

“The International Activities of Canadian Cities -Are Canadian cities challenging the gate-keeper position of the federal executive in international affairs?”

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– please do not quote –

All comments would be greatly appreciated.

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This paper is the very first draft of a much more ambitious research program on the international activities of non-central governments, Canadian provinces, German Lander, regions and cities, called

“The End of the Westphalian Order: Federal States, International Relations and the National Gatekeeper Position,”

currently underway at the University of Constance (lead Prof. J. Blatter) and at the University of Victoria (Dr. E. Brunet-Jailly).

“The International Activities of Canadian Cities -Are Canadian cities challenging the gate-keeper position of the federal executive in international affairs?”

Canadians were shocked when Mel Lastman, the mayor of Toronto, suggested in November 1999 that Toronto should become the eleventh province of Canada. Yet, the changing relationship between federal states and their sub-national governments has been a central theme on the research agenda of political scientists for the past several years, who have primarily focused on how globalization processes threaten federal sovereignty. This debate is animated by two key themes. First, scholars have focused on the decline of the Westphalian order, which had inaugurated the modern European State system in 1648, arguing that the emergence of new social actors and polities both challenge and perforate the unique role of the nation state in the international system. Second, scholars have explored the changing relationships between politics and market forces as a characteristic of new political orders: trans-border flows of goods, capital, information, and skilled workers create ‘spaces of flows’ that supersede ‘spaces of places.’

The Westphalian state system suggests a hierarchy of political authority within which loyalty, identity, and function of government develop into a territorial state that is an all-purpose organization, i.e. all functional jurisdictions are grounded into the same territory. The Westphalian state system also suggests that central/federal executives are the legally enshrined authorities that enforce domination and control of international and intergovernmental relations. In the Westphalian state system executives are “statutory gatekeepers,” a concept at the core of this research project.

For the last decade, scholarly debates about the nature of the relationship among different levels of governments (federal, state/provincial and local) and the rest of the world have hypothesized challenges to the sovereignty of the territorially demarcated nation state characteristic of the Westphalian order. First, the Westphalian order has been called into question (Valaskakis, 2001), because the dominant role of the state seems to be undermined by new sub national and international actors and polities that are challenging and perforating the unique role of central states in the international system (Yale and Mansbach, 1996; Duchacek, 1988; Risse-Kappen, 1995a; Pagnucco, 1997; Smith, Chatfield, and Pagnucco, 1997; Fry, 1998; Courchene, 1999; Balme, 1998; Keating, 1998 and 2001). Second, trans-border flows of goods, capital, information and skilled people, lead to a logic of “spaces of flows” that supercedes a logic of “spaces of places” (Castell, 1996 and 1998; Guehenno, 1995; MacMillan & Linklater, 1995; Walker & Mendlovits, 1990).

Doubts, however, have been raised regarding the extent to which those trends really do challenge sovereignty: first, economic globalization also happened at the turn of last century (Krasner, 1999; Hirst and Thompson, 2000; Held and MacGrew, 2000; and Thompson and Krasner, 1989); second, increased government activity and sovereign control parallel economic internationalization (Bernauer 2000; Krasner 1978; Thomson and Krasner, 1989); third, today’s national political leaders have more choice (Krasner, 1999; Hirst and Thompson, 2000; Thompson and Krasner, 1989) and are the emerging winners (Milward, 1992; Moravcsik, 1998); and fourth, the growing transnational embedded-ness of the economy does not destabilize the nation states (Kasner, 2001).

This foregoing debate, however, has concentrate on external variables, which look at how broad changes permeate state systems. The questions asked by this scholarship are: Are we the observers of a process of “debordering the world of states?” (Albert and Brock, 1996) It has been ignoring the changes in the statutory allocations of executive functions that are at the core of the Westphalian state system: specifically, the gatekeeper functions organizing the domination and control of international and intergovernmental relations in classic Westphalian state systems.

This research project, contrary to this literature, investigates the gatekeeper role of the executive, looking particularly at the statutory delegation of power, and specific dominant functions of the executive in domestic intergovernmental and international affairs in Canada. With Kasner (1999) this research work hypothesizes that sovereignty is a two dimensional concept, which links territory to government and makes the State the only subject of the international system. It seeks to develop the argument that the critical analysis of the link between territory and the executive function of central government best explains the changing nature of the relationship among federal states and between their sub-national government levels. This is because new intergovernmental and international relations are the result of fundamental transformation of the formal statutory delegation of power of the executives of each level of governments and concurrent specific functional roles (Krasner, 1999).

