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EXTERNAL RELATIONS OF FEDERATED UNITS AND REGIONS:  
A CASE STUDY OF FLANDERS AND THE REPUBLIKA SRPSKA

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A thesis submitted to the University of Kent  
for the Degree of  
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## List of Abbreviations

AER	Assembly of European Regions
B&H	Bosnia and Herzegovina
CDV	Party of Christian Democratic and Flemish
CGIS	General Committee for International Cooperation (Flanders)
CIPE	Conference for Foreign Policy (Belgium)
COORMULTI	Coordination of Multilateral issues (Belgium)
DC	Flanders District of Creativity
DCF	Donor Coordination Forum (Bosnia and Herzegovina)
DGE	The Directorate-General for European Affairs and Coordination (Belgium)
DIRV	Third Industrial Revolution in Flanders
DIV	<i>Departement Internationaal Vlaanderen</i> (Flanders Department of Foreign Affairs)
EBRD	European Bank for Reconstruction and Development
EGTC	European Grouping for Territorial Cooperation
EUSDR	EU Strategy for the Danube Region
FARA	Foreign Agents Registration Act (USA)
FCNM	Framework Convention for the Protection of National Minorities (Council of Europe)
FICA	Flanders International Cooperation Agency
FFIO	Flanders Foreign Investment Office
FIOC	Flanders Investment Opportunity Council
FIPA	Foreign Investment and Promotion Agency (Bosnia and Herzegovina)
FIT	Flanders Investment and Trade
FUST	Flanders/UNESCO Science Trust Fund
FUT	General Flemish Trust Fund
GATT	General Agreement on Tariffs and Trade
GENT	Entire European Dutch Language
GEF	Global Environment Facility
GIZ	German Society for International Cooperation
HDZ	Croatian Democratic Party (Bosnia and Herzegovina, Croatian party)
HRP	Human Reproduction Program
IAEA	International Atomic Energy Agency

IBRD	International Bank for Reconstruction and Development (World Bank)
IDA	International Development Association (World Bank)
IFAD	International Fund for Agricultural Development
ILO	International Labour Organisation
IPA	Instruments for Pre-accession Assistance (EU)
JICA	Japan International Cooperation Agency
LEED	Local Economic and Employment Development (OECD)
MDSD	Most different system design
MERRC	Ministry of Economic Relations and Regional Cooperation of the Republika Srpska
MoU	Memorandum of Understanding
MSSD	Most similar system design
NDH	Independent State of Croatia
NEG-ECP	New England Governors and East Canadian Premiers
nrg4SD	Network of Regional Governments for Sustainable Development
N-VA	New Flemish Alliance
OHR	Office of the High Representative for Bosnia and Herzegovina
ORIO	Facility for Infrastructure Development (the Netherlands)
PIAAC	Program for the International Assessment of Adult Competencies (OECD)
PIC	Peace Implementation Council (for Bosnia and Herzegovina)
PISA	Program for International Student Assessment (OECD)
OFID	OPEC Fund for International Development
REGLEG	Regions with Legislative Power
RGGI	Regional Greenhouse Gas Initiative
RS	Republika Srpska
SAA	Stabilisation and Association Agreement
SARIV	Flemish Foreign Affairs Council
SDA	Party of Democratic Action (Bosnia and Herzegovina, Bosniak party)
SDC	Swiss Agency for Development and Cooperation
SDP	Social Democratic Party (Bosnia and Herzegovina, Bosniak party)
SDS	Serb Democratic Party (Bosnia and Herzegovina, Serb party)
SIDA	Swedish International Development Cooperation Agency
SNSD	Alliance of Independent Social Democrats (Bosnia and Herzegovina, Serb party)

TIKA	Turkish International Cooperation and Development Agency
UNFPA	UN Population Fund
UNICIRI	UN Interregional Crime and Justice Research
UNIDO	UN Industrial Development Organisation
UNODC	UN Office on Drugs and Crime
UNRWA	UN Relief and Works Agency
UNWTO	UN World Tourism Organisation
VDBH	Flemish Office for Foreign Trade
VLAM	Centre for the Promotion of Agriculture and Fisheries (Flanders)
VLD	Party of Open Flemish liberals and democrats
VLEVA	Liaison Agency Flanders-Europe
WFP	World Food Program
WHO	World Health Organisation

## **Abstract**

This study analyses the external relations of federated units and regions. It focuses on sub-state units with an identity that sets them apart from the rest of the country that tend to develop international agency that is similar to nation-states while engaging in diplomatic activities that sometimes may contradict the official positions of their central governments. Motivated by the complexity of their relations with central authorities, as well as the variations in the development of their international agency, the thesis provides insight into the nature and the evolution of the external relations of these units. It investigates how some federated units consolidate their international activities and diversify their external relations, while others have a more narrow political focus. The main assumption of this thesis is that external relations of regions and federated units with distinctive identity pass through the same stages of development. The thesis distinguishes two basic stages in the development of external relations of federated units with distinctive identity. Phase A represent the first stage of development where external relations are almost exclusively concerned with identity and image building. Development of organisational structures and institutions for external relations, both abroad and at home, are crucial for moving to the second stage, Phase B, where external relations become more complex and multidimensional. The stage-based argument of this thesis has been influenced by the work of Miroslav Hroch and his phase theory of development of national movements.

This conceptual framework is applied to two cases, Flanders and the Republika Srpska, two federated units having a distinct cultural, linguistic and ethnic identity and belonging to deeply divided and politically fragmented countries. The thesis investigates the birth and the expansion of their international projection, including the development of the institutions, objectives and priorities of their external relations. Using insights

from historical institutionalism, the thesis finds a strong link between diversification and the institutionalisation of the external relations of federated units and regions with a distinct identity. The empirical data for this thesis were collected from the official documentation featuring laws, legal acts, coalition agreements, agreements between federal level and its federated units, international treaties, agreements and memoranda of understanding and from semi-structured interviews with officials from Flanders and the Republika Srpska. Overall, this study furthers the understanding of external relations of sub-state units highlighting the importance of institutions for development of their international agency and for projection of their interests and priorities globally. It also contributes more generally to the study of federalism and inter-governmental dynamics in multi-national federations. The findings of this study resonate with the experience of other sub-state units with distinctive identity as for example Quebec, Catalonia, Scotland, and the Basque Country and are likely to have implications for potential new aspiring multinational federations such as Cyprus and Moldova.

## CHAPTER 1

### Introduction

#### 1.1. Background of the Study

Over the last couple of decades, many sub-state actors have been trying to influence decisions outside their national borders. With the increasing number of international governmental and non-governmental organisations and interest groups, the development of modern technologies, and the globalisation of markets, economy, trade, and investments, a space has opened for new actors in world politics, one in which central state authorities no longer have exclusive monopoly over foreign relations. International governmental and non-governmental organisations, multi-national corporations, federated and other sub-state units have become important international players. Since the introduction of the Westphalian system, states have tried to centralise and territorialise diplomacy and international relations by “silencing the diversity of voices and practices that constituted a wider understanding of diplomacy.”<sup>1</sup> The emergence of new actors has changed the traditional view of diplomacy, including the “habitat in which traditional diplomats operate.”<sup>2</sup> State diplomats have become facilitators who bring a number of actors together to “manage the problems which are beyond the capacity of government alone.”<sup>3</sup> The line between internal and external competencies, especially within devolved and federalised states, has been fading. “Phenomenon of multiple voices”<sup>4</sup> is sometimes

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<sup>1</sup> Noé Cornago, “Perforated Sovereignties, Agonistic Pluralism and the Durability of [Para] diplomacy,” in *Sustainable Diplomacies*, ed. Costas M. Constantinou and James Der Derian, (London: Palgrave, 2010), 89.

<sup>2</sup> Jan Melissen, “Introduction” in *Innovation in Diplomatic Practice*, ed. Jan Melissen (New York: Palgrave, 1998), xv.

<sup>3</sup> Brian Hocking, “Patrolling the ‘frontier’: Globalization, localization and the ‘actorness’ of non-central governments” in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London: Frank Cass, 1999), 20.

<sup>4</sup> The “many voices” phenomenon was noted by E. Fry in 1980; cited in Panayotis Soldatos, “An Explanatory Framework for the Study of Federated States as Foreign-policy Actors,” in *Federalism and International Relations: The Role of Sub national Units*, ed. Hans J. Michelmann and Panayotis

used in the literature to describe the plurality of actors who go directly from the interior of the states to the international sphere. In other words, international relations are no longer preoccupied with “larger matters of peace, war and alliance building,”<sup>5</sup> but also consider local issues, such as the environment, poverty, human rights, gender equality and development. As Ehrenzeller et al. rightly point out, there is virtually no policy area that can be regulated exclusively in the domain of nation state.<sup>6</sup> Aguirre argues that paradiplomacy, a term often employed to denote international activities of sub-state actors, is a consequence of “increasingly complex and diverse internationalisation of local public policies.”<sup>7</sup> Because regions, federated units and provinces may have priorities that differ from those of their central authorities, their participation on the international scene is, according to Atkey, “the most practical way of giving expression to these priorities.”<sup>8</sup> The appearance of sub-state actors on the international scene has killed “the myth” that nation-states have “hermetic and univocal sovereignty” in foreign affairs.<sup>9</sup>

States have never been the only actors in the world politics, because “the formalisation of diplomacy as state privilege was never complete and plurality of voices and practices reappeared periodically.”<sup>10</sup> However, the existence of what Nye

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Soldatos, (Oxford: Clarendon Press, 1990), 34. See also Jose Luis De Castro, “The other dimension of third-level politics in Europe: The congress of local and regional powers of the council of Europe,” in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London: Frank Cass, 1999), 96.

<sup>5</sup> P. R. Roff Johannson, “Provincial International Activities,” *International Journal* 33, no. 2 (Spring 1978): 363.

<sup>6</sup> Bernhard Ehrenzeller et al., “Federalism and Foreign Relations,” in *Federalism in Changing World, Learning from each other*, ed. Raoul Blindenbacher and Arnold Koller, (Montreal and Kingston: McGill-Queen’s University Press, 2003), 61.

<sup>7</sup> Iñaki Aguirre, “Making sense of paradiplomacy? An intertextual enquiry about a concept in search of a definition,” in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London: Frank Cass, 1999), 205.

<sup>8</sup> Ronald G. Atkey, “The Role of the Provinces in International Affairs,” *International Journal* 26, no. 1, (Winter 1970): 252.

<sup>9</sup> Kincaid, John, “Constituent Diplomacy in Federal Polities and the Nation-state: Conflict and Cooperation,” in *Federalism and International Relations: The Role of Sub national Units*, ed. Hans J. Michelmann and Panayotis Soldatos, (Oxford: Clarendon Press, 1990), 57.

<sup>10</sup> Cornago, “Perforated Sovereignties,” 90.

and Keohane call “transnational actors” is widely ignored in “policy-oriented” literature.<sup>11</sup>

The study of internationalisation of sub-state actors, regions and federated units (as discussed in Chapter 2) began to attract scholarly attention in the 1980s. As mentioned above, the internationalisation of non-state actors is often labelled “paradiplomacy,”<sup>12</sup> although terms such as constituent diplomacy,<sup>13</sup> global micro-diplomacy,<sup>14</sup> catalytic/ multi-layered diplomacy,<sup>15</sup> sub-state diplomacy,<sup>16</sup> postdiplomacy or beyond diplomacy,<sup>17</sup> or protodiplomacy<sup>18</sup> appear as well. Despite the plethora of terms, the terminology, as Hocking notes, either suggests a second-order set of activities or prejudges the nature of activities as secondary.<sup>19</sup> In what follows, I use “external relations” to denote the participation of federated units and regions on the international scene to avoid evoking a sense of hierarchy.

Federated units, regions and other sub-state units’ engagement in international relations can be grouped into three broad categories: economics, culture, and politics.<sup>20</sup> With regard to the first, Blatter et al. say federated units and regions internationalise “to defend or enhance the economic prosperity in their region and to

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<sup>11</sup> Joseph S. Nye and Robert O. Keohane, “Transnational Relations and World Politics: An Introduction,” *International Organization* 25, no. 3 (Summer, 1971): 330.

<sup>12</sup> (e.g. Ivo Duchacek, “The International Dimension of Subnational Self-Government”, *Publius: The Journal of Federalism*, 14 (Fall 1984); Soldatos “An Explanatory Framework”).

<sup>13</sup> (Kincaid, “Constituent Diplomacy”).

<sup>14</sup> (Duchacek, “The International Dimension of Subnational Self-Government”).

<sup>15</sup> (Hocking, “Patrolling the ‘frontier’”).

<sup>16</sup> (e.g., Noé Cornago, “On the Normalization of Sub-State Diplomacy”, *The Hague Journal of Diplomacy* 5, no. 1-2 (2010); David Crieckemans, “Foreign Policy and Diplomacy of the Belgian Regions: Flanders and Wallonia”, *Discussion Papers in Diplomacy*, (The Hague: Netherlands Institute of International Relations ‘Clingendael’, 2010).  
[https://www.clingendael.nl/sites/default/files/20100300\\_cdsp\\_discussion\\_paper\\_in\\_diplomacy\\_crieckemans.pdf](https://www.clingendael.nl/sites/default/files/20100300_cdsp_discussion_paper_in_diplomacy_crieckemans.pdf) (accessed 2 November, 2013).

<sup>17</sup> (Aguirre, “Making sense of paradiplomacy?”).

<sup>18</sup> (Ivo Duchacek, “Perforated Sovereignties: Towards a Typology of New Actors in International Relations” in *Federalism and International Relations: The Role of Sub national Units*, ed. Hans J. Michelmann and Panayotis Soldatos, (Oxford: Clarendon Press, 1990).

<sup>19</sup> (Hocking, “Patrolling the ‘frontier’”).

<sup>20</sup> Michael Keating, “Regions and International Affairs: Motives, Opportunities and Strategies,” in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London: Frank Cass, 1999): 3-4.

secure their own financial revenue.<sup>21</sup> In the case of the second, they “try to defend or expand the recognition of their institutional peculiarities in order to secure their cultural identity.”<sup>22</sup> Finally, federated units and regions enter the international arena “to defend or to expand their political autonomy or their political influence in order to secure the relevance of domestic preferences or interests in policymaking.”<sup>23</sup> As Kuznetsov points out, these motives can overlap; the international activities of sub-state units may be driven simultaneously by several goals.<sup>24</sup> Although it is difficult to determine which motive is more important overall, the international activities of federated units and regions may be greater if they involve questions of culture, especially issues of identity and language.<sup>25</sup> Indeed, some of the most internationally active federated units and regions (Quebec, Flanders, Catalonia, Scotland, the Basque Country etc.) devote a significant part of their international activities to promoting their identity, language and/or culture, often perceived as distinctive. The dissertation looks more closely at the external relations of regions and federated units having a distinctive identity.

This thesis is limited to the external relations of federated units and regions with a distinctive identity for several reasons. For one thing, their external relations are more complex and more likely to imitate “traditional state diplomacy” than those of regions whose identity does not differ from the prevailing identity of the state. Their international activities may be perceived by their central authorities as a challenge to the integrity of state’s sovereignty; therefore, they are often closely

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<sup>21</sup> Joachim Blatter et al., “The Foreign Relations of European Regions: Competencies and Strategies,” *West European Politics* 31, no.3 (May 2008): 467.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Alexander S. Kuznetsov, *Theory and Practice of Paradiplomacy: Subnational Governments in International Affairs*, (Abingdon and New York: Routledge, 2015), 110.

<sup>25</sup> Richard Vengroff and Jason Rich, “Foreign Policy by Other Means: Paradiplomacy and the Canadian Provinces” in *Handbook of Canadian Foreign Policy*, ed. Patrick James, Nelson Michaud, and Marc J. O’Reilly, 105 -132 Lexington Books 2006, 112.

monitored by their respective states, as well as the diplomatic system in general.<sup>26</sup> As the international scene may provide an “opportunity to build and consolidate their national identity,”<sup>27</sup> their internationalisation may be regarded as more “problematic” than the internationalisation of those who do it for purely economic reasons. Finally, their external relations may be conducted in such a way that they could be interpreted as a stepping-stone in their movement towards separatism.

## **1.2. Regions and Federated Units with a Distinctive Identity**

Before defining what I mean in this thesis by “distinctive identity,” it is important to set some boundaries on my understanding of regions and federated units. My conceptualisation of regions is limited to autonomous territorial units of devolved or decentralised states, with their own institutions with legislative powers either delegated or distributed by constitution or law. Federated units form a federation, and are like regions, autonomous units with considerable level of autonomy exercised by their institutions; their formation may be on territorial terms (regions) or non-territorial terms (communities). Both regions and federated units are, as Cornago explains, more autonomous than cities, but less autonomous than sovereign states.<sup>28</sup>

I use in this thesis “distinctive identity” to refer to the prevailing ethnic, linguistic and cultural identity of a region or a federated unit, when it differs from that of its state or dominant nation, and to which the rest of the state/dominant nation does not relate. Distinctive identity is constructed, like most identities, through relations and interactions with significant others. In the process of federal state formation, some national groups may successfully equate themselves with the new

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<sup>26</sup> Cornago, “On the Normalization of Sub-State Diplomacy,” 14.

<sup>27</sup> Lecours, André, “Paradiplomacy: Reflections on the Foreign Policy and International Relations of Regions,” *International Negotiation* 7 (2002): 96.

<sup>28</sup> Cornago, “On the Normalization of Sub-State Diplomacy,” 14.

federal political identity.<sup>29</sup> For example, Walloons, while considered a distinct ethnic group, relate more to a Belgian identity when they interact with Flemings and especially with the outside world. By the same token, Bosniaks, who represent the majority in the Federation of Bosnia and Herzegovina, relate to the larger state identity of Bosnia and Herzegovina rather than the one of its entity. Thus, neither Wallonia nor the Federation of Bosnia and Herzegovina could be characterised in this thesis as a federated unit with a distinctive identity. The new federal identity may also evolve alongside pre-existing national identities,<sup>30</sup> thus creating double identities, as is the case with Bavaria, where the German identity has evolved parallel to the Bavarian one.

Table 1<sup>31</sup> gives an overview of regions and federated units with a distinctive identity; all have been active internationally. Some were pioneers in internationalisation; for example, the international activities of Quebec and the Basque Country date back to the late 19<sup>th</sup> and beginning of the 20<sup>th</sup> century. Quebec appointed its first diplomatic representative to Paris in 1882 and opened its first mission in London in 1908 and in Brussels in 1915.<sup>32</sup> Quebec premiers had frequent

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<sup>29</sup> Michael Burgess, *Comparative Federalism: Theory and Practice*, (London and New York: Routledge, Taylor and Francis Group, 2006), 104.

<sup>30</sup> *Ibid.*, 104.

<sup>31</sup> The following sources were used to create the table: David Crikemans, "Regional Sub-State Diplomacy from a Comparative Perspective: Quebec, Scotland, Bavaria, Catalonia, Wallonia and Flanders," *The Hague Journal of Diplomacy* 5 (2010); Zubiri, "The International Relations of Basque Nationalism," Gulnaz Sharafutdinova, "Paradiplomacy in the Russian Regions: Tatarstan's Search for Statehood," *Europe-Asia Studies* 55, no. 4 (June 2003): 613-629; Ministry of International Relations and La Francophonie of Quebec, <http://www.mrif.gouv.qc.ca/en/grands-dossiers/politiques-et-strategies/politique-internationale/capacite-action> (accessed 23 February 2016); State Chancellery of Bavaria, Web site. <http://www.bayern.de/staatsregierung/bayern-in-der-welt/beziehungen-in-europa/> (accessed 25 February 2016); General Secretariat of Foreign Action of the Basque Country, Web site, [http://www.lehendakaritza.ejgv.euskadi.eus/r48contaorg/es/contenidos/informacion/v2\\_sgae/es\\_sgae/org/secretaria\\_general\\_accion\\_exterior.html](http://www.lehendakaritza.ejgv.euskadi.eus/r48contaorg/es/contenidos/informacion/v2_sgae/es_sgae/org/secretaria_general_accion_exterior.html) (accessed 22 February 2016); Government of Catalonia, Strategic Plan for External Action and European Union Relations 2015-2018, [http://afersexteriors.gencat.cat/web/contenid/afers\\_exteriors\\_cooperacio/documents/paec/paec15-18\\_en.pdf](http://afersexteriors.gencat.cat/web/contenid/afers_exteriors_cooperacio/documents/paec/paec15-18_en.pdf) (accessed 10 February 2016); Republic of Tatarstan, Web site, [http://19972011.tatarstan.ru/index.php?DNSID=b9ca949f17eb3b8e11b3f3028ed377a8&node\\_id=1262#30](http://19972011.tatarstan.ru/index.php?DNSID=b9ca949f17eb3b8e11b3f3028ed377a8&node_id=1262#30) (accessed 24 February 2016); Scottish Government, Scotland's International Framework, <http://www.gov.scot/Resource/0040/00405438.pdf> (accessed 27 February 2016); Flanders Department

<sup>32</sup> Louis Balthazar, "The Quebec experience: Success or failure?" in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London:

meetings with the highest French officials, presidents included. The first Basque government (1936) had a Secretariat for Foreign Relations in the Presidential Office; it also had delegations in Paris, Bordeaux, Brussels-Antwerp, London, New York, Boise, Buenos Aires, Mexico, Santo Domingo, Caracas and La Havana.<sup>33</sup> Other federated units and regions listed in the Table 1 became active on the international scene in the 1970s, the 1980s and the 1990s, the period often cited as the beginning of the proliferation of sub-state actors on the international scene and as the birth of the academic study of paradiplomacy. Note that Table 1 is not exhaustive; it is limited to regions and federated units having distinctive identity who have been active internationally.

In the internationalisation of federated units and regions, identity-related aspects are said to be “central to [an] underlying force, nationalism.”<sup>34</sup> However, nationalism and nationalist movements vary significantly across the cases in Table 1, from a referendum on independence in Catalonia and Scotland, to a formal request for the recognition of a distinct identity in Quebec, to pro-independence discourse and initiatives in Flanders, the Republika Srpska and Tatarstan. Of all the regions and federated units shown in Table 1, nationalism is probably the least salient in Bavaria. Although at first glance, its international activities may seem driven by economic motivations, the international projection of a distinct Bavarian identity and culture is one of the three pillars of its external relations; the second pillar is politics and administration, and the third business, science, technology, energy and the environment.<sup>35</sup>

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Frank Cass, 1999), 157.

<sup>33</sup> Alexander Ugalde Zubiri, “The International Relations of Basque Nationalism and the First Basque Autonomous Governments,” in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London: Frank Cass, 1999), 178 & 180.

<sup>34</sup> André Lecours and Luis Moreno, “Paradiplomacy and stateless nations: a reference to the Basque Country,” Working Paper 01/06 (Unidad de Políticas Comparadas CSIC, 2001), 4.

<sup>35</sup> State Chancellery of Bavaria, “Beziehungen in Europa,” <http://www.bayern.de/staatsregierung/bayern-in-der-welt/beziehungen-in-europa/> (accessed 10 October 2015).

	Status (Year granted)	Nationalism	Focus of International Activities	Coordination of International Activities	Representations Abroad	Strategic Partners
Quebec	Province (1867)	Advocates more autonomy, request for recognition of Quebec's uniqueness, presence of separatism	Economy, trade, security, language and culture, education, international aid, environment and sustainable development, tourism, image-building, construction of uniqueness	Ministry of international relations and la Francophonie	7 general delegations, 4 delegations, 8 bureaux, 5 trade offices, 2 delegation in multilateral affairs	La Francophonie, USA, France, Brazil, Haiti, Mexico, China, India, Japan, Germany, Belgium, UK, Spain, Italy, UNESCO
Bavaria	Länder (1949)	Seeks maximum autonomy but within the German federation	International cooperation (transfer of know how in the fields of politics and administration), fight against organised crime, trade and investment, economy, science and technology, energy, environment, education, promotion of Bavarian culture, development cooperation	State Chancellery	22 representative offices (mostly economic centres)	EU, Austria, Switzerland, Czech Republic, regions and federated units (Québec, Western Cape, Gauteng, São Paulo, Georgia, Guangdong, Karnataka) countries of South-East Europe
Basque Country	Autonomous community (1979)	Presence of separatism, advocates more autonomy	Economy, trade, agriculture, fisheries, health, tourism, environment, justice, technology, infrastructures, education, international projection and promotion of Basque identity, language and culture,	General Secretariat of Foreign Action (Office of the President)	6 delegations	EU, European regions and federated units (Bavaria, Flanders), UNESCO, France, Mexico, Chile, Argentina, USA
Catalonia	Autonomous community (1979)	Presence of separatism, advocates more autonomy	Language and culture, tourism, investments and trade, climate change, peace, security, immigration, human rights, innovation, education, sustainable development, international public diplomacy, international aid, development cooperation, energy, transport, agriculture, health, fisheries, science and technology.	Secretariat for Foreign Affairs (Ministry of Foreign Affairs, Institutional Relations and Transparency-in making)	10 delegations plus over 30 trade offices, around 10 cultural/language centres	EU, France, Germany, United Kingdom, Italy, Russia, Israel, Morocco, China, Japan, South Korea, United States, Mexico, Mediterranean region, Andorra, Latin America, India, Japan, China, Flanders, Quebec, UNESCO, Union for the Mediterranean
Flanders	Region (1993)	Presence of separatism, advocates more autonomy	Political, economy, culture, language, global issues, poverty reduction, sustainable development, environment, education, international aid and development cooperation, human rights, youth, gender issues, health, tourism	Department for Foreign Affairs (decision to create fully-fledged MFA made in 2015)	11 representation offices, 3 Flemish centres/houses, around 70 economic representations, 14 delegation tourist	EU, Netherlands, countries of South-East Europe, Southern Africa, neighbouring countries and regions, UNESCO, OECD, the Council of Europe, etc.
Tatarstan	Republic (1994)	Presence of separatism, advocates more autonomy	Political – image building, culture, economy, education, religious (Islamic) factor	Presidential Department of External Affairs	Representation Office in 6 countries, +4 in Russia, Trade Offices in 8 countries + 3 in Russia	Turkey, Egypt, Jordan, the UAE, India, Pakistan, Bangladesh, Germany, France, USA, UK, China
Republika Srpska	Entity (1995)	Presence of separatism, advocates more autonomy	Mostly political – image building, external support-seeking and lobbying for its status, sporadic economic and cultural activities	In making (Ministry for economic relations and regional cooperation has coordinating role pursuant to the RS Government decision)	8 representation offices	EU, Serbia, Russia, Israel
Scotland	Limited self-government (1999)	Presence of separatism, advocates more autonomy	Public diplomacy – positive image building (cultural heritage, sustainable energy leader in Europe) and rebranding, investment and trade, education, tourism, culture, energy, international aid and development cooperation, human rights	Culture, Europe and External Affairs Directorate	4 government offices, 29 Scottish development international offices (SDI)	EU, Canada, USA, China, India, Pakistan, South Asia, Baltic countries, Germany, France, Italy, Spain, Poland, Malawi-

Table 1: Federated units and regions with a distinctive identity who are active internationally

The projection of a distinct cultural, linguistic or ethnic identity and image building is part of international activities of all the regions and federated units in Table 1. Most of the above-listed regions have institutionalised their external relations by creating directorates, departments, secretariats or even fully-fledged Ministries of Foreign Affairs or International Relations and have developed external

relations in various sectors and with a variety of partners. Few are still in the process of institutionalising their external relations and have limited scope of international activities with only small number of international partners.

### **1.3. Research Question and Hypothesis**

Regions and federated units with distinctive identity seek to develop their international agency that is similar to nation-states and engage in state-like diplomatic activities. Kincaid argues that federated units and regions with cultural and political objectives are likely “to elevate and institutionalize foreign affairs in a ministry or department of international relations and develop a cadre of foreign policy bureaucrats because establishment and maintenance of such administration represent crucial symbolic institutionalisations of their ‘national’ status.”<sup>36</sup>

Some regions and federated units, such as the Republika Srpska and to a lesser degree Tatarstan, have an almost exclusive focus on achieving international recognition. The international recognition of a region or a federated in this thesis does not refer to recognition of its statehood or independence, although some regions may have such aspirations. Rather, it entails an acceptance of internal status and linguistic, ethnic and/or cultural distinctiveness. Although the external relations of some regions and federated units, like Flanders or Quebec, are much more diversified than those of the Republic Srpska or Tatarstan, there are others who fall somewhere in between. For example, Scottish external relations may not be as diversified as those of Flanders or Quebec but they are certainly less limited than those of the Republika Srpska. The limitations of Scottish international agency also need to be considered in the context of its autonomy within the United Kingdom, which is far more limited

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<sup>36</sup> John Kincaid, “Foreign Relations of Sub-national Units, Constituent Diplomacy in Federal Systems, Scientific Background: Subtheme Papers” in *Federalism in Changing World, Learning from each other*, ed. Raoul Blindenbacher and Arnold Koller, (Montreal and Kingston: McGill-Queen’s University Press, 2003), 92.

than the autonomy of Flanders, Quebec or the Republika Srpska.

Motivated by the interesting variations in the development of international agency, the thesis explores how and why these happen. The central question that this thesis seeks to answer is: Why and how do some federated units and regions with a distinctive identity manage to diversify their international activities and engage in multifaceted and integrated external relations, while others remain focused mostly on international recognition?

The term external relations is used in this thesis in functional ways across policy areas that consider economic, cultural, political and cross-border aspects of internationalisation of federated units and regions. The main assumption of this thesis is that external relations of regions and federated units with distinctive identity pass through the same stages of development. In other words, the stage-based argument lies at the heart of the hypothesis of this thesis.

Stage-based approach has already been applied to the study of the evolution of external relations of federated units. For example Criekemans divides the evolution of the intensity of the international presence of European sub-state actors into three periods or “ waves.”<sup>37</sup> He argues that the first wave lasted from the beginning of the 1980s to the beginning of the 1990s. During this time a growing number of sub-state actors tried to attract investment or to promote their culture and identity; their activities were mostly of an ad hoc nature.<sup>38</sup> The second wave began in the 1990s and was characterised by the creation of judicial instruments for sub-state actors to conduct international activities, as well as the establishment of institutions to coordinate external relations.<sup>39</sup> This wave lasted until the beginning of the 2000s

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<sup>37</sup> David Criekemans, “Are the Boundaries Between Paradiplomacy and Diplomacy Watering Down? Preliminary findings and hypotheses from a comparative study of some regions with legislative power and small states,” Working paper, (*World International Studies Committee*, 2008), 3.  
[http://www.wiscnetwork.org/ljubljana2008/papers/WISC\\_2008-68.pdf](http://www.wiscnetwork.org/ljubljana2008/papers/WISC_2008-68.pdf) (accessed 7 June 2014).

<sup>38</sup> Ibid.

<sup>39</sup> Ibid.

when the third wave of sub-state diplomatic activities started. This on-going wave is characterised by attempts to consolidate the external relations of sub-state units through the verticalisation of institutional structures and the reorientation of geopolitical and functional priorities.<sup>40</sup> Crieckemans says not all sub-state units, such as German Länders, have undergone the “third wave” of diplomatic reorganisation. His approach is descriptive temporal conceptualisation of “paradiplomacy as an evolving phenomenon.”<sup>41</sup> Crieckemans attempts to capture the increasing involvement of sub-state units on the international scene, albeit in a rather broad and general way. His approach does not provide analytical framework to analyse why and how some regions undergo these “waves” while others do not, nor does it take into account regions whose internationalisation began in late 2000s. While analysing international relations of Quebec, Michaud and Ramet distinguish two main phases of development of its international involvement.<sup>42</sup> The first stage, which they call “international affirmation” began in the 1960s and the second, which is concentrated on policy development started in the mid 1980s.<sup>43</sup> Michaud and Ramet explain the importance of the first stage for internal regional building of Quebec. They argue that internationalisation of Quebec at that time followed the logic of “politics of small steps” in order to avoid conflicts with Ottawa.<sup>44</sup> However, Michaud and Ramet do not provide a causal explanation of how Quebec’s external relations moved from the first to the second stage.

The stage-based argument of this thesis has been influenced by the work of Miroslav Hroch and his phase theory of development of national movements over

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<sup>40</sup> Ibid.

<sup>41</sup> Manuel Duran, *Mediterranean Paradiplomacies: The Dynamics of Diplomatic Reterritorialization*, (Leiden: Koninklijke Brill NV, 2015), 61.

<sup>42</sup> Neslon Michaud and Isabelle Ramet, “Québec et politique étrangère: contradiction ou réalité?” *International Journal* 59, no. 1 (Spring 2004): 308.

<sup>43</sup> Ibid. 309.

<sup>44</sup> Ibid. 309-310.

time.<sup>45</sup> In this thesis I argue that we can distinguish two basic stages in the development of external relations of federated units with distinctive identity.<sup>46</sup> External relations of federated units and regions with distinctive identity in the beginning are marked by internationalisation of identity, region building, and promoting of language, culture and ethnicity. At this first stage, Phase A, federated units are focused on gaining important political support for the preservation or expansion of their autonomy at home; for others, the international arena is a place in which to express their distinct identity and region-building. During the Phase A, federated units and regions start to open cultural and language centres or representation offices abroad and lay down grounds for organising external relations at home. Development of organisational structures and institutions for external relations, both abroad and at home, are crucial for moving to Phase B, where external relations become more complex and multidimensional. Once installed, institutions take on a life of their own<sup>47</sup> and shape actors' future preferences. During the Phase B, promotion of a distinct identity and/or region/nation-building remain important features of their international agency, but not the only ones, as institutions respond to both opportunities and constraints. External relations now include a wide range of issues, from economy, culture, education, science, agriculture, and health, to security and political issues, such as human rights, democratisation etc. Phases A and B represent two main stages of development of international presence of federated units with distinctive identity. One might also add Phase C that would be characterised by the consolidation and optimisation of international presence. This stage is characterised, inter alia, by organisational transformation that might include merging

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<sup>45</sup> Miroslav Hroch, *Social Preconditions of National Revival in Europe: A Comparative Analysis of the Social Composition of Patriotic Groups among the Smaller European Nations*, (Cambridge, London, New York, New Rochelle, Melbourne, Sydney: Cambridge University Press, 1985).

<sup>46</sup> See how Hroch distinguishes two stages in the development of the small nations. Hroch, *Social Preconditions of National Revival in Europe*, pp 22-24.

<sup>47</sup> André Lecours, "Theorizing Cultural Identities: Historical Institutionalism as a Challenge to the

or downsizing of some institutions or creating new ones. Federated units and regions, which reach this stage, have already consolidated their national/regional identity at home and abroad and are recognised as legitimate actors on the international scene. Transition from Phase A to Phase B or from Phase B to Phase C is not a given, nor does it take place, as Hroch argues, “at one stroke.”<sup>48</sup> Moving from one stage to another is not a clear cut and phases may sometimes overlap creating what I call in this thesis mid-stages. There are two mid-stages, which are referred to in this thesis as AB and BC. AB mid-stage indicates that external relations are well ahead on the trajectory of institutionalisation. Institutions for external relations may be created both abroad and at home, but their capacity in the formulation, implementation and coordination of international policies is rather limited. External relations at this stage are still mainly preoccupied with the region building and promotion of identity and culture. BC mid-stage refers to the beginning of consolidation of external relations. Federated units and regions during this stage begin to strengthen their institutions for external relations. Usually during this stage a decision is made to create a new institution or merge the existing ones. Transition between stages or mid-stages is neither automatic nor irreversible. This thesis assumes that critical junctures have crucial impact on development of stages and institutions for external relations, as federated units make important decisions regarding institutionalisation of their international activities. Critical junctures are central concept of the theory of historical institutionalism, which is applied to this research and discussed further in the subsequent subchapters.

Before the main hypothesis of this thesis was defined, several alternative explanations had been taken into consideration before the main. For example I

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Culturalists,” *Canadian Journal of Political Science* 33, no. 3 (September 2000): 517.

considered if one could hypothesised that federated units and regions with distinctive identity were simply preparing the stage for eventual secession from their states. Following this line of the argument, I looked if federated units and regions imitated state-like diplomacy and institutionalised their external relations as a part of their separatist strategy. Kuznetsov argues that diplomatic activities of separatist entities are a vital tool for “completing their crucial mission of obtaining full international recognition of their statehood.”<sup>49</sup> Separatism and nationalism are to a different degree present in federated units and regions having a distinctive identity. A referendum on independence was held in Scotland and Catalonia in 2014; the Republika Srpska also announced a possibility of holding a referendum on its independence in the future. Although their diplomatic activities could be regarded as paving the way for independence, separatism does not provide sufficient explanations to differentiations and variations in development of their international agency. Nationalism according to Ouimet leads to deeper institutionalisation of paradiplomacy.<sup>50</sup> However, some federated units even with the presence of strong elements of ethnic nationalism do not institutionalise their international activities. It may also seem commonsensical to argue that level of their international involvement is conditioned by the their socio-economic development. However, this is only partially true and can only explain variations in the intensity, but not the scope of their international activities. Flanders and the Republika Srpska, as it will be demonstrated in Chapter 4 and 5 respectfully, use the same type of instruments and mechanisms in the international arena such as establishing representation offices abroad, signing treaties and memoranda of understanding, public diplomacy, development cooperation programs etc. While the level of economic development plays an important part in the development of

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<sup>48</sup> Hroch, *Social Preconditions of National Revival in Europe*, 23.

<sup>49</sup> Kuznetsov, *Theory and Practice of Paradiplomacy*, 90.

<sup>50</sup> Hubert Rioux Ouimet, “From Sub-state Nationalism to Subnational Competition States: The Development and Institutionalization of Commercial Paradiplomacy in Scotland and Quebec,”

international agency of federated units and regions, it does not provide sufficient explanations to why certain choices are made internationally and how their motivations, preferences and type of activities change over time. I also considered if the different outcomes in the two cases were result of different opportunity structures such as for example the EU. The EU integration may have opened up a new space for internationalisation of regions, especially after the adoption of the Maastricht Treaty in 1992, as it will be discussed further in Chapter 2. Thus Flanders, whose country has been a member of the European club since 1958, has had more opportunities to expand its international agenda through EU structures than the Republika Srpska, whose country is still a potential candidate for EU membership. However, the EU integration represents just one of the factors conditioning the international engagement of regions and thus does not provide a complete account for development of international agency of sub-state units. It does not give explanatory framework for internationalisation of non-European regions, such as for example Quebec.

#### **1.4. Research Design and Methodology**

The research strategy of this thesis is the one of a case study approach. Case studies are the preferred strategy when “how” and/or “why” questions are being asked, when a researcher has little (or no) control over events or behaviours, and when there is a contemporary focus with a real life context.<sup>51</sup> A case study is defined by Yin as an “empirical inquiry that investigates a contemporary phenomenon within its real-life context and especially when the boundaries between phenomenon and context are not clearly evident.”<sup>52</sup> George et al. list four advantages of a case study

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*Regional and Federal Studies* 25, no. 2 (2015): 124.

<sup>51</sup> Robert K. Yin, *Case Study Research: Design and Methods*, (Thousand Oaks: Sage Publications, 2003), 1.

<sup>52</sup> *Ibid.*, 13.

inquiry: potential for conceptual validity (through consideration of contextual factors); potential for fostering new hypotheses; potential for examining causal mechanisms in individual cases in detail; and potential for addressing causal complexity (producing generalisations which are narrower or more contingent).<sup>53</sup>

While case studies can be used in both qualitative and quantitative research, I rely on qualitative analysis. I am not concerned with the measurements of the outcomes of the analysis; rather, following Mahoney and Goertz, my main goal is to identify and explain causes of specific outcomes of the cases under study.<sup>54</sup> A quantitative approach would not be adequate in “addressing the issues of context and complex causation that underlie social intervention at all stages, but particularly in relation to actual implementation.”<sup>55</sup> Researchers using case studies as a strategy explore “in depth a program, event, activity, process or one or more individuals.”<sup>56</sup> Their findings lead to some form of replication, which, in turn, permits generalisation. Critics of the case study say this strategy provides limited scientific basis for making a valid generalisation, especially if it involves a single or a small number of case studies. Others argue that case study inquiry gives limited opportunities to systematically test hypothesis.<sup>57</sup> For their part, George et al. claim case studies are restricted to tentative conclusions on “how much gradations of a particular variable affect the outcome in a particular case.”<sup>58</sup> Meanwhile, Lijphart says the major weakness lies in too many variables and the small number of cases; however, one way to overcome this is to increase the number of cases as much as

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<sup>53</sup> Alexander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Science*, (Cambridge; London: MIT Press, 2005), 19.

<sup>54</sup> James Mahoney and Gary Goertz, “A Tale of Two Cultures: Contrasting Quantitative and Qualitative Research,” *Political Analysis* 14, Issue 3, (Summer 2006), 230.

<sup>55</sup> David Byrne, Wendy Olsen and Sandra Duggan, “Causality and Interpretation in Qualitative Policy-Related Research,” in *The SAGE Handbook of Case-Based Method*, ed. David Byrne and Charles C. Ragin, (Los Angeles; London; New Delhi; Singapore; Washington D.C.: SAGE, 2009), 512.

<sup>56</sup> John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, (Los Angeles; London; New Delhi; Singapore: Sage Publications, 2009), 13.

<sup>57</sup> David Collier, “The Comparative Method,” in *Political Science: The State of Discipline*, ed. Ada W. Finifter, (Washington: American Political Science Association, 1993), 106.

possible<sup>59</sup>. In responding to these “traditional prejudices,” Yin says case studies are “generalizable to theoretical propositions and not to populations and universes.”<sup>60</sup> In other words, case studies are not particularly designed to assess “the generalised causal effects,” but rather to estimate “arguments about causal necessity or sufficiency.”<sup>61</sup> In qualitative research using case study inquiry, the scope of theories is often narrowly defined so that “inferences are generalizable to only a limited range of cases.”<sup>62</sup>

As it has been noted, the present discussion is limited to two case studies. While choosing a small number of cases in comparative analysis is seen by some as a major deficiency,<sup>63</sup> others strongly believe that a good comparative analysis is possible with only a few cases. Landman, for example, argues that studies based on even two cases “are more intensive and less extensive since they encompass more of the nuances specific” to each case.<sup>64</sup> By the same token, Gerring claims that by focusing on small number of cases, a better understanding of “a whole” can be achieved.<sup>65</sup> He privileges in-depth knowledge gained from a few cases over “fleeting-knowledge about large number of examples.”<sup>66</sup> The purpose of the case study inquiry is, as George et al. note, to investigate the conditions and mechanisms that lead to specific outcomes rather than to establish the frequency “with which those conditions

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<sup>58</sup> George and Bennett, *Case Studies and Theory Development*, 25.

<sup>59</sup> Arend Lijphart, “Comparative Politics and the Comparative Method,” *The American Political Science Review* 65, no. 3, (September 1971), 685-686.

<sup>60</sup> Yin, *Case Study Research*, 10.

<sup>61</sup> George and Bennett, *Case Studies and Theory Development*, 25.

<sup>62</sup> Mahoney and Goertz, “A Tale of Two Cultures,” 237.

<sup>63</sup> (e.g. Lijphart, “Comparative Politics”).

<sup>64</sup> Todd Landman, *Issues and Methods in Comparative Politics: An Introduction*, (London and New York: Routledge, Taylor & Francis Group, 2008), 28.

<sup>65</sup> John Gerring, *Case Study Research: Principles and Practices*, (New York: Cambridge University Press, 2007), 1.

<sup>66</sup> *Ibid.*

and their outcomes arise.”<sup>67</sup> Yin argues direct replication is possible from the analytic conclusions derived from only two case analyses<sup>68</sup>.

The research design of this thesis is a combination of comparative design and process tracing. The research design in a case study approach often includes both within-case analysis of every case and cross-case comparison.<sup>69</sup> For within-case analysis, process tracing is often invoked as a method to examine qualitative data. Process tracing can be used in case studies to “examine in detail the observable implications of hypothesized causal mechanisms in individual cases.”<sup>70</sup> Process tracing is an appropriate method where “step-by-step sequential logic is the subject of the research.”<sup>71</sup> The main objective of the process tracing is to establish “the links between possible causes and observed outcomes.”<sup>72</sup> It can be used to see “whether the residual differences between two similar cases were causal or spurious in producing a difference in these cases’ outcomes.”<sup>73</sup> It is applied to this research to explore how and why external relations of federated reach different stages of developments.<sup>74</sup>

The analysis is limited to the external relations of two federated units; Flanders, whose external relations are possibly the most diversified of all regions with a distinctive identity, and the Republika Srpska, whose internalisation is the least diversified of those shown in Table 1. Flanders and the Republika Srpska became federated units in the beginning of the 1990s. Flanders, like Quebec, has been very active internationally. In a relatively short time, it has consolidated its external

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<sup>67</sup> George and Bennett, *Case Studies and Theory Development*, 31.

<sup>68</sup> Yin, *Case Study Research*, 53.

<sup>69</sup> Andrew Bennett, “Case Study Methods: Design, Use, and Comparative Advantages,” in *Models, Numbers, and Cases: Methods for Studying International Relations*, ed. Detlef F. Sprinz and Yael Wolinsky-Nahmias, (Ann Arbor: The University of Michigan Press, 2004), 28.

<sup>70</sup> *Ibid.*, 35.

<sup>71</sup> Maria Koinova, *Ethnonationalist Conflicts in Postcommunist States: Varieties of Governance in Bulgaria, Macedonia and Kosovo*, (Philadelphia: University of Pennsylvania Press, 2013), 10.

<sup>72</sup> George and Bennett, *Case Studies and Theory Development*, 6.

<sup>73</sup> *Ibid.*, 7.

<sup>74</sup> See how process-tracing method is applied to the research of ethnonationalist violence in Koinova,

relations; today, they are very similar to the diplomatic activities of Belgium. In contrast, the Republika Srpska, part of Bosnia and Herzegovina, although active internationally for more than 20 years, has not managed to diversify its external relations, remaining oriented towards achieving international recognition and obtaining external support for its political agenda.

External relations of regions and federated units from Eastern and Central Europe and other less developed countries have, by and large, been excluded from Western literature on paradiplomacy, especially from comparative analyses that include Western regions or federated units, mostly because of differences in socio-economic and political background. For example, in their study of foreign competencies and strategies of 81 regions in Europe, Blatter et al. do not include regions in Eastern Europe because, they argue, Eastern European countries have seen more “dramatic political change” and have different socio-economic backgrounds than the countries of Western Europe.<sup>75</sup> Lecours argues that the development of international agency of a sub-state unit has been mostly visible in “Western industrialised liberal democracies.”<sup>76</sup> Although many regions in non-Western countries, such as Brazil (e.g. Sao Paolo, Brasilia), Argentina, the Russian Federation (Saint Petersburg, Tatarstan, Moscow), India, Malaysia, the United Arab Emirates etc., have been engaged in international activities for some time, they have not captured the attention of scholars, at least not to the same degree as Western regions. More recently, studies of non-Western regions have begun to emerge. The emerging literature includes the analysis of international relations of 31 Mexican federal

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*Ethnonationalist Conflicts in Postcommunist States.*

<sup>75</sup> Blatter et al., “The Foreign Relations of European Regions,” 469.

<sup>76</sup> André Lecours, “Political Issues of Paradiplomacy: Lessons from the Developed World,” Discussion Papers in Diplomacy (Netherlands Institute of International Relations “Clingendael”, 2008), [http://www.clingendael.nl/sites/default/files/20081217\\_cdsp\\_diplomacy\\_paper\\_paradiplomacy.pdf](http://www.clingendael.nl/sites/default/files/20081217_cdsp_diplomacy_paper_paradiplomacy.pdf) (accessed 5 May 2013).

states,<sup>77</sup> the emergence of the Russian regions on the international scene with a case study of Tatarstan,<sup>78</sup> a comparative analysis of the environmental initiatives of sub-national governments in China<sup>79</sup> etc. For developing and non-Western sub-state units, the comparative study of the external relations of more developed regions can be, according to Lecours, helpful in understanding the development of international agency, choices and strategies, as well as challenges faced by regions and federated units while trying to position themselves internationally.<sup>80</sup>

The considerable differences in land size, population, and industrial, economic and social development between Flanders and the Republika Srpska may seem to preclude a cross case comparison. However, there are several common characteristics that enable comparison. Flanders and the Republika Srpska are both part of multinational federations, whose federal structures were put in place around the same time: Belgium became a federal state after several constitutional reforms in 1993; Bosnia and Herzegovina followed suit in 1995, although in its constitution, there is no direct reference to federalism. In both cases, federal structures were created because of the need to deal with existing conflicts. Proposed solutions to problems of plural societies are often found in constitutional models of federalism and consociationalism.<sup>81</sup> In Belgium, federation was intended to ease internal tensions and prevent any potential for conflict. As Deschouwer notes, federation was not the result of “a deliberate choice, but of incremental conflict management.”<sup>82</sup> In Bosnia and Herzegovina, federal structures were introduced or, rather, imposed by the

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<sup>77</sup> Jorge A. Schiavon, “Sub-state Diplomacy in Mexico,” in *Regional Sub-state Diplomacy Today*, ed. David Criekemans, (Leiden: Martinus Nijhoff Publishers, 2010).

