

RESEARCH ARTICLE

The Federated State and International Relations: Quebec in Comparative Perspective

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Abstract

Using the case of Quebec as the central reference, this article proposes a framework of analysis for understanding federated foreign policy, using a most similar design that integrates four distinct types of international action by sub-state authorities. The foreign policy rivalry between Canada and its francophone province gets to the heart of what constitutes the state in international relations. Federated states such as Quebec rely on recognition of their claims from the broader international community of states and their international organisations. In none of the examples considered here except the specific case of Belgium has the constituent state recognised the state-like quality of a component or successor state, which would be a precondition for recognition by the international system itself. The argument, ultimately, is a constitutional one: federated states will be recognised as international actors insofar as they are vested with external authority as an extension of their domestic competencies.

1. Introduction

Long silent and indifferent, even impervious and refractory, the discipline of international relations has stumbled on an 'obstacle' that it can less and less ignore: that of non-sovereign states¹. The international activities of these entities are certainly not a new phenomenon (Morin, 1965), but International relations theory has generally underestimated this category of external activity. Federated States are today everywhere present in international relations

1. This article draws upon varied sources, including archives, governmental publications, and around 40 confidential interviews by the first named author in and around the Quebec government.

and Quebec is one of the most active and influential (from a soft power perspective) of such actors (British Council, 2018), maintaining relations with more than 80 international partners. Quebec is, with the Flemish region of Belgium, arguably the federated State with the world's most dense diplomatic network, having signed 828 agreements since the 1960s. It maintains its own ministry of Foreign and Francophone Affairs and boasts 37 permanent quasi-diplomatic representations abroad (Gouvernement of Québec, 2019). Though formally only a province, Quebec has demonstrated a consistent interest in security and defense issues, particularly since the 9/11 terrorist

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attacks in the United States. The international actions of the Quebec government have varied from forays into high politics to a collaborative-style of politics that bears similarities with the actions of sub-state authorities everywhere.

This article proposes a framework of analysis for understanding federated foreign policy, using a most similar design that integrates four distinct types of international action by sub-state authorities (see table 1). It addresses these questions mainly in relation to the specific case of Quebec, a distinctive Canadian province with an ambitious ‘foreign policy’ that often differs from that of the Canadian Federal state. Section one presents the research question and critically discusses paradiplomacy as the main framework for understanding the transnational relations of sub-state actors. Sections two and three present a broad comparative framework for understanding federated foreign policy and apply this to the case of Quebec. The article concludes by confronting this framework of analysis with the political reality of Quebec within the Canadian Federation and by rising up the ladder of abstraction to draw lessons from Quebec for theory building.

2. The Research Question

It is an empirical fact that sub-state actors perform a role in international affairs that is difficult to characterise either in terms of theories of federalism (or decentralisation), or from the perspective of international relations. The article sets out to bridge these two, usually distinct literatures and propose a framework of analysis for understanding federated foreign policy. The international activities of sub-state players represent a generic phenomenon; there are examples of local or regional government actors in unitary states also practicing activities that might loosely be described as foreign policy. We are sensitive to the neo-institutionalist argument that political actors of all types might seek to use institutions to create an impression of international legitimacy for political authorities (from local governments to aspiring states) at the federal or even unitary state level. However, it is neither possible nor desirable to describe or conceptualise all international activities of all sub-state authorities. We limit ourselves to a federal or quasi-federal scheme: comparing like with like, we limit our attention to the case of federal states, drawing principally on the case of Canada and Quebec (but also drawing examples from US states).

There are methodological limitations, of course: we

focus mainly on the perspectives of one federated government (Quebec), rather than the international or national orders themselves. The ensuing perspective is necessarily a partial one. We assume this risk by using the mechanism of zooming in and zooming out. Zooming in facilitates a context-rich perspective from Quebec fieldwork and sources and allows answers to the central question: how is Quebec’s international policy framed and what obstacles have been encountered? Zooming out from the Quebec case suggests that there have been changes in the nature of the International order itself that are potentially more accommodating of the interests of sub-state authorities.

The key research question is centred on whether the turbulence of the world order create new spaces for sub-state governments. Our argument acknowledges the debates over the loss of centrality of the State in international relations and a general weakening of state capacity, undermined from below (by asymmetrical forms of decentralization) from above (by international organizations) and sideways (by the enhanced role of NGOs and transnational corporations). International affairs naturally affect sub-national, or sub-state players, insofar as the decisions made in the international arena can spillover into provincial security concerns (as well as impacting upon the ordinary competencies of federated state governments). On the other hand, state governments actively seek to participate in the international system, for reasons of interest as much as ideology. These push-pull factors ought to be analysed as part of the ‘normal’ process of foreign policy.

