matters such as “The importance of government commitment and leadership... the importance of promoting greater use and visibility... The essential role played by dialogue and cooperation... The need for flexibility and practical alternatives.”

The examples used in Chapters 4 and 5 demonstrate that proving an unequivocal causal link between informal relations and a policy effect is a practical impossibility. Formal documents show no evidence that one group of officials was more responsible than usual in enabling agreement: ministers are ultimately responsible, and the results of the ministerial conference are produced in their name. However, it is also difficult to disprove what the official has suggested on the importance of informal relations to the declaration of principles. More to the point, there is little reason to believe they are not telling the truth. In fact, one of the officials to whom the declaration of principles was linked later became the first national coordinator when that post was created in 2003, which suggests that official had a fair degree of influence (Alberta, 2001). As an intellectual exercise, it seems fair to give some credence to this version of events: a particular group of passionate officials was instrumental in getting the declaration of principles adopted. This case, which seems to suggest a demonstrable policy effect, must be understood in context. In a broad sense, this declaration of principles is fairly modest.

Beginning from a point in which some provinces did not even have a minister responsible for francophone affairs to a point where agreement was reached on a declaration of principles is a definite achievement. Consider, for instance, that the government of BC only named an MLA (not a minister) responsible for francophone affairs in the summer of 2001 (BC, 2001). The efforts of those responsible for the declaration of principles should not be dismissed.

That said, in the broader context of intergovernmental results, agreeing to a set of principles based largely on sensitization and mutual recognition is not something that requires a good deal of action from government. Faced with pressure and perhaps themselves sensitive to the issue, ministers responsible for francophone affairs could be persuaded to agree to a fairly

⁵¹ “In my opinion, it’s largely due to the profound convictions and the intense work of certain officials that it was possible to arrive at a declaration of principles that was so strong.

low-key document. The same official who suggested the declaration of principles as an example of policy effects reflected on this fact: “Au niveau de la période de sensibilisation et la période de démarrage, c’est relativement facile d’avoir une solidarité, ou un consensus. Mais plus on avançait [...] plus ça devenait un obstacle pour avancer davantage.”⁵² Once again, the relatively low stakes of the CMFC allow a different level of involvement on the part of officials, but this involvement does not constitute a major change in the nature of the issue or of the functioning of IGR in Canada.

Conclusion

The central question raised by this study is driven by a desire to understand the effects of informal relations in Canadian IGR. In contrast to the other case studies, the CMFC presents something of a best-case scenario for expanded effects. Although the meta variables are similar to the other case studies, the combined effects of enabling macro and meso variables (low profile, personally passionate public servants, and modest goals) create a situation in which officials can conceivably have an effect at the policy level, rather than just at the personal or professional level.

This is reflected in the interview data and rendered plausible by the example of the 2002 declaration of principles noted above. However, the particular constellation of circumstances that enable these policy effects in the CMFC should be understood for what they are. If the AIT or the HCIWG featured similar circumstances, it seems likely that they would also see greater influence at the level of officials.

More to the point, the particularities of the CMFC should not distract from the fact that it operates within the same meta rules as any other IGR scenario, a situation governed by consensus-based decision making and guarded jurisdictional autonomy. At the end of the day, officials are first and foremost beholden to their own government, a fact which most officials made a point of mentioning (as in other case studies). Despite apparently greater room for action by public servants, the CMFC is firmly situated within the Canadian context. As a result, significant limits are placed on the role of informal relations. While they may have a greater role

⁵² “In terms of the period of sensitization and the start-up period, it’s relatively easy to have solidarity, or a consensus. But the more we advanced... the more it became an obstacle to advancing further.”

here, this should not be exaggerated, and the policy effects of informal relations will not overturn broader issues such as jurisdictional autonomy.

Chapter 7- Conclusion

This study began with a relatively straightforward question emerging from the Canadian literature on federalism and IGR: what are the effects of informal relations on intergovernmental relations? Having now explored the issue in various literatures and examined informal relations in three specific case studies, I provide a relatively straightforward answer to the question: informal relations have significant personal and professional effects, but few demonstrable policy effects. More importantly, despite the fact that Canada is an “under-institutionalized” federation, in Cameron and Simeon’s (2002b) words, and despite the fact that formal relations only constitute the “tip of the iceberg” (Kernaghan, 1985: 156), informal relations are still structured by forces which can be identified at various levels. This finding stands somewhat at odds with the existing literature, which tends to understand a lack of formal institutions as being unpredictable and disordered, while focusing on ‘trust ties’ as the central manifestation of informal relations. As this study has demonstrated, informal relations are not simply ‘trust ties’, nor do they exist in a vacuum. Informal relations exist in a complex but structured environment. This chapter will once more go over the process that has led to that answer and then explore what that answer reveals about bureaucracy, formalization, and accountability.

I begin with a return to the Canadian literature on intergovernmental relations and note that it frequently provides a particular view on the issue. I then turn to broader questions and draw three conclusions from the research: that informality should not necessarily be treated as representing a lack of institutionalization; that the case studies suggest that the relationship between politicians and administrators is healthy; and that some of the classic issues raised around executive federalism are alive and well. Returning to the model, I discuss how informality is shaped by context, and consider whether informality could be rendered more effective by altering the sub-optimal effects identified in the case studies. Finally, the chapter concludes with a discussion of areas as yet unaddressed, as well as issues for further study.

Returning to the Literature

Chapter 1 outlined in a broad sense how the literature on Canadian federalism and intergovernmental relations treats informality. Relying on the work of scholars such as Simeon

as well as Inwood, Johns and O'Reilly, I argued that the Canadian literature makes two central arguments on informality: first, that informal relations (at the level of politicians and at the level of officials) are a common feature in Canadian IGR; and second, that such relations are generally considered to be important to the process.

The work of Richard Simeon features prominently in this literature. In several pieces spanning decades and in collaboration with other authors, Simeon frequently stressed the under-institutionalization of Canadian intergovernmental relations and the importance of ad-hoc relations to the process. A 1980 article criticized intergovernmental relations for “the lack of a large infrastructure of bureaucratic support for the process; the lack of any voting mechanism and procedure for reaching agreement and terminating debate [and] the ad hoc nature of conferences” (Simeon, 1980: 23). In 2004, following changes to the structures of IGR at various levels, Simeon (with Martin Papillon) still argued that: “...despite steps towards increased institutionalization and formalization of intergovernmental processes through intergovernmental agreements, the fact remains that intergovernmental relations in Canada remain fluid and ad-hoc...” (Papillon and Simeon, 2004: 218). Finally, writing with Amy Nugent in 2012, his opinion had not changed: “Complex, elaborate, and pervasive, the institutions and practices of intergovernmental relations nonetheless remain weakly institutionalized. They are awkwardly ‘added on’ to our parliamentary system, rather than integrated in it” (67).

Simeon was not alone in this verdict. In a 1985 submission to the MacDonald Commission, Smiley and Watts observed that: “It has been a characteristic of Canadian executive federalism in both its federal-provincial and interprovincial dimensions that the procedures of intergovernmental association are not highly institutionalized” (124). Meekison et al. simply refer to Canadian federalism as “semi-institutionalized” (2004: 4) while a prominent textbook on Canadian federalism notes that “...Canadian federalism is characterized by low levels of institutionalization and a complete absence of explicit decision rules” (Bakvis et al., 2009: 132).

On some level, these arguments are simple statements of fact: Canadian federalism *does* feature low-levels of institutionalization, and while this is most pronounced at the level of first ministers, it is a feature of the system from top to bottom. Further, in contrast to other federations, Canada has very little in the way of intra-state federalism, and relies almost

exclusively on inter-state executive federalism for managing intergovernmental relations (Watts, 1989).

However, these assessments of Canadian federalism also frequently feature a degree of exceptionalism and, at times, frustration. Vipond (2008) notes that scholarship on Canadian federalism has historically been characterized by a degree of parochialism and the sense that Canadian federalism was *sui generis* (see also Simeon, 1986; Warhurst, 1987). Luckily, he argues, scholarship has mostly evolved beyond that point. Yet Vipond's judgement may have been premature, at least as regards the issue of institutionalization and IGR. Many of the works cited above tend to treat Canada as being unique in its low degree of institutionalized IGR. The problem with such a perspective is that it tends to take exceptionality for granted, without comparison or elaboration, and as a result raises further questions. Without an understanding of how informality operates in specific contexts, this purportedly unique feature of Canadian IGR may have been overstated. Furthermore, even if Canada is uniquely reliant on informal relations, what are the effects of this state of affairs?

The exceptionalist point of view also lends itself to frustration, most notably in the work of Donald Smiley (see Chapter 1). Vipond notes this as well, arguing that the work of Smiley in particular was characterized by a "brooding sense of pathology" (Ibid.: 6). The effects of this exceptionalism and frustration are that Canadian intergovernmental relations are treated as being, at best, muddled and unpredictable, and at worst, inefficient and harmful. Thus do Meekison et al. (2004) argue that "the institutions and processes of executive federalism in Canada need to be more effective" (25), and that even in areas with relatively formal mechanisms for intergovernmental relations (such as health or transportation) "these are the kinds of situations where some measure of institutionalization in intergovernmental relations seems most necessary" (22). Stein (2006) is even more direct: "The Canadian federal system has no norms or rules to govern its business. No network—or hierarchy, for that matter—works well without shared norms and rules" (33).

Implicit in these assessments of institutionalization is the belief that institutions "matter," or that under-institutionalization impacts outcomes. Yet this study suggests that caution should be exercised when making such judgements, at least as far as the work of officials is concerned. Canadian federalism is not necessarily characterized by unpredictable or chaotic intergovernmental relations. Structured patterns of informal relations can be observed among

officials working in Canadian IGR, even where the level of formal institutionalization is limited. In sum, institutions can (and do) structure behaviour in significant ways, even if they are informal, rather than formal, institutions. This view of informality also demonstrates the benefits of using Ostrom's work, and IAD in particular, which views institutions (and therefore institutionalization) in a broader light by focusing on patterns of behaviour rather than on explicitly stated rules or institutions.

The argument that informal relations are structured is significant because it breaks the link between institutionalization and outcomes. While authors such as Meekison et al. (2004) have tended to argue that more formal institutions would make intergovernmental relations more efficient, this study suggests caution. This realization is not necessarily a new one, and has featured prominently in the work of Julie Simmons. In an assessment of the degree to which the institutionalization of a ministerial conference impacts policy results, she argues that the results of an IG process cannot clearly be linked to the level of institutionalization, and that "...policy co-ordination and consensus decision-making among governments do not require institutionalized intergovernmental forums for deliberation" (2004: 303). In some cases, structured patterns of behaviour (for example communication) among officials may have made IGR more efficient, even though they were 'informal.' The effects of informal relations vary from case to case, but it is clear that there is no easy link to be drawn between formality and efficiency. Informal structures can be efficient as well.

These discussions point to a simple finding: federalism matters. The broader structure of federalism in Canada has effects on the process even at all levels. To use the language of the model, meta rules have micro effects. Recognizing how context shapes micro level IGR is also an issue which has received some scholarly attention. While much of Simeon's work painted a picture of an under-institutionalized system, he was not ignorant of the nature of day to day IGR in Canada, arguing, for instance, that as long as the main goal of participant governments in intergovernmental relations is to maintain their autonomy, the existing level of institutionalization was likely to continue (Papillon and Simeon, 2004). A similar argument is advanced by Bolleyer (2009), who studies intergovernmental structures in Canada, the United States, and Switzerland. In the Canadian system, where intergovernmental relations are conducted by power-concentrating governments (rather than power-sharing governments as in Switzerland), there is a low degree of institutionalization and formalized decision-making (Ibid.).

