

Canada

Self-rule

INSTITUTIONAL DEPTH AND POLICY SCOPE

Canada has ten provinces, including Quebec, which is coded as an asymmetrical region. It also has three autonomous territories: the Northwest Territories, Yukon, and Nunavut. Aboriginal peoples (which includes Indian, Inuit, and Métis peoples) can conclude self-government agreements with provincial, territorial, and federal governments and we code these as autonomous regions (C 1982, Art. 35.2; Law No. 11; Papillon 2012a, b).¹ We also code sub-provincial regional tiers in three provinces: regional districts in British Columbia, counties and regional municipalities in Ontario, and, in Quebec province, the metropolitan areas of Montreal and Quebec which have been subject to special legislation since 1970 and *conférences régionales des élus* which existed between 2006 and 2016.²

Provinces and territories differ greatly in population, ranging from about 32,000 in the territories of Yukon and Nunavut to almost thirteen million in the province of Ontario. The major difference between a Canadian province and a territory is that provincial powers are constitutionally protected, while a territory's powers are granted by federal law. Hence, the constitution, which was repatriated from the UK in 1982, enumerates federal and provincial competences but not those of the territories (C 1867, Arts. 91–92). Another difference is that the formal head of the territories, the commissioner, is a representative of the federal government, in contrast to her counterpart in the provinces, the lieutenant-governor, who is a representative of the

¹ Self-government agreements can be negotiated as part of comprehensive land claims. In 1975 the first comprehensive land claim was signed with the James Bay Cree and Inuit of Northern Quebec and subsequently a total of twenty-four self-government agreements have been signed (until 2018). Government of Canada. Aboriginal Affairs and Northern Development Canada. “Final Agreements and Related Implementation Matters.” <<http://www.aadnc-aandc.gc.ca>>. In 2006, there were approximately 380,000 people living on 2,267 Indian reserves, out of approximately 1.4 million self-identified Aboriginal people. Statistics Canada. “Aboriginal Peoples in Canada: First Nations People, Métis and Inuit.” <<http://www12.statcan.gc.ca>>; Government of Canada. Aboriginal Affairs and Northern Development Canada. “The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government.” <<http://www.aandc.gc.ca>>.

² The city of Ottawa is the capital of Canada and constitutes a single-tier municipality in the province of Ontario. The city is subject to a federal law which establishes a National Capital Commission which coordinates the development of public lands and buildings in the National Capital Region (Law No. 4/1985, Art. 11; Young 2009: 123). The members of this commission are appointed by the federal government whereby three members should be resident in local municipalities in Ontario, two members should be residents in local municipalities in Quebec, and eight members should come from the rest of Canada (Law No. 4/1985, Art. 4). The executive committee of the National Capital Commission is also appointed by the federal government and at least one member should be a resident from Quebec (Law No. 4/1985, Art. 9). The city of Ottawa does not meet the criteria for regional government.

Queen. The acts of the Northwest Territories and Nunavut (but not Yukon) also stipulate that the legislatures exercise their powers “subject to any other Act of Parliament” (Law No. 27/1985, Art. 16 and No. 28/1993, Art. 23). However, in recent decades the commissioner has been under federal instruction to act like a provincial lieutenant-governor—that is to say, to interpret the role as ceremonial rather than substantive. Therefore, like provinces, the territories score 3 on institutional depth after this legislation was passed: 1986 in the Northwest Territories, 2002 in Yukon, and 1999 in Nunavut.

The 1867 constitution enumerated federal powers, which includes the regulation of trade and commerce, defense, navigation and shipping, and banking and currency. The federal government was also given exclusive authority over Aboriginal peoples and criminal law. Provinces were given responsibilities for public lands, natural resources (including energy), education, hospitals, justice, and local government (C 1867, Art. 92; Cameron 2002; Simeon and Papillon 2006; Watts 1999a, 2008). Originally agriculture and immigration (but not citizenship or naturalization) were concurrent, and in 1951 pensions was added. A revision of the constitution in 1982 reinforced provincial control over natural resources (C 1982, Art. 92A; see Chandler 1986). Residual powers lie with the federal government (C 1867, Art. 91; Cameron 2002; Watts 1999a, 2008).

The constitutional provision of concurrent provincial power in immigration remained largely a dead letter until 1978, when the Canada Immigration Act authorized the federal government to conclude federal–provincial agreements (Law No. 52/1976, Art. 108.2 (in force since April 1, 1978 and No. 27/2001, Art. 7). The first province to conclude an agreement was Quebec. The 1978 Cullen–Couture agreement gave Quebec a role in selecting its immigrants through its own points system (DeVoretz and Pivnenko 2007). In subsequent decades agreements were signed between the federal government and individual provinces (and two territories) for shared funding and responsibility for settlement services as well as for a greater say in selecting immigrants, but these do not challenge the preeminence of the federal government on immigration. The exception is Quebec.⁷ The Canada–Quebec Accord of 1991 allows Quebec to select its economic immigrants and control settlement (Simeon and Papillon 2006). Only Quebec “has sole responsibility for the selection of immigrants destined to that province” and only with respect to Quebec is Canada legally bound to “admit any immigrant destined to Quebec who meets Quebec’s selection criteria” (Canada–Quebec Accord 1991, Art. 12).³ Hence, since 1991 Quebec receives the highest score on policy scope, while other provinces score 3.

There has been intense debate concerning whether Quebec should be constitutionally

³ The gap between Quebec and other provinces has narrowed as provinces have become proactive in attracting (and selecting) economic immigrants (Paquet 2014). Under the Provincial Nominee Program (PNP), created in 1996 and gradually diffused through federal–provincial agreements, provinces can “nominate” immigrants within quotas set annually by the federal government. Although provinces merely recommend applicants, an overwhelming majority of recommendations gain federal approval (Canada 2011: 20). Canada continues to select the vast majority of its immigrants through federal programs—between 2005 and 2009 just 17 percent were PNP immigrants—but the proportion varies widely by province (Canada 2011: 20).

recognized as a “distinct society” (Gagnon and Simeon 2010: 116–120; Simeon 2004). On October 30, 2003 the national assembly of Quebec voted unanimously to affirm “that the Quebecers form a nation,” and on November 27, 2006 the federal House of Commons passed a symbolic motion declaring that “this House recognize[s] that the Québécois form a nation within a united Canada.” What this means is contested. One tangible element of Quebec’s special status is that it has on occasion acquired opt-outs or special arrangements on matters that are deemed central to its identity, such as pensions, and to a more limited extent, health and education. Legally, opt-outs can be extended to all provinces, though Quebec has made most use of them.⁴

