

Cross-border cooperation and paradiplomacy in foreign policies of the V4 countries: a comparative perspective

Alexander Duleba

University of Prešov

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Understanding of CBC, paradiplomacy and the role of RLAs in international relations

academic discourse:

globalization (and glocalization) - Giddens (1999, 2002): two colliding forces of globalization: *upward force*, which diminishes the traditional state boundaries by creating an increasing interconnectedness among states, and the *downward force* (glocalisation), which encourages local entities to realize their own positions in the increasingly connected world and forcing states to provide them with channels to express their own interests

functionalism (and liberal school of IRs theories):

authority is linked to functions and needs - states' interdependence will increase in technical and economic areas where there are benefits to interconnectedness and integration; declining salience of national borders growing importance of (science, knowledge) and **non-state actors** in IRs forced a change in the concepts of sovereignty and nationalism affecting the role of the nation-states as the actors in IRs

European integration (policies and institutionalization) after WWII:

Council of Europe: (since 1949) - development of a "Europe without dividing lines" in the spheres of human rights, rule of law and democracy; special attention paid to local and regional governance, promotion of effective local democracy, citizens' participation and facilitated co-operation between local and regional authorities across political and geographical boundaries

European Union: (CBC) a pillar of the European integration since the adoption of the Single Act in 1989 and the launch of the INTERREG Program in the 1990s

CBC is central to the process of ameliorating ethno-national territorial conflict derived from the distinct lack of fit between modern state borders and ethnonational communities

??? don't we expect too much from CBC?

Hypothesis and an argument

Hypothesis:

In order to meet the expectations of the CBC's role in European integration, RLAs should be respected as independent CBC and paradiplomatic actors by the central governments of their home countries. They should have the right to act independently of central governments in the field of cooperation with foreign partners (at least within the EU).

Argument:

Otherwise, the cooperation of RLAs with foreign partners is a continuation of the foreign policy of the central governments and therefore, it's hard to expect it can bring the effect, which is generally expected to deliver (following the academic reflection and the CoE and EU policies)

Despite the common legal basis thanks to the Council of Europe conventions and the EU legislation in the field, the competencies of RLAs vary from country to country, including in the area of CBC. Similarly, the degree of their dependence on central governments in the area of cooperation with foreign partners is different

V4 countries are no exceptions

Panayotis Soldatos (1990) assumes that from the angle of intergovernmental relations, paradiplomacy can be classified into ***four principal patterns***:

1. ***Cooperative-coordinated pattern***. This model assumes regional involvement in international relations under a formal or informal coordination with the national government;
 2. ***Cooperative-joint pattern***. This formula means formal or informal inclusion of paradiplomacy within national foreign policy;
 3. ***Parallel- harmony pattern***. This model presumes that regional governments act independently in the international arena in accordance with their competency, at the same time, however, their actions are harmonized and do not contradict national foreign affairs; and
 4. ***Parallel-disharmony pattern***. In this case regional authorities' external actions oppose national government policy. The central government has no administrative power mechanism to control subnational entities' performances in the international arena and in its essence paradiplomacy de-facto shifts to diplomacy
- how are things in the V4 countries? Let us try to compare the conditions for regional paradiplomacy in the V4 countries on the basis of the following criteria: ***competences, geographical predispositions, European policy, government control and government support***

(Almost) similar competences

public administration reform as part of post-communist transformation

Constitutions SK (1992), CZ (1993), and PL (1997) - provisions for the establishment of ***higher territorial units*** in the form of self-governing regions

Constitution of Hungary of 1949 amended in 1989 treated ***regional (county) self-governance as part of system of local government***.

Laws on the establishment of self-governing regions (plus related laws on transfer of administrative competencies and fiscal decentralization): PL in 1998, CZ in 2000 and SK in 2001

HU: public administration reform implemented between 2011 and 2013 has taken a different direction compared to the other three V4 countries, and, in particular, regarding to the establishment of the higher territorial units of self-governance

CZ, PL and SK: regulation of competences is similar; there are specific singularities, but not fundamental differences: regional and land development, including spatial planning, secondary (higher) education, social services, environment, regional road network and public transport, health care services (hospitals), tourism, culture, sport, youth, public safety, including prevention of criminality, civil protection, fire safety and other matters delegated by central authorities .

HU: public administration reform (adoption of the Fundamental Law of 2011 and the new Act on Local Government in effect from 2013) reduced functions and financing resources of subnational governments, including at county level. In parallel, new state administrative structure in the form of 197 districts was , including the districts of Budapest. These new central government offices took over many functions exercised previously by municipalities and are also in charge of subnational governments' legal and financial supervision. Nevertheless, counties are responsible for regional development and are authorized independently shape their international relations in the framework of voluntary (not mandatory) tasks.

