Paradiplomacy and the State of the Nation

A COMPARATIVE ANALYSIS

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Acknowledgments

Abstract

Part of a new cohort of diplomatic actors, sub-state governments represent a particularly complex challenge for our understanding of international relations. These actors are both territorially constituted and governmental; they look and sound very similar to states. Crucially, however, they are not states at all. When paradiplomatic relations are conducted on the part of sub-state governments with a strong regional identity, in particular 'stateless nations', there can sometimes be challenge – implicit or explicit – to the authority of the state to speak for, or represent, its people. This thesis takes three such stateless nations: Wales, Scotland and Bavaria, and analyses their paradiplomatic activities. The unique political context in each of these case studies is used as a frame within which to understand and interpret both the motivations and implications of such activities. Using a conceptual toolkit less familiar to traditional paradiplomatic analysis, including sovereignty games, performativity and mimicry, the study explores the ways in which sub-state governments acquire international agency, and the extent to which this agency is contested by other actors. Despite the range in political ambitions in each of the stateless nations considered, the paradiplomatic activities they conducted were often remarkably similar. What differed, however, was the way that these activities were interpreted, depending on the political context and the tenor of inter-governmental relations within the state. The paradox of paradiplomacy is that in many ways it remains unremarkable in its day-to-day practices. Yet, at other times, sub-state governments use their international relationships to make important claims about their status and position within their state, the currency of exchanges becoming that rarefied concept: sovereignty. Using a marginal site of international relations such as paradiplomacy, this thesis explores the heterogeneity of the field and the variety of relationships that exist and persist within it.

For Benjamin Rowan & Erin Grace
Two joyous interruptions to my studies

<u>Introduction</u>

Who does diplomacy? We know that it's no longer the monopoly of impenetrable foreign offices, ministers with stiff upper lips and manicured moustaches. A place remains, surely, for the appropriately attired attaché, briefcase in hand. But what of soft power, the subtle plays of public diplomacy? The Twitter-happy, Facebook-friendly protagonists, not just promoting the diplomatic messages of states, but of other actors: faith groups, advocates of minority rights, breakaway governments? It's a truism - and yet it's true - the practices of diplomacy are changing, proliferating, becoming more inclusive. It is no longer easy to distinguish 'official' diplomacy from this wider pool of interactions.

At the same time, in another realm, the political currency of regionalism, self-determination and nation-building has an increased potency. If one pulls at this thread, all sorts of issues come tumbling out. Regions and devolved governments in democratic states clamour for more authority, more autonomy. Religious and ethnic factions break away into new unrecognised governments or self-declared states. Indigenous peoples stake a claim on incorporated territory, be that for a seat at the table - or for the whole table itself. From civic nationalism through to civil war, there is a continuum. However, something does link both ends of this spectrum: the use of a diplomatic toolkit, to play with the relative roles or power positions that are held. To secure specific, concrete objectives or simply to challenge the status quo.

Where traditional diplomacy might face a 'challenge' from the presence of de-territorialized actors, NGOs, transnational companies and international organizations, what is presented by the above, territorially-based, category of actors is something really quite different. Here, the weakened boundaries between who is, and who is not, a diplomat meet similarly weakened boundaries around what is, and what isn't, a state. We see the government - territory nexus particularly clearly as these actors exert some form of governmental control over a defined territory, meaning that they have an awful lot more in common with states than with any NGO. Of course; we must not get ahead of ourselves, or set up straw men. Canada is a state. Hay on Wye is not (despite the parody performed by the self-proclaimed "King of Hay"). But

what of the status of quasi-sovereign actors, unrecognised or de facto states, autonomous regions, or regions actively seeking statehood? What about Northern Cyprus, or the Tibetan Government in Exile? What do we make of the remnants of colonialism - overseas territories such as Guadeloupe, Gibraltar or Guam? What about regions such as Scotland, Venice, Catalonia, Kurdistan or Quebec? It is apparent that many non-state entities in fact possess many state-like qualities and competences.

If diplomacy is the conduct by governmental officials of relations or negotiations between states, then there is a large mass of grey area remaining. Where the loosening of diplomatic boundaries meets the proliferation of territorially based non-state - yet governmental - actors, is an area ripe for research. Within this group are not only unrecognised states seeking formal recognition from the international community, but also a whole host of regional, governmental actors that increasingly employ the practices of diplomacy as part of their attempts to reach and represent themselves upon a more global stage. Not seeking statehood, but perhaps acting outside of the restricted, parochial parameters set out for them - and often appealing to national sentiments as they do so.

For regions - some who represent sub-state nations, some who seek independence, some who do neither - the lure of a diplomatic toolkit is hard to resist. Across large swathes of the world, sub-state governments (most often where they are endowed with a constitutional role and legislative profile) represent the interests of a territorially defined people, one whose constituency overlaps with that of a nation-state. Owing to the necessities of our globalised age, there are a multitude of pragmatic, economic reasons for such a sub-state government to develop an international profile. In many cases, however, there are also compelling political reasons for them to do so. This may be because their constituents demand a greater voice within the state. It may be in order to gain traction on a specific issue of particular importance to that community - from fishing rights to minority rights. It may also be to reflect and promote the region's identity or its demands for self-government, nationhood or other forms of self-determination.

Paradiplomacy - these international interactions, carried out by governments and officials below the state level - is one lens with which to look at what is, essentially, a collision of forces: the efflorescence of a regionalist, sub-state nationalist or self-determinist ideology, on the one hand, and the diversification and stratification of diplomatic practices on the other. There may be other ways in which to view this relationship, but the sheer volume of paradiplomatic exchanges and the degree to which they have become commonplace, yet at heart not fully understood, would signal that this is a good place to start. These emergent - some might argue, resurgent - practices, and the twin forces or phenomena that they reflect (a burgeoning regionalist ideology - and the accompanying institutional framework - and the diversification of diplomacy), may be on the periphery of what is considered 'proper' international relations. Indeed, it may seem too much of a leap to discuss the minutiae of regional exchanges in the same breath as the big hitters of the IR mainstream: sovereignty, authority, power. But it is precisely in this unassuming borderland between the domestic and the international that these themes are played upon, challenged and reasserted. According to Adler-Nissen and Gad (2012: 3), enquiry at the margins of international relations has the potential to shed a great deal of light into these forces, allowing the true heterogeneity of practices to come to the surface. It's difficult to see such dynamics, as they really are, when wearing a 'Westphalian straightjacket', one that only allows either/or conceptions of sovereignty or statehood to be considered (Buzan and Little, 2001: -25; Adler-Nissen and Gad, 2014: 14).

Paradiplomacy is a practice pregnant with contradiction. It can represent a set of tools and mechanisms by which hierarchically subordinate non-state actors attempt to reposition themselves in relation to their state counterparts. They are able to speak for a given 'people' in a sense that overlaps a constituency both levels of government claim to represent and, in doing so, challenge the core functions of state-level actors and institutions. Yet, at the same time, its main composite activities - the Memoranda of Understanding between regional governments, cultural exchanges and regional-twinning projects - are ordinary in the extreme. Or at least, they may appear to be so, given the assumptions we tend to make about this tier of government. Likewise, in the self-perceptions and understandings of sub-state diplomats, their international role is both something minor and even expendable ('low-

hanging fruit', in the words of one interviewee), and it is also an important component of their nation-building projects, both implicit and explicit - some of which seek eventual secession from the state or a fundamental recasting of state - sub-state powers. A form of political doublespeak abounds in this territory. Paradiplomacy is argued to be 'all about the economy', grounded in the legitimate and unavoidably international concerns of rightful sub-state governance. It can also, however, be about identity, political power, nationhood and even sovereignty. As this thesis will go on to explore, the broader implications of paradiplomatic activity - at least in its most advanced forms - are similarly bound up in such an oscillatory dynamic. Judging whether or not a paradiplomatic activity is 'advanced' or not is, of course, a subjective process. However, there are some useful parameters that we might look to: does the activity stray outside of clearly or predominately functional, inward-investment-seeking territory? Does the activity contradict, challenge or contest the diplomacy of the state which the region sits within? Is there a clear constitutional basis for the activity? Does the activity generate debate or controversy, within the region, the state, or more widely? The responses to these questions can help to guide us towards a cluster of activities which may reflect a more complex set of underpinning forces.

Despite its recent resurgence as an area of academic interest, the extant paradiplomacy literature has failed to adequately take account of this core feature of the practice - its paradoxical, contradictory nature - or to explore the full value that an international role may have for sub-state actors from an agency-orientated perspective. Driven by more traditional comparative politics perspectives, the view has - for the most part - been that paradiplomatic actions can be explained away by the driving forces of European integration and globalisation, new international opportunity structures necessitating an international profile for regions, whose role is seen as largely reactive. In short, 'it's the economy, stupid'. Yet, sub-state governments display a tremendous range in their international engagements, as well as in the priorities they pursue on the international stage, and the ways in which they present themselves to the outside world. They are doing more than simply responding to external forces: they are cultivating international personalities of different tenors, consciously developing agency in a domain where their status is, to a large degree, what they make of it.

As part of these top-down, consequentialist approaches to the study of sub-state diplomacy, analyses have leant towards the descriptive rather than the explanatory (McConnell et al., 2012: 806). Consequently, such studies have ignored the wider, more probing, questions that paradiplomatic practices can raise. For McConnell et al. (2012: 806) these surround the legitimising functions that diplomatic activity may accomplish, and the performative aspects of paradiplomatic practice. Meanwhile, though relatedly, there has been a lack of willingness from within the discipline of International Relations (IR) to engage with this topic, outside of the narrower frame of globalisation. Nor have contributions from the Comparative Politics tradition tended to draw upon and utilise insights from other fields, notably that of IR, in their paradiplomatic investigations. Such an approach - drawing on the theoretical frameworks and vocabularies of both international relations and comparative politics - would, however, seem the most logical and appropriate one for a field of study that is located precisely on the border between the international and the domestic; nested within the structure of a sovereign, hierarchical state yet concerned with the establishment of direct relationships and exchanges with external actors beyond that state, both sovereign and otherwise. Such activities have a genesis, and indeed have implications, that relate to both the international and domestic spheres. Indeed, this borderland is the area that Adler-Nissen and Gad identify as being most noticeably subject to the 'blindness' of academics to the full view of what actually occurs in politics, constrained by 'either/or' conceptions of sovereignty and rigid classifications of political relations (2014: 14).

This study seeks to redress these imbalances. The approach adopted here is to place paradiplomatic activity in the 'bigger picture', looking analytically at precisely *what* it is that sub-state governments are doing internationally, the *ways* that they establish their international agencies, the *motivations* they may have for pursuing an external role and the *implications* of their doing so. The aim is to uncover the nuances and contradictory 'push-pull' dynamics evident in the roles that sub-state governments play on the international stage. At the same time, an attempt is made to place paradiplomacy in a context which allows us to see the value that diplomacy and international actorness may have for actors other than sovereign states.

This thesis progresses in two main stages. The first stage (Chapters One and Two) looks to reposition paradiplomacy in a theoretical framework which better takes account of the broader significance of the practice. Chapter One surveys the existing literature, highlighting the dominance of top-down, structural and descriptive accounts of the practice, and the absence of international relations narratives. In Chapter Two, a new perspective on paradiplomatic activity is offered. This includes a deliberate attempt to distinguish paradiplomatic endeavours - as autonomous, diplomatic activities - from a wider pool of interactions that include aspects of multi-level governance. The argument is made that considering the nuanced differences between the concepts of paradiplomacy and multi-level allows for a more direct light to be shone on the ways in which paradiplomacy touches upon core areas of state competence, and the challenges that these incursions present. It is posited that multi-level governance and paradiplomacy *can* represent meaningfully different types of activity, conducted in different ways, and with different aims. Instead, an alternative range of theoretical constructs are introduced which relate more closely to the crucial element of political contestation implicit in much paradiplomatic activity. At heart, it is an agency-oriented framework. It allows for a consideration of the ways that diplomatic tools are appropriated by sub-state actors, the roles they go on to play on an international stage and the meanings that these newly formed international identities have for such actors, and indeed their state-level counterparts. Specifically, the key theoretical constructs introduced in part one of this thesis include: sovereignty games (Adler-Nissen and Gad, 2012; Adler-Nissen and Gad, 2014), mimicry (McConnell, 2016; Duran, 2015; McConnell et al., 2012), performativity (Neumann, 2003) and - more familiar to traditional paradiplomatic analyses - nation-building (Lecours, 2002). The final part of Chapter Two outlines the empirical research project that follows, utilising the alternative theoretical framework established. It introduces the reader to our three case studies - Wales, Scotland and Bavaria - and the ways in which these cases will be examined, via a tripartite analysis: institutional, discourse and praxis, drawing on a range of sources including semi-structured elite interviews, statutes and official documentation, parliamentary records and media reports.

Part two of the thesis (Chapters Three, Four, Five and Six) addresses a set of - sequential - research questions, drawing on empirical data from three case studies, all of which sit at the

more 'developed' end of the paradiplomatic spectrum. Here, the sorts of paradiplomatic activities that the sub-state government engages in go beyond purely functional, region-to-region exchanges. They can include 'official' diplomatic relationships with full nation states. They can include lobbying for support on independence or secession. They may challenge or contest a theme or decision made by the government of a state that the region sits within, looking to an international audience to support their cause. Or a region may use an international cause - the environment, for example - or a particular event or disaster to highlight division or political difference within the state. The decision to look specifically at this set of relatively advanced paradiplomatic activities rests on the fact that it is here that the chaffing of the boundaries of state authority is most evident. The focus of this study is indeed this very point of friction, assessing the ways in which diplomatic tools can be utilised by non-state actors for a range of political ends; the choice of three stateless nations thereby allows us to explore those actions less readily understood with reference to economic or functional imperatives. For the purposes of this study, a nation is understood to reflect Anderson's "imagined community" (Anderson, 2006), and stateless nations – a nation incongruent with its state - are considered a particular type of political community that is growing in significance, "able to capture and promote sentiments of loyalty, solidarity and community among individuals who have developed a growing need for identity" (Guibernau, 2004: 1255).

Methodologically speaking, the approach adopted is somewhat 'messy', drawing as it does on concepts both from comparative politics and IR. The particular value of such methodological eclecticism in a problem (rather than method) driven area of study has been previously established (Krook and Squires, 2006), and this rationale is explored in the methodology section of the thesis. A pulling together of different intellectual toolkits seems only logical when trying to understand activities that take place within a nested structure, and that have a Janus-faced nature. To understand paradiplomacy, we - of course - must get a handle on the town-twinning, memoranda signing, day-to-day mundanity of the practice. But at the same time, we have to at least try and understand why the act of 'representation' abroad is so contested by state and sub-state governments. We need to interpret the political calculations involved in a sub-state government dissenting from a state-level diplomatic 'line'.

Certainly, we should attempt to locate the precise boundaries between state and sub-state authority when it comes to external affairs. In short: the task is inherently broad and varied, so must be the tools. A focus on a site of international activity such as paradiplomacy, one that takes place at the very boundary between the domestic and the international, would seem to necessitate an approach that brings both international relations and comparative politics into the same fold.

Chapter three addresses the first in the sequence of empirical research questions and asks, in an institutional capacity, *what* exactly it is that sub-state governments are able - and willing - to do in terms of their diplomacy. As a proxy for a 'gold standard' of traditional diplomatic activity, the Vienna Convention on Diplomatic Relations (VCDR) is utilised as a frame of reference, against which to assess the scope of paradiplomacy and the status of sub-state governments in terms of international and diplomatic law. This is particularly important owing to the fine line that sub-state governments must tread in terms of whether their diplomacy is 'official' or 'unofficial', whether it draws on the legal authority of their state governments or whether it is executed independently from it. As the chapter explores, there is a political choice at the heart of this distinction, particularly for Wales and Scotland who maintain the unusual ability to 'opt in' to the VCDR via co-location with UK overseas missions, should they choose to. The chapter briefly explores the ongoing relevance of the Treaty, and in particular the host of challenges currently posed to its centrality in diplomatic law - many of which also relate to the emergence of non-state diplomatic actors. It then moves on to examine the formal status of paradiplomacy in the UK and in Germany, and provide an account of the various ways that Wales, Scotland and Bavaria have chosen to enact their diplomacy, which at times visibly pushes at the legal boundaries that they operate within. Particular attention is paid to the types of overseas representations that our case studies have established, and to the relative distance or proximity that such representations maintain to the 'host'-state, to use Cornago's terminology (Cornago, 2010).

On establishing the varied statuses that the three case studies exhibit in terms of their paradiplomacies in Chapter Three - in other words, 'what' forms of diplomacy they choose, or are enabled, to pursue - the subsequent chapter moves on to consider the political logics

underpinning the development of such disparate strategies and international profiles. Simply, *why* sub-state governments conduct the paradiplomatic activities that they do. This Chapter (Four) looks beyond the economic rationales most commonly used to account for paradiplomacy and instead reframes the issue as a type of sovereignty game; a way of conceptualising the back-and-forth between sovereign and 'other' actors that revolves around the rightful sites of power and political authority (Adler-Nissen and Gad, 2012; Adler-Nissen and Gad, 2014). Owing to the fact that international relations and diplomacy are policy areas so closely allied with the very notion of sovereignty itself, the practice of paradiplomacy necessarily plays on and challenges the traditional hierarchical roles of state and sub-state government. The chapter explores the utility of paradiplomacy to the political ambitions of each of our governing parties, and the ways in which they draw on and 'mimic' the behaviours and discourses of stateness: helping to anchor the region or stateless nation in an accepted and familiar discourse that strengthens and normalizes national sentiments in a domestic setting. This is enabled by taking on (mimicking) the outward appearance of a state: a defining characteristic of which being the ability to conduct diplomatic relations.

In chapter five, the processes of international agency creation are explored in greater detail - probing the question of *how* sub-state governments go about securing international legitimacy. In particular, it employs the framework of performativity; going beyond fixed classifications of actors and capabilities and instead looking at the actual interactions taking place. The chapter investigates a separate 'performance', or set of performances, from each of our case-studies that tell both external actors and domestic audiences how the sub-state government sees itself, its region or stateless nation, and the place that it aspires to on the world stage. These include: the establishment of Bavaria's 'grand' European representation; the Welsh Government's performances at the Copenhagen Climate change Summit and those surrounding the launch of its 'Wales for Africa' development assistance programme; and Scottish diplomacy surrounding the arrival of two Chinese Pandas in Edinburgh's zoo. These process-tracing exercises provide a detailed account both of the attempts at international agency creation, and the ways that such attempts are contested or conditioned by other actors, in particular host-state governments. Such a perspective attempts to overcome the challenge of analysing paradiplomatic activities in a way that takes into account the often

conflictual messages sent by its component actors: sub-state politicians and officials as well as diplomats at the national level and those from 'receiving' states and regions. As in chapter four, the language of mimicry is employed throughout the analysis in chapter five. Essentially, this allows us to consider the various ways in which the symbols and discourses of state-level diplomacy are used or 'mimicked' by sub-state actors. However, rather than investigating the reasons why a mimetic strategy may help to establish and reinforce a sense of nationhood or political distinctiveness at a domestic level, it is instead used as a way to understand how sub-state governments bring legitimacy and credibility to their external roles, as perceived by the international community. Mimicry, in this context, is used to account for the ways in which sub-state actors learn to 'walk the walk' and 'talk the talk' of an international agent, rather than a domestically bound actor.

Chapter Six builds on the explorations of 'what', 'why' and 'how' in the previous three chapters to address the broader significance of paradiplomatic activity, and ascribe some characteristics to the nature of sub-state governments as international agents. The first part of the chapter explores the hybridity of sub-state governments as international actors, arguing that their 'sovereignty bound, sovereignty free' status (Hocking, 1997) has important consequences. They can both claim to legitimately represent a given 'people', marking them apart from many other non-state actors, and yet maintain a large degree of selectivity in their international endeavours. In our three case studies, neither Wales nor Scotland nor Bavaria carry the burden of constitutional responsibility for international affairs, and indeed their paradiplomatic activities often take place with very little scrutiny from either parliamentary or media sources as to the substance of their interactions. When combined with the ability to draw on state-level resources and reputations (as well as those of the sub-state government itself), these features amount to a particular type of international operational space, with a distinct range of qualities. Sub-state governments are able to occupy this space to differing ends: allowing them to conduct international relations on a largely 'a la carte' basis, yet from a restricted menu. The ultimate constraints that sub-state governments operate within, and employ such selectivity within, are hard, unyielding ones: part of the paradox that is paradiplomacy. The second part of Chapter Six thus moves on to consider the range of ways in which this - potentially quite privileged - space can be utilised by sub-state actors. Ranging

from the 'paradiplomacy of good intentions', through to paradiplomacy 'on the fringes of 'high politics', this section identifies six separate categories of paradiplomatic activity based on the nature of the challenge - or otherwise - that such activities represent for other members of the international community, in particular host-state governments. This chapter presents an account of paradiplomacy grounded in both International Relations and Diplomatic theory.

A concluding chapter explores what is perhaps the central finding of this thesis: that the contradictory nature of paradiplomatic activity results in both system-reinforcing and system-disruptive effects (McConnell et al., 2012: 811-812). Such oscillation is perhaps why the significance of the phenomenon has been subject to such scant academic consideration; it is many things at once, a result of the 'push-pull' dynamics at the heart of the practice. Paradiplomacy reinforces the status of 'official', state-to-state diplomacy, through its mimicry of this genre. Furthermore, absolute conceptions of hierarchical state-sovereignty are reinforced through the use of paradiplomacy as a state-building tool, evident in some of the most advanced cases, and arguably seen in the most recent manifestations of Scottish paradiplomacy, particularly following on from 2016's UK referendum on EU membership. However, at the same time, paradiplomacy dilutes the monopoly that states hold on a rarefied form of diplomacy, simply by introducing new actors into the game (McConnell et al., 2012: 811-812); crucially, these are territorially based, governmental actors. These actors look and sound so much like states themselves - yet, of course, are not states at all. So the saying goes: if it walks like a duck, swims like a duck and quacks like a duck, we are inclined to believe it is - in fact - a duck. A more qualified conception of sovereignty is therefore promoted, by virtue of sub-state governments having wrested some element of control - or at least the *perception* of an element of control - in an area of policy, international relations, that is "so closely articulated to sovereignty that it is considered the prerogative of the sovereign" (Adler-Nissen and Gad, 2014: 16).

All of this imbues paradiplomatic activities with a particular significance, and perhaps serves as indication as to how far such sub-state authority or legitimacy can stretch in different contexts. The practice of paradiplomacy, therefore, may be best understood as one extended

sovereignty game: a game that plays on and challenges the language of sovereignty and its associated concepts - authority, representation, legitimacy. Crucially, the game appears to be played in order to secure the status of sub-state governments as rightful participants in the game itself, something seemingly common to each of our case studies, rather than any particular set of constitutional concessions (Adler-Nissen and Gad, 2014). Where this thesis departs from previous explorations of paradiplomacy in relation to sub-state nationalism or nation building is in qualifying the link between the phenomena. Paradiplomacy as it relates to sub-state nation building does not have to mean a concrete end goal. We do not have to prove an imminent will to secede, recast devolution dispensations or federal arrangements to know that by conducting certain types of paradiplomatic activity, and by framing their interactions in certain ways, sub-state governments are asserting their rightful participation in a sovereignty game. We've had the duck test, now for the elephant test: something that is hard to describe, but instantly recognisable when you see it. This is paradiplomacy as a sovereignty game. Rarely is an explicit claim to sovereignty made, but in a multitude of ways, this right to participate - or seat at the table - is exactly the currency of many of the paradiplomatic endeavours described in the empirical analyses to follow.

The value of this particular study thus lies both in the subject matter considered, and the way that it is explored. Regional identities are becoming increasingly salient at precisely the time when traditional diplomatic boundaries are being watered down, creating numerous opportunities for sub-state governments to recast their previously domestically-bound roles and reposition themselves vis a vis their host states. Yet, previous studies have failed to utilise the full range of available tools and frameworks, particularly those stemming from the disciplines of International Relations and Diplomatic Theory, to understand the ways in which a distinct category of actor has been able to carry out this recasting work, and indeed the full spectrum of motivations they may have for doing so. The alternative theoretical framework established in part one of this thesis, when combined with the empirical work that follows, aims to do just this: looking beyond the superficial explanations for sub-state diplomacy and instead accounting for the unquestionably political dynamics that underpin it.

Each of our three cases has a unique approach to their paradiplomatic endeavours, though they maintain much in common. They are cases that we all think we know, correctly or otherwise. A boastful, wilful Scotland eager to shout down their 'English' counterparts at any opportunity. And for Wales, 'see Scotland… to a lesser degree': bumbling along with a relative lack of ambition, preoccupied with concerns about its crumbling valleys and precarious hill farmers - and the rugby. Benign Bavaria, too busy counting its coffers too challenge the Federal Government in any meaningful way; happy with the pivotal role that the Federal party system allows it to occupy at a state level, getting on with the job of governing a major economy without the navel-gazing that stateless nationalism implies. In important ways, however, the empirical findings of this thesis turn many of these - admittedly glib - assumptions on their heads. The Scottish Government prioritises 'official' diplomacy, tying it into UK-wide representations overseas, often at the cost of a distinctive Scottish voice; maybe the traditional diplomacy of yore isn't so outmoded after all. Wales, meanwhile, actively utilises the way in which it can operate 'under the radar' to build exclusive relationships in parts of the world where headline diplomacy can inhibit state-level interactions. It has also proved particularly adept at mimicking prevailing international discourses - of gender equality, e-democracy and environmentalism - crafting an international image that aligns very neatly with dominant norms. In Bavaria, 'cooperative federalism' is taking a back-seat in the heat of a refugee crisis that has dragged its Government, perhaps unwillingly, into core areas of Federal foreign policy. At the same time, Bavaria's nationhood is never far from the forefront of its paradiplomacy, something which is highly unusual in a German context.

Just as the investigations into each of these three cases have proved rich, when taken as a group they have also illuminated several features, or qualities, that seem to belong to the operational space that sub-state governments occupy at an international level. As governmental, yet non-sovereign, actors, sub-state governments are able, but rarely compelled, to act internationally. They benefit from governmental resources - a civil service, a budget, the symbols and trappings of the office - and often operate with Federal arrangements or devolution dispensations that have permeable boundaries between sub-state and national competences. These boundaries get further stretched by precedent and de facto compromises. Bavaria insists on using the term 'Vertung' (representation) to

describe its Brussels office, despite the fact that it is explicitly forbidden from enacting a diplomatic role. In response, the Federal Government simply calls it something different. Wales and Scotland both operate international aid and development policies on the pretext of a devolved responsibility for sustainable development. A compromise, of sorts.

This fluid status and ability to 'pick and choose' international relations results in what might be perceived as an enviable position: to opt in, or opt out, of foreign policy and international affairs, though with some important caveats. While newspapers and parliamentary committees focus on scrutinising the national government, the activities of sub-state governments often slip through the net. No one is looking, at least up until the point that something out of the ordinary thrusts national attention upon them - such as the Scottish Government's 2009 release of Abdelbaset al Megrahi. Even then, poor understandings of sub-state authority and institutional competences often means that even if attention briefly focuses at the sub-state level, once again - no one is really sure where responsibility lies (Kenealy, 2012a: 555). By ascribing characteristics to the international practices of sub-state governments, we inch closer to understanding the nature of the challenge that it may pose to more traditional concepts of international relations. For McConnell et al., these types of activity raise profound questions. In their consideration of other non-state actors (micropatias, international religious communities and unrecognised states) and their mimicry of diplomacy, they argue that:

> Such cases fundamentally transgress the inside/outside binary of international politics and shine a spotlight on the role of contingency in the untidy discursive production of international recognition, sovereignty and legitimacy (McConnell et al., 2012: 811).

In the time that has elapsed since work on thesis was begun, several broad shifts in both the paradiplomatic and broader geopolitical planes have, arguably, taken place. First, there was the 2014 referendum on Scottish independence - during which time Scottish officials were extremely reluctant to discuss paradiplomacy, deeming it too politically sensitive. An argument perhaps that this isn't 'all about the economy', after all. Then we had the 2016 Brexit referendum and the resulting intra-UK fall-out, supreme-court battles and calls for a second Scottish vote on independence. And, of course, 2017 saw the inauguration of Donald

Trump as America's 45th President - a development which will surely catalyse paradiplomats across the globe, particularly those from America's more liberal states. All in all, if there was ever a time to see the implications of a multiplication of international agents, the contestation and dilution of national diplomacy and the definition of the boundaries between different tiers of Government, this must be it.

Part 1: The Paradox of Paradiplomacy

Chapter One: Literature Review

Paradiplomacy - the external relations of sub-state or regional governments - is not an entirely new practice; its precedents stretch back well into the 19th century, at a conservative estimation (Paquin and Lachapelle, 2005: :71). However, the late 20th and early 21st centuries have witnessed the 'normalisation' of the phenomenon (Cornago, 2010), becoming increasingly well established as a competence of sub-state government, and a consequential feature of international society. This normalization reflects competing forces: the increasing willingness of sub-state actors themselves to develop an international personality, and the mechanisms they develop for doing so, alongside the responses of central governments in attempting to manage this development. This has typically taken the form of novel legal or political instruments and arrangements defining the contours of 'acceptable' behaviour in this regard (Cornago, 2010: 11). Cornago goes on to argue that, whilst conventional approaches - specifically from within the realm of diplomatic studies - often under-emphasise or even deny the importance of paradiplomacy, this 'normalization' is indeed a "politically relevant process" (2010: 14).

A full consideration of paradiplomacy entails three distinct, if rather broad, levels of analysis: structures and opportunities, motivations and agency, and implications or significance. To date, paradiplomatic literature has devoted the vast majority of its attention to the first of these aspects, less to the second, and comparatively little to the third. In addition, there have been few attempts to link these three aspects together in an overarching theoretical framework (Lecours, 2002: 92). In practice, this has meant that structural accounts of paradiplomacy have dominated the literature, even though (as will be explored in this review) the variation in paradiplomatic activity suggests a much greater role for the agency of sub-state actors than is allowed for under these accounts. Furthermore, the failure to adequately consider the implications of paradiplomacy - within both domestic and international contexts - has meant that an incomplete picture of the practice has emerged, and, crucially, the *meaning* of the phenomenon, as a political action, is not yet clear. Indeed, the criticism has been levied that the current literature fails to take account of the novelty of sub-state international engagement as a widely identifiable feature of contemporary politics (Aldecoa,

1999: 83). Alongside the three levels of analysis outlined above, there is a further tripartite distinction to consider. The opportunities, motives and ramifications of the practice materialise and transpire at the regional, state and international levels. This implicates numerous schools of thought and areas of research in the study of this phenomenon, and necessitates an analytical framework drawing on the toolkits of both comparative politics and international relations. This is an endeavour that has generated only limited, and sporadic, enthusiasm; reflected in the literature's imbalance.

If the first defining characteristic of the paradiplomacy literature is this imbalance, the second is the compartmentalised nature of its development. Criekemans (2011b: 3), identifies three distinct phases of paradiplomatic research. The first of these was a wholly empirical exercise, which examined the distribution of competences between regional and central governments, focussing on the (domestic) legal and constitutional dimensions of the practice (dominated by constitutional law experts). The second phase was also largely empirical, comprising comparative studies of sub-state governments and examinations of territorial mobilization that were dominated by the fields of federalism and regionalism. The third, a more recent trend, which largely consists of the work of Criekemans himself, along with colleagues at the University of Antwerp and the Clingendael Institute (and thus is dominated by diplomacy and foreign policy analysis scholars) seeks to situate paradiplomacy in an international milieu. It is argued that considering sub-national diplomacy as an expression of a new territorial configuration of international politics might overcome some of the conceptual and analytical lacunas that have been identified, such as the lack of analytical frameworks or adequate explanations for the development (Criekemans and Duran, 2011). The distinction between these phases is not absolute, nor is their progression strictly linear. For example, both Lecours (2002) and Cornago (1999) were tentatively exploring some of the international aspects of the phenomenon right in the midst of the literature's more comparative phase. However, this phased conception does highlight the general course of the literature's development, and the ways in which individual fields of study have approached the phenomenon: largely in isolation from one another.

Lecours and Moreno (2001: 2) assess the literature from a different perspective, arguing that there are two distinct 'angles' from which to view the external relations of sub-state governments. The first is as a *consequence* of various other phenomena (such as globalisation and supranational integration), whereby paradiplomacy is appropriated as evidence of a new form of contemporary territorial politics. This, the authors argue, has been the "most popular" angle of analysis. The second, "less visible and less discussed" angle considers paradiplomacy as a discrete phenomenon, whereby the action of sub-state governments "projecting themselves onto the international scene and, consequently, becoming international actors" is investigated in and of itself, and where territorial politics is thus seen as "an explanatory variable for one particular international process, namely the international relations of regions" (Lecours and Moreno, 2001: 2).

There is an apparent contradiction between the 'natural' competences of a sub-state government (assumed to be firmly domestically located, concerned with regional or local issues that are understood to be better managed by an authority 'closer' to the specific environment) and the practice of diplomacy or international relations on the part of such actors. It would therefore seem clear that the second of the approaches mentioned above, considering paradiplomacy as a discrete phenomenon, is inherently more appropriate for its study than is the first, currently more popular, angle of analysis. This seems particularly true when we remember that, in many instances, the appropriation of international remits by sub-state actors is often - though not always - a source of domestic political tension, and therefore political capital is likely to be expended in gaining these competences. It is not often the case that international actorness falls into the laps of unsuspecting regional governments.

To assess the ways in which the literature has thus far examined the practice of paradiplomacy, this chapter will consider the distinct factors that have been identified as relevant to three key questions regarding the phenomenon: how it has emerged, why it takes place, and why it matters. The theoretical development of the field will be considered in the context of this final question, looking at the barriers to, evidence of and potential for the establishment of overarching analytical frameworks. In short, this introductory chapter lays out the approaches traditionally taken to paradiplomatic study; highlighting their

shortcomings and signalling the need for a new, more comprehensive framework, which is to be introduced in the subsequent chapter.

Paradiplomacy: Structures and Opportunities

I. *Globalisation*

According to Hocking (1999: 18), the co-occurrence of globalisation and localisation is not coincidental, but rather the phenomena represent two sides of the same coin; reflecting "the competing pressures and tensions created by a broader and more integrated global economy". There has emerged a "symbiotic relationship between cohering and fragmenting forces", whereby "the local is not the antithesis of the global" (Hocking, 1999: 9). Criekemans and Duran (2011) meanwhile, highlight the weakening of the barriers previously segregating 'high' and 'low' politics, arguing that this has important effects for sub-state governments as national foreign policy agendas become less hierarchical, and thus permeable to the interests and concerns of local or regional actors (such as the environment, trade, culture and minority rights). In a similar vein, Cornago (2010: 18-19) emphasises the establishment of regions as globally competitive units, as a result of "a new economic geography, institutional restructuring, new technological facilities, cross-national migration and new environmental concerns", arguing that these 'global dynamics' can account for the proliferation of paradiplomatic activities.

Expanding on this central idea, Paquin and Lachapelle (2005: 78) argue that globalization (and the related 'nation state crisis') in fact holds the greatest explanatory power when it comes to understanding paradiplomacy. So, the argument goes: the economic imperatives of a globalized world have led smaller (regional) units to compete with one another for relative shares of the 'world market'. The authors argue that this form of economic competition has come to replace alternative forms, in particular that "between sovereign powers for the acquisition of new territories". The international engagement of regions, therefore, is seen as a functional requirement of this particular global order (Paquin and Lachapelle, 2005: 78).

The danger of the 'glocalisation' argument, however, is that it tends to present an a-historical narrative, subsuming the practice of paradiplomacy into broader processes all too readily, rather than examining the phenomenon as a discrete endeavour with its own evolutionary history. For example, in exploring the role of consular representation in an emerging state - Norway - Leira and Neumann (2008) place the practice of paradiplomacy in the context of the country's state-building process, which substantially pre-dates the 'post-modern' era. Likewise, while Paquin and Lachapelle (2005: 71) are keen to emphasise the link between globalisation and paradiplomacy in their book, they also identify Quebec's paradiplomacy, or at the least strong precedents for it, as manifest from as early as the nineteenth century. 'Globalisation' can therefore be seen to engender attractive opportunity structures for sub-state governments, which may indeed be a key explanation of the proliferation of sub-state international activities. But it fails to adequately explain the motivations behind paradiplomatic action; a practice that predates the globalized era. It is particularly ill equipped to explain those actions that are not clearly functional or primarily economic in nature.

II.   The European Union and Regionalism

The twin processes of European integration and internal regionalisation (or micro-macro/inter-intra regionalism) have provided particularly pronounced opportunities for sub-state mobilization. The two processes are said to have not only "coincided" (Aldecoa, 1999: 86), but, more specifically, the argument has been made that within the sui generis environment of the EU, the 'new regionalism' has emerged *in response* to increasing levels of interdependence (Sodupe, 1999: 58). Sodupe goes on to argue that the relationship between integration and regionalisation is a multi-faceted, reciprocal one, whereby "just as integration gives a new dimension to regionalism, regionalism in turn stimulates integration, since the former contributes to reinforce interdependence", and that one of the key dynamics in this process, indeed one of its most "striking aspects" is inter-regional co-operation (1999: 58). Cornago, meanwhile (2010: 20) argues that, whilst the establishment of the EU initially "undermined important sub-national competences", it gradually came to provide a "favourable" environment for the mobilization of sub-state governments, via its effect on "administrative cultures" amongst the member states of the EU. Concurrently, the European

integration process enabled: "the spread of a shared perception concerning the need to provide institutional venues for mobilizing sub-state governments across the European region" (Cornago, 2010: 20).

For Paquin and Lachapelle (2005), European integration is a particularly clear example of wider 'internationalization processes', whereby the proliferation of 'new' issues on the international political agenda, such as the environment, public health, transportation and so on, increasingly implicate sub-state governments in the international domain. Here, relations between sub-state and central state governments are key:

> Civil servants and politicians from sub-state entities worry about the fact that international issues affect their fields of jurisdiction. Sub-national entities will thus set up international positions for themselves because their failure to act would have given central governments a free hand (Paquin and Lachapelle, 2005: 86).

Paquin and Lachapelle argue that in order to defend their competences from EU-wide policy decisions, which may redistribute elements of their authority, sub-state governments "will pressure their 'national' government and European institutions into allowing regions of Europe to play a greater role" (Paquin and Lachapelle, 2005: 87).

Looking in some detail at the distinct effects of European integration on territorial mobilization and paradiplomacy, Hepburn and McLoughlin (2011: 385) point to three key facets. Firstly, the fact that many EU policies and areas of competence overlap with, and have significant impact upon, commonly devolved areas of activity means that sub-state governments have significant vested interest in the EU policy making process. Thus, they are encouraged to engage, with a presumed legitimacy often lacking in other paradiplomatic activities, in this arena. Secondly, the trend towards regionalisation within Europe has opened up the possibility of new forms of autonomy: something less than sovereign statehood but greater than devolved authority. Regional parties within EU member states have new institutions and new political arenas in which to establish themselves as relevant actors, and defend their interests:

> While territorial political strategies were once focused exclusively on state structures, regional actors now lobby at transnational levels to advance their goals, and European umbrella organisations have been formed to represent

regional party interests in European institutions (Hepburn and McLoughlin, 2011: 385).

In particular, the Committee of the Regions (though disappointing some of the more enthusiastic hopes of a 'Europe of the Regions' (Scully and Wyn Jones, 2010: 5)) has proved fertile ground for sub-state governments looking to "acquire an additional state-like quality, one that could build its internal coherence and stimulate its process of identity construction" (Lecours, 2002: 100). Thirdly for Hepburn and McLoughlin, the ideological nature of the European integration project has "encouraged" sub-state nationalist parties, such as the SNP, to adopt a 'civic nationalism', based on inclusive criteria and advocating "principles and themes common to those of the EU - such as support for free trade and diversity" (2011: 385).

The EU is not representative of the degree of integration witnessed in regional structures globally, but as the most advanced institutional manifestation of a more global, and gradual, trend, it does allow the dynamics of regionalisation, and their relationship to the development of paradiplomacy, to be seen particularly clearly, and is therefore worth considering in this greater depth.

III. Devolution and Decentralisation

Part of the 'new regionalism', identified in broader processes of governance, particularly within the EU, relates to the dispersal of power (political, administrative or legislative) 'downwards' towards the regions, as well as to the supranational level. This is both as a result of pressure from individual regions themselves (such as Catalonia), and a part of broader, state-wide reform process (as in France) (Scully and Wyn Jones, 2010: 5). The two processes of devolution and decentralisation represent alternative institutional embodiments of a shared logic; that of building regional capacity (Cole and Baudewyns, 2004: 74-75). This creation of "regional agents", via devolution or decentralisation, is a logical, perhaps necessary, precursor to such agents then developing an international perspective (Lecours and Moreno, 2001: 6). Indeed, the advancement of legislative autonomy within regions is seen by Criekemans (2010c: 38) to be reflected in the increasing sophistication of

paradiplomatic activities throughout the second and third 'waves' that he identifies as taking place in the 1990s-2000s.

As in most federal systems, the 'regional agents' created through devolution or decentralisation are almost exclusively devoid of 'foreign policy' prerogatives (with a notable exception being the Belgian regions), meaning that paradiplomacy falls into a "legal and constitutional grey zone" (Lecours, 2008: 6). Having said this, however, there are various ways in which the external role of regional agents has a legal or constitutional basis of one sort or another, though their role may be - and most often is - heavily circumscribed. The more interesting question, then, is perhaps centred around what such regions choose to do with their limited set of competences, and the various ways in which the boundaries of their international remit are chafed by the paradiplomatic practices that they undertake. The lack of formal responsibility and accountability that regions typically have for 'foreign affairs' makes the decision of sub-state or regional actors to consciously expand their remit in this area particularly interesting. The distinct qualities that this engenders - the non-statutory, loosely institutionalised space that sub-state governments operate within, the lack of scrutiny arising from the sheer incongruence of many of these activity, the ability - yet often not the obligation - to act, all feeds in to how paradiplomatic practice manifests on the ground, and thus the potential significance that it has. These themes are central to this thesis, and are explored in much greater detail in part two.

This 'new regionalism', specifically the processes of devolution and decentralisation that have taken place, particularly within Europe, offers enhanced opportunities for paradiplomacy to emerge, owing to its institutionalisation or enhancement of a regional tier of government. However, it does not necessarily follow that those regions with the greatest legislative autonomy are the most advanced when it comes to their paradiplomatic activities, and vice versa. For example, Criekeman and Duran (2011) consider the paradiplomatic action of the French Provence-Alpes-Cote d'Azur (PACA), a region that is "devoid of strong legislative powers or a distinct national(ist) identity", that, nonetheless (when compared to other sub-state governments with stronger legislative powers), "is pursuing a comparable foreign policy, making use of comparable diplomatic instruments". Here, despite the fact that the "French

foreign ministry still firmly holds the reins of France's diplomacy", French regions are increasingly utilising the (comparatively limited) remit they hold in areas of 'low' politics as a means to actively develop their own diplomatic identity, even international actorness (Duran, 2011: 340 & 346).

IV.   Lecours 2002: Opportunity Structures

The preceding sections have sought to explore the various opportunity structures, enabled by the processes of globalisation, European integration and decentralisation, which are identified within the paradiplomacy literature as promoting or facilitating the phenomenon that is paradiplomacy. Before moving on to consider the, perhaps more intriguing, question of why sub-state governments themselves choose to utilise these opportunity structures and engage in paradiplomacy, it is worth firstly considering a tentative theoretical framework identified by Lecours (2002), which draws attention to the multi-locational nature of these structures. What is required - in order to understand the practice of paradiplomacy - according to Lecours, is a "multi-analytical framework where regional political systems, national structures, continental regimes and the global system each contain opportunity structures that condition the international agency of regional governments" (2002: 101). This work represents perhaps the most advanced such framework iterated within the paradiplomacy literature, and is thus worth investigating in some detail.

Looking firstly at the regional level, two institutional variables are given explanatory weight: the party system (particularly the existence of nationalist or regional parties) and the formal institutional powers, or course of development, of the region. It comes as no surprise, argues Lecours, that the most prominent actors in paradiplomacy tend to be located within federal regions (2002: 101). Inevitably, as many questions are raised by the identification of these two primary regional variables as are answered. For example, though the existence of a nationalist or regionalist party may certainly predispose the region towards paradiplomatic action, their exact role in doing so may be greatly differentiated. A 'weak' nationalist party with limited electoral support may still catalyse a region's paradiplomatic activity indirectly, via their effect on party competition, incentivising third or governing parties towards a more prominent external role (Royles, 2010: 162-163). Furthermore, the link between

paradiplomacy and federalism, and therefore the weight that federalism itself has previously been given as an explanatory variable in much paradiplomatic research, is increasingly questionable. The processes of devolution and decentralisation that have been particularly pronounced within Europe in the last few decades raise numerous questions as to whether their open-ended dynamics produce different incentives or opportunities to engage with external actors than does federalism, where the constitutional situation may be taken to be more static (the obvious exception here is Quebec and its relations with Canada).

The second level at which Lecours identifies a set of variables is the national (state-level). Here, it is the constitutional framework, the nature of intergovernmental relations (which, in turn, are partially based on party congruence across different levels of government (Royles and Wyn Jones, 2010)), the mechanisms for regional representation in central institutions, and the state's foreign policy agenda - specifically whether it is more or less permeable to sub-state interests - that are seen as key. As referenced previously, Lecours and Moreno (2001: 7) point to the breakdown in the conceptual categories of 'high' and 'low' politics in the post-Cold War era as a key factor conditioning the (re)emergence of paradiplomacy.

Again, the relationship between this variable and paradiplomatic action is not absolute. It would seem that in a 'globalized' age, states have little choice but to engage with issues which are particularly permeable to sub-state interests: the environment, for example. The additional presence of 'high politics' on a national foreign policy agenda wouldn't seem to preclude paradiplomatic opportunities for such actors, though there may be an argument as to the status-reducing effects of foreign policy reporting being focussed on attention-grabbing 'high politics', where sub-state actors have - or are thought to have - little or no presence.

The third set of variables identified by Lecours occur at the continental level; situated with the economic and political regimes in a specific geographical setting, at an intergovernmental or supranational level, the EU being the most obvious example here. The existence of such regimes, according to Lecours, legitimises political action that bypasses central government, weakening its monopoly on policy making or international relations, on account of their

"transformation of state sovereignty". Therefore, it is the degree of cooperation or the advancement of institutional mechanisms that represents the pertinent variable conditioning paradiplomacy at this level (Lecours, 2002: 103).

The fourth and final level of analysis for Lecours is the global environment, with variables here comprising: the international organisations within which regions can be represented, the number of states willing to engage in diplomatic relations with regions, and the level of inter-regional cooperation which takes place. Furthermore, the global economy provides an attractive opportunity structure through its constitution of the region as an economic unit in its own right, alongside that of the state (Lecours, 2002: 103-104). The third variable, inter-regional cooperation, is seen as particularly important by Lecours, due to its self-reproducing nature:

> Indeed, much like state interactions have built and sustained a state system which in turn has legitimised states as the central actors of world politics, the development of a web of inter-regional relations could lead to an international regional system that would build up the international agency of regional governments.

Lecours' approach places a strong emphasis on structural variants, or the 'how' of paradiplomacy, and, in doing so, produces a convincing theoretical framework that addresses this question. However, in order to fully understand the phenomenon of paradiplomacy, and to work towards a genuinely overarching conceptual framework, much closer attention needs to be paid both to the 'why?' and the 'so what?' pieces of this particular puzzle.

The Agency of Sub-state governments

Structural opportunities alone cannot fully explain paradiplomatic activity. In particular, they fail to adequately account for one of the key characteristics of the practice: its diversity. US states, for example, have ample structural opportunities to engage internationally, but the often-limited way that they have chosen to do so stands in stark contrast to other regions:

> All the US states and all large cities possess considerable governmental capacity to exercise international competencies, and all have used such capacity to engage the international arena, but neither state governments nor local governments have plunged deeply into international affairs. Instead, they skim the surface of international affairs in search of specific benefits for their jurisdiction (Kincaid, 1999: 121).

At best, therefore, structural opportunities are a necessary, but ultimately insufficient condition in explaining the practice of paradiplomacy. The role of agency, of the motivations prompting sub-state governments themselves to develop an international personality, must also be examined to fully understand the phenomenon. Sub-state governments have different legal, constitutional and political powers and remits from central states. This means that many of the motivations assumed to lie behind traditional international relations or diplomatic endeavours may not apply to the regional setting, and, therefore, that a full investigation into the purposes of paradiplomatic action is necessary. "Regions rarely look to influence the behaviour and policies of other international actors; rather, they tend to have the more modest objective of developing an international personality" (Lecours, 2002: 96 & 104).[1] Exactly why regions might wish to develop this international personality is a central question for paradiplomatic research.

A useful overarching framework is developed by Keating (1999), who identifies three 'sets' of motivations lying behind paradiplomatic activity: economic, cultural and political. Looking firstly at economic motivations, Keating identifies both the desire (or, perhaps increasingly, need) for sub-state governments to seek inward investment, which compels them to establish themselves as attractive economic locations internationally, and a "more altruistic style of

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[1] Though there are indeed some similarities in the strategies, even aims, of sub-state diplomacy and *small* state diplomacy Criekemans D. (2011b) Regional Sub-State Diplomacy Today. *Devolution in a Globalized World.* Chatham House, London.

external activity" in the programmes of international development assistance undertaken most notably by European regions (1999: 4).[2] Cultural motivations, meanwhile, are often tied most closely with language promotion (Keating cites French support for Quebec's linguistic programmes here, though Wales' promotion of the Welsh language in Patagonia would be a different, inter-regional example).

More controversial are the political motivations identified by Keating: nationalist regions "seek recognition and legitimacy as something more than regions", while "external projection may also serve by a reverse effect to help nation-building at home, by showing local leaders in international contexts". According to Keating, "even in regions without nationalist movements, the international arena can be used as a platform for internal region-building, as well as for the projection of the regional politicians themselves" (Keating, 1999: 5). The need for 'recognition' by external actors, inherently realised in the conduct of 'international relations' is also highlighted by Paquin and Lachapelle, who posit that this activity, alongside the role of paradiplomacy in the power-struggle that the authors identify between sub-state nations and central state governments, means that paradiplomacy often constitutes a key component of the quest for legitimacy on the part of 'stateless nations' (Paquin and Lachapelle, 2005: 82-85). Indeed, stateless nationalism is an important variable in its own right and is addressed in some detail below.

I. Stateless Nations

A key component in many explanations of the less clearly 'functional' international engagements of regions are 'stateless nations'. As Aldecoa and Keating argue (1999b: v), aside from the strong functional logics deriving from international competition, and the spill-over effects of meeting such requirements in international trade, political explanations are required to account for the development of paradiplomacy, "derived from the goals and strategies of sub-state elites, building and promoting the nation or, in some cases, preparing

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[2] These more 'altruistic' economic activities may perhaps be more appropriately classed as political in nature, or at the least 'cooperative', given that the region doesn't receive any specific economic advantages from such action, rather they are generally seen to form part of nation-building endeavours.

the way for national independence". Keating (1997) explores this concept in detail, arguing that a new type of civic (as opposed to ethnic) nationalist project has emerged in many locales:

> Civic nationalism is a collective enterprise based upon common values and institutions, and patterns of social interaction. The bearers of national identity are institutions, customs, historical memories and rational/secular values. Anyone can join the nation irrespective of birth or ethnic origins, though the cost of adaptation varies. Civic nationalism is based upon a territorially defined community, not upon a social boundary among groups within a territory (Keating, 1997: 691).

What these entities desire, according to Keating, is self-determination. But, he goes on to argue; "the end of self-determination is not necessarily a nation-state, since that is a historically contingent form" (1997: 693). Paradiplomacy legitimises this form of nation building by "placing the minority nation in the wider family of nation-states". This argument, paradiplomacy-as-stateless-nation building, is also made by Lecours and Moreno (2001: 1), who contend that the "processes of nationalism…logically lead to regional governments seeking the development of an international personality". Royles (2010: 142 & 161), makes a similar case with reference to Welsh paradiplomacy, whereby the actions of Welsh Labour, with "broad agreement" across the political spectrum, are interpreted as part of a conscious nation-building exercise, with international activities "bolstering identity, enhancing legitimacy and national recognition".   Indeed, Lecours and Moreno argue that 'multinationalism', rather than federalism, is *the* key variable conditioning a region's development of paradiplomatic activity, and that therefore, "paradiplomacy, at least in its most developed form, needs to be re-conceptualized through a theoretical linkage with sub-state or stateless nationalism" (2001: 1-3).

