



Constructive and Co-operative Federalism?
A Series of Commentaries on the Council of the Federation

**Getting Things Done in the Federation:
Do We Need New Rules for an Old Game?**

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Last July, Canada's provincial and territorial leaders, meeting in Charlottetown, adopted what they called a "plan to revitalize the Canadian federation and build a new era of constructive and cooperative federalism". The centerpiece of the five-point plan is the creation of a "Council of the Federation" – endorsing at least part of the orifdserationihPM, following a jointly prepared agenda and co-chaired by the prime minister and the chair of

In sum, the Premiers plan to beef up existing institutions and develop new ground rules for intergovernmental relations. These changes hold the promise of substantial improvement of

Also, federal and provincial taxation powers are nearly the same, so that unless the governments coordinate their tax policies, a tax jungle can take place. And in the area of criminal law, the federal Parliament is responsible for the content of the criminal code, while the provinces are responsible for administering it.

are so intermeshed as to allow no independent freedom of action. This can occur in a vertical arrangement with provinces doing what the federal government demands because they have no choice. Or there can be a more horizontal “joint decision trap” – a phrase used by German political scientist Fritz Scharpf to describe the rules for some policy fields in the German federal system, where no government can act unless all of them agree to do so.³

Canada’s federal system is tilted more than most towards the competitive and more independent end of the spectrum. Ours is a

Doug Brown, *Getting Things Done in the Federation*
on the alignment of unusual political forces?

highly symbolic issues such as constitutional negotiations, where the concentration of

Yet if reform is only cosmetic, the default position will continue to be competitive federalism. This will not be good enough to manage the complexities of interdependence in the world of global and regional integration. Whether the issue is a national plan for dealing with climate change and greenhouse gas emissions; negotiating deeper regulatory integration in North America; handling a continuing series of global public health threats – Canada will fall further behind if it does not have the capacity to participate effectively in multilevel governance.

Our political culture with its incentives for competition and partisan conflict, and the preference for direct accountability to one's own electorate, will not wither away. There is a