The present paper reports on findings that address the following research hypothesis: In Canada evolving statutes have weakened the federal gatekeeper position in favour of lower level governments because of overlapping, cooperative, and increasingly segmented functional lines that affect domestic and international intergovernmental relations. As a result of those complex changes Canadian cities are independently active internationally. The Canadian statutory functions of federal executives; the statutory functions of sub-national governments (Provinces); the statutory protection of sub-national governments rights and policy preferences in matters of domestic intergovernmental and international affairs are the focus of this research.

2. Research Questions

The key indicators in this study are ranked by order of importance with regard to the strength of the national gatekeeper position. The first indicator sets the general principles of foreign policy conduct and indicates explicitly the strength and breadth of the national executive’s role.

The constitutional and legal rules of a state are a first area of research that helps us evaluate the strength of the gate-keeper position of a federal national executive. These rules can be analyzed with respect to the following elements:

1. What is the overall rule regarding the overall responsibility of foreign policy? Who has the right to make treaties? Which level of government and which departments have been assigned the general competences to conduct foreign policy? Does the constitution or other laws limit the foreign policy domain to national executives, or, are there rights specific to sub-national governments, particularly cities? Do the foreign competences of national governments cover all policy fields?

Those first questions should be combined with the following second element - the legal norms that explicitly define the rights of sub-national units to conduct foreign activities, so as to form a matrix that details the conduct of foreign affairs as it is explicitly defined, and what ambiguity and leeway exists in each specific political system. This allows us to evaluate the strength of the gatekeeper position of the national executive in relation to the autonomous foreign activities of sub-national governments:

2. How important is the role of sub-national actors, particularly cities, in the processes of preference building and implementation of international agreements? Are there rights that codify the information and formal consultation roles of sub-national governments, particularly cities, in international negotiations? How much power do sub-national governments, particularly cities, have in ratification processes?

The cooperative approach is a third dimension, which indicates how restricted the gatekeeper position is in its conduct of foreign negotiation:

3. Do sub-national government units, particularly cities, conduct their own foreign policy? Is this explicit or implicit right? What is the scope of the autonomy of sub-national foreign policy? What means do national governments have to control sub-national / cities' foreign activities?

The fourth dimension combines the elements that may least undermine the national gatekeeper position: These are the rights to get information during a negotiation process that might restrict the strategic use of the gatekeeper position, but are limited because there exist no direct contact between sub-national and foreign actors. Similarly, when national executives consult with sub-national actors before engaging negotiations with foreign actors; or when sub-national actors mobilize in the lower chamber (senate) because they have a stake in the ratification process, the national gatekeeper position may be restricted because of the lack of direct relations between non-central and international actors, but is not undermined. Such restrictions may actually serve national executives in their negotiations strategically. Game theorists, for instance, have shown that those negotiators who can bind themselves internally gain bargaining power in the external sphere (Schelling, Schneider & Aspinwall 2001):

4. Are sub-national actors included in national delegations (local public and elected officials)? Do sub-national governments, particularly cities, have a right to be included? Are those rights codified? Are there informal agreements that secure their direct participation? Which roles do sub-national members play in the national delegations?

This paper addresses these four sets of questions in two distinct parts:

The first part of this paper answers the two first sets of questions: What are the constitutional prerogatives of the Canadian federation regarding international relations, and, what rights do sub-national governments have in international matters? In view of the evidence presented in the paper, I argue that in the Canadian federation there has been no significant evolution of the "gate keeper" position that would be a clear codified challenge to the international relations role of the federal executive because neither the constitution nor other specific legislation restricts international relations activities of lower government levels.

Those findings are complemented by evidence of the varied international activities of the provincial capitals that participated in our survey.¹ This is presented in the second part of this paper, in a section that answers the last two sets of questions: Do sub-national governments conduct international relations, what federal control is there of those activities? And, to what extent and for what purpose are sub-national governments included in national delegations? The data collected shows that Canadian cities have international activities. However, those activities are within the provincial statutory frameworks that define municipal policy realms. This is particularly interesting today because during the 1990s, most Canadian cities have been given natural person powers, and, the unbounded responsibility for spheres of policy (for instance in Ontario: public utilities, waste management, public highways, transportation system, culture, parks, recreation and heritage, drainage and flood control, parking, economic development services, structures, not covered by the *Building Code Act*; including fences and signs, and animals)². Thus, unrestricting the policy capacity of municipalities within those policy spheres. Furthermore, as shown in the last part of this paper, there are very limited mechanisms of supervision, or either coordination or cooperation of municipal international activism, either at the federal or provincial levels of governments.

1. The Constitutional prerogatives regarding international relations

1.1 What are the constitutional prerogatives of the Canadian federation regarding international relations, and, what rights do sub-national governments, particularly cities;³ have in international and intergovernmental matters?