Transnationalist authors note a multiplication of actors in international relations and a ‘turbulence’ of the world order (Rosenau, 1990). They identify new spaces, international venues, types of exchanges and cooperative relationships. Federated states can exploit this emerging space: either to exercise new constitutional competences or to defend their ‘patch’, in the form of existing competences that are challenged by new transcendent issues. By acting as boundary spanners, federated states can find new avenues into the international environment (Lequesne and Paquin, 2017). The issues related to High Politics are not what they were, moreover. There have been profound changes since the end of the Cold War. National security issues no longer simply come from states (state-state conflicts), they can be ‘non-state and transnational, such as terrorism (David, 2013: 14)’, pushing governments to rethink classic

security strategies. According to Bigo, ‘the traditional demarcation between internal security and external security has been disrupted’ (1998: 56). In addition to the increasingly obvious link between the internal policy and foreign policy (contested, or considered irrelevant by classic realists), the contemporary period posits an increasingly important role for federated states in security matters, via practices/concepts such as community security, or homeland security, which can mobilise different categories of political actors, such as the central state, federated states or city governments.

The types of actors include state and city administrations taking position against their national governments, as was demonstrated in the case of US cities, pledging to support international climate control efforts after President Trump had quit the 2015 Paris agreement. Indeed, the US states have more representatives abroad than the Federal government of Washington itself. Jurisdictional conflicts are rife in the case of the US government: for example, in an interesting parallel with Quebec, US President Trump recently (at the time of writing) insisted that the State of California did not have the legal competence to sign an agreement on carbon taxes without his agreement. What determined this stance? The question of decentralized responses to climate change does not seriously call into question the territorial integrity of the US state.

Starting from the observation that the international system is an ever-complex space, writers such as Hocking (1993) identify powerful drivers that push federated states to develop a localized foreign policy. Given the new realities faced by the ‘state, which is the traditional referent of security (Macleod and al., 2004: 10)’, it seems increasingly unthinkable to deal with these issues of security / defense in a strictly traditional way, without taking into consideration the set of issues, or the other realities of interacting actors currently present in the international environment. Consequently, without pretending to High Politics in the classical sense of the term, that is to say in terms of power struggles and the search for power (Morgenthau, 1985), the federated states still have an increasingly important role to play, and seem increasingly challenged by security issues. This porosity underpins a stronger claim for non-sovereign states such as Quebec to engage in High Politics.

Our article is centred on a paradox: on the one hand, sub-state actors appear as competitors to the State, as challengers to undivided sovereignty; on the other

hand, sub-state actors are also contributory forces to overall state capacity, in a situation where the reality of domestic power has been fragmented and diffused across multiple layers of government. These shared practices might be functional: sub-state players can contribute to the overall collective good (as in the case considered below of collaboration in the Arctic). But in terms of broader state theory, nearly all States resist any notions of shared foreign policy sovereignty, and the space for international activities is principally theorised (and constrained) by the notion of paradiplomacy, considered in the next sub-section.

2.1 Paradiplomacy: Soft International Relations for Sub-State Governments?

If International Relations has ignored federalism, books devoted to the analysis of federalism have long reflected upon the international activities of federated states. In one of the most comprehensive body of works, Duchacek proposed a spectrum of activities encompassing ‘microdiplomacy’ (signifying the international activities of devolved or autonomous territorial entities), ‘transborder regionalism’ (formal and informal contacts between neighbouring regions), ‘protodiplomacy’ (sub-state diplomatic activity undertaken in preparation for the creation of a new sovereign state) and finally ‘paradiplomacy’ (1986: 240-248). To take the most cited of these four activities, ‘paradiplomacy’ represents a form of diplomacy (of a non-sovereign entity) parallel to that of the central state. It denotes political and administrative relations with distinct nations; if the main focus is usually on industrial, cultural and economic contacts, non-state governments are also in contact with the diplomatic offices of foreign governments, or with international organizations such as the European Union. Paradiplomacy has been more important to characterize the international activity of non-sovereign entities than any other in the literature (Massie and Lamontagne, 2019). It is one of the principal tools for comparing the international activities of sub-state players, especially in federal regimes (Crickemans, 2018; Kuznetsov, 2015; Lequesne and Paquin, 2017).

