

# The Development of International Relations Conducted by Subnational Governments: Exploring Paradiplomacy in Federal and Unitary States

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A Dissertation

Presented to

The Hague University of Applied Sciences

Faculty of Management and Organization

In Partial Fulfillment

of the Requirements for the Degree of

Bachelor of Arts

in

European Studies

March 1, 2021

Word count: 11,160

### **Executive Summary**

Paradiplomacy is a recent phenomenon in the field of international relations that entails the decentralization of political power, causing subnational governments to develop international relation. This development is most notable in federal states, since federalization allows for certain autonomy and legislative competences of the federated units. However, this same development has recently also become apparent in unitary states, where subnational governments generally do not enjoy these competences. As a result, the central question as to how paradiplomacy emerges in federal and unitary states and what distinctions can be made of the emergence of paradiplomacy between these different governmental structures is raised. The objective of this dissertation is therefore to provide a better understanding of the emergence of paradiplomacy in federal and unitary states. In order to find explanations, a qualitative approach was applied, providing an explanatory framework, two descriptive case studies and a comparative method. The descriptive case studies were conducted on the federal state of Germany and the unitary state of France. The explanatory framework was used to formalize the data from the descriptive case studies to consequently apply the comparative method to, namely the Most Similar Systems Design. This comparative method identified the distinctions, which were further analyzed and concluded. The results of this dissertation conclude that federal states are more prone to lose control over paradiplomatic development, causing unequal foreign representation of the federated units. In contrast, this development is more uniform in unitary states because of the central government's ability to control and monitor subnational foreign action. It is noted that decentralization in unitary states is vital to bring about paradiplomatic development, as some competences need to be delegated from the national to the subnational level. Furthermore, the attitude of national and regional politics towards paradiplomacy may further influence the extent to which a subnational government can act internationally. Regional politics especially plays a role in federal states, as it directly affects the paradiplomatic activity of the designated region. Nonetheless, the development of paradiplomacy in federal and unitary seems to be similar in that the provision of federalization or decentralization, institutionalization of paradiplomatic opportunities and relevant legislation is required. This dissertation therefore demonstrates that the development of paradiplomacy is quite similar in federal and unitary states, but the implications it has are different according to the competences of a region to engage in international activity. The main limitation of the data is, however, that every state undergoes a unique road to paradiplomacy. The assertions of this dissertation therefore provide a better understanding and a general assumption of the emergence of paradiplomacy in federal and unitary states but cannot provide a total accurate assumption for other states.

*Keywords: Paradiplomacy, Decentralized Cooperation, International Relations, Foreign Affairs, Regionalization, Subnational Governments, Local Authorities*

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**List of Abbreviations**

The following abbreviations were presented:

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EU	European Union
CoR	European Committee of the Regions
BL	Basic Law
LA(s)	Local authority/authorities
MSSD	Most Similar Systems Design
GIZ	Agency for International Development Cooperation
DSE	German Foundation for International Development
ODA	Official development assistance
SKEW	Service Agency Communities in One World
BMZ	Federal Ministry for Economic Cooperation and Development
CGCT	General Code of Territorial Units
CNCD	National Commission for Decentralized Aid
AFD	French Development Agency
CUF	French United Local Governments
AFCCRE	French Association of the Council of European Municipalities and Regions

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## 1. Introduction

The conduct of international relations was traditionally thought to be an exclusive privilege of the state. However, the past decades have demonstrated a paradigm shift in this belief. Paradiplomacy is a relatively new concept in the study of international relations. It is described by Lecours (2008), a Clingendael Institute researcher, as the decentralization of political power or administrative responsibilities that entails a phenomenon of substate governments to develop international relations (p. 1). This is to say, emerging subnational entities have gained the capacity to enforce foreign policy that is therefore no longer solely enjoyed by national governments. To illustrate, the subnational government of São Paulo (Brazil) has recently signed a direct bilateral agreement with the United States (Mais Unidos, 2020), demonstrating a shift to decentralized foreign affairs. More specifically, this shift has become evident in city governments: the advent of globalization has caused cities to play a growing role in international relations. Historian Wilson (2020) explained in his book *Metropolis: A History of the City, Humankind's Greatest Invention* that the division between metropolises and villages has become deeper in many modern societies. Moreover, the divergence of major cities has not merely been economic, but also cultural, political, and social (p. 3). Consequently, to conduct research on paradiplomacy has become vital to understand this growing power of subnational governments.

Theoretical conceptualizations of paradiplomacy have become more comprehensive. However, the fundamental factors as to how paradiplomacy is established and what distinctions can be made between the emergence of this phenomenon in federal and unitary states remain indefinite and understudied. Many studies that have investigated paradiplomacy derive information from a singular case, which often is a federal state. This is because paradiplomacy is most prevalent in federal states, since substate governments enjoy greater autonomy. Nonetheless, it is known that paradiplomacy started to flourish in many unitary states, e.g., France, as well. This raises questions about the universal applicability of current theories: more specifically, how is paradiplomacy established in federal states compared to unitary states? Therefore, it is of importance for the study of international relations to address and to further study this phenomenon. This dissertation focuses on two primary cases, which are Germany as a federal state and France as a unitary state. Thus, the aim of this dissertation is to address and investigate the current gap in paradiplomatic theory.

### 1.1 Research Question

In order to explain the increased shift to decentralized foreign affairs, the following research question was designed: “What are the distinctions between the emergence of paradiplomacy within federal and unitary states?” Accordingly, four sub-questions were compiled. Firstly, what is paradiplomacy and how has this concept developed historically? Secondly, what theories can be deducted as to how paradiplomacy is established? Thirdly, how is paradiplomacy established in Germany as a federal

state? Lastly, how is paradiplomacy established in France as a unitary state? With these questions and descriptive case studies from Germany and France, this dissertation seeks to find answers regarding the development of paradiplomacy and how it emerges in states with different governmental structures.

## 2. Literature Review

### 2.1 Paradiplomacy and Its Development Through History

In the Encyclopaedia Britannica, Freeman & Marks (2020) described diplomacy as the chief, yet not the only instrument of foreign policy that focuses on influencing the decisions and behavior of foreign governments and peoples through communication short of war or violence (para. 1, 4). To contrast this, paradiplomacy entails the decentralization of foreign policy, meaning that subnational governments have gained the ability to enforce their own foreign policy. Hence, despite its name may suggest, it is important to note that paradiplomacy is not limited to the conduct of diplomatic relations, as diplomacy typically focuses on the process of negotiations to maintain peace. More precisely, paradiplomacy signifies the conduct of international relations by a substate government that has the ability to enforce its own foreign policy (Soldatos, 1990; Lecours, 2002; Criekemans, 2008; Keating & Aldecoa, 2013). Consequently, decentralized foreign policies may have various objectives and motives, depending on the interests of the subnational actor.

The concept of paradiplomacy was initially mentioned in the work of diplomatic historian Rohan Butler (1961). Yet, articles from researchers Duchacek (1984) and Soldatos (1990) incorporated paradiplomacy into the mainstream study of international relations. The term “paradiplomacy” was used as an abbreviation of “parallel diplomacy”, which was conceived by Soldatos (1990) as “direct international activity by subnational actors supporting, complementing, correcting, duplicating, or challenging the nation-states’ diplomacy” (p. 46). Interestingly, he noted that subnational actors engaging in international activity could challenge a state’s diplomacy. For example, a subnational government could have a foreign policy that interferes with the central foreign policy of the state. This suggests that paradiplomatic development may not be desirable for the state, nor that they expressively opt for this development. Furthermore, Soldatos (1990) elucidated that this direct external activity is typically autonomous, i.e., federated units have an own domestic “foreign service” and channels of communication in the international sphere. These units have established an own corpus of foreign policy objectives and strategies and devote important financial resources to its paradiplomatic competences (p. 51). To illustrate this, a relevant example is the representation of the German *Länder* (lands) in the European Union (EU), in Brussels.

Professor Cornago (1999) from the University of the Basque Country redefined paradiplomacy in the dynamics of international security as “non-central governments' involvement in international relations through the establishment of permanent or ad hoc contacts with foreign public or private entities, with the aim to promote socioeconomic or cultural issues, as well as any other foreign dimension of their constitutional competences” (p. 40). This definition implies that any foreign dimension can be addressed through paradiplomatic means as long as it lies within the constitutional competences of the substate unit.