Early discussion papers on the Constitutional form of the Canadian Federation may be traced to the Durham report of January 31, 1839.⁴ Durham in his report lays the ground rules for the responsible government of a United British North America. His recommendations greatly influenced the formulations of the British North American Act of 1867 (BNA). At the time, the issue at stake was to develop an understanding of the reasons that had led the thirteen American Colonies to secede from the British Empire; was it a complete rejection of British sovereignty or a problem of insufficiency of representative government? How should such similar requests in British North America be articulated with the imperatives of British rule?

Durham adopted the doctrine of “diarchy:” He suggested a division of the activities of government into colonial affairs and imperial affairs. He conceded a principle of responsible-government to colonial institutions for the domestic life of the colony, and explained: “if the colonists make bad laws and select improper persons to conduct their affairs, they will generally be the only, always the greatest, sufferers; and, like the people of other countries, they must bear the ills which they bring on themselves, until they choose to apply remedy. ... The constitution

¹ Charlottetown (Prince Edward Island), Halifax (Nova Scotia), Iqaluit (Nunavut), Quebec City (Quebec), Toronto (Ontario), Vancouver (British Columbia), Whitehorse (Yukon), Winnipeg (Manitoba), and Yellowknife (Northwest Territories). The city of Calgary was not able to participate.

² Ministry of Municipal Affairs, (2004) Ontario Municipal Act, 08, 2001, accessed May 2004, <http://www.mah.gov.on.ca/userfiles/HTML/nts_1_4067_1.html#general>

³ In this paper, for rhetorical reasons, the terms “city” or “cities” are used interchangeably with more specific terms such as municipalities, municipal institutions, and municipal governments.

⁴ Sir Reginald Coupland, (1945) *The Durham Report*, Oxford at the Clarendon Press.

of the form of government – the regulation of foreign relations and of trade with the mother country, the other British Colonies, and foreign nations – and the disposal of public lands are the only points on which the mother country requires control”⁵ Two points of significance should be highlighted: first, responsible government is granted only for colonial affairs, and second, colonial government is exclusive of international relations of any kinds. International relations remain in the realm of interests of the British crown.

The later report of the Quebec Conference of October 10, 1864, also works on similar views and enacts those ideas in the proposed division of powers between the federal government (general government) of the Federation of British North American provinces and provincial governments (Local Governments for each of the Canadas and the provinces of Nova Scotia, New Brunswick, and Prince Edward Island ... Newfoundland, the North-west territory, British Columbia and Vancouver.)⁶ It does not discuss international relations, which are to be assumed to be outside of the ambit of either levels of government, either federal or provincial, and it grants provincial legislatures (Local Legislatures) the power “to make laws respecting the following subjects: municipal institutions.”⁷ De facto, the Constitution Act of 1867 defined precisely the ambit of activities of Canadian provinces and also listed the activities of Federal government, leaving to government practice and tradition the practical definition of the federal realm as it evolved in time or due to political necessity. Section 132 of the BNA grants “all powers necessary or proper for performing obligations of Canada or any province thereof, as part of the British Empire and such foreign countries” to the federal government. And thus, in due time, as Canada progressively initiated more international relations this ambiguity became a contentious issue between the provinces and the federal government. It was addressed in 1937 in a Lord Atkin decision that limits the absolute authority of the federal government in the sphere of international relations by constitutional interpretation, i.e. the federal government cannot encroach upon provincial jurisdiction.⁸

When Constitutional discussions expanded during the late 1970s, and until the adoption of the Constitution Act of 1982, there were divergent positions regarding the formulation of the distribution of powers section of the constitution, while others also debated the necessity to include municipal governments. For instance, the Province of British Columbia’s Constitutional Proposals specifically argue for a clearer formulation that would identify “a few central realms of subject matters such as international relations, economics, culture, education, health” and do not mention municipalities voluntarily⁹ On the contrary, the recommendations of the Federation of Canadian Municipalities Task Force on the constitutional reform, established in January 1979,

⁵ Sir Reginald Coupland, (1945) *The Durham Report*, Oxford at the Clarendon Press, p.liii.

⁶ Report of the Resolution adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland, and Prince Edward Island, held at the City of Quebec, October 10, 1864 as the Basis of a proposed Confederation of those Provinces and Colonies. <http://canadiana3.canadiana.org/pdf/f3421d2ca48b.pdf> accessed November 2003.

⁷ Ibid, Report of the Resolution adopted at a Conference of Delegates from the Provinces of Canada, Nova Scotia, and New Brunswick, and the Colonies of Newfoundland, and Prince Edward Island, held at the City of Quebec, October 10, 1864 as the Basis of a proposed Confederation of those Provinces and Colonies, pp. 8 and 9. <http://canadiana3.canadiana.org/pdf/f3421d2ca48b.pdf> accessed November 2003.