The territories were treated initially as quasi-colonies governed from Ottawa, but over the years their competences have grown (Cameron and White 1995; Hicks and White 2000). The Northwest Territories obtained some devolved authority in education, housing, and social services in 1966 and extensive self-rule with a law adopted in 1985 (Law No. 27/1985; enacted in 1986). It now has authority over essentially the same policies as provinces, but not including immigration and citizenship, and mineral resources were excluded until 2014 (Law No. No. 15/2014). Yukon became self-governing in 1978 when it gained control over its budget and its executive became responsible to its elected legislative assembly (Sabin 2014). It was given formal provincial-type powers (including immigration, but not criminal prosecution) in 2002 (Law No. 6/1898 and 7/2002, Art. 18). Nunavut, formerly a part of the Northwest Territories, was carved out as a separate territory in a comprehensive land claim agreement with the Inuit in 1993 (Dahl, Hicks, and Jull 2000). It received extensive policy competences (excluding immigration and citizenship) when it was granted territory status in 1999 (Law No. 28/ 1993; enacted in 1999). We score Nunavut as a self-governing arrangement between 1993 and 1999 and as an autonomous territory from 1999 onwards.

We distinguish two channels of differentiated territorial governance for Aboriginal peoples.⁵ The first has its legal base in the Indian Act of 1876, which institutionalized First Nation reserves (Gagnon and Simeon 2010: 120–122; Law No. 18/1876). The lands of First Nations were placed under the authority of the federal government under the provisions of the constitution (C 1867, Art. 91.24). We code the governing institutions of Indian Act bands—that is, a First Nation under the authority of the Indian Act (Law No. 18/1876, Art. 3.1)—which serve as the statute for these reserves (Papillon 2012a).⁶ According to the Indian Act, the Minister of Aboriginal Affairs (before the Minister of Interior) exercises broad authority over reserves whereas locally elected chiefs have limited regulatory powers—subject to confirmation by the minister⁷—over policies such as public

⁴ Quebec has its own pension plan and has refused to sign intergovernmental agreements on health, tax harmonization, and education. Quebec also has its own revenue agency and statistical office (Schnabel 2017: 62; Telford 2003).

⁵ For reviews of literature on Aboriginal self-government in Canada, see Cassidy (1990) and White (2011); for a comparison between aboriginal self-government in the US and Canada, see Papillon (2012a).

⁶ First Nations are Aboriginal peoples who are neither Métis nor Inuit. The Indian Act applies only to First Nations (Law No. 18/1876, Art. 4).

⁷ The Indian Act Amendment and Replacement Act adopted on December 14, 2014 abolishes ministerial

health care, prevention of trespass by cattle, maintenance of roads, bridges, ditches, and fences, construction, and repair of school houses and council houses (Law No. 18/1876, Arts. 2 and 63; Peters 1987). The department of Crown-Indigenous Relations and Northern Affairs Canada—formerly known as Aboriginal Affairs and Northern Development Canada—oversees the implementation and administration of governance processes under the Indian Act (Papillon 2012b).⁸ The institutional relationship with the federal government has remained fundamentally hierarchical, to the degree that as late as 2010 a report of the Standing Senate Committee on Aboriginal Peoples observed that “leadership under the Indian Act is limited largely to administering ‘Indian Affairs money’” and that locally elected leaders “are primarily responsible to the Department of Indian Affairs and Northern Development” (Senate Standing Committee 2010: 25). Indian Act bands score 1 on institutional depth throughout the period.

There has been more change on policy scope. Over time federal and provincial governments have begun to decentralize programs and services to the Indian Act bands, including in schooling, social services, housing, and economic development (Papillon 2012b). While this decentralization is mostly administrative, it has given Indian Act bands greater control over their internal affairs. It is difficult to pinpoint a particular act or executive decree that introduced greater policy autonomy, but observers agree that “only in the 1980s it became a systematic element of federal policy” (Papillon 2012b).^a We opt to increase the score for policy scope from 0 to 1 in 1985 because that date coincides with a major revision of fiscal arrangements (see Fiscal autonomy).

The second channel is through “comprehensive land claims agreements,” also called modern treaties, which provide self-government (Alcantara 2008: 343). This venue opened up in 1973 when the Supreme Court ruled that Aboriginal Peoples may hold title to their historic lands (SCR 313/1973). The 1982 constitution introduced a section on “Aboriginal and treaty rights” (C 1982, Art. 35/Law No. 11; Knopff and Sayers 2005: 116–117), and in 1983 a House of Commons committee on Indian self-government recommended that the federal government recognize First Nations as a distinct order of government (House of Commons 1983; Cowie 1987; Hurley 2009; Wherrett 1999). In 1995 the federal government adopted its “Inherent Right of Self-Government Policy,” which finally brought the self-government agreements under constitutional protection (C 1982, Art. 35; Law No. 11/1982) and allowed Aboriginal Peoples to negotiate self-government arrangements as part of comprehensive land claim agreements, as treaty rights in new treaties, or as additions to existing treaties.⁹ Provincial and territorial governments must be parties to the self-government agreements for subject matters falling within their jurisdiction.¹⁰ The scope of

oversight over bylaws except for money and tax by laws. Government of Canada. Aboriginal Affairs and Northern Development Canada. “Changes to By-laws.” <<https://www.aadnc-aandc.gc.ca>>.

⁸ Government of Canada. Aboriginal Affairs and Northern Development Canada. “Governance,” “Tribal Council Funding,” and “Band Support Funding.” <<https://www.aadnc-aandc.gc.ca>>.

⁹ Agreements, treaties, and negotiated settlements project (ATNS). “Inherent Right of Self-Government Policy 1995.” <<http://www.atns.net.au>>.

¹⁰ The Parliament of Canada. “Aboriginal Self-Government.” <<http://www.parl.gc.ca/content/lop/researchpublications/prb0923-e.htm>>.

jurisdictional authority (which can be significant) is defined in the agreement but is given legal status through federal enabling legislation. The first agreements were effective in 1977, and to date the federal government has signed twenty-four self-government agreements.

Federal policy determines what can be negotiated in the comprehensive land claims and self-government agreements, and this constrains institutional depth (Papillon 2012a: 300).^β Aboriginal peoples can obtain competences in policies such as own institutional set up, band membership, taxation, language, education, social services, health, land tenure, local transportation, and public works. Power sharing, but not full transfer, can be negotiated in the areas of labor, justice, divorce, prisons, environment, fisheries, gaming, and emergency preparedness (Peters 1987).¹¹ The federal government retains full authority over immigration, defense, international trade, national economy, and foreign relations. We score from the year a self-government agreement is enacted.