<sup>78</sup> Sharafutdinova, “Paradiplomacy in the Russian Regions.”

<sup>79</sup> Peter Koehn, “Underneath Kyoto: Emerging Sub-national Government Initiatives and Incipient Issue-Building Opportunities in China and the United States,” *Global Environmental Politics* 8, no. 1, (February 2008).

<sup>80</sup> Lecours, “Political Issues of Paradiplomacy,” 1.

<sup>81</sup> Arend Lijphart, “Consociation and Federation: Conceptual and Empirical Links,” *Canadian Journal of Political Science*, Vol 12, No. 3 (September 1997): 499.

<sup>82</sup> Kris Deschouwer, “Kingdom of Belgium” in *Constitutional Origins, Structure, and Change in Federal Countries*, ed. John Kincaid and Alan Tarr, (Montreal; Ithaca: McGill-Queen’s University

international community to resolve a four-year civil war. In other words, both Flanders and the Republika Srpska are members of federations representing deeply divided and highly fragmented political cultures and societies. Consider, for example, the failure of both Belgium and Bosnia and Herzegovina to form a government at the central level for more than a year after elections in 2010. Federal structures in both countries have elements of consociationalism. Although federalism and consociationalism may appear to be different concepts, they are in fact closely related and under certain conditions a federation can be a consociation and vice versa.<sup>83</sup> A federation according to Lijphart is a fully consociational “only if all four principles of consociational democracy are present,” which include segmental autonomy, informal and formal grand coalition, proportionality and veto powers.<sup>84</sup> However, as rightly pointed by Caluwaerts and Reuchamps, federal and consociational elements are rarely found simultaneously in a political system.<sup>85</sup> For example today only Switzerland, Bosnia and Herzegovina and Belgium could be seen as true examples of political systems that combine consociationalism and federalism.<sup>86</sup> Consociational federal designs of Bosnia and Herzegovina and Belgium share some broad similarities, although there are some specific institutional differences, which will be shown in Chapter 3. Belgium and Bosnia and Herzegovina represent what Stroschein calls ‘divided house states. The main characteristics of divided house states are severe ethnic cleavages (e.g. political parties composed along the ethnic/linguistic lines as will be seen in Chapter 3) and diverging views on whether the state should be more unitary or decentralised.<sup>87</sup> While consociational federal designs have been criticized

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Press, 2005), 51.

<sup>83</sup> Lijphart, “Consociation and Federation: Conceptual and Empirical Links,” 500.

<sup>84</sup> Ibid. 509.

<sup>85</sup> Didier Caluwaerts and Min Reuchamps, “Combining Federalism with Consociationalism: Is Belgian Consociational Federalism Digging its Own Grave?”, *Ethnopolitics*, Vol 14, No. 3, (2015): 280.

<sup>86</sup> Ibid.

<sup>87</sup> Sherril Stroschein, “What Belgium Can Teach Bosnia: The Use of Autonomy in ‘Divided House’ States”, *Journal of Ethnopolitics and Minority Issues in Europe*, Issue 3, (2003): 3.

for creating deadlocks and malfunctioning states and perpetuating divisions, they can be regarded as successful conflict management tools that have bought off peace in Bosnia and Herzegovina and Belgium.

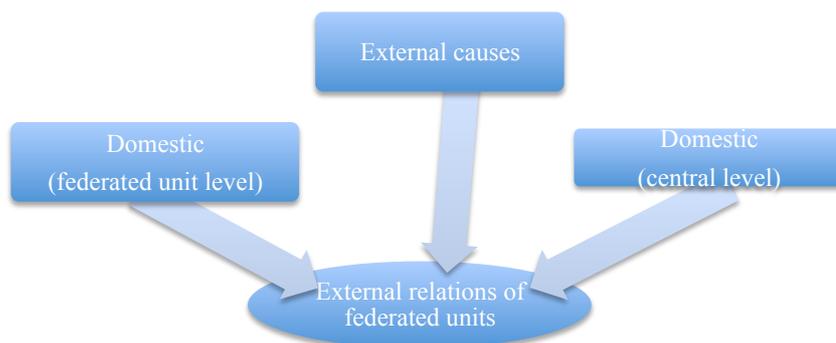
The Republika Srpska and Flanders have constructed their identity as distinctive from the prevailing identities of their respective federations, and the issues of identity, culture and language are very high on their respective political agendas. In addition, both have a high degree of autonomy within their respective federations even in the sphere of external relations (explored in Chapter 3). The two cases are also comparable at the EU level; Flanders is trying to have an active role in the EU, and the Republika Srpska is attempting to follow the Flemish example in the EU integration process of Bosnia and Herzegovina.

At this stage it is also important to provide a justification of why other federated units and regions were not included in the present analysis despite the fact that they have also been active internationally. As the argument of this thesis is phase-based, the temporal aspect was an important selection criterion. In addition to the above-mentioned similarities, Flanders and the Republika Srpska have begun their internationalisation around the same time. On the other hand, Quebec was excluded from the present analysis due to the fact that its internationalisation and institutionalisation of its international activities began several decades before Flanders and the Republika Srpska were even created. Catalonia and the Basque Country were also rejected based on temporal factor as their internationalisation goes back to the 1960s and the 1970s; the Basque Country was also engaged in some sporadic international activities even at the beginning of the 20th century.

To set the stage for the analysis, Graph 1 identifies three broad determinants of external relations: domestic causes at the federated unit level, domestic causes at

the federal/central level, and external causes.<sup>88</sup>

At the level of federated units, determinant causes are objective segmentation, perceptual segmentation, nationalism, asymmetry of federated units, growth of federated units and “me-tooism,” whereby one unit copies another.<sup>89</sup> At the central level, domestic causes include federal errors and inefficiencies, failure of nation-building processes, institutional gaps, constitutional uncertainties and domestication of foreign policy.<sup>90</sup>



**Graph 1:** Domestic and external causes of internationalisation of federated units<sup>91</sup>

External relations of federated units cannot be caused by domestic determinants alone, but are a result of interplay between domestic and external ones. External causes include internationalisation of economy or global interdependence, regional interdependence and involvement of external actors.<sup>92</sup> In some countries the entire range of causes may appear, as in Canada,<sup>93</sup> in others, some determinants may be more dominant than others, as in Belgium and Bosnia and Herzegovina. Both objective and perceptual segmentation can be found in the Republika Srpska

<sup>88</sup> Soldatos “An Explanatory Framework for the Study”, 45.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

and Flanders; these federated units are characterised by cultural, linguistic and ethnic identities distinct from the rest of their federations; they also perceive themselves as different. These objective and perceived differences also contribute to nationalism,<sup>94</sup> a common denominator in both case studies. Officials of Flanders and the Republika Srpska advocate more autonomy for their federated units, with some nationalistic parties openly promoting separatism. While Flemish institutions, budget, competencies and powers have been expanding in the process of the federalisation of Belgium, the reverse is true in the Republika Srpska. This federal unit has lost some institutions and competencies that existed before the introduction of the current institutional design in Bosnia and Herzegovina. The growth of Flanders in institutional and economic terms has contributed to its internationalisation. In contrast, the loss of some of its initial powers and institutions has pushed the Republika Srpska towards protecting its autonomy at the international level. Internationalisation of Flanders and the Republika Srpska has also been influenced by what Soldatos calls ‘me-tooism.’ For example some of the Catalan public diplomacy activities inspired Flanders to follow suit. The Republika Srpska justified opening up the Representation Office in Brussels by the fact that many federated units and regions had been present there for a while. At the central level, the most evident determinants of the development of the international agency of the Republika Srpska and Flanders centre on constitutional uncertainties and the domestication of foreign policy. For example, Belgium’s *in foro interno in foro externo* principle provides that all internal competencies and powers given to regions and communities can also be exercised externally. In Bosnia and Herzegovina, the entities are allowed to establish special parallel relationships with neighbouring countries and can enter into binding agreements with foreign states and international organisations with the consent of the

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<sup>92</sup> Ibid.

<sup>93</sup> Ibid., 44.

Parliament of Bosnia and Herzegovina. In addition, problems with the nation-building process in Belgium and Bosnia and Herzegovina have contributed to the internationalisation of Flanders and the Republika Srpska. For many historical, cultural and political reasons (explained in Chapter 3), neither Belgium nor Bosnia and Herzegovina has managed to construct its national identity throughout the entirety of its territory.

For Flanders, the external causes of the development of its international agency mostly relate to internationalisation of its economy, which is very much export and outwards oriented. Meanwhile, for the Republika Srpska, the involvement of external actors, such as Serbia and Russia, has encouraged its internationalisation.

Rationales of external engagement of Flanders and Republika Srpska will be grouped into six main categories:

1. Cultural and historical legacy for external engagement. The thesis analyses the rationales of Flanders relations with the Netherlands and the Republika Srpska's relations with Serbia.
2. Geopolitical rationales. For example Flanders relations with countries of the Eastern Europe and countries of Southern Africa and the Republika Srpska's relations with Russia and Israel
3. European union. Although EU is not to be considered as an external actor for its member states, in this thesis I will nevertheless analyse the relations between Flanders and the EU. For the Government of Flanders the European union represents the most important lever of its external relations. It provides an opportunity to Flanders to strengthen its relations with sovereign states and other regions. For the Republika Srpska, whose country is still considered as a potential candidate member, the EU represents undoubtedly an external actor.

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<sup>94</sup> Ibid., 46.

4. Functional rationales, which include economic and cross border cooperation
5. Solidarity with other regions and federated units.
6. Multilateral Environment. Regions and federated units with distinctive identity strive to establish relations and cooperation with international governmental organisations. For them multilateral fora represents important priority of their international engagement.

These rationales are broad categories that may overlap and external engagement may be driven by several motivations simultaneously. The thesis will look how critical junctures in cases under study open opportunities to engage with each of these rationales. The starting points to analyse different trajectories of cases under study will be 1993 for Flanders and 1995 for the Republika Srpska. This is the time when Flanders and the Republika Srpska became federated units of their respective countries.

### **1.5. Theoretical Framework and Approach**

One of the first difficulties I encountered at the beginning of this research was the question of theoretical approach that I should apply in my study. Several scholars say the major weakness of the literature on external relations of sub-state units is that it lacks a solid theoretical ground.<sup>95</sup> There have been attempts in the academic literature to build a theory of paradiplomacy that could provide explanatory framework; these include among others Soldatos<sup>96</sup> and, most recently, Kuznetsov.<sup>97</sup> However Soldatos, as Bursens and Deforche<sup>98</sup> rightly claim, fails to come up with a solid theoretical ground, presenting instead an inventory of determinants of

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<sup>95</sup> (Lecours, Blatter, Kreutzer, Renti and Thiele, Cornago and others).

<sup>96</sup> Soldatos, "An Explanatory Framework for the Study."

<sup>97</sup> Kuznetsov, *Theory and Practice of Paradiplomacy*.

<sup>98</sup> Peter Bursens and Jana Deforche, "Going Beyond Paradiplomacy? Adding Historical Institutionalism to Account for Regional Foreign Policy Competency," *The Hague Journal of Diplomacy* 1-2, no.5, (2010), 154.

international activities of sub-state units. The same could be said for the work of Kuznetsov, whose explanatory approach is simply based on a multiple-response questionnaire technique with no theoretical framework. Kuznetsov identifies 11 major approaches, which are used to analyse external relations of federated units (constitutional, federalist, nationalism, International Relations dimension, area/border studies dimension, regionalisation/globalisation, security/geopolitical dimension, global economy, environmental dimension, diplomacy and separatist dimension).<sup>99</sup> Because of the complexity and multidimensionality of external relations of sub-state units, he says, it is necessary simply to accept the fact that “scholars use different research lenses” to explore this phenomenon.<sup>100</sup>

This thesis draws on historical institutionalism; a theory of historical institutionalism has already been successfully applied to explain the internal sources of external relations of federated units.<sup>101</sup> Historical institutionalists start their analysis by considering “actors [with] certain preferences and then look into how the eventual outcome of a political process has been shaped by the institutions that these actors run into.”<sup>102</sup> For example, Lecours argues the internal roots of external relations of sub-state units “involve a peculiar structure-agency dynamic featuring national and regional institutional settings.”<sup>103</sup> At the initial stages of this research, an alternative theory that was considered for this thesis was the social constructivism. In the theory of constructivism the concept of identity represents a “crucial element in international politics.”<sup>104</sup> Wendt for example argues that identities are constructed by social structures rather than being given exogenously to the international system by domestic

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<sup>99</sup> Kuznetsov, *Theory and Practice of Paradiplomacy*, 6-7.

<sup>100</sup> *Ibid.*, 6.

<sup>101</sup> See (Lecours, “Political Issues of Paradiplomacy,” Bursens and Deforche, “Going Beyond Paradiplomacy?”).

<sup>102</sup> Bursens and Deforche, “Going Beyond Paradiplomacy?” 158.

<sup>103</sup> Lecours, “Paradiplomacy: Reflections on the Foreign Policy,” 96.

<sup>104</sup> Sharafutdinova, Gulnaz (2003), “Paradiplomacy in the Russian Regions: Tatarstan's Search for Statehood”, *Europe-Asia Studies*, Vol. 55, No. 4 (Jun., 2003): 615.

politics.<sup>105</sup> While the issue of identity lies at the heart of internationalization of two cases under the study, it is treated in this thesis as given rather than fluid and often changing as seen by constructivists. Therefore, social constructivism did not seem like a suitable theory for this analysis. As this thesis aimed at establishing a link between diversification of international activities and institutionalisation of external relations of federated units and regions, a more appropriate approach was found in historical institutionalism, which gives theoretical importance to political institutions. The theory of historical institutionalism has enabled me to analyse external relations preferences of federated units, how they change over time and to consider why federated units in engage in particular type of international activities. While Bursens and Deforche use historical institutionalism to explain the evolution of foreign competencies of regions, I use it to trace and analyse the evolution of objectives, priorities and institutions of external relations in my two case studies. This thesis shares Koinova's argument that "legacies matter" and that social science should better account for both continuity and change rather than focus on just one and should certainly not leave the study of continuity primarily to historians."<sup>106</sup> Historical institutionalists put emphasis on the contingencies of history and complex patterns of causality.<sup>107</sup> However, it is not the history per se that is central to their analysis, but the "unfolding of processes over time."<sup>108</sup> Political outcomes are shaped by "the contextual features of a given situation often inherited from the past,"<sup>109</sup> with institutions representing the most significant feature. Tilly argues that "*when* things happen within a sequence affect *how* they happen," and that "outcomes at a given

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<sup>105</sup> Alexander Wendt, "Collective Identity Formation and the International State," *The American Political Science Review*, Vol. 88, No. 2 (June 1994): 385.

<sup>106</sup> Koinova, *Ethnonationalist Conflicts in Postcommunist States*, 7.

<sup>107</sup> Lecours, "Theorizing Cultural Identities," 516.

<sup>108</sup> Paul Pierson, "Increasing Returns, Path Dependence, and the Study of Politics," *American Political Science Association* 94, no. 2 (2000): 264.

<sup>109</sup> Hall and Talyor, "Political Science and the Three New Institutionalisms," 941.

point in time constrain possible outcomes at later point in time.”<sup>110</sup>

The key conceptual tools of historical institutionalism are critical junctures and path dependency. Critical junctures represent “crucial founding moments of institutional formation that send countries along broadly different developmental paths.”<sup>111</sup> They are “usually identified retroactively, they can be discerned taking place when there is a high volatility in political relationships amid fundamental transformations of institutions and structures, requiring new political strategies and policies.”<sup>112</sup> Relying on historical institutionalism, this thesis identifies these important moments of time in Flanders and the Republika Srpska that have been crucial for explaining the direction of their future decisions on the internationally scene and that have shaped the course of the development of their international agency. Path dependency is a concept that “suggests that institutions continue to evolve in response to changing environmental conditions and ongoing political manoeuvring but in ways that are constrained by past trajectories.”<sup>113</sup> Pierson defines path dependence as a social process grounded in a dynamic of increasing returns.<sup>114</sup> In increasing returns, “the probability of further steps along the same path increases with each move down that path.”<sup>115</sup> In other words, increasing returns are characterised by the formation and “long-term reproduction of a given institutional pattern,” that once adopted increases benefits with its adoption.<sup>116</sup> Increasing returns, self-reinforcing event sequences and positive feedbacks are synonyms used by historical institutionalists. The central claim of the historical institutionalists is that

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<sup>110</sup> Charles Tilly, *Big Structures, Large Processes, Huge Comparisons*, (New York: Russell Sage Foundation, 1984), 14.

<sup>111</sup> Kathleen Thelen, “Historical Institutionalism in Comparative Politics,” *Annual Review of Political Science* 2 (1999): 387.

<sup>112</sup> Koinova, *Ethnonationalist Conflicts in Postcommunist States*, 7.

<sup>113</sup> Thelen, “Historical Institutionalism in Comparative Politics,” 387.

<sup>114</sup> Pierson, “Increasing Returns, Path Dependence, and the Study of Politics,” 251.

<sup>115</sup> *Ibid.*, 252.

<sup>116</sup> James Mahoney, “Path Dependence in Historical Sociology,” *Theory and Society* 29, no. 4 (2000): 508

strategies of political actors become constrained by earlier decisions and “the outcome of a political process reflects as much the institutional context as the preferences of the actors involved.”<sup>117</sup> However, applying the theory of historical institutionalism, especially its concept of path dependency, to the stage-based argument, presented earlier, may raise some theoretical questions. One of the main challenges I face with accounting stage-based argument in this thesis is how to distinguish between institutional innovation within existing path and a switchover to a new trajectory. Deeg raised exactly the same question when analysing patterns of institutional change in the German and Italian financial systems.<sup>118</sup> He argues that a switch to a new path “is always (or nearly so) an evolutionary process,”<sup>119</sup> and that a new path does not necessarily have to represent “a radical break from the past.”<sup>120</sup> In this thesis I followed Deeg in assuming that a path represents a new phase when the “logic” of the system changes significantly and is characterised by “a hybridization process (not convergence) in which some old institutions are transformed to new purposes, and new institutions are introduced.”<sup>121</sup>

#### **1.6. Data Collection and Analysis**

Data for this study were collected from both primary and secondary sources. The use of secondary sources was mostly restricted to the analysis of federal structures of Belgium and Bosnia and Herzegovina, largely because of the absence of academic analysis on the external relations of the two case studies.

Although Flanders is a rather active subnational unit on the international scene, to my surprise, literature on its external relations, at least in English, does not

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<sup>117</sup> Bursens and Deforche, “Going Beyond Paradiplomacy?” 159.

<sup>118</sup> Richard Deeg, “Change from Within: German and Italian Finance in the 1990s,” in *Beyond continuity: institutional change in advanced political economies*, ed. Wolfgang Streeck and Kathleen Thelen (Oxford et al: Oxford Univeristy Press, 2005), 169.

<sup>119</sup> Deeg, “Change from Within,” 170.

<sup>120</sup> Richard Deeg, “Institutional Change and Limits of Path Dependency: The Case of German Finance,” MPIfG Discussion Paper 01/6, Max-Planck-Institut für Gesellschaftsforschung (November 2001), 7.

provide an in-depth account of the evolution and development of Flemish external relations. The scholarly work on Flemish international agency is mostly focused on federal structure of Belgium, external relations powers and instruments that Flanders and other Belgian regions and communities have at their disposal. They fail to analyse how Flanders has chosen and developed its partners or how its priorities have changed over time. One exception is work by David Criekemans, whom I cite extensively, but this author covers a limited period of Flemish international activities, from 1993 to the mid-2000s. Another exception is Berghe et al. who analyse the external relations established by Flanders with countries in Central and Eastern Europe from 1992 to 2003.<sup>122</sup> It is even more difficult to find secondary sources in either English or Serbian that analyse external relations for the Republika Srpska. This is not as surprising, as they were virtually non-existent. Notable exception is a recent article by Marciacq published in 2015.<sup>123</sup> Thus, most data for the analysis of development of international agency of Flanders and the Republika Srpska came from primary sources.

Primary sources include documents and in-depth interviews. The former feature laws, legal acts, coalition agreements (Flanders), agreements between federal level and its federated units (e.g. mechanism of coordination on EU matters in Bosnia and Herzegovina, the agreement on the representation of Belgium in the EU Council of Ministers), international treaties, agreements and memoranda of understanding signed by Flanders and the Republika Srpska signed with their international partners, government reports, press releases, statements, policy reports, speeches, news etc. As

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<sup>121</sup> Ibid.

<sup>122</sup> Yvan Vanden Berghe, Maarten Van Alstein, and Lina Neeb, "Flemish Foreign Policy with regard to Central and Eastern Europe (1992-2003)," Occasional Papers O-2004/3 (UNU Institute on Regional Integration Studies, 2004), 4, <http://cris.unu.edu/sites/cris.unu.edu/files/O-2004-3.pdf> (accessed 28 October, 2015).

<sup>123</sup> Florent Marciacq, "Sub-state Diplomacy in Malfunctioning States: The Case of the Republika Srpska, Bosnia and Herzegovina," *Regional and Federal Studies* 25, no. 4 (2015).

I am fluent in Serbian, English and French, language was not a major obstacle. The majority of the documents are in English and/or French (Flanders and Belgium) or Serbian/English (the Republika Srpska and Bosnia and Herzegovina). Some documents in Flanders are in Dutch; for these, I had to hire a professional translating agency.

I did not experience the same level of openness and transparency across cases. Documents on Flanders and its external relations are easily accessible online or can be acquired upon formal request from the Flemish Governmental institutions; since January 2016, all the acts and documents of the Flemish Government can be consulted in online databases, except those excluded for security reasons. I had more problems in the Republika Srpska. Most of the time, I had to use personal contacts in the Government of the Republika Srpska to get access to government reports and other documents related to international activities. In the case of the work of American lobbyists and law firms hired by the Government of the Republika Srpska, information was only available to a restricted number of people in the government as their activities were treated as “confidential.” However, as these companies are registered under US Laws, more specifically, the Foreign Agents Registration Act, their work, including financial remunerations, must be made available to the general public through the US Ministry of Justice; this is where I collected information.

In addition to documentation analysis, I also collected data in in-depth, semi-structured interviews, asking open-ended questions. According to Yin, interviews are important for case study analysis “because most case studies are about human affairs;” these should “be reported and interpreted through the eyes of specific interviewees and well-informed respondents can provide important insights into a situation.”<sup>124</sup> The purpose of the interviews was to fill in the blanks in primary and

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<sup>124</sup> Yin, *Case Study Research*, 92.

secondary sources, especially for the Republika Srpska. Semi-structured, in-depth interviews are used to collect data for qualitative research, especially in case studies, to reveal not only “the ‘what’ and the ‘how,’ but also to place more emphasis on exploring the ‘why’.”<sup>125</sup>

The types of questions I asked during the interviews were grand tour questions (e.g. representatives of Flanders or the Republika Srpska abroad were asked a standard grand-tour type of questions such as “Could you describe your typical day in the office?”), example questions (e.g., “Can you give me an example of some recent initiatives of your government with international organisations, institutions or countries?”) and prompts (using the answer from example question, a prompt was formulated in the following way: “With the initiative that you explained, could you describe what are you trying to accomplish and what type of action you will be taking to make it happen?”).<sup>126</sup>

The interview respondents were selected combining positional and reputational criteria. I used positional criteria to identify key individuals holding important positions in governments of the two cases under study. However, as I sought to obtain as much information as possible I also used reputational criteria to identify individuals that also had important role to play at some stage of development of international agency of two cases. Therefore, the interviews were carried out with people with important roles in international activities; interviewees included representatives of the governments of Flanders and the Republika Srpska, representatives of their offices abroad (the Flanders interviewees included also representatives of “Flanders investment and Trade” and Tourism Flanders-Brussels), policy makers and senior civil servants. In case of the Republika Srpska, I conducted

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<sup>125</sup> Mark Saunders, Philip Lewis, and Adrian Thornhill, *Research Methods for Business Students*, (Harlow: Pearson Education Limited, 2009), 321.

<sup>126</sup> I follow Leech’s approach on semi-structured interviews. Beth L. Leech, “Asking Questions: Techniques for Semi structured Interviews,” *Political Science and Politics* 35, no. 4 (December 2002).

several interviews with ambassadors and senior diplomats of Bosnia and Herzegovina, who were previously directly involved in international activities of the Republika Srpska. By combining positional and reputational criteria, Tansey argues, a researcher not only interviews political actors that his or her “research objectives suggest will be highly relevant, but will also open their research to the possible inclusion of other influential players who may not be obvious *ex ante*—that is, political actors who will only be identified by their peers.”<sup>127</sup> Consequently, selection of some interviewees was also based on ‘snowballing’ strategy, where interviewees were asked to recommend other potential interview respondents.

I conducted 37 interviews, 21 for the Republika Srpska and 16 for Flanders. At the beginning I planned to interview 20 people per case study, but some of the interviewees who initially agreed to take part in this research project decided to withdraw.

In gaining access to interviewees, I noticed a different trend in each case study. The Flemish representatives were more responsive and open for discussion. Typically, they replied a few days after the request for an interview, and the interview was scheduled at some point in the next two weeks. For interviewees from the Republika Srpska, it was necessary to use personal contacts just to send a formal request; it could take weeks, even months, for an interview to take place. Interviews with respondents from Flanders were conducted in English. Interviews with respondents from the Republika Srpska were in Serbian, with one exception; an interview with the Director of the Representation Office of the Republika Srpska in Washington was in English.

Only seven interviews were done by personal correspondence – email; the rest were face-to-face interviews. The face-to-face interviews lasted for

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<sup>127</sup> Oisín Tansey, “Process Tracing and Elite Interviewing: A Case for Non-Probability Sampling,” *PS:*

approximately one hour and were audio recorded; I also took extensive notes during the interview. The interviews were then transcribed; although this was time-consuming process, it minimised the potential for errors in data collection if I had been forced to rely on the notes.

For process tracing method, which is applied to this research, interviewing, especially elite interviewing, is highly relevant as it can be a critical source of information “of the political process of interest.”<sup>128</sup> Richards argues that one of the most important functions of elite interviewing is in assisting a researcher to understand the “theoretical position/s of the interviewee, his/her perceptions, beliefs and ideologies,” which can rarely be obtained from books, documents, reports and records.<sup>129</sup> To reduce problems that may arise with interviews, such as bias, poor recall or inaccurate articulation<sup>130</sup> and to ensure the validity and reliability of the analysis, I triangulated interview data with the data collected from other sources. This included presenting the information gathered from the interviews to other respondents and individuals, who had knowledge in the subject, in order to check its accuracy.

To analyse data collected from the interviews, documents, reports and other sources this study adopted immersion/crystallisation technique.

Immersion/crystallisation technique consists of “cycles whereby the analyst immerses him-or herself into and experiences the text, emerging after concerned reflection with intuitive crystallizations, until reportable interpretations are reached.”<sup>131</sup> In other words data were repeatedly reviewed and then broken down and classified into thematic groups, categories and sub-categories. Collected data were reviewed by

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*Political Science & Politics* 40, no. 4 (2007): 771.

<sup>128</sup> Ibid. 766.

<sup>129</sup> David Richards, “Elite Interviewing: Approaches and Pitfalls,” *Politics* 16, 3 (1996): 1999.

<sup>130</sup> Yin, *Case Study Research*, 92.

<sup>131</sup> Borkan adopted this definition from Miller and Crabtree (1992, 1994) found in Jeffrey Borkan, “Immersion/Crystallization,” in *Doing Qualitative Research*, ed. Benjamin F. Crabtree and William L.

using the technique of vertical passes. This technique implies that one portion of data or one data type is being analysed from start to finish before moving on to the next.<sup>132</sup> The technique of vertical passes is particularly useful when evaluating multiple source data and when data collection and analysis occur concurrently, which was the case in this research. The merit of this approach is that some important insights may occur during the data collection, which can help a researcher to decide how to proceed with additional data gathering.

### **1.7. Ethical Considerations and Confidentiality**

This research project received ethical approval from the University of Kent Research Ethics Advisory Group in July 2014. The research was carried out in compliance with principles of good practices as laid down by the UK Research Integrity Office's Code for Research, which include excellence, honesty, integrity, cooperation, accountability and safety.<sup>133</sup> The people interviewed for this thesis were given a chance to ask questions about the research project before the interview. A consent form approved for this research by the University of Kent Research Ethics Advisory Group was given at the beginning of the interview or sent by email before the interview. I informed respondents the information given during the interviews would be used in the research and could be used in future publications. Interviewees were given the possibility of seeing the questions before the interview; only two respondents did not request receiving these questions. Interviews conducted on person-to-person basis were recorded with the permission of the person being interviewed. Interviewees were also given a chance to decide whether they wanted

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Miller, Second Edition (Thousand Oaks, London, New Delhi: Sage Publications, 1999), 179-180.

<sup>132</sup> Ibid. 186.

<sup>133</sup> The University of Kent, "Code of Ethical Practice for Research," <https://www.kent.ac.uk/researchservices/docs/ethics-governance/code-of-ethical-practice-for-research.pdf> (accessed 10 May 2014).

their names and their official positions cited or preferred to stay anonymous and use a pseudonym. Only one respondent from Flanders did not want his identity directly linked with the information provided in the interview. In the Republika Srpska, seven people preferred to use pseudonyms, or about one third of the respondents. They included four senior Republika Srpska government officials and three former Republika Srpska government civil servants currently working as diplomats of Bosnia and Herzegovina. These respondents agreed to take part in the research project and engaged in open and confidential conversation on the condition of anonymity.

### **1.8. Significance and Relevance of the Study**

This thesis makes a contribution to existing literature on international activities of sub-state actors, especially of federated units and regions with a distinctive identity. The federated units examined herein are part of multinational federal countries. Study of the external relations of such federated units can contribute to a better understanding of federalism in general and inter-governmental dynamics of multinational federal countries. Furthermore, although the thesis explores the external relations of federated units, its findings can be applicable to regions and territories with lower levels of autonomy, especially in multinational countries. Lecours and Moreno argue that one of the less discussed aspects of multinational societies is the international activity of their sub-national units.<sup>134</sup>

At the empirical level, this thesis provides new insights into Flemish international presence, thus fills in some of the gaps in the literature on the external relations of Flanders, which is, as noted above, limited in certain aspects. As there is a near total absence of analysis of the external relations of the Republika Srpska, the thesis is one of the first systematic studies of its international activities. By providing

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<sup>134</sup> Lecours and Moreno, "Paradiplomacy and stateless nations," 1.

accounts of the external relations of the Republika Srpska, it also contributes to the literature of international activities of non-Western regions.

The thesis is relevant at the theoretical level as well. By applying the theory of historical institutionalism to the Hroch's phase theory, it aims to explain the evolution of external relations of sub-state actors. Bursens and Deforche use historical institutionalism to analyse foreign competencies of regions,<sup>135</sup> and Lecours applies it to the study of how regions chose their foreign policy instruments.<sup>136</sup> I expand the discussion by analysing how critical junctures create opportunities or constraints to move from one stage of development of international agency to another.

### **1.9. Structure of the Thesis**

This thesis is divided into six chapters. Following this introductory chapter, Chapter 2 examines in detail the major themes that have emerged in the academic study of external relations of sub-state entities. It begins by exploring definitions of the external relations and international activities of federated units and regions and presents a brief history of when and how sub-state units turn to the international scene; in other words, it considers the groundwork for their international presence and notes how changes in international relations create room for new actors. The chapter then considers why federated units and regions engage in external relations, including their motivations, incentives, and strategies. The chapter also examines the role of nationalism and separatism in the international activities of federated units and regions. How central authorities react and what measures they may take against their sub-state units are touched on as well.

Chapter 3 sets the stage for the analysis of the external relations of Flanders

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<sup>135</sup> Bursens and Deforche, "Going Beyond Paradiplomacy?"

and the Republika Srpska by examining the federal structures of Belgium and Bosnia and Herzegovina. It begins with brief a historical analysis of the creation of the federal structures. Then it analyses the most salient features of their federal design such as two orders of government, representation of federated units in central decision-making, distribution of powers and intergovernmental relations. It concludes by examining the current state of affairs in Belgium and Bosnia and Herzegovina.

Chapters 4 and 5 present the case studies. Chapter 4 analyses external relations of Flanders and Chapter 5 of the Republika Srpska. Each chapter begins with the first stage of development of international agency; it explores how federated units under study used the opportunities created by critical junctures to engage with different rationales. The chapters then further explore the nature of the relationship established by the federated units with their central institutions and considers their diplomatic representations. The chapters also show how each case study has used its international instruments, such as signing international treaties, agreements and memoranda of understanding or establishing representation and other offices abroad.

Finally, Chapter 6 offers a conclusion. It summarises the most important domestic dynamics that paved the way for the internationalisation of Flanders and the Republika Srpska, provides a cross comparison of the two case studies and makes suggestions for further research agenda.

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<sup>136</sup> Lecours, “Paradiplomacy: Reflections on the Foreign Policy.”

## CHAPTER 2

### Understanding External Relations of Federated Units and Regions

Neither a blessing nor a curse, subnational presence on the international scene has become a fact of life in an interdependent world.<sup>1</sup>

#### 2.1. The Quest for Definition

The international activities of federated units and other non-central actors, such as regions, provinces, cantons and cities, have been given a number of different names. Scholars often use paradiplomacy to denote international activities of federated units and regions, but as noted in Chapter 1, other terms, such as constituent diplomacy, regional micro-diplomacy, global micro-diplomacy, catalytic/multi-layered diplomacy, regional sub-state diplomacy, postdiplomacy, protodiplomacy etc., appear in the literature as well. Melissen suggests the international activities of all actors, regions and federated units included, should simply fall under the category of diplomacy. He goes on to provide a simplified definition of diplomacy as a “mechanism of representation, communication and negotiation through which states and other international actors conduct their businesses.”<sup>2</sup>

One of the first attempts to come up with a neologism to define international activities of federated units and regions appears in a special issue of *Publius: Journal of Federalism* in 1984. In “The International Dimension of Subnational Self-Government,” Ivo Duchacek tentatively uses the term paradiplomacy and refers to international activities of sub-state actors as “global micro-diplomacy.”<sup>3</sup> With the publication of this special issue, academic study on external relations of federated

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<sup>1</sup> Duchacek, “The International Dimension of Subnational,” 5.

units and regions began to pick up.

International activities of sub-state actors were subject to some sporadic academic analysis as early as the 1970s. In 1970, Atkey wrote about the role of Canadian provinces in international affairs and how and to what extent provincial international activities could be accommodated within Canadian foreign policy.<sup>4</sup> He does not try to define attempts by Canadian provinces to project themselves internationally; he simply mentions “international activities and initiatives.” He suggests Ottawa should neither ignore their existence nor portray them as illegal under constitutional and international law.<sup>5</sup>

The term “paradiplomacy” appears in the literature long before the 1980s to denote diplomatic activities parallel to those of traditional official diplomacy, often called “secret diplomacy.” For example, in 1961 Rohan Butler defined paradiplomacy as “the highest level of personal and parallel diplomacy, complementing or competing with the regular foreign policy of the minister concerned, is thus a recurrent temptation to the chief of the executive, be he a premier or president, dictator or monarch.”<sup>6</sup> The context that Butler gives here to the term has little to do with international activities of federated units and regions; it refers to backdoor diplomacy or clandestine diplomatic practices of states in some crisis situations.<sup>7</sup> Such employment of the term, according to Cornago, can make the use of “paradiplomacy” controversial.<sup>8</sup>

Early academics using “paradiplomacy” to describe international activities of sub-state actors include Duchacek, Soldatos, Kincaid, Fry, Michelmann and others.

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<sup>2</sup> Melissen, “Introduction,” xvii.

<sup>3</sup> Duchacek, “The International Dimension of Subnational,” 5.

<sup>4</sup> Atkey, “The Role of the Provinces.”

<sup>5</sup> *Ibid.*, 269.

<sup>6</sup> Rohan Butler, “Paradiplomacy,” in *Studies in Diplomatic History and Historiography in Honor of G.P. Gooch*, ed. Arshag O. Sarkissian, (London: Longman, 1961), 13.

<sup>7</sup> See for example Clive Jones and Tore T. Petersen, eds., *Israel's Clandestine Diplomacies*, (New York: Oxford University Press, 2013).

<sup>8</sup> Noé Cornago, *Plural Diplomacies: Normative Predicaments and Functional Imperatives*, (Leiden:

In his early work, Duchacek identifies two types of international activities: trans-border regionalism and global micro-diplomacy.<sup>9</sup> Trans-border regionalism refers to formal and informal interactions of neighbouring subnational units across borders; according to Duchacek, this type of cooperation dates back to the Peace of Westphalia.<sup>10</sup> Global micro-diplomacy entails international activities of subnational actors that go far beyond their immediate neighbourhood.<sup>11</sup> Duchacek develops these two concepts in his later work by providing a typology of paradiplomacy based on its geopolitical dimension: trans-border regional paradiplomacy (essentially the same as his previous definition of trans-border regionalism), trans-regional paradiplomacy (interaction and cooperation between regions that are not neighbours but their countries are)<sup>12</sup> and global paradiplomacy (the same as global micro-diplomacy).<sup>13</sup> In addition to the geopolitical dimension, Duchacek adds a type of international activity that is motivated by separatist aspirations and ambitions and calls it protodiplomacy.<sup>14</sup> Duchacek is not consistent in his use of the terms, however, and has been criticised by some scholars for confusing “paradiplomacy” and “microdiplomacy.”<sup>15</sup>

Attempting to avoid “terminological controversies,” Cornago proposes the following definition: “paradiplomacy can be defined as non-central governments' involvement in international relations through the establishment of permanent or ad hoc contacts with foreign public or private entities, with the aim to promote socioeconomic or cultural issues, as well as any other foreign dimension of their constitutional competencies.”<sup>16</sup> Although this definition entails the most important

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Martinus Nijhoff Publishers, 2013), 110.

<sup>9</sup> Duchacek, “The International Dimension of Subnational,” 9.

<sup>10</sup> Ibid.

<sup>11</sup> Ibid.

<sup>12</sup> Duchacek, “Perforated Sovereignities,” 25.

<sup>13</sup> Ibid., 16.

<sup>14</sup> Ibid., 27.

<sup>15</sup> (e.g. Aguirre, “Making sense of paradiplomacy?”).

<sup>16</sup> Noé Cornago, “Diplomacy and Paradiplomacy in the Redefinition of International Security: Dimensions of Conflict and Co-operation,” in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London: Frank

characteristics of the development of the international agency of sub-state units, the discussion revolves not around how to describe international activities but how to name them. The use of the term paradiplomacy has been contested by some scholars<sup>17</sup> simply because, as noted in the opening chapter, the term is suggestive of a second-order set of activities. Duchacek claims that the problem of a derogatory sense of such terms as “microdiplomacy” can be solved by adding the prefix “para,” as “‘para’ expresses accurately what it is about: activities parallel to.”<sup>18</sup> However, in Germanic languages and Slavic languages, the prefix “para” also has negative connotations, as for example, in words like paramilitary or paralegal.

Vocabulary that is used to describe international activities of federated units and regions is far from being unified. There have been many attempts to come up with a terminology that is neither derogatory nor suggestive of inferiority. Kincaid calls the “the participation of regional and local governments in foreign policy making and international affairs”<sup>19</sup> a “constituent diplomacy,” a term that he says is a neutral descriptor. Postdiplomacy or beyond diplomacy is another neologism used to label the international activities of federated units; it is described as a “process that moves beyond the nation state.”<sup>20</sup> Hocking rejects terms such as paradiplomacy or protodiplomacy as they “reinforce the distinction” and “emphasize the elements of conflict between the national and subnational governments.”<sup>21</sup> Hocking’s concept, known as multi-layered or catalytic diplomacy, regards external relations of federated units and regions

not as a segmented process presided over by undisputed gatekeepers, but a web of interactions with a changing cast of players interacting in a variety of

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Cass, 1999), 40.

<sup>17</sup> (e.g. Hocking, Kincaid etc.).

<sup>18</sup> Duchacek, “Perforated Sovereignities,” 32.

<sup>19</sup> Kincaid, “Constituent Diplomacy,” 75.

<sup>20</sup> Aguirre, “Making sense of paradiplomacy?” 205.

<sup>21</sup> Brian Hocking, *Localizing Foreign Policy: Non-Central Governments and Mutilayered Diplomacy*,

contexts depending on policy issues, interests and the capacity of actors to operate in a multilevel political milieu that transcends conventional distinctions between subnational, national and international arenas.<sup>22</sup>

Hocking's concept of multilayered diplomacy is favoured over paradiplomacy by some scholars. For example, in his analysis of international activities of German provinces and US states, Kaiser argues that because of regional trade initiatives such as NAFTA and regional integration processes such the EU, paradiplomacy, which presupposes the separation of foreign and domestic policies, is decreasing in favour of multilayered diplomacy, which deals with coordinated measures and policy making across border or different territorial levels.<sup>23</sup> In a special issue of *The Hague Journal of Diplomacy* on "Regional Sub-state Diplomacy Today,"<sup>24</sup> Cornago, Crikemans and others use term sub-state diplomacy to refer to international activities of non-central governments. Cornago says sub-state diplomacy is more appropriate to explain "a reality that is becoming commonplace in the daily policy-making processes of many local and regional governments throughout the world and is increasingly accepted by the diplomatic system itself."<sup>25</sup>

However, sub-state diplomacy can easily be seen as a derogatory term. As the purpose of this thesis is not to provide another neologism that could risk rejection or contestation or simply contribute to existing terminological confusion, I turn to neutral terms that are, in my opinion, have neither inferior nor secondary connotations. Terms "international activities" and "external relations" are used

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(London and New York: Macmillan and St Martin's Press, 1993), 3-4.

<sup>22</sup> Ibid.,36.

<sup>23</sup> Robert Kaiser, "Substate Governments in International Arenas. Paradiplomacy and Multi-level Governance in Europe and North America," in *Mastering Globalization. New Sub-States' Governance and Strategies*, ed. by Guy Lachapelle and Stéphane Paquine, (London: Routledge, 2005), 90.

<sup>24</sup> *The Hague Journal of Diplomacy* 5 (2010).

<sup>25</sup> Cornago, "On the Normalization of Sub-State Diplomacy," 13.

interchangeably to describe relations of federated units and regions with foreign governments, federated units, international governmental organisations and other foreign entities and denote their participation and involvement in international relations whether of an ad hoc or permanent nature.

## 2.2. How and When It All Started

Although the academic study of the external relations of federated units and regions began in the 1980s, the international presence of sub-state units is not a new phenomenon. Today states share the international stage with sub-state actors, just in the same way as they “share(d) the stage with other associations: during the medieval times.”<sup>26</sup> Trans-border regional and neighbourhood cooperation and linkages are “probably as old as humanity itself.”<sup>27</sup> The roots of traditional state-centric diplomacy go back to the ancient times and can be found in different practices of public and private communications among various political entities.<sup>28</sup> In Medieval times, non-sovereign entities were involved in diplomatic activities, including sending and receiving envoys, conducting negotiations and concluding agreements.<sup>29</sup> The 1848 constitution of Switzerland provided for its sub-state units to have international relations; accordingly, Switzerland spoke with the “twenty six voices of the confederation and the twenty five cantons.”<sup>30</sup> In the relatively recent history of international relations, some sporadic international activities of the Basques at the end of the 19<sup>th</sup> and the start of the 20<sup>th</sup> century can be traced.<sup>31</sup> At the beginning of the

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<sup>26</sup> Hedley Bull, *The Anarchical Society* (London: MacMillan, 1977), 254.

<sup>27</sup> Duchacek, “Perforated Sovereignities,” 23.

<sup>28</sup> Cornago, “Diplomacy and Paradiplomacy,” 40.

<sup>29</sup> Raymond Cohen, “New Global Diplomacy: Statecraft 2500 BC to 2000 AD,” in *Innovation in Diplomatic Practice*, ed. Jan Melissen, (New York: Palgrave, 1998), 2.

<sup>30</sup> Daniel Thürer, Daniel (2003), “Federalism and Foreign Relations,” in *Federalism in Changing World, Learning from each other*, ed. Raoul Blindenbacher and Arnold Koller, (Montreal and Kingston: McGill-Queen’s University Press, 2003), 28.

<sup>31</sup> (Zubiri, “The International Relations of Basque Nationalism.”).

20<sup>th</sup> century, Quebec had missions in Paris, London, New York and Brussels,<sup>32</sup> and certain American states and their governors participated in international activities in the 1950s and 1960s.<sup>33</sup>

Thus, although Bull says we are seeing the emergence of a “neo-medieval form of universal political order,”<sup>34</sup> what we are witnessing is not so much the revival of an old phenomenon<sup>35</sup> as the expansion of an ongoing one. So it could be argued that diplomacy actually underwent different stages of historical development before the Westphalian system of states tried to attribute it exclusively to the domain of nation states.<sup>36</sup> In any event, in today’s world, nation states are often multivocal or polyphonic actors, with federated units or regions, interest groups or ethnic communities acting on the international scene.<sup>37</sup> Keating says:

We are in a world where multiple spheres of authority coexist with multiple systems of action. It would be a serious error to present this as totally new, or to contrast it with a mythical state of the classical era, which was able to monopolise authority and internalise the policy process. These tendencies have always been present, but have been greatly magnified in the contemporary era and affect most seriously those states, which in the past have sought to centralise and monopolise authority.<sup>38</sup>

There is a “proliferation of relevant actors” on the world stage and an increasing “density of actors that sustain world politics<sup>39</sup>.”

While formal and informal interactions of sub-state units with neighbouring communities, regions and states is not new, what is new, according to Duchacek, is

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<sup>32</sup> (Balthazar, “The Quebec experience”).

<sup>33</sup> (Duchacek, “Perforated Sovereignities,” Kincaid, “Constituent Diplomacy” etc.).

<sup>34</sup> Bull, *The Anarchical Society*, 255.

<sup>35</sup> Cohen, “New Global Diplomacy,” 2.

<sup>36</sup> Cornago, “Diplomacy and Paradiplomacy,” 40.

<sup>37</sup> Aguirre, “Making sense of paradiplomacy?” 189.

<sup>38</sup> Michael Keating, “The minority nations of Spain and European integration: a new framework for autonomy,” *Journal of Spanish Cultural Studies* 1, no. 1 (2000): 31.

<sup>39</sup> James N. Rosenau, *Along the Domestic-Foreign Frontier: Exploring Governance in a Turbulent*

the “the intensity and political impact and complexity” of their interaction with the world.<sup>40</sup> Soldatos adds that the novelty of the plurality of the international actors lies in its manifestation in qualitative and quantitative terms.<sup>41</sup> By qualitative terms Soldatos means activities of sub-state actors are direct and relatively autonomous, and by quantitative that activities of federated units and regions are increasingly wide in scope.<sup>42</sup>

The recent burgeoning of international agency is the topic of some discussion in the literature on the external relations of sub-state units. Arguments include internationalisation of domestic issues, economic globalisation, democratisation, human rights, decentralisation, federalisation, devolution, regionalisation, the rise of nationalism, the EU integration and US. There is an on-going debate as to whether traditional state foreign policy is expanding or domestic and internal issues are internationalising. Lecours says the international actorness of federated units and regions is the result of changes both at the domestic and the international level.<sup>43</sup>

At the former, important changes include the rise of nationalism and the processes of decentralisation and devolution now occurring in some countries.<sup>44</sup> Others factors include conflict or tensions with central authorities that can also trigger internationalisation of federated units and regions. For example, Feldman and Feldman argue that the conflict with Ottawa accounts for much of Quebec’s international activities.<sup>45</sup> At the latter level, economic globalisation and the creation of supra-national institutions have had a significant impact.<sup>46</sup>

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*World*, (Cambridge: Cambridge University Press, 1997), 67.

<sup>40</sup> Duchacek, “The International Dimension of Subnational,” 9.

<sup>41</sup> Soldatos, “An Explanatory Framework for the Study,” 21.

<sup>42</sup> *Ibid.*

<sup>43</sup> André Lecours, “When Regions Go Abroad: Globalization, Nationalism and Federalism,” Conference Paper, (Queen’s University, May 2002), 2.

<sup>44</sup> *Ibid.*

<sup>45</sup> Elliot J. Feldman and Lily Gardner Feldman, “The Impact of Federalism on the Organization of Canadian Foreign Policy,” *Publius: The Journal of Federalism* 14 (Fall 1984), 37.

