

Conclusion

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The previous chapters demonstrate considerable diversity in the conduct of constituent-unit foreign relations in twelve federal countries. This chapter provides an overview and synthesis. Perforce, it cannot go into great detail. The reader will have discovered or is invited to discover the richness of the stories told in the previous country chapters to get a more complete picture; it is part of the goal of this chapter to provide a guide to the essentials and an overview of the range of foreign relations carried out by the constituent units of the countries featured in this book.

These countries vary significantly in many important attributes: size, wealth, ethnic composition, geographical context, history, constitutional and legal provisions affecting the management of foreign relations, and the extent of constituent-unit international activity. The latter varies from active participation in an increasingly complex international environment to an almost insignificant presence on the world stage.

Constituent units in the long-established federal countries have historically been involved in some form of foreign relations. Those adjacent to foreign countries have long been engaged in cross-border interactions with neighbouring polities involving practical “housekeeping” matters, as John Kincaid has labelled them, such as cooperation in transportation, flood and pollution control, and even the sharing of services – matters of low politics conducted primarily in a very limited geographic context. Of course, there have also been a few more prominent instances of constituent units’ presence abroad; for example, some Canadian provinces and Australian states have long had offices in London, but these manifestations of “constituent diplomacy,” also Kincaid’s term, have been very much the exception.

Practical cooperation across national borders continues to be important. However, the scope and nature of constituent-government involvement with other polities (primarily other constituent units but also from time to time national governments), regional and international organizations, businesses,

educational and cultural organizations, and so on have increased, although very modestly in some countries, in most federations during the past four decades. This has been due, among others factors to be explored below, to a variety of constitutional and political developments. In recent decades, the development of ever more sophisticated worldwide electronic communications has permitted increasingly efficient worldwide financial transactions and personal and commercial communication. Faster and more efficient transportation has allowed an ever increasing volume of goods and number of people to travel long distances cheaply and efficiently. The common term used collectively for these phenomena is “globalization,” and globalization has accelerated the pace and broadened the scope of constituent-unit foreign relations. As Daniel Thürer and Malcolm MacLaren argue in their chapter on Switzerland, nowadays no policy sector in Switzerland is not in one way or another affected by international developments. This holds true, of course, in other federations. Hence, in some countries, constituent governments on an almost daily basis have to look beyond the borders of their countries to carry out their responsibilities. However, this is less common in other settings where the constituent units are rather less exposed to the world. It is part of the goal of this chapter to examine why.

THE DOMESTIC AND INTERNATIONAL SETTINGS OF CONSTITUENT-UNIT FOREIGN RELATIONS

Level of Economic Development

A first attempt to generalize, then, must examine the relationship between the level of economic development and the extent of constituent-unit foreign relations, although doing this is not to suggest that economic factors alone determine constituent-unit foreign relations. Such an examination leads to the conclusion that there is a positive correlation between these variables. The United States, Australia, Canada, Austria, Belgium, Germany, Spain, and Switzerland – all of them among the most wealthy countries – provide evidence of active constituent-unit foreign relations. In Argentina, with an intermediate level of wealth, this scope and intensity have not been attained to the same degree, and among the less developed countries – India, South Africa, and especially Malaysia – constituent diplomacy is considerably more limited, although developing gradually.

There is also considerable evidence that the direct relationship between wealth and international activity holds among constituent units within countries. Other variables can and do complicate the matter, and the correlation is not perfect, but such a relationship is highly plausible: wealthy countries and constituent units are usually more highly integrated into the global economy and more active in constituent diplomacy than are those

with lower levels of economic development. Thus the scope and intensity of these constituent units' international transactions are greater in areas such as foreign trade, finance and investment, cultural exchanges, and international tourism.

Ethnic and Cultural Factors

Ethnic and cultural factors play a strong role in constituent-unit foreign relations in some countries. A prime example is Canada. There, Quebec, with its majority French-speaking population, is by a considerable margin the province most actively engaged in foreign relations. Its constituent diplomacy seeks to forge and strengthen relationships with francophone and other communities abroad and to ensure a high profile for the province internationally. In the past, under separatist governments, Quebec has sought to make a political statement about its potential to become an independent country. In Spain it is the constituent units populated by ethnic minorities, the Basque Country and Catalonia, that are most active in foreign relations. In the Basque case, this leads to close relations with the adjacent Basque community in France. In both cases, it gives a higher profile to the special nature of their regions and also builds relations with diasporas. Ethnicity also plays a part in the intensity and direction of constituent-unit foreign relations in Belgium. Wallonia's ties with France and those between Flanders and the Netherlands demonstrate the effects of such affinity, as do Swiss cantons' more intense relations with constituent units in adjoining countries that share their language. Relations among constituent units in Germany and Austria are facilitated and strengthened by a common language and culture. In Latin America, Argentine states' relationships with adjacent Spanish-speaking countries are stronger than with the Portuguese-language Brazilian states. In South Africa provinces' relations with adjacent jurisdictions are facilitated if cultural groups straddle the international border. In India common ethnicity in the past has on very rare occasions facilitated a hesitant constituent diplomacy between Indian and Pakistani states where the Punjabi community straddles the border between them, although historical animosity has made constituent diplomacy next to impossible. Thus ethnic affinity, in many instances reinforced by geographic proximity, affects the direction and intensity of constituent-unit foreign relations. In some contexts, such as Quebec and Catalonia, it also helps to strengthen a sense of national identity.

The Regional Context

The characteristics of the regional context in which a country is situated, including the extent and strength of regional organization, help to shape

constituent diplomacy because where regional organization is prevalent, it involves constituent units in a network of cooperative relations with adjacent polities. "Region" denotes geographic proximity, an important consideration in itself for foreign relations because the most intense interactions, all things being equal, tend to be among neighbouring polities, if only because of the need to perform "housekeeping" functions discussed earlier. But these functions are only part of the story. For example, Argentina's provinces cooperate with neighbouring polities in projects to develop regional transportation infrastructure. Also, "region" does not refer only to immediate proximity. On a continent like Europe with a large number of smaller countries, environmental protection can, and typically does, involve more than just two countries, as does the management of infrastructure such as roads and railways. Regional organizations focus on other functions as well. The Four Motors of Europe brings together constituent units in Germany, France, Italy, and Spain to further cooperation in science, research, education, and culture.

As the country chapters demonstrate, other regional organizations affiliate with constituent units in deliberations about and the pursuit of common political interests – for example, in the Assembly of European Regions (AER) and in the networks of regions with legislative powers. The INTERREG initiative in the European Union (EU) serves to further economic and social cohesion among constituent units and provides substantial funds matched by member states. The Council of Europe's European Convention for Trans-Border Cooperation has promoted cross-border cooperation among constituent units. The chapters on the European countries, especially the Austrian chapter, demonstrate the large number of regional organizations in which the European constituent units participate and the broad scope, collectively, of these organizations' mandates. In North America, US states are affiliated with their constituent-unit counterparts in Mexico and Canada through regional organizations that treat subjects such as regional trade, investment, and tourism. But these regional organizations are not nearly as prevalent as those in Europe, nor are their mandates as strong.