Lecours and Moreno go on to unpack this link between nation building and paradiplomacy, and, in doing so, discern three distinct aims or benefits that sub-state nationalist factions identify in external engagements. The work of these two authors represents the fullest consideration of such links in the literature, and is thus worth addressing in detail. The first of the aims or benefits accruing from paradiplomacy with regards to nation building is identity construction; "nationalism is a form of identity politics" and such identities are discursively

constructed; "creating and shaping national identities necessitates 'speaking the nation', that is, promoting the idea of a national community" (Lecours and Moreno, 2001: 3).

There are two elements to the role of paradiplomacy in identity construction. The first is to do with the discourse of international relations, specifically the fact that this discourse is one of *nations*, and that, therefore, "the very definition of international agents, at least with respect to territorial-institutional units, entails nationhood". The authors argue that, when looked at from this perspective: "the development of an international agency on the part of a regional government is full of symbolic meaning, and therefore an attractive strategic option for nationalist leaders"(Lecours and Moreno, 2001: 3-4). The second element relates to the domestic audience:

> Highly visible paradiplomatic activities give nationalist leaders the opportunity to play to their domestic audience. They provide a scene from which nationhood can be proclaimed most forcefully…in short, through paradiplomacy, regions can both behave as nations and present themselves as such (Lecours and Moreno, 2001: 4).

The second dimension of paradiplomacy-as-stateless-nation-building rests on the fact that paradiplomatic activity offers an attractive space for the "definition and articulation of regional/group interests", which, in turn, contributes to the further development of the nation's collective identity. Such interests, entailing a "specific conception of the common good", are both cultural and ideological in nature. In terms of culture, nationalist movements "emphasize and politicize cultural distinctiveness; consequently, they tend to define the 'national interest' primarily in terms of cultural protection/preservation". Meanwhile, the authors continue, emergent nationalist movements tend to develop an "ideological personality", which is then refined with reference to, and projected onto, the international stage. Lecours and Moreno cite Quebec nationalists' strong links with trade unions as an example here, but the international and sustainable development activities of many European regions, Scotland and Wales included, would also appear to be evidence of this ideological personality. Interest definition is seen by Lecours and Moreno as "the most straightforward and visible" component of paradiplomacy, due to the fact that such activities are seen to 'mimic' more traditional foreign policy discourses, which are "fundamentally

about the definition, defence and promotion of a (state) national interest" (Lecours and Moreno, 2001: 4).

The third and final link between nation building and paradiplomacy as identified by Lecours and Moreno is that of political-territorial mobilization. Here, the often-conflictual nature of paradiplomacy in relation to the 'host' state presents "nationalist leaders with opportunities to stimulate political-territorial mobilization because it pits the region against the centre, and sometimes regional nationalist forces against non-nationalist ones". Given the sensitivity of 'foreign policy', paradiplomacy represents a particularly useful tool in such mobilization: quite simply, it is a "statement about power" (Lecours and Moreno, 2001: 5).

While the category of stateless nation, and certainly the paradiplomacy-as-nation-building argument, remain crucial to understanding the political motivations behind paradiplomatic action, many of the distinctions inherent in such arguments, such as that between nationalist and non-nationalist regions, as identified by Keating (1999: 4-5), or indeed ethnic and civic nationalisms, are perhaps overly simplistic. Amongst the 'nationalist' regions commonly classed as 'stateless nations', there are those, such as Scotland, whose ruling party has an explicit independence platform, whilst there are many others whose 'nationalism' is not necessarily tied to an independence or secessionist agenda, or indeed (exclusively) to a 'nationalist' party. The exact motivations, therefore, behind these regions' paradiplomacies, and nation building projects more broadly, would seem to be significantly different, as would the significance or implications of such activities. More generally speaking, there also exist 'nation building' projects which are employed in a purposefully cooperative way with regards to an existing state identity, Bavaria having traditionally been an apt example here (Hepburn, 2008a: 186). The will of differentiation, in cases such as these, may manifest in a much more conciliatory style of paradiplomacy-as-nation-building activity than seen in those cases where antagonistic relations exist between central and regional governments.

Therefore, whilst there is certainly a significant link between nation building and paradiplomacy, the exact nature of this link appears to be more complex than is currently accounted for in the literature. Some elements of paradiplomatic activity can be interpreted

as attempts to 'pave the way' for independence, such as in Quebec or Scotland, whereas others remain preoccupied with identity construction within the domestic constituency. The challenges such paradiplomacies may pose to state sovereignty, and the related inter-governmental tensions within the extant state, may also differ substantially.

Though many authors have acknowledged the variety of potential 'end points' to nation building exercises, there is currently no systematic analysis of the ways in which paradiplomacy is utilised along this continuum. The relationship between those discrete goals that are commonly attributed to 'nation-building', and the precise nature of paradiplomatic activity would appear to be an overdue item on the paradiplomacy research agenda.

II. The 'Self' and the 'Other'

Duran (2011: 342) argues that the current body of literature addressing the question of why sub-state governments engage in paradiplomacy represents a dichotomous approach to the phenomenon: "it is either conflicting with or cooperative to the diplomatic activities of the state the region is a constitutive part of". The empirical data, Duran continues, "seem to justify this dichotomy", due to the prevalence of paradigmatic case studies, focussing on the 'usual suspects' whose paradiplomacy is easily identified as either cooperative or conflictual, and is notable for that reason (Duran, 2011: 339 & 342). As a consequence, the study of paradiplomacy often ignores the potential of more conciliatory approaches, such as Hocking's (1999) multi-layered diplomacy model, and, the implication follows, mischaracterises much of the practice. Duran argues that, in the case of one of the lesser-studied entities with regards to paradiplomacy (alongside the Italian, Argentinean, Brazilian, Chilean and Chinese regions, inter alia), the French region of PACA, diplomatic practices:

> Surpass the often-cited conflictual logic according to which sub-national entities win what the national diplomatic level loses…. diplomacy is first and foremost a means of mediating between the Self and the Other. Seen in that light, paradiplomacy can be an integral part of a diplomacy aimed at emphasizing the commonalities instead of the differences or separateness between polities (Duran, 2011: 340).

In the case of PACA, Duran argues that paradiplomacy is related to two distinct processes: that of decentralisation within the French state, and of identity construction within the region itself. This paradiplomatic action can be, and is, both cooperative and conflictual with that of the central state, but, Duran stresses, the key is that such actions "are primarily about managing relations with 'others'" (Duran, 2011: 356). In this case, PACA has developed significant links with the wider Mediterranean region as a key part of its paradiplomacy:

> By treating the French state and other French territorial collectives not only as part of the diplomatic Self, but also as diplomatic Others, and by considering the Mediterranean space as domestic, by advocating a multiple diplomatic identity- Provencal, French and Mediterranean - the region is filling the relative vacuum the French state left in the Mediterranean region…Thus the region is affirming the diplomatic Self (PACA), recognising diplomatic Others (other French regions, France, foreign interlocutors) but also the diplomatic Sameness (the Mediterranean space) (Duran, 2011: 357).

The practice of paradiplomacy, therefore, embodies process of differentiation and alignment, something that refers not just to relationships formed with other regions or states, but also between the region and their host state, and other regions within that state. Though not the intention of Duran, given his attempt to move away from conflictual logics, it would even seem that this conceptualisation could be used to understand the ways in which stateless nations use paradiplomacy as part of their nation building endeavours: both to differentiate themselves from certain actors (the central state, other regions within the state, particularly in cases of asymmetrical demands for autonomy) and align themselves with others; whether they are other 'stateless nations' (as the Bavarian government has overtly attempted "Bavaria is very similar to Scotland. We see ourselves as a nation" (Eberhard Sinner, Bavarian Minister, in Hepburn, 2008a: 184)) or other states (such as Quebec's relations with France). This broad conceptualisation (paradiplomacy as a process of differentiation and alignment) is potentially a useful one in explaining the motivations of sub-state governments as a general 'category' of actor in developing external relations, with the precise contours of these relations being dependent, essentially, on the relationship that the region has with its various 'others' (be that conflictual or cooperative).

III.   Paradiplomacy, or Multi-Level Governance?

A consequence of the scant attention given to agency-orientated aspects of paradiplomacy is that the concept has perhaps too often been equated with Multi-Level Governance. Here, the focus of analysis has traditionally been related to governance of the European Union, and the various opportunity structures that this creates for sub-state governments and other actors 'below' the state. More broadly it represents a useful concept to explain decision making dynamics within the European sphere, not focussing just on the state as the unit of analysis but rather a nexus of actors and the ways in which these actors interact with one another (Marks et al., 1996). Marks and Hooghe use multi-level governance to account for the 'unravelling of the central state', and to theoreise new patterns of political interaction that were no longer necessarily hierarchical in their nature; a set of relationships that bypassed the central state, yet without rendering it irrelevant (Marks and Hooghe, 2003). These themes remain hugely relevant for paradiplomatic analysis. However, the conflation of the two phenomena – paradiplomacy and multi-level governance – may prove problematic. Such a conflation is partly down to the shared subject matter and operational spaces that they jointly inhabit, but it is also encouraged by the sheer variety of activities and practices comprising paradiplomacy, many of which equate to multi-level-governance and can indeed be useful explored under this overarching concept.

Paradiplomacy manifests in numerous guises: at times utterly mundane, at times highly contentious. The scope of these activities should come as no surprise to students of regionalism. Regions and sub-state governments are themselves an "extraordinarily diverse group", possessing varying degrees of autonomy (Scully and Wyn Jones, 2010: 3) . Unlike sovereign states, there is no minimum legal or conceptual personality that regions share. Logically, therefore, the motivations behind the international activities that these actors undertake also span a spectrum of political distinctiveness, particularly with regards to the 'host' state. In its more ubiquitous modes, sub-state internationalism might relate to the functional requirements of European governance, or the need to attract inward investment. In its most developed forms, however, paradiplomatic activities can speak to the ambitions of sub-state nationalism (Lecours and Moreno, 2001: 3). These more developed forms of paradiplomacy typically take the sub-state government into more contentious areas: whether

that is thematically (recognition, international aid, core areas of the state's foreign policy), in terms of the nature of the activity (relations with third states or departure from a state-held position).

When considered in these terms, the potential implications of paradiplomatic activities take on a political charge. For international relations theory, these could be particularly profound. Unlike the myriad of other non-state actors operating at the international level, sub-state governments are territorially constituted, and this territory overlaps with that of nation-states. Indeed, for Duran, not only is paradiplomacy a territorially-driven political phenomenon, meaning that substate diplomats "represent, communicate and negotiate in the name of territorial communities", they are also "political expressions of the dynamics of de- and reterritorialization that characterize our current international environment" (Duran, 2015: 63). For the minority of sub-state governments that represent a distinct 'nation', the potential becomes that of undermining a core function of the nation-state itself in international relations: to speak for 'the people' of a given territory. Currently, the international relations literature has no place to 'put' actors that are not readily categorised according to the "traditional dichotomy" of state and non-state (Shadian, 2010: 486). Indeed, a reified conception of the nation-state "leads to an impoverished conception of what the 'non-state' entails" (Bulkeley and Schroeder, 2011: 745). Increasingly, the activities of sub-state actors, particularly those representing distinct nations, on the international stage are making this an untenable situation.

Taken as a whole, the literature on sub-state international mobilization has failed to develop a theoretical framework able to fully explore these more *developed* paradiplomatic activities, many of which correspond to the logics of sub-state nationalism. The 'fuzzy' boundaries between frameworks addressing autonomous, diplomatic activities (paradiplomacy) and more functional engagement in multi-level policy-making processes (multi-level governance) have meant that these more distinctive activities have become diluted in analyses of the broader phenomenon.

Both paradiplomacy and multi-level governance are concerned with the un-bounding of sub-state units from their domestic territorial settings. These units engage to different degrees and in various modes with external actors, comprising other regions, third states, international networks and supranational organisations. As explored in the preceding sections, this mobilization is thought to be partially fuelled by functional imperatives, such as attracting inward investment, or shaping EU policy (Hocking, 1999; Cornago, 2010: 18-19; Tatham, 2010). However, at the opposite end of the spectrum, other, less tangible, motivations may also be also manifest. These include status-, capacity- or even nation-building (Lecours and Moreno, 2001; Kincaid, 1990; Wigell, 2013; Cole and Palmer, 2011; Wyn Jones and Royles, 2012; Royles, 2010; Aldecoa and Keating, 1999a; Duran, 2011). In their most developed forms, these activities can entail the representation of a sub-state unit as a distinct nation on the international stage, promoting the interests or values of an equally distinct 'people'. However, in much of the literature, regional mobilization, manifest in both paradiplomacy and multi-level governance, is closely allied to the broader processes of globalisation (Hocking, 1999; Paquin and Lachapelle, 2005), and European integration (Aldecoa, 1999; Sodupe, 1999; Hepburn and McLoughlin, 2011). This literature also often implies a causal relationship between these wider phenomena and sub-state mobilisation in the international domain (Hocking, 1999: 9; Cohn and Smith, 1996: 25; Paquin and Lachapelle, 2005: 78; Sodupe, 1999: 58).

Not only does this focus on the logics of globalisation and European integration mean that the agency of regional actors themselves has at times been neglected, but it also leads to a confusion between different categories of international activity undertaken by sub-state governments. Given the broad scope that the phenomenon of sub-state internationalisation encompasses, in terms of the types of actor, of arenas and of activities, the lack of coherence within the two main literatures accounting for these practices is far from surprising. Imprecise boundaries have led, however, to a situation where parts of the ostensibly 'paradiplomacy' literature deal with activities that may be better considered under multi-level governance frameworks (for example: Tatham, 2008; 2010; 2013; Hocking, 1999: 25). A further difficulty arises from the fact that multi-level governance itself is a "multi-level concept':

> Because it moves across and connects different analytical planes and raises different normative questions. MLG is at the same time a theory of of political mobilisation, of policy-making and of polity structuring, hence any theorisation about MLG may be couched alternatively or simultaneously in politics, policy, or polity terms (Piattoni, 2009: 172).

Thus, when the amorphous concept of multi-level governance itself becomes conflated with the narrower frame of paradiplomacy, it may generate an analytical problem: mischaracterising and obscuring the significance of paradiplomacy. Sub-state governments' role in multi-level governance – at least in recent years - is typically thought to be a fairly conciliatory practice (where sub-state governments act with a degree of presumed legitimacy), concerning activities with a clear functional impetus. Too close an equation of this concept with paradiplomacy may therefore direct attention away from a category of activities, much fewer in number though they may be, where less tangible motivations are at play, and the tone of interactions may be more competitive. In conducting paradiplomatic, as opposed to multi-level governance activities, regions often emulate state-like qualities and, in some cases, use international domains to build the 'nation' domestically. This category of activities may speak to a greater degree of political contestation than is typically provided for under multi-level governance frameworks.

The requirement for such a distinction has been recognised within both literatures, and tentative steps have been taken towards delineating the different categories of international activities. For example, Kincaid (2010) argues that there is a choice facing paradiplomacy (or, using his preferred term, constituent diplomacy) actors: whether or not to separate EU and world affairs in their international remits. This is because, he argues; "the EU is increasingly taking on the characteristic of a federal polity and thereby acquiring the characteristics of domestic rather than international politics and governance" (Kincaid 2010:23). Meanwhile, in a study of the various cross-border institutions utilised by regions, Blatter (2001:181) contends that distinguishing between "instrumental" on the one hand, and "symbolic or identity-providing institutions" on the other, is a crucial element of their proper analysis.

More deliberately, both Palmer (2008) and Kaiser (2005) have attempted to make an explicit distinction between the two concepts. Palmer (2008: 14) considers paradiplomacy as a potential *complement* to multi-level governance, alongside the model of 'European domestic policy', in order to "enhance the explanatory potential of the concept of multi-level governance for understanding the dynamics of sub-state mobilisation in the EU". Kaiser (2005: 92), meanwhile distinguishes paradiplomacy "autonomous sub-national action in the international sphere", from multi-level governance, which, looks to investigate "coordinated policy making across different territorial levels". Kaiser argues that, while paradiplomacy applies primarily to the American context, and multi-level governance to the European, both practices can indeed be evidenced in each domain. From these tentative steps to differentiate the two concepts, Chapter 2 of this thesis draws deliberate boundaries around them; suggesting a range of ways in which they may interact with one another, and incorporating such a distinction into the new theoretical framework that is advocated here.

The Significance of Paradiplomacy: Conceptualising Sub-state Actorness

The implications of paradiplomacy, particularly as they manifest on the international stage, have rarely been considered as part of paradiplomatic studies. As a result, they are often either overlooked entirely or relegated to functional or second-order fields of study, such as public or network diplomacy. More significantly, sub-state governments are frequently, and hastily, amalgamated with what Hocking terms the "grab all category" of 'non-state actors' (1999: 21). This category error - or the lack of specificity implied - elides the key and internationally pertinent difference that sub-state governments represent distinct territories which overlap, often in highly sensitive and politically salient ways, with nation states, meaning that the *significance* of paradiplomacy is fundamentally different from that of de-territorialised, purposefully 'global' actors such as NGOs or MNCs.

 It is not just at the international level that the implications of sub-state governments' international action is underexplored; Wright (2003: 98) argues that both the paradiplomacy and multi-level governance concepts fail to adequately examine the consequences of such phenomena for state - sub-state relations. This lacuna can partially be explained by the fact

that such consequences vary dramatically, depending on the *type* of paradiplomatic activity in question; specifically, whether it occurs in conflict with, parallel to, or indeed in concert with the diplomacy of central state governments (Criekemans, 2010c: 38-39).

By virtue of the fact that much paradiplomatic action occurs parallel to the central state, and is often fairly '(Aldecoa and Keating, 1999a)' (Aldecoa and Keating, 1999b: 14), there has been a tendency to de-emphasise its significance. As highlighted above, a similar impulse to categorise as 'paradiplomacy' activities that may better be understood with reference to the concept of multi-level governance compounds this problem of under- or miss-reporting (for example, Tatham, 2008; 2010; Blatter et al., 2008). The paradiplomacy literature, therefore, has failed to take appropriate account of the implications of their field, whilst international relations scholars often overlook the practice altogether, perhaps due to the 'methodological nationalism' of mainstream political science (Hepburn, 2009: 478; Jeffery, 2008: 545).

I. The International Arena

Important questions related to the implications of paradiplomacy for traditional understandings of international relations and the role of the nation state were raised, somewhat rhetorically, early on in paradiplomatic research (Aldecoa and Keating, 1999a: vi; Lecours, 2002: 109; Keating, 1999: 14). However, after this initial flurry of enthusiasm, and despite an increasing focus on some of the 'international relations' aspects of the activity (such as public diplomacy, see Huijgh (2010)), these fundamental questions have yet to be answered, or even considered in any systematic way. Thus far, it is scholars of regionalism and comparative politics that have been at the forefront of paradiplomatic research, leading to an imbalance in the literature.

In part, this imbalance may be explained by the fact that, depending on the particular frame of reference or level of analysis that one chooses, the 'international' effects or implications of paradiplomacy can be interpreted within a multitude of different frameworks. For example, paradiplomacy may be seen as an alternative way to conceptualise some of the processes more commonly analysed under the framework of multi-level governance; the increasing involvement of sub-state actors on the international stage, and the

internationalization of sub-state politics (Kaiser, 2005: 90). At the same time, if we consider paradiplomacy within the broadest possible frame of reference, paradiplomacy may be interpreted as one component (amongst many) of 'transnationalism', or even evidence of a neo-medievalist configuration of international relations (Magone, 2006).

This aforementioned imbalance within the paradiplomacy literature has meant that the aspects of the practice which invite an international relations perspective have not been adequately explored, with fundamental questions regarding the significance of the phenomenon, and its implications for key units and concepts in IR theory, such as state sovereignty, left unanswered. This is a significant void in the field of research: as the strategies of sub-state governments become more complex, and the legitimacy of their international action develops, the practice becomes increasingly important for international relations theory.

II. The Domestic Arena

The implications of paradiplomacy for the central state, for the region itself, and for inter-governmental relations within the state, differ greatly depending on the type of external relations being conducted by the sub-state government. Criekemans (2010c: 38-39) makes this distinction on the basis of whether paradiplomacy is conducted in concert, or in conflict, with that of the central state. In a similar vein, Tatham (2008; 2010) contrasts EU paradiplomacy which is conducted through the member state with that which bypasses it, opting instead for direct interest representation or interaction. Another classification relates to whether the external relations of sub-state governments take the form of paradiplomacy or 'protodiplomacy', a more advanced, often antagonistic form of external relations aligned to sub-state governments pursuing an independence agenda, or who are in the process of seceding from the wider state (Duchacek 1988, cited in Cornago, 2010: 31-32).

Thus far, however, much of the paradiplomacy literature has fairly modest expectations regarding the domestic impact of paradiplomacy (for example: Cornago, 2010: 31-32; Wolff, 2007). In particular, Cornago (2010: 31-32) argues that 'protodiplomacy' is exceptionally rare, even amongst those sub-state governments where "a clear will of differentiation with regard

to the hosting state exists". However, despite the comparative rarity of 'protodiplomacy', there is no doubt that this more conflictual practice is indeed in evidence as a part of certain sub-state strategies. For example, Scotland's diplomatic endeavours do indeed seem to resemble "those initiatives and activities of a non-central government abroad that graft a more or less separatist message on to its economic, social and cultural link with foreign nations" (Duchacek 1988:240, cited in Cornago 2010:31). Overt Scottish attempts to align themselves with a Scandinavian 'arc of prosperity', public departures from the UK's EU policy and the appropriation of a pair of Chinese Pandas as evidence of formal diplomatic links between the region and the Chinese state, all seem to come very close to this definition of protodiplomacy. If this is the case, then Scotland's paradiplomacy suddenly seems to have much more dramatic implications for their relations with the UK government than is allowed for under the typology of both Wolff (2007: 150) and Cornago (2010: 31-32).

In part, this limited conception of the challenge posed for central state governments by paradiplomacy relates to, once again, to the tendency to equate paradiplomacy with the 'bigger' concept of multi-level governance. Here, sub-state interactions tend to be less controversial, and their presence carries greater legitimacy (for example: Tatham, 2008; Blatter et al., 2008; Tatham, 2010). There is certainly a good deal of overlap between the two concepts, both considering the international actions of sub-state governments, but this range of activities encompasses some quite radically different *types* of engagement, ranging from interest representation in EU policy formation to forging bilateral partnerships with third states, or initiating international development programmes. Assuming that each of these activities have broadly equal implications for the relations between the sub-state government and the central state seems to be potentially misguided, yet this distinction has not been examined in detail within the extant literature.

Theoretical Frameworks

As the previous sections have sought to demonstrate, the implications of paradiplomacy, both on the international and domestic stages, have been all but ignored within the literature. Two further, and widespread, critiques have also been made, regarding the failure to develop the general theoretical perspectives or analytical frameworks necessary to understand the

phenomenon (Lecours, 2002), and to arrive at adequate explanations for the development (Bursens and Deforche, 2010). In part, these shortcomings can be accounted for by the fact that paradiplomacy falls into something of an academic 'no man's land', between international relations theory and comparative politics.

> At the broadest level, paradiplomacy raises the 'big questions' that are central to both comparative politics and international relations. Theorizing paradiplomacy…necessarily involves penetrating the structure-agency debate…more specifically, paradiplomacy is a Janus-faced phenomenon whose very nature defies its categorization as internal-domestic or external-international, and whose explanation involves considering both internal and external variables (Lecours, 2002: 109-110)

Both the potential for a more 'joined up' approach between the disciplines of comparative politics and international relations and the specific role of international relations theory in conceptualising the paradiplomacy will be considered in the following two sections.

I. *Traditional Comparative Politics and IR Theory: A Bridgeable Divide?*

International Relations research, according to Caporaso (1997: 564), remains narrowly focussed on two conceptual categories: the state and the international system. This specialisation, as a consequence, largely ignores domestic politics, resulting in a "pronounced gap within the discipline as a whole between domestic politics and international relations". Given the existence of phenomena, such as paradiplomacy, whose explanations and implications lie concurrently in the domestic and international spheres, there seems an intuitive need to bridge this divide in future research. Two different schools of thought exist, however, regarding whether or not this academic divide is, in fact, bridgeable; the cure remains dependent on the cause, and here there are divergent hypotheses.

The first is simply that the chasm is a result of academic specialisation and the logic of divisions of labour, encouraging political scientists, for the sake of expediency, to focus on relatively narrow frames of reference. Under this hypothesis, the gaps that currently exist in the two fields' research are surmountable, requiring a restructuring of working practices and new research agendas. The second, however, assumes that the 'problem' is systemic, and that "both fields are intellectually autonomous, stand on their own foundations, and cannot

be reduced to one another". Here, an explanation is offered on the basis that the discipline of international relations is concerned with state survival, bargaining and power, whereas domestic politics is rule based, preoccupied with governance and institutions. Under this assumption, integrating the research agendas of these separate disciplines is both unnecessary and ill-advised (Caporaso, 1997: 564).

Attempts to incorporate domestic and international approaches to phenomena which span this conceptual divide, and 'de-compartmentalise' political science (Lecours, 2002: 109-110), can, indeed, be identified. Caporaso (1997) highlights two of such that may be particularly relevant to the study of paradiplomacy: 1) Robert Putnam's two-level games, and 2) research concerning the domestification of international systems (with the EU as the key exemplar).

Caporaso cites two works as key to the 'two-level game' approach: Putnam's 1988 article 'Diplomacy and Domestic Politics: The Logic of Two-Level Games' and a subsequent 1993 edited volume by Evans et al., entitled "Doubled-Edged Diplomacy". The basic premise of these works is that the unitary actor assumption of the state in traditional IR theory is misleading, resulting in incomplete understandings of 'international' phenomena and, instead, a recognition of the "Janus-faced" nature of the state, "facing simultaneously outward to the international system and inward toward various domestic constituencies" should form the basis of a more sophisticated approach (Caporaso, 1997: 566-567). The edited book, which Caporaso highlights, focuses particularly on this process of international bargaining, disseminating the domestic and international explanations for particular configurations of power or negotiating positions. According to Moravcsik (1993: 6), the divide between international relations and comparative politics is less absolute in practice than it is in theory: "pure international theories, while attractive in principle, tend to degenerate under the collective weight of empirical anomalies and theoretical limitations into explanations that include domestic factors". The argument logically follows, therefore, that incorporating domestic factors into the theory-building stage would allow for more accurate conceptualisations of processes such as international bargaining; "all sophisticated theories of international relations, domestic and international, tend to concede that domestic actors are active participants in foreign policy making". The contentious issue, as Moravcsik sees it,

is which *theoretical* frameworks can best account for "observed behaviour" (Moravcsik, 1993: 7).

The second attempt at rapprochement between the two disciplines identified by Caporaso is that which he terms the domestification of international politics (Caporaso, 1997: 579). Unlike the two-level game approach, this endeavour can't be traced to a single work or group of scholars, rather it is most closely related to the wealth of research into the emergence, integration and operation of the EU, as a key example of the way in which distinct spheres in the international realm have become less anarchic, more "governmentalized" and rule based. Rather than advocating a two-level approach (where the two levels of international system and domestic politics are indeed fundamentally different, but must both be considered to impact upon the process of 'international relations'), as Putnam and Evans et al., this approach asks:

> To what extent domestic and international politics differ, in terms of deep organising principles, then interprets these differences as ones of degree (not kind), and proceeds to investigate the ways in which the international system may acquire the characteristics of domestic policy' (Caporaso, 1997: 579-580:579-80)

Paradiplomacy is a prime example of a phenomenon that requires a multi-locational theoretical perspective to adequately account for its development and its implications. The two-level game approach taken to explore international bargaining would seem a particularly useful starting point in addressing the international and domestic variables relevant to the practice of paradiplomacy, and is an approach seemingly mirrored, if implicitly, in the work of Lecours (2002), cited in previous sections.

II. The absence of IR

As also intimated above, paradiplomacy has gained surprisingly little attention from international relations scholars; in fact none of the numerous 'schools' in IR theory have examined the phenomenon, offered explanations for its development or accounted for its impact on the field (the exceptions which prove this rule are Bursens and Deforche's historical institutionalist, explanatory, account of the *development* of paradiplomacy (2010), built on by Royles (Royles, 2016)). However, the literature is inching closer to incorporating the type of

dynamic exhibited by paradiplomacy into its theorising; for example, recent studies of city diplomacy (Curtis, 2011) and global diasporas (Adamson and Demetriou, 2007) have looked closely at the reconceptualisation of units in international relations and the challenges for *a priori* assumptions of the nature and importance of sovereign statehood (particularly as it relates to nationhood). Clearly, these are questions which relate in equal, if not greater, measure to the international activities of sub-state regional governments, particularly those which can be classed as 'stateless nations'.

Though these two works have an unambiguous IR focus, they draw on the broader, multi-disciplinary framework of 'transnationalism', whereby new actors (such as interest groups and global corporations) and loci of political power (including supranational institutions and global networks) increasingly form 'webs' which trap within them nation states, constraining their freedom of manoeuvre and weakening the respective power of their domestic policy apparatus (Cerny, 2010: 4-5). Sub-state governments are a particularly interesting case in this regard; the fact that they are territorially constituted (as opposed to issue networks or global diasporas) on the one hand, but that they are often politically, as opposed to *solely* economically motivated (in contrast to most city diplomacy), and that they may represent competing expressions of nationalism with regards to their host 'nation state', on the other, mean that their effect upon traditional roles and conceptions of the state within international relations is potentially of greater significance than either of the two phenomena cited above.

This potential makes the absence of IR research exploring the practice of paradiplomacy all the more surprising. In fact, the transnationalism literature itself seems to largely ignore the phenomenon, with examinations of regionalism concentrating only on the inter-, not intra-state mode (particularly with regards to the EU). Meanwhile, though the two works cited above represent interesting steps towards exploring these new dynamics in IR theorising, both authors point to the overall paucity of research or interest on the part of international relations scholars in these areas. Specifically, Adamson and Demetriou (2007: 495) argue that what little IR theorising does engage with such issues, in particular diasporas and transnational identities:

> Has been written largely from a postmodernist perspective, with a view to drawing attention to marginalised identities or practices as a means of critiquing hegemonic conceptions of the state…A conceptual focus on non-state identities is therefore often paired to a political project located within the field of IR, rather than an IR project that seeks to understand the real world of international politics.

In attempting to explain what he determines as a fundamental flaw in the way that IR theorising has developed, Neumann (2002: 630-638) argues that an unquestioning, over-reliance on the "systemic point of departure" in IR, the Westphalian state system, has meant that; "we have no way of discussing empirically to what extent the system of states in fact remains central to global politics. The system appears as ontic, as an exogenised given of the analysis".

In other words, if the system of states is seen as a given, this limits the extent of empirical investigations into other explanations, and IR theorists "bracket out other possible ways of framing global politics, and so effectively hamper other ways from emerging more clearly". What is required, according to Neumann, is an abandonment of the structural-functionalism inherent in this approach; IR theory should "follow the general turn of anthropology and sociology away from an analysis based on beliefs, ideas, norms and so on, in favour of more concrete analysis". Using the example of diplomacy to illustrate his point, Neumann argues that, here, it is particularly important that the degree to which state actors are required to "grapple" with other types of actors, and the effect of these changes, are properly accounted for in IR theory, given that the practice of diplomacy "has traditionally been seen as a mainstay of the states system, and so this should be a case where potentially systems-transforming innovation should be less expected" (Neumann, 2002: 693). Chapter Two makes a deliberate attempt to incorporate a more qualified conception of sovereignty and statehood into our framework for analysis, allowing for the concrete consideration of the ways in which sub-state governments challenge, subvert or reinforce the messages of state-level diplomacy: in other words, the ways in which states are forced to grapple with their sub-state counterparts.

Conclusion: The state of the Literature

The practice of paradiplomacy remains hugely differentiated. At one level of distinction, paradiplomacy can be both a highly politicised, almost antagonistic, undertaking, generally by those regions engaged in an explicit nation-building project. Or it can be functionally driven, to the point of mundane (Keating, 1999: 13). Within this first category, similar means may actually reflect very different idealised ends, from independence, to greater autonomy within the state or simply enhanced leverage over a particular issue. This differentiation of both practices and purposes certainly compounds the complexity of the phenomenon and can partly explain the limited development of the overarching theoretical frameworks or explanatory approaches, as called for by Lecours (2002) and Bursens and Deforche (2010).

The paradiplomacy literature has developed in a sporadic, yet compartmentalised, fashion, with contributions from the fields of regionalism and federalism completely eclipsing those from the IR traditions. Given the 'Janus faced' nature of paradiplomatic activity (Lecours, 2002: 110), and thus the relevance of both internal and external causes and consequences of the phenomenon, this is a significant shortcoming. Perhaps as a result of this imbalance within the literature, structural determinants, such as legislative autonomy or globalisation, have been given particularly prominent weightings in accounts of the phenomenon's growth over the preceding decades. Whilst the role of agency has steadily gained increasing academic attention (Lecours, 2002; Paquin and Lachapelle, 2005; Lecours and Moreno, 2001; Duran, 2011; Keating, 1999), the few works that look specifically at the motivations behind paradiplomacy have failed to adequately explore the relationship between the most-oft cited variables, sub-state nationalism and nation building, and paradiplomatic activity. Thus far, this small literature lacks the systematic, comparative analysis required to uncover the nuances of these motivations, and the ways in which sub-state actors perceive the tool of paradiplomacy. Instead, the paradiplomatic literature has focussed on exploring the opportunity structures allowing for the mobilization of sub-state actors beyond their territorial borders. Undoubtedly, this leaves a sizeable and obstructive gap in our understanding of the phenomenon, and its 'normalization' (Cornago, 2010) over the past two decades.

Meanwhile, and relatedly, the implications of paradiplomacy, both for the region and state (in terms of intergovernmental relations and constitutional development) and for the conduct and conceptualisation of international relations, remain underexplored. Overall, there does appear to be an unwillingness to speculate on the broader significance of paradiplomatic activity. Given that "few hopes have been more regularly disappointed than those focussing on the withering away of the state" (Scully and Wyn Jones, 2010: 5), this caution is perhaps unsurprising. However, the 'hybridity' of sub-state governments on the international stage is significant. The fact that they have a claim to governmental control - and often appeal to (sub-state)national sentiments - over a defined territory which overlaps that of a state, alongside their 'sovereignty bound yet sovereignty free' status (Hocking, 1999) renders it such. When combined with the absence of any analytical category in which to understand their international actorness, the above suggests that the phenomenon is long overdue a place in the IR research agenda. Systemic change is evidenced in the diplomatic system (Neumann, 2002: 613), and the normalisation of paradiplomacy is a key part of this change. Given the primacy of the diplomatic system within the *international* system as a whole, the emergence of new actors and practices in this arena is imbued with significance for international relations theory.

Perhaps the key concept that the extant literature on paradiplomacy has failed to adequately examine is one that finds itself at the core of both comparative politics and international relations: sovereignty. The ways in which both regions or 'stateless nations' and central governments view the boundaries of sovereign authority is inextricably linked to paradiplomacy: to the motivations sub-state governments have in establishing international actorness, to the responses of central state governments to paradiplomatic action within their national borders and to the role of quasi-autonomous, territorial actors in the international system. It is this, surprising, shortcoming that the current project aims to address, as laid out in the following section.

Chapter Two: A new theoretical Framework.

Introduction

Posited in the previous chapter is a central failure - both of distinctly paradiplomatic literatures, and those of International Relations more broadly - to 'join up' the practices of paradiplomacy with wider concepts and phenomena in international politics and diplomacy. For McConnell et al. (2012: 806), paradiplomatic studies have tended towards the descriptive, meaning that such accounts "rarely question the legitimating work that diplomacy accomplishes or attend to the performative aspects of diplomatic practices". Conspicuous by their absence within the paradiplomatic literature, according to Criekemans, are "those studies that employ both traditional comparative politics and an international relations perspective" (2010a: 4).

A consequence of this oversight is that much of the analytical significance of paradiplomacy is, in fact, missed. In multiple ways, the practices of paradiplomacy touch on the 'big questions' of International Relations (Lecours, 2002: 119). Who counts as a diplomatic actor? From where does international legitimacy derive? How is the narrative of sovereignty challenged, subverted or appropriated by non-state actors? This thesis looks to re-site paradiplomatic study within the discipline of international relations and explore the implications that paradiplomatic practices have for the bigger questions of IR and diplomatic theory. The fundamental disconnect between, on the one hand, a set of day-to-day sub-state international activities - activities that can sometimes tend towards the humdrum, but at other times can represent a real challenge to the diplomatic status-quo - and some of the more pressing, and enduringly relevant, dilemmas of international politics and diplomacy is very much the area that this thesis aims to shed light upon. Indeed, as we will explore throughout this thesis, at times the very same activities can be interpreted at various points along the above spectrum, dependent on the actors involved and the poltical context within which the paradiplomacy is conducted. A set of general premises underpin the approach adopted here. These are threefold.

Firstly, regional or sub-state identities are becoming increasingly salient, a phenomenon which is simultaneously - though to vastly differing degrees - driving the devolution of central government authority and legitimacy in many areas, including international affairs. Foreign policy has traditionally been the preserve of national governments alone, and is "an area traditionally so closely articulated so sovereignty that it is considered the prerogative of the sovereign" (Adler-Nissen and Gad, 2014: 16). This imbues paradiplomatic activities with a particular significance, and perhaps serves as indication as to how far such sub-state authority or legitimacy can stretch in different contexts.

Secondly, diplomatic practice is diversifying; both with regards to the type of actors now engaged in diplomacy, of one sort or another, and in terms of the toolkits now employed by diplomatic actors. Such diversification means that relationships and practices that may have traditionally been excluded from the analytical frames of reference utilised by diplomatic theorists must now be considered as part of the messier picture of modern diplomacy.

Thirdly, enquiry at the margins of international relations is a crucial part of accounting for the multitude of activities, actors and practices that self-evidently exist in this field. According to Adler-Nissen and Gad (2012: 3), by "focussing on what appear to be marginal sites of international relations, we are able to see much more heterogeneity than IR theory usually allows us a glimpse of". The value of this type of enquiry, therefore, lies not only in the specific lessons learned about discrete practices - such as paradiplomacy - but also in its ability to speak to a broader picture of international relationships, adding nuance and, in some cases, important ripostes to the claims of grand theory.

Drawing from both international relations and comparative politics perspectives, several key concepts will be employed during the course of this analysis. Their selection and applicability to the specific research questions to be addressed will be discussed in the following sections. Each, in their own way, contributes to building a picture of paradiplomatic activity that takes into consideration its multiple facets. What actually *is* it that sub-state governments are doing on the international stage? How do they manage to position themselves as credible and legitimate international agents? Why might such governments covet an international profile?

Do such activities hold any significance beyond that perceived by those directly involved in paradiplomatic exchanges? In short, these concepts - which include hybridity, mimicry, performativity and sovereignty games - provide the vocabulary with which to discuss the meaning and the potential significance of paradiplomatic activity.

What follows in this chapter is an attempt to bring together the various, diverse, aspects of paradiplomatic activity in a more cohesive theoretical framework. The first part of this task is separating out autonomous, diplomatic activities from the wider pool of sub-state international activity - including multi-level governance - that it sits within, and to sketch out the boundaries of the new approach advocated here. The focus is squarely on 'affective' regions, in Scully & Wyn Jones' terms (2010: 7-8), those regions or stateless nations with strong sub-state identities. However, the analysis employed throughout the thesis will take full account of the contours of the relationship between regional identity and paradiplomacy; mapping them in a precise way rather than assuming any uniformity to the link between them. Crucial to the approach adopted here is understanding and accounting for the hybridity of the operational space that sub-state governments find themselves within: nested within state structures but carving their own diplomatic identities out with the state. In their 'sovereignty bound' yet 'sovereignty free' status (Hocking, 1999) we find particular opportunities, and constraints, on the international stage. These lend a distinct flavour to the contributions that such actors can make. New attention is given to the ways in which these hybrid actors attempt to carve out a legitimate international presence, and specifically their attempts to either mimic or subvert more traditional state-discourses. Ultimately, the contention is made that the autonomous diplomatic activities of certain sub-state governments (namely statless nations) can be perceived as moves in a variant of Addler Nissen & Gad's 'sovereignty games' (Adler-Nissen and Gad, 2012; Adler-Nissen and Gad, 2014; Adler-Nissen and Gammeltoft-Hansen, 2008). These actors are asserting their right to be a participant in such games - through their paradiplomatic interventions - rather than seeking any specific end, in and of itself. Subsequent sections in this chapter introduce the specific research questions, the methodology and the case studies that will inform and direct this study.

A new framework for the study of paradiplomacy in stateless nations

Far from being an anomalous aspect of the broader phenomenon of sub-state internationalism, the more 'developed' paradiplomacies of regions or stateless nations with strong sub-state identities ('affective' regions in Scully and Wyn Jones' terms (2010: :7-8)) represent one of its most significant features. It is these ambitious activities that present the more profound challenge to dominant concepts and assumptions in both comparative politics and international relations theory. Necessary for a full understanding of these types of challenging activities is an adequate theoretical framework within which to interpret them, one which acknowledges the need for different conceptual tools at either end of this broad spectrum.

Reconceptualising paradiplomacy to take account of its proper scope entails a rebalancing from solely top-down, towards the inclusion of more bottom-up explanans, and from purely structural to more agency-oriented accounts. It involves distinguishing between different *types* of international activity; being able to identify those initiatives that go beyond functional requirements of regional governance in a globalized era. These forms of paradiplomacy sit at odds with much of the literature; a literature whose focus has often been on what might be better characterised as multi-level governance.

However, those activities that chafe more profoundly at the boundaries of sub-state authority, those that compete or conflict with central state narratives, or indeed seek to reposition the sub-state government in relation to their central state counterparts, and those that in other ways challenge our understanding of a 'proper' role for sub-state units, are highly useful insights into the nature of the phenomenon and the potential significance that it holds. The following sections I. - I.V. set out four 'stalls' which shape the theoretical approach adopted in this thesis: I. delineating autonomous, diplomatic activities from the wider pool of sub-state internationalism, II. conceptualising the hybridity of sub-state governments and bringing IR theory firmly into the fold, III. accounting for the role and

importance of international legitimacy - and particularly the utility of mimicry as a legitimising strategy, and, IV. introducing the concept of sovereignty games as a way to understand the back-and-forth between state and sub-state governments, and the contradictory, paradoxical nature of the effects paradiplomacy may have on the system of states.

I. *Delineating autonomous, diplomatic activities*

An initial step towards seeing such activities in clearer focus is distinguishing between paradiplomacy and multi-level governance. This task is both a necessary and challenging exercise owing to the overlap of their subject matter, and the inter-relationship between the two practices (Kaiser, 2005: 90-92). The conception of multi-level governance as being concerned with policy making, and paradiplomacy as focused on quite separate, *autonomous* action in the wider international setting, is a useful starting point in drawing distinct conceptual boundaries around the two approaches. The nature of the activities that multi-level governance, on the one hand, and paradiplomacy, on the other, look to understand can be divided into the broad categories of 'governance' and 'diplomacy'. A brief consideration of sub-state representation in Brussels should demonstrate this range quite clearly. Here, there has emerged a *de facto* distinction between what have been termed the 'classic Brussels offices', and something 'else', which is very much a diplomatic presence (Cole and Palmer, 2011: :386). The examples discussed by Cole and Palmer are those of the Wales European Centre, pre-devolution, whose role was primarily providing information on funding opportunities for clients (who typically included local governments and universities), and the Wales Brussels Office post-devolution, where the Welsh Government exercise strategic leadership over the representation, and the unit is deliberately differentiated from local government and public agencies in the process.

Moore, meanwhile (2008b: 525-527) makes a more general argument, whereby *constitutional* regions in Brussels (who have "a delegated set of legislative competences") maintain a "strong political dimension to their work", one that is absent in the delegations of both 'administrative' regions, and the regions of new member states, who purposefully do not represent "historic or linguistic regions, as national governments sought consciously to

cross-cut inter-ethnic, religious and linguistic cleavages within their state" (Moore, 2008b: :524). This political dimension to the presence of such constitutional regions is not, however, uncontested. For example, the German federal government have continued to stress that Länder representations in Brussels must not action a diplomatic role, with the term 'Vertreung' (representation) proving particularly contentious (Moore, 2006: :200-202). The degree of sensitivity over this issue would suggest that, in actuality, the German Länder are indeed straying into 'diplomatic' waters, a development that can be seen particularly clearly in the Bavarian government's 2006 move to "lavish and opulent" offices in a high-profile Brussels' location (Moore, 2006: :192).

The real significance of this distinction, between governance and diplomacy, relates to the fact that sub-state governments appear to be increasingly acting outside what has been understood as their legitimate (limited) external remit. Rather than simply fulfilling the accepted functions of sub-state governance in those domains now implicated in their activities (whether this is to gain resources for economic development, or to articulate policy preferences), some regions are also conducting a range of activities that speak to different, perhaps more complex, underlying motivations. These diplomatic endeavours may relate to a desire on the part of the region to enhance their status, both as it regards their 'host' state, and other actors. Depending on the nature of the region itself, this exercise might be geared towards building the nation domestically (external identity construction) or be centred around demonstrating state-like capacity. Likewise, they may be conducted with the specific aim of 'paving the way' for independence, or perhaps gaining traction within the state over a specific issue - or indeed as part of a more symbolic sovereignty game (Adler-Nissen and Gad, 2012; Adler-Nissen and Gad, 2014; Adler-Nissen and Gammeltoft-Hansen, 2008).

It is the contention of this thesis, and was suggested above, that making these distinctions (between governance and diplomacy) is necessary for the advancement of paradiplomatic studies. Without the refocussing of the paradiplomacy framework, to take better account of the conceptual tools required at either end of a broad spectrum of activity, there is a danger that a lack of clarity may lead to the particular significance of paradiplomacy as a *political* action being under-reported, and its novelty as a feature of the modern international system

being obscured. As Criekemans argues (2010a: 6), "regions and their external activities come…in many different colours, shapes and intensity when placed in a comparative perspective"; in order to take full account of this variety, one must be fully conscious of the implications that different frameworks may entail.

It is posited here that paradiplomacy and multi-level governance, typically, consider different *practices* (diplomacy or governance), in different *modes* (transnationality or institutional engagement). Whilst there are certainly exceptions to this very general rule, this broad distinction means that a conflation of these two concepts is unhelpful and risks both practices being either over or under-reported. The differences outlined above may imply different explanations; the range activities results in a similar a range of implications for the disciplines of both comparative politics and international relations. Having said this, it is also apparent from the discussion above that the two concepts often share subject matter, with the activities of sub-state governments overlapping into both frameworks, and therefore able to be usefully explored with reference to both paradiplomacy and multi-level governance. A prime example here would again be the Brussels offices of European regions. There are also important conceptual and theoretical markers of the multi-level governance approach that would seem excellent candidates for a fuller encorporation into the paradiplomacy literature. Firstly, multi-level governance places an emphasis on individual actors within a political system. It '"demands that the social analyst examine the political activities of the the relevant indidiuals and groups of individuals as the causal link between macro processes… and the rules that structure political regimes" (Marks, 1996: 23). In a similar vein, Marks argue sthat this actor-centred approach may engender an integration of comparative politics and international relations, in order to gain a "coherent" understanding of decision making. Ther eis a deliberate attempt within this work to avoid "reifying the state as an actor with interests or preferences" (Marks, 1996: 24, 34). Given the above, at this point it is worthwhile outlining three ways in which the two concepts can relate to one another.

Firstly, paradiplomacy and multi-level governance can constitute *alternative* explanations for the same activities. For example, the conduct of 'border diplomacy' between European regions, or participation in inter-regional networks, may be explained by paradiplomacy as an

aspect of external identity construction or status enhancement (for example Duran, 2011: :356-7), but authors from a multi-level governance perspective may argue that such activities are a result of regions needing to build policy-coalitions in order to present a stronger voice at the EU level (for example Sodupe, 1999: :62). The relevance of various variables – both structure and agency related, those relating to sub-state, state or supranational tiers - may vary, depending on whether the explanation for a particular activity stems from a paradiplomacy or multi-level governance framework.

Secondly, they can represent *parallel* concepts, considering different activities within a shared domain of sub-state internationalism. It would seem that this is the most common way in which the relationship manifests itself, despite the fact that the terms have been used inter-changeably in parts of the extant literature. For example, paradiplomacy can be used to explore the conduct of normative international activities, such as international aid programmes (Wyn Jones and Royles, 2012), while multi-level governance accounts for the activities of the Committee for the Regions (Carroll, 2011), in parallel to one another, with very little interaction taking place between the two approaches.

Thirdly, the two can represent *complementary* approaches, allowing for the full exploration of motivations and opportunity structures behind sub-state international activities that overlap the conceptual boundaries between the two frameworks. Brussels offices can again be used as an example here: there are both functional, 'governance' requirements which mean that the establishment of such offices is an important activity for sub-state governments, and they may, to a large extent, determine the size and nature of such representations. But there is also a whole range of less tangible factors behind the degree of importance that a sub-state government attaches to Brussels representation, and indeed a variety of types of (diplomatic) activity that take place under the aegis of such offices. For example, the Bavarian government maintains a particularly large and well-resourced Brussels office, to the extent that this representation is much more visible - in a literal, aesthetic sense - than some of the member state representations. Its location means that "everyone who

comes to the European Parliament has to pass it".[3] Quite why Bavaria places so much emphasis on this form of international engagement is a question that arguably requires both multi-level governance and paradiplomacy approaches to fully account for. Overall, there exist "multiple dimensions of regional representative activity" in Brussels (Moore, 2008b: :525), and thus the application of these two concepts would seem necessary for their full and robust analyses.

Despite the degree of overlap between the subject matter that paradiplomacy and multi-level governance share, they also attempt to account for different types of activity, or politics, often with equally different rationales. They also may relate to one another in the sense of interpreting the same or similar activities in different lights. Therefore the relationship between them also differs substantially, depending on the exact activity studied; they may represent alternative explanations, parallel concepts, or complementary approaches. Much greater clarity is therefore required in the two literatures, both in terms of specifying the nature of activities considered, and being explicit as regards the choice of framework. This should not be a particularly arduous or complicated task: the distinctions outlined above, such as between governance and diplomacy, are made as a matter of course in state-level analysis. For the purposes of this study, a focus on those autonomous, diplomatic activities conducted by our three case studies is a deliberate attempt to rebalance the paradiplomatic literature towards these more advanced paradiplomatic dynamics, with a corresponding emphasis on the political rationales to which such activities relate. Attention is paid, specifically, to the role that diplomacy - and being recognised as a legitimate actor in international domains - plays in the political calculations and the self-perceptions of sub-state governments. In short, it focuses on why diplomacy matters to these types of actors, rather than on what functional imperatives exist in this domain.

II. *Hybrid actors, hybrid spaces: bringing IR theory into the paradiplomatic fold*

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[3] Interview with author, senior Bavarian Parliamentary Official 2013

International relations theory is a crucial 'missing link' in the paradiplomatic literature. Similarly, the practice of paradiplomacy has failed to make it onto the IR research agenda itself. This is problematic: the activities comprising paradiplomacy necessarily implicate the frameworks of both comparative politics and international relations. Admittedly, the majority of activities that sub-state governments undertake in the international domain may be less than remarkable;[4] at least within the European environment, multi-level governance is the dominant dynamic. However, the separate category of autonomous, diplomatic activities that some sub-state governments undertake does pose important questions for international relations theory. Even more so when these sub-state units represent stateless nations and the tone of interactions may be more ambitious, even provocative. Indeed, the external activities of such actors pose questions at a series of intersections at which ambitious IR theorizing already takes place: between 'identities, borders and orders' (Albert et al., 2001). Such dynamics also feed into more profound questions regarding the relationship between nationhood, statehood and the function of international relations. The post-Cold War international system has welcomed a number of new states which have been created along the lines of national populations, relying on the "'imagined community' of the nation for its legitimacy".

Yet, state centric theories of IR have failed to adequately explain these developments, relegating many of the key issues relevant to their analysis "to the status of epiphenomena" (Hall, 1999: :4). There is certainly scope for paradiplomatic activities based on the 'imagined communities' of strong regions, stateless nations, indigenous populations and Diasporas to shed some all-important light on these relationships. Though the focus in this study is on stateless nations, the relevance of other forms of paradiplomatic and multi-level governance to international relations is of course acknowledged. Certainly, economic paradiplomacy has distinct implications for IR sub-fields such as international political economy: the role of global cities representing a key transformative dynamic in the international domain (Curtis, 2011).