<sup>46</sup> Lecours, “When Regions Go Abroad,” 2.

However, separating international from domestic is problematic, as it does not reflect today's political realities.<sup>47</sup> Hocking says the internationalisation of internal issues has led to the "localization of foreign policy." Although international activities are replacing frameworks of traditional or classical diplomacy of the early 20th century, however, this "represents the expansion rather than the rejection of foreign policy."<sup>48</sup> Hocking's idea of localisation of foreign policy is developed by Rosenau who suggests the boundaries between domestic and foreign affairs are diminishing, creating a political space that he calls "Frontiers;" the boundaries "have been eroded and become porous, being transgressed by a variety of diverse types of actors and issues."<sup>49</sup> Feldman and Feldman say the changes we are witnessing in the international arena do not completely account for the engagement of federated units and regions in foreign policy.<sup>50</sup> They argue that even in the most traditional foreign policy domain – defence and security – we can find domestic motivations.<sup>51</sup>

Many scholars use globalisation to explain the changing international arena. According to Lecours, paradiplomacy is a manifestation of globalisation; regions and federated units become part of globalisation rather than simply "being acted upon by its processes."<sup>52</sup> Vengroff and Rich argue globalisation has had a huge impact on the international activities of Canadian provinces; they are heavily dependent on international trade, making global competitiveness a critical component of their motivation to act internationally.<sup>53</sup> As a result of globalisation, "contemporary

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<sup>47</sup> Beat Habegger, "Participation of Sub-national Units in the Foreign Policy of the Federation," in *Federalism in Changing World. Learning from each other*, ed. Raoul Blindenbacher and Arnold Koller, (Montreal and Kingston: McGill-Queen's University Press, 2003), 159.

<sup>48</sup> Hocking, *Localizing Foreign Policy*, 26.

<sup>49</sup> Rosenau, *Along the Domestic-Foreign Frontier*, 32.

<sup>50</sup> Feldman and Feldman, "The Impact of Federalism," 37.

<sup>51</sup> Ibid.

<sup>52</sup> Lecours, "When Regions Go Abroad," 1.

<sup>53</sup> Vengroff and Rich, "Foreign Policy by Other Means," 115.

political problems do not fit neatly into distinct jurisdictional boundaries, if they ever did” creating rather complex network of international relationships.<sup>54</sup>

On the other hand, Kincaid claims globalisation itself did not make as large a contribution to the internationalisation of federated states and regions as is generally understood. During the first era of modern globalisation in the late 19<sup>th</sup> century, there was a virtual absence of what he calls constituent diplomacy<sup>55</sup>. In his view, globalisation is as much a context for constituent diplomacy as it is a cause.<sup>56</sup> Other factors, such as democratisation, inter-governmentalisation, human rights, decentralisation, market liberalisation, United States policies, and technological innovation in travel and communications, were highly interdependent by the 1980s, setting the scene for a new phase of globalisation, considerably different than the one of the XIX century.<sup>57</sup>

Paquin and Lachapelle list three variables “at the forefront” of the expansion of the international presence of federated units and regions: firstly, the nation-state crisis and globalisation, the most important variable; secondly, nationalism; thirdly, the internationalisation process<sup>58</sup>. They argue that “international reorganisation at the economic level has led to a new division of labour,” creating room for other actors who are not states to compete for the “acquisition of shares in world markets.”<sup>59</sup>

Even though US states are not the focus of the thesis, I will briefly mention them here, as their involvement in the international scene has directly or indirectly influenced the international activities of other federated units, especially Canadian

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<sup>54</sup> Hamid Telford, “Expanding the Partnership: The Proposed Council of the Federation and the Challenge to Globalisation,” A Series of Commentaries on the Council of Federation (Institute of Intergovernmental Relations, Queen’s University, 2003), 3.

<sup>55</sup> Kincaid, “Foreign Relations of Sub-national Units,” 74.

<sup>56</sup> Ibid., 78.

<sup>57</sup> Ibid.

<sup>58</sup> Stéphane Paquin and Guy Lachapelle, “Why do sub-states and regions practice international relations,” in *Mastering Globalization. New Sub-States' Governance and Strategies*, ed. by Guy Lachapelle and Stéphane Paquine, (London: Routledge, 2005), 77.

<sup>59</sup> *ibid.*, p. 78.

provinces, something Soldatos calls “me-tooism.”<sup>60</sup> According to Vile, the American states have always been interested in foreign affairs and “have from time to time throughout American history, exerted considerable political influence.”<sup>61</sup> This interest is motivated by domestic issues, such as immigration or the protection and development of the economy.<sup>62</sup> Of these two, the economy seems to be the driving force.

Arguably, the international activities of US states began in 1959 when a delegation from North Carolina led by Governor Luther H. Hodges travelled to Europe to attract foreign investments.<sup>63</sup> Despite the early beginning, throughout the 1960s and 1970s, the states’ international activities remained timid and underdeveloped; for example, in 1970s only four US states were represented abroad. The 1980s saw the beginning of an increased international presence with more governors traveling on trade missions, and more states launching campaigns or opening more trade representative offices abroad; in 1985, 29 states had 55 international offices<sup>64</sup> and in 2006, 44 states had 235.<sup>65</sup>

Fry cites six reasons for the increased international activity of US states: complex global interdependence, the growing dependence of the US on the global economy; electoral factors (international presence of leaders plays important role in the electoral campaign); a desire to decrease state reliance on transfer payments from Washington (states want to decrease their reliance on Washington and look for alternatives to federal funding); the development of transport and communication

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<sup>60</sup> Soldatos, “An Explanatory Framework for the Study,” 45.

<sup>61</sup> M.J.C. Vile, *The Structure of American Federalism*, (London: Oxford University Press, 1961), 194.

<sup>62</sup> John Kincaid, “The American Governors in International Affairs,” *Publius: The Journal of Federalism* 14 (Fall 1984), 97.

<sup>63</sup> *Ibid.*, 102.

<sup>64</sup> Duchacek, “Perforated Sovereignties,” 1.

<sup>65</sup> Samuel Lucas McMillan, “American Paradiplomacy: How do US States and Governors Respond to Economic Crises?” Paper prepared for presentation at the Annual Meeting of the American Political Science Association, (Washington D.C., September 2010), 10.

accompanied by the internationalisation of production; constitutional ambiguity.<sup>66</sup>

Although Fry is referring to US states, these factors can be applied to elsewhere.

For many scholars, European integration has been the driving force in the development of the international agency of federated units and regions.<sup>67</sup> With the acceleration of the European integration, especially with the adoption of the European Act in 1986 and the Maastricht Treaty in 1992, the importance of regions and federated units on the international scene has increased, and “the image of the regions as the forgotten territorial units in the ‘blind spot’ of the integration process has been substantially reversed.”<sup>68</sup> Kerremans and Beyers say EU integration has increased the role of federated units and regions. In the case of Belgium, EU integration coupled, with Belgian state reforms, has blurred the boundaries between what they call second level player-nation-states and third level player-sub-national units.<sup>69</sup> Marks, Haesly, and Mbaye see EU integration as both an opportunity and a threat for regions and federated units, especially those who exert considerable influence on their national polities.<sup>70</sup> Regions and federated units who try to influence EU policy can gain simply because many of EU policies are within their jurisdiction.<sup>71</sup> Those who do not try to influence EU policies have more to lose “because if they are unable to operate effectively in Europe they face the prospect of being outflanked by national governments.”<sup>72</sup>

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<sup>66</sup> Earl H. Fry, “The United States of America,” in *Federalism and International Relations: The Role of Sub national Units*, ed. Hans J. Michelmann and Panayotis Soldatos, (Oxford: Clarendon Press, 1990), 281-282.

<sup>67</sup> (Francisco Aldecoa, “Towards Plurinational Diplomacy in the Deeper and Wider European Union (1985-2005),” in *Paradiplomacy in Action: The Foreign Relation of Sub national Governments*, ed. Francisco Aldecoa and Michael Keating (London: Frank Cass, 1999); Tanja A. Borzel, “From Competitive Regionalism to Cooperative Federalism: The Europeanization of the Spanish State of the Autonomies,” *Publius: The Journal of Federalism* 30, no. 2 (Spring 2000) to name few).

<sup>68</sup> Udo Bullmann, “The politics of the third level,” *Regional & Federal Studies* 6, no. 2 (1996), 4.

<sup>69</sup> Bart Kerremans and Jan Beyers, “The Belgian Sub-national Entities in the European Union: Second or Third Level Players?,” *Regional & Federal Studies* 6, no. 2 (1996): 41.

<sup>70</sup> Gary Marks, Richard Haesly and Heather A. D Mbaye, “What Do Sub national Offices Think They Are Doing in Brussels?,” *Regional and Federal Studies* 12, no. 3 (2002): 10.

<sup>71</sup> *Ibid.*, 9.

<sup>72</sup> *Ibid.*

Some nationalist movements in Europe, such as those in Austria and South Tyrol, regard European integration as an opportunity and the best means to achieve their goal to unify their territory.<sup>73</sup> For Lecours, political and economic regimes are crucial elements of the institutional context conditioning the international activities of federated units. Political supra-national structures such as the EU legitimise bypassing the central state institutions; in the EU, many regions and federated units “have found specific institutional niches such as the Council of regions” that they use to exert their influence.<sup>74</sup> The Council of regions, regardless of its flaws, is important, as Loughlin explains:

For the first time, regions and local authorities are officially represented in their own European body and not simply as an appendage to the Commission or the Parliament. This means that there is now official recognition of the sub-national territories alongside the recognition of national territories as found in the Council of Ministers.<sup>75</sup>

Notwithstanding the influence of EU integration, the increased international action by sub-state units cannot be attributed to one factor, or one set of interconnected factors. Many authors suggest numerous external and internal conditions have made it this possible.<sup>76</sup> Sykes and Shaw say the “new regionalism,” as they call it, has not been driven just by external factors such as globalisation and European integration; other “longstanding” issues, such as national identity, political

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<sup>73</sup> Duncan Morrow, “Regional Policy as Foreign Policy: The Austrian Experience,” *Regional & Federal Studies* 2, no. 3 (1992): 40.

<sup>74</sup> Lecours, “Paradiplomacy: Reflections on the Foreign Policy,” 03.

<sup>75</sup> John Loughlin, “Representing Regions in Europe: The Committee of the Regions,” *Regional and Federal Studies* 6, no. 2 (1996): 163.

<sup>76</sup> (Soldatos, “An Explanatory Framework for the Study,” Lecours, “Paradiplomacy: Reflections on the Foreign Policy,” etc.).

domination by the centre and economic disparities, have to be taken into account as well.<sup>77</sup>

### 2.3. Motivations and Incentives

When analysing the external relations of federated units and regions, one of the first questions that comes to mind is why do they do it. What are their motivations, and what are they trying to achieve internationally? Vengroff and Rich say global competitiveness is a critical component of the motivation for a federated unit or a region to project itself internationally.<sup>78</sup> For Atkey, the internationalisation of federated units and regions is “more convenient and practical” than having to follow the lead of a level of government that is not “as closely attuned” to their needs.<sup>79</sup> According to Feldman and Feldman, federated units and regions participate on the international scene for both internal and external reasons. Internal reasons include bureaucratic and fiscal resources, formal opportunities, jurisdictional obligations or the political necessity to engage in international relations<sup>80</sup>. External reasons may be found in the international system itself, which “beckons them” to engage internationally; for example, foreign countries and other partners may “look directly to them.”<sup>81</sup>

Scholars in the field<sup>82</sup> tend to agree on three broad motivations, mentioned in Chapter 1. These motivations are: economic, e.g., trade, export, investments; cultural, e.g., cultural exchanges, promotion of distinct culture, identity building, recognition of cultural distinctiveness; political, e.g., protection of autonomy, internal status, region building, nationalist aspiration, independence seeking, recognition of political

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<sup>77</sup> Olivier Sykes and, David Shaw, “Investigating Territorial Positioning by Sub-state Territories in Europe,” *Regional & Federal Studies* 18, no. 1 (2008): 59.

<sup>78</sup> Vengroff and Rich, “Foreign Policy by Other Means,” 115.

<sup>79</sup> Atkey, “The Role of the Provinces,” 271.

<sup>80</sup> Feldman and Feldman, “The Impact of Federalism,” 37.

<sup>81</sup> *Ibid.*

<sup>82</sup> (e.g. Keating, “Regions and International Affairs,” Kincaid, “Foreign Relations of Sub-national Units,” Blatter et al., “The Foreign Relations of European Regions,” etc.).

autonomy. To the political motivations, Kincaid adds the protection of human rights and environment.<sup>83</sup> A fourth motivation added by Kincaid is cross border housekeeping; this stems from the “the need to resolve numerous cross-border issues.”<sup>84</sup>

According to Feldman and Feldman, a desire for independence or special federal assistance can also motivate federated units and regions to move into the international sphere.<sup>85</sup> They may pursue their own external relations because of the central government’s lack of action in a certain area or its refusal to create policy on certain issues. Fry calls this motivation a “controversial moral stance;” strong views on a moral issue can lead to “controversial” decisions by federated units and regions to enter the international arena.<sup>86</sup> Consider, for example, the temporary embargo on the sale of alcohol from the USSR introduced by 15 US states following the shooting down of a KAL airplane by the USSR in 1983.<sup>87</sup> Another example is environmental protection, often seen by federated units and regions, especially in the developed world, as an important moral issue. Among the first to be concerned with the protection of the environment are US states and Canadian provinces. The issue of climate change was discussed for the first time at the annual Conference of New England Governors and East Canadian Premiers (NEG-ECP) in 1989; in the years that followed NEC-ECP began to develop expertise in climate change.<sup>88</sup> In the absence of formal ratification of the Kyoto Protocol by the US, several states began to take their own initiatives, even though they were not party to the formal Protocol.

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<sup>83</sup> Kincaid, “Foreign Relations of Sub-national Units,” 82.

<sup>84</sup> Ibid.

<sup>85</sup> Eliot J. Feldman and Lily Gardner Feldman, “Canada” in *Federalism and International Relations: The Role of Sub national Units*, ed. Hans J. Michelmann and Panayotis Soldatos, (Oxford: Clarendon Press, 1990), 181.

<sup>86</sup> Earl H. Fry, “State and Local Governments in the International Arena,” *Annals of the American Academy of Political Science* 509 (May 1990): 124.

<sup>87</sup> Ibid., 125.

<sup>88</sup> Annie Chaloux and Stéphane Paquin, “Green Paradiplomacy in North America: Successes and Limits of the NEG-ECP,” in *Sustainable development and subnational governments policy-making and multi-level interactions*, ed. Hans Bruyninckx, Sander Happaerts & Karoline Van den Brande,

Nine states created the Regional Greenhouse Gas Initiative (RGGI) as a market-based trading program to reduce greenhouse gas emissions.<sup>89</sup> In 2006, the Governor of California signed the Global Warming Solution Act, which provides for cutting back greenhouse gas emissions by 25 per cent by 2020.<sup>90</sup> The absence of action by Washington and Ottawa in climate change “has had an antagonistic effect on states and provinces” but has created a window of an opportunity for them to develop their own policies and increase their roles in environmental protection.<sup>91</sup> These climate change initiatives have been called “green” or “environmental” paradiplomacy. The concept of environmental paradiplomacy is relatively new but is likely to gain prominence in the future.

Federated units and regions rarely develop international agency for a single reason; several incentives are generally involved, even though some are stronger than others. The external relations of regions and federated units with a distinct identity may be driven by cultural and political motivations, but an economic dimension is usually present as well.

#### **2.4. Identity and National Questions**

Pressures from human rights movements and groups opened the door not only for individuals, but also for ethnic, religious, and linguistic communities, especially stateless nations, to assert their rights as “distinct societies deserving recognition, self-government, and distinctive voices in national and international affairs.”<sup>92</sup> For many territories with distinctive identities, international activities have become integral parts of “identity recovery and legitimisation of their perceived sovereignty

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(Hampshire: Palgrave Macmillan, 2012), 222.

<sup>89</sup> See Regional Greenhouse Gas Initiative <http://www.rggi.org>, (accessed 10<sup>th</sup> May, 2014)

<sup>90</sup> Eatmon, Thomas D., “Paradiplomacy and Climate Change: American States as Actors in Global Climate Governance,” *Journal of Natural Resources Policy Research*, Volume 1, Issue 2, April 2009 , p.154

<sup>91</sup> Chaloux and Paquin, “Green Paradiplomacy,” 221.

and national status.”<sup>93</sup> Put otherwise, the development of international agency is an “indispensable priority” for federated units and regions that want their identities to be recognised and legitimised both domestically and on the international level.<sup>94</sup> The external relations of federated units and regions with distinctive identities can sometimes be seen as a part of an identity construction project that attempts to incorporate elements of sovereign statehood by “acting like a state” internationally.<sup>95</sup>

The importance of the nationalism dimension in the development of international practices of sub-state units is analysed extensively by Lecours and Moreno. These two scholars say nationalism “logically leads regional governments to seek international agency” and the international presence of federated units and regions “is likely a consequence of the existence of a strong nationalist movements.”<sup>96</sup> Nationalism, in their view, includes three processes whose underlying philosophy and practice can be directly associated with the development of international agency of federated units and regions: identity construction and consolidation, the definition and articulation of regional/group interests, and political-territorial mobilisation.<sup>97</sup> As for the first process, they argue that for “nationalist leaders” of federated units and regions, an international presence is “an additional opportunity to build and consolidate a national identity;” while conducting their external relations, federated units and regions can “behave as nations and present themselves as such.”<sup>98</sup> They link the development of international agency of federated units and regions to the second process of nationalism, as sub-state units adopt “state-like discourse...and express preferences in the context of national

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<sup>92</sup> Kincaid, “Foreign Relations of Sub-national Units,” 76.

<sup>93</sup> Ibid.

<sup>94</sup> Paquin and Lachapelle, “Why do sub-states and regions,” 82.

<sup>95</sup> Sharafutdinova, “Paradiplomacy in the Russian Regions,” 613.

<sup>96</sup> Lecours and Moreno, “Paradiplomacy and stateless nations,” 2.

<sup>97</sup> Ibid., 3-5.

<sup>98</sup> Ibid., 3-4.

interest framework.”<sup>99</sup> These preferences and interests may be ideological in nature, such as free trade, or involve culture defence and promotion, often are the most important issues of external relations of federated units and regions.<sup>100</sup> As a result, the struggle to preserve culture domestically is extended internationally through the international activities of federated units and regions with a distinctive identity.<sup>101</sup> Their international activities are also linked with the third dimension of nationalism; they provide opportunities to “stimulate political-territorial mobilisation” as they often challenge central authorities and can serve as a tool to achieve some objectives domestically.<sup>102</sup>

In an analysis of sustainable development policies of five sub-state units, Happaerts concludes the degree of autonomy is not “directly linked to the significance of international influence;” rather, the presence of “territorial identities” explains why Flanders is more influenced by international developments than Wallonia.<sup>103</sup> Although the development of international agency by federated units and regions seeking to advance their cultural and political objectives internationally as “national” states represents the most conflictual dimension of their external relations, Kincaid says it is very likely to increase in the near future, because many “assertions in the names of human rights and cultural diversity are occurring worldwide.”<sup>104</sup>

## 2.5. Reactions from the States

States react differently to the development of international agency of their federated units and regions. Some reactions are very favourable, with the

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<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid., 5.

<sup>103</sup> Sander Happaerts, “Are you Talking to us? How Subnational Governments Respond to Global Sustainable Development Governance,” *Environmental Policy and Governance* 22 (February 2012): 140.

<sup>104</sup> Kincaid, “Foreign Relations of Sub-national Units,” 92.

internationalisation of federated units and regions seen as “desirable democratisation of foreign policy process<sup>105</sup>” and an opportunity to make the international arena more just and peaceful. Others are negative. Many multinational states believe the international projection of federated units and regions is a “dangerous derogation from governments’ power to conduct a coherent foreign policy.”<sup>106</sup> International activities are often seen by nation-states as their exclusive privilege, the “area that touches most closely the traditional concept of national sovereignty.”<sup>107</sup> Although Kincaid says this notion that politics “*stops at the water’s edge*” goes against the basic principles of democratic governing,<sup>108</sup> Atkey argues the external relations of federated units and regions should be supervised in such a way that they not damage the national interest of their states.<sup>109</sup>

According to Lecours, states perceive the international activities of their sub-units as a challenge to sovereignty and an obstacle to “the articulation of a coherent national foreign policy.”<sup>110</sup> But Kincaid argues that we should not worry whether the diplomatic activities of sub-state actors will endanger sovereignty; rather, we should consider how the suppression and control of the international presence of federated units and regions could endanger democracy in a state and limit the political, cultural and economic potential of sub-state units.<sup>111</sup> Atkey also says direct state control might hinder valuable programs and initiatives undertaken by provincial and foreign officials, thus “emphasising form at the expense of substance.”<sup>112</sup>

The growing international role and importance of federated units and regions does not mean, however, that we are witnessing the disappearance of nation-states.

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<sup>105</sup> Hocking, *Localizing Foreign Policy*, 2.

<sup>106</sup> Ibid.

<sup>107</sup> John Loughlin, “Regional Autonomy and State Paradigm Shifts in Western Europe,” *Regional and Federal Studies* 10, no. 2 (2000): 29.

<sup>108</sup> Kincaid, “Constituent Diplomacy,” 56.

Atkey, “The Role of the Provinces,” 269.

<sup>110</sup> Lecours, “When Regions Go Abroad,” 3-4.

<sup>111</sup> Kincaid, “Constituent Diplomacy,” 56.

<sup>112</sup> Atkey, “The Role of the Provinces,” 252.

As many of the tasks of nation-states have been taken over by supra-national institutions such as the EU or NATO or have been transferred to decentralised structures, their nature, their role - both internally and externally - and their function have been changing.<sup>113</sup> Even so, they represent a “veto point,” able to stall agreements or derail their implementation.<sup>114</sup> The international activities of regions are far from challenging the dominant role of the nation-state and its executive branch in political decision-making. To cite Roseneau:

[The international system is] less commanding, but is still powerful, states are changing, but not disappearing, state sovereignty has been eroded, but is still vigorously asserted, governments are weaker, but they can still throw their weight around, frontiers are continuously shifting, widening and narrowing, simultaneously undergoing erosion with respect to many issues and reinforcement with respect to others.<sup>115</sup>

Some nation-states have started to realise the importance of their “domestic actors,” and this recognition has led to greater appreciation of their international roles and their influence on foreign policy outcomes.<sup>116</sup> Management of global issues, especially in crises, according to Langhorne, increasingly involves other actors that are not states and which have “levels of efficiency and responsiveness that transcend the constraints of the state.”<sup>117</sup> Although Langhorne is referring to private corporations, non-governmental and governmental organisations, central

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<sup>113</sup> Loughlin, “Regional Autonomy,” 12.

<sup>114</sup> Joachim Blatter, Helen Ingram, and M. Pamela Doughman, “Emerging Approaches to Comprehend Changing Global Context,” in *Reflections on Water: New Approaches to Transboundary Conflict and Cooperation*, ed. Joachim Blatter and Helen Ingram (Cambridge MA; London: The MIT Press, 2001), 10.

<sup>115</sup> Rosenau, *Along the Domestic-Foreign Frontier*, 4.

<sup>116</sup> Stephen P. Mumme, “State Influence in Foreign Policymaking: Water Related Environmental Disputes along the United States-Mexico Border,” *The Western Political Quarterly* 38, no. 4 (December 1985): 636.

<sup>117</sup> Richard Langhorne, “The Diplomacy of Non-State Actors,” *Diplomacy and Statecraft* 16, no. 2 (2005):332.

governments can benefit from the external relations of their federated units and regions. For example, Hocking believes that by engaging the services of sub-state actors, sensitive political issues can be redefined in lower level politics.<sup>118</sup>

Certain forms of international activities of sub-state units can be used as an instrument for to reduce transnational tensions. According to Cornago, this is shown most clearly in the management of environmental and migration issues, where the action of central or federal authorities has not been sufficient,<sup>119</sup> as briefly discussed above. There are many examples where sub-states have been involved in solving international issues, especially related to environment protection, such as the joint international action of several federated units of Canada and the US against the ecological deterioration of their regional ecosystems.<sup>120</sup>

Nonetheless, some states, especially multinational one, find it difficult to appreciate the international role of their domestic actors or to accept the international presence of their federated units. Lecours says they can “oppose it vigorously,”<sup>121</sup> taking drastic measures to suspend activities of the sub-state units, such as legal procedures, or more moderate ones, such as diplomatic activities aimed at bilateral partners with whom the sub-state units are developing cooperation. There are many examples of states invoking the constitution to ban the international relations of their federated units or regions. For example, Spain contested the international activities of its autonomous communities before the Constitutional Court by submitting an appeal against the Basque Government with respect to its office in Brussels. In 1994 the Constitutional Court confirmed the right of the Basque government to be officially represented in Brussels<sup>122</sup>. A similar case occurred in Bosnia and Herzegovina; the Bosniak member of the Presidency of Bosnia and Herzegovina submitted an appeal

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<sup>118</sup> Hocking, *Localizing Foreign Policy*, 32.

<sup>119</sup> Cornago, “Diplomacy and Paradiplomacy,” 53.

<sup>120</sup> Cornago, “Diplomacy and Paradiplomacy,” 51.

<sup>121</sup> Lecours, “When Regions Go Abroad,” 6.

to the Constitutional Court in 2008 to suspend “anti-constitutional” activities of the Republika Srpska in the US, but the Constitutional Court of Bosnia and Herzegovina rejected the appeal.<sup>123</sup>

Such attempts are counterproductive for two reasons: they can worsen the relations between the centre and the federated unit and they can obstruct the governance of a federated unit.<sup>124</sup> Some suggest that tensions and conflicts arising from the international projection of federated units and regions are determined by the internal political or ethnic composition of states, intergovernmental relations and the nature of international activities in which sub-states are involved.

For example, Lecours argues that intergovernmental conflict is more likely to occur in multinational and multi-ethnic countries, where the development of the international agency of federated units and regions reflects the expression of their cultural, ethnic and political distinctiveness.<sup>125</sup> Kincaid claims the international projection of sub-state units itself is seldom the cause of intergovernmental conflict.<sup>126</sup> Tensions arising because of the external relations of sub-state units usually reflect an already existing domestic intergovernmental conflict. In such cases, attempts to suspend the international activities of sub-state units will serve no purpose. Rather, the existing internal conflict must be resolved.<sup>127</sup>

Whether federal or central governments try to prohibit international activities of their federated units and regions or provoke them depends on whether intergovernmental relations are antagonistic or cooperative.<sup>128</sup> The “centre” may allow its constituent parts to play an international role as long as this does not

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<sup>122</sup> Lecours, “Political Issues of Paradiplomacy,” 11-12.

<sup>123</sup> See chapter 5.

<sup>124</sup> Wolff, “Paradiplomacy: Scope, Opportunities,” 11.

<sup>125</sup> Lecours, “Political Issues of Paradiplomacy,” 9.

<sup>126</sup> Kincaid, “Foreign Relations of Sub-national Units,” 90.

<sup>127</sup> Ibid.

<sup>128</sup> Feldman and Feldman, “The Impact of Federalism,” 39.

threaten its interests and the image it wishes to project abroad.<sup>129</sup> According to Atkey, federal or central governments should not object to the development of the international agency of their federated units and regions as long as there is “full and honest disclosure” of their international activities and as long as those activities do not jeopardise national interests.<sup>130</sup> Higher potential for conflicts may be found in countries where one party controls the federal or central government and another controls the federated units or regions.<sup>131</sup>

Kincaid argues that international activities motivated by national aspirations are more likely to create conflicts with central authorities than those motivated by economic interests.<sup>132</sup> He further suggests that the international activities of federated units and regions driven by some form of national aspirations may also produce conflict within that sub-national unit, as not all of its citizens may be supportive.<sup>133</sup> Duchacek lists seven sources of opposition from central authorities: opposition in principle to any dilution of central power (invoking the constitution); fear of change; fear of new and complex patterns; inexperience and lack of negotiating skills of personnel of federated units and regions engaged in external relations; fear of creating political and administrative chaos; fear of “subnational egocentrism” (interests promoted by one federated unit or region to the detriment of another); and fear of secession.<sup>134</sup>

Notwithstanding these and other concerns, in most cases, the international projection of federated units and regions does not contravene national foreign policy objectives; in fact, it often complements them. Regardless of the level of autonomy

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<sup>129</sup> Balthazar, “The Quebec experience,” 153.

<sup>130</sup> Atkey, “The Role of the Provinces,” 252.

<sup>131</sup> Kincaid, “Foreign Relations of Sub-national Units,” 90.

<sup>132</sup> John Kincaid, “Comparative Observations on the International Activities of Constituent Governments,” in *Foreign Policy of Constituent Units at the Beginning of 21<sup>st</sup> Century*, ed. Ferran Requejo, (Barcelona: Col·lecció Institut d’Estudis Autònoms, 2010), 18.

<sup>133</sup> Ibid.

<sup>134</sup> Duchacek, “The International Dimension of Subnational Self-Government,” 20-22.

given to the federated units and regions, central authorities control the overall directions of their diplomatic activities.<sup>135</sup>

## 2.6. How They Do It

Before discussing the instruments that federated units and regions may use to position themselves internationally, it is important to briefly consider how their external relations co-exist with those of the state. There are two possible scenarios, what Soldatos calls “cooperative (supportive) action” and “parallel (substitute) action.”<sup>136</sup> In cooperative action, the involvement of federated units and regions on the international arena is either coordinated by their central authorities or developed together with them.<sup>137</sup> Parallel action refers to independent international involvement by federated units and regions, either in harmony or disharmony with central authorities.<sup>138</sup>

Building on Soldatos’ argument, Tatham develops two types of external relations: “bypassing paradiplomacy” and “co-operative paradiplomacy.”<sup>139</sup> The former can be defined as international activities of sub-state units that do not involve interactions with the central state, while the latter are conducted “in tandem” with the central state.<sup>140</sup> For whatever reasons, federated units and regions may prefer to use their own mechanisms for external relations, especially in cases of what Tatham calls “bypassing paradiplomacy.” In some cases, “the state-centric networks and mechanisms of traditional diplomacy”<sup>141</sup> may be closed to federated units and regions. They may have no choice, but to create their own strategies.

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<sup>135</sup> Wolff, “Paradiplomacy: Scope, Opportunities,” 13.

<sup>136</sup> Soldatos, “An Explanatory Framework for the Study,” 38.

<sup>137</sup> Ibid.

<sup>138</sup> Ibid.

<sup>139</sup> Michaël Tatham, “With or Without You? Revisiting Territorial State-bypassing in EU Interest Representation,” *Journal of European Public Policy* 17, no. 1 (January 2010): 78.

<sup>140</sup> Ibid.

<sup>141</sup> Lecours, “When Regions Go Abroad,” 3.

In their analysis of the international activities of four Canadian provinces (Quebec, Alberta, Ontario and British Columbia) Feldman and Feldman argue that strategies of these provinces differ even when their purposes are the same. Strategies reflect the relations the respective units have with the centre, so for example, Quebec “deliberately challenges the government of Canada, especially in the francophone world, demanding to represent internationally the francophones of North America.”<sup>142</sup> But even in the case of “cooperative paradiplomacy,” where federated units and regions can rely on “state-centric diplomatic mechanisms,” they may still decide to develop their own instruments and networks. For example, American states, whose international activities are generally cooperative vis-à-vis their federal authorities, have developed extensive networks of around 300 offices in the world.

Whether federated units and regions bypass or cooperate with their central authorities, they have some common instruments and mechanisms, all of which have become more sophisticated over time.<sup>143</sup> Duchacek defines six mechanisms used by sub-state actors in the international arena:

- (1) The establishment of permanent offices in foreign capitals or centres of commerce and industry to represent regional governments.
- (2) Well-promoted trips by regional leaders, well covered by the media.
- (3) Short-term, professional fact-finding missions dispatched abroad by regional governments.
- (4) Trade and investment shows featuring technological, touristic, investment and other advantages of the sub-national unit.
- (5) Establishment of foreign trade zones.
- (6) Participation by representatives of regional governments in international conferences or in the formal diplomatic representation of their national

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<sup>142</sup> Feldman and Feldman, “The Impact of Federalism,” 39- 40 and 50.

government in foreign capitals.<sup>144</sup>

The instruments that regions and federated units can use internationally are rapidly changing, and are quite diverse.<sup>145</sup> Criekemans' list of diplomatic instruments which can be employed by federated units and regions includes: political representation abroad, treaty-making power, other agreements (political declarations, letters of intent, cooperation agreements, partnerships, etc.), development programs and assistance, participation in multilateral frameworks, participation in formal and informal networks, and public diplomacy (both domestic and international).<sup>146</sup>

Besides these tools, federated units and regions with distinctive identity may also use their ethnic diasporas to position themselves internationally.

As this point, I restrict the discussion to the instruments that are most widely used by federated units and regions: establishing representation offices abroad, signing treaties and memoranda of understanding, and public diplomacy.

Participation in the multilateral arena and development cooperation programs as diplomatic instruments and the role of diaspora are discussed separately.

As noted previously, at the start of the 20<sup>th</sup> century, Quebec and the Basque country had delegations and missions in several world capitals, including London, Paris and Brussels. Creation of offices in major global cities is an appropriate economic strategy for any unit seeking to promote trade and attract investment. It is also an important political and cultural strategy aimed at identity-building and gaining attention in world politics. Blatter et al. claim the former purpose is more important than the latter.<sup>147</sup> However, this claim is only partially true, as it does not explain why so many European regions and federated units have opened their offices in Brussels.

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<sup>143</sup> Criekemans, "Regional Sub-State Diplomacy," 44.

<sup>144</sup> Duchacek, "Perforated Sovereignties," 14-15.

<sup>145</sup> Criekemans, "Regional Sub-State Diplomacy," 58.

<sup>146</sup> Ibid.

With the strengthening of the European Union, especially after the Maastricht treaty, Brussels became an increasingly important centre of power and diplomatic activities. Many federated and other sub-national units have started to open up representation offices there. The growth in importance of Brussels coincided with the growth of international activities of sub-national units in the 1990s. Some say the creation of the Committee of the Regions in 1994 was an important impetus for federated units and regions to open representation offices in Brussels.<sup>148</sup>

But Quebec set up an office in Brussels, long before European regions and federated units began to establish a presence. The mandate of the office covered Belgium, Luxembourg and the Netherlands, and was later extended to cover EU institutions. The city of Birmingham opened an office in 1984,<sup>149</sup> followed by German Länders. In 1988, 15 sub-state units had offices in Brussels and in 1993, 54.<sup>150</sup> This trend continued to grow throughout the 2000s; by 2002, 160 regions and federated units had offices,<sup>151</sup> and by the end of 2010, this had jumped to over 250.<sup>152</sup> Even though these offices have no formal function in EU decision-making processes, they have a role as designated by their respective regional and federated authorities.

The growing literature on regional offices in Brussels suggests this is an important phenomenon. Brussels is now one of the most important centres of sub-state diplomacy. Some argue the interests of regions and federated units now counterbalance those of very strong private lobby groups with their functionally specific interests.<sup>153</sup> For regions and federated units who want to take part in

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<sup>147</sup> Blatter et al., "The Foreign Relations of European Regions," 475.

<sup>148</sup> Duran, *Mediterranean Paradiplomacies*, 197.

<sup>149</sup> Pekka Kettunen and Michael Kull, "Governing Europe: the Status and Networking Strategies of Finnish, Estonian and German Sub national Offices in Brussels," *Regional and Federal Studies* 19, no. 1, (2009): 120.

<sup>150</sup> Marks, Haesly and Mbaye, "What Do Sub national Offices," 1.

<sup>151</sup> Ibid.

<sup>152</sup> Kettunen and Kull, "Governing Europe," 120.

<sup>153</sup> Blatter et al., "The Foreign Relations of European Regions," 483.

European policy, a permanent presence in Brussels is crucial,<sup>154</sup> and the creation of a representation office is almost a necessity.<sup>155</sup> The establishment and maintenance of representation offices is costly, however, and not all regions and federated units have the necessary resources.<sup>156</sup>

Some federated units and regions, such as Quebec, Flanders, and Wallonia, have several types of offices abroad: economic offices, cultural centres, and general representation offices, which are actually political representations of their respective governments. Others, such as the Republika Srpska, open an economic representation office, which is more concerned with political lobbying than promoting trade or attracting investment. Representation offices can be operated by the governments of regions and federated units; alternatively, they can be run in cooperation with the private sector or they can be run completely by a contracting organisation or agency.<sup>157</sup> Although creation of these offices is often taken as indicative of international ambitions, their functions and capacities are generally limited in scope.<sup>158</sup>

Another important instrument frequently used by federated units and regions is the creation of binding and non-binding agreements with states, international organisations and institutions or other regions. Treaty making powers are limited to federated units in a small number of countries, including Austria, Bosnia and Herzegovina, Belgium, Germany and Switzerland. Only Belgium allows its regions and communities to sign international treaties in the areas of their exclusive competence without the consent of the federal authority. In Austria, Bosnia and Herzegovina, Germany and Switzerland, federated units can enter into internationally

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<sup>154</sup> Caroly Moore, "The Impact of Devolution on EU-Level Representation: British Regional Offices in Brussels," *Regional and Federal Studies* 17, no. 3 (2007): 275.

<sup>155</sup> Blatter et al., "The Foreign Relations of European Regions," 484.

<sup>156</sup> Hans Michelmann, "Conclusion," in *Foreign Relations in Federal Countries*, ed. Hans Michelmann, (Montreal: McGill-Queen's University Press, 2009), 348.

<sup>157</sup> *Ibid.* 347.

binding agreements with states only with the consent of their central authorities. In contrast, cooperation agreements, memoranda of understanding and other forms of agreements of a non-binding nature are extensively used by sub-state units as a diplomatic tool. Even federated units with treaty-making powers, for example, Belgian regions, have signed significantly more non-binding agreements than treaties. This type of instrument is of interest because it offers more flexibility than the “rigid structure of formal treaties.”<sup>159</sup>

Regions and federated units striving for international recognition devote significant attention to public diplomacy, as “regional public diplomacy is often about identity and nation-building.”<sup>160</sup> A region or a federated unit makes use of public diplomacy to familiarise an international public with its reputation.<sup>161</sup> Promotion of culture, tourism, education and economy and trade are part of public diplomacy. It is often a rebranding and image building strategy, targeted at a wider general public abroad. Public diplomacy of federated units and regions is rarely seen as a challenge to the sovereignty of their states. As cultural, tourist, educational and other types of campaigns are less likely to be obstructed by central authorities than other diplomatic instruments, public diplomacy is becoming “an increasingly standard component of overall diplomatic practice.”<sup>162</sup> Quebec, Scotland and Catalonia have invested in extensive public diplomacy initiatives,<sup>163</sup> to the point where public diplomacy is institutionalised within their administrations responsible for international relations.

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<sup>158</sup> Hocking, “Patrolling the ‘frontier,” 22.

<sup>159</sup> Criekemans, “Regional Sub-State Diplomacy,” 45.

<sup>160</sup> Jan Melissen, “Beyond the New Public Diplomacy,” *Clingendael Paper 3*, (Netherlands Institute of International Relations “Clingendael,” October 2011), 17.

<sup>161</sup> Criekemans, “Regional Sub-State Diplomacy,” 46.

<sup>162</sup> Jan Melissen, “The New Public Diplomacy: Between Theory and Practice,” in *The New Public Diplomacy: Soft Power in International Relation*, ed. Jan Melissen (New York: Palgrave Macmillan, 2005), 11.

<sup>163</sup> Criekemans, “Regional Sub-State Diplomacy,” 56.

## 2.7. Participation in International Governmental Organisations and Institutions

Although membership in international governmental organisations and institutions is almost exclusively reserved for nation-states, federated units and regions attempt enter the multilateral space in a number of different ways. Some international governmental organisations allow the membership of non-state actors under special conditions and with certain limitations. A case in point is the international governmental organisation la Francophonie, which has allowed the membership of three federated units and regions. Two Canadian provinces are members; Quebec since 1971 and New Brunswick since 1977.<sup>164</sup> Their membership status is the same as the status of 54 state members, but they are presented in the organisation as “participating governments” under the names “Canada-Quebec” and “Canada-Nouveau-Brunswick” respectively.<sup>165</sup> Federation Wallonie-Brussels has been a member of la Francophonie since 1980.<sup>166</sup> Unlike Canada, however, Belgium as a state is not represented in la Francophonie. Other similar examples include the memberships of Åland Islands, Faroer Islands and Greenland in the Nordic Council, or Hong Kong (under the name “Hong Kong – China) in the World Trade Organisation (WTO), the World Meteorological Organization, the International Olympic Committee, the Asian Development Bank etc.<sup>167</sup> Hong Kong’s membership in the various organisations was accepted while it was under British rule. For example, it became a member of GATT (General Agreement on Tariffs and Trade) in 1986 and WTO in 1995.<sup>168</sup> It is worth noting that membership in the World Trade

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<sup>164</sup> International Organisation of la Francophonie, Web site <http://www.francophonie.org/-77-Etats-et-gouvernements-.html> (accessed 1 February 2014).

<sup>165</sup> Ibid.

<sup>166</sup> Ibid.

<sup>167</sup> Wolff, “Paradiplomacy: Scope, Opportunities,” 6.

<sup>168</sup> World Trade Organisation, Web site, [https://www.wto.org/english/thewto\\_e/countries\\_e/hong\\_kong\\_china\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/hong_kong_china_e.htm) (accessed on 3 February, 2014).

Organisation and GATT is not based, as Liu rightly points out,<sup>169</sup> on statehood, but on special criteria of the WTO and GATT. Article XXVI (5c) of GATT<sup>170</sup> and Article XII of the Marrakesh Agreement establishing the WTO<sup>171</sup> specify that eligibility applies to territories with full autonomy in conducting their external commercial relations.

Memberships of federated units and regions in the above organisations and institutions are still an exception, granted under special circumstances and conditions, and, as such, are often treated as *sui generis*. Kincaid argues that for federated units and regions with national aspirations, “representation in international institutions is usually an important priority.”<sup>172</sup> Not all international organisations allow the direct representation of actors who are not states, so federated units and regions use various instruments to establish some sort of cooperation. For example, they may provide technical cooperation, financial contributions and expertise, sign cooperation agreements, and interact directly with the international organisations they are interested in. Quebec, Flanders and Catalonia have used these instruments extensively to establish cooperation with organisations such as UNESCO, WHO, ILO etc. Less developed regions and federated units are usually receivers of technical assistance, financial contributions and expertise from international organisations, providing an opportunity for such sub-states to establish cooperation. The Republika

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<sup>169</sup> Han-Wei Liu, “An Entity *Sui Generis* in the WTO: Taiwan’s WTO Membership and Its Trade Law Regime,” *Journal of International Commercial Law and Technology* 4, No. 4 (2009): 254.

<sup>170</sup> Article XXVI (5c): “If any of the customs territories, in respect of which a contracting party has accepted this Agreement, possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, such territory shall, upon sponsorship through a declaration by the responsible contracting party establishing the above-mentioned fact, be deemed to be a contracting party.” General Agreement on Tariffs and Trade (1994), [https://www.wto.org/english/res\\_e/booksp\\_e/analytic\\_index\\_e/gatt1994\\_10\\_e.htm](https://www.wto.org/english/res_e/booksp_e/analytic_index_e/gatt1994_10_e.htm), (accessed on 3 February, 2014).

<sup>171</sup> Article XII (1): “Any State or separate customs territory possessing full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement and the Multilateral Trade Agreements may accede to this Agreement, on terms to be agreed between it and the WTO. Such accession shall apply to this Agreement and the Multilateral Trade Agreements annexed thereto,” Marrakesh Agreement establishing the WTO, [https://www.wto.org/english/docs\\_e/legal\\_e/04-wto\\_e.htm](https://www.wto.org/english/docs_e/legal_e/04-wto_e.htm) (accessed on 4 February, 2014).

<sup>172</sup> Kincaid, “Comparative Observations,” 18.

Srpska, for example, or provinces of South Africa have been on the receiving end of multilateral assistance. Some authors<sup>173</sup> argue the participation of federated units and regions in multilateral institutions and organisations should be distinguished from other international activities and, as such, should be called “multilateral paradiplomacy.”<sup>174</sup> As there are no conceptual differences in the instruments, strategies and tools used by federated units and regions on the bilateral and multilateral level, I do not use this term.

As with other international activities, federated units and regions may aim to participate or have some sort of representation in international organisations and institutions to retain or even increase their autonomy. Only a few international governmental organisations allow sub-state units, federated units and regions to take part in decision-making processes. Although they may not play an active role in policy-making and management, however their presence and the information they get may help them “mobilise activities at home in order to influence political preference formation within the state.”<sup>175</sup>

The direct and indirect participation of federated units and regions in international organisations and institutions may meet with more opposition than bilateral international activities. This opposition may come not only from its own state, but from other member states and even the organisation or institution itself.

## **2.8. The Role of Diaspora**

The concept of diaspora designates a vast array of different groups and various definitions and categorisations of the term exist in the literature. For example,

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<sup>173</sup> e.g. Miguel Santos Neves, “Paradiplomacy, Knowledge Regions and the Consolidation of ‘Soft Power’.” *JANUS.NET: e-journal of International Relations*, No 1 (Autumn 2010): 23 [http://janus.ual.pt/janus.net/en/arquivo\\_en/en\\_vol1\\_n1/en\\_vol1\\_n1\\_art2.html](http://janus.ual.pt/janus.net/en/arquivo_en/en_vol1_n1/en_vol1_n1_art2.html) (accessed 14 November, 2014).

<sup>174</sup> Ibid., 23.

<sup>175</sup> Blatter et al., “The Foreign Relations of European Regions,” 468.

Sheffer argues that diasporas are not homogenous entities and that a critical distinction should be made between core and peripheral members of such entities.<sup>176</sup> Cohen provides a list of nine ‘common features’<sup>177</sup> of a diaspora, but emphasises that no “one diaspora will manifest all features.”<sup>178</sup> Notwithstanding the existence of clear distinction between different types of diaspora, for the present purposes a definition of Adamson and Demetriou is adopted. They define a diaspora as a “social collectivity that exists across state borders and that has succeeded over time to (1) sustain a collective national, cultural or religious identity through a sense of internal cohesion and sustained ties with a real or imagined homeland and (2) display an ability to address the collective interests of members of the social collectivity through a developed internal organizational framework and transnational links.”<sup>179</sup>

Diaspora communities can have important role to play in projecting image and protecting interests of their homelands. They can do so by influencing foreign policy of their host land and taking part in “long-distance nation building, that is, in

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<sup>176</sup> Core members of diaspora are defined as those “who emotionally and cognitively cling to the general inherent identity characterizing their entire ethnonational group, including, of course, the segments living in their actual or imagined ethnonational homeland, who regard themselves and are regarded as members of such entities, and who, whenever it is needed, publicly identify with the entire entity in their host lands, homelands, and various dispersals.” Peripheral members of diaspora are those “who have been fully or partly integrated, but not assimilated, into their host land societies, but still maintain their “original” identity and some contacts with the organized part of their diaspora.” Gabriel Sheffer, “The Diaspora Phenomenon in the Twenty-First Century: Ideational, Organizational, and Behavioural Challenges,” in *Opportunity Structures in Diaspora Relations: Comparisons in Contemporary Multilevel Politics of Diaspora and Transnational Identity*, ed. Gloria Totoricaguena (Reno: University of Nevada Press, 2007), 191.

<sup>177</sup> Nine features include: 1. Dispersal from an original homeland, often traumatically, to two or more foreign regions. 2. Alternatively, the expansion from a homeland in search of work, in pursuit of trade or to further colonial ambitions. 3. A collective memory and myth about the homeland, including its location, history and achievements. 4. An idealisation of the putative ancestral home and a collective commitment to its maintenance, restoration, safety and prosperity, even to its creation. 5. The development of a return movement which gains collective approbation. 6. A strong ethnic group consciousness sustained over long time and based on a sense of distinctiveness, a common history and the belief in a common fate. 7. A troubled relationship with host societies, suggesting a lack of acceptance at the least or the possibility that another calamity might befall the group. 8. A sense of empathy and solidarity with co-ethnic members in other countries of settlement. 9. The possibility of a distinctive yet creative and enriching life in host countries with a tolerance for pluralism. Robin Cohen, “Diasporas and the nation-state: from victims to challenges,” *International Affairs* 72, no. 3 (1996): 515.

<sup>178</sup> Ibid.

