

Parliamentary Paradiplomacy: the Case of the Québec National Assembly

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SUMMARY

The parliamentary paradiplomacy of the Assemblée Nationale du Québec (ANQ) has been growing rapidly since the second half of the 1970s and more particularly since the 2000s. This growth in international activities is achieved in two ways. First, the ANQ plays a unique role in the implementation of international treaties negotiated by Canada. Since 2002, the *Ministry of International Relations Act* has required the ANQ's intervention in the approval process of international commitments of importance to the Government of Québec before the executive declares itself bound. Québec is the only Canadian province to be so closely involved in the process of concluding the Government of Canada's international commitments. Second, the ANQ has developed bilateral and multilateral relationships with several international parliaments. Within the framework of its bilateral relations, it can count on sixteen partner parliaments located in Canada, the United States, Europe, Africa, Asia, and the Caribbean. It is also a member of five multilateral inter-parliamentary organizations. The ANQ is also active in parliamentary cooperation, particularly in the area of supporting democracy.

INTRODUCTION

Scholarly research on parliamentary diplomacy is not new. According to the Google Books Ngram Viewer, the frequency of the term "parliamentary diplomacy" increases rapidly after World War II until the 1980s. After that date, there is a significant decline in the frequency of these words. However, this topic has been on the rise for the past 15 years, indicating a renewed interest in this phenomenon.

In the case of the concept of "*paradiplomacy*", the frequency of use of the term has increased significantly from the 1980s to the present. Paradiplomacy refers to the diplomatic actions of non-central governments, such as the government of Québec, in parallel with those of sovereign states.¹ Surprisingly,

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¹ Alexander S. Kuznetsov, *Theory and Practice of Paradiplomacy: Subnational Governments in International Affairs* (New York: Routledge, 2015); Jorge A. Schiavon, *Comparative Paradiplomacy* (New York: Routledge, 2019); Stéphane Paquin, "Paradiplomatie fonctionnelle, identitaire et protodiplomatie en Catalogne: un cas unique" (2022) 31 *Catalonia* 1.

the Google Books Ngram Viewer does not find any instances of the words “*parliamentary paradiplomacy*”. In other words, although parliamentary diplomacy by parliaments of sovereign governments has received a great deal of attention since 1945, there is very little research on the international relations of sub-national parliaments, so little in fact that Google Book Ngram Viewer cannot locate it. Although the phenomenon is little studied, it has been real and even growing since the mid-1970s, particularly in Québec.

Since the Québec government is one of the most active federated states in the world in international relations,² it is relevant to investigate the role of the ANQ and the Parliament of Québec in international relations.³ In the Québec Parliament, parliamentary paradiplomacy takes place in two ways. First, it takes place in the process of implementing international treaties that are negotiated by the Government of Canada. Secondly, it can be seen in the international strategies of the ANQ, which promote closer ties with other parliaments around the world in order to discuss common issues, but also to strengthen international cooperation.

This paper is divided into two parts. The first part examines Canadian federalism and the role of the Québec Parliament in the negotiation and implementation of international treaties that affect its legislative powers. The second part examines the international relations of the Québec National Assembly.

1. INTERNATIONAL TREATY IMPLEMENTATION AND PROVINCIAL PARLIAMENTS

Since the end of the Second World War, and even before in the case of the International Labour Organization, international negotiations have increasingly dealt with issues that fall under provincial jurisdiction in Canada, a phenomenon that was raised as early as 1965 by the Government of Québec in what is now known as the Gérin-Lajoie doctrine, the “external extension of internal jurisdictions”.⁴ In the context of thematic conferences or bilateral negotiations and within international organizations, issues related to

² In 2023, Québec has an international network of 34 representations in 19 countries, including the one in Paris, which has a status comparable to that of an embassy. If we add to this number the immigration representations, the offices of the government corporation Investissement Québec and the representations of the Caisse de dépôts et placement, the total comes to 65 representations of all kinds.

³ Stéphane Paquin, “Identity Paradiplomacy in Québec” (2018) 66 Québec Studies 3; Stéphane Paquin, “La politique internationale du Québec,” in Robert Bernier, ed., *Les défis québécois: conjonctures et transitions* (Québec: Presses de l’Université du Québec, 2014) at 439.