British Columbia, Ontario and Quebec have intermediate governance within their jurisdictions, whereas the other provinces and the territories have local government only (Higgins 1991; Humes and Martin 1969; Sutcliffe 2007).¹²

British Columbia has 28 regional districts which have an average population size of about 166,000 but which may vary in size from under 4,000 (Central Coast) to over two million (Metro Vancouver). Regional districts were created in 1965 by amending the municipal act and by 1968 they covered the whole province.¹³ Regional districts provide services for their member municipalities and in some cases also for Treaty First Nations such as water supply, sewers, fire protection, parks and recreation, waste management, housing, hospitals, libraries, and airports (Law No. 1/2015, Arts. 297–331; Young 2009).¹⁴

Ontario's upper tier consist of counties and regional municipalities which cover the whole territory of Ontario except for ten districts that include a total of around 618,000 inhabitants where the province provides services for unincorporated towns and settlements. The first regional municipality for the city of Toronto and twelve neighboring municipalities covering over more than two million citizens was established in 1954 (OECD 2010: 155; Young 2009: 112). Between 1969 and 1974, twelve other regional governments including ten regional municipalities, one district municipality, and one restructured county were established based on a similar model as for metropolitan Toronto but the competences for these upper tier governments vary (slightly) across

¹¹ Government of Canada. Aboriginal Affairs and Northern Development Canada. "The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government." <<http://www.aandc.gc.ca>>.

¹² Law No. 22/1973, 225/1996, 323/1996, 8/1988, 18/1998, 24/1999, 26/2000, 24/2001, 154/2002, 22/2003, 36.1/2006, 13/2013, and 27.1/2014.

¹³ The Government of British Columbia. Ministry of Community, Sport and Cultural Development. Local Government Department. Mini-Histories. "Regional Districts Part 3: The Rise of Regional Districts." <<http://www.cscd.gov.bc.ca>>

¹⁴ The Government of British Columbia. Ministry of Community, Sport and Cultural Development. Local Government Department. "Regional Districts Services." <<http://www.cscd.gov.bc.ca>>

the units (Siegel 1997).¹⁵ There are two main differences between regional municipalities and counties. First, within counties, municipalities provide the majority of services whereas regional municipalities provide many of the municipal services on behalf of their member municipalities. The competences of counties include health and social services, roads, and spatial planning whereas regional municipalities also provide local police, sewerage, transport, waste disposal, and water supply (Law No. 8/1990 and No. 24/2001).¹⁶ Second, regional municipalities are established in the more urbanized areas. Counties score 1 and regional municipalities score 2 on policy scope and we consider regional municipalities as metropolitan government.^β

Between 1998 and 2001, four counties and five regional municipalities—including Ottawa-Carleton and metropolitan Toronto—with a population-wise large and dominant city were transformed into single-tier municipalities (Young 2009: 112). In 2018, Ontario had thirty upper-tier municipalities (twenty-two counties and eight regional municipalities) which cover about 60 percent of the population in Ontario and which have an average population of about 267,000.¹⁷

In Quebec there were two urban communities between 1970 and 2002. The Montreal urban community (*communauté urbaine de Montréal*) included twenty-seven municipalities around Montreal and the Quebec urban community (*communauté urbaine de Québec*) included twenty-eight municipalities. Together the two urban communities governed over around 2.5 million inhabitants which was about 7.2 per cent of the total Canadian population. Urban communities were chiefly responsible for preparing development plans, industrial promotion, tourist promotion, traffic regulation, and preparing minimum standards for construction. The constituent municipalities could also hand over tasks in garbage disposal, recreation, regional parks, public health, inter-municipal libraries, and water works (Law No. 83/1969, Arts. 105-108 and 84/1969, Arts. 121-123).

A municipal reform in 2002 enlarged the territories of the cities of Montreal and Quebec and replaced the urban communities by two metropolitan communities (*communauté métropolitaine*) which govern over, respectively, the city of Montreal and eighty-one surrounding municipalities, and the city of Quebec and twenty-seven surrounding municipalities.¹⁸ Together they govern

¹⁵ Law Nos. 115/1968, 32/1970, 50/1970, 406/1970, 104/1972, 105/1972, 60/1973, 70/1973, 74/1973, 78/1973, 96/1973, 57/1974, and 314/1980.

¹⁶ Association of Municipalities Ontario. “Ontario Municipalities – List.” <<https://www.amo.on.ca>>

¹⁷ The average population size of the twenty counties is 145,000 inhabitants whereas the average population size of the eight regional municipalities is 605,000. Although the counties do not meet the population threshold for regional government of an average of 150,000 inhabitants or more, we do include them because they are considered to be a sub-type of an ‘upper-tier municipality’ in the Ontario Municipal Act (Law No. 25/2001, Art. 1). In addition, the average population size for counties was almost 250,000 until the late 1990s.

¹⁸ Some municipalities opposed to the 2002 municipal reform and a number of municipal demerger referenda were held in 2004. Fifteen municipalities separated from the city of Montreal and two municipalities split off from the city of Quebec. In response to the demergers, the Quebec government introduced a law effective on January 1, 2006 which mandated the re-instated independent municipalities and their ‘mother-municipality’ to collaborate through eleven urban agglomerations (*agglomérations*

around 4.8 million citizens which is about 13.8 per cent of the total Canadian population. The metropolitan communities have primarily responsibility for economic policy encompassing economic development, land use planning, public transport, social housing, tourism, waste disposal, and sewage management (Law No. 34/2000, Art. 119 and No. 56/2000, Art. 112).

Between 2006 and 2016, Quebec had twenty-one *conférences régionales des élus*. Each *conférence* consisted of local government and civil society representatives (Law No. 22.1/2014). *Conférences régionales des élus* drafted five-yearly development plans to be submitted to the Quebec government (Law No. 22.1/2014, Art. IV.3).¹⁹ *Conférences régionales des élus* were abolished as of March 31, 2016 (Law No. 28/2015, Arts. 235–264).

FISCAL AUTONOMY

Provinces have extensive tax autonomy (Banting, Brown, and Courchene 1994; Lazar 2005; Leslie, Norrie, and Ip 1993). The constitution gives both the federal government and the provinces the right to tax. The federal government can impose both indirect and direct taxes whereas provinces can levy direct taxes only (C 1867, Arts. 91.3 and 92.2). Provinces have control over the rate and base of the sales tax, and there are province-specific exemptions for certain goods, services, or types of purchases. In practice, the provinces use a common definition of the tax base and the federal government collects the taxes but remits them to the provinces—except for Quebec, which collects its own taxes (Chernick and Tennant 2010). The provincial goods and services tax (“retail sales tax”) is the second most important revenue source for provinces after the income tax.

