

TEMPLATE FOR BOOK CHAPTERS ON FOREIGN RELATIONS IN FEDERAL COUNTRIES

Hans J. Michelmann
University of Saskatchewan
michelmann@arts.usask.ca

General Remarks to Contributing Authors: Because the subject is relatively unknown, it is important to provide considerable detail in these chapters. If, in your view, there have been particularly successful or unsuccessful practices in the conduct of constituent governments' international activities, including the federal-constituent government management relations in this field in your country, please be sure to address these. After all, this volume is to serve as a handbook for practitioners as well as a scholarly volume and should be the source of considerable information with practical relevance.

Not all of the questions/categories/issues outlined here may be relevant to your country, in which case, of course, they need not be addressed in your account. However, this irrelevance to your country should be indicated in your chapter so as to assure readers that these particular questions have not been overlooked. In addition, the following template is not necessarily exhaustive of all relevant issues in individual settings, in which case these matters should be addressed in your chapter after consulting with me. But because there needs to be uniformity in the presentation of the chapters, you are asked to follow the template closely.

The introductory paragraph of each country chapter should be a succinct summary of the main themes and points in the chapter. You will probably want to write this paragraph after the rest of the chapter has been written.

Please refer to volume one of the Global Dialogue on Federalism, Constitutional Origins, Structure, and Change in Federal Countries, as a model for your chapter.

I. Introduction and Overview (two pages)

A. Population, ethnic/linguistic and religious homogeneity/diversity overall (multi-national federation?), general level of social development especially with regard to level of education, GNP, nature of economy characterized by degree of development, export dependency, degree of dependency on natural resources, degree of dependency on foreign capital, extent of regional variations in economic development/prosperity and economic reliance on/integration with adjacent foreign jurisdictions, extent of self-sufficiency of internal market as opposed to export dependency. (Please provide precise, accurate and up-to-date data, for example, 64.3 percent Hindu, 82.7 percent literacy, and \$5700 GDP per capita. For comparative purposes, all money data should be in U.S. dollars).

B. Nature of constituent polities: number, variations in size and resources, cross-cutting or offsetting cleavages with respect to social and economic characteristics (see above); characterization of the extent to which disparities and cleavages among them affect foreign relations.

II. Country Characteristics Relevant to Theme

What has been the role of the federation in the international arena—great power, middle power, small power-- and to what extent is it an active participant regionally and internationally? The role of country in the international system—strongly integrated or still out of the mainstream. The impact of globalization on country. The historic role of constituent governments internationally. Decentralized or relatively highly centralized federation. Are international activities of constituent governments a contentious theme, matters of intergovernmental cooperation or of limited importance politically? What are the main driving forces, political, economic, cultural and/or social, that explain the international activities of constituent governments, and what is the rank order of importance of these forces? Presence or absence of ethnic nationalist (possibly separatist) elements: concentrated in one or more polities--relevance for conduct of international relations at the constituent polity level (e.g., Quebec in Canada). Presence of major urban settings (international cities?) relevant for the conduct of international relations.

III. Regional/Global Context of National Setting Relevant to Theme

A. Characteristics of adjacent countries relevant to trans-border relations (degree of economic development; extent of ethnic/linguistic similarity/differences; relevance of historical amity/strife to border relations); extent and nature of trans-border migration; extent to which communication and transportation infrastructure is nationally organized or has developed along macro-regional (cross-border) lines; extent to which adjacent economies are complementary or competitive; extent to which there is need to share and manage common resources such as rivers, lakes and oceans, mineral and hydrocarbon deposits; extent of cooperation in schemes to safeguard environment.

B. Existence and extent (nature of) regional integration scheme (e.g., EU, NAFTA, Mercosur) and relevance of scheme for trans-border relations--extent to which country is integrated in scheme (e.g., Switzerland in European Economic Area, EU member state participation in the Euro zone and the Schengen agreement).

C. Membership in regional security organizations (e.g., NATO) and relevance to theme.

D. Membership in international organizations (WTO, UN) and relevance to theme. Impact of decisions by WTO and IMF on constituent polities. To what

extent are the constituent governments requesting participation in these international organizations?

IV. The Constitutional Setting

A. What powers does the federal or national government possess in foreign affairs and defense? Are those powers regarded as inherent to the national government or delegated to it by the constituent political communities and/or their citizens? Are there any constitutional limit on these powers? Have any federal powers, such as the treaty-making or defense power, been used to expand the powers of the federal government at the expense of the constituent governments?