⁴ Our translation from: “Le prologement externe des compétence internes”. Stéphane Paquin, “Fédéralisme et politique étrangère du Canada: la conception de la doctrine Gérin-Lajoie”, in Antoine Brousseau Desaulniers and Stéphane Savard, eds, *La pensée fédéraliste contemporaine au Québec* (Québec: Presses de l’Université du Québec, 2020) at 407.

labor, education, health, trade liberalization, investment, environment and climate change, etc., are addressed.⁵

Globalization and the expansion of issues on the international stage have made Canadian provinces increasingly aware that their constitutional jurisdiction and capacity to develop and implement policy is being discussed in international multilateral fora or in multilateral or bilateral negotiations.⁶ With these transformations, it becomes difficult to limit the legislative jurisdiction of Canadian provinces to domestic policy, as this would mean that the Canadian government would be negotiating treaties for which the provinces have jurisdiction, a complete contradiction to the division of powers in the Canadian Constitution. In doing so, the Government of Canada would be doing indirectly what it cannot do directly.⁷

(a) Treaty-making and the Role of the Québec Parliament

Canada has three fundamental characteristics: (1) it is a parliamentary democracy; (2) it is a federation based on the sharing of legislative powers between the Canadian provinces and the government of Canada; and (3) it is a multinational country with the Canadian nation, the Québec nation, and Aboriginal nations, as well as a large proportion of immigrants from around the world. These fundamental characteristics influence the conduct of the country's international policy, but also the making and implementation of treaties.

In Canada today, the treaty-making process involves four distinct stages: (1) negotiation; (2) signature; (3) ratification, and (4) implementation of treaties.⁸ The first three stages are the responsibility of the federal executive, while the last stage is the responsibility of the federal and provincial legislatures since Canada is a dual system.⁹ The first three steps are generally recognized as constituting a monopoly of the federal executive.¹⁰

⁵ Margaret P. Karns, Karen A. Mingst and Kendall W. Stiles, *International Organizations: The Politics and Processes of Global Governance*, 3rd ed (Boulder, CO: Lynne Rienner Publishers, 2015).

⁶ Christian Lequesne and Stéphane Paquin, "Federalism, Paradiplomacy and Foreign Policy: A Case of Mutual Neglect" (2017) 22:2 *International Negotiation* 183.

⁷ Hugo Cyr and Armand de Mestral, "International Treaty-Making and the Treaty Implementation", in Peter Oliver, Patrick Macklem and Nathalie Des Rosiers, eds., *The Oxford Handbook of the Canadian Constitution* (New York: Oxford University Press, 2017) at 595.

⁸ Allan E. Gotlieb, *Canadian Treaty-Making* (Toronto: Butterworths, 1968); Peter W. Hogg, *Constitutional Law of Canada*, 4th ed (Toronto: Carswell, 1997); Stéphane Beaulac, *Précis de droit international public*, 2nd ed (Montreal: LexisNexis, 2015) at 84-94.

⁹ Stéphane Paquin, "Fédéralisme et négociations commerciales au Canada: l'ALE, l'AECE et le PTP comparés" (2017) 48:3-4 *Études Intl* 347; Patrick Fafard and Patrick Leblond, "Closing the Deal: What Role for the Provinces in the Final Stages of the CETA Negotiations?" (2013) 68:4 *Intl. J.* 553.

¹⁰ Gotlieb, *supra* note 8; Peter W. Hogg, *Constitutional Law of Canada*, 4th ed (Toronto: Carswell, 1997); Beaulac, *supra* note 8.

However, this monopoly has been challenged by the Government of Québec since the formulation of the Gérin-Lajoie doctrine.¹¹

(i) *International Negotiation*

In Canada, a typical international negotiation is the responsibility of the federal government, even if it involves exclusive provincial legislative jurisdiction. In practice, the treaty-making process for treaties involving more than one province generally rests in the hands of the federal public service, subject to the policy direction of the federal Cabinet. Where a negotiation involves more than one province, it is generally the Government of Canada that negotiates on their behalf, even where it involves exclusive provincial constitutional jurisdiction¹².

There are, however, many precedents for provinces entering into international “agreements” with foreign governments or federated states. Indeed, when a negotiation involves only a province, it may negotiate on its behalf without the intervention of the federal executive. The *Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles* (Agreement between Québec and France on the Mutual Recognition of Professional Qualifications) of October 17, 2008, was negotiated by the French and Québec executives, and bears the signatures only of Québec Premier Jean Charest and French President Nicolas Sarkozy.¹³ This agreement was implemented by the ANQ.