It was argued by researcher Fernández (n.d.) that the first signs of paradiplomatic development emerged after the Second World War, when European local governments started to sign bilateral agreements with German local governments to promote peaceful coexistence and to reconstruct the continent (p. 12). This could be a valid observation if it only considers the contemporary world. However, it seems reasonable to suggest that decentralized foreign affairs dates back to the ancient world. For example, around 550 BCE, Greek city-states already conducted diplomatic relations with Egypt and sought to influence others' policies by establishing commercial and apolitical relations (Freeman & Marks, 2020, para. 20–21). In recent years, severe globalization has caused interdependence between local governments and their central government to fulfil their interest in international cooperation. This subsequently led to a process where subnational governments developed greater autonomy in order to strengthen their ties in the international sphere, albeit for political, economic, environmental or other motives (Salles & Santos, 2014, p. 174). As a result, paradiplomacy has increasingly become present in modern society.

## **2.2 Paradiplomatic Theories and Their Intertwinement**

Early endeavors to identify factors of subnational foreign activities and to create explanatory frameworks were indefinite but played a significant role in the understanding of the subject matter today. Soldatos (1990) designed an explanatory framework for substate foreign activities that presented certain determinants of paradiplomatic activity. His framework consists of domestic determinants on the regional level (e.g., objective segmentation, asymmetry of federated units, growth of federated units), domestic determinants on the federal level (e.g., federal errors/inefficiency, institutional gap, constitutional uncertainties) and external causes (e.g., global interdependence, involvement of external actors, regional interdependence). Furthermore, he externally listed favorable conditions, including “personality of the leaders, historical and cultural elements, socio-political climate, geographic position and resources, supportive paradiplomacy of the federated units' cities, and legislation promoting foreign action” (pp. 44–51). In a research from Bursens & Deforche (2010) in *The Hague Journal of Diplomacy*, they stated that Soldatos' framework is relevant, but it fails to provide hypotheses that can relate a condition to a particular type of paradiplomatic activity, leading to uncertainty regarding its viability (p. 155).

Michelmann & Soldatos (1990) distinguished certain types of motives for paradiplomacy in their book *Federalism and International Relations: The Role of Subnational Units*, namely economic, political, cultural, and environmental motives. However, they likewise do not provide hypotheses in order find relations between certain paradiplomatic activities and mentioned motives. Nevertheless, the constitutional and institutional setting of the federal country was also considered to be an important determinant. It is noteworthy that paradiplomacy was typically associated with federalism in early research.



Professor Keating (2000) explained in his research that regions are complex entities containing groups which may share some common interests but may sharply be divided on other issues. In countries with strong devolved governments, the necessity to fit their own activities into a world predominantly ruled by national governments and transnational organizations remains. In addition, he mentioned three kinds of motives for regions to engage in paradiplomatic activity: economic (the search for trade or investment), cultural (the search for linguistic or cultural support in the international sphere), and political (the search for recognition and legitimacy) motives (para. 2). These motives correspond with the earlier mentioned motives of Michelmann & Soldatos (1990). Keating (2000) noted that economic motives have undoubtedly provided the strongest motivation for paradiplomacy in recent years, since centralized regional development policies have declined as a result of globalization. Hence, regions seek foreign inward investments (para. 7). Concerning cultural motives, he explained that regions with their own language often have common interests across state boundaries, for instance, German speaking regions in Europe. He stated that in cultural or language communities, there is an incentive to pool resources and to maintain a unity, while also seeking recognition for their cultures or languages (para. 6). Keating (2000) clarified that the most direct political motivation for regions to seek international action is for those with national aspirations or governed by parties seeking sovereign statehood, also known as “protodiplomacy”; e.g., Quebec, Catalonia, Scotland, the Basque country, and Galicia (para. 3). However, his findings were not presented in a theoretical framework, nor are there composed hypotheses that test the paradiplomatic capacity or type of foreign policy activity of a region. Nonetheless, he indicated political reasons related to finding recognition and gaining legitimacy, which can be linked to a nationalistic dimension of paradiplomacy.

The nationalistic dimension of paradiplomacy was investigated by researchers Lecours & Moreno (2001). They created a theoretical framework in which three processes relate nationalism to paradiplomacy. Namely, national identity construction and consolidation, definition, and articulation of regional interests, and mobilization of societies. The first process of their framework can be understood as shaping national identity by means of various paradiplomatic activities, such as cultural exchange. The second is related to emphasizing political and cultural distinctiveness that is expressed by common, regional interests that could be contradictory to a state’s interest. An example of this could be national aspirations of the Basque country, interfering with state’s interest. The third process is a form of power politics that is oriented on the political mobilization of regional societies based on commonness. That mobilization gives regional leaders a prestige that can be used as leverage in negotiations on constitutional and institutional change (pp. 2–5). Even though this dimension cannot explain all the possible motives for regions to engage in international activity, it may in particular cases explain why they do so.

Paradiplomacy also became part of security studies. Researchers Pietrasiak et al. (2018) argued that international cooperation of regions was perceived as a potential instrument for reduction

of the transnational dimensions of ethnic conflict. Professor Cornago (1999) exemplified the conflict concerning the rights of the German-speaking minority in the Italian part of Tyrol. The cooperation between authorities of both Austrian and Italian border regions played a vital role in the settlement of this difficult ethno-political issue (p. 43). Thus, the issue of security and conflict can additionally be deemed a motive of paradiplomacy.

### **2.3 The Question of the Universal Application of Current Theories**

It is important to mention that according to Keating (2000), there is another factor that may explain how a region or city engaged in international relations: namely, through institutions. According to the Encyclopaedia Britannica, institutionalism entails an approach that emphasizes the role of institutions (Barkanov, 2020, para. 1), which in the context of the subject matter tries to explain the emergence of paradiplomatic activity through institutions. Likewise, Bursens & Deforche (2010) endeavored to make an explanatory framework for paradiplomacy from an institutionalist view. Their research was based on a singular case that illustrates Belgium's paradiplomacy, which has a broad institutionalist history as a federation. However, this approach may not be applicable to investigate paradiplomatic activity in countries with a narrower institutionalist history or with other governmental systems like unitary states. Moreover, the motives from an institutionalist perspective for paradiplomacy to arise may differ from the ones that other countries have experienced. Pietrasiak et al. (2018) noted that motives as to why paradiplomacy emerges usually overlap in various combinations, as subnational governments are seldom determined by merely one aim in its international activities (p. 31).

Lecours (2008) noted that substate governments may barely conduct paradiplomatic activities in unitary states, since federalism and decentralization allow for formal power and legitimacy of these substate governments (p. 8). However, cases of paradiplomacy in unitary states have increasingly emerged in the last decades. For instance, France, as a unitary state, has undergone considerable paradiplomatic development. An explanatory framework to investigate how and why this development took place and how it differs from decentralized federal states is vital to conduct a comparative analysis. Auspiciously, researcher Kuznetsov (2015) created an elaborate template in his book *Theory and Practice of Paradiplomacy* for other researchers to conduct a study regarding cases of paradiplomacy. This theoretical framework aids in finding the grounds to which paradiplomacy was established, while remaining applicable for cases regardless of its governmental structure or institutionalist history. Despite the interesting theoretical framework from the institutionalist perspective provided by Bursens & Deforche (2010), Kuznetsov's (2015) framework can be considered more universally applicable.

## **2.4 City Diplomacy**

In today's world, many subnational entities have gained the ability to engage in international relations. Consequently, in addition to regional governments, some city governments have undergone the same paradiplomatic development. As a result of cities' economic, political, cultural, and social divergence, their power and economic importance have grown substantially. Researcher Kihlgren (2020) stated that economic development is the strongest driver of so-called "city diplomacy", which usually gets the broadest level of regional and national political support. He further explained that this economic city diplomacy primarily aims to provide cities with the tools in order to attract investments, companies, tourists, talents, students and international events, as well as to increase their international competitiveness (p. 1). To further contextualize this, Clingendael researcher van der Pluijm (2007) clarified that self-interest has become a driving force behind the international activities of cities and that for some cities it may be the only leading reason. This self-interest can generally be translated to the desire of economic gain (p. 15). In accordance with the findings of Keating (2000) regarding the predominant economic motive of regions to engage in international activities, it seems reasonable to suggest that this predominant motive applies to the majority of subnational entities in the international arena.

## **2.5 Theoretical Framework**

Bursens & Deforche (2010) argued that an institutionalist explanatory framework can illustrate the development of foreign policy powers of regions (p. 151). However, its limitations regarding the possibility of various motives of regions to go abroad have not been considered. Therefore, the extent to which an institutional perspective on its own can explain these various motives of regions to engage in international relations seems questionable, especially in unitary states where the development of paradiplomacy may differ from the one in federal states. Moreover, this explanatory framework was tested on the federation of Belgium, principally taking federal structures into account. Consequently, its universal applicability remains inconclusive. Nonetheless, the institutionalization of paradiplomacy remains an important factor.