Regional organizations are less prevalent in the developing world, although they are being established in eastern and northern South Africa under the tutelage of the national government. In India there are hesitant developments toward the creation of transborder regional organizations that would affiliate constituent units in the country's Northeast to develop regional infrastructure and to promote economic growth, although great potential for such cooperation does not yet exist along its borders with Pakistan for political reasons. Finally, Malaysia is a member of a number of regional organizations; however, these organizations are dominated by national governments and involve state governments only in a very limited way.

In developing countries, cooperation among constituent units lags considerably behind that in the economically more developed countries. Relations with neighbouring polities are more intense in the developed countries in Europe and North America than they are in Malaysia, India, and South Africa because vibrant private sectors that help spur governments to undertake foreign relations are less advanced in these developing countries and because they are situated in regions where neighbouring countries are very poor. That these neighbouring countries are so poor, even when compared with these three countries, creates some troubling problems for constituent units. The relative prosperity of India and Malaysia, as well as South Africa, attracts large numbers of economic migrants to constituent units adjacent to the poorer neighbours. For South African provinces, given the desperate economic and political plight of neighbouring Zimbabwe, one can even speak of refugees. In turn, these migrants and refugees give rise to attendant problems, such as resentment among the host countries' citizens that the newcomers are willing to work for very low wages, problems of sanitation and accommodation, and so on. Attempts to resolve these problems mean, among other things, negotiating with the federal government for financial help that may be slow in coming. In short, this puts public services under great stress.

All things being equal, in the wealthy federations the foreign relations between constituent units and other polities in their regions are more broad and intense and not nearly as problematic, not only because of government resources available to conduct foreign relations but also because private-sector organizations on both sides of the border interact frequently and because citizens cross borders to engage in recreation, to shop, and in some instances even to work. These private-sector interactions bring with them the need for cooperation among governments of adjacent jurisdictions.

The Special Case of EU Member States

A "regional organization" in its broadest sense can be based on more than geographic proximity and functionally delimited interactions among constituent units. Notably, constituent diplomacy in EU member states is embedded in a supranational organization, the EU, that is characterized by a high degree of economic, political, and policy integration. This has had a major impact on the foreign relations of Austrian, Belgian, German, Spanish, and even Swiss constituent units. Relations between constituent units and federal governments in all four EU states considered in this book have also been strongly and uniquely affected by their membership in the EU and have effectively increased constituent units' foreign relations roles in a manner not found in other federal countries. It is necessary to remember here, as noted in the relevant country chapters, that EU matters fall in a unique way between

domestic and international matters in the sense that EU decisions and regulations integrally bind member states into the EU system, creating a hybrid system in which the distinction between the domestic and foreign is transcended in a manner not found anywhere else. Still the constituent units' relationships with the EU, and their interactions with their federal governments in this context, project their activities beyond national frontiers to Brussels, the EU capital, and involve them intensively in collective decision making with foreign national and constituent-unit governments.

Through participation in EU institutions and an increased role in developing their countries' positions before EU deliberations take place, constituent units are compensated for their loss to the supranational level of parts of their domestic powers in the affected policy sectors, powers that were (and continue to be) transferred during the integration process. When this transfer of powers took place, national governments took on the role of representing their countries' interests vis-à-vis the EU; hence constituent units lost any meaningful jurisdiction over these policy sectors. This practice was changed during the 1990s by the insistence of Belgian and German constituent units that their national governments involve them in the preparation of their countries' positions on EU decisions and allow them to participate directly in the EU decision-making process even to the point of representing their countries in the Council of Ministers when matters under their jurisdiction are considered. In Germany these changes were brought about through a change in the country's Constitution. Austrian *Länder* benefited from these developments, which helped to prompt similar changes in their relationship with Vienna. Here also, these changes were formalized through constitutional amendment. Spain's constituent units were the last to be granted consideration of their case for the right to participate in EU decision making in Madrid and Brussels, but they too are now actively engaged in both the national and supranational arenas.

After the decision-making powers affecting a policy sector are transferred to the EU, its policies become applicable to the member states. These are implemented by the member states' public services, especially those of constituent governments because so many EU laws and regulations fall into policy sectors under their jurisdiction. In carrying out these responsibilities, constituent governments develop further ties with European institutions. On a regular basis, they must cooperate with the EU Commission, which is responsible, among other matters, for policing the implementation of EU law. They also serve on numerous advisory committees to the commission and have representative offices in Brussels. What is more, they are members of a body, the Committee of the Regions, that has advisory functions vis-à-vis the EU institutions. In all these capacities, constituent-government officials interact in a complex web of relations with their counterparts' officials as well as with officials and politicians of

other member states. These developments constitute a significant and unique role for constituent units on the international stage and, given the transfer of jurisdiction to the supranational level, have attenuated and otherwise transformed the constituent units' relationship with their citizens in ways not found in other settings.

Even Switzerland, which is not an EU member, has many bilateral agreements with the EU; hence cantons are actively engaged in relations with constituent units in EU member states. In comparison, the functions of other essentially regional intergovernmental organizations (as opposed to the supranational EU) – such as South America's Southern Common Market (MERCOSUR), where constituent units collectively are only beginning to play an advisory role, and the North American Free Trade Agreement (NAFTA) – are more modest, and their impact on constituent units is concomitantly substantially lower.

The Impact of History

The past, of course, conditions the conduct of politics and government in all countries. But history, particularly recent history, has had a special impact on constituent diplomacy in some countries. In Argentina and Spain, particularly, constituent-unit foreign relations must be seen in the context of their countries' recent past: in Spain the demise of the fascist dictatorship in 1975; and in Argentina the return of democracy in 1983 after a period of military rule. These two countries only reengaged fully in the international system after the stigma of dictatorship and the attendant isolation had passed; thus a tradition of constituent-unit foreign relations is not as established as it is in other federations.

The legacy of the Second World War has negatively affected relations across the Polish-German border and, thus, relations between German *Länder* and their counterparts in that country. By comparison, the end of the Cold War has encouraged relations between western European constituent units and their counterparts in central and eastern European countries as well as in Russia. Apartheid in South Africa made that country an international pariah, which left it isolated in the world while most of its people remained subject to a dictatorship. The overthrow of that system had major repercussions. South Africa is now very active internationally, although developing a fully functioning federation with strong provinces that are politically more independent of the national government and thus more likely to engage in foreign relations is still a work in progress. India's postindependence legacy of import-substitution industrial development contributed to its economic isolation, which began to disappear only with the implementation of liberal economic policies in the early 1990s, leading to the gradual abolition of impediments to foreign trade and investment. Liberalization of

economic policy has opened up the states to the world and to the hesitant beginnings of participation in foreign relations.

As just discussed, the process of European integration, begun in 1951 with the establishment of the European Coal and Steel Community to help overcome the legacy of the Second World War, and progressing to the establishment of the EU, has had significant implications for constituent diplomacy in its member states. Moreover, as some European country chapters demonstrate, a constituent unit's historical legacy as an independent or quasi-independent political entity before, sometimes even well before, federation (e.g., Bavaria in Germany, Salzburg in Austria, and a number of Spanish autonomous communities) has led to a sense of identity that often seeks to find expression in constituent diplomacy.