This phenomenon is not new. Since the 1960s, the Government of Québec has concluded nearly 780 international agreements, the majority of which are with sovereign countries. For the Government of Canada, these agreements fall under the heading of “administrative agreements” and not actual international treaties within the meaning of international law. In the past, the Government of Canada has taken the position that it will not enter into treaties that affect provincial legislative powers without first consulting the provinces. While there are indeed many precedents where provincial representatives have been involved in discussions and where intergovernmental negotiations between senior officials and sometimes even between ministers have taken place, this rule is not strictly adhered to, causing friction with Canadian provinces. Depending on the issue, there are several administrative agreements that govern provincial participation in Canada’s international negotiations, but there is no overall framework agreement for

¹¹ Daniel Turp, “L’approbation des engagements internationaux importants du Québec: la nouvelle dimension parlementaire à la doctrine Gérin-Lajoie” (June 2016) *Hors-série La doctrine Gérin-Lajoie : 50 ans d’actions internationales du Québec*, RQDI 9.

¹² Gouvernement du Canada, *Fédéralisme et relations internationales* (Ottawa, Secrétaire d’État aux Affaires extérieures, 1968) at 8.

¹³ *Entente entre le Québec et la France en matière de reconnaissance mutuelle des qualifications professionnelles*, 2008. Online: <https://cdn-contenu.quebec.ca/cdn-contenu/adm/min/relations-internationales/entente-quebec-france/Entente-Quebec-France-MRIF.pdf>.

federal-provincial consultations on international negotiations. Moreover, there is little consistency in approach.¹⁴

(ii) *Signature and Ratification*

Signature is the step that normally marks the end of treaty negotiations, while ratification indicates the government's consent to be legally bound by the treaty. In the view of the Canadian government, the ratification of an international treaty is always a monopoly of the federal executive. It can commit Canada internationally without any form of consent from the federal or provincial parliaments, even if the treaty requires substantial changes in the laws and regulations at all levels of government.¹⁵ Indeed, the executive does not have to consult with the legislature prior to the negotiation, signing, or ratification of a treaty. The legislature has virtually no role to play until the implementation stage. The Canadian situation has led several scholars to argue that the treaty-making process in Canada suffers from a democratic deficit because the executive has too much power. According to Campbell McLachlan, of the former British colonies, Canada has the least involvement of Parliament in the treaty process.¹⁶

In order to avoid predictable problems, some authors argue that the federal government does not ratify international treaties that require legislative amendments by the provinces until those amendments have been adopted by the provinces. The situation is more complicated than that. In the case of the ANQ, the *Ministry of International Relations Act* has required legislative intervention in the approval process for international commitments of importance to the Government of Québec since 2002. When an international commitment is qualified as "important", that is, when it requires the adoption of a law, the creation of a regulation, the imposition of a tax or the acceptance of a financial obligation for the government, or when it concerns human rights or international trade, the ANQ must approve it before the executive can declare itself bound.¹⁷ With this legislation, the Québec National Assembly becomes the first British-style parliament to be so actively involved in the process of concluding the central government's international commitments.¹⁸ In addition, the *Ministry of International Relations Act* states that the

¹⁴ See: Stéphane Paquin, "La réforme inachevée: le fédéralisme canadien et le rôle des provinces dans les négociations internationales" (January 2022) Hors-série RQDI, 73.

¹⁵ Laura Barnett, *Canada's Approach to the Treaty-Making Process* (Ottawa: Library of Parliament, 2018); Government of Canada, "Policy on Tabling of Treaties in Parliament" (2014). Online: www.treaty-accord.gc.ca/procedures.aspx?lang=eng.

¹⁶ Campbell McLachlan, *Foreign Relations Law* (Cambridge: Cambridge University Press, 2014); Joanna Harrington, "Redressing the Democratic Deficit in Treaty Law Making: (Re-)establishing a Role for Parliament" (2005) 46:5 McGill L.J. 467.

¹⁷ François LeDuc, *Guide de la pratique des relations internationales du Québec* (Québec: Publications du Québec, 2010) at 550-551.

¹⁸ Assemblée nationale du Québec, *Projet de loi 52, Loi modifiant la Loi sur le ministère des Relations internationales et d'autres dispositions législatives*, 36-2 (Gouvernement du Québec, 2001). La loi a finalement été adoptée à l'été 2002. The law was finally passed in the summer of 2002.