The inability to constrain the drive for autonomy and move past consensus-based decision-making limits the extent to which IGR can be institutionalized in Canada. This system has the effect of leaving a good deal of intergovernmental work to informal relations. Paradoxically, however, the same system also imposes significant limits on those informal relations. This is not necessarily a new realization, but it is one which bears repeating.

A Few Conclusions

This section turns to the implications of this research. I begin by situating my findings among the existing research. Subsequently, I consider certain broader questions around federalism and the role of public servants, returning to issues that have been mentioned in the dissertation.

In certain respects, the findings presented by this dissertation constitute a supplement to, rather than a major break with the literature that has come before it. Dupré (1985) argues that ‘trust ties’ between officials are a crucial part of the IGR process; this study finds that trust is an important component of informal relations. Inwood et al. (2011) make the case that informal relations are an important component of intergovernmental relations more broadly; this study finds that informal relations are ‘important,’ most notably to the extent that they allow for professional efficiency. Reaching further back, Blau (1956) among many others argued that informality is an essential component of how organizations operate; this study finds that informal relations fill the crucial gap left by the existing formal structures for IGR. The fact that these findings confirm what the literature has frequently assumed leads to a more fundamental question. Put bluntly: so what?

The immediate response to this question is fairly simple, but no less important in structuring academic research: conducting a study to confirm what the literature has simply assumed is not an invalid academic exercise. This study allows the discipline to move forward with a more comprehensive understanding of informality in Canadian IGR and a model which suggests how context affects informal relations. It represents a step forward in our understanding of IGR in Canada, and proposes an answer to a question left unaddressed by decades of federalism scholarship.

The next response to the question of ‘so what?’ is to note that this research corrects a flaw in the existing research on federalism and intergovernmental relations. The beginning of this chapter returned to certain key arguments made by previous generations of federalism scholars:

that IGR is characterized by under-institutionalization and irregularity, and that this leads to less than ideal policy results. Scholars such as Simmons (2004) have contested the latter assumption, noting that the level of institutionalization cannot necessarily be linked to policy results or efficiency in Canadian IGR. This research suggests that care should be taken when considering the former assumption as well.

This leads to the first major conclusion to be drawn from this study: *informality should not be treated as being equivalent to a lack of institutionalization*. Canada features few formal structures for IGR, particularly when compared with other federations. Bolleyer's (2009) work, for instance, notes the contrast with power-sharing systems such as Germany or Switzerland where intergovernmental relations have constitutional force and are regulated by established and legally enforceable rules. Relative to these systems, Canada is under-institutionalized and will likely always be comparatively under-institutionalized. This argument forms the essence of Bolleyer's book: a system driven by competitive inter-state (rather than intra-state) executive relations is unlikely to subscribe to a legal formalization of rules so long as jurisdictions guard their autonomy. As Papillon and Simeon (2004) argue, "If the autonomy of each government and its responsibility to its legislature and citizens are the dominant values of Canadian federalism, the current *informal and unstructured* mechanism for intergovernmental coordination is appropriate" (116, emphasis added). Where this research supplements this account is by questioning whether Canadian IGR can really be characterized as 'unstructured.' I suggest not. When considering how informal relations operate, federalism matters, in terms of the historic development of the orders of government, in terms of their power, and in terms of the context for IGR.

The view of what constitutes an 'institution' has expanded considerably in the past 35 years, since the beginnings of the neo-institutionalist movement in political science. After a careful review in Chapter 2, this study adopted a definition of institutions consistent with much of the literature: institutions are patterns of individually structured behaviour. Thus, the fact that IGR in Canada is frequently informal does not ipso facto mean that it is un-institutionalized. The tendency in Canadian political science has been to adopt a fairly formal approach to the study of institutions, one which focuses heavily on legal frameworks and the constitution. This study uses a wider definition of institutions and in so doing captures the ways in which structure exists at all levels.

This is not merely a matter of quibbling over definitions: it presents a substantive difference over how one should assess intergovernmental relations in Canada. As this study has demonstrated, even where IG officials are granted a good deal of leeway, and where intergovernmental relations depend on those officials, their behaviour is still structured in important ways. While informal relations are certainly less institutionalized than something as formal as a legal regulation, they are still regulated by the forces identified using the Institutional Analysis and Development rules and the model. Treating informal relations as unstructured and unpredictable is thus an overstatement, and the picture presented by the literature is lacking in nuance. The work of IG officials and their use of informal relations can be understood and even, to some degree, predicted.

The second major conclusion is that *informal relations are not incompatible with accountability*. A significant concern with the practice of executive federalism in Canada going back to Smiley's use of the term is accountability in the system. Summarizing a list of harsh critiques of the IG system, Smiley concluded that "executive federalism contributes to secret, non-participatory and non-accountable processes of government" (1979: 107). This concern has persisted in the Canadian literature, and as noted in Chapter 1, has led to a certain degree of pessimism as regards IGR in Canada. Take for instance the title of Cameron and Simeon's (2002a) piece: "Intergovernmental relations and democracy: An oxymoron if there ever was one?"

Broadly, the concerns around accountability focus on two major areas. One area of concern to scholars is the fact that executive federalism does not involve legislatures in intergovernmental relations, and that intergovernmental agreements are not subject to any serious degree of legislative scrutiny (Simeon and Nugent, 2012). The other major concern deals with the degree to which citizens and interest groups are consulted about intergovernmental policy-making (Simmons, 2012). These critiques tend to focus on intergovernmental relations at the level of politicians, rather than on the more functional elements of the process, but they do not exclude them. Indeed, concerns about intergovernmental policy creation in specific sectors will almost inevitably have manifestations at the level of officials. Implicitly, therefore, these concerns about the nature of IGR also have implications for the role of informal relations among officials. The treatment of the system as being unpredictable and ad hoc is in some ways a statement on the dangers of informality. If one takes the concern around accountability and IGR

to heart, then there is room for concern about the exercise of discretion by public servants. Johns et al. (2007) make this point when they note that “These [informal] networks are more easily influenced by shifts in personal commitments and less easily accessible *or accountable* to either the formal institutions or the public” (35, emphasis added). In fact, as they also note, IG officials tend to resist suggestions for greater formalization, and “complained of the increased bureaucratization of intergovernmental relations.” (Inwood et al., 2004: 260). In short, at the highest levels, intergovernmental relations in Canada do little to include the public or the legislatures. The day-to-day work of officials in this context is even further removed from public view. The idea that an intergovernmental structure which already has issues with public accountability and access also permits a good deal of informality among unelected officials may justifiably cause some concern.

However, the findings of this study suggest that the influence of informality and its effects should not be overstated. Concerns over the use of informal relations by the bureaucracy should be mitigated by an understanding of how the chain of command operates, and how the relationship between the bureaucracy and the political executive manifests itself in reality. In every case study, and in virtually every interview with an official, the importance of obeying political directives, seeking approval, and not overstepping authority were repeatedly stressed. Officials were extremely sensitive to the need to obey their political masters. This does not lessen the critique that IGR is insular and executive-driven. However, it does suggest that at least as far as officials are concerned, lines of accountability between the civil service and the political executive are clear, and are rigorously followed.

This conclusion should also serve to mitigate some of the concerns expressed over the past 25 years about the changing nature of the politics/administration dichotomy. The development of New Public Management (NPM) led to serious reconsideration of the exact role of the bureaucracy in modern society. As Bakvis and Jarvis (2012) argue, NPM was also partly premised on a contradiction: simultaneous believing that bureaucrats should be ‘unleashed’ to allow for the most creative solutions possible, while remaining suspicious as to their intentions. As Chapter 2 noted, the pioneering work of Niskanen on the ‘budget-maximizing bureaucrat’ began by rejecting the premise of the selfless civil servant who works to serve the public interest. Thus, one of the central premises of public choice (which is closely linked to NPM [Aucoin, 1990; Gruening, 2001]) is that the intentions of the bureaucracy should be treated with

skepticism, if not suspicion. While politicians were eager to embrace the language of innovation, they were also wary of letting the civil service get beyond their control. In practice, this meant that implementation of NPM faced some challenges, since “[NPM] made bureaucrats simultaneously the problem and the solution” (Bakvis and Jarvis, 2012: 13).

In Canada, this tension manifested itself in the development of what Peter Aucoin termed “New Political Governance” (NPG). He argued that the modern Canadian state was characterized by a fundamental change in the nature of government and in the relationship between the political and the administrative (Aucoin, 2012). As regards the operation of government, NPG is based on the idea of a permanent campaign (increasing partisan concerns and considerations), an increasing role for partisan staff, personalization of appointment of senior public servants, and more enthusiastic partisanship (rather than quiet loyalty) on the part of officials (Ibid.). Key to Aucoin’s argument was that partisanship (particularly during the Harper era) was having a corrosive impact on the public service. Aucoin was not alone in raising these concerns (see Heintzman, 2014 for a review), and the tense relationship between the federal civil service and the Conservative government from 2006-2015 lent further credence to the idea that the link between the public service and politicians had fundamentally changed. A related concern comes from Donald Savoie’s 2003 book *Breaking the Bargain*, in which he raised alarms as to the appropriate relationship between politicians and the civil service, and the preponderant role of the political center in the work of government. In short, scholarship has outlined concerns about the relationship between politicians and administrators, whether in the form of increased centralization (Savoie) or partisanship (Aucoin).

It would be a major overstatement to reject outright the warnings of Aucoin, Savoie and others, particularly as this study features a preponderance of provincial over federal officials (a common feature in studies of intergovernmental relations, see Inwood et al., 2011). Based on this study, I am simply unable to comment on the current state of the relationship between the federal public service and the political executive. However, the results of this dissertation should at least give pause when considering whether the traditional politics/administration dichotomy is relevant in 2016. Even if the results from the case studies are not typical, in those cases the traditional relationship, in which politicians give political directives and officials implement them, is still the norm. This was explicitly stated by the many officials who took pains to note that this was the case, and that the use of informal relations conformed to those norms. Again,

this does not necessarily contradict the concerns raised by the NPG literature, but it does suggest that the model is not monolithic, particularly when it comes to the world of IGR. Government is varied, and the applicability of broad theories may have to be as well. To reiterate, the findings of this study suggest that the lines of accountability between the administrative and the political seem to be clearly recognized and followed. That said, in some important respects the findings of this study confirm the critiques of various authors, particularly on the insular nature of intergovernmental relations in Canada.

This brings me to the third major conclusion: *concerns around the insular nature of intergovernmental relations are still valid*. Smiley's critiques are required reading to this day because they capture something essential about the operation of executive federalism. It is well established that external stakeholders in IGR can have great difficulty in accessing ministers' tables, but what the case of the HCIWG in particular suggests is that those stakeholders can have trouble even accessing the level of officials. This was the case despite the fact that in the HCIWG, expert knowledge was absolutely necessary to make reasonable recommendations in the report, and was in fact sought out. The choice of who to include is a deliberate one on the part of government. More importantly, the decisions over the degree to which to include stakeholders is also a deliberate one, a decision which seemed to be made by officials. Here the particular meaning of efficiency in intergovernmental relations is made clear. To re-cite one official "By successful I don't mean outcomes, I mean satisfying the premiers." One could hardly find a clearer example of the ways that efficiency operates within a particular context, one premised on following political directives. Goals at the meso level are shaped by meta variables (such as a choice rule which limits the range of action), and this occurs within a fairly insular world.