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[4] Of course, this same claim could be made of much of the state-level interaction that comprises day-to-day international relations.

However, the more developed forms of paradiplomatic activity perhaps better illustrate the current disjuncture between international relations theory and emergent practices.

Sub-state governments are conceptually distinct from the broader category of non-state actor due to a key line of demarcation: they are territorially constituted. For 'stateless nations', this distinction goes even further; they represent a single nation, and thus can claim (with varying levels of success) to speak for a given 'people'. Sub-state governments are thus 'hybrid' international actors (Hocking, 1986; 1999); their claims to political authority are expressly territorial, yet they are not (legally) sovereign. As such, these actors are sovereignty bound, yet sovereignty free (Hocking, 1999). In other words, they are bound by the sovereignty of their 'host' state (i.e., they are not 'transnational' actors in the traditional sense), yet they are also free from the requirements and responsibilities of full membership of the international system. This enables them to carve out distinct and niche roles, corresponding to the specific ambitions of their governments.

To what extent, then, does the (re)emergence of this category of actor on the international stage challenge extant conceptions of the nature of IR and IR theory? Arguably, the normalization of paradiplomacy is evidence of the weakening of nation-state sovereignty as traditionally defined. From one perspective, it is emblematic of a relocation of authority that has resulted from the processes of globalisation, increasing interdependence and intermesticity (Rosenau, 1992; Hocking, 1999; Fossum and Roussel, 2011; La Porte, 2012). The phenomenon, therefore, can be interpreted as an element of transnationalism, whereby new actors and loci of political power form 'webs', trapping within them nation-states and constraining their freedom of manoeuvre (Cerny, 2010: :4-5).

From a different perspective, the practice of paradiplomacy could be seen as the partial re-emergence of a form of global politics that pre-dates the modern nation-state system. Here, the prediction of Bull (1977) becomes an interesting marker. Bull contends that, should modern states come to share "authority over their citizens" and "ability to command their loyalties" with regional/global and sub-state authorities to such an extent that "the concept of sovereignty ceased to be applicable", we could then say that a neo-medieval form of

political order had emerged. Indeed, Criekemans (2011a: :715) contends that "to a certain extent, today's diplomatic practices resemble a pre-Westphalian world in which different policy levels (macroregional, national, crossborder, substate, regions and cities) each generate specific types of diplomatic activities reflecting specific needs felt at their respective territorial levels".

Freidrichs (2001) examines the concept of neo-medievalism in some detail, and concludes that there exist multiple spheres of authority and competing organizing principles that can currently be identified in the global order. Challenges to the monopoly of the nation-state are based on two processes, according to this view: the transnational market economy (which challenges the state's traditional monopoly on legitimate political action in the international sphere), and the fact that the "sphere of symbolic reproduction" is de-coupling from the state, with individual allegiances being directed elsewhere (Friedrichs, 2001). The spectrum of activities undertaken by sub-state actors on the international stage can been seen to contribute to both of these eroding processes, distinguishing them from many other non-state actors.

More broadly, the phenomenon of paradiplomacy must form part of ongoing debates within the discipline of IR, as to its own (in)ability to account for change in the international system. According to Buzan and Little (2001: :24-25), the discipline of IR operates within a 'Westphalian Straitjacket', or "the strong tendency to assume that the model established in seventeenth century Europe should define what the international system is for all times and all places". In a similar vein, Agnew (1999: :503; 2005) points to the fact that conventional understandings of the geography of political power are underpinned by a series of assumptions that conceive of statehood as the "unique source and arena of political power in the modern world...together they serve to put the modern territorial state beyond history". For Neumann (2002: :630-638), meanwhile, "we have no way of discussing empirically to what extent the system of states in fact remains central to global politics. The system appears as ontic, as an exogenised given of the analysis". Self-evidently, "we are not very good as a discipline at studying the possibility of fundamental discontinuity in the international

system...we lack even an adequate vocabulary; and what we cannot describe, we cannot explain" (Ruggie, 1993: :144).

Clearly, sovereignty is a key starting point for identifying the effects that paradiplomacy has, and may come to have, on the field of international relations; partially through its multiplication of the number of effective international agents whose authority stems from a form of geographical representation. According to Mingus (2006), sub-state governments, as part of broader networks and structures, are 'perforating' the sovereignty of nation-states, in certain policy domains. This view is also reflected in the work of Sending et al. (2011: :782-791), who point to the "complex tapestry of actors and concerns" across the Arctic region, necessitating an "inclusive actor perspective" in the analysis of the diplomatic practices taking place. Taking these debates a step further, Agnew (1999: :506-7) posits that political power may be moving from a 'field of forces' model of territorial sovereignty, to a hierarchical network model whereby "cores, peripheries, and semi-peripheries are linked together by flows of goods, people and investment".

Whatever implications paradiplomacy has for IR theory are, however, bound to be nuanced. The activities of sub-state actors represent a crucial aspect of all of the process outlined above, but they appear to embody somehow contradictory forces. On the one hand, a trend towards separatism within extant states "portends a fragmentation that can reinforce the field of forces model as new states emerge" (Agnew, 1999: :506-7). The utility of paradiplomacy in 'paving the way for independence' would therefore seem to re-assert the dominance of state-sovereignty. On the other hand, the role of regional units that remain within nation-states in perforating the sovereignty of said states would seem to work in the contrary direction. This push-pull dynamic is a recurring theme in paradiplomacy: it relates to the simultaneously bolstering and eroding effect of the mimicry of state-diplomatic discourses (McConnell, 2016; McConnell et al., 2012), as explored in the subsequent section.

The international activities of sub-state governments can also be interpreted as a means to consciously expand their territorial 'reach'. If the "domain" of a distinct polity "includes those who identify with it, the space they occupy, and the issues over which the polity exercises

influence", then paradiplomacy must be seen as an expansion of this domain on the part of sub-state actors (Ferguson and Mansbach, 1996: :262-3). Where these actors represent a nation, incongruent with the state, this would seem to represent a particularly significant dynamic; most notably for state-level actors. While it is not necessarily the case that expanding the domain of sub-state polities creates an equal and opposite retraction of the state's legitimate domain, there is certainly the potential for a conflict of interests that manifests at the international, rather than the domestic, level.

In extrapolating the practice of paradiplomacy beyond the sometimes-parochial confines of federal or comparative politics, we are faced with a different type of narrative. Here, the establishment of sub-state governments as international agents, albeit with limited 'actorness' on account of their opaque legal status, can be interpreted as part of a wider phenomenon that gradually blurs the boundaries between sovereign states and 'new', potentially contesting, forms of representation. On the one hand, there currently exist a sizeable number of 'unrecognised states', which manage to "survive, and even develop" in the international system, despite lacking the external sovereignty otherwise granted by the act of international recognition (Caspersen, 2012: :1-2). These entities are able to govern (more or less effectively), provide basic public services and enjoy popular legitimacy, yet their unrecognised status results from "the restrictive interpretation on the right to self-determination and the overriding principle of territorial integrity" (Caspersen, 2012: :27). On the other hand, non-state actors who are not territorially bound, yet nonetheless can claim to represent a distinct 'people' are also delving further into international affairs: Diasporas and indigenous peoples are two clear examples of this practice. Shadian (2010) examines the case of the Inuit Circumpolar Council, ICC, in its global interactions; representing "an Inuit polity seeking to gain a degree of sovereignty as a political collective". The form of sovereignty pursued revolves around the right to participate in political decision making, rather than being based on territorial integrity, a theme to which we return when discussing the conception of sovereignty games (Adler-Nissen and Gad, 2012; Adler-Nissen and Gad, 2014; Adler-Nissen and Gammeltoft-Hansen, 2008):

> The ICC serves as an example of a contemporary collective polity - neither left outside the state system nor possessing a state of their own. Rather the sovereignty of the ICC depends on its ability to maintain the legitimacy of its

myth, which over time has evolved, adapted and changed (Shadian, 2010: :504).

Both of these categories, unrecognised states and non-territorial 'national' or collective political actors relate to a central question raised by paradiplomacy: that of sovereignty. Barkin and Cronin (1994: :108) problematize this historical construct (sovereignty) in some detail. The authors argue that there has long been a tension between state sovereignty, "which stresses the link between sovereign authority and a defined territory", and national sovereignty "which emphasises a link between sovereign authority and a defined population". These two types of sovereignty differ fundamentally in terms of their source of legitimation: state sovereignty rests on clearly demarcated boundaries and effective institutional authority, national sovereignty rests on the representation of "communities of sentiment", forming "the political basis on which state authority rests" (Barkin and Cronin, 1994: :110-111). The authors go on to argue that there are distinct periods in which international norms legitimise one or other of these forms of sovereignty, but that these legitimising principles are subsequently queried during "major systemic crises", reverting to a privileging of the alternative claims.

The practice of paradiplomacy by stateless nations arguably makes a claim for the legitimacy of *a form* of national sovereignty: how states respond to this claim represents an equally interesting marker as to the dominance of such international norms. At the very least, stateless nations, autonomous regions and unrecognised states (though in very different ways) all "question the direct link between internal and external sovereignty" (Caspersen, 2012: :11). As Caspersen indicates, sovereignty is neither static nor indivisible; nor must it be absolute. Krasner (1999: :4-5) carefully dissects the construct, delineating between international legal sovereignty, Westphalian sovereignty, domestic sovereignty and interdependence sovereignty, all of which imply different rules and logics of appropriateness. It is possible, Krasner argues, for an entity to have one of these variants but not the others, potentially allowing for the hybrid-nature of stateless nations as international actors to be meaningfully conceptualised.

III. Mimicry, performativity, and learning to 'talk the international talk'

At heart, paradiplomacy is an exercise in transposing domestic authority to the international stage, crafting a perceived legitimacy to participation in affairs located outside of a region's geographical borders, and - essentially - claiming, or performing into being, a diplomatic agency that was dormant during most of the 20th century. The processes involved in the creation of sub-state diplomatic agency therefore share much in common both with other non-state actors, and indeed with states themselves. As such, paradiplomacy offers one lens through which to examine not just the particularities of sub-state diplomacy, but broader diplomatic processes, performances and structures.

Legitimacy is central to paradiplomatic activity: either being asserted by the sub-state government, or indeed denied or challenged by other actors. Sub-state governments draw on multiple, overlapping and occasionally contradictory sources of legitimacy in their international engagements. The most compelling of these are often their representational qualities: as elected representatives of a clearly defined community or locale. In some cases, and certainly in those of stateless nations, the claims of sub-state governments can go a step further: to represent a distinct 'people'. Clearly, these claims overlap with those made by a sovereign state: representing the larger community or territory within which the smaller unit resides.

The particularity of a sub-state government's claim to legitimacy is therefore premised precisely on their difference to the 'host' state. Whether in terms of economic prowess, or high-tech industries - as in the paradiplomatic activities of California, Beijing and Bavaria; their normative credentials - as in the international and sustainable development activities of Wales and Scotland; or indeed their relative deprivation or political or ethnic subjugation. Sub-state governments appeal both to principles of national sovereignty and self-determination - the attributes or interests of a 'people' of a region or stateless nation - and to functional discourses of geo-strategic position, territory or productivity. Such claims to legitimacy on the basis of difference or particularity can be identified in singular instances, for example when a region stands to be disproportionally affected by an environmental issue, or

indeed if its position leaves it particularly vulnerable to conflict or international crime. Domestic political considerations can also temporarily mobilise these claims. Moreover, the discourse of particularity may be a near constant theme running through a sub-state government's international agency, and the claims it makes to a legitimate presence. The Quebec Government, for example, has been able to secure observer status in the United Nations on the basis of their cultural, linguistic and historical particularity within the Canadian context (Balthazar, 1999)

The legitimacy - or otherwise - of sub-state external relations poses several questions. How can we accurately conceive of 'mini-diplomacies' and tentative international relations emanating from actors that are not sovereign, yet often claim to represent a distinct people on the international stage? When these representations conflict with positions held at sovereign state level, which most accurately speaks for the population concerned - in other words, whose legitimacy trumps whose? This conundrum currently plays out on the UK's diplomatic horizon. In the context of a UK-wide referendum on continued EU membership, Scotland's vote stood in contrast to that of England and Wales. Multiple voices from within the UK are therefore speaking to the wider world on a core element of the UK's foreign policy, whistling a very different tune, yet in unmistakably diplomatic tones.

A sub-state government's international legitimacy may be (notionally) premised on qualities that it possesses - be they representation, democracy, function or capacity - however, in order for this to be translated into an accepted presence on the international stage, specific strategies are required. In short, how do sub-state governments ensure that they are listened to, taken seriously, acknowledged by other actors? A key way in which this legitimation is achieved is that of mimicry: essentially, learning to 'talk the talk' and 'walk the walk' of diplomacy. As such this thesis employs the vocabulary both of mimicry (McConnell, 2016; McConnell et al., 2012) and performativity to understand the ways in which such legitimating work is accomplished (McConnell et al., 2012: 806). The idea of 'mimicry' in a diplomatic setting has clear and compelling links to much paradiplomatic activity, whereby sub-state governments often go to extreme lengths to appear 'state-like'.

In the fullest examination of mimicry in a diplomatic setting to date, McConnell et al (2012: 804) explore the ways in which "non-state diplomacies draw on, mimic and intervene in the realm of formal political action in ways which both promote 'official' state diplomacy as an ideal and dilute its distinction from other, 'unofficial' diplomacies". Diplomatic representations, from a mimetic perspective, are therefore not solely "strategic hegemonic tools employed by constituted powers to exclude, but can also be tactically performed by entities that challenge the composition and status of the interstate system" (McConnell et al., 2012: 811). Not only does a mimetic perspective allow us to look empirically at the ways in which sub-state governments may craft their international messages and diplomatic representations in a way which either mirrors or diverges from state practice, it also acts as another analytical lens with which to examine the relationship between the sub- and central-state tiers of diplomacy, and the ways that they interact with, and potentially challenge, one another.

Meanwhile - and relatedly - a performative perspective allows us to take a close look at the ways in which a sub-state government communicates its message on the international stage that increasingly lies within its grasp. That much diplomacy is now 'public diplomacy' directed at mass audiences rather than limited to exchanges between the diplomatic elites of formally equal sovereigns, is widely understood (Huijgh, 2010; Huijgh, 2012). A consequence of this shift in practice has been that the performative aspects of diplomacy are now more visible; the 'performance' takes in new and diverse audiences. However, even when enacted in its most traditional variants, diplomacy has always relied heavily on performance; on symbolism, mutually understood and reciprocated signs and shorthand (McConnell et al., 2012). The framework of 'Performativity' is primarily concerned with the processes of agency creation. It is, fairly loosely, associated with the English School of International Relations, sharing an interest specifically in the practices of diplomacy (Neumann, 2003: 1). It draws on a rich history in social theory - from John Austin to Judith Butler - as well as on constructivist understandings of international politics, but perhaps a more significant 'marker' in the way that it is utilised in an international relations setting is in fact the breadth of its intellectual underpinnings. A key premise is - essentially - that international agents are made, or performed into being, rather than simply born (Neumann, 2002; Neumann, 2003). The

framework allows a focus on the various practices, processes or events that constitute the making of such international agents, in our case sub-state diplomats. Indeed, for paradiplomacy, the phrase 'I speak, therefore I am' seems to be particularly prophetic.

IV. *Paradiplomacy as a Sovereignty Game*

Abstracting the practice of paradiplomacy beyond its parochial confines, as the preceding sections have sought, therefore leaves us with questions of real and pressing significance to contemporary IR theory. Are sub-state governments, in their role as international agents: perforating or weakening state sovereignty; re-asserting the legitimacy of national sovereignty; expanding and reconstituting the domain of sub-state polities, further eroding the distinction between the international and the domestic; or un-bundling and disaggregating Caporaso's (2000) conceptual triangle of 'territory, sovereignty and authority'? Beyond these questions, the activities comprising paradiplomacy also have some utility in highlighting the limits of extant IR theory. Indeed, multi-national states, unrecognised states and non-state actors capable of conveying the loyalties of distinct national or ethnic groups on the world stage do not exist in the abstract: they are very much a real, empirical phenomenon. As an increasingly significant dynamic in all its various guises, paradiplomacy deserves a place on the IR research agenda, contributing most clearly to embryonic debates surrounding the developing roles of 'hybrid' international actors.

The concept of nation building is used in various ways and in hugely differing contexts within the field of paradiplomacy. For the purposes of this study, however, what is of interest are the political projects that draw on a strong regional identity, undertaken by sub-state governments with differing constitutional preferences. Whether this manifests in the self-referential term of 'nation' or not is of lesser importance than the fact these governments recognise a political or cultural distinctiveness in their polity. The basic assumption that underpins the utility of this framework in exploring paradiplomatic activity is that, for

stateless nations, the ability to 'speak the nation' internationally, and to use international settings to perform an agency that outstrips, or even simply augments, that crafted within domestic contexts, is particularly valuable. When the 'stakes' are raised in this way, we not only stand a better chance of encountering and understanding the tensions between sub- and central- state diplomacies and statuses, but also the ways in which international agency feeds back into the self-understanding and domestic political agendas of the sub-state governments themselves; and inevitably, those of the central state, also.

In short, when we consider the paradiplomatic practices of stateless nations, the underlying currency is often that most rarefied beast: sovereignty. Sub-state governments assert a form of sovereignty in their pretensions to an international role, speaking for their people and interacting with other actors - often third, sovereign states, on the world stage. Likewise, for the central state, when seeking to monitor or control the international activities of their sub-state counterparts, their rationales often retreat into absolute sovereignty: the ability to speak with a single, unqualified voice on the international stage being central to the role of national foreign offices and governments. However, when we consider the practices of paradiplomacy in their real-life, day-to-day manifestations we see that the picture is much more nuanced and, in fact, much less absolute. This leads us to a different conception to sovereignty per se, that of a sovereignty game.

The notion of sovereignty games is one set out in great detail by Adler Nissen and Gad, and explored both in their edited volume entitled 'European Integration and Postcolonial Sovereignty Games: the EU Overseas Countries and Territories', and with specific reference to the Nordic region in a special issue of the journal *Cooperation and Conflict* (Adler-Nissen and Gad, 2012; Adler-Nissen and Gad, 2014). In the context of the Nordic region, the authors point to twin processes: European integration and increasing demands by polities, such as Greenland, the Faroe Islands and Åland, for independence - in one form or another. At the heart of their explanation of these twin and seemingly contradictory processes is the notion that sovereignty is not absolute, and should not be treated as such; instead it must be regarded as a qualified concept. The idea of sovereignty games, therefore, is all about the negotiation of sovereignty. The games: "involve strategies may be played out with reference

to sovereignty as either/or, and they may involve alternative types of polities in addition to sovereign states" (Adler-Nissen and Gad, 2014: 14).

The fact that the meaning of sovereignty has - mistakenly, the authors contend - been understood as fixed has resulted in the scenario whereby the dominant modes of considering world politics classify relations:

> In terms of either hierarchical subordination or external equality. For political practitioners, this leads to blindness to other forms of political organization. For academics, it leads to blindness to what (also) goes on in politics - in international politics, in domestic politics and particularly in the politics on the border between the international and the domestic (Adler-Nissen and Gad, 2014: 14).

Such a border is precisely where paradiplomatic activities take place; territorially basted actors, nested within the structure of a sovereign, hierarchical state, yet establishing direct relationships and exchanges with external actors, both sovereign and non-sovereign. The polities discussed by Adler-Nissen and Gad share with certain sub-state governments the inability to fit neatly into categories offered by conventional theories of international politics. Greenland or the Faroe islands are "neither formally sovereign nor simply hierarchically subordinated to their metropole" (2014: 16). While most sub-state governments are in fact hierarchically subordinate to the central state, for many there is a conscious challenging of this status, one often expressed through paradiplomatic endeavours. This does not always translate to a quest for formal independence - though it can do. Instead, it may be manifest in the extent of competences transferred to the sub-state authority or in the nature and quality of relationships between central and sub-state levels. Certainly, for those sub-state governments identifying in one way or another with the term nation, there is a self-perception that shares much in common with the Nordic examples cited above.

For Adler-Nissen and Gad, a sovereignty game:

> Involves two or more players who, in their interaction, make strategic claims about authority and responsibility with reference to a traditional 'either/or' concept of sovereignty. Contemporary sovereign states and polities, which qualify as potential states, manoeuvre between dependence and self-determination - and sovereignty is a card that can be played in these manoeuvrings - or played on - in different ways. Notably the articulation of the

either/or concept of sovereignty need neither be explicit nor affirmative in order for it to be vital for the game (Adler-Nissen and Gad, 2014: 19).

In drawing on the discourse of sovereignty, the 'games' themselves therefore have both system-reinforcing and potentially disruptive effects. Similar effects, in fact, to mimicry - whereby non-state actors' adoption of a form of state-like diplomacy is seen to bolster the authority of the latter, at the same time as it dilutes the very distinction that exists between the official and the unofficial (McConnell, 2016; McConnell et al., 2012). For sub-state governments, and indeed other polities, the value of sovereignty games is related to their ability to position them as legitimate player in the game itself. Post-colonial sovereignty games, in the words of Adler-Nissen and Gad, "pertain not (only) to some particular instance of distribution of authority or responsibility, but to the distribution of the very possibility of articulating authority and responsibility" (Adler-Nissen and Gad, 2014: 20). Sub-state governments, therefore, are able to declare themselves as counted among the 'players' or meaningful units in a national scene, using the international scene to bring about this domestic power-shift.

In sum, a new approach to paradiplomacy - the approach utilised and advocated in this thesis - should focus, unapologetically, at the more developed end of the paradiplomatic spectrum, consciously assessing the nature of the challenge presented to state governments, or the diplomatic status quo more broadly. In stateless nations we see a non-state actor speaking loudly and clearly for the interests of, or at least in the name of, a people - sometimes in conflict with a central state authority. We see a traditionally territorially bound actor construct their place on the world stage, seek legitimacy for their international presence, mimicking dominant diplomatic discourses that both subvert and reaffirm the monopoly that states hold on such domains (McConnell et al., 2012). We learn about the boundaries of sub-state authority and territorial reach, the processes of international agency creation and the methods that central state governments have to constrain or deny agency. We can probe the meaning of official diplomacy; assess the categories and divisions we have been routinely employing in the description and analysis of diplomatic practice. We can learn about the meaning of sovereignty, unpicking the associations between this central concepts and its various offshoots: authority, territory, power.

Research Questions & Design

The research questions laid out in this section reflect the new focus and framework that has been discussed above. They reflect the fact that paradiplomacy has recently undergone a process of 'normalization' (Cornago, 2010), being undertaken by a hugely varied assortment of regional and other sub-state actors, in a multitude of different guises; at times mundane, at times highly contentious. Despite the absence of clear constitutional authority, and often without a demonstrable functional impetus, the reality is that sub-state actors are projecting themselves onto the international stage, developing an 'actorness' that muddies the (already murky) waters of the diplomatic system. Where a good proportion of these discrete paradiplomatic endeavours are reasonably easily understood and accounted for with relation to economic incentives (specifically attracting inward investment), or engagement with European policy-making, other actions are more intriguing. The proliferation of *normative* activities, such as support for international development or climate change initiatives, alongside increasingly *normal*, or 'state-like' diplomatic relationships or encounters (often whereby a region establishes formal/longer term relations with a sovereign state) seems to speak to different, more complex and perhaps more significant underlying motivations.

Of the relatively small amount of research that has previously been conducted into the motivations behind paradiplomacy, the concept of stateless nationalism, and its counterpart, nation building, have been widely identified as at least highly significant, if not *the* most relevant, variables (Lecours and Moreno, 2001; Royles, 2010; Keating, 1997; Paquin and Lachapelle, 2005). It would seem that these concepts are particularly consequential with relation to the less clearly functional external activities mentioned above. However, the link between nation building and paradiplomacy is undoubtedly more complex than is currently accounted for in the literature, not least because 'nation building' is a somewhat amorphous concept itself. What is the intended end product of such exercises? A sovereign state? Greater devolved authority? Some form of confederation? Self-determination is clearly a concept that is in a period of flux, with the interrelated processes of devolution/decentralisation, supranational regional integration and globalization providing a particularly colourful

backdrop. An alternative way of thinking about this dynamic, which seems to revolve around the relative power and status of the state and sub-state government, is what Addler-Nissen and Gameltoft-Hansen term a 'sovereignty game' (2008). In this view, expanded by Adler-Nissen and Gad in relation to the Nordic region (2014), sub-state involvement in international affairs may represent a type of sovereignty game that is not really about an end goal of a new sovereign state, but rather an assertion of the polity's right to play such a game at all.

This lack of clarity regarding the process of nation building obscures not only the *motivations* for sub-state governments in conducting paradiplomacy; it also means that the *implications* of paradiplomacy, in the domestic and international arenas, are ill accounted for. For example, while both Scotland and Wales might be said to be involved in a process of nation building (constructing and promulgating national identities, carving out areas of policy differentiation with regards to central government, 'speaking the nation') and both undertake many similar paradiplomatic activities, it is not necessarily the case (given the quite radically different medium-term objectives of the governing parties in each case) that their paradiplomacies are conducted for the same purpose, nor that their meaning, or specific implications, can be fused together. Whilst there is clearly a strong and convincing link between paradiplomacy and nation building, the multiple forms that both of these concepts can, and do, take necessitates a much closer examination of these links, something reflected in the specific research questions addressed here. Indeed, for the purposes of this study, a broader formulation than nation building or stateless nations is employed, focussing on the political projects of stateless nations that draw upon a strong sub-state national identity.

Given this lack of conceptual clarity, and the widely acknowledged paucity of explanatory approaches to the study of paradiplomacy, this project will focus on a set of sequential research questions that, taken as a whole, are intended to help place the practices in a broader theoretical context. The initial three questions are largely empirical in nature. The first asks: *what sort of international roles are sub-state governments able to play on the international stage*? The second relates to the 'why' of paradiplomatic action, and asks: *beyond economic or functional imperatives, what drives sub-state governments to develop international actorness?* Thirdly, the study will address the question: *how do sub-state*

governments establish credibility and legitimacy in their international roles? Latterly, the study will move on to ask: ***to what extent does the practice of paradiplomacy challenge dominant understandings of international relations?*** The answer to this question is closely related to the findings of the initial empirical analysis: the motivations that sub-state governments have in developing international actorness affects the nature of the challenge such actions pose to our understanding of central concepts of IR theory, such as state sovereignty. This secondary investigation will constitute a more theoretical account of the nature of sub-state governments as international actors, their position in international society, and the implications for other units of analysis in the traditional study of IR.

As a general rule, empirical studies of sub-state governments' paradiplomacies have largely focussed on paradigmatic cases, such as Quebec or Catalonia, where such activities are particularly pronounced (Duran, 2011: :339). At the same time, an almost exclusive focus on the EU-related activities of sub-state governments (Royles, 2010: :143) has meant that much of the paradiplomatic literature examines activities that could perhaps be better located within the framework of multi-level governance. There would seem to be pertinent differences in, for example, a council or local authority in an English region lobbying EU institutions for support to a particular industry in an economic reform package, and those of the directly elected government of a 'stateless nation', such as Scotland, forming long-term, bilateral partnerships with the states of Central and Eastern Europe. Likewise, there would seem to be a further relevant difference in the establishment of predominantly functional, economic, international linkages on the part of sub-state governments in order to attract inward investment, and those same governments undertaking overtly normative activities, such as involving themselves in climate change mitigation networks or developing international aid programmes.

Admittedly, some of these distinctions are, in practice, subtle. However, the difficulty of separating out and categorising these different types of international activity does not negate the need to do so: in fact, when we consider the, largely unanswered, pleas within the literature for a re-conceptualisation of paradiplomacy through a linkage with sub-state nationalism (Lecours and Moreno, 2001: :1-3), and the much more widely cited requirement

for the development of theoretical frameworks and explanatory accounts of the practice (Bursens and Deforche, 2010; Lecours, 2002), this process would seem much overdue.

Sub-state governments engaging in diplomatic relations have, according to the literature, fundamentally different aims than those of states. Lecours argues that, for the most part, these aims are more 'modest', related to the development of an international personality (Lecours, 2002: :104). Getting to the bottom of exactly what this means in practice: the variety of aims sub-state governments have, their expectations of the influence they are able to wield, and on what type of actors, necessarily entails a much closer analysis of the types of diplomacy or external relations that sub-state governments are developing. Indeed, the very notion that sub-state governments have international ambitions that differ from those of central-states is one that should be subject to challenge.

Thus far, the key categories that have been used to analyse paradiplomatic actions relate to whether they are in carried out in concert with, parallel to, or are conflictual with the external relations of the central state (Criekemans, 2010c). Though this distinction is indeed important, it *alone* is incapable of telling us much about what the sub-state actor is trying to achieve. It may be that a regional and central government disagree over agricultural policy, a domestic debate that can easily be extrapolated to the EU, or even international, level. The paradiplomatic action surrounding this dispute may well be in conflict with that of the central government, but the sub-state government's aims may in fact be domestically located, a preferential policy outcome for their constituents, rather than an attempt to establish an international personality. In contrast, the high profile of the Bavarian government's Brussels office, their decision to invest such resources in direct EU representation, may tell us a lot about the way in which that this historic 'nation' sees itself, and the nature of its interests and influence, despite the fact that in terms of direct lobbying or policy positions, they may be acting parallel to, or even in concert with, the Federal Government.

Methodology

The starting point, in terms of a methodological and theoretical framework to apply to this study, is that there does not appear to be one that could be adopted in any uniform sense; a result of the various lacunas in the development of paradiplomatic theory as outlined above. Instead, there are a range of potentially useful concepts and frameworks that exist across many overlapping and related disciplines and subject areas. Though undoubtedly messy, as starting points go, it is only in testing and applying these different tools or analytical perspectives that we can start to 'join up the dots' between what is taking place on the paradiplomatic landscape and the broader international and diplomatic environments. Purposefully, conceptual tidiness and methodological clarity have in some important ways been compromised for the function of seeking new insight into an area of diplomacy that has traditionally only been studied in a compartmentalised, and thus fundamentally limited, way.

Indeed, in their article examining approaches and methods in feminist research within the UK, Krook and Squires (2006: 45) explicitly call for the prioritisation of methodological and theoretical eclecticism. Their study demonstrated "a distinctive willingness on the part of feminists to employ various theoretical frames and to explore possibilities for synthesizing or juxtaposing methods in innovative ways". The authors go on to argue that "problem-driven research should be cultivated at the expense of method-driven work". Extrapolating from this argument, though paradiplomatic practices represent a different set of 'problems' from those dominating feminist research agendas, they do touch meaningfully on core areas of political life: authority, nationhood, legitimacy, sovereignty. In other words, the issues that arise from the practice of paradiplomacy are worthy of investigation – perhaps particularly so given that they do not fit neatly into an established methodology, and such enquiry requires the juxtaposition of multiple theoretical frameworks. Rather than aiming for a robust model for predicting future paradiplomatic behaviour, or modelling paradiplomacy in unchartered scenarios, the objectives of this thesis are more limited. They revolve around building an accurate picture, and a more kaleidoscopic understanding, of current practices and the meanings that these relatively new roles and relationships hold for the actors involved in cultivating them.

Broadly, this thesis employs a constructivist methodology, seeking to "capture and understand the meanings of a social action [paradiplomacy] for the agent performing it', recognising that the account of the scholar studying such action is not free from the "biases that surround us" (Moses and Knutsen, 2012: 11). The approach draws from Rosenau's conceptualisation of international theory (1996: 309-310), premised on the understanding that "it is sheer craziness to dare to understand world affairs…yet dare, we must". In addressing this task, Rosenau calls for "a sense of humility and puzzlement", remaining 'in awe of the complexities and changes at work in the world, ever ready to concede confusion and always reminding ourselves that our conclusions must perforce be tentative". Yet, he continues, there is a role for theorising in this task of understanding world affairs: using it to "tease meaningful patterns out of the endless details and inordinate complexities that pervade world politics' mechanisms for doing so (Rosenau, 1996: 310).

Methods

For this comparative study, there are three main foci of analysis: institutional, discourse and praxis. Within these three areas a variety of materials will be considered, ranging from constitutions and memoranda of understanding through to in-depth interviews. Qualitative software, Nvivo, will be used in order to aid the coding and analysis of this volume of material. This range of analytical foci and sources is explored in the table below, adapted from a framework enumerated by Adler-Nissen and Gad, whose distinctions between institutional, discourse and praxis analysis proved invaluable in focussing the analysis undertaken (Adler-Nissen and Gad, 2014: 22).

Table 1: Analytical Framework. Adapted from Adler-Nissen and Gad, 2014:22

Method	Institutional Analysis	Discourse Analysis	Praxis Analysis
Site	Formal scope of diplomatic powers. Devolution dispensations or Federal vs. regional delegations of powers.	Negotiation of meaning and identity vis a vis the international actorness and legitimacy of SSGs.	Diplomatic praxis: the actual scope of sub-state international engagement 'on the ground'
Type of material	Constitutions, Memoranda of Understanding, Concordats and formalized working and inter-governmental arrangements	Parliamentary records, media debate, party position papers, government policy documents, official statements, official/governmental social media profiles. Qualitative, in-depth interviews - where possible.	Qualitative, in-depth interviews - where possible. Participant observation. Policy documents, party position papers, official statements, official/governmental social media profiles,
Analytical strategy	Understanding the institutionalization of sub-state diplomatic authority and both the limits and opportunities allowed by governing or constitutional arrangements	Mapping competing visions of the external identity of the SSG and the proper scope of their international action - as conceived by both sub and central state actors	Looking at the self-understandings, negotiation processes and strategies developed in positioning SSGs as diplomatic actors. Focusing on diplomatic practices

There were two ways in which the time period for analyses was narrowed down in each of our three cases. Firstly, due to the rapidly evolving nature of paradiplomacy, there was a clear focus on the current activities of Wales, Scotland and Bavaria. This meant that the programmes, interactions and institutional arrangements considered were – for the most part - those that existed whilst this research took place. This data collecting phase began in 2013 and concluded in 2016. However, owing to the potential significance of party political control and the political dynamics underpinning paradiplomacy, there was a broader time-

frame that guided this research and provided the historical context within which paradiplomacy took place which differed in each of the case studies. Each of these time-frames reflected a critical juncture in the political context of our cases and was selected with some direction from the initial interviews that were conducted. For Wales, the time frame within which the analysis is grounded begins in 1999, with the establishment of the National Assembly for Wales. In Scotland, the relevant critical juncture was instead identified as the formation of the first SNP minority government in Holyrood in 2007. In Bavaria, the long-standing dominance of the CSU and its close relationship at various points with a governing CDU at the Federal Level meant that the critical juncture that best reflects the distinct paradiplomacy that is currently conducted is, for our purposes, the premiership of Franz Joseph Strauss, beginning in 1978. Franz Joseph Strauss was renowned for developing what has been termed 'Nebenaußenpolitik' or 'foreign policy on the side' (Panara, 2010), using his status as a former Federal politician to do "to do things that no other Minister President had done before".[5] Data has not been collected for this entire near-40 year period, rather it is within this frame of reference that Bavaria's distinctive paradiplomacy will be interpreted, as in Scotland and Wales.

Limitations

There were a number of limitations to the approach adopted in this research, owing to the particular set of circumstances surrounding this study and the cases to be analysed. Perhaps the most significant of these limitations is the imbalance in the data collected for each of the case studies, specifically the lack of interview-data in the Scottish case. The political context in Scotland during the course of this research meant that officials were reluctant to participate in the project; though unfortunate, this level of political sensitivity did indicate interesting dynamics which are explored in subsequent chapters. In the absence of Scottish interview data, the thesis instead made use of another set of sources which served to illustrate the intentions and self-perceptions of the Scottish Government in its international endeavours: the policy-papers, debates and exchanges centred around the Scottish

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[5] Interview data, Senior Bavarian Government official 2013

independence referendum in 2014. In addition, the contributions from Scottish Government officials as part of a 6-part seminar series on Security in Scotland gave further insight into the priorities and positions of Scotland in an international context. The sessions took place under 'Chatham House' rules and an expectation of anonymity. A second important limitation was the lack of German (or Welsh) language skills on the part of the researcher. This meant that all interviews were conducted in English; however, reflecting the issue area in question – international affairs – all the relevant interviewees spoke fluent English, and for similar reasons the Bavarian Government published substantive information on these in an English language format. Issues related to the choice of case studies and comparisons between them are discussed in the following section.

The initial strategy of relying heavily on elite-level interview data was a risky one, and ultimately it did not reap the intended rewards in terms of the numbers or balance of participants. Where the initial aim was to secure interviews with three to four key government officials or advisors in each of the cases, in none of the cases was this target reached. In the Welsh case, interviews were conducted with five officials, spread between the Welsh Government and the National Assembly for Wales (which, in this case study, provided a useful insight into the 'split' between paradiplomatic objectives in the executive and legislative branches), in Bavaria they were conducted with two officials – one each from the executive and parliamentary branches – and in Scotland, as explained above, there was an unwillingness to participate in the project owing to the political sensitivities at the time. Two broad factors worked to mitigate these set-backs in the original strategy for data collection. The first was that, in the Welsh and Bavarian cases, while the number of interviewees did not reach the intended figure, the most relevant and appropriate individuals did participate. The quality of the interviews was therefore very high, and the aim of probing the ways in which paradiplomacy feeds into the priorities of a specific sub-state government and their broader political aims and strategies was met. The other was that alternative primary sources of information were readily available, and in the Scottish case these were particularly abundant (as outlined above), mitigating to a degree the imbalance of interview data. The research strategy underpinning this project therefore pivoted at a relatively early stage; incorporating a wider variety of sources of evidence and information and using an

analytical strategy brought together three separate modes: institutional analysis, discourse analysis and praxis analysis.

Case Studies

The case studies - Wales, Scotland and Bavaria - have been chosen primarily on the basis of their representing a group of stateless nations, amongst whom the political context is substantively different. In other words, whilst all three 'qualify' as stateless nations, each are governed by parties with different political and constitutional priorities. The *strength* of sub-state national identification also differs across the cases, which will allow for a consideration of the role that this variable may play in the construction of sub-state governments' external identities, and degrees of inter-governmental congruence or incongruence to be considered. The cases further exhibit a 'sliding scale' in terms of other relevant variables identified by the paradiplomatic literature: the extent of legislative autonomy and the nature of the state/sub-state relationship (in particular the contrast between devolved and federal regional units), the economic position of the region relative to the rest of the state, and the strength of regional/national(ist) parties.

The variable of party political control within the sub-state government has not been fully explored in the literature on sub-state diplomacy, though the related concept of political congruence or incongruence has been better studied (for example, see Wyn Jones and Royles, 2012; Cantir, 2015; Tatham, 2013; Tatham, 2014). Given the agency-driven nature of paradiplomatic activity (often lacking any robust statutory underpinning), and in light of the variations observed in the type of activities engaged in by different sub-state governments, this variable seems highly relevant. By comparing across three sub-state governments with qualitatively different political contexts, this project seeks to uncover the precise ways in which governmental actors seek to develop international agency and the ways in which the international sphere can be utilised for the realization of political ambitions. The approach of this study is to distinguish between external acts or relations that are primarily governance-based, from those whose emphasis is more diplomatic. Whilst recognising that this delineation is not straightforward, nor constructive in some instances, the argument is made

that a particular focus on those activities that are, more or less, autonomous i.e., not only related to the functional requirements of European governance, may shed significant light on an aspect of sub-state activity that has largely been neglected in the extant literature. For similar reasons, this project looks to investigate the nature and scope of international activities both within and beyond the European neighbourhood.

The cases were selected from an already narrowed pool: stateless nations within the European context. The latter part of this criteria stems from the fact that the availability of broadly similar international and regional opportunity structures for sub-state internationalism was deemed an important base-line, allowing the peculiarities of each case (in terms of their unique relations with the central government and the priorities pursued by political actors at the sub-state level) to come to light. Other factors influenced this choice of cases. This research was conducted from Cardiff, meaning that a high degree of access to the Welsh Government and the broader Welsh policy making context was able to be facilitated. This proved important in terms of data collection as access was restricted in other cases, owing both to geography and to the political sensitivities in the Scottish political landscape at the time of research. The potential comparison between Wales and Scotland was deemed to be important owing to the divergent political trajectories of their governments following the SNPs success in recent years, and the resulting variation in degrees of incongruence between the UK Government and Scotland and Wales. Thus, despite sharing a central government, other factors – both in terms of the constitutional framework and differing delegation of powers mediating the roles of the two devolved governments, and in terms of the influence of governing parties at the sub-state level – may be seen to influence the nature of the paradiplomacy that they conducted, and this was deemed to offer important potential insight. In Bavaria, the opportunity to study a stateless nation that was an outlier in its own state – in terms of the strength of attachment to the 'heimat' and the way in which this was represented in its external relations – provided an important contrast to the two cases from inside the UK, as did the settled and written constitutional structure of the German federation, and the relationship of the Lander to it. Other potential cases – such as some of Spain's autonomous regions – were considered but ultimately rejected on the basis of representing paradigmatic cases (e.g. Catalonia and Wallonia) or lacking sufficient

differentiation in terms of the constitutional structure and symmetry/asymmetry of sub-state competence (related to the UK).

The selection of three sub-state governments that represent a stateless nation was a deliberate one. It is acknowledged that, as a result of the politics of regional and sub-state national identity, the paradiplomatic activities of Wales, Bavaria and Scotland may not reflect similar motivations or strategies in regions whose identity is less salient or who do not represent stateless nations. It may be that the general emphasis on external engagement is greater in stateless nations, or that the type of paradiplomacy undertaken is different from that in other regions. Having said this, the three cases chosen are not generally (with the muted exception of Scotland) among the 'usual suspects' that feature in paradiplomatic case studies, suggesting that their international endeavours are not particularly a-typical.

The notion of 'stateless nations', simply nations without their own, *corresponding* state, is an essentially contested concept. This is unsurprising, given the fact that the nation itself has long resided in this category (Hepburn, 2008a: :185). The particular problematique of *stateless* nations for political science, however, rests on their apparent incompatibility with core units (in fact, the core unit) of analysis in both comparative politics and international relations: the nation state. In a related vein, Shain and Sherman (1998: :321) point to phenomena such as diasporas and separatist movements as 'counter theoretical concepts' that are "inconsistent with the structural rationale of the global system". It would appear that this argument applies equally well to what have, latterly, come to be known as stateless nations; whether such entities contain strong separatist movements or whether demands for self-determination manifest in a different way, being largely content with a degree of autonomy inside the overarching state.

The meaning of the state can be distinguished from that of the nation, and indeed nationalism (Guibernau, 2004: :1252). However, the concepts have become fused together and their distinctiveness obfuscated, in part to allow for a construct to more readily understand the modern states *system*. The nation itself is perhaps "one of the most contested concepts of our times" (Guibernau, 2004: :1251); its significance being amplified by this symbolically

loaded term. When we come to investigate the discrete practice of paradiplomacy, itself an action very much concerned with status and symbolic capital (Wyn Jones and Royles, 2012: :252), the stateless nation becomes a particularly relevant analytic category. Guibernau goes on to argue that:

> To be or not to be recognized as a nation entails different rights for the community which claims to be one, since being a nation usually implies the attachment to a particular territory, a shared culture and history, and the vindication of the right to self-determination. To define a specific community as a nation involves the more or less explicit acceptance of the legitimacy of the state which claims to represent it, or, if the nation does not posses a state of its own, then implicitly acknowledges the nation's right to self-government involving some degree of political autonomy *(Guibernau, 2004: :1251)*.

However, alongside the inherent symbolism and sensitivity of the term nation, stemming from the special rights that it confers, there are additional complexities in certain political contexts which may mean that the term is deliberately not employed (Wyn Jones and Scully, 2009: :7-8) . The key example here is that of Bavaria/Germany, where nation and nationalism belong to a category of 'sullied concepts', associated with national socialism, that remain politically inappropriate (Hepburn, 2008a: :184). In the Bavarian case, an alternative conception, the *Heimat,* is used to denote a very similar phenomenon: a sub-state unit *which represents an historic nation* with its own cultures and traditions, that is seen to legitimately claim a 'special' degree of self-rule, or political autonomy, on account of this distinctiveness (both from the federal state as a whole and from other Lander who represent mere 'regions'). This example brings into focus the ongoing debates regarding what exactly constitutes a nation; whether that be objective criteria (such as language, ethnicity or culture, a shared history) or more subjective features, where a body of people feel, and articulate themselves as being, a nation (Hepburn, 2008a: :186).

Regardless of the exact term used to describe the phenomenon, the significance of stateless nations is argued by Guibernau (2004: :1254) to stem from their position as "potential new political actors able to capture and promote sentiments of loyalty, solidarity and community among individuals who seem to have developed a growing need for identity". Relatedly, it should follow that the 'rise', or, perhaps more accurately, renewed political mobilization, of stateless nations has the potential to have a significant impact on the states within whose

borders such entities reside. In part, the nature of this impact depends upon the approach taken by central states to the accommodation of sub-state nations, and indeed the strategies of the stateless nations themselves

Given the shortcomings in the extant paradiplomatic literature, it would seem that a focus on those paradiplomatic activities that correspond a stateless nation would be of greatest value. They are more likely to have some form of political (alongside economic or functional) motivation, their international actions express a national identity that is distinct from that of the central state, and thus, the implications of such activities for international relations theory are, potentially, particularly pronounced. Paradiplomacy pushes at the boundaries of sovereign authority, blurring the distinction between state and non-state actor; the exact nature of this challenge will be seen especially clearly with a focus on those regions with a salient national identity of their own. Exploring the more 'developed' end of a spectrum of activity is clearly fraught with its own dangers. What is true for one category of sub-state actors, is by no means applicable to all. Additionally, while sub-state *nations* do indeed engage in autonomous, paradiplomatic actions that may correspond to the logics of stateless nationalism, it is also the case that they carry out purely functional international relations, corresponding to the logics of multi-level governance. Likewise, regions that do not necessarily represent 'stateless nations' can also engage in highly 'developed' forms of activity. Though Criekemans (2010a: :6) correctly identifies the dangers of misinterpretation lurking in any consideration of the 'nationalism' variable ("what some understand as being nationalist (or worse, separatist) might rather be evaluated by others a form of 'identity politics'"), a careful consideration of this relationship is nonetheless vital for the advancement of paradiplomatic studies.

From the perspective of paradiplomacy, the strategies of stateless nations are particularly interesting. This is due, in part, to the fact that there would appear to be some activities that are intrinsic to this category *per se* (such as attaining recognition of their distinctiveness or their 'nationhood', both from the 'host' state and from other actors), and others which would appear to depend very much on whether the strategy of the region was to pursue independence, to seek maximum autonomy within the existing state or to focus on particular

areas of competence. The utility of paradiplomacy, and its modalities, would seem to differ depending on the exact strategy that the region wished to pursue, allowing for a close analysis of the meaning of the practice for the actors themselves, and of their motivations for employing its different tools. Given the fact that the possible range of motivations is, logically, broadest for the actors with the grandest ambitions, it also allows for the full spectrum of paradiplomatic endeavours to be considered.

Aside from the specific agendas of stateless nations in seeking independence or domestic autonomy, the fact that they represent alternative, sometimes conflictual, identities to those associated with a central state, means that paradiplomacy has a particularly useful application for such entities: in allowing them to 'speak the nation'. The use of paradiplomacy as a nation-building tool has been widely identified within the literature (see for example Keating, 1997; Royles, 2010; Lecours and Moreno, 2001), and would seem to be particularly important with regards to the sort of identity-construction that appears to be evident in certain normative paradiplomatic activities, such as international aid or sustainable development programmes. Likewise, the nation-building and identity-constructing logics of paradiplomacy may well be evident in attempts made by stateless nations, or at least certain parties within stateless nations, to self-consciously place themselves within this category, bringing with it the legitimate claims to special treatment as associated with the term 'nation', as argued by Guibernau (2004: :1251). The example of Bavaria will be explored below, but the question of inter-sub-national networking, and the effects of policy learning and exchange between stateless nations in the context of paradiplomacy is one that is ripe for research.

Bavaria is a German Lander with strong sub-state competence, able to exert a unique influence on the Federal level, owing to the relationship between its governing CSU party – which has a long-standing dominance in the Lander - and one of the main Federal parties, the CDU. It has perhaps the most complex identity of all of the three cases to be considered in this project. It defies categorisation, not being easily translated into the concept of stateless nationalism as we understand it from archetypal cases, such as Scotland or Catalonia (Hepburn, 2007: 109). However, as we shall explore below, the strategies of the dominant CSU party are in fact very similar to those employed by more prominent 'nation-building

parties' within such stateless nations. Indeed, the CSU appear to be self-consciously placing Bavaria within this exact category:

> Bavaria is one of the oldest states in Europe… we are very different from the rest of Germany, we like to be independent. We fight for more competences and powers for the regions…Bavaria is very similar to Scotland. We see ourselves as a nation' (Eberhard Sinner, Bavarian Minister of European and Federal Affairs, quoted in Hepburn, 2008a: 184).

Data from a comparative study of European regions (CANS) illuminates this opaque status quite clearly. Bavaria appears within a group of seven regions (out of 14 surveyed) whose attachment to the region is greater than to the state, but does not appear in the sub-group of regions within this category (numbering five of those seven) who have "what would appear to be a strong sense of national identity" (as opposed to a regional one) (Wyn Jones and Scully, 2009: 3-4). In considering this data, the authors hint at a key factor which may explain the apparent disjuncture between the strength of sub-national identity and the lack of 'national' attachment: Germany's unique political context.

> The case of Bavaria is fascinating…with Bavarian identity apparently exhibiting many of those features classically associated with nationality and national identity: the type of identity that might have developed into a fully formed sense of national identity in different historical circumstances (Wyn Jones and Scully, 2009: 4).

As mentioned previously, the term 'nation' is rarely used in the German context, its connotations being almost entirely negative. In Bavaria, the term Heimat is instead used to denote a similar concept. However, according to one author, "whether one chooses to term Bavaria Nation or Heimat, the underlying ideology follows nationalist principles" (Sutherland, 2001: 26). The extent of CSU dominance in Bavaria means that they inevitably shape, and even "determine" constitutional debates, compelling other parties to respond (Hepburn, 2007: 142); political parties are key actors in the establishment of national identities, and the CSU has proved particularly effective in this regard (Hepburn, 2008a: 186). According to Sutherland (2001: 27-28):

> Not only does the CSU want to come across as the best party to represent Bavarian interests in Germany and Europe, it wants to style itself as the only true Bavarian party…it has largely succeeded in creating an elision between party and nation.

Part of the complexity to the Bavarian identity, as mentioned above, relates to its multi-layered aspect, where affiliation with the central state is seemingly undiminished by the strength of feeling at a regional/Land level. There exists a clear hierarchy, or at least conscious differentiation of allegiances, commonly expressed as: 'Bavaria is our Heimat, Germany is our Vaterland and Europe is our future' (Sutherland, 2001: 22). The related policy of the CSU is similarly complex, being at once highly supportive of federalism and steadfast that Bavaria requires maximum autonomy within this structure, leading to differing interpretations of the party's stance: as both nationalist and federalist (Hepburn, 2007: 109). According to the former; "only the substitution of the term Heimat for Nation distinguishes the strategy of the CSU from archetypal nation-building" (Sutherland, 2001: 30) . However, and informed by the other side of this peculiar Bavarian coin, the party's support for federalism, and the contentedly co-existing identities corresponding to the Bavarian, German and EU levels do distinguish the nature of this nation-building project from those seen in both Scotland and Wales.

Both Wales and Scotland exhibit a much more convincing 'national' attachment to their respective regions. The CANS study referenced above demonstrated that both cases have a degree of attachment to the region that is "genuinely striking, standing out from the rest both in terms of the strength of feeling for the people of the respective regions, as well as the weakness of such sentiments at the level of the state" (Wyn Jones and Scully, 2009: 5). In addition, and to a far greater extent than any of the other regions surveyed, both Scotland and Wales preferred the term 'nation' to describe themselves (as opposed to region) standing at 83% and 70% respectively (ibid: 8). The nation building projects of both Scotland and Wales are similarly well established, though with different accents. Indeed, the UK stands out internationally for the "extent to which it has given recognition both to the plurinational character of the state and the right of nations within it to self-determination" (McEwan, 2017: 70-71). Both Scotland and Wales have made use of the opportunity structures provided by asymmetric devolution in 1999, which created a Scottish Parliament and a National Assembly for Wales – the latter of which has been subject to several constitutional revisions (Wyn Jones and Scully, 2012). Since the 2011 elections to the Scottish Parliament, an SNP government has been pursuing an explicit independence agenda, with an (ultimately unsuccessful)

referendum taking place in 2014, and a stated intention to return to the question once the UK has exited the EU. The current Welsh Labour government, meanwhile, has been more concerned with 'building the nation' domestically, and 'speaking' it more forcefully within the UK, arguably with an aim to redress some of the asymmetries of UK-wide devolution; with some success, in the context of the two new Government of Wales Acts that have been added to the UK Statute books since this research began.