More recently, Kuznetsov (2015) created a comprehensive template facilitating the study of international action from subnational entities. He based the creation of his explanatory framework on eleven dimensions of paradiplomacy that have been extensively justified in his book. The dimensions widely correspond with the considered paradiplomacy literature of this dissertation and the mentioned authors were accordingly combined with Kuznetsov's dimensions in Table 1. It is important to note that every dimension is relevant, as these were subsequently used to design six key questions that constitute the explanatory framework used in this dissertation.

**Table 1**

*An explanation and analysis of the eleven dimensions of paradiplomacy derived from Kuznetsov (2015, pp. 50–51).*

Dimension	Purpose
1) Constitutional dimension	To study national constitutions and other legal acts in order to identify the competences of regional authorities in foreign affairs, as proposed by Michelmann & Soldatos (1990), Soldatos (1990), Cornago (1999), and Kuznetsov (2015).
2) Federalist dimension and intergovernmental relations dimension	To understand paradiplomatic activities through the development of a federal system or intergovernmental relations (Michelmann, 1990; Soldatos, 1990; Kuznetsov, 2015).
3) Nationalism dimension	To perceive paradiplomacy foremostly as a factor to understand nationalist aspirations (Keating, 2000; Lecours & Moreno, 2001; Kuznetsov, 2015; Kamiński, 2018). This dimension relates to the earlier discussed concept of “protodiplomacy.”
4) International relations dimension	To regard paradiplomacy as a disruptor of the monopoly of national governments to perform international relations in the international arena, which is conceptualized in paradiplomatic theory as such.
5) Border studies dimension	To understand paradiplomacy through the general picture of political, economic, and social transformations that challenge geographical border regions (Keating, 2000; Kuznetsov, 2015). For this, various motives can be considered, yet the economic one has proven to be most prevalent in present paradiplomatic development.
6) Globalization dimension	To analyze paradiplomacy as a manifestation of the two global forces – regionalization and globalization (Kuznetsov, 2015).
7) Security and geopolitical dimension	To emphasize security and the geopolitical consequences of regional governments’ involvement in international relations (Cornago, 1999; Kuznetsov, 2015; Kamiński, 2018).
8) Global economy dimension	To understand paradiplomacy from an economic perspective as one of the most important motives of its emergence, described by Michelmann & Soldatos (1990), Keating (2000), and Kuznetsov (2015).
9) Environmental dimension	To regard paradiplomacy from an ecological perspective, focusing on subnational governments’ impact on international

	environmental regimes and standards (Michelmann & Soldatos, 1990; Kuznetsov, 2015).
10) Diplomacy dimension	To study whether subnational diplomacy may affect the central state diplomacy and what consequences this entails (Kuznetsov, 2015).
11) Separatist dimension	To study the emergence of paradiplomacy in non-recognized states. It entails the search for statehood and international recognition by subnational governments (de-facto states), for example Kosovo. (Kuznetsov, 2015). This dimension relates to the nationalistic dimension.

Kuznetsov's (2015) thorough observations of the eleven dimensions of paradiplomacy led him to compose six key questions that reflect all the mentioned eleven dimensions and aid in the discovery of causes of paradiplomatic activity in a country. These questions are summarized in Table 2. Furthermore, he listed possible variables for each question that can explain the development of paradiplomacy in a country. However, as explained in the Methodology, these variables were only used to identify the most prevailing ones in the particular state. In addition, a separate explanatory framework is provided for question E in Table 3, explaining different patterns of a central government's attitude towards paradiplomacy.

**Table 2**

*Questions and variables derived from Kuznetsov's (2015) explanatory framework.*

Question	Possible variables
A) What are the causes of the blooming of the paradiplomatic activities of regions?	A1) Globalization; A2) Regionalization; A3) Democratization; A4) Foreign policy domestication and internationalization of domestic politics; A5) Federalization and decentralization; A6) Problems with the nation-building process; A7) Central government insufficient effectiveness in foreign relations; A8) Asymmetry of constituent units; A9) Outside stimulus; A10) Regional leader/political parties; A11) Borders.
B) What are the legal grounds of paradiplomacy in the analyzed state?	B1) What is the level of legal permission of treaty-making with foreign actors granted by the national constitution/legal acts to regional authorities? B2) What are the constitutional requirements for consultations with subnational governments on foreign affairs issues?

C) What is the predominant motive of the government of the region to be involved in international affairs?	C1) Political; C2) Economic; C3) Cultural; C4) Cross-border housekeeping.
D) How has paradiplomacy been institutionalized?	D1) Regional ministry of Foreign Affairs; D2) Permanent abroad offices; D3) Official visits; D4) Exhibitions/forums; D5) Global and transborder multilateral regional networks; D6) Work within official central government delegations.
E) What is the attitude of the central government towards the paradiplomacy of the examined region?	<p><i>Perceptual dimension</i></p> <p>E1) Paradiplomacy as a challenge for the whole nation; E2) Paradiplomacy as an opportunity for the whole nation;</p> <p><i>Practical dimension</i></p> <p>E3) Cooperative-coordinated pattern; E4) Cooperative-joint pattern; E5) Parallel-harmony pattern; E6) Parallel-disharmony pattern.</p>
F) What are the consequences of the region's paradiplomacy for the development of the whole nation?	F1) Rationalization of the national foreign policy; F2) Democratization of the decision-making process in national foreign policy; F3) Disintegration of the state.

**Table 3**

*The two-dimensional explanatory framework of the central governments' attitude towards paradiplomacy of its constituent units (Kuznetsov, 2015).*

Perceptual dimension	Practical dimension
Paradiplomacy as a challenge for the whole nation.	<p>Cooperative-coordinated pattern. This pattern considers regional involvement in international relations under a formal or informal coordination with the subnational government.</p> <p>Cooperative-joint pattern. This pattern signifies formal or informal inclusion of paradiplomacy within national foreign policy.</p>
Paradiplomacy as an opportunity for the whole nation.	Parallel-harmony pattern. This pattern assumes that regional governments act autonomously in the international sphere according to their competency. However, their actions are harmonized and do not contradict national foreign affairs.

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Parallel-disharmony pattern. In this pattern regional authorities' external actions oppose national government policy. The central government has no administrative power mechanism to administer subnational entities' performances in the international sphere and in its essence paradiplomacy de-facto shifts to diplomacy.

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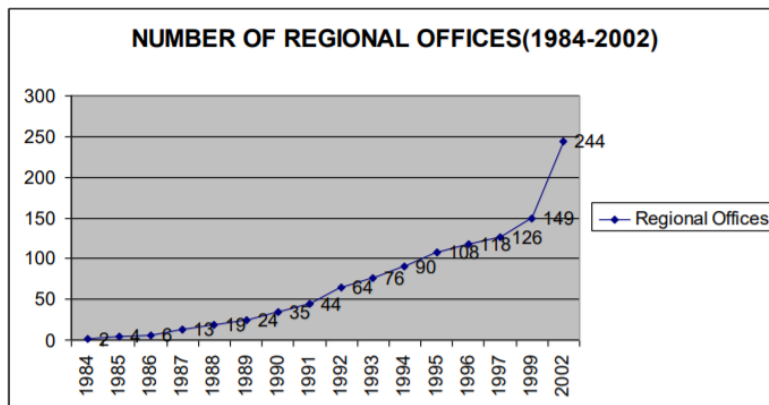
An investigation based on the above stated questions can provide answers as to how and why a subnational entity engaged in international activity. The questions are formed in a way that allows for a holistic view over the case and, moreover, incorporates the institutionalist assumption in question D that was advocated by Bursens & Deforche (2010). Kuznetsov's (2015) questions may seem broad, yet he incorporated all the discussed dimensions of paradiplomacy in his framework, on which further elaboration of its application is provided in the Methodology. Considering the comprehensiveness and correspondence of the proposed theoretical framework, this dissertation deems it a viable method to explore the emergence of paradiplomacy in federal and unitary states, as the framework does not contain limitations to exploring in unitary states.