The concept of paradiplomacy has been stretched beyond its own usefulness. Indeed, so broad is the activity of sub-state governments that specialists have qualified the term by various adjectives: such as commercial paradiplomacy (Rioux Ouimet, 2015), cultural paradiplomacy (McHugh, 2015), identity-based paradiplomacy (Massie and Lamontagne,

2019) and even paradiplomacy with international security dimensions (Conago, 1999). Above all, paradiplomacy is used to represent a wide variety of essentially different actors: federated states, cities, regions, even local government associations (Paquin, 2004).

Para diplomacy puts federated state governments on the same footing as local governments, which are engaged in economic and cultural diplomacy, but cannot claim to have state-like features. In federal or devolved systems (such as the UK), the federated/devolved governments assume strong state-like features which go well beyond the standard cultural and economic diplomacy of local and regional authorities. Hence this justifies using a foreign policy approach, all the more in that the situation has shifted in the post-war period, as areas associated with low politics have become internationalised. International affairs spill over into the domestic (constitutional) competencies of federated state governments. There are not many domains where the state can claim an exclusive sovereignty, to the exclusion of its own federated states. The foreign policy approach is pertinent, as Charillon (2002: 24) states, because ‘foreign policy is undergoing profound changes... Its

practices are being reinvented and we need to review its concepts’. Rather than a focus on paradiplomacy, it is preferable to place, from the outset, this question of ‘federated foreign policy theory’ in the field of studies of international relations. We now outline a framework for understanding Quebec in comparative perspective.

3. Foreign Policy and the Federated State: Quebec in comparative perspective

There are two fundamental entry points into understanding Quebec’s international policy: first, in terms of evaluating Quebec against the main criteria that define a state’s foreign policy; second by legal mapping and comparison with other cognate federated states. In the ensuing section we argue that there are four categories of international activities of sub-state governments, but only one of which can claim the effectiveness of a foreign policy. In the next section, we make as strong a case as possible for Quebec in terms of mapping against the attributes of foreign policy. We conclude that observing Quebec in a comparative context, however, demonstrates the limits of such an interpretivist exercise.

Table 1. Modeling the international activities of the federated states

	Without Competencies	With Competencies
Sub-state (non-national)	Non constitutionally prescribed international activities exercised by sub-state governments (e.g. Canadian Provinces [excluding Quebec], Australian states). Transnational relations	Constitutionally prescribed international activities exercised by sub-state states (e.g. the German Länder, the Swiss Cantons). Foreign subnational policy
National States non-sovereign	Non constitutionally prescribed international activities exercised by federated states with national claims (e.g. Quebec). Transnational policy relationships	Constitutionally prescribed international activities exercised by federated states with national claims (e.g. Flanders). Federated foreign policy

The first type of international activity is that of the external activities of federated states that have no recognized constitutional jurisdiction in this sphere of activity, such as the majority of Canadian provinces or the Australian states (Watts, 2002: 131) which exercise external relations of varying intensity. These activities, much like Duchacek’s (1986) ‘microdiplomacy’, essentially take the form of economic and administrative relations, and make little real claim for relations of a diplomatic and political nature. We can think (with the exception of Quebec) of the Canadian provinces, particularly Alberta and Ontario (Gagnon and Palard, 2005), which maintain economic and

commercial relations with international partners or administrative relations on different issues of shared interests such as the environment, transportation and tourism. Such is the case notably for New Brunswick, Nova Scotia, Newfoundland and Labrador or Prince Edward Island, all of which are part of the Eastern Prime ministers’ Conference, an association uniting the main Anglophone eastern Canadian states. In this first scenario, the external activities of sub-state entities are non-constitutionalized. We describe these cases in terms of ‘transnational relations’, to refer here to all cross-border flows concerning the actor, but revealing a less affirmative political character

than the semantics of the term ‘foreign policy’ or ‘international relations’ suggest.

The second type of international activities of sub-state states is where the federated entities have constitutional competencies in the matter, that is to say, a constitutionally prescribed external competency. This competence allows, in variable degrees, a (limited) autonomy in the exercise of international relations, such as the implementation of treaties, and gives legitimacy to their international capacity. This is the case for Swiss Cantons and the German Länder. In the case of the cantons, the latter, within the limits of their area of competency, ‘retain the right to conclude treaties with foreign states (see Massie and Lamontagne, 2019: 4)’. For their part, the German Länder, since the constitutional reforms of 1992, have acquired the right to exercise external relations in their fields of exclusive competency (Article 23 of the Basic Law). They may also sign co-operation treaties with other foreign regions or provinces in the field of their legislative responsibility, but such treaties must be approved by the German Federal Government (Kolboom, 2006: 202). These two examples concern constitutionally mandated external activities.