Dominant Political Parties

Partisan politics is pervasive in democratic countries, with the party system playing a particularly strong role in the foreign relations of a number of countries as a backdrop to the functioning of other factors affecting the conduct of constituent-unit foreign relations. In Malaysia the dominance of the Barisan Nasional coalition in the country's politics, including in the states, when added to the centralizing features of the Constitution, helps to explain the tight control exercised from the centre and the almost complete lack of international activity by the states. Similarly, in India the long-time dominance of the Congress Party, together with a constitution that assigns only the Union government a role in foreign relations, once reinforced the almost complete lack of international activity by the states. It was only after that party no longer had the votes to dominate Parliament and after state politicians acquired the political clout to have some say in national politics that the states became more involved in limited, primarily economic foreign relations. In South Africa the dominance of the African National Congress in the political life of the country and the resulting centralization of government has meant that the provinces play a limited role in foreign relations. In the other countries not dominated by one party either presently or in the recent past, party politics is a normal part of political life. It has effects for the conduct of foreign relations without being a primary factor.

THE CONSTITUTIONAL SETTING

Assignment of Foreign Relations Powers

Constitutions provide the legal framework for constituent diplomacy and for the relations between constituent units and their federal government.

The constitutions of one group of countries assign only the federal government responsibility for foreign affairs and defence, either in a written constitution or through court interpretation as in Canada and Australia, without explicitly assigning constituent units any powers. The rest of the members of this group are India, Malaysia, and Spain. However, as demonstrated below, such a lack of powers does not necessarily impede constituent-unit foreign relations.

The second group of countries encompasses those whose constitutions explicitly assign constituent units some powers over foreign relations: the United States, Switzerland (since 1999), the Federal Republic of Germany, Austria, Argentina, Belgium, and South Africa (through the constitutional provision that the National Council of Provinces ratifies international agreements). The degree of the constituent units' empowerment in these countries varies considerably, ranging from making treaties in their areas of jurisdiction without the tutelage of the federal government, as in Belgium, to the authorization of Argentine provinces to sign agreements of limited scope with foreign partners as long as these agreements do not conflict with the national government's powers over foreign policy.

Trends in the Assignment of Constituent-Unit Powers Is there evidence that constituent units have been assigned greater foreign relations powers in constitutions recently enacted than in those enacted in previous times? Among the four oldest constitutions, the American, Australian, Canadian, and Swiss (when initially enacted in 1848), three grant the federal government, but not constituent units, powers over foreign relations; in the United States, states are allowed to enter into agreements and compacts with foreign powers with the assent of Congress, and at one time, through their direct representation in the Senate, they could influence the conduct of American foreign policy, although after 1913 senators were directly elected and the ability of state governments to affect national policy diminished because senators could no longer be directly instructed by state governments. In the constitutions that came into effect in the post-Second World War period before the mid-1960s – Austria, Germany, India, and Malaysia – constituent units are accorded foreign relations powers in the first two countries but not in the other two. As for the most recently enacted constitutions – Spain, Argentina, South Africa, and Belgium – the Belgian assigns such powers to constituent units, the broadest powers in all twelve countries, while in South Africa provincial representation in the National Council of Provinces means that provinces participate in the legislative approval of treaties. Neither in Spain nor in Argentina were such powers explicitly granted to constituent units. Hence constituent units were granted foreign relations powers by four of the eight constitutions enacted after the Second World War – two in the immediate postwar years

and two in the period after 1965. There is, then, a slight trend toward an increase in the assignment of foreign relations powers to constituent units (one of four among the older federations and four of eight among those established after the Second World War), although no positive trend is discernable when comparing the two periods after the Second World War.

Constituent units in five countries, then, were assigned foreign relations powers when their constitutions were first enacted: the United States, Austria, Germany, South Africa, and Belgium. Such powers were granted to cantons by a 1999 constitutional amendment in Switzerland. Argentina's provinces, through a 1994 constitutional amendment, have been accorded the power to make agreements with international partners, although subject to some constraints. In Germany and Austria constitutional amendments were made in the 1990s to allow constituent units enhanced participation in EU decision making both domestically and in Brussels, thus enhancing their foreign relations powers.

The role of Belgian constituent units in EU decision making was enhanced by a 1994 agreement through which constituent governments are accorded the right to speak for Belgium in the Council of Ministers on matters under their exclusive jurisdiction and to participate in the Belgian delegation in matters of concurrent jurisdiction. Spain's constitution initially provided the autonomous communities no legal basis to participate in foreign policy. As is the case for their counterparts in the three other EU member states, they have recently seen their powers increase in EU decision making, again both domestically and in Brussels. What is more, although in the early years after 1978 the Constitutional Court rulings allowed the autonomous communities almost no role in foreign affairs, a subsequent judgment has loosened these restrictions significantly so that they are now allowed to undertake international activities in their areas of jurisdiction as long as these do not encroach on the powers of the national government or create new obligations for it. Finally, a 1996 Australian amendment to the agreements between the Commonwealth government and the states on treaty making enhances their foreign relations role. There has been no increase for constituent units in powers over foreign relations in five countries: Canada, India, Malaysia, South Africa, and the United States.

Thus, through the assignment of powers in constitutions enacted after the Second World War (Austria, Belgium, Germany, and South Africa) and/or through constitutional amendments or legal changes since then (Argentina, Australia, Austria, Belgium, Germany, Spain, and Switzerland), constituent units have been accorded foreign relations powers or increased foreign relations powers in eight of the twelve countries. This is a significant trend toward initial or further empowerment of constituent units in foreign relations in the post-Second World War period.

Constituent Units and Treaties

Assignment of Treaty-Making Powers Treaties and treaty making are at the heart of much of the process of intergovernmental relations between constituent units and their federal governments in the management of foreign relations. The constitutions of only four of the twelve countries discussed in this book explicitly grant constituent units powers to make treaties. Those of Germany and Austria provide constituent units treaty-making powers in areas of their exclusive jurisdiction. But in both countries federal consent is required before a treaty is concluded.

In the case of Germany, there have been numerous such treaties, but all of very limited importance, dealing with cross-border matters such as cooperation in management of the environment, in building and maintaining physical infrastructure, and in education and culture. In Austria the *Länder* have thus far concluded no treaties. However, in both countries the federal government is required to consult the constituent units before concluding treaties in policy fields under their jurisdiction: in Germany such treaties include those that affect the constituent units' particular interests, and in Austria, more restrictively, they include those that must be implemented by the constituent units. In Austria, if treaties are concluded by the federal government in areas under *Land* jurisdiction, assent of the Federal Council, in which *Land* parliaments are represented, must be sought. In Germany the *Bundesrat*, which represents *Land* governments, must assent to treaties, a significant constitutional feature in the conduct of German foreign policy.

In Switzerland the confederation (federal government) is required to take into account the cantons' powers and interests and must provide for their participation in treaty negotiations. The cantons may deal directly with foreign constituent polities and conclude treaties in areas of their jurisdiction, provided that these are not contrary to the confederation's laws and interests, and the confederation must be notified prior to the treaty's conclusion.

