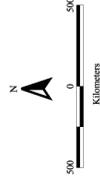
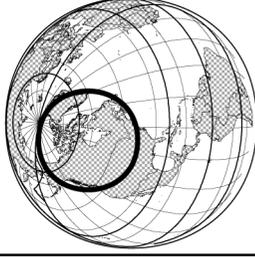


# Canada

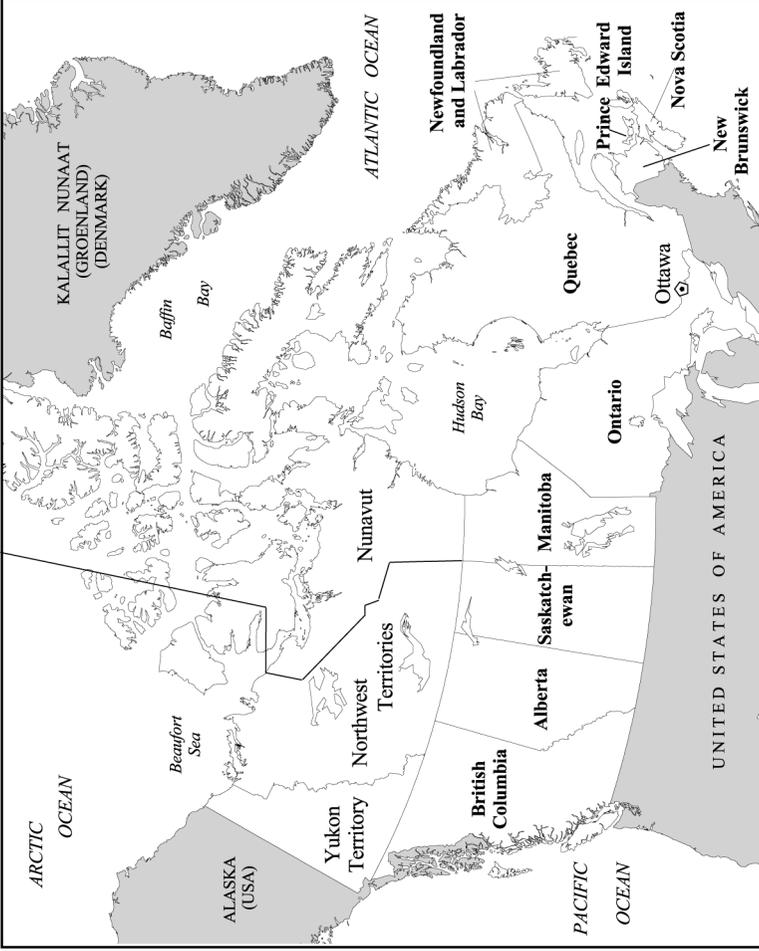
Capital: Ottawa  
Population: 31.5 Million

Boundaries and place names are representative only and do not imply official endorsement.

The three northern territories, while administrative divisions, are not provinces.



Sources: ISSI Ltd., National Atlas of Canada, Times Atlas of the World



# Canada

ANDRÉ LECOURS

The relationship between Canadian federalism and foreign policy is significant for at least three reasons: (1) the provinces play an important role in treaty implementation, which means that there are typically intergovernmental relations surrounding treaty negotiations; (2) the international action of some provinces is quite developed and includes the presence of offices abroad, conducting formal visits and missions, and signing international agreements; and (3) the claims of Quebec for an increased international role pose a serious dilemma for the federal government, even to the point of presenting implications for national unity. Overall, Canadian provinces are active beyond the country's borders, albeit to different degrees and for different reasons, and they are generally keen to present their input when the federal government takes a position internationally on matters that fall, at least partially, within provincial jurisdiction, especially Quebec. This raises two major issues for Canadian federalism when it comes to international relations: to what extent should intergovernmental consultation be formalized, and how should the federal government respond to Quebec's claims for an increased role in foreign affairs?

## COUNTRY CHARACTERISTICS

Canada is a vast federal country (9,984,670 km<sup>2</sup>) of 31,612,897 people.<sup>1</sup> This population is concentrated in the South, especially in the large urban centres of Toronto, Montreal, Vancouver, Ottawa, and Calgary. Linguistic and cultural diversity has always been a defining trait of Canadian society. The country, officially bilingual since 1969, is composed of approximately 76% English speakers and 24% French speakers. Historically, the Catholicism of francophones clashed with the Protestantism of most anglophones, but a decline in religious practice, especially in Quebec, where francophones are concentrated, has considerably lessened the importance of this religious division. There is a strong nationalist movement in Quebec that

has translated, since the 1960s, into demands for increased autonomy or outright independence. Political claims that Quebec forms a nation find very strong support in Quebec society, which means that Canada may be called a multinational federation. In addition, Canada has an Aboriginal population making up approximately 3% of the country's total population and comprising many different historical groups that also call themselves nations and are recognized as such by the federal government. Diversity in Canada is also noticeable in its multiple communities stemming from immigration (e.g., Italian, Greek, and Chinese). These communities are formally acknowledged through a multiculturalism policy.<sup>2</sup>

The Canadian federation is composed of ten provinces.<sup>3</sup> There are great variations among these constituent units. In terms of population, Ontario leads the way (12,160,282), followed by Quebec (7,546,131) and Alberta (3,290,350). At the other extreme are Prince Edward Island (135,851), Newfoundland (505,469), and New Brunswick (729,997).<sup>4</sup> From an economic perspective, Alberta, rich in oil, and Ontario, with its strong industrial sector (e.g., the automobile industry), are the two wealthiest provinces, with a nominal gross domestic product (GDP) per capita of US\$48,288 and US\$36,029 respectively. They are followed by two western provinces: Saskatchewan (\$32,817) and British Columbia (\$31,292). At the other end are three small Atlantic provinces where seasonal economic activities such as fishing are important sectors of the economy: Prince Edward Island (\$25,099), New Brunswick (\$26,701), and Nova Scotia (\$27,579).<sup>5</sup>

The population and economic discrepancies go some way toward explaining the uneven level of international activity across provinces. Overall, bigger and wealthier provinces (Quebec, Alberta, and to a lesser degree, Ontario) have been the most active internationally and the most interested in having input into positions voiced by Canada internationally about matters that fall into provincial jurisdiction. Meanwhile, the smallest and poorest provinces (Prince Edward Island, Nova Scotia, Newfoundland, and Manitoba) have been less active, with the exception of New Brunswick, which has developed an important international dimension.

More important than size and wealth for explaining the development of international relations in some provinces are political factors. Despite being in the middle of the pack in terms of GDP per capita, Quebec is by far the most active of the Canadian provinces internationally; in fact, it has, along with the Belgian communities and regions, the most developed international relations of any federated or regional unit in the world. This is because nationalism leads Quebec to take the expression of its identity and the promotion of its interests abroad. Alberta is the second most active province. This can be explained chiefly by the province's sentiment of alienation, which features a distrust of the federal government as a defender of Albertan interests. There is no such distrust in Ontario, which explains why,

despite the province's size and wealth, the Ontario government has done little internationally. In sum, provinces comfortable with the federal government speaking for all of Canada on the various subjects of international affairs, especially Ontario, tend to have only a modest international dimension themselves.

#### REGIONAL AND GLOBAL CONTEXT OF NATIONAL SETTING

The international role of provinces is an important question in Canada because the country has always been very active internationally. Until the 1930s Canada's international action was bound by its dominion status in the British Empire, which meant that the country's foreign policy needed to follow that of the United Kingdom. When Canada became a fully sovereign international actor, its foreign policy and international involvement made it a classic middle power. Canadian governments have been quite active in world diplomacy, putting to good use a positive international reputation and strong relationships with the major powers to exercise an influence disproportionate to its size and military capabilities. At the centre of this positive reputation is the role played by Canada in establishing United Nations (UN) peacekeeping missions<sup>6</sup> and in participating in several of these missions thereafter. This stake in peacekeeping and in the United Nations as a privileged forum for world diplomacy and conflict prevention is part of a larger Canadian focus on multilateralism. Canadian governments have invested in a wide array of international organizations such as the World Trade Organization (WTO), the World Health Organization (WHO), and various UN agencies, such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the United Nations Conference on Trade and Development (UNCTAD). Also, Canada's French and British heritage means that the country is a member of both the Commonwealth of Nations and La Francophonie.