“Minister shall oversee the negotiation and implementation of international agreements and administer the resulting programs”.¹⁹

In Québec, a treaty must be tabled, with explanatory notes on its effects, in the ANQ by the Minister of International Relations, who may make a motion for approval or rejection, and the debate must last two hours. In the event of an emergency, the government may “ratify”, in the words of the Québec government, an agreement or approve a treaty before it is tabled in the ANQ.²⁰ Since 2002, there have been two precedents for major international commitments that have not been approved by the National Assembly: The *Softwood Lumber Agreement* and the *Protocol on Government Procurement*. In both cases, the government used s. 22.5 of the *Ministry of International Relations Act*, which provides that the government may issue an order in council because of the urgency of the situation.

In the event that the Québec Parliament refuses to give its approval or that time is of the essence, the executive could argue that there is an emergency and adopt a decree. However, it may be difficult to implement the legislation in this context if the government is in a minority. Thus, unlike the Walloon and Brussels parliaments, which were able to block Belgium’s signing of the *Comprehensive Economic and Trade Agreement (CETA)* for some time in order to obtain concessions, Québec does not have this ability.²¹ It can simply refuse to implement the treaty in its areas of jurisdiction.

In the vast majority of cases, however, approval was given by a unanimous vote.²² Since 2002, a large number of international agreements entered into by the federal government that are considered important have been tabled for approval by the ANQ.²³ When one looks in detail at the steps leading up to the conclusion of a treaty, it is clear that the process can be quite lengthy and is often not completed until Canada ratifies it.²⁴ Looking at the *Canada-Costa Rica Free Trade Agreement*, it is noted that Ottawa signed the treaty on April 23, 2001, the federal implementing legislation was passed on September 20, 2001, and it received Royal Assent on December 18, 2001. Yet the ANQ did not approve the treaty until June 2, 2004, after the treaty came into effect on

¹⁹ *Our translation. Act respecting the Ministère des Relations internationales*, R.S.Q., c. M25.1.1, s. 19.

²⁰ LeDuc, *supra* note 17, at 65.

²¹ Stéphane Paquin, “Trade Paradiplomacy and the Politics of International Economic Law: The Inclusion of Québec and the Exclusion of Wallonia in CETA Negotiations” (2020) 26:4 *New Political Economy* 465; Michel Huysseune and Stéphane Paquin, “Paradiplomacy and the European Union’s Trade Treaty Negotiations: The Role of Wallonia and Brussels” (2023) *Territory, Politics, Governance*, Published online: 13 March 2023.

²² Turp, *supra* note 11, at 23.

²³ Daniel Turp, “Le consentement de l’État du Québec aux engagements internationaux et sa participation aux forums internationaux”, in Sienho Yee and Jacques-Yvan Morin, eds, *Multiculturalism and International Law* (Leiden-Boston: Martinus Nijhoff, 2009) 719.

²⁴ *Ibid*; Paquin, *supra* note 9.

November 1, 2002!²⁵ The situation is the same for the *Canada-Chile Free Trade Agreement*. The Canadian government signed this agreement on December 5, 1996 and the implementing legislation was passed in the House of Commons on July 5, 1997. The treaty was not approved in Québec until June 3, 2004, seven years after it came into force.²⁶ This situation is not unique to trade agreements.²⁷

The debates and vote at the ANQ take place after Canada has signed. Québec parliamentarians therefore have little means of influencing the content of the commitment since they can only adopt or reject it.²⁸ In addition, the government sometimes proposes the approval of numerous treaties at once. In 2015, for example, the National Assembly had only a few hours to approve seven large trade treaties and their fourteen side agreements, including on the environment, even though some of these treaties had been in force for six years!²⁹

That said, nothing prevents parliamentarians from sending signals about their mood during the negotiations. During the CETA negotiations, parliamentarians invited the chief negotiator for Québec, Pierre Marc Johnson, to two parliamentary committees. Through this mechanism, the concerns of parliamentarians could be raised since the minutes of the discussions were made public.

If a province decides not to comply with an international obligation of Canada, it is the federal government that must defend the provincial government's position before a panel, an appellate body, or an international court. This incongruous situation occurred, for example, from 2010 to 2013 when Canada had to defend Ontario's green power program before the World Trade Organization's Dispute Settlement Body following a complaint by Japan and the European Union.³⁰ There is also precedent for Canada to compensate foreign companies for measures taken by provinces.³¹

²⁵ See: Global Affairs Canada, *Canada-Costa Rica Free Trade Agreement* (Government of Canada).