## **2.6 Competences of European Regions**

The EU has created opportunities for regions to engage in activities, which were formalized by the Maastricht Treaty. Subsequently, according to Aldecoa and Keating (2013), regions started to establish offices in Brussels. These subnational representations have been growing substantially (see Figure 1) and by 2002, there were already 224 of such offices. Currently, there are over 300 regional representations in Brussels (Brussels Commissioner, n.d.). Maastricht also established the European Committee of the Regions (CoR), which gives regional and local governments a formal consultative role alongside the Economic and Social Committee, enabling them to comment on Commission proposals and Council deliberations as well as issues of general concern to regions. Furthermore, Maastricht provided a mechanism for some regional input by allowing regions in some instances to stand in for their respective states in the Council of Ministers. This clause, which only has applied to the three federal states of Germany, Austria, and Belgium so far, does not allow regions to represent themselves individually: the regions must first agree among themselves and, where national issues impinge, with the national government, on what their position will be. This does however represent an important breach in the principle that only national governments are represented in Europe, as where purely regional matters are concerned, it is the region that speaks for the state (pp. 6–7).

**Figure 1**

*Regional offices in Brussels derived from Magone (2006, p. 20).*



## 2.7 Paradiplomacy in Germany

As stated in Article 20(1) of the German Basic Law (BL), Germany is a federal state. It consists of 16 federal states (Länder), 401 counties (294 Landkreise and 107 kreisfreie Städte) and 11.054 municipalities (CoR, n.d.a, para. 1). Researcher Santos Neves (2010) explains that German Länder can act abroad, but with constitutional limits. Other European states, especially unitary states, generally intend to maintain central control. However, German Länder have shown tendency to operate outside the framework of cooperative federalism (p. 12). Therefore, the German regions have used their right to differentiation to define and pursue their own interests. To exemplify this, Länder like Baden-Württemberg and Bavaria developed a considerable degree of external autonomy by establishing several representation offices in all continents (p. 21).

Other examples are the decentralized cooperation agenda of German regions. There are numerous decentralized partnerships in the field of environmental cooperation between Germany and the United States: California and Bavaria (1995 and 2000), Wisconsin and Bavaria (1998), Maryland and Schleswig-Holstein (2002) and California and North Rhine-Westphalia (2004). These partnerships provide a clear illustration of subnational foreign policy, focusing on the global environment in this case (Ralston, 2013). In addition, to hone in on the decentralized cooperation activity of Länder, Stuttgart joined the European coalition of towns and regions PLATFORMA. Other European countries have notably been more involved in decentralized cooperation projects, which can be explained through the fact that there is no federal government program for this: the support for Länder comes from national development agencies like GIZ and Länder/local programs (Smith, n.d., pp. 8, 58).

Nevertheless, sister city partnerships could also promote friendly exchanges. Likewise, Guangzhou discussed and signed a declaration of cooperation with Lyon, Frankfurt, and Birmingham in the field of economy as well as culture and education, called the Guangzhou 2016



Plan. This type of multilateral cooperation between subnational governments can be perceived as a sound example of paradiplomacy (Pietrasiak et al., 2018, pp. 120–121).

## **2.8 Paradiplomacy in France**

France is a unitary State organized under the 1958 Constitution, consisting of 18 regions (13 metropolitan and 5 overseas regions), 101 departments and 35.358 municipalities (CoR, n.d.b, para. 1). France moved from a highly centralized system of government to a process of slight decentralization since 1982, when limited autonomy was granted to local authorities (LA). There are several constitutional provisions that enshrine France's territorial framework and power distribution (Copsey & Rowe, 2012, p. 37).

It is important to consider that the region of Île-de-France is richer than most countries, being in the top 30 national, state, and municipal GDPs in the world (Tavares, 2016a, p. 4). As a result, a region with such power logically desires to exert its presence internationally. As earlier described, one of the ways to do this is to form friendly cooperation agreements with other subnational governments. France is one of the most active countries apropos of decentralized development cooperation: the country works closely with PLATFORMA to create mutual benefits on a decentralized basis. For example, the region of Île-de-France has signed cooperation agreements with numerous countries around the world to participate in their economic development and assist in other issues like urban planning, health, or education (Région Île-de-France, 2020). Smith (n.d.) furthermore describes in a PLATFORMA report a 3-year agreement between Lyon and Ouagadougou in 2010, in which Lyon assists in enhancing control over territorial development in Ouagadougou. Themes like urban planning, economic development, and culture characterize this cooperation project (p. 21). Another interesting project was established between Lower Normandie and Atsinanana; although Madagascar had been going through a national political crisis, this decentralized cooperation project concerning territorial development shows that regional governments are capable of working together effectively, even if a country is “blocked” at the central level (pp. 30–31).

Decentralized cooperation has also been extensively used between French and Argentinian regions. For example, in 2011, an Economy Cooperation Agreement was signed between the Mendoza Province and Rhône-Alpes Region, monitoring environmental practices, university exchanges, viticulture and tourism (Argentinian Embassy in France, 2014, p. 9). The economic motive of these practices remains prevalent, but other development issues are additionally addressed.

### 3. Methodology

In the study of paradiplomacy, a qualitative approach is preferred, as this phenomenon is hard to quantify. According to Kuznetsov (2015), the prevalent argument for qualitative supremacy is the difficulty of inventing quantitative methods relating to paradiplomacy; indexes of the latter are underdeveloped due to the lack of research (p. 11). As a result, a quantitative approach is less appropriate. This dissertation was therefore based on qualitative research and two descriptive case studies, focusing on a federal and unitary state. However, some statistical data was used to support the qualitative data. The evidence used for the descriptive case studies was derived from researches, of which most have been published in academic journals and libraries like JSTOR and SpringerLink. However, other sources like national constitutions and governmental data were also consulted in order to provide insights into legal aspects and policies regarding paradiplomacy. Hence, a legal framework analysis and policy analysis were conducted. Consequently, in accordance with Kuznetsov's (2015) explanatory framework, the evidence from the descriptive case studies was used to answer the six key questions that were based on the eleven principle dimensions of paradiplomacy. Lastly, the Most Similar Systems Design (MSSD) was applied as a comparative method to identify the distinctions between the emergence of paradiplomacy in Germany and France. The distinctions were finally analyzed and concluded to provide an answer to the research question.

Table 2 summarizes Kuznetsov's (2015) explanatory framework and shows various possible variables of the six key questions as to why and how paradiplomacy is established, which were contemplated through the author's own elaboration. However, this dissertation did not aim to scrutinize every possible variable, but rather to find the ones that prevail in the particular state. The fifth question regarding the central government's attitude towards paradiplomacy of its constituent units was separately clarified in Table 3, which demonstrates a two-dimensional explanatory framework to answer question E. Moreover, the legal framework analysis was crucial to answer question B, and the policy analysis was used to answers questions C, D and E. The results were consequently used for the MSSD to consequently provide a comparative analysis of the countries.

Furthermore, two countries were chosen to conduct comparative research on. This dissertation used cases from Germany as a federal state and France as a unitary state. These states were deemed appropriate to be compared, since their governmental structures are fundamentally different. Yet, they are on the same continent and roughly share the same Western democratic norms and values, as opposed to other states like China or Russia. A comparison between one of the latter states and a Western state may therefore be less appropriate, as it could result in an answer that does not represent the generality that this dissertation sought. Subsequently, a language barrier was anticipated as a possible limitation of this dissertation. When available, translated documents were consulted. However, for data provided solely in German or French, an online translation tool was used to ensure the correctness of the translations. Another limitation was the scarcity of data; although paradiplomacy is a growing research subject, the available data remains relatively low. As

a solution, researches in other languages like Spanish were additionally consulted in order to mitigate this limitation. Lastly, it shall be noted that the research is in conformity with student ethics as laid out in the Appendix. As a qualitative approach was applied, no primary data was included. Every consulted source was referenced and presented fairly.

In brief, the mentioned methods logically stipulate the necessary data to answer the research question and to conduct comparative research. Namely, the essential qualitative data was collected first for the descriptive case studies in order to provide answers to the six key questions, following Kuznetsov's (2015) explanatory framework. Afterwards, the MSSD was applied as a comparative method to distinguish between the emergence of paradiplomacy in Germany and France. This data was lastly analyzed and concluded to formulate an answer to the research question of this dissertation.

## 4. Results

### 4.1 Case Study of Germany

#### 4.1.1 Legal Framework

In the case of Germany, there are legislative powers at the subnational level. The Basic Law (BL) of Germany codifies in Article 32(3) that “Insofar as the Länder have power to legislate, they may conclude treaties with foreign states with the consent of the federal government.” So, an international treaty can be made from the subnational level if the federal government agrees to it, provided that the agreement shall not interfere with any special interest of the Federation. In addition, Article 59(2) requires the participation or consent of the *Bundesrat* (German Senate) for treaties that regulate the political relations of the Federation or relate to subjects of federal legislation (Bundesregierung, n.d.). The Bundesrat has the right to either oppose or derogate depending on the topic of the international treaty, in accordance with Article 59(2) jo Article 77 BL. Article 23 BL explains the vital role of the Bundesrat in representing the Länder on matters relating to the EU: the article provides a complex coordination process through which Länder participate in all matters of EU policy (Habegger, 2003, pp. 277–278).