For non-national states with a constitutionally mandated international competence, the expression ‘foreign subnational policy’ ought to be considered, since the subnational qualifier emphasizes the federative character of the entity in question. It is political, therefore, as it comes from a government. It is subnational, therefore, because it emanates from a non-national government. It is foreign, because it refers to the external relations of a (non-national) State.

The third type concerns non-constitutionally prescribed international activities exercised by federated states with national claims. Though these actors may be very active on the international scene, they have, on the other hand, no recognized constitutional jurisdiction in this area. This is the case, for example, of Quebec, a non-sovereign federated state which maintains national claims, and whose international activities are of a rare intensity, but which has never been able to have its international jurisdiction recognized by the Canadian federation.

Finally, the fourth type of international activities of sub-state governments concerns the constitutionally prescribed international activities exercised by federated states which might entertain national claims.

This is the case, for example, of Flanders exercising, within its fields of exclusive competence, international relations as a constitutionally prescribed, autonomous and legitimate sphere. In 1993, with the Saint Michel agreement, Belgium officially became a federal state, whereby the communities and regions were conferred exclusive international responsibilities in their constitutionally prescribed spheres of competence. The principle was that of “in foro interno, in foro externo”, which explicitly linked the internal competencies and the external responsibilities of the federated states (Criekemans, 2019: 107-108). In the light of the criteria that are considered here, it is the category of sub-state international activities that most closely resembles the ‘foreign policy’ object. This fourth category respects three essential criteria of a sub-state foreign policy. It involves: (1) the international expression of a political body (namely a government) which rests on (2) a nation, that is to say, a distinct cultural group that (3) has an international constitutional capacity and thus is able to act in its external relations, with legitimacy and without intermediary.

From the above discussion, we draw the following provisional conclusions. Type 1 – the federated state without an international constitutional responsibility, such as the Australian and Canadian provinces– is best categorised in terms of transnational relations, usually reduced to a form of economic or cultural diplomacy. We described type 2 as a foreign subnational policy, in the form of a federated State with a constitutionalised international activity (the German lander, Swiss cantons). It links in a very circumscribed manner domestic responsibilities – in education, for example- and an external capacity that is recognized as a logical extension of this. Type 4 – federal foreign policy – is rare in practice. It is mainly limited to the case of the Belgian regions and communities. As Belgium has to respect international and European engagements, there have been tensions in terms of the effective implementation of tough decisions engaging the state in international relations, or in European Union policy (Cole and de Visscher, 2016). The case of the EU-Canada free trade agreement, when the Wallon parliament held up the ratification for the whole of the European Union, demonstrated in practice that a federated foreign policy can be as deeply controversial as any other. The Belgium regions finally ratified the EU-Canada agreement. Paradoxically, this example tends to reinforce the basic state-centric reading of international relations, whereby states are held to

validate external agreements, irrespective of their internal domestic arrangements.

Such a conclusion is also pertinent for the case of Quebec, our type 3, that is engaged in transnational policy relationships. The foreign policy claims of Quebec are essentially contested precisely because there is no constitutional recognition of a *de facto* political capacity. The foreign policy rivalry between Canada and its francophone province gets to the heart of what constitutes the state in international relations. The claims made by the Quebec government, in relation to the state, the people and sovereignty, are contested and rejected by the Canadian Federal government, which reserves for itself these three main markers of foreign policy (a state, a nation and sovereignty). Such a conclusion has a more general validity, in relation to cases such as Catalonia (where the international community has not recognized claims for Catalan statehood) and Scotland (where the case for independence in the 2014 referendum was undermined by the European Commission and its willingness to recognise only existing states). In the next section, we make the case for Quebec in the terms of reference of classical definitions of international relations, thereby testing the ontological foundations of federated foreign policy.

4. The Foundations of Federated Foreign Policy: The Case of Quebec

Traditionally defined as ‘the part of state activity directed outwards (Merle, 1984: 7)’, foreign policy calls for the materialization of certain constituent criteria. We retain three elements for analytical purposes: 1) the imperative of the State 2) the principle of national interest and 3) the importance of sovereignty. These criteria, germane to state-centric foreign policy, are adapted here to apply to the case of federated states, with a view to considering whether their international activities constitute foreign policy. Our analysis and fieldwork mainly concern Quebec, the principal empirical terrain and the non-sovereign state with national claims *par excellence*.