²⁶ See: Global Affairs Canada, *Canada-Chile Free Trade Agreement* (Government of Canada).

²⁷ See summary table in Turp, *supra* note 11, at 26.

²⁸ *Ibid.*, at 24-25.

²⁹ Éric Desrosiers, "Québec enchaîne l'adoption de sept traités de libre-échange", *Le Devoir* (May 28, 2015). Online: www.ledevoir.com/economie/441203/quebec-enchaîne-l-adoption-de-sept-traités-de-libre-échange.

³⁰ Richard Ouellet and Guillaume Beaumier, "Québec's Activity in International Trade: From the Enunciation of the Gérin-Lajoie Doctrine to the Negotiation of the CETA" (June 2016) *Hors-série La doctrine Gérin-Lajoie: 50 ans d'actions internationales du Québec*, RQDI 67.

³¹ Céline Lévesque, "The Roles and Responsibilities of Canadian Provinces in Economic Treaty-based Investor-State Arbitration Proceedings" (2015) 28:1 RQDI 107; Charles-Emmanuel Côté, "Toward Arbitration Between Subnational Units and Foreign Investors?" (2015) 145 *Columbia FDI Perspectives* 1.

(iii) *The Implementation*

The fourth step, the adoption of legislative or regulatory measures necessary to implement a treaty, is the responsibility of the federal or provincial legislature. The 1958 *United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards* is an example of a treaty implemented by both levels of government.³² The *Hague Convention* of October 25, 1980, which deals with the civil aspects of international child abduction, was negotiated by the federal government, but implemented by the provinces only.³³

In Canada, there is a need for legislative action at the appropriate level to incorporate treaties into domestic law. In practice, the implementation of a treaty by the federal Parliament takes a variety of forms, ranging from a legislative text that gives the treaty the force of law and is annexed to it, to a statute that more or less faithfully reproduces the treaty's provisions. Hugo Cyr and Armand de Mestral have identified more than 13 different ways in which treaties are incorporated into domestic law at the federal level.³⁴ In the case of a treaty affecting provincial jurisdictions, provincial intervention is also required. A distinction must be made here between the case of Québec and that of the other provinces, where the procedures are simpler, since an order in council from the executive is generally sufficient.³⁵ In Québec, the National Assembly must approve the treaty before the executive can give its assent. This step is not required in the federal Parliament or in the other provinces.

Canada is a dual system, which means that a treaty ratified by the executive must still be incorporated into domestic law. The process is not automatic. Where a treaty is compatible with domestic law, however, there is logically no need to legislate. Indeed, some treaties, such as those relating to human rights or the promotion and protection of foreign investment, do not require amendments to federal or provincial legislation or regulations where the law is already consistent with the agreed international obligations. Recognition of a country's independence, or a peace treaty, does not require legislative changes.³⁶ In Canada, judges must rely on the law and not on treaties in making their judgments. However, references to international treaties are frequently made in Canadian Supreme Court and court judgments, particularly in relation to obligations under the *Canadian Charter of Rights and Freedoms* and in determining whether a matter is of national concern.

³² Christiane Verdon, *La conclusion et la mise en oeuvre des traités dans les États fédérés et unitaires*, International Academy of Comparative Law, XIIe Congress (Montreal, 1990) at 2.

³³ Renaud Dehousse, *Fédéralisme et relations internationales* (Brussels: Bruylant, 1991) at 181.

³⁴ Cyr, "Treaty-Making", *supra* note 7.

³⁵ Paquin, *supra* note 9, at 351.

³⁶ Cyr, "Treaty-Making," *supra* note 7, at 608.

2. INTERPARLIAMENTARY RELATIONS OF THE NATIONAL ASSEMBLY OF QUÉBEC: A HISTORY

The ANQ's international relations are not recent, although there has clearly been an increase in these relations since the 1970s. According to Hugo Genest,³⁷ the history of the ANQ's inter-parliamentary relations can be divided into three periods: (1) timid beginnings (1933 to 1975); (2) expansion (1975 to 2000), and (3) consolidation (since 2000). The first phase was characterized by a parliament that sought its place internationally when it joined the Commonwealth Parliamentary Association (CPA).³⁸ However, it was under the Liberal government of Jean Lesage from 1960 to 1966 that Québec found its most solid foundations in international relations. First was the opening of the Maison du Québec in Paris on October 5, 1961, then the conclusion of the first agreements with France on education and culture in 1965, but above all the formulation, still in 1965, of the Gérin-Lajoie doctrine. Since the creation of this doctrine, which is the subject of a consensus in Québec, the federal government's claim to be the only level of government entitled to negotiate international treaties is considered unacceptable by the Québec government. This doctrine asserts, with respect to the conclusion of treaties, that Québec must itself conclude agreements in its areas of jurisdiction.³⁹ Indeed, since the federal government cannot enforce the treaties it concludes in the areas of jurisdiction of the Canadian provinces, Paul Gérin-Lajoie wants the provinces themselves to negotiate the treaties that fall within their jurisdiction.