Before 1962 both base and rate of the income tax were set by the federal government, and provinces received in the form of cash transfers or tax “rentals” a portion of income (and corporate tax) revenues levied in their territories, along with a supplementary equalization payment. In 1962 this system was replaced by one in which each province received a standard rate, and could, in addition, set its own rate above the standard rate. Quebec sets the base and rate of its personal income tax. Provinces also set the rate of corporate income tax, but the base is set by the federal government, except in Ontario, Quebec, and Alberta, which set both base and rate (Krelove, Stotsky, and Vehorn 1997). In addition, provinces may tax natural resource extraction (C 1982, Art. 92A), which accounts for around one-quarter of Alberta’s revenue and one-tenth of

urbaines) (Law No. 29/2004). The average population size of urban agglomerations is about 273,000 inhabitants but the average drops to 104,000 when the Montreal urban agglomeration is excluded. Seven urban agglomerations have only two member municipalities, two have three members, and one has five members whereas the Montreal urban agglomeration has sixteen constituent members. The Montreal urban agglomeration is a member of the Montreal metropolitan community (Law No. 56/2000, Art. 4) and we consider the member municipalities of the Montreal urban agglomeration as members of the Montreal metropolitan community. We do not code the remaining ten urban agglomerations which do not reach the population threshold for regional government.

¹⁹ Gouvernement du Québec. Ministère des Affaires municipales, des Régions et de l’Occupation du territoire. Développement régional et rural. Conférences régionales des élus. “Composition et répartition,” “Ententes entre le gouvernement et les CRE” and “Mandats.” <<http://www.mamrot.gouv.qc.ca>>.

Saskatchewan's.

Until the advent of self-governance the territories' fiscal situation was controlled by the central government, either directly from Ottawa or indirectly through the government-appointed executive in the territories.^a When the territories became self-governing, they acquired the same tax authority as the provinces (Law No. 27/1985, Art. 16.a; No. 28/1993, Art. 23.1.j; No. 7/2002, Art. 18.1.f). The exception is resource extraction: since public land ("crown land") remains federal, royalties on non-renewable resources are levied by the federal government (C 1982, Art. 92A.4; see Malone (1986) for early decades). Yukon and the Northern Territories obtained tax authority over non-renewable resources in respectively 2002 and 2014 (Law No. 7/2002, Art. 19 and No. 15/2014, Art 19).²⁰

Over the past twenty-five years Aboriginal communities have acquired some capacity to levy taxes. The greatest authority for Indian Act bands and self-governing Aboriginal peoples is the property tax which can be introduced in two ways. Since 1985, a revision of the Indian Act allows First Nations or self-governing Aboriginal communities to adopt property tax bylaws subject to approval by the Minister of Aboriginal Affairs and Northern Development (Law No. 18/1876, Art. 83). Since 2005, the First Nations Fiscal Management Act enables First Nations and self-governing Aboriginal peoples to set the base and rate of a property tax. These property tax laws still require prior approval by a federally appointed First Nations Tax Commission, but this control is now one step removed from the minister. The commission is composed of "men and women from across Canada, including members of First nations, who are committed to the development of a system of First nations real property taxation" (Law No. 9/2005, Arts. 5.3 and 19–20). While control over the rate and (since 2005) base remains conditional on federal consent, there is a track record of Aboriginal autonomy in crafting laws and we recognize this by coding tax autonomy as 1 for 1985–2004, and 2 since 2005.²¹

Indian Act bands and self-governing Aboriginal peoples may also levy some major taxes, but authority over the rate and base remains firmly federal or provincial. The decision to introduce these taxes rests with the Indian Act band or self-governing Aboriginal peoples, but their implementation depends on tax agreements with the Department of Finance and the taxes are administered by Canada Revenue.²² Federal and provincial governments may also abate or abolish their taxes to minimize double taxation, and they usually do so, but this requires negotiation on a case-by-case basis. In 1998 a First Nations sales tax on alcohol, fuel, and tobacco was enabled. In 2003 the First Nations goods and services tax broadened the tax base to all taxable supplies. Both

²⁰ In 2015, Nunavut negotiated devolution of nonrenewable resource taxes with the federal government. Government of Canada. Aboriginal Affairs and Northern Development Canada. "Nunavut Devolution." <<https://www.aadnc-aandc.gc.ca>>.

²¹ Sixty-six First Nations established a property tax pursuant to the Indian Act whereas seventy-seven did so pursuant to the First Nations Fiscal Management Act <<http://fntc.ca/property-tax-fns>>.

²² Government of Canada. Department of Finance Canada. "First Nations Sales Tax Administration Agreements," "First Nations Goods and Services Tax Administration Agreements," and "First Nations Personal Income Tax Administration Agreements." <<https://www.fin.gc.ca>>.

taxes are available to non-self-governing First Nations and self-governing Aboriginal peoples.²³ Finally, in 1999, a First Nations personal income tax— payable by Aboriginal and non-Aboriginal residents—was introduced; it is only available for self-governing Aboriginal peoples.²⁴

Comprehensive lands claims or self-government agreements may specify additional tax powers, which are often exercised concurrently with federal or provincial government.

Regional districts in British Columbia can set fees for the services they provide, and they can set a surcharge on a property tax which is collected by the member municipalities (Law No. 1/2015, Arts. 374 and 385). Counties and regional municipalities in Ontario may set rates on the services they provide to municipalities or they may ask municipalities to levy a separate tax rate on property (Law No. 8/1990, Art. 113 and No. 24/2001, Art. 311; McMillan 2006).²⁵ The *communautés urbaines* of Montreal and Quebec could set the rate of property tax (Law Nos. 83/1969, Art. 188 and No. 84/1969, Art. 221). The *communautés métropolitaines* of Montreal and Quebec are financed through a working fund which is financed by the participating municipalities which can levy a surcharge on the municipal property tax to finance their contributions (Law No. 34/2000, Arts. 180 and 183, and No. 56/2000, Arts. 170 and 173). The *conferences régionales des élus* in Quebec obtained funding from the Quebec regional development fund (Law No. 22.1/2014, Art. 21.18).

BORROWING AUTONOMY

Provinces have unrestricted access to domestic and foreign borrowing (Brown 2017: 74–77; C 1867, Art. 92.3; Council of Europe 1997; Joumard and Kongsrud 2003). “Provinces may borrow money for any purpose, wherever, whenever and however they wish” (Rodden 2003a: 92). When provincial debt rose in the 1980s and 1990s, rating agencies downgraded a number of Canadian provinces (Rodden 2003a; Krelove et al. 1997). Provinces responded by introducing debt targets that helped them regain the trust of capital markets (Joumard and Kongsrud 2003; Liu and Webb 2011).

Territories could not borrow until self-governance, at which point the territory’s legislature could pass a law with the prior approval of the federal-appointed governor (Law No. 27/1985, Art. 20; Law No. 28/1993, Art. 27; Law No. 7/2002, Art. 23).