This selection of cases, as well as providing the aforementioned 'sliding scale' in terms of the strength of sub-state national identity and autonomy, and the contrasting range of political contexts, allows for further interesting contrasts. The first of these regards the constitutional structures of Germany and the UK, potentially allowing for the paradiplomacy-related effects of a static, federal system, in contrast to an asymmetrical system of devolution, subject to seemingly constant calls for revision or redress from both Scotland and Wales, to come to light. This relationship will be explored throughout the thesis, but there does appear to be an indication of it manifesting in perhaps a counter-intuitive way; in particular that federalism may constrain a sub-state government more than devolution. Secondly, the disparate economic resources of the three sub-state governments under consideration, with Bavaria's position as one of the wealthiest regions globally and indeed relative to its state, and the success of its specific approach to economic development, presented by the CSU as 'the Bavarian way' (Hepburn, 2008a: 189) providing a particularly interesting case, should also help to illuminate the full range of motivations behind paradiplomatic action. Within the UK, a further economic contrast can be found in terms of the relative positions of Scotland - one of the state's wealthiest regions - and Wales, one of its poorest.

Part 2: Paradiplomacy: The Whys and The Wherefores

Chapter Three: Skirting Officialdom

Introduction

Where do the international activities of sub-state governments 'fit' in the global legal and diplomatic order? Though typically loosely institutionalised and frequently non-statutory, the paradiplomatic practices of Wales, Scotland and Bavaria do all have some sort of formal basis, varied though they may be. One perspective with which to compare and assess these foundational elements of their paradiplomacies is in relation to The Vienna Convention on International Relations, a central document in international law which demarcates who 'counts' as an official diplomat and the ways in which diplomacy between sovereign states must be carried out. It represents a 'high-water mark' in diplomatic practice. 50 years on from its incarnation, questions have been raised about the extent to which the treaty reflects current diplomay (Behrens, 2017). Reciprocally, the paradiplomacy of sub-state governments offers a unique vantage point from which to address such questions. How this diplomacy manifests, how it differs from sovereign-states, and the interaction between diplomats and paradiplomats may yet tell us something about the status and relevance of the VCDR as it enters its 6th decade. Can sub-state diplomats carry out a similar range of activities to their state-level contemporaries? Does being part of an official, diplomatically accredited mission alter the substance of sub-state 'diplomacy'? In what sense is paradiplomacy supplementary to, or in competition with, state diplomacy? These are all questions addressed in this chapter, where the international representations and diplomatic personalities of Scotland, Wales and Bavaria are considered. As such, the chapter both utilises the 'gold standard' of official diplomacy to chart the relative positions of our three sub-state governments, and further draws upon these paradiplomatic activities to reflect on the current status and 'fitness for purpose' of the Treaty itself.

When trying to place paradiplomatic activities in the context of other pressures on the traditional diplomatic landscape, as described and accounted for by the VCDR, the most obvious match for its distinct challenges are those also posed by the increasingly assured diplomatic identity of the European Union. Much of what Wouters and Duquet, in their 2012 article on the EU and international diplomatic law, point to in terms of the quasi, state-like but non-state features of the EU as an international actor could also apply to sub-state authorities (Wouters and Duquet, 2012). Both the EU and various sub-state authorities try and influence foreign governments (at local and national levels), have formal arrangements with such foreign governments (and occasionally with international organisations), and maintain a network of overseas representations that often have a similar functional remit as traditional nation-state Embassies (Wouters and Duquet, 2012). However, the two cases diverge most substantially in two key areas. Firstly, some sub-state governments - notably Wales and Scotland as devolved regions of the UK - are able to formally 'opt-in' to the VCDR through operating out of the official diplomatic missions of their 'host' state. This unique, chameleon-like ability to choose the status and character of its diplomatic representations makes the international activities of these sub-state governments a potentially illuminating case study in international law, and in particular the ways in which the VCDR relates to non-state diplomacy. Secondly, for other sub-state governments that do not have the ability to 'opt-in' to the VCDR, such as Bavaria, the absence of any formalised diplomatic presence means that they must 'skirt officialdom'. The status of their paradiplomatic activities - or their diplomacy - is ambiguous, and thus its interactions with subjects of the VCDR, and indeed the ways in which their own and other governments attempt to characterise their diplomatic relations, sheds further light on the significance of a rarefied form of state-state diplomacy that the VCDR embodies.

Paradiplomacy and Diplomatic Law

For those studying paradiplomatic practices, there is a central paradox: how do we reconcile the international presence of sub-state governments with the fact that they are not recognised as possessing any degree of sovereignty. As non-sovereigns, paradiplomats have

no independent standing under the treaty, yet - undoubtedly - their diplomacy often looks and sounds very similar to that carried out by states. Sub-state identity is an increasingly salient one and sub-state governments, as diplomatic agents, possess both representational qualities and official resources - highly prized diplomatic commodities. Therefore the diplomacy that they undertake stands apart from that of other non-state actors; NGOs, Diasporas, multi-national companies, precisely because of its similarity to state diplomacy. Their relationship to the central treaty in diplomatic law is thus both complex and potentially illuminating.

Sub-state governments represent an important example of the ability that new actors have to enter into international politics and become diplomats. In this case, a key feature of the new diplomacy in question is its hybrid status, possessing governmental qualities yet without an overarching responsibility for foreign affairs (Hocking, 1997). Away from the institutional checks and balances that come with such a responsibility, along with public attentions and expectations, sub-state governments face a less rigid operational context than their state-level contemporaries. How this impacts on the composition, and quality, of their diplomatic endeavours is a wider question that will be addressed both in this and subsequent chapters. In respect to the VCDR, the most pertinent question would seem to be whether the legal and political differences that the treaty identifies between sub- and state-level diplomacy actually result in a meaningful divergence in their diplomatic practices.

The UK's devolved regions and the VCDR

In this section we will be considering the UK's constitutional provisions in relation to sub-state diplomacy, and the activities of the Welsh and Scottish devolved governments in an international sphere. There are many other states - unitary and federal - that permit their sub-state territories to carry out paradiplomatic activities, to various extents. The Belgian regions have the largest degree of international autonomy; representatives of Flanders and Wallonia have Belgian diplomatic status and are permitted to sign official international

treaties, in-fact they are often solely responsible for doing so. Other regions, meanwhile, do not always benefit from diplomatic status for their officials. Catalonia, for example has tried and failed to secure it (Keating, 2010b). Some large European regions, on the other hand, maintain a significant amount of domestic autonomy but are generally content with state-level diplomatic representation. Bavaria, as will be discussed in a subsequent section of this chapter, has multiple overseas trade and investment offices reflective of its size and GDP, yet only two Government representations besides its Brussels office - Quebec and the Czech Republic, both of which build on historical ties.[6]

The UK's arrangements are relatively permissive, falling roughly at a mid-point in terms of the international activities that sub-state governments are able to engage in. International relations (including relations with the European Union) remain firmly the responsibility of the UK Government and Parliament. There is, however, a clear recognition in the Memorandum of Understanding between the UK and its devolved regions of such devolved regions' interest in international affairs 'where they touch on devolved responsibility' (UK Goverment, 2010: B4). Specific concordats, supplementary to the MOU, set out in greater detail arrangements for international and European affairs in the context of devolution. Three passages are of particular relevance to the devolved regions' diplomatic status, and are worth citing in detail.

As regards representation in the European Union, the concordat sets out an arrangement whereby devolved regions can maintain direct representation so long as it forms part of the wider UK representation in Brussels. The passage below is subject to the preceding paragraph B4.26 stating that "the status and functions of the UK Permanent Representation in Brussels as the institution representing the United Kingdom within the European Union will continue unchanged":

> B4.27 The devolved administrations are able to take part in the less formal discussions with the institutions of the EU and interests within other Member states. Subject to paragraph B4.26 above, the devolved administrations are able, and have chosen to establish an office in Brussels, to assist direct relationships, including with other regional governments and with the

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[6] Interview data, senior official of the Bavarian State Government 2013

institutions of the European Union, so far as this serves the exercise of their powers and the performance of their functions as laid down in the devolution legislation and so far as it is consistent with the responsibility of the UK Government for relations with the EU. The Devolved Administration EU offices (DA EUOs) are part of UKRep organisational structure and their UK-based staff are permanent UK civil servants issued with British diplomatic passports. As part of the diplomatic representation of the UK they are subject to the authority of the Permanent Representative in respect of the usual issues of personal conduct. On this basis, the devolved administrations' EU offices, have diplomatic status, and are notified to the Belgian authorities by the Permanent Representation accordingly. Both UKRep and the DA EU offices will develop working procedures which reflect the need to balance the interests of all parts of the UK (UK Goverment, 2010).

According to these arrangements the status of the devolved administrations in Brussels is reasonably clear: they have diplomatic status because they form part of an official UK representation. Under the VCDR they are diplomatic agents of a sovereign state - the UK. So far, so straightforward. The key institutions of the European Union are restricted to Member States, naturally limiting the role of sub-state governments and creating a fairly 'neat' division between official and unofficial practices in Brussels. When we turn to the international role sub-state governments can play in a global setting, the picture becomes more complex. Under the heading 'Representation Overseas' in the concordat on International Relations, Common Annex (D4), we find the following passage:

> D4.15 The devolved administrations may establish offices overseas within the framework of their responsibility for devolved matters (including for the provision of information on devolved matters to the public, regional governments and institutions, and promotion of trade and inward investment). They will do so in consultation with the FCO. Where appropriate, such representation might form part of a UK Diplomatic or Consular Mission. The representatives of the devolved administration could then make use of the diplomatic bag, the FCO telegram and other communications systems, and be accorded diplomatic status in accordance with local customs and operational requirements. The FCO will recover the costs of the services provided in line with its practice for charging UK Government Departments. UK Embassies, High Commissions and other Missions overseas will continue to serve the interests of the UK as a whole and to co-ordinate all official activity (UK Goverment, 2010).

Here, we see that sub-state governments are presented with a clear choice in their overseas representation: be part of an official UK mission and receive the resources and privileges associated, or 'go it alone'. The choice is also therefore whether to 'opt in' to the VCDR through operating as a subsidiary of the UK Diplomatic or Consular mission, or operate outside it as representatives without diplomatic status. The passage further makes reference to a distinction between official and unofficial activities, something that will be explored in further detail as part of this chapter. Lastly, the following paragraph on diplomatic and consular relations makes clear the UK's retention of overall authority and responsibility under the VCDR:

> D4.23 The FCO will continue to be responsible for policy on diplomatic and consular relations with other countries and on all matters concerning international organisations represented in the UK. The FCO will continue to be the channels for all official communications on matters relating to Foreign and Commonwealth consulates and international organisations and their staff in Northern Ireland, Scotland and Wales. The FCO will inform the devolved administrations of all career consular appointments in Northern Ireland, Scotland and Wales. The FCO will consult the devolved administrations about the establishment of new consular offices, new honorary consular appointments, and other new offices where personnel will have privileges and immunities (e.g. certain cultural centres and trade offices) in Northern Ireland, Scotland and Wales. The devolved administrations will immediately pass on to the FCO any representations made by diplomatic/consular missions and international organisations. The devolved administrations will also promptly notify the FCO of any alleged breaches within their devolved competence. The FCO will then take the appropriate action under the Vienna Conventions on Diplomatic and Consular Relations or any applicable Consular Convention or Headquarters Agreement (UK Goverment, 2010).

On the basis of these three extracts, and taking the documents in their entirety, we can make a series of suppositions as to the diplomatic status of the UK's devolved governments. The first of these is that they can, indeed, be represented internationally by their own diplomatic agents. The limits to this representation are that, in order to conduct 'official' diplomacy, sub-state diplomats must 'opt-in' to the VCDR and operate out of the UK's overseas Embassies and Consulates, being under their auspices and ultimately accountable to the FCO. The second, however, is that representatives of Wales, Scotland and Northern Ireland do not have to operate out of such UK-wide missions. Instead, they can - in 'consultation' with the UKFCO - establish independent offices overseas, but such offices do not benefit from the status of an

official diplomatic mission. The outstanding question is therefore, with official diplomatic status within the grasps of the UK's sub-state governments why would they choose to operate without it? What is the value of the diplomatic commodities listed in the second extract above - the diplomatic bag and official communications systems - for Wales, Scotland and indeed Northern Ireland? What types of unofficial diplomacy can they conduct outside of this system?

Wales' Overseas Offices

A consequence of devolution in 1999 was the new ability for Wales to "autonomously engage with the world outside". This, according to the same senior Welsh Government advisor, stood in contradistinction to the international strands of the previous Wales Office's activities, where engagement was "very much as a sub-set of the UK". Such an autonomous platform has resulted in two streams of external engagement, one driven by trade and investment and one driven by policy - "the ability to influence policy or to take part in policy formation".[7] It is within this context that the status and activities of Wales' overseas offices must be considered.

The Welsh Government has an overseas network consisting of 14 offices (including its representation in Brussels) and around 32 staff, alongside 20-25 officials working on external relations and related issues within the Welsh Government's Offices at home in Wales.[89] A separate, relatively new, office in London has been established to promote Wales to overseas investors and visiting VIPs. There is also a separate team of three staff based in Cardiff looking after the Wales for Africa programme and leading on fair trade issues. Within Wales itself the First Minister takes responsibility for international issues - he is officially the Minister for Europe, Wales for Africa and International and External Relations. Other departments -

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[7] Interview data, senior Welsh Government advisor 2013

[8] Wales' overseas representation was once much more extensive - with representations in Australia and many European countries, but - like many other sub-state governments - was scaled back rather drastically in what was widely reported to be a cost-cutting exercise

[9] These figures are accurate for 2016, as are the equivalents for Scotland and Bavaria

economy, science and transport, education and culture - also have a role in specific international policy areas. Wales is also a member of several multilateral fora - the network of regional governments for sustainable development (nrg4SD), the conference of European regions with legislative power (REGLEG), the conference of peripheral maritime regions of Europe (CPMR).

Reflected in these examples, the European policy context is really where Wales' international activities are most closely focussed. Partly, this is because of the institutional access points provided to regions within European structures and policy making processes, partly it is due to the direct impact of European policy on Wales itself. Indeed, a key Welsh government advisor made clear that outside of this European context, the ability of sub-state governments to contribute is greatly weakened; "different parts of the world have different resource positions, they have different political traditions…and it becomes correspondingly more difficult to operate at a global level at the sub-state level, and much less meaningful I think".[10]

The Welsh Government published their first written international strategy in July 2015, detailing a number of objectives: strengthening the Welsh economy, enhancing the profile and reputation of Wales, developing effective bilateral and multilateral relationships; co-operating in the sharing of information and best practice; increasing Wales' influence with 'appropriate' multilateral and international organisations and contributing to sustainable development and 'responsible global citizenship'. The strategy stresses the "ultra-competitive" global environment facing Wales, and the need to seek out opportunities in key locations, nurturing links and relationships built over time (Welsh Government, 2015d).

At a country-level, Wales has representation in Belgium, China, the UAE, India, Ireland, Japan and the USA. These overseas offices work closely with Welsh Government Ministers, who, according to the international strategy "have a crucial role in supporting business and diplomatic relationships at the highest levels" (Welsh Government, 2015d). But what type of 'diplomacy' do the Ministers and overseas offices carry out? Of Wales' 14 international offices

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[10] Interview data, senior Welsh Government advisor 2013

outside of the UK, all three Chinese offices alongside representations in Mumbai and Japan are housed outside of British Embassies or Consulates. In Shanghai, the Welsh Government representative has recently relocated to 'British house', which - while outside the Consulate - houses the British Council and the China Britain Business Council. In Dubai, Bangalore, Ireland, in all five USA offices and in Brussels, Welsh Government representations form part of British Embassies, British Consulates, British High Commissions or, in Brussels, UKREP. Numerically, this means that 5 out of 14 offices operate outside of the VCDR, its representations are part of an 'unofficial' pool of diplomacy that takes largely on a region-region basis. As such there seem to be some identifiable benefits to such independent representation that make forgoing co-location with the UKFCO - and the associated diplomatic resources - worthwhile. The implications of this will be considered in greater detail in a subsequent section of the chapter.

Within Wales itself, the international affairs department carries out functions that may appear similar to the UKFCO; "we advise on diplomatic issues, protocol" as well as working to raise the profile of Wales internationally. While there was some suggestion that colleagues in Whitehall would take umbrage at the suggestion that Wales has its own foreign office, functionally the department represents its "nearest equivalent". Nonetheless, the Welsh Government staff working both in and out of Wales aren't usually identified as diplomats, despite their day-to-day work being "the diplomatic side" of external relations.[11] The current First Minister Carwyn Jones instigated a reorganisation shortly after he took office in 2011 and brought these overseas offices under his portfolio, and therefore operationally under the remit of the International Relations department. Arguably, this move represents a broader shift towards viewing overseas representation as part of a more cohesive international - or diplomatic - strategy.

Despite Wales having its own international offices - both co-located with the FCO and independent of it - it is also clear that such representation is expected to form a supplement

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[11] Interview data, senior Welsh Government official 2013

to the activities of the UKFO and other UK-wide bodies, who have a remit to promote the interests of all the UK's constituent parts. According to Wales' international strategy:

> We maintain our own network of offices abroad where we have strong interests to represent but these are a supplement, not a replacement, for wider UK representation. We cannot replace the reach and depth of UK representation abroad, nor do we aim to do so. We work with UK bodies to ensure that interests are reflected and we draw on UK resources to assist in the direct promotion of Welsh priorities (Welsh Government, 2015d)

Even where such strong interests call for a direct representation from Wales, co-location as part of a wider UK representation clearly has its advantages. It appears that these may, in part, depend upon the attitudes and legal requirements in the receiving state. For example, the Welsh Government's representative in the UAE is part of the UK British Embassy because of the specific international context there; a diplomatic passport is "necessary to live and work there". Likewise, in the EU, Wales has diplomatic members of staff on its team, as the Welsh Government is able - indeed required - to act as part of UKREP. Working relationships with the UKFCO are "generally good", a concordat governs the relationship and the Welsh Government will take advice if "something innovative or possibly confrontational comes up. If we're involved in a particular country and we're having a visit for example then we'll take expert advice on the UK line".[12] 'Generally good' relations, of course, implies that sometimes these relations are not so good; a dynamic that is explored in Chapters 4 and 5 of this thesis.

The rationale for what the Welsh Government, as an independent entity, can and cannot do diplomatically is always referred back to devolved competences. If Wales is responsible for a policy area domestically, then it - and broadly the UK Government - accepts that where this area has an international dimension, the Welsh Government has a legitimate interest in it. One way of conceptualising this accepted diplomatic 'space' is to consider it a border zone, with "a back stop and a front stop". The backstop in this case would be issues where the Welsh Government knows that acting or intervening would be stepping clearly into the territory of the UKFCO. For example, the Welsh Government as been lobbied from time to

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[12] Interview data, Senior Welsh Government Official 2013

time on highly controversial issues - Congolese rights under the Congo DRC, the 'Armenian question' (both from groups wanting the Welsh Government to recognise a genocide, and indeed from the Turkish Ambassador dissuading the government from entering the debate) - and has had to defer in these instances to the competence of the UKFCO. There is the potential for Welsh Ministers to pass on such representations informally to the UKFCO, but for the most part "there is a backstop, there is a line we won't cross in terms of competence":

> In return for the recognition [from the UK Government] that we have the right to act in relation to these areas… because they relate to our competences, there is a duty on us not to act on areas over there which are clearly not…and where we would risk, albeit at the margins, sending out a mixed message… a contrary message to that of the UK state as a whole.[13]

With issues such as these, where there is a clear "UK line", on human rights for example. According to a different interviewee:

> We're careful not to trespass outside our patch. If we are told by the FCO that a certain country is not in favour or is non-grata then we wouldn't arrange a meeting with our minister and a representative of that country. We are part of the UK, we have our own set of responsibilities, it's not in our interest to try and develop our own way of doing things.[14]

As for a front stop, the Welsh Government would therefore "only interest ourselves in the things for which we have devolved responsibility". Occasionally, however, maintaining a clear dividing line can be "a little bit tricky". There is a "fuzzy area" in the middle of such a border zone, where the Welsh Government may act because they "think it's the right thing to do". The examples quoted here were REGLEG, which aroused some suspicions in the UK Government when Wales joined the organisation in 2000, and activities around climate change. [15]

Nevertheless, unlike the Scottish Government, whose activities we'll consider in the following section, the Welsh Government has prioritised region-region international linkages, which are rarely subject to any significant controversy. In fact, a second senior Welsh Government official noted that, whereas the Scottish Government has two members of staff at the UK

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[13] Interview data, Senior Welsh Government Advisor 2013
[14] Interview data, Senior Welsh Government Official 2013
[15] Interview data, Senior Welsh Government Advisor 2013

Embassy in Beijing, the Welsh Government "don't have people in the Embassy, sitting on the side". Instead:

> We're developing relationships at regional level - Beijing municipal government, Chongqing government, Shanghai government. The Scots aren't taking that same approach. So they're sitting inside the Embassy and I think, though I'm not sure anyone would admit it, that's caused certain tensions because the Scots want to deal directly with the Chinese Government.[16]

Dealing with foreign regional governments doesn't necessarily mean, however, that the 'diplomacy' is always informal, or simply 'public diplomacy'. Though the UK's sub-state governments cannot sign international treaties, there is a formal element to much of their work. Bilaterally, Memoranda of Understanding were a frequently used modus operandi, particularly in the early years of Wales' paradiplomacy. They have fallen out of favour recently - "we don't now look for a piece of paper to make a relationship work" - though they are still widely used in China, where the MoUs are taken as a gesture of good will and a way of "opening up the dialogue".[17] Ministerial visits also form a key part of Wales' diplomatic relationships. Visits from the First Minister in particular are seen as hugely important, but all ministerial visits are viewed as a way to "open doors", particularly in countries such as China where Governmental structures are so significant.[18] The Welsh First Minister is a cabinet-rank Minister in the UK Government, and thus should benefit from the same FCO support and facilitation as other UK Government Ministers. Whether this always bears out in practice is questionable, problems with fast track, for example, have been cited in interview data.

Indeed, the Chinese context offers a particularly interesting case study in the decision-making process around 'opting in' to, or indeed out of, the VCDR. The Welsh Government has pursued a close relationship with the Chinese region of Chongqing since 2006, when the first Memorandum of Understanding between the two regions was signed. In September of that year, a Welsh Affairs Officer was assigned to the British Consulate General in Chongqing, tasked with taking forward the Wales-Chongqing relationship, and was quickly followed by

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[16] Interview data, Senior Welsh Government Official 2013
[17] Interview data, Senior Welsh Government Official 2013
[18] Interview data, Senior Welsh Government Official 2013

a second post a year later. However, in January 2011 the Welsh Government opened a separate office in Chongqing, and the two posts were relocated there. The office is located near to both the British Consulate General and the British Council, but is not formally part of the Consulate. In the case of Chongqing, both private interview data and published ministerial reports hint at the advantages perceived by the Welsh Government in distancing themselves from the rest of the UK. According to a written statement by Huw Lewis, a Welsh Government Minister who visited Chongqing in 2013:

> Wales' relationship with Chongqing… has been thriving since the signing of the first MOU in 2006. The relationship is the most extensive and most active between any part of the UK and China. My visit to China was an eye-opening experience in a number of ways. I have been hugely impressed by the way our staff on the ground have built up the profile and reputation of Wales, working through the Government relationships we have established. It is testament to the strength of those relationships at Government level that Wales has largely been able to avoid getting caught up in the tensions which are apparent at national UK and China levels.[19]

Operating independently at a region-region level means that without having the burden, the responsibility of all of foreign policy, there is an element of discretion, an element of maximising the relationships for specific policy goals. Contrary to what one might expect, therefore, it appears that in certain circumstances, not being part of an official Embassy or Consulate may actually be beneficial to relationships 'on the ground', particularly in countries such as China where controversial foreign policy issues abound. Where the decision on whether or not to co-locate may be made on the basis of practicalities, in some cases this has other consequences: helpfully extricating the activities of a sub-state government from their state-contemporaries. This said, however, there are also security issues which may make co-location impractical, and these are apparent also in the Chinese context.[20]

Alternately, explanations *for* co-location with British Consulates may also confound expectations. In 2002, the Welsh Government opened its 'flagship' US office in New York's Chrysler building. However, in the face of mounting criticism over the operating costs of overseas offices in general, and this one in particular, the office was closed down in 2011 and

[19] Welsh Government Minister Huw Lewis, written statement 14th March 2013
[20] Private correspondence, Welsh Government official July 2015

staff moved to the UK Consulate, a move widely reported to be for cost-saving reasons.[21] There is certainly a link between paradiplomacy and the economic climate - one borne out clearly in Wales following the financial crisis in 2008; "the sub-national diplomacy scene is low hanging fruit when it comes to re-ordering priorities in a time of monetary austerity".[22] In the face of examples such as this, the decision of whether or not to utilise the diplomatic status and resources of the UK Government through overseas co-location appear largely pragmatic, possibly related more to the cost of commercial property in different locations than to the value to Wales' diplomacy of operating under the VCDR. Indeed, the general principle guiding the Welsh Government's overseas office location is that, where "practical and economically viable", co-location is the preferred position.[23]

Scotland's Overseas Offices

Making a comparison between the diplomatic strategies of Wales and Scotland is not straightforward. Firstly, the Scottish SNP Government has clear ambitions for Scottish independence, ambitions at the forefront of global attention during 2014's referendum. Secondly, Scotland's overseas representation is divided between the activities of Scottish Development International and the Scottish Government, unlike in Wales where the Welsh Government itself is the only outward-facing governmental body. SDI has 29 offices in 19 countries, including Scotland itself, while the Scottish Government has only 4 international offices in Brussels, Washington, Toronto and Beijing. Seven of SDI's international offices form part of official British representations. Importantly, all four of the Scottish Government offices also form part of official UK Embassies, Consulates, High Commissions or UKREP. Where the status of the Scottish Government's overseas offices is perhaps simpler to assess than in Wales; they are all official diplomatic representations as they operate out of official UK missions, the status of Scottish Development International's offices is less clear. The unambiguous trade and investment focus would seem to imply that these offices were not

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[21] BBC news report 'Wales staff to leave New York Chrysler building' 23rd December 2010
[22] Interview data, Senior Welsh Government Advisor 2013
[23] Private correspondence, Welsh Government official July 2015

diplomatic entities, yet their co-location in seven instances with official UK missions suggests otherwise. As in the case of Wales' overseas offices, it appears that housing Scottish representations within UK missions is often a more pragmatic choice - both in terms of accessing foreign policy makers and in simple economic terms - than 'going it alone', but this is a choice which is dependent on the country the offices are located within and the attitudes of this receiving government.

However, what sets the two devolved regions' diplomacy apart most markedly is that Scottish diplomacy is frequently directed at national governments, in contrast to the Welsh Government's region-region partnership approach. This shift can be traced back to the formation of an SNP government in 2006, where they immediately began to "expand Scotland's role internationally" (Fabiani, 2014: 32). This took the form both of new geographical and thematic foci (towards Asia and an expansion of the international development fund), and in terms of the level of resources directed at international affairs: seeing a 54% real-terms increase between the budget from the financial year 2004-2005 to 2009-2010 (Fabiani, 2014: 36). According to former Scottish Government Minister for Europe, External Affairs, Culture and the Gaelic Language Linda Fabiani, "the principal difference between the SNP Government and its predecessors was they we very deliberately presented Scotland as a nation in its own right, rejecting the notion that Scotland is simply a region of the United Kingdom" (Fabiani, 2014: 32). Returning to the Scottish Government's current focus on relations with states, a good example can be found in the stated aim of Scotland's North American offices is to establish "solid government to government relationships at Federal and state level". This has been achieved through frequent meetings with the State Department and establishing links with White House staff in the US, while in Canada "with the assistance of the High Commission" Scottish representatives have met with "key federal officials from a number of ministries". Scottish overseas offices also support links with both the Scottish Canadian Parliamentary Association in Ottawa and the Friends of Scotland Caucuses in the US Senate and House of Representatives. This overseas representation in North America is the "Scottish government's diplomatic mission to the region":

As such it has a role to play within the wider diplomatic communities in Washington DC and in Ottawa. Over the past year, the SAO has sought to engage more pro-actively with diplomats from other nations to heighten awareness of its existence and to establish connections and network. Examples include meeting with a number of individuals from EU Member State Embassies, individuals from Central and South American Embassies, engaging with the World Bank, the Inter-American Development Bank, think tanks and other multi-national organisations (Scottish Government, 2015b: para 28).

In China, the Scottish Government office in Beijing facilitates cooperation between the Scottish Government and both the State Council in China and the Legislative Council in HKSAR (Scottish Government, 2015b: para 20).[24] Meanwhile, Ministerial visits focus on national level politicians, apparent in both Alex Salmond's highly publicised visit to China in 2010 and Nicola Sturgeon's more recent trips to both China and Washington in 2015. According to Professor Michael Keating, giving evidence to a Scottish Parliamentary enquiry in 2010 "nationalist Governments want to sign deals with states because that enhances their status". Yet, at the same time "when it comes to practical functional matters, all Governments of whatever complexion are looking for regional level interlocutors" (Michael Keating, cited in a report of the Scottish Parliament, 2010: 1718). Indeed, it is not the case that the Scottish Government forgoes regional links entirely - they partner with 'priority geographic areas' in China such as Shanghai, Tianjin and Province of Shandong - rather that, unlike many regional governments operating internationally, they also aim to deal directly with foreign national governments.

This focus on nation-state interactions is significant when assessing the effects that paradiplomatic activity may have on the relevance of the VCDR. Scottish Government diplomats are party to the convention as they operate exclusively out of official UK representations, most often dealing with official diplomatic representations of a foreign government. The type of diplomatic activities they engage in therefore mirror state-practices very closely, yet their diplomatic status is one loaned from the UK Government. There is an

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[24] Written submission from the Scottish Government on the work of its overseas offices, provided to the Scottish Parliament's European and External Relations committee as part of their Connecting Scotland Enquiry. Meeting 26th March 2015. Paragraph 20

outstanding question lurking here: where do Scottish diplomats take their political direction from, London or Edinburgh?

Taking the international activities of the Scottish Government at face value, one could be forgiven for assuming that it was a small state, rather than a sub-state authority. However, the vast majority of Scotland's diplomatic activities take place with the facilitation of the UK FCO: ministerial visits, cultural diplomacy carried out through events and activities in Brussels and the Scottish government's other overseas offices, the overseas offices themselves and engagement with EU institutions. In a letter to the convenor of the Scottish Parliament's European and External Relations Committee, the Secretary of State for Scotland points to the fact that, of the 50 international visits made by the Scottish Government in a 16 month period, most of these were facilitated by the UK Government (Secretary of State for Scotland, 2014). The proportion of visits that the FCO is required to facilitate seems to depend on the target country in question, their openness towards sub-state governments, and the level that Scottish Government Ministers wish to access. Meetings with private firms and business leaders may form a part of the Scottish Government's diplomatic activities that they are able to orchestrate independently, but access to Ministers in a foreign national Government is something generally mediated by UK authorities.[25]

When sub-state governments operate solely at a region-region level, this may be interpreted as an area of diplomatic activity subsidiary to that taking place between nation states and therefore one which falls outside the scope of the treaty, and the types of activity which it was intended to regulate. However, when one sub-state government enters into diplomatic relations with a foreign nation-state government, this strays more clearly and perhaps disruptively into a domain typically reserved for states. These activities may be precisely the type of interactions that fall squarely under the remit of the VCDR, yet the peculiar state-like yet non-sovereign status of Scotland as a devolved region of the UK may yet exclude it as an independent entity from the terms of the treaty. In official diplomatic activities, Scottish

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[25] The failure of Alex Salmond to secure meetings independently with the French and Chinese governments was the subject of a series of reports in the Daily Telegraph in 2012, based on dossiers received in response to their FOI requests

diplomats would be 'borrowing' their status from the UK Government, yet take their political direction from elsewhere. How this split between political accountability and legal status or authority might manifest in the future is a key challenge for the future robustness of the VCDR as a treaty regulating formal diplomatic relations.

One particularly 'thorny' issue in this area is recognition. In their analysis of the EU's diplomatic identity, Wouters and Duquet (2012: 33) point to the possibility of a situation whereby "the EU intends to accredit a diplomatic representative to a third country that is not recognized by all 27 member states". This could happen, the authors argue, despite the fact that EU member states retain the exclusive competence to recognize other states and/or governments, which is a preliminary condition to enter into diplomatic relations. States are the only actors in international law that are able to recognize other states - "be it *de jure* or *de facto*". In the case of sub-state governments, similar scenarios have arguably emerged already. The Scottish Government, for example, has unequivocally called for the recognition of an independent Palestinian State. In a letter to the UK Foreign Secretary Phillip Hammond in October 2014, Scottish External Affairs Minister Humza Yousaf argued called on the UK Government "to take action and formally recognise the state of Palestine", and also outlined "the Scottish Government's support for the opening of a Palestinian consulate in Scotland and highlighted the need for a Palestinian embassy in the UK" (Press Release from the Scottsh Government, 2014b). Though Scotland itself cannot formally recognise Palestine, the issuing of such unequivocal views on its status inevitably complicates perceptions of the UK's position. Similar issues have arisen in Wales, where - in large part due to the size of the Somali Diaspora within Wales - the National Assembly and the Welsh Government have been key targets for activities designed to secure international recognition for Somaliland. In perhaps the most contentious 'diplomatic' move, the National Assembly for Wales extended an invitation to the Somaliland government to attend the Royal opening of the Senedd in 2006, an initiative interpreted by the Somaliland - and Welsh - presses as official recognition of the break-away government's legitimacy (The Somaliland Times, 2006; Wales Online, 2006).

The difference between the activities of sub-state governments, on the one hand, and small state governments on the other may be one that is increasingly difficult to discern on a day-

to-day level. However, under international law, this distinction remains a pertinent one. The difference also has some relevance in a more pragmatic sense: the Welsh Assembly's reported 'recognition' of Somaliland or the Scottish Government's support for a separate Palestinian state does not carry the same diplomatic or legal force as similar actions by a sovereign state. However, at a political level, this 'unofficial' recognition may indeed have an effect, albeit a lesser one. The ambiguity surrounding the status of sub-state governments is compounded by widespread confusion regarding the architecture of devolved or regional government (such as between the National Assembly for Wales as a legislature, and the Welsh Government as an executive) and the lack of a designated 'foreign office' from which diplomatic messages are directed.

Turning to Scotland's approach to international affairs more generally, the Scottish Government's latest international strategy, published in 2015, calls for an 'embedding' of internationalisation across its areas of competence. It also points to the fact that internationalisation has been identified as an integral strand in Scotland's Economic Strategy, and therefore, as with most sub-state governments participating at an international level, boosting trade and investment is a key priority taken forward to international representations. However, the strategy also identifies the importance of Scotland's role as a "good global citizen", meaning that:

> Scotland will contribute to wider goals of promoting international stability and equality in other world regions, which, in addition to the foremost objective of working in partnership to deliver positive local change, can act to support long-term human and economic security within Scotland. As part of this commitment we will continue our advocacy of human rights, we will continue to contribute to the multilateral management of international crises, and we will continue to deliver our distinctive international development programme (Scottish Government, 2015c: 10).

It is not typical for sub-state governments to have this type of pronounced normative dimension to their paradiplomatic activities, however there are other instances of sub-state governments prioritising international aid and development. Both Flanders and two Spanish regions, for example, have close development links with parts of South Africa and Latin America respectively (Michael Keating, cited in a report by the Scottish Parliament, 2010: 1720-1721). Similarly, the Finnish region of AÅland has built a reputation around promoting

its distinct model of conflict resolution and normative diplomacy around this area more generally (Wigell, 2013). Wales shares some similar ambitions to Scotland, notably in its Wales for Africa programme and activities around a Fair Trade Wales. Indeed, though the stated ambition to be a 'good global citizen' and the prominence that normative issues receive is distinctive about Scotland's international strategy, Wales has also foregrounded these issues in more recent documents (Welsh Government, 2016), and legislation such as the Well-being of Future Generations (Wales) Act 2015. What is perhaps more surprising in Scotland's case, however, is that despite its very limited formal competence in the areas that might equip its global role in international crisis management or good global citizenry, it has achieved significant recognition in this area as part of its 'nation branding' efforts (Scottish Government Strategic Research, 2012). Whether it's a speech about gender equality to the Chinese Friendship Association, declarations on UK Government defence and international development policy or the appropriation of Chinese 'panda diplomacy', Scottish diplomacy aims to influence national-level politicians, offer its own 'line' on foreign policy and generally take its brand of good global citizenry to the world stage (see 'no aid money for military interventions', Scottish Government, 2013a; 'Alex Salmond bamboozled the public on panda advert', The Independent, 2012; Speech by First Minister Nicola Sturgeon to the Chinese Friendship Association, Scottish Government, 2015a).

Alongside its international offices and those of SDI, the Scottish Government engages on specific policy issues identified in separate policy documents, as well as its One Scotland Partnership Country Plans with China, India, Pakistan, Canada and the USA. As part of the SNP's programme for Government 2014-2015 a series of Investment Hubs in "key overseas locations" will be piloted, bringing together "resources and partners in particular location and co-ordinate and deliver activity on the ground" (Scottish Government, 2015c: 6). Within the Scottish Government itself, under First Minister Nicola Sturgeon there is a Cabinet Secretary for Culture, Europe and External Affairs as well as a Minister for Europe and International Development. These titles reflect a subtle shift in the Scottish Government's international priorities post-referendum that foregrounds the European context ever more strongly: the Cabinet Secretary's previous title was Culture and External Affairs and the Ministerial portfolio was for External Affairs and International Development.

For sub-state governments, acting within the European context is perhaps seen as a more legitimate extension of their domestic competences than forays into the broader international environment; it certainly represents a more "institutionalised and habitualised context" (Wyn Jones and Royles, 2012: 251). There is a general acknowledgement of Scotland's legitimate interest in decision-making at a European level as it impacts directly on Scotland itself in numerous policy areas. In the wake of 2014's referendum on Scottish independence, and in the spectre of a second UK-wide referendum on EU membership, this context now offers Scotland a space to conduct paradiplomacy that both engages directly with policy making through its representation under the banner of UKREP and allows it to foreground its 'pro-European credentials' to both domestic and European audiences.

Undoubtedly, Scotland's international presence has been marked strongly in recent years by the independence referendum. This applies to the activities the Scottish Government wishes to engage in, positioning itself as a pro-European small country, natural kin to its neighbours in the 'Nordic arc of prosperity'. It is also represented in the relationship between the Scottish and UK Governments, who have been on opposing sides of a highly controversial campaign, and - naturally - whose working relationship has been duly challenged. It also means there has been a wealth of speculation, in policy documents or position papers and from parliamentary inquiries, shedding light on the ways in which the diplomacy of Scotland as a sub-state government is seen to be constrained (or otherwise) on account of this status, how it would differ as an independent state, and thus on the currency of official diplomatic status more generally.

The view of the SNP, immediately prior to the referendum on Scottish independence, was that Scotland would be better served by having "diplomats directly serving its interests in key countries", not just in Brussels, Washington and Beijing (Scottish Government, 2009: para 4.5). The same position paper argued that under a 'Devo Max' model of devolution there could be 'Scottish interest sections' in British Embassies in major European countries, alongside the Scottish Government's existing overseas representation. This position would seem to suggest that there is no major dissatisfaction with the role that Scottish Government

officials are able to play when they act as diplomats as part of UK overseas representations. Indeed, the position paper fails to cite any real benefits that a wholly separate representation from an independent Scotland would realise.

From the UK Government's perspective, nothing was guaranteed in terms of any independent Scotland's ability to utilise existing UK diplomatic, security and intelligence resources. There might be overlapping interests between the rest of the UK and an independent Scotland, but the UK would only cooperate to the extent that it was in its own interest (UK Secretary of State for Foreign and Commonwealth Affairs, 2013: para 17). The Secretary of State summed up the existing relationship as follows:

> The benefits of this support and collaboration are substantial for example in terms of promotional services in support of Scottish-based business, and positioning Scotland within the UK offer, access to project leads and promotional activities designed to attract foreign direct investment. It is for this reason that many of the 22 Scottish Government's offices overseas are located within the UK's Embassies and High Commissions (UK Secretary of State for Foreign and Commonwealth Affairs, 2013: para 17).[26]

Certainly, there is an argument that the ability of Scotland, and the UK's other devolved regions, to utilise a 'two-track' diplomatic strategy; drawing on UK structures and resources as well as initiate independent activities, may magnify their international influence, and effectiveness, in relation to similar sized small-states. For example, it has been argued that Scotland's influence in the European Union may actually be weakened should it gain membership as a small member state, rather than a region of a much larger state (UK Secretary of State for Foreign and Commonwealth Affairs, 2013: para 105).[27] Importantly, however, this added value is only realised where the sub-state and nation-state governments have overlapping interests. In the context of the 2016 referendum on the UK's membership of the European Union, and the Scottish Government's calls in its wake for a second vote on Scottish independence, it seems unlikely that any residual 'added value' remains.

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[26] This number includes SDI offices.
[27] This argument is strongly refuted by the Scottish Government.

Germany's Basic Law and the Status of Bavaria under the VCDR

Germany's Federal Constitution, the Basic Law or Grundgesetz (GG), enumerates specific roles for the Länder in the field of foreign policy. Article 32 [Foreign Relations}, below, states that:

1. Relations with foreign states shall be conducted by the Federation
2. Before the conclusion of a treaty affecting the special circumstances of a *Land*, that *Land* shall be consulted in a timely fashion.
3. Insofar as the Länder have power to legislate they may conclude treaties with foreign states with the consent of the federal government

Underpinning this Article is the idea that the Federal Republic of Germany should be represented as a whole, rather than as separate Länder (Nass, 1989: 165); a noteworthy ambition given that the Länder themselves were constituted prior to the Federal Republic. The formal rights of the Länder in foreign policy are exercised in three principal ways: through their Federal chamber in the Bundesrat (Article 59), their consultation on all treaties affecting their exclusive competences, and in their original right to conclude international treaties as identified in Article 32(3) above (Nass, 1989: -166).

However, the drafting of Article 32 left outstanding questions as to the role it prescribes the Länder and a series of theses can be identified regarding the distribution of foreign relations competence between the Federal and Land levels. These range from a centralist understanding whereby the Federation is entitled to enter into treaties in all fields, or even to implement any legislation it deems necessary to fulfil its foreign policy, through to a federalist interpretation whereby the Federation only has rights to conclude international treaties within its own, narrow, areas of legislative competence (Panara, 2010: 62-63). In practice, however, arrangements as to foreign affairs are governed by the Lindau agreement of 1957, arguably "the basis of modern German treaty-making" that survived the reunification process and is a key feature of Germany's system of 'co-operative federalism' (Hernandez, 2013: 502). Under the Lindau agreement the Länder agreed to delegate - for the most part - their treaty-making powers to the federal government; allowing it to conclude treaties in its

own right when the subject was deemed to be of predominantly federal concern - including consular treaties and treaties concerning the establishment or membership of international organisations. In return, the Federal government agreed that, where a treaty was of predominantly Länder concern, they would seek their approval before the agreement became internationally binding (Hernandez, 2013: 502; Panara, 2010: 63-64). Though the Lindau agreement is not constitutionally binding itself, Panara (2010: 64) contends that infringement of the Agreement would arguably be "justiciable before the Federal Constitutional Court since it would amount to a breach of the unwritten constitutional principle of Federal loyalty (Bundestreue)".

The Basic Law does not, however, speak to any area of international activity beyond treaty-making. Once again, this leaves us with questions as to what sorts of activities the Länder are permitted to undertake. Under a strict interpretation of Article 32 "contacts between the Länder and foreign governments that do not serve to conclude or execute treaties are not permitted", an interpretation further supported by the notion of external unity that underpins the article in its entirety (Nass, 1989: 176). However, Nass goes on to provide a contrasting view point; if Article 32 only regulates international relations, meaning diplomatic and consular relations, treaty relations "and other acts and deeds vis-à-vis states and international organizations", other activities by the Länder would not be forbidden, though "the principle of allegiance to the federation imposes upon them certain duties of loyalty". However, Nass concludes, neither extreme view "matches constitutional reality" (Nass, 1989: 167-168). According to Panara (2010: 67), the Länder's foreign relations power "is limited to signing international agreements. This precludes them from performing unilateral acts, for example the recognition of foreign states or governments". However, the Länder's agreements with "those entities which have no international legal personality (regions or other sub-state entities), lie outside of the sphere of application of Article 32(3) GG. Therefore the Federal Government's consent is not required".

When it comes to overseas representation and ministerial visits, there is a clear demarcation between economically driven activities and diplomatic visits, the later being exclusively organised by the German Diplomatic Service "working to common interests" (Keating, 2010a:

paragraph 7.1), once again reflective of Germany's system of cooperative federalism. Indeed, Länder overseas offices (which, as will be discussed below, are predominantly those of Bavaria) including those in Brussels do not have any sort of diplomatic status. Under the terms of the VCDR, therefore, German Länder, and Bavaria specifically for the purposes of our discussion, are not party to the convention. The question as to whether the German Länder have *any* international subjectivity in their own right, however, is perhaps harder to answer. Länder can make international treaties in their own name, yet these treaties are subject to consent by the Federal Government, making it unclear as to who the international subject actually is. According to Panara (2010: 66) the prevailing view is that "the Länder's limited international subjectivity is not inherent, but 'conferred by' article 32(3) GG. This should have a real constituent effect on their capacity to act. Consequently, if a Land concludes a treaty without federal consent, this should be considered as being concluded *ultra vires* in respect of both domestic and international law". Therefore, despite Bavaria's unusual ability to sign international treaties in its own name, it cannot do so independently, i.e. in the absence of approval from the Federal Government.

In practice, though Länder do make use of this ability to sign international treaties, the resulting agreements are generally focussed on local-level and cross-border issues. Dr Paul Fischer from the Bavarian State Chancellery, giving evidence to the Scottish Parliament's Connecting Scotland enquiry in March 2015, outlines Bavaria's position as concerns treaty making in some detail:

> In outlining the main features of Bavaria's international relations policy, I want to emphasise at the start that conducting external relations is a constitutional right of the German Länder. Although Article 32(1) of the Basic Law reserves foreign affairs to the federal state, Article 32(2) allows individual states within their sphere of competence, which includes culture, education, media, security, health and environmental protection, and in agreement with the federal Government, to negotiate and conclude treaties with foreign countries. Bavaria has always made use of that constitutional right and has thereby maintained diplomatic relations below the level of foreign policy... We would not call most of them [Bavaria's international treaties] treaties; we would call most of them administrative agreements. We have signed one with Tunisia, for example, and it was not a treaty of international law but one in which our Administrations agreed to work in specific fields of cooperation. It is quite rare to have real treaties... they are very rare (Fischer, 2015).

Despite the conservative way in which Bavaria's international treaty-making powers have manifested, the overall trend is for Länder to have an increasing role in international affairs, and this is especially so in Bavaria (Panara, 2010; Moore, 2006). This is in part due to a more general reorganisation of the German diplomatic service under Foreign Minister Klaus Kinkel during the 1990s, whereby classical diplomatic missions were required to extend their remits, taking on important economic development roles which required them to work much more closely with Länder governments. Additionally, globalisation and European integration have meant that "the fields of jurisdiction of the Länder… public administration, economic development and cultural education, all these have achieved much more international dimensions".[28] At the same time, the activities of the EU are increasingly encroaching upon Länder competences. In the case of Bavaria, this has resulted in an element of euro-scepticism that feeds into its European-paradiplomacy, often exerting a conservative pressure on the Federal Government in this regard and being particularly vigilant when it comes to Subsidiarity monitoring.[29] In this context, the emphasis Bavaria places on its high-profile Brussels representation ('Schloss Neuwahnstein' according to critics (Moore, 2006)) seems to reflect attempts to portray the distinctiveness, economic and political clout of the region.

Bavaria's Overseas Offices

Bavaria is the most active of all the German Länder when it comes to overseas representation, and indeed paradiplomacy more broadly. In fact it is the only Land that maintains a full network of overseas offices, and the offices themselves are a relatively new concept for Bavaria, one that the Bavarian Government claims is proving "very successful…you have a permanent presence there, you can develop really modern networks".[30] Alongside its overseas offices, Bavaria has several formalised areas of international activity: the

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[28] Interview data, senior Bavarian Government official 2013
[29] Interview data, senior Bavarian Parliamentary official 2013
[30] Interview data, senior Bavarian Government official 2013

international contacts of the members of the state government[31], intergovernmental commissions - with both states and third regions, inter-regional working groups, cooperation with consular corps (which are particularly numerous in Bavaria), as well as providing support for agencies with an international focus and individual projects. These broader external relations are driven by a relatively recent written strategy that aims to codify and institutionalise the much more personalised and ad hoc approach of previous Minister Presidents.[32]

In total, Bavaria has 23 offices overseas with a global representation, including in Europe, the USA and China. For the most part, these offices are commercial in nature, the decision about where to site them is driven almost exclusively by economic considerations and their remit is very clearly trade and investment.[33] The offices are mostly run by the Chamber of Commerce and partly funded by the Government, running in close cooperation with the private sector (Keating, 2010b: 1722 appendix 2). There are, however, three representative offices that do have a political function: Quebec, Brussels and, most recently, the Czech Republic. Some of Bavaria's overseas offices - including the 'political' representation in Quebec - are co-located with the German Chamber of Commerce, but, unlike the co-location of Scottish and Welsh offices with British Embassies, are not able to 'opt in' to the diplomatic status of German Federal institutions.

Bavaria's Quebec office was established in Montreal in 1999, building on a cooperation agreement already a decade old. The office has a "special status, accredited with the Government of Quebec", largely because "Quebec itself encourages this representation" (Keating, 2010b: paragraph 4.3). Meanwhile, the representation in Prague "is quite special…for historical reasons, after the war, relations with our neighbours the Czech's were difficult…it is a great achievement to have that office and representation in Prague" (Fischer, 2015: 5). This office was established as part of a broader rapprochement between the

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[31] These contacts are appraised and monitored in an unusually thorough way, with accompanying statistics. Interview data, senior Bavarian Government official 2013
[32] Interview data, senior Bavarian Government official 2013
[33] Interview data, senior Bavarian Government official 2013

Bavarian and Czech Governments that also saw high-level ministerial visits between them. Indeed, Czech Prime Minister Sobotka "regarded the opening of the representative offices to be a significant event, and one which will again raise Czech-Bavarian relations to a new level" (Government of the Czech-Republic, 2014: press release). From the Bavarian perspective, the symbolism of such an office overrode concerns as to its practicality or economic viability that would normally rule these types decisions.[34]

Within the EU context, Bavaria was one of the first Länder to open a Brussels office. An 'information office' was opened in 1987 before being upgraded - in its own estimation - to the Representation of the Free State of Bavaria following the ratification of the Maastricht-Treaty and the establishment of the committee of the Regions in the early 1990s. European representative offices are considered the "most important area of external activity for the German Länder" (Panara, 2010: 61). Bavaria's Brussels office, following a relocation in 2004, is particularly symbolic, as expressed by one senior Bavarian official: "it's grand, it's historic… it's an exclamation mark saying we are here in Brussels… we're in this big area and we took this historic building so everyone who comes to the European Parliament has to pass it".[35]

Bavaria's European office - and those of its Land contemporaries - has, however, been the subject of controversy as to their nomenclature and diplomatic status. The Länder Brussels offices are modelled around the representation of Länder governments in Berlin, where the dual roles of policy-influencing and representation are carried out using largely "soft instruments" of political influence (Moore, 2006: 196). Questions were initially raised as to the legality of these offices but by 1991 "the general legal consensus was that these institutions were constitutionally acceptable, as long as their activities did not run into the territory of classic diplomacy reserved for the federal government, such as consular or diplomatic activities" (Moore, 2006: 196). Of particular controversy is the term by which these EU offices are known. German Länder - including Bavaria - opt to refer to their European

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[34] Indeed the economic credentials of this office were claimed not to be a factor weighing into the decision to open it. Interview data, senior Bavarian Government official 2013; Interview data, senior Bavarian Parliamentary official 2013

[35] Interview data, senior Bavarian Parliamentary official 2013

offices as *Vertretungen* or representations, directly contradicting the spirit of a new constitutional regulation, the EUZBLG, which "accepted the legitimacy of Länder offices in Brussels as permanent 'links' to the EU institutions, provided these acted merely to support Länder domestic competences and did not impinge upon the federal government's diplomatic role". Federal officials in the German Permanent Representation in Brussels are "strictly warned not to use the term *Vertretung* when referring to the Länder offices, regardless of the offices' own names, and to instead refer to these simply as Länder information or Liaison offices (Moore, 2006: 200-202).