4.1 The Importance of the State in the Concept of Foreign Policy

The study of international relations has been profoundly marked by the Westphalian order, that is, by the principles of ‘internal’ and ‘external’ sovereignty derived from the Westphalian peace treaties of 1648 and which have traditionally delimited the international system. The realist paradigm has emerged

as the dominant one, long enjoying a hegemonic position in international relations. Although this paradigm includes several variants under its banner (classic realism, neo-realism, neoclassical realism, constructivist realism), its main premises have been shared by all proponents, including the statocentric principle that identifies the state as the main actor of the international system (Elman, 2011). The autonomy of the international activities of non-sovereign entities is, for realists, inconceivable. Firm on this point, the realist logic leaves in the shadows the phenomena or the actors considered secondary, including the federated entities in federal states. Liberal visions of international relations have also vigorously defended the supremacy of the state in the international arena. Even constructivism (particularly the conventional current) remains very traditional on a fundamental point. ‘It always puts the state at the center of its analyses’ (MacLeod, 2004: 19).

Depending on the theoretical paradigm adopted, the constitutive question of the State in the effectiveness of foreign policy is fundamental. Some international relations researchers (Battistella, 2015) argue that foreign policy is no longer limited to state activity alone. However, while it is true that multinational actors or non-governmental organizations (NGOs) can be counted amongst international players, it would still seem unreasonable to use the term ‘foreign policy’ to their international activities. In fact, these actors do not govern, which remains the exclusive expression of the State, and more marginally state-like polities (such as the European Union) or state-populated international organisations (such as the UN). The first proposition (of the proposed framework of analysis of federated foreign policy) is that foreign policy is shaped by a state or a State-like organization.

Concerning the first criterion - namely that foreign policy must emanate from a government - this is fulfilled in the case of a province such as Quebec, since the federated states form one of the official levels of government from a constitutional point of view. In some federations, defense provisions are recognized for the federated entities: such is the case, for example, of the Australian states (Watts, 2002: 131) or the American states (for example the various state defense forces). In other federations, such as Canada, domestic security provisions are allocated to the provinces. Thus, in these models of federations, different aspects of defense and security are attributed exclusively to central governments and their federated states (Watts, 2002).

Our case of Quebec can pretend to possess certain state-like qualities. It is, at the same time, a nation, a federated state and a sub-state entity. The term 'sub-state' refers virtually to anything that falls below the sovereign state, representing a more general phenomenon and encompassing the notion of the federated state. Sub-state entities may as well represent regions, cities or federated states. When it comes to sub-state states, they must be understood in the sense of non-sovereign states. As a result, we use the expression 'non-sovereign national state' to describe Quebec, to which we prefer the 'federated state with national claims'. This hybrid status presents opportunities, but also ensures that its foreign policy claims are deeply contested by the Canadian state.

Quebec's claim rests on the belief that 'a jurisdiction is shared between equal and independent partners in the state (Lejeune, 1984: 22)', in the form of the federal government and the federated states. As such, federated states such as Quebec make the claim to enjoy what some people call - not without semantic paradox - internal sovereignty (Lejeune, 1984), domestic sovereignty (Krasner, 1999), or a sovereignty of competencies (Mortier, 2011): that is to say, they exercise designated state powers that are not subordinated to the federal authorities (Lejeune, 1984). The sovereignty of the federal state, however, remains undivided since, if powers are shared, sovereignty always remains the property of the central state. Thus, by this sharing, the central state limits its autonomy in certain spheres of activity, but in no way does it abandon its sovereignty. Some federations (such as Belgium) define the international activities of their federated entities even more tightly, to enhance constitutional coordination, and to avoid central government encroachment on state powers: but even in Belgium the central state is recognised as the legal international actor of last resort.

4.2 National Interest and Foreign Policy

In the second place, constitutively, the idea of foreign policy is based on national interest. In fact, the notion of national interest has held a prominent position in the field of foreign policy. Realism was forged with the intention of analyzing the 'behavior' of sovereign states in international relations (Morgenthau, 1951). One might object to applying this notion to a federated entity. In Quebec's case, we could immediately criticize the operationalization of the notion of national interest by recalling that this province is legally a state of the Canadian federation and, as such, that

this principle of national interest speaks to Canada and not to any member of its federation. However, the Canadian national question is complex and the notion of national interest is essentially contestable. When we look at the Quebec condition in terms of the constituent elements of national interest, our object may not be so far removed as we would originally think.