The limited role of external stakeholders in IGR has been recognized in the literature (see Simmons, 2012 for a review). The contribution this study makes on this front is to observe that the default exclusion is clearly understood and tacitly (or explicitly) practiced by officials. The model of informal relations also explains why this might be the case. In the HCIWG, for instance, the major component which led to sub-optimal informal relations was the difference in goals. External stakeholders brought fundamentally different ideas about the goals of the process, which eventually led to disappointment and to a return to the pre-HCIWG status quo. Insularity is built into the system of IGR in Canada, especially at the level of officials. They

develop significant informal networks and use those networks to do their work in an efficient manner, but those networks are sustained in part by a shared understanding of goals, which serves to bolster the insular status quo. This feature of IGR seems likely to persist.

In sum, three related conclusions can be drawn from this work. First, referring to Canadian intergovernmental relations as under-institutionalized should be supplemented by understanding that informality is not equivalent to disorder. Second, the research for this study suggests that in spite of operating with a good deal of discretion, Canadian IG officials show a clear understanding of the traditional relationship between politics and administration: ministers (or premiers) give directions, and officials use formal and informal channels to follow them. Third, the long-standing critique of the insular nature of IGR in Canada is still valid. Informal relations follow clear rules, but do so within a closed status quo.

Modeling Efficiency

As the case study chapters noted, determining the exact extent of the influence of informal relations in a given situation is difficult. Given that this research was based on fairly in-depth interviews with practitioners and explicitly focused on the role of informality in IGR, one can wonder whether such evidence is realistically accessible to researchers. Short of following officials for months in the course of their work, it is difficult to know the exact ways in which informal relations are practised (which would change on a case to case basis in any event). As a result, this study likely misses specific micro-examples where informal relations had certain effects. However, this need not be a fatal flaw, since the purpose of this research was to garner a more general understanding of the effects of informality. This can be achieved by demonstrating how the Canadian system structures informal relations by either limiting or expanding it. This is the usefulness of the socio-ecological model of informal relations in Chapter 3. Each level in the model illustrates a vital component of how the Canadian political system structures informality. Going over every variable in the model at this point would be unduly repetitive, but the value of the model is worth briefly re-exploring.

The use of the IAD rules at the meta level of the model demonstrates the usefulness of the framework. As a theoretical approach, IAD has proven flexible (see Ostrom et al., 2014). Through repeated iterations of the model and considerable scholarship, Ostrom and her co-authors have demonstrated the value of the rule types they identify (once more: position,

boundary, choice, aggregation, information, payoff, and scope rules). Although payoff and scope rules did not play a role in the case studies, it would be a mistake to assume they can safely be discarded. The use of the IAD framework and rules had a dual importance. Not only were the rules useful for identifying the way the structure of Canadian federalism impacts informal relations, they are also a useful point of comparison. Future studies of Canadian and American intergovernmental relations (for example) can begin by using the same analytical language and framework, which has historically been a challenge (Simeon and Radin, 2010).

The fact that payoff and scope rules played little role leads to questions about the relative importance of the variables in the model. However, ranking the variables in terms of their importance proves to be difficult, and frankly contrary to the purpose of a socio-ecological model. Recall that Bronfenbrenner's (1979) socio-ecological model was intended to demonstrate separate layers and the interactions between them. To argue that the aggregation rule is 'more important' than political will, or that shared goals are 'more important' than individual trust is to miss the point. Variables at all levels have interactions with each other and with the central variable (informal relations). That said, there is a fairly significant distinction to be made between system and individual level variables: individual level variables are experienced by officials and partly controlled by them, where system level variables are neither in the hands of officials nor necessarily even realized by them. Where an official can choose not to trust someone, or choose to flout organizational norms, they cannot choose the level of political will, or the fact that they operate within a decentralized federation. In applying the model, one begins at the meta level for a good reason: such structural constraints are the most difficult to overcome.

Chapter 3 noted that the model was explicitly inductive. Although the concept of a socio-ecological model and the variables were all reflected in work from various disciplines, this specific model was derived from the research for this study, which leads to a question about the value of the model in other contexts. If it is overly based in a particular context, and can only explain that context (after the fact) it will be of little use to future scholars. To consider this issue, I return to the case studies as heuristic devices. If an interested observer had used the model on the case studies, might they have predicted the role played by informal relations?

The case of the HCIWG seems especially instructive in this regard. As a time limited PT working group which featured health provider representatives, it was a new development in the world of Canadian IGR. An analysis of the HCIWG using the model would have noted certain

factors as constraining the space for informality. The jurisdictional drive to maintain autonomy would have been noted as a factor at both the meta and macro levels, for instance. Issues of shared organizational norms would have been identified as potential obstacles to effective informal relations between health providers and government officials (which did not appear to have been the case), as would shared goals (the lack of which did prove to be an obstacle). Using the model, one could have expected that informal relations between officials and stakeholders would be less than effective. Considering the effects of informality on the HCIWG as a whole, the model would suggest that the participation of external stakeholders was unlikely to endure. While the work of Simmons (2012) suggests a similar finding with regards to the insular nature of Canadian IGR, the model helps to identify *why*. If IG officials and stakeholder representatives came to the table with a clear discussion of the differences between their goals, informal relations might be made more effective or longer lasting.

Similarly, in both the AIT and the CMFC, I noted less-than-effective informal relations between the federal and the PT governments, a situation which has also been observed by Inwood et al. (2011) among others. However, the model moves beyond simply describing this state of affairs to identifying why that might be the case. Disagreement over goals, and a sense among provincial-territorial officials that federal officials did not conform to the same organizational norm of openness, compounded by jurisdictional wariness over autonomy, all led to a situation in which informal relations were likely to be sub-optimal. Another example in which the model can help explain why informal relations operated the way they did is in the role of a secretariat. In the AIT, for instance, the personal factors expected of an effective secretariat official (mainly discretion and neutrality) were different than those expected of an effective government official. The model does not conclusively demonstrate that informal relations will or will not operate in certain ways, but it suggests contextual variables one can use to better understand them.

The variables in the model also suggest (but do not conclusively demonstrate) the effects identified in the case studies. First, informal relations have effects at the personal level by making the job more enjoyable. Second, informal relations are crucial at the level of information exchange, which I have called professional effects. Third, because policy priorities are set out at the political level, the informal relations of officials, and the discretion they exercise in the conduct of their job, do not appear to be significant movers of policy.

Although this study has spent considerable time establishing the ways that informal relations are constrained by other variables, it would be a mistake to dismiss their importance. In assessing the work of governments, this study has stressed the fact that jurisdictional autonomy is strictly guarded in Canada, and that this constitutes an important limit on intergovernmental relations. This is certainly the case, but it may also misrepresent to a degree much of ongoing intergovernmental work in Canada. In significant ways, governments *do* want to engage in a positive way, which is reflected in the work that their officials do. This is the true significance of informal relations in the Canadian federation. Given that, in most cases, governments engage in intergovernmental relations with a degree of openness towards collaboration and cooperation, the work of IG officials is often directed towards *achieving* particular outcomes, rather than *preventing* them. In order to achieve those outcomes, those officials must rely on informal (as well as formal) networks, and on their informal relations with their homologues in other jurisdictions.

This is also why the issue of optimal informal relations is relevant. The constitutional structure of Canada is very difficult to change, which means that intergovernmental relations will continue to operate under their present constraints. Within those constraints, however, informal relations are an important source of professional efficiency. Moreover, as the research indicates, that efficiency can be affected by issues such as a standoffish personality, a lack of openness, or a dearth of experience. Even if informal relations are at their most important at the level of professional efficiency, this efficiency could still conceivably be improved.

In minor ways, such as personal factors or organizational norms, effective informal relations can be enabled. The desire to improve informal relations, and the importance of having effective informal relations, was reflected in some of the comments made by officials. One manager noted that they were looking for a particular kind of personality when hiring, while another mentioned re-writing a job description to include the importance of relational skills. A Western official noted that they held yearly briefings with the other units in their department to ensure that IG officials had the chance to meet people face-to-face. Because they expect (and are expected) to use informal relations effectively, officials are aware of the minor ways that such relations can be improved, and attempt to create optimal conditions. Certain factors will evidently make improving relations difficult (the more rigid hierarchy as an organizational norm

within the federal government was frequently noted, for example), but more efficient informal relations are actively sought by intergovernmental officials.

The model of informal relations captures a number of key components to the IGR process in Canada. While it is based in part on the three case studies, it seems reasonable to expect that the same variables will be present in other examples of Canadian IGR. The meta rules, for instance, are rooted in basic features of Canadian federalism, while macro variables such as political will are present in other cases. Even if a particular component of the model is missing in another case study, the model as presented in Chapter 3 provides a useful point from which to conduct further analysis of Canadian IGR. The model can also be used to explain differences: the case of the Canada Pension Plan, which does not operate on a consensus basis, has a different aggregation rule, which may have effects at other levels. The variables identified are broad enough to incorporate and explain a good deal of variance.

What is Unaddressed?

Chapter 2 addressed the choice of focusing on the level of officials rather than political figures. This choice was justified in a few different ways, most importantly by the fact that officials are responsible for a good deal of IG work. On turning to broader conclusions, however, I recognize that this leaves a gap in our understanding of informality in Canada. When this study argues that informal relations have few demonstrable policy effects, it is within the context of the work of officials. While the subject of relations among top-level executives has been addressed by a number of Canadian scholars (see Papillon and Simeon, 2004), a comprehensive understanding of the role of informality in summit-level relations is still lacking. In some ways this is typical of studies of political leaders: as Howell (2006) argues, studies of the American executive have uncovered more about the presidents than about the presidency. This does not undermine the importance of studying the work of officials, but I cannot avoid noting the fact that this issue is left unaddressed. The relations between politicians are an issue which needs further attention.

Inherent in Vipond's (2008) warning about exceptionalism in the study of federalism is a call to take on a more explicitly comparative framework. This study leaves this issue unaddressed by limiting itself to Canadian case studies. That said, the development of a model based in part on the IAD literature should allow for future comparison and for moving beyond uniquely Canadian examples. Vipond's warning is not a call to drop Canadian case-studies

altogether, but rather a recommendation to use a more comparative framework, which this study has explicitly adopted. It is clear, however, that further comparison is needed, which is where the IAD framework can be useful. Institutional Analysis and Development has proven to be flexible, and has been used in a number of different areas (see Ostrom et al., 2014 for a review). Identifying the rules at work in a given action situation, for instance in a comparative study of informality within American IGR, should enable comparison. This represents an important area for future research, since American and Canadian federalism have seldom been compared, and are studied using a different academic language (as noted by Simeon and Radin, 2010). The model shows potential in this regard, but the research is yet to be conducted.