Bavaria's extravagant EU offices in particular are seen to flout this regulation, in establishing "a strong physical presence for the Bavarian government in the EU" and enhancing "the scope of its political capability on European matters", it is "clearly a *representation* of Länder interests in Brussels" (Moore, 2006: 202). However, despite continued non-acknowledgement of the term by the federal government, it seems that the controversy over the role of Länder representations has abated, at least on a day-to-day level; the question "arises every now and again… the federal level has accepted that we are there".[36] Despite this, when comparing its parliamentary European representation with its Scottish and Welsh counterparts, one Bavarian interviewee remarked that the Federal Government "would not even think of giving us diplomatic status".[37]

Alongside, and indeed illustrated by, the overseas offices maintained by the Freistaat of Bavaria, there are perhaps three key features which are particularly distinctive about its 'diplomacy'. These are: its ability to interact with state-level actors (in the absence of any diplomatic status), the particular role that Bavarian politicians can play internationally owing to their position within the Federal government, and the self-assuredness with which Bavaria carries out the role of 'critical friend' both to the Federal Government and to the EU.

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[36] Interview data, senior Bavarian Parliamentary official 2013
[37] Interview data, senior Bavarian Parliamentary official 2013

Turning firstly to Bavaria's relationships with foreign states, we are presented with a clear narrative: "if you want to understand Bavaria and how it operates internationally today you have to look at how Bavaria has evolved historically and culturally. How Bavaria has evolved economically and as a result of that how the constitutional and the political framework is in which we operate".[38] Bavaria's size, the strength of its economy, its historic significance and unique political status within the Federal Republic all grant it a special 'status' that allows it to interact with sovereign states on a much more equitable footing than many other regions. This impacts Bavaria's own paradiplomatic ambitions; its public strategy "Bavaria in the world" highlights its manifold interactions with foreign Governments; "usually several meetings are held every week, in Bavaria and abroad" [39], as well as the way in which it is viewed and partnered by states themselves. According to one interviewee:

> The analysis that these states make is that Bavaria may not be a sovereign state, but they look at the size, at the importance, at the economic power, and when you look at Bavaria in that context, even today by sheer physical presence, we outweigh perhaps 8 or 9 inside the European Union. So we are, Bavaria itself is bigger than many states.[40]

The Bavarian State Government does not use this advantage indiscriminately. Instead, there is a clearly targeted and sophisticated attempt to use these state-like characteristics to interact with nation states of a similar size in its European neighbourhood, much as we found evidence for in the case of Scotland. Commenting on the large number of foreign consulates inside Bavaria, which, at 110, is the highest concentration outside of Berlin, the same interviewee elaborated on this relationship:

> For them, for the Ambassador, it's much easier for the Consul-General in Munich to deal with the Bavarian Government and much more fruitful for the country… very often an Ambassador in Berlin is one Ambassador amongst many others. And he has to access the Chancellor and the Administration, she is dealing with the Russians and the Americans, so maybe here we have more attention for the smaller ones".[41]

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[38] Interview data, senior Bavarian Government official 2013
[39] Bavaria in the World
[40] Interview data, senior Bavarian Government official 2013
[41] Interview Data, Senior Bavarian Government official 2013

The competitive overtones in this explanation will be explored in further detail in subsequent chapters, but for the purposes of our current discussion the focus remains Bavaria's concentration on a particular *type* of foreign state with which to conduct its paradiplomacy. A different interviewee expands further, alluding to an intra-European hierarchy and Bavaria's position within it:

> It might also depend [Bavaria's ability to interact with states] on the weight, so to speak, of Bavaria. For Example our Minister President... he has for example met Mr Samaras from Greece, so a region meets at the international level... I have seen last week there was a delegation of Czech representatives to the Parliament and they said that Bavaria was a key partner and... 'It is unthinkable for them to go to Berlin without having stopped in Munich'... So this is interesting, now that, from the EU perspective, we are regions... but still we can...we really can go quite far. Of course as I said it depends, we would not claim to have relations to the French Government - it's not really, this is some sort of thing the federal level should do.[42]

From this series of extracts it appears that Bavaria targets states with which it can 'work'; similar sized entities - either in terms of physical size or economic or political significance, while leaving the Federal Republic's key allies, such as France, aside. The explanation that relations with the French Government is something reserved for the Federal level seems to be related to the preclusion of Bavaria from 'diplomatic' relations, though the separation of such relations from other areas of a relationship between Bavaria and a sovereign state might seem somewhat artificial. Panara (2010: 68) explains this moratorium as follows:

> The Länder perform other activities in the international arena [beyond treaty making]. For example they often meet representatives of foreign governments. This type of activity can have no diplomatic status because diplomatic and consular relations are the Federation's exclusive responsibility. The Länder cannot depart from the fundamental guidelines of federal foreign policy. This is to prevent them from developing what is usually referred to as 'Nebenaußenpolitik', which translates as 'foreign policy on the side.

As an example of this type of activity, Panara (2010: 68) cites the example of a meeting between the Minister President of Bavaria and the Indian Minister of Finance in 2007, where they agreed on an annual meeting on economic relations between Bavaria and India that

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[42] Interview Data, Senior Bavarian Parliamentary official 2013

would take place in Munich. Though Panara argues that this does not represent a "full 'Bavarian foreign policy', it is significant". Indeed, what marks the distinction between diplomatic activity or 'foreign policy' and these sorts of high-level encounters is particularly difficult to enumerate. This is especially so given Bavaria's stated focus on consular activities, a key area of traditional diplomacy.

Compounding this ambiguity is the special significance of Bavaria in Germany's Federal politics, owing to the current Federal CDU-CSU coalition Government and the CSU's longer-standing role as a federally significant party. This has very clear implications for the status of the Minister-President of Bavaria, as leader of the CSU. This stature is determined by external perceptions, and these in turn are "determined by the fact that he is the head of the political party of the CSU and has direct influence in the Federal government". As such, third parties:

> Know that, or are being told by diplomats, that he is probably…number two or three in German politics. And that Chancellor Merkel cannot do anything without his consent. And this is something of course that weighs in.[43]

This has implications at a personal level. The development of Bavarian paradiplomacy owes much to Minister President Francis Strauss, a Federal politician who returned to Bavarian politics bringing with him both a foreign network and name recognition. Strauss:

> Started to do things that no other Minister President had done before. Like going to Russia. And then…because he was known as a political figure… so they decided, they looked at him and said 'hey this is somebody we can talk to'. So he was introduced and it was easy for him to get access to people that were not on the same level. Because he came from the other level.[44]

Additionally, Germany's constitutional structure, and in particular the importance of the Bundesrat, can provide various opportunities for foreign networking, and the positioning of Bavaria alongside neighbouring European states:

> There was a case last year where Bavaria was the president of the Bundesrat and our Minister President he made some trips, of course not as Bavarian Minister President but as a representative of Germany, of the second chamber, to even, to represent Germany to some heads of Government - I think he went to the Netherlands and to Belgium and so on, so this is according to the… its

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[43] Interview data, Senior Bavarian Government official 2013
[44] Interview data, Senior Bavarian Government official 2013

> legal under the German constitution it was no Bavarian foreign policy of course but it shows that also, the regions have rights to do foreign policy. [45]

However, the politically important role that Bavaria plays within German Federal politics, and indeed the significance granted to Länder in general under the German constitution, can also translate into a restrictive or conservative force upon German foreign policy. The CSU have been vocal in their criticisms of what they see as Chancellor Merkel's lenient policy on migration, most notably in the wake of the refugee crisis of 2015. Absent from Bavaria's paradiplomatic portfolio is any of the development or normative paradiplomacy seen in both Scotland and Wales. Relatedly, Bavaria's attitude to the European Union is measured in tone. In particular, it has long been concerned about EU policy encroaching on its legislative capacity, and it takes seriously its role as a "critical but constructive partner" of both the EU and the Federal Government.[46]

Indeed, the role of 'critical friend' is one that appears time and again in reference to Bavaria's external activities, and in relation to their position vis a vis the Federal Government. Once again, Bavaria's unique history is relevant here. Unlike both the Federal Republic and the post-unification 'hyphenated' Länder, Bavaria has existed, with almost identical borders, for more than 1500 years, and with a particularly strong "unbroken" identity.[47] Bavaria, whose own constitution was created in 1946, was the only Länder to initially reject the proposed Basic Law in 1949, believing it to have too few [centrifugal] federalist elements.[48] Bavaria, therefore, can "afford to be the critical partner", but - owing to the constitutional and political stability of the German federation, indeed its own brand of 'cooperative federalism' - "without questioning the federalism as a whole. So…it may be a bit, well, the counterpart to Berlin…. for example here the CSU tries to be a bit more right than Merkel's Berlin at the moment but this is some sort of good-cop, bad-cop game".[49] In the absence of the

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[45] Interview data, Senior Bavarian Parliamentary official 2013
[46] Interview data, Senior Bavarian Parliamentary official 2013
[47] Interview data, Senior Bavarian Government official 2013. See also Hepburn E. (2008a) The Neglected Nation: The CSU and the Territorial Cleavge in Bavarian Party Politics. *German Politics* 17: 184-202.
[48] Interview data, Senior Bavarian Government official 2013.
[49] Interview data, Senior Bavarian Parliamentary official 2013

independence debates currently coursing through inter-governmental relations in the UK, Spain or Belgium, the stability of German Federalism allows Bavaria some all-important political leeway.

More generally, Bavaria sees itself as cooperating "very, very well" with Federal organisations - indeed, it relies heavily on federal institutions when it comes to accessing foreign structures, embassies and ministerial visits. However, "when we meet there is always some sport - there's a political language, we are Bavarians and so we play with the images, so we have a playful and colourful language when we speak but… in fact we are bound by the common interest".[50] This congruence of interests is particularly pronounced given Bavaria's economic status, which allows it to play a significant role in the direction of Germany's "innovation and export driven economy"; other Länder are envious of this role, but "they don't have the budgets".[51]

As the preceding passages have outlined, Bavaria has no status under the VCDR; it is not party to the convention in its own right, nor is it permitted to 'opt in' via co-location of its overseas offices with the Federal Republic of Germany. The position of the Federal Government is also clear in terms of Bavaria not having the ability to conduct foreign relations, in particular those 'tools' inherent to Germany's own federal foreign policy - diplomacy and consular relations. However, here we also find grey-areas, and contradictions in term. Bavaria maintains relationships with foreign sovereign states, it even signs negotiates and concludes international treaties with such states. It also has a select few 'political' offices overseas, premised on relationships with states (in the Czech Republic), powerful regions (Quebec) and international organisations (Brussels). It boasts the highest concentration of foreign consulates outside of Berlin, and acknowledges the attractiveness of its own government as a point of access for these Consulate-Generals. Its European office is quite deliberately positioned so that any visitor to the European Parliament must encounter it. It is difficult to reconcile this reality with view that Bavaria does not maintain a foreign policy, or at least

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[50] Interview data, Senior Bavarian Government official 2013
[51] Interview data, Senior Bavarian Government official 2013

diplomatic relations. However, equilibrium, of sorts, seems to exist. For example, Bavaria, and other German Länder, maintain that their European offices are *Vertretung* or 'representations'. The Federal Government hasn't challenged this development in the German Constitutional Court, yet they forbid their own representatives from using this terminology to describe what they term the 'information offices' of the Länder in Brussels. A commonly understood 'line' exists which the Bavarian Government is clear not to cross, seemingly in return for the cooperation of the Federal Government in orchestrating an advanced paradiplomatic platform. Crucially, and in contrast to the relationship between the Scottish and UK Governments, these endeavours are rooted in a congruence of - largely economic - interests, and set within a robust framework of constitutional stability and cooperative federalism. It is within this context that high-level relations with states, such as India and Russia, have been allowed to take place with little in the way of controversy.[52] In the contrast between Scotland and Bavaria we perhaps see similar behaviours being interpreted in markedly different ways, owing to the political context in each case.

Conclusion

In trying to survey the diplomatic representations of sub-state governments, Scotland, Wales and Bavaria in this instance, Berridge's classification of 'unconventional' bilateral diplomacy (2005: 137-143) is perhaps useful. Though this typology is intended to describe the activities of states, when resident embassies of the 'conventional kind' cannot be maintained for one reason or another, functionally - and indeed in some terminology - these unconventional activities describe fairly accurately the diplomacy of many sub-state governments. For example, the Welsh Government's overseas that operate outside of official UK missions, and Bavaria's three 'political' offices bear many of the same characteristics of what Berridge terms 'representative offices'; "a mission that looks and operates much like an Embassy, the only

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[52] Having said this, relations between Bavaria and Russia since 2016 have begun to cause a great deal of political tension with the German Federal Government and will be explored in Chapter Six of this thesis.

difference being its *informality"* (Berridge, 2005: 45 emphasis original). Additionally, a key structure of unconventional diplomacy as exposed by Berridge, interest sections, is precisely what the Scottish Government have called for under any possible 'devo max' model of devolution, allowing them to have a more clearly distinguished representation inside British embassies abroad (Scottish Government, 2009).

There is, therefore, a precedent and a series of structures relating to sub-state diplomatic representations abroad - both when they operate as part of, and independent from, their host state's mission. However, the proliferation of paradiplomatic activities still presents as-yet-unanswered questions. Which Government are 'paradiplomats' ultimately accountable to? If co-location were in operation, then one would assume this was the foreign office of the host-state.[53] However, where this might at times be a murky area - at other times it is abundantly clear that political direction is taken from the devolved, not the national government. In Scotland's case, for example, the Scottish Government representation in Brussels is clear that they take their political direction from "Edinburgh, not London" (Scottish Government, 2009: para 2.6). Another key outstanding issue is the practice of recognition. As discussed earlier in the chapter, sub-state governments are not able to officially recognise breakaway governments or independent states, yet they do have - an often public - view on such matters. Though their informal support or recognition may not carry any weight in international law, it is not at all difficult to imagine a scenario where their positions were used to influence other members of the international community, and, certainly, may confuse and even hamper their host-state's policy in this area. Equally, one might speculate that positions held 'under the radar' by sub-state governments could even be utilised by a central state, in order to signal tacit support or improve relations.

The title of this chapter uses the phrase 'skirting officialdom'. It is worth returning to this central theme in concluding these discussions. Wales and Scotland both carry out official and unofficial diplomatic activities. In Wales' case, the Government has overseas representations

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[53] Indeed this is what the Memorandum of Understanding between the UK and Devolved Governments states in no uncertain terms. B4.27, D4.23

that form part of official UK diplomatic missions and representative offices that are independent of the UK's diplomatic structures, and thus by definition are 'informal' diplomatic entities. As the preceding sections discussed, the decision of whether or not to co-locate with the UK Government, and give Welsh representations diplomatic status - 'opting in' to the VCDR - is made, perhaps surprisingly, on a fairly pragmatic basis. The Welsh Government does not seem to experience any major problems in carrying out their 'brand' of diplomacy outside of UK missions, and indeed - as referenced in the discussion of the Chongqing representation - acting outside of an official representation may even have its advantages. In the case of Wales, its emphasis on region-region linkages means that 'informal' diplomacy is, in most instances, perfectly adequate for its needs. Diplomacy between regional governments of this kind may look and sound much like 'official' or 'formal' diplomacy, it certainly has the pomp and ceremony to fit, yet it remains outside of the scope of the VCDR, subsidiary to interactions at a nation state level.

Meanwhile, none of Bavaria's international offices - including its three 'political' representations, enjoy diplomatic status. However, even though these representations are un-affiliated and thus outside of the scope of the VCDR, interaction with nation states is possible, particularly so when these are of a similar geographical size or weight to Bavaria itself, though relations with states of a vastly different status have also been evidenced in this Chapter. Taking place within a particular context of German cooperative federalism, Bavaria's economic prowess, political significance and independent historical status - alongside the heightened stature awarded to its politicians as a result of its role in a Federal constitution - a lack of diplomatic status does not seem to hamper the activities of Bavaria's overseas offices. As with all paradiplomatic activities taking place outside of the more regimented, institutionalised scope of formal state-state relations, context is king. Similarly, the accord of interests between Bavaria and the Federal Government, particularly under current governing arrangements, means that Ministerial visits and other high-level access is able to be arranged by Federal institutions with little friction. Meanwhile, the fact that Bavaria maintains only three 'representative' offices - as part of a much larger network of trade and investment offices - perhaps signals the Bavarian government's satisfaction with diplomatic representation as a constituent part of the Federal Republic. Arguably, this dynamic is easier

to achieve in a federation of previously constituted states than in a system of devolution such as the UK, where the devolved governments are subsidiary to the national parliament, and once again Bavaria's secure identity, Germany's system of cooperative federalism, and the CSU's position within the Federal government all aid the smooth-operation of inter-governmental relations. As for the status of Bavaria's diplomacy, however, we do see qualitatively different interpretations emerge, even a form of political 'doublespeak'. The Bavarian Chancellory see themselves as being able to carry out "diplomatic relations below the level of foreign policy". Yet, as our discussion on the controversy surrounding the Länder's Brussels offices demonstrated, the Federal Government maintains that the proper scope of Länder activities expressly precludes diplomacy, something reserved to the federal level. In the Bavarian case, it appears that it is less the process of diplomatic negotiation that is 'off limits', rather than the substance of certain foreign policy areas. The contours of this exclusion seem to vary along with the broader political context at the time, as strained relations between the CSU in Bavaria and Chancellor Merkel's Federal Government since 2016 have demonstrated.

For Scotland, meanwhile, the decision to host its governmental representations exclusively within UK diplomatic missions tells us something different yet again. In this case, the Scottish Government's desire to interact with state-level representations, some of which are of vastly different size and international significance than itself - in China, in the USA, in Japan and in Canada - means that it requires the formality and diplomatic status that co-location with the UK brings. Scotland does also maintain relations with smaller states, of an equivalent size to itself: it has offices in Dublin and Oslo, for example. However, the Scottish experience perhaps demonstrates the continued importance of 'official' diplomatic representations, a message often subsumed by discussions of the broadening of diplomatic practices, the proliferation of diplomatic actors and the weakening of the traditional diplomatic system. To secure high-level access with states, to engage with the "wider diplomatic community" (Scottish Government, 2015b: para 28) and to be accorded the status of a diplomat - for all sorts of practical reasons - the Scottish Government has determined that acting under the umbrella of the UK state, and thus under the terms of the VCDR, is a necessary feature of its overseas representation. Somewhat ironically, the bitterness of the pill in this case - given the Scottish

Government's desire for independence, and generally fraught inter-governmental relations -
is perhaps testament to the enduring relevance of a more traditional style of diplomacy.

Chapter 4: 'It's [not always] the Economy, stupid': the Politics of Paradiplomacy

Introduction

By a significant margin, the most commonly maintained explanation for sub-state diplomacy is a need to pursue international trade and investment. In other words, 'it's the economy, stupid'. And, certainly, sub-state governments do need to fight for their place in the global market, and many are making great successes of doing so. As economic units, leading regions - the Californias of this world - outweigh many states in terms of their size and significance in the global marketplace. Likewise, domestic policy platforms often rely on the sourcing of extra-national funds, and the electoral success of sub-state governments is thus premised on their ability to make the region known as an attractive place to do business.

However, beyond the role that economic development undoubtedly plays in the fortunes of sub-state governments, there are other reasons that the 'economy card' is being played so consistently. Primarily, it represents a way to naturally place sub-state governments in an international context. Writing in the late 1990s, Cohn and Smith argued that "international involvement is still not considered to be an 'ordinary' activity for most sub-national units, as it is for central governments" (1996: 33). Though such activity has become much more common in the intervening years, it maintains what Hocking described as an "aura of inappropriateness" (1999: 36). Economic development, meanwhile, is seen as a primary rationale of sub-state governance: cloaking paradiplomatic activity in this same legitimacy. For example, Wyn Jones and Royles (2012: 256) contrast the international trade and investment promotion activity in Wales with its international development policy, arguing that the former "is very clearly related to a devolved competence, namely economic development, providing a robust legal basis for WAG's role". In the eyes of a range of actors therefore - domestic constituencies, international partners and host-state governments - paradiplomatic activity is seen as more 'normalised' in an economic context.

Relatedly, by virtue of their core mission, international trade and investment activities of sub-state governments are in a better position when it comes to now ubiquitous budget cuts and re-prioritisation. Turning again to the Welsh case, the following extract from an interview sets out this relationship quite clearly:

> There is a really important interplay between the state of the economy and the sub-national diplomacy scene, because the sub-national diplomacy scene is low hanging fruit when it comes to re-ordering priorities in a time of monetary austerity. And we ourselves are not immune from that. We've had to, in the last 4-5 years, be much more questioning about our ability to jump onto aeroplanes and go here or there, or wherever… we haven't withdrawn completely, but we have to think much more carefully.[54]

Therefore, if an economic case can be made for paradiplomacy - a task made all the easier if this is direct trade and investment promotion, though the 'logic' can also be stretched to other profile raising activities - it acts as insulation against pressure to retrench to the domestic sphere.

Appealing to economic motivations for paradiplomatic activity thus lends it legitimacy, while helping to insulate it from budgetary pressures. However, the fact is that the actual practice of sub-state diplomacy - in general terms, as well as specifically in our three cases - goes well beyond the scope of trade and investment promotion. There are clearly other motivations at play. The paradiplomacy literature hints at what these might be: identity construction and the generation of symbolic capital (Royles, 2010; Wyn Jones and Royles, 2012), normative ambitions (Wigell, 2013), the mobilisation of a territorial cleavage (Hepburn, 2008a), to gain policy traction at national levels (Albina, 2010) and - most resolutely - nation building (Keating, 1997; Keating, 1999; Lecours and Moreno, 2001; Lecours, 2002; Lecours, 2007; Lecours, 2008). If we ask the question, therefore, 'why do regions go abroad', in the ways outlined in the previous chapter, the answers are at once ideological, instrumental and - perhaps in terms of getting 'swept up in the tide' - sometimes reactive.

This Chapter considers the politics of paradiplomacy; the ways in which differing domestic and international contexts and the motivations of sub- and nation- state actors result in

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[54] Interview data, Senior Welsh Government Official 2013

particular types of international activity, modes that do not correspond to purely economic rationales. In other words, it asks why sub-state governments conduct the more advanced paradiplomatic activities that they do - both in our three cases and more broadly. The paradiplomatic literature has established that nation building (as a broad term) is a key motivator for sub-state governments in their international endeavours. However, this relationship needs to be considered in greater detail if we are to fully understand its nature. Not all sub-state governments use paradiplomacy to 'build the nation' in the same way. Instead, a range of strategies are used to achieve a variety of goals. For Wales, aligning itself with the dominant international discourses of sustainable development, gender equality and citizen engagement is a way to place the nation in a similarly enlightened group of 'good internationalists', reinforcing the "myth of Welsh radicalism". In Scotland, paradiplomacy aids nation building by aligning the Scottish Government with similarly sized states, mimicking a foreign policy that puts it in a special category among its Nordic neighbours. In Bavaria, paradiplomacy is used to demonstrate state-like economic and administrative actorness, emphasising Bavaria's history as a sovereign state.

As a starting point, this chapter accepts the assertions of the paradiplomatic literature and acknowledges that paradiplomacy is a particularly useful tool in sub-state nation building. However, it probes this relationship further and - in doing so - reframes paradiplomatic interactions as part of a sovereignty game. By using this terminology, the intention is to conceptualise and account for the 'back and forth' between states and sub-state governments that revolve around the rightful or legitimate sites of power and political authority. While accepting the basic utility of paradiplomacy in nation building endeavours, this analysis takes a step back and places paradiplomacy within the context of a bigger - and much longer - sovereignty game that sub-state governments are playing with their nation state counterparts. While nation-building is part of this game, the game itself is broader - it is about the relative roles and power relationships between the state and the sub-state government. It is these - traditionally hierarchical - roles and relationships which paradiplomacy necessarily plays on and challenges. A brief outline of the framework of sovereignty games follows, before the chapter moves on to assess the nature of the games

being played in each of our case studies, and the ways in which paradiplomacy feeds into them.

Sub-state Sovereignty Games

In their examination of Welsh paradiplomacy, Wyn Jones and Royles (2012: 251) argue that sub-state diplomacy represents a particularly good field within which to study inter-governmental relations, or IGR. This is due to the fact that the leading role occupied by states in international affairs, as well as the "prerogatives and privileges that are entailed by it", are very often "jealously guarded" by states:

> Especially in the context of regional actors within the borders of the state who chafe at the restrictions inherent in the designation 'stateless nation'. Sub-state diplomacy increases the potential for tension in central - sub-state relations and can therefore highlight the limits of IGR: or more precisely, the potentially limiting and disciplining role of sovereignty on relations between states and regional actors (Wyn Jones and Royles, 2012: 251).

Another way to characterise this relationship, and the back-and-forth between the state and the sub-state government, is with the vocabulary of a sovereignty game. For Adler-Nissen and Gad (2014: 3), sovereignty games are, fundamentally "strategic claims in relation to authority and responsibility referring to sovereignty". The games themselves, the authors continue, play out in "discourses, institutions and practices", and in playing such games the actors eventually end up "stretching the meaning and functions of sovereignty".

By virtue of the association between statehood and diplomatic actorness, the international relations of sub-state units necessarily touch on - even in an implicit sense - sovereignty. Therefore, as well as paradiplomacy representing a useful framework for exploring the role and limits of intergovernmental relations, the functioning of these inter-governmental relationships, perhaps in their most broad sense, further offers an illuminating frame from which to understand the motivations and conditioning factors behind sub-state diplomacy itself. Different types of intergovernmental relationships - in terms of party political congruence, the division of competences between tiers of government and the institutional and working arrangements in place - all potentially impact upon the nature and the scope of

paradiplomatic practices that the sub-state government engages in. In other words, the precise contours of the relationship between the different actors in a sub-state sovereignty game are constitutive to the nature of the game itself.

If we accept the metaphor of a sovereignty game, we can identify them in all manner of guises. Calls for increased powers, for competence over specific issues and renegotiations of the basis of federal or devolved arrangements all represent claims about relative power and authority. These claims are often made with an appeal to popular sovereignty and are grounded in the moral framework of self-determination. Paradiplomacy is one field, or operational space, in which this game is played out to great effect. This is due to how closely foreign affairs and the very nature of sovereignty are tied together. By conducting paradiplomacy, sub-state governments are making a strategic claim about power and authority - namely over a competence or issue area that sits within the broader field of diplomacy or foreign affairs. This strategic claim is the essence of a sovereignty game. At heart, such activities - in our three case studies - seem to be all about the recognition of the sub-state government as something more than a 'mere region'. It doesn't have to be recognition as a natural state-in-waiting or even a potential state, but rather that it has some sort of special status and significance warranting its 'seat at the table'.

Sub-state sovereignty games are in fact remarkably similar to what Adler-Nissen and Gad categorise as post-colonial or post-imperial sovereignty games (Adler-Nissen and Gad, 2014) - indeed many of these units would also fall under the umbrella term of being 'sub-state'. For Adler-Nissen and Gad, the concept of a post-colonial sovereignty game is a way to understand the "interplay between postimperial relations and European integration"; it allows for analysis of how "micro-polities manoeuvre between different centres", their 'metropole' or referent state and the European Union. For the authors, post-colonial 'micro polities' – here, Adler Nissen and Gad are looking specifically at the Nordic region – represent a special type of actor:

> Being neither formally sovereign nor simplify hierarchically subordinated to their metropole, the self-governing countries are political entities that do not readily fit the conceptual categories offered by the conventional theory

addressing international politics and international law… Self-government arrangements may even include the transfer of jurisdiction in some areas of foreign affairs (Loukacheva, 2008:109) – an area traditionally so closely articulated ot sovereignty that it is considered the prerogative of the sovereign (Adler-Nissen and Gad, 2014: 16)

It is a way to 'open up' the concept of sovereignty and explore the ways in which it is negotiated, taking in a range of possible self-governing arrangements and degrees of relative subjetivity (Adler-Nissen and Gad, 2014: 7, 14).

Just like postcolonial sovereignty games, sub-state sovereignty games revolve around the acknowledgement of the polity or 'potential state' as a player of the game. The key difference, however, is that the 'potential stateness' of sub-state governments as a broader group is more contested, and the relationship between the state and sub-state government is more traditionally hierarchical. Nonetheless, in the case of sub-state governments, it is this very right to participate that is being negotiated through paradiplomatic actions, and the acceptance of the claim varies to a significant degree across states and sub-state governments. In sub-state sovereignty games, paradiplomacy, in particular, becomes a way to mark out the 'special' status of the polity through encroaching on a traditionally state-held domain, and in other ways revolves around the status of the region within the state. The chart below outlines the sovereignty game structure as envisaged by Addler-Nissen and Gad, with the addition of sub-state sovereignty games by the author.

Sovereighty game: "strategic claims in relation to authority and responsibility, referring to sovereignty" Adler-Nissen, 2014:3

At least two players; a shared understanding of the game being played; an implicit or explicit reference to an either/or conception of sovereignty; no fixed rules; centres around the relational distribution of subjectivity (Adler-Nissen and Gad 2012).

Vertical Games
At least two players - involves the allocation of competences between sub-state, state and international actors such as the EU (Adler-Nissen and Gad, 2012)

Horizontal Games
At least two players of equal (formal) status - most commonly between states (Adler-Nissen and Gad, 2012)

Postcolonial sovereignty games: involve the acknowledgement of the polity or 'potential state' as a player of the game (Adler-Nissen and Gad, 2012)

Other sovereignty games: EU/member states. Revolves around relative competences and power distributions (Adler -Nissen and Gad, 2012)

Sub-state soverignty games: about acknowledging that the region has some sort of claim to special status.

First round: polity aquires independence, becomes a state and the game becomes a horizontal one (Adler-Nissen and Gad, 2012,

First round: some regions seek and aquire independence (becomes a horizontal game), or the right to vote/decide upon independence (claim to a seat at the table accepted - remains a vertical game)

Remainders of this process get stuck in the first round, don't aquire independence. Now the sovereignty game is played through the tactical non-acquiring of indepdnece (Adler-Nissen and Gad, 2012)

Regions not actively seeking statehood or who have tired and failed to aquire it nonetheless utilise their claim to a seat at the table, the game becomes about the status of the region within the state

Essentially, the argument here is that stateless nations may conduct paradiplomacy as part of a sovereignty game, one played with the implicit objective of being acknowledged as a rightful player in this game itself. The sovereignty game is about the status of the region within the state, rather than any set end-point or fixed objective: it is played out in the actions of the sub-state governments and the counter-actions, reactions or restrictions from the state. It is shaped by the parties in power at each tier of government and the system of inter-governmental relations between the state and the sub-state level.

The notion of sovereignty games, as Adler-Nissen and Gammeltoft-Hansen are keen to point out (2008: 7), is intended only as a heuristic device. However, the focus on a game as comprised of players, rules and moves is one that is particularly useful in this context. It is a way to "open up' the concept of sovereignty and consider its negotiation, instead of treating it as a static condition (Adler-Nissen and Gad, 2014: 7, 14) Rather than focussing on the perceived end-goal of governing parties, we can instead consider the game in its entirety. Much like devolution, famously "a process, not an event", a sovereignty game is not something with a defined end-point - it is the game itself, rather than any eventual score, that is the subject of this study.

Nation Building and the Mimicry of Statehood: Playing the Long Game

An essential element of a sovereignty game is the performance of sovereignty. In other words, to make a strategic claim about authority and responsibility, a sub-state government must perform the narrative of sovereignty. In 'vertical' sovereignty games, "political and administrative elites are playing on the different legal and symbolic structures related to sovereignty to enhance their autonomy in both the domestic and the international arena" (Adler-Nissen and Gammeltoft-Hansen, 2008: 12). One way for sub-state governments to enact this performance of sovereignty is through the mimicry of a type of actor whose sovereignty is undisputed, and indeed is a central tenet of their character and status on the world stage: the sovereign state. Such mimetic performances can therefore be understood as *moves* in the sovereignty game, moves which may recast the balance of power between state and sub-state actors or impact the self-perception of the affective region.

The concept of 'mimicry', for these purposes - a strategy of outwardly demonstrating state-like characteristics in the absence of formal sovereignty (McConnell, 2016; McConnell et al., 2012) is, fundamentally, all about perception. The perceptions of external actors that the unit has some semblance of legal competence or diplomatic authority matters even though such

competence may, in fact, be absent. This feat is achieved by playing on the powerful associations between sovereignty, diplomacy, statehood and nationhood. In some instances this mimicry may take the form of parody; for example, 'micropatias' or self-declared states that represent a protest movement draw heavily on formalised performances and established narratives around sovereignty and international recognition (McConnell et al., 2012: 810). In other cases, such as those of break-away governments and unrecognised states seeking formal recognition as a full state, the mimicry undertaken has the clear aim of establishing their right or appropriateness as the legitimate representative of their people and easing the path towards full statehood by appearing as natural kin to existing members of the international community. In the case of the Tibetan Government in Exile (TGiE), the strategy adopted is one keen to "appropriate symbols of legitimacy in order to maintain their governmental claims, with the "language of stateness" (Hansen and Stepputat, 2001:9) being particularly important as they negotiate their place on the international stage" (McConnell, 2016: 806).

If we accept that a key motivator for paradiplomatic activity is the desire to 'build the nation' domestically, then a mimetic framework is one within which we can most clearly see the process unfolding. In one sense, paradiplomacy is part of a nation-building process in that it helps to anchor the nation in an accepted and familiar discourse that strengthens and normalizes national sentiments in a domestic setting. This is enabled by taking on (mimicking) the outward appearance of a state: a defining characteristic of which being the ability to conduct diplomatic relations. In this regard, the goal of nation building is realized in a domestic setting, within the affective region itself. In another sense, mimicry helps to convey the image of the nation outwards, again by appearing state-like and therefore more legitimate in the eyes of the international community. Coming full circle, this enhanced international legitimacy further reinforces the perception of the sub-state government as something 'more than' a mere region within its own constituency, and within the state as whole. This, in turn, is what a sovereignty game is all about: relative power and authority. Indeed, it neededent be within the restricted parameters of identifiable nation building project that this dynamic plays out, it is less the 'nation' component that is critical than the desire to use a strong sub-state identity as part of a political project, making a statement

about relative power and authority. The ways in which much paradiplomacy can be construed as projecting and bolstering an identity that chimes with dominant liberal international norms, for example around democracy promotion, gender equality and environmentalism, can be seen as evidence of this relationship.

McConnell (2016) points to this phenomenon - of crafting an international message to 'fit' dominant international, predominantly 'Western' norms - in the case of the TGiE. Here, the argument is that "the rationale for much of the TGIE's investment in state-like institutions, practices and discourses'" has been the 'seeking of legitimacy'; "of the exile administration wanting to prove itself trustworthy and deserving of support in the eye of international audiences"(McConnell, 2016: 161). This form of diplomacy and statecraft has been about crafting a message and an identity that fit in with the expectations of contemporary international politics. It's "a classic case of telling particular (Western) audiences what they want to hear". In this case, it is that the Tibetan people are peaceful, democratic, concerned with the rights of Women and the environment. In fact, McConnell goes on to argue that, "in recent years the TGiE has been engaged in an almost tick-box exercise of meeting the criteria of these norms of good governance" (2016: 160).

There are clear parallels between this exercise and the norm-driven international activities of Scotland and Wales, both in terms of the precise themes that are drawn upon and the ways in which such messages attempt to marry the external perceptions of the nation with dominant international norms. Most notable in this regard are their international development programs - Wales for Africa and Scotland-Lesotho - but the work of both Scotland and Wales around the UK's response to climate change and the democracy promotion exercises of the legislatures in both nations (specifically with regards to e-democracy and citizen engagement) also point to such a project of norm-alignment. In Bavaria, the role of mimicry in their paradiplomatic endeavours appears more closely aligned to their effectiveness and economic actorness, key 'state-like' characteristics, rather than any thematic mimicry of liberal international norms. Having said this, they do also conduct normative paradiplomacy - seen most clearly in the technical and legal assistance provided to emerging democracies in Central and Eastern Europe. An outline of the nature of the

sovereignty game being played in each of our case studies, and the range of mimicking strategies that each sub-state government employs in their paradiplomacies, will be explored in more detail below.

I. Wales

The sovereignty game being played in Wales is one that could be described as volatile. As Wyn Jones & Scully argue: "the record of Welsh constitution building is a record of failure… the successive edifices constructed have been characterized by almost continual instability"(Wyn Jones and Scully, 2012). The original devolution dispensation agreed in 1998 and granting only secondary law-making powers was profoundly flawed. The agreement was replaced in 2006 by a new Government of Wales Act formally separating the National Assembly and the Welsh Assembly Government and unlocking some primary law making powers - though heavily circumscribed. The powers of the National Assembly were further enhanced in 2011, allowing full law-making powers - though still in limited areas conferred to the Assembly by Westminster. Despite two further Government of Wales Acts, the scope of the powers held by the National Assembly for Wales are still the subject of debate, both in terms of the specific issue areas over which the Assembly has competence, and on the principle of a conferred, rather than reserved-powers, model of devolution. In addition to this constitutional volatility, other factors leave their mark on the nature of the sovereignty game being played in Wales. The electoral dominance of Welsh Labour, and the 'clear red water' historically separating Welsh Labour from its national counterparts, has meant that the nation-building project in Wales has not been monopolised by a sub-state nationalist party, but rather has been a more inclusive project to which parties across the political spectrum seem to subscribe to, with greater or lesser enthusiasm (Royles and Wyn Jones, 2010: 253). In more recent times, there is a sense that UK-wide Labour party has instead moved to the 'left' of Welsh Labour; a different dynamic perhaps, but the key element of differentiation remains. Lastly, party political incongruence across the whole of the UK means that there are more than two players in this sovereignty game: Scotland is used as a reference point, to seek additional or reconfigured powers and to provide precedent and context for Wales' external relations. The nature of this game as it plays out in a paradiplomatic frame is explored below.

The ways in which the National Assembly for Wales, as a devolved legislature, engages in the project of nation-building is particularly illuminating, and points to the ways in which the mantle of nationhood adds prestige and legitimacy to different tiers of government (Lecours and Moreno, 2001; Lecours, 2002; Keating, 1999). The NAfW can be seen to have carved out a distinctive approach to paradiplomacy, one that was led thematically by the priorities of its Presiding Officer, Welsh Labour's Rosemary Butler between 2011-2016.[55] These themes defined a body-wide strategy adopted for international engagement, based around citizen engagement, e-democracy, sustainability and scrutiny. Added to this list is the issue of gender equality, which the Presiding Officer profiled in a number of inward visits and public events.[56] According to senior officials within the Assembly, the point of distinction between their approach to paradiplomacy and that of the Welsh Government is that, where the Government requires economic outputs from its interactions, the Assembly is "driven by democratic goals".[57] The desire to be seen as "a beacon for learning" - for example sharing best practice on scrutiny with African Parliaments of a similar size to Wales' devolved body - speaks clearly to a strategy of mimicry; promoting dominant international norms to third countries - mimicking the diplomatic and democracy promotion roles of Western states - is a way to evidence their prevalence within Wales itself. As a nation building mechanism, this allows the nation and the values it embodies - as a young, transparent and tolerant democracy, "small, smart and successful" (Royles, 2010) - to be communicated externally, demonstrating to the international community its commitment to these norms by espousing them elsewhere. This form of mimicry also acts to build the nation internally, bringing the prestige of an international educator, an exemplar in the field of democracy building, back to the home front.

The Welsh Government's paradiplomatic activities also have a strong link to such dominant international norms, despite the economic rationales that are frequently cited. This is particularly apparent in the ways that their diplomatic endeavours feed into the 'myth' of Welsh radicalism (Wyn Jones and Royles, 2012) and the 'clear red water' between the Welsh

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[55] Interview data, Senior National Assembly for Wales officials, 2013
[56] Interview data, Senior National Assembly for Wales officials, 2013
[57] Interview data, Senior National Assembly for Wales officials, interview 2013

and UK Labour parties. Wyn Jones and Royles explore the role that Welsh paradiplomacy plays in identity-building, finding that this has not primarily been seen in the mobilisation of a territorial cleavage by a single party, but in all parties' responses to the emergence of one. Such evidence can perhaps be deduced from the fact that - as in Scotland - it was Labour and Conservative politicians who "played the leading role in sub-state diplomacy". This was partly because of the "political usefulness of sub-state diplomacy for such 'unionist' politicians as a means of undermining 'nationalist claims that independence is a prerequisite for engagement in international affairs" (Wyn Jones and Royles, 2012: 253). However, the authors continue with their suspicions that there was more than simple instrumentalism at play in the Welsh case, arguing that "members of state-wide parties may well support the development of sub-state diplomatic activity not only to head off 'the Nats' but also because they themselves subscribe to a nation building project at the sub-state level" (2012: 253). This nation-building project, the authors argue, can explain much of the Welsh Government's paradiplomatic activity; "in particular, the programme expressed a desire to project a certain vision of Welsh nationhood that stresses internationalism as a core element of the 'radical tradition', itself one of the constitutive myths of Welsh politics" (Wyn Jones and Royles, 2012: 260). In Wales, the informality of much paradiplomatic activity allows for a distinct identity to be played out in a multitude of ways that transcend the relatively narrow scope of the Welsh Government's authority under their current devolution dispensation. Furthermore, the coherence of paradiplomatic activities around the themes of international development - including branding Wales a 'the first ever fair trade nation', the protection of minority languages and action on climate change seems to suggest a strategic alignment with dominant international norms, bolstering its nation-building project.

One would assume that party political congruence or incongruence (where "governments at different levels within a state are led by distinct political parties" (McEwan et al., 2012: 187)– would matter greatly in a sub-state sovereignty game. However, evidence from Wales demonstrates that the relationship between these two variables is not at all straightforward; constitutional issues and territorial cleavages cross-cut the more traditional left-right axis of the UK's party political system. As we have seen, it is not just sub-state nationalist parties who engage in nation-building, utilising paradiplomacy in the processes and - likewise - it is not

necessarily the case that party-political incongruence will always manifest in an antagonistic paradiplomatic stance. The cases of Wales is in fact quite complex in this regard. Despite a further degree of incongruence between Welsh and UK Governments following the formation of a Conservative - Liberal Democrat coalition Government in Westminster in the 2010 Parliament (whereas previously a Welsh Labour-Plaid Cymru coalition in Wales and a Labour Government in Westminster aligned the two Governments along left-leaning terms), there remained a surprising level of continuity in terms of Welsh paradiplomatic activity. This could partly be attributed to there being a less pressing need for the group-interest definition and territorial-mobilization functions of paradiplomacy, given that the domestic agendas of the two governments are already divergent to a significant degree. Indeed, one Welsh interviewee points to the fact that, contrary to what one might expect:

> The real division within the UK in terms of policy dynamics, from the Welsh context, is not between the Labour party in Wales and the Conservative party at the UK level, the real difference is between Cardiff Bay and Whitehall… whoever is in power at Westminster and Whitehall, it is still Westminster and Whitehall… in the international context, that's the more important division, it's the division between different tiers of government. This is probably more significant, in a way, than the difference between the parties, the political difference.[58]

That this division between different tiers of government was the salient one, rather than anything more party political, lend weight to the argument that - rather than being about specific issues or party-political dynamics, the sovereignty game is first and foremost about relative power and subjectivity. Additionally, the existence of party-political incongruence between Welsh Labour and the (then) Conservative-Liberal Democrat UK Government coalition actually enabled inter-governmental relations that were in some ways improved from the status-quo ante. According to the same Welsh Government interviewee:

> In a sense, when… the coalition government came in three years ago, there was probably an element of sort of mutual relief… at that point, if the administration here disagrees with the administration there, it feels entitled to say so very freely and very easily, there's no embarrassment about saying so and they expect that and they accept it. Where, of course, with the Labour administrations they had to bury them and these sort of subterranean cables

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[58] Interview data, senior Welsh Government official 2013

> were laid in place, everything had to be under-ground, in a curious way now it is a little bit easier to disagree. Yes, there's tension, everyone expects there to be tension, you can talk about the tensions now.[59]

This 'mutual relief' has been enabled, however, by the fact that the incoming UK Government coalition has not attempted to 'clamp down or inhibit our ability to operate in this space", instead honouring the "protocol and precedents which exist". [60] However, current UK political discussion around Brexit will undoubtedly introduce new strains on this relationship, not least because the 'stakes' are now so much higher.

In Wales, therefore, we see a clear attempt to align a 'new democracy' with dominant, liberal and internationalist norms. The Welsh Government's mimicry of both this particular narrative and more broadly of the symbols and language of stateness can be construed as part of an attempt to build the nation domestically, to enhance the credibility of Wales as a 'real player', deserving of a seat at the international table. Specifically, paradiplomacy - owing to its informal, largely non-statutory nature - enables Wales to perform sovereignty in a more visible and arguably convincing manner than it is traditionally allowed, within its narrow purview of conferred powers. This means that it remains a particularly effective tool for the Welsh Government, and seems to represent a core element of its broader sovereignty game and efforts to reposition itself in relation both to the UK Government and other devolved nations.

II. Scotland

The sovereignty game that Scotland plays is one with heightened stakes. Unlike in Wales or Bavaria, the prospect of an independent - i.e. fully sovereign - Scotland is a credible one; the Scottish Government in 2014 directly raised this prospect through a referendum of the Scottish electorate. Although the vote result in a narrow 'no' to Scottish independence, the

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[59] Interview data, senior Welsh Government official 2013
[60] Interview data, senior Welsh Government official 2013

game was indelibly marked by the moves made - both by the Scottish Government in calling for the vote, and by the UK Government in its acknowledgement of the right of the Scottish people to ultimately decide on continued membership of the Union. The game is also marked by the recent party-political dominance of the SNP, a dominance that 'ought' to have been impossible under the voting arrangements agreed for the Scottish Parliament (Cairney, 2011: 2) and, as in the case of European post-colonial sovereignty games, is often played out with reference to the EU - in particular, with the narrative of an independent Scotland integrated within a European Union.

Just as the nature of the sovereignty game in Scotland stands apart from our other case studies, Scotland's nation-building project, and the role that paradiplomacy plays within it, is also markedly different to that evident in Wales and Bavaria. For many stateless nations, Wales included, independence - an eventual state corresponding with the nation - is not the overriding aim of nation building efforts, at least not in the medium term perspective. For Scotland however, alongside nations such as Catalonia and FFlanderss, there is arguably a more explicit programme of state building that is the perceived end-point of 'softer' nation building strategies. In these instances, the value of sub-state diplomacy is potentially heightened: not only do mimicking strategies enhance the credibility of the stateless nation, by allowing it to appear a natural bedfellow of established states, they also allow an alternative 'state' message to be communicated, differentiating the stateless nation - in terms of its style of diplomacy or international policy - from the host state. This twin-track approach, seeking both credibility as an international 'player' and distance from the host state, was very much in evidence in the period leading up to Scotland's independence referendum in September 2014, and it is here that this analysis will focus. The Scottish Government's white paper on independence sets out, in a chapter on international relations and defence, the points of differentiation envisaged under the conditions of a 'yes' vote in the referendum. Several themes emerge that are marked in their explicit distancing from UK policy: levels of military spending, approaches to nuclear weaponry, attitudes towards the European Union, the relative importance of international consensus and coalition building, the placing of constitutional 'locks' on military action, and the value of international development and peace-building.

Introducing this section of the white paper, the Scottish Government lay out their alternative vision for foreign and defence policy post-independence:

> Under our plans, Scotland's foreign, security and defence policies will be grounded in a clear framework of participating in rules-based international co-operation to secure shared interests, protecting Scotland's people and resources and promoting sustainable economic growth (Scottish Government, 2013b: 206).

So far, so uncontroversial; though there does seem to be an implied rebuke to the UK Government in this statement. Indeed, the chapter then moves on to draw lines of comparison between the envisaged approach of an independent Scotland and the current and historical international policies of the UK Government, lamenting the fact that "we are represented by a Westminster Government that has based its actions too often on different international priorities. We see that most clearly in matters of war and peace and in our relationship with the EU" (Scottish Government, 2013b: 209). Drawing this distinction most markedly, the white paper continues:

> While the UK seeks an ability to project global power, an independent Scotland can choose a different approach. If in government, we will direct our international efforts, first and foremost, into deepening and consolidating relationships with friends and partners, new and old, across the world and, through this, expanding opportunities for people and businesses in Scotland (Scottish Government, 2013b: 210).

While distancing an independent Scotland from the rest of the UK, the white paper is also keen to draw allegiances and make reference to existing states whose approaches to foreign policy were more or less in line with that being proposed. This strategy further evidences the Scottish Government's twin track approach to its nation-building efforts: at once placing Scotland happily amongst a cohort of other small, liberal democracies and at the same time allowing their distinctiveness, and the specific values of Scotland as a stateless nation, indeed state-in-waiting, to be articulated. The first element of this strategy is exemplified in the following passage:

> Scotland starts with an enviable reputation and a strong international identity. Our international brand is one of our most important assets as a country. Even without independent status, Scotland's international brand value already ranks 15th out of 50 nations, according to international comparisons published in 2012. Scotland has continually scored highly and is ranked similarly to - and

often ahead of - other comparably-sized, high income democracies such as Denmark, Finland, Ireland and New Zealand (Scottish Government, 2013b: 210-211).

Once the similar qualities of Scottish and other relatively small, liberal democracies have been established, the white paper then moves on to transposing those aspects of Scottish nationhood, their national values of tolerance, openness and pragmatism, onto the framework of foreign and defence policy. The implicit contrast running through the following passage is that between such value-led approaches to international affairs that draw strongly on soft-power resources and are cohered around a respect for coalitions and multilateralism, versus the militarism and uni- or bilateralism of the UK state - whose overseas footprint is based on "an imperial past" and "a desire for more global power" (Scottish Government, 2013b: 211):

> An independent Scotland can emulate comparable countries with the most effective approach to international affairs: soundly based policies which enable the country to engage seriously and competitively in the world; rigorous priorities for our international focus; and the right external relationships to advance and protect our interests. Countries of comparable size to Scotland take lead roles in international organisations. Sweden, New Zealand, Switzerland and Finland have all made significant global contributions to security, peace and reconciliation initiatives. New Zealand, for example, played a key role in the Oslo Process that banned cluster bombs and similar weapons. These nations capitalise on their soft power and build coalitions - normally informal and related to specific issues - to advance their objectives. The effectiveness of a coalition lies less in the sheer numbers involved and more in their ability to develop strong and sound arguments for negotiations (Scottish Government, 2013b: 225).

The distinction between an independent Scotland's international policies and those of the UK is drawn most clearly with regards to defence policy, and nuclear weaponry more specifically, as the following passage demonstrates:

> An independent Scotland will have the opportunity to decide our own defence priorities to ensure our security, in partnership with our allies and within the wider international community. It will be the people of Scotland, through our Parliament who will decide whether or not our young men and women are sent to war and we can choose, through our written constitution, to put in place safeguards to ensure that Scottish forces will only ever participate in military activity that is internationally recognised as lawful and in accordance with the principles of the UN charter (Scottish Government, 2013b: 234).

Instead of the UK's perceived militarism, an independent Scotland would instead "create an approach to defence that positions us as partners for peace in the wider world", taking its place as a non-nuclear member of NATO and committing to the compete withdrawal of Trident. Part of this new approach would be the development of a written constitution for Scotland, banning nuclear weapons on Scottish soil and including a 'triple lock' on military deployments (Scottish Government, 2013b: 235-236). The inclusion of this policy - on the development of a written constitution - allows for the further distancing of an independent Scotland from the UK and its arcane, perhaps outdated unwritten constitution and the 'old boy's club' of Westminster politics. Instead, it places the Scottish nation amongst an assemblage of modern, liberal, democracies who prioritise an open and accountable parliamentary process.