Canada's most important foreign relationship is with its southern neighbour, the United States. This relationship has been peaceful for almost two centuries, and there are connections of all types between the two countries. Thousands of Canadians and Americans cross the border every day for business and tourism. American popular culture (particularly music and movies) is omnipresent in Canada, but many Canadian artists have become stars in the United States as well. From a political perspective, sharing this long border necessarily involves some degree of cooperation between the two countries. For example, after the attacks of 11 September 2001 in New York City and Washington, DC, the Bush administration made border control a high priority and put pressure on Canada to monitor transborder movement more closely than ever.<sup>7</sup> The American "war on

terror” is therefore impacting Canada-US relations. Border control is mostly the exclusive purview of the federal government, although Quebec’s formal powers in immigrant selection represent a form of control over population movement.<sup>8</sup> In addition, Canadian provinces have their own direct relations with bordering American states, as demonstrated by the many agreements on various topics that exist between the two.

Indeed, provinces have a major stake in many transborder issues. This is the case for environment and resource management, where provincial voices are being heard. For example, the Great Lakes Conference of the International Joint Commission on Boundary Water Management involves not only the federal minister of environment but also its Ontario counterpart.<sup>9</sup> A recent American plan to steer polluted water from North Dakota into Lake Winnipeg has raised much concern in the Manitoba government and worried other provinces as well.<sup>10</sup> In the field of energy, the National Energy Board of Canada, which regulates the exportation of oil, natural gas, and electricity, coexists with energy boards in Alberta and Ontario that are also responsible for the movement of such resources.<sup>11</sup>

Diplomatically, the two countries have enjoyed a strong relationship based on common commitments to democracy, human rights, economic prosperity, and security despite differences on foreign policy (for example, Canada did not support the US war in Vietnam and, more recently, in Iraq). Canada and the United States are members of many of the same international and regional organizations, including the North Atlantic Treaty Organization (NATO), the Organization of American States (OAS), and the G8. They are also partners in the North American Aerospace Defense Command (NORAD).

The Canada-United States relationship in the context of these organizations has few implications for the provinces. Provincial governments do not seek to have a say in military and defence issues. In contrast, the Canada-United States Free-Trade Agreement (CUSTA), signed in 1988, which became the North American Free Trade Agreement (NAFTA) with the inclusion of Mexico in 1994, has been full of consequences for the provinces. Free trade with the United States reduced the ability of the federal government to regulate commercial flows, as rigid protectionist measures were no longer options. As a result, Canada-US trade increased at the expense of interprovincial trade. By 2004 four-fifths of Canada’s exports went to the United States, while two-thirds of its imports came from that country.<sup>12</sup> Ontario is most dependent on the American market, with approximately 90% of its exports going to the United States. It is followed by Alberta, New Brunswick, Prince Edward Island, and Quebec, all with more than 80% of their exports going to the United States. Even provinces that export proportionally less to the United States still rely heavily on that market (e.g., British Columbia, with approximately 65%).<sup>13</sup> In this context of a greater

importance acquired by the American market, provinces have developed international operations, if only to help companies take advantage of new opportunities and attract new investment. The global trend toward the liberalization of trade and the free movement of capital has meant that these operations have sometimes acquired a scope beyond the United States.

A more specific consequence of NAFTA for provinces derives from the potential disputes over the extent and limits of free trade. Here, the conflict over softwood lumber is a good example. Canada complained for years that the United States imposed illegal duties on incoming softwood lumber, while the US government justified this practice by arguing that the industry was unfairly subsidized in Canada. NAFTA arbitration panels found mostly in favour of the Canadian position, but both countries sought a negotiated solution to the conflict. Four provinces were directly affected by this dispute because they have significant softwood lumber industries: British Columbia, Quebec, Ontario, and New Brunswick. Of the four, British Columbia had the most at stake because 60% of Canada's softwood exports come from that province. In this context, the BC government requested, and was granted, a "major role" in shaping the Canadian position vis-à-vis the United States while at the same time acting directly in the United States to bring American policy in line with its interests.<sup>14</sup> The other affected provinces were also allowed to offer their input. In the spring of 2006 the Canadian and American governments came to a settlement that was supported by all provincial governments involved. The inter-governmental consultation that occurred during these Canada-United States negotiations was genuine and effective enough to gain the support of the provinces, although the industry in British Columbia was split on the settlement.<sup>15</sup> As such, this consultation could serve as a template for federal-provincial contacts in the context of future international negotiations affecting the provinces.

#### THE CONSTITUTIONAL SETTING

Canadian federalism was the product of a compromise. In the 1860s projects of political unions involving primarily the two units of the Province of Canada (Canada East, populated by a majority of French-speaking Catholics; and Canada West, composed primarily of English-speaking Protestants) as well as New Brunswick and Nova Scotia surfaced as a result of economic, military, and political imperatives (the instability deriving from the arrangements of the 1840 Act of Union). These projects involved discussions over the specific form of a new state. French Canadian leaders advocated a federal model because they felt it offered the political autonomy necessary for the preservation of their distinct culture, language, and traditional social structure. English Canadian elites favoured a unitary state, which they saw

as stronger and more resilient. In the end, Canada was created as a federation in 1867. It was originally a fairly centralized federation that included the provinces of Ontario, Quebec, New Brunswick, and Nova Scotia. Powers over the most important matters of late nineteenth-century public policy were attributed to the federal government: banking, currency, national defence, transportation, and trade and commerce.<sup>16</sup> The federal government was also given the power “to make laws for the peace, order and good government of Canada,” except in domains explicitly under provincial jurisdiction. Provinces oversaw such matters as civil and property rights, municipal institutions, and local works.<sup>17</sup> This constitutional arrangement meant that provinces would have authority regarding healthcare and social welfare when these matters became fields of public policy.

Contrary to the constitutional documents of most federations, the British North America (BNA) Act of 1867 did not specifically assign power over international relations to the federal government. Only Section 132 touched on this issue. It specified that Parliament and the Government of Canada were empowered to perform “the Obligations of Canada or any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.” This section, however, has fallen into disuse since the 1931 Statute of Westminster gave the dominions formal legislative independence from the United Kingdom and enabled Canada to sign treaties of its own. Power over defence, however, constitutionally rests with the federal government in virtue of Section 91 (7). Constitutional changes, including the major reform of 1982, have not altered jurisdiction over international relations. In short, there is nothing in the Canadian Constitution empowering provinces in international relations, nor is there anything preventing them from developing international activities such as striking agreements with foreign governments on matters falling within their own jurisdiction.

In the context of such a silence, courts have been instrumental in specifying the constitutional setting for international relations, at least with respect to the implementation of treaties. After Canada formally acquired its international personality in the 1930s, the federal government assumed the treaty-making powers formerly exercised by the British government.<sup>18</sup> The extent to which Canada’s division of power presented a limit on the federal government’s ability to implement treaties was tackled in three judgments from the Judicial Committee of the Privy Council (JCPC) in London (the ultimate court of appeal for Canada until this responsibility was given to the Canadian Supreme Court in 1949).