Belgian constituent units have been accorded treaty-making powers, without federal oversight, in the large number of fields of their exclusive jurisdiction, and they participate with the federal government in areas of concurrent jurisdiction. These very broad powers, the most extensive in the twelve countries, are tempered somewhat by the requirement that constituent-unit actions should not contradict the general orientation of Belgian foreign policy and that the federal government should be informed of any treaties that the constituent units are negotiating. As demonstrated below, an elaborate system of consultation, found also in the other four members of this group, is meant to help ensure that Belgium's relations with the world are not rendered incoherent.

The country chapters show that constituent-unit powers to make treaties are correlated with active constituent diplomacy. The exercise of such powers has the potential to lead to conflicts with federal governments because these see it as their role to represent their countries abroad and because the line between what is federal and what is constituent-unit territory is often difficult to draw. The following sections, including especially that on intergovernmental relations, demonstrate what mechanisms have been devised toward ensuring that interactions between constituent and federal governments are managed peacefully and productively.

The Role of Upper Houses Each of the federations considered in this book has a bicameral legislature and thus an upper house whose responsibilities typically include the formal representation of constituent units in the federal government's decision-making process. Do these upper houses give constituent governments a role as participants in the formulation of national foreign policy, including treaty making, when such policy affects their own foreign relations interests?

The short answer is that they are not given a great role, with three exceptions where constituent governments are represented either by the political executive directly or by contingents of legislators. The absence of reliable and effective links between the constituent governments and the representatives of constituent units in upper houses, because of the way that these representatives are elected or appointed and because of partisan politics, often undermines this means of participation by constituent governments in decision making on national foreign policy. The constituent-unit representatives in an upper house may reflect the views of constituent governments, but there is no guarantee that they will. Hence, although upper houses have committees on foreign relations, and even though in some countries the upper house is called upon to ratify treaties, the positions they take are not guaranteed to reflect those of constituent governments.

In Argentina, Australia, Switzerland, and the United States, members of the upper house are directly elected; that is, constituent governments per se are not represented, and members of the upper house can thus not be held accountable by them. Partisan and other political considerations are often more important than the representation of constituent governments, and although members can choose to speak on their behalf, they will normally represent the interests of their constituent unit as they interpret them – which may or may not accord with the position taken by constituent governments. In Canada the Senate is not considered a body of regional representation, primarily because its members are appointed by federal governments and thus have no democratic legitimacy. Provincial governments, therefore, have no effective representation in that institution. In

Malaysia a weak parliament very rarely considers international relations in a system in which the conduct of these matters is monopolized by the executive. In India the states are directly represented in the upper house, and Parliament votes on matters of foreign policy and defence, but governments have a parliamentary majority, which means that, although debates and committee deliberations on these matters take place, it is the political executive that makes final decisions in matters of foreign policy. In Spain the upper house is weak and has no effective influence over foreign policy.

Only in Germany, Austria, and South Africa are constituent governments represented in the upper house. The means of representation vary. In Germany *Land* executives are represented and have an effective role in decision making on foreign policy. Ratification of international treaties requires the consent of the *Bundesrat*, and the importance of this role is demonstrated by the participation of *Land* premiers in major deliberations on foreign policy. South Africa's provinces are represented in the National Council of Provinces by delegations headed by their premiers and instructed by their legislatures, and with a simple majority, they can thwart ratification of treaties. In Austria the Federal Council, composed of *Land* representatives elected by their parliaments, must approve treaties only in areas of *Land* jurisdiction, which means that they do not have as strong a role in national foreign policymaking as do their German counterparts. What is more, because they are elected by their parliaments, there is no guarantee that the representatives of any one *Land* will speak with one voice. It is only in Germany and South Africa, then, that the constituent governments participate directly in foreign policymaking. The German *Länder* have taken full advantage of these powers and have exercised their influence openly and repeatedly. The South African provinces have been more reticent to exercise their powers independently of their federal government because of the African National Congress's all-pervasive role in politics.

Treaty Negotiation Austrian, Belgian, German, and Swiss constituent governments, in addition to their right to make treaties in their areas of jurisdiction, are accorded the right to be consulted about treaties made by their federal governments. This right strengthens their treaty-making role. In South Africa provinces have the right to be consulted by virtue of the constitutional provisions for cooperative government.

But even if there are no explicit constitutional provisions for consulting with constituent units on treaties in policy sectors under their exclusive or concurrent jurisdiction, it is prudent for a federal government to engage them meaningfully in the process of devising a national position on negotiations or even in the negotiating process itself. This is so for practical reasons. First, constituent governments have valuable expertise that is often lacking in the federal public service. Second, each will know the special

circumstances of its province, state, or canton, and thus collectively they will be able to provide insights about how a treaty will affect the entire country. Third, friction between the two orders of government that may arise out of the implementation process is likely to be reduced or avoided if constituent units have participated in the negotiating process both to represent their interests and to gain a clearer understanding of the issues and complexities involved.

Constituent units have good reason to press their federal governments for participation in treaty making because treaties signed by federal governments can whittle away or restrict the exercise of their powers. For example, as the chapter on Switzerland demonstrates, this was a concern shared by Swiss cantons, and it prompted the 1999 constitutional amendment that accords the cantons a greater role in the foreign policy process. It is a continuing concern of US states and Canadian provinces. Constituent governments in EU member states saw some of their powers erode when these were transferred to the EU by their federal governments. These issues, then, provide a strong rationale from the perspective of constituent governments for well-functioning systems of intergovernmental relations that can take their concerns into account when foreign policy decisions that affect them are made by their federal governments.

Federal governments, by comparison, are inclined to be concerned about the restrictions imposed on them in the management of national foreign policy by the often cumbersome process that results from the need to consult a large number of constituent governments and the need to arrive at negotiating positions that represent a compromise among their various positions and interests. They are inclined to be concerned about an inability to react expeditiously to an often rapidly changing international environment, especially to quickly and decisively engage in the horse trading that characterizes international negotiations, and are also likely to have some doubt about the experience of constituent-government officials. A clear example of the clash between the perspectives of a federal government and constituent units is the attempts by the German federal government to bring about reforms of the process of intergovernmental relations established in the early 1990s in order to give the *Länder* a greater role in EU decision making both in Berlin and in Brussels. Such stresses and strains are features as well of intergovernmental relations in other countries; for example, in Canada and the United States it is the constituent units that are calling for a more elaborate and structured process of intergovernmental relations, while the federal governments are unwilling to cede them competences in this area.

Implementation of Treaties The foregoing discussion demonstrates that the implementation of treaties is potentially a divisive issue because it may

impose unwanted obligations on constituent governments and impinge on or even erode their powers. How, then, can it be assured that obligations that federal governments incur in signing treaties are carried out when implementation falls to constituent units? Constitutional practice in this regard ranges from legal compulsion of constituent governments to implement treaties, to constituent-government discretion in implementing treaties signed by their federal government, to the right to refuse implementation. The following discussion will be summary, although it will highlight some significant peculiarities.

In two countries, India and Malaysia, the national governments legislate the states' implementation of treaties. In another group, Argentina, Austria, and Switzerland, constituent units are also required to implement treaties. In the United States treaty obligations become binding on states. In Australia, if after attempts at negotiation and persuasion states do not implement treaties, the Commonwealth can pass laws to ensure they do so. In South Africa provinces are constitutionally required to implement treaties that affect provincial and concurrent jurisdiction. Spain's Constitutional Court has ruled that both the national and constituent governments must comply with international treaties adopted by Spain, and in case of partial or total noncompliance by autonomous communities, action can be taken against them by the central government in the Constitutional Court or the Council of State.