<sup>179</sup> Fiona B. Adamson and Madeleine Demetriou, “Remapping the Boundaries of ‘State’ and ‘National Identity’: Incorporating Diasporas into IR Theorizing,” *European Journal of International Relations* 13, no. 4 (2007): 497.

creating or recreating a homeland.”<sup>180</sup> They can mobilise through transnational or host-state channels to pursue sovereignty goals of their homelands, as was the case with for example Albanian, Armenian and Palestine diaspora.<sup>181</sup> Diasporas can provide economic stimulus to their homelands, either by sending back money to relatives, investing in homelands or collecting humanitarian aid. Remittances, especially in developing countries are decisive to their economic development. As noted by Toticagüena, diaspora communities are actors that are “nimble and ready to act, often without caring about ramifications, because they are not specifically accountable to anyone for anything.”<sup>182</sup> Political dimension of diaspora, such as participation in political parties or creation of their own parties, especially in places with strong nationalist movements can turn diasporas into the agents of paradiplomacy.<sup>183</sup>

Just like states, federated units and regions with distinct identity may use their ethnic diaspora as a foreign policy tool. They can integrate and include diaspora communities in their public diplomacy. Diasporas may “enhance their political influence in other countries and to mobilize resources” as was the case with the Irish diaspora and the conflict in the Northern Ireland or the Basque diaspora in America and the Basque movement.<sup>184</sup> There are around 170 Basque organisations in 24 countries, which receive financial and institutional support from the Basque

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<sup>180</sup> William Safran, “Democracy, Pluralism, and Diaspora Identity: An Ambiguous Relationship,” in *Opportunity Structures in Diaspora Relations: Comparisons in Contemporary Multilevel Politics of Diaspora and Transnational Identity*, ed. Gloria Toticagüena (Reno: University of Nevada Press, 2007), 164.

<sup>181</sup> Maria Koinova, “Why do conflict-generated diasporas pursue sovereignty-based claims through state-based or transnational channels? Armenian, Albanian and Palestinian diasporas in the UK compared,” *European Journal of International Relations* 20, no. 4 (2014): 1043-1071.

<sup>182</sup> Gloria Toticagüena, “The Political Agency of Ethnic Diaspora and the Construction of Political Communities in World System,” in *Opportunity Structures in Diaspora Relations: Comparisons in Contemporary Multilevel Politics of Diaspora and Transnational Identity*, ed. Gloria Toticagüena (Reno: University of Nevada Press, 2007), 238.

<sup>183</sup> Maria Eugenia Cruset, “Introduction,” in *Migration and New International Actors: An Old Phenomenon Seen With New Eyes*, ed. Maria Eugenia Cruset, (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012), 3.

<sup>184</sup> Keating, “Regions and International Affairs,” 5.

Government.<sup>185</sup> Although these organisations mostly focus on promotion of culture and preservation of the Basque language, their activities can sometimes be very political. Basque organisations maintain close cooperation with the Basque Government and were heavily involved with the Basque government-in-exile (1938-1975).<sup>186</sup> Another example is the Government of Catalonia and its relations with Catalan Communities Abroad (CCA). Catalan Communities, which are financed by the Catalan Government, represent a valuable external relations instrument of Catalonia. These “civil society ‘ambassadors’” were especially involved in the international projection of Catalan identity when the Government of Catalonia did not have representation offices abroad.<sup>187</sup>

## 2.9. Conclusion

The chapter sets the background for the specificities of the external relations of the two case studies. Most importantly, it seeks a definition able to describe the international activities of regions and federated units. I knew from the beginning that this would not be easy, simply because there is a tendency to think of the international arena as the exclusive monopoly of the states. Seeking to distinguish the international activities of the smaller units, scholars use words such as paradiplomacy, constituent diplomacy, micro-diplomacy, regional diplomacy etc. This, in turn, leads to ambiguity, controversy, limitations and bias. Therefore, I use more neutral terms, notably external relations and international activities.

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<sup>185</sup> For more see North American Basque Organisations Web site <http://www.nabasque.org/diaspora.html> (accessed 29 November, 2016).

<sup>186</sup> Gloria Toticagüena, “Non-state Multi-level Diplomacy and the Basque Diaspora,” in *Migration and New International Actors: An Old Phenomenon Seen With New Eyes*, ed. Maria Eugenia Cruset, (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012), 9.

<sup>187</sup> Jordi Xifra, “Catalan public diplomacy, soft power, and noopolitik: A public relations approach to Catalonia’s governance,” *Catalan Journal of Communication & Cultural Studies* 1, no. 1 (2009): 71.

The chapter also analyses the factors behind the development of the international agency of sub-state units. It concludes the increased international presence of federated units and regions cannot be attributed to one factor alone, as some authors argue. Myriad factors, including globalisation, regional trade initiatives such as NAFTA, or regional integration processes such as the EU, nationalism, regionalisation, decentralisation and federalisation, internationalisation of domestic issues etc., have encouraged the international involvement of federated units and regions.

This chapter considers how federated units and regions become active internationally, what instruments they use, and how their international activities may affect relations with central authorities. They may develop their international agency in such a way that it is either cooperative or conflictual vis-à-vis central state authorities. While conducting external relations, federated units often choose channels other than those of their states, creating their own networks, missions and offices abroad. Federated units consider their international presence a legitimate right derived from a constitutionally given autonomy. Whether motivated by economy, culture or political issues, federated units conduct external relations with the aim of protecting or expanding their autonomy in these domains.

The external relations of federated units and regions do not transform the states in question,<sup>188</sup> but they do have an effect, albeit limited, on the autonomy of the units and regions. So it is not surprising that reactions from the states are rarely favourable when external relations are being pursued by a federated unit with an identity different from the rest of the federation or with a significant presence of nationalism, or if the international activities of the unit are not in line with or contradict the official positions of foreign policy of the federation. Nevertheless,

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<sup>188</sup> Keating, "Regions and International Affairs," 13.

although central authorities may feel threatened by or oppose the external relations of their federated units and regions, the presence of sub-state units on the international scene, as Duchacek claims, “has become a fact of life.”<sup>189</sup>

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<sup>189</sup> Duchacek, “The International Dimension of Subnational,” 5.

## CHAPTER 3

### Federal Institutional Architecture of Belgium and Bosnia and Herzegovina

#### 3.1. Introduction

Before turning to the external relations of Flanders and the Republika Srpska, I will first consider the main features of the federal institutional architecture of Belgium and Bosnia and Herzegovina, the two multinational federations to which my case studies belong. This will shed light on the internal dynamics that paved the way for the internationalisation of certain of their federated units. I will look at the federal structure (two orders of government, representation of federated units in central decision-making), distribution of powers (including the allocation of revenues) and intergovernmental relations (institutions or processes for intergovernmental cooperation and for solving disputes).

Federations are not static; they are constantly being modified and adjusted to accommodate pressures, both from outside and from within. As Simeon says, federalism is a “flexible and adaptable system of governance;” in some countries, it involves “a delicate balance between territorially defined regions and groups, so that these changes in its institutions and practices may engender division and conflict.”<sup>1</sup> The chapter sets the stage for the analysis of the external relations of Flanders and the Republika Srpska. Part and parcel of that analysis is to determine if and how the most recent developments and changes within their respective federations have contributed to existing divisions and conflicts.

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<sup>1</sup> Richard Simeon, “Adaptability and Change in Federations,” *International Social Science Journal* 53,

### 3.2. Federal structures

As noted in Chapter 1, Belgium and Bosnia and Herzegovina became federations around the same time; Belgium in 1993 and Bosnia and Herzegovina in 1995. Federal structures in the two countries were created out of the need to deal with existing internal conflicts. However, crises and tensions continue to resurface in both countries, especially during elections, thus questioning the success of federalism as a tool of conflict management. Conflicts with central authorities, as noted in Chapter 2, can sometimes motivate a federated unit or a region to develop international agency; Flanders and the Republika Srpska are not exceptions.

The issue of the failure and success of federations has been widely discussed in the literature on federalism.<sup>2</sup> Elazar lists seven factors that can contribute to the failure of a federation: a federal arrangement imposed from the outside, the ascendancy of a “strong man” leader, ethnic conflicts, a lack of resources, absence of federally inclined political culture, a lack of sufficient common interests and an unbalanced federal arrangement.<sup>3</sup> While most of these factors can be found in Bosnia and Herzegovina and some in Belgium, I will not assess whether the respective federal arrangements were a success for two reasons. Firstly, as Burgess points out, the success or failure of a federation is difficult to judge, as it is impossible to establish a firm set of criteria that would enable such assessment.<sup>4</sup> Secondly, such assessment would shift the focus of this thesis in another direction.

The external relations of federated units cannot be properly analysed without examining their specific contexts and structures, as well as the structures of the federations to which they belong. While there is always a risk that such analysis may

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no. 167 (March 2001): 145.

<sup>2</sup> Thomas M Franck, *Why Federations Fail*, (London: London University Press, 1968); Burgess, *Comparative Federalism*; Daniel J. Elazar, *Exploring Federalism* (Tuscaloosa: The University of Alabama Press, 1987).

<sup>3</sup> Elazar, *Exploring Federalism*, 240-243.

<sup>4</sup> Burgess, *Comparative Federalism*, 269.

be regarded as lengthy or as turning away from the research question, it is essential. Federated units do not operate in an isolated environment; rather, a complex interplay of actors and initiatives within their federations must be taken into consideration.

The analysis will begin with a brief overview of the circumstances surrounding the creation of Belgium and Bosnia and Herzegovina. It will then look at the specifics of the countries, including changes in their federal designs and salient features of their executive and legislative powers both at the central level and at the level of their federated units. It concludes by looking at the current state of affairs in Belgium and Bosnia and Herzegovina.

### **3.2.1. Belgium**

From the early 1500s, before becoming an independent country, the territory of today's Belgium or part of it was under the rule of different monarchies and kingdoms, including the Habsburgs, Spain, Germany, France and the United Kingdom of the Netherlands. Independent Belgium was created in 1830 after a revolution with violent street fights in Brussels. The revolt was against centralist aspirations of the Dutch king, who wanted to impose Dutch as the only official language.<sup>5</sup> However, language was not the only reason why the southern part of the United Kingdom of the Low Countries (i.e. Belgium) wanted to be independent. According to Deschouwer, religion was another motivating factor; the southern part was predominantly Roman Catholic, and the northern part was mostly Protestant.<sup>6</sup>

However, those who created the new state, "made the same mistake,"<sup>7</sup> imposing French as the official language, even though more than half of the new country spoke Dutch. According to the first national census conducted in Belgium in

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<sup>5</sup> Guy Verhofstadt, (Prime Minister of the Kingdom of Belgium), "Plenary Speech," in *Federalism in a Changing World: Learning from Each Other*, edited by Raoul Blindenbacher and Arnold Koller (Montreal and Kingston: McGill-Queen's University Press, 2003), 573

<sup>6</sup> Deschouwer, "Kingdom of Belgium," 49.

1846, 57 per cent of the population spoke Dutch and 42.1 per cent spoke French.<sup>8</sup> Yet the political, cultural and economic life of the new state was controlled by the French-speaking elite.<sup>9</sup> While Belgium as whole was heterogeneous, most of its population lived in linguistically homogenous territories; for example, 95 per cent of the population in Antwerp spoke Dutch or Flemish while in Liege, 94.4 per cent spoke French or Walloon.<sup>10</sup> Although the first Belgian Constitution stated that the use of language was unconditional, French became the language of the administration and the judiciary. This posed problems for Dutch speakers, especially during court proceedings, in secondary and higher education, and in the army etc. Speaking to the king in 1912, a man summed up years of tension between Walloons and Flemings as the following: “No, Sire, there is no such thing as a Belgian soul. The fusion of Flemings and Walloons is not to be desired and, if one were to desire it, one would have to admit that it is not possible.”<sup>11</sup>

Tensions escalated during the First World War, with Flemish soldiers being subordinated to francophone officers, while the Flemish elite collaborated with German forces to have a right to Dutch language courses.<sup>12</sup> Flemish soldiers represented 80 per cent of front-line troops but officers were exclusively French-speakers;<sup>13</sup> linguistic difficulties led to a massive loss of Flemish soldiers, for example, on the battlefield in Dixmude.<sup>14</sup>

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<sup>7</sup> Verhofstadt, “Plenary Speech,” 573.

<sup>8</sup> Arstide R. Zolberg, “The Making of Flemings and Walloons: Belgium: 1830-1914,” *The Journal of Interdisciplinary History* 5, no. 2 (Autumn, 1974):181.

<sup>9</sup> Wouter Pas “A Dynamic Federalism Built on Static Principles: The Case of Belgium,” in *Federalism, Subnational Constitutions and Minority Rights*, ed. Alan G. Tarr, Robert F. Williams, and Josef Marko, (Westport, Connecticut, London: Praeger 2004), 158.

<sup>10</sup> Zolberg, “The Making of Flemings,” 182.

<sup>11</sup> Shepard Clough, *A History of the Flemish Movement in Belgium: A Study in Nationalism* (New York, 1930), 128.

<sup>12</sup> Deschouwer, “Kingdom of Belgium,” 49..

<sup>13</sup> Pierre Joye and Rosine Lewin, *L’Église et le Mouvement Ouvrier en Belgique* [The Church and the Labour Movement in Belgium], (Brussels: Société Populaire d’Editions, 1967), 196.

<sup>14</sup> Jan Erk, “Sub-state nationalism and the left-right divide: critical junctures in the formation of nationalist labour movements in Belgium,” *Nations and Nationalism* 11, no. 4 (2005): 562.

According to Erk, the first major event causing political conflict in Belgium after World War II was the return of Leopold III to the throne.<sup>15</sup> In 1950, a referendum was organised to decide if King Leopold III, who apparently met with Hitler during World War Two, could return to the country and resume the throne after being absent during the liberation of Belgium from German occupation; 57 per cent of the population (of these, 72 per cent were Flemish) voted in favour of his return. However, in the face of strong francophone opposition, Leopold III was forced to give the throne to his son Baudouin.<sup>16</sup>

Dissatisfaction, especially among the Flemish people over their status in the Kingdom, continued to be high after World War II. One source of ongoing tension was language. Flemings had demanded cultural autonomy for the first time in 1937, reacting to the prevailing social, cultural and linguistic hegemony of the French language.<sup>17</sup> In fact, recognition of Dutch as one of the three official languages of Belgium, followed by gradual cultural autonomy could not have been possible without “the mobilising force of the Flemish Movement.”<sup>18</sup> The Flemish Movement is a designation introduced by historians, and Zolberg says the term exaggerates its unified character;<sup>19</sup> the movement was never institutionalised and thus should not be regarded as an organisation, but rather as an idea or intellectual, political and cultural campaign for the recognition of the Flemish culture and the Dutch language, started by Flemish intellectuals in the 19<sup>th</sup> century.

According to Pas, this struggle for the recognition of the Flemish culture and Dutch language was also “a struggle for social development and liberation of lower

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<sup>15</sup> Ibid.

<sup>16</sup> Ibid.

<sup>17</sup> Hugues Dumont et al., “Kingdom of Belgium,” in *Distribution of Powers and Responsibilities in Federal Countries*, ed. Akhtar Majeed, Ronald L. Watts, and Douglas M. Brown, (Quebec: McGill-Queen’s University Press, 2006), 36.

<sup>18</sup> Wilfried Swenden and Theo Maarten Jans, “Will It Stay or Will It Go? Federalism and the Sustainability of Belgium,” in *The Politics of Belgium: Institutions and Policy under Bipolar and Centrifugal Federalism*, ed. Marleen Brans, Lieven De Winter, and Wilfried Swenden (London and New York: Routledge Taylor & Francis Group, 2009), 16.

classes.”<sup>20</sup> He goes on to argue that for the Flemish Movement, language “became the ethnic marker for mobilization because of the link between the relative backward social position of the Flemish middle class with a mother tongue that was held to be inferior.”<sup>21</sup>

Some of the Flemish Movement’s demands were met in two laws on language.<sup>22</sup> A 1932 law provided for the use of language in municipalities based on the 1846 census, and the law of 1963 established four language areas and determined the boundaries of the linguistic regions (a Dutch-language area, French-language area, German-language area, and the bilingual area of Brussels-Capital).<sup>23</sup>

Contrary to popular belief, neither the French-speakers nor Walloons were happy with the state of affairs in the Kingdom. They were most concerned with the growing Flemish economic dominance, so in the 1960s, they started to demand more autonomy in this field. As Van Dam argues, they were not focused on “cultural injustice” like the Flemish Movement, but on growing socioeconomic discrepancies between Wallonia and Flanders.<sup>24</sup> In other words, the regional Walloon identity and consciousness are not rooted in “a cultural consciousness of the ‘people’ as in Flanders” but to “an economic ‘class’ consciousness.”<sup>25</sup>

The violent trade union strike in the winter of 1960/1961 mostly affected Wallonia and Brussels; it led to an even stronger polarisation of Belgium between Walloons and Flemings and to the emergence of a Walloon separatist movement the

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<sup>19</sup> Zolberg, “The Making of Flemings,” 206.

<sup>20</sup> Pas “A Dynamic Federalism,” 159.

<sup>21</sup> Ibid

<sup>22</sup> Roland Willemyns, “The Dutch-French Language Border,” *Journal of Multilingual and Multicultural Development* 23, no. 1-2 (2002): 37.

<sup>23</sup> German speaking Community, Web site. [http://www.dg.be/en/desktopdefault.aspx/tabid-2831/5384\\_read-35156/](http://www.dg.be/en/desktopdefault.aspx/tabid-2831/5384_read-35156/) (accessed 21 February, 2015).

<sup>24</sup> Denise Van Dam, “Histoire de mouvement Wallon,” [History of the Walloon Movement], in *Où va la Belgique? Les Soubresauts d'une Petite Démocratie Européenne*, ed. Marco Martiniello and Marc Swyngedouw (Paris: L'Harmattan, 1998), 81.

<sup>25</sup> Ibid.

Walloon Popular Movement (Mouvement Populaire Walloon).<sup>26</sup> However, Walloon nationalism, as Erk observes, has been weak and could be best described as “a regional movement mobilised around a linguistic core that has been dominated by its most powerful subgroup, the socialist trade unions.”<sup>27</sup> The socialist pillar is probably as important in Walloon identity as the French language.

A few years later, in 1968, demonstrations broke out at the Catholic University of Leuven. The university had a Flemish and a French section. Flemish students protested against the aspiration of the French section to expand; demonstrations soon spread to all Flemish educational institutions.<sup>28</sup> The violent demonstrations led to the resignation of the Belgian Government and probably speeded up negotiations on the reform of the Belgian state. It is worth noting here that as a result of these linguistic and cultural tensions, in the 1960s the Belgian Government had two separate Ministries of Culture and Education; Flemish and Walloon.

From 1970 to the present, the Kingdom of Belgium has undergone six state reforms; the most recent one began in 2011 and is still in progress. I will not elaborate all elements of these reforms; instead, I will present their major characteristics. The 1970 state reform, said to be a response to strong Flemish demands for cultural autonomy,<sup>29</sup> created three cultural communities: Flemish, French and German. These had limited powers such as community language and

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<sup>26</sup> Erk, “Sub-state nationalism,” 564.

<sup>27</sup> Jan Erk, “Le Québec entre la Flandre et la Wallonie: une comparaison des nationalismes sous-étatiques Belges et du nationalisme Québécois,” [Québec between Flanders and Wallonia: a comparison of the Belgian sub-state nationalism and Québécois nationalism], *Recherches Sociographiques* 48, no. 3 (2002): 504-505.

<sup>28</sup> Rolf Werenskjold, “Chronology of Events of Protests in Europe 1968,” in *Between Prague Spring and French May: Opposition and Revolt in Europe, 1960-1980*, ed. Martin Klimke, Jacco Pekelder, and Joachim Scharloth (New York, Oxford: Bergham, 2013), 283.

<sup>29</sup> Government of the Kingdom of Belgium, Web site.

[http://www.belgium.be/en/about\\_belgium/country/history/belgium\\_from\\_1830/formation\\_federal\\_state/first\\_and\\_second\\_reform\\_of\\_state/](http://www.belgium.be/en/about_belgium/country/history/belgium_from_1830/formation_federal_state/first_and_second_reform_of_state/) (accessed 28 January 2015).

broadcasting. One of the novelties of this first reform was the introduction of the “Alarm Bell Procedure,” discussed later in the chapter.

The amendments of the Constitution in 1980 established two official regions, Wallonia and Flanders, and three communities Dutch, French and German-speaking.<sup>30</sup> Flanders decided to merge the institutions (Government and Council) of the region with the ones of its community, while the French Community retained a Government and Council separate from those of Wallonia; this is still the case today. Powers of the regions and communities were extended to health policy, employment, economic development, public investment, housing policy and structural planning<sup>31</sup>. The Court of Arbitration (since 2007 the Constitutional Court) was created during this stage and given limited powers.

The status of Brussels, even though it was intended to be resolved in the second state reform, was not decided until the third constitutional revision of 1988-89. As the Flemings represent the minority in Brussels, they refused to see Brussels as a region with the same powers as Flanders and Wallonia, for fear of being marginalised by two francophone regions. They requested that Brussels have the status of capital under the control of the central Government.<sup>32</sup> In response, Walloon politicians said Brussels should become a third region with the same powers as Flanders and Wallonia. In the end, the status of Brussels became a compromise between two divergent positions.<sup>33</sup>

The third reform also resulted in giving substantial legislative powers to regions and communities in education, scientific research, transport and public

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<sup>30</sup> Ibid.

<sup>31</sup> Wilfried Swenden, Marleen Brans, and Lieven De Winter, “Introduction,” in *The Politics of Belgium: Institutions and Policy under Bipolar and Centrifugal Federalism*, ed. Marleen Brans, Lieven De Winter, and Wilfried Swenden (London and New York: Routledge Taylor & Francis Group, 2009), 3-4.

<sup>32</sup> Dumont et al., “Kingdom of Belgium,” 37.

<sup>33</sup> Ibid.

works.<sup>34</sup> During this stage, a new system of financing the regions and communities was introduced; funding no longer came from grants but from shared and joint taxes.<sup>35</sup>

The fourth state reform of 1993 is often cited as marking the birth of a fully-fledged federal state of Belgium. The first article of the revised Constitution reads as follows “Belgium is a Federal State which consists of Communities and Regions.”<sup>36</sup> The fourth state reform could be considered as a critical juncture in development of international agency of Flanders. It gave the communities and regions vast competencies and powers, including powers over all domestic competencies with an international dimension. The Communities and the regions in Belgium were given treaty-making powers as well. Regions were given more fiscal responsibilities. The reform also provided for direct elections for the parliaments of the regions and communities. During this time Flanders made crucial decisions about the organisation of its foreign policy, which will be discussed further in the Chapter 4.

The fifth state reform in 2001, which resulted in the Lambermont Accord, transferred more powers to the regions and communities. Agriculture, fisheries, foreign trade, some aspects of development cooperation were transferred from the state level to the regions. The regions also became responsible for twelve regional taxes. The fifth state reform represents important moment of time that expanded political and fiscal autonomy of the regions and the communities. As such it will be considered as a critical juncture for the further development of international agency of Flanders.

Negotiations on the sixth state reform, which lasted over a year and half, were closely related to the formation of the Federal Government after the 2010 elections

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<sup>34</sup> Government of the Kingdom of Belgium, Web site.

<sup>35</sup> Patrick Peeters, “Rapports: The Fifth Belgian State Reform (‘Lambermont’): A General Overview,” *European Public Law* 9, no.1 (2003): 2.

<sup>36</sup> Constitution of the Kingdom of Belgium, Constitutional Court of the Kingdom of

and resulted in the so-called “the Butterfly agreement.”<sup>37</sup> The most important aspects of the Butterfly agreement will be discussed further in the Chapter, but it is important to note here that with the sixth reform the regions were given more fiscal autonomy and for the first time powers regarding the social security were transferred to the federated units. The title of the sixth reform, “A more efficient federal State and more autonomous entities,”<sup>38</sup> suggests that the trend of decentralisation is likely to continue in the future. The sixth state reform represents an important moment of time, because it led to the paradigm shift with regards to distribution of powers, whereby the most powers are being now situated on the level of federated units.<sup>39</sup> For Swenden, the sixth state reform “started to eat away what many ‘federalist voices’ would see as a core task of the Belgian federation: redistribution and the retention of a strong ‘pan-Belgian’ social citizenship.”<sup>40</sup> The sixth state reform provided for not only fiscal but also social autonomy for federated units.

The Belgian Constitution does not *per se* define the official language(s) of the country, but Article 4 stipulates that Belgium comprises four linguistic regions: the Dutch-speaking Region, the French-speaking Region, the bilingual Region of Brussels-Capital and the German-speaking Region. A municipality can only be part of one linguistic region, and the boundaries of the linguistic regions can be changed only by special law requiring a majority of each linguistic group to agree.<sup>41</sup>

The result of all these reform is a three-level structure consisting of the federal state, regions and communities in the top level, provinces in the second and communities making up the third or bottom level of administration (Map 1).

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Belgium, <http://www.const-court.be> (accessed 1 February, 2015).

<sup>37</sup> Rutger Goeminne et al., “Transfer of powers in the sixth state reform: Copernican revolution?” *Belcon Law (Blog)*, 1 December, 2014, <http://belgianconstitutionallawblog.com/2014/12/15/transfer-of-powers-sixth-state-reform/> (accessed 21 February, 2015).

<sup>38</sup> Government of the Kingdom of Belgium, Web site.

<sup>39</sup> Jurgen Goossens and Pieter Cannoot, “Belgian Federalism after the Sixth State Reform,” *Perspectives on Federalism*, Vol. 7, No. 2 (2015): 45.

<sup>40</sup> Wilfried Swenden, “Conclusion: The Future of Belgian Federalism- Between Reform and Swansong?” *Regional and Federal Studies* 23, no. 3 (2013): 370,



Map 1: Ethnic and linguistic composition of Belgium  
(Source: *Encyclopædia Britannica, Inc.*)<sup>42</sup>

It is important to note here the federal state and the regions and communities are on an equal footing; there is no hierarchy, nor does one set of legislation surpass the others. This represents one of the particularities of the Belgian federal system.

Within the federal state, legislative power is exercised by Parliament and the King. All laws passed by Parliament must be signed and proclaimed by the King. In 1990, King Baudouin I refused to sign the law on abortion, as it was against his Catholic beliefs. To avoid a constitutional crisis, the Government declared him unable to govern; the Government then assumed the powers of the King and promulgated the law. This was the first time in Belgian history that a King refused to sign a law after it had been passed by Parliament.<sup>43</sup> The role of the King is more limited than this example suggests; he generally acts in an advisory nature in the interests of unity. According to popular belief, the King is one of three glues keeping the country together; the other two are Brussels-Capital and social security. The importance of the King's role for keeping the country together can be disputed; the

<sup>41</sup> Article 4 of the Belgian Constitution.

<sup>42</sup> *Encyclopædia Britannica, Inc.* Encyclopædia Britannica Online, "Belgium: ethnic composition Map," <http://www.britannica.com/EBchecked/media/750/The-ethnic-and-linguistic-composition-of-Belgium> (accessed 1 February 2015).

<sup>43</sup> Paul L. Montgomery, "Belgian King, Unable to Sign Abortion Law, Takes Day Off," *The New York*

Flemings, who strongly supported the King in the 1950s, see the current King as “pro-Francophone.” The same could be argued for social security, which until the sixth state reform was exclusively federal responsibility; with the reform, some of its responsibilities were transferred to the regions and communities.

The other legislative body, the Federal Parliament, is composed of the House of Representatives and the Senate. With the latest state reform, the real legislative power in Parliament is restricted to the House of Representatives, except for matters of an institutional character, such as the revision of the Constitution and laws that are institutionally related. The House of Representatives has 150 members, directly elected from 5 Flemish districts (79 seats), 5 Walloon districts (49 seats) and the Brussels-Halle-Vilvoorde electoral district (22 seats). The sixth state reform allows federated units to have more say in the structure of the federation and the distribution of powers has been altered. Even though the Senate can no longer participate in all legislative procedures, the federated units will be able to “co-decide about the fundamental rights of the people, the organization of federal Belgium and the division of power.”<sup>44</sup> Thus, the Senate has become a chamber representing the interests of the federated units of Belgium. However, most Flemish parties wanted the complete abolition of the Senate. According to former President of the Senate, Armand De Decker, who was advocating more powers to the Senate, the reformed Senate is a “missed opportunity to give federated entities a real voice.”<sup>45</sup>

The reformed Senate is composed of 60 members (down from 71), of whom 50 are appointed by and from the Parliaments of the Regions and Communities (the Flemish Parliament appoints 29, the Walloon Parliament 8, the Parliament of the

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*Times*, 5 April 1990, <http://www.nytimes.com/1990/04/05/world/belgian-king-unable-to-sign-abortion-law-takes-day-off.html> (accessed 1 February 2015).

<sup>44</sup> Sabine de Bethune, former President of the Senate, statement 28 November 2013, found in Benjamin Magnus et al., “Reform of the Senate: Fresh Start or step towards the end of bicameralism,” *Belcon Law (Blog)*, 1 December 2014, <http://belgianconstitutionalawblog.com/2014/12/01/reform-senate-fresh-start-step-towards-end-bicameralism/> (accessed 21 February 2015).

French Community 10, the French-speaking community of the Parliament of Brussels-Capital-Region 2, and the Parliament of the German Community 1). The remaining 10 seats are reserved for co-opted Senators (6 appointed by Dutch-speaking Senators and 4 by French-speaking Senators). Seats reserved for Senators by right (children of the King or descendants of the royal family) have ceased to exist.

A protective mechanism, a kind of veto power known as the “alarm bell procedure,” is given to the language communities in Article 54 of the Constitution. If three quarters of the members of a language community consider a proposal (except budgets and laws requiring a majority) is discriminatory or can gravely damage the relations between the communities, the proposal is referred to the Council of Ministers. The Council has 30 days to give its opinion, which is then submitted to the House involved for a vote. It is often argued that this exceptional procedure was introduced to protect the francophone minority.<sup>46</sup>

Even though the federal executive power *de jure* (Article 37 of the Constitution) belongs to the King, *de facto* it lies with the Federal Government. The Council of Ministers cannot be composed of more than 15 members; “with the possible exception of the prime minister,” it has to have same number of Dutch-speaking and French-speaking members (Article 99 of the Constitution). Although the Constitution stipulates that the King formally appoints (and dismisses) members of the Government, the actual composition is a result of negotiations and agreements between the major political parties. The King does, however, retain the right to refuse a proposition. His role in the Federal Government formation is ceremonial, but he may act as an informal mediator, as in the political crises following the 2007 and the

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<sup>45</sup> Ibid.

<sup>46</sup> Kris Deschouwer, “And the Peace Goes on? Consociation Democracy and Belgian Politics in the Twenty-First Century,” in *The Politics of Belgium: Institutions and Policy under Bipolar and Centrifugal Federalism*, ed. Marleen Brans, Lieven De Winter, and Wilfried Swenden (London and

2010 elections.

Before moving to the legislative and executive branch of regions and communities, I will look briefly at judicial power. Until recently, the field of justice was not included in the state reforms. With the sixth state reform and the “butterfly agreement” of 2011, federated entities have been given responsibilities to enforce penalties, provide first line legal assistance and pursue juvenile criminal law.<sup>47</sup> The judicial system remains federally organised; five judicial areas are subdivided into 12 judicial districts. The High Council of Justice is composed of a Dutch-speaking and a French-speaking college (equal numbers of members); among other activities, it nominates judges and prosecutors, organises training for judges and prosecutors and monitors their work. The King appoints the judges.

It is important to note that the Constitution of the Kingdom of Belgium regulates the structure of federated entities, as the regions and the communities do not have their own constitutions. The federated units have limited constitutive autonomy, mostly in elections and in the composition and functioning of their legislative bodies. With the sixth state reform, the German language Community and the Region of Brussels-Capital were given limited constitutive autonomy as well. For more than 20 years, Flemish political parties and academics have been discussing the creation of a Flemish constitution but without success; Flanders does not have constitutional making powers.<sup>48</sup>

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New York: Routledge Taylor & Francis Group, 2009),40.

<sup>47</sup> Goeminne et al., “Transfer of powers.”

<sup>48</sup>The initiatives included “Proposition of Constitution For Flanders” (1996), “Charter of Flanders” (2004 and 2012) (See Sarah Lambrecht, “Movement towards a Flemish Constitution: the Charter for Flanders, another failed attempt,” *Perspectives on Federalism* 6, no. 2 (2014), [http://www.on-federalism.eu/attachments/184\\_download.pdf](http://www.on-federalism.eu/attachments/184_download.pdf) (accessed 21 February 2015); Olivier Van der Noot, “Subnational Constitutions: The Belgian Case in the Light of the Swiss Experience,” *Perspectives on Federalism* 6, issue 2 (2014), [http://www.on-federalism.eu/attachments/188\\_download.pdf](http://www.on-federalism.eu/attachments/188_download.pdf) (accessed 21 February 2015); “Charter for Flanders” <http://www.vlaanderen.be/int/sites/iv.dev/vh.vlaanderen.be.int/files/documenten/Charter%20For%20Flanders.pdf> (accessed 21 February 2015).

Table 2 shows some of the basic features of the Parliaments of the regions and communities, including the number of members, how they are elected, and the number of federal senators elected by each parliament. The Parliaments of the Communities and the Regions, with an exception of Brussels-Capital Region, pass laws in the form of decrees. The laws voted on by the Parliament of the Brussels-Capital-Region are in the form of ordinances; they have the same force as federal laws and decrees, except under certain circumstances when federal laws and decrees prevail. They are subject to limited supervision by federal authorities in the following circumstances: to protect the international role of Brussels and to protect its role as the capital of the country.<sup>49</sup> In these circumstances, the Federal Government can suspend ordinances passed by the Brussels-Capital Region.

	FLANDERS/FLEMISH COMMUNITY	WALLONIA	BRUSSELS-CAPITAL REGION	FRENCH COMMUNITY	GERMAN COMMUNITY
No. of members House of Representatives	124	75	89	94	25
Election	118 directly elected in Flanders; 6 Dutch-speakers directly elected in Brussels	Directly elected in the region	Directly elected in the region	75 elected representatives of the Walloon Parliament and 19 French-speaking elected representatives of the Parliament of the Brussels-Capital Region	Directly elected
Legislation	Decrees	Decrees	Ordinances	Decrees	Decrees
Seat	Brussels	Namur	Brussels	Brussels	Eupen
Special limitations	Brussels-elected members do not vote on decrees related to the powers of Flanders				
No. of senators elected from	29	8	2	10	1

Table 2: Legislative Branch of Regions and Language Communities in Belgium

<sup>49</sup> Mark Van Hoecke and Michiel Elst, "Basic Features of Legal System," in *Introduction to Belgian Law*, ed. Hubert Bocken and Walter De Bondt (The Hague, London, Boston: Kluwer Law International, 2001), 34.

As noted above, during the second state reform, Flanders decided to merge its institutions with those of the Flemish community. The six members of the Flemish Parliament elected from Brussels, do not vote on laws that relate to the Flemish regional matters. In 2011, the Parliament of the French Community decided to change its name to the “Wallonia-Brussels Federation.” and to use it alternatively with the name of the Community. This provoked a strong reaction from Flemings. Neither Flanders nor the Federal state recognise the new name.<sup>50</sup>

The Parliaments of the Regions and Communities appoint and supervise the work of their Governments (Table 3). All Ministers must take an oath before the Speaker of their respective Parliaments except for the Minister-Presidents, who swear an oath before the King.

The Flemish Government consists of a maximum of ten Ministers and the Minister-President. At least one Minister must reside in the Brussels-Capital Region; he/she cannot take part in decisions related to the powers of Flanders as a region, only on the powers belonging to the Flemish community. The current Government that was constituted in 2014 has nine ministers including the Minister-President.

The Walloon Government consists of a maximum of eight Ministers plus the Minister-President. Ministers in the Walloon Government can also be the Ministers in the Government of the French community. The Government of the Brussels-Capital Region consists of the Minister-President and four Ministers (two French-speakers and two Dutch-speakers), three State Secretaries (at least one of whom must be Dutch-speaking).

The Government of the German-speaking community consists of a Minister-President and three Ministers. The seats of the Government of the Regions and Communities are the same as of their respective Parliaments.

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<sup>50</sup>For more on the reaction from Flanders see “Belgian Politicians Begin ‘Battle of Brussels,’”

	FLANDERS/FLEMISH COMMUNITY	WALLONIA	BRUSSELS-CAPITAL REGION	FRENCH COMMUNITY	GERMAN COMMUN.
Number of members	Max 10 + minister-president	Max 8 + minister-president	4 ministers + minister-president	Max 7 + minister-president	3 ministers + minister-president
Composition	At least 1 minister from Brussels		2 French-speakers and 2 Dutch-speakers, 3 State Secretaries (at least 1 must be Dutch-speaking)	At least 1 minister from Brussels	
Ministers	Minister of Foreign Policy and Immovable Heritage, Minister of Education, Minister for Budget, Finance and Energy, Minister of Local and Provincial Government, Civic Integration, Housing, Equal Opportunities and Poverty Reduction, Minister of Mobility, Public Works, the Vlaamse Rand, Tourism and Animal Welfare, Minister of Welfare, Public Health and Family, Minister of Work, Economy, Innovation and Sport, Minister of Environment, Nature and Agriculture, Minister of Culture, Media, Youth and Brussels Affairs	Minister of Public Work, Health, Social Action and Heritage, Minister of Economy, Industry, Innovation and Digital Economy, Minister of Local Authorities, Cities, Housing and the Energy, Minister of the Environment, Land Planning, Mobility and Transport, Airports and Animal Welfare, Minister of Employment and Training, Minister of Budget, Public Service and Simplification of Administration, Minister of Agriculture, Nature, Rural Areas, Tourism, Sport and Sport Infrastructures <sup>51</sup>	Minister President (Local Authorities, Spatial Development, Urban Policy, Monuments and Sites, Student Affairs, Tourism, Civil Service, Scientific Research, Port of Brussels, Waste Management), Minister responsible for Finance, Budget, External Relations and Development Cooperation, Minister responsible for Employment, Economy and Fire fighting and Emergency Medical Assistance, Minister responsible for Mobility and Public Works, Minister responsible for Housing, Quality of Life, Environment and Energy, <sup>52</sup>	Minister of Education and Early Childhood, Minister of Higher Education, Media and Scientific Research, Minister of Youth Aid, House of Justice, Promotion of Brussels, Minister of Sport, Minister of Budget, Public Service and Simplification of Administration, Minister of Continuing Education, Youth, Women's Rights and Equality	Minister of Local Government, Minister of Culture, Media and Tourism, Minister of Education and Minister of Social Affairs
Seat	Brussels	Namur	Brussels	Brussels	Eupen
Special limitations	Brussels-residing minister(s) do(e)s not take decision on matters related to the powers of Flanders				

Table 3: Executive Branch of the Regions and Language Communities of Belgium

At the second level of administration, there are five provinces in Flanders and five in Wallonia. Even though they have significant powers, such as education, social policy, housing, the economy etc., the exercise of these powers is supervised by the

*EurActive.com*, 5 April 2011 <http://www.euractiv.com/elections/belgian-politicians-battle-bruss-news-503779> (accessed 1 February 2015).

<sup>51</sup> Wallon Government, Web site. <http://gov.wallonie.be> (accessed 10 February, 2014).

<sup>52</sup> Brussels-Capital Region, Web site. <http://be.brussels/about-the-region/the-government-of-the-region>

regions, the communities or the federal state, depending on the jurisdiction.

The third level of administration belongs to the communes; there are 589 communes in Belgium: 308 cities and communes in Flanders, 252 in Wallonia and 19 in Brussels-Capital Region. The communes are supervised by the regions, except for the powers that belong to the communities and the federal state.

### 3.2.2. Bosnia and Herzegovina

Bosnia and Herzegovina became a federal state in 1995. Before its independence, it was a federated unit of the former Socialist Federal Republic of Yugoslavia. Debate on potential causes of disintegration of Yugoslavia is quite widespread. For example, Dulic and Hall argue that the breakup of Yugoslavia occurred as a result of “the inability of the elite to find a middle road between demands for the centralization of the state and calls for the creation of a loose union.”<sup>53</sup> Failure to “balance the tensions between unity and diversity” according to Loizides led to disintegration and conflict in the former Yugoslavia.<sup>54</sup> In the literature on federalism, the former Yugoslavia is often regarded as a failed federation.<sup>55</sup> Federal structures of the former Yugoslavia were rather limited, according to Burgess, due to the absence of liberal democracy in country.<sup>56</sup> Even before the break-up, Duchacek argued that the country should be considered a “pseudo- federation,” as under a single party rule, federated units did not have a real

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(accessed 15 February, 2014).

<sup>53</sup> Tomislav Dulić and Jonathan Hall. “The logic(s) of ethnic violence: Control, ideology and the spatial distribution of indiscriminate violence in Bosnia and Herzegovina, 1941-45/1992- 95”. Unpublished manuscript, Uppsala University, 2014, 28  
[https://www.researchgate.net/profile/Jonathan\\_Hall21/publication/291102908\\_The\\_Logics\\_of\\_Ethnic\\_Violence\\_Control\\_Ideology\\_and\\_the\\_Spatial\\_Distribution\\_of\\_Indiscriminate\\_Violence\\_in\\_Bosnia\\_And\\_Herzegovina\\_1941-45/1992-95/links/56a737fc08ae0fd8b3fded94.pdf](https://www.researchgate.net/profile/Jonathan_Hall21/publication/291102908_The_Logics_of_Ethnic_Violence_Control_Ideology_and_the_Spatial_Distribution_of_Indiscriminate_Violence_in_Bosnia_And_Herzegovina_1941-45/1992-95/links/56a737fc08ae0fd8b3fded94.pdf)

<sup>54</sup> Neophytos Loizides, *Designing Peace: Cyprus and Institutional Innovations in Divided Societies*, (Pennsylvania: University of Pennsylvania Press, 2016), 58.

<sup>55</sup> (Burgess, Duchacek etc.).

<sup>56</sup> Burgess, *Comparative Federalism*, 110.

“decisional autonomy.”<sup>57</sup> Other authors, such as Hueglin and Fenna, argue Yugoslavia should not be regarded as an example of “federal failure” but “of missed federal chances.”<sup>58</sup> The purpose of this thesis is not to examine these and similar claims. However, it is important to appreciate some of the characteristics of the federal or quasi-federal arrangements of former Yugoslavia, including the collective Presidency, principle of rotation, principle of ethnic balance, and principle of constituent peoples, as they are part of the federal structure of Bosnia and Herzegovina. Pearson observes that the idea of ethnic balance, also called the “national key,” was not invented in Dayton but was an “important reality” in the former Yugoslavia.<sup>59</sup>

Bosnia and Herzegovina has often been called “little Yugoslavia,” referencing the fact that different nations and religious groups lived together peacefully for a long time. However, a closer look at the history of this region shows that the “peaceful multi-ethnic coexistence” is more of a political myth than a reality at least for two reasons. Firstly, former Yugoslavia, including the former Socialist Republic of Bosnia and Herzegovina, was not a democratic state in which different nations, ethnic and religious groups could freely express their ideology; on the contrary, the national identities were “controlled” and “suppressed” with a new “Yugoslav” identity. Secondly, if we look at the wars waged in this region, nations or ethnic and religious groups living in Bosnia and Herzegovina rarely fought on the same side, including the First and Second World Wars. The turbulent history of the area that constitutes today’s Bosnia and Herzegovina is reflected in the internal dynamics of the country.

How the history of Bosnia and Herzegovina is interpreted by Bosniak, Serb and Croat historians is also translated into the political life of the country mirroring

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<sup>57</sup> Duchacek, “Perforated Sovereignities,” 3.

<sup>58</sup> Thomas O. Hueglin and Alan Fenna, *Comparative Federalism: A Systematic Inquiry*, (Ontario: Broadview Press, 2006), 27.

<sup>59</sup> Sevan Pearson, “The “national key” in Bosnia and Herzegovina: a historical perspective,”

the long-lasting divisions of the society. As Kasapović points out, the work of Bosniak, Croat and Serb historians on Bosnia and Herzegovina differs to that extent that a reader has the impression they are writing about three different countries; in some cases, only the dates and venues match.<sup>60</sup> For this reason, I will only briefly look at the events that preceded the creation of the federal state of Bosnia and Herzegovina and will refrain from interpreting them.

Throughout its history, the territory of today's Bosnia and Herzegovina or some of its parts have been under the rule of various kingdoms and empires. During medieval times, it was ruled by the Byzantine Empire and the Serbian Kingdom, followed by the Ottoman Empire occupation. Then came the Balkan wars and the annexation of Bosnia and Herzegovina by the Austro-Hungarian Empire. The Kingdom of Serbs, Croats and Slovenes was created in 1918; it included the territory of today's Bosnia and Herzegovina. The Kingdom became known as the Kingdom of Yugoslavia in 1929; it lasted until World War Two, when Bosnia and Herzegovina became part of the Independent State of Croatia (NDH), a Nazi German puppet state. After World War Two, Bosnia and Herzegovina became a constituent Republic of the Socialist Federal Republic of Yugoslavia.

In the former Yugoslavia, there were six constituent peoples: Serbs, Croats, Slovenes, Montenegrins, Macedonians and Muslims. Ethnic communities were categorised into three groups: peoples, nationalities and ethnicities. With the amendments of the federal Constitution in 1971, Muslims were recognised as the one of the six constituent peoples of the federation. It was only in 1993 that "Bosniak" was introduced to denote Muslims.

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*Nationalities Papers* 43, no. 2 (2015): 227.

<sup>60</sup> Kasapović, Mirjana *Bosna i Hercegovina podjeljeno društvo i nestabilna država* [Bosnia and Herzegovina divided society and unstable state], (Zagreb: Politička kultura, nakladno istraživački zavod, 2005), 8.

As the Republics demanded more autonomy, there were several revisions of the various Constitutions from the late 1960s until the mid 1970s. The Socialist Republic of Bosnia and Herzegovina created a new Constitution in 1974. One of its novelties was the recognition of Muslims as one the three constituent peoples of the Socialist Republic of Bosnia and Herzegovina and the introduction of the Presidency, a collective President of the Socialist Republic of Bosnia and Herzegovina composed of nine members.<sup>61</sup> The revision of the federal Constitution was followed by the revision of the Constitution of the Socialist Republic of Bosnia and Herzegovina in 1989 and 1990, paving the way for first multiparty elections in the whole of Yugoslavia in 1990. The new election law provided the direct election of the collective Presidency, then composed of seven members<sup>62</sup> (two Muslims, two Serbs, two Croats and one representing “Others”). The category of “Others,” also recognised in the 1995 Constitution of Bosnia and Herzegovina, refers to all other peoples, nationalities and ethnic groups living in the country other than the constituent peoples including non-national or non-ethnic groups. According to the 1991 census, Muslims represented 43.5 per cent; Serbs 31.2 per cent, Croats 17.4 per cent, and Yugoslavs 5.6 per cent.<sup>63</sup>

The parties that came to power in the first multiparty elections in 1990 in Bosnia and Herzegovina were divided along national lines; SDA (Party of Democratic Action; Bosniak party), SDS (Serb Democratic Party) and HDZ (Croatian Democratic Party) won 84 per cent of the seats in the Parliament of the

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<sup>61</sup> Parliament of Bosnia and Herzegovina, Web site. <https://www.parlament.ba/istorija/default.aspx?id=27881&langTag=bs-BA&pril=b> (accessed February 8 2015).

<sup>62</sup> Ibid.

<sup>63</sup> Institute for Statistics of the Federation of Bosnia and Herzegovina, “Stanovništvo prema nacionalnoj pripadnosti, po popisima 1961-1991” [Population breakdown by nationalities, census 1961-1991], <http://www.fzs.ba/Dem/Popis/NacStanB.htm> (accessed 9 February 2015).

Socialist Republic of Bosnia and Herzegovina.<sup>64</sup> These elections marked the beginning of the end of the former Yugoslavia.

Shortly after Slovenia and Croatia declared independence in 1991, a referendum on independence was held between February 29 and March 1 1991 in Bosnia and Herzegovina. A majority of Serbs declared the referendum illegal and boycotted it. The total turnout was 63.4 per cent (with a large majority of voters being either Croats or Muslims), out of whom 99.7 per cent voted for independence.<sup>65</sup> The referendum was held in an atmosphere of high ethnic tensions; on the second day of referendum the father of a Serb groom was killed at a wedding procession in front of the Serb Orthodox Church in the centre of Sarajevo. Shortly after this incident, a civil war broke out. In the meantime the Serb Republic of Bosnia and Herzegovina (in August 1992 it became the Republika Srpska) proclaimed its independence on April 7, 1992, and the Croatian Republic of Herzeg-Bosnia was created in August 1993.