⁸ Howard Leeson and Wilfried Vanderelst (1973) *External Affairs and Canadian Federalism – The History of a Dilemma*, Toronto: Hold, Rinehart and Winston of Canada, see pages iii-i, 1-11, and 115-119.

⁹ Province of British Columbia (1978) *British Columbia’s Constitutional Proposal (Presented to the First Minister’s Conference on the Constitution)* October 1978, pp.83-96.

included four model articles recognizing that “municipal government constitutes a third level of government” that municipalities have “law-making autonomy, which should not be withdrawn or varied by the provincial governments except by the ordinary legal processes and procedures applicable to the amendment of provincial constitution,” as well as “fiscal autonomy” and “institutional autonomy.”¹⁰ In the end, none of these propositions appear in the constitution because, as noted by then Attorney General of Saskatchewan Roy Romanow:

“there are good reasons for continuing provincial responsibility for municipal institutions. They have to do with the diversified nature of Canada. And the need for flexibility, to set up municipal structures that are tailored to the specific needs of each part of the country.”¹¹

Hence, from a constitutional and a legalist perspective, the constitutional prerogatives of the Canadian federation regarding the respective roles of federal and sub-national governments particularly, municipalities, in international relations are imprecise. However, what is clear is that originally Canadian cities were conceived as administrative units governed by justices of the peace, which very progressively incorporated during the 19th century to govern a small number of local policy issues, such as real estate matters. The Baldwin Act of 1849, which authorize and regulated such corporations and the Section 92 of the British North American Act (BNA) of 1867 clearly express those ideas. These conceptions are premised on very limited international activities.

Today, this interpretation of the Constitution Act, which does not recognize municipalities as an order of government, but gives the legislative responsibility to provincial governments to establish the forms of municipalities and of other local governments and to allocate functions to local governments according to provincial needs, is still valid. Provincial legislations on the forms and functions of municipalities, however, vary from one province to another, and have also varied over time. The courts interpret those statuses narrowly. Clearly, in Canada the source of authority of a municipality is either their provincial municipal act or their municipal charter. Rarely do cities, such as Calgary or Vancouver, have cities charters however, that grant them specific powers.

However, recent reforms to municipal acts in Alberta (1994), British Columbia (2000 and again 2003), Manitoba (2002) or Ontario (2002 and again 2003) have empowered municipalities by recognizing them as natural persons. Also, these new acts have given them full authority over “spheres” of jurisdiction, may change this picture. Most of these new provincial municipal acts differ from the original Baldwin Act but none actually challenge the Constitution. What emerges from those reforms is that municipalities across Canada have undergone a profound transformation, particularly, in Alberta, British Columbia, Quebec, Nova Scotia and Ontario where they have gained legal power and autonomy, and are also now more complex in their rights and responsibilities and more diverse in their size and functions. Those new institutional frameworks, and the amalgamations of numerous municipalities in Ontario, and Quebec,

¹⁰ Federation of Canadian Municipalities (1979) Resolution on Constitutional Reform, Adopted by the 42nd Annual Conference of The Federation of Canadian Municipalities, Quebec City, June 3-6, 1979.

¹¹ Ibid, Federation of Canadian Municipalities (1979) Resolution on Constitutional Reform, Adopted by the 42nd Annual Conference of The Federation of Canadian Municipalities, Quebec City, June 3-6, 1979, page 48.

however, may now foster greater institutional and functional differentiation that has the potential to increase the capacity municipalities have to develop more international relations. For instance, Toronto developed its first ever policy framework regarding international relations after the amalgamation in 1999.

Hence, in Canada, the Constitution does not limit the foreign policy domain exclusively to national executives. Foreign competencies of the national government only cover the fields that are not provincial responsibilities and concurrently in the policy realm of municipalities. Also, municipalities have seen their legal capacity, and the arenas in which to exercise those powers, expanded. However, does this mean that municipalities have a say in international agreements?

1.2 How important are municipalities, particularly cities in the process of preference building leading to international agreements? Are there rights that codify information and formal consultation roles of sub-national governments? How much powers have do municipalities have in ratification processes?

Most provincial capitals declare having limited relations regarding their international activities with either provincial or federal government officials. Most provincial capitals express surprise at this question. Most declare few if any formal relations with federal or provincial governments regarding international relations. For instance, *Charlottetown, PEI*, answered that there were no formal or informal agreements to ensure the direct or indirect participation of the city of Charlottetown in international matters. City officials say that the city has no role in the process of preference building or implementation of international agreements, nor is it involved in any policy stage of the treaty process (including ratification and implementation). Charlottetown has no role in setting foreign policy. *Charlottetown, PEI*, expressed that the “federal government does not deal with the municipality directly with regards to international activities, nor does the provincial government.”