First Nations were not granted borrowing rights by the Indian Act of 1876 (Law No. 18/1876). However, those that entered into negotiations with the federal government for comprehensive land

²³ Since the introduction of the First Nations goods and services tax no new first nations sales tax has been established. Government of Canada. Canada Revenue Agency. “First Nations that have implemented the FNT.” <<http://www.cra-arc.gc.ca>>

²⁴ As of February 2014, eight First Nations levy a First Nations sales tax, twenty-six self-governing Aboriginal peoples have implemented the First Nations goods and services tax, and fourteen self-governing Aboriginal peoples have enacted a first nations personal income tax. <<https://www.aadnc-aandc.gc.ca/>>.

²⁵ Law Nos. 115/1968, Art. 108; 32/1970, Art. 99; 50/1970, Art. 122; 406/1970, Art. 119; 104/1972, Art. 81; 105/1972, Art. 122; 60/1973, Art. 81; 70/1973, Art. 81; 74/1973, Art. 81; 78/1973, Art. 89; 96/1973, Art. 81; 57/1974, Art. 81; and 314/1980, Art. 219.

claims or self-government agreements could borrow from the central government to finance the treaty process (Alcantara 2008). Since 2005, Indian Act bands and self-governing Aboriginal peoples can borrow from the First Nations Finance Authority which is constituted by the borrowing members (the First Nations) and financed by property tax income (Law No. 9/2005, Arts. 5.1.d and 59–60). To become a borrowing member, an Aboriginal community must introduce a property tax, with prior approval from the federally appointed First Nations Finance Management Board, to secure its contribution (Law No. 9/2005, Arts. 5.6, 9.2, and 39–40). Indian Act bands therefore receive a score of 1 from 2005. Aboriginal peoples with self-government agreements may borrow without prior authorization.

Regional districts in British Columbia are allowed to borrow but borrowing bylaws are subject to approval by the provincial government (Law No. 1/2015, Art. 374).²⁶ Counties and regional municipalities in Ontario can borrow but they are required to balance their budget and short-term debt obligations may not exceed 50 percent of total revenue (Law No. 8/1990, Art. 110 and No. 24/2001, Art. 401). Long-term borrowing and debt obligations exceeding 50 percent of total revenue need prior approval from the Ontario municipal board (Law No. 8/1990, Art. 110 and No. 24/2001, Art. 401.4).²⁷ The *communautés urbaines* of Montreal and Quebec were allowed to borrow but only for capital expenditures and they had to seek prior approval of provincial government (Law Nos. 83/1969, Art. 201 and No. 84/1969, Art. 224). The *communautés métropolitaines* of Montreal and Quebec can borrow up to a limit of twenty percent of the appropriations provided for in their budgets and subject to prior approval of provincial government (Law No. 34/2000, Art. 189 and No. 56/2000, Art. 179). *Conférences régionales des élus* in Quebec (2006-2016) did not have the authority to borrow (Law No. 22.1/2014, Art. 21.18).

REPRESENTATION

Provinces have a unicameral parliament which is directly elected every four years. The federal government appoints a Lieutenant-Governor in each province.²⁸ Provincial executives are elected by the provincial parliaments (Baier 2012; C 1867, Arts. 82–90).

Territories have, by stages, gained directly elected parliaments with accountable executives. From 1897–1905 the Northwest Territories had an elected government resembling that of a province. However, when Saskatchewan and Alberta were formed, the rump of the Northwest Territories slipped back into quasi-colonial status, and for the next half century it was run by an Ottawa-appointed commissioner and council. This began to change in the 1950s, when directly elected council members were introduced. By 1966 the majority of council members were

²⁶ The Government of British Columbia. Local Governments. Local Government Systems. Local Government Facts & Framework. “Regional Districts in B.C.” <<https://www2.gov.bc.ca>>

²⁷ Law Nos. 115/1968, Art. 113; 32/1970, Art. 114; 50/1970, Art. 134; 406/1970, Art. 131; 104/1972, Art. 92; 105/1972, Art. 134; 60/1973, Art. 92; 70/1973, Art. 92; 74/1973, Art. 92; 78/1973, Art. 100; 96/1973, Art. 92; 57/1974, Art. 92; and 314/1980, Art. 225.

²⁸ Lieutenant Governors with ceremonial functions are appointed by the Governor-General on the recommendation of the prime minister.

popularly elected, while the executive remained appointed by Ottawa. From 1975 two representatives elected by the council sat on the commissioner's executive committee (White 1991). In 1979, the federally appointed commissioner was replaced by a premier elected within the legislature. We score the Northwest Territories 1 for 1975–1978 (dual executives) and 2 from 1979.

Yukon has had a popularly elected council since 1909, alongside a federally appointed executive. From 1970 the federally appointed executive was assisted by two elected representatives making the regional executive dual and from 1978 the executive was elected by the council (Smyth 1999). When Nunavut (carved out of the Northwest Territories) was set up in 1999, its directly elected council elected the executive (Hicks and White 2000).

Councils and chiefs of Indian Act bands are directly elected by band members (Law No. 18/1876, Art. 74). However, executive power is shared with a Governor-in-Council, through whom the Department of Aboriginal Affairs and Northern Development retains substantial veto power.²⁹ The Governor in-Council also has the power to annul an election if she suspects corruption or a violation of the Indian Act. Hence we score the executive as dual.⁷

The default is that bands follow custom in organizing the election, subject to approval by the Department for Aboriginal Affairs and Northern Development. If the Department sees fit, it can impose an election procedure set out in the Indian Act (Senate Standing Committee 2010). Since 1988, the federal government requires that bands wishing to revert to custom set out written rules which are consistent with the Canadian Charter of Rights and Freedoms (Senate Standing Committee 2010).

In contrast, Aboriginal peoples under self-government agreements have directly elected councils and executives.³⁰ The Department or the Governor-in-Council is minimally involved in the selection process (Senate Standing Committee 2010).

Regional Districts in British Columbia have a board of directors elected from the council of each municipality and, in some cases, also from a Treaty First Nation council. The board elects its own chair who is also the chief executive of the regional district (Law No. 1/2015, Arts. 196 and 216).

Counties in Ontario have councils composed of mayors and/or councilors elected by constituent

²⁹ A recent senate report quotes Professor Frances Abele: “Ultimate power and responsibility is lodged in the Minister, not in the members of the Band or the officials they elect. Nowhere in the Act is room created for different lines of responsibility (from Chief and Council to the Band members, for example) even though there are several references to majority rule. Indeed, even the sections of the Act that establish the decision-making framework for Band Councils also, at the same time, maintain overriding Ministerial authority. The insertion of Ministerial power and authority into both elections and decision-making of the elected seems likely to undermine a sense of political responsibility and autonomy among Band electors” (Senate Standing Committee 2010: 24).