More broadly, using the standardized language of IAD and the concept of a socio-ecological model provides an excellent starting point for further research (which explains why both have an extensive literature attached to them). This is the essence of good comparative research. A comparison of intergovernmental relations in the United States and Canada has been mentioned, but the possibilities do not end there. Using IAD, one could conceivably compare IGR (and indeed federalism generally) in any two federations. The importance of a shared analytical language for further scholarship can hardly be overstated. The comparison also does not need to be larger: future studies of Canadian IGR could use the socio-ecological model presented in this research, including the IAD rules. A simple example would be a study of three separate case studies within Canadian IGR, but a study of *intra*-governmental relations between line departments and central agencies within the same government could also conceivably use the model and adapt it where necessary. The theoretical approach and the model used in this study do not limit themselves only to the three cases studied herein.

A major challenge for those who wish to study the intricacies of government is the fact that claims of expertise are suspect: those who are actually engaged in the work are always going to know more about the topic than those who study it. This is particularly the case when trying to study something as intangible as informal relations. Attempting to understand in a rigorous way the specific effects of informal relations in IGR is something like an attempt to nail Jell-O to a wall. This study was proposed, conducted, and written with this knowledge firmly in mind. Nevertheless, the enterprise was worth attempting. If the specifics of every case cannot be known, what academics can at least bring to the study of government is the ability to link

specifics to a broader understanding. Academics cannot nail Jell-O to the wall, but they can provide a container in which to pour it. One may not know exactly how informal relations operate in every single case, but this study provides an approach which can be used to understand how rules structure the space in which informal relations occur. This dissertation emerged from a puzzle related to the conduct of intergovernmental relations in Canada. The question is not resolved in any permanent sense, but providing a way of understanding those relations is progress, both for the disciplinary study of federalism in Canada and for those who are simply fascinated by the workings of the state.

Interview Script

The following questions formed the basic interview script:

Could you talk about your role in [policy]?

What does an average day/week look like for you?

What do your interactions with people in your own department look like?

Can you give specific examples of relations within your own department?

How often do you interact with civil servants from other jurisdictions?

What is the nature of your interaction with those people?

Can you give specific examples of those interactions?

What elements of your interactions would you characterize as ‘informal’?

Is the distinction between ‘formal’ and ‘informal’ relations clear to you? What differentiates them?

What factors make for good or bad informal relations?

Overall, how important would you say informal relations are?

QUESTIONNAIRE

PART A- FACTORS THAT INFLUENCE IGR

1. On a scale of one to ten (1- Not at all important, 10- Extremely important), please rank each of the following in terms of their influence on intergovernmental relations. If you have any additional comments, please note them below.

Level of ongoing support (ad hoc committee, working group, ministerial council...)

Source of funding (federal or provincial)

Amount of funding

Jurisdiction

Policy type (social, economic...)

Partisan difference of governing parties

Partisan similarity of governing parties

Political importance of file

Political will from elected officials

Informal relations

Other (please note)

PART B- INFORMAL RELATIONS

What are informal relations?

What words come to mind when you think of ‘informal relations’ (ex. Flexibility, continuity, mistrust, etc.)?

How important are the following factors in intergovernmental relations? How do they impact IGR?

Trust:

- 1- Not at all important
- 2- Not very important
- 3- Somewhat important
- 4- Very important
- 5- Don't know/not applicable

Additional comments:

Personality:

- 1- Not at all important
- 2- Not very important
- 3- Somewhat important
- 4- Very important
- 5- Don't know/not applicable

Additional comments:

Friendship:

- 1- Not at all important
- 2- Not very important
- 3- Somewhat important
- 4- Very important
- 5- Don't know/not applicable

Additional comments:

Rank (e.g. Deputy Minister, Assistant Deputy Minister, Official level):

- 1- Not at all important
- 2- Not very important
- 3- Somewhat important
- 4- Very important
- 5- Don't know/not applicable

Additional comments:

Working Rules (norms, unwritten conventions):

- 1- Not at all important
- 2- Not very important
- 3- Somewhat important

- 4- Very important
- 5- Don't know/not applicable

Additional comments:

Resistance (withholding information, etc.):

- 1- Not at all important
- 2- Not very important
- 3- Somewhat important
- 4- Very important
- 5- Don't know/not applicable

Additional comments:

Other (please note)

RESULTS- Interview Data

"What factors make for good or bad informal relations?"

	AIT (N= 15)			HCIWG (N= 14)			CMFC (N= 12)			TOTAL (N= 41)	
	N	% of case	% of total	N	% of case	% of total	N	% of case	% of total	N	%
Personality	11	73	37	9	64	30	10	83	33	30	73
Experience	11	73	41	9	64	33	7	58	26	27	66
Size	2	13	17	6	43	50	4	33	33	12	29
Familiarity	14	93	47	10	71	33	6	50	20	30	73
Face-to-face	10	67	50	7	50	35	3	25	15	20	49
Respect	9	60	35	8	57	31	9	75	35	26	63
Openness	9	60	38	9	64	38	6	50	25	24	59
Honesty	3	20	21	7	50	50	4	33	29	14	34
Goals	6	40	24	8	57	33	10	83	42	24	59

Numbers may not add up to 100% due to rounding

Effects of informal relations

	AIT (N= 15)			HCIWG (N= 14)			CMFC (N= 12)			TOTAL (N= 41)	
	N	% of case	% of total	N	% of case	% of total	N	% of case	% of total	N	%
Speed/efficiency	6	40	25	11	79	46	7	58	29	24	59
Dispute resolution	2	13	100	0	0	0	0	0	0	2	5
Information	11	73	46	8	57	33	5	42	21	24	59

exchange										
Learning history	5	33	38	5	36	38	3	25	23	13 32
Overcoming obstacles	2	13	40	3	21	60	0	0	0	5 12
Personal effects	10	67	34	9	64	31	10	83	34	29 71
Convincing governments	0	0	0	0	0	0	7	58	100	7 17

Numbers may not add up to 100% due to rounding

"What are formal relations?"

	AIT (N= 15)			HCIWG (N= 14)			CMFC (N= 12)			TOTAL (N= 41)	
	N	% of case	% of total	N	% of case	% of total	N	% of case	% of total	N	%
Meetings	5	33	31	7	50	44	4	33	25	16	39
Written docs	3	20	33	4	29	44	2	17	22	9	22
Formal role	6	40	55	2	14	18	3	25	27	11	27

Numbers may not add up to 100% due to rounding

"What are informal relations?"

	AIT (N= 15)			HCIWG (N= 14)			CMFC (N= 12)			TOTAL (N= 41)	
	N	% of case	% of total	N	% of case	% of total	N	% of case	% of total	N	%
Purely personal	7	47	41	5	36	29	5	42	29	17	41
Working relations	9	60	31	12	86	41	8	67	26	29	71

Numbers may not add up to 100% due to rounding

RESULTS- Questionnaire Data

"On a scale of one to ten (1- Not at all important, 10- Extremely important), please rank each of the following in terms of their influence on intergovernmental relations."									
	AIT		HCIWG		CMFC		TOTAL		
	N	Mean	N	Mean	N	Mean	N	Mean	
Ongoing institutional support	8	8	5	8.6	7	8.57	20	8.35	
Source of funding	8	5.75	5	6.4	8	7.25	21	6.48	
Amount of	8	6.25	5	5.8	8	7.88	21	6.76	

funding										
Jurisdiction	7	7.71	5	6.4	7	8.29	19	7.58		
Policy Type	8	6.25	4	5.75	7	7.29	19	6.53		
Partisan difference	8	5.25	5	4.6	8	7.13	21	5.81		
Partisan similarity	8	5.63	5	4.6	8	6.5	21	5.71		
Political importance	8	8.63	5	7.4	8	9.38	21	8.62		
Political will	8	8.63	5	7.6	8	9.25	21	8.62		
Informal Relations	8	7.75	5	7.2	8	8.13	21	7.76		

"What words come to mind when you think of informal relations?" (Questionnaire question)					
	AIT (N = 8)	HCIWG (N = 6)	CMFC (N = 8)	Total (N =22)	% of Respondents
Relationships	2	2	4	8	36
Personality	1	4	4	9	41
Trust	6	5	3	14	64
Cooperation	4	3	3	10	45
Information	5	2	1	8	36
Efficiency	3	2	2	7	32
Other	1	2	1	4	18

1-Relationships

Relationships, relationship building, more relaxed, friendship, social activities, community, group culture, laughter,

2-Personality

Personalities, empathy, openness, respect, “don’t shoot the messenger”, acceptance, no hierarchy,

3-Trust

Trust, credibility, reciprocity, honesty,

4-Cooperation

Cooperation, collaboration, consensus building, alliances, facilitating, brokering, managing conflict, common vision, complicities, common interests, flexibility, negotiation, backroom decisions, respect

5-Information

Knowledge, information gathering, information sharing, insightful, signal checking, vetting, knowledge transfer, clarity, reconnaissance, transparency,

6-Efficiency

Efficiency, precision, momentum building, convenient, circumvention, cost-efficient, integral, confidentiality, strategic, effectiveness, beneficial, achievement, increased and immediate comprehension, motivation

7-Other

Inconsistent, continuity

Methodological note:

The above are categorized with a degree of subjectivity and potential overlap. For instance, “honesty” could be categorized under “personality” rather than trust. In this case, honesty would refer to having an honest personality, rather than honesty as facilitating trust, as is currently the case. Classifying these words is not an exact science, and requires a degree of judgement, particularly since these words were listed as simple words, not as part of sentences. However, the surveys were supplements to the interviews, and the words listed generally mirrored themes seen in the interviews. As such, I have classified words where I think they most logically fit, using context and the broader interview data as a guide.

“How important are the following factors in intergovernmental relations?” (1- Not at all important; 2- Not very important; 3- Somewhat important; 4- Very important)

“How important are the following factors in intergovernmental relations?” (1- Not at all important; 2- Not very important; 3- Somewhat important; 4- Very important)								
	AIT (N = 8)		HCIWG (N = 6)		CMFC (N = 8)		TOTAL (N = 22)	
	N	Mean	N	Mean	N	Mean	N	Mean
Trust	8	3.75	5	4	8	3.75	21	3.81
Personality	8	3.25	6	2.83	8	3.5	22	3.23
Friendship	8	2.38	6	2.33	8	2.5	22	2.41
Rank	8	2.75	6	3.5	8	3.25	22	3.14
Working Rules	8	3.13	6	3.5	8	3.75	22	3.45
Resistance	8	3.13	6	3	8	3.88	22	3.36

"How important are the following factors in IGR?"									
		AIT (N = 8)		HCIWG (N = 5)		CMFC (N = 8)		TOTAL (N = 21)	
		N	%	N	%	N	%	N	%
Trust									
"Very important"		6	75	5	100	6	75	17	81
"Somewhat important"		2	25	-	-	2	25	4	19

"Not very important"	-	-	-	-
"Not at all important"	-	-	-	-
Personality				
"Very important"	2 25	1 17	4 50	7 32
"Somewhat important"	6 75	4 67	4 50	14 64
"Not very important"	-	-	-	-
"Not at all important"	-	1	-	1 5
Friendship				
"Very important"	-	-	-	-
"Somewhat important"	3 38	3 50	4 50	10 45
"Not very important"	5 63	2 33	4 50	11 50
"Not at all important"	-	1 17	-	1 5
Rank				
"Very important"	1 13	3 50	3 38	7 32
"Somewhat important"	4 50	3 50	4 50	11 50
"Not very important"	3 38	-	1 13	4 18
"Not at all important"	-	-	-	-
Working Rules				
"Very important"	4 50	3 50	6 75	13 59
"Somewhat important"	1 13	3 50	2 25	6 27
"Not very important"	3 38	-	-	3 14
"Not at all important"	-	-	-	-
Resistance				
"Very important"	2 25	-	5 63	7 32
"Somewhat important"	5 63	6 100	2 25	13 59
"Not very important"	1 13	-	-	1 5
"Not at all important"	-	-	-	-