Regarding the national legislative framework for regional or local action, there are several relevant articles provided by the BL. Article 28 BL confers the right to self-government to local authorities (LAs) under paragraph 2, which legitimizes them to create, e.g., local development policies and twinning agreements with foreign counterparts. This article furthermore entitles LAs to undertake activities beyond national borders, provided that these activities do not interfere with federal legislation. This article also regulates local finance and is subject to Article 106 BL, the right to tax revenue. In contrast to these provisions, Article 32(1) BL states that relations with foreign states shall be conducted by the Federation. Nevertheless, according to paragraph 2 of the latter article, the Federation must timely inform the Land that is affected by the conclusion of a treaty.

To elaborate, Article 70 BL states that on matters within the exclusive legislative power of the Federation, the Länder shall have power to legislate only when and to the extent they are authorized to do so by federal law. The areas of exclusive legislative power of the Federation are compiled in Article 73 BL. One of these areas is foreign policy, conforming Article 32(1) BL. Article 74 BL identifies areas of concurrent legislative competence, referring to the areas that both the Federation and Länder share the competence to legislate on. For this, Article 72 BL states that “Länder shall have power to legislate so long as and to the extent that the Federation has not exercised its legislative power by enacting a law.” Interesting fields of concurrent areas for the existence of paradiplomacy are, e.g., the promotion of research, economic affairs, agricultural production, and pollution control. However, it is important to mention that the *Sperrwirkung* principle is laid down in Article 31 BL, which entails that federal law shall always take precedence over land law. As for

the exclusive legislative power competence of Länder, Article 115i BL clarifies that land governments solely enjoy full competence on issues of local interest, land functions and land territory. (Bundesregierung, n.d.). Every Land enjoys the same degree of legislative power, irrespective of size or importance.

To summarize the legislative competence of subnational governments in Germany, the Länder are allowed to conclude treaties with foreign states in areas that lie within their jurisdiction. There are no laws in Germany that explicitly delegate power to LAs to engage in international relations or to stipulate their engagement. In fact, the area of foreign policy pertains to the exclusive jurisdictional competences of the Federation.

#### **4.1.2 Subnational Foreign Policy**

Copsey & Rowe (2012) investigated Germany's decentralization process for a paper published by the EU. They found that as for decentralized development cooperation in the international arena, Germany laid the basis for Länder-involvement around the 1960s. At that time, it was reiterated that the Federation had full control and responsibility, but that Länder were allowed to contribute. LAs gradually became involved in development cooperation, by which they set up a process of increased decentralization. The Federal-Länder Committee for Economic Cooperation and Development was established to enhance and coordinate the collaborations between the Federation and Länder. Furthermore, the Länder work closely with federal executive agencies like the Agency for International Development Cooperation (GIZ) and have gained expertise in certain areas, e.g., water management. A notable feature of the German system is the way in which decentralized cooperation resonates with federal cooperation: for example, the German Foundation for International Development (DSE) is a federal institution that is jointly supported by several Länder (p. 42). This enhanced cooperation has caused Länder to increasingly contribute to development cooperation: between the years 2003 and 2006, German LAs incremented their contribution from €607 million to €764 million, accounting for 10% Germany's total official development assistance (ODA) (Commission of the European Communities, 2008).

The federal government's GIZ is funded by the Federal Ministry for Economic Cooperation and Development (BMZ). By virtue of the contribution Länder increasingly make, they have become BMZ's key partners to design and implement German development cooperation policy. In addition, Germany works through a service agency called Service Agency Communities in One World (SKEW), which is used as in international cooperation instrument for local and regional governments. This agency is also funded by the BMZ and enables LAs to easily engage in international activities with approval of the Federation (Fernández de Losada et al., 2013, p. 40). It is important to remark that due to the institutionalization of paradiplomatic opportunities of LAs in Germany, the activities are coordinated nationally. For this reason, transnational development

associations like the earlier mentioned PLATFORMA are utilized less by German LAs, likely since the national framework and financial allocations allow for sufficient opportunities.

Kuznetsov (2015) provides another relevant illustration of subnational foreign policy is the case of the North Rhine-Westphalia region that participated in an international sustainability network called “nrg4SD.” The region was in fact one of the most active contributors of this paradiplomatic project. However, in 2007, the land government suspended their membership in the nrg4SD. This could have been because the project became a political mechanism of subnational representation in international relations, rather than the administrative and sustainable development instrument of subnational governments. Yet, it is likelier to suggest that the suspension was caused by the fact that another political party received control over the Land government; namely, the Christian Democratic Union replaced the Social Democratic Party (pp. 84–85, 107). Therefore, the withdrawal of membership in a global association that was giving the region a tool to have influence on an international level can be explained by the attitude ruling political parties have.

Lastly, as mentioned before, German Länder have opened representation in many foreign countries to protect and advance their specific interests (Tavares, 2016b, para. 7). As a result, opening representations has become their foreign policy instrument to communicate international channels of communication. This tool has been used for a long time, as German Länder already created around 130 political representations around the world since the 1970s, including over twenty in the United States (Paquin, 2020, p. 53). In total contrast to the capability of Länder’s, Article 87 BL explains that the exercise of executive powers by federal power authorities is limited to a few areas, among which foreign affairs if it extends beyond the jurisdiction of a Land, federal corporation, or institution (Bundesregierung, n.d.). Thus, in order for Länder to execute matters related to foreign affairs via their international representations, they shall do this within their jurisdictional competence.

## **4.2 Case Study of France**

### **4.2.1 Legal Framework**

In the unitary state of France, there are no legislative powers at the subnational level, as opposed to Germany. However, the national legal framework provides laws that allow for regional and local action. Shifting from a highly centralized system of government, France started a process of decentralization in 1982, when limited autonomy was devolved to LAs under the so-called “Deferre Acts.” This took away the state’s supervisory powers over LAs’ activities and established that LAs were run by directly elected assemblies (CoR, n.d.b, para. 3). Currently, there are several constitutional provisions that enshrine France’s territorial framework and power distribution. Article 1 of the Constitution already mentions that France is organized on a decentralized basis. Article 72 recognizes regions as territorial units and establishes the principle of financial autonomy for these territorial units. Furthermore, the latter article fully recognizes the principle of subsidiarity by stating

that “Territorial communities may take decisions in all matters arising under powers that can best be exercised at their level. In the conditions provided for by statute, these communities shall be self-governing through elected councils and shall have power to make regulations for matters coming within their jurisdiction.” In relation to this, Article 73(4) states that territorial communities shall not affect rules concerning foreign policy. Article 74 also describes that measures justified by local needs may be taken by territorial communities in favor of its population as regards access to employment, the right of establishment for the exercise of a professional activity or the protection of land. Moreover, the community may, subject to review by the central government, participate in the exercise of the powers vested in it while showing due respect for the guaranties given throughout national territory for the exercising of civil liberties (Conseil Constitutionnel, 1958). Thus, LAs have limited jurisdiction and are quite dependent on the central government when playing an executive role of powers within their jurisdiction.

Regarding the ability of French LAs to engage in international activities, there are three primary sources of legislation that are relevant. Firstly, the mentioned articles of the French constitution apply to international activities as well. Secondly, the General Code of Territorial Units (CGCT) contains a body of law that relates to the international actions of French LAs: Chapter V specifically regulates decentralized cooperation. Article L. 1115-1 of the chapter authorizes LAs to sign agreements with counterparts in foreign countries, provided that the agreement is in line with the central government’s policy and that there is a genuine local interest. It is also possible for LAs to sign such agreements with international organizations under the same condition. Furthermore, the CGCT established the National Commission for Decentralized Aid (CNCD), which functions as a dialogue space between LAs and the central government to coordinate international activities undertaken by the various local and regional actors in France (Copsey & Rowe, 2012, p. 37). Thirdly, after the constitutional reform in 2003 that gave French regions constitutional recognition, rules governing decentralized cooperation and legal financing procedures were established, specifically through ensuing legislation: this area is covered by Act 2004-758. Successive Act 2004-809 covers participation in decentralized cooperation through third-party organization (CoR, n.d.b, para. 3; Copsey & Rowe, 2012, p. 38).