These particular moves, made by Scotland in its sovereignty games throughout the 2014 referendum process, all highlight the broader strategy that Scotland employs in its paradiplomacy. Specifically, it mimics a certain type of state: a small, liberal democracy akin to its Nordic neighbours. During the referendum, the nature of the sovereignty game changed as a direct challenge was made to the relative power distribution between Scotland and the UK; it was no longer about a seat at the table as a 'potential' state.

III. Bavaria

The sovereignty game evident in Bavaria is one premised on an altogether sounder and more settled constitutional arrangement between it and the Federal Government. Unlike in Wales and Scotland, the power dispersal between state and sub-state government is both (reasonably) clear and stable. Instead, the game is played largely with reference to the financial burden and responsibility borne by Bavaria, with occasional moves made to remind the Federal and other Land Governments of this willing act of self-sacrifice. The history of Bavaria as a sovereign is frequently played on and referenced as a way to push at the boundaries of their formal constitutional capabilities, in areas such as EU representation and policy input - with a key component of its sovereignty games being the resistance of any further encroachment (as the Bavarian Government sees it) by the EU on their own

competences. Therefore, while the sovereignty games being played in Bavaria may be 'milder' than those in Scotland and Wales, both of whom - in different ways - want to recast the relationship between state and sub-state government, the game does indeed harness the discursive power of sovereignty in appealing to the special status of Bavaria within the German Federation. In the current political climate, where Bavaria's Government wish to exert a conservative moderating force on the Federal Coalition, this game is played in multiple arenas - both through the actions of the Bavarian State Government, and through the Prime Minister's role in the Federal Government.

For Bavaria, the ways that paradiplomatic activity feed into its nation-building project stand apart from those demonstrated in Wales and Scotland. Almost entirely absent are appeals to dominant, liberal, international norms. Instead, the history of Bavaria as an 'ancient state', and both the political and economic power that it currently wields within the German Federal Republic are the resources upon which it draws in its mimicry of statehood. Thematically, Bavarian paradiplomacy in fact departs from such dominant norms, reflecting a conservative agenda that is wary both of European integration and broader migration. The nation that is reflected and bolstered through such engagements, therefore, is one whose legitimacy stems from the essential tenets of statehood: effectiveness, influence and the historical architecture of a fully fledged sovereign. What is being mimicked, in this case, is not the specific discourse of dominant international norms, but instead the efficiency and economic actorness of a state per se. The international personality that is created, however, is also one that reflects the national distinctiveness of the Bavarian people, both rebellious and self-assured in their traditions; traits that the conservative paradiplomacy of the state performs for the benefit of domestic and international audiences.

The narrative of Bavarian statehood is thus one of an effective and ancient state, willingly relinquishing an element of sovereignty to belong to the German Federation, but ever mindful of the fact that it possess such state-like qualities in its own right. Bavaria's current borders are "almost identical" to its origins: "the shape has somehow been transformed by different events, but the core of it is still there since 1500 years". Important to Bavaria's current status is the period of Wiltesbark rule, between 1180 and 1919, an almost 800 year period of "one

single dynasty leading this part of the world and shaping its identity". This stable identity, combined with the geographical position of Bavaria, allowed it to occupy a particular place in the history of Europe as a 'middle power':

> Bavaria has always been a kind of a middle power inside all these turmoil it has considered itself - it has strived to be - a more important power, by maybe trying to become king, the Kaiser, or Emperor, and has always had coalitions, it has always been marked. Munich has never achieved the ambitions that were there to Paris, Vienna, Berlin and Rome - because these are really described the four, the quadrangle that we are located in the centre of, which has always shaped the special influence.[61]

This narrative is one inextricably bound with the political ideals and objectives of Bavaria's dominant party, the CSU - a party whose very success is in turn bound up in their ability to carve out and mobilise a distinct territorial cleavage in the state's politics (Sutherland, 2001). According to Hepburn, the CSU has mobilised a Bavarian identity "as part of its political project" (Hepburn, 2008a: 184-185), and their ability to harness the idea of Bavarian cultural distinctiveness has been key to their gaining political power (Hepburn and Hough, 2012: 93). The international stage is a particularly useful one when it comes to articulating this Bavarian identity. Speaking in relation to the choice of the term 'nation' to describe Bavaria, in an English-speaking context, Hepburn sees such declarations as evidence of the CSU's desire for Bavaria "to be considered as a distinct political and cultural entity on a par with the stateless nations of the developed world" (Hepburn, 2008a: 185). As a move in the sovereignty game, Bavaria is appealing to other sub-state governments internationally and claiming membership of this more exclusive club of nations. There is a related desire on the part of Bavarian officials and politicians for their international activities to reflect and reaffirm Bavaria's 'special history'; a history that provides enduringly relevant reference points in an explanation of how, and why, Bavaria's paradiplomacy has evolved to its current state. The following extract from an interview with a senior Bavarian Government official, discussing the leadership of King Maximilian during the 30 years war, demonstrates this linkage well. [62]

> His philosophy was to lead an internal reform of the state, not a reform through reformation but internal reform. He called upon the Jesuits he called

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[61] Interview data, Senior Bavarian Government Official, 2013
[62] Interview data, Senior Bavarian Government official, interview 2013

on the Dominicans and other clergy that should conduct a reform. And he conducted a reform of the state and he reigned over Bavaria... during this period the war of thirty years and he came out with almost a balanced budget. So this is really a comparison, I don't want to draw these parallels too often but this was a remarkable man, his decisions shaped really Bavaria and determined the position of Bavaria inside the then confessionally separated parts of Germany, it was really his mark that he left upon Bavaria.[63]

Indeed, its distinctive history binds Bavaria to the very "birth of Europe".[64] This centrality to the major events in European and latterly German history has left Bavaria with a self-assuredness that marks it apart from other German Länder, and is reflected in their understanding of the relationship between the Federation and state governments:

So in 1946 the Bavarian constitution which is now our constitution was made, and in 1949, only in 1949, the German constitution. So its an important fact to note that the Länder were constituted before the federal republic of Germany, and it was the Länder that sat together and drafted - under the supervision of the allied forces - a new constitution for Germany and then voted on it. And Bavaria voted against the new constitution because it was said to have too few federalist elements - in our case federalism means centrifugal rather than centripetal powers - and so, but at the same time it was decided that if all the others accepted we would go through anyway. So this is what happened. And then we became part of this new federal republic of Germany, Bavaria was one of the - you can see by the name - was one of the states who was left fairly untouched in its historical shape, unlike all those who have these hyphen names, you can see it by the hyphen that they are composed as new entities.[65]

The legacy of Bavaria's unbroken identity, its centrality to the 'birth of Europe' and its historical 'middle power' status is that it sees itself as a polity with much to teach incipient states. A key strand of its international activities relate to the support - what might otherwise be termed democracy assistance - of countries in Central, Eastern and South-East Europe "on the way into the EU". It is, in other words, normative paradiplomacy. Specifically, the Bavarian Government focuses on: "the fight against organised crime, cross-border cooperation among administrative bodies, the exchange of expertise and qualification of executive staff",

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[63] Interview data, Senior Bavarian Government official, 2013
[64] Interview data, Senior Bavarian Government official, 2013
[65] Interview data, Senior Bavarian Government official, interview 2013

primarily through the framework of twinning projects. Examples include experts from the Bavarian judiciary providing advice on legislation in countries of Eastern and South-East Europe in fields such as under-cover investigation and the fight against corruption, and the advisory service of Bavarian administrative personnel on issues involving state supervision of local authorities (Bayerische Staatskanzlei, 2010). This form of normative paradiplomacy may not follow the precise trajectory of international development projects in Wales and Scotland, and the broader narratives around them may differ, yet the emphasis on 'official to official' learning and exchange is really quite similar to the reciprocal approach to sustainable development that is at the centre of both the Wales for Africa and Scotland Lesotho projects. The mimicry of this type of low profile, pragmatic democracy assistance is also a form of diplomacy that demonstrates its state-like qualities in a pragmatic way, focussed on expertise and experience. This paradiplomacy thus displays those attributes of Bavarian nationhood that are premised on its history as an ancient state and its overall competence and political prowess within a Federal structure.

Contrasted with Wales' paradiplomacy - drawing on the 'myth of Welsh radicalism' - Bavaria's paradiplomacy draws on perceptions of efficiency and transparency, demonstrably a part of the self-identification of the Bavarian nation. Democracy assistance in Central, Eastern and South-East Europe also builds on aspects of Bavarian nationhood that relate to its more recent history - and indeed the aspect of 'self-sacrifice' implied in its ratification of the German Constitution despite the perceived lack of protection for Länder autonomy. Perhaps in a conscious rejoinder to its legacy as the birthplace of the Nazi movement, Bavaria's response to German reunification in the 1990s presented an opportunity to recast the nation in a more positive light, willingly absorbing significant economic cost for the benefit of the Federation as a whole:

> In 1990 with the unification came the enlargement or the unification of Germany which led again, Bavaria positioned itself to be proud to be part of this – it's an unquestioned situation that, nobody ever in Bavaria with all the separatism that is part of our political folk lore, has never questioned the unification process. I don't know if it is surprising but it is noteworthy, that this

is something that was even with all the economic difficulties, has never been questioned.[66]

After German reunification, the population of Bavaria expanded significantly, leading the state to become "much more German and international than it used to be", leading the reunification phase to mark "another era" in the state's development, all of which feed into its current nation-building exercises.[67]

The paradiplomacy of sub-state governments reflects hugely different levels of contestation. Of course, whether or not a region cooperates with state-activities, or adopts a more confrontational stance can vary on an ad hoc basis, but it can also be discerned as an overall feature of paradiplomatic strategy, in terms of the prevalence of one approach over the other. In the German context, Bavaria is keen to stress that it conducts 'foreign affairs', rather than 'foreign policy', a reserved area of activity which remains solely the purview of Berlin, something which Criekemans argues is reflected in the limited number of 'political' representations that it maintains abroad (Criekemans, 2010b: 41). However, despite the fact that Bavaria's CSU is a core member of the Federal Government coalition, the diplomacy of Bavaria could be interpreted as being slightly *more* conflictual - or at least assertive - than one might expect. Bavarian officials have spoken of the role of 'critical friend' that they are able and willing to play in terms of their paradiplomacy, vis-à-vis the Federal government. This role is facilitated both by the constitutional stability of the Federal Republic and Bavaria's individual strength within it; "no one is really questioning us so we can afford to be the critical partner without questioning federalism as a whole... we are strong regions within a stable state".[68] This role of critical friend entails a degree of political 'play'; within an overall "spirit of cooperation", there remains "some sport, there's a political language - we are Bavarians and so we play with the images".[69] The Bavarian CSU positions itself, quite carefully, as "a bit more right" than Merkel's Berlin, as part of a "good-cop, bad-cop routine" related to the unique position of the state within the Federal coalition government. Bavaria's recent

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[66] Interview data, Senior Bavarian Government official, 2013.
[67] Interview data, Senior Bavarian Government official, 2013.
[68] Interview data, senior Bavarian Parliamentary official 2013
[69] Interview data, senior Bavarian Government official 2013

response to mass migration - this time from outside Europe - has in turn demonstrated the limits to its openness, and has precipitated a more 'hard-line' diplomatic stance when it comes to issues around migration.

Indeed, the weight of Bavaria - in political and economic terms – seems to make it particularly attractive as a the partner for the Federal Government in many international endeavours; the claim from a senior Bavarian Government official is that other German states are in some way "envious" of the extent that they are able to cooperate with the Federal Government, a position deemed unavailable to other German Länder because they simply "don't have the budgets".[70] It is this combination of an economically privileged position, with the historical weight and current political significance of Bavaria - and the leaders of its governing CSU - that seems to allow Bavaria to carve its own relations with states, notably Greece and the Czech Republic, and to ensure that its euro-scepticism is heard very clearly on both German and European stages.[71] This conservative approach to international politics may also manifest as a constraining force within the Federal CDU-CSU coalition, though this 'behind the scenes' influence is harder to assess. The public criticism of Chancellor Merkel's response to the 2016/2016-refugee crisis from Bavarian State Premier Horst Seehofer and other CSU politicians indicates that such pressures, on issues with key foreign policy implications, do indeed exist within the Federal coalition Government (Deutsche Welle, 2015).

The Bavarian Government's paradiplomacy thus reflects both its own, autonomous, international standing - as an historically important power - and the desire to ensure that it maintains its privileged position with relation the Federal Government. In other words, Bavaria's unique position within Germany - and the role of 'critical friend' that it plays to the Federal Government - both facilitate and motivate its paradiplomacy. The international stage offers an important arena for Bavaria's cultural and political distinctiveness to be performed for the benefit of multiple audiences: both within the state and the Federation. The sovereignty game being played in Bavaria is, in many - perhaps subtle – ways, different to that

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[70] Interview, senior Bavarian Government official, 2013
[71] Interview, senior Bavarian Parliamentary official, 2013

in both Wales and Scotland. Bavaria has always occupied an unusual position within the broadly stable German Federation: a previous sovereign state with a particularly long and consistent 'un-hyphenated' history,[72] it was the only Länder to reject the German Constitution, before eventually ratifying it for the perceived 'greater good'. It has been the most active Länder in paradiplomatic terms and has consistently pushed at the boundaries of its legal competence, particularly in the representative functions of its overseas offices, notably in Brussels. The Bavarian Government has played on this special status in the moves that it makes as part of their broader sovereignty game: using these markers as a way to safeguard its competences (which it sees as under threat from European integration) and regional distinctiveness.

Conclusion

We began this chapter with reference to the economic realities facing sub-state governments, and it is worth briefly returning to that starting point. All paradiplomatic activity represents an expenditure of resource: whether that is the running costs of a full overseas office, entertaining visiting VIPs, the plane tickets and hotel rooms required for 'overseas jaunts', the administrative burden of belonging to networks, signing Memoranda of Understanding - even the Ministerial time and energies involved in responding, via. press release, to global issues or crises. The current financial context facing sub-state governments, at least in Europe, is straightened, and government at all levels faces new expectations in terms of accountability for the money that they spend. Given this, the question of why sub-state governments in these circumstances still pursue paradiplomacy - where it does not provide an obvious, or arguable, economic return on precious investment - is one that we should continue to ask.

The answer isn't easily deducible. Very rarely is there a single, clear and rationale calculation that we can point to. Do sub-state governments use paradiplomacy to 'build the nation' domestically? Yes, undoubtedly. In reality, however, they do this in various way and to various ends. The value a sovereignty games metaphor lies in allowing us to consider this multitude

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[72] Interview data, senior Bavarian Government official 2013

of motivations on the part of all the composite players, the moves in the game made both by the sub-state government and its nation-state counterpart (or other actors - with Scotland often providing a frame of reference for Wales' sovereignty game), and the shifting, expansion and contraction of the rules that the game operates under. In short, it enables us to see a fuller picture of the more political motivations that drive paradiplomacy, an activity that is often - owing to the close association between international agency and sovereignty or statehood per se - a statement about relative power and authority. These statements are not always explicit, nor do moves in the game have to be rationally directed towards anything at all for them to still be "meaningfully conceived as included in the game" (Adler-Nissen and Gad, 2014: 18).

The sovereignty games being played in each of our case studies differ in important ways: there are different configurations of power between each of our cases and their respective state governments, as well as different systems of intergovernmental relations and degrees of party-political congruence. Though, perhaps surprisingly, each case - at different times and in different ways - utilises the strategy of mimicry in a similar range of ways: to appear as natural kin to existing states, to demonstrate adherence to dominant, liberal international norms and to emphasise state-like capacities or effectiveness. The games themselves encompass a, perhaps more distinct, variety of moves: towards independence in Scotland, a protection of existing competences in Bavaria and an incremental rebalancing of devolved and reserved powers in Wales.

And, yet. These sovereignty games are also remarkably similar. At heart, the game being played in each of these three cases is about the recognition of their 'special' status, as something more than a 'mere region'. Sovereignty games, to go back to Addler-Nissen and Gad's conception, are about the very constitution of one of the parties 'as a party to the game' itself (Adler-Nissen and Gad, 2014: 20). In reaching and conducting themselves upon a world stage, making forays into an area of policy "so closely articulated to sovereignty that it is considered the prerogative of the sovereign" (Adler-Nissen and Gad, 2014: 16), paradiplomats are doing more than simply dealing with the necessary overspill of domestic competence. In sum; 'it's all political'.

Chapter 5. Sub-state governments as International Agents: Learning to 'Walk the Walk'?

Introduction

Agency is a relatively unexplored concept in the field of paradiplomacy. That structural dynamics have taken the foreground in analyses of sub-state diplomacy owes much to timing; regions and 'stateless nations' were (re)establishing themselves as units of political significance just as the tide of globalisation, internationalisation and 'intermestic' politics swept the international relations stage. There was clearly an important interplay between the two phenomena. The blurring of boundaries between the domestic and the international, and those separating 'high' and 'low' politics, the diffusion of political authority amongst states and newer actors of increasing significance all implicated sub-state governments in structures and policy areas previously beyond their competences. Sub-state governments have undoubtedly used this more favourable context to pursue their international ambitions, at other times they have been less willingly thrust into areas that are outside their chosen frame of reference. However, the natural linkages between these two broad categories of change and transformation do not necessarily embody a causal relationship, or at the least any causality is not a satisfactory explanation for the entirety of paradiplomatic activity.

The relationship between the 'new' context and opportunities facing sub-state governments and the ways in which they choose to react to it is one that has not been fully problematized within the paradiplomacy literature. The key exceptions to this rule are the works of Lecours (2007; 2002; 2008; Lecours and Moreno, 2001), who has explicitly addressed the question of sub-state agency in the context of nation building and the role of paradiplomacy in identity-construction, and Keating (1999), who attempted to categorise the motivations regions had

in pursuing international profiles; political, cultural and economic. The relative sidelining of agency is all the more surprising given that the variety of sub-state diplomacy is one of its defining features. According to Criekemans (2010b: 39) "researching regional sub-state diplomacy is sometimes like comparing apples with pears: they look and taste different". Whilst some - indeed much - of this variety can be accounted for by structural differences within the region or stateless nation itself, in terms of foreign affairs capacities for example, there is clearly another side to the paradiplomacy story. As explored in the preceding chapter, the ways in which sub-state governments choose to participate in international affairs seems to depend not just on the qualities of the region itself but on the political choices made by its government, which in turn are informed by the dynamics of party competition and inter-governmental relations within the region and the wider state it sits inside.

This chapter looks in detail at the ways in which different sub-state governments construct their international agency. In particular, it employs the framework of Performativity to investigate the discrete 'performances' that tell both external actors and domestic audiences how the sub-state government sees itself, its region or stateless nation, and the place that it aspires to on the world stage. A Performativity framework attempts to go beyond fixed classifications of actors and capabilities and instead look at the actual interactions taking place, and the messages that these actions convey to both internal and external audiences in the process. In important ways, this perspective overcomes the challenge of analysing paradiplomatic activities in a way that takes into account the often-conflictual messages sent by its component actors: sub-state politicians and officials as well as diplomats at the national level and those from 'receiving' states and regions. Relating back to the metaphor of a sub-state sovereignty game, here we are examining the moves in the game: how the game manifests on a day-to-day basis and the ways in which sub-state governments are able to position themselves as credible international agents.

Paradiplomacy is indeed a field, and a practice, full of contradictions. On the one hand, we are told that sub-state internationalism is 'all about the economy', a necessary activity to maintain and support one's domestic policy platform. Yet, on the other, the political rhetoric that surrounds even the most mundane activity has clear overtones of much grander, and

more overtly 'diplomatic' ambitions. And again, this political rhetoric then dissipates into surprisingly amicable working arrangements and relations on the part of officials in sub- and nation-state governments. In turn, the 'official' or 'party' line from nation-state governments is alternately one of non-acknowledgement of paradiplomacy as a matter of any significance, to one where the practice infringes uncomfortably on national competences and the cohesive diplomatic identity of the state. Moreover, sub-state governments may use paradiplomacy to gain power vis-à-vis the central state, whilst at the same time the central state may use their regions' paradiplomacy as a type of 'back channel', bolstering national foreign policy. The framework of Performativity allows us to investigate the empirical practice of paradiplomacy in a way that brings these inherent tensions and contradictions to light, telling a much more nuanced - and, hopefully, accurate - story in the process.

In addition to employing a Performativity framework, this chapter also explores the role of legitimacy in its analysis of sub-state agency creation. When engaging directly in international politics, sub-state governments display a range of strategies aimed at legitimising their international activities. Indeed, legitimacy is a crucial part of international actorness in and of itself. Some opt to 'mimic' state-like diplomacy (McConnell et al., 2012), whereas others choose to operate more in the mode of an NGO, focussing more-or-less exclusively on one issue area. This choice manifests in the nature of the relationships sought and maintained on the international stage, and these 'positionings' in turn articulate different messages about the perceived status of the sub-state government itself, and the broader international position that they aspire to. The 'legitimacy question' is a further area that the paradiplomacy literature has yet to address in any depth. Yet, the range of legitimating strategies that sub-state governments employ to enhance their claims to international agency are probing not just for the study of paradiplomacy, but also for the 'bigger' questions of International Relations. Questions such as: who 'counts' as an international actor? What weight do international norms and logics of appropriateness carry in the process of agency creation? How is agency denied or conditioned by the activities of states or other actors? What is the relationship between internal and external legitimacy?

Despite the overlap of terminology: mimicry, sovereignty games and legitimacy, the focus of this chapter is distinct from the one immediately preceding it. Here, rather than concerning ourselves with the motivations that sub-state governments have for conducting their paradiplomacies, and the ways in which the configurations of their unique sovereignty games influence these driving forces, the focus is instead on how these actors manage to execute their strategies on the global stage. In other words, it investigates the precise moves within the sovereignty game that allow sub-state governments to develop an international profile: learning to 'walk the walk' and 'talk the talk' of diplomats.

This chapter progresses as follows. After a brief introduction to the framework of Performativity and a discussion of its applicability to paradiplomatic studies, the subsequent section uncovers the precise ways in which sub-state governments attempt to bring legitimacy to their international roles, both internally and externally, specifically looking to the framework of 'mimicry' as a particularly useful legitimising strategy. Finally, three examples will be explored which demonstrate the role that an individual performance, or a set of performances, can have in securing this legitimacy, as well as the processes of contestation that go with it: the establishment of Bavaria's 'grand' new European representation; the launch of the 'Wales for Africa' development assistance programme and Scottish diplomacy surrounding the arrival of two Chinese Pandas in an Edinburgh zoo. The arguments put forward here build on the idea that 'lessons from the margins' can be particularly illuminating (McConnell et al., 2012; Hocking, 1999). By looking at the real-life, day-to-day practices of diplomacy as carried out by a marginal and contested diplomatic actor we can potentially learn something more about diplomacy and international politics more generally. These implications will then be addressed in greater detail in chapter six of this thesis.

Paradiplomacy as Performance: An Introductory Note

The framework - or vocabulary - of Performativity has sociological roots and maintains loose English School and constructivist associations, at least within its applications to IR research;

though its theoretical underpinnings are notably fluid and varied, drawing on a particularly wide range of sources (in an international politics context see Neumann, 2003; McConnell et al., 2012; Barry, 2013; Ringmar, 2012; Weber, 1998; Bueger, 2011). According to Neumann (2003: 341): "instead of assuming a set of functions and a state structure and then deducing a set of truth claims from these assumptions, a growing number of scholars have begun to scrutinize how world politics are actually performed". This shift in focus allows for the heterogeneity of international politics, and, crucially for the purposes of this chapter, lends itself to an exploration of the ways in which international 'agents' become so.

A recent workshop on this theme explored the Performativity framework in more detail. In the context of controversial, or perhaps unexpected, 'performances' from a variety of marginal international relations actors, from financial markets to armed rebels, the workshop asked a series of questions. Do different performances create different qualities of agency? How are 'self' and 'other' linked in performances of agency? Can performances of agency fail, and if so what are the consequences? How is agency denied, sabotaged or de-constructed? The explicit task of the workshop was to "make visible the work that goes into the production of actors in international politics".[73]

For paradiplomatic investigations, these questions are all key. Sub-state governments were traditionally thought of as domestically bound actors, yet they are increasingly looking to the international sphere, attempting to establish themselves as legitimate actors in this new context. Therefore there is a clear and defined process of agency-creation to be explored. Meanwhile, the 'nested' context that paradiplomacy necessarily takes place within means that messages are simultaneously being sent and received by a variety of relevant actors. 'Performing' international politics conveys meaning to external actors (in terms of the capacities or relevance of sub-state governments as policy makers), to domestic audiences (in terms of the image portrayed of the region and its international status), and to the 'host state' itself, perhaps challenging their competence in certain areas. A Performativity

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[73] 'Performativity and International Politics', workshop held at the Goethe University Frankfurt on the 21st-22nd February 2014. Author in attendance.

framework further lends itself to exploring in greater depth the dynamic between host-state and sub-state governments; in particular the ways that agency-creation may be policed, constrained or indeed facilitated by the former.

The framework of Performativity also has a natural congruence with the role of 'mimicry' in the legitimation of sub-state diplomacy, which itself is about performing and re-performing narratives of international actorness, statesmanship and diplomacy (McConnell et al., 2012). The extent to which the international performances of sub-state governments mimic or otherwise the traditional discourse of state-diplomacy perhaps tells us something both about the discrete aims of that actor, and more broadly about the pervasiveness of those pre-existing international norms themselves.

The new rules of the game

To the extent that paradiplomacy has become 'normalised' (Cornago, 2010) in the past two decades, this has not occurred in a vacuum. Much has been written about opportunity structures provided by the processes of European integration and the related rise of regionalism and devolution, both within the EU and beyond (Hepburn, 2007; Hepburn, 2009; Elias, 2008; Keating, 2008; Keating, 1999; Hepburn, 2008b; Carter and Pasquier, 2010; Aldecoa and Keating, 1999b; Aldecoa and Keating, 1999a; Moore, 2008a; Bursens and Deforche, 2008). But there is perhaps also a messier, more contested story to be told around the unbundling of sub-state governments from their domestic policy settings. Authors such as Buzan and Albert (2010: 333) and Schreuer (1993: 450) have highlighted the *de facto* functional differentiation in the international system that has arisen from a new diversity of actors entering into arrangements with one another. Both of these authors - writing from different disciplines and seventeen years apart - also argue that their respective fields, international relations and international law, have failed to properly account for these changes. For example, Schreuer (1993: 450) argues that the typical classification of such agreements, specifically between sub-state governments, as "extra-legal and not properly belonging to the sphere of international law", is "probably more the expression of an inability

to come to terms with this phenomenon than an adequate description of reality". Perhaps a case of the disciplining function of state-sovereignty discourses, activities falling outside these parameters are - knowingly or otherwise - reclassified as non-diplomatic, extra-legal and, therefore, largely inconsequential. In the specific context of sub-state diplomacy, Hocking (1999: 21) argues that: "many of the terms coined during the 1980s to describe [sub-state diplomacy]… such as paradiplomacy or protodiplomacy - are suggestive of a second-order set of activities, pale imitations of 'real' diplomacy, and help to disguise the distinctiveness of what is being examined".

Literature on this 'new phenomenon' and its relationship to the discipline of international relations abounded for a period in the late 1980s - early 2000s, specifically in terms of a disaggregation of concepts bundled up in the "Westphalian myth" or "Westphalian syndrome" (Caporaso, 2000). Several authors questioned the field's ability to conceptualise such a change, given the pervasiveness of established norms (Ruggie, 1993; Caporaso, 2000; Albert et al., 2001). Specifically, Ruggie (1993: 140-143) argues that there is "an extraordinarily impoverished mind-set at work", one only able to "visualize long-term challenges to the system of states only in terms of the entities that are institutionally substitutable for the state". He continues that:

> We are not very good as a discipline at studying the possibility of fundamental discontinuity in the international system; that is addressing the question of whether the modern system of states may be yielding in some instances to postmodern forms of configuring political space. We lack even an adequate vocabulary; and what we cannot describe, we cannot explain (Ruggie, 1993: 143).

The consequence of such an inability to account for these challenges to the norms of absolute sovereignty, authority and territoriality is that certain areas of international activity are 'down-graded', and not considered in terms of their potential impact or significance on this higher plane of international society. For Lapid, the International Relations discipline's "fascination with sovereign statehood has greatly decreased its ability to confront issues of ethnic nationhood and political otherhood" (Lapid, 1996:10 cited in Shain and Barth, 2003: 460). For the purposes of our discussion, a similar argument may be made as it relates to scant attention paid to paradiplomatic activity from within the field of International Relations.

Though highly contested, one could certainly make the argument that the appropriation of international policy space by sub-state units, and in many cases the claims to representation they make, has theoretical consequences for the discipline of International Relations. In particular, the competing claims as to who can authoritatively 'speak for the people', on the one hand, and the ways in which the external identity of a state may be altered by the international activities of its constituent units, on the other, would seem to be a core part of what Ruggie describes as the "unbundling" of territoriality, a central concept whose neglect on the part of international relations scholars he treats as akin to "never looking at the ground one is walking on" (1993: 173). Indeed, by allowing sub-state governments a role in external affairs, limited by contextual and constitutional factors in different states, both the state and sub-state governments may be conceived of entering into what Caporaso (2000: 4-5) describes as a "sovereignty bargain", one of many such bargains that must go un-accounted for because "concepts such as sovereignty and territoriality have been treated as if they could take on two possible values - present or absent, sovereign or not sovereign, territorial or non-territorial". Once again, the framework of sovereignty games seems particularly apt here, allowing us to better account for the range of possibilities regarding the distribution of power and authority amongst different tiers of government.

However, as much as the language of Westphalian sovereignty might constrain the exploration of empirical shifts in the practice of global politics, the language of transformation and change may equally misrepresent the precise nature of these developments. In a paradiplomatic context, Hocking (1999: 20) contends that "if there has been a 'power shift' in world politics, underpinned by new economic forces and the growing influence of 'new actors' such as non-governmental organisations (NGOs), it has been more subtle than sometimes suggested, and mapping it is proving to be a contentious exercise". In theoretical terms, paradiplomatic activities, therefore, can be caught between the proverbial rock and hard-place: appropriated as evidence of systemic shifts in global politics or dismissed as a largely irrelevant provincial practice. The more nuanced story struggles to be told. Analysing paradiplomacy in process, rather than event, terms, in particular the ways in which it relates to the trajectory of sub-state nationalism and 'soft' nation building, may be more illuminating.

In sum, considering paradiplomacy as part of a messier, more contentious story of the multiplicity of political agency in the post-cold war era is something more than 'explaining it away' as a consequence of the pre-determined logics of globalization, European integration and regionalism. Such political agency on the part of sub-state governments, as we will explore below, is potentially transformative in itself: in the ways that it challenges - often implicitly - the authority of other actors. The agreements, relationships and institutions created by sub-state actors as part of their interactions with one another draw on typically 'governmental' attributes and sources of legitimacy: representativeness, effectiveness and territoriality. If these, then, are the 'new rules of the game', the political agency of certain sub-state governments has changed the structural context that all sub-state governments now face in the international sphere. Is paradiplomatic activity thus informed by an expectation that this is what sub-state governments 'should' be doing; much as regions in asymmetric states are 'learning to catch the wave' of constitutional reform and regional autonomy (Hombrado, 2011)? The role of inter-group learning and norm creation amongst sub-state governments has been little studied in a paradiplomacy context, yet there is clear evidence of this sort of referencing from the actors themselves. For example, Bavaria frequently uses its contemporaries to convey messages about precisely what 'type' of actor it is: it's a 'regional leader', placed alongside other economically advanced, constitutional regions in a global network of that nomenclature, it's a nation "very similar to Scotland" (Minister President Eberhard Sinner, cited in Hepburn, 2008a: 185), but not "comparable" to 'separatist' Catalonia.[74] The 'new rules of the game' thus both reflect the new-found international agency of sub-state governments, and the context that sub-state governments, as a broader category of actor, find themselves within. Considering it from this perspective perhaps provides a more contested, overtly political and agency focussed account than those of globalization and regionalism, at least the former of which has a tendency to treat regions themselves as passive participants in the process. A performativity framework, meanwhile, allows us to more accurately account for the paradoxical nature of paradiplomacy: the push

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[74] Interview data, Senior Bavarian Parliamentary Official 2013. Hepburn citation of course refers to Scotland before the SNP's first minority government in 2007.

and pull dynamics that seem to be a feature across all of our case studies. Paradiplomacy both challenges and reinforces state-level diplomacy. Looking in detail at the exact interactions taking place, free from rigid assumptions about what the sub-state tier can and should be doing on an international stage, allows these contradictory forces to come to the fore.

A focus on the political agency of sub-state governments is therefore a key contribution of this chapter. In order to appropriate international space, sub-state governments must first make some sort of claim as to their international legitimacy. In other words, they must convince other actors of their virtue on the global, rather than the local, stage. This task is in many ways a priori - what comes next is the day-to-day business of 'walking the walk' and 'talking the talk' of an international actor. The concept of legitimacy as it relates to international relations is addressed below. The utility or otherwise of mimicry as a legitimating strategy will also be examined, before we move on to consider three short examples - from each of our case studies - which demonstrate these aforementioned processes of agency creation and contestation.

Speaking 'for the people' or speaking 'like a state'? Paradiplomacy and Legitimacy

According to Mulligan (2006: 349-350): "few problems loom larger in political life, in both the theory and practice of government, than those phrased in terms of 'legitimacy'". As such, he continues, legitimacy has "come to the fore as a 'master question' of international relations". It is at once a concept that "seems to signify some crucial and reasonably discrete feature of political life", and yet at the same time is highly elusive, allied with a range of "conceptual affiliates" from "legality to popular approval to moral appropriateness". In other words, despite the inherent ambiguity of the term, it is used by both theorists and practitioners as if the definition is instead concrete, compounding this lack of clarity (Mulligan, 2006: 349-351).

For Collingwood (2006: 439) "in an era of globalisation, discrepancies have emerged between political ideas and the realities of the global distribution of power". Relatedly, therefore,

Collingwood argues that two particular questions result from such discrepancies: "the question of which actors should exercise power at the international level", and "which rules should govern their action". At the heart of such questions is the notion that the processes of globalisation cited above "have given economic and political power to actors that are insufficiently accountable to citizens", in contrast to the "formal accountability" owed to voters by democratic states (Collingwood, 2006: 446). Debate abounds as to who is, and who is not, a legitimate actor, as well as to what the relationship between internal and external legitimacy ought to be. Such discussion takes in issues from the perceived internal illegitimacy of postcolonial African states, lacking "affinity with constituent sub-state groups" (Okafor, 2000: 522), to the European Union's recently established external legitimacy, crafted from notions of a "normative, value-driven" international policy" (Youngs, 2004: 415).

The diplomacy of sub-state governments, however, poses slightly different questions. The formal link between voters and their democratically elected government *does* exist, in exactly the same way as between a state and its citizens. The question is perhaps instead whether this legitimacy extends to areas beyond their 'usual' and overwhelmingly domestic spheres of activity. If "'legitimate' behaviour is rightful behaviour: undertaken by the appropriate authority, in line with an agreed set of rules, and with appropriate or intended effects" (Collingwood, 2006: 444), then the challenge for sub-state governments is to make a claim to such appropriateness both in the international fields it enters, and in terms of the ways in which it operates. For paradiplomacy, therefore, the 'legitimacy question' is twofold. Sub-state governments, particularly those representing stateless nations, covet legitimacy in terms of representing their 'people'; there can be competitive overtones to such actions, representing their people better, or more accurately, than the state. The Scottish voice following the 2016 Brexit referendum arguably reflects a key example of this dynamic. Additionally, sub-state governments attempt to establish a legitimacy to their international activities, a 'right' to act in the global arena. For some sub-state actors, therefore, practicing diplomacy in a way that mirrors its most prestigious form, inter-state diplomacy, is a method of achieving such legitimacy. This is both because of the axiomatic relationship between diplomacy and representation (Sharp, 1999) and because of the role of diplomacy in conferring legitimacy, as a discourse of "recognition and authority" (McConnell et al., 2012:

804). This is the case not only with inter-state diplomacy, though this may be a pinnacle in the regard, but also with other forms of diplomacy that *appear* 'official' in one form or another. In another vein, the grounding of paradiplomacy in domestic competences - or issue areas where the 'rightness' of sub-state involvement is taken more-or-less for granted - also acts as a source of legitimacy, with sub-state governments appealing to their position at the 'receiving end' of global governance on a variety of issues, from the environment to terrorism.

Making such claims to legitimacy, for 'new' diplomatic actors, is perhaps made an easier task by the diffusion of authority (both towards transnational organisations, on the one hand, and sub-state groups on the other) that - arguably - has already taken place, leaving "redefined criteria of political legitimacy" in its wake (Rosenau, 1992: 256). What, then, might these redefined criteria of political legitimacy look like? Taking one forthright view, for Guibernau (1996: 59-62) the matter is in fact straightforward, at least as it applies to the 'downward' direction of travel: a legitimate state is one that corresponds to the nation, where an illegitimate state is one which is comprised of different nations. For the group of sub-state governments representing 'stateless nations', this classification is clearly significant, and indeed much of their more advanced paradiplomatic activity represents a clear contest for exactly which authority most accurately 'speaks for the people' of the nation in question. The role of foreign policy, in particular its exclusion from most constitutional provisions for sub-state autonomy, even in the case of federations, is crucial for Guibernau (2004: 1254). It is this exclusion that precludes such sub-state nations from practising meaningful independence, a sentiment that perhaps highlights the importance of paradiplomatic practices - especially in those cases where a stateless nation employs particularly advanced and ambitious strategies - for the purposes of mimicking the foreign policy functions of the state, and the value of the symbolic capital that such strategies can generate. Guibernau sees stateless nations as a particular type of political community, one growing in significance and "able to capture and promote sentiments of loyalty, solidarity and community among individuals who seem to have developed a growing need for identity" (Guibernau, 2004: 1255).

However, even if we accept the argument that sub-state political communities, particularly those representing distinct nations, are ever-more salient and growing in significance, establishing legitimacy in their international endeavours is a separate process, one which is being shared with other non-state actors operating at the international level. In diplomatic terms, the issue of legitimacy is essential, representing the basis for recognition of the actors involved in international affairs and then conferred on individual political actors in diplomatic negotiations (La Porte, 2012; McConnell et al., 2012). There is also perhaps a revealing tautology in evidence here: in the international realm, the key source of legitimacy is international recognition. Other forms of legitimacy exist, including democratic representativeness - through elections in the case of governments - or the "delegation" of this legitimacy to international bodies (La Porte, 2012: 450). In the case of non-sate actors, legitimacy is granted - by the public and other political actors - on the basis of their 'representativity', or their "capacity to represent the public's interests in deliberation processes." Here, La Porte is referring primarily to NGOs and other transnational organisations, and this 'representativity' corresponds to the quantity or quality of the citizens who share their ideas, values or initiatives" (La Porte, 2012: 454). In addition to these representative qualities, the idea of effectiveness as an alternate source of legitimacy has also been considered from the view of non-state actors (La Porte, 2012: 452); signified by expertise for NGOs and policy-networks (Sharp, 1999: 55), or by economic prowess and the ability to 'get things done' in the case of cities (Acuto, 2013; Bulkeley and Schroeder, 2011; Curtis, 2011).

For directly elected sub-state governments, able to draw on 'representative' legitimacy, their claims to a role outwith the borders of the state are premised on two distinct narratives. The first is that, "foreign affairs are not autonomous - they are always about something" (Hocking, 1986: 480). In other words, claims to legitimacy are based on a sub-state government's domestic competences and the 'necessary' international components or ramifications of such domestic powers. According to 'Bavaria in the World', published by the state Government, "for a highly advanced state like Bavaria, with a deeply rooted identity, it is impossible to imagine a sound future development without it being embedded in an international framework" (Bayerische Staatskanzlei, 2010) . The second narrative rests on the role of sub-

state governments, as elected officials of the region or stateless nation, in representing the specific interests of that region where they differ from those of the host-state at large. For example, in the UK, newly devolved regions were able to participate in EU policy processes in much more formalised and extensive ways following the election of sub-state authorities in 1999, drawing on a "new source of legitimacy" (Bulmer et al., 2006: 77).

In sum, legitimacy is a concept that is central to paradiplomatic activity: either being asserted by a sub-state government, or indeed denied or challenged by other actors. Sub-state governments draw on multiple, overlapping and occasionally contradictory sources of legitimacy in their international engagements. The most compelling of these are often their representational qualities: as elected representatives of a clearly defined community or locale. In some cases, and certainly in those of stateless nations, the claims of sub-state governments can go a step further: to represent a distinct 'people'. Clearly, these claims overlap with those made by a sovereign state: representing the larger community or territory within which the smaller unit resides.

The particularity of a sub-state government's claim to legitimacy is therefore premised precisely on their difference to the 'host' state. Whether in terms of economic prowess, or high-tech industries - as in the paradiplomatic activities of California, Beijing and Bavaria; their normative credentials - as in the international sustainable development activities of Wales and Scotland or the democracy assistance programmes of Bavaria; or indeed their relative deprivation or political or ethnic subjugation. Sub-state governments appeal both to principles of national sovereignty and self-determination - the attributes or interests of a 'people' of a region or stateless nation - and to functional discourses of geo-strategic position, territory or productivity. Bavaria is perhaps a case-in-point of successfully combining these two discourses. Their diplomatic activity is both steeped in its history and special status as a 'Freistaat' (it's 'reusable past' to use Hepburn's term (2008a: :187)), and strategically focussed around the narrative of its high-tech industry, a balancing act manifest in the phrase 'laptop und lederhosen' (Criekemans, 2010b: :41). Such claims to legitimacy on the basis of difference or particularity can be identified in singular instances, for example when a region stands to be disproportionally affected by an environmental issue, or indeed if its position leaves it

particularly vulnerable to conflict or international crime. Domestic political considerations can also temporarily mobilise these claims - the 2014 Scottish independence referendum being a key example here. Moreover, the discourse of particularity may be a near constant theme running through a sub-state government's international agency, and the claims it makes to a legitimate presence. The premise of much of Quebec's paradiplomacy, for example, is that of its cultural, linguistic and historical particularity within the Canadian context. More broadly, however, we can point to a particularly prevalent - and arguably effective - legitimating strategy for the international activities of sub-state governments: mimicry. This feature is seen in each of our three case studies, though in remarkably varied guises.

Looking to locate the particular 'unofficial' diplomacies of those non-state actors that aspire to some aspects of 'stateness', McConnell et al (2012: 804) argue that by "adapting Bhabha's notion of mimicry to diplomatic discourse, it demonstrates how non-state diplomacies draw on, mimic and intervene in the realm of formal political action in ways which both promote 'official' state diplomacy as an ideal and dilute its distinction from other, 'unofficial' diplomacies'". In doing so, the authors both identify the strategies used by non-state actors to legitimise their international activities, and at the same time account for the curious effects that such activities have on other, official diplomatic actors. In this second regard, unofficial diplomacies are understood as both "resemblance and menace" (McConnell et al., 2012). By mimicking symbols of statehood - adorning meetings and conferences with national flags, designating 'foreign offices' or ministries - and re-performing narratives of state sovereignty through attempts to "imitate formal and official diplomatic practices", non-state actors are seen as bolstering the very international system that they also challenge. Yet, at the same time, their very presence on the international stage, and the extent to which they are able to claim a portion of the international legitimacy typically reserved for states, weakens the state's monopoly on such concepts, and indeed challenges the "composition and status of the interstate system" (McConnell et al., 2012: 804).

The cases considered by McConnell et al. - the Tibetan Government in Exile, the International Christian Embassy in Jerusalem and Micropatrias (such as the Democratic Republic of Bobalania - "self declared nations that mimic and in many ways parody established sovereign

nation-states") - all constitute "remainders", left over from the 'legitimate' international system. According to the authors, "it is their excess that provides the constitutive outside to the diplomatic realm. Even as their existence threatens that system, the system relies on them for representational force to reify systematic norms". However, at the same time, the cases also "illustrate the representational power that can be tapped into through those discourses and practices" (McConnell et al., 2012: 811). The systemic effects of such unofficial diplomacies are therefore moderated: mimicry represents an important tool or strategy for non-state actors wishing to 'tap into' more conventional forms of legitimacy and authority on the world stage, while at the same time fundamentally restates and reaffirms the privileged status of states as the preeminent actors in international relations. In other words, the system-reinforcing effects of mimicry might account for the tepid ways in which paradiplomatic action is understood to have transformed the realm of diplomacy: for how subversive can such activities be, if mimicry is the sincerest form of flattery? The following section considers the 'mimicked' performances of Scotland, Wales and Bavaria in detail, highlighting the ways in which the official and the unofficial interact and, in turn, help to constitute one another.

I. The curious case of Scotland's Pandas

The Scottish Government's increasingly confident paradiplomacy can perhaps help to shed important light on the relationship between official and unofficial diplomacies, and the contest for legitimacy in representing 'the people' of Scotland. Indeed, one particular performance can illustrate the process of international agency creation - and contestation - quite clearly. The Scottish independence referendum, and the long campaign leading up to it, proved a strong catalyst in the development of international agency. Areas of 'high' politics - those typically 'out of bounds' for sub-state governments - such as security and defence policy - were suddenly brought into the discursive arena of the Scottish Government, faced with the prospect of Scotland assuming the mantle of statehood. Institutional developments quickly followed: a 'Defence Policy Unit' was soon established, as was a new ministerial post for External Affairs and International Development. As a consequence, Scottish ministers - often

controversially - entered into debates on aspects of the UK Government's foreign policy, claiming a legitimate voice in the 'big questions' facing the state as a whole, from the recognition of Palestine to international aid policy.

The Scottish Government has made no secret of its ambition to strengthen relations with China. Since 2006, they have published two 5-year strategies dedicated to developing this relationship, citing - in the most recent strategy - that:

> The 2012-13 once in a decade transition in national leadership in China presents every country with fresh challenges and opportunities for establishing broader and deeper links with China... The Scottish Government is committed to developing a long-term relationship with China based on shared values, partnership and trust (Scottish Government, 2012).

As part of this overall strategy, the Scottish Government outlines four guiding principles underpinning "all of Scotland's dealings with China and against which success will be measured": securing sustainable economic growth, respect for human rights and the rule of law, understanding of culture and increasing Scotland's influence (Scottish Government, 2012).

It is within this context that the narrative employed by the Scottish Government following the arrival of two Chinese Giant Pandas in Edinburgh's Zoo, must be understood. That Tian Tian and Yang Guang are now firmly ensconced on Scottish soil could not have escaped the attention of any visitor to Edinburgh airport in December 2011, or indeed for several years afterwards; life-sized cardboard cut-outs of the pair were one of the first sights to greet inbound passengers. It was with similar fanfare that the Scottish Government announced their arrival, taking out a full-page advert in Scottish newspapers with the headline 'Celebration of links between Scotland and China as pandas arrive in Edinburgh'. The article went on to state:

> Scotland's links with China go back a long way - from the 19th century, when trading first brought tea to our shores, to the modern day with Scots pupils learning Mandarin. Now, in a symbolic gesture of friendship between the countries, and following five years of political and diplomatic talks, the Chinese are gifting two giant pandas to live in Scotland, under the custodianship of Edinburgh Zoo...The Pandas' presence is a sign of a strengthened alliance with China, and opens up new opportunities in trade, culture and education with

the world's fastest growing economy. So as the countries' relationship continues to flourish, it's fitting that the traditional Scots song Auld Land Syne is widely known in China as the Friendship Song.(Scottish Government advert, cited by BBC Scotland, 2012).

Despite the fact that the 'panda diplomacy' was officially conducted between the Chinese and UK states (with the agreement being signed between the two governments in London and witnessed by UK Deputy Prime Minister Nick Clegg and Vice Premier of China Li Keqiang), albeit with a commercial agreement in place for the pandas to be housed at Edinburgh zoo, the Scottish Government attempted to appropriate this action. Their claim was that the 'gift' was evidence of the strong links between the two nations - China and Scotland - one made several times in subsequent campaigns. Given that the pandas' arrival in Edinburgh coincided with a high-profile trade mission to China by Alex Salmond and other Scottish officials, the appropriation of the 'panda diplomacy' appeared to be a reasonably orchestrated attempt to demonstrate Scotland's autonomous international standing, as something more than - and distinct from - a part of the UK. Indeed, during his visit to China Alex Salmond is quoted as stating, once again, that "The great gift of these giant pandas symbolises the great and growing relationship between Scotland and China, which we will take further forward tomorrow when Vice Premier Li and I meet and discuss Scotland and China's business, cultural and diplomatic links which are growing ever stronger to the benefit of both nations" (Alex Salmond, cited by BBC Scotland, 2011). In all but name, this interaction mimicked - very effectively - official diplomacy between sovereign states.

In fact, the aforementioned Scottish Government advert was later banned by the advertising standards authority for misleading the public about the commercial nature of the deal; the term 'gift' was found to be misleading (BBC Scotland, 2012)·. Meanwhile, the interpretation of the UK Foreign and Commonwealth Office and UK Deputy Prime Minister Nick Clegg was that the arrival of the pandas was a "reflection of the strength" of *their* relationship with China: "it shows that we can co-operate closely not only on commerce, but on a broad range of environmental and cultural issues as well". An FCO Minister added that "being able to welcome these pandas today is the culmination of many years hard work in both the UK and China…the loan symbolises a strengthening of our relationship with China…I am sure that

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thousands of British people will enjoy visiting the pandas" (Press release, UK Foreign and Commonwealth Office, 2011).

Meanwhile, the Chinese Ambassador to the UK is quoted as stating that: "Pandas are a Chinese national treasure. This historical agreement is a gift to the people of the UK from China. It will represent an important symbol of our friendship and will bring our two people closer together" (Press release, UK Foreign and Commonwealth Office, 2011). Friendship between two peoples and two nations is a theme which runs through each of these statements, yet it is clear that there is some discrepancy in terms of exactly which two peoples and two nations are linked by such friendship. How successful Scotland has been in its attempts to claim a diplomatic relationship with China through this performance remains to be seen. The tussle over 'ownership' of the panda diplomacy - a hugely important part of China's foreign policy (Hartig, 2013) - could be seen from the minute that the two pandas touched down at Edinburgh airport and is still being played out. Scotland's relations with China have become a cornerstone of its economic development strategy, and the symbol of the two pandas is one that the Scottish Government was keen to capitalise upon. Indeed, as paradiplomatic performances go, this was remarkably clear-cut in its attempt to sanction its own legitimacy. From referencing shared attributes of nationhood through to a sophisticated mimicking of official, high-level bilateral diplomacy, the Scottish Government were able to both make a claim for the rightness of its place as China's partner - as the legitimate interlocutors for the Scottish people -and for the appropriateness of its activities in diplomatic terms, in the wake of its "five years of political and diplomatic talks" (Scottish Government, cited by BBC Scotland, 2012).

Additionally, this performance of 'panda diplomacy' should be seen in the political context at the time. Earlier in the year the 2011 Scottish Parliament election had delivered the first SNP majority government, indeed the first majority government altogether since the Parliament itself was opened, a feat widely lauded in the context of a mixed-member electoral system designed to make such a result improbable (Cairney, 2011: 2). With Alex Salmond returning as First Minister, a referendum on Scottish independence was now firmly on the political cards. The Edinburgh Agreement, an undertaking on the part of both the Scottish and UK

Governments to ensure that a referendum on Scottish independence could take place, was signed on the 15th of October 2012 and followed months of protracted negotiations between the two governments. Therefore the timing of the pandas' arrival takes on an added significance: it fell during a period in which the SNP, with a newly strengthened mandate, was positioning Scotland as a potential state-in-waiting. Demonstrating their ability to negotiate with a dominant economic actor such as China was a crucial component in this task, allowing leading politicians such as Alex Salmond to play the role of global statesperson, 'mimic' high-status, bilateral diplomacy and communicate the SNP's ambitions for sovereign statehood to audiences in Scotland, across the UK and indeed globally.