In three countries the practice is not as straightforward. In Germany the question of implementation of treaties concluded in areas of exclusive *Land* jurisdiction is legally unresolved. However, an agreement between the federal government and the *Länder* in effect since 1957, the Lindauer Abkommen, has been followed in regulating the interactions between the two orders of government. As a result, major controversies have been avoided. In Belgium, in a reversal of what happens in other federations, the constituent-unit legislatures must ratify treaties negotiated by the national government in their areas of jurisdiction or in areas of concurrent jurisdiction; hence constituent units can refuse to implement such treaties. They will, of course, implement treaties that they have negotiated themselves. Finally, in Canada it is the provinces' responsibility to pass legislation to implement treaties whose subject matter is under their jurisdiction; they can thus choose whether or not to implement. Nonimplementation has been largely avoided by virtue of federal-provincial consultation, although in some instances, notably in the dispute about implementation of the Kyoto Protocol discussed in the Canadian chapter, relations can become fractious.

Other International Agreements Limiting the discussion to treaties would give a restrictive view of commitments made by constituent governments to foreign partners. Far outnumbering treaties is a range of agreements

not subject to international law. What Thürer and MacLaren in their chapter on Switzerland characterize as “gentlemen’s agreements” are used by constituent units to establish and maintain relations in many policy fields – tourism, culture, cross-border “housekeeping,” promoting and cooperating in economic development, and so on. The country chapters demonstrate that such agreements are commonly used, although their number and significance vary among the twelve countries. Their use brings a degree of pragmatism and flexibility to the foreign relations of constituent units and allows them to expand their range of actions beyond what would occur if such relations in every instance required the lengthy and tedious process of negotiating a treaty.

INTERGOVERNMENTAL RELATIONS

Three patterns of intergovernmental relations can be distinguished among eleven of the twelve countries: one in which the federal government controls the process and constituent units are subordinate; one in which relations between the two orders of government are more evenly balanced, although the federal government has the greater role and procedures are only partly formalized; and one characterized by an elaborate and institutionalized set of structures and regularized procedures in the relations between the federal government and the constituent units, where federal government actions are circumscribed by constitutional or legal provisions and the two partners are, at least in terms of intergovernmental relations, on a more or less equal footing. Intergovernmental relations in Argentina, India, Malaysia, and South Africa conform to the first pattern; in Canada and Australia to the second; and in Austria, Belgium, Germany, and Switzerland to the third. Spanish intergovernmental relations are moving in the direction of the third pattern and hence are discussed in that context. The United States does not fit any of these patterns well.

Group One: National-Government Dominance

The federal government has the preeminent role in intergovernmental relations in the first group of countries. Contacts between constituent units and the federal government on foreign relations, when they occur, are limited mostly to discussions of technical issues, provision of training and support by the federal government, and supervision of constituent units in their international activities. Discussions rarely take place at the political level, if at all. No specialized structures have been established for ongoing consultation or negotiations between the two orders of government, although in both Argentina and South Africa the federal government’s foreign affairs ministry has a unit with responsibility to liaise with the

provinces. Constituent units are engaged in foreign relations to only a very limited degree, although in Argentina such activity is increasing.

Intergovernmental relations in Malaysia, whose states are not active in foreign relations, are very limited in scope and conducted in the context of a process dominated by the national government. Its ministries and agencies from time to time consult the states on various matters, primarily foreign economic policy, but this consultation is initiated and controlled by the central government and is conducted at the civil-service level.

Intergovernmental processes are somewhat more complex in India. Chief ministers from both orders of government occasionally meet to discuss foreign economic policy, but no structures or processes for regular interaction have been established. Federal civil servants maintain control of the consultation process.

The South African system operates in a similarly top-down fashion. Foreign relations are considered the prerogative of the national government. It seldom consults with provinces on international matters relating to provincial competences, and these matters are infrequently raised, if at all, in intergovernmental meetings at the political and senior-official levels.

In Argentina the federal government's role is also preeminent. Within the Ministry of Foreign Affairs, the Directorate of Federal Affairs interacts with the provinces on the whole range of issues relevant to provinces' foreign relations and provides training and assistance to their officials. It helps to facilitate cooperation between provinces and goes further to include municipal governments as it seeks to engender cooperation among the three orders of government in their engagement with the international community. Intergovernmental relations are conducted almost exclusively at the civil-service level.

Group Two: Loosely Structured Interaction, Federal Government in Leading Role

In Australia, Canada, and Spain consultation between the federal and constituent governments is not constitutionally mandated, but structures and practices have nonetheless developed to foster cooperation. With some exceptions, constituent units are not as engaged in foreign relations as those in group three. The national government and constituent governments cooperate in a loosely structured framework where the federal government is in a senior position and can exercise a good deal of discretion in its interactions with constituent units.

There is no single Canadian intergovernmental forum that regularly brings together representatives of the federal and provincial governments. There are annual federal-provincial ministerial meetings in the policy sectors most affected by international relations, and depending on need, periodic meetings occur between federal and provincial officials, as do

contacts between their ministries. In other policy sectors, meetings are less frequent. Provinces are consulted on matters affecting provincial jurisdiction in policy-specific forums operating with varying degrees of institutionalization and organizational support. In the negotiations of treaties of greatest significance to provinces, federal officials consult with them, allow them to participate in developing the Canadian position, and keep them regularly informed during the negotiations. Provinces have urged the federal government to institutionalize these procedures more thoroughly and to give the provinces a formal role in treaty negotiations, but there has been no positive response so far. On a day-to-day basis, regular consultation takes place between federal ministries and provincial offices responsible for foreign affairs.

Australia's intergovernmental relations in foreign affairs are somewhat more structured. Consultation is institutionalized at the highest level through a committee of senior Commonwealth and state officials from key departments, including that of the prime minister. The committee meets at least biannually. A formal statement of guidelines for Commonwealth-state relations in the field has been approved by the heads of government. It provides that states' views be taken into account in formulating Australia's position in negotiations. The Commonwealth government regularly provides state governments with information about treaties and an evaluation of their impact on Australia. State representatives frequently attend treaty negotiations as observers when these involve issues important to them in order to keep states informed and to provide information and advice to Commonwealth negotiators. Day-to-day consultation is carried on between the Commonwealth and the states through regular interactions between departments at both levels responsible for individual policy sectors and at the highest levels between the offices of the prime minister and the state premiers.

The Spanish system of intergovernmental relations fits uneasily into this classification scheme because it takes on two quite different forms. One is geared toward Spanish participation in the EU, where relations between the central and constituent governments are structured and frequent. Consultation between constituent units and Madrid by civil servants is organized around "sectoral conferences." Only one of these conferences, that dealing with the EU, has an explicit foreign relations mandate, and given the breadth of European policies, it works closely with other conferences. Some of the latter, however, are beginning occasionally to discuss international issues beyond the EU. What is more, intergovernmental relations are complicated by the lack of a uniform relationship between the central government and the autonomous communities, each having its own constitutional agreement with Madrid; hence consultation on foreign relations is often conducted bilaterally. But there are signs that a more

uniform system could be developing based on the new statute to govern relations between Madrid and Catalonia, which may well become a model for a more systematized approach to intergovernmental relations.