Rights to cooperate with foreign partners

incorporation of European legal framework into national legislation (a common background in the field):

Council of Europe

Madrid Convention of 1980 together with its additional protocols

European Charter of Local Self-Government of 1985

Madrid convention incorporated into national legislation of PL in 1993 and HU in 1994 followed by CZ and SK in 2000

European Union

Regulations on European Structural and Investment Funds (since 1993)

Regulation on European Grouping of Territorial Cooperation (EGTC) (2006, amended in 2013)

EGTC Regulation transposed into legislation of SK and PL in 2008, followed by CZ in 2009 and HU in 2014

regions gained the right to establish and develop cooperation with foreign partners, in particular with self-governing regions of other countries or state authorities of other countries that perform functions of regional territorial governance, including the right to become members of international associations of regions.

the above rights apply to cooperation within the scope of their administrative competencies defined by national laws on their establishment

Geography matters

data (on area and population) show that

PL regions (16 voivodships – classified at NUTS2 level) are about twice as large in average as CZ regions (14 regions [*kraje*], including capital city of Prague – NUTS3) and about three times larger than the SK regions (8 regions – NUTS3 [*kraje*]) and HU counties (19 counties [*megyék*]), including capital city of Budapest – NUTS3)

CZ regions are in average about twice as large as SK and HU ones.

size and “political weight” at home and abroad

larger regions with higher economic and population potential are ***more attractive partners*** for cooperation from the perspective of foreign partners

the greater economic and population potential of the regions, the stronger is their ***capacity to influence government decision-making at home country***, and consequently, this also pre-determines their capacity to develop paradiplomatic activities

European policy

access to the management of EU structural funds

PL voivodships are classified at NUTS 2 level: “basic regions for the application of regional policies”

CZ, HU and SK regions are classified at the NUTS 3 level: “small regions for specific diagnoses”

PL: 41.5% of Operational Programmes of the EU funds for Poland in the financial perspective 2014-2020 were managed at the regional level (**16 regional OPs plus a specific regional OP Eastern Poland**)

HU: county authorities have a direct access to the management of the Territorial and Settlement Development Operational Programme, **which is a centralised integrated programme, however, managed by county authorities at regional level**

In CZ and SK: **one integrated regional OP managed by government ministries**

representation in Brussels

Partnership Agreement is negotiated in the triangle “European Commission - national government – regions”: promoting regional interests towards both the national government and the European Commission.

All PL voivodships operate their regional offices in Brussels

About half of CZ and SK regions are present in Brussels

4 HU counties are present in Brussels

in European policy, the CZ and SK regions can achieve less than their PL and HU counterparts. This is one of the main elements which make a difference between regional paradiplomacies of the four Visegrad countries.

Government supervision

Similar regulation: international cooperation of regions must not conflict with the constitution, laws, international agreements and obligations of the country and/or public interest

PL

- MFA approves planning documents and agreements with foreign partners before their conclusion
- Voivode (appointed by Prime Minister) ensures legality supervision
- (informal outcome) regions are motivated to consult with state administration, including MFA, on an ongoing basis in order to avoid misunderstandings

HU

- counties are free to initiate cooperation with foreign partners, however, their paradiplomatic activities are supervised by the government (Minister responsible for local governments through the Government Office), which ensures legality supervision
- regions have a reasoned motivation to consult the state authorities on an ongoing basis in order to avoid eventual misunderstandings.

CZ and SK: no direct competence of state authorities to supervise or intervene

- regions have no duty (formal or informal) to consult neither their international agreements nor their preparation
- there is no mechanism of supervision of central government on paradiplomatic activities of regions
- any obligations on regions may be imposed only by law or international agreement, and their paradiplomatic activities can only be terminated by a court decision.

SK: district state offices register international agreements of regions, and if they find that they are in violation with the law, they can initiate proceedings before a court, which, consequently, may oblige a region to terminate its international cooperation

CZ: no mechanism specified in national legislation

Government efforts to coordinate and/or support

PL: a high level of government efforts to coordinate international cooperation of regions through institutionalized dialogue:

- Working Group for International Affairs under the Joint Government and Territorial Self-Government Commission.
- nevertheless, it cannot be concluded that cooperation between the government and regions in the field is of a systematic nature

HU: similar as in PL with focus on supporting ties with Hungarian minorities in neighboring countries

- number of local and regional twinnings with ethnic aspects that are financially supported by the state (via the Bethlen Gábor Fund), but in many cases, these activities are controlled or promoted by the central government and follow the national agenda, in which Hungarian minorities play an important role.

CZ, SK: cooperation and dialogue has only a sporadic and ad hoc character and does not show elements of the government's efforts to coordinate foreign activities of regions with foreign policy of the state.

CZ: in 2007, MFA signed a Memorandum on Cooperation in European Affairs with the Association of Regions of the Czech Republic

in 2017, A Memorandum between MFA and the Association of Regions of the Czech Republic on cooperation in the area of economic diplomacy; however, it is not implemented

SK nothing like, no attempts to set up a dialogue by MFA

secondary legislation (regional development/cross-border cooperation and tourism): more intense cooperation with other ministries (MIRDI and MTC), not MFA - obliges ministries to co-fund: agencies for regional development and promotion of tourism; cover costs related to co-financing of CBC projects

Models

PL, HU

a state-centred model

government can intervene into international cooperation of regions and seeks for formal or informal inclusion of regional paradiplomacy within national foreign policy

Soldatos (1990) „Cooperative-joint pattern“ or *Cooperative-coordinated pattern* (formal or informal inclusion of paradiplomacy within national foreign policy)

but, direct access of regions to the management of EU structural funds

CZ, SK

a liberal model

regional governments act independently in the international arena in accordance with their competences, at the same time, however, their actions are harmonized and do not contradict national foreign policy

Soldatos (1990) „Parallel- harmony pattern“

but, limited and non-direct access of regions to the management of EU funds

in theory

a region-centred model (?)

regions would retain their independence from central government in developing cooperation with foreign partners, and at the same time central government's resources would serve paradiplomacy of the regions in all, not just selected, areas (as it is in case of a secondary legislation of Slovakia)

and direct access of regions to the management of EU funds☺

Conclusion:

if paradiplomatic activities of RLAs are only a continuation of the foreign policy of central governments, we should not expect them to change anything fundamentally in relations between nation states

Thank you for your kind attention !