For there to be 'national interest' there must be a nation. For the advocates of autonomy, the fact that Quebec is legally a federated state carries less weight than its national character. 'Quebec is more than just a federated state amongst others,' said former Quebec vice Prime Minister Paul Gérin-Lajoie, 'it is the political instrument of a distinct cultural group and unique in the great North America (1965)'. Moreover, Quebec has many national symbols (National Assembly, National Day, National Capital, etc.) and was recognized as a nation (Quebeckers) by the Canadian House of Commons in 2006 (Parliament of Canada, 2006). Finally, Quebec has its own identity, culture, value system and history (Calderisi, 2019), even within the Canadian federation. The assertion that Canada is a multi-national federation is a precondition for the claim that Quebec has national or nation-like qualities. Such claims are heard elsewhere, within the context of union (Spain, UK) or Federal (Belgium) states.

The second element of the definition of national interest is the 'specificity of the system and the political institutions', which Wendt translates as 'the ability of a state-society complex to exercise control over its allocation of resources and choice of government (1999: 235)'. Although federated, Quebec is a State. It has its own autonomous government, its own National Assembly, its own civil law system (inspired by the Napoleonic Code, while the other nine Canadian provinces use a common law approach for their civil law system) and its own fiscal system. Given the growing relationship between a state's domestic policy and a government's definition of the national interest, we could submit the following reasoning: its government defines Quebec's national interest; and this government seeks to promote and defend its 'national interests', which are derived from its own domestic policy. Of course, one might be tempted to apply this second reasoning to all the federated states in Canada since they all enjoy, in principle, characteristics of internal politics, constitutional powers and government. Not all the

federated states can claim to form a nation, however, and, consequently, they cannot pretend to defend national interests. At the most, we could propose that these entities will define or seek to defend “regional interests”.

What type of International influence does Quebec claim to exercise? The Quebec government has, on occasions, acted as if it were a state. It has been involved in High Politics, as demonstrated in its response to the terrorist attacks of September 11, 2001. With the conditions imposed by globalization and the public policy consequences of the terrorist attacks of September 11, 2001, Quebec for example, has shown a certain collaborative interest in the questions posed by security/defense issues, which a few decades ago seemed unthinkable. Indeed, in the document Strategy of the Government of Quebec towards the United States published in 2010 by Quebec’s Ministry of International and Francophone Relations (Ministère des relations internationales et la francophonies - MRIF) an entire section (‘Contribute to the security of the North American continent’: 27-30) was specifically devoted to problems belonging to High Politics. In terms of security, cooperation and mutual aid on the North American continent, the MRIF added in 2017 other issues such as cyberspace security, the fight against terrorism and radicalization as well as the prevention of international spread of infectious diseases and pandemics. (Gouvernement of Québec, 2017: 53-57). Embracing these issues, the Quebec government has demonstrated a willingness to collaborate not only in North American security but also in the international order.

Even if we argue that international activities cannot be considered as foreign policy, these activities do contribute to shaping a country’s foreign policy. This dynamic can be illustrated by lower level security issues, that also rely on the involvement of federated states. The Canadian Arctic issue is a rich example for understanding the democratization of security issues and the emergence of a partnership principle between the Canadian federal and Quebec state governments. In 2005, the Canadian federal government claimed that, in fields such as the protection of the environment, the fight against organized crime, and the smuggling of illegal immigrants and narcotics, developments in the Arctic might no longer simply result in a ‘military threat to Canada’s North similar to what we experienced during the Cold War, but they could also have an impact on domestic security’ (Government of

Canada, 2005: 19). Some surveillance operations in the Canadian Arctic, for example Nanook operations (Canadian affirmation operations in the Arctic), are carried out by Federal, provincial and local layers, as partners in matters of interior security. These challenges fall under several departments (federal and provincial) and at both levels of government. Hence the involvement of Quebec was legitimized by the Canadian government’s own reasoning.

A second field, involving cooperation between the Canadian Forces and the provincial emergency services, was the issue of natural disasters. The floods in the Outaouais in 2017 and 2019, or those of the Montérégie in 2011, or the episode of the ice storm of 1998 relied on the multi-level participation of the provincial and municipal intervention forces (public security) and the National Defense force. These examples demonstrate that in some situations the collaboration of provincial governments and Canadian defense forces has been not only possible, but also mutually beneficial and effective.