The bulk of the literature on the war in Bosnia and Herzegovina ignores the complex inter-ethnic dynamics of alliance formation, including infighting within the alliance or even within the same ethnic group. One of the few authors to deal with this is Fotini, who says “all warring parties were both foes and allies at different times throughout the conflict: Serbs against Muslims and Croats, Serbs with Muslims, Serbs with Croats, and Muslims against Croats.”<sup>66</sup> There was also inter-ethnic conflict between Muslims (called Bosniaks from 1993) in Cazinska Krajina, the western part of Bosnia and Herzegovina. The creation and shifting of loose interethnic alliances that were seen during the war have continued to be important feature of the political dynamics of the country.

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<sup>64</sup> Parliament of Bosnia and Herzegovina

<sup>65</sup> Commission on Security and Cooperation in Europe, “The Referendum on Independence in Bosnia-Herzegovina 29 February -1 March 1992,” Report, Washington D.C., 12 March 1992.

<sup>66</sup> Christia Fotini, *Alliance Formation in Civil Wars* (Cambridge University Press, 2012), 153.

In March 1994, the so-called Washington Agreement was signed, ending the fights between Croats and Bosniaks and creating the Federation of Bosnia and Herzegovina, composed of ten cantons.<sup>67</sup> The war in Bosnia and Herzegovina ended in November 1995 when the General Framework Agreement for Peace was negotiated in Dayton (USA); it was signed in Paris in December 1995. Interestingly, the Constitution of the country is actually Annex 4 of the Peace Agreement. The Constitution of Bosnia and Herzegovina has never been officially ratified by the Parliament of Bosnia and Herzegovina, nor does Bosnia and Herzegovina has the original.<sup>68</sup>

Keil observes that there is a tendency in the literature to view Bosnia and Herzegovina as an ethnic federal system.<sup>69</sup> For example, Woelk argues the power sharing in Bosnia and Herzegovina is based on “ethnic sovereignty” and on the principle of “parity in the representation of constituent people.”<sup>70</sup> However, Keil says that from the constitutional point of view, Bosnia and Herzegovina cannot be regarded as an ethnic federation, as its Constitution focuses on ethnic and territorial power sharing, with the territorial focus much stronger.<sup>71</sup> The first Article of the Constitution provides that Bosnia and Herzegovina “shall consist of the two Entities, the Federation of Bosnia and Herzegovina and the Republika Srpska.”<sup>72</sup> According to the Peace Agreement, 51 per cent of the territory of Bosnia and Herzegovina belongs

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<sup>67</sup> see The Peace Agreements Digital Collection of the United States Institute of Peace at [http://www.usip.org/sites/default/files/file/resources/collections/peace\\_agreements/washagree\\_030119\\_94.pdf](http://www.usip.org/sites/default/files/file/resources/collections/peace_agreements/washagree_030119_94.pdf)

<sup>68</sup> S. Mišljenović, “Original dokument, kojim je međunarodno ozvaničena RS, neko ukrao ili izgubio” [Original document that formalised the RS internationally either stolen or lost], *Večernje novosti*, 20 November 2013, <http://www.novosti.rs/vesti/planeta.300.html:464558-Originalni-dokument-kojim-je-medjunarodno-ozvanicena-RS-neko-ukrao-ili-izgubio> (accessed 8 February 2015).

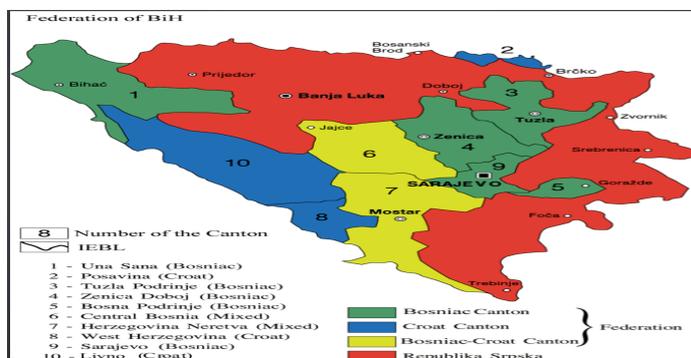
<sup>69</sup> Soeren Keil, *Multinational Federalism in Bosnia and Herzegovina* (Farnham, Surrey: Ashgate, 2013), 95.

<sup>70</sup> Jens Woelk, “Bosnia and Herzegovina: Trying to Build a Federal State on Paradoxes” in *Constitutional Dynamics in Federal Systems*, ed. by Michael Burgess and G. Alan Tarr (Montreal and Kingston, London, Ithaca: McGill-Queen’s University Press, 2012), 114-115.

<sup>71</sup> Keil, *Multinational Federalism*, 96.

<sup>72</sup> Constitution of Bosnia and Herzegovina, Constitutional Court of Bosnia and Herzegovina, [http://www.ccbh.ba/public/down/USTAV\\_BOSNE\\_I\\_HERCEGOVINE\\_engl.pdf](http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf) (accessed 8 February 2015).

to the Federation of B&H and 49 per cent to the Republika Srpska. As previously stated, these two entities were created during the Civil War in Bosnia and Herzegovina, which means that they are actually older than the current country they belong to.<sup>73</sup>



Map 2: Bosnia and Herzegovina/ Source Reliefweb<sup>74</sup>

The Federation of Bosnia and Herzegovina is further divided into ten cantons (five cantons with a Bosniak majority, three with Croat, and two cantons considered “mixed”). The district of Brčko, part of both entities, is a self-governing administrative unit. The Constitution recognises Bosniaks, Croats and Serbs (along with Others) as constituent peoples.

The Creation of the federal state of Bosnia and Herzegovina in 1995 represents a critical juncture in the development of international agency of the Republika Srpska. Although the Republika Srpska existed before the federal arrangement was created, its legitimate existence was actually recognised by the Dayton Agreement. It was only in Dayton that the Republika Srpska recognised as indivisible constitutional and legal entity of Bosnia and Herzegovina. The Dayton

<sup>73</sup> Woelk, “Bosnia and Herzegovina,” 110.

<sup>74</sup> Reliefweb, Web site, <http://reliefweb.int/map/bosnia-and-herzegovina/federation-bosnia-and-herzegovina> (accessed 10 June, 2014).

agreement took away some of the powers that the Republika Srpska gave itself as “an independent state” such as foreign policy, national defence, intelligence etc. What decisions the Republika Srpska made during this critical juncture, how it influenced its structures and institutions will be discussed in the Chapter 5.

The Constitution of Bosnia and Herzegovina does not *per se* define Bosnia and Herzegovina as a federal state. While the Bosniak political elite never refers to the country as a federation, Serbs say the country needs to be set up as a form of federation or confederation,<sup>75</sup> and Croats suggest “a federal model” of state organisation.<sup>76</sup> Critics of the current arrangement claim the “complicated” system makes Bosnia and Herzegovina inefficient. However, the federal structure isn’t really to blame; more at fault is the lack of a “spirit of federalism” or “federal spirit.”<sup>77</sup> Federal spirit, according to Burgess, refers to “the bonds that unite the political community - the reconciliation of individual and collective needs that bind the political community.”<sup>78</sup> The success of a federation is not only characterised by the “constitutional arrangements” but also by the country’s “permeation with the spirit of federalism in sharing through negotiation, mutual forbearance and self-restraint in the pursuit of goals, and a consideration of the system as well as substantive consequences of one’s acts.”<sup>79</sup>

The absence of the direct reference to federalism in the Constitution of Bosnia and Herzegovina as well as internal debates on characteristics of constitutional

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<sup>75</sup> “Dodik: BiH Savez federalnih jedinica,” [Dodik: B&H- Union of federated units] RTRS News, 14 February 2009, <http://www.rts.rs/page/stories/sr/story/11/Region/44654/Dodik%3A+BiH+savez+federalnih+jedinica.html> (accessed 7 December 2014).

<sup>76</sup> “Hrvati traže federalizaciju BiH!” [Croats request federalisation of B&H], RTVBN News, 21 February 2015, <http://www.rtvbn.com/334367/Hrvati-traze-federalizaciju-BiH> (accessed 22 February 2015).

<sup>77</sup> (Michael Burgess, “The Federal Spirit as a Moral Basis for Canadian Federalism,” *International Journal of Canadian Studies* 22 (Fall 2000); Burgess, *Comparative Federalism* and Michael Burgess, *In Search of the Federal Spirit: New Theoretical and Empirical Perspectives in Comparative Federalism*, (Oxford: Oxford University Press 2012).

<sup>78</sup> Burgess, *Comparative Federalism*, 113.

<sup>79</sup> Elazar, *Exploring Federalism*, p. 154.

arrangements in Bosnia and Herzegovina contributes to the lack of not only federal spirit but also lack of understanding of federalism in general. The question is whether under the circumstances of “quasi-protectorate” through the Office of the High Representative, the federal spirit ever had a chance to evolve. The position of the High Representative was created under the Dayton Peace Agreement and the Office of the High Representative (OHR) is an *ad hoc* international institution responsible for overseeing the implementation of the Dayton Peace Agreement.<sup>80</sup> In December 1997, the Peace Implementation Council, an *ad hoc* body composed of 55 states and international organisations interested in Bosnia and Herzegovina gave the High Representative vast powers (“Bonn powers”) including the competency to remove elected politicians and officials, to make binding decisions, and to impose legislation<sup>81</sup>. With these Bonn powers Gromes argues that the OHR has “served as an additional centre of legislative and executive rights.”<sup>82</sup> The introduction of the Bonn powers will be considered as a critical juncture in the development of international agency of the Republika Srpska. During this time the Republika Srpska made important decision regarding its institutions such as the decision to abolish the Ministry of Foreign Affairs. Decisions made during this critical juncture shaped the direction of the external relations of the Republika Srpska. The Bonn powers led to dismissal of elected representatives and high-ranking officials and to imposition of many decisions. Some of the decisions imposed by the High Representative, especially those related to the transfer of powers to the central level, are examined in this chapter. While the vast powers given to the High Representative may have not created incentives for the cultivation of the federal spirit, the presence of the OHR does not mean, as Gromes argues, that “self-rule” is absent, but it does limit the

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<sup>80</sup> See Office of the High Representative, Web site. <http://www.ohr.int>

<sup>81</sup> Office of the High Representative, The Peace Implementation Council and its Steering Board, [http://www.ohr.int/pic/default.asp?content\\_id=38563](http://www.ohr.int/pic/default.asp?content_id=38563) (accessed 22 February 2015).

<sup>82</sup> Thorsten Gromes, “Federalism as a Means for Peace-Building: The Case of Post-war Bosnia and

powers of Parliaments and Government as their decision could be overruled by the High Representative<sup>83</sup>.

The Constitution of Bosnia and Herzegovina provides five mechanisms of power-sharing: an ethnically based distribution of seats in parliament, a rotating presidency, legislative conditions that require support for bills across ethnic lines, an ethnically based veto over matters of vital interest, and an electoral process based on proportional representation and party lists.<sup>84</sup> Legislative power at the central level lies with the Parliament of Bosnia and Herzegovina, which is composed of two chambers: the House of Peoples and the House of Representatives. All legislation requires the approval of both chambers.<sup>85</sup> The House of Peoples is composed of 15 delegates, five Bosniaks and five Croats, elected by the House of Peoples of the Federation of Bosnia and Herzegovina, and five Serbs, elected by the National Assembly of the Republika Srpska (Article 4, of the constitution of Bosnia and Herzegovina). The Chairman of the House of Peoples and two deputies come from the different constituent peoples. The House of Representatives is composed of 42 directly elected members, 28 elected from the territory of the Federation and 12 from the Republika Srpska. The Speaker of the House of Representative and two deputies come from the different constituent peoples. There is a rotating mechanism in both the Houses every eight months.

Executive power at the central level is exercised by the Presidency and the Council of Ministers. The Tripartite Presidency acts as a collective head of state; it is composed of a Serb (directly elected by the Republika Srpska) and of a Bosniak, a Croat (directly elected by the Federation of Bosnia and Herzegovina). Article 8.1 of

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Herzegovina,” *Nationalism and Ethnic Politics* 16, no. 3-4 (2010): 365.

<sup>83</sup> Ibid.

<sup>84</sup> Patrick J. O’Halloran, “Post-conflict Reconstruction: Constitutional and Transitional Power-Sharing Arrangements in Bosnia and Kosovo,” in *From Power-Sharing to Democracy. Post-Conflict Institutions in Ethnically Divided Societies*, ed. Sidney Noel (Montréal: McGill-Queen’s University Press, 2005), 106.

the Election Law of Bosnia and Herzegovina stipulates that “a voter registered to vote in the Federation may vote for either the Bosniak or Croat Member of the Presidency, but not for both. The Bosniak and Croat member that gets the highest number of votes among candidates from the same constituent people shall be elected.”<sup>86</sup> The election law is probably one of the most frequent sources of dispute between Croats and Bosniaks, simply because the Bosniak electoral body, who represent 69 per cent of the population of the Federation of Bosnia and Herzegovina can decide on both members of the Presidency because they vastly outnumber the Croats (21 per cent of the population). This was the case with the election of Zeljko Komsic to the position of Croat member of the Presidency in 2006 and 2010.

There is rotating chairmanship in the Presidency every eight months; thus, during the four-year mandate, each member of the Presidency gets to be a Chairman twice. The Chairman of the Presidency of Bosnia and Herzegovina has a coordinating role; he is *a primus inter pares*, as all decisions have to be based on a consensus.

There are two types of Veto powers at the level of Bosnia and Herzegovina: protection of vital interests of entities and protection of vital interests of constitutive peoples. The first is a power of the Presidency; each member of the Presidency may declare that a Presidency decision is “destructive of a vital interest of the entity” from which s/he was elected (Article V/2d, of the Constitution of Bosnia and Herzegovina).<sup>87</sup> The second type may be exercised by those in the House of Peoples (Article IV/3f)<sup>88</sup>.

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<sup>85</sup> Article 3 c of the Constitution of Bosnia and Herzegovina

<sup>86</sup> *Izborni Zakon Bosne i Hercegovine* [The Election Law of Bosnia and Herzegovina], Sluzbeni glasnik BiH [Official Gazette of Bosnia and Herzegovina], no. 23/01 (August 2001).

<sup>87</sup> If a member from the Presidency from the Republika Srpska declares a decision to be destructive, a decision is referred immediately to the National Assembly of the Republika Srpska. If it is a Bosniak member, a decision is referred to Bosniak delegates of the House of Peoples of the B&H Federation, and to the Croat delegates of the House of Peoples of the B&H Federation, if the declaration is made by the Croat member. For a declaration to be confirmed, it is necessary to have to two-thirds vote.

<sup>88</sup> The wording specifies: “A proposed decision of the Parliamentary Assembly may be declared to be destructive of a vital interest of the Bosniac, Croat, or Serb people by a majority of, as appropriate, the Bosniac, Croat, or Serb Delegates selected in accordance with paragraph l(a) above. Such a proposed

In the Council of Ministers of Bosnia and Herzegovina, the Constitution provides for the Chairman of the Council of Ministers, a Foreign Minister, a Minister for Foreign Trade, and “other Ministers as may be appropriate.”<sup>89</sup> No more than two-thirds of all Ministers may be from the Federation of Bosnia and Herzegovina, and Deputy Ministers may not be of the same constituent people as their Ministers. Under the pressure of the OHR and other members of the International Community in Bosnia and Herzegovina<sup>90</sup>, in 1996, the Presidency of Bosnia and Herzegovina made a decision on the composition of the Council of Ministers (12 members total): two Co-chairs (Bosniak and Serb rotating every week); a Deputy Chair (Croat); Ministers of Foreign Affairs and Foreign Trade each got two Deputies from different constituent peoples; a new Ministry of Civil Affairs and Communications was added, along with two deputies.<sup>91</sup> In 2000, under pressure from the OHR,<sup>92</sup> the Parliament of Bosnia and Herzegovina adopted a Law on the Council of Ministers of Bosnia and Herzegovina, creating three more Ministries (Treasury, Human Rights and Refugees, and European Integration)<sup>93</sup> and supressing the functions of two Chairs and a Deputy. One of the Ministers acted as Chair for the Council of Ministers.

Three more Ministries were added in 2002 (Transport and Communications, Justice, and Security) after the High Representative imposed a decision on enacting

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decision shall require for approval in the House of Peoples a majority of the Bosniac, of the Croat, and of the Serb Delegates present and voting. f) When a majority of the Bosniac, of the Croat, or of the Serb Delegates objects to the invocation of paragraph (e), the Chair of the House of Peoples shall immediately convene a Joint Commission comprising three Delegates, one each selected by the Bosniac, by the Croat, and by the Serb Delegates, to resolve the issue. If the Commission fails to do so within five days, the matter will be referred to the Constitutional Court, which shall in an expedited process review it for procedural regularity.”

<sup>89</sup> Article V (3) of the Constitution of Bosnia and Herzegovina.

<sup>90</sup> Mirjana Micevska, “Bosna na putu za London” [Bosnia on its way to London], AimPress, 3 December 1996, <http://www.aimpress.ch/dyn/pubs/archive/data/199612/61203-005-pubs-sar.htm> (accessed 23 February 2015).

<sup>91</sup> B&H Council of Ministers, “Sazivi Vijeća ministara 1996-2010” [Composition of the Council of Ministers 1996-2010]

[http://www.vijeceministara.gov.ba/home\\_right\\_docs/default.aspx?id=12333&langTag=bs-BA](http://www.vijeceministara.gov.ba/home_right_docs/default.aspx?id=12333&langTag=bs-BA) (accessed 23 February 2015).

<sup>92</sup> Vukan Dubočanin, “Kako su visoki predstavnici razgrađivali Dejton” [How have High Representatives degraded the Dayton], SRNA News Agency, 20 November 2012, <http://www.srna.rs/novosti/96143/dogodilo-se-na-danasnji-dan-.htm> accessed 23 February 2015).

the Law on the Council of Ministers.<sup>94</sup> The Ministry of European Integration ceased to exist, and the Directorate for EU integration was created. The function of Chair of the Council of Ministers was also created, as well as two Deputy Chairs for the Ministers, who were not to be of the same constituent peoples as the Chair. The Council of Ministers was further expanded in 2003 with Amendments to the Law on the Council of Ministers adopted by the Parliament of Bosnia and Herzegovina. A Minister of Defence was now part of the mix.<sup>95</sup>

The growth of the Council of Ministers of Bosnia and Herzegovina from the initial two Ministers (plus the Chair) to today's nine (plus the Chair)<sup>96</sup> did not come as the result of a democratic process of negotiation or the free will of all its federated units and constituent peoples. It was more properly a project of the Office of the High Representative and the International Community of Bosnia and Herzegovina.

Before moving to an analysis of the legislative and executive powers of the entities and how ethnic balance is achieved at this level, I will touch on the organisation and reform of the judiciary system in Bosnia and Herzegovina. One of the particularities of the judiciary system is the composition of the Constitutional Court of Bosnia and Herzegovina, the highest judicial body in the country owing to its appellate jurisdiction. According to Article VI 1 of the Constitution, the Constitutional court is composed of nine judges; four are selected by the House of Representatives of the Federation of Bosnia and Herzegovina, two by the National Assembly of the Republika Srpska, and the remaining three are foreign judges

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<sup>93</sup> B&H Council of Ministers, "Sazivi."

<sup>94</sup> Law on the Council of Ministers of Bosnia and Herzegovina, 3 December 2003, Office of the High Representative [http://www.ohr.int/decisions/statemattersdec/default.asp?content\\_id=28609](http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=28609) (accessed 23 February 2015).

<sup>95</sup> The Ministry of Defence is the only Ministry at the B&H level, which has two deputies

<sup>96</sup> According to Article 5 of the Law on the Council of Ministers of Bosnia and Herzegovina the Council of Ministers is composed of nine ministers (Minister of Foreign Affairs, Minister of Foreign Trade and Economic Relations, Minister of Finance and Treasury, Minister of Communications and Transport, Minister of Civil Affairs, Minister of Human Rights and Refugees, Minister of Justice, Minister of Security and Minister of Defence.

selected by the President of the European Court of Human Rights. Although an ethnic representation is not required by the Constitution *per se*, it is exercised in practice, as there have always been two Serb, two Bosniak and two Croat judges. Although Article VI 1 of the Constitution provides that “judges shall be distinguished jurists of high moral standing,” their appointment is a highly politicized process, and most judges are nominated and make decisions based on their political party affiliations. This raises the question of the objectivity of the Constitutional court. In fact, controversies, such as the latest one on the National Day of the Republika Srpska with two Serb and two Croat judges being against the decision,<sup>97</sup> often create tension in the country. By and large, the reform of the judiciary of Bosnia and Herzegovina was led from the very beginning by the international community. The Office of the High Representative, an external body, initiated and imposed the creation of several judicial institutions at the level of Bosnia and Herzegovina. For example, before the creation of the Ministry of Justice in 2003, the High Representative imposed the Law on the Court of Bosnia and Herzegovina<sup>98</sup> and created the Prosecutor’s Office of Bosnia and Herzegovina in 2002.<sup>99</sup> The Constitutional Court of Bosnia and Herzegovina in 2001 made a decision that the Law on the State Court of Bosnia and Herzegovina was not against the Constitution of Bosnia and Herzegovina. Three foreign and two Bosniak judges were in favour of this decision, whereas two Croat and two Serb judges were against it.<sup>100</sup> The High Judicial and Prosecutorial Council of Bosnia and Herzegovina and the High Judicial and Prosecutorial Councils were

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<sup>97</sup> The Constitutional Court was deciding on the appeal submitted by the Bosniak member of the B&H Presidency regarding the National Day of the Republic of Srpska. See decision <http://www.sluzbenilist.ba/page/akt/FWB7ZnXZnYo=> (accessed 15 September 2016).

<sup>98</sup> Decision imposing the Law on the State Court of B&H, Office of the High Representative, 12 November 2000, [http://www.ohr.int/decisions/judicialrdec/default.asp?content\\_id=5228](http://www.ohr.int/decisions/judicialrdec/default.asp?content_id=5228) (accessed 23 February 2015).

<sup>99</sup> Decision Enacting the Law on the Prosecutor’s Office of Bosnia and Herzegovina, Office of the High Representative, 6 August 2002, [http://www.ohr.int/decisions/judicialrdec/default.asp?content\\_id=27652](http://www.ohr.int/decisions/judicialrdec/default.asp?content_id=27652) (accessed 23 February 2015).

<sup>100</sup> Case No. U 26/01: Decision of the 28 September 2001, Constitutional Court of Bosnia and Herzegovina, <http://www.ccbh.ba/bos/odluke/index.php?src=2#> (accessed 28 February 2015).

created at the entity level in 2002. In 2004, the entities transferred the powers of their respective Councils to the state level; the same year, the Law on the High Judicial and Prosecutorial Council of Bosnia and Herzegovina was adopted by the Parliament of Bosnia and Herzegovina and the Councils at the entity level ceased to exist.<sup>101</sup> Even though entities formally transferred this judicial power to the level of Bosnia and Herzegovina, the creation of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina was again initiated, once again led by the OHR. The High Judicial and Prosecutorial Council has the same powers as the High Council of Justice of Belgium.

The various entities of Bosnia and Herzegovina, as Woelk observes, have established state-like institutions, including presidents, governments, a parliament and a judiciary system.<sup>102</sup> The legislative power at the level of the entities is exercised by their respective Parliaments (Table 4). The current composition of the executive and legislative institutions at the entity level changed significantly after the decision of the Constitutional Court of Bosnia and Herzegovina on the Constituency of Peoples in 2000.<sup>103</sup> The decision required the harmonisation of certain provisions of the Constitutions of the Federation of Bosnia and Herzegovina and the Republika Srpska with the Constitution of Bosnia and Herzegovina to enable a fair representation of all constituent peoples and Others. Not surprisingly given the previous discussion, once again, two Croat and two Serb judges were against the decision, while two Bosniak and three foreign judges voted in favour. Tables 4 and 5 illustrate these changes.

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<sup>101</sup> High Judicial and Prosecutorial Council of Bosnia and Herzegovina, Web site. <http://www.pravosudje.ba> (accessed 23 February 2015).

<sup>102</sup> Woelk, "Bosnia and Herzegovina," 112.

<sup>103</sup> Office of the High Representative, Constituent Peoples' Decision of the BiH Constitutional Court: Case No. U 5/98-III, Partial Decision, 30 June 30 and 1 July 2000, [http://www.ohr.int/ohr-dept/legal/const/default.asp?content\\_id=5853](http://www.ohr.int/ohr-dept/legal/const/default.asp?content_id=5853) (accessed 16 February 2015).

In the Federation of Bosnia and Herzegovina legislative power lies with the Parliament of the Federation, composed of the House of Representatives and the House of Peoples. The House of Representatives has 98 directly elected members. Each of the constituent peoples has to have at least four members in the Parliament. The House of Representatives is composed of 58 delegates, elected by the Cantonal Assemblies. The three constituent peoples have 17 delegates each, with seven seats reserved for the delegates of the Others. Legislation passed by the Parliament of the Federation of Bosnia and Herzegovina has to be approved by both Houses.

		FEDERATION OF B&H PARLIAMENT	REPUBLIKA SRPSKA NATIONAL ASSEMBLY
HOUSE OF REPRESENTATIVE S/NATIONAL ASSEMBLY (RS)	No. of members	<u>House of Representatives</u> 98	<u>National Assembly</u> 83
	Election	Directly elected in the entity. Minimum of 4 representatives of one constituent people	Directly elected in the entity. Minimum of 4 representatives of one constituent people
HOUSE OF PEOPLES/COUNCIL OF PEOPLES	No. of members	<u>HOUSE OF PEOPLES</u> 58 delegates, 17 delegates for each constituent peoples, 7 delegates representing the Others	<u>COUNCIL OF PEOPLES</u> 28 delegates, 8 delegates for each constituent peoples, 4 delegates representing the Others
	Election	Cantonal Assemblies	MP group of the National Assembly
Legislation procedures		Unless otherwise specified by the Constitution, it is necessary to have the approval by both Houses	Only members of the National Assembly vote on laws. Delegates of the Council of Peoples can demand "protection of the vital national interests" if they consider legislation is against their national interests.
No. of delegates elected to the House of Peoples of the B&H Parliament		10 (five Croats, five Serbs) elected by the House of Peoples of the Federation of B&H	5 (Serbs) elected by the National Assembly
Seat		Sarajevo	Banja Luka

Table 4: Legislative Branch of Entities of Bosnia and Herzegovina

Legislative power in the Republika Srpska is exercised by the National Assembly and the Council of Peoples. The National Assembly is composed of 83 directly elected members and, as is the case with the Parliament of the Federation of Bosnia and Herzegovina, each of the constituent peoples has to have at least four members in the National Assembly. Legislation is voted on by the members of the National Assembly. The Council of Peoples does not participate in the voting

procedure, but can demand “protection of the vital national interests” if they consider legislation is against their national interests.<sup>104</sup>

	FEDERATION OF BOSNIA AND HERZEGOVINA <sup>105</sup>	REPUBLIKA SRPSKA <sup>106</sup>
Number of members	Prime minister +16 ministers	Prime minister +16 ministers
Composition	8 Bosniaks, 5 Croats, 3 Serbs. 1 minister representing the Others can be nominated from the Bosniak quota	8 Serbs, 5 Bosniaks, 3 Croats. 1 minister representing the Others can be nominated from the Serb quota. The Prime Minister and his/her two Deputies have to be from different constituent peoples
Portfolios/Ministries	Ministry of Interior, Ministry of Justice, Ministry of Finance, Ministry of Energy, Mining and Industry, Ministry of Transport and Communications, Ministry for Labour and Social Policy, Ministry of displaced persons and refugees, Ministry for Issues of Veterans and Disabled Veterans of the Defensive-Liberation War, Ministry of Health, Ministry of Education and Science, Ministry of Culture and Sports, Ministry of Trade, Ministry of Physical Planning, Ministry of Agriculture, Water-management and Forestry, Ministry of Development, Entrepreneurship and Crafts, Ministry of Environment and Tourism	Ministry of Internal Affairs, Ministry of Justice, Ministry of Finance, Ministry of Industry, Energy and Mining, Ministry of Transport and Communications, Ministry of Labour, War Veterans and Disabled Persons’ Protection, Ministry of Refugees and Displaced Persons, Ministry of Health and Social Welfare, Ministry of Education and Culture, Ministry of Family, Youth and Sports, Ministry of Trade and Tourism, Ministry of Spatial Planning, Civil Engineering and Ecology, Ministry of Agriculture, Forestry and Water-management, Ministry of Administration and Local Self-Governance, Ministry of Science and Technology, Ministry for Economic Relations and Regional Cooperation,
Seat	Sarajevo, some Ministries (5) have their seats in Mostar (Ministry of energy, mining and industry, Ministry of Transport and Communications, Ministry of Education and Science, Ministry of Trade, Ministry of Development, Entrepreneurship and Crafts)	Banja Luka. Special sessions of the Government sometimes take place in other parts of the Republic Srpska

Table 5: Executive Branch of Entities of Bosnia and Herzegovina

Executive power in the Federation of Bosnia and Herzegovina is vested in with the Presidents and Vice Presidents and the Government according to its Constitutions. According to the Constitution of the Federation of Bosnia and Herzegovina, the President is the “chief of the federal executive power.”<sup>107</sup> The President and Vice-Presidents of the Federation of Bosnia and Herzegovina are elected by the Parliament of the Federation of B&H<sup>108</sup>. The President and two Vice Presidents of the Republika Srpska are directly elected by a secret ballot.<sup>109</sup>

<sup>104</sup> Council of Peoples of the Republic of Srpska, Web site. [www.vijecenarodars.net](http://www.vijecenarodars.net) (accessed 9 February 2015).

<sup>105</sup> Information compiled from the Constitution of the Federation of Bosnia and Herzegovina.

<sup>106</sup> Information compiled from the Constitution of the Republika Srpska

<sup>107</sup> B Executive Power of the Federation, Article 1 of the Constitution of the Federation of Bosnia and Herzegovina

<sup>108</sup> According to B Executive Power of the Federation, Article 1 of the Constitution of the Federation of Bosnia and Herzegovina, the President and two Vice-Presidents are elected from the joint list by a

The Governments of the Federation of Bosnia and Herzegovina and the Republika Srpska each consist of 16 Ministers plus the Prime Minister (Table 5). In both Governments the Prime Minister and his/her Deputies have to be of different constituent peoples. Five Ministries of the Government of the Federation of Bosnia and Herzegovina have seats in Mostar.<sup>110</sup>

According to the Constitutions of the Republika Srpska and the Federation of Bosnia and Herzegovina, one of the constituent peoples or the Others can have a maximum of two of the following functions in each respective entity: Prime Minister, Speaker of the National Assembly (of the Republika Srpska)/Chairman of the House of Representatives (Federation of Bosnia and Herzegovina), Chairman of the Council of Peoples(the Republika Srpska)/House of Peoples (the Federation of Bosnia and Herzegovina), President of the Supreme Court, President of the Constitutional Court, and Republic Public Prosecutor (the Republika Srpska)/Federal Public Prosecutor (the Federation of Bosnia and Herzegovina).

As previously indicated, the Federation of Bosnia and Herzegovina is further divided into ten cantons, each with its own Parliaments and Governments, while the Republika Srpska is centralised. There are 79 municipalities in the Federation of Bosnia and Herzegovina, and 62 in the Republika Srpska.

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majority vote in the House of Representatives and the House of Peoples. If no list of candidates receives the required majority vote in both Houses, the voting is repeated. In the repeated procedure, it is necessary to gain the approval of only one House for candidates to be elected. This procedure leaves space for two constituent peoples to elect a President or a Vice-President from the caucus of the third constituent peoples without the approval of that caucus. This was the case with the election of the Serb Vice President, who received support from only two MPs in the Serb caucus of the House of Peoples (Elvira Jukic, "Bosnia's Federation Elects New President," *Balkan Insight*, 9 February 2015, [www.balkaninsight.com/en/article/bosnia-s-federation-president-two-vice-presidents-elected](http://www.balkaninsight.com/en/article/bosnia-s-federation-president-two-vice-presidents-elected) (accessed 11 February 2015)).

<sup>109</sup> According to Article 83 of the RS Constitution, a candidate who wins the most votes is elected candidate, and the candidates from the other two constituent peoples who win the most votes are elected Vice-Presidents.

### 3.3. Distribution of powers

Distribution of powers in most federal states is defined by the Constitution. A structured division of powers is typical of most federal democracies; it is designed to protect “the integral authority of both the general and the constituent governments as well as the existence of their respective communities.”<sup>111</sup> Interplay of geographic, historical, economic, security, demographic, linguistic, cultural, international and other factors affect distribution of powers in a federation.<sup>112</sup> Lijiphart argues that in deeply divided societies (such as Bosnia and Herzegovina and Belgium), the interests and demands of different communities and groups can only be accommodated by applying the model of power sharing.<sup>113</sup> Critics of power sharing claim democracies based on this model are neither effective nor truly democratic, but they fail to present a solid alternative that would be widely accepted by all the parties concerned especially in multinational states.<sup>114</sup> Watts identifies three approaches to the distribution of powers: a limited set of exclusive and concurrent powers are specified and residual powers remain with the federated units; powers of federated units are specified and residual powers remain with the central government; exclusive powers of the central government and federated units are specified, as well as concurrent powers with residual authority.<sup>115</sup> While powers reserved exclusively for the centre could be listed, such as national defence, foreign affairs, monetary and fiscal policy, VAT, central bank etc., it is almost impossible to do make an accurate generalisation

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<sup>110</sup> considered as a Croat majority town

<sup>111</sup> John Kincaid, “Introduction,” in *Handbook of Federal Countries*, eds. Ann L. Griffiths and Karl Nerenberg (Montreal and Kingston: McGill/Queen’s University Press, 2005), 9.

<sup>112</sup> Ronald L. Watts, “Comparative Conclusions,” in *Distribution of Powers and Responsibilities in Federal Countries*, ed. Akhtar Majeed, Ronald L. Watts, and Douglas M. Brown, (Quebec: McGill-Queen’s University Press, 2006), 324.

<sup>113</sup> Arend Lijiphart, “Constitutional Design for Divided Societies,” *Journal of Democracy* 15, no. 2 (April 2004): 96.

<sup>114</sup> *Ibid.*, 98.

<sup>115</sup> Ronald L. Watts, *Comparing Federal Systems* (London, Montreal and Kingston, Ont.: McGill-Queen’s University Press, 1999), 36.

about shared powers and powers reserved for federated units, as their distribution differs across federations.

In most “integrated” federations, federated units retain residual powers, whereas the centre only has enumerated powers.<sup>116</sup> According to Peeters, if a federated unit does not hold residual powers, it does not have constitutional autonomy.<sup>117</sup> Notwithstanding the absence of constitutional autonomy, federated units can have some form of “institutional” or “constitutive” autonomy, as Peeters demonstrates in the case of Belgium.<sup>118</sup> As this thesis deals with federated units of multinational federations, I am interested to see if some generalisations can be made about the distribution of powers in my case studies. For example, Watts says, “The more the degree of homogeneity in a society the greater the powers that have been allocated to the federal government, and the more the degree of diversity the greater the powers that have been assigned to the constituent units of government.”<sup>119</sup> Although Watts’ broad generalisation may not be “so simple in highly diversified societies,”<sup>120</sup> Belgium and Bosnia and Herzegovina, as it will be demonstrated here, are examples of diverse federations with considerable powers given to their federated units

### 3.3.1. Belgium

Article 35 of the Belgian Constitution says the “federal authority only has competencies in the matters that are formally assigned to it by the Constitution,” while for the various regions and communities, each has “its own field of concern.” However, since the powers of the federal authority are not clearly listed in in the

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<sup>116</sup> Patrick Peeters, “The Constitutional and Institutional Autonomy of Communities and Regions in Federal Belgium,” in *Constitutional Dynamics in Federal Systems*, ed. by Michael Burgess and G. Alan Tarr (Montreal and Kingston, London, Ithaca: McGill-Queen’s University Press, 2012), 164.

<sup>117</sup> *Ibid.*, 165.

<sup>118</sup> *Ibid.*

<sup>119</sup> Watts, *Comparing Federal Systems*, 35.

Constitution or in a special law, this article has no legal force.<sup>121</sup> Therefore, within the Belgian federal arrangement, residual powers remain with the federation, and only enumerated powers are given to its federated units. Distribution of powers between the federal state and its federated units has been a gradual process, taking place over the six state reforms mentioned earlier. From the cultural matters that were given to the cultural communities during the first state reform, to individual matters such as health and social services (housing policy, structural planning), as well as economic development and employment policy given to the communities in 1980, powers were extended to education, which was given to the communities; transport and public works were given to the regions during the third state reform.<sup>122</sup>

In the fourth state reform, communities were given expanded powers in social assistance policies, with regions receiving more powers in transport, road construction, certain aspects of foreign trade, energy and agriculture. Both communities and regions were given foreign policy powers (including treaties) in all spheres of the domestic jurisdiction<sup>123</sup>. The extensive powers of the communities and the regions in international relations are based on the principle *in foro interno in foro externo*. This was introduced in the third state reform for communities, but during the 1993 state reform, it was expanded to regions as well. This principle basically means the competencies given to the regions and the communities internally, are also given to them externally. The “Lambermont Accord” of the fifth state reform extended the powers of the regions in areas of agriculture, fisheries, foreign trade and development aid; it also gave them more fiscal responsibility.<sup>124</sup>

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<sup>120</sup> Burgess, *Comparative Federalism*, 137.

<sup>121</sup> This Article was introduced during the state reform of 1993. There has been no agreement so far on the enumerated powers that are to be given to the federal authority.

<sup>122</sup> Government of the Kingdom of Belgium, Web site.

<sup>123</sup> A excellent overview of the gradual evolution of Belgian federalism through the distribution of powers is given in Swenden, Brans, and De Winter, “Introduction,” 3-6.

<sup>124</sup> Constitutional Court of the Kingdom of Belgium, “The Fifth State Reform”, [http://www.belgium.be/en/about\\_belgium/country/history/belgium\\_from\\_1830/formation\\_federal\\_state/fifth\\_reform\\_of\\_state/](http://www.belgium.be/en/about_belgium/country/history/belgium_from_1830/formation_federal_state/fifth_reform_of_state/) (accessed 21 February 2015).

In addition to splitting the Brussels-Halle-Vilvorde electoral district and the reform of the Senate (discussed above), in the sixth state reform the extensive transfer of powers to the Regions and Communities worth of 20 billion of euros was enshrined in the Butterfly Agreement.<sup>125</sup> The communities are now responsible for family and child allowances, care of the elderly and mental health and preventive health measures.<sup>126</sup> Regions were given more powers in the energy and environment sphere, in economic and industrial policy (including equity funds, licensing of commercial establishments), agriculture (Office of Intervention and Restitution in each region, agriculture disaster fund), urban planning, housing and regional development, certain aspects of employment policy, mobility and road safety.<sup>127</sup>

The most important aspect of the most recent wave of reforms is the financing of the regions and communities, with the regions being given more fiscal autonomy. With the Special Finance Act of January 2014 the regions are entitled to raise regional supplementary tax on personal income;<sup>128</sup> they also have tax powers (tax reductions and tax credits) and jurisdiction in the following areas: private homes, protection of property against theft or fire, maintenance and restoration of protected monuments, services paid for with service vouchers, expenditure on energy saving, expenditure on the renovation of housing in positive action zones in large cities, renovation of social housing.<sup>129</sup> The overall distribution of powers in Belgium is based on the principle of jurisdictional exclusiveness, which means that only one

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<sup>125</sup> Belgium Federal Public Service Finance, Belgian Stability Program 2014-2017: The Sixth State Reform, [http://programmemedestabilite.be/en/Institutional\\_reform.htm](http://programmemedestabilite.be/en/Institutional_reform.htm) (accessed 25 February 2015).

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

<sup>128</sup> Ferdie Foubert and Jos Goubert, "Belgium- Changes Enacted to Regional Taxation Powers, Taxation of Nonresidents," Flash International Executive Alert 2014-073 (KPMG, 29 July 2014), <http://www.kpmg.com/US/en/IssuesAndInsights/ArticlesPublications/flash-international-executive-alert/Documents/flash-international-executive-alert-2014-073-jul.pdf> (accessed 26 February 2015).

<sup>129</sup> Belgium Federal Public Service Finance, Belgian Stability Program.

authority can have jurisdiction over an issue with an exception of several cases such as taxes and scientific research, where the federal level prevails.<sup>130</sup>

### 3.3.2. Bosnia and Herzegovina

While Belgium was transforming from a unitary towards a very decentralised federal state with regions and communities gaining more powers, Bosnia and Herzegovina was experiencing almost a reverse process, with the state's entities losing some of their initial competencies. The transfer of the most of the powers to the central state were either imposed or initiated by the OHR. Since receiving them in December 1997, the High Representative has extensively exercised its "Bonn powers"; politicians and high-level officials have been dismissed, and laws and decisions imposed by the OHR. Gromes says that in seven years (December 1997 to December 2004), almost 190 politicians and other officials (including directly elected Croat members of the Presidency)<sup>131</sup> had been dismissed by the High Representative; in the same period he had made more than 660 decisions.<sup>132</sup> President of the Republika Srpska, Milorad Dodik, says that since December 1997, the High Representative has imposed 900 decisions and the Republika Srpska lost over 80 powers out of which only three<sup>133</sup> were transferred in accordance with the Constitution of Bosnia and Herzegovina and the Dayton Peace Accord.<sup>134</sup> Gromes

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<sup>130</sup> Dumont et al., "Kingdom of Belgium," 42.

<sup>131</sup> In 2001, Ante Jelavic, the Croat member of the Presidency was dismissed by the High Representative. In 2005, another Croat member of the Presidency, Dragan Covic (currently a member of the Presidency as of November 2014), was dismissed by the High Representative. See Presidency of Bosnia and Herzegovina, "Chronology of the Presidency," <http://www.predsjednistvobih.ba/hron/default.aspx?id=10074&langTag=en-US> (accessed 28 February 2015).

<sup>132</sup> Gromes, "Federalism as a Means for Peace-Building," 364.

<sup>133</sup> The Constitution provides that Bosnia and Herzegovina shall assume other responsibilities as agreed by the entities. As for the transfer of powers from the entities to the B&H level, the former have agreed in only three cases so far: Indirect Taxation (VAT), defence, notably the creation of the joint armed forces of B&H, and the creation of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina

<sup>134</sup> President of the Republic of Srpska, "Uvodnon izlaganje predsjednika Republike Srpske Milorada Dodika poslanicima u Narodnoj Skupstini Republike Srpske" [Address by President of the Republika Srpska Milorad Dodik to the RS National Assembly], 11 February 2015,

argues the transfer of powers and responsibilities from the entities to the level of Bosnia and Herzegovina can be partly explained by the prospect of the EU integration.<sup>135</sup> According to Woelk, however, while EU integration is a shared goal of all political stakeholders in Bosnia and Herzegovina, it is not “neutral to the positions of the entities: strengthening the state threatens the full autonomy of the Republika Srpska and favours the position of Bosniaks (and to a lesser extent, of Croats).”<sup>136</sup> In fact, many in the Republika Srpska say the desire for EU integration is often used as an excuse to make Bosnia and Herzegovina more centralised. In his memoirs, the former High Representative Paddy Ashdown confirms this claim and says he persuaded the former EU commissioner for External Relations Chris Patten that police reform in Bosnia and Herzegovina should fall under the EU umbrella: “I rang Chris Patten in late October and asked him if he would weigh in as Commissioner and say that these reforms were required if Bosnia and Herzegovina wanted to join Europe. As always he agreed, and we drafted a letter for him to send to the Presidents.”<sup>137</sup>

The process of the distribution of powers in Bosnia and Herzegovina falls into the first category of Watts’ typology: “with a limited set of exclusive and concurrent powers being specified while residual powers remain with the federated units.”<sup>138</sup> According to the Article III 1 of the Constitution of Bosnia and Herzegovina, the institutions of Bosnia and Herzegovina have the following powers and responsibilities: foreign policy, foreign trade policy, customs policy, monetary policy (as provided in Article VII), and the finances of the institutions. The international obligations of Bosnia and Herzegovina include immigration, refugee, and asylum

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<http://www.predsjudnikrs.net/sr/уводно-излагање-предсједника-републ/> (accessed 28 February 2015).

<sup>135</sup> Gromes, “Federalism as a Means for Peace-Building,” 365.

<sup>136</sup> Woelk, “Bosnia and Herzegovina,” 126.

<sup>137</sup> Paddy Ashdown, *Swords and Ploughshares: Bringing Peace to the 21st Century* (London: Weidenfeld & Nicolson, 2007), 249.

policy and regulation, international and inter-entity criminal law enforcement, including relations with Interpol, establishment and operation of common and international communications facilities, regulation of inter-entity transportation, and air traffic control. All other governmental functions and powers according to the same article belong to the entities.

When compared to the federated units of Belgium, the entities of Bosnia and Herzegovina have more limited powers in external relations. According to the Constitution of Bosnia and Herzegovina, they have a right to establish special parallel relationships with neighbouring states and can enter into agreements with states and international organisations with the consent of the Parliament of Bosnia and Herzegovina. According to Woelk, the dominant position of the entities in the federal system of Bosnia and Herzegovina is actually best demonstrated in the field of foreign affairs where they have more extensive powers<sup>139</sup>.

Apart from the powers listed in the Constitution of Bosnia and Herzegovina, the central level of Bosnia and Herzegovina, mostly under the aegis of the High Representative, was given powers over defence, intelligence, security, the judiciary, prosecution of war crimes, human rights protection, and VAT. This led to the creation of new institutions and agencies at the state level, such as, for example, the public broadcasting service, Communications Regulatory Agency, Indirect Taxation Authority, Civil Service Agency of Bosnia and Herzegovina etc. It is important to note that these changes in the distribution of powers have not been reflected in the Constitutional amendments.

Residual powers of the entities include economic, scientific, technological, demographic and social development, economic policy, including planning, reconstruction, land use policy, energy policy, human rights, health,

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<sup>138</sup> Watts, *Comparing Federal Systems*, 35.

environmental policy, social welfare policy, tourism, natural resources, banking and taxation (excluding VAT), public services, work relations, work safety, employment, social insurance and other forms of social care, healthcare, veterans and invalid protection, child and youth care, culture and cultural resources protection, regulations for property relations and protection of all forms of property, legal status of enterprises and other organisations, their associations and chambers, development of agriculture and villages, the use of space, politics and measures for direction of the development and commodity reserves, education etc.<sup>140</sup>

The Republika Srpska has strongly opposed any further transfer of powers, and has advocated that Bosnia and Herzegovina should return to the original Dayton Agreement.<sup>141</sup> In 2009, the National Assembly of the Republika Srpska adopted Conclusions on the effects of the transfer of powers; it noted 68 cases of the transfer of powers and responsibilities from the institutions of the entities to the institutions of Bosnia and Herzegovina. In only three cases had the National Assembly of the Republika Srpska given its approval.<sup>142</sup> Furthermore, the National Assembly of the Republika Srpska stated that an imposed transfer of powers did not yield positive results; it requested that members of Parliament and delegates from the Republika Srpska in the Parliament of Bosnia and Herzegovina ask the opinion of the National Assembly of the Republika Srpska before voting on any document containing transfer of powers.<sup>143</sup> Although the Conclusions had a more political than legal effect,

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<sup>139</sup> Woelk, "Bosnia and Herzegovina," 112.

<sup>140</sup> Committee of Regions, Division of Powers, Bosnia and Herzegovina, <http://extranet.cor.europa.eu/divisionpowers/countries/Potential-Candidates/BAH/Pages/default.aspx> (accessed 28 February 2015).

<sup>141</sup> Dejan Šajinović, "Dodik: Zakone usaglašavati na nivou entiteta" [Dodik : Laws to be harmonised at entity level], *Nezavisne novine*, 1 September 2011, <http://www.nezavisne.com/novosti/bih/Dodik-Zakone-usaglasavati-na-nivou-entiteta-104187.html> (accessed 1 March 2016).

<sup>142</sup> "Zaključci u vezi Informacije o efektima prenosa ustavnih ovlašćenja sa Republike Srpska na institucije Bosne i Hercegovine" [Conclusions regarding information on transfer of constitutional powers from the Republika Srpska to the institutions of Bosnia and Herzegovina], RTRS 2 June 2009, <http://lat.rtrs.tv/vijesti/vijest.php?id=4385> (accessed 1 March 2016).

<sup>143</sup> Ibid.

the High Representative annulled them.<sup>144</sup>

The Constitution of Bosnia and Herzegovina provides that the institutions of Bosnia and Herzegovina are financed by their entities in such a way that the Federation of Bosnia and Herzegovina provides two-thirds and the Republika Srpska one third of the revenues required by the budget (Article VIII). Upon the recommendation of the Council of Ministers, the budget of the institutions of Bosnia and Herzegovina is proposed by the Presidency of Bosnia and Herzegovina and approved by the Parliamentary Assembly of Bosnia and Herzegovina (Articles V/3 and IV/4).