Works Cited

- Aasland, Aadne, Åse Berit Grødeland and Heiko Pleines. 2012. "Trust and Informal Practice Among Elites in East Central Europe, South East Europe and the West Balkans." *Europe-Asia Studies* 64(1): 115-143.
- Agranoff, Robert. 2001. "Managing within the Matrix: Do Collaborative Intergovernmental Relations Exist?" *Publius* 31(2): 31-56.
- AIT. 2009. *Agreement on Internal Trade Chapter 7- Labour Mobility Guidelines*. Forum of Labour Market Ministers- Labour Mobility Coordinating Group. August.
- AIT. 2012. *Annual Report*. Winnipeg: Internal Trade Secretariat.
- AIT. 2013. Annual Sectorial Report to the Committee on Internal Trade (2012-2013) Chapter 7 on Labour Mobility of the Agreement on Internal Trade. Forum of Labour Market Ministers. April.
- AIT. 2014. Status Report to the Committee on Internal Trade (2013-2014) Chapter 7 (Labour Mobility) of the Agreement on Internal Trade. Forum of Labour Market Ministers. May 22.
- AIT. 2015. *Agreement on Internal Trade- Consolidated Version*. Winnipeg: Internal Trade Secretariat.
- Alberta. 2001. "Francophone and Acadian Communities to be Supported Through Intergovernmental Collaboration." Edmonton: Government of Alberta Francophone Secretariat. September 28. <http://alberta.ca/release.cfm?xID=11380>
- Allison, Graham T. and Morton H. Halperin. 1972. "Bureaucratic Politics: A Paradigm and Some Policy Implications." *World Politics* 24 Spring: 40-79.
- Allison, Graham and Philip Zelikow. 1999 [1971]. *Essence of Decision- Explaining the Cuban Missile Crisis*, 2nd ed. New York: Longman.
- Aucoin, Peter. 1990. "Administrative Reform in Public Management: Paradigms, Principles, Paradoxes and Pendulums." *Governance* 3: 115-137.
- Aucoin, Peter. 2012. "New Political Governance in Westminster Systems: Impartial Public Administration and Management Performance at Risk." *Governance* 25(2): 177-199.
- Bailey, Sue. 2014. "Ottawa takes aim at trade barriers." *The Star Phoenix*. August 9. <http://www.thestarphoenix.com/business/Ottawa+takes+trade+barriers/10103632/story.html>
- Bakvis, Herman, Gerald Baier and Brown, Douglas. 2009. *Contested Federalism: Certainty and Ambiguity in the Canadian Federation*. Toronto: OUP.

- Bakvis, Herman and Mark D. Jarvis. 2012. "Introduction: Peter C. Aucoin: From New Public Management to New Political Governance." In *From New Public Management to New Political Governance*, ed. Herman Bakvis and Mark D. Jarvis. Montreal & Kingston: McGill-Queen's University Press. 3-25.
- Banting, Keith and Stan Corbett, eds. 2002. *Health Policy and Federalism: a Comparative Perspective on Multi-Level Governance*. Montreal and Kingston: McGill-Queen's University Press.
- Banting, Keith and Richard Simeon, eds. 1983. *And No-one Cheered: Federalism, Democracy, and the Constitution Act*. Toronto: Methuen Publications.
- Barbalet, Jack. 2009. "A Characterization of Trust, and Its Consequences." *Theory and Society* 38(4): 367-382.
- Barnard, Chester I. 1938. *The Functions of the Executive*. Cambridge, Harvard University Press.
- Basurto, Xavier, Gordon Kingsley, Kelly McQueen, Mshadoni Smith, and Christopher M. Weible. 2010. "A Systematic Approach to Institutional Analysis: Applying Crawford and Ostrom's Grammar." *Political Research Quarterly* 63(3) September: 523-537.
- Baum, Lawrence. 1988. "Measuring Policy Change in the U.S. Supreme Court." *The American Political Science Review* 82(3): 905-912.
- Baumgartner, Frank R. 2013. "Ideas and Policy Change." *Governance: An International Journal of Policy, Administration, and Institutions* 26(2): 239-258.
- Baumgartner, Frank R. And Brian D. Jones, 1993. *Agendas and Instability in American Politics*. Chicago: University of Chicago Press.
- Beamer, Glenn. 2002. "Elite Interviews and State Politics Research." *State Politics and Policy Quarterly* 2(1) Spring: 86-96.
- Berdahl, Loleen. 2012. "(Sub)national Economic Union: Institutions, Ideas, and Internal Trade Policy in Canada." *Publius* 43(2): 275-296.
- Bernstein, Steven and Benjamin Cashore. 2000. "Globalization, Four Paths of Internationalization and Domestic Policy Change: The Case of EcoForestry in British Columbia, Canada." *Canadian Journal of Political Science* 33(1): 67-99.
- Benz, Arthur. 1989. "Intergovernmental Relations in the 1980s." *Publius*, 19(4): 203-220.
- Blais, André and Stéphane Dion. 1990. "Are Bureaucrats Budget Maximizers? The Niskanen Model & Its Critics." *Polity* 22(4): 655-674.

- Blau, Peter M. 1956. *Bureaucracy in Modern Society*. New York: Random House.
- Blau, Peter M. 1963. *The Dynamics of Bureaucracy- A Study of Interpersonal Relations in Two Government Agencies*, 2nd ed. Chicago: University of Chicago Press.
- Blau, Peter M. 1964. *Exchange and Power in Social Life*. New York: John Wiley & Sons Inc.
- Bolleyer, Nicole. 2009. *Intergovernmental Cooperation: Rational Choices in Federal Systems and Beyond*. Oxford: Oxford University Press.
- Borins, Sandford F. 1988. "Public choice: "Yes Minister" made it popular, but does winning the Nobel Prize make it true?" *Canadian Public Administration* 31(1) Spring: 12-26.
- Bourgeois, Daniel, Wilfrid Denis, Donald Dennie and Marc L. Johnson. 2007. *Provincial and Territorial Government Contributions to the Development of Francophone Minority Communities- Assessment and Projections*. Moncton: Canadian Institute for Research on Linguistic Minorities.
- Breton, Albert. 1990. *Centralization, Decentralization, and Intergovernmental Competition*. Kingston: Institute of Intergovernmental Relations.
- Breton, Albert and Ronald Wintrobe. 1975. "The Equilibrium Size of a Budget-maximizing Bureau: A Note on Niskanen's Theory of Bureaucracy." *Journal of Political Economy* 83(1): 195-208.
- Breton, Albert and Ronald Wintrobe. 1982. *The logic of bureaucratic conduct: An economic analysis of competition, exchange, and efficiency in private and public organizations*. Cambridge, Mass. CUP.
- BC. 2001. "MLA Given Francophone Responsibilities". Victoria: Office of the Premier-Intergovernmental Relations. August 21. <http://www2.news.gov.bc.ca/archive/2001-2005/2002otp0014-000467.htm>
- Brinks, Daniel M. 2003. "Informal Institutions and the Rule of Law: The Judicial Response to State Killings in Buenos Aires and Sao Paulo in the 1990s." *Comparative Politics* 36(1) Oct: 1-19.
- Bronfenbrenner, Urie. 1979. *The Ecology of Human Development: Experiments by Nature and Design*. Cambridge, Massachusetts: Harvard University Press.
- Brown, Douglas M. 2002. *Market Rules: Economic Union Reform and Intergovernmental Policy-Making in Australia and Canada*. Montreal: McGill-Queen's University Press.
- Cairns, Alan. 1977. "The Government and Society of Canadian Federalism." *Canadian Journal of Political Science*. 10(4) December. 695-725.

- Cameron, David and Richard Simeon. 2002a. "Intergovernmental relations and democracy: An oxymoron if there ever was one?" In *Canadian federalism: performance, effectiveness and legitimacy*, ed. Herman Bakvis and Grace Skogstad. Don Mills: Oxford University Press 178-201.
- Cameron, David and Richard Simeon. 2002b. "Intergovernmental Relations in Canada: The Emergence of Collaborative Federalism." *Publius* 32(2): 49-71.
- Canada. 2009. "First Minister Endorse Full Labour Mobility Across Canada." Ottawa: Prime Minister's Office. Jan 16. <http://pm.gc.ca/eng/news/2009/01/16/first-ministers-endorse-full-labour-mobility-across-canada>
- Canada. 2012. *Policy on evaluation*. Ottawa: Treasury Board Secretariat. <http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15024>
- Canadian Chamber of Commerce. 2004. *Obstacles to Free Trade in Canada: A Study on Internal Trade Barriers*. Ottawa. Canadian Chambers of Commerce.
- Chabal, Patrick and Jean-Pascal Daloz. 2006. *Culture Troubles: Politics and the Interpretation of Meaning*. Chicago: University of Chicago Press.
- Church, Elizabeth. 2016. "Ottawa seeks to join provinces to cut cost of drug purchases." *The Globe and Mail*, January 17. <http://www.theglobeandmail.com/news/national/ottawa-seeks-to-join-provinces-to-cut-cost-of-drug-purchases/article28235296/>
- Clark, Jane Perry. 1938. *The Rise of a New Federalism: Federal-State Cooperation in the United States*. New York: Columbia University Press.
- Clarkson, Stephen and Christina McCall. 1990. *Trudeau and Our Times: Volume I – The Magnificent Obsession*. Toronto: McLelland and Stewart.
- CMFC. 2004. "Culture, jeunesse et identité : Toile de fond pour un nouvel élan à la coopération intergouvernementale en matière d'affaires francophones." Conférence ministérielle sur la francophonie canadienne. October 15. <http://www.cmfc-mccf.ca/docs/communiqués/Communiqué%20C3%A9%20FPT%20CMAF%202004%20%C3%A0%20Moncton.pdf>
- CMFC. 2006. *400 ans plus tard: 9 million de personnes parlent français*. Conférence ministérielle sur la francophonie canadienne. <http://www.cmfc-mccf.ca/userfiles/file/carte francophonie canadienne fr.pdf>
- CMFC. 2007. "Conferences- 2007, Halifax, NS." Conférence ministérielle sur la francophonie canadienne. <http://www.cmfc-mccf.ca/conferences-en?lang=en#>
- CMFC. 2008a. "The Canadian Francophonie- An Overview of Government Initiatives." Conférence ministérielle sur la francophonie canadienne. <http://www.cmfc-mccf.ca/userfiles/file/Overview%20of%20Government%20Initiatives.pdf>

mccf.ca/docs/publications/TheCanadianFrancophonieAnOverviewofGovernmentInitiatives.pdf