In the *Aeronautics* reference, the JCPC had no difficulty confirming the validity of the *Aeronautics Act* because it was drafted for the purpose of fulfilling Canada’s obligations stemming from a 1922 convention ratified in the context of the British Empire.<sup>19</sup> Therefore, Section 132 applied. Lord

Sankey, who delivered the Privy Council judgment, also made the argument that air regulation “was a matter of such general concern to the whole body politic of Canada that it could be brought under Parliament’s power of making laws for the peace, order and good government of Canada.”<sup>20</sup> This logic was maintained by Viscount Dunedin in the *Regulation and Control of Radio Communication in Canada* reference,<sup>21</sup> which dealt with the 1927 Radio Telegraph Convention ratified by the Canadian government. In this case, the JCPC rejected Quebec’s argument that the implementation of international treaties was subject to the division of power of Sections 91 and 92 of the BNA Act and found instead that this power rested exclusively with the Canadian Parliament.<sup>22</sup> But then, in the 1937 *Labour Conventions* case, the Privy Council, speaking through Lord Atkin, judged that the federal government alone could not enact the labour conventions stemming from Canada’s membership in the International Labour Organization (ILO).<sup>23</sup> Lord Atkin found that treaty implementation was not a new matter (as argued in *Regulation and Control of Radio Communication*) but that it was tied to Sections 91 and 92. Consequently, the logic of the judgment was that if a “treaty dealt with a subject that was normally under section 92, then legislation giving effect to it could be enacted only by the provincial legislatures.”<sup>24</sup>

The *Labour Conventions* reference is still the dominant jurisprudence on treaty implementation in Canada. Provinces, particularly Quebec, still refer to the 1937 case to defend the constitutionality of their role in treaty implementation.<sup>25</sup> In fact, Quebec’s politicians typically argue that the constitutional division of power should apply not only to the implementation of treaties but also to their negotiation and even their making.<sup>26</sup> This argument is not reflected in current jurisprudence, and most constitutional experts do not find it convincing.<sup>27</sup> Moreover, in international law, responsibility for implementing a treaty falls to the federal government because it is the only government in Canada endowed with an international legal personality. Nevertheless, the notion that domestic powers should be extended onto the international scene, including in the act of treaty making, forms the basis of Quebec’s political claims for an increased international role as represented by the so-called Gérin-Lajoie doctrine. In a 1965 speech, then Quebec education minister Paul Gérin-Lajoie suggested there was “no reason for separating the implementation of an international treaty from its making. These are simply two steps of one process.”<sup>28</sup>

Disputes over the constitutional possibilities of provincial input into treaty making focus on the interpretation of the formal division of power between the orders of government. This is due partly to the fact that provincial governments do not participate in policymaking within federal institutions. In theory, the Senate serves as the house for territorial representation, but because its members are appointed by the federal government rather than

elected or appointed by provincial governments, it does not perform that function. Thus provinces play no formal role in crafting Canadian foreign policy. This constitutes an incentive for them to seek input into treaty making and to develop their own international presence.

#### INTERGOVERNMENTAL RELATIONS IN FOREIGN AFFAIRS

The crafting and implementation of foreign policy in Canada are not guided by formal political arrangements between the federal and provincial governments insofar as there is not one intergovernmental forum specifically dedicated to international relations. Therefore, the federal government and the provinces do not routinely meet to discuss external affairs. Rather, intergovernmental relations about foreign policy develop when specific questions relating to issues of provincial jurisdiction become the focus of international negotiations. As just discussed, the implementation of treaties whose subject matter falls within provincial jurisdiction requires the participation of provincial governments. Beyond treaty implementation, the constitutional division of power is also central to determining the role of provinces in shaping Canadian foreign policy. Of course, the federal government does not consult provincial governments when deciding on the structure of its diplomatic relations with foreign states or its stance on traditional issues of war and peace, security, and defence; these matters lie within the exclusive jurisdiction of the federal government. For example, the Canadian government's policy of promoting an international ban on land mines was developed without any input from provinces. At the same time, the federal government can be sensitive to public opinion in specific provinces, sometimes expressed by their governments, before deciding on foreign policy. In areas of provincial jurisdiction, however, the federal government must consult the provinces, which leads to the establishment of intergovernmental networks.

Consultation surrounding the implementation of treaties or the definition of Canadian positions on matters of provincial jurisdiction takes place within sectoral intergovernmental forums. These forums may take different forms and have various degrees of formal institutionalization. Typically, discussions of international issues occur in yearly meetings of federal and provincial ministers. In some instances, mechanisms of coordination for the purpose, for example, of treaty implementation are supported by a formal intergovernmental agreement. In the area of labour, the US-Canada agreement that accompanied CUSTA opened the way for ad hoc intergovernmental meetings when international treaties (paralleling other free trade agreements) were negotiated by Canada. In 2005, however, this practice was formalized through "a new Canadian intergovernmental agreement, a framework that

establishes a federal-provincial-territorial mechanism for the implementation and operation of international labour-cooperation agreement."<sup>29</sup> In the field of environment, the Canadian Council of Ministers of the Environment (CCME), which typically meets once a year, is the forum for discussing international environmental issues or events. For example, in a June 2005 meeting, the ministers committed to working together to prepare for the United Nations Climate Change Conference held in Montreal later that year.<sup>30</sup> Intergovernmental relations around the international dimensions of agriculture,<sup>31</sup> such as improving foreign-market access for Canadian products, are not stipulated in a distinct agreement but rather written into a larger intergovernmental framework, the Agriculture Policy Framework.

The extent of intergovernmental relations around an international issue involving provincial jurisdiction depends greatly on its salience. In high-profile international negotiations, or negotiations of treaties whose implications raise serious concern for provinces, intergovernmental consultation and coordination may be quite extensive. A few examples follow.

In trade, the federal government did not start consulting provinces until the mid-1970s because, until then, international negotiations focused mainly on tariffs, an area of federal jurisdiction.<sup>32</sup> For example, the 1965 Canada-United States Automotive Products Agreement (Autopact) allowing for duty-free exchanges of motor vehicles and their parts was negotiated without any input from Ontario, although this province had serious stakes in the agreement due to its large automobile industry.<sup>33</sup> With the General Agreement on Tariffs and Trade (GATT) Tokyo round of trade negotiations, however, nontariff barriers such as subsidies were on the table, and provincial governments wanted input. The federal government reacted by creating a federal-provincial committee of deputy ministers and, in 1977, by setting up a Canadian Coordinator for Trade Negotiations office that could channel provincial (and industrial) perspectives.<sup>34</sup>

Negotiations in the mid-1980s over CUSTA were even more consequential for the provinces, and a political decision was made at the November 1985 First Ministers' Conference that provinces would be full participants in the process.<sup>35</sup> For the provinces, full participation meant having input into defining the Canadian position, preferably through formal representation on the negotiating team and oversight of the federal negotiator.<sup>36</sup> The federal government refused to give provinces a formal presence in the negotiations. Instead, the federal and provincial governments agreed to a compromise: first ministers would meet every three months to discuss the negotiations; designated ministers would meet frequently; the federal government would consult the provinces while setting the mandate of the chief negotiator; a Continuing Committee on Trade Negotiations (CCTN) would be created; and the federal government would obtain the views of provinces before accepting any agreement.<sup>37</sup> Opinions differed on the genuine

consultative nature of these mechanisms. Provincial representatives complained that their views found their way into the federal position only when it suited the federal government.<sup>38</sup> What is certain is that these consultation mechanisms did not translate into unanimous provincial support for free trade; Manitoba, and especially Ontario, remained opposed until the end. In the face of this opposition, the federal government was careful to craft the language of the treaty in a way that would minimize its apparent encroachment on provincial jurisdiction.<sup>39</sup> At the same time, the intergovernmental relations behind the free trade negotiations highlighted that most provinces backed the agreement, which proved a major asset for the federal government to sell the accord politically.<sup>40</sup> Overall, Canadian federalism was not a major obstacle to signing and implementing *CUSTA*.

Subsequent international trade negotiations have been accompanied by similar consultation and information-sharing mechanisms.<sup>41</sup> In trade, as in other fields where both federal and provincial governments are active, this is the easiest course for the federal government, although it has at least three other options.<sup>42</sup> The first, which is quite limiting, is to sign treaties only in areas of exclusive federal jurisdiction. The second, dangerous for its potential repercussion for the federal government, is to make a constitutional argument for federal supremacy in the courts. The third is to challenge the provinces to make such an argument against that supremacy. This last course was chosen by Jean Chrétien's government on the Kyoto Protocol.