Halifax, NS, on the contrary, stated that informal agreements ensured its participation in international matters, and that the city was given information regarding negotiations, and, had in the past and was currently participating to international negotiations in an advisory function, including foreign policy issues. However, the city also noted that it was not formally associated to treaty negotiations and or treaty ratifications.

Iqaluit NU also explained that consultations on international matter were very rare events and always informal. City officials, however, noted regular consultations on environmental issues particularly about effect of global warming on the city. Other issues include site contamination and clean-up requirements related to previously active military operation in its constituency.

Quebec city, QE, confirmed similar limited relations with the provincial and federal governments on international matters. City officials, however, mentioned the important role of the Canadian Federation of Municipalities regarding the very participation of Canadian municipal staff to international missions for the development of cooperation with municipalities across the world. *Quebec city* is currently involved in Burkina Faso for a project regarding the management of municipal human resources. Moreover, the city maintains close relations with the provincial

ministries of immigration, international relations and revenue. These are mostly informal relations regarding the international activities of the city, but include funding relations for specific programs.

Toronto, ON, also recognizes functional relations with either provincial or federal government departments and ministries but acknowledges, as well, that there are no overview of the city international activities by the province. Its officials remarked that it may be difficult due to its non-centralized corporate organization. They point toward Quebec City specifically as the opposite centralized model. There are no formal mechanisms to coordinate or consult on any specific issues with either superior levels of government. This, however, does not seem to compromise the coordination of specific activities. The intervention of the city in El Salvador in 2001, for instance, was in partnership with the provincial government. The city, however, notes that such similar partnerships never extend to their participation in any international treaty negotiations. Nor has the participation of the city ever been required. The city is consulted, however, on policy issues that pertain to city policies such as the management of human diversity, or human right issues, or economic development strategies, particularly, regarding hosting major international events. Memorandums of understanding are the legal basis for all its technical partnerships.

Regarding the Olympic games, *Vancouver*, BC, on the contrary benefits from clear and formal agreements. It has formal agreements with both the province of British Columbia and the federal government. Each agreement sets the terms of their mutual participation and obligation in the venture. A multiparty agreement sets the terms between each government placing responsibilities on each level of government but according to negotiated terms. Those terms place *Vancouver*, BC, in a leadership position for the Olympic bid and regarding the organization of the games. Particularly, the City deals directly with the International Olympic Committee, and contracted directly with the IOC to host the game. The city also signed an information sharing and partnership agreements with Torino, Italy for its experience in hosting similar games in the past. Vancouver officials, however, notes that any other forms of participation to the preparation or signature of international treaties are extremely limited.

Similarly, *Winnipeg*, MB, does not feel limited in its international activities, nor are there any formal mechanisms that require participation of the city in provincial or federal international activities. City officials even note specifically that the provincial government has “no involvement with the city” regarding international activities.

Hence, despite clear functional differentiations municipalities have no role in the determination of the terms of international agreements. Does this mean, that they have no international activities?

2. The international relations of Canadian municipalities

2.1 Do sub-national governments, particularly cities, conduct international relations? What federal control is there of those activities? To what extent and for what purpose are sub-national governments included in national delegations?

Most provincial capitals engage in international activities, for instance, *Charlottetown*, PEI, is involved in the Maritime Mayors and New England States Committee, and the South-Eastern Massachusetts Atlantic Canada Association, and currently manages a twinning with Japanese cities. *Halifax* NS is also informally and formally engaged in international activities. It has initiated sister city and twinning agreements with Japanese cities and is also active in consultative municipal groups and also participates in informal exchanges. *Iqaluit NU* mentioned two sister cities; Sisimiut, Greenland, and Labrador City, Newfoundland. *Vancouver*, BC is another example of a city that is active internationally; perhaps the best example is its successful bid for the 2010 Olympic games. The city is also regularly invited to consult on its drug policies, drug enforcement. *Yellowknife*, NT, also report a high level of international activities. Most of those activities focus on circumpolar relations. They are explained by city officials as being necessary due to its geographical position and the importance of construction, mining and industrial project in process in its constituency. The city reports being informally involved in negotiations regarding the status of indigenous people with Russia; and the negotiation of the Kimberly Agreement, an international protocol on diamond mining. It also consulted with federal officials regarding the impact of diamond mining on the economy of North Western Territories. The city is also active in the Association of Winter City Mayors and the Winter City Association that organizes circumpolar groupings, and conferences.