After the election of the Parti Québécois in 1976, the ANQ's international relations took on a new dimension. In 1977, the Office of Interparliamentary Relations was created. In the 1990s, the ANQ became increasingly interested in Europe. In 1997, it organized the first Parliamentary Conference of the Americas, which later became the Parliamentary Confederation of the Americas (COPA). In 1999, it created the Network of Women Parliamentarians of the Americas.⁴⁰

Since 2000, the ANQ has strengthened and revitalized the previously established ties, while also creating new ones. Jean-Pierre Charbonneau, then

³⁷ Hugo Genest, "*La paradiplomatie parlementaire*": *cerner le particularisme de l'Assemblée nationale du Québec*, Mémoire (Québec: Fondation Jean-Charles-Bonenfant/Assemblée nationale du Québec, 2007) at 24. Online: <https://www.fondation-bonenfant.qc.ca/doc/stages/essais/2007/2007Genest.pdf>.

³⁸ Lisa Lavoie, *L'utilité des relations interparlementaires des États fédérés: le cas du Québec au sein de la COPA*, Master's thesis, Québec, Université Laval, 2007, at 1-2.

³⁹ Paul Gérin-Lajoie, Address to the Members of the Montreal Consular Corps, Montreal Consular Corps, presented in Montreal (April 12, 1965, in French) *Ministère des Relations internationales et de la Francophonie*. Online: <https://www.mrif.gouv.qc.ca/fr/Ministere/Historique/Doctrine-Paul-Gerin-Lajoie/allocutions-discours-officiels/pgl1965/>.

⁴⁰ Jean-Pierre Charbonneau and Dominic Dupont, eds., "Les relations parlementaires internationales du Québec," in Stéphane Paquin, ed., *Histoire des relations internationales du Québec* (Montreal: VLB éditeur, 2008).

president of the ANQ, prepares the document *Parliamentary Democracy in a Global Era: Elements of an International Parliamentary Relations Policy for the National Assembly of Québec*.⁴¹

Today, the inter-parliamentary relations conducted by ANQ are characterized by its structure and dynamism. ANQ maintains relations with sixteen partner parliaments as well as with five international organizations. Its network is spread over five continents.⁴²

ANQ's international relations are based on the *Regulations on Interparliamentary and International Relations Activities*, which have three objectives:

[To determine the manner in which the interparliamentary and international relations of the National Assembly are governed [...], to establish the conditions, scales and methods of reimbursement to [participants in a mission according to their status] [and] to determine the allowances and benefits to which the member of the staff of the National Assembly stationed at the general secretariat of the Parliamentary Assembly of La Francophonie in Paris is entitled.⁴³

The *modus operandi* of inter-parliamentary and international relations is based on the following three elements:

1. *The Advisory Committee on Parliamentary Diplomacy* – Its threefold mission is to plan, coordinate, and engage in reflection and exchange on all matters relating to interparliamentary and international relations activities;
2. *Annual programming of inter-parliamentary and international relations activities* – This is determined by the President of ANQ after consultation with the Advisory Committee;
3. *Designation of participants to the delegations*.

(a) The Role of MPS Internationally

According to Joëlle Boucher-Kirouac,⁴⁴ Québec MPs play a hybrid role at the international level that gives them four main functions, the first three of which are the transposition of traditional national functions to the international level.

⁴¹ Jean-Pierre Charbonneau, *Parliamentary Democracy in the Era of Globalization: Elements of an International Parliamentary Relations Policy of the National Assembly of Québec*, Québec, National Assembly, 1998.

⁴² Assemblée nationale du Québec, “Diplomatie parlementaire” (20 September, 2019). Online: <https://www.assnat.qc.ca/fr/diplomatie/index.html>.

⁴³ Assemblée nationale du Québec, (2019). *Règlement sur les activités de relations interparlementaires et internationales*. Loi sur l'Assemblée nationale, c. A-23.1, art. 102, 110 et 110.1.