Intergovernmental relations in the field of environment have been collaborative rather than conflictual, primarily because the federal government has let provinces implement national standards. The 1998 Canada-wide Accord on Environmental Harmonization embodied this cooperative attitude.<sup>43</sup> Initial intergovernmental relations accompanying the federal government's participation in the negotiations on the Kyoto Protocol proved harmonious. Three developments made them acrimonious.<sup>44</sup> First, in 1997 Prime Minister Chrétien presented a Canadian position that lacked provincial support. Second, in 2001 the United States announced it would not ratify Kyoto. This led some provinces, most importantly Alberta, to feel the protocol "would place Canadian business at a competitive disadvantage."<sup>45</sup> Finally, in 2002 Chrétien announced at the September World Summit on Sustainable Development that Parliament would ratify Kyoto in the coming months. For Chrétien, who had announced his retirement from politics, the ratification of Kyoto seemed to be a foremost objective tied to his legacy as prime minister of Canada, and he was determined not to let the provinces block or even slow down the process.<sup>46</sup> This determination angered many provincial governments, which issued a joint condemnation.<sup>47</sup> Moreover, Alberta's premier, Ralph Klein, openly speculated about a judicial challenge to the constitutionality of Kyoto's implementation. Despite this provincial opposition, the federal government proceeded with

ratification. The Kyoto case suggests that the constitutional parameter of provincial involvement in the implementation of treaties whose subjects fall at least partially within the jurisdiction of provinces (in the case of the environment, both orders of government can claim to have constitutional authority) gives way to the power politics of intergovernmental relations when it comes to ratification.

In the international politics of culture, the consequence of federalism boils down to the relationship, often tense, between the federal and Quebec governments. The process leading to the adoption in 2005 of the Universal Convention on Cultural Diversity, which was spearheaded by the Canadian government, provides a good example of the dynamics at play. In 1998 the federal government called a meeting in Ottawa of the International Network on Cultural Policy, an informal forum where states discuss issues relating to cultural diversity. These and subsequent discussions centred on the notion of crafting a legal instrument for protecting cultural industries. Federal Heritage Minister Sheila Copps invited her Quebec counterpart, Culture Minister Louise Beaudoin, to attend but with no right to speak. In response, Quebec chose not to attend. In 1999 France invited both Quebec and Canadian ministers to discuss the issue of cultural diversity. This time, Canada refused to attend. This episode shows the deeply political nature of the relationship between the federal and Quebec governments when it comes to a theme like culture in international relations. For then heritage minister Sheila Copps, assuming leadership in an international project on culture allowed for a strengthening of the relationship with France, which seemed to favour Quebec as an interlocutor for this type of topic.<sup>48</sup> Quebec politicians involved in this process felt that they were able to have more influence through their networks in France than through domestic intergovernmental mechanisms.<sup>49</sup> They argue, for example, that the federal government did not take into account Quebec's comments on the proposed convention before sending the Canadian recommendation to UNESCO.<sup>50</sup> They also cite the federal government's refusal to press for arbitration mechanisms to be built into the declaration (as Quebec wished) in deploring Quebec's lack of input on the Canadian position.<sup>51</sup>

On 5 May 2006 the newly elected federal Conservative government signed an agreement with the Quebec government to establish the province's formal position with regards to UNESCO. This agreement constitutes a response to Quebec's claim that the province needs to be in a position to promote its language and culture internationally. Most important, the agreement stipulates that Quebec will have a permanent representative within the Canadian delegation at UNESCO in Paris and that the federal government will consult the Quebec government before taking a formal position in the context of UNESCO's work.

THE DOMESTIC AND INTERNATIONAL  
MANIFESTATIONS OF CONSTITUENT DIPLOMACY

Canadian federalism also intersects with the international arena through the international activities of provinces. The conduct by provincial governments of international relations, a phenomenon sometimes called “paradiplomacy,”<sup>52</sup> takes many forms, such as the presence of offices abroad, foreign visits and missions (often with business angles), technical cooperation, and cultural exchanges and partnerships. Overall, the federal government accepts this aspect of provincial international relations. Traditional “high politics” topics are typically not discussed by provincial governments when they go abroad, and the federal government prefers to keep it that way. The international activities of provincial governments do not make the news in most provinces; only in Quebec, and to a lesser extent Alberta, are these activities reported widely. International affairs more generally are typically not big discussion items in provincial politics, although there are some notable exceptions (the signing of the free trade agreement with the United States and, more recently, the participation of Canada’s army in military operations in Afghanistan).

The international action of Canadian provinces is not new, and its development is closely linked to changes in federalism. During the first decades following Canada’s foundation, provincial governments sought, with some success, to decentralize the federal system. During that time, Quebec sent its first representative to Paris.<sup>53</sup> Offices were subsequently opened in Belgium, the United Kingdom, and the United States.<sup>54</sup> When national leadership was needed in the context of the First World War, the financial crisis of the 1930s, and then the Second World War, the federal government reestablished its prominence vis-à-vis the provinces. Quebec’s Belgian and British offices were closed during the Great Depression, in 1933 and 1935 respectively. The next thirty years or so were the heyday of the federal government, as the construction of the Canadian welfare-state through various national social programs consolidated its dominant role within the federal system. In this period, Quebec virtually stopped its international efforts,<sup>55</sup> while the other provinces had yet to develop an international presence. In the 1960s the Quiet Revolution in Quebec led to the formation of Parti libéral du Québec (PLQ) governments that looked to decentralize Canadian federalism and secure the formal recognition of the province’s distinctiveness. The Parti québécois (PQ), created in 1968, sought Quebec’s independence. In this strongly nationalist context, the Quebec government developed clear international ambitions. It specified, through a 1961 law, the responsibilities of foreign representatives sent to Paris, London, Brussels, New York, Tokyo, and Mexico City.<sup>56</sup> A 1967 law established a department of intergovernmental affairs whose activities included coordination of the province’s international activities.

In the case of Ontario, the development of an interest in foreign affairs in the late 1970s and early 1980s was largely the product of concerns over American protectionist measures and the environmental consequences of American industries located close to the border.<sup>57</sup> Although Ontario's international efforts have been strongly oriented toward the United States, it forged, starting in the late 1980s, a partner relationship with the four regions forming the Four Motors of Europe (Rhône-Alpes, Baden-Württemberg, Lombardy, and Catalonia). For the province's Liberal government, association with the Four Motors aimed to promote Ontario as a prime jurisdiction for doing business in North America. In this context, offices were opened in Stuttgart and Milan.<sup>58</sup>

The development of international action by Alberta in the late 1970s also centred on the United States and was spurred by its conflictual relationship with the federal government, particularly over energy. In the context of price control under the National Energy Program, the Alberta government felt that Ottawa did not defend the province's interests in a satisfactory manner and that it therefore needed to have its voice heard in the United States, primarily to communicate that Alberta was dissociating itself from the federal approach to energy.<sup>59</sup> Alberta also invested significantly in developing a presence in Asia, most notably through "twinning" programs with regional governments in Kokkaido (Japan), Kangwondo (South Korea), and Heilongjiang (China).<sup>60</sup>

Since the 1960s, nationalist pressures stemming from Quebec as well as decentralist positions taken by other provincial governments (most notably Alberta) have served to decentralize the Canadian federation. This political dynamic is important for understanding both the intergovernmental relations of foreign affairs in Canada and the international action of the provinces. Facing decentralist pressures on many policy fronts, the federal government has been reluctant to surrender power in the international relations area to provinces, particularly Quebec (the Liberal Party of Canada being much more reluctant than the Conservative Party). Nevertheless, provincial governments such as those in Quebec, Alberta, Ontario, and New Brunswick have established an international presence through, at a minimum, foreign offices, official visits abroad, and cross-border cooperation with American states.