With the creation of the Indirect Taxation Authority of Bosnia and Herzegovina in 2004, all revenues that the entities and the District of Brcko collect from VAT are now paid to a single account in the Central Bank of Bosnia and Herzegovina.<sup>145</sup> From the single account, revenues are first allocated to the level of Bosnia and Herzegovina (according to the approved budget); the rest is distributed among the entities and the District of Brcko according to the proportion of VAT collected in their respective territories.<sup>146</sup> The governing board<sup>147</sup> of the Indirect Taxation Authority determines these quotas regularly, but roughly they amount to around 64.5 per cent for the Federation of Bosnia and Herzegovina, 32 per cent for the Republika Srpska and 3.5 per cent for the District of Brcko.<sup>148</sup>

Unlike the federated units of Belgium, the entities in Bosnia and Herzegovina have their own Constitutions. The Constitution of Bosnia and Herzegovina (Article

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<sup>144</sup> Marina Maksimović, “Solana: Inckov postupak neminovan” [Solana: Incko’s action inevitable], Deutsche Welle, 23 June 2009. <http://www.dw.de/solana-inckov-postupak-neminovan/a-4419634> (accessed 1 March 2015).

<sup>145</sup> Indirect Taxation Authority of Bosnia and Herzegovina, Web site, [http://www.uino.gov.ba/en/Poslovne\\_usluge/Jedinstveni\\_racun.html](http://www.uino.gov.ba/en/Poslovne_usluge/Jedinstveni_racun.html), (accessed 1 March 2015).

<sup>146</sup> *Zakon o uplatama na jedinstveni račun i raspodjeli prihoda* [Law on Payment to the Single account and on allocation of revenues], Parliament of Bosnia and Herzegovina, 2 December 2004, [http://www.uino.gov.ba/download/Dokumenti/Dokumenti/bos/Porezi/Jedinstveni\\_racun/Zakon\\_o\\_jedinstvenom\\_racunu.pdf](http://www.uino.gov.ba/download/Dokumenti/Dokumenti/bos/Porezi/Jedinstveni_racun/Zakon_o_jedinstvenom_racunu.pdf) (accessed 1 March 2015).

<sup>147</sup> The Governing Board is composed of six members, including the B&H Minister of Finance and the Ministers of Finance of the B&H Federation and the Republic of Srpska

XII 2) implicitly recognises the right of the entities to have their own Constitutions. The Constitution of Bosnia and Herzegovina also recognises the citizenship of the entities.

### 3.4 Intergovernmental relations

The success of a federal constitution, according to Zimmerman, depends to a certain degree on “harmonious intergovernmental relations.”<sup>149</sup> Each federal state has its own toolbox of intergovernmental mechanisms that reflect the particular nature of the constitutional set-up and the political history of the country.<sup>150</sup> The creation of intergovernmental arrangements and intergovernmental cooperation, in principle, is voluntary,<sup>151</sup> but some federations, as in the case of Belgium, may decide to institutionalise mechanisms for intergovernmental cooperation.

In a federal system, competition, cooperation, and conflict between federated units are inherent, and any constitution must contain provisions promoting cooperation and providing for peaceful resolution of disputes.<sup>152</sup> In almost all federal systems, there is some kind of arbitrary,<sup>153</sup> generally constitutional, court with jurisdiction over disputes between federated units, federated units and the centre, as well as disputes over the distribution of power. What follows is the analysis of the mechanisms for intergovernmental cooperation in the field of external relations established in Belgium and Bosnia and Herzegovina and instruments put in place by the two countries to resolve conflicts.

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<sup>148</sup> Indirect Taxation Authority of Bosnia and Herzegovina.

<sup>149</sup> Joseph Francis Zimmerman, *Interstate disputes: the Supreme Court's original jurisdiction* (Albany: State University of New York Press, 2006), 1.

<sup>150</sup> Johanne Poirier, “Formal Mechanisms of Intergovernmental Relations in Belgium,” *Regional and Federal Studies* 12, no. 3 (2002): 24.

<sup>151</sup> Nicole Bolleyer, *Intergovernmental Cooperation: Rational Choices in Federal Systems and Beyond*, (New York: Oxford University Press, 2009), 1.

<sup>152</sup> Zimmerman, *Interstate disputes*, 1.

<sup>153</sup> Kincaid, “Introduction,” 8–9.

### 3.4.1 Belgium

The Belgian federal system, which has a “non-hierarchical and competitive nature,” not only allows but also, according to Beyers and Bursens, stimulates the autonomous and independent action and behaviour of its federated units. Thus, they have no incentives to seek joint actions and policies.<sup>154</sup> The competitive nature of the Belgian federalism, coupled with the lack of trust and animosity between Flemings and Walloons, creates a space for disputes over powers and responsibilities, as well as conflicts of interests. Dumont et al. argue that conflicts concerning the distribution of power may arise because of the absence of legal precision or because of the ambition of the federated units or the federal government to expand their area of jurisdiction.<sup>155</sup> Therefore, to ensure the functioning of the federation as a whole, at least in theory, there are several institutions dealing with the resolution (Constitutional Court, Deliberation Committee) and prevention of conflict (Council of State, Deliberation Committee) and various mechanisms and instruments for cooperation and coordination (cooperation agreement, committees etc.).

Disputes over powers and responsibilities in Belgium are dealt with by the Constitutional Court (called the Court of Arbitration until 2007). The Constitutional Court is composed of 12 judges, six from the Dutch language group and six from the French.<sup>156</sup> Three Dutch-speaking judges and three French-speaking judges must have at least five years of experience as Members of the Parliament while the rest are appointed on the basis of their legal expertise.<sup>157</sup> One of the 12 judges must have an adequate knowledge of German. Judges are appointed for life by the King based on a proposal from the House of Representatives and the Senate.

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<sup>154</sup> Jan Beyers and Peter Bursens, “How Europe Shapes the Nature of the Belgian Federation: Differentiated EU Impact Triggers Both Co-operation and Decentralization,” *Regional and Federal Studies* 23, no. 3 (2013): 275.

<sup>155</sup> Dumont et al., “Kingdom of Belgium,” 56.

<sup>156</sup> The Constitutional Court of Belgium, Brochure 2014, 9, <http://www.const-court.be/public/brochures/e/%5B1%5DPresentation.pdf> (accessed 19 March 2015).

The Court has a priori jurisdiction over issues such as regional referendums, which require a favourable decision from the Court before being organised, and a posteriori jurisdiction over such matter as the review of legislative acts for compliance with the distribution of powers.<sup>158</sup> In several instances, the Constitutional Court has stated that “no authority... may exercise its powers in such a way as to make the exercise of another authority’s powers impossible or excessively difficult.”<sup>159</sup> This position is based on the principle of federal loyalty, as stated in Article 143 of the Constitution.<sup>160</sup>

The prevention of conflicts over competencies is mostly dealt with by a legislative section of the Council of the State called the Deliberation Committee (also sometimes referred to as the Concentration Committee). It is to be consulted in all legislative acts passed by the federal state, regions and communities.<sup>161</sup> If a proposed text of the legislative act is not in accordance with the distribution of powers, the Deliberation Committee gives its opinion<sup>162</sup>. The Deliberation Committee, which was created in 1980, is composed of the Prime minister (who presides of the meetings), minister-presidents of the regions and communities and ministers of the federal government and the governments of the regions and communities.<sup>163</sup> The Deliberation committee represents “decision-making body at the highest political level” to resolve conflicts of interests, which cannot be resolved by lower-level bodies.<sup>164</sup> The positions of the Deliberation Committee are to be based on consensus.

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<sup>157</sup> Ibid.

<sup>158</sup> Ibid., 10-11.

<sup>159</sup> Dumont et al., “Kingdom of Belgium,” 42.

<sup>160</sup> Ibid.

<sup>161</sup> Parliament of the French Community, Web site. <https://www.pfwb.be/le-parlement-se-presente/les-competencies-de-la-federation/conflits-de-competencies-et-dinterets> (accessed 15 March 2015)

<sup>162</sup> Ibid.

<sup>163</sup> Prime Minister of Belgium, “Le Comité de concertation” [Concentration Committee], <http://premier.fgov.be/fr/comite-de-concertation> (accessed 15 March 2015).

<sup>164</sup> Karoline Van den Brande, “Intergovernmental Cooperation for International Decision making in Federal States: The Case of Sustainable Development in Belgium,” *Regional and Federal Studies* 22, no. 4 (October-December 2012): 412.

In the management of intergovernmental relations, Belgium has adopted many instruments that allow the adjustment of the policies and activities of its actors in various sectors. Cooperation in Belgium, according to Poirier, is a “pragmatic tool,” perceived as “the necessary counterpart to the increased autonomy of federated entities.”<sup>165</sup>

An important mechanism of cooperation and coordination in the sphere of foreign policy was created with the Inter-ministerial Conference for Foreign Policy (CIPE). The CIPE was established by the Concentration Committee in accordance with the 1998 Ordinary Law on the reform of institutions.<sup>166</sup> This specialised committee, composed of representatives of the federal government and governments of the regions and the communities, meets regularly at the initiative of the federal government or a federated unit to discuss elements of foreign policy related to “mixed” or shared competencies.<sup>167</sup>

As specified in the Special Majority Law on Institutional Reform (1980), the federal government, the regions and the communities may conclude cooperation agreements in matters of joint interest, including the creation of the joint institutions.<sup>168</sup> Dumont et al. identify two types of cooperation agreements: firstly, optional agreements, which are not covered by the special majority law; secondly, obligatory agreements, such as “mixed international treaties,” which must follow the law.<sup>169</sup> An example of the “obligatory” cooperation mechanism is the Cooperation Agreement between the federal state, the communities and the regions on rules for

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<sup>165</sup> Poirier, “Formal Mechanisms,” 31.

<sup>166</sup> Senate of Belgium, “Réponse à la question écrite n° 5-626 de Karl Vanlouwe (N-VA) du 18 décembre 2010 au vice-premier ministre et ministre des Affaires étrangères et des Réformes institutionnelles” [Answer to the written question no 5-626 addressed by Karl Vanlouwe (N-VA) dated 18 December 2010 to the Deputy Prime Minister and the Minister of Foreign Affairs and Institutional Reforms], 11 October 2011, <http://www.senate.be/www/?MIval=/Vragen/SchriftelijkeVraag&LEG=5&NR=626&LANG=fr> (accessed 19 March 2015).

<sup>167</sup> Ibid.

<sup>168</sup> Special Majority Law on Institutional Reform (1980) found in Dumont et al., “Kingdom of Belgium,” 43-44.

the conclusion of mixed treaties, signed in 1994.<sup>170</sup> The Agreement stipulates that the Federal Government is to inform the Inter-ministerial Conference for Foreign Policy whenever it has the intention of starting bilateral or multilateral negotiations for concluding mixed treaties. It also envisages that federated units may bring an initiative to start negotiations for concluding a mixed treaty before the Inter-ministerial Conference for Foreign Policy. According to Article 2 of this Agreement, a region or a community may decide not to participate in negotiations but retain the right to sign the agreement without the possibility of changing it. A region or a community that has not participated in negotiations may also decide not to sign the final text of the agreement. The Federal Government is then obliged to inform the foreign body about the reservations of this federated unit.<sup>171</sup>

Another important cooperation agreement in the field of foreign policy concluded the same year relates to the representation of Belgium in international organisations whose activities concern “mixed competencies.”<sup>172</sup> This agreement obliges the federal authority in charge of Belgium’s representation to an international organisation to inform the federal state and federated units of all the activities, programs, initiatives etc. that are of their concern. It allows federated units to participate in the meetings of an international organisation and to have a representative within the permanent representation of Belgium. The communities and the regions may send instructions to their representatives, but only agreed-upon

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<sup>169</sup> Ibid.

<sup>170</sup> Cooperation agreement concluded on 8 March 1994 between the Federal State, the Communities and the Regions on further rules for the conclusion of the mixed treaties (*Belgian Official Gazette*, 17 December 1996), Text Distributed by the Institute of the International Law (K.U.LEUVEN), <https://www.law.kuleuven.be/iir/nl/info/verdragen/swa/1994-03-08AEN.pdf> (accessed 21 March 2015).

<sup>171</sup> Ibid.

<sup>172</sup> Framework agreement of 30 June 1994 on cooperation between the Federal State, the Communities and the Regions on the representation of the Kingdom of Belgium to the international organisations whose activities concern “mixed” competencies (*Belgian Official Gazette*, 19 November 1994), Text Distributed by the Institute of the International Law (K.U.LEUVEN), <https://www.law.kuleuven.be/iir/nl/info/verdragen/swa/1994-06-30EN.pdf> (accessed 21 March 2015).

positions can be presented to the international organisation.<sup>173</sup> The framework agreement also regulates the procedure for forming the official position of Belgium; this requires the consensus of the federal state, all federated units, and the Belgian delegation. Each authority concerned may be represented at the technical and ministerial meetings. The head of ministerial delegation may be the federal minister or the minister of a community or a region.<sup>174</sup>

Equally important is the Cooperation Agreement between the Federal State, the Communities and the Regions on the representation of the Kingdom of Belgium in the Council of Ministers of the European Union, also signed in 1994. The Agreement regulates the coordination of EU policies between the federal state and federated units, as well as the system of representation of Belgium within the Council of the EU. The Directorate-General for European Affairs and Coordination (DGE, until 2003 labelled as P.11) of the Federal Public Service Foreign Affairs organises consultation meetings attended by the representatives of the federal state and federated units; the meetings should result in the agreement of all stakeholders.<sup>175</sup> As for the representation of Belgium in the EU Council, a federal minister or a minister of a region or a community<sup>176</sup> may be the head of the Belgian delegation; the

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<sup>173</sup> Articles 3 and 4. The international organisations concerned are BENELUX, Council of Europe, OECD, UN (UNDP, UNEP, UNICEF, UNDCP, UNFPA, UNITAR, ECOSOC Council, UNECE), ILO, UNCTAD, UNIDO, UNESCO, WIPO, WTO, FAO, WHO, GATT, IOM, IHO

<sup>174</sup> Framework Agreement of 30 June 1994, on cooperation between the Federal State, the Communities and the Regions on the representation of the Kingdom of Belgium to the international organisations whose activities concern “mixed” competencies.

<sup>175</sup> Federal Public Service Foreign Affairs of Belgium, “Representation of the Belgian federated entities”, [http://diplomatie.belgium.be/en/policy/european\\_union/belgium\\_and\\_the\\_eu/representation\\_belgian\\_federated\\_entities/](http://diplomatie.belgium.be/en/policy/european_union/belgium_and_the_eu/representation_belgian_federated_entities/) (accessed 21 March 2015). In the absence of a consensus, a Belgian representative in the EU Council will abstain.

<sup>176</sup> The German Länders and the Belgian Communities and Regions mobilised to change the system of the representation at the EU, by which only the national ministers may take part in decision-making process and vote. This resulted in the revision of the 142 EEC Article to the 203 TEU Article in 1992, allowing the ministers of federated units to participate actively in the EU Council of Ministers, but under the condition that they represent not the interest of their respective regions or communities, but the interests of the federation as whole (Jan Beyers and Peter Bursens, “The European Rescue of the Federal State: How Europeanisation Shapes the Belgian State,” in *The Politics of Belgium: Institutions and Policy under Bipolar and Centrifugal Federalism*, ed. Marleen Brans, Lieven De Winter, and Wilfried Swenden (London and New York: Routledge Taylor & Francis Group, 2009), 202).

delegation itself is created by a special system with six categories.<sup>177</sup> Extensive involvement of the Belgian regions and communities in EU issues, as noted by Kerremans, necessitates the creation of these strong co-ordination systems.<sup>178</sup> Belgium is the only member state of the EU that refers directly in its signature of the Amsterdam treaty to the governments of its regions and communities.<sup>179</sup>

In 2000, at the initiative of the Belgian Ministry of Foreign Affairs the Committee for multilateral issues (COORMULTI) was created with the aim to effectively coordinate position of Belgium for multilateral meetings; it is a coordination body of the Directorate-General for Multilateral Affairs and Globalisation of the federal Ministry of Foreign Affairs.<sup>180</sup> The statute and functioning of COORMULTI are not laid down in a cooperation agreement.<sup>181</sup>

Although these cooperation agreements concern powers and responsibilities, they “cannot involve the exchange, abandonment or resumption of powers” according to the opinion of the Constitutional Court and the Council of State.<sup>182</sup> Any disputes that may arise from the cooperation agreement are dealt with by a cooperation tribunal composed of representatives of the federal authorities and federated units.<sup>183</sup>

According to the Butterfly Agreement, the most recent state reform reinforces the need for better coordination between the federal state and the federated units, especially in international obligations.<sup>184</sup> It envisages that the functioning and role of the Concentration Committee, as a focal point for cooperation and coordination,

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<sup>177</sup> Federal Public Service Foreign Affairs of Belgium, “Representation.”

<sup>178</sup> Bart Kerremans, “Determining a European Policy in a Multi-Level Setting: The Case of Specialised Co-ordination in Belgium,” *Regional and Federal Studies*, 10, no. 1 (Spring 2000): 36.

<sup>179</sup> *Ibid.*

<sup>180</sup> Van den Brande, “Intergovernmental Cooperation,” 417.

<sup>181</sup> *Ibid.*

<sup>182</sup> Dumont et al., “Kingdom of Belgium,” 43.

<sup>183</sup> *Ibid.*, 44.

<sup>184</sup> House of Representatives of Belgium, “Note de Politique Générale: Réforme de l’Etat” [General Policy Note: State Reform], Document 53 1964/016, 22 December 2011, <http://www.dekamer.be/FLWB/PDF/53/1964/53K1964016.pdf> (accessed 3 March 2015).

especially in the EU affairs, should be specified by law.<sup>185</sup> Swenden says cooperation works well in EU and other foreign policy areas partly because of extraneous pressures and partly because failure to reach internal agreement may result in loss of influence in international negotiations and decision-making processes.<sup>186</sup> In areas with a solely domestic dimension, a decision not to cooperate may be “politically expedient,” especially for Flanders which tends to minimise cooperation to gain more competencies.<sup>187</sup> According to Happaerts et al. Flanders favours those mechanisms that “bypass the Belgian context and that give it visibility in the multilateral arena as an entity in itself, and not as a part of the Belgian delegation.”<sup>188</sup>

Although intergovernmental relations that have international dimension are quite institutionalised in Belgium, there are some issues, for example international policy on sustainable development, where the coordination is rather informal and is based on the cooperation practices that exist in other policy areas such as the Framework agreement on international organisations from 1994.<sup>189</sup>

#### **3.4.2. Bosnia and Herzegovina**

In Bosnia and Herzegovina, the Constitutional Court has jurisdiction over disputes between the various entities and between the entities and the state; with the recent amendment of Constitution (2009)<sup>190</sup> it also has jurisdiction over disputes between the entities and the District Brcko, and the District Brcko and the state.

With the High Representative’s imposition of many laws transferring powers from the entities to central authorities, power-sharing arrangements in Bosnia and Herzegovina have been ignored and the principles of reciprocity and consensual

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<sup>185</sup> Ibid.

<sup>186</sup> Swenden, “Conclusion” 373-374.

<sup>187</sup> Ibid.

<sup>188</sup> Happaerts, “Are you Talking to us?” 138.

<sup>189</sup> Van den Brande, “Intergovernmental Cooperation,” 414.

<sup>190</sup> *Amandman I. na Ustav Bosne i Hercegovine* [Amendment I to the Constitution of Bosnia and

decision-making undermined.<sup>191</sup> Keil points out that with the extensive use of external impositions, Bosnia and Herzegovina has developed a political culture of dependence, leaving little room for a culture of consensus to evolve.<sup>192</sup> It is also a clear indication that the long-term strategy of the international community in Bosnia and Herzegovina is to strengthen the central level. This vision is shared by Bosniaks who see the transfer of powers to the level of Bosnia and Herzegovina as a step closer to their ultimate goal – a unitary centralised state. Serbs, however, vigorously oppose the strengthening of the state and advocate more autonomy for the entities; they want Bosnia and Herzegovina to return to the “original” Dayton Agreement. Croats fall somewhere in between; while they do not oppose, at least not publicly, the strengthening of the central state, they have been campaigning for the revision of the Dayton Agreement to give Croats territorial autonomy. These divergent aspirations and visions on power sharing and the functioning of Bosnia and Herzegovina among Bosniaks, Croats and Serbs, not to mention the international community, creates a fertile ground for conflicts. As Keil sums it up, the biggest problem of Bosnia and Herzegovina is the “continued absence of consensus on the nature of the state, and the relations of the three constituent peoples to the state.”<sup>193</sup>

Such an environment would necessitate the creation of highly institutionalised or *ad hoc* mechanisms of cooperation and coordination to stimulate cooperative intergovernmental relations in all spheres of mutual interests. However, these mechanisms remain underdeveloped. The Constitution of Bosnia and Herzegovina (Article III 4) provides that coordination between the entities on matters not within the responsibility of Bosnia and Herzegovina may be facilitated by the Presidency, unless an entity objects to it. According to a former member of the Presidency of

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Herzegovina], Sluzbeni Glasnik BiH [*Official Gazette of BiH*], no. 25/09, 26 March 2009.

<sup>191</sup> Keil, *Multinational Federalism*, 107.

<sup>192</sup> *Ibid.*

<sup>193</sup> *Ibid.*, 110.

Bosnia and Herzegovina from the Republika Srpska, Radmanovic, there are no records of the Presidency initiating such coordination.<sup>194</sup> The Council of Ministries of Bosnia and Herzegovina has only a *de facto* coordinating role for the issues that fall under the responsibility of the entities, such as, for example, education, agriculture, health, energy etc. Representatives of entities participate with the representatives of the Council of Ministers of Bosnia and Herzegovina in both *ad hoc* and permanent joint task forces and commissions<sup>195</sup> and steering boards<sup>196</sup> in matters within their jurisdiction and requiring joint action or the harmonisation of the policies of entities. As for cooperation and coordination between entities, they are mostly of an *ad hoc* nature, even though they can be quite regular. This includes meetings between the officials of two entities, presidents, speakers of the parliaments, prime ministers and ministries and agencies on specific issues.

The necessity of having more institutionalised cooperation and coordination is evident in the process of EU integration, as many EU issues have a regional dimension. Therefore, one of the conditions for Bosnia and Herzegovina to submit credible application for EU candidacy status is its demonstration of an effective mechanism of coordination between all levels of the administration in EU matters. Although negotiations on the issue lasted several years, a mechanism of coordination was adopted on the 26 January 2016, by the Council of Ministers of Bosnia and Herzegovina in a non-transparent manner and without consent from the Republika Srpska.<sup>197</sup> Not surprisingly, this triggered tensions between the Council Ministers of Bosnia and Herzegovina on one side and the authorities of the Republika Srpska on

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<sup>194</sup> Nebojša Radmanović, a Serb delegate in the House of Peoples in the Parliament of Bosnia and Herzegovina, former member of the B&H Presidency from the Republika Srpska (two mandates 2006-2010 and 2010-2014), interview by author, tape recording, Banja Luka, 9 April 2015.

<sup>195</sup> For example, National Commission of B&H to UNESCO, B&H Youth Commission, etc.

<sup>196</sup> For example Governing Board of the Indirect Taxation Authority

<sup>197</sup> A coordination mechanism was adopted at the session of the B&H Council of Ministries; it was not publicly announced and lacked the consent of the RS. (“Dodik: Mehanizam koordinacije treba da se usaglasi u tekstu, koji bi kasnije usvojili svi” [Dodik: the text of the coordination mechanism should be agreed upon so that it can be adopted by all parties], *Dnevni avaz*, 1 March 2016,

the other.

Following the Government of the Republika Srpska's objections to the actions of the Council of Ministers of Bosnia and Herzegovina, mostly with respect to the decision-making process and institutional representation in working bodies, the Council of Ministers of Bosnia and Herzegovina re-initiated talks on the coordination mechanism with the entities' governments.<sup>198</sup> Facilitated by the EU delegation to Bosnia and Herzegovina,<sup>199</sup> the various stakeholders agreed on a new harmonised document in August 2016. An operational and institutional system of internal coordination and decision-making in the process of the European integration was established, based on the following:

The principles of compliance with the existing internal legal and political structure in Bosnia and Herzegovina, safeguarding of competencies of all levels of government, as prescribed by the constitutions, and their institutions in charge of specific areas covered by the process of European integration, ensuring visibility and accountability of all levels of government for timely and effectively fulfilling of obligations and commitments in the European integration process within their scope of powers.<sup>200</sup>

The decision provides for the creation of several joint bodies, including the Collegium for European Integration, ministerial conferences, the Commission for European Integration and working groups for European integration (Article II 4). The main purpose of the system of coordination is that in the process of EU integration, Bosnia and Herzegovina will act based on the agreed-upon positions among all levels

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<http://www.avaz.ba/clanak/222684/top-read-week> (accessed 20 May 2016).

<sup>198</sup> Representative of the EU delegation to Bosnia and Herzegovina, interview by author, tape recording, 8 September 2016.

<sup>199</sup> Ibid.

<sup>200</sup> Article II 2, *Odluka o sistemu koordinacije procesa evropskih integracija u Bosni i Hercegovini* [Decision on the System of Coordination in the Process of European integration in Bosnia and Herzegovina], Službeni glasnik Bosne i Hercegovine [Official Gazette of Bosnia and Herzegovina], No. 72/16, 28 September 2016.

of government and, thus, will speak with “one voice” at EU institutions.

### 3.5. Current state of affairs

Both Belgium and Bosnia and Herzegovina continue to be polarised and segmented countries, to the extent that their future existence is sometimes questioned. Political crises arising from the non-formation of their respective central governments following the 2010 elections in both countries: it took 541 days for Belgium to form its government, often cited as the world record,<sup>201</sup> and 451 days for Bosnia and Herzegovina. This illuminated the deep divisions in their political landscapes. It also showed the lack of mutual trust among the key political figures in both countries. According to Swenden in consociational decision-making, trust is the “oil” which makes the process go smoothly; “without it gridlock and polarisation are more likely to surface and to remain a feature of politics, notwithstanding the arrival of a (fragile) agreement.”<sup>202</sup> As Marciacq observes three constituent peoples of Bosnia and Herzegovina have divergent views on the future of Bosnia and Herzegovina and how the state should evolve; their mutual level of trust remains rather low especially at the grassroots levels.<sup>203</sup>

Fragmentation of the political cultures of both Belgium and Bosnia and Herzegovina can be traced to the organisation of parties along ethnic or/and linguistic lines. The fragmentation of the party system in Belgium and Bosnia and Herzegovina began long before these countries became federal states. In case of Bosnia and Herzegovina, the parties who had organised around national lines came to power while the country was still part of the Socialist Federal Republic of Yugoslavia (1990). No single political party is dominant on entirety of the territory of Bosnia and Herzegovina. Even left-wing parties, such as Social Democrats (SDP and SNSD)

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<sup>201</sup> e.g. Swenden, “Conclusion.”

who claim to be multi-ethnic are, by and large, supported by one constituent people or have their constituency in one entity. The lack of incentives for cross-community cooperation, which can be observed in Bosnia and Herzegovina, can lead to “ethnic outbidding” according to Loizides<sup>204</sup>. Political parties compete only intra-ethnically “rather than with broader cross-community coalitions.”<sup>205</sup>

The fragmentation of the party system in Belgium began with the emergence of the ethno-regionalist parties following the creation of language borders.<sup>206</sup> Between 1968 and 1978, the statewide political parties in Belgium, including Socialists, Liberals and Christian Democrats broke up along linguistic lines under pressure coming from rising ethno-regionalist parties.<sup>207</sup>

In both Belgium and Bosnia and Herzegovina, the political parties influence not only political processes and the governing of the country, but also the society as whole. In the literature, this is often called “partitocracy.” Deschouwer defines partitocracy as “a system, which gives a strong and central position to the political parties that are present in and control almost all aspects of policy-making.”<sup>208</sup> Even their respective constitutional courts are composed of members who have been politicians (former members of the Parliament in Belgium) or party members.

Belgium experienced a short period of relative political stability, but 2007 marks “the beginning of a new period of instability and gridlock and fierce discussions about language, territory and even the survival of the country.”<sup>209</sup> According to Swenden, several things triggered the change: firstly, socio-economic factors, notably the strong division between the two language communities on the

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<sup>202</sup> Ibid., 370.

<sup>203</sup> Marciacq, “Sub-state Diplomacy in Malfunctioning States,” 340.

<sup>204</sup> Loizides, *Designing Peace*, 82.

<sup>205</sup> Ibid.

<sup>206</sup> Swenden and Jans, “Will It Stay or Will It Go?” 17.

<sup>207</sup> Ibid.

<sup>208</sup> Kris Deschouwer, *The Politics of Belgium: Governing Divided Society*, 2<sup>nd</sup> ed. (Basingstoke, Hampshire: Palgrave Macmillan, 2012), 4.

<sup>209</sup> Ibid., 1.

economic future of the country and economic discrepancies between Flanders and Wallonia; secondly, crises related to the federal design, including the small number of units and their bipolar dynamics, dual federalism in an interdependent environment, federalism without a master plan; thirdly, a polarised system of political parties, expressed as “We the (divided) parties.”<sup>210</sup>

The failure of the Government to find a compromise solution on the boundaries of the electoral district of Brussels and the constant reshuffling of the Government led to early elections in June 2010. After this date, the largest party both in Flanders and in the country overall has been the Flemish nationalist New Flemish Alliance (N-VA).<sup>211</sup> N-VA was not part of the Government formed in 2011 but won even more seats in the elections of 2014 and is now part of the Federal Government. The party advocates more autonomy for Flanders, a thorough reorganisation of the Belgian federal design into a loose confederation, and, eventually, the full independence of Flanders.<sup>212</sup>

While the political situation in Bosnia and Herzegovina has never been stable, it has deteriorated even more since 2006. External pressures to reform the Constitution, especially attempts to impose police reform, contributed to the further polarisation of the country. Political parties, even those who once fought the democratisation of Bosnia and Herzegovina, such as SNSD (Alliance of Independent Social Democrats, a party from the Republika Srpska) and SDP (Social Democratic Party from the Federation of Bosnia and Herzegovina), have adopted rhetoric and tactics traditionally seen as nationalistic.

Demands for more autonomy and full independence are increasingly voiced in Flanders and the Republika Srpska. As Deschouwer observes, the main argument put forward by Flanders is that the Belgian state is inefficient and cannot function

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<sup>210</sup> Swenden, “Conclusion,” 371-376.

properly, and “since it cannot really be changed, it must disappear.”<sup>213</sup> The same argument is found in the Republika Srpska, where representatives constantly point to the dysfunctionality of Bosnia and Herzegovina.

Not surprisingly, there are divergent views on EU affairs. For example, the Flemish parties N-VA and Vlaams Belang (a separatist party) and some of the Flemish Christian Democrats say the regions should receive more autonomy to be able to respond effectively to EU integration and economic globalisation, while Walloon parties argue Belgian interests and those of its regions can be best defended at the EU level only with a strong central state.<sup>214</sup> The Republika Srpska advocates more autonomy in the process of EU integration, while Bosniak parties demand a stronger central state able to act and speak with “one voice.” In the absence of their own entity, Croats parties ask for more powers for the cantons in the process of EU integration.

### **3.6. Conclusion**

This chapter provides a broad sketch of the federal institutional architecture of Belgium and Bosnia and Herzegovina. Even though both are unique, they have certain similarities. Belgium and Bosnia and Herzegovina became federal countries around the same time. For both, federalism has been seen as a solution to internal conflicts and tensions. A failure of both countries to form a government at the central level for more than a year after the elections in 2010 caused many to question the functionality and efficiency of their federal arrangements. The respective political crises were seen as a window of opportunity for those advocating centralisation, especially in Bosnia and Herzegovina, to criticise the federal institutional design.

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<sup>211</sup> Deschouwer, *The Politics of Belgium*, 2.

<sup>212</sup> Ibid.

<sup>213</sup> Ibid., 15.

<sup>214</sup> Beyers and Bursens, “How Europe Shapes,” 272.

However, it is still too early to say whether the two multinational federations have been successful; they have existed as such for barely 20 years. Their complex federal institutional architectures require a high degree of mutual cooperation, mutual trust and a common will for the system to function. Functionality of multinational federations also necessitates federal loyalty, also known as *Bundestreue* or *loyauté fédérale*, which represents “the commitment to work together to achieve the objectives and fulfil the needs of the federal polity.”<sup>215</sup> It will take longer for both Belgium and Bosnia and Herzegovina to operate at their best.

Federalism and federal arrangements in Belgium and Bosnia and Herzegovina have been dynamic and constantly evolving, albeit in different directions. This is especially evident with the distribution of powers, where the federated units in Belgium continue to gain more powers, while those in Bosnia and Herzegovina have lost considerable proportion of their initial competencies. Making the evolution even more interesting is the fact that when the federal state of Bosnia and Herzegovina was created, its federated units enjoyed more autonomy than those in Belgium, except in the field of external relations. It is also worth noting that the transfer of powers in Belgium was a result of democratic negotiations and difficult compromise, whereas in Bosnia and Herzegovina the transfer of powers was mostly imposed by the High Representative.

The constitutions of both countries provide that residual powers remain with the federated units, but this remains a dead letter in Belgium. The Belgian federated units are on equal footing with the federal state; federal legislation is not more powerful than the legislation of the federated units. In Bosnia and Herzegovina, the state has supremacy over the entities and the legislation of the latter must be

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<sup>215</sup> Kincaid, “Introduction,” 9.

harmonised with the legislation at the level of Bosnia and Herzegovina; where that is not the case, it is the law at the level of Bosnia and Herzegovina that prevails. In this chapter, I have also analysed certain aspects of the intergovernmental cooperation in Belgium and Bosnia and Herzegovina. It goes without saying that intergovernmental cooperation is required for the functioning of any federal state, but in multinational federations such as Belgium and Bosnia and Herzegovina, achieving harmonious collaboration among the central authorities and its constituent parts often represents a challenge in itself. This is especially the case in matters that directly concern or fall under the jurisdiction of federated units, as do many EU issues. Although nature of the Belgian intergovernmental relations are competitive and non-cooperative as noted in this chapter, exogenous pressures such as the EU influenced the development of various coordination instruments that de facto made the intergovernmental relations very cooperative. Belgium has managed to develop a relatively successful mechanism of coordination in EU matters. Bosnia and Herzegovina has finally, after a complex and tense process, adopted a mechanism of coordination for EU matters. It is yet to be seen if and how this mechanism will be effective.

Regions and federated units with a distinctive identity, such as Flanders, Catalonia, the Republika Srpska, Quebec, Scotland etc., which “have received far-reaching autonomy keep asking for more.”<sup>216</sup> Among other things, they act on the global stage and develop international agency – points that become more clear in the following chapters.

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<sup>216</sup> Deschouwer, *The Politics of Belgium* 12.

## Chapter 4

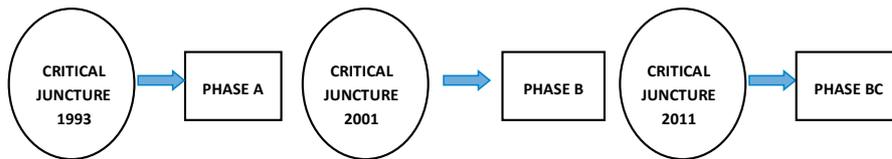
### External Relations of Flanders

#### 4.1. Introduction

Flemish internationalisation began in the in the second half of 1980s with promotion of its identity and culture abroad. These international activities were rather sporadic at that time, although several important initiatives were taken internationally such as entering into non-binding agreements (*ententes*, memoranda of understanding, protocols) with federated units. These agreements were mostly restricted to cooperation in culture, education and linguistics, but some covered cooperation in the economy, environment and health.

Today, Flemish external relations are multidimensional and include wide range of issues, from economy, culture, education, science, agriculture, and health, to security and political issues, such as human rights, democratisation etc. Although Flanders is still devoting significant attention to the promotion of its identity and culture, today they are more in the service of Flemish economic interests abroad than the preservation of autonomy at home, as they were at the beginning. As it will be shown in the Chapter, Flemish international agency went through several stage of development and is currently at the Phase BC. Flanders is currently in the process of consolidation of its external relations and is seeking the way to optimise its international agency.

There are several important major points in time, i.e. critical junctures, during which, Flanders made decisions that shaped the development of its international agencies. Decisions that were made during these critical junctures led to a new stage of evolution of its external relations as shown in the Graph 2.



Graph 2: Critical junctures and Phases of development of Flemish international agency

The first critical juncture is considered the fourth state reform of 1993, which led to the formation of the federal state of Belgium and gave extensive powers to federated units including external relations. The first critical juncture was crucial in the development of the Phase A of international agency of Flanders. It was during this stage that Flanders laid grounds for institutionalisation of its external relations. During Phase A, as it will be shown in this Chapter, Flanders was mostly concerned with the image building and putting Flanders on the map. The fifth state reform of 2001 represents important moment of time that expanded political and fiscal autonomy of the regions and the communities. It provided an opportunity for Flanders to move to the Phase B, where its external relations became more complex and multidimensional. The sixth state reform of 2011 provided for not only fiscal, but also social autonomy for federated units and is also considered in this thesis as an important moment of time. Flanders has used this window of opportunity to move to the Phase BC of the development of its external relations. As mentioned in the Introduction of this thesis, the BC mid-stage refers to the beginning of consolidation of external relations, during which federated units begin to strengthen their institutions for external relations. It is important to emphasise here that duration of each phase is not to be considered in absolute terms, in other words the time frame given to each phase is relative.

This Chapter examines the three stages of development of Flanders from the Phase A to the Phase BC. It considers how critical junctures influenced development of international agency of Flanders, how they opened the opportunities for Flanders to engage with several rationales such as cultural and historical legacy, geopolitical rationales, functional rationales, the EU, multilateral institutions and solidarity with other regions. As it was already said in the Chapter 1 of this thesis, these rationales can sometimes overlap and international engagement of a federated unit may be driven by several motivations simultaneously. For example motivations for developing relations with the Netherlands lay with the cultural and historical legacy, but also with functional rationales that include economy and cross border cooperation. This thesis also examines relations with Belgian institutions and diplomatic representations. It also analyses the tools that federated units use to position themselves internationally such as international treaties and agreements, development assistance and cooperation, public diplomacy etc.

#### **4.2. Phase A (1993-2000)**

The creation of federal state of Belgium is considered to be the first critical juncture in the development of the international agency of Flanders. It represents important moment of time because federated units were given extensive powers in international relations including the treaty-making powers. This had great strategic importance to Flanders. First, it allowed Flanders to enter into legally binding contracts with foreign partners; second, Flanders could take an active part in the negotiation of mixed treaties (i.e. at the federal level and at the federated unit level) with a *de facto* veto right both during the negotiations and at the ratification stage.<sup>1</sup>

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<sup>1</sup> Kris Peeters, "Policy Papers 2009-2014: Foreign Policy, International Entrepreneurship and Development Cooperation," Government of Flanders, (January 2010), 64.  
<http://www.flanders.be/en/publications/detail/policy-paper-2009-2014-foreign-policy-international-entrepreneurship-and-development-cooperation> (accessed 20 December 2015).

Flanders used this opportunity that the first junction created and begun to project internationally its distinct identity. The Phase A lasted from 1993 to 2000. During this stage Flanders begun to send its diplomats abroad and open General Representations abroad and other institutions for the promotion of its economy, trade and culture. It is important to note here that following the fourth state reform the first direct elections for the parliaments of the Regions and Communities took place in 1995. Christian People's Party (CVP), which won around 27 % of vote share and Socialist Party (SP) with 19 % of vote formed the Flemish Government led by Minister-President Luc Van den Brande. Two Flemish nationalist parties, Flemish Block (VB) and People's Union (VU) won together around 21 % of vote share.

One of the most important objectives of the Flemish Government under Luc Van den Brande (1992-1999) was name recognition on the international scene.<sup>2</sup> Van den Brande argued Flanders had unlimited constitutional means in the domain of foreign policy, which was its the most important asset. Therefore, the Flemish constitutional position must be reflected in its relations with sovereign states, regions and federated units.<sup>3</sup> To achieve that objective, he formulated foreign policy based on the concept of "economic culture" or "cultural economy".<sup>4</sup> The protection of territorial integrity was always an important dimension of the "Flemish national" interest and "dictated the international behaviour of Flanders."<sup>5</sup> Flemish Minister President Luc Van den Brande laid the foundations for the Flemish diplomatic apparatus. Van den Brande was very active internationally; he was the first Flemish high level official to go on official visits to South Africa. He initiated programs for

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<sup>2</sup> Michael Keating, "Paradiplomacy and Regional Networking," Forum of Federations: an International Federalism, unpublished document (Hanover: October 2000), 2.

<sup>3</sup> Luc Van den Brande, "La Flandre et sa vocation internationale. Priorités politiques 1995-1999" [Flanders and its international presence. Policy priorities 1995-1995], Flemish Minister in charge of external policy, European affairs, science and technology, Governmental Publication (Brussels: 1995), 11.

<sup>4</sup> Paquin and Lachapelle, "Why do sub-states and regions," 83.

<sup>5</sup> Massart-Piérard, "Politique des relations extérieures," 710.

countries in Central and Eastern Europe<sup>6</sup> and was keenly interested in building Flanders' image more generally. In 1995, Minister-President Luc Van den Brande introduced nine criteria for the selection of international partners. They were listed in the first Flemish international policy document and included the following: common language, culture and history; geographic proximity; (potential) intensity of economic and trade relations; parallel vision on and commitment to the development of the European Union; similarity of state structure, such as federalism or devolution; commitment to democracy and human rights; the possibility for Flanders to develop solidarity in a meaningful way; strategic location and international impact; willingness to recognise Flanders as a (full-fledged) partner.<sup>7</sup>

The creation and expansion of the Flemish diplomatic network was his initiative as well.<sup>8</sup> In 1994 and 1995, the first Flemish diplomats were sent to the Hague, Brussels, Vienna, Washington and Tokyo, and the First Flanders House was opened in Vienna in 1994.<sup>9</sup> He was the first Minister-President to take on the external relations and European affairs portfolio.<sup>10</sup> The Flemish diplomats, sent to posts in the Hague, Washington, Paris, Tokyo and Vienna were accredited through Belgian embassies in those cities; they enjoyed diplomatic status and had offices in the Belgian embassy building. Their work, especially at the beginning, was mainly restricted to culture, education and science, and instructions from the Flemish Government were limited.<sup>11</sup> At some point, Flanders apparently considered opening cultural delegations as a part of Dutch diplomatic representations rather than Belgian

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<sup>6</sup> David Maenaut, General Representative of the Government of Flanders to Austria, (first Flemish attaché in Tokyo, former general representative of the Government of Flanders to South Africa, the UN), interview by author, tape recording, 27 July 2016.

<sup>7</sup> Van den Brande, "La Flandre et sa vocation internationale," 8-9.

<sup>8</sup> Ibid.

<sup>9</sup> Flanders Investment and Trade, "Political Relations-The Diplomacy of the Flemish Representation," <http://www.flanderstrade.com/site%5CinternetEN.nsf/vlevReadmore?readform&id=485> (accessed 1 July 2016).

<sup>10</sup> Government of Flanders, "Regeringen Van den Brande" [Governments under Van den Brande] <http://www.vlaanderen.be/nl/vlaamse-regering/regeringen-geens> (accessed 15 August 2015)

ones, but this plan was soon abandoned.<sup>12</sup> The first General Representation Office of the Government of Flanders was opened in Austria in 1994.

Before the fourth state reform was formalised Flanders decided in 1992 to create within the Executive (then the Government) Administration for External Relations.<sup>13</sup> In 1995, after the regions were given external relations powers, the Administration for External Relations was reorganised into the Administration for Foreign Policy. Crikemans (2006) observes two important tendencies in Flemish external relations during, what is in this thesis called Phase A. Firstly, external relations and image building were seen as one, and secondly, a very strong link was developed between culture, economy and the Flemish identity.<sup>14</sup> In other words, culture was used to promote Flemish trade, attracting foreign investment and positioning Flanders politically on the international scene.<sup>15</sup>

In 1996, after the fourth state reform gave regions powers in the policy regulation of foreign markets and exports, trade export promotion agency “Export Vlaanderen” was created.<sup>16</sup> During the Phase A, in 1993, the Flanders Foreign Investment Office (FFIO) was created as an independent agency of the Flemish Government. In addition to investment officers already in Boston, San Francisco and Osaka, Flemish investment officers were placed in Singapore and Stockholm.<sup>17</sup> By the end of 1996, the network had expanded to Chicago, Dallas, Tokyo and Brussels.<sup>18</sup>

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<sup>11</sup> Maenaut, interview by author.

<sup>12</sup> Vanden Berche, Yvan (1999), “Flemish Foreign Policy: The Political and Strategic Importance of the Cooperation between Flanders and the Nordic Countries. Conclusions and Policy-Recommendations,” *Miméographié*, University of Antwerp found in Paquin, “Paradiplomatie identitaire et diplomatique,” 635

<sup>13</sup> Crikemans, “How subnational entities try to develop,” 12.

<sup>14</sup> *Ibid.*, 8.

<sup>15</sup> *Ibid.*

<sup>16</sup> Flanders Investment and Trade (FIT), Web site. <https://overheid.vlaanderen.be/vlaams-agentschap-voor-internationaal-ondernemen-vlaio-flanders-investment-and-trade-fit> (accessed 10 May 2016).

<sup>17</sup> Government of Flanders, “Dienst Investeren in Vlaanderen op kruissnelheid” [Foreign Investment at cruise speed], press release, 23 June 1997, <http://www.vlaanderen.be/nl/vlaamse-overheid/persberichten/dienst-investeren-vlaanderen-op-kruissnelheid> (accessed 11 May 2016).

<sup>18</sup> Parliament of Flanders, *Hoorzitting over het aantrekken van buitenlandse investeerders in*

The first critical juncture opened many opportunities for Flanders to engage in international relations. However, its activities during this Phase, lacked coordination and synergy and were not thoroughly planned. As the institutions engaged in international activities were not systematically integrated into one structure, there was a lot of duplication of work. What follows is the analysis of several rationales of international engagement of Flanders during the Phase A.

#### **4.2.1. Cultural and historical legacy**

From the very beginning of its internationalisation Flanders took several initiatives aimed at closer cooperation with the Netherlands. In fact, this has been the highest priority for the Flemish government for cultural and linguistic, geographic, and economic reasons. Formal cooperation started in the field of language, with the creation of the Dutch Language Union in 1980. Initially, participation in the Dutch Language community were partly financed and coordinated by the Ministry of Dutch Education and Flemish Culture,<sup>19</sup> part of the Belgian government since 1969 as mentioned in Chapter 3. Flanders was very active in the Dutch Language Union from the beginning. According to the General Representative of the Government of Flanders to the Netherlands, the preservation of the Union would be in question had not Flanders been so active.<sup>20</sup> The Netherlands, he argues, although providing two-thirds of the Union's budget, has been a very passive member.<sup>21</sup>

In July 1991, the Parliament of Flanders passed a resolution requiring that great attention should be paid to the development of cooperation with countries

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*Vlaanderen* [Hearing on *Attracting Foreign Investments in Flanders*, Case 517 (1996-1997)-no. 1, 10 January 1997, <https://docs.vlaamsparlement.be/docs/stukken/1996-1997/g517-1.pdf> (accessed 12 May 2016).

<sup>19</sup> Bernard Catrysse, Director of the Flemish Centre in Tokyo, interview by author, tape recording, 10 September 2016.

<sup>20</sup> Axel Buyse, General Representative of the Government of Flanders to the Netherlands, interview by author, tape recording, 5 July 2016.

<sup>21</sup> *Ibid.*

belonging to the Dutch linguistic community.<sup>22</sup> As mentioned earlier in the chapter, one of the first Flemish diplomats was sent to the Hague in 1994 and the same year, the Representation Office was opened. New opportunities for cooperation opened up with the first juncture when federated units were given treaty-making powers. In 1995, Flanders and the Netherlands signed the Treaty Concerning Cooperation in Culture, Education, Sciences and Welfare. The first few articles of the Treaty envisage mutual cooperation and harmonisation of policies, with consultation, whenever possible, on positions to be taken in European organisations and other multilateral forums; it also provides for the mutual cooperation particularly in the border areas.<sup>23</sup>

Criekemans observes that Belgium and the Netherlands had limited cooperation in the beginning of the 1990s, but the internationalisation of Flanders in the Netherlands led to stronger relations between them.<sup>24</sup> However, one could argue whether the choice of the Netherlands as one of the first international partners of Flanders was influenced by the limited relations with Belgium, or by the fact that during the Phase A of development of its international agency, Flanders was focused on projecting its cultural and linguistic identity. In any event, the choice of the Netherlands as a partner, who shares the same linguistic identity, was a natural choice, especially as it was very difficult for Flanders to establish a presence in other parts of the Dutch-speaking world, like Curaçao or Suriname.<sup>25</sup>

Although Flanders and the Netherlands share the same language and have similar culture, the nature of their relations is not be considered as the one between a

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<sup>22</sup> Massart-Piérard, "Politique des relations extérieures," 723.