Quebec City, QE, is very active internationally. An International Affairs Commission manages its international activities. It is staffed with 11 persons and a Commissioner, previously a provincial civil servant lent to the city. The Commission advertises three main orientations: immigration policies, institutional policies, and economic development policies. Policies regarding immigration are designed and implemented with the full support and funding of the Provincial government. They aim at promoting the city as an important immigration hub, and offer services to new immigrants as well as promoting the positive impact of immigrants on the city and its region. For instance, they organize lodging for newly arrived immigrants, or language courses. Also, since its amalgamation in 2002, Quebec city's International Commissariat manages 42 pacts, friendship agreements, sister cities and twinning agreements. International cities, such as Xian, China, or Bordeaux, France, or again Namur, Belgium actively develop relations and partnerships with Quebec City. These range from basic informational exchanges to working groups, staff exchanges to teaming on issues such as municipal energy, water, and wastewater treatment or policing. For instance, Quebec City is currently involved with Paris and Bordeaux (France) and Namur (Belgium) in exchange training programs for their staffs, cultural exchanges regarding the French language, their municipal museums, or schools, but also water policies and the practicalities of participatory democracy. *Quebec city* is also the host of the international secretariat of the Organization of the World Heritage Cities¹² and a member of the International Association of Francophone Mayors. Finally, the city also promotes and markets its enterprises internationally. In agreement with the provincial ministry of international relations the city promotes internationally its usage of information communication technologies in municipal services, also, it maintains close relations with South American cities, in Brazil, Mexico and Chili on specific economic development issues.

¹² <http://www.ovpm.org/index.php?newlang=eng>

Toronto, ON, is the most active and best organized in Canada. Since the 1999 amalgamation, the cityhall has established a policy framework to guide all its international activities.¹³ The goal of this framework is to “integrate,” “coordinate” and “rationalize” the city’s current international activities. This work emerged after a March 24, 1999 recommendation of the Economic Development and Parks Committee to Chief Administrative Officer (CAO), Shirley Hoy, to develop a corporate framework for the international activities of the city. This proposal was adopted by council in its April 11, 12 and 13 decisions and reiterated in a June 26, 2001 resolution. The city’s World City Committee reviewed all 37 international partnerships inherited from the amalgamation and set to organize the corporate international activities at the level of the CAO office as part of its Intergovernmental Relations portfolio, with the assistance of the Policy Coordination Team and its various representatives across the municipal departments.

The city defines international activities as “linkages with international municipal associations, staff membership in international professional organizations, city-to- city alliances, bi-lateral, multi-lateral technical and capacity building partnerships, hosting, presenting and attending international conferences and workshops as well as participating in international research teams and study commissions. International relations are a cross-corporate initiative. Political representatives and staff in the City departments, agencies, boards and commissions assume the role of international ambassadors for the City, as they interact with their colleagues in other cities worldwide.”¹⁴ This policy framework sets clear goals for the city. It recommends that the city be positioned as: a center for research excellence and knowledge development, a competitor in the global economic marketplace, a city with highly skilled and competent leadership, a compassionate and caring city, and a leading cultural capital.

Those goals have very concrete implications. The city as a center for research excellence leads Toronto to be involved in the resolution of urban management issues in the World Association of Major Metropolises, the International Union of Local Authorities, and the International Council for Local Environmental Initiatives. The city also maintains an active working relationship with the World Health Organization through its Healthy City Office. The City is also very active in municipal technical exchange partnerships. This is also part of its goal to promote its Compassionate and Caring City policy. In 2003 it reported 64 such partnerships with cities in 18 different countries including China, Japan, the Netherlands, USA, Italy, Singapore, Ukraine, Philippines, France, Australia, Mexico, Bolivia, Korea, Botswana, Great Britain, Brazil, Latvia, and South Africa on issues regarding human resource management, training, organizational effectiveness, finance (pensions, debt management, capital borrowing, property tax, user fees) audit, economic development, real estate management, amalgamations, e-government, community services, city planning, transportation, information management, immigration and settlement and community participation.

For instance, Toronto worked with Istanbul, Turkey, on waste disposal, site preparation, computer services and mapping environmental control, and urban transport; with Lima, Peru, the city brought expertise on emergency services; in Riga, Latvia and Vilnius, Lithuania, it helped

¹³Shirley Hoy, Chief Administrative Officer (With Phillip Abraham and Hilda Birks), (2002) Toronto Staff Reports, International Policy Framework for the City of Toronto, presented to council April 25, 2002.