In the case of most provinces, the impetus for this international activity is primarily functional. In this context, it serves to further economic interests through the facilitation of exports and the attraction of foreign investment as well as to share information, and sometimes coordinate policy, with neighbouring US states. From a transborder perspective, these motivations for transnational relations have led to the creation of general coordination bodies (such as the Conference of the New England Governors and the Eastern Canadian Premiers), economic and trade-oriented organizations (e.g., the

Pacific Northwest Economic Region, or PNWER), and sectoral forums (such as the meetings of the Tri-National Agricultural Accord).<sup>61</sup> Alberta has developed a more political dimension in its external activities, with, for example, Premier Ralph Klein making high-profile visits to Washington, DC, in 2001 and 2004 to discuss energy issues and cattle trade with the George W. Bush administration.<sup>62</sup> Quebec stands out among all the provinces for the scope, ambition, and multidimensional nature of its international activities. In addition to having signed international economic and technical-cooperation agreements, Quebec has been active internationally in the field of culture, specifically to promote the French language, and it has developed political relationships with a variety of foreign governments, most notably with France.

Let us now look at the contemporary international activities of all the Canadian provinces. Quebec clearly stands out for the extent and the scope of its international action as well as for the resources allocated to this action by the provincial government. Perhaps most significantly, Quebec's international activities have a definite political dimension insofar as the development of international agency represents for Quebec's political leaders a way to make a statement about the existence of a nation and the power of its government.

Quebec has signed several hundred international agreements since 1964 with both states and regional governments from every continent.<sup>63</sup> These agreements cover virtually all the fields in which the Quebec government is involved domestically: agriculture, economic development, culture, social services, transportation, and so on. Institutionally, Quebec's international activities are crafted and supervised by a government department dedicated to international relations, the *Ministère des relations internationales* (MRI), which had a budget of US\$95,217,018 (0.2% of the province's total budget) in 2005.<sup>64</sup> Quebec has international representation in more than twenty-five countries: it boasts seven "general delegations" (Brussels, London, Paris, Mexico City, Munich, New York City, and Tokyo), five "delegations" (Boston, Chicago, Atlanta, Los Angeles, and Rome), as well as more than a dozen smaller units, including immigration and tourism offices.<sup>65</sup> In the summer of 2006 Quebec announced it was opening offices in India and Brazil, bolstering its presence in Japan and China, and upgrading its Washington, DC, tourist office to a more political role.<sup>66</sup> All in all, Quebec posts more than 250 people abroad.

Ever since the Quiet Revolution, Quebec governments have argued that the province's constitutionally specified powers should extend to the international area (the so-called *Gérin-Lajoie doctrine*). Of foremost concern to these governments has been the promotion of the French language and culture. In turn, this emphasis determines the types of international partners favoured by Quebec. In bilateral relations, France is the province's

crucial partner, while a great number of cooperation agreements with developing countries have been signed with French-speaking Africa. From a multilateral perspective, Quebec focuses its efforts on La Francophonie,<sup>67</sup> an international organization whose members share a connection to the French language. The Quebec government has been able to participate in La Francophonie because the organization accepts membership from constituent-unit governments. As a result, Canada, Quebec, and New Brunswick are all members. For the Quebec government, this arrangement represents a source of inspiration for negotiating a distinct autonomous status among all provinces in the area of international relations.

Why is Quebec the only province to seek such status? For Quebec's politicians, having the opportunity to speak and act internationally is a natural implication of Quebec's nationhood. All the province's parties – the secessionist PQ, the federalist PLQ, and the autonomist Action démocratique du Québec (ADQ) – seek an increased international role for Quebec.

The PQ ties this issue to its larger objective of independence, arguing that Canadian federalism does not allow Quebec sufficient international expression. The province's 2001–04 strategic plan for international relations, drafted under a PQ government, criticized the “anachronistic character” of the federal government's position on the actors of international relations (favouring states at the expense of substate governments) and dissociated Quebec from the federal objective of furthering Canadian culture, suggesting that this mission involves the negation of Quebec's own culture.<sup>68</sup> This attitude of dissociation from Canadian foreign policy explains the high volume of bilateral agreements and relationships involving Quebec and foreign governments. In the year or so preceding the 1995 referendum on sovereignty, the PQ government's international efforts involved particularly high stakes as it became focused on attempting to secure international recognition following an eventual “yes” majority.<sup>69</sup> More generally, Quebec's diplomacy puts a lot of emphasis on image – that is, on promoting a positive view of Quebec abroad. Since the 1995 referendum, the PQ has made central to its argument for independence the idea that full sovereignty over foreign affairs is crucial in an era of globalization, primarily because of the multiplication of international institutions and negotiations. Quebec, it is argued, needs to be fully sovereign to assume a formal position in these forums in order to effectively defend its interests and present its positions, many of which are said to be distinct from Canada's.<sup>70</sup>

The PLQ, although not seeking independence, adopts a similar reasoning centred on globalization when arguing for increased powers in international relations.<sup>71</sup> After his victory in the 2003 Quebec election, the Liberal premier, Jean Charest, repeatedly signalled his desire for a formalization and expansion of Quebec's autonomy on aspects of international relations touching upon the province's domestic powers. He called for an

asymmetrical arrangement with Ottawa. A document signed by Quebec Minister of International Relations Monique Gagnon-Tremblay and issued in October 2005 formally states that Quebec “intends to claim its full constitutional rights on the international stage as a logical extension of its initiatives within the Canadian federation, while fully respecting Canada’s foreign policy.”<sup>72</sup> The document concludes by summarizing Quebec’s claims for an increased role in foreign affairs in five points: (1) full membership in Canadian delegations with the right to appoint its representatives, (2) access to all information and a role in defining the Canadian position prior to international negotiations, (3) the right to speak at international organizations and conferences on matters falling within Quebec’s jurisdiction, (4) recognition of a right of Quebec to consent before Canada signs a treaty in such matters, and (5) the right to present its position when Canada appears before international arbitration bodies if Quebec considers its interests to be at stake.<sup>73</sup> In contrast to the PQ, however, the PLQ government has emphasized *l’action concertée* in foreign policy – that is, its desire to collaborate with the federal government.<sup>74</sup>

The ADQ, which jumped from third-party status to official opposition in the 2007 provincial election, also supports an increased role for Quebec internationally.<sup>75</sup>

Claims for a voice in international conferences and organizations are less present in the other provinces, whose international relations focus on trade and the management of common issues with adjacent American states. There are, however, many differences among these nine provinces in their specific approaches to international affairs, the partners they favour, and the institutional importance they give to international relations.

Next to Quebec, Alberta is the most active province in international relations. In Alberta responsibility for foreign affairs lies with an international relations unit nested within the government’s Department of International and Intergovernmental Relations. In 2005 this unit had a budget of US\$1,540,425, which is 0.009% of the provincial budget.<sup>76</sup> Whereas identity, culture, and language are central to Quebec’s rationale for developing an international presence, Alberta’s international relations unit presents its international role as one of defending the province’s interests abroad.<sup>77</sup> Alberta views its relationship with the United States as the most vital. The United States is Alberta’s most important foreign market (90% of its exports abroad go there), and it accounts for two-thirds of foreign investment in the province and for 60% of foreign tourists.<sup>78</sup> There are also historical ties to the United States stemming from emigration to the province.<sup>79</sup> The result is strong bilateral relationships with close to a half-dozen American states and the presence of an Alberta office in Washington, DC. The establishment in March 2005 of this three-person office, located in the Canadian embassy, reflected the growing importance for Alberta of

continental issues such as energy and cattle trade. In addition to this heavy investment in the relationship with the United States, Alberta looks strongly toward the Asia-Pacific region, primarily for economic opportunities. From a more cultural perspective, the province has built a special relationship with Ukraine (over 250,000 Albertans have a Ukrainian heritage) and an Advisory Council on Alberta-Ukraine Relations exists to support the government's action in this respect.