It is important to note that despite Article L.1115-1 CGCT, LAs are prohibited from entering a contract with a foreign state under Article L.1115-5 CGCT: the unitary nature of France and its legal tradition prohibit this type of association. Furthermore, Paris is regulated within a specific legal framework under Article L.2515-11 CGCT that allows the city to also engage in decentralized cooperation (Copsey & Rowe, 2012, p. 38). Hence, LAs are limited to agreements with foreign counterparts or international organizations as long as the central government allows this. Interestingly, France has provided legislation that specifically targets city diplomacy, regulating the legal capacity of a city to engage in decentralized cooperation.

In addition to the mentioned primary legal sources of LAs' competences regarding international cooperation, there is a more recent successive law: the "Thiollière Law" of 2007 confers the formal capacity of LAs to conclude international agreements with foreign counterparts with the aim of leading initiatives in the field of development. This law overlaps with Article L.1115-1 CGCT but erased the requirement of local interest (French Ministry of Foreign and European Affairs, 2010, p. 11; Fernández de Losada et al., 2013, p. 38).

Notably, Professor Magni-Berton (2020) clarified that on 23 March 2020, a draft constitutional law was registered with the Presidency of the National Assembly, aiming to introduce the constitutional right to differentiation of territorial communities. This new law could facilitate compliance with the discussed Article 72 of the French constitution. Namely, paragraph 2 of the latter article specifies that communities are administered freely "under the conditions provided for by law". Likewise, paragraph 3 opens the possibility for LAs to derogate from the legislative or regulatory provisions which govern the exercise of their powers, but only "when, as the case may be, the law or regulations so provide" (para. 2, 8–9). Hence, the drafted law would provide LAs with greater autonomy. It is however to be questioned whether the central government would accept further decentralization, given that France's unity will decline.

In opposition to the draft law, Article L.1111-8-1 CGCT causes a significant limitation to LAs, as it specifies the conditions which govern the delegation of powers between France and the LAs by two principles: the first being that "The State may delegate by agreement to a local authority [...] the exercise of some of its powers" and the second being that these powers "cannot empower local authorities [...] to derogate from rules falling within the scope of law or regulation" (para. 17). As a result, LAs are currently given powers that must be exercised within the national legal framework and that cannot empower themselves to work outside that framework.

#### **4.2.2 Subnational Foreign Policy**

In France, the doctrine of state unity abroad has been so entrenched that the constitutional court once refused to allow a constituency system for elections to the European Parliament, based on that only the whole nation should be represented externally (Aldecoa & Keating, 2013 p. 12). However, this doctrine was mitigated in application by all manner of expedients, considering the mentioned successive laws that France introduced. Consequently, the country operates with an institutional framework that allows the government to centralize and monitor all information and development of international cooperation conducted by LAs (Copsey & Rowe, 2012, p. 38). For example, the CNCD functions as a mediator between contracting parties in decentralized cooperation by explaining existing cases and by proposing ways to resolve certain crises. The CNCD therefore not only works with LAs, but also actors specialized at the international level like French United Local Governments (CUF), the French Association of the Council of the Communes and Regions of Europe (AFCCRE) and the French Development Agency (AFD) (Copsey & Rowe, 2012, pp. 38–39).

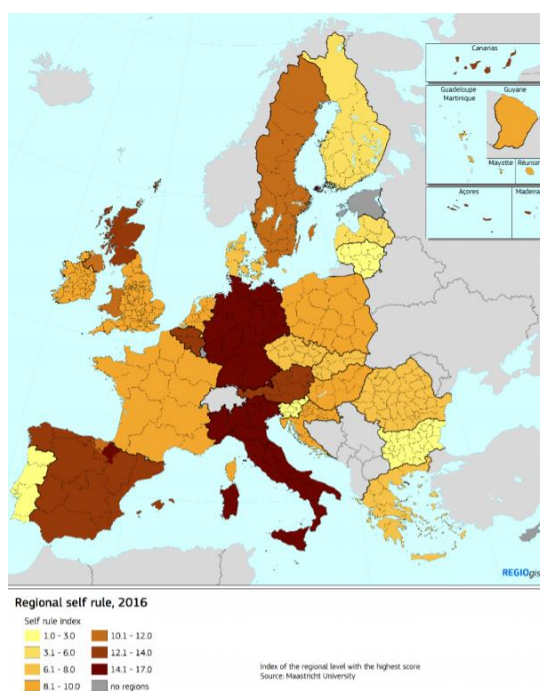


In terms of France's financial allocations for the paradiplomatic activities of its constituent units, the state raised the budget from €115 million in 2005 to €150 million in 2007, accounting for 1.5% of France's total ODA (Commission of the European Communities, 2008, p. 6). It is estimated that this includes 12,609 decentralized cooperation projects led by 4,806 LAs in collaboration with more than 10,000 counterparts in 147 countries, each having various motives. The engagement of the French Foreign Affairs Ministry creates a central objective and thereby supports LAs in their international activities (Fernández de Losada et al., 2013, pp. 38–39).

Researchers Cole & Pasquier (2012) explain that a significant proportion of regional budgets are now committed to multiyear development programs, in which LAs, Regional Councils, the French national state, and the EU participate. The state established regional planning contracts (“contrats de plan État-régions”), which together with the EU's regional policy have become the most important policy tools for development activities of LAs. The contracts provide common objectives for development priorities and public investment in each region on a multiyear basis (para. 26). However, the challenge remains to combine two central but somewhat contradictory principles: the exercise of delegated power of subnational authorities, and the reaffirmation of the state's coordinating and leadership role. As a result, the regions must be able to bring together the various regional public and private partners with a shared vision of the regional interest (para. 26), which consequently needs to be reaffirmed by the state. Figure 2 confirms this lack of regional self-rule in France as opposed to Germany. Thus, it is reasonable to consider that state unity remains a core principle as regards subnational foreign affairs in France.

**Figure 2**

*Regional Self-Rule Index derived from the European Commission (2016).*



## 5. Analysis

In order to interpret the results with a comparative approach, it is vital to analyze the legal frameworks and subnational foreign policy attitudes of Germany and France. This data was utilized to answer the key six questions provided by the theoretical framework. Consequently, the MSSD was applied to find the distinctions between Germany and France. These distinctions were justified and its implications were described. Finally, the limitations of the conducted research were considered.

Regarding the legal frameworks of Germany and France, there are several interesting notes to be made. Starting with Germany, the law provides that Länder may conclude treaties with foreign states in areas that lie within their jurisdiction (Article 32(2) BL). The Federation however has the right to disapprove this – consent of the state is therefore always required before such treaty can be concluded. For this reason, Länder must ascertain that an international treaty does not go beyond their exclusive or concurrent jurisdictional competences; competences that are exclusive to the Federation shall not be interfered with. Foreign policy is one of the areas of exclusive competence of the Federation, meaning that Länder must at all times adhere to the central foreign policy (Articles 32(1) jo 73 BL). Nonetheless, the fact that there are legislative powers at the subnational level allows Länder to legislate within their exclusive jurisdictional competences without reaffirmation of the Federation. It also became evident that there are no laws that explicitly delegate power to subnational governments to engage in international affairs or to stipulate their engagement. Hence, the power for Länder to do this can at best be deduced from Article 28(2) BL, which grants them the right to self-government. In addition, Article 74 BL provides the list of concurrent legislative competences with interesting perspectives, such as economic affairs, agricultural production, and pollution control. Thus, German LAs are capable of engaging in foreign relations, yet the legal framework to do so is not without contention.

In contrast to the lack of a legal provision in Germany that can delegate central powers to LAs, Article L.1111-8-1 CGCT does provide this under certain conditions in France. These powers must be exercised within the national legal framework and cannot be used by LAs to empower themselves, nor to work outside the framework. This amounts to that the central government can delegate the conduct of foreign policy while retaining the actual autonomy to do so. As a result, France decentralizes the country without giving the real autonomy to the decentralized units to perform paradiplomatic actions themselves. If a LA would wish to do so, reaffirmation of the central state is always required, and the agreement has to be concluded with a foreign counterpart (Article L. 1115-1 CGCT). Namely, agreements with foreign states shall not be concluded by French LAs under Article L.1115-5 CGCT, as this competence shall remain with the central government. Furthermore, there are no legislative powers at the subnational level, impeding the self-rule capacity of regions considerably (see Figure 2). France however provides the successive Thiollière Law that facilitates LAs to undertake international development cooperation. So, the French legal framework

for subnational entities to perform international action is rather limited, but the limitations are well-defined by current legislation compared to the German legal framework.