II. *Vanguard Wales in Copenhagen & Lesotho*

'People in Wales have big hearts. They belong in a small country but, oh man, they really have the kick of a mule'. Archbishop Desmond Tutu on his visit to Wales, October 2012

The international performances of Wales, as a sub-state government, are not normally directed at third states (as we see evidence of in both Scotland and Bavaria), though the branding of 'Nato Wales' held in Newport during 2015 arguably acts to mediate this distinction. Predominantly, the focus is on region to region and multilateral, network-based engagement. In this 'case study within a case study', therefore, we'll look at two different performances that speak to the same broad narrative. This narrative reflects the use of domestic statutory instruments and devolved authority over issues with a clear 'genesis' in the National Assembly to consciously broaden the limited international remit that Wales has under the terms of the Government of Wales Act 2006. Wales has proved adept at using these domestically-grounded instruments to link to dominant liberal, international discourses and to tie itself into global programmes and structures - for example the UN's Millennium Development Goals or international climate change fora. A clear attempt to ground Wales' international engagements in territory where it has a perceived legitimacy, derived from the devolved responsibilities that the sub-state government has at a domestic level, can be seen in its paradiplomacy. These areas are consciously expanded; networking opportunities are seized and the profile-raising and nation building advantages of such activities are reaped.

The two sets of performances we will consider are those relating firstly to Wales' involvement in the Network of Regional Governments for Sustainable Development (nrg4SD) -as a founder of the group and then acting as co-chair during the Copenhagen Summit on climate change - and secondly the Wales for Africa programme, the basis for its launch in 2006 and the subsequent piece of legislation that builds on its novel legal framework, the 2015 Future Generations Act.

Nrg4SD was formed after a world summit on sustainable development in Johannesburg in 2002. Wales was a key founding member of the group, chairing the session at which the participants signed up to the 'Gautend Declaration', bringing the network into fruition. In Rhodri Morgan's words, 'this event would not have taken place without the leadership of Wales and other core regions' (Royles, 2012: 173). A key period for Wales' involvement in the network came post 2007 when Jane Davison became Minister for sustainability, environment and housing. She then became co-chair in 2009, a period which placed her in the international spotlight leading up to the Copenhagen Summit. During this period she was 'highly visible in representing the network internationally' (Royles, 2012: 175). Using a direct method of influence, in the run up to Copenhagen she "represented both the network and Wales at several high-profile events", and then during the summit itself:

> She met a number of senior international leaders and counterparts across the UK, chaired UNDP and climate group side events and spoke at events organised by the European Environment Agency and the United Nations environment programme. Day after being elected the First Minister of Wales, Carwyn Jones symbolically attended the climate leader's summit arranged by the climate group and spoke at a UN HABITAT-sponsored side-event in Copenhagen (Royles, 2012: 175).

In one notable exchange, Governor of California Arnold Schwarzenegger praised 'Welsh efforts to tackle climate change', telling Jane Davidson and her officials to 'keep up the good work'. Davidson was attending the reception at the Copenhagen Summit, hosted by Governor Schwarzenegger, in her capacity as chair of Nrg4SD and as the Welsh Minister responsible for climate change; an enhanced platform which had seen her deliver an address to "political leaders around the world" on the role that sub-national government can play in efforts to tackle climate change (BBC Wales, 2009). All of these performances reflect the ways in which a domestic platform or rationale within Wales - in this case the statutory responsibility it has

for sustainable development - can open international doors, providing an international legitimacy and a platform it would otherwise lack.

Undoubtedly, there has been a high level of ministerial commitment to the issue area of sustainable development and to nrg4SD and these have been crucial to the international rewards that the activities have borne:

> WAG's [the Welsh Assembly Government] strong political engagement in nrgd4SD has clearly benefited Wales in achieving a higher profile and has given an international platform for its sustainable development policies… more broadly, WAG's engagement has contributed to strengthening Wales international profile and branding. One interviewee explained 'there are immense opportunities that have been afforded to the network and therefore to the regions/country of which the chair represents in terms of issues of representation and being able to have that regional government dialogue on a world stage (Royles, 2012: 176).

Essentially, this is a case where learning to walk the international walk, and talk the international talk, has come to Wales through the conscious expansion of their - relatively narrow, in the context of our other two case studies - domestic remit. The Welsh Government's diplomacy surrounding the Copenhagen Summit portrayed the message that Wales - as a region charged with implementing climate change legislation and carrying the statutory responsibility for sustainable development - deserved a voice in negotiations aimed at creating an international regulatory framework in this same issue area. By consciously linking the local and the global elements of this debate, they have helped to position regional governments per se as a legitimate actor in this field. In its other capacity as chair of nrg4SD during these negotiations, Wales was afforded a higher profile and an official role in the proceedings, allowing interactions with international organisations and an audience which it may otherwise have struggled to attract.

This careful grounding of paradiplomacy in the domestic obligations of sub-state governance is something which we see frequently in Wales. According to one senior member of the National Assembly for Wales, whether or not an issue area has a grounding in the legislative competence of Wales is crucial:

> Clearly… the meat and potatoes of foreign affairs is a state level responsibility. But then in the minds of the actors there is quite a lot of room for an interest

in foreign relations because politics is conducted in a global world, in a European world, in various structures. Some of which have very direct links to Wales - European regional policy for example - CAP, environment increasingly, there's lots. So that draws us into the European dimension. But then climate change agendas draw you into activities, the UN. But it tends to be fairly functional... to what does relate to devolved responsibilities.[75]

Indeed, the same interviewee goes on to argue that where an issue has a "genesis" in the National Assembly, this enables the international dimensions of the area to be taken on, and is where sub-state activities are able to contribute most effectively. The context of Wales' international performances are therefore key to their perceived legitimacy and effectiveness. For a different interviewee:

Groups like nrg4SD, organisations like that which have an EU base but which are trying to interact with other groups across the globe, I suppose n a sense are kind of pioneering organisations, and I guess it's the kind of global climate change infrastructure which have made that possible in that sort of context. So I think there has to be a context for these sorts of things. I think in an ideal world you might be able to say 'well, regions can do it for themselves', and you know. I think the reality is that there has to be an international context which is driven by sovereign states in order for the sub-states to be able to make a meaningful contribution of the back of that. And that's my sense of it.[76]

This same rationale - of Wales' international legitimacy stemming from its devolved competences - can be seen, and arguably has been stretched in a more deliberate fashion, in the Welsh Government's flagship Wales for Africa programme. As Wyn Jones and Royles explain (Wyn Jones and Royles, 2012), the statuary basis for this initiative was far from clear-cut:

Given... that international development is a reserved matter, the constitutional basis for Assembly action required some innovative interpretation of its powers. Consequently, lawyers were involved in 'wading through legislation' seeking grounds on which Wales might act. The concept of 'mutual benefit' became central to justifying WAG's actions. Both Wales and the developing world were to be beneficiaries (WAG 2006,1). The concern with constitutional propriety was highlighted by the fact that the 'every particular action that we have taken under the framework has been checked with lawyers... there is a legal paragraph attached to every submission sent to the First Minister to approve the spending of money' (Wyn Jones and Royles, 2012: 260).

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[75] Welsh Assembly Member, interview 2013
[76] Senior Welsh Government Advisor, interview 2013

The performance of Wales in the field of international development is therefore one grounded in a hard-fought appropriation of the issue area and a novel statutory basis of mutual reciprocity. Broader themes also feed into Wales' performances in this regard, however: the image of Wales as an outward looking, tolerant nation, making an 'identifiably Welsh' contribution to international development. In celebrating 10 years of the Wales for Africa Programme, a Welsh Government report makes these links rather clearly:

> Wales has always been an outward looking nation, keen to play our part in the world. Ten years ago, in keeping with that outward looking spirit, we launched our Wales for Africa programme to encourage more people in Wales to get involved with development work in Africa… these partnerships characterise the Welsh approach to international development, where experiences and knowledge are shared in a spirit of mutual respect and reciprocity. This vibrant, civil-society based approach has seen friendships formed across Wales and Africa, as people work together practically, purposefully and meaningfully towards achieving the UN's Sustainable Development Goals SGDs. The vision of the SDGs is that of a shared, sustainably developed word in which no one is left behind. The Welsh Government is committed to being a part of the response to achieving this (Welsh Government, 2016).

Not only, therefore, are Wales' performances as part of this programme aimed at bringing forward a novel approach to international development, but they also allow Wales to tie itself to broader international structures and discourses - such as the UN's sustainable development goals - enhancing its international legitimacy as it is seen to make an 'identifiably Welsh' contribution to this issue area (Government, 2006), arguably in a fashion which is readily understood and accepted by other members of the international community. The messages Wales sends in this regard are not of a sub-state government attempting to challenge or circumvent the activities of a sovereign state, but instead bring a smaller-scale, practical, network-based approach to a global issue area. Once again, political will within Wales has appears to have been at the heart of this process. As one interviewee puts it:

> With Wales for Africa you could perfectly well argue, and people do from time to time, 'what's that got to do with us', we're not an aid giving body'… so I suppose, and actually that takes me to the second point I was going to make, that's a very good example, in that we're driven by our own powers, but we're also sort of driven by political judgement, political will and I think Wales for Africa is a good example of that. I mean, I think basically it's because Ministers,

> this Government, the previous Government, want to do it. Because there is a political will and political enthusiasm to have an engagement between Wales as a developed country and other parts of Africa which are un-developed or less-developed. And again though, interestingly in the case of Wales for Africa I think that was a case not just of political will here, but political will in civic society, where people were already doing stuff.[77]

The 'creative' interpretation of Wales' devolution dispensation to allow for the Wales for Africa programme (aided to a large degree by the precedent set by Scotland in its Lesotho programme), as well as the model of reciprocity borne out by this particular model have also inspired new legislation in Wales, explicitly harnessing the future wellbeing of Welsh citizens to a range of global issues and therefore bringing them in to the discursive fold of Welsh politics:

> Wales for Africa's contribution to the SDGs [Sustainable Development Goals] helps to facilitate an identifiably Welsh response on international action based around co-development in a partnership approach... in a pioneering piece of legislation, the Welsh Government's Wellbeing of Future Generations Act (2015) commits us to improving the social, economic and cultural well-being of Wales. Since its passing, public bodies in Wales are more focussed on helping Wales demonstrate its commitment to the seven wellbeing goals including Goal 7 - a 'Globally Responsible Wales' (Welsh Government, 2016).

According to a director of Division for Sustainable Development in the Department of Economic and Social Affairs at the United Nations:

> The Wales Future Generations Act captures the spirit and essence of two decades of United Nations work in the area of sustainable development and serves as a model for other region and countries... we hope that what Wales is doing today the world will do tomorrow. Action, more than words, is the hope for our current and future generations (Welsh Government, 2016).

In Wales, the international performances around climate change and sustainable development do not typically attempt to mimic traditional state-state diplomacy or discourses in the ways that we find evidence of in Scotland. Having said this, crucial to many of the Welsh paradiplomatic endeavours explored above - and elsewhere in this thesis – are the precedents that Scotland has set in these same areas. Wales for Africa is premised, to a large extent, on Scotland's international development programme in Lesotho. Indeed,

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[77] Interview data, Senior Welsh Government Advisor, 2013

Scotland also belongs to many of the same networks as Wales and has a similar focus on areas such as climate change and the UN's Millennium Development Goals. The difference is that in addition to these network based, multilateral activities, Scotland also engages in much more 'state-like' endeavours which inevitably alter the ways in which its broader paradiplomatic presence is interpreted by other actors, in particularly the UK Government.

Returning to Wales, in the absence of some of the more ambitious or controversial activities seen in both Scotland and Bavaria, the Welsh Government has been able to operate in perhaps a more benign political context when it comes to paradiplomacy. Wales has successfully draw upon on the legitimacy and the representational opportunities of both broader regional networks - such as nrg4SD - and of international organisations and structures, such as the UN, specifically in relation to its millennium development goals. Notable in its approach has been the painstaking grounding of international programmes on climate change and international development in domestic statutory authority and legitimacy. It has also been seen to perform something 'identifiably Welsh' on the international stage: the role it has executed is not one easily confused with a state, but something inherently smaller scale. In committing to an approach of mutual reciprocity, both in the Wales for Africa programme and under the Wales Future Generations Act, Wales is harnessing the power of its smaller size, the necessities of grounding international aid in its own benefit, abilities and competences in order to create an approach that is more likely to be welcomed by the international community - and the UK Government - and at the same time is arguably more purposeful and perhaps effective than alternative models (Anyimadu, 2011).

III. Bavaria in Brussels

Portraying and harnessing the notion of Bavarian cultural distinctiveness has been crucial in terms of gaining, and maintaining, political power in the Land, and has been central to the success of the governing CSU (Hepburn and Hough, 2012: 93). This has obvious implications for the international activities of Bavaria, particularly within Europe; representing a key arena

for the performances of Bavaria as a strong, economically successful former sovereign, grounded by its special historical significance and cultural identity. There is, therefore, a clear domestic political motivation in performing Bavaria's cultural distinctiveness internationally.

Indeed, in Bavaria we find that the 'special' position of the Freistaat - in both historical and economic terms - is frequently referenced as part of its claims to legitimacy in international arenas. According to Bavarian Minister Eberhard Sinner; "Bavaria is one of the oldest states in Europe…we are very different from the rest of Germany, we like to be independent. We fight for more competences and powers for the regions" (Hepburn, 2008a: 194). This claim to 'special significance' is reflected in the attention paid by Bavarian officials to its 'un-hyphenated' status; the image of Bavaria as a long-standing, unchanging presence in the world is a key part of its attempts to appear 'state-like', in contradistinction to the "cluttered identity" of the "hyphenated states", such as Baden-Württemberg or North-Rhine-Westphalia.[78] Similarly, Bavaria is able to employ its treaty making power not only "to create substantial content-based cooperation with other partners", but also - importantly - "to further 'build' and 'enhance the international-legal recognition of the region'" as "a player that should be taken seriously in the "international arena'" (Criekemans, 2010b: 45); mimicking the treaty-based international arrangements maintained by states.

Bavaria's relationship with the European Union stands out amongst its sub-state government peers. The reasons for this are twofold. Firstly, Bavaria has a particularly well-resourced and impressive representation in the heart of Brussels, marking its status as 'one of the oldest states in Europe'. However, at the same time, the state's European interactions are strongly marked by its euro scepticism, with subsidiarity legislation and monitoring being the foremost areas of its activity. This euro sceptic approach to EU politics has much to do with the assessment that European policy is encroaching upon the natural territory of Länder such as Bavaria, 'hollowing out' the role they previously occupied and leaving insufficient room for sub-state influence within European institutions. Indeed, the role of the Bavarian Parliament's EU representative seems to be the direct scrutiny and monitoring of European institutions

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[78] Interview data, Senior Bavarian Government Official 2013

themselves, rather than keeping its own Bavarian Government in check.[79] From the scrupulous practice of the Early Warning System to the continued critiques of the subsidiary system, both the Bavarian Parliament and its Government take it upon themselves to be the active watchdogs of sub-state competence, considering it both a right and a duty to be the "critical but constructive partner of the EU".[80]

Set amongst this backdrop, the establishment of Bavaria's current Brussels representation in 2004 can be considered an important performance of its 'special' significance in Europe, not only mimicking but in fact outshining the official representations of member-states, including its own Federal Government. The specific context is also important here. The opening of independent Länder offices in Brussels was initially "highly controversial", with "questions raised as to their legality", under the German Constitution. Indeed, the response of the Länder themselves was to "work initially to fudge the basis upon which their first EU offices were built" (Moore, 2006: 196). The building of Bavaria's current representation was therefore a clear signal both to the Federal Government, and to European institutions, of Bavaria's legitimate presence in European affairs. According to Moore (2006: 192):

> The new Bavarian European Union (EU) representation, which opened at the end of September 2004, has set an important precedent among regional offices in Brussels. Paid for and lavishly renovated at a cost of almost E30 million to the Bavarian taxpayer, the building cuts an impressive figure, sandwiched between the European Parliament building in Brussels and the new Commission headquarters. The presence of Bavaria in the EU is thus set to become one which will be even more difficult to overlook

Speaking of the new representation, a senior Bavarian parliamentary official reasoned that:

> It's grand. It's historic…. It's an exclamation mark saying we are here in Brussels and we are not anywhere, we're not in some office building - we're in this big area and we took this historic building so everyone who comes to the European Parliament has to pass it. So this part of…the strategy, or the message, to say… we do something really special.[81]

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[79] Interview data, Senior Bavarian Parliamentary Official 2013
[80] Interview data, Senior Bavarian Parliamentary Official 2013
[81] Interview data, Senior Bavarian Parliamentary Official 2013

Indeed, this message of Bavarian 'specialness' amongst sub-state governments is something of a recurring theme. According to a different interviewee, Bavaria's ability to interact with sovereign states - such as the Czech Republic - depends upon the calculation that such actors make as to Bavaria's own status. The determination follows, therefore, that "Bavaria might not be sovereign", but its size, importance and economic power, means that they "outweigh perhaps 8 or 9 [member states] inside the European Union".[82]

In light of this self-perception, the Bavarian representation in Brussels again looks to represent a convincing performance of its power and status. Through mimicking, in an elaborate fashion, the official representations of member states, Bavaria is placing itself - in purely visual terms - in this very 'category' of actor, distancing itself from its sub-state peers in the process. Given the importance of the territorial cleavage within Bavarian politics, such a demonstration of status thus reflects a variety of motivations that the sub-state government may have for its paradiplomacy. By enhancing its ability to influence, and ultimately constrain, European policy, as well as monitor the activities of European institutions, Bavaria looks to safeguard its own areas of competence. At the same time, however, such performances send a message of stature to the federal government - reasserting its role as 'critical friend' to Berlin, as well as bolstering Bavarian identity and cultural distinctiveness. Critics of the representation have argued that it "harks back to the days of King Ludwig II", and branded the offices "Schloss Neuwahnstein" - the turreted hilltop castle built for the King during the 19th century (Moore, 2006: 192). However, given the centrality of the Freistaat narrative to Bavaria's paradiplomacy, and the role of its 'special history' in understanding its status both inside Germany and beyond, such criticisms seem to lose their potency. Instead, they become a rather apt caricature of Bavaria's current international position: a self-assured, critical partner of the Federal Republic, with a privileged international status stemming from its unique history, and facilitated by its economic prowess.

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[82] Interview data, Senior Bavarian Government Official 2013

Conclusion

Simply by conducting even the most humdrum of paradiplomatic activities, sub-state governments are engaged in building their international agencies. By reaching out beyond their domestic remits, a process of agency creation is underway. Examining this process from a performativity perspective allows us to "make visible the work that goes into the production of actors in international politics".[83] Of course, with agency creation comes contestation and the close policing of boundaries: we have seen this manifest in numerous guises as part of the case-studies above. From the UK and Scottish Government's tussle over China's act of 'Panda diplomacy'; to the slow acceptance and unspoken compromise over Bavaria's European representation, and indeed the status of all Land 'Vertung'; to the painstaking and 'creative' interpretation of the statue books in Wales and Scotland to allow a legal basis of mutual reciprocity in their international aid efforts.

For McConnell et al, paradiplomatic scholarship has traditionally focussed on the descriptive, rather than the analytical, meaning that "these scholars rarely question the legitimating work that diplomacy accomplishes or attend to the performative aspects of diplomatic practice" (McConnell et al., 2012: 806). This chapter has sought to raise those very questions. We have considered the various ways in which sub-state governments have attempted to secure legitimacy through the nature of their diplomatic interactions: drawing on their representational qualities; mimicking core features of official, bilateral diplomacy; making explicit their position on the 'front line' of global governance. Key differences were also identified in the range of performances we considered, both in terms of what form of diplomacy the sub-state government undertook and in the ways that the legitimacy of these actions was grounded. In Bavaria, we saw the literal 'trappings of statehood' mimicked in a highly visual fashion with the strategic location and scale of its Brussels representation. In this case, Bavaria drew heavily on its history as a sovereign and its economic prowess in order to position itself - in a geographical sense - as kin to full EU member states, rather than other

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[83] The aim of the Performativity and International Politics', workshop held at the Goethe University Frankfurt on the 21st-22nd February 2014. Author in attendance.

regions. In Scotland, an act of bilateral diplomacy actually exchanged - in 'official' terms - between China and the UK was appropriated as evidence of a diplomatic relationship between China and itself, as a sub-state government. Mimicking very closely the discourse and procedures involved in official bilateral diplomacy, Scotland was performing an international agency more closely resembling a small-state, rather than a sub-state government. In Wales, activities around climate change mitigation saw it adopt a primarily network based, region-to-region approach, drawing on the legitimacy of its domestic remit as a governmental actor at the implementation-end of global decision making on the environment. Through its position as co-chair of nrg4SD Welsh Ministers gained access to a range of international organisations and a high-level, global audience, conferring this profile and legitimacy on separate performances in its own capacity as a sub-state government. In its Wales for Africa programme and in the Future Generations Act of 2015, the Welsh Government have consciously expanded their domestic remit to encompass an international and sustainable development function, drawing both on these statutory requirements and on dominant, liberal and international discourses - aligned to and associated with broader programmes, such as the UN's millennium development goals - to achieve legitimacy and credibility as an agent in this sphere. It is important to note, however, that these process-tracing exercises provided only isolated examples. They are intended to demonstrate the range of ways in which sub-state international agency is created and in which sub-state governments seek legitimacy in these roles, rather than to ascribe a hard-and-fast set of characteristics about each of our cases. Indeed, Scotland also contributes to climate change fora and maintains an international development programme with a very similar basis and in similar ways to Wales, as well as exhibiting a perhaps more contentious range of state-like mimicking activities.

As highlighted at the outset of this chapter, it is difficult, when looking at the international agencies of sub-state governments, to avoid being subsumed by either of two - equally unhelpful - arguments: that paradiplomacy is either system transforming or entirely parochial, and inconsequential. Considering in greater detail three 'cases within a case study' has hopefully enabled us to see the processes of agency creation and contestation with some greater clarity; processes which lend evidence to neither of the extreme interpretations

mentioned above. The subsequent chapter will return to the central question underpinning this and the preceding chapters, which - at heart - has to do with the consequences of paradiplomacy. It attempts to outline the range of ways in which the practice *matters*, both in theoretical terms - for the disciplines of international relations, comparative politics and diplomatic studies - and in a more empirical sense.

Chapter 6: Sub-state Diplomacy: the Good, the Bad, and the Ugly?

Introduction

Hybridity is not a new concept within international relations (Hocking, 1999; Hocking, 1997; Hocking, 1986) . With the proliferation of non-state actors associated with globalisation, regional integration and multilateralism, not only is it a truism to say that the state is no longer the only internationally relevant actor, but also that the host of other actors operating at the international level possess differing qualities and characteristics. The international personalities of these entities are often hybrid ones: supranational institutions can act in ways previously reserved to states, as an arbiter of international force, for example, yet may not poses the representational qualities of states themselves. International NGOs or citizens' groups may legitimately represent the interests of constituent groups overlapping with those of states; yet not have the diplomatic authority or institutional capacity to serve these interests effectively. Such hybridity is significant in the sense that it opens up new diplomatic space, presenting alternative practices that operate under a different - perhaps less stringent - set of 'rules'. Indeed, allowing for this sort of international differentiation has theoretical consequences. According to Sidaway (2003, p. 174 cited in McConnell et al., 2012: 811) "this suggests too the possibility of other analytical frameworks…beyond the presence or absence of undifferentiated sovereign power, towards a contextual understanding of different regimes, apparatus, expressions and representations of sovereignty". For Adler-Nissen and Gad, postcolonial micro-polities "mime certain aspects of sovereignty", appearing 'sovereign but not quite". This produces a "hybridisation which questions sovereignty as an either/or concept"(Adler-Nissen and Gad, 2012: 8).

Sub-state governments are a particular type of hybrid actor: able to represent a distinct constituency that often identifies, in a meaningful way, with that region. This is particularly true in cases where the sub-state government represents a 'stateless nation', such as Scotland, Catalonia or Quebec, but it is not exclusively in these instances that regional identity is salient. Indeed, in the context of increasing regional autonomy, and in the shadow of

independence debates in Scotland, FLänders and Catalonia, alongside the more ubiquitous pressures of 'glocalisation' (Hocking, 1999), regional or sub-state identity is an increasingly important one. Not only do sub-state governments have this representational quality, but they are able to combine it with the 'official' resources of government: Ministers, Parliaments, Civil Servants and budgets. Both of these facets overlap, and sometimes directly challenge, their equivalents at central state level: state 'national' identity, state officials and so on. The hybridity of sub-state governments is therefore found in their 'sovereignty bound' yet 'sovereignty free' nature (Hocking, 1999); they carry out diplomatic activities often very similar to smaller states, yet crucially lack external sovereignty and *autonomous* diplomatic authority under international law.[84] In turn, this raises questions over the status and significance of their diplomacy as it relates to other actors. In particular circumstances, sub-state governments can 'speak' for the entire state (such as when acting as part of state-wide delegations in EU fora) as well as for the region, at times in concert with state-diplomacy, at times directly contradicting it.

However, with very few exceptions, foreign policy - at least in its more traditional sense - is not within the official purview of sub-state governments.[85] Where there is a role, it is a limited one: related to the unavoidably 'international' aspects of domestic competences. Indeed, the very concept of sub-state 'paradiplomacy' remains illogical for some: where national or Federal governments are tasked with external relations and the 'high' politics of diplomacy, security and defence, the role of the regional layer is to manage the local: schools, hospitals and housing. The principle of subsidiarity, whereby decisions are to be taken at the lowest *appropriate* level, enshrined in EU treaty law, would also seem to limit the 'natural' abilities

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[84] Some sub-state 'representations' abroad - including Wales and Scotland - can be granted diplomatic status through cooperation with the host-states, operating through the authority of that state.

[85] One key exception proving this rule is the case of Belgium, where both Wallonia and Flanders have constitutional responsibility for their own foreign relations. Additionally, the Faroe Islands were granted the ability to enter into foreign relations by a specific Act between the autonomous community and Denmark in 2005, arguably as a way to appease demands for enhanced self-rule.

of the sub-state tier in such fields. Certainly, UK opinion polling repeatedly bears out this disassociation between the regional and the global in terms of constitutional preferences.[86]

All of this - the lack of constitutional and institutional competence, the conceptual dissonance and the absence of public pressure for regions to assume control in this domain - renders the actual scope of sub-state international relations all the more surprising. Without significant 'push' factors, it seems - as the preceding chapters have sought to demonstrate - that many sub-state governments are nonetheless choosing to develop international agency. Sub-state governments thus represent a key study in the ways in which new actors are able to enter into international politics and become 'diplomats'. As international entities, sub-state governments have both responded to a series of new opportunity structures (provided for by internal reorganisation within states, as well as new institutions and financial forces at a pan-regional or global level (Lecours, 2002)) and - crucially - have demonstrated a seeming desire to appropriate this domain for their own aims.

This chapter addresses, and ultimately rejects, the arguments that sub-state diplomacy is something inherently progressive ('democratising' foreign policy), dangerous (undermining the state or encouraging rampant nationalism), or indeed inconsequential ('provincialism writ large'). Instead, the central argument developed here is that, much like the diplomatic behaviours of states, paradiplomacy can indeed contribute to global politics all sorts of ways - both welcome and unwelcome from the perspective of states themselves. However, the significance of the practice extends beyond this pragmatic level. Sub-state governments are able to do *particular* 'things' in their diplomacy, by virtue of their hybrid status. Sub-state diplomacy looks and sounds very similar to that of states, yet they are not states. This

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[86] One recent survey into Welsh constitutional preferences found that only 15% of respondents thought that National Assembly for Wales *should* have control of the area of foreign affairs and defence, contrasting with other areas where further devolution had been suggested, such as policing (63%), renewable energy (70%) and courts and criminal justice (35%). Beaufort Public Opinion Survey on Non Fiscal Powers, evidence to the Commission on Devolution in Wales http://commissionondevolutioninwales.independent.gov.uk/files/2013/08/Beaufort-Opinion-survey-on-Non-Fiscal-powers.pdf

ambiguity can result in undoubtedly 'messy' scenarios and requires that the phenomenon be problematized in a much fuller sense within international relations and diplomatic theory. In doing so, the chapter acknowledges the task outlined by Hocking (1999: 18-21), in engaging with the ways in which such hybrid cases "move us beyond profitless debates as to who are and who are not significant actors in world politics".

International relations 'a la carte'?

In Wales, Scotland and Bavaria, the 'spectre of the state' both limits and informs much paradiplomatic activity. For example, whilst the Scottish Government's international relations are often likened to those of similar sized small states (particularly those that Scotland is keen to align itself with in the Scandinavian 'arc of prosperity'), who also tend to operate niche diplomatic strategies, it is in fact the devolved status of Scotland, and its membership of the UK, that renders the context markedly different. On the one hand, this context necessarily limits the *type* of diplomatic activities possible. It excludes, for example, security and defence, and as discussed in subsequent sections of this chapter, this is not necessarily to the region's detriment, often leaving their profile intact whilst the sovereign state bears the brunt of unpopular decisions or diplomatic fracas. Meanwhile, this status makes the articulation of a distinct international identity all the more important for sub-state governments, as it is deemed necessary to distinguish between devolved or regional level and national or federal positions, values and decisions. Normative diplomacy, focussing on international development, climate change or democracy assistance, for example, therefore comprises a significant element Wales and Scotland's external activities (as in Bavaria also). On the other hand, however, sub-state access both to the UK's international resources and reputation, but also, though heavily circumscribed, to its policy-making machinery, means that for nations or regions of their size, Scotland and Wales have greater potential for agenda-setting, as opposed to opinion-taking, on international issues. In Bavaria, meanwhile, the fact that the dominant party, the CSU, also frequently - including in the present period - occupy a significant position in Federal politics, owing to the coalition governing arrangements , also

allows for a twin-track approach to international influence. Therefore, though the numbers of areas in which sub-state governments can act 'autonomously' are limited, they are able to draw upon a broader framework of both hard and soft power resource through their membership of the host state itself.

The essential characteristics of sub-state governments as diplomatic agents are therefore informed both by their ambiguous, hybrid status (as governmental, but non-sovereign actors) and the role of power relations - fundamentally asymmetric - between the sub- and nation state (with sub-state diplomacy always taking place within this 'spectre of the state'). Together, these characteristics, and the international context facing sub-state diplomats, combine to create a unique operational space, one qualitatively different from that within which states operate.

Sub-state governments undertake a range of activities that may appear largely similar in composition to those undertaken by smaller states. These activity clusters include border diplomacy, participation in international and multilateral fora (such as previously mentioned nrg4SD) and soliciting international trade and investment (maintaining representative offices abroad). They often develop some element of niche or normative diplomatic strategy - including 'norm entrepreneurship' (Wigell, 2013) - and they rely heavily on public diplomacy (Huijgh, 2010) to reach global audiences. Some are more or less explicitly geared around achieving independence (sometimes termed proto-diplomatic strategies (Duchacek, 1990; Soldatos, 1990)), whilst the majority of regions have no such immediate aim. Instead, their engagement in the international sphere does not appear to be a precursor for sovereign statehood, and, indeed, their hybrid nature (Hocking, 1999; 1997) would seem to be a more-or-less permanent feature of the international system.

At the same time, there remain important differences between the international agencies of sub- and small-state governments. Sub-state governments are almost universally excluded from a direct role in areas of 'high politics', in particular defence and security policy. They lack membership of most influential international organizations and typically have smaller institutional capacities in the field of diplomacy and international affairs. The status of sub-

state diplomacy is therefore ambiguous. On the one hand, many sub-state governments conduct 'official' diplomatic relations with states themselves, implying an equality that belies their disparate legal statuses. On the other hand, the bulk of sub-state diplomacy takes place on a region-region level - often with the same pomp and ceremony seen with traditional diplomacy, yet not possessing the same weight as similar arrangements between sovereign states, which would take primacy.

The practice of paradiplomacy by stateless nations, even where secession is not the goal of governing parties, arguably makes a claim for the legitimacy of a form of national or 'popular' sovereignty: how states respond to this claim represents an equally interesting marker as to the dominance of such international norms. At the very least, stateless nations, autonomous regions and unrecognised states (although in very different ways) all "question the direct link between internal and external sovereignty" (Caspersen, 2012: :11). Is it possible, as Krasner argues (1999: :4-5), for an entity to have certain sovereign variants but not others, rendering the concept of sovereignty neither static nor indivisible, nor absolute? If we accept this distinction, we potentially allow for the hybrid-nature of stateless nations as international actors to be meaningfully conceptualised.

Sub-state governments are able to occupy a unique operational space; one defined and expanded primarily - though not exclusively - through their interactions with one another. This space has particular qualities, being largely symbolic, non-statutory, only loosely institutionalised and hugely varied. Alongside the hybrid nature of sub-state diplomacy, the utilisation of this operational space, and development of a specific type of international profile, has a clear and once again differentiated link with processes of domestic polity or nation building - and is marked by the nature of relations with the host state.

The ambiguous status of sub-state governments as international actors allows them to maintain a particular type of international profile; donning a diplomatic hat only in certain circumstances. These actors are both free from the requirements (in terms of financial resources and political capital) of high politics, security and defence and, at the same time, able to 'skirt around' controversial diplomatic issues under the cover of lacking such a

responsibility. Taken to its extremes, sub-state governments might be able to 'free ride' on the foreign policy of their host-state, accentuating distinctiveness where this has positive connotations (the CSU's success in transforming Bavaria into a high-tech economy, the SNP's anti-nuclear perspective or Wales' interest in international development or gender equality), yet deferring to state-wide competence when a distinct profile would not be beneficial.

The Scottish context offers some important insights into the possible advantages of the hybrid international profiles maintained by sub-state governments. In numerous respects, the international standing of Scotland as a distinct nation is very high. In recent survey of the international reputations of 50 nations, Scotland represented the single non-sovereign nation to be polled in a global cohort, ranking 15th in terms of recognition (Scottish Government Strategic Research, 2012). Scotland was "scored and ranked similarly and often ahead of the other smaller, high income, liberal democracies on the index: Denmark, Finland, Ireland and New Zealand". Perhaps most importantly for the purposes of this discussion, Scotland's strongest rating was in the area of governance, which "considers public opinion regarding the level of national government competency and fairness, as well as its perceived commitment to global issues such as peace, poverty and the environment". In the 2012 poll, Scotland climbed to 13th position on this indicator, the most significant improvement in perceptions coming from the international stage (rather than from UK panels):

> Scotland's reputation has improved for its endeavour to reduce global poverty, followed by its efforts in protecting the environment, and responsibility in the areas of global peace and security (Scottish Government Strategic Research, 2012).

That a devolved government with no formal competence in areas of global peace and security can build and maintain such a strong international reputation in these areas of activity is bordering on the extraordinary. Indeed, this feat can be related to the fact that much of the work that sub-state governments 'do' on the international stage is restricted to public diplomacy (Huijgh, 2010): a reflection of both the limited formal scope for decision making or 'high' diplomacy, and the comparative advantage that non-state actors can develop in this regard. The success of such 'soft' enterprises in the Scottish context is certainly evidenced by such data.

Part of this relative success, however, can perhaps be attributed to the lack of other burdens of international actorness that have fallen on Scottish actors and Scottish resources when it comes to international affairs and, more importantly, foreign and defence policy. Such issues were recently foregrounded in the context of the Scottish independence referendum. Much had been made of Scotland's external reputation and hence the hypothetical international standing of Scotland as an independent state. However, from the position of a devolved nation, the Scottish Government has perhaps been able to give the *illusion* of far greater international agency that it actually maintains. The Scottish Government has not been required to invest significant resources in, for example, comprehensive diplomatic and consular representation (instead Scottish officials are located in a smaller number of strategically important locales, co-located with UK missions). Similarly, it has been able to benefit from the hard power, geo-political strategic influence and economic weight of the UK, in addition to the UK's considerable soft-power resources. Indeed, the question of whether Scotland could expect to achieve a net gain in foreign policy terms, in a post-independence scenario, recurred time and again in both in Holyrood and Westminster during the course of the referendum campaign (for example: UK House of Commons Foreign Affairs Committee, 2013; Scottish Government, 2013b).[87] Maintaining the illusion of participatory rights without the accompanying responsibilities of full-membership of the international system can mean that sub-state governments, on occasion, are in an optimum position to achieve their particular international ambitions. Under more benign circumstances, there would be nothing 'bad' or disconcerting about this scenario from a state's perspective. However, in the context of an increasingly fractious relationship with the UK government, Scotland may well be viewed as an unwelcome 'free-rider' on the UK's diplomatic profile, by virtue of its selective approach to international engagement. The reverse of this argument, however, can perhaps best be displayed by Scotland's current predicament as the UK prepares to leave the European Union; evidence of the hard, non-negotiable constraints that border the operational space that sub-state governments are able to occupy.

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[87] These issues are raised in the report of the UK House of Commons Foreign Affairs Committee: 'Foreign policy considerations for the UK and Scotland in the event of Scotland becoming an independent country', May 2013

Characterising sub-state diplomacy

If we take the hybridity of sub-state governments, and the unique operational space that they occupy, as our starting point then the effects or implications of paradiplomacy can be conceptualised in numerous ways. The ability to pick-and-choose international relations on an 'a la carte' basis (albeit from a restricted menu), could be conceived of as a type of free-riding, a fairly pejorative concept that nonetheless would describe those cases where sub-state diplomacy became competitive with that of the central state. To expand the cycling metaphor, perhaps more generously, sub-state governments could be seen to 'free-wheel' in the vacuum left behind state-diplomacy: drawing on broader state resources and political capital but insulated from the same levels of scrutiny and expectation - not to mention legal and constitutional obligations. This position might be conceived as a reasonably privileged one, and it certainly has an impact on the sorts of activities that sub-state governments choose to engage in. The effects of these activities for the broader diplomatic system - as well as specific actors within it - can manifest in several ways, and we will briefly survey them below. From the perspective of host states, paradiplomatic activities might be perceived as largely benign (the paradiplomacy of 'good intentions') or indeed helpful to specific foreign policy aims or the international reputation of the state as a whole (value-added paradiplomacy). However, other types of activity may be perceived as threatening the host-state's standing, principally in commercial terms, as sub-state and host-state diplomatic strategies compete for finite resources (competitive paradiplomacy). Perhaps of greater significance for states, and arguably taking on geo-political implications, are those instances where a sub-state government enters the 'big leagues' of diplomacy, through contesting, undermining or befuddling key parts of the state's foreign policy (paradiplomacy on the 'fringes' of high politics and the paradiplomacy of recognition). The ongoing fallout from 2016's Brexit referendum in the UK is arguably a telling example of this dynamic. The following sections of this chapter go on to explore these tentative categories of activity, demonstrating the range of ways that paradiplomacy manifests, and the meaning or significance such practices hold for a variety of other actors. The discussion aims to illuminate the potential complexity of certain types of paradiplomatic activity.

I. Paradiplomacy of good intentions

The unique operational space that sub-state governments occupy can be utilised for normative goods - including to the benefit of states themselves, adding another tool to the range of strategies available for dealing with protracted international issues. Looking beyond our three case studies temporarily, the example of the autonomous region of Åland, whose 'special arrangements' vis-à-vis Finland have been regarded as a possible template for resolving ethnic conflict in other settings (Wigell, 2013: :67), is particularly illustrative here. Wigell's study identifies Åland itself as practicing norm entrepreneurship: utilising its history and special status as an autonomous region as its 'international card', and advocating the 'Åland example' as a model for international conflict resolution. Such norm entrepreneurship has its roots in both "genuinely altruistic reasons", and, importantly, in the normative capital that such international activity can generate for Åland - particularly in relation to Finland. According to Wigell (2013: :77) "the normative power Åland gains through the promotion of the Åland Example can thus be used to influence its domestic relations with the Finnish government". Wigell then queries the seemingly conspicuous absence of the Finnish government's activities in promoting the Åland example, given its proactive use of norm entrepreneurship in other domains. Wigell argues that *part* of this reluctance (though there were also important factors relating to the balance of power vis-à-vis Åland itself) to promote this domestic example relates to the concern of diplomats that "promoting the Åland Example may harm Finland's diplomatic relations with certain states in which minority issues are sensitive, such as Spain or Turkey" (2013: :82). For Åland itself, there are no such constraints on their international activities. At the same time, the 'special status' and 'lived history' of Åland perhaps makes it better placed to fulfil the role of norm entrepreneurs in this domain than the Finnish state.

Indeed, normative diplomacy has become a mainstay of much sub-state paradiplomacy. As discussed in the preceding chapter, Both Wales and Scotland have designated international development programmes (and Scotland has recently appointed a Minister for International Development) which have been lauded for their novel approach, representing an additional model of development premised on reciprocity and mutual exchange. The features of this

'model' were in fact informed by the requirement by both Wales and Scotland to justify their endeavours under their responsibility for sustainable development - lacking, as they do, any formal competence for international development. However, this unusual arrangement has proved particularly beneficial as a more targeted approach supplementing the activities of the UK state (Anyimadu, 2011). In this case, the unintended consequence of sub-state governments' qualities and limitations in the international sphere is an enhanced range of tools with which to address a key global issue. Where there is certainly a welcome degree of symbolic capital generated for Wales and Scotland through their international development activities, one cannot entirely discount the more genuine normative ambitions behind the programmes. For Wyn Jones and Royles (2012: 260) there is no contradiction between the role that the 'Wales for Africa' programme plays in projecting - and promoting - welsh internationalism and the "genuine commitment of many Assembly Members to international development".

Normative paradiplomacy in Bavaria arguably emerges from its unique 'burden of history' and is manifest in the special relationship it pursues with the Czech Republic. Relations between the two have historically been challenged by the post-war relocation of the Sudeten people, from what is today the Czech Republic, to Bavaria. The Bavarian office in Prague, opened in 2014, represents a clear departure from its other overseas offices, whose locations are determined primarily by commercial rationales. According to the head of Bavaria's external relations department, Dr Paul Fischer, the representation "is quite special… for historical reasons, after the war, relations with our neighbours the Czechs were difficult, it is a great achievement to have that office and representation in Prague" (Fischer, 2015: 5). More explicitly, a senior Bavarian government official commented that, when it comes to the 'special relationship' that Horst Seehofer has built with the Czech Republic, "considerations such as really whether it is useful, or practical are also completed by [the] question 'isn't this important now, symbolically?'[88] In the Bavarian parliament, too, the idea of setting up a Czech-Bavarian parliamentary assembly was "not with a particular economic interest" in

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[88] Interview data, Senior Bavarian Government official, 2013

mind, but rather to have "good relations" with their neighbours, where, at that time, the relationship was "strained".[89]

In different ways, therefore, all three cases demonstrate the normative ambitions that can drive paradiplomacy in the absence of what may regarded as a 'sound business case'. This does not mean that these activities bring no benefit into the region or stateless nation itself; there are potential gains to be made both in reputational terms - which aid the 'nation branding' exercises that sub-state governments across the board are involved in - and with regards to the leverage that the sub-state government holds in an inter-governmental setting. For the host-state, normative paradiplomatic activities on the part of their sub-state governments would seem to be particularly difficult to argue against; this may go some way towards explaining the leeway given to Scottish and Welsh governments in constructing the legal bases of their international development programmes. In another sense, however, normative paradiplomatic activities sit - as other forms of sub-state diplomacy - on a continuum. A range of different factors and objectives must feed into decisions on where and how to invest the limited resources, both diplomatically and in monetary terms, that sub-state governments have at their disposal. Therefore, isolating normative ambitions over and above a national or regional interest is not always straightforward. Furthermore, there are certainly cases - such as the recognition by the Scottish Parliament and the Welsh Assembly of the Armenian genocide - where normative objectives drive an activity that then has unwelcome diplomatic ramifications for both the sub-state and nation-state government, changing the character and the implications of the paradiplomacy itself. Nevertheless, much as with the diplomacy of nation-states, the paradiplomatic activities of Wales, Scotland and Bavaria cannot always be reduced to instrumentalism; normative logics have a place in driving and determining some endeavours and, in the cases of Wales and Scotland, have come to be a distinguishing feature of their overall diplomatic portfolios.

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[89] interview data, Senior Bavarian Parliamentary official, 2013

II. Value-added paradiplomacy

That sub-state governments have their own international agendas - limited in scope though they tend to be - has not escaped the attention of national or 'host state' governments. However, for the most part, in our three case studies, the activities of the sub-state government have been enabled and tolerated to perhaps a surprising degree. At an 'official to official' level, there is an acceptance and an understanding of the role that sub-state governments are seeking to play internationally. According to a senior Welsh policy advisor, the UK Government are "content, more or less" when Wales involves itself in "the sort of issues for which we have responsibility in Wales".[90] Meanwhile, a senior Welsh Government civil servant characterises the working relationship with the FCO as good, "it just works… we're not in touch with them every day, we take their advice if something innovative or possibly confrontational comes up".[91] Sticking with the Welsh case, the area of climate change is one where its interests firmly coincide with those of the UK government, and there is evidence of a collaborative approach to international climate policy that arguably adds value to the UK's own efforts. The Welsh Government worked closely with the UK in the context of the Copenhagen Climate Change Summit in 2009 and gained UK Government ministerial support to recognise the role that sub-state governments have in the "climate change agenda"(Royles, 2011). Wales has frequently participated in official UK delegations to Climate Change summits (as has Scotland) - for example at Council of Environment Ministers meetings leading up to the Copenhagen summit and most recently the Paris Summit in 2015 - recognising the role of devolved governments in this policy domain. In this particular issue area, where - as in the case of the US Federal Government and its states - different tiers of government often have conflicting interests when it comes to climate change, in terms of both the effects and the burdens of implementation felt, there is arguably clear value to be added by the presentation of a united front in international negotiations, something which has proved to the benefit of both the Welsh and UK Governments.

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[90] Interview data, senior Welsh Government policy advisor, 2013.
[91] Interview data, senior Welsh Government Official, 2013

More broadly, in each of our three cases there is an argument to be made that the distinctive national identities performed paradiplomatically can add value to the diplomatic profiles of the host-state. This logic plays out in two distinct ways. Firstly, the attributes of sub-state governments that are publicised as part of paradiplomatic 'profile raising' activities can - for the most part - be seen to 'rub off' on the state as a whole, encouraging tourism or investment that is not just confined to one region. The UK Government's promotion of St David's day or Burns Night (hosting special events in overseas Embassies and using social media to publicise Scottish and Welsh visitor attractions or exports) would seem to evidence this perceived benefit. Secondly, with the normalisation of paradiplomatic activity, and the associated ascendancy of corresponding norms - of the rights of regions to participate in international affairs where it corresponds to a domestic competence, and the need to allow for minority representation - the relationship between a host state and its sub-state governments has come to represent an important part of their international profile, and hence a component of their 'soft power'. This requirement was a key consideration in the UK Government's diplomacy in the midst of the Scottish referendum on independence, where it was at pains to ensure that its overseas staff were well informed and respectful of the discussions and were seen to be enabling the democratic free will of Scottish voters. According to a report compiled by the UK Parliament's Foreign Affairs Committee, there was an opportunity to "show a peaceful democracy in action", in light of the international interest in the UK Government's approach to the referendum (UK Parliament's Foreign Affairs Committee, 2013: para 74). In contrast, Spain's handling of a proposed independence referendum in Catalonia, culminating in "a de facto state of emergency", "ending Catalan home rule" weeks before the contentious vote was due to take place (The Guardian, 2017) perhaps demonstrates most clearly the risks to a host-state's international reputation.

There are, of course, subtleties to the interactions of host-state and sub-state governments which may render paradiplomacy beneficial to the central government at some times, and less so at others. In Bavaria, this dynamic currently appears to be shifting. The CSU has traditionally played the role of 'bad cop' to the Federal Coalition Government's 'good cop' to

the mutual advantage of both governments.[92] Conservative voters in Federal elections have been reassured by the CSU's more euro sceptic and 'right wing' policies, often playing out most noticeably in its interactions with the EU and the 'watchdog' role it elects to play amongst German Länder when it comes to the rights of states and subsidiarity, helping to keep these voters within the CSU/CDU block. However, as will be explored in a subsequent section of this chapter, the recent migration crisis and the CSU's dim view of Chancellor Merkel's handling of it, have led to a marked shift in the relationship between the two coalition partners, calling into question the mutually advantageous 'good cop, bad cop' game they have previously played.

III. Competitive paradiplomacy

The 'bad' of paradiplomatic activity is, of course, not too dissimilar from the 'bad' of state level diplomacy. However, these are perhaps occasions where the ability to 'pick and choose' international activities manifests in a competitive relationship with the host-state. In this mode, the sub-state government is able to mine the international domain for specific benefits whilst deferring to the competence - and drawing on the resources - of the state-level government. The effects of this type of paradiplomacy are not assumed to be destabilising for the international system; rather they may be particularly unwelcome or concerning from the perspective of state-level diplomats.

The Welsh Government, for example, maintains particularly close links with the Chongqing Municipal Government in China; relations it has been better able to cultivate without the requirement to engage with more controversial diplomatic issues around the Chinese state. Concerns over human rights standards and the status of the Dalai Lama inevitably complicate, and render more challenging, UK-China relations. The Welsh Government, however, is able to extract maximum economic and cultural benefits from their engagement with various Chinese Municipal governments, and avoid such matters of high-politics and diplomacy entirely. The implications of this hybrid international profile are therefore that, in some

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[92] Interview data, senior Bavarian Parliamentary Official, 2013

respects, relations with such Chinese regions are stronger with Wales than they are with the UK.[93] Indeed, the same official went on to elaborate this point with an anecdote about the UK calling on Wales to facilitate meetings with Chongquing officials. This has practical implications for the Welsh Government: allowing an ease of access to government officials and policy makers that is a necessary requirement of maintaining economic linkages within the highly governmentalized Chinese context.

However, the framework that the Welsh Government - and sub-state governments more generally - operate within is, of course, qualitatively different from that of the UK (and other state-level governments). For one thing, the international activities of sub-state government are almost entirely unregulated. Beyond their lack of statutory underpinning, activities are not subject to anywhere near the level of media and other scrutiny that the activities of state-level actors encounter, both domestically and at an international level. The role of parliamentary scrutiny in monitoring diplomatic activities is a key area of contrast in the cases of both Wales and Scotland - in comparison to their Westminster counterparts. The relatively small size of these two institutions, the National Assembly for Wales in particular, and the lack of international expertise in their membership limit the degree of meaningful scrutiny that the external relationships maintained by devolved governments are subject to. The focus of the two parliamentary bodies on legislative - as opposed to Ministerial - scrutiny means that non-legislative; quasi-diplomatic activities are able to 'pass under the radar'.

It does not seem to be solely at the regional level that the rewards of paradiplomatic action can be reaped. The international presence of sub-state governments also provides additional access points for a whole host of other actors: states, multi-national companies, NGOs and, indeed, third regions. These nodal points have unique qualities, related to the recurring theme of hybridity. Most notably, the 'scale' of regional government means that they are often able to offer third parties a high level of access to the structures of government, and in particular Ministerial 'face time', that represents a greatly valued diplomatic commodity. Indeed, the Bavarian government has skilfully used their relative size and 'approachability' in

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[93] As judged by a senior Welsh Government Official, interview data 2013

their commercial paradiplomacy, with the services that it is able to provide for international investors and trade partners - by virtue of its reduced scale - being key elements of it success.[94] Again, there is nothing inherently bad about this type of activity; rather it may be perceived as unhelpful - perhaps even undermining - for the host-state's own commercial diplomacy, being seen in overtly competitive terms.

IV. Paradiplomacy on the fringes of 'high politics'

Despite the insistence, in all three of our cases, that economic rationales dominate paradiplomacy, and foreign policy in its traditional sense is exclusively reserved to states, once can find exceptions that question this overriding rule. Spanning a spectrum of motivations - from the commercial, to inter-governmental relations and even normative ambitions - instances of activities which, intentionally or not, fall at the fringes of 'high politics' and clearly have implications for the foreign policy strategies of states, can be found in both our Scottish and Bavarian cases.

In Bavaria, perhaps the most controversial example of what some commentators have considered a 'foreign policy on the side' under the leadership of Horst Seehofer occurred recently. In the context of particularly tense relations between Berlin and Moscow - heightened by a 'war of words' over a rape allegation made by a Russian-German woman against a refugee - the CSU's condemnation of Chancellor Merkel's 'open door' refugee policy, and the presence of EU sanctions against Russia, the Bavarian leadership's visit to Moscow in early February 2016 drew widespread criticism. The following extract from German broadcaster Deutsche Welle demonstrates the tone of the reaction within German presses:

> Seldom have relations between Berlin and Moscow been in such a poor state as they are now. Even Frank-Walter Steinmeier, Angela Merkel's man for diplomacy, cannot shift opinions in the Russian capital. And now, in the middle of this diplomatic deep freeze, Horst Seehofer… will honour Kremlin boss Vladimir Putin with a visit on Thursday. Seehofer, of all people - Merkel's

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[94] Interview data, senior Bavarian Government official, 2013

biggest refugee policy critic. A man that loves to polarize. The wrong man in the wrong place at the wrong time? (Deutsche Welle, 2016).