<sup>23</sup> *Treaty Concerning Cooperation in Culture, Education, Sciences and Welfare*, Translation of the Treaty with comments *Den Foundation*  
<http://www.den.nl/art/uploads/files/Samenvatting%20%2B%20tekst%20verdrag%20CVN%20ENGLISH.pdf> (accessed 27 July 2016).

<sup>24</sup> Criekemans, "How subnational entities try to develop," 11.

<sup>25</sup> Buyse, interview by author

kin-community and a kin-state. Their relations are much more complex and are still burdened by some unresolved issues. To understand the complexity of the Dutch-Flemish relations and the “mixed feelings” of Flanders to the Netherlands, we need to revisit the history of their relations since the 16<sup>th</sup> century, more specifically, the Dutch revolt. According to the General Representative of the Government of Flanders to the Netherlands, many Flemings have felt betrayed by Flemish elite who fled from Antwerp and Amsterdam in the wake of the Dutch Revolt.<sup>26</sup> While on one hand there is a sense of common history and language background, on the other, there is a sense of alienation and the idea that the Dutch used and misused Flemings for political and other gains.<sup>27</sup> One of the most hotly contested issues has been the drainage and navigation of the Western Scheldt, a disagreement whose roots can be traced to the 16<sup>th</sup> century. From 1585 until the 19<sup>th</sup> century, the Scheldt River was blocked by the Dutch side and the port of Antwerp was denied access to the sea.<sup>28</sup> Once the river was opened for shipping in the 19<sup>th</sup> century, the port of Antwerp started to develop.<sup>29</sup> Because the mouth of the Scheldt is in Dutch territory, the port of Antwerp has always been completely at the mercy of the Dutch.<sup>30</sup> Several agreements have been signed on the management of the navigation route, but the issue of providing access to the sea to the port of Antwerp remains unresolved. A 1995 treaty on deepening the Scheldt River was the first Treaty Flanders concluded with a foreign entity.<sup>31</sup> This was followed by several other agreements and conventions,<sup>32</sup> but the issue remained unsettled, resulting in strained relations between Flanders and the Netherlands.

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<sup>26</sup> Buyse, interview by author.

<sup>27</sup> Ibid.

<sup>28</sup> J. Blomme, “*Preparing for the Future: the Port of Antwerp*,” in *North Sea Ports in Transition: Changing Tides*, ed. T. Kreukels and E. Wever, (Assen: Van Gorcum & Comp, 1998), 45.

<sup>29</sup> Ibid.

<sup>30</sup> Buyse, interview by author

<sup>31</sup> Crieckemans, “How subnational entities try to develop,” 10.

<sup>32</sup> For more information see Ministry of Foreign Affairs of the Netherlands “Treaty Database.”

Cultural and historical rationales have also been motivations for developing relations with South Africa. In 1994 the Government of Flanders decided that South Africa would become a priority international partner for Flanders. The end of Apartheid in South Africa in the beginning of the 1990s created opportunities for Flanders to internationalise in this part of the world. South Africa was very open after the end of Apartheid to establish relations not only with countries, but also with other entities interested in supporting development programs and projects.<sup>33</sup> Flemish cooperation initially focused on assistance towards the building of a new, democratic South Africa.<sup>34</sup> It is important to note here that up to the first quarter of the 20<sup>th</sup> century, Dutch was one of the two official languages in South Africa. Afrikaans is a language based on Dutch; about 15 per cent of the population speaks Afrikaans. Through the Dutch Language Union, together with the Netherlands, but also on its own, Flanders has taken many initiatives to promote the Dutch language and Flemish culture in South Africa. Equally important, the creation of Flemish development cooperation programs, which were for the first time launched and tested in South Africa, projected Flanders as an international player working to achieve poverty reduction, good governance, and health care. In addition, the economic opportunities created by the democratisation of the political system were appealing to the Flemish business and trading sector. The strategic position of South Africa within Africa and the idea that South Africa could be used to as entry gate into the rest of the continent were other important factors. Although the projection of Flanders as an international aid donor, as well as economy and trade were significant motivators of a Flemish presence in South Africa, especially at the later stage of development, the initial rationale was embedded with cultural and historical legacy.

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<sup>33</sup> Reymenants, interview by author.

<sup>34</sup> See *General Representation of the Government of Flanders* site, <https://www.flanders.org.za/about>

During the Phase A, all Flemish departments and ministries were interested, along with universities, NGOs, and the private sector to be present in South Africa; in effect, “everybody wanted to do something in South Africa, because it looked good.”<sup>35</sup> In 1994, Flanders had opened a Trade Office in Johannesburg. Relations between Flanders and South Africa were formalised in 1996 with the Treaty between the Government of Flanders and the Government of the Republic of South Africa on cooperation in education, art, culture, science, technology and sport. In 1999, Flanders opened the first General Representation Office in South Africa.

#### **4.2.2. Geopolitical rationale**

The first critical juncture created an opportunity for Flanders to establish relations with sovereign states. With extensive external powers, including treaty-making powers, Flanders was in position to engage in direct relations with sovereign states and institutions. However, not all sovereign states and international institutions were eager to establish relations with a federated unit. Therefore, Flanders looked for those international partners that would accept it as an equal partner. Flanders used instruments such as cooperation programs and development cooperation to fund various activities of its international partners. Changes in the political and economic systems of Eastern and Central Europe at the start of the 1990s created a window of opportunity for Flanders. Faced with negative legacy of socialist system and raising poverty, countries of Eastern and Central Europe were eager to find international partners that would fund projects aimed at transition from social to liberal economy. Thus, Flanders seized the opportunity, providing funds for cooperation programs and projects to improve the economic, social, educational and environmental sectors in these countries. The countries of Eastern and Central Europe were among the first to establish relations with Flanders. From 1992 to 2000, the Flemish Government

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<sup>35</sup> Reymenants, interview by author.

allocated around 61 million euros for 420 projects in the countries of Eastern and Central Europe.<sup>36</sup> Poland was the first country in the region to sign a cooperation agreement with Flanders in 1994.<sup>37</sup> Others quickly followed suit; Hungary signed in 1994,<sup>38</sup> Latvia, Lithuania and Estonia in 1996,<sup>39</sup> Romania in 1997, Slovenia in 1998. The cooperation agreements have been implemented through bi-annual or tri-annual working programs; joint governmental commissions meet every two to three years to discuss current programs and devise new ones.

Even though Flemish external policy in the Eastern and Central Europe may have not been clearly formulated at the beginning, it was motivated by four reasons. First, by establishing cooperation programs, Flanders defined itself as an active partner on the international stage,<sup>40</sup> thus contributing to its international visibility. Second, liberalisation of the countries' markets and their geographic proximity made them interesting potential economic partners.<sup>41</sup> Third, partnership with these countries, then striving to enter the EU, could strengthen the Flemish position in the EU in the long run.<sup>42</sup> Fourth, as some of these countries had internal issues related to language and identity,<sup>43</sup> a partnership would be mutually beneficial.<sup>44</sup>

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<sup>36</sup> The Government of Flanders, "Een nieuw Vlaams beleid inzake Centraal- en Oost-Europa" [A New Flemish policy for Central and Eastern Europe], press release, 22 February 2001, <http://www.vlaanderen.be/nl/vlaamse-overheid/persberichten/een-nieuw-vlaams-beleid-inzake-centraal-en-oost-europa> (accessed 3 August, 2016).

<sup>37</sup> General representation of the Government of Flanders in Poland and Baltic States, "Relations between Flanders, Poland and Baltic States," <http://www.vlaanderen.be/int/warschau/en/article/relations-between-flanders-poland-and-baltic-states>, (accessed 30 September 2015).

<sup>38</sup> Ministry of Foreign Affairs of Hungary, "Hungarian-Flemish Joint Commission Meets in Brussels," press release, 5 March 2013, [http://www.mfa.gov.hu/kulkepvisolet/BRUSSELS\\_BILAT/en/en\\_Hirek/Hungarian-Flemish+Joint+Commission+meets+in+Brussels.htm?printable=true](http://www.mfa.gov.hu/kulkepvisolet/BRUSSELS_BILAT/en/en_Hirek/Hungarian-Flemish+Joint+Commission+meets+in+Brussels.htm?printable=true) (accessed 30 September 2015); Flanders Department of Foreign Affairs, "Hungary and Flanders sign new cooperation program for 2013-2014," press release, 5 March 2013, <http://www.vlaanderen.be/int/en/news/hungary-and-flanders-sign-new-cooperation-program-2013-2014> (accessed 30 September 2015).

<sup>39</sup> General representation of the Government of Flanders in Poland and Baltic States.

<sup>40</sup> Berghe, Alstein, and Neeb, "Flemish Foreign Policy with regard to Central and Eastern Europe (1992-2003)."

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid.

### 4.2.3. European Union

At the start of the 1990s when Belgium was heading towards formal federalisation, Flanders was very eager to strengthen its autonomy at the EU level. Remember that Belgian regions and German Länders lobbied in the 1990s for the revision of Article 146 of the EEC Treaty. The issue of having a sub-national unit representing a member state was raised after the provincial government of Rheinland-Pfalz represented Germany at a meeting of the Cultural Council; this resulted in the Secretariat of the Council advising all members that Article 146 provided that only members of national governments could represent the member states.<sup>45</sup> Shortly after this, at the Intergovernmental Conference on Political Union in 1991, the Belgian delegation requested Article 146 be revised so that sub-national governments, in accordance with their constitutional prerogatives, could part take in the work of the Council.<sup>46</sup> Meanwhile, the French delegation demanded guarantees that member states would be represented as a whole not only their parts.<sup>47</sup> A compromise solution allowed Ministers of the federated units and regions to participate actively in the EU Council of Ministers, albeit on the condition that they represented not the interests of their respective regions or communities, but the interests of the federation as whole.<sup>48</sup>

The regional dimension of the European Union is a recurring theme in the Flemish foreign policy, according to Crikemans. In 1992, Former Minister-President Luc Van den Brande launched the Charter of Europe of the Regions.

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<sup>44</sup> Ibid.

<sup>45</sup> Kerremans and Beyers, "The Belgian Sub-national Entities," 44.

<sup>46</sup> Ibid.

<sup>47</sup> Ingelaere, F. 1994, 'De Europeesrechtelijke draagvlakken van de nieuwe wetgeving inzake de internationale betrekkingen van de Belgische Gemeenschappen en Gewesten', *Sociaal-Economische Wetgeving*, No.2. (1994), 69 quoted in Kerremans and Beyers "The Belgian Sub-national Entities," 44.

<sup>48</sup> Kerremans and Beyers, "The Belgian Sub-national Entities," 44.; Beyers and Bursens (2009) *ibid* p. 202; Bursens and Deforche, "Going Beyond Paradiplomacy?" 165.

With the growth in importance and influence of the European Union both at the domestic and international level, it was clear to Flemish officials from the very beginning that they had to target the EU if they wanted to avoid having their autonomy slip away with the expansion of EU powers.<sup>49</sup> However, building relations with the EU has been much more difficult than establishing relations and cooperation with countries. As the EU is very conservative vis-à-vis handling the regions, achieving a significant Flemish presence and intensity of cooperation within the EU framework was a laborious task,<sup>50</sup> especially during the Phase A.

#### **4.2.4. Solidarity with other regions and federated units**

Federated units and regions often try to establish relations with other regions that have similar autonomous status within their own respective countries i.e. with regions in federal, decentralised or devolved states. Federated units with distinctive identity also strive to establish relations with regions alike, whose culture and identity is different from the rest of the country. Their cooperation is mostly focused on culture, language and identity and they try to mobilise forces to have a stronger say especially at the multilateral level such as the EU or the UN. A case in point would be afore-mentioned mobilisation of Belgian regions and German Länders to revise the Article 146 of the EEC Treaty. Unlike states, federated units and regions rarely express their reservation vis-à-vis relations with another region.

During the Phase A, Flanders began to establish very close relations with several federated units and regions, especially Quebec, Catalonia and North Rhine-Westphalia. Cooperation with some of these regions begun even before the first critical juncture. Quebec was the first international partner with whom Flanders signed an agreement; in 1986, they signed a scientific *entente* in the field of

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<sup>49</sup> Buyse, interview by author

biotechnology and information technologies, and in 1989, they signed a general *entente*.<sup>51</sup> In 1994, Flanders and the Quebec Centre for Industrial Research and Flemish Institute for Technological Research signed a cooperation protocol.<sup>52</sup> From the outset, relations between Flanders and Quebec have been unique and culture and language assumed the central role within their relations. The uniqueness of the relations between Flanders and Quebec comes from their individual efforts to preserve their own identity, culture and language at home.<sup>53</sup> Formal cooperation with Catalonia was established also before the fourth reform was formalised. Flanders and Catalonia signed the joint declaration in 1992.

Flanders established formal relations with Catalonia in 1992 with the signing of a joint declaration.<sup>54</sup> In 1991, Flanders and North Rhine-Westphalia signed a Memorandum of Understanding on general cooperation; in 1999, they signed a joint declaration on cooperation in mobility, public works, social economy, culture, youth, sport, science and innovation.<sup>55</sup>

As for other German *Länders*, Flanders signed a letter of intent with Baden-Württemberg in 1990; it provided for cooperation in education, social economy, science and innovation, the environment, nature, energy, welfare, health and family.<sup>56</sup> When a Joint Declaration was signed in 1993 by the Flemish Community and Baden-Württemberg, cooperation was expanded to include culture, sport, youth, public works, spatial planning, housing policy and heritage.<sup>57</sup> In terms of cross-border

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<sup>50</sup> Ibid.

<sup>51</sup> The Ministry of International Relations and la Francophonie of Quebec, “Belgique: Relations politique” [Belgium: Political relations], <http://www.mrif.gouv.qc.ca/fr/relations-du-quebec/europe/belgique/relations-politiques> (accessed 10 August 2016).

<sup>52</sup> Government of Flanders, Treaty Database, <http://nadia-burger.vlaanderen.be/nadia/beheerdossier/get.do?identificatienummer=987&tab=1> accessed 9 May 2016.

<sup>53</sup> Pynnaert, interview by author.

<sup>54</sup> Government of Flanders, Treaty Database .

<sup>55</sup> Government of Flanders, Treaty Database.

<sup>56</sup> Government of Flanders, Treaty Database.

<sup>57</sup> Ibid.

cooperation, the regions of Northern France, in particular Nor-Pas De Calais, have had significant importance for Flanders. In 1990, Flanders signed a Memorandum of Understanding with Nor-Pas De Calais. The MoA fostered cooperation in culture, youth, sport, science and innovation and mobility.

It is also important to note here that during the Phase A, Flanders became an associated partner of the Four Motors of Europe, the Association established in 1988 by Baden-Württemberg, Catalonia, Lombardia and Rhône-Alpes.<sup>58</sup> The Four Motors of Europe was established to promote the internationalisation of these regions and strengthen their role in the EU; it advocated the creation of the Europe of the regions. Its mission today is focused on innovation and reinforcing competitiveness in the economy, science and technology.<sup>59</sup> Flanders participates actively in the working group on economy; other associated regions include Malopolska, Quebec and Wales.

#### **4.2.5. Multilateral Institutions**

Multilateral forums represent an important yet difficult territory to “conquer” for a federated unit or a region. International institutions are often regarded by nation states as a strong bastion of their dominance. Thus, the participation of federated units is likely to meet with objections not only from their own states, but also from other member states. Some international organisations are reluctant to cooperate with federated units and regions, not only because of their objections of their respective member states, but also because the majority of international organisations still have rigid bureaucratic systems that have difficulty accommodating several levels of partners. Others, whose programs depend heavily on extra budgetary resources, such as UNESCO, the International Labour Organisation (ILO), and the World Health

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<sup>58</sup> Four Motors of Europe and Associates, “Associated Regions,” <http://4motors.eu/en/associated-regions-2/> (accessed 10 August 2016).

<sup>59</sup> Ibid.

Organisation (WHO), have had less trouble accepting sub-state actors as partners through their financial contributions. According to former Minister President Van den Brande, any contribution of Flanders to an international organisation aims at stimulating the interest of that organisation.<sup>60</sup> With the global trend towards decentralisation, he contends it is important to show international organisations that relying on states will lead to the “impoverishment of the international forum.”<sup>61</sup> The main motivation for a Flemish multilateral presence, he says, has been twofold: to show international organisations and their member states that Flanders is a competent and a reliable partner and to contribute to the goals shared by Flanders and the organisations.<sup>62</sup> “After all, if Flanders wants to become a true diplomatic player it cannot limit itself to bilateral cooperation only.”<sup>63</sup>

UNESCO was among the first international organisations with whom Flanders developed cooperation agreements.<sup>64</sup> Cooperation started in 1998 with the signing of a General Cooperation Agreement between Flanders and UNESCO. This led to the creation of the UNESCO/Flanders Fund-in-Trust to support UNESCO's activities in science (Science Trust Fund - FUST) in 1999<sup>65</sup> and the General Flemish Trust Fund (FUT) in 2001.<sup>66</sup> The cooperation agreement was the first formal agreement between an international governmental organisation and a sub-state entity.<sup>67</sup> Even now, there are few such agreements.<sup>68</sup>

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<sup>60</sup> Van den Brande, “La Flandre et sa vocation internationale,” 11.

<sup>61</sup> Ibid.

<sup>62</sup> Dierckx, interview by author.

<sup>63</sup> Ibid.

<sup>64</sup> Crieckemans, “How subnational entities try to develop,” 16.

<sup>65</sup> UNESCO/Flanders Funds-in-Trust for the Support of UNESCO's Activities in the Field of Science, Web site. <http://fust.iode.org/home> (accessed 14 September 2015).

<sup>66</sup> Flanders Department of Foreign Affairs, Flanders-UNESCO Trust Fund <http://www.vlaanderen.be/int/en/mission-general-trust-fund> (accessed 22 July 2016).

<sup>67</sup> UNESCO/Flanders Funds-in-Trust for the Support of UNESCO's Activities in the Field of Science.

<sup>68</sup> UNESCO signed a cooperation agreement with the Basque on Basque volunteers in the UNESCO system. For more information see [http://www.unescoetxea.org/base/lan-arloak.php?id\\_atala=16&id\\_azpiatala=13079&hizk=en&id\\_kont=13090](http://www.unescoetxea.org/base/lan-arloak.php?id_atala=16&id_azpiatala=13079&hizk=en&id_kont=13090)

During the Phase A Flanders also began to develop close partnerships and cooperation with International Labour Organisation (ILO). In 1997, Flanders signed the first fully-fledged Cooperation agreement with the ILO.<sup>69</sup> For Flanders ILO has been an important international partner because of its role in the field of employment. The Government of Flanders is required to report regularly on the implementation of ILO conventions. Initially, Flemish development cooperation did not focus on a particular geographic region. Numerous projects were therefore undertaken in Central and Eastern Europe, Asia, Africa and South America.

#### **4.3. Phase B (2001-2010)**

The fifth state reform, which is considered in this thesis as the second critical juncture, expanded political and fiscal autonomy of the regions and the communities. Transfer of foreign trade and some aspects of development cooperation provided an opportunity for Flanders to shift its focus from language and culture to other aspects of internationalisation. Being given more fiscal autonomy, Flanders was also in position to allocate more financial resources both at home and abroad for its international activities. During the Phase B, Flanders was more focused on promoting external trade and reinforcing Flemish economic representation abroad.<sup>70</sup>

During the Phase B, the Government of Flanders made decision to create new institutions that would focus on types of international activities that were not related solely on culture, identity and language. It also made a decision to transform some of the old institutions, created during the previous phase, to new purposes.

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<sup>69</sup> International Labour Organisation and Government of Flanders, "25 Years of Cooperation: 1991-2016," 3-4, [http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/genericdocument/wcms\\_179328.pdf](http://www.ilo.org/wcmsp5/groups/public/---dgreports/---exrel/documents/genericdocument/wcms_179328.pdf) (accessed 25 July 2016).

<sup>70</sup> David Crikemans, "How subnational entities try to develop their own 'paradiplomacy'. The case of Flanders (1993-2005)," Geneva: Conference on Challenges for Foreign Ministries: Managing Diplomatic Networks and Optimising Value (31 May -1 June 2006): 14, <http://paradiplomacia.org/upload/downloads/418b10efdd1b499d20e71ddee72a698bparadiplomacy.pdf> (accessed 10 January 2016).

For example in 2004, Tourism Flanders-Brussels was created as an independent governmental agency.<sup>71</sup> Tourism Flanders-Brussels is responsible for marketing, including international markets, the promotion of Flanders as a tourist destination, including its image. It acts as a centre for knowledge and quality in the sector of tourism for the Flemish Government and entrepreneurs and follows up on the implementation of tourism-related strategies.<sup>72</sup> The Government of Flanders during this stage also began to merge some of its institutions in order to maximise efficiency, reduce costs and avoid overlap. In 2005, the Government of Flanders decided to merge Flanders Foreign Investment Office and Export Vlaanderen, which were created during the Phase A, into one agency and created Flanders investment and trade (FIT) in 2005. Export Vlaanderen and FFIO had already established a close cooperation and would often represent each other, especially in countries where one had representatives and the other did not.<sup>73</sup>

Diversification and growth of Flemish international activities, in terms of both geographical presence and content, influenced the reorganisation of the Administration for Foreign Policy in 2006 into the Department for Foreign Affairs (*Departement Internationaal Vlaanderen- DIV*). The Department was further divided into Diplomatic Network Division, Foreign Affairs Division, Global Challenges Division, Staff Division and Tourism Enterprise and Strategic Goods Division.<sup>74</sup> The Department for Foreign Affairs coordinates international activities of the Flemish authorities, establishes Flemish positions in the EU and in other international arenas, and has an important role in shaping the foreign policy of Flanders. Besides foreign policy, the Department is responsible for tourism, development cooperation and

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<sup>71</sup> Flanders Department of Foreign Affairs, "Tourism Flanders-Brussels," <http://www.vlaanderen.be/int/en/tourism-flanders-brussels> (accessed 15th May 2016).

<sup>72</sup> OECD, *OECD Tourism Trends and Policies 2012*, (Paris: OECD Publishing, 2012), 134.

<sup>73</sup> Ibid.

international enterprise. Its main mission today is to protect the international interests of Flanders, promote Flemish economy and tourism abroad, and contribute to the reduction of structural poverty in the world.<sup>75</sup>

As the regions were given powers in the development cooperation during the fifth state reform, Flanders decided in 2006 to establish the Flanders International Cooperation Agency (FICA) as an autonomous agency with the mission “to help close the North-South gap, promote sustainable development in the South and realise a just, peaceful and prosperous international community.”<sup>76</sup> The agency was responsible for bilateral cooperation with the countries of the South, for providing support to indirect actors of development cooperation, for cooperating with multilateral institutions and organisations working on development cooperation, emergency aid and relief, and for raising public awareness and support.<sup>77</sup>

In 2007 the Flemish Foreign Affairs Council (SARIV) was formed, as an independent strategic advisory board composed of ten representatives from civil society and ten experts.<sup>78</sup> The Council’s main task was to provide advisory opinions to the Flemish Government on foreign policy, international trade, tourism and development cooperation on its own initiative or at the request of the Government.<sup>79</sup>

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<sup>76</sup> Flanders International Cooperation Agency, “*Annual Report 2012*,” (2012), 4. [http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/annual\\_report\\_2012\\_V2.pdf](http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/annual_report_2012_V2.pdf) (accessed 2 July 2015).

<sup>77</sup> Ibid.

<sup>78</sup> The Council was formed by the Flemish Government’s Decree “Decreet tot oprichting van de strategische adviesraad internationaal Vlaanderen” [Decree establishing the Strategic Foreign Affairs Council], Government of Flanders, 16 May 2007, [http://www.sariv.be/web/images/uploads/public/4289341807\\_2007-05-16\\_oprichtingsdecreet.pdf](http://www.sariv.be/web/images/uploads/public/4289341807_2007-05-16_oprichtingsdecreet.pdf) (accessed 30 August 2015).

<sup>79</sup> Flemish Foreign Affairs Council, Web site. <http://www.sariv.be/EN/home/3/> (accessed 30 August 2015).

The Council decided in September 2014 to cease its activities, after the new Flemish Coalition announced its abolition.<sup>80</sup>

The Flemish House in New York was officially opened in 2009. It was registered under US law as a non-profit organisation and thus did not enjoy diplomatic status. When its first director was charged with embezzlement, the Government of Flanders decided to dissolve the Centre as a non-profit organisation.<sup>81</sup> In 2010 it opened a General Representation office, accredited through the Belgian General Consulate in New York.

The Flemish foreign policy during this Phase focused less on image building and projection of Flanders in the world and more on substance.<sup>82</sup> The global project “Colourful Flanders” (“Kleurrijk Vlaanderen”), launched in 2002, was oriented towards bringing the international dimension into Flanders rather than other way around; this was done by encouraging multiculturalism and attracting direct foreign investments.<sup>83</sup> The most important objectives of the Flemish Government from 1999 to 2004 were to: defend the Flemish vision in the EU and other multilateral forums, strengthen relations with sovereign states and European and other regions, especially Quebec, put in place economic diplomacy to promote trade and attract investments, and work in the domain of international cooperation and development.<sup>84</sup> What follows in the analysis of the opportunities created during the second critical juncture for Flanders to engage internationally.

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<sup>80</sup> Ibid.

<sup>81</sup> “Kris Dierckx vervangt schandaaldirecteur Vlaams huis in New York” [Kris Dierckx replaces scandal-rocked Director of the Flemish House in New York], *HLN.BE*, 20 July 2010, <http://www.hln.be/hln/nl/957/Binnenland/article/detail/1135194/2010/07/20/Kris-Dierckx-vervangt-schandaaldirecteur-Vlaams-huis-in-New-York.dhtml> (accessed 15 October 2015).

<sup>82</sup> Stéphane Paquin, “Paradiplomatie identitaire et diplomatie en Belgique fédérale: le cas de la Flandre” [Identity paradiplomacy and diplomacy in the federal Belgium: the Case of Flanders], *Canadian Journal of Political Science* 36, no 3 (July-August 2003): 633.

<sup>83</sup> Marc Calcoen, deputy chief of the Cabinet of the Flemish Minister-president, interview with Stéphane Paquin, 28 June 2001, quoted in Paquin, “Paradiplomatie identitaire et diplomatie,” 633.

<sup>84</sup> Paquin, “Paradiplomatie identitaire et diplomatie,” 633-634.

### 4.3.1. Cultural and historical legacy

During the Phase B, opportunities were created for Flanders to shift from the culture and identity promotion to a more multidimensional international engagement. Cooperation with the Netherlands remained the highest priority for Flanders during the Phase B. The relations were reinforced with the creation of the Flemish-Dutch cultural institution “deBuren” in Brussels in 2004. The main function of the cultural institution is to promote Flanders and the Netherlands as a space linked by language and culture. This institution is financed jointly by the Flemish Ministry of Culture and the Dutch Ministries of Education, Culture and Science and of Foreign Affairs.<sup>85</sup> However, promotion of language and culture has not had the same priority for the Dutch and Flemings. The Dutch have a completely different sense of national identity than the Flemings, and their position vis-à-vis the Dutch language is very different, as the Dutch don’t have the emotional link to the language to the extent the Flemings have.<sup>86</sup> While Flemish people historically had to fight for the right to use the Dutch language in public institutions and to study in Dutch, for the Dutch people in the Netherlands, it has always been obvious. Nor do they feel as motivated as Flemish people to promote Dutch abroad.<sup>87</sup> The General Representative of the Government of Flanders to the Netherlands even claims that without Flanders, there would be no cultural and linguistic presence of the Dutch language and culture abroad, at least not in the same way as we know it today, and they would be limited to mercantile forms of cultural and linguistic presence.<sup>88</sup>

In 2003 Flanders and the Netherlands signed a Treaty concerning the accreditation of Dutch and Flemish higher education programs. The treaty envisaged

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<sup>85</sup> deBuren, “More About us,” <http://clingendael.nl> (accessed 20 July 2016).

<sup>86</sup> Buyse, interview by author

<sup>87</sup> Catrysse, interview by author.

<sup>88</sup> Buyse, interview by author

the creation of an independent accreditation organisation. In 2005, the Accreditation Organisation of the Netherlands and Flanders (NVAO) was established as a binational institution whose purpose was to ensure the quality of higher education in the Netherlands and Flanders.<sup>89</sup> There are around 40 Dutch and Flemish employees working in the main office of NVAO in the Hague.

In 2005, the Flemish Government published “Strategy paper for the Netherlands.” This was the first document of this kind produced by the Government of Flanders. The strategy paper set the priorities and objectives and determined the instruments for achieving them. Strategic objectives that were identified as the priorities in relations with the Netherlands among other things include creating a positive image of Flanders in the Netherlands in order to attract Dutch investments and tourists, intensifying relations in the area of common interests and where they could be complementary, promoting Flanders and economically and ecologically sustainable spatial and logistics hub in Europe, whenever possible adopt a common position in the EU and multilateral institutions.<sup>90</sup>

Relations with the Netherlands although quite developed, continued to have some unresolved issues during this stage as well. During the Phase B, tensions reached a peak in August 2009 when the Dutch Council of State decided deepening the river would harm the environment and halted the implementation of the treaty signed by the two governments in 2005.<sup>91</sup> Many Flemings felt the Dutch decision was not inspired by environmental concerns, but was purely economic, as the Dutch port of Rotterdam would benefit if Antwerp remained inaccessible. Many Flemish

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<sup>89</sup> See official website of NVAO <https://www.nvao.com>

<sup>90</sup> See “Strategienota Nederland”, [*Strategic Paper Netherlands*]  
[http://www.fdfa.be/sites/default/files/atoms/files/Strategienota%20Vlaanderen-Nederland\\_0.pdf](http://www.fdfa.be/sites/default/files/atoms/files/Strategienota%20Vlaanderen-Nederland_0.pdf)

<sup>91</sup> Jamie Smyth, “Row over deepening river dredges up old Dutch-Belgian dispute,” *The Irish Times*, 1 September 2009, <http://www.irishtimes.com/news/row-over-deepening-river-dredges-up-old-dutch-belgian-dispute-1.729216> (accessed 25 July 2016).

politicians called for a boycott of Dutch mussels and other products.<sup>92</sup> After several months of negotiations, the Government of the Netherlands reached a decision in November 2009, and the dredging work finally began.

As for South Africa, in 2001, the Governments of Flanders and South Africa signed a Memorandum of Understanding on Development Cooperation with the objectives of reducing poverty and rectifying the social and economic disparities created by Apartheid.<sup>93</sup> Although the Memorandum concerned only three provinces, it covered many sectors, including the economy, welfare policy, housing, the environment, infrastructure, agriculture, local government, education, tourism and many others.<sup>94</sup> In 2002, two Governments signed the Treaty to cover all Flemish competencies.<sup>95</sup> After 2005, the cooperation became more focused; the first Country Strategy Paper was drafted and approved by the Governments of Flanders and South Africa. It provided a framework for a more consolidated approach to development cooperation with a clear vision and mission of how to work with South Africa; it identified the priority areas, as well as the stakeholders and implementing partners.

As for other countries of Southern Africa, Flanders signed a Memorandum of Understanding on development cooperation with Mozambique in 2004 and 2009<sup>96</sup> and with Malawi 2007.<sup>97</sup> Malawi and Mozambique are the other two countries that

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<sup>92</sup> Bruno Waterfield, "Belgians urged to boycott Dutch mussels in port row," *The Telegraph*, 20 August 2009, <http://www.telegraph.co.uk/news/worldnews/europe/belgium/6062679/Belgians-urged-to-boycott-Dutch-mussels-in-port-row.html> (accessed 25 July 2016).

<sup>93</sup> *Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Flanders on Development Cooperation*, 2001 <http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/Memorandum%20Of%20Understanding%20South-Africa%20and%20Flanders.pdf> (accessed 5 April 2016).

<sup>94</sup> Article 3 Areas of Cooperation, *Memorandum of Understanding between the Government of the Republic of South Africa and the Government of Flanders on Development Cooperation*, *ibid*

<sup>95</sup> See *General Representation of the Government of Flanders* site, <https://www.flanders.org.za/about>

<sup>96</sup> *Memorandum of Understanding between the Government of Flanders and the Government of the Republic of Mozambique on Development Cooperation*, March 2009, <http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/Memorandum%20Of%20Understanding%20Flanders%20Mozambique.pdf> (accessed 30 October 2015).

<sup>97</sup> *Memorandum of Understanding between the Government of Flanders and the Government of the Republic of Malawi on Development Cooperation*, January 2007,

are in the focus of Flemish development cooperation in the Southern Africa.

Objectives in the area have been defined in Country Strategy Papers on development cooperation, and a total budget of 25 million euros has been allocated for each country.<sup>98</sup> The relations between Mozambique and Flanders started to develop in 2002, before the Memorandum of Understanding was signed, but it mostly focused on fighting AIDS.

#### **4.3.2. Geopolitical rationale**

During this stage of development, Flanders continued to sign cooperation agreements with the countries of Eastern and Central Europe. Flanders signed the cooperation agreement with Bulgaria in 2001, Slovakia and Czech Republic in 2002, and Croatia in 2006.<sup>99</sup> Cooperation with the countries of Eastern and Central Europe was modified since 1994. In 2001, a new Policy on Central and Eastern Europe was approved;<sup>100</sup> it gave priority to ten countries set to join the EU in 2004 and 2007. The focus of the new policy was to assist the countries of the region during the EU accession process, help them create democracy and a free market economy and support those sectors where Flemings had expertise, such as small and medium enterprises, employment, regional economic policy, ports and harbours, environment and agriculture.<sup>101</sup> To optimise resources, the Government decided that the Fund for Central and Eastern Europe and the various cooperation agreements should be used in a more consolidated manner and not separately, as was the case before.<sup>102</sup> Based on the new Policy on Central and Eastern Europe, in 2002, the Government of Flanders

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(<http://www.vlaanderen.be/int/sites/iv.dev/vlaanderen.be.int/files/documenten/Memorandum%20Of%20Understanding%20Malawi-Flanders.pdf> (accessed 30 October 2015).

<sup>98</sup> Reymenants, interview by author.

<sup>99</sup> Flanders Department of Foreign Affairs, information provided by email correspondence to author.

<sup>100</sup> Government of Flanders, “Een nieuw Vlaams beleid inzake Centraal- en Oost-Europa.”

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

allocated 6.1 million euros to finance 44 projects in ten EU candidate countries.<sup>103</sup> Projects were selected based on three criteria: priority sectors (sectors where Flemish had expertise), capacity building, and priorities of the partner countries within the context of the EU accession process.<sup>104</sup>

Since 2005, cooperation with the countries of the Central and Eastern Europe has been restricted to EU member states, EU candidate countries, and EU neighbouring countries.<sup>105</sup> A budget of 2.82 million euros was approved in 2005 to support relevant projects. With EU member states, the so-called post-accession cooperation aimed at strengthening partnerships by providing additional Flemish expertise in the areas of democracy, governance and transfer of knowledge and know-how. With the EU candidate countries (Bulgaria, Romania and Croatia), cooperation was aimed at supporting their EU accession process through capacity building, training and supporting democratisation. Finally, with EU neighbouring countries, where the focus was on Ukraine, projects were aimed to provide support conflict prevention, economic development, good governance and democracy.<sup>106</sup>

#### **4.3.3. European Union**

As it was already said earlier in this Chapter in 1992, Former Minister-President Luc Van den Brande launched the Charter of Europe of the Regions. This led to the creation of the international foundation Europe of the Cultures 2002.<sup>107</sup> Although this initiative no longer exists, it is an important illustration of how

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<sup>103</sup> Government of Flanders, “Vlaamse subsidies voor projecten in Centraal- en Oost-Europa” [Flemish subsidies for projects in Central and Eastern Europe], press release, 21 November 2002, <http://www.vlaanderen.be/nl/vlaamse-overheid/persberichten/vlaamse-subsidies-voor-projecten-centraal-en-oost-europa> (accessed 15 August 2016).

<sup>104</sup> Ibid.

<sup>105</sup> Flemish Peace Institute, “Explanatory note to the advice about the Cooperation Agreement between the Government of the Republic of Croatia and the Flemish Government,” Advice, 7 May 2007, [http://www.flemishpeaceinstitute.eu/sites/vlaamsvredeinstituut.eu/files/files/20070507\\_adviesnota\\_sa\\_menwerkingsakkoord\\_kroatie\\_en.pdf](http://www.flemishpeaceinstitute.eu/sites/vlaamsvredeinstituut.eu/files/files/20070507_adviesnota_sa_menwerkingsakkoord_kroatie_en.pdf) (accessed 1 October 2015).

<sup>106</sup> Ibid.

<sup>107</sup> Crikemans, “How subnational entities try to develop,” 15.

Flanders, through the EU, wanted to create a “specific place for stateless nations in the European political order.”<sup>108</sup> Flemish officials, especially Van den Brande, believed that a Europe built on cultural diversity “would welcome the cultural identities of regions and member-states not as an obstacle to integration, but as a stimulus to its development.”<sup>109</sup>

With the formation of Belgium as a fully-fledged federal state in 1993, there was a need to develop various mechanisms of internal cooperation and coordination between the federal state, regions and communities so that Belgium could take its position globally, including at the EU level, and carry out its international obligations. One of such mechanisms, mentioned in Chapter 3, is the Cooperation Agreement between the Belgian Federal State, Communities and Regions on the representation of Belgium in the EU Council of Ministers (1994). This provides for the participation of the Regions and Communities at the meetings of the EU Council of Ministers on issues of shared or exclusive competencies.<sup>110</sup> Because of this Agreement, as well as the above-mentioned changes in the EU Treaty, during the Belgian EU Presidency in 2001, for the first time in the history of the European Union, regional ministers presided over the meetings of the EU Council.<sup>111</sup> Flanders, for example, presided over meetings of the Councils of Education, Youth and Tourism.<sup>112</sup> During this stage Flanders opened the Representation of the Government of Flanders to the EU, which was accredited through the Permanent Delegation of

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<sup>108</sup> Keating, “Paradiplomacy and Regional Networking,” 2.

<sup>109</sup> Luc Van den Brande, *Government Statement: Towards a Europe of Cultures.* Brussels: Ministry of Flanders - Administration of Foreign Affairs, 1998, quoted in Crieckemans, “How subnational entities try to develop,” 15.

<sup>110</sup> Cooperation Agreement between the federal state, the communities and regions regarding the representation of Belgium in the EU Council of Ministers, (BS 17 November 1994), [http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/Samenwerkingsakkoord\\_EU%20Verdragen.pdf](http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/Samenwerkingsakkoord_EU%20Verdragen.pdf) (accessed 20 September 2015).

<sup>111</sup> Luc Bas, “Flemish Activity and Perspective at the EU and the UN”, *Rev. int. estud. vascos. Cuad.* 3 (2008): 156, <http://www.euskomedia.org/PDFAnlt/rievcuadernos/03/03151164.pdf> (accessed 19 March 2015).

<sup>112</sup> Ibid.

Belgium to the EU. Starting with ten attachés in the mid-2000s, today the Representation of the Government of Flanders to the EU has 26 people working, including the General Representative, Director for EU Affairs, administrative personnel and 18 specialised sectorial policy attaches from different departments and agencies.<sup>113</sup>

#### 4.3.4. Solidarity with other regions and federated units

Cooperation with other regions, especially Quebec, continued to be the priority of the Flemish Government during the Phase B as well. In 2001, Quebec and Flanders signed a joint declaration on the renewal of the general *entente*.<sup>114</sup> The *entente* defined the framework for cooperation between Flanders and Quebec, and was mostly restricted to research and development, culture, education, technology, environment and economy. It provided for the creation of a standing joint cooperation committee, which was to meet every two years to decide on joint projects between two regions. In 2006 Quebec and Flanders signed a joint technological and industrial cooperation program.<sup>115</sup>

With Catalonia, cooperation was formalised with a Cooperation Agreement signed by two Governments in 2008.<sup>116</sup> The Agreement provided the creation of a Joint Committee that decided on three-year cooperation programs between two regions. The Joint Committee was composed of several sub-commissions in charge of different dossiers (sub-commission for youth, agriculture etc.) With the Basque

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<sup>113</sup> The General Representation of the Government of Flanders to the European Union, Web site. <http://www.vlaanderen.be/int/europese-unie/sites/iv.devlh.vlaanderen.be.int/europese-unie/files/documenten/brochure%20EU%20PV%20ENG.pdf> (accessed 20 July 2016).

<sup>114</sup> *Déclaration commune de la Flandre et du Québec* [Joint declaration between Flanders and Quebec], 9 July 2001 <http://www.mrif.gouv.qc.ca/content/documents/fr/ententes/2001-A06.pdf> (accessed 10 August 2016).

<sup>115</sup> *Program conjoint de coopération industrielle et technologique (PAI) entre le Québec et la Flandre*, [Joint technological and industrial cooperation program between Quebec and Flanders], 9 November 2006, <http://www.mrif.gouv.qc.ca/content/documents/fr/ententes/2006-A05.pdf> (accessed 8 May 2016).

<sup>116</sup> *Ibid.*

Country, Flanders has developed cooperation in the environment, nature and energy, formalised by a Letter of Intent signed by the Flemish Department of Environment, Nature and Energy and the Basque Department of the Environment and Land in 2006.<sup>117</sup>

In 2001 Flanders signed MoA with Nor-Pas De Calais, as the second MoA, that aimed at strengthening relations and expanding cooperation to environment, nature and energy, spatial planning, housing policy and immovable heritage.<sup>118</sup> In 2003, a joint declaration on cross-border cooperation in various fields was signed by Flanders, the French Community, the Walloon Region, the Brussels Capital Region and Nord Pas de Calais.<sup>119</sup> The Government of Flanders also strengthened partnership with Nor-Pas De Calais within the framework of Eurometropolis Lille - Kortrijk – Tournai,<sup>120</sup> the first example of the planned European Grouping for Territorial Cooperation (EGTC)<sup>121</sup> established in Europe in 2008. Relations with Nord-Pas De Calais are also important for Flanders because of Flemish Dutch speakers in the region.

To show solidarity with other regions alike, Flanders also begun to participate in several regional network associations; for example, Flanders was a co-founder of the Network of Regional Governments for Sustainable Development (nrg4SD). The Network was established in 2002 at the World Summit of Johannesburg. It gathers today around 50 subnational governments from 30 countries.<sup>122</sup> Although Flanders has been active in the creation of the Network, the Flemish involvement has been

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<sup>117</sup> Government of Flanders, Treaty Database.

<sup>118</sup> Government of Flanders, Treaty Database.

<sup>119</sup> Ibid.

<sup>120</sup> For more information see <http://www.eurometropolis.eu/who-are-we/overview.html>

<sup>121</sup> EGTC was established in 2006 by the European Parliament and the Council of Europe with aim to promote and facilitate territorial cooperation. There are 37 EGTCs in Europe at the moment. For more information see <https://portal.cor.europa.eu/egtc/Pages/welcome.aspx>

<sup>122</sup> see nrg4SD <http://www.nrg4sd.org/who-we-are/>

only high at the administrative level, not the political.<sup>123</sup> Flemish ministers rarely attend meetings of the Network and Flanders has so far only been a candidate for a seat in the Steering Committee of nrg4SD.<sup>124</sup>

In 2008, the Culture Ministers of Flanders, Scotland, Catalonia, Wales and the Basque Country signed the Edinburgh Declaration; with the Declaration, they aimed at forging mutual cooperation by setting up a mechanism for cultural collaboration, encouraging joint cultural initiatives, supporting linguistic diversity, and exchanging ideas and best practices.<sup>125</sup>

Flanders is also a member of the Regions with Legislative Power (Regleg), a political network of 73 European regions from eight EU member states,<sup>126</sup> established in 2000. Flanders was one of the founding founders; in 2008, it presided over Regleg. According to Rawlings, Regleg was formed as a result of “the perceived inadequacies” of the Committee of the Regions to represent the interests of regions and federated units in the EU.<sup>127</sup> Although it is not a formal association, Regleg affiliates some of the strongest regions of the EU. They advocate that regions with legislative powers should have a special status in the EU, because they are directly responsible for the transmission of EU directives and implementation of many EU policies.<sup>128</sup>

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<sup>123</sup> Sander Happaerts, Karoline Van den Brande, and Hans Bruyninckx, “Governance for Sustainable Development at the Inter-subnational Level: The Case of the Network of Regional Governments for Sustainable Development (nrg4SD),” *Regional and Federal Studies* 20, no. 1 (March 2010): 137.

<sup>124</sup> Ibid.

<sup>125</sup> Government of Flanders, “Strategy Paper: United Kingdom,” 18.

<sup>126</sup> Austria, Belgium, Finland, Germany, Italy, Portugal, Spain and UK.

<sup>127</sup> Richard Rawlings, “Cymru yn Ewrop: Wales in Europe,” in *Law and Administration in Europe: Essays in Honour of Carol Harlow*, ed. Paul P. Craig and Richard Rawlings (New York: Oxford University Press: 2003): 265.

#### 4.3.5. Multilateral Institutions

In 1991, the Flemish Commission for UNESCO was created,<sup>129</sup> but it was neither active nor operational, so in 2003, a new Flemish Commission for UNESCO was established.<sup>130</sup> Belgium is the only UNESCO member state to have two National Commissions: Flemish and Belgian French speaking and German speaking (created in 2006). The National Commission of Belgium for UNESCO was created in 1948, but has ceased to exist for two reasons: first, because of financial issues and second, because of the constitutional reforms education, culture, science, heritage and other activities of UNESCO fall under the jurisdiction of Regions and Communities.<sup>131</sup>

However, it is not clear why the Flemish Commission for UNESCO only became operational after more than a decade of its creation. According to the Secretary General of the Flemish Commission to UNESCO, it may only have existed on paper, as is the case with the Belgian National Commission to UNESCO today. This latter organisation exists formally, and there is even a budget for it, but its activities have been completely frozen for more than a decade and half.<sup>132</sup> The decision to establish a new Flemish Commission for UNESCO in 2003, he argues, was driven by the need to consolidate Flemish activities within UNESCO and create one focal point, as there were many different departments involved.<sup>133</sup> The Flemish Commission for UNESCO is a part of the Flanders Department of Foreign Affairs and is composed of 12 members from different departments.

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<sup>128</sup> Michael Keating, "Regions and the Convention on the Future of Europe," *South European Society and Politics* 9, no.1 (Summer 2004): 201.

<sup>129</sup> Government of Flanders, "Flanders and UNESCO," (2015), 7, <http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Brussels/pdf/flanders%20and%20unesco%20brochure.pdf> (accessed 14 September 2015).

<sup>130</sup> Ibid.

<sup>131</sup> D'Hoest, interview by author.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

At the outset of its relations with ILO, Flanders had no geographic priorities clearly set within the ILO, so it supported projects in Africa, Asia, South America and Central and Eastern Europe. Since the second half of the 2000s, the focus has been on ILO projects in Southern Africa (Malawi, Mozambique and South Africa). In 2001, the Government of Flanders established the Flanders - ILO Trust fund. The Trust fund supports the activities of the ILO that correspond to the thematic and geographical priorities of the Flemish foreign policy and ILO's strategic objectives.<sup>134</sup> ILO development projects supported by Flanders have included social dialogue, gender equality, people with disabilities, entrepreneurship, green jobs, and poverty reduction. From 2008 to 2011, priority was given to employment (68 per cent of all projects supported by Flanders were related to employment) and the social dialogue (17 per cent).<sup>135</sup>

In 2006, Flanders signed a cooperation agreement with the Joint United Nations Program on HIV/AIDS (UNAIDS) to contribute to the organisation's effort to combat AIDS. Flanders has been one of the top ten donors of the WHO Human Reproduction Program (HRP). The Government of Flanders has financed HRP since 2005<sup>136</sup> and has been a member of its Policy and Coordination Committee (PCC).

During the Phase B, in 2006, Flanders also established relations with the UN Relief and Works Agency (UNRWA), and since then, has contributed around 3 million USD to the Agency's programs for Palestinian refugees.<sup>137</sup>

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<sup>134</sup> See Government of Flanders, Department of Foreign Affairs, "International Labour Organisation," <http://www.fdfa.be/en/international-labour-organization>

<sup>135</sup> International Labour Organisation and Government of Flanders, "Cooperation Results Overview," PARDEV 04/2012, 4 [http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms\\_179090.pdf](http://www.ilo.org/wcmsp5/groups/public/---europe/---ro-geneva/---ilo-brussels/documents/genericdocument/wcms_179090.pdf) (accessed 25 July 2016).