The Quebec example shows that the foundations of the principle of national interest can be applied to the reality of certain federal states. And that, as such, Quebec can, with respect to these criteria, claim to defend a national interest of its own. But this belief stumbles against the question of sovereignty.

4.3 Foreign Policy and the Constitutive Principle of Sovereignty

The sovereignty of actors represents a third constituent principle of foreign policy. The ability of a state to defend its national interests requires formal sovereignty. The capacity for action and legal capacity are the constituents of an actor’s international personality. Foreign policy embodies the instrument or tool with which a State tries to ‘shape its international political environment (Charillon, 2002: 13)’. This political instrument represents the privileged means by which, according to its national interests, it ‘intends to preserve situations that are favorable to it and to modify situations which are unfavorable to it (Battistella, 2015: 353)’. An international actor’s ability to act depends on its status (independent or not) but also on its legal capacity, which itself is based on sovereignty. State sovereignty becomes an essential condition for the implementation of a foreign policy, since ‘only sovereign states have the full capacity for action, whereas non-State subjects of the international legal order have only limited

capacity for action (Lejeune, 1984: 368)'. As an example, in a 1966 archival document concerning Quebec's international requirements, the preamble mentions that Quebec 'claims the enjoyment of limited international jurisdiction' ([SA] 1966)' precisely because of its legal status as a (non-sovereign) state. Quebec has never claimed an unlimited international legal personality, the marker of a sovereign state. But as a federated State, it has always laid a claim to a limited international personality, recognised by the Canadian federation and written into the constitution. Such claims have been given formal existence in the Gérin-Lajoie Doctrine, the logic of which is that 'If sovereignty is indivisible, on the other hand the competencies can be distributed according to the equilibrium proper to each Federation' (Morin 1965: 147).

The main obstacle to the claim of a 'foreign federated state policy' lies less in the national interest variable - since there are 'sub-state' nations - than in that of sovereignty. Introduced, theoretically in its political and legal sense, by Jean Bodin in the sixteenth century, the idea of sovereignty was originally defined as an 'indivisible, supreme, absolute and inalienable power (Mortier, 2011: 8)'. As a result of the Peace Treaties of Westphalia in 1648, this absolutist doctrine was embodied in the idea of a State conceived as the ruler. In the centuries that followed, the sovereignty of the State was less and less dissociated from the sovereignty of the nation and the people, the nation being here the source of sovereignty (Greenfeld, 1992: 487). The conception of national sovereignty – strengthened by the American and French revolutions, and of the principle of self-determination of peoples introduced by Kant - ended up being incarnated by the nation, the people and the State. From there, the nation-state was assumed to be the sole holder of this absolute, inalienable, indisputable and indivisible power of sovereignty. However, the principle of indivisibility always had its critics, particularly from liberal theories, advocates of free trade and economic unions and international trade organizations (Krugman and al., 2012: 314-315).

From a legal point of view, Patry (1983) defined the sovereignty of the State from two complementary principles namely autonomy, for its internal aspect, and independence, for its external aspect. By autonomy, the state enjoys the *summa potestas*: it exercises on its territory a supreme authority in relation to its components, which appear as secondary

groups. Its competence is discretionary. Its authority is immediate: there is no intermediary between the issuance of the norm by the state and its reception by the individual. By independence, the state benefits from the *plenitudo potestatis*. It maintains direct relations with other States and deals with each of them on an equal footing. It is not subject, without its consent, to the control of any of them and assumes on its territory, in accordance with international law, the exclusivity of authority and coercion (Patry, 1983: 18-19). To assume, as Patry does, that the 'foreign policy' object requires sovereign actors and that sovereignty is indivisible, is to pose a serious obstacle to the very notion of foreign policy for non-sovereign states.

Even in legal theory, however, the imperative of sovereignty with respect to 'foreign policy' can be qualified by the legal principle of 'immediacy of the addressee' (Lejeune, 1984: 369), which considers that the actor concerned has direct access, without intermediary, to certain international qualities. If the raw idea of sovereignty is indivisible, the idea that jurisdiction - that is, autonomy in constitutional law - can be shared between a federal state and federated states, potentially represents the missing equation to solve the problem. A federated state can form a jurisdiction, though it does not exercise sovereignty. It can exercise a form of constitutionalized international autonomy, that is to say a recognized and therefore legitimate external capacity. This recognition is a matter of internal constitutional powers. From a regulatory-constitutional point of view, constitutions embody the supreme instrument of States, which are themselves recognized as the basic units of the international system. The constitutionalization of an international capacity confers an international immediacy to the federated entities concerned. It also provides a sort of moral guarantee, in international relations, to sub-state states whose international action is recognised by their federal state of attachment.