Group Three: Highly Formalized Procedures, Strong Role for Constituent Units

Intergovernmental relations in the third group of countries are much more structured and subject to formal agreements than in the countries in groups one and two, and they often involve national and constituent government ministers, frequently at the head-of-government level. In each country, a system of committees has been established where politicians and/or public servants meet regularly. In each EU member state, the most active and structured network is that dealing with EU policies. The constituent units of all three EU countries in this group, although to a more limited degree in Switzerland, are more actively engaged in foreign relations on a wider range of issues than those in other countries, making cooperation between them and their federal governments a necessity.

Austrian intergovernmental relations operate at both the administrative and political levels. *Land* governors and presidents of *Land* parliaments meet regularly with their federal counterparts. Consultation between the *Länder* and the federal government on fundamental questions of EU policy and foreign policy is conducted in a number of councils dealing with European and foreign policy. The cooperation between the two orders of government on EU matters is intense and continuous. *Länder* participate in the preparations for EU negotiations, and both *Land* politicians as well as senior public servants serve as representatives of the *Länder* on Austrian delegations to the EU, the Council of Europe, and other international organizations such as United Nations (UN) agencies, where they speak on behalf of all *Länder* and report back to them.

Belgium's elaborate system of coordination is necessary to ensure a coherent foreign policy in a setting in which the constituent units have very broad foreign relations powers. At the highest level, a coordinating-committee structure brings together federal and constituent-unit heads of government. Sectorally specific consensus-based interministerial conferences include the statutorily established Inter-Ministerial Conference on Foreign Policy. A series of cooperation agreements between the federal government and the constituent units regulates intergovernmental relations in the formulation and implementation of Belgian foreign policy. The foreign affairs ministry organizes the interaction between federal and constituent officials in EU policy sectors, involving heads of government if necessary, so that they can work toward consensus. Cooperation agreements among constituent governments facilitate coordination on EU policies.

The preparation of the Belgian position in other fields is not as formally organized. It involves a coordinating committee, operated by the Ministry of Foreign Affairs, whose sectoral subcommittees of federal and constituent-unit civil servants work toward a consensus on foreign policy issues affecting constituent-unit interests. A series of cooperation agreements between the national and constituent governments institutionalizes cooperation among them to work toward establishing coherent Belgian positions vis-à-vis the world.

German intergovernmental relations regularly involve both politicians and public servants. An agreement, the Lindauer Abkommen, regulates interaction between the two orders of government on the disputed matter of treaty making and implementation in policy sectors under *Land* jurisdiction, leading to generally harmonious relations. Extensive interaction between the federation and *Land* governments takes place in the *Bundestag*'s Committee on Foreign Policy, Defence and EU matters, which deals with, among other issues, German policies toward the EU. Numerous committees have been established primarily at the civil-service level, but if necessary these involve political leaders to foster communication and cooperation in that context. *Länder* participate in the federal government's delegation to the international organizations whose mandates affect their jurisdiction. Participation by *Land* governments in EU decision making in Brussels, which includes representing Germany on matters in their exclusive jurisdiction, is contentious because the federal government feels that their participation has made representing the German position cumbersome, inefficient, and less effective. The federal government's attempts to reform the process have not met with success. Organizing the day-to-day interaction between the federal and *Land* governments is the responsibility of the Ministry of Foreign Affairs and may involve participation of the chancellor's office and other ministries depending on the policy sectors involved. In the *Länder* relevant ministries and the premier's office deal with foreign affairs. Each *Land* has a representative office in Berlin. At their frequent meetings, the *Land* premiers regularly address EU matters and foreign relations.

Switzerland's Federal Law on the Participation of the Cantons in the Foreign Policy of the Confederation operationalizes the constitutional provision that there be intergovernmental cooperation in foreign relations. An elaborate system of intergovernmental relations is mandated, and a system of bodies that institutionalize confederation-canton relations as well as relations among cantons has been set up to foster cooperation between the confederation and the cantons and among the cantons. There is regular consultation between the confederation and the cantons before the negotiation of treaties with other states and with international organizations, and cantonal representatives can participate in international negotiations

as part of the Swiss delegation. Cantons wish to be seen as partners with the federal government in making, and being co-responsible for, foreign policy. The confederation is also obligated to take into account the interests of municipalities in the conduct of foreign relations.

The United States as a Special Case

Speaking of a system of US intergovernmental relations would be misleading because, as Earl Fry argues, communications between the states and the federal government on foreign relations are intermittent at best. The few federal agencies with responsibility for liaison with states infrequently interact with them, in good part because the federal government views foreign policy as its domain. If there is conflict, it is ultimately subject to resolution on Washington's terms. Here, then, is a pattern of intergovernmental relations unique among the twelve countries. As in the countries of group one, there is a dominant federal government with the final say on all aspects of foreign policy. But there is not even the loosely structured system of intergovernmental relations that exists in Australia and Canada, let alone the highly structured system characteristic of the countries in group three that affords constituent units regular consultation and negotiation with their federal governments and among themselves. Nonetheless, many states are actively engaged in foreign relations. That such a system does not serve states' interests well is evident in their requests that there be a better developed system of intergovernmental relations so that there is systematic interaction with Washington. This objective is pursued for essentially the same reasons that such systems have developed in other countries, namely the protection of constituent-unit constitutional interests and the practical benefits of cooperation on the world stage.

Intergovernmental Relations: An Assessment

What can be learned from this overview of intergovernmental relations in the twelve countries? Among the countries with the least developed intergovernmental structures are the lower-income cases: Argentina, India, Malaysia, and South Africa. The common factor in all these cases is a strong national government and a constitution that gives the predominant role in foreign relations to the national government. In all countries a strong national government is seen as essential to economic development. At the same time, constituent units generally do not yet have the expertise and financial resources to become actively engaged in foreign relations. Hence there is no great need for highly developed intergovernmental relations.

Another common factor in two cases, Malaysia and South Africa, is one-party dominance. In Malaysia this reinforces the already strong centralization

bias in the constitution. In South Africa such dominance overshadows constitutional provisions for a more decentralized system of government and a more federalized structure than have evolved in practice. Argentina's states are still finding their way in foreign relations – hence the federal government's central role – but they are becoming more active, and there are signs that intergovernmental relations may well be developing toward a more decentralized system in which provinces will gain a greater role. In short, intergovernmental relations in Argentina are highly centralized and less complex than those in the other federations.

Intergovernmental relations in group two countries can in part be explained by the more limited degree of constituent diplomacy when compared with that in group three, with the notable exception of the Canadian province of Quebec and some Spanish autonomous communities. In these countries' constitutions, there is no explicit provision for constituent-unit foreign relations or provision for participation in the foreign policy process, although the three governments involve their constituent units in the treaty-making process. Constituent units, when compared with those in group one, have been longer established – in the case of Canada and Australia, much longer – and have developed strong identities. They have greater powers and function in less centralized constitutional and political settings than do those countries in group one. Canada has always lacked structured intergovernmental relations; thus the pattern in foreign relations is not unexpected. In Spain the lack of homogeneity in constitutional arrangements between Madrid and the autonomous communities has made the development of a highly structured system of intergovernmental relations difficult.