B. What constitutional powers do the constituent polities possess in the realm of foreign affairs and defense?

C. What constitutional limits exist on the foreign affairs and/or defense powers of constituent governments and their localities?

1. Are military powers exclusively federal, or do the constituent polities possess their own militias, armies, navies, coast guards, and/or air forces?

- a) If yes, what are the constitutional relations between federal and constituent-government military forces?

- b) Do the federal constitutional and/or the constituent polity constitutions explicitly provide for civilian control of all military forces?

- c. Do the federal and/or the constituent constitutions explicitly provide for religious and/or secular conscientious objection to military service?

D. Has the development of supra-national institutions (e.g., the European Union and NAFTA) affected the constitutional allocation of foreign affairs and/or defense powers, or otherwise compelled constitutional change to provide for more intergovernmental consultation in foreign affairs and/or defense, representation of constituent governments in external negotiations, or greater external relations authority (e.g., limited treaty power) for the federation's constituent polities and/or local governments? Has there been a transfer of other powers to regional organizations?

E. Features of constitutionally mandated decision making in foreign affairs and defense in federal institutions: What are the relevant roles of the national executive, and the national upper and lower houses? Is constituent government representation in federal foreign affairs and defense decision-making assured in legislative institutions (e.g., Bundesrat model)? Or are the constituent governments not effectively represented (e.g., Canadian Senate model)? Or are the constituent units represented in the upper house by legislators with a federal mandate (US Senate model)? Or is there strict representation by population in

federal legislative institutions, and to what extent does the functioning of these institutions allow for meaningful constituent government representation in federal decision-making?

F. Features of constitutionally mandated domestic implementation of foreign policy matters: Do federal institutions have powers to implement foreign policy domestically regardless of the division of powers in the constitution (Australian model), or must they rely on cooperation of constituent governments (Canadian model)? Do constituent governments have powers to implement foreign policy internationally in their areas of jurisdiction (Belgian model), or is this constitutionally the prerogative of the federal government as in other federal polities? How has the evolving pattern of foreign policy implementation affected the division of powers in the country? To the degree that international trade and other agreements have affected the powers of governments in the country, which level has experienced the greater gain? Are there constitutional principles (such as *Bundestreue* --federal comity or loyalty--in Germany) that affect the constituent government propensity to implement treaties that the federal government has negotiated in areas in, or impinging on, their fields of jurisdiction?

G. How have constitutional practices evolved in federal-constituent relations in the foreign affairs sector? Have changes been driven by Court interpretations or by formal constitutional amendments? Has the trend been toward greater federal powers or greater constituent government powers?

V. Intergovernmental Relations in Foreign Affairs (as opposed to constitutional arrangements)

A. To what degree have relations between the two orders of government been regularized or routinized by formal (but non-constitutional) agreement (e.g., *Lindauer Abkommen* in Germany)? If there have been no written agreements, has, nonetheless, a pattern of constituent government participation/involvement developed? Does such a pattern, where it exists, apply to all policy sectors in general in which constituent governments have domestic jurisdiction or where there are major implications for the jurisdictional responsibilities of constituent governments, or is it policy-sector specific? What roles are given to the constituent governments in this process: is it as participants in information exchange or as genuine participants in decision making? To what extent are the positions by the national government's representatives in international negotiations determined by constituent governments? At what levels (bureaucratic, political or both) does interaction between constituent governments and federal authorities operate? Are there variations in the degree to which different constituent governments are involved in decision making? Is this due to the nature of the policy sector (e.g., governments of inland polities not interested in ocean fisheries) or due to perceived or actual political clout? Is it due to constituent government disinterest or lack of organizational capacity? Are there

partisan political dimensions to such different interaction patterns where they exist? How are variations in patterns of relations to be accounted for?

B. In federations that are part of a regional integration scheme (e.g., EU, Mercusor) what is the constituent governments' role in its governance and decision making? How do regional organizations react to constituent government participation in their decision making process? To what extent are constituent governments requesting representation in their decision making processes? To what extent are constituent governments requesting participation in these organizations? How do such membership and/or representation and participation affect the relations between the national and constituent governments?

C. How are national-constituent government relations organized in the federation? Do the constituent governments act independently and on their own authority or are they bound by national policy and instructions?

D. What roles do constituent governments have in the actual negotiation of international agreements and participation in international forums such as the UN and WTO (as opposed to consultation by federal officials before and during negotiations)?