Evaluating the subnational foreign policies of Germany and France, it seems reasonable to suggest that both countries regard paradiplomacy as an opportunity for the state. The ability of federated units in Germany to engage in international activity has been institutionalized foremostly through the GIZ, DSE, BMZ and SKEW. These institutions play a significant role in providing international gateways for LAs. Furthermore, the contribution of German LAs to the total ODA has incremented, demonstrating the determination of LAs to enhance paradiplomatic development. An interesting annotation is that a Land once withdrew its membership in a global association as a result of a shift in regional politics. Therefore, it can be concluded that the attitude of regional political leaders may hinder or accelerate the paradiplomatic development of the designated region in addition to the self-evident attitude of the central government. This observation is especially applicable to federal states, as paradiplomatic development in unitary states primarily relies on central politics. Yet, regional politics will still have implications, as regional and national politics are typically interconnected. Lastly, Länder have opened numerous representations in foreign countries and use these as foreign policy instruments, whereas France constrains the external representation of its constituent units based on the doctrine of state unity.

As for France, limited autonomy was devolved by virtue of the Defferre Acts, decentralizing the country in a way that does not provide jurisdictional competences in the field of foreign policy for the territorial communities. Paradiplomacy is institutionalized chiefly through the CNCD, CUF, AFCCRE and AFD. These bodies facilitate paradiplomatic development substantially, rendering an effective institutional framework. In addition, France increased its financial allocations for the paradiplomatic development of its LAs, indicating that this development is in line with and endorsed by the central government's foreign policy. Noteworthy is that Article L.1111-8-1 CGCT provides that central power can be delegated to the subnational level, something that the Germany has not intended or deemed necessary to provide thus far.

Based on the literature, legal framework analysis and policy analysis, the possible variables provided by the explanatory framework were considered. The most prevalent variables were discerned and applied to Table 4 and Table 5 for Germany and France, respectively. This data analysis was consequently applied to the MSSD.

**Table 4***Kuznetsov's (2015) explanatory framework applied to the case of Germany.*

Question	Applicable variables
A) What are the causes of the blooming of the paradiplomatic activities of regions?	Globalization (A1); regionalization (A2); foreign policy domestication and internationalization of domestic politics (by delegating autonomy to federated units) (A4); federalization (A5); asymmetry of federated units (unequal foreign representation of federated units) (A8); outside stimulus (desire to exert influence internationally within jurisdictional competences) (A9); and regional politics (A10).
B) What are the legal grounds of paradiplomacy in the analyzed state?	The level of legal permissions of international treaty-making (B1) is at the subnational level with the limiting provisions of Articles 32(1), 32(3), 59(2) and 70 BL. The constitutional requirement for subnational foreign affairs (B2) is the consent of the Bundesrat in international treaty-making, but constituent units may freely perform activities within their exclusive jurisdictional competences. However, the Federation has the exclusive jurisdictional power to conduct foreign policy.
C) What is the predominant motive of the government of the region to be involved in international affairs?	Political (C1); economic (C2); and cultural (C3).
D) How has paradiplomacy been institutionalized?	Permanent abroad offices (foreign representations) (D2); forums (institutions) (D4); global and transborder multilateral regional networks (PLATFORMA, the EU) (D5); and work within official central government delegations (BMZ) (D6).
E) What is the attitude of the central government towards the paradiplomacy of the examined region?	Paradiplomacy is an opportunity for Germany (E2). The parallel-harmony pattern applies to Germany (E5), as regional governments act autonomously in the international sphere according to their competency, and the actions are legally harmonized by the consent of the state. However, since Länder enjoy certain autonomy and have been indicated to work outside the national framework, a shift to the parallel-disharmony pattern (E6) cannot be ruled out.
F) What are the consequences of the region's paradiplomacy	Rationalization of the national foreign policy (F1); democratization of the decision-making process in national

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for the development of the whole nation?	foreign policy (paradiplomatic development may be influenced by regional and national politics, which is affected developed democratic systems) (F2); and disintegration of the state (in a certain sense, federal autonomy has disintegrated the unity of the country as whole and will likely have caused unequal paradiplomatic development (F3).
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**Table 5**

*Kuznetsov's (2015) explanatory framework applied to the case of France.*

Question	Applicable variables
A) What are the causes of the blooming of the paradiplomatic activities of regions?	Globalization (A1); regionalization (A2); foreign policy domestication and internationalization of domestic politics (by the possibility to delegate central foreign policy capacity to decentralized units) (A4); decentralization (A5); and outside stimulus (desire to exert influence internationally through facilitated decentralized cooperation) (A9).
B) What are the legal grounds of paradiplomacy in the analyzed state?	The level of legal permissions of international treaty-making (B1) is at the national level. Hence, the state controls its privilege to conclude an international agreement. The constitutional requirement for subnational foreign affairs (B2) is the consent of the state for agreements of French LAs with foreign counterparts; agreements with foreign states are to be concluded solely by the central government. LAs have very limited autonomy but may exercise central powers with certain limitations provided by Article L.1111-8-1 CGCT. Foreign policy is exclusively conducted by the state (Article 73(4) of the French Constitution).
C) What is the predominant motive of the government of the region to be involved in international affairs?	Political (C1); economic (C2); and cultural (C3).
D) How has paradiplomacy been institutionalized?	Forums (institutions) (D4); global and transborder multilateral regional networks (PLATFORMA, AFCCRE) (D5); and work within official central government delegations (French Ministry of Foreign and European Affairs) (D6).

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E) What is the attitude of the central government towards the paradiplomacy of the examined region?	Paradiplomacy is an opportunity for France (E2). The parallel-harmony pattern applies to France (E5), as regional governments act in the international sphere according to their competency, and the actions are legally harmonized by the consent of the state.
F) What are the consequences of the region's paradiplomacy for the development of the whole nation?	Rationalization of the national foreign policy (F1); and democratization of the decision-making process in national foreign policy (paradiplomatic development may be influenced by regional and national politics, which is affected developed democratic systems) (F2).

**Table 5**

*Most Similar Systems Design through own elaboration.*

Question	Case of Germany	Case of France
A	A1, A2, A4, A5, A8, A9, A10	A1, A4, A2, A5, A9
B	B1) Subnational level B2) Reaffirmation is required for international agreements in exclusive and concurrent jurisdictional competences of the Länder; Länder enjoy substantial autonomy with limitations.	B1) National level B2) Reaffirmation of the central government is required and international agreements may only be concluded with foreign counterparts (no states); LAs have very limited autonomy.
C	C1, C2, C3	C1, C2, C3
D	D2, D3, D4, D5, D6	D3, D4, D5, D6
E	E2, E5, (E6)	E2, E5
D	F1, F2, (F3)	F1, F2
Distinguishable variables	A8, A10, B1, B2, D2, E6, F2	No A8, no A10, B1, B2, no D2, E5, no F3

The MSSD gives indications as to how paradiplomacy flourishes in federal and unitary states. The driving forces behind this phenomenon are, as discussed, the increased interconnectedness provided by globalization, as well as the growing importance of regions. Either some form of federalization or decentralization is needed to delegate LAs competences to have international influence. The desire to do so is likely embedded in the internationalization of the central policy, whereby the central government creates structures for LAs to engage in international

action. This need is further exacerbated by pressure between LAs and their central governments to impact the international arena. However, for Germany, it has become apparent that federalization has brought along asymmetry of the federated units, since these units have considerable autonomy and are therefore not equally represented internationally. In France, the representation of its constituent units is controlled by the central government. In addition, regional politics may have a bigger impact on federal states, as this directly affects the attitude of a region towards paradiplomatic development.

In terms of legal capacity, LAs in federal states often enjoy a reasonable array of legislative competences, whereas these competences are generally solely enjoyed at the central level in unitary states. The constitutional requirements for subnational governments to engage in foreign affairs issues amount to the reaffirmation of the state, where additional requirements were found in the case of France. The motives for this type of engagement overlap, yet it can be suggested that governments seek international action that is lucrative for them.

In both Germany and France, paradiplomacy was institutionalized through agencies and governmental bodies, facilitating the engagement of LAs substantially. This seems necessary for a state to augment paradiplomatic development. As a result, both states regarded paradiplomacy as an opportunity, rather than a challenge for the whole nations. The parallel-harmony pattern is the most applicable pattern to the case studies, as the foreign conduct of LAs has to be in line with the central foreign policy at all times. However, because of the perceptible autonomy of German Länder, a shift to the parallel-disharmony pattern can be applicable if Länder increasingly intend to work outside of the national framework.