¹⁴ Ibid, Shirley Hoy, Chief Administrative Officer (With Phillip Abraham and Hilda Birks), (2002) Toronto Staff Reports, International Policy Framework for the City of Toronto, presented to council April 25, 2002, page 2.

set up a tourism development strategy. Toronto Cares responded to requests to emergencies and crisis situations. It supported the Toronto Fire Department supported the New York fire department after the 9/11 tragedy, and also mobilized support when Hurricane Mitch hit El Salvador in 2001. The city also participated in research and policy work in the Metropolis Commission of the World Association of Major Metropolises, which focuses on political and administrative governance structures, the participation of civil society in the decision making process, the coordination between government and agencies, boards and commissions and municipal services (such as water, wastewater treatment, planning, and public transit).

The City of Toronto as a Competitor in the Global Economic Marketplace brought city to promote the city through the International Alliance Program, international benchmarking projects, the organization and promotion of key business clusters, trade shows and trade missions, targeted marketing campaign, business and media editorials, competing for hosting international events and business forums, and the presentation of the economic and quality of life information to the 16 visiting delegations it welcomed in 2003.

Another example of international activism, is *Winnipeg*, MB that has 11 sister city agreements with Setagaya, Japan, Reykjavik, Iceland, Minneapolis, MI, USA, Lviv, Ukraine, Manila, Ukraine, Manila, Philippines, Taichung, Taiwan, Kuopio, Finland, Be'er Sheva, Israel, Chengdu, China, Chinju, Korea and San Nicolas de los Garza, Mexico. The city is also involved in a partnership with Kampala, Uganda, regarding Kampala's policy initiatives dealing with the HIV/AIDS epidemic. Winnipeg's participation includes the definition of a capacity building strategy, and challenges in addressing the epidemic. This work included direct relations with the government of Uganda, international governmental and non-governmental organizations, the local Makerere University, and The Aid Support Organization.

Hence, the largest Canadian municipalities are very active internationally. All however, restrain activism to their specific policy realms. All also describe activities linking them to other municipalities across the world.

2.2 Are the international activities of municipalities a challenge to the gatekeeper position of federal and provincial executives? What means exist for intergovernmental supervision and/or coordination or cooperation regarding international relations amongst levels of governments?

All provincial level governments report having intergovernmental – international offices, for instance, the provincial government of British Columbia has a four staff secretariat for intergovernmental relation that is in charge of BC federal relations, inter-provincial relations, and other international relations.¹⁵ Similarly, in Alberta there is a 6 staff department of international and intergovernmental relations, which deals with international relations, Canadian intergovernmental relations, trade policy and includes the translation bureau.¹⁶ In Ontario, the

¹⁵ http://www.gov.bc.ca/prem/popt/service_plans/srv_pln/prem/intergov_relations_sec.pdf;
http://www.gov.bc.ca/bvprd/bc/channel.do?action=ministry&channelID=-8550&navId=NAV_ID_province;
<http://www.gov.bc.ca/igrs/prgs>; <http://www.gov.bc.ca/igrs/prgs/#inter>;
http://www.gov.bc.ca/bvprd/bc/channel.do?action=ministry&channelID=-8550&navId=NAV_ID_province

¹⁶ http://www.iir.gov.ab.ca/pages/what_we_do.htm; http://www.iir.gov.ab.ca/inter_rel/pages/mission.htm;
<http://www.iir.gov.ab.ca/trade/pages/mission.htm>

Ministry of Intergovernmental Affairs with about 20 staff is the most important in the country. Its role is to ensure that Ontario plays a “a constructive role in strengthening the Canadian Federation.”¹⁷ The international activities of Canadian cities are not included as part of the responsibilities of these offices.

The municipalities surveyed for this research all have small intergovernmental / intergovernmental offices / secretariat, or committees, or both. For instance, the Administrative Transit and Intergovernmental Affairs Committee in *Charlottetown, PEI*, is in charge of liaisons with both the federal and provincial governments regarding transit systems, water waste, taxation issues or other issues at the discretion of the mayor. Most of their activities focus on transit operations. Similarly, in *Vancouver, BC*, the Greater Vancouver Regional District Board of Directors established an intergovernmental affairs advisory committee, which focus is sustainable development.¹⁸ In *Halifax, NS* or *Winnipeg, MB*, there are secretariat for intergovernmental affairs;¹⁹ in *Quebec City, QE*, or *Toronto, ON* the administrative support is much larger including eleven staff in *Quebec City*, and a large network of municipal employees in *Toronto*.²⁰ At the municipal level there are no offices, secretariat or committees that actually coordinate systematically municipal international activities to intergovernmental relations.