The defining characteristic of group three is the dense network of institutionalized structures and processes for intergovernmental relations. These can be explained mostly by the constitutional provisions that constituent units be closely involved in formulating their countries' relations with international partners in policy sectors under their jurisdiction and that they be engaged in treaty negotiations in their own right. The three EU members are heavily engaged in the EU decision-making process and must in that context cooperate with their federal governments in a highly structured system. In Austria, Germany, and Switzerland the pattern of intergovernmental relations mirrors that in other policy sectors. However, in Belgium, where on domestic matters the constituent units operate quite independently, the need to arrive at a common national position on foreign policy matters requires a degree of structured relations equal to that in Austria, Germany, and Switzerland. Intergovernmental relations regularly involve not only senior public servants but also federal and constituent-unit ministers, even up to the level of heads of government. In Austria, Belgium, and Germany the most highly structured subsystem is that

established to manage relations with the EU in order to ensure a coherent national position in EU decision making.

The pattern of relations between the two orders of government in these countries varies, with bilateral relations between federal ministries in charge of policy sectors and constituent units being the norm in some settings, whereas in others the foreign ministry plays a coordinating role. The most highly formalized systems of intergovernmental relations also result from constitutional and legal provisions entitling constituent units to be consulted when their federal governments are involved in treaty negotiations in their areas of jurisdiction. In all four countries, constituent units regularly discuss common interests in conferences of constituent-unit heads of government. The German and Belgian systems provide constituent units with arguably the strongest roles in intergovernmental relations but for quite different reasons. In Germany *Land* governments are integrated into national decision making through their membership in the powerful *Bundesrat*, which helps to shape German foreign policy. In Belgium the constituent governments' strong domestic and concomitant foreign relations powers give them a role equal to that of the federal government in intergovernmental relations.

CONSTITUENT DIPLOMACY

The country chapters demonstrate the diversity of international activity undertaken by constituent units and how the policy sectors for which they are responsible are affected by developments and forces from beyond their national borders. Their reaction to these and, indeed, the actions they initiate themselves vary for constitutional and legal, political, and economic reasons as well as for reasons having to do with the features of their environment. The chapters also demonstrate that constituent units are not all equally active in constituent diplomacy; for example, Gauteng is by some measure the most active province in South Africa, and Zürich is more engaged than other Swiss cantons.

Even cities become engaged internationally. Twinning and sister-city agreements with foreign cities are common in many countries and do much to foster good will as well as allow partners to exchange experience in local government and to establish commercial ties. In some cases, cities cooperate with their constituent units to engage in development aid, as the chapters on Austria and Spain demonstrate. Australian local councils have been active in areas such as providing skills training, medical supplies, and financial aid to countries in the South Pacific. Management of cross-border relations with neighbouring polities is part of municipal diplomacy in Switzerland and elsewhere. The promotion of economic interests abroad is an important feature of municipal

diplomacy, especially in the United States and in cities such as Montreal and Zürich.

If one set of activities is preeminent in constituent-unit foreign relations, it is that centred on the promotion of economic interests. Such activities constitute almost exclusively the very limited involvement of Malaysian states in foreign relations, as they do for Indian states, and they are also at the core of South African provinces' foreign relations. The constituent units of these countries are becoming engaged in the world only hesitantly. The activities of Argentine states in promoting their economic interests are of an order of magnitude higher than those of the former three, but the Argentine states are becoming involved in other forms of constituent diplomacy only gradually. As for Australia, the United States, and Canada (with the exception of Quebec), constituent-unit promotion of economic interests is front and centre. Much the same can be said of the constituent units of the remaining countries – Austria, Belgium, Germany, Spain, and Switzerland – whose range of activities is also broader than that of practically all constituent units in the other countries. As argued earlier, the extensiveness and intensity of these activities are directly related in most instances to the constituent units' level of economic development.

The promotion of economic interests takes on a number of forms. The attraction of foreign investment is typically a top priority. Improving infrastructure to attract direct foreign investment is common in contexts as varied as Indian, American, and Malaysian states, Swiss cantons, German *Länder*, and Canadian provinces. American states compete with each other to provide tax and other financial incentives, including direct subsidies, to firms willing to invest in their jurisdictions, as do Canadian provinces. Such competition also takes place across the US-Canada border. In the EU, by comparison, competition regulations do not allow direct subsidies. Export counselling for small and medium-sized firms is provided by constituent units in most countries. Trade missions, led by heads of constituent governments or other senior politicians, typically involving representatives of the business sector, are a common form of constituent diplomacy for Malaysian, Indian, and American states, Spanish autonomous communities, German *Länder*, Canadian provinces, and so on. These missions are in most instances supported by federal foreign-service officers stationed in the destination country. Many constituent units, although not, for example, Swiss cantons, have representative offices abroad to seek investments, attract foreign business, promote exports and tourism, and seek economic intelligence – in short, to support the business sector at home. Although some are run directly by the home government, these offices are often operated in cooperation with private-sector organizations or have been entrusted to specialized organizations that operate on a contractual basis. Another option frequently pursued is to engage

agents abroad. The establishment and maintenance of representative offices is costly, and as the Canadian and American chapters demonstrate, some constituent units close such offices when the costs of maintaining them outweigh the perceived benefits. Hence they are normally maintained by only a subset of constituent units in individual countries. Only some Canadian provinces have offices abroad, whereas maintaining such offices is more common among Australian states and more common still for German *Länder*, US states, and Spanish autonomous communities. Belgian regions also have numerous offices and envoys in many parts of the world. When such offices are operated directly by constituent governments, they frequently also perform functions such as the maintenance and furthering of cultural and educational ties as well as direct liaison with constituent units and occasionally even national governments. EU member-state constituent-unit delegations in Brussels have responsibilities not only for political representation but also for the promotion of economic interests through lobbying EU institutions, seeking economic intelligence, and interacting with umbrella groups of European businesses.

One may ask why constituent units undertake such economic diplomacy at all. The answer is that their governments are often not certain that their interests are given as much attention by their federal governments as they think they deserve, an attitude particularly prevalent in the United States. However, most often the relationship between representatives of the two orders of government is one of cooperation, with federal officials providing logistical support and advice to constituent-government representatives abroad. In Belgium and Canada such cooperation is visible because constituent-government officials are often housed in their countries' embassies. Although relations among constituent units abroad are often characterized by competition, as seen among American states and Australian states, there is also cooperation – for example, when representatives of one constituent unit make those of another aware of opportunities of which the former cannot take advantage, as has occurred not infrequently among representatives of Canadian provinces. Cooperation among constituent units housed in Belgian embassies is institutionalized by an agreement that a region's officials represent not only their own region's interests but also those of other regions when these regions are not represented in a particular embassy. As for the overall picture, there is a strong argument to be made that the economic interests of a country are furthered when constituent-unit representatives enhance and complement the federal presence abroad, in part because there are more boots on the ground but also because constituent-unit representatives are knowledgeable about the special needs and circumstances at home.