- CMFC. 2008b. “Un Partenariat Accru recherché en matière de francophonie Canadienne.” Conférence ministérielle sur la francophonie canadienne. September 18. http://www.cmfc-mccf.ca/userfiles/file/cmfc/CommuniquPTCMFC2008_FR_FINAL_quebec.pdf
- CMFC. 2015a. “Info-lettre- Édition spéciale, 20e Conférence ministérielle sur la francophonie canadienne.” Conférence ministérielle sur la francophonie canadienne. <http://www.cmfc-mccf.ca/docs/infolettres/Infolettre%20-%20Version%20fran%C3%A7aise.pdf>
- CMFC. 2015b. “Mandate.” Conférence ministérielle sur la francophonie canadienne. <http://www.cmfc-mccf.ca/mandate>
- CMFC. 2015c. “Principles.” Conférence ministérielle sur la francophonie canadienne. <http://www.cmfc-mccf.ca/principles>
- CMFC. 2014. “La coopération entre les gouvernements renforce la francophonie canadienne.” June 27. Conférence ministérielle sur la francophonie canadienne. <http://www.cmfc-mccf.ca/docs/communiqués/PT%20-%20Communiqu%C3%A9%20de%20presse%20-%20FR%20-%20FINAL%20-%2027%20juin%202014.docx>
- COF. 2004. *Council of the Federation: Internal Trade Workplan*. Ottawa: Council of the Federation.
- COF. 2009. “Premiers Advance Open Trade in Canada.” Ottawa: Council of the Federation.
- COF. 2012a. “Premiers Announce Health Care Working Innovation Group.” Ottawa: Council of the Federation. January 17.
- COF. 2012b. *From Innovation to Action: The First Report of the Health Care Innovation Working Group*. Ottawa: Council of the Federation.
- COF. 2013a. “Provinces and Territories Seek Significant Cost Savings for Canadians on Generic Drugs.” Ottawa: Council of the Federation. January 18.
- COF. 2013b. “Canada’s Provinces and Territories Realize Real Savings in Healthcare through Collaboration.” Ottawa: Council of the Federation. July 26.
- COF. 2014a. “Fact Sheet on Pan-Canadian Pharmaceutical Initiatives.” Ottawa: Council of the Federation. April 3.
- COF. 2014b. “Collaboration on Health Care Achieves Results for Canadians.” Ottawa: Council of the Federation. August 28.

- COF. 2016a. *Leadership in Health Care: Report to Canada's Premiers on the Achievement of the Health Care Innovation Working Group*. Ottawa: Council of the Federation. July 22.
- COF. 2016b. "Premiers Strike an Agreement in Principle on Internal Trade." Ottawa: Council of the Federation. July 22.
- Cohen, Andrew. 1990. *A Deal Undone: The Making and Breaking of the Meech Lake Accord*. Vancouver: Douglas & McIntyre.
- Collins, Emmet. 2010. "Divided Minority: Franco-Manitobans and the Forest Case." *Manitoba History* 64: Fall.
- Collins, Emmet. 2012. "Migdal Goes Canadian: Deconstructing the 'Executive' in the Study of Executive Federalism." *Federal Governance* 9(1): 1-8.
- Collins, Emmet. 2015. "Alternative Routes: Intergovernmental Relations in Canada and Australia." *Canadian Public Administration* 58(4): 591-604.
- Corry, James A. 1939. *Difficulties of Divided Jurisdiction: A Study Prepared for the Royal Commission on Dominion-Provincial Relations*. Ottawa: King's Printer.
- Crawford, Sue E.S. and Elinor Ostrom. 1995. "A Grammar of Institutions." *The American Political Science Review* 89(3) Sep: 582-600.
- Crawford, Sue E.S. and Elinor Ostrom. 2005. "A Grammar of Institutions." In *Understanding Institutional Diversity*, ed. Elinor Ostrom. Princeton and Oxford: Princeton University Press. 137-174.
- Crooke, Andrew Hew Dale. 2015. "Music Therapy, Social Policy, and Ecological Models: A Located Example of Music in Australian Schools." *Voices* 15(2).
- Cyrenne, Chad. 2006. "Is Thick Description Social Science?" *Anthropological Quarterly* 79(2): 315-324.
- Deutsch, Morton. 1958. "Trust and Suspicion." *Journal of Conflict Resolution* 2(4): 265-279.
- Dexter, Lewis Anthony, ed. 1970. *Elite and Specialized Interviewing*. Evanston, IL: Northwestern University Press.
- DiGiacomo, Gordon. 2010. "Ottawa's Deferential Approach to Intergovernmental Relations." In *The Case for Centralized Federalism*, ed. Gordon DiGiacomo and Maryantonett Flumian. Ottawa: University of Ottawa Press. 18-72.

- Dimaggio, Paul J. and Walter W. Powell. 1983. "The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields." *American Sociological Review* 48: 147-160.
- Dion, Douglas. 1998. "Evidence and Inference in the Comparative Case Study." *Comparative Politics* 30(2): 127-145.
- Doern, G. Bruce and Mark MacDonald. 1999. *Free Trade Federalism: Negotiating the Agreement on Internal Trade*. Toronto: University of Toronto Press.
- Dubin, R. 1958. *The World of Work: Industrial Society and Human Relations*. Englewood Cliffs, NJ: Prentice Hall.
- Dupré, J. Stefan. 1985. "Reflections on the Workability of Executive Federalism." In *Intergovernmental Relations*, ed. Richard Simeon, Vol. 63 of the research studies for the Royal Commission on the Economic Union and Development Prospects for Canada [Macdonald Commission]. Supply and Services Canada. Toronto: University of Toronto Press. 1-32.
- Easton, D. 1965. *A Systems Analysis of Political Life*. University of Chicago Press: Chicago.
- Eckstein, Harry. 1975. "Case Study and Theory in Political Science." In *The Handbook of Political Science Volume 7: Strategies of Inquiry*, ed. Fred I. Greenstein and Nelson W. Polsby. Reading, Massachusetts: Addison-Wesley Publishing Company. 79-137.
- Elazar, Daniel J. 1962. *The American Partnership: Intergovernmental Co-operation in the Nineteenth-Century United States*. Chicago: University of Chicago Press.
- Elazar, Daniel J. 1965. "The Shaping of Intergovernmental Relations in the Twentieth Century." *The Annals of the American Academy of Political and Social Science* 359: 10-22.
- Elster, Jon. 1986. *Rational Choice*. New York: New York University Press.
- Facal, Joseph. 2005. "Social Policy and Intergovernmental Relations in Canada: Understanding the Failure of SUFA from a Quebec Perspective". *SIPP Public Policy Paper No. 32*. Regina: Saskatchewan Institute of Public Policy.
- Feldman, D.C. 1984. "The Development and Enforcement of Group Norms." *Academy of Management Review* 9: 47-53.
- Fenno, Richard. 1978. *Home Style*. Boston: Little, Brown
- Fitzpatrick, Meagan. 2012. "Premiers join forces on health innovation group." *CBC*. January 17. <http://www.cbc.ca/news/politics/premiers-join-forces-on-health-innovation-group-1.1134517>

- Geddes, Barbara. 2003. *Paradigms and Sandcastles- Theory Building and Research Design in Comparative Politics*. Ann Arbor, Michigan. Michigan University Press.
- Geertz, Clifford. 1973. "Thick Description: Towards an Interpretive Theory of Culture." In *The Interpretation of Cultures: Selected Essays*. New York: Basic Books
- Gerring, John. 2004. "What is a Case Study and What is it Good For?" *American Political Science Review* 98(2) May: 341-354.
- Gibbins, Roger. 2001. "Shifting Sands: Exploring the Political Foundations of SUFA." *Policy Matters* 2 (3). July 31. Montreal: Institute for Research on Public Policy.
- Gibbons, Deborah E. 2004. "Friendship and Advice Networks in the Context of Changing Professional Values." *Administrative Science Quarterly* 49(2): 238-262.
- Gottlieb, Alma. 2006. "Ethnography: Theory and Methods." In *A Handbook for Social Science Field Research: Essays & Bibliographic Sources on Research Design and Methods*, ed. Ellen Perelman and Sara R. Curran. Thousand Oaks, California: Sage. 47-68.
- Grofman, Bernard. 1997. "Seven Durable Axes of Cleavage in Political Science." In *Contemporary Empirical Political Theory*, ed. Kristen Renwick Monroe. Berkeley: University of California Press. 73-86.
- Grøholt, Knut and John Higley. 1972. "National Elite Surveys: Some Experience From Norway." *Acta Sociologica* 15(2): 168-183.
- Gruening, Gernod. 2001. "Origin and theoretical basis of New Public Management." *International Public Management Journal* 4: 1-25.
- Hackman, Richard J. 2003. "Learning More by Crossing Levels: Evidence from Airplanes, Hospitals, and Orchestras." *Journal of Organizational Behaviour* 24(8): 905-922.
- Hall, Peter A. 1993. "Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain." *Comparative Politics* 25(3): 275-296.
- Hall, Peter A. and Rosemary C.R. Taylor. 1996. "Political Science and the Three New Institutionalisms." *Political Studies* 44(5) December: 936-957.
- Hall, Richard H. 1967. "Some Organizational Considerations in the Professional-Organizational Relationship." *Administrative Science Quarterly* 12(3): 461-478.
- Halperin, Sandra and Oliver Heath. 2012. *Political Research: Methods and Practical Skills*. Oxford: Oxford University Press.
- Hébert, Raymond. 2005. *Manitoba's French Language Crisis: A Cautionary Tale*. Montreal: McGill-Queen's University Press.

- Helmke, Gretchen and Steven Levitsky. 2004. "Informal Institutions and Comparative Politics: A Research Agenda." *Perspectives on Politics* 2(4) Dec: 725-740.
- Helmke, Gretchen and Steven Levitsky. 2006. "Introduction." In *Informal Institutions and Democracy- Lessons from Latin America*, ed. Gretchen Helmke and Steven Levitsky. Baltimore: Johns Hopkins University Press. 1-30.
- Heintzman, Ralph. 2014. "Public Service Renewal: Toward a Charter of Public Service." Ottawa: Canada 2020.
- Howell, William G. 2006. "Executives: The American Presidency." In *Handbook of Political Institutions*, ed. S. Binder, R. Rhodes, and B. Rockman. Oxford: Oxford University Press. 303-322.
- Howlett, Michael. 2007. "Analyzing Multi-Actor, Multi-Round Public Policy Decision-Making Processes in Government: Findings from Five Canadian Cases." *Canadian Journal of Political Science* 40(3) September: 659-684.
- Hurley, Patricia, David Brady and Joseph Cooper. 1977. "Measuring Legislative Potential for Policy Change." *Legislative Studies Quarterly* 2(4): 385-398.
- Innes, Judith E., Sarah Connick, and David Booher. 2007. "Informality as a Planning Strategy." *Journal of the American Planning Association* 73(2) Spring: 195-210.
- Inwood, Gregory J., Carolyn M. Johns, and Patricia L. O'Reilly. 2004. "Intergovernmental Officials in Canada." In *Canada: The State of the Federation 2002: Reconsidering the Institutions of Canadian Federalism*, ed. J. Peter Meekison, Hamish Telford and Harvey Lazar. Montreal: McGill-Queen's University Press. 249-284.
- Inwood, Gregory J., Carolyn M. Johns, and Patricia L. O'Reilly. 2011. *Intergovernmental Policy Capacity in Canada: Inside the Worlds of Finance, Environment, Trade and Health*. Montreal and Kingston: McGill-Queen's University Press.
- Internal Trade Secretariat. 2002. *Report on the Public Consultations Project*. Winnipeg: Internal Trade Secretariat.
- Johns, Carolyn M., Patricia L. O'Reilly and Gregory J. Inwood. 2006. "Intergovernmental Innovation and the Administrative State in Canada." *Governance* 19(4) October: 627-649.
- Johns, Carolyn M., Patricia L. O'Reilly and Gregory J. Inwood. 2007. "Formal and informal dimensions of intergovernmental administrative relations in Canada." *Canadian Public Administration* 50(1) Spring. 21-41.
- Johnson, Roberta Ann and Michael E. Kraft. 1990. "Bureaucratic Whistleblowing and Policy Change." *The Western Political Quarterly* 43(4): 849-874.