Lastly, the consequence of paradiplomacy in the investigated states is that the national foreign policy is rationalized, and the executive power is in some way delegated to the subnational governments. Of course, this delegation does not come without any limitations, as the central government maintains its exclusive jurisdictional competence of foreign policy. It seems reasonable to add that without any limitation, paradiplomatic development can be an undeniable challenge for the nation. Furthermore, democratization will have affected national foreign policy, as the attitude of citizens towards foreign affairs issues is reflected in regional and central politics. However, when comparing the outcome of paradiplomacy in the federal state of Germany to the unitary state of France, the assertion that federal states experience some form of disintegration should be considered: if unequal foreign representation and the ability of federated units to work outside the national framework causes divergent paradiplomatic development, it may constitute a great challenge for the nation. As a result, further disintegration is impending. It is therefore crucial for states to have clear limitations as to how LAs can conduct paradiplomatic action.

This analysis provides a better understanding of how paradiplomacy arises in states, albeit federal or unitary. It can be stated that federal states have a better basis for paradiplomatic conduct, as federated units have appreciable autonomy and legislative competences. If provided by the legal

framework, subnational governments are allowed to conclude treaties with foreign states with the consent of the state. In contrast, federated units are more affected by regional politics, as well as they are more likely to challenge the nation by having its own competences. As for unitary states, decentralized units do not benefit from legislative competences and have very limited autonomy. The units are ordered to perform international actions within the given scope of the central government and yet are likely allowed to conclude agreements with foreign counterparts if the legal framework provides this opportunity. It can be applied to both governmental structures that the institutionalization of paradiplomacy is vital for the existence of this development, as it enables subnational units to engage in this type of activity. In essence, paradiplomacy develops virtually the same in federal and unitary states, but the governmental structure causes different implications. The primary finding is that federal states are more prone to lose control over paradiplomatic development, as federated units have their own competences, while unitary states can monitor this development. Therefore, this development may be unequal in federal states, whereas the limitations in unitary states likely lead to a more controlled and uniform development. Regardless of the governmental structure, it is crucial to provide federalization or decentralization, institutionalization of paradiplomatic opportunities and legislation in order to bring about this development. This data is of importance to the study of international relations and to policymakers of subnational and central governments that want to implement paradiplomatic development into the national system.

The limitations of the results have to be considered to evaluate the quality and validity of the conducted research. One of these limitations is that not all data is utterly recent, which may amount to that there is new unused data available. Yet, the quality of the data can be considered high, as it primarily comes from institutional and academic sources. This dissertation furthermore attempted to approach the subject holistically. However, conclusions of the research can only be deduced from the literature and descriptive case studies. The aim to find distinctions between federal and unitary states are therefore likely in line with the provided data, but the legal framework and the attitude of countries towards subnational foreign affairs will always vary to a certain extent. For this reason, it is reasonable to say that the data is valid but should not form an accurate assumption that is applicable to any other state. It does however provide a general assumption that creates a better understanding of how paradiplomacy develops in states with different governmental structures.



## 6. Conclusions

This research concludes that the international participation of subnational units is a rising phenomenon, albeit in federal or unitary states. Federal states are likely to provide an adequate basis for the federated units to exert influence internationally. This is because the central government has delegated substantial autonomy to its units, granting them competences that are generally not enjoyed by decentralized units in unitary states. Hence, a certain degree of decentralization is vital for the occurrence of paradiplomacy in unitary states. In addition, legislative competences are enjoyed at the subnational level in federal states, whereas unitary states solely rely on national legislation. A legal framework that provides laws regarding the opportunity of subnational entities to act abroad is imperative for the existence of paradiplomacy. This also creates limitations that ensure that subnational entities do not challenge the nation with their paradiplomatic conduct. For both governmental structures, it however seems that reaffirmation of the central government is required, though unitary states generally face more limiting conditions.

Furthermore, the institutionalization of paradiplomacy is required to provide effective gateways for LAs to perform internationally. This institutional framework moreover reflects the willingness of the central government to facilitate this type of development. Namely, the attitude of the central government impacts the extent to which regions will undergo paradiplomatic development. Regional politics play an additional role, especially in federal states where the attitude of a region directly affects how the region develops. Therefore, the legal framework, institutions, and attitude towards paradiplomacy of a country determine to what extent regions are capable to undertake actions abroad.

To identify the distinctions, the research indicates that federal states are more prone to lose control over paradiplomatic development, as federated units have their own competences. In contrast to this, unitary states can shape and monitor this development. Thus, this development may be unequal in federal states, whereas the limitations from the national framework in unitary states likely provide a more controlled and uniform development. Essentially, paradiplomatic development is brought about in similar ways in federal and unitary states, as the provision of federalization or decentralization, institutionalization of paradiplomatic opportunities and relevant legislation is pivotal. Nevertheless, federal states inherently have a better basis for paradiplomacy because of federalization, whereas unitary states require the willingness to decentralize the country at the expense of state unity.

Finally, the dissertation created a general assertion as to how paradiplomacy blooms in federal states in opposition to unitary states. However, it cannot be assumed that paradiplomatic development is parallel to any other state, since every state undergoes a unique development. Nonetheless, a better understanding of this phenomenon in federal and unitary states was provided and may be insightful to the study of international relations and policymakers.

## **7. Recommendations**

It is recommendable that more research be conducted on paradiplomacy in different countries, as it is a surging and dynamic topic in the field of international relations. More insights into this topic are required for researchers and politicians, so that enhanced national frameworks for subnational governments to engage in international activity can be designed. It is also needful to create up-to-date quantitative data in the form of, e.g., indexes and statistics to further support the available qualitative data. In addition, special focus on unitary states should be granted, as the development in federal states is more evident. Lastly, it is important to stress the growing importance of subnational governments in foreign affairs issues, which likely will further grow in the coming decades.

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## Appendix

### Student Ethics Form



#### European Studies Student Ethics Form

**Your name:** Aswin Stuivenberg

**Supervisor:** Martijn Lak

**Instructions:**

Before completing this form you should read the APA Ethics Code (<http://www.apa.org/ethics/code/index.aspx>). If you are planning research with human subjects, you should also look at the sample consent form available in the Final Project and Dissertation Guide.

- a. Read section 2 that your supervisor will have to sign. Make sure that you cover all these issues in section 1.
- b. Complete section 1 and, if you are using human subjects, section 2, of this form, and sign it.
- c. Ask your project supervisor to read these sections (and the draft consent form if you have one) and ask him/her to sign the form.
- d. Always append this signed form as an appendix to your dissertation. This is a knock-out criterium; if not included the Final Project/Dissertation is awarded an NVD.

**Section 1. Project Outline (to be completed by student)**

**(i) Title of Project:** The Development of International Relations Conducted by Subnational

**(ii) Aims of project:**

To identify the concept of paradiplomacy and how it developed historically; to identify paradiplomatic theory; to compare, combine and contrast theories regarding paradiplomacy; to question the suitability of certain paradiplomatic theories to be applied to unitary states; to scrutinise the emergence of paradiplomacy in federal and unitary states by conducting two descriptive case studies; to provide a comparative analysis of the case studies; and to conclude what distinctions can be made in terms of the emergence of paradiplomacy in the federal and the unitary state.

**(iii) Will you involve other people in your project – e.g. via formal or informal interviews, group discussions, questionnaires, internet surveys etc. (Note: if you are using data that has already been collected by another researcher – e.g. recordings or transcripts of conversations given to you by your supervisor, you should answer 'NO' to this question.)**

No

**If yes: you should complete the section 2 of this form.**

**If no: you should now sign the statement below and return the form to your supervisor. You have completed this form.**

This project is not designed to include research with human subjects. I understand that I do not have ethical clearance to interview people (formally or informally) about the topic of my research, to carry out internet research (e.g. on chat rooms or discussion boards) or in any other way to use people as subjects in my research.

Student's signature \_\_\_\_\_

Date 29/11/2020

**Section 2 Complete this section only if you answered YES to question (iii) above.**

**(i) What will the participants have to do? (v. brief outline of procedure):**

**(ii) What sort of people will the participants be and how will they be recruited?**

**(iii) What sort of stimuli or materials will your participants be exposed to? Tick the appropriate boxes and then state what they are in the space below**

- ☐ Questionnaires
- ☐ Pictures
- ☐ Sounds
- ☐ Words
- ☐ Other

**(iv) Consent:** Informed consent must be obtained for all participants before they take part in your project. By means of an informed consent form you should state what participants will be doing, drawing attention to anything they could conceivably object to subsequently. You should also state how they can withdraw from the study at any time and the measures you are taking to ensure the confidentiality of data. A standard informed consent form is available in the Dissertation Manual. Appendix the Informed Consent Form to your Final Project/Dissertation as well.

**(vi) What procedures will you follow in order to guarantee the confidentiality of participants' data?**

**Student's signature:**



Date 29/11/2020

**Supervisor's signature:**



Date 30/11/2020

(if satisfied with the proposed procedures)