Constituent diplomacy is not limited to economic concerns. Active participation in regional organizations is a striking feature of European

federations' constituent diplomacy. Leaving aside cooperation in the EU setting, which is magnitudes greater in scope and depth than in other organizations, and focusing on regional organizations with less ambitious goals, one tends to find a direct relationship between geographical proximity and intensity of interaction as well as between the geographic extent of a regional organization and the scope of its functions. Cooperation in small regional contexts is intense and focused on practical concerns such as education, tourism, and economic development, whereas the focus in regional organizations having a wider geographic scope and greater heterogeneity among participating polities is less on practical matters and more on abstract themes such as the Assembly of European Union's emphasis on promotion of political dialogue and democracy as well as the transfer of knowledge about best practices in governance. European constituent units participate much more frequently in regional organizations than do their counterparts elsewhere. They need to do so not only because of geography (and thus the need to cooperate across national borders in order to solve practical problems on a continent where countries are small and borders are many) but also because, compared with other settings, there exist in Europe many more regional organizations focusing on more abstract and political themes.

As the country chapters demonstrate, constituent units also participate in development projects. Among the most prominent examples are the Spanish autonomous communities, which spend considerable sums on foreign aid and provide technical assistance to developing countries. Belgian regions contribute to the development programs of UN agencies and also undertake their own projects. Typically, constituent units can send experts to developing countries to train government officials and other government employees. Thus some Canadian provinces have provided assistance to strengthen governance in developing countries, such as the training of Namibian municipal officials by provincial government experts from the province of Saskatchewan. Argentina's provinces have provided technical assistance to less developed Latin American countries. Austrian *Länder* have cooperated with federal and municipal governments to provide foreign aid, and German *Länder* have signed cooperation agreements with developing countries for the same purpose.

Given that constituent units are typically responsible for education and culture, they have initiated and carried out a wide variety of projects and programs in these fields with foreign partners. Quebec is among the few constituent units that make culture and education their first international priority. German *Länder* have signed numerous protocols on culture and education with foreign polities, and a large number of the regional organizations in Europe to which the five European federations belong have the promotion of culture as one of their goals. EU constituent units also take

the lead in representing their countries when culture and education are on the Brussels agenda. Belgian and German constituent units share representation with their federal governments in the United Nations Educational, Scientific and Cultural Organization (UNESCO), and the Quebec government has recently been accorded status as a permanent member of the Canadian delegation to that organization. The Taalunie involves linguistic and cultural cooperation between the Belgian region of Flanders, the Netherlands, Suriname, and South Africa.

International activities such as these by constituent units rarely lead to conflicts with their federal governments. As is the case for the promotion of economic interests, their activities enhance efforts by their federal governments to provide development aid. Indeed, the Swiss confederation and cantons cooperate formally in cultural promotion. The experience and skills required to train public administrators in the developing countries are often found only in constituent-government agencies; training for education or healthcare administration, for example, as well as for other services with direct impacts on people's lives, can typically be done only by these agencies' experts because federal governments do not deliver such services. Not infrequently, the two orders of government cooperate in such efforts, with the federal government helping to provide funding and the constituent units providing expertise.

Constituent-unit politicians sometimes travel abroad for political reasons. They may hope that the attention from press coverage of a trip abroad will make them appear to be sophisticated statespersons, an asset at election time, or they may have aspirations to hold federal office, especially in countries like Germany and the United States where politicians frequently make the jump from constituent-unit to federal politics. Delegations of constituent-unit parliamentarians attend international meetings with their counterparts from other countries or visit sister-states. Such visits can build good will and allow participants to broaden their horizons. They are also often strategically targeted to complement efforts at economic promotion.

The country chapters demonstrate that matters of high politics are very rare themes in constituent elections and are infrequently discussed in constituent-unit legislatures. There are some exceptions. The Kyoto Protocol has been discussed in Canadian provincial legislatures, and a federal-provincial dispute has arisen over its implementation. International cooperation on climate change has also engaged members of legislatures. More dramatically, the India-Pakistan dispute over Kashmir has been addressed in the Jammu-Kashmir legislature because of the ongoing conflict in that state and the immediate danger it poses to citizens. But the themes in constituent-unit elections and legislative debates are almost exclusively more practical, tending to focus on citizens' immediate concerns about such matters as education, infrastructure, and taxation.

Conflict between constituent and federal governments can occur. There is always the conflict typical of everyday political life that differing views on foreign relations will inevitably entail. Or interests may clash, such as disagreements between some provincial governments and the Canadian federal government over the negotiation of the North American Free Trade Agreement (NAFTA). As this example and the other country chapters demonstrate, it is impossible to isolate domestic policy from foreign policy. Federal government foreign policy can have major implications for domestic policies within the constituent governments, even to the extent of restricting constituent-unit powers, as shown in the American and Swiss chapters. Potential friction of this type is often forestalled in the intergovernmental relations processes discussed earlier, although the United States, in the absence of well-developed procedures and structures, appears to be an exception.

Occasionally, conflicts become more acute. They are often played out domestically, but they can also be carried onto the international stage if partisan politics or domestic issues are projected abroad, as a number of examples from the country chapters demonstrate. The US chapter discusses instances when state governments have shown their disapproval of pariah regimes – Burma, the Sudan, Nigeria, and Cuba, for instance – by threatening or even implementing financial sanctions against American firms dealing with these countries. Such actions can clearly be considered interference in American foreign policy and have been outlawed by American courts when the federal government has chosen to quash them by resort to legal action. Serious disagreements arose in Belgium when regional decisions about the arms trade were in conflict with Belgian foreign policy. As the chapter on Spain relates, a controversial invitation for a visit by a delegation of the Kurdish assembly in-exile to the Catalanian Parliament had to be called off because of the predictably strong objections by the Turkish ambassador to Spain. *Land* premiers of parties in opposition in the German federal government have made pronouncements on foreign policy, although these can best be seen in the light of domestic party competition rather than understood as direct interference in German foreign relations. A dramatic example of domestic conflicts being carried onto the international stage occurred when Quebec (at the time ruled by the separatist Parti québécois), sought to demonstrate to its citizens and the world that it could conduct its own foreign policy if it were to become independent by establishing a large network of offices abroad that were encouraged to make contact with public officials and to put as much of a political slant on constituent diplomacy as possible. It even attempted, with some success, to develop a state-to-state relationship with France. German *Land* politicians occasionally have made statements abroad that fall clearly in the domain of foreign policy and embarrass Berlin. But such cases are exceptional.

The challenge, then, in each federal country is to ensure that the foreign relations of constituent units and the foreign policy articulated by their national governments do not clash. Both orders of government can contribute to developing an effective foreign presence. Constituent-unit governments have much relevant technical expertise and a detailed understanding of the interests and concerns of private-sector actors who are or wish to become engaged internationally. National governments can bring greater experience to bear in dealing with the international environment, and they can wield greater political and economic clout than can individual or even groups of constituent units. The cooperation of the two orders of government requires consultation through durable and adequately conceptualized institutions of intergovernmental relations, and it requires the willingness to make compromises. Effective cooperation is essential as effective foreign relations become increasingly important in a highly interdependent world.