³⁰ Government of Canada. Aboriginal Affairs and Northern Development Canada. “The Government of Canada’s Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government.” <<https://www.aadnc-aandc.gc.ca>>.

municipal councils (Law No. 8/1990, Art. 7 and No. 24/2001, Art. 218). The head of the county is elected by the council or is directly elected, and serves as the chief executive officer of the county or region (Law No. 8/1990, Art. 12 and No. 24/2001, Art. 218).

The councils of regional municipalities in Ontario have a mix of two types of councilors. The first group consist of mayors or executive board members from the member municipalities who are ex officio member of the regional municipal assembly. The second group consists of directly elected members who may have a dual mandate in the assembly of a regional municipality and in an assembly of one of the member municipalities. Some regional municipalities have a majority of directly elected councilors whereas other regional municipalities have a majority of indirectly elected councilors. Regional municipalities have a mayor or chairman who heads the executive and who is appointed by the council of the regional municipality or who is directly elected in the regional municipality at large. The first mayors or chairmans were appointed by the provincial government when a regional municipality was established.³¹ There have been no provincially appointed chairmen and mayors since 1977.³²

The council (*conseil de la communauté*) of the *communautés urbaines* of Montreal and Quebec consisted of the mayors of the constituent municipalities who were ex officio members plus additional members from the councils of the cities of Montreal and Quebec (Law No. 83/1969, Art. 39 and No. 84/1969, Art. 42). The executive committee (*comité exécutif*) of the urban communities consisted of a chairman plus members elected by the councils of the constituent municipalities (Law No. 83/1969, Art. 7 and No. 84/1969, Art. 11). The chair (*président*) was elected by and from the members of the urban community council (Law No. 83/1969, Art. 19 and No. 84/1969, Art. 8).

The councils of the *communautés métropolitaines* of Montreal and Quebec consist of the mayors and council members of the member municipalities. The mayors of the city of Montreal and of the city of Quebec, who are directly elected within their cities, are the president (*président*) of their metropolitan community (Law No. 34/2000, Arts. 4 and 14, and No. 56/2000, Arts. 4–5).

Councils of the *conférences régionales des élus* in Quebec were composed of the prefects of the *municipalités régionales de comté*,³³ mayors of participating municipalities, and civil society representatives coopted by the elected members (Law No. 22.1/2014, Arts. 21.8 and 21.9). Each council was chaired by a government representative (Law No. 22.1/2014, Arts. 21.4.10 and 21.5).

³¹ Law Nos. 115/1968, Art. 3-4; 32/1970, Art. 8-9; 50/1970, Art. 8-9; 406/1970, Art. 7; 104/1972, Art. 8-9; 105/1972, Art. 8-9; 60/1973, Art. 8-9; 70/1973, Art. 8-9; 74/1973, Art. 8-9; 78/1973, Art. 8-9; 96/1973, Art. 8-9; 57/1974, Art. 8-9; and 314/1980, Art. 5 and 11.

³² Between 1954 and 1976 there were four types of regional municipalities, i.e. a regional municipality with a predominantly indirectly or directly elected assembly in combination with either a provincially appointed chairman/mayor or a chairman/mayor appointed by the council of the regional municipality or directly elected by citizens. We weigh the types of regional municipalities by their population sizes when we derive country scores.

³³ Since 1979, Quebec has eighty-seven *municipalités régionales de comté* which replaced the historic counties, and have an average population of 40,000.

Shared rule

There is no shared rule for regional districts in British Columbia, counties and regional municipalities in Ontario, *communautés urbaines*, *communautés métropolitaines*, and *conférences regionals des élus* in Quebec, or Indian Act bands (Law No. 18/1876).

LAW MAKING

The upper house is a federal rather than provincial product. Provinces and territories do not select representatives for the senate—the federal government does: Quebec (twenty-four senators), Ontario (twenty-four senators), the Maritime Provinces and Prince Edward Island (twenty-four), the Western Provinces (twenty-four), Newfoundland (six), Yukon Territory (one), the Northwest Territories (one), and Nunavut (one) (C 1867, Art. 22; Knoppf and Sayers 2005: 119-122). Senators must be residents of the relevant province/territory and, until 2016, were appointed by the Governor-General upon the recommendation of the Prime Minister without prior provincial consultation (C 1867, Arts. 23–24). Since 2016, an advisory board for senate appointments consisting of five members—three appointed by the federal government and two ad hoc members appointed by the provinces or territory of the vacancy to be filled—drafts a list of candidates. In 2016, the advisory board also put candidates on the list which were selected through a general public call which generated 2,700 applications. The Prime Minister still takes the final decision as to which senator is appointed (Brown 2016; Foot 2019).

The constitution contains special provisions for Quebec.³⁴ In contrast to other provinces or territories, each of the twenty-four jurisdictions in Quebec is represented by a senator (C 1867, Arts. 22 and 23.6 and Schedule A). These provisions make Quebec the unit of representation in the senate (L1).^Y

Self-government agreements create mechanisms for consultation between the federal government and Aboriginal peoples and/or provincial governments and Aboriginal peoples when federal or provincial law impacts Aboriginal law (L5) (Papillon 2012a: 303).^α

EXECUTIVE CONTROL

Weak shared rule in law making has encouraged extensive intergovernmental relations, but without legally binding authority (Hooghe 1991b; Simeon 1982). Intergovernmental meetings have been labeled para-diplomacy, executive federalism, and interstate federalism, implying that the participants are (quasi)-sovereign. Federal and provincial governments have specialized ministries responsible for intergovernmental relations (Pollard 1986; Woolstencroft 1982).

Intergovernmental relations have long been a feature of Canadian politics, but from the 1970s

³⁴ MacKay (1963: 38) writes that the only feasible scheme for the union of the British North American colonies in 1867 “was a federal state in which Lower Canada (Quebec) should be protected in all its rights. . . . And it could only be a willing partner by the grant of absolute guaranties for the protection of its institutions, its language, its religion, and its laws—guarantees that must be clearly evident to all.”

the number and range of meetings mushroomed (Adam et al. 2015; Hueglin and Fenna 2006: 219–225). A standing secretariat provided administrative support for eight First Ministers’ Conferences in 1973–1974. Since the mid-1980s the number of meetings has increased to around 100 per year (Canadian Intergovernmental Conference Secretariat 2008). The extent to which provinces can use these meetings to co-govern the country is limited because the majority of meetings do not involve federal ministers but only provincial governments and, starting in the 1980s, territorial governments (Law No. 11/1982, Art. 37; Alcantara 2013). Territories became full players in intergovernmental relations with the Charlottetown Accord of 1992 (Canadian Intergovernmental Conference Secretariat 2002).