Another active province internationally is New Brunswick. Similar to Alberta, this Atlantic province features the Department of Intergovernmental and International Relations<sup>80</sup> and explicitly signals its desire to be an international actor.<sup>81</sup> In 2003 New Brunswick released its first-ever international relations plan, entitled *Prospering in a Global Community: New Brunswick's International Strategy*, which was followed by a progress report issued in January 2006. New Brunswick's international action follows seven strategic sectors: investment and trade, aimed at boosting job creation and economic growth; immigration, where the objective is to attract people to New Brunswick and facilitate their integration; innovation and education, which involves bolstering the number of foreign students in New Brunswick's universities; international development; international environmental stewardship; image and reputation, with a focus on promoting the province's business-friendly environment; and international competencies – that is, sensitizing New Brunswickers to global realities.<sup>82</sup> New Brunswick has been very aggressive in seeking foreign investment, as it must compete with wealthier states and provinces. The province's linguistic duality is central to its international strategy; for example, New Brunswick seeks to open business opportunities in, and attract immigrants from, francophone countries. Moreover, the province has a formal Francophonie Action Plan, “which outlines New Brunswick's interests and potential for growth as a partner in this important multilateral organization.”<sup>83</sup>

After Alberta and New Brunswick, the importance of foreign affairs in Canada's provinces goes down one notch. Ontario, although Canada's biggest province, has developed only a modest international presence, which is primarily driven by economic interests. By the early 1990s Ontario boasted seventeen international offices, but these were closed in 1993 for financial reasons. Three “International Marketing Centres” were opened in 2003 (Shanghai, Munich, and New York) and then four more in 2005 (Tokyo, London, Los Angeles, and New Dehli).<sup>84</sup> In a pattern similar to Alberta and New Brunswick but different from Quebec, Ontario explicitly seeks the collaboration of the federal government when it comes to its foreign representation – for example, in physically placing its centres within Canadian embassies and in hoping to cash in on the Canada “brand.”<sup>85</sup> The bureaucratic unit responsible for overseeing Ontario's international relations is the Office of International Relations and Protocol, which is

part of the Ministry of Intergovernmental Affairs.<sup>86</sup> The Ministry of Economic Development and Trade also assumes a function of “marketing Ontario to the world as a preferred business location.”<sup>87</sup>

In British Columbia an International Relations Section within the Intergovernmental Relations Secretariat is responsible for the province’s foreign affairs.<sup>88</sup> British Columbia’s international relations are less developed than Ontario’s, focusing primarily on bilateral relationships and multilateral forums with north-western US states. However, the British Columbia government was a vocal opponent of Canada’s participation in two major international schemes: continental free trade and the Multilateral Agreement on Investment (MAI). There is also a strong Asian dimension to the province’s international interests, as demonstrated by a formal Asia-Pacific initiative, overseen by the minister of economic development.

The remaining provinces have very modest international relations. In Manitoba there is a small unit for Canada-US and International Relations within the Department of Intergovernmental Affairs and Trade.<sup>89</sup> In Saskatchewan there is an International Relations Branch within the Department of Government Relations, whose budget in 2005 was US\$723,330, or 0.01% of the province’s total budget.<sup>90</sup> In both provinces, cross-border relations represent the bulk of international action. Saskatchewan once had offices abroad (London, New York, Minneapolis, and Hong Kong), but these were closed in the 1990s.<sup>91</sup> The province’s energy reserves have sparked some interest from the United States; in February 2005 Premier Lorne Calvert met with the US vice president, Dick Cheney, to discuss oil, gas, and uranium opportunities in the province. For Nova Scotia, Newfoundland, and Prince Edward Island, foreign affairs are understood primarily as contacts with New England states through bilateral relationships and multilateral forums such as the Conference of New England Governors and Eastern Canadian Premiers. Collective efforts at fostering business opportunities in New England also feature trade missions conducted by Team Canada Atlantic, a 1998 initiative supported by a permanent secretariat established in Moncton, New Brunswick. The institutional situation of foreign affairs in these three Atlantic provinces is indicative of its minor political importance, as the relationship with New England states is an extension of intergovernmental relations.<sup>92</sup> In Newfoundland responsibility for this relationship is assumed by an intergovernmental affairs secretariat, with no specific foreign affairs section, nested within the Executive Council. The structure is similar in Prince Edward Island, where this responsibility is exercised by an Intergovernmental Affairs Division within the Executive Council Office. In Nova Scotia there is a Regional Relations Division within the Department of Intergovernmental Relations that coordinates the province’s relationship with both Atlantic Canada and New England.

It is also worth mentioning that some Canadian cities have also developed an international dimension. This is particularly the case for Montreal, which can count on Montréal International, an agency supported by the municipal, provincial, and federal governments as well as by private companies, to promote the city's international profile.<sup>93</sup> Other major cities have had more targeted international action. For example, Vancouver is a key partner of the Vancouver Organizing Committee (VANOC), which is in charge of staging the 2010 Winter Games. Meanwhile, Toronto is overseeing the work of the Toronto 2015 World Expo Corporation, which is examining the possibility of a bid for the 2015 World Exposition.

Finally, Aboriginals have often used the international realm to put pressure on federal and provincial governments about what they consider to be breaches of their ancestral rights (e.g., the development of energy-related projects on land claimed by Aboriginal groups). This has sometimes involved formal appeals to the United Nations.

#### CONCLUSION

Federalism shapes Canada's interactions with the outside world in many different ways. Perhaps most important, the federal government is required to secure the consent of the provinces for the implementation of international treaties whose subject matter falls within provincial jurisdiction (e.g., CUSTA and Kyoto). This means that the federal government has a strong incentive to consult provincial governments before signing such treaties, especially if its provisions are expected to affect the provinces significantly. Even in cases of international negotiations not directed toward the signing of a treaty (e.g., Canada-US negotiations over softwood lumber), provincial governments are likely to attempt to shape Canada's position if they feel their interests are at stake.

The impact of federalism on Canada's international presence is also felt through the international action of provinces. The extent of this action is uneven, although at a minimum all provinces have developed relations with neighbouring US states to manage common resources and problems as well as to boost economic exchanges and attract investment. Alberta has been a particularly noticeable provincial player in the relationship with the United States, having a special interest in issues high on the American agenda such as oil. This being said, the province with the most developed international relations is Quebec. Through its *Ministère des relations internationales*, Quebec has signed hundreds of agreements with foreign governments in addition to having established a formal presence in several countries. Nationalism in Quebec means that the provincial government is continually seeking to develop its role as the primary agent of foreign representation for Quebec society and to establish itself as the main promoter of its interests abroad.<sup>94</sup>

The process of crafting Canada's international relations within the federal context faces at least two serious questions.

First, what should be the extent of the formalization of the mechanisms for provincial consultation prior to the federal government taking a position internationally in areas of provincial jurisdiction? Such formalization is most important in the area of human rights, where provinces have input in the drafting of the Canadian position and are asked for their consent before signing and ratification.<sup>95</sup> Canada has much to gain from keeping the provinces happy when it negotiates and signs international agreements in areas of provincial jurisdiction because it makes implementation much less problematic. In the case of Kyoto, for example, provincial opposition to the protocol means that implementation is difficult and conflictual. At the same time, formalized and binding consultation mechanisms might take away from the ability of the federal government to adjust its position as negotiations unfold.

Second, what should be the federal government's response to Quebec's claims for a greater role in foreign affairs? These claims are far-reaching, ranging from a right to speak at conferences on topics that affect Quebec's constitutionally specified powers to the opportunity to appear before international arbitration bodies to present its position. Such claims also seem to enjoy strong support among the Quebec population. The potential upside for the federal government reacting positively to at least some of these claims is larger than the substance of these questions. The role that Quebec could play in international relations has become a major issue in the province over the past few years, with the PQ arguing that only independence will allow Quebec to defend its interests and promote its identity abroad. In this context, an accommodation of Quebec's claims in this area could weaken an argument for independence. Such accommodation, however, will not be easy because many view it as a threat to national unity, arguing that it represents a slippery slope toward independence. Moreover, several politicians and commentators are worried about the coherence of Canada abroad if there is a formalization of Quebec's international role and about the message it would send about the nature of the Canadian nation.<sup>96</sup> This being said, Prime Minister Stephen Harper made good on an election promise<sup>97</sup> by specifying a role for Quebec with respect to UNESCO activities, placing the agreement explicitly within the perspective of an "open" and "asymmetrical" federalism. Asymmetry is a controversial concept in Canada because it is viewed by many as undermining Canadian unity by compromising the capacity of the Canadian government to act and by propelling Quebec toward secession.