International commentators further picked up on the potentially destabilising implications of the visit for Chancellor Merkel's foreign policy. According to the BBC's Inside Europe blog, the visit "could do more to undermine than boost the Berlin Government"; it was - for many German politicians "a step too far" (BBC News blog 'Inside Europe', 2016). Meanwhile, the Irish Times cites the visit as causing "alarm and annoyance in Berlin", taking place while the "timing is delicate", and the Wall Street Journal terms the move a "provocation of the German Chancellor", the agenda covering topics where he has clashed with Merkel previously - migration and sanctions against Russia (The Irish Times, 2016; The Wall Street Journal, 2016). Reuters reports the CSU's defence that the trip is primarily motivated by good relations - especially in trade - between Bavaria and Russia, but argues that critics are not reassured. The article cites Roderich Kiesewetter, a foreign policy spokesman for 'Merkel's conservatives in Parliament' as stating "Seehofer has clearly positioned himself against the Chancellor in the debate on refugees - I really hope he doesn't go on this trip", and Niels Annen, senior member of the Social Democrats, Merkel's junior coalition partner commenting "Foreign policy is made in Berlin, not in Munich" (Reuters UK, 2016).

The trip itself was organised by the mayor of Moscow, a typical arrangement for the international visits of regional leaders and one which would ordinarily have cloaked the trip in the legitimacy of regional interests. However, in this case, the visit clearly spoke to other motivations. Intergovernmental relations were transparently at play; Bavaria, owing to its geographical position, has been at the frontline of Chancellor Merkel's refugee policy and its CSU government have been highly critical of the policy and of Merkel's handling of the crisis. Indeed, Bavarian leader Seehofer argued in September that: "the situation in Syria could not be brought under control without Putin's help" (Deustche Welle, 2016). The level of this personal criticism of Chancellor Merkel's leadership seems to go well beyond the 'good cop, bad cop' game that Bavaria plays with the Federal Government, the mutual advantage arguably eroded in this case.[95] Indeed, there is also a transparent congruence of interests

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[95] Interview, senior Bavarian Government official 2013.

between Russia and Bavaria that stands in contrast to the policy of Berlin: both governments want to see an end to EU sanctions that are hampering the significant levels of trade that have previously existed between them, trade especially important to Bavaria's agricultural sector. Chancellor Merkel, meanwhile, has insisted that the issue of sanctions should not be discussed until "the cease-fire agreed between Russian-backed separatists and Ukrainian troops is respected" (Reuters UK, 2016).

Therefore, in this particular case, the 'domestic' concerns of Bavaria - to end the influx of refugees and to increase agricultural exports - have been transposed onto an international context where key foreign policy considerations, for both Russia and Germany - indeed the EU - are at play. Deutsche Welle argues that "the CSU's brand of foreign policy has always had something unique about it" and that Horst Seehofer "sees himself in this tradition". What marks the change here, the article continues, is that, where Seehofer's "foreign jaunts" were previously about the economic interests of Bavaria, the "flood of refugees has given new arguments to the Bavarian's foreign policy ambitions. Since refugees began arriving in Germany via Bavaria, the state's domestic policies have become federally and internationally relevant. That is a novelty" (Deutsche Welle, 2016).

Indeed, the transcript of the meeting between Horst Seehofer and President Putin - one arranged with the assistance of Seehofer's predecessor, Edmund Stoiber - shows very clearly that the ambitions of the Bavarian government in this instance go well beyond the domestic, and that the visit is interpreted by both leaders as part of a broader act of rapprochement. To begin with, the meeting is grounded in Bavarian-Russian economic relations, and the 'friendship' between the two governments, referencing the 'legendary' 2006 meeting between Putin and Stoiber, where the Russian President "planned to stay for an hour, but ended up staying until midnight". However, the content of the discussions quickly turn to foreign policy, as the following extract - from Horst Seehofer - demonstrates:

> We have come here from the free state of Bavaria, which traditionally has very intensive ties with Russia, and we want to maintain these ties. Bavaria is part of the federal government. We are part of the government coalition, and we think it is our duty, the duty of our hearts and souls, to put a bit more trust back into our relations. We think this is essential in today's situation, looking at what is happening in the world. I am very pleased that you said today that

we are not coming here as plotters. Never in the run-up to any of my previous visits to other countries, have I heard as much untruthful and inaccurate information as I have this time. What is most important for us is to deepen our relations, above all, or course, our economic relations, but this is not our only goal. I think we need to do the same in culture too, and in science. These are things we will discuss too. In today's globalised world, we in Bavaria, with our population of 13 million, are very much aware, of course, of what is happening every day in our world, whether in Syria or in Ukraine, whether refugees or crime. And we believe that only by acting together, and not in conflict with each other, can we solve these problems. In this desire, we seek not to act against our federal government, but together with it, and we act not against Russia, but hope to work together with Russia (President Putin, 2016).

President Putin then responds:

As for various rumours, this is inevitable, but we both share great responsibility for maintaining jobs and continuing cultural ties, and we know your attitude and your desire to do everything possible to normalise relations between Russia and Europe and Russia and Germany. We are certainly grateful to you for this (President Putin, 2016).

Interpreting the significance of this exchange in foreign policy terms requires us to recall the unique status of the CSU both in Bavaria itself and within the Federal Republic. The current Federal Government coalition, and the long-standing alliance between the CSU and the CSU give both current and previous Bavarian leaders an international platform that goes well beyond that offered to other German Länder. Horst Seehofer's senior role in the Federal Government means that third parties "know that, or are being told by diplomats, that he is probably…number two or three in German politics. And that Chancellor Merkel cannot do anything without his consent. And this is something of course that weighs in".[96] However, it is equally important to recall that this visit to Moscow was not undertaken by Host Seehofer as a representative of the Federal Government, but rather as the Prime Minister of Bavaria. The visit was arranged by the Mayor of Moscow and explained in terms of Bavaria's important relationship with Russia - one grounded in mutual trade. That the meeting had significance beyond Bavaria's regional interests, nonetheless, was made explicit in President Putin's reference to the efforts of Horst Seehofer to "normalise relations between Russia and Europe, Russia and Germany". The content of the exchange was therefore one of foreign policy, in a tone which contradicted the previous pronouncements of Chancellor Merkel and ostensibly

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[96] Interview data, Senior Bavarian Government official 2013

was at odds with current Federal Government policy. Horst Seehofer met with Chancellor Merkel ahead of the visit, and will have received briefings on the diplomatic policy of Germany in relation to Russia and the key foreign policy issues likely to be discussed. However, having been 'backed into a corner' by the Bavarian leadership - one challenging Chancellor Merkel on multiple fronts over this period - the level of control that the Federal Government in fact maintained over this exchange appears to have been compromised.

It is in this manifestation - where contentious aspects of the host state or Federal government's foreign policy appear to have been challenged or undermined by one of its sub-state governments - that the implications of paradiplomacy potentially take on a geo-political significance. In UK, a similar situation arose when a SNP delegation, including MPs and MSPs, led by former Scottish First Minister and current SNP foreign affairs spokesman in Westminster Alex Salmond, visited Iran during December 2015, shortly before the lifting of sanctions which followed an agreement between the E3+3 (France, Germany, UK, China, Russia and the USA) and Iran on a nuclear deal. Though this agreement was reached on the 14th July 2015, sanctions were only lifted once the International Atomic Energy Agency had verified that Iran had completed all the necessary steps to reach 'implementation day', on the 16th January 2016. The visit followed incremental and tentative improvements in the UK's relationship with Iran: a UK Embassy was reopened in Tehran in late August 2015, with Phillip Hammond attending the opening ceremony, the first British Foreign Secretary to visit the city since 2003. The SNP's visit was arranged - and funded - by the Iranian Parliament.

Nested within in a clear, and arguably compelling, business case for Scottish-Iranian trade following the lifting of sanctions, there was also a nascent foreign policy message being conveyed by the delegation. According to Alex Salmond:

> The international agreement with Iran and rapprochement with the West which has accompanied it, is the single most positive development in international relations over the past year and the most important diplomatic achievement of the Obama administration. Now that Iran has taken these steps forward to return to the international community, many countries have been pursuing the prospect of a new market place for their goods and a new trading partner. It is vital that Scotland is not left behind as out key strengths, particularly in education, agricultural technology, oil and gas and finance, are precisely what Iran will find useful after 25 years of sanctions... by establishing

a dialogue based on the sound Scottish principle of enlightened self-interest, we are building a partnership that will serve both countries well for the future (Alex Salmond, cited in Herald Scotland, 2015b).

Meanwhile, another delegate on the trip, Bill Kidd MSP, the SNP's chief whip at Holyrood who also co-chairs a parliamentary group for nuclear non-proliferation and disarmament, states:

> "Scotland has a world-wide reputation, both civically and politically, for opposition to the continued existence of nuclear weapons both at home and internationally and the Scottish Government is both in favour of a nuclear weapons convention and of UN General Secretary Ban Ki Moon's Five-Point-Plan for a world free from nuclear weapons…Iran's re-emergence on the world stage as a full international partner in the debate on nuclear disarmament can only enhance the prospects of achieving that goal, which is the aim of the great majority of nations and peoples across the globe" (Bill Kidd, cited in Herald Scotland, 2015b).

The visit to Iran entailed meetings with "the full range of government ministers and parliamentarians at the highest level, including foreign affairs minister Dr Zarif and the speaker of the parliament Dr Ali Larijani", as well as securing agreement for an exchange of full trade delegations in the spring of 2016 (Alex Salmond, cited in BBC News, 2015). According to SNP MP Tasmina Ahmed-Sheikh, the delegation had raised the issue of human rights during the visit:

> Of huge importance is Dr Zarif's reply to Alex Salmond that Iran is prepared to discuss the issue of human rights in an even-handed way with European countries. This included constructive discussion including the use of capital punishment for drug trafficking. This points to real progress becoming possible on a vexed issue and is a vindication of our policy of engagement and dialogue instead of confrontation and hectoring (Tasmina Ahmed-Sheikh, cited in BBC News, 2015).

According to an Iranian news agency, Tasnim, Alex Salmond further told the speaker of the Iranian Parliament that Scotland's "ruling party has always been against the decisions Westerners make against Iran and believes these decisions, which have caused many problems for Iran as well as other countries, are fundamentally wrong" (Herald Scotland, 2015b). A report complied by the SNP delegation following the visit was submitted to Scottish Ministers and later released under freedom of information laws. The report argued that Iran 'recognises Scotland as separate to the rest of the United Kingdom', quoting an Iranian vice-minister as telling Alex Salmond that "the door is not open to every delegation that visits Iran", but that the country is willing to work with Scotland. Meanwhile the head of Iran's

parliamentary committee on foreign policy is said to have recognised a connection between Iran and Scotland going "beyond economic ties" (Herald Scotland, 2016).

Demonstrating the 'foreign policy' content of this exchange, Alex Salmond told the Herald Scotland, on his return from Iran, that the trip highlighted how Scotland 'can use its political profile to create foreign policy initiatives and opportunities that the UK government would find difficulty in accessing', and referenced the warm welcome Scotland received, enjoying 'much more ministerial access than the recent UK Trade and Investment delegation to Tehran'. According to the former First Minister "opposition to Western adventurism in the Middle East, a bilateral stance in trade talks and the intent to hold open discussions without lecturing and heckling" are all areas where Scotland can 'outplay' Westminster when it comes to foreign policy (Herald Scotland, 2015c).

The UK Government's reaction to the trip was not made public, though several UK politicians voiced opposition. Alistair Carmichael, the former Liberal Democrat Scottish Secretary accused the SNP of 'hollowing out' the role of the UK Government in Scottish public life. Specifically, he argued that "building relations with a country which has the recent history of Iran is a delicate and finely nuanced business and many people will wonder whether Alex Salmond is best-placed to do a job like that" (Herald Scotland, 2015a) . Meanwhile a former Scotland Office minister, Labour's George Foulkes, interpreted the visit as Alex Salmond's attempt to usurp the role of foreign secretary: "it's a very dangerous precedent really. Relations between Britain and Iran are improving but are still very delicate. For someone like Salmond to go could create tremendous problems. It's very unwise" (Herald Scotland, 2015a). Despite the lack of official comment from the UK Government on the visit, an exchange between Alex Salmond and Phillip Hammond's Foreign Office is perhaps more indicative of their political relationship. According to a Guardian report "Alex Salmond pays for supper in Tehran - and triggers constitutional crisis" (The Guardian, 2016), the UKFCO sent a message to the Scottish delegation, whilst en route to Tehran, explaining that they were not entitled to embassy hospitality. According to Alex Salmond, this was "quite a serious matter because it indicates the deep politicisation of the Foreign Office under Hammond... the Foreign Office permanent under-secretary should be putting his foot down to make it clear it is the British

Foreign Office, not the Tory Foreign Office". For their part, a spokeswoman for the Foreign Office said "overseas posts follow clear guidance on arrangements for visiting parties. Visiting politicians from a single party are offered a general political briefing, but it is not the role of overseas posts to provide hospitality or to arrange meetings unless it is for an official visit on her majesty's government business". It is, however, worth pointing out that British embassy officials were included in talks during the visit, including on human rights, trade and the nuclear pact, and that the staff 'on the ground' were said by Alex Salmond to be helpful and cooperative (The Guardian, 2016).

At one level of analysis, the SNP delegation to Iran and the political rhetoric surrounding it represents a 'storm in a teacup'; Alex Salmond - known for being a provocative and outspoken advocate of Scotland's independent international standing - noisily marking out the territory of his new role as the SNP's foreign policy spokesman. It was, after all, not a Scottish Government delegation, and thus the talks held were by their nature exploratory - no member of the delegation was authorised to commit the Scottish Government to specific policy. The fact that the Scottish Government itself has appeared reticent to comment on the trip or publically discuss the content of talks would indicate that they perhaps are taking a more cautious approach to the relationship. However, when examining the effects or the implications of paradiplomatic activity, there is perhaps a touch of Mark Twain's 'never let the truth get in the way of a good story'. In other words, at a geopolitical level, the fact that it was not the Scottish Government, but rather a delegation of SNP politicians from both Westminster and Holyrood that were taking a forthright view on the future relationship between Scotland and Iran, on major areas of foreign policy such as nuclear proliferation and human rights, and on the perceived failings of the UK, and 'the west' more generally, may bear little relation on the lasting perception.

There are also instances where the paradiplomatic activities of a sub-state government touch at the fringes of high-politics unintentionally, or where circumstances beyond the government's control draw them into debates of a tenor outside of their 'comfort zone'. At the least, this can be where a sub-state's foray into the 'big leagues' of diplomacy can begin; the international spotlight that a sub-state government receives can, of course, then be used

to further other, more contentious aims. A notable example in this regard is the international diplomacy surrounding the release of Abdelbaset Al-Megrahi, on compassionate grounds, from the Scottish prison where he had been serving a sentence for his role in the 1988 Lockerbie bombings. The complexities of this case (involving the UK, Scotland, the USA and Libya - as well as both commercial and political sensitivities) meant that misinterpretation and contradiction were rife in its reporting, and as such Scotland's 'diplomacy' surrounding the international ramifications of the decision was primarily of a defensive tone. However, according to Kenealy (2012a: 555), as the case unfolded, "Scotland's paradiplomacy shifted from a strategy of avoidance to one using the release to further the idea of an independent Scotland. Presenting the release in such a way was to bolster the idea of Scotland as a distinct entity with its own set of values, laws and customs and possessing an ability to operate autonomously on the international stage".

Kenealy characterises the decision as constituting a "two-level process: the British Government's behaviour was characterised by commercial interests; and the Scottish Governments by calculated compassion" (2012a: 556). In sum, he argues that the paradiplomatic element of the case stems from the Scottish Government's decision to release Al-Megrahi on compassionate grounds, as opposed to under a prisoner transfer agreement (the preferred approach of the UK Government). He goes on to isolate the paradiplomatic performances of both Scottish justice secretary Kenny MacAskill (placing "a heavy emphasis on Scottish values and identity") and Alex Salmond, who "advanced a second distinction. The British government had blended judicial and commercial issues in their dealings with Libya; Scotland had acted properly and in accordance with due process" (2012a: 569-570). Kenealy concludes that:

> The narratives were tightly constructed and endlessly repeated after august 2009. The opportunities for MacAskill and Salmond to exploit the al-Megrahi saga would have been unavailable had Al-Megrahi been transferred. The PTA [prisoner transfer agreement] narrative would have had to include Britain, so the decision would have lacked a distinctly "Scottish" tone. In the margin left by the British government's pursuit of its national interest, Scotland found a way to advance the idea that is central to its own national interest as defined by the SNP. Whether Scotland's compassion was consciously calculated or a genuine sense of compassion that simply created a positive by-product might

always be unknown. However, it was certainly a well-orchestrated and well-executed political move (Kenealy, 2012a: 570).

In this case, the Scottish Government's 'right' to make a legal decision on the release or otherwise of Al-Megrahi on compassionate grounds was unquestionable, indeed Scotland's autonomous legal system is much older than its devolved parliament. Arguably, it demonstrates the 'unintended' international implications of sub-state competences; proof - if any was required - of the effects of globalization and intermestic politics. That the Scottish Government initially resisted ownership of the issue - knowing the entrenched interests on either side of the debate - further speaks to these unintended consequences on the part of the sub-state government itself; 'drawing them in', less than willingly, to an issue where the national interests of the USA, the UK and Libya were all at stake. However, the eventual course struck by the Scottish Government is equally illustrative; seizing an opportunity to put 'clear red water', to borrow from Welsh political discourse, between the policies of Scotland and the UK, for the benefit of both domestic and international audiences. This strategy of "calculated compassion" was outwith the control - and presumably to the dislike - of the UK Foreign Office. It was a situation both born from and reflective of a process of inter-governmental negotiations, leading up to Scotland's decision, that demonstrated a "lack of willingness on the part of the UK government to work to the letter and the spirit of the concordats [on international relations]" (Kenealy, 2012b: 61). As such, the case evidences both the fragility of the UK's system of intergovernmental relations, 'binding in honour' only (Kenealy, 2012b: 68) and the value to sub-state governments of an international stage on which to perform its own distinctiveness.

V. *The paradiplomacy of recognition*

Sub-state governments are drawn into recognition debates from various angles. On the one hand, many sub-state governments possess similar 'de facto' qualities of statehood to those seeking formal recognition as a sovereign state, despite not claiming such a mantle for themselves. As such they are both a point of comparison and reference for a variety of actors when determining whether or not to grant recognition for breakaway governments or seceded states - particularly for those governments whose own states possess strong independence or nationalist movements. On the other hand, some sub-state governments do

indeed seek sovereignty, and are therefore actively involved in the task of securing international support for their secession from a host state, an activity termed 'protodiplomacy' in the paradiplomatic literature (Duchacek, 1988a; 1990). Additionally, as hybrid entities whose own diplomacy spans a spectrum of 'official-ness', sub-state governments are often a target for unrecognised states themselves, where recognition may not carry the full weight of international law but instead enhance claims of moral authority or political appropriateness and tie into broader narratives of the international acceptance of the aspirant state or regime. Lastly, in their international modes, all sub-state governments seek a form of recognition: not generally as sovereigns, but as legitimate interlocutors of their constituents and as effective international agents in their own right; staking their claim to their status as a 'player' in their unique sovereignty game (Adler-Nissen and Gad, 2012; Adler-Nissen and Gad, 2014; Adler-Nissen and Gammeltoft-Hansen, 2008). For example, Europe's 'stateless nations' often seek a form of recognition from the European Union, yet not necessarily as a fully fledged state, rather as something 'more' than a region (Nagel, 2004: 74). The 'line' between seeking this sort of recognition, and recognition that might be a precursor to statehood is not one that is always clear-cut, and as such can represent an area of concern for national governments.

Unlike the field of international law - which has long debated these issues - "recognition, as a general topic, has received relatively little attention in IR" (Ker-Lindsay, 2012: 3). And yet, the author continues:

> Recognition, and non-recognition, is very important. Quite apart from its important policy implications, it is of central significance for a subject that tries to understand how various actors interact with one another on the international stage. Recognition is not just about how states accept one another. It is about how they define the entire international system (2012: 3).

According to Ker-Lindsay, whilst we know relatively little about the sorts of strategies used by states attempting to prevent recognition, this belies its significance. Such significance transcends the small number of cases we are familiar with and bears potential relevance to the "20-25 significant separatist movements" within Europe alone; "the coming decades could see the emergence of an independent Scotland, Flanders, Greenland, Catalonia and

Basque Republic… indeed, the prospect of secessionist claims, albeit to wildly differing degrees…looms over most countries" (2012: 5).

Though "strictly speaking, recognition refers only to the practice of states" (Ker-Lindsay, 2012: 6), it is clear that that other actors - in their interactions with and pronouncements on aspirant or secessionist states - have a role to play. Indeed, Ker-Lindsay goes on to argue that:

> There is also a far looser usage of the term 'recognition' that not only incorporates the formal legal acceptance of a state by other states, but also includes degrees of acknowledgement by states short of actual legal recognition. It also extends to the legitimacy conferred by membership of a range or organizations and participation in international activities and events. Again, these types of activities - especially those carried out by international organizations and various sporting and cultural associations - do not in fact amount to recognition in its correct sense. Nevertheless, these acts are extremely important in their own right. They all serve to strengthen the status of the contested state and contribute to securing or stabilizing its place in the international system (2012: 6-7).

These wider acts, according to the same author, "signal that a territory is, in some way or another, understood to be a distinct political unit in international politics" (Ker-Lindsay, 2012: 7). Indeed, for Casperson (2009: 47-48), de-facto states can create effective statehood in the absence of formal recognition, "internal sovereignty is, in other words, not ruled out by lack of external sovereignty". Returning to the multiple forms that recognition can take, Ker Lindsay (2012: 8) argues that the most useful distinction to be made is with regard to express or implied recognition. Express recognition refers to situations whereby "a state openly announces its decision to recognize the state in question". Meanwhile, in cases of implicit recognition, "no formal announcement" is made, "but the situation is such that it can reasonably be deduced that recognition exists". In order to signal such implicit recognition, a state might carry out a range of activities: sending an official delegation to an independence ceremony, dispatching an "official reply" to communications from the territory seeking recognition, "that implicitly it explicitly acknowledges its acceptance as a state", concluding a political or diplomatic bilateral treaty or exchanging diplomatic representatives (Ker-Lindsay, 2012: 9).

In the activities of Wales and Scotland, we can find evidence of sub-state governments engaging in activities that could amount to both implied and express recognition. In large part due to the size of the Somali Diaspora within Wales, the National Assembly and the Welsh Government have been key targets for activities designed to secure international recognition for Somaliland. In perhaps the most contentious 'diplomatic' move - albeit not one made by the executive branch of Wales' Government - the National Assembly for Wales extended an invitation to the Somaliland government to attend the opening of the Senedd on the 3rd of March 2006, an initiative interpreted by the Somaliland press as official recognition of the break-away government's legitimacy (The Somaliland Times, 2006). The difference between the activities of sub-state governments, on the one hand, and small state governments on the other may be one that is increasingly difficult to discern on a day-to-day level. However, under international law, this distinction remains a pertinent one. The difference also has some relevance in a more pragmatic sense: the Welsh Assembly's reported 'recognition' of Somaliland does not carry the same diplomatic or legal force as similar actions by a sovereign state. However, at a political level, this 'unofficial' recognition may indeed have an effect, albeit a more muted one. The ambiguity surrounding the status of sub-state governments is compounded by widespread confusion regarding the architecture of devolved or regional government (such as between the National Assembly for Wales as a legislature, and the Welsh Government as an executive) and the lack of a designated 'foreign office' from which diplomatic messages are directed.

Less ambiguously, in October 2014 the Scottish External Affairs Minister Humza Yousaf wrote to the Foreign Secretary Phillip Hammond to argue that the UK should recognise Palestine as an independent state. Ahead of a vote in the UK House of Commons on the topic - in which a motion supporting recognition was carried, albeit with the abstention of UK Government Ministers - the Scottish Minister also spoke of the Scottish Government's support for the upgrading of the Palestinian representation in the UK to embassy level "with immediate effect", and of their support for a separate Palestinian consulate to be opened in Scotland. In a press release from the Scottish Government, Humza Yousaf comments: "we firmly encourage both Israel and Palestine to reach a sustainable, negotiated settlement under international law, which has at its foundation mutual recognition and the determination to

co-exist peacefully" (Scottish Government, 2014a). For its part, the UK Government states that - while its goal is indeed a negotiated two-state solution - it reserves the right to grant recognition at a time of its own choosing, where it would be of greatest benefit to the peace process. According to Middle East Minister Tobias Ellwood, the timing of any recognition was critical; "you can after all only play this card once" (BBC News, 2014). Given the UK government's perception of time-sensitivity in this particular case, as well as the reactions that the Scottish position generated in global presses, it would indeed appear that this act of - or 'mimicking' of - an express form of recognition had real foreign policy implications. Though, like the House of Commons vote, the effects of such activities are 'symbolic', such symbolism can be impactful, particularly where it builds towards a 'critical mass' of international support.

The activities of both Wales and Scotland in the two instances above arguably amount to what Ker Lindsay described as helping to "strengthen the status of the contested state and contribute to securing or stabilizing its place in the international system" (Ker-Lindsay, 2012: 7). From a post-structuralist perspective, diplomacy can be "productive of geopolitical space", and as such the activities of sub-state governments in the high-stakes game of recognition can be interpreted as something of real significance. Together with the activities of other 'outliers' of the international system, sub-state paradiplomacy can illuminate the "tension between formal diplomatic practices and non-state actors"(McConnell et al., 2012: 806).

Conclusion: the 'fair weather' diplomats?

For Adler-Nissen and Gad (2012: 3), by "focussing on what appear to be marginal sites of international relations, we are able to see much more heterogeneity than IR theory usually allows a glimpse of". In the case of paradiplomacy, whether one recognises greater truth in the free-riding or free-wheeling metaphors outlined above, it is clear that the large degree of flexibility that sub-state governments possess in their diplomatic actorness puts them at odds with their state contemporaries. In many ways, this flexibility can represent an advantage in

diplomatic terms: sub-state governments are able to direct their (generally limited) resources towards only 'win-win' endeavours. When crises occur or hostility arises, when situations are intractable or relationships become difficult or embarrassing, or even simply where it wouldn't be politically expedient to intervene, the sub-state government is able to defer to state-wide competence. Ultimate responsibility does not rest with the region. When state-diplomacy is unattractive for any reason, sub-state governments can seek to distance themselves from it - as the case of Scotland's pronouncements on overseas aid expenditure demonstrates. This is not to say that all sub-state governments operate in this narrowly self-interested way, rather that their ambiguous status would allow them to do so in a way not easily replicated by other actors.

In as much as there is nothing inherently 'bad' about sub-state diplomacy, nor does there seem to be anything particularly 'good' about it from an ethical or deontological point of view. 'Smaller' is not always better, and a recent study of South African regions presents a key challenge to the argument that paradiplomacy is necessarily either a democratizing or developmental force (Nganje, 2014). In democratic terms, the lack of scrutiny - from regional parliaments, local media, inter-party competition - of paradiplomatic activity, aided by the fact that it tends to be relatively uncontroversial and often 'unspectacular' (Aldecoa and Keating, 1999b: :19) in nature, is surely a concern for anyone concerned with 'good governance'. Indeed, could much paradiplomatic activity be reduced to a vanity exercise on the part of regional politicians? Less pejoratively, could paradiplomacy really be all about symbolism - with state-level actors allowing sub-state governments to 'play' at foreign policy as an appeasement mechanism? The case of Tatarstan arguably demonstrates that using paradiplomacy as a way to make credible the internal discourse of sovereignty, which in this case may actually be centred around rationalist economic claims, is a credible strategy for some sub-state governments (Albina, 2010: :123). The meaning of such paradiplomacy is therefore one premised almost entirely around domestic concerns - do such activities really represent a challenge to the state-centric diplomatic system?

In fact, it would seem to be in its 'uglier' manifestations that paradiplomacy raises the more pertinent questions for diplomatic studies. This dynamic is one addressed in detail by

Marciacq in the context of the Republika Srpska and Bosnia Herzegovina (Marciacq, 2015). Here, the author argues, the contesting of state-level authority by a sub-state government has different implications in the context of a 'malfunctioning state" such as Bosnia and Herzegovina, where 'lengthy state-building efforts have not alleviated the risk of instability'. The author continues that the development of the Republika Srpska's paradiplomacy is "driven by ethno-political competition, facilitated by state and sub-state actors' mutual disregard, and that it both echoes and amplifies the systemic malfunctioning of Bosnia and Herzegovina" (Marciacq, 2015: 329). It is not automatically the case that sub-state diplomacy in fragile states accentuates such fragility (via hollowing out the functions of the emergent or malfunctioning state), rather the variable seems to be the way in which sub-state diplomacy develops, specifically whether it is "driven by cooperation or competition" (Marciacq, 2015: 343). The role of sub-state diplomacy in fragile states is certainly an underexplored one, something that Marciacq argues is particularly unfortunate 'given the relevance of sub-state diplomatic studies to state-building theories" (2015: 332).

The ambiguity of sub-state government's diplomatic status - combined with their willingness to share opinions on controversial issues - has a potentially erosive effect on central concepts and practices in international relations, such as recognition. At the same time, a similar effect could arguably be seen on the unquestioned legitimacy of states as principal diplomatic agents. Where the sub-state government can be seen to more accurately represent a 'foreign policy' position on the part of its constituents, this becomes a clear challenge for those at central-state level. In the context of increasingly salient regional and sub-state national identity, this challenge would appear to be a particularly important one.

Conclusion

This thesis used paradiplomacy as a lens through which to examine the confluence of two separate forces: the efflorescence of regionalism and sub-state nationalism and the diversification and stratification of diplomatic practice. Current political events within the UK and the wider European neighbourhood demonstrate how relevant this potential collision remains. In Scotland, a resounding 'no' vote to the UK leaving the EU stood in clear and uncomfortable contrast with the popular vote throughout the rest of the UK. What has followed is a set of interrelated debates and political disagreements which, according to McEwan, fundamentally expose "the difficulties in reconciling rival self-determination claims":

> 'The Brexit vote has also raised again the issue of Scotland's place within the UK, and for some justifies reconsideration of the decision the Scottish electorate made to remain within the UK by rejecting independence in 2014...... the 'one nation' nationalist rhetoric of the UK Government in the aftermath of the vote is at odds with the plurinational character of the United Kingdom' (McEwan, 2017).

Scotland's many disagreements with the UK Government over the way in which the Brexit result is translated into policy, its thwarted attempts to secure a second referendum and its formulation of alternative scenarios for Scotland's future relationship with the EU have all been carried out or transposed onto a paradiplomatic plane. Here, their desire to represent what they see as the legitimate interests of their nation, a distinct 'people' or political community that has expressed a firm desire to remain part of the EU, has come up against some hard and – for now, at the least – immovable boundaries. The UK Government's view has been that it is "the decision of the whole of the UK which must be respected", and it is their job alone to negotiate the UK's departure from the EU (McEwan, 2017: 66). Even when European leaders such as Jean-Claude Junker rushed to meet with Nicola Sturgeon immediately following the vote, admitting that Scotland had "won the right to be heard in Brussels", this was quickly followed by a reminder: Junker would not "interfere in an inner British process" (BBC News, 14th December 2016). These hard borders are that of sovereignty, of the views of other EU Member States unwilling to set a precedent with consequences in their own neighbourhoods – such as Spain and France, both of whom opposed the EU negating potential membership for Scotland (BBC News, 29th June 2016). However, there is a

broader function that paradiplomacy perhaps achieves in this context. By articulating the very separateness of Scotland to the UK, and in framing the issue as one of Scotland's right to a different kind of self-determination than the one sought by the UK Government in extricating itself from the EU, the Scottish Government reinforces its sense of nationhood, and makes a case for requiring additional political resources to adequately represent and govern 'its people'. In this context, paradiplomacy allows the imagining of the Scottish political community to be defined in contrast to the international objectives and priorities of other actors, in this case the UK Government. For the UK Government, this must represent an unwelcome aspect of the ongoing debate. As Segura argues, sub-state governments can present a very specific challenge to state-authority:

> 'Sub-state international actions form part of the growing body of transnational relations which are characteristic of the contemporary international system, but states are especially wary of these due to their formal, symbolic and material proximity to state-level foreign policy, which remains an exclusive realm of state power. It is for this reason that sub-state governments, especially in their initial phases of projection, have had to exert pressure to find their place on the international scene, and this explains, at least in part, the controversial dimension of their international action' (Garcia Segura, 2017: 345-346)

The Brexit debate inevitably raises questions about both the nature and the location of sovereignty in ways that perhaps blur and befuddle the objective lines of demarcation between the UK as a state and Scotland as a sub-state government. As McEwan argues:

> 'The concept of 'a people' is often synonymous with 'a nation' as the basis of solidarity and locus of sovereignty … but determining who or what constitutes a nation, and who doesn't, is no less ambiguous. Contrary to some beliefs, nations are not primordial communities but are socially constructed over time and, while many share some cultural or linguistic characteristic, migration and cultural plurality make these insufficient criteria of nationhood. A shared national identity and mutual sense of belonging – captured in Benedict Anderson's (1991) celebrated definition of nations as 'imagined political communities' – overcomes the limitations of objective criteria' (McEwan, 2017: 70).

Whilst Scottish interventions – diplomatic and inter-governmental – may not have secured a 'special deal' for Scotland in the Brexit fallout, they may signal something more significant. Indeed, the contrasting self-determination narratives in Scotland the wider UK perhaps reflect

what Awan-Scully argues is the increasing lack of shared debates and shared political choices across the UK that might work to tie a political community together, giving it the sense of being a 'coherent and united nation'. The nature of the 'electoral menu' across the UK has changed in fundamental ways: "voters in the UK's four nations are increasingly being presented with fundamentally different, and largely disconnected, sets of political opinions". This electoral disunity has potentially profound implications and is "deeply problematic for the long-term unity and integrity of the UK":

> 'In the absence of a genuinely British party politics, the British state may have a limited life expectancy as a continuing and united entity' (Awan-Scully, 2018: 5).

Where paradiplomacy fits into this bigger, contemporary picture, is in the ability it gives those sub-state governments who represent a stateless nation to 'speak the nation' internationally and enhance their legitimacy as a representative of their distinct people, whilst also further refining and highlighting the distinctiveness of their nation as a separate political community, by either aligning or distancing itself in relation to other actors. Paradiplomacy functions as both the cause and the consequence of this bigger shift in the character of some plurinational states – such as the UK. Sub-state actors are empowered by an international voice to seek and effect change, and they are required to develop an international voice as a response to change. In other words, paradiplomacy both provides the toolkit for political mobilisation – the ability to look and sound 'state-like', to seek inward investment, develop normative programmes of assistance or kinships – and reflects and strengthens an underlying force that advances steadily in the direction of a greater role for non-state actors, specifically those representing a distinct political community.

The intention of this thesis was to examine paradiplomatic activity in a way that resisted treating its more ambitious, developed elements as mere aberrations. Instead, those types of activities, and the unique political contexts that inform, drive and mediate them were at the centre of the analysis. An attempt was made to look at paradiplomacy itself in a systematic and wholesale way, asking a series of quite simple questions related to the colloquial 'what', 'how', 'why' and 'so, what?'. One aim was to define some commonalities to the activities that sub-state governments were engaged in internationally. Another was to give a more overtly

political account of the motivations that sub-state governments had for venturing out onto the world stage and to explain the ways in which they went on to construct a form of international agency and legitimacy. Sequentially, the thesis then sought to probe the range of possible ways in which different types of paradiplomatic behaviours might be interpreted and perceived by other actors in the international system, and to begin the process of categorising this variety of activities.

There were also exploratory steps taken towards signposting a new theoretical approach to paradiplomacy that might allow a move away from the descriptive accounts that have dominated the literature (McConnell et al., 2012: 806). Part One of the thesis, Chapters One and Two, set out this stall; arguing that paradiplomacy had become too closely associated with the related concept of multi-level governance, disguising some of the more novel and perhaps challenging features of paradiplomacy itself. It called for a more thorough grounding of paradiplomacy within the field of international relations, allowing an actor-focussed exploration of the practices and characteristics of sub-state governments as international agents. This part of the thesis introduced the reader to an alternative set of concepts that were used in the substantive analysis to follow, principally: sovereignty games, mimicry and performativity. The principal contributions made to the literature of paradiplomacy in these sections related to a fairly radically reorientation of the theoretical framework towards the discipline of International Relations and specifically to a largely constructivist approach with some important elements of practice theory (Neumann, 2002; Bueger and Gadinger, 2018).

Part Two of the thesis addressed a set of broadly sequential research questions, attempting to tease out the paradoxes seemingly inherent in paradiplomatic activity. In Chapter Three we examined the legal and constitutional basis of paradiplomacy in each of our case studies and saw that this was substantially varied, something borne out in other studies: "researching regional sub-state diplomacy is sometimes like comparing apples with pears: they look and taste different" (Criekemans, 2010b: 39) . A key distinction between our cases was the provision made in the UK's Memorandum of Understanding for both Scotland and Wales to 'opt in' to the Vienna Convention on Diplomatic Relations, and to receive official diplomatic status, through operating out of the UK Government's own diplomatic missions. Under

Germany's Basic Law there was no similar provision and all of Bavaria's diplomatic relations were 'unofficial' and not party to the convention. Bavaria, for its part, has other capabilities lacking in both Scotland and Wales, notably the ability to make international treaties, though there is still some debate about the extent and interpretation of these powers. Evident across all three cases was a degree of compromise and pragmatism which often shaped the nature of overseas representation. From Scotland's willingness to co-locate with UK missions to Bavaria's incremental 'stretching' of its representational and diplomatic functions, through to the conscious expansion of Scotland and Wales' remit for sustainable development to allow for their respective African international aid programmes. This investigation also demonstrated the extent to which individual circumstances and varied political and historic contexts informed the paradiplomatic strategies used by each of our three case studies, and indeed the partners targeted: Wales and Patagonia, Bavaria and the Czech Republic, Scotland and the Nordic region. Wales was seen to focus more or less exclusively on targeting other regions and indeed regional networks whereas both Scotland and Bavaria expanded their activities to include third states, aided by factors such as the economic weight of Bavaria and the successful nation branding efforts of Scotland.

In Chapter Four we explored the conundrum that economic motivations, though undoubtedly crucial to much paradiplomatic activity, could not alone explain the varied ways in which it was manifest - or narrated - in each of our case studies. While the 'economic argument' may help to ground paradiplomacy in a perceived legitimacy and overcome its "aura of inappropriateness" (Hocking, 1999: 36), the nature of sub-state activities demonstrated that there were further pieces of this puzzle to be uncovered. Reflecting on the political contexts of each of our case studies, it became apparent that the currency of much paradiplomatic activity was, in fact, sovereignty. What was taking place, therefore, could be interpreted as part of what Addler-Nissen and Gad term a 'sovereignty game': the back-and-forth of a sub- and central state government as it relates to their 'relational subjectivity' (Adler-Nissen and Gad, 2014; Adler-Nissen and Gad, 2012). Given that paradiplomacy entails a sub-state government touching on a key area of activity typically reserved for states, there is a reference being made to sovereignty - even if it remains implicit - and to the legitimacy of a sub-state government's participation in such a field.

Various accounts of paradiplomacy have honed-in on the conceptual categories of stateless nations and nation-building, often making the distinction between paradiplomacy and the more contentious 'protodiplomacy', or the external activities of a 'state in waiting' (Duchacek, 1990; Duchacek, 1988b). Though there is indeed an important interplay between these forces, the analysis presented here saw this manifesting in perhaps less linear or directional terms. When viewed through the lens of a sovereignty game we can see the value that simply being accepted as a player in the game itself, regardless of any fixed constitutional or political end-point, has for sub-state governments. Indeed, the analysis presented in Chapter Four argues that this conception of a game, playing on the associations and meanings of sovereignty, might help to explain the broadly similar ways in which paradiplomacy was being conducted across cases whose governing parties held markedly different views on their constitutional teleology. Though the configurations of each of the sovereignty games in our case studies did differ, at heart they were all about the recognition of the sub-state government as a player in its own game. There appears to be a common attempt to use paradiplomacy to make a statement about relative power and authority.

In Chapter Five we questioned the process of international agency creation, employing a performativity framework to understand the ways in which sub-state governments have sought legitimacy and credibility as international actors. These processes are not unchallenged, indeed contestation and negotiation were highly visible in relation to these attempts at agency creation: from the UK and Scottish Governments' tussle over the Panda diplomacy, to the slow acceptance of Bavaria's European office and its 'representation' function. The chapter explored the ways in which legitimacy has been sought: through sub-state governments drawing heavily on their representational qualities, through mimicking the discourse and symbols of states and through appealing to dominant liberal international norms.

In Chapter Six, we considered the characteristics that sub-state governments seem to share when operating as international agents. They occupy an international operational space that is largely non-statutory and is very loosely institutionalised, nor is it subject to significant

levels of scrutiny. In possessing an ability, yet no corresponding obligation, to act internationally, sub-state governments might be seen to 'free-ride' on the foreign policy competences of their states. Examples of this type of behaviour, or at least strong precedents for it, emerged from some of the interviews conducted as part of this research. The ability of devolved governments in the UK to 'pass under the radar' and refuse to be drawn on contentious foreign policy issues has meant that relationships with related or relevant parties were left unscathed. However, such instances remain isolated. Instead, a more accurate way to conceive of this selectivity when it comes to international relations is that of a sub-state government 'free-wheeling' in the space behind the high-politics of inter-state diplomacy. This potentially allows them to develop niche diplomatic strategies or novel instruments, such as the reciprocal approach to international aid showcased by Scotland and Wales (Anyimadu, 2011) or the focus on technical development assistance in Central and Eastern Europe by Bavaria. It also allows sub-state governments to focus on those areas or relationships of greatest benefit to them, whether that is in economic, political, cultural or other terms. The chapter identified a range of scenarios or categories of activity that aimed to demonstrate the variety of ways in which paradiplomacy may impact upon or be perceived by other actors: the paradiplomacy of good intentions, value-added or competitive paradiplomacy, paradiplomacy on the fringes of high politics and the paradiplomacy of recognition. Each of these categories is tentative and would benefit from refinement in the context of additional data from a broader range of case-studies. However, they are intended for our purposes as a blunt tool to enumerate and identify the potential complexity of paradiplomacy as a 'normalised' feature of global politics.

In pulling together the various threads outlined above, we return to Adler-Nissen and Gad's argument that the unassuming borderlands of International Relations is precisely the area in which to see the heterogeneity of the field, and 'enquiry at the margins' is an important way to develop International Relations theory(Adler-Nissen and Gad, 2012: 3). Expanding the 'analytical gaze' of diplomacy allows us to incorporate these lessons from the margins into our understandings of some of the most fundamental questions of international relations: "legitimacy, recognition, statecraft and sovereignty" (McConnell et al., 2012: 804). Rather than assuming a set of capabilities that sub-state governments have internationally, this

thesis instead probed the actual practices of these actors, and in doing so illuminated a range of ways in which paradiplomacy interacts with and challenges the traditionally hierarchical roles of state and sub-state government.

Among several things that this thesis did not do, however, two are particularly important to note. The first of these relates to the time period during which data was collected, which has meant that the changes and challenges resulting from the UK's referendum on leaving the European Union in 2016 have fallen outside of the scope of this research. The period following this referendum, and the ways in which the 'Brexit question' has unfolded in both Scotland and Wales has brought many of the latent tensions noted in this thesis to the fore, and undoubtedly in other ways would have added important data and insight to the study. Nonetheless, these developments have arguably shone a brighter light on the paradiplomatic practices of the UK's devolved regions and may help to catalyse further research in this area. Indeed, the themes explored in the course of this study, and the tentative framework introduced for a more actor-centred theory of paradiplomacy may provide a platform for understanding the 'Brexit' fallout.

Secondly, in its focus on the more developed aspects of paradiplomacy, those conversely less developed activities have not featured heavily in this account. Though attempts have been made to draw comparisons on the tone, content and relative levels of resource directed at different aspects of paradiplomacy from our three case studies, there is no detailed analyses of, for example, the economic or commercial paradiplomacy that Bavaria, Wales and Scotland all conduct, or of the routine interactions of these governments with the structures of the European Union. This is for two reasons. On the one hand, such interactions are precisely where previous research has been directed, and using much bigger pools of data than this project had access to. On the other hand, the fact that this was a comparative study that looked to understand the 'bigger picture' of paradiplomacy and attempted to discern some common features to paradiplomatic interactions in the cases of sub-state nations meant that time and resources were strictly limited. Priority was therefore given to those areas where the clarity of an overwhelming economic or functional business case was lacking and, as such, other motivations were more evidently on display.

Further areas were simply beyond the scope of the research project underpinning this thesis. The reactions to and perceptions of paradiplomacy on the part of central-state officials and politicians would have been fascinating to investigate through a series of elite-interviews; telling the other side of our 'sovereignty games' story. The broader question of how paradiplomacy is understood by actors other than the sub-state government itself seems enduringly relevant and was only addressed partially in this study. One immediate area in which this might be probed is through an analysis of consular representation within regions, reflecting on the value that external parties see in their relationships with sub-state actors. The attractiveness of Munich and Edinburgh (though not Cardiff, a further sharp contrast in the perceptions of each of our cases) as locations for consular representation was remarked upon at several points during this study and indicates, once again, the ways in which international agency helps to constitute the self-perception of the region or sub-state government itself. More broadly, future research in this area may usefully probe the link between stateless nationalism and the sorts of advanced paradiplomatic interactions uncovered in this thesis, using the categories of activity identified here to highlight any differences or similarities in the sorts of paradiplomacy that other sub-state governments carry out, particularly that – comparatively very large grouping – of sub-state locales with a regional identity stopping short of sub-state nationalism. In other words, do the findings in this thesis – related to a small sub-set of regions – also have implications for a much larger group, and thus represent a more significant and persuasive phenomenon?

In concluding this thesis, we return briefly to two common themes which have emerged strongly throughout the analysis presented above. The first of these themes relates to the fact that, as ever, context is king. Paradiplomatic activities are by their nature multi-locational. Sub-state governments are nested within a broader state structure and must in some way transcend or bypass that structure and forge direct relationships with other actors: regions, organisations or third states. The political context, therefore, does not only include that within the region, but also that of the state and the relationship between different tiers of government. The diplomacy of sub-state governments does not occur in a vacuum: the spectre of the state looms large. Similarly, the unique political context facing each of the sub-

state governments featured in this analysis has been key not only in terms of the motivations behind paradiplomacy, but also to the ways in which this paradiplomacy has been received by other actors.

It is perhaps surprising, given the political differences seen in Bavaria, Scotland and Wales, that the nature of their paradiplomatic activities, the images that they cultivate internationally and the institutional arrangements underpinning their external presence are all rather similar. Certainly, there are areas where Scotland and Bavaria go beyond the sorts of activities conducted by Wales, in particular when it comes to targeting nation states rather than third regions. There are undoubtedly thematic differences, too. But the more interesting marker is instead the differing ways that these often broadly similar behaviours are perceived. In Scotland, for example, reactions from both the UK Government and other Scottish and UK-wide political parties to diplomacy on Iran, India, the release of Abdelbaset al-Megrahi, the Palestinian question and numerous other issues are always refracted through the prism of Scottish independence, and are subject to the political fault lines and suspicions that exist in this context. Contrasted with Bavaria, whose economic clout has afforded it high-level nation-state access (including with those of a vastly different size and standing to itself, such as India), there is a marked difference in the way that such activities are perceived. Aided by a degree of party-political congruence in the Federal and Bavarian governments and a recent history, and strong political narrative, of co-operational federalism, Bavaria has been able to pursue its paradiplomacy in a very different climate than that facing Scotland.

The importance of territorial cleavages, the mechanisms of intergovernmental relations and the more general tenor of relations between different levels of government was reaffirmed time and again in the course of this research project. In the UK, for example, the perceived challenge to the devolved governments' scope to conduct paradiplomacy was not a case of party-political incongruence across a left-right axis, but rather in terms of the territorial cleavages at play; "whoever is in power at Westminster and Whitehall, it is still Westminster and Whitehall… in the international context, that's the more important division, it's the

division between different tiers of government".[97]The degree to which the unique political context in each of our case studies has impacted the ways in which their paradiplomacy is understood is perhaps to be expected. In many ways, and contrary to the impression that paradiplomatic actors often give, paradiplomacy is a politically charged activity. Tensions are almost bound to arise in this field because the area itself - diplomatic representation, foreign affairs, international relations, however one frames it - touches so closely on a key state prerogative.

This brings us to the second overarching theme that we will conclude with: the paradoxical nature of paradiplomacy. On the one hand, we can understand paradiplomacy as a sovereignty game that draws on fundamental tenets of power and authority and is about the relative position of the sub-state government vis-a-vis its 'host' state. Even in the absence of any desire to fundamentally recast the state- sub-state relationship, the game can still be played: with the 'end point' being the very constitution of the sub-state government as a legitimate player in the game itself (Adler-Nissen and Gammeltoft-Hansen, 2008; Adler-Nissen and Gad, 2014; Adler-Nissen and Gad, 2012). In this understanding, the sub-state government performs its international agency to both domestic and international audiences, in doing so extending their 'territorial reach' (Ferguson and Mansbach, 1996) and making an, often implicit, reference to sovereignty - drawing on the meanings, associations and symbols of both diplomacy and statehood (McConnell et al., 2012; McConnell, 2016).

On the other hand, however, the day-to-day realities of paradiplomacy are often 'unspectacular' in nature (Aldecoa and Keating, 1999a: 19), and only in isolated incidents do we see tensions flare in a way that reflects the underlying dynamics of contestation and appropriation that have been identified. Similarly, while the mimicry of state-like diplomacy by sub-state governments punctuates the monopoly that states hold in this domain, the fact that paradiplomacy looks and sounds so remarkably similar to the diplomacy of states also acts to reinforce this same dominance. Sub-state governments become both "resemblance

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[97] Interview data, Senior Welsh Government official, 2013.

and menace"; they (non-state actors) both "elevate 'official' state diplomacy as ideal and dilute its distinction from other, 'unofficial' diplomacies" (McConnell et al., 2012: 811):

> These spaces of diplomatic mimicry can be imagined as remainders left over and left behind as the 'legitimate' international space is continually constituted. It is their excess that provides the constitutive outside to the diplomatic realm. Even as their existence threatens that system, the system relies on them for representational force to reify systemic norms (McConnell et al., 2012: 811).

Is paradiplomacy, therefore, just something and nothing? One factor pointing towards a different explanation is the political 'doublespeak' that abounds in this territory. While many of the accounts given by governmental officials, as part of the research underpinning this thesis, pointed to the generally benign and workmanlike context surrounding their paradiplomatic endeavours, we must remember to question the source of such accounts. As was highlighted by the unwillingness of Scottish officials to discuss paradiplomacy as part of this project, both civil servants and politicians may well be mindful of the nature of the impressions that they give, precisely because of the potential for this to be such a politically sensitive area, one "so closely articulated to sovereignty that it is considered the prerogative of the sovereign" (Adler-Nissen and Gad, 2014: 16). The subject matter we touch upon when discussing paradiplomacy is one that inherently chafes at the boundaries of sub-state authority, and therefore we must triangulate the stories we are told in different contexts.

The conceptual dissonance of paradiplomacy: the difficulty we have in reconciling acts which look and sound like they are conducted by states, but yet are not being conducted by states at all, points to the fact that something interesting is indeed happening in this domain. It is happening at the margins of international relations, yet it lends insight, provides parameters and gives indications of the direction of travel in terms of much 'bigger' questions. We are perhaps best led back to Krasner's classifications of sovereignty's many variants: international legal sovereignty, Westphalian sovereignty, domestic sovereignty and interdependence sovereignty, each with their own rules and logics of appropriateness (Krasner, 1999). In the varied activities of sub-state governments, we arguably find some of these elements, or at least precedents for them. Certainly, the unique characteristics of sub-state governments as

diplomatic actors - 'sovereignty bound yet sovereignty free' (Hocking, 1999) - present a new, incremental, set of challenges for IR theory. In a broader sense they also point to the vast heterogeneity of international relations, and of the multitude of relationships that exist and persist outside of the 'Westphalian straightjacket' (Buzan and Little, 2001: -25; Adler-Nissen and Gad, 2014: 14).

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