- Jorgensen, Danny L. 1989. "The Methodology of Participant Observation." In *Participant Observation*, ed. Danny L. Jorgensen. Thousand Oaks: Sage Publications, Inc. 12-26.
- Kaarbo, Juliet and Ryan K. Beasley. 1999. "A Practical Guide to the Comparative Case Study Method in Political Psychology." *Political Psychology* 20(2) June: 369-391.
- Kahn, William A. 1990. "Psychological Conditions of Personal Engagement and Disengagement at Work." *The Academy of Management Journal* 33(4): 692-724.
- Kane, Thomas J. 1984. "City Managers View Intergovernmental Relations." *Publius* 14(3): 121-133.
- Katz, Daniel and Robert L. Kahn. 1966. *The Social Psychology of Organizations*. New York: Wiley.
- Kee, Herbert W. and Robert E. Knox. 1970. "Conceptual and Methodological Considerations in the Study of Trust and Suspicion." *The Journal of Conflict Resolution* 14(3): 357-366.
- Kernaghan, Kenneth. 1985. "Intergovernmental Administrative Relations in Canada." In *Public Administration in Canada: Selected Readings*, ed. Kenneth Kernaghan. Toronto: Methuen. 152-166.
- King, Gary, Robert O. Keohane and Sydney Verba. 1994. *Designing Social Inquiry: Scientific Inference in Qualitative Research*. Princeton: Princeton University Press.
- Kingdon, John W. 1984. *Agendas, Alternatives, and Public Policies*. Boston: Little, Brown.
- Klein, Katherine J., Henry Tosi and Albert A. Cannella Jr. 1999. "Introduction to Special Topic Forum: Multilevel Theory Building: Benefits, Barriers, and New Developments." *The Academy of Management Review* 24(2): 243-248.
- Knox, Robert. 2001. *Canada's Agreement on Internal Trade: It Can Work If We Want It To*. Vancouver: Certified General Accountants Association of Canada.
- Knox, Robert and Michel Kelly-Gagnon. "Why We Need Freer Trade In Canada." *Economic Note*. Montreal: Montreal Economic Institute.
- Larson, Deborah. 1998. "Exchange and reciprocity in international negotiations." *International Negotiation* 3(2): 121-138.
- Larson, Deborah. 1997. "Trust and Missed opportunities in IR." *Political Psychology* 18(3): 701-734.
- Lauth, Hans-Joachim. 2000. "Informal Institutions and Democracy." *Democratization* 7(4): 21-50.

- Lazar, Harvey. 2005. "Trust in Intergovernmental Fiscal Relations." In *Canadian Fiscal Arrangements: What Works, What Might Work Better*, ed. Harvey Lazar. Montreal and Kingston: McGill-Queen's University Press. 3-36.
- Lazar, Harvey and France St-Hilaire, eds. 2004. *Money, Politics and Health Care: Reconstructing the Federal-Provincial Partnership*. Montreal: Institute for Research on Public Policy.
- Leach, Steve and Vivien Lowndes. 2007. "Of Roles and Rules: Analysing the Changing Relationship between Political Leaders and Chief Executives in Local Government." *Public Policy and Administration* 22(2): 183-200.
- Lecours, André. 2005. "New Institutionalism: Issues and Questions." In *New Institutionalism: Theory and Analysis*, ed. André Lecours. Toronto: University of Toronto Press. 1-25.
- Lengermann, Patricia and Gillian Niebrugge. 2007. "Moments in the Methodology of Meso History." *The American Sociologist* 38(4): 340-351.
- León, Sandra and Mónica Ferrín Pereira. 2011. "Intergovernmental Cooperation in a Decentralised System: the Sectoral Conferences in Spain." *Southern European Society and Politics*. 16(4): 513-532.
- Leslie, Peter, Ronald H. Neumann and Russ Robinson. 2004. "Managing Canadian Fiscal Federalism." In *Canada: State of the Federation 2002- Reconsidering the Institutions of Canadian Federalism*, ed. Peter J. Meekison, Hamish Telford and Harvey Lazar. Montreal and Kingston: McGill-Queen's University Press. 213-248.
- Lipset, Seymour M. 1950. *Agrarian Socialism: The Cooperative Commonwealth Federation in Saskatchewan: A Study in Political Sociology*. Berkeley: University of California Press.
- Lijphart, Arend. 1971. "Comparative Politics and Comparative Method." *American Political Science Review* 65(3): 682-93.
- Lipsky, Michael. 1980. *Street-level bureaucracy: dilemmas of the individual in public services*. New York: Russell Sage Foundation.
- Luhmann, Niklas. 1979. *Trust and Power*. New York: Wiley.
- McKay, David H. 1984. "A Reappraisal of public choice theory of intergovernmental relations." *Essex Papers in Politics and Government*. No. 16. Department of Government: University of Essex.
- March, J.G. and J. P. Olsen. 1998. "The Institutional Dynamics of International Political Orders." *International Organization* 52(4): 943-969.

- Margolis, Julius. 1975. "Comment on Niskanen's 'Bureaucrats and Politicians'." *Journal of Law and Economics* 18(3): 645-659.
- Mayer, Roger C., James H. Davis and F. David Schoorman. 1995. "An Integrative Model of Organizational Trust." *The Academy of Management Review* 20(3): 709-734.
- McDavid, James C., Irene Huse and Laura R. L. Hawthorn. 2013. *Program Evaluation and Program Management*. Los Angeles: Sage.
- Meehan, Eugene J. 1982. "The Study of Political Values." *International Political Science Review* 3(2): 254-256.
- Meekison, J. Peter, Hamish Telford, and Harvey Lazar. 2004. "The Institutions of Executive Federalism." In *Canada: The State of the Federation 2002: Reconsidering the Institutions of Canadian Federalism*, ed. J. Peter Meekison, Hamish Telford and Harvey Lazar. Montreal: McGill-Queen's University Press. 3-31.
- Michel, Torsten. 2012. "Time to get Emotional. Phronetic Reflections on the Concept of Trust in International Relations." *European Journal of International Relations* 0(0): 1-22.
- Miller, Alan S. and Tomoko Mitamura. 2003. "Are Surveys on Trust Trustworthy?" *Social Psychology Quarterly* 66(1): 62-70.
- Mikulecky, Thomas J. 1980. "Intergovernmental Relations Strategies for the Local Manager." *Public Administration Review* 40(4): 379-381.
- Monahan, Patrick. 1991. *Meech Lake: The Inside Story*. Toronto: University of Toronto Press.
- Montpetit, Éric and Martial Foucault. 2012. "Canadian Federalism and Change in Policy Attention: A Comparison with the United Kingdom." *Canadian Journal of Political Science* 45(3): 635-656.
- Morand, David A. 1995. "The Role of Behavioral Formality and Informality in the Enactment of Bureaucratic versus Organic Organizations." *Academy of Management Review* 20(4) 831-872
- Morrison, Jeff. 2013. "The Council of the Federation, pharmacy and health care reform in Canada." *Canadian Pharmacists Journal* 146(1): 55-56.
- National Post. 2014a. "Abolishing inter-provincial trade barriers is the right step for Canada." *The National Post*. May 28. <http://fullcomment.nationalpost.com/2014/05/29/national-post-editorial-board-abolishing-inter-provincial-barriers-is-the-right-step-for-canada/>
- National Post. 2014b. "'This seems dumb': Time to pull back trade barriers between provinces, Saskatchewan premier says." *The National Post*. August 28. <http://news.nationalpost.com/news/canada/canadian-politics/this-seems-dumb-saskatchewan-premier-says-its-time-to-get-rid-of-trade-barriers-between-provinces>

- Nelson, David and Susan Webb Yackee. 2012. "Lobbying Coalitions and Government Policy Change: An Analysis of Federal Agency Rulemaking." *The Journal of Politics* 74(2): 339-353.
- Niskanen, William A. 1968. "The Peculiar Economics of Bureaucracy." *The American Economic Review* 58(2): May. 293-305.
- Niskanen, William A. 1975. "Bureaucrats and Politicians." *Journal of Economics and Law* 18(3): December. 617-643.
- Noël, Alain. 2000. "Without Québec: Collaborative Federalism with a Footnote?" Working Paper 1(2). Montreal: Institute for Research on Public Policy.
- Noël, Alain. 2003. "The End of a Model? Québec and the Council of the Federation" in *Constructive and Cooperative Federalism? A Series of Commentaries on the Council of the Federation*, ed. Doug Brown. 1-6.
- North, Douglass C. 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge, New York: Cambridge University Press.
- O'Donnell, Guillermo. 1996. "Another Institutionalization: Latin America and Elsewhere." Working Paper No. 222. Kellogg Institute for International Studies.
- OECD. 2002. *OECD Reviews of Regulatory Reform Canada 2002: Maintaining Leadership Through Innovation*. Paris: Organization for Economic Cooperation and Development.
- Okhuysen, Gerardo Andrés. 2001. "Structuring Change: Familiarity and Formal Interventions in Problem-Solving Groups". *The Academy of Management Journal* 44(4): 794-808.
- Ostrom, Elinor. 1999. "Institutional Rational Choice: An Assessment of the Institutional Analysis and Development Framework." In *Theories of the Policy Process*, ed. Paul A. Sabatier. Boulder: Westview Press. 35-72.
- Ostrom, Elinor, ed. 2005. *Understanding Institutional Diversity*. Princeton and Oxford: Princeton University Press.
- Ostrom, Elinor. 2007. "Institutional Rational Choice: An Assessment of the Institutional Analysis and Development Framework." In *Theories of the Policy Process*, 2nd ed, ed. Paul A. Sabatier. Boulder: Westview Press. 21-64.
- Ostrom, Elinor. 2008. "Developing a method for analyzing institutional change." In *Alternative Institutional Structures: Evolution and Impact*, ed. Sandra S. Batie and Nicholas Mercuro. London: Routledge: 48-77.