There are several channels for co-governance. The First Ministers’ Conference is the highest-profile setting for federal–provincial executive federalism. The first meeting between the prime minister and provincial premiers took place in 1906, and meetings were mostly annual from the 1960s (Cameron and Simeon 2002). Territorial government premiers attended from 1992. However, the council operates on the basis of convention instead of written procedures and meetings are organized on an ad hoc basis on the initiative by the federal government (Bolleyer 2009: 71–91; Parker 2015: 78–80; Schnabel 2020: 19–20, 95–97).³⁵ The agenda is dominated by constitutional issues, fiscal relations, and policies with major budgetary consequences such as public investment, social security, economic development, agriculture, employment, and health (Canadian Intergovernmental Conference Secretariat 2004). Aboriginal peoples are not regular participants. They were included in the meetings during 1983–1985, 1987, and 1992, when the constitutional amendments regarding Aboriginal self-government were discussed, and in 2004 for the signing of the Kelowna Accord setting out an intergovernmental Aboriginal development plan (Boisvert 1985; Canadian Intergovernmental Conference Secretariat 2004; Hawkes 1985).

Ad hoc intergovernmental meetings between federal, provincial, and territorial governments are regularly held at the request of a federal minister. These have dealt with agriculture, education, environment, health, housing, justice, local government, natural resources, Aboriginal affairs, sports and recreation, trade, transport, and citizenship and immigration. These meetings rarely reach binding decisions, and when they do, they are taken by unanimity or allow individual provinces to opt out (Adam et al. 2015; Bolleyer 2006b, 2009: 71–91). Despite all this activity, executive control remains shallow.

Alongside these federal–provincial meetings, Premiers’ Conferences provide a forum for provinces, and latterly territories and Aboriginal peoples, to coordinate their policies. The first conference of provincial premiers was held in 1887. It became an annual event from 1960. Since 1982, the territories have attended the meetings as observers and in 1992 they became full participants (Canadian Intergovernmental Conference Secretariat 2002). In 2003 Premiers’ Conferences were institutionalized as the Council of the Federation with a standing secretariat, chairs rotating on an annual basis between the provinces, and a minimum of two meetings per year (Adam et al. 2015; Bolleyer 2009: 71–91; Parker 2015: 78–80; Schnabel 2020: 19–20; Watts

³⁵ Between 2006 and 2015, just three First Ministers’ Conferences have been held. <<http://www.scics.gc.ca>>.

2003). Decision making is consensual with the aim to “exchange viewpoints, information, knowledge and experiences;” to “analyze actions or measures of the federal government that in the opinion of the members have a major impact on provinces;” and to “develop a common vision of how intergovernmental relations should be conducted in keeping with the fundamental values and principles of federalism.”³⁶

The meetings did not include Aboriginal peoples except when Aboriginal issues were discussed. In such cases, the Assembly of First Nations, the Congress of Aboriginal Peoples, Inuit Tapirisat of Canada, and the Métis National Council are invited to join the meetings (Canadian Intergovernmental Conference Secretariat 2002). These organizations attended as observers during four First Minister Conferences devoted to Aboriginal issues held during the 1980s (Alcantara 2013). Since then, Aboriginal organizations have not been invited to intergovernmental meetings until the late 2000s (Dubois and Saunders 2013). In 2008, the Métis National Council and the Government of Canada signed the Métis Nation Protocol which commits the federal government to enter into multilateral discussions with provinces and the Métis on rights related to land and harvesting, economic development, health, justice, and Métis governance and institutions. An Aboriginal Affairs Working Group, consisting of Aboriginal leaders in Canada and federal, provincial and territorial ministers of Aboriginal Affairs, began meeting annually since 2009. Since 2010, meetings between the Prime Minister of Canada and the leaders of Aboriginal peoples—such as the President of the Métis National Council, the National Chief of Aboriginal Peoples, the National Chief of the Assembly of First Nations, and the President of the National Representational Organization for Inuit—have become annual affairs (Dubois and Saunders 2013). In 2017 the federal government established permanent bilateral mechanisms with First Nations, Inuit, and Métis to co-develop policy. These bilateral meetings have resulted in federal (housing) grants towards Inuit and Métis land claim organizations and governments as of 2018.³⁷ We start coding bilateral executive control for self-governing Aboriginal Peoples from 2018.³⁷

Provincial and territorial first ministers also meet in regional premiers’ conferences: the Western Premiers’ Conference established in 1973; the Council of Atlantic Premiers (established in 1972 and until 2000 known as the Council of Maritime Premiers); the Eastern Canadian Premiers’ and New England Governors’ Conference established in 1973, and, since 2003, the Northern Premiers’ Forum (Bolleyer 2009: 71–91; Schnabel 2020: 19–20). They meet once or twice a year, the chair rotates, decision making is on a consensual basis, and the federal government is not involved.³⁸

FISCAL CONTROL

³⁶ The Council of the Federation. “Founding Agreement—December 2003.” <<http://www.councilofthefederation.ca/>>.

³⁷ Government of Canada. Crown-Indigenous Relations and Northern Affairs Canada. “New permanent bilateral mechanisms” <<https://www.rcaanc-cirnac.gc.ca/>>.

³⁸ <<http://www.gov.mb.ca/fpir/fedprov/western.html>> and <<http://www.cap-cpma.ca/images/CAP/capmou.pdf>>.

The distribution of tax revenues is subject to intergovernmental federal–provincial bargaining, and fiscal policy features regularly on the agenda of First Ministers’ conferences. Issues regarding transfer payments and harmonization of the tax system are also discussed by the finance ministers’ forum which meetings are called and chaired by the federal finance minister but the forum operates outside a formal framework (Adam et al. 2015; Schnabel 2017: 59–76). Decisions taken at these intergovernmental meetings are rarely binding and ultimate authority remains with the federal government (Brown 2017: 83–87; Watts 2005). Territories have become regular invitees since 1992. Most Aboriginal self-government agreements are accompanied by tax agreements, but these do not include provisions for regular consultation or co-decision.

BORROWING CONTROL

Borrowing is not subject to intergovernmental negotiation or coordination (Schnabel 2017: 59–76 and 2020: 19–20).

CONSTITUTIONAL REFORM

Until 1982, constitutional change required approval in the British Parliament and unanimous provincial consent. The precedent for provincial consent was established in 1940, when Prime Minister MacKenzie King delayed the introduction of an amendment on the federalization of unemployment insurance until all provinces (including Quebec) agreed. When Prime Minister Trudeau challenged the norm after the defeat of the separatism referendum in Quebec in 1980 and sought to bring home the constitution without provincial consent, he suffered an effective veto by the Supreme Court. In a reference case brought by several provinces, the Supreme Court ruled that federal unilateralism was legal but violated an established constitutional convention (SCR 753/1981).³⁹ Following acrimonious federal–provincial negotiations, the Canadian constitution was repatriated in 1982 and adopted by every province except Quebec.