Thus the issue of provincial involvement in international relations goes beyond the crafting of intergovernmental relations and institutional arrangements. Rather, it plays into the connection between federalism and

national unity and how the former can be conceived to secure the latter. Because notions of federalism and nationhood are always evolving and questioned in Canada, it is unlikely that a definitive solution could be found. It is more probable that the issues stemming from the connection between federalism and international relations will require continuing management by federal and provincial politicians and civil servants.

## NOTES

- 1 The population data is drawn from the 2006 census. As of July 2007 the estimated population was 33,390,141.
- 2 The 2001 census showed that 5,202,245 Canadians had a mother tongue other than French and English.
- 3 Canada also has three territories (Yukon, Northwest Territories, and Nunavut). They have no constitutional standing and are under the authority of the federal government. On the Canadian federation, see Rainer Knopff and Anthony Sayers, "Canada," in John Kincaid and G. Alan Tarr, eds, *Constitutional Origins, Structure, and Change in Federal Countries*, 103–42 (Montreal and Kingston: McGill-Queen's University Press, 2005); Richard Simeon and Martin Papillon, "Canada," in Akhtar Majeed, Ronald L. Watts, and Douglas M. Brown, eds, *Distribution of Powers and Responsibilities in Federal Countries*, 91–122 (Montreal and Kingston: McGill-Queen's University Press, 2006); Thomas O. Hueglin, "Canada," in Katy Le Roy and Cheryl Saunders, eds, *Legislative, Executive, and Judicial Governance in Federal Countries*, 101–34 (Montreal and Kingston: McGill-Queen's University Press, 2006); and Robin Badway, "Canada," in Anwar Shah, ed., *The Practice of Fiscal Federalism: Comparative Perspectives*, 98–124 (Montreal and Kingston: McGill-Queen's University Press, 2007).
- 4 These data are for 2005.
- 5 These data are for 2003. See John R. Baldwin, Mark Brown, and Jean-Pierre Maynard, *Interprovincial Differences in GDP per Capita, Labour Productivity and Work Intensity: 1990–2003*, Statistics Canada, 11–624–MIE, no. 011, 4. The following conversion rate was used to express this information in US dollars: 1 Canadian dollar = 0.893 US dollar.
- 6 Prime Minister Lester B. Pearson won the 1957 Nobel Peace Prize for creating the first peacekeeping operation.
- 7 It is in this context that the Canada Border Service Agency was created in 2003.
- 8 Quebec selects its immigrants, except for refugees and in cases of family reunification, in virtue of the 1978 Cullen-Couture Accord as well as a 1991 agreement with the federal government.
- 9 Canada Newswire, "Make Big Plans ... to Attend the IJC's Great Lakes Conference and Biennial Meeting," 17 May 2005, 1.
- 10 Mike de Souza, "U.S. Stand on Water Angers Quebec Minister," *Montreal Gazette*, 27 May 2005, A6.

- 11 G. Bruce Doern and Monica Gattinger, *Power Switch: Energy Regulatory Governance in the Twenty-First Century* (To-ron-to: University of To-ron-to Press, 2003).
- 12 See Department of Foreign Affairs and International Trade, *Sixth Annual Report on Canada's State of Trade* (April 2005), 4.
- 13 These percentages were obtained by dividing all provincial exports by provincial exports to the United States using Industry Canada Trade Data Online.
- 14 Grace Skogstad, "International Trade Policy and Canadian Federalism: A Constructive Tension?" in Herman Bakvis and Grace Skogstad, eds, *Canadian Federalism: Performance, Effectiveness and Legitimacy*, 159–77 (Don Mills: Oxford University Press, 2002), 167.
- 15 For more details on the British Columbia perspective, see Christopher Kukucha, "Lawyers, Trees and Money: British Columbia Forest Policy and the Convergence of International and Domestic Trade Considerations," *Canadian Public Administration* 58 (2005): 506–27.
- 16 Other features of the 1867 British North America Act suggest an intention to create a centralized federation. For example, the power of "reservation" allowed the federal government to review provincial legislation, while the power of "disallowance" gave it the right to void such legislation within one year of adoption. See Garth Stevenson, "Federalism and Intergovernmental Relations," in Michael Whittington and Glen Williams, eds, *Canadian Politics in the 21st Century*, 85–110 (Scarborough, ON: Nelson, 2004), 86–7.
- 17 Immigration and agriculture were created as concurrent powers with federal paramountcy.
- 18 The 1947 Letters Patent constituting the Office of the Governor General of Canada authorizes the governor general (Canada's formal executive) "to exercise all powers and authorities lawfully belonging to us in respect of Canada." For Peter W. Hogg, "this language undoubtedly delegates to the federal government of Canada the power to enter into treaties binding Canada"; see his *Constitutional Law of Canada* (To-ron-to: Carswell, 1985), 242.
- 19 *Regulation and Control of Aeronautics in Canada* (The Aeronautics Reference) [1932] A.C. 54.
- 20 Peter H. Russell, Rainer Knopff, and Ted Morton, *Federalism and the Charter: Leading Constitutional Decisions* (Ottawa: Carleton University Press, 1989), 86.
- 21 *Regulation and Control of Radio Communication in Canada* [1932] A.C. 304.
- 22 Russell, Knopff, and Morton, *Federalism and the Charter*, 93.
- 23 *Labour Conventions* [1937].
- 24 Russell, Knopff, and Morton, *Federalism and the Charter*, 104.
- 25 See the newspaper column signed by Quebec's minister of international relations, Monique Gagnon-Tremblay, titled "Who dares to speak for Canada abroad? We do," *Globe and Mail*, 3 October 2005.
- 26 Ibid.
- 27 The arguments of legal experts against the extension of treaty-making power to the provinces are often based on the absence of political precedents. Hogg, for

- example, suggests that the federal government has exclusive power to make treaties chiefly because provincial claims to the contrary “never commanded wide acceptance in Canada” and had “never been accepted by the federal government”; see his *Constitutional Law of Canada*, 255.
- 28 Paul Gérin-Lajoie, quoted in Claude Morin, *L'Art de l'impossible: La Diplomatie québécoise depuis 1960* (Montreal: Boréal, 1987), 28, my translation. The original French: “aucune raison que le fait d'appliquer une convention internationale soit dissocié du droit de conclure cette convention. Il s'agit de deux étapes essentielles d'une opération unique.”
- 29 See the 28 January 2005 news release at <http://www.hrsdc.gc.ca/en/cs/comm/hrsd/news/2005/050128a.shtml> (accessed 24 January 2006).
- 30 See the following news release: <http://www.ccme.ca/about/communiques/index.html?item=148> (accessed 2006).
- 31 Agriculture is a shared constitutional jurisdiction.
- 32 Richard Simeon, “Important? Yes. Transformative? No: North American Integration and Canadian Federalism,” in Harvey Lazar, Hamish Telford, and Ronald L. Watts, eds, *The Impact of Global and Regional Integration on Federal Systems: A Comparative Analysis*, 125–71 (Montreal and Kingston: McGill-Queen's University Press, 2003), 154–5.
- 33 *Ibid.*, 155.
- 34 *Ibid.*
- 35 Douglas M. Brown, “The Evolving Role of the Provinces in Canadian Trade Policy,” in Douglas M. Brown and Murray G. Smith, eds, *Canadian Federalism: Meeting Global Economic Challenges?* 81–128 (Kingston, ON: Institute of Intergovernmental Relations and Institute for Research on Public Policy, 1991), 93.
- 36 *Ibid.*, 94–5.
- 37 Axel Hülsemeyer, *Globalization and Institutional Adjustment: Federalism as an Obstacle?* (Aldershot, UK: Ashgate, 2004), 94. The contemporary intergovernmental forum for discussing trade issues is CTRADE, which meets four times a year.
- 38 *Ibid.*
- 39 *Ibid.*, 95.
- 40 Simeon, “North American Integration,” 155.
- 41 Skogstad, “International Trade Policy,” 164.
- 42 The following draws partially from *ibid.*, 163.
- 43 Quebec's PQ government did not sign the accord, opposing the very idea of national standards.
- 44 See Christopher J. Kukucha, “From Kyoto to the WTO: Evaluating the Constitutional Legitimacy of the Provinces in Canadian Foreign Trade and Environmental Policy,” *Canadian Journal of Political Science* 38 (2005): 129–52, at 146–7.
- 45 Kathryn Harrison, “Passing the Environmental Buck,” in François Rocher and Miriam Smith, eds, *New Trends in Canadian Federalism*, 2nd ed., 313–52 (Peterborough: Broadview Press, 2003), 338.
- 46 Kukucha, “From Kyoto to the WTO,” 148.