- Ostrom, Elinor, Michael Cox and Edella Schlager. 2014. "An Assessment of the Institutional Analysis and Development Framework and Introduction of the Social-Ecological Systems Framework." In *Theories of the Policy Process*, 3rd ed, ed. Paul A. Sabatier and Christopher M. Weible. Westview Press. 267-306.
- Pal, Leslie. 1993. *Interests of State: The Politics of Language, Multiculturalism and Feminism in Canada*. Montreal: McGill-Queen's University Press.
- Palda, Filip, ed. 1994. *Provincial Trade Wars: Why the Blockade Must End*. Vancouver: The Fraser Institute.
- 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*, ed. J. Peter Meekison, Hamish Telford and Harvey Lazar. Montreal: McGill-Queen's University Press. 113-140.
- Paulson, Gaylen D. and Charles E. Naquin. 2004. "Establishing Trust Via Technology: long distance practices and pitfalls." *International Negotiations* 9(2): 229-244.
- Peters, Guy. 1998. *Comparative Politics: Questions of Theory and Method*. New York: New York University Press.
- Powell, Walter W. and Paul J. DiMaggio. 1991. *The New Institutionalism in Organizational Analysis*. Chicago: University of Chicago Press.
- Pressman, Jeffrey L. and Aaron Wildavsky. 1973. *Implementation: how great expectations in Washington are dashed in Oakland; or, Why it's amazing that Federal programs work at all, this being a saga of the Economic Development Administration as told by two sympathetic observers who seek to build morals on a foundation of ruined hopes*. Berkley: University of California Press.
- Provan, Keith G. and H. Brinton Milward. 1991. "Institutional-Level Norms and Organizational Involvement in a Service-Implementation Network." *Journal of Public Administration Research and Theory: J-PART* 1(4): 391-417.
- Putnam, Robert. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton, NJ: Princeton University Press.
- Québec. 2006. *Politique du Québec en matière de francophonie canadienne- L'avenir en français*. Québec : Secrétariat aux affaires intergouvernementales canadiennes du ministère du Conseil exécutif.
- Québec. 2014. "L'Ontario et le Québec unissent leurs voix pour s'opposer aux coupures à Radio-Canada et soutenir la francophonie canadienne." Québec : Secrétariat aux affaires intergouvernementales canadiennes du ministère du Conseil exécutif. October 20. <http://www.saic.gouv.qc.ca/secretariat/salle-de-nouvelles/communiques/details.asp?id=230>

- Québec. 2015. "Radio Canada." Québec : Secrétariat aux affaires intergouvernementales canadiennes du ministère du Conseil exécutif. <http://www.saic.gouv.qc.ca/francophonie-canadienne/faits-marquants/radio-canada.asp>
- Rivera, Sharon Werning, Polina M. Kozyreva and Eduard G. Sarovskii. 2002. "Interviewing Political Elites: Lessons From Russia." *PS: Political Science and Politics* 35(4) Dec: 683-688.
- Robson, William. 2014. "More money for provinces? Just say no, Mr. Harper." *The Globe and Mail*. October 7. <http://www.theglobeandmail.com/globe-debate/more-money-for-provinces-just-say-no-mr-harper/article20959735/>
- Roethlisberger, F.J. and William J. Dickson. 1939. *Management and the Worker*. Cambridge, Harvard University Press.
- Rosenthal, Donald B. 1980. "Bargaining Analysis in Intergovernmental Relations." *Publius* 10(3) Summer. 5-44.
- Russell, Peter H. 2004. *Constitutional Odyssey: Can Canadians Become a Sovereign People?* 3rd ed. Toronto: University of Toronto Press.
- Ryan, Claude. 2003. "Québec and Interprovincial Discussion and Consultation." In *Constructive and Cooperative Federalism? A Series of Commentaries on the Council of the Federation*, ed. Doug Brown. 1-6.
- Sabatier, Paul. 1993. "Policy Change over a Decade or More." In *Policy Change and Learning- An Advocacy Coalition Approach*, ed. Paul A. Sabatier and Hank C. Jenkins-Smith. Boulder: Westview Press. 13-40.
- Savoie, Donald. 2003. *Breaking The Bargain: Public Servants, Ministers, and Parliament*. Toronto: University of Toronto Press.
- Scharpf, Fritz W. 1997. *Games Real Actors Play- Actor-Centered Institutionalism in Policy Research*. Boulder: Westview Press.
- Schein, Edgar. 1992. *Organizational Culture and Leadership*, 2nd ed. San Francisco: Jossey-Bass.
- Schein, Edgar. 1996. *Strategic Pragmatism: The Culture of Singapore's Economic Development Board*. Cambridge: MIT Press.
- Schlüter, Achim and Insa Theesfeld. 2010. "The grammar of institutions: The challenges of distinguishing between strategies, norms and rules." *Rationality and Society* 22(4): 445-475.
- Schultz, Richard J. 1980. *Federalism, Bureaucracy and Public Policy- The Politics of Highway Transport Regulation*. Montreal: The Institute of Public Administration of Canada.

- Scott, F.R. 1938. *Canada Today*. Sydney: Canadian Institute of International Affairs.
- Scott, W. R. 1992. *Organizations: Rational, natural, and open systems*, 3rd ed. Englewood Cliffs, NJ: Prentice Hall.
- Simeon, Richard. 1980. "Intergovernmental relations and the challenges to Canadian federalism." *Canadian Public Administration* 23(1): 14-32.
- Simeon, Richard. 1986. "Considerations on Centralization and Decentralization." *Canadian Public Administration* 29(3): 445-461.
- Simeon, Richard. 2002. "Federalism and Intergovernmental Relations." In *The Handbook of Canadian Public Administration*, ed. Christopher Dunn. Oxford University Press. 204-224.
- Simeon, Richard. 2006 [1972]. *Federal-Provincial Diplomacy: The Making of Recent Policy in Canada*, 2nd ed. Toronto: University of Toronto Press.
- Simeon, Richard and Amy Nugent. 2008 [2012]. "Parliamentary Canada and Intergovernmental Canada: Exploring the Tensions." In *Canadian Federalism: Performance, Effectiveness, and Legitimacy*, 2nd [3rd] ed. Herman Bakvis and Grace Skogstad. Don Mills: Oxford University Press. 59-78.
- Simeon, Richard and Beryl A. Radin. 2010. "Reflections on Comparing Federalisms: Canada and the United States." *Publius* 40(3): 357-365.
- Simeon, Richard and Ian Robinson. 2009. "The Dynamics of Canadian Federalism." In *Canadian politics*, 5th ed., ed. James Bickerton and Alain-G. Gagnon. Toronto: University of Toronto Press. 155-178.
- Simmons, Julie M. 2004. "Securing the Threads of Co-operations 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*, ed. J. Peter Meekison, Hamish Telford and Harvey Lazar. Montreal: McGill-Queen's University Press. 285-311.
- Simmons, Julie M. 2012. "Democratizing Executive Federalism: The Role of Non-Governmental Actors in Intergovernmental Agreements." In *Canadian Federalism: Performance, Effectiveness, and Legitimacy*, 3rd ed., ed. Herman Bakvis and Grace Skogstad. Don Mills: Oxford University Press. 321-339.
- Skocpol, Theda. 1979. *States and Social Revolutions: a Comparative Analysis of France, Russia and China*. New York: Cambridge University Press.

- Skogstad, G. 2009. "Policy Networks and Policy Communities: Conceptualizing State-Societal Relationships in the Policy Process." In *New Institutionalism: Theory and Analysis*, ed. André Lecours. Toronto: University of Toronto Press. 205-220.
- Smiley, Donald V. 1974. "Federal-Provincial Conflict in Canada." *Publius* 4(3): 7-24.
- Smiley, Donald V. 1979. "An Outsider's Observations of Intergovernmental Relations among Consenting Adults." In *Consultation or Collaboration: Intergovernmental Relations in Canada Today*, ed. Richard Simeon. Toronto: Institute of Public Administration of Canada.
- Smiley, Donald V. and Ronald L. Watts. 1985. *Intrastate Federalism in Canada*. Toronto: University of Toronto Press for Supply and Services Canada.
- Smith, Miriam. 2005a. *A Civil Society? Collective Actors in Canadian Political Life*. Peterborough, Ontario: broadview.
- Smith, Miriam. 2005b. "Institutionalism in the Study of Canadian Politics: The English Canadian Tradition." In *New Institutionalism: Theory and Analysis*, ed. André Lecours. Toronto: University of Toronto Press.
- Snow, Charles C. and James B. Thomas. 1994. "Field Research Methods in Strategic Management: Contributions to Theory Building and Testing." *Journal of Management Studies* 31(4): 457-480.
- Sproule-Jones, Mark. 1993. *Governments at Work- Canadian Parliamentary Federalism and Its Public Policy Effects*. Toronto: University of Toronto Press.
- Statistics Canada. 2011. "French and the *francophonie* in Canada- Language, 2011 Census of Population." *Census in Brief*. Ottawa: Ministry of Industry. https://www12.statcan.gc.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011003_1-eng.cfm
- Stein, Janice Gross. 2006. "Canada by Mondrian: Networked Federalism in an era of Globalization." In *Canada By Picasso: The Faces of Federalism*, ed. Roger Gibbins, Antonia Maioni and Janice Gross Stein. Toronto: Conference Board of Canada. 15-58.
- Stevens, John M., Janice M. Beyer and Harrison M. Trice. 1978. "Assessing Personal, Role, and Organizational Predictors of Managerial Commitment." *The Academy of Management Journal* 21(3): 380-396.
- Thompson, Robert. 2006. "McKenna's Golf Game..." *Canadian Golfer*. January 27. <http://canadiangolfer.com/g4g/2006/01/27/mckennas-golf-game/>
- Toronto Star. 2000. "The next separatist threat could be from..." *Toronto Star* Jan 1: 1. Toronto.

- Tudge, Jonathan R.H., Irina Mokrova, Bridget E. Hatfield, and Rachana B. Karnik. 2009. "Uses and Misuses of Bronfenbrenner's Bioecological Theory of Human Development." *Journal of Family Theory and Review* 1: 198-210.
- Verba, Sydney. 1967. "Some Dilemmas in Comparative Research." *World Politics* 20: 111-127.
- Vipond, Robert. 2008. "Introduction: The Comparative Turn in Canadian Political Science." In *The Comparative Turn in Canadian Political Science*, ed. Linda A. White, Richard Simeon, Robert Vipond, and Jennifer Wallner. Vancouver: UBC Press. 3-16.
- Watts, Ronald. 1989. *Executive Federalism: A Comparative Analysis*. Research Paper No. 26. Kingston: Institute of Intergovernmental Relations.
- Weber, M. 1947, *The theory of social and economic organization* (A. M. Henderson & T. Parsons, Trans.). New York: Oxford University Press.
- Weible, Christopher M, Tanya Heikkila, Peter deLeon and Paul A. Sabatier. 2012. "Understanding and influencing the policy process." *Policy Sciences*. 45: 1-21.
- White, Alan. 2016. "New Brunswick judge throws out cross-border booze limits." *CBC News*. April 29. <http://www.cbc.ca/news/canada/new-brunswick/gerard-comeau-border-alcohol-ruling-1.3554908>
- Willem, Annick and Marc Buelens. 2007. "Knowledge Sharing in Public Sector Organizations: The Effect of Organizational Characteristics on Interdepartmental Knowledge Sharing." *Journal of Public Administration Research and Theory: J-PART* 17(4): 581-606.
- Wilson, Kumanan. 2008. *Creative Federalism and Public Health*. Kingston: IIGR.
- Wiseman, Nelson. 1992. "The Questionable Relevance of the Constitution in Advancing Minority Cultural Rights in Manitoba." *Canadian Journal of Political Science*. 25(4): 697-721.
- Wright, Deil S. 1974. "Intergovernmental Relations: An Analytical Overview." *The Annals of the American Academy of Political and Social Science* 416: 1-16.
- Wright, Deil S. 1975. "Intergovernmental Relations and Policy Choice." *Publius* 5(4): 1-24.