E. How is the interaction with constituent governments on foreign policy structured organizationally at the federal level? Is there a secretariat to coordinate such activities for the federal government, what department or office is it attached to, and what is its status organizationally and politically? Are there direct links to the office of the chief executive? Are there units/individual officers in relevant ministries to manage relations with constituent unit counterparts? From the perspective of these agencies, are relations with constituent governments politically charged and conflict-ridden or generally routine and cooperative? To what extent do the bureaucratic structures go through alterations with changes in federal governments; to what extent do they remain in place regardless of electoral results? Does the federal government convoke special meetings at the political/and or bureaucratic level to discuss foreign policy issues? Regularly, periodically, rarely? Does the federal government have liaison officials/offices in charge of foreign affairs in constituent polity capitals?

F. How is interaction with the federal government on foreign affairs issues structured organizationally at the constituent government level? Is there a mainline department (e.g., Quebec ministry of international affairs) and/or a central agency with political responsibility for the portfolio? Do individual departments strongly affected by international relations have units/responsible officials to look after that aspect of the department's responsibilities? If there are significant variations in bureaucratic structures and capacities among the constituent governments in this regard, how can these be explained: scarcity of resources (e.g., Prince Edward Island, a Canadian province, has a population of 200,000), lack of interest--why?, willingness to let the federal authorities do the

running? If there are variations in the degree to which governments of different partisan orientation emphasize foreign relations, how (if at all) are these reflected in organizational structures? Is there coordination or consultation among constituent governments on foreign affairs issues at such meetings as governors'/premiers' conferences, meetings of ministers, or at the level of officials?

G. Are there asymmetries in federal government-constituent government relations that lead to variations among constituent government activity in foreign affairs (e.g., Quebec special agreements with the Canadian government on immigration, Quebec's role in Canada-Francophonie relations)? Do any other asymmetries in formal constitutional terms or in terms of agreements between the federal government and one or more, but not all, constituent governments in other sectors contribute to significant variations in constituent government diplomacy? How did these arise and how are they justified? How do they affect the conduct of the country's foreign relations?

H. How are the international activities and interests of municipal governments, particularly major cities (centers of international commerce, location of transportation nodes, home of multicultural populations, host of important business organizations with international interests) managed vis-à-vis both the constituent and federal governments?

VI. The Domestic and International Manifestations of Constituent Government Diplomacy

A. Historical context (here will come a brief overview discussion of past practices that may have differed considerably from those of the present with an explanation of why changes came about).

B. Provide figures on the amount of spending by constituent governments on their international activities, broken down (if possible) to reflect the various types of activities.

C. Do members of the executive make speeches and proclamations on international political issues and/or do constituent polity legislatures debate and pass resolutions on such matters? Do local election campaigns focus on international issues (as they often do in Germany, for example) and if so, why? Do constituent governments promote discussion on international issues among their citizens on foreign policy and globalization? To what extent are the international activities of constituent governments open to citizen participation and to what extent do these activities increase or enhance citizen participation? To what extent are such activities directed at influencing federal government policy?

D. Do constituent government executives (or legislators) conduct official business abroad (frequently?), and what are the primary purposes of such visits?

When officials of constituent governments travel abroad, are the costs of such travel paid out of government revenues, contributions from the private corporate or non-profit sectors, officials' personal money, or some combination of these?

E. To what extent are constituent government executives held politically accountable for international activities? Are assessments made of various measures' effectiveness? Do international activities become controversial in domestic (constituent polity) politics? Are any public poll data available on citizen awareness and support for constituent diplomacy (e.g., do the people of Quebec know about and support Quebec's extensive international activities and the costs of such activities)? Do citizens care about these activities? Alternately, to what extent are these activities elite-driven and beneficial primarily to elites who want to inflate their self-importance by parading on the international stage?

F. Have there been instances of constituent government "proxy" representation of the federal government (e.g., vis-a-vis foreign governments with which the latter may have poor relations and the constituent government better or more discreet ties)?

G. Do the constituent governments have representative offices abroad (whether diplomatically accredited or not)? If the offices are not officially accredited, what is their status? Provide an overview of these offices per constituent government and the number of employees. Do the governments make use of local agents? Examine and explain rationales for these offices and reasons for variations in this regard (resource reasons, political reasons --e.g., Quebec has a large number of such offices and has retained them for political reasons whereas a number of other Canadian provinces have either completely or in part closed former offices for a variety of reasons). Are these offices maintained for primarily commercial reasons or do they serve other purposes (Quebec has immigration offices in various locations)? Do the constituent governments make use of co-location agreements with their national government whereby their representatives are situated in embassies abroad? Do the country's embassies or consulates abroad have officers or offices responsible for working with representatives of the country's constituent regional and local governments?