- 47 Ibid., 147.
- 48 Sheila Coppins, *Worth Fighting For* (Toronto: McLelland and Stewart, 2004), 166.
- 49 Interview with Louise Beaudoin, former Quebec culture and international relations minister, Montreal, 20 March 2006.
- 50 Ibid.
- 51 Ibid.
- 52 The term “paradiplomacy” was first used by Ivo Duchacek in his “Perforated Sovereignties: Towards a Typology of New Actors in International Relations,” in Hans Michelmann and Panayotis Soldatos, eds, *Federalism and International Relations: The Role of Subnational Units*, 1–34 (Oxford: Clarendon, 1990). See also Francisco Aldecoa and Michael Keating, eds, *Paradiplomacy in Action: The Foreign Relations of Subnational Governments* (London: Frank Cass, 1999).
- 53 Louis Balthazar, “Les relations internationales du Québec,” in Alain-G. Gagnon, ed., *Québec: État et sociétés*, 505–35 (Montreal: Québec/Amérique, 2003), 506.
- 54 Ibid.
- 55 Nelson Michaud, with Manon Tessier, “Fédéralisme et politique étrangère: Réponses comparatives à la mondialisation,” in Ann L. Griffiths and Karl Neremberg, eds, *Guide des pays fédérés*, 409–37 (Montreal and Kingston: McGill-Queen’s University Press, 2002), 424.
- 56 See [http://www.mri.gouv.qc.ca/fr/politique\\_internationale/historique/historique.asp#Une%20ouverture%20nouvelle](http://www.mri.gouv.qc.ca/fr/politique_internationale/historique/historique.asp#Une%20ouverture%20nouvelle) (accessed 20 February 2006).
- 57 James Peter Groen, *Intergovernmental Relations and the International Activities of Ontario and Alberta* (PhD diss., Queen’s University, 1995), 173.
- 58 Ibid., 326.
- 59 Ibid., 182.
- 60 Ibid., 279–83.
- 61 This last forum brings together senior officials from 8 Canadian provinces, 23 US states, and 15 Mexican states.
- 62 See the website for the Alberta-United States relations section of Alberta’s Department of International and Intergovernmental Relations: [http://www.iir.gov.ab.ca/international\\_relations/alberta\\_us\\_relations.asp](http://www.iir.gov.ab.ca/international_relations/alberta_us_relations.asp) (accessed 2006).
- 63 Ministère des relations internationales, *Répertoire des ententes internationales du Québec, 1964–2000* (2000).
- 64 See *2004–2005 Estimates*, vol. 2, 2–134, at <http://www.finances.gouv.qc.ca/fr/documents/publications/cp-2004-2005.asp> (accessed 23 February 2006).
- 65 See the MRI’s website: [http://www.mri.gouv.qc.ca/fr/action\\_internationale/representations\\_etranger/representations\\_etranger.asp.a](http://www.mri.gouv.qc.ca/fr/action_internationale/representations_etranger/representations_etranger.asp.a) (accessed 1 February 2006).
- 66 Rhéal Séguin, “Quebec seeks to raise its profile abroad,” *Globe and Mail*, 25 May 2006.
- 67 Since 1998 the formal name has been Organisation internationale de la Francophonie (OIF).
- 68 Ministère des relations internationales, *Le Québec dans un ensemble international en mutation: Plan stratégique, 2001–2004* (2001), 23–4.

- 69 Jacques Parizeau, *Pour un Québec souverain* (Montreal: VLB, 1997), 283–343. The sovereigntist “yes” camp fell just short of winning a “50 percent plus one” majority in this referendum.
- 70 Generally, the PQ argues that Canada is more comfortable with neo-liberal views of globalization than is Quebec. The most recent PQ program states that the party supports “another type of globalization”; see Parti québécois, *Un projet de pays* (2005), 84, <http://www.pq.org/tmp2005/programme2005.pdf> (accessed 6 February 2006).
- 71 See Ministère des relations internationales, *Québec in International Forums: Exercising Québec’s Constitutional Rights at International Organizations and Conferences* (October 2005), 1.
- 72 Ibid., 2.
- 73 Ibid., 8.
- 74 See Ministère des Relations Internationales, *La politique internationale du Québec: La force de l’action concertée* (2006).
- 75 Action démocratique du Québec, *Une vision. Un plan. Une parole. Un plan A pour le Québec* (2007), 7.
- 76 Department of International and Intergovernmental Relations, *2004–05 Annual Report*, 61, <http://www.finance.gov.ab.ca/publications/measuring/minann.html> (accessed 23 February 2006).
- 77 See [http://www.iir.gov.ab.ca/international\\_relations](http://www.iir.gov.ab.ca/international_relations) (accessed 14 February 2006).
- 78 See [http://www.iir.gov.ab.ca/international\\_relations/alberta\\_us\\_relations.asp](http://www.iir.gov.ab.ca/international_relations/alberta_us_relations.asp) (accessed 14 February 2006).
- 79 Ibid.
- 80 The total budget of this department is us\$2,812,950, with the following breakdown: administrative services, \$704,577; North American relations, \$594,738; La Francophonie and official languages, \$620,635; trade policy, \$291,118; and strategic partnership, \$601,882. See *Public Accounts 2004–05*, vol. 2, 201, at <http://www.gnb.ca/0087/PubAcct/index-e.asp#2005> (accessed 23 February 2006).
- 81 See Bernard Lord, “Message from the Premier,” in *Progress Report on Prospering in a Global Community: New Brunswick’s International Strategy* (January 2006), 1.
- 82 *Progress Report on Prospering in a Global Community: New Brunswick’s International Strategy* (January 2006).
- 83 Ibid., 24.
- 84 See <http://www.ontariocanada.com/ontcan/page.do?page=5930> (accessed 15 February 2006).
- 85 Ibid.
- 86 There is no available budgetary breakdown for the Office of International Relations and Protocol.
- 87 See [http://www.ontariocanada.com/ontcan/en/about/a\\_wwd.jsp](http://www.ontariocanada.com/ontcan/en/about/a_wwd.jsp) (accessed 16 February 2006).
- 88 There is no available budgetary breakdown for the International Relations section.

- 89 The budget allocated for trade, federal-provincial relations, and international relations is US\$3,924,199. See 2005 *Manitoba Estimates of Expenditures*, 105, at <http://www.publications.gov.sk.ca/details.cfm?p=11046> (accessed 23 February 2006).
- 90 *Public Accounts 2004–05*, vol. 2, 20, <http://www.publications.gov.sk.ca/details.cfm?p=11046> (accessed 23 February 2006).
- 91 James Wood, “Saskatchewan urged to be big world player,” *Regina Leader Post*, 12 July 2005, B3.
- 92 There are no specific budgetary entries for international relations in these provinces.
- 93 See <http://www.mon-trealinternational.com/en/accueil/index.aspx> (accessed 20 February 2006).
- 94 André Lecours, “Paradiplomacy: Reflections on the Foreign Policy and International Relations of Regions,” *International Negotiation* 7 (2002): 104–10.
- 95 Ministère des relations internationales, *Québec in International Forums*, 5.
- 96 Then Liberal prime minister Paul Martin responded to Quebec’s claims by arguing that Canada needed to speak with one voice on the world stage. See also former Canadian diplomat Allan Gotlieb, “Only one voice for Canada,” *Globe and Mail*, 5 October 2005.
- 97 Norma Greenaway, “Harper proposes voice for Quebec,” *Montreal Gazette*, 20 December 2005, A1, A12.