The emerging picture is that despite the existence of intergovernmental or international coordinating functions neither the federal government nor provincial governments have in their statutes or as part of their function to either control or coordinate the international activities of municipalities in Canada. One exception to this finding might be the federal invitation to some cities to participate to Team Canada delegations abroad. Actually, most provincial capitals declare having been invited. However, *Charlottetown, PEI*, *Halifax, NS*, *Iqaluit NU*, have never been included in a national delegation, nor, do they have any knowledge that their cities’ participation has ever been legally required. *Toronto, ON*, *Vancouver, BC*, and *Winnipeg, MB*, *Yellowknife, NWT*, have been invited to participate in international trade missions and conventions, or international delegations. *Winnipeg*, however, has turned down participating.

Conclusion

Hence, we cannot argue that in Canada evolving statutes have weakened the federal gatekeeper position in favour of lower level governments. However, the competencies for international relations are not either the exclusive responsibility of the federal government. This is a shared function. Furthermore, Canadian cities have no say in international treaty negotiation, unless their informal participation to consultations is deemed necessary. Canadian cities, however, are active internationally and engage in a multitude of international ventures, none of which are actually either supervised, or coordinated by any systematic mechanisms by federal or provincial governments. Does this mean that Canadian cities are challenging the gatekeeper position of the federal government in international affairs? No, because according to constitutional tradition, municipalities can only act within the sphere of policies delegated to them by provincial legislatures. However, these provincial statuses, which traditionally were prescriptive and

¹⁷ <http://www.mia.gov.on.ca/mia-main.htm>

¹⁸ <http://www.city.vancouver.bc.ca/ctyclerk/cclerk/970527/comm1.htm>

¹⁹ <http://www.halifax.ca/hr/04-076N.pdf>

²⁰ <http://www.city.toronto.on.ca/committees/intergovernmental.htm>

limiting, have been reformed recently and greatly enhance the ambit of power of municipalities. Natural person powers within largely defined municipal policy spheres opens wide the door to municipal decision makers. Ambitious municipal governments that would want to increase their international visibility are now able to take bold initiatives.

First draft May 27, 2004 prepared for CPSA Meeting June 04, 2004 - Thank you!

Annex 1: Framework for the Interviews of Charlottetown, Halifax, Iqaluit, Quebec City, Toronto, Whitehorse, Vancouver, Winnipeg, and Yellowknife. These cities were contacted by email. Each received a letter and questionnaire, and were offered to discuss the questionnaire by telephone interview. Iqaluit, Quebec City, Toronto, Whitehorse, Vancouver, Winnipeg, and Yellowknife participated in the telephone interview and sent additional documentations by electronic mail or snail mail. Calgary, Edmonton, Saskatoon and Ottawa were not able to participate.

Are there specific formal and/or informal agreements that ensure the direct and/or indirect participation of your municipality regarding international matters?

1. What roles, if any, does your municipality play in international matters?
 - It is consulted either before or during the negotiations
 - It is given information regarding the negotiations
 - It is present/ represented/plays an advisory role
 - It has delegates present during negotiations
 - It is among the signatories
 - Other (please specify)
2. What role, if any, does your municipality have with regards to the process of preference building and implementation of international agreements? Please explain.
3. Are there instances in which your municipality is required to participate either in:
 - The ratification of an international treaty?
 - The implementation of an international treaty? Please explain
 - They are not involved at any policy stage
4. What roles does your municipality play in setting foreign policy?
 - It is consulted either before during after the negotiations
 - It is given information regarding the negotiations
 - It is a part of the decision making process
5. Does your municipality engage in any international activities?
6. Has your municipality ever been included in a national delegation?
7. If yes, are there instances in which your municipality's participation is legally required? What roles does your municipality have within national delegations? Please explain. What limits are set regarding your municipality's involvement? Please explain.

International Activities, the federal government and your municipality

8. With regards to international activities, are there instances when the federal government deals directly with your municipality, or an office of your municipality?
9. If yes, are there specific international activities which involve your municipality, or an office of your municipality? Please list.
10. Is your municipality's role formal or informal?
11. With regards to international activities, are there instances when the federal government restricts your participation?

International activities, the provincial government and your municipality

12. With regards to international activities, what is the involvement of your municipality with the provincial government? Please explain.

13. Is your municipality's role formal or informal?

14. With regards to international activities, are there instances when the provincial government restricts your participation?

International activities and your municipality

15. Are there, mechanisms of any kind which require consultation of your municipality, or an office of your municipality?

16. If yes, please list those mechanisms.

17. What types of international matters are you most often consulted with regards to? Please explain.

Your municipality's international activities

18. Are there international activities of any kind which lead your municipality to deal directly with other states, cities, provinces, or international bodies?