H. What is the status of the agreements made by constituent governments with foreign jurisdictions? Do all or some such agreements require the approval of the national government? How are such agreements enforced legally? Can constituent governments conclude treaties with foreign sub-national jurisdictions and also foreign nation-states? Are such treaties on the same level as international treaties? How are such treaties enforced legally?

I. Do the constituent governments undertake relations with foreign partners on behalf of the national government or simply on their own instead of the national government (e.g., training of local government officials in newly democratic countries, education of foreign students as part of a national

development aid strategy, cultural relations)? Are such endeavors popular or controversial?

J. What is the role of constituent governments in trans-border organizations headed by national governments (e.g., International Joint Commission linking the U.S. and Canada, various NAFTA forums)?

K. Are constituent governments members of trans-border regional organizations (e.g., Regio Basilensis, Arge Alp, Conference of Northeastern premiers and governors) or are trans-border relations primarily bilateral arrangements? Do they involve the governments in major commitments (e.g., regional planning, infrastructure development, various types of economic cooperation, lobbying, sharing of health and educational facilities) or are they primarily "friendship" agreements or involve the exchange of information?

L. Do constituent governments participate in regional or international organizations dedicated to regional representation (e.g., Committee of Regions in the EU, Council of Europe Congress of Local and Regional Powers, Assembly of European Regions)?

M. What, if any, partnership (e.g., sister-state) relations do the constituent polities maintain abroad? What is the nature of such relations? Are these part of a national strategy of representation abroad (e.g., a development aid strategy by which different constituent governments develop relations with different foreign partners)?

N. Outline the constituent governments' cultural "foreign policy". Are these initiated by themselves or organizations in their jurisdiction such as universities, schools, orchestras and museums, or are they part of a federally conceived national strategy?

O. Do constituent governments seek to project influence internationally on normative issues such as human rights or with respect to political issues relevant to local constituencies? Have they used economic pressure (e.g., disinvestment of pension funds in firms doing business with offending regimes)?

P. To what extent do regulatory regimes of the WTO (IMF?) affect the constituent polities' economic/industrial policies and their relations with the federal government in the context of domestic and foreign economic policies? To what extent do local regulatory activities and non-tariff barriers generally, as well as procurement practices, become controversial in international commercial relations? Do some or all constituent governments enact laws or promulgate relations intended to attract or repel certain types of (a) foreign investment, (b) foreign enterprises, (c) foreign exports, (d) foreign tourists, (e) foreign contraband, or (f) legal or illegal immigrants? How much autonomy do constituent polities have to govern themselves in these respects, and to what

extent do such laws and regulations create conflict with national governments? How are these issues addressed and resolved? How is the federal-constituent government relationship managed in this area?

Q. Outline the constituent governments' foreign commercial strategy (trade promotion, including export financing, soliciting foreign investment, etc.). To what extent do they undertake related activities on their own, to what extent they rely on private sector business, non-profit and/or civic organizations to promote and protect their commercial interests abroad (e.g., Deutscher Industrie und Handelstag---German Chamber of Commerce overseas chambers), to what extent do they rely on federal officials and programs to transact such business?

R. To what extent do constituent governments lobby the federal government individually and collectively to get their views heard on international commercial negotiations (foreign trade and investment) or other international negotiations impinging on their interests?

S. Is there collaboration between the federal and constituent governments in commercial missions abroad (e.g., Team Canada missions where the Prime Minister and provincial premiers visit major potential or actual trading partners)?

T. To what degree are the foreign activities of constituent governments in the federal system competitive, to what degree are they cooperative? Is there evidence of cooperation in overseas economic representation, tourist promotion and other similar activities that are launched by constituent governments?

VII. Conclusion

A. Please summarize and highlight key issues in your chapter to this point.

B. How have the international activities of constituent governments affected the balance between centralization and decentralization, federal government powers and those of constituent governments, in the federation? Has constituent government interaction with foreign political and other entities (e.g., multinational corporations) contributed to a regionalization of the international system and a "decline of the nation-state" as some theorists have postulated?

C. Do the international activities of constituent government enhance, have little impact on, or impede the effective conduct/management of international relations in the federation? Are there practices at either or both levels of government, or constitutional provisions that, if altered, would lead to a more effective conduct of the federation's international relations? If there are, what are the prospects for such adjustment of practices and constitutional provisions? What are the domestic and international factors that facilitate or impede such adjustments? Will reaction to increasing international interactions (further globalization) lead to increasing strains in relations between national and

constituent governments in the conduct of foreign relations or will they lead to greater cooperation? Will there be more or less constituent polity international activity in future? Why or why not?

.