⁴⁴ Joëlle Boucher-Kirouac, *Le député ambassadeur : rôle et apport des parlementaires québécois dans la politique étrangère du Québec*, Essay (Québec City: Fondation Jean-Charles-Bonenfant/Assemblée nationale du Québec, 2016). Online: https://www.fondationbonenfant.qc.ca/doc/stages/essais/2016/Boucher-Kirouac_Joelle.pdf

1. *Representation* – The representation function is linked to the concept of parliamentary diplomacy. According to former ANQ president Jacques Chagnon, it is the natural extension of the responsibilities of parliamentarians as representatives of their population. He maintains that “if diplomacy represents Québec abroad, parliamentarians represent Québécois.”⁴⁵
2. *Oversight* – Parliament also provides the means for MPs to monitor, question and challenge the executive. This is known as the oversight function. Some examples of this control in the area of internal policy are the vote of confidence, the examination and approval of bills by committees, and the questioning and interpellation of ministers.
3. *Legislation* – In the international arena, the function of legislation can be very delicate. The ANQ is currently a member of five inter-parliamentary organizations that can issue non-binding acts to get governments to adopt binding measures to defend or achieve the objectives they are defending.
4. *Parliamentary technical cooperation* – In 1996, ANQ established a mandate for parliamentary technical cooperation, which it has made available to other parliaments, especially in French-speaking Africa and Haiti.

Bilateral and multilateral relations as well as cooperation allow MPs to come into contact with elected officials from different geographical, cultural, and economic backgrounds, which can only enrich them as human beings and then as professionals.

As former ANQ president André Boulerice says, it also helps to “enhance each other’s knowledge as representatives, legislators and unofficial ambassadors of Québec”.⁴⁶

(b) Québec’s Parliamentary Paradiplomacy

Over the years, ANQ has developed bilateral and multilateral relationships with various governments and has implemented cooperation actions.⁴⁷ Within the framework of its bilateral relations, the ANQ can count on 16 partner parliaments located in Canada, the United States, Europe, Africa, Asia, and the Caribbean (Table 1). It is also a member of five multilateral inter-parliamentary organizations (Table 2).

⁴⁵ Jacques Chagnon, *Multilateralism and the Role of Parliamentary Diplomacy* (Québec: National Assembly of Québec, October 12, 2012).

⁴⁶ André Boulerice, “Le rôle des parlementaires sur la scène internationale” (1998) 108 *Parlements et Francophonie* 114, at 116.

⁴⁷ Genest, *supra* note 38, at 17.

Table 1: Summary of Bilateral Relations of the National Assembly of Québec

On a pan-Canadian scale	United States and Caribbean	Europe	Africa	Asia
Delegation of the National Assembly for the relations with...				
Ontario	Louisiana	French National Assembly	Senegal	Kyoto Prefecture
New Brunswick	Massachusetts	The French Senate	Morocco	Shandong
Newfoundland and Labrador	The Haitian Parliament	Bavaria		
		Catalonia		
		The Wallonia-Brussels Federation		
		The Walloon Region		

Table 2: Summary of the National Assembly of Québec's Multilateral Relations

Organization	Description
Parliamentary Assembly of the Francophonie (APF)	ANQ has been a member of the APF since 1975. The APF is made up of 88 parliaments and inter-parliamentary organizations from the following 4 regions Africa, America, Asia-Pacific, and Europe. The APF works closely with the Organisation Internationale de la Francophonie in the areas of inter-parliamentary cooperation and democracy development. The APF's objectives are to represent, promote, and foster the French language.
Commonwealth Parliamentary Association (CPA)	Founded in 1911, the CPA's objectives are to develop, promote, and support the work of parliamentarians and parliamentary staff to identify good governance practices and to foster the sustainability of Commonwealth values.

Organization	Description
	Established in 1933, the Québec Branch deals with relations between the federal, provincial, and territorial assemblies of Canada and other members of the PCA.
Parliamentary Confederation of the Americas (COPA)	COPA was created in 1997 on the initiative of the ANQ. At that time, 400 parliamentarians from 28 countries met in Québec City to launch this discussion forum. Today, COPA has six thematic commissions and a network of women parliamentarians, which is under the leadership of ANQ. It aims to be representative, autonomous, and pluralist.
National Conference of State Legislatures (NCSL) and Council of State Governments (CSG)	At the annual meetings and the meetings of the executive committees and various commissions of the NCSL and CSG, Québec can take advantage of a showcase to promote its interests (e.g., trade, energy, environment, transportation, and agriculture).