In sum, in this section we have made as coherent a case as possible for justifying the international activity of the federated Quebec state in terms of foreign policy, relying in part on the declarations of Quebec's leaders, in part on the evolution of international law. This generous case comes up against powerful obstacles that demarcate the limits of federated foreign policy influence in federal and confederal states, the object of conclusion.

5. Conclusion

The article is organised around a key two-dimensional

research question: first, does the turbulence of the world order create new spaces for sub-state governments? Second, how best ought we to conceptualise the international activities of federated states?

In response to the first part of the question: the case of Quebec represents an accurate description of foreign policy in a post-Westphalian context, where state boundaries and capacities have dissipated and fragmented and where international organisations perform an increasingly important role in foreign policy. Herein lies the tension that the article has sought to elucidate. But in relation to the second part of the question, Quebec has operated more often than not as part of a broader influence for shaping the foreign policy of Canada as a whole, particular in the field of homeland security, coping with natural disasters, protecting Canadian interests in the Arctic and even as part of a broader north American security dialogue. On balance, Quebec has contributed to the overall foreign policy capacity of the federal Canadian state. It has helped to shape a public foreign policy good. But its claims in the field go beyond a distinctive contribution to broader Canadian foreign policy aims: they aspire to a form of autonomy, if not independence. Hence, a mixed evaluation is required.

How best ought we to understand this hybrid stance? We criticised paradiplomacy, as presently constituted, for the failure to distinguish between types of sub-state actor. Mapping the core precepts of the state's foreign policy and applying them to Quebec brings an advance towards more precision, but it is still not strong enough to classify Quebec as a stand-alone international actor. In terms of the core parameters of foreign policy, Quebec represents a hybrid case. It can – and does – claim to represent a state, centered on a nation (understood as a cultural community) and an affirmative political doctrine (Gérin-Lajoie). It also claims to share sovereignty through the legal mechanism of the 'immediacy of the addressee', whereby the federated state ought to have direct access to the matter of international affairs, without having to seek the approval of the Federal State (Margueritte and Prouvèze, 2016: 172). From the above discussion, federated states can aspire to a foreign policy provided external competencies are recognized and authorized by the higher instrument of the state constitution. Their claims are strengthened if they can claim a national character and demonstrate a national interest.

The federated state's claim is to see foreign policy as an 'external dimension of domestic politics (Nossal

and al., 2015: 3)', and, as such, its content ought to be specific to each federated national government'. But this belief runs against certain constants of the international order (based on the mutual recognition of states in international organizations) and the norm whereby the Federal State will make an authoritative claim for foreign policy sovereignty. Hence there remain deep controversies in principle in relation to interpreting the practice of shared powers in federations. The Gérin-Lajoie Doctrine has never been recognised by the Canadian federal government. In the international order, federated entities in foreign policy exercise at best a 'constitutionalized external autonomy', whereby some competencies are attributed to them by federal states.

The case of Quebec reveals that self-identified nationhood does not necessarily mean that a state or stateless nation is able to carry out foreign policy. One of the paradoxes that any theory of the International Relations of federated states must address is the following: the federated state seeks to define itself in terms of classic state attributes, such as the nation, the people and sovereignty, rather than simply as an international player. Hence it depends on a Realist-type argument centred on the essential qualities of states and the central category of the state, somewhat against the trend of recent approaches in International Relations theory. This claim must be made in order to distinguish international relations from looser forms of international actions/cooperation (which do not imply states). Framed in this manner, however, the federated states rely on recognition of their claims from the broader international community of states and their international organisations. In none of the examples considered except the specific case of Belgium has the constituent state shown much inclination to recognise the state-like quality of a component or successor state, which would be a precondition for recognition by the international system itself. The argument, ultimately, is a constitutional one: states will be recognised as international actors insofar as they are vested with domestic constitutional authority- and in this respect there is a gap between transnational policy relationships maintained by the Quebec government and the fuller status of a federal foreign policy. The Quebec case demonstrates the limits of heuristical categorisations that are, nonetheless, extremely useful in helping to understand when federated states undertake foreign policy – and when they do not.

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