The Canada Act states that constitutional amendments require approval by the federal parliament and two-thirds of the provincial legislatures representing at least 50 percent of the Canadian population. Some amendments require approval by the federal parliament and unanimity among provincial legislatures (Heard and Swartz 1997; Kilgour 1983; Knopff and Sayers 2005: 130–131; Levesque and Moore 1984). Constitutional amendments which affect only one province require federal approval (both houses) and the approval of the affected province (Law No. 11/1982, Arts. 38–49; Finbow 1994; Hueglin and Fenna 2006: 219–225; Simeon 2004). Hence provincial governments—collectively, and for important questions, individually—have a veto over constitutional reform.

A reluctance to embrace unilateralism is also apparent in case law regarding the right to secession. The Supreme Court of Canada ruled in 1998 that there is an implicit constitutional right for Quebec to secede but by negotiation of the terms, not one-sided action (SCR 217/1998). The decision must first find support with a clear majority of Quebecers in a referendum posing a clear

³⁹ The convention of unanimous provincial consent for constitutional change has been reinforced by several events. See for an overview Russell (2004) and Stein (1989).

question, and next the terms of exit must be implemented in negotiation and agreement with “the rest of Canada” (Aronovitch 2006; Knoppf and Sayers 2005: 114). The Court was intentionally vague on what it meant by “the rest of Canada,” but Canadian commentators have generally understood it to refer not only to the federal government.

Until the 2000s, territories have no formal consultation or decision right with respect to their own statute.⁴⁰ The Yukon government acquired, in 2002, the right to be consulted on future amendments of the Act (Law No. 7/2002, Art. 56.1). In addition, the legislative assembly of Yukon may make recommendations with respect to amending the Yukon Act (Law No. 7/2002, Art. 56.2). In 2014, the Northwest Territories was granted similar rights through the 2014 Northwest Territories Act (Law No. 15/2014, Art. 61). Incidentally, despite their weak formal powers, territories participated in the 1992 Charlottetown federal–provincial constitutional negotiations, which sought to resolve longstanding disputes on the division of federal, provincial, and territorial powers. The accord was defeated in Canada’s first nationwide referendum since 1942. Quebec held its own referendum, which was also negative. The status of the territories was not changed.

The self-government agreements of Aboriginal peoples can be amended on the proposal of the Aboriginal peoples concerned (by a majority of the voters and/or by a majority of elected council members), the federal government (by order of the Governor-in-Council and/or enactment of federal legislation), and/or by provincial government (by a resolution of the provincial assembly). Self-governing Aboriginal peoples can exercise a veto by referendum or by a vote in their elected government.⁴¹ Our scoring reflects the second option.

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⁴⁰ Nunavut is governed by a land claims agreement and the Nunavut Act. Amendments to the land claims agreement require the approval of the Nunavut Tunngavik Incorporated, the organization that implements the land claims agreement. Amendments to the land claims agreement may not affect the jurisdiction of the Nunavut legislative assembly unless the assembly consents (Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada, 1993, Art. 2.13.1). The Nunavut Act does not specify a role for the Nunavut legislative assembly in the revision of The Nunavut Act (Law No. 28/1993; Nunavut Tunngavik Incorporated. “About NTI.” <<http://www.tunngavik.com/about/>>.)

⁴¹ Government of Canada. Aboriginal Affairs and Northern Development Canada. “The Government of Canada's Approach to Implementation of the Inherent Right and the Negotiation of Aboriginal Self-Government.” <<https://www.aadnc-aandc.gc.ca>>.

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Self-rule in Canada

			Institutional depth	Policy scope	Fiscal autonomy	Borrowing autonomy	Representation		Self-rule
							Assembly	Executive	
Provinces	I	1950-2018	3	3	4	3	2	2	17
British Columbia									
Regional districts	II	1968-2018	2	1	1	1	1	2	8
Ontario									
Counties	II	1950-2018	2	1	1	2	1	2	9
Regional municipalities*	II	1968-1976	2	2	1	2	1	1	9
Regional municipalities**	II	1973-2018	2	2	1	2	1	2	10
Regional municipalities***	II	1954-1976	2	2	1	2	2	1	10
Regional municipalities****	II	1956-2018	2	2	1	2	2	2	11
Quebec	I	1950-1990	3	3	4	3	2	2	17
	I	1991-2018	3	4	4	3	2	2	18
Communauté urbaine	II	1970-2001	2	1	1	1	1	2	8
Communauté métropolitaine	II	2002-2005	2	1	0	1	1	2	7
	II → III	2006-2016	2	1	0	1	1	2	7
	II	2017-2018	2	1	0	1	1	2	7
Conférences régionales des élus	II	2006-2016	1	0	0	0	1	0	2
Northwest Territories	I	1950-1965	1	0	0	0	0	0	1
	I	1966-1974	2	2	0	0	2	0	6
	I	1975-1978	2	2	0	0	2	1	7
	I	1979-1985	2	2	0	0	2	2	8
	I	1986-2018	3	3	4	1	2	2	15

Yukon		1950-1969	1	0	0	0	2	0	3
		1970-1977	1	0	0	0	2	1	4
		1978-2001	2	3	4	1	2	2	14
		2002-2018	3	3	4	1	2	2	15
Nunavut		1999-2018	3	3	4	1	2	2	15
Indian Act bands		1950-1984	1	0	0	0	2	1	4
		1985-2004	1	1	1	0	2	1	6
		2005-2018	1	1	2	1	2	1	8
Self-governing Aboriginal peoples		1977-1984	2	3	0	3	2	2	12
		1985-2004	2	3	1	3	2	2	13
		2005-2018	2	3	2	3	2	2	14

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Northwest Territories	1950-1991	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1992-2013	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	2
	2014-2018	0	0	0	0	0	0	1	0	1	0	0	0	0	0	2	4
Yukon	1950-1991	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	1992-2001	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	2
	2002-2018	0	0	0	0	0	0	1	0	1	0	0	0	0	0	2	4
Nunavut	1999-2018	0	0	0	0	0	0	1	0	1	0	0	0	0	0	0	2
Indian Act bands	1950-2018	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Self-governing Aboriginal peoples	1977-2017	0	0	0	0	0.5	0	0	0	0	0	0	0	0	0	4	4.5
	2018	0	0	0	0	0.5	0	0	1	0	0	0	0	0	0	4	5.5

National legislature has: L1 = regional representation; L2 = regional government representation; L3 = majority regional representation; L4 = extensive authority; L5 = bilateral regional consultation; L6 = veto for individual region. Total for shared rule includes the highest score of either multilateral (M) or bilateral (B).

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