The ANQ is also active in international cooperation. It can offer its partners the knowledge of its specialists in all its administrative sectors. Its diversified service offer can be consulted in the document *The National Assembly supports democratic strengthening*.⁴⁸ This document is the result of collaboration with the Ethics Commissioner, the Québec Lobbyists Commissioner, Elections Québec, the Québec Ombudsman, and the Auditor General of Québec. Martine Sirois studied in detail the contribution of the ANQ in the context of inter-parliamentary cooperation. According to her, “the Assembly’s specificity in Québec is coloured by its spirit of autonomy, its Francophone roots, and its deep attachment to the promotion of democracy”.⁴⁹ Moreover, all the work done in the arena of cooperation is guided by the following two principles: democracy and Francophonie.

Since 1996, the ANQ has been contributing to the strengthening of democracy at the international level. The last report of the Assembly on this issue mentions 210 cooperative activities that took place in 41 parliaments thanks to the expertise of more than 700 members of the Québec government. Its cooperation activities were deployed mainly in French-speaking Africa and Haiti. Currently, four cooperative agreements are active. They concern

⁴⁸ Assemblée nationale du Québec, *L’Assemblée nationale appuie le renforcement démocratique* (Québec: Gouvernement du Québec, 2018). Online: https://www.assnat.qc.ca/Media/Process.aspx?MediaId=ANQ.Vigie.Bll.DocumentGenerique_155387&process=Default&.

⁴⁹ Martine Sirois, *La coopération interparlementaire: la contribution de l’Assemblée nationale du Québec*, (Québec: Fondation Jean-Charles-Bonenfant/Assemblée nationale du Québec, 2010) at 3. Online: <https://www.fondationbonenfant.qc.ca/doc/stages/essais/2010/2010sirois.pdf>.

Morocco, Burkina Faso, Senegal, and Haiti. In addition, 49 cooperative activities are carried out through partnerships with 17 organizations, including the École Nationale d'Administration Publique (ENAP).

The ANQ's service offering is composed of two components: administrative support and support to parliamentarians. Administrative support includes diagnostic and coaching services as well as practical workshops and internships in 15 well-targeted areas. The second component, support to parliamentarians, is the central axis of cooperation activities. The preferred means of implementation is interaction between elected officials of partner parliaments and those of the beneficiary parliaments. The holding of practical workshops or seminars and study visits revolve around 12 main themes.

The ANQ has also created two training programs for parliamentarians and public servants: the International Parliamentary Training Program, created in 2015 in partnership with the Research Chair on Democracy and Parliamentary Institutions at Laval University, and a leadership workshop for women parliamentarians conducted in collaboration with ENAP since 2017.

CONCLUSION

With globalization, but also with the increase in international negotiations leading to international treaties that fall within the jurisdiction of sub-national parliaments, it is not surprising that the ANQ has developed the means to protect its constitutional competencies in addition to setting up international networks to discuss these issues with parliamentarians elsewhere.

Although it is very difficult to say whether these inter-parliamentary relations are effective, useful, or even necessary, since very few studies on these issues exist, it is nevertheless clear that they have been growing significantly in recent decades. In the case of Québec, the distinct identity of the Québec nation and its particular role in the international Francophonie explain in large part the greater intensity of the ANQ's international activities in contrast to elsewhere in Canada. The Parliament of Québec is the only one among the Canadian provinces that must approve Canada's major international treaties. It is also clearly the most active in its bilateral and multilateral relations and in international cooperation.

It should be noted, however, that it is rather curious that the ANQ is not involved in Canada's international negotiation process at an early stage, but only after the negotiation is completed. Its influence on the negotiations is thus very limited. The ANQ can only refuse to implement the agreement in its fields of competence. Unlike the case of Wallonia and Brussels in the context of the CETA, the ANQ cannot prevent the Canadian government from ratifying international treaties that affect its jurisdictions. That said, Québec could, like Wallonia, set up parliamentary committees during the negotiations and invite experts to give their opinion on a major negotiation. In this way, it would be possible to send signals to federal negotiators about the mood of ANQ legislators. Despite this, it is clear that international treaties are of little interest

to MPs. These treaties are usually complex and voluminous, while ANQ members often lack the time to analyze them fully.