<sup>136</sup> World Health Organisation, "HRP Financial Report 2008-2009," 3, [http://who.int/reproductivehealth/hrp/governance/hrp\\_financial\\_rpt2008-2009.pdf](http://who.int/reproductivehealth/hrp/governance/hrp_financial_rpt2008-2009.pdf) (accessed 27 July 2016).

<sup>137</sup> UNRWA, "UNRWA and Flanders Renew Partnership for Three Years," press release, 16 June 2016, <http://www.unrwa.org/newsroom/press-releases/unrwa-and-flanders-renew-partnership-three-years> (accessed 2 July 2016).

#### 4.4. Phase BC (2011-present)

The sixth state reform and the negotiations that lasted over a year and half are considered as the third critical juncture in this thesis. As stated earlier in this thesis, lengthy negotiations on the sixth state reform were also closely linked with the formation of the Federal Government. 541 days needed for the formation of the Federal Government mark not only a world record in government formation, but also reflect “a lack of mutual trust of key members of political elite.”<sup>138</sup> The sixth state reform provided for not only fiscal, but also for the first time social autonomy for federated units. Following the sixth state reform the Flemish budget has now become larger than the federal budget, if we do not take into account the federal power and budget concerning the remaining aspects of federal social security.<sup>139</sup> As Swenden rightly points fiscal and social autonomy are seen by Flemish nationalist parties as a necessary condition “to safeguard or increase Flanders’s present wealth for future generations.”<sup>140</sup>

External relations of Flanders are still in the Phase BC, which begun in 2011. Flanders is in the process of consolidation of its external relations and has begun to strengthen its institutions for external relations. It is important to note here that the Government of Kris Peeters (2007-2014), aimed at consolidating Flemish external relations, strengthening the foreign policy apparatus both at home and abroad, and reinforcing Flemish presence within the EU, international organisations and the world. Putting Flanders on the world map through dynamic cultural, economic and public diplomacy was the ambition of the Flemish Government under Peeters.<sup>141</sup>

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<sup>138</sup> Swenden, “Conclusion: The Future of Belgian Federalism,”: 370.

<sup>139</sup> Goossens and Cannoot, “Belgian Federalism after the Sixth State Reform,” 45.

<sup>140</sup> Swenden, “Conclusion: The Future of Belgian Federalism,”: 370.

The Coalition Government led since 2014 by Geert Bourgeois from the New Flemish Alliance party (N-VA party), advocates a powerful foreign policy focused on Flemish image abroad, economic and public diplomacy, more active and direct involvement within the EU, strengthened relations with neighbouring countries and regions, and cooperation with international organisations and institutions. It is also committed to making a Flemish contribution to human rights, poverty reduction and social development.<sup>142</sup> When he came to power in 2014, Minister-President Geert Bourgeois said one of the new government's priorities would be a strong and ambitious foreign policy. The third critical juncture has been seen by Flanders as an opportunity to increase its international role as an independent actor, which is on equal footing with other international actors. To achieve this, Flanders external relations begun to move to the phase of development, which is very similar to nation-states. During this critical juncture the Government of Flanders made important decision regarding the institutionalisation of its international activities. In July 2015, the government approved the creation of the Ministry of Foreign Affairs as a separate Ministry taking over activities hitherto conducted by the Department for Foreign Affairs. Minister-President Bourgeois claimed the new Ministry would allow Flanders to fulfil "its European and international role".<sup>143</sup> The Ministry is expected to play a coordinating role in the Flemish administration on all issues and policies with an international dimension. In addition, in countries where Flanders has General Representatives and FIT or Tourism Flanders-Brussels representatives, a General Representative will take on a coordinating role. Flanders Investment and Trade and Tourism Flanders-Brussels are autonomous agencies within the Government of

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<sup>142</sup> Government of Flanders, *Coalition Agreement 2014-2019*, (October 2014), 182. <http://www.flanders.be/en/publications/detail/government-of-flanders-2014-2019-coalition-agreement> (accessed 20 September 2015).

<sup>143</sup> Alan Hope, "Flemish government announces new foreign ministry," *Flanders Today*, 20 July 2015, <http://www.flanderstoday.eu/politics/flemish-government-announces-new-foreign-ministry> (accessed 13 September 2015).

Flanders. The Flemish Department for Foreign Affairs and Flanders Investment and Trade currently fall under the jurisdiction of the Minister-President, and Tourism Flanders-Brussels under that of the Minister of Tourism. However, the Government of Flanders advocates that their international activities, especially those involving their offices abroad, should be coordinated by the Department of Foreign Affairs. Several initiatives have already been made in that direction, as for example, creating the so-called Flemish Houses abroad, but the formal mechanism of coordination has not been yet put in place.

Introducing better coordination and cooperation between the Flanders Department of Foreign Affairs, FIT and Tourism Flanders-Brussels was also recommended by the Flemish Foreign Affairs Council (SARIV). In their view, it should include structural consultations on concrete issues, as well as more openness and mutual trust between the Department and these agencies.<sup>144</sup> However, some claim this initiative is unlikely to see the light of the day. In their view, it is simply the rhetoric of the nationalistic party of New Flemish Alliance expressing its desire to have sole power in Flanders.<sup>145</sup> Others see it just as a part of a political declaration more commonly heard on the Flemish National Day, 11 July. In times of budget-constraints “these are big words without not much meaning.”<sup>146</sup>

Coordination of all Flemish international activities, including Flemish representatives abroad, is still a sensitive issue. Flanders Investment and Trade as well Tourism Flanders-Brussels are very likely to oppose the initiative giving the

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<sup>144</sup> Flemish Foreign Affairs Council, “Internationaal Beleid: opnieuw een prioriteit” [International Policy: Another Priority], Opinion 2014/11 (29 September 2014), 5 [http://www.sariv.be/web/images/uploads/public/8614914581\\_20140929\\_bijdrage\\_beleidsnota\\_SARiV\\_web.pdf](http://www.sariv.be/web/images/uploads/public/8614914581_20140929_bijdrage_beleidsnota_SARiV_web.pdf) (accessed 20 May 2016).

<sup>145</sup> Livne Vreven, Director North America Visit Flanders, interview by author, tape recording, 26 July 2016. She argues that such initiative may upset the current balance of power in the Coalition Government. She goes on to say that Investment and Trade, Tourism and Foreign Affairs have been divided among the coalition partners, and Christian Democrats and Liberals are not likely to give in their portfolios to N-VA.

Flanders Department for Foreign Affairs and General Representations a coordinating role, as they fear losing some of their initial autonomy and independence.<sup>147</sup> While it is important for Flemish departments and agencies to have autonomy and independence, it is equally important that all Flemish representatives, when abroad, speak with one voice.<sup>148</sup> By giving a stronger role to the Department of Foreign Affairs, the Minister-President also aims at minimising the duplication of the work of various Flemish actors and establish a better servicing role for the Department for Foreign Affairs.<sup>149</sup>

In 2014, FICA was dissolved and integrated into the Department of Foreign Affairs, following the Flemish Government's decision to optimise its administration to achieve better coordination and coherence in all policy areas, including development cooperation.<sup>150</sup> FICA had offices in Malawi, Mozambique and South Africa; following the dissolution of the agency, they were integrated into the General Representation of the Government of Flanders to South Africa.

Flanders is planning to open up a new office, most likely in 2018 or 2019, based on a thorough SWOT analysis; one of the criteria is the acceptance of the Belgian federal system by host country.<sup>151</sup> Six countries short-listed as potential host countries are India, China, Brazil, Turkey, Italy and Scandinavia (as a region).<sup>152</sup> The Government of Flanders finally made a decision on 7 October 2016 to open a diplomatic mission in Rome; it will cover two UN specialised agencies in Rome,

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<sup>146</sup> Maenaut, interview by author.

<sup>147</sup> Geraldine Reymenants, General Representative of the Government of Flanders to South Africa, interview by author, tape recording, 20 April 2016.

<sup>148</sup> Andries, interview by author.

<sup>149</sup> Ibid.

<sup>150</sup> Flanders Department of Foreign Affairs, "Fusion FICA - Flemish Department of Foreign Affairs," press release, 28 September 2013, <http://www.vlaanderen.be/int/en/news/fusion-fica-flemish-department-foreign-affairs> (accessed 10 September 2015).

<sup>151</sup> Wantens, interview by author.

<sup>152</sup> Ibid.

Food and Agriculture Organisation (FAO) and World Food Programm (WFP).<sup>153</sup> The Government will open the Representation Office in Rome in 2019; FIT and Visit Flanders have already established offices in Milan and FIT also has an office in Rome. The third critical juncture, coupled with internal tensions in Belgium and the arrival of nationalist parties in Flanders, provided an opportunity for Flanders to engage with several rationales in the manner that is quite similar to the diplomacy of nation-states.

#### 4.4.1. Cultural and historical legacy

Cultural and historical legacy is becoming less important rationale for international engagements of Flanders during this stage of development. The Netherlands continues to be the most important strategic bilateral partner of Flanders, and the Flemish Government aims at strengthening strategic ties with the Netherlands in the future based on equality and partnership.<sup>154</sup> The Dutch Prime Minister and the Flemish Minister-President hold joint government sessions once a year to discuss cooperation and joint policies, and other members of the two governments meet regularly on an *ad hoc* basis. Since 2011, the Governments of Flanders and the Netherlands have held summit meetings to discuss concrete joint projects in the field of economy, culture, and innovation. The first summit was held in Antwerp in 2011 and the second in Maastricht in 2013.<sup>155</sup> The third summit, planned to take place in Ghent in November 2016, will be the largest so far; it will cover a wide range of issues and extensive list of projects that relate to the economy, high technology, infrastructure and issues such as migration and the radicalisation of Muslim youth.<sup>156</sup>

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<sup>153</sup> Flanders Department of Foreign Affairs, "New Representation in Rome," press release, 7 October 2016, <http://www.vlaanderen.be/int/en/news/new-representation-rome> (accessed 15 October 2016).

<sup>154</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 187.

<sup>155</sup> Alan Hope, "Flanders and the Netherlands work for closer ties in Maastricht," *Flanders Today*, 10 October 2013, <http://www.flanderstoday.eu/innovation/flanders-and-netherlands-work-closer-ties-maastricht> (accessed 10 July 2016).

<sup>156</sup> Buysse, interview by author.

The idea is to have one summit every two years and establish a College consisting of the secretary-generals of the two administrations, who would monitor the implementation of joint projects.<sup>157</sup>

From the signing of the cultural treaty until 2015, Flanders and the Netherlands concluded more than 30 treaties, agreements and memoranda of understanding.<sup>158</sup> The Netherlands is the second largest trading partner of Flanders, after Germany. As mentioned, it was the Hague where Flanders sent its first representatives, and today, in addition to the General Representation Office in the Hague and the Cultural Centre in Amsterdam, there is also an Office of the Flanders Investment and Trade and the Tourism Office.

In 2015, the Dutch Prime Minister and the Flemish Minister-President made a joint economic mission to Atlanta, USA, to attract US investment in the Netherlands and Flanders.<sup>159</sup> This was the second joint economic mission led by the heads of the two governments; the first took place in 2013 in Texas.<sup>160</sup>

However, in July 2016, a new issue was raised when the Netherlands started to build a windmill park not far from the mouth of the Scheldt River. In the view of those in Antwerp, this could cause disturbances in the navigation traffic.<sup>161</sup> While

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<sup>157</sup> Ibid.

<sup>158</sup> Ministry of Foreign Affairs of the Netherlands, "Treaty Database," contains 15 treaties signed with Flanders, and does not include various non-binding agreements and memoranda of understanding [https://treatydatabase.overheid.nl/en/Verdrag/ZoekUitgebreidResultaat?party=Belgium%20\(Flemish%20Region\)&isNLDepositary=False&isNLCurrent=False](https://treatydatabase.overheid.nl/en/Verdrag/ZoekUitgebreidResultaat?party=Belgium%20(Flemish%20Region)&isNLDepositary=False&isNLCurrent=False) (accessed 10 September 2015). There are 29 treaties, agreements and memoranda of understanding signed between the Netherlands and Flanders from 1994 to 2005 listed down in the Country Strategic Paper for Netherlands (Government of Flanders, "Strategienota Nederland," (2006): 172-173, [http://www.vlaanderen.be/int/den-haag/sites/iv.devlh.vlaanderen.be.int.den-haag/files/documenten/Strategienota%20Vlaanderen-Nederland\\_0.pdf](http://www.vlaanderen.be/int/den-haag/sites/iv.devlh.vlaanderen.be.int.den-haag/files/documenten/Strategienota%20Vlaanderen-Nederland_0.pdf) accessed 27 July 2016).

<sup>159</sup> Invest in Holland, "The Netherlands Prime Minister and Flanders Minister-President Meet with U.S. Executives in Atlanta," press release, 7 October 2015, <http://investinholland.com/the-netherlands-prime-minister-and-flanders-minister-president-meet-with-u-s-executives-in-atlanta/> (accessed 5 December 2015).

<sup>160</sup> Government of the Netherlands, "Joint Dutch-Flemish economic mission to Atlanta," press release, 22 April 2015, <https://www.government.nl/latest/news/2015/04/22/joint-dutch-flemish-economic-mission-to-atlanta> (accessed 5 December 2015).

<sup>161</sup> Buyse, interview by author.

Flanders fully respected the right of the Netherlands to build a windmill park on its territory, it demanded guarantees from the Dutch Government that the cables to be installed in the mouth of the river would not hinder navigation, and the Netherlands would bear responsibility for any damage caused to the cables by the navigation of ships.<sup>162</sup>

The Scheldt is probably the most sensitive issue in the relations between Flanders and the Netherlands, which can easily spark tensions. It illustrates the complex relations between Flemish and Dutch people, who share a similar history, language and culture, but have different and competing economic interests. Nevertheless, for Flanders, cooperation in all fields with the Netherlands will remain a priority in the future, as clearly stated by the Government of Flanders 2014-2019 Coalition Agreement. There is no other country or a federated unit, with whom Flanders has developed relations to such an extent and with whom it has concluded so many treaties.

As stated in the Government of Flanders Coalition Agreement for 2014-2019, South Africa will remain important a foreign policy partner, but Flanders will evaluate its involvement in development cooperation, bearing in mind the recent economic development of South Africa.<sup>163</sup> Several donor countries in South Africa, such as Switzerland, Denmark, the Netherlands and the UK, have considerably reduced their funding for development cooperation in South Africa. In addition, EU aid to South Africa has dropped from 1 billion to 250 million euros annually.<sup>164</sup> Although in 2013 South Africa was among 20 per cent the largest donor aid recipients in Africa, development assistance represented less than 1 per cent of its

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<sup>162</sup> Ibid.

<sup>163</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 189.

<sup>164</sup> Sarah Vaes, Tom De Bruyn, and Huib Huyse, "Flemish Cooperation With South Africa Post 2016: What Role For ODA", Paper no. 29, *KU Leuven, HIVA Research Institute for Work and Society*, ,

annual budget.<sup>165</sup> In other words, with its economic growth, South Africa is no longer a donor-dependent country and the importance of aid in South Africa is different than for many other African countries.<sup>166</sup>

In April 2016, the Government of Flanders approved a new strategy for the region of Southern Africa that will become the new framework for cooperation in the region. According to the General Representative of the Government of Flanders to South Africa, the objective is to have cooperation based on equal partnership with the region, not on dependency relations as in the past.<sup>167</sup> The focus will be on the environment, climate change, biodiversity and energy, strengthening economic ties and research cooperation, and promoting social, cultural and interpersonal exchange, and the work will shift from bilateral to regional through partnership and projects with multilateral and regional organisations.<sup>168</sup> In September 2016, the Government of Flanders approved the allocation of 2.4 million euros for social entrepreneurship in South Africa to stimulate growth and create jobs.<sup>169</sup> A three-year project will be implemented by the organisation LifeCo Unlimited South Africa.<sup>170</sup>

Flanders and South Africa have signed several bilateral treaties in different domains, including science and research,<sup>171</sup> waste management<sup>172</sup> and youth exchange.

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February 2016, 5-6 <https://ghum.kuleuven.be/ggs/projects/policy-research-centre/documents-1/29-cooperationsouth-africa.pdf> (accessed 15 July 2016).

<sup>165</sup> Ibid., 11.

<sup>166</sup> Ibid.

<sup>167</sup> Reymenants, interview by author.

<sup>168</sup> Ibid.

<sup>169</sup> Flanders Department of Foreign Affairs, "2.4 million euro for social entrepreneurship in South Africa," press release, 9 September 2016, <http://www.vlaanderen.be/int/en/news/24-million-euro-social-entrepreneurship-south-africa> (accessed 10 September 2016).

<sup>170</sup> Ibid.

<sup>171</sup> Derek Blyth, "Flanders extends South Africa science research program," *Flanders Today*, 25 October 2013, <http://www.flandertoday.eu/innovation/flanders-extends-south-africa-science-research-program> (accessed 20 September 2015); Government of South Africa, "Flanders and South Africa aim to strengthen cooperation to harness science and innovation for the benefit of society - "Science and innovation should not be isolated from society," press release, 22 October 2013, <http://www.gov.za/flanders-and-south-africa-aim-strengthen-cooperation-harness-science-and-innovation-benefit-society> (accessed 20 September 2015).

<sup>172</sup> OVAM, International Projects: South Africa <http://toep.ovam.be/jahia/Jahia/pid/1627> (accessed 21 September 2015).

Flemish exports have increased 27.3 per cent annually since 1994, with exports reaching 1,350.27 million euros in 2013.<sup>173</sup> However, relations between Flanders and South Africa have been going downward, especially since 2009. With the change of the political course of the South African Government and its departure from a pro-Western orientation to an African region and BRIC country orientation, the interest for Flanders has declined.<sup>174</sup> For example, the South African government is now unwilling to hold bilateral consultation; until 2009, these were quite frequent. According to the General Representative of the Government of Flanders to South Africa, the South African government often cancelled bilateral consultations at the very last minute; the last one occurred in 2015.<sup>175</sup> But the interest of South Africa has not only declined towards Flanders, but also for Europe as whole. While Flanders was once recognised by South Africa as a “discussion partner”, over the last couple of years, Flanders has struggled to maintain close relations with the South African government.<sup>176</sup> The Second Country Strategy Paper for South Africa for 2012-2016 provides a framework for a more consolidated approach to development cooperation with a clear vision and mission of how to work with South Africa; it identifies the priority areas, as well as the stakeholders and implementing partners.<sup>177</sup>

The third Country Strategy Paper for Mozambique was launched in 2016. Cooperation with Mozambique has focused on projects in the health sector, demining (which ended in 2015) and some limited cultural projects.<sup>178</sup> In Malawi, the focus has been on programs and projects in agriculture and food security; there have been two Country Strategy Papers, the second one launched in 2014. Malawi is one of the

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<sup>173</sup> Flanders Department of Foreign Affairs, “20 Years of International Cooperation.”

<sup>174</sup> Maenaut, interview by author.

<sup>175</sup> Reymenants, interview by author.

<sup>176</sup> Ibid.

<sup>177</sup> Government of Flanders, “Country Strategy Paper II, Development Cooperation between Flanders and South Africa.”

<sup>178</sup> Ibid

poorest countries in Sub-Saharan Africa; it is a small country but its needs are many. As there are few willing donors, Flanders is ranked among the top ten.<sup>179</sup> In both Mozambique and Malawi, the General Representation has an office headed by a Deputy General Representative; both focus on development cooperation and until 2014 were FICA offices.

With other countries in the region of Southern Africa, namely Namibia, Botswana, Lesotho, Madagascar, Mauritius, Mozambique, Namibia and Swaziland, cooperation and relations have been limited. The Flemish Government plans to investigate ways to increase its presence in these countries.<sup>180</sup>

The initial euphoria with development aid and the interest of various ministries and departments in this type of work has started to wane in South Africa. Other countries have become more interesting, and there is less money available for policy work in general and for international projects more specifically. So from the very wide projects, actors, and partners of the mid-1990s, Flemish development cooperation has evolved into more focused operation, with fewer partners, fewer projects, and fewer sectors involved.<sup>181</sup>

#### **4.4.2. Geopolitical rationale**

Over time, the Flemish assistance to the countries of the Central and Eastern Europe started to decrease; for example, Flemish ODA from 2011 to 2015 was only 1.3 million euros.<sup>182</sup> The Fund for Central and Eastern Europe ceased to exist in 2005, and today cooperation with countries of Eastern and Central Europe is mostly focused on economy, culture, science, education and the promotion of the Dutch

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<sup>179</sup> Maenaut, interview by author.

<sup>180</sup> Reymenants, interview by author.

<sup>181</sup> Ibid.

<sup>182</sup> Government of Flanders, ODA Data base.

language.<sup>183</sup>

The decision to establish relations with Eastern and Central Europe and the Baltic states at the start of the 1990s, was not only politically driven, as it was clear at that time that these countries would eventually join the EU. It was also motivated by Flemish economic interests. Countries of Central and Eastern Europe are important economic partners of Flanders. In 2013, among the EU member states, Poland came in as the sixth and the Czech Republic as the eighth most important partner for Flemish exports.<sup>184</sup> The Baltic countries are also important; in 2015, Flanders' exports were around 1.28 billion euros, with more than 50 per cent going to Lithuania.<sup>185</sup> Flanders used to have an important banking presence in these countries, especially Poland and Hungary, but with the banking crises, the agreement with the EU specified certain parts of that banking presence had to be sold off.<sup>186</sup>

#### 4.4.3. European Union

The Government of Flanders' Policy Note from June 2015, "Strengthening the EU Reflex," identifies sets of actions to be taken for Flanders to have a more proactive stance within the EU. They include screening the EU Commission Work Program, better coordination between the Government and the Flemish General Representation to the EU, working closely with the Belgian Mission to the EU, and ensuring good transposition of EU legislation into Flemish legislation.<sup>187</sup> In the 2015 European Commission Work Program, the Government of Flanders identified 16

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<sup>183</sup> Maenaut, interview by author.

<sup>184</sup> Flanders Investment and Trade, *Exporttrends bij Vlaamse KMO's: Vlaanderen 2015 Exportbarometer* [Export trends of Flemish SME: 2015 Flemish Export Barometer], <http://www.flandersinvestmentandtrade.com/export/sites/corporate/files/publications/EXPORTbarometer2015.pdf> (accessed 5 May 2016).

<sup>185</sup> Flanders Investment and Trade, "20 years of Flemish-Lithuanian relations: Flanders opens a new FIT office in Lithuania," press release, 10 May 2016, <http://www.flandersinvestmentandtrade.com/en/news/20-years-flemish-lithuanian-relations-flanders-opens-new-fit-office-lithuania> (accessed 2 August 2016).

<sup>186</sup> Wantens, interview by author.

<sup>187</sup> Ibid.

files or policy areas falling under the jurisdiction of Flanders.<sup>188</sup> The Government of Flanders determined that nine would have a large impact on Flanders and therefore required close monitoring and pro-active follow-up.<sup>189</sup> To exert its influence and preserve its autonomy at the EU level, Flanders advocates a bottom-up approach and the establishment of direct communication with the EU.

In its reform program for 2016, the Government of Flanders requires that the European Commission provide region-specific recommendations and analyses for Flanders in its country reports and recommendations for Belgium,<sup>190</sup> instead of giving data for the whole country. Whether it concerns EU funds or the compliance of Belgium with EU regulations, Flanders feels that to implement EU directives falling under the jurisdiction of Regions or Communities, it is necessary to have separate indicators for these units. The current Government announced that it would request the EU to provide recommendations for and assessments of Flemish programs and plans for structural reforms separately.<sup>191</sup> While on rare occasions, obtaining such information may be possible, when it comes to the compliance with EU directives, the general principle is that:

Infringement proceedings launched under the EC Treaty are directed solely to Member States. In other words, Member States are held responsible for violations of European Community law that might occur throughout their territory even if non-compliance takes place in a particular region or

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<sup>188</sup> Government of Flanders, “2015 Commission Work Program,” <http://www.vlaanderen.be/int/europese-unie/sites/iv.devlh.vlaanderen.be.int/europese-unie/files/documenten/20150810%20CWP%20-%20EN.pdf> (accessed 22 July 2016).

<sup>189</sup> The Investment Plan for Europe: Legislative Follow-up, Promoting integration and employability in the labour market, Mid-term review of the Europe-2020 strategy, Digital Single Market (DSM) Package, Strategic Framework for the Energy Union, Communication on the Road to Paris – multilateral response to climate change, Labour Mobility Package (EURES Regulation), Trade and Investment Strategy for Jobs and Growth, Communication on the post 2015 Sustainable Development Goals. (Government of Flanders, “2015 Commission Work Program”).

<sup>190</sup> Government of Flanders, “Flemish Reform Program 2016,” 25 March 2016, 2 <https://www.vlaanderen.be/en/publications/detail/flemish-reform-programme-2016-1> (accessed 15 July 2016).

administrative area.<sup>192</sup>

In other words, while the Belgian regions and communities may have power to develop their own EU policies in the areas of their jurisdiction, their autonomy is not, as noted by Kerremens recognized by the EU, as the Court of Justice of the EU “will not convict Flanders or Wallonia for a breach of EU law or a failure to implement EU directives.”<sup>193</sup>

The new government also advocates changing the 1994 Cooperation Agreement with respect to coordination and representation in the EU to “reflect institutional reality.” Specifically, Flemish representatives at the EU should take part in informal councils, working groups and other meetings, becoming “a structural part of the Belgian delegation in the European Council and the Councils of Minister.”<sup>194</sup>

Reservations are expressed not only by EU institutions, but also by EU member states or other states that are negotiating an agreement or treaty with the EU. For example, during trade agreement negotiations with the USA, it was a quite a challenge for the EU Commissioner for Trade, Cecilia Malmström, to persuade US officials that it was important to open up reading rooms, not only for members of national Parliaments, but also for members of the Regional Parliaments of Belgium so that they could verify the text of the trade agreement, because if one of the Belgian Regional Parliaments failed to ratify it, the trade agreement could not enter into force.<sup>195</sup>

This close-knit relationship with the EU means that, on the one hand, 70 per

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<sup>191</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 184.

<sup>192</sup> European Parliament, “Parliamentary questions E-3041/2008: Answer given by Mr Dimas on behalf of the Commission,” 23 July 2008, <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2008-3041&language=EN> (accessed 17 February 2016).

<sup>193</sup> Kerremans, “Determining a European Policy,” 38.

<sup>194</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 183.

cent of Flemish legislation is of EU origin, while on the other, influencing EU decisions is the “key to the future of the region”.<sup>196</sup> The Flanders Department of Foreign Affairs has an EU coordinator who oversees the transposition of EU directives into Flemish legislation and serves as a contact person between the Federal Government, Regions and Communities. Flanders General Representation to the EU is accredited to the EU through the Permanent Representation of Belgium to the EU. It is the largest of all Flemish Representation Offices, not only in the number of personnel, but also in the number of portfolios it covers. It has 26 people working, including the General Representative, Director for EU Affairs, administrative personnel and 18 specialised sectorial policy attaches from different departments and agencies.

In 2011 the Liaison Agency Flanders-Europe (Vleva) was established as a public-private partnership between the Government of Flanders and around 20 civil society organisations, with the main mission of creating a platform for Flanders in the EU.<sup>197</sup> Vleva works closely with the General Representation of the Government of Flanders to the EU; its main tasks include monitoring and analysing policy documents, creating and strengthening the network within Flanders and the EU and promoting interests and participating in lobbying activities of its members and the Flemish Government.<sup>198</sup>

It is important to note that Flemish members of the European Parliament have a role to play in EU affairs. Since 2014, Belgium has 22 seats in the European Parliament; of these, 12 members are Dutch-speaking college (from Flanders and Brussels). In the last elections (2014), the party that won the most seats in the whole

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<sup>195</sup> Theunissen, interview by author.

<sup>196</sup> Flanders Department of Foreign Affairs, “European Policy,” <http://www.vlaanderen.be/int/en/european-policy> (accessed 20 July 2016).

<sup>197</sup> Vleva, “About Vleva”, <https://en.vleva.eu/about-vleva> (accessed 25 July 2016).

country was New Flemish Alliance (N-VA), with four. As the European Parliament has been given more powers with the Treaty of Lisbon, its Flemish members have more influence over EU decisions. They are in a position to voice the interests of Flanders or lobby for some of its initiatives within either the Parliament or the Commission. Although this EU forum is not sufficiently used by Flemish representatives, according to Bas,<sup>199</sup> there are some examples worth mentioning. In the midst of the tense relations between Flanders and the Netherlands over the drainage and navigation of the Western Scheldt because of the Netherlands' non-compliance with the agreement (discussed later in the chapter), a Flemish member of the EU Parliament brought the issue before the EU Commission requesting it take the initiative in resolving the dispute.<sup>200</sup> Although the Commission decided it had no authority to do so, as the treaty was an international one,<sup>201</sup> it is an important illustration of how Flanders tries to protect its interests through EU institutions.

The EU is also important for Flanders for economic reasons. Flanders is one of the most trade dependent regions in the European Union and the world; trade with member states of the European Union account for 70 per cent of the total trade volume.<sup>202</sup> According to Beyers and Bursens, the creation of a European economic area has had a huge impact on the Flemish economy; not only has it grown in terms of its contribution to the overall economy of Belgium (Flanders' share of Belgian

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<sup>198</sup> The Government of Flanders provides annual operating grants to Vlewa.

<sup>199</sup> Bas, "Flemish Activity and Perspective," 155.

<sup>200</sup> European Parliament, "Parliamentary questions E-4310/09 of 14 September 2009 by Frieda Brepoels to the Commission," <http://www.europarl.europa.eu/sides/getDoc.do?type=WQ&reference=E-2009-4310&language=BG> (accessed 9 February 2016).

<sup>201</sup> European Parliament, "Parliamentary questions E-4310/09 (of 22 October 2009), Answer given by Mr Tajani on behalf of the Commission," <http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=E-2009-4310&language=BG> (accessed 9 February 2009).

<sup>202</sup> Margaux Kersschot, Dirk De Bièvre, and Bart Kerremans, "Flanders and Catalonia's Capacity to Exert Control over EU Preferential Trade Negotiations", Paper No. 17, *Buitenlands beleid, internationale ondernemen en ontwikkelingssamenwerking and ACIM Institutions and Multilevel Politics*, March 2014, 25 <https://ghum.kuleuven.be/ggs/projects/policy-research-centre/documents-1/17-fl-and-cat-capacity-to-exert-control-over-eu.pdf> (accessed 20th December 2015).

exports is 82.4 per cent),<sup>203</sup> it has also become more independent and globalised.<sup>204</sup> Thus Flanders has a vested interest in playing an active role in EU trade issues using all the instruments at its disposal. Although Flanders sometimes has direct contact with the Commission on trade negotiations and even tries to exert pressure to advance some issues in the EU Commission, according to Kersschot et al., it does not maximise its capacity to “pursue all the possibilities it has.”<sup>205</sup> Representatives of the Flemish Department of Foreign Affairs rarely attend meetings of the Trade Policy Committee, and the Flemish Representation to the EU is not active in trade policy related matters.<sup>206</sup>

#### 4.4.4. Solidarity with other regions and federated units

During the Phase BC Flanders continued to strengthen its relations with Quebec. In 2013, Flanders and Quebec expressed their intention to strengthen scientific and economic cooperation by signing a joint declaration.<sup>207</sup> Relations with Quebec are very important for Flanders, and although there is no General Representation of the Government of Flanders in Quebec, FIT has an office in Montreal. FIT closed its office in Toronto but kept the one in Montreal; according to the FIT Representative, this is a clear sign of the importance that Flanders attaches to its relations with Quebec.<sup>208</sup> The port of Montreal is important entry point for the distribution of Flemish goods to the North America. Although there are no exact figures on the trade between two regions, rough estimates say between 20 to 25 per

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<sup>203</sup> European Commission, “Growth: Internal Market, Industry, Entrepreneurship and SMEs: Flanders,” <https://ec.europa.eu/growth/tools-databases/regional-innovation-monitor/base-profile/flanders> accessed (accessed 10 July 2016).

<sup>204</sup> Beyers and Bursens, “How Europe Shapes,” 280.

<sup>205</sup> Kersschot, De Bièvre, and Kerremans, ““Flanders and Catalonia’s Capacity to Exert Control,” 37 & 43

<sup>206</sup> Ibid. 32-33.

<sup>207</sup> Government of Flanders, Treaty Database.

<sup>208</sup> Pynnaert, interview by author.

cent of Flemish exports to Canada stay in Quebec.<sup>209</sup> The standing joint cooperation committee, which was created by Flanders and Quebec in 2001, has had since 14 sessions. At the last session held in 2015, the committee approved 13 new projects for 2016-2018, including the prevention of radicalisation and the role of federated units on the international scene in the domains of climate change and the improvement of diffuse water pollution.<sup>210</sup>

Flanders and Catalonia have signed three cooperation programs, the last one covering 2015-2017. The two governments are especially interested in strengthening their relations at the EU level by exchanging information, experiences and good practices in EU matters, establishing close cooperation between their respective Representations to the EU and Departments of Foreign Affairs, and reinforcing their cooperation with Regions with legislative powers and the Committee of Regions.<sup>211</sup> In 2015, the Catalan President and the Flemish Minister-President signed a declaration to strengthen their cooperation at the EU level, especially in the context of the EU 2020 Agenda and the European Semester.<sup>212</sup>

Apart from the EU, the focus of the Flemish-Catalan cooperation, especially for 2015-2017, is on agriculture and environment, youth work, economy, science and innovation, internationalisation of economy and health.<sup>213</sup> The organisation of a joint trade mission was announced for 2017 during Catalan President Carles Puigdemón's

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<sup>209</sup> Ibid.

<sup>210</sup> The Ministry of International Relations and la Francophonie of Quebec, "Coopération bilatérale-Québec-Flandre" [Bilateral cooperation: Québec-Flanders], <http://www.mrif.gouv.qc.ca/fr/appels-a-projets/Belgique/Flandre/> (accessed 10 August 2016).

<sup>211</sup> *Cooperation Program between Flanders and Catalonia for the years 2012-2014*, 21 October 2011, 7 [http://premsa.gencat.cat/pres\\_fsvp/docs/2011/10/24/10/48/16f9dfdc-6922-40a2-9281-98149318ac4b.pdf](http://premsa.gencat.cat/pres_fsvp/docs/2011/10/24/10/48/16f9dfdc-6922-40a2-9281-98149318ac4b.pdf) (accessed 12 August 2016).

<sup>212</sup> NVA, "Vlaanderen en Catalonië versterken samenwerking" [Flanders and Catalonia strengthen cooperation], press release, 1 July 2015, <https://www.n-va.be/persbericht/vlaanderen-en-catalonie-versterken-samenwerking> (accessed 12 August 2016).

<sup>213</sup> *Cooperation Program 2015-2017: Implementing the Cooperation Agreement Between the Government of Catalonia and the Government of Flanders*, 1 July 2015, <http://cercador.gencat.cat/cercador/AppJava/index.jsp?q=Flanders&site=presidencia2> (accessed 12 August 2016).

visit to Flanders in May 2016.<sup>214</sup>

In 2015 Flanders and the Basque Country signed a Letter of Intent aimed at expanding their cooperation to the fields of innovation, vocational training and the job market, health and culture, and shared experiences and good practices in peace, coexistence and human rights.<sup>215</sup> The Basque Country sees Flanders as a priority international partner.

The Government Coalition Agreement defines cooperation with North Rhine-Westphalia, a neighbouring region, as a priority. Relations are focused on economic competitiveness, innovation, the environment, mobility, the aging population, language and culture.<sup>216</sup> In 2012, another Memorandum of Understanding was signed; this more recent one aims at strengthening economic cooperation between Flanders and North Rhine-Westphalia. North Rhine-Westphalia is an important trading partner for Flanders. Seventeen per cent of all Flemish exports go to Germany, with one third going to North Rhine-Westphalia.<sup>217</sup> A first joint session of the Governments of Flanders and North Rhine-Westphalia was organised in December 2015; topics of discussion included economic cooperation such as a joint chemistry strategy, dual learning, energy transition, health and welfare, and intelligent transportation systems.<sup>218</sup> As both regions faced challenges with the increased flow of refugees in 2015, a major focus of the joint governmental session was migration and the

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<sup>214</sup> Flanders Department of Foreign Affairs, "Catalonia and Flanders, a flourishing relationship," press release, 2 May 2016, <http://www.vlaanderen.be/int/en/news/catalonia-and-flanders-flourishing-relationship> (accessed 21 July 2016).

<sup>215</sup> Basque Country President's Office, "The Lehendakari signs a Memorandum of Understanding in Brussels to forge closer ties with Flanders," press release, 1 June 2015, <http://www.irekia.euskadi.eus/en/news/26480-the-lehendakari-signs-memorandum-understanding-brussels-forge-closer-ties-with-flanders> (accessed 22 July 2016).

<sup>216</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 187.

<sup>217</sup> Alan Hope, "Flanders and Germany strengthen ties during the state visit," *Flanders Today*, 24 June 2016, <http://www.flanderstoday.eu/politics/flanders-and-germany-strengthen-ties-during-state-visit> (accessed 15 August 2016).

<sup>218</sup> Flanders Department of Foreign Affairs, "Further strengthening tie with North Rhine-Westphalia," press release, 9 December 2015, <http://www.vlaanderen.be/int/en/news/further-strengthening-ties-north-rhine-westphalia> (accessed 15 August 2016).

integration of refugees in the labour market.<sup>219</sup> Later in December 2015, the Flemish Department of Work and Social Welfare organised a study visit for its colleagues from North Rhine-Westphalia to exchange views and good practices on migration and integration of refugees.<sup>220</sup>

The Government of Flanders aims at extending bilateral cooperation with North Rhine-Westphalia into trilateral cooperation by creating a “triangle” of Flanders, the Netherlands and North Rhine-Westphalia to defend their common interests, especially economic ones.<sup>221</sup>

The Flemish Government has expressed an intention to develop relations with Bavaria and Saxony as well. The Government of Flanders and the Flemish Parliament organised a formal introduction meeting in June 2016 with representatives of these German Länders to explore possibilities of strengthening cooperation, especially in the economy and infrastructure.<sup>222</sup>

Scotland and Wales have a special place for Flanders within the framework of its cooperation with the United Kingdom.<sup>223</sup> Although there are no formal agreements with these regions, cooperation has developed within the framework of the EU, the Regions with Legislative powers, nrg4SD, and the Edinburgh Declaration mentioned above. Flanders has established collaboration with Scotland and Wales at a bilateral level as well. Flanders and Scotland cooperate closely in the areas of culture, youth and education, and Flanders and Wales work together in environmental and waste

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<sup>219</sup> Ibid.

<sup>220</sup> Flemish Department of Work and Social Economy, “Vlaanderen en Noordrijn-Westfalen gaan nauwer samenwerken op het vlak van arbeidsmarktbeleid” [Flanders and North Rhine-Westphalia strengthen cooperation in the field of labour], press release, 17 December 2016, <http://www.werk.be/nieuws/vlaanderen-en-noordrijn-westfalen-gaan-nauwer-samenwerken-op-het-vlak-van-arbeidsmarktbeleid> (accessed 15 August 2016).

<sup>221</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 187.

<sup>222</sup> Flanders Department of Foreign Affairs, “Strengthening the ties with German Länder,” press release, 23 June 2016, <http://www.vlaanderen.be/int/en/news/strengthening-ties-german-l-nder> (accessed 16 August 2016).

<sup>223</sup> Flanders Department of Foreign Affairs, “Strategy Paper the United Kingdom,” 18. accessed 14

management issues, work and social economy. Meetings between the Flemish, Scottish and Welsh Government Officials and Members of Parliament are frequent. During a high-level meeting in December 2015, the Flemish Minister President and the First Minister of Scotland announced that Flanders and Scotland aimed at further strengthening cooperation, especially in innovation.<sup>224</sup> In 2015, Tourism Flanders and Visit Scotland signed a Memorandum of Understanding.

#### 4.4.5. Multilateral Institutions

Cooperation with international organisation remains important priority for Flanders during this stage of development. Flanders aims to become more involved in decision-making processes of the most relevant international organisations. The current Government wants to adopt the framework agreement related to the representation in international organisations, which was signed in 1994, to reflect the new institutional realities.<sup>225</sup> Since 1998, Flanders has contributed with more than \$37 million USD to support UNESCO activities through FUT and FUST.<sup>226</sup> In 2011, Flanders was among the top ten bilateral donors to UNESCO in terms of Funds-in-Trust extra budgetary contributions.<sup>227</sup> FUT is the General Trust Fund focusing on heritage in Southern Africa, although, at first, its focus was on capacity building and the construction of a knowledge society.<sup>228</sup> The Flanders Department of Foreign Affairs coordinates the activities of the General Trust Fund.

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<sup>224</sup> Flanders Department of Foreign Affairs, “Minister-president meets First Minister of Scotland,” press release, 16 December 2015, <http://www.vlaanderen.be/int/en/news/minister-president-meets-first-minister-scotland> (accessed 14 August 2016).

<sup>225</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 188.

<sup>226</sup> UNESCO, “Government of Flanders (Belgium) and UNESCO Strengthen Cooperation for Cultural and Natural Heritage,” press release, 14 April 2016, <http://www.unesco.org/new/en/media-services/singleview/news/government-of-flanders-belgium-and-unesco-strengthen-cooperation-for-cultural-and-natural-heritage/back/128719/#.V5H71je8zzI> (accessed 22 July 2016).

<sup>227</sup> Flanders Today, *News in Brief*, 31 August 2011, <http://www.flanderstoday.eu/current-affairs/news-brief-310811> (accessed 15 August 2016).

<sup>228</sup> Flanders Department of Foreign Affairs, Flanders-UNESCO Trust Fund.

FUST is a scientific trust fund between Flanders and UNESCO focusing on hydrology, oceanography and the human biosphere. Its activities are coordinated by the Flanders Department of Economy, Science and Innovation.<sup>229</sup> Although the focus has largely stayed the same, there have been some minor changes. In 2016, a new mechanism was created within FUT to allow Flanders to react more easily to emergencies, such as providing resources to deal with the destruction of cultural sites in Syria, earthquakes etc.<sup>230</sup>

In addition to providing financial support, Flanders participates in UNESCO's activities by providing experts to the organisation. In 2016, four Flemish experts were seconded by the Government of Flanders to work in key positions in UNESCO.<sup>231</sup> The Flemish General Representative and Deputy General Representative of the Government of Flanders in France have been accredited to UNESCO through the Belgian Delegation to UNESCO, but the General Representative of the Government of Flanders, although accredited to UNESCO, deals only with bilateral cooperation in France, and the Deputy General Representative handles all multilateral relations (UNESCO, OECD and the Council of Europe). Flemish representatives participate in the work of different committees, but as a part of Belgian delegation. For example, during the Belgian membership on the UNESCO Intergovernmental Committee for the Safeguarding of Intangible Cultural Heritage, the Flemish Deputy General Representative to UNESCO was head of the Belgian delegation.<sup>232</sup>

Flanders tries to align its extra-budgetary cooperation with the positions it takes within the Belgian delegation at various Committee meetings. For instance during the meetings of the Intergovernmental Committee for the Safeguarding of

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<sup>229</sup> UNESCO/Flanders Funds-in-Trust for the Support of UNESCO's Activities in the Field of Science.

<sup>230</sup> D'Hoest, interview by author.

<sup>231</sup> Irina Bokova, Director General of UNESCO, "Address on the occasion of the visit to the Flemish Parliament *"A New Multilateralism to Tackle New Challenges,"* Brussels 9 June 2016,

Intangible Cultural Heritage, Flanders was a very outspoken defender of capacity building initiatives and programs, also priority areas in its extra-budgetary cooperation with UNESCO.<sup>233</sup> Thus, Flemish donor's and diplomatic relations with UNESCO are complementary; they focus on culture, heritage (tangible, intangible and world heritage) and sciences, mostly natural sciences and oceanography.

Flanders also actively participates in ministerial conferences and high-level meetings organised by UNESCO. For example, every four years, a Flemish Minister takes the floor during the General Conference of UNESCO and heads the Belgian delegation.<sup>234</sup> Although there is no formal agreement on an alternating role between the Federal level and Regions and Communities as there is for the EU, the EU practice is applied at UNESCO.

Relations between Flanders and UNESCO are unique. No other organisation has recognised Flemish autonomy to this extent. Meetings between Flemish officials and UNESCO representatives are frequent, including high-level meetings. UNESCO Director General Irina Bokova visited and addressed the Flemish Parliament in June 2016; she was only the second high-level official to do so.<sup>235</sup> Several high-level UNESCO meetings and conferences have been co-organised or hosted by Flanders. For example, in June 2016, Flanders hosted a UNESCO meeting on cultural diversity under attack, with the participation of the UNESCO Director General, the EU Representative for foreign policy, and many others.<sup>236</sup>

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<http://unesdoc.unesco.org/images/0024/002450/245075e.pdf> (accessed 20 July 2016).

<sup>232</sup> Willems, interview by author.

<sup>233</sup> Ibid.

<sup>234</sup> Government of Flanders, "Flanders and UNESCO," 7.

<sup>235</sup> D'Hoest, interview by author.

<sup>236</sup> Flanders Department of Foreign Affairs, "Flanders hosts UNESCO conference "Protecting Heritage for Peace," press release, 10 June 2016, <http://www.vlaanderen.be/int/en/news/flanders-hosts-unesco-conference-protecting-heritage-peace> (accessed 20 July 2016).

Although Flanders has direct interactions with UNESCO, when it comes to the formal position of Belgium as a UNESCO member state, Flanders defends its positions and interests through the intra-federal consultation body for multilateral coordination (COORMULTI), discussed in the previous chapter. Representatives of the Flemish Commission, together with other Flemish departments, participate at meetings organised by the federal level to discuss issues that concern the UN and UNESCO. Issues include the selection of the new UN Secretary General, so although Flanders said it would support the candidacy of current UNESCO Director General Bokova, before Belgium made a final decision, the issue had to be discussed with the Regions and Communities. Thus, for Flanders these meetings represent a platform from which they can influence Belgium.<sup>237</sup>

Flanders has taken the initiative to create a network of European National Commissions to UNESCO. The initiative, which was supported by the German and Dutch National Commissions, was launched in 2013; it initially attracted ten European states.<sup>238</sup> The idea was to strengthen cooperation between European National Commissions. The informal network, which meets annually, now includes Commissions from 32 European countries.<sup>239</sup> The Flemish Commission to UNESCO is relatively small, so such networking strengthens their influence; they can relay their opinions to others, especially on international projects.<sup>240</sup> Another initiative was the UNESCO Youth Forum.<sup>241</sup> In 2015, Flanders decided to organise the first

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<sup>237</sup> D'Hoest, interview by author.

<sup>238</sup> UNESCO Liaison Office Brussels, "Report of the Meeting of European National Commissions for UNESCO," Leuven, 26 April 2016, [http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Brussels/pdf/Report\\_European\\_Natcoms\\_Meeting\\_Leuven\\_26\\_April\\_2013.pdf](http://www.unesco.org/new/fileadmin/MULTIMEDIA/FIELD/Brussels/pdf/Report_European_Natcoms_Meeting_Leuven_26_April_2013.pdf) (accessed 23 July 2016).

<sup>239</sup> D'Hoest, interview by author.

<sup>240</sup> Ibid.

<sup>241</sup> UNESCO Youth Forum is being organised every two years before the UNESCO General Conference. The Youth Forum was created in 1999. For more information see <http://en.unesco.org/9th-unesco-youth-forum/youth-forum>

European Preparatory Youth Meeting. The goal was to provide a three-day preparatory workshop for youth representatives from 29 European countries.<sup>242</sup>

The Belgian French speaking and German speaking Commission for UNESCO have been less active, making the Flemish Commission a *de facto* focal point for all of Belgium.<sup>243</sup> In addition, UNESCO has accepted Flanders as a credible solidary donor, thus creating opportunities for Flanders to increase its international visibility and to build its international image and reputation. According to the Deputy General Representative of the Government of Flanders to UNESCO, the organisation recognises the devolution of federalisation in Belgium. UNESCO also respects Flanders because it sees Flanders has worked well within the Belgian delegation.<sup>244</sup>

With the signing of a new Cooperation Agreement in 2016, the focus of Flemish cooperation with the ILO will be on women and youth.<sup>245</sup> Flanders will be providing 900,000 euros on a biennial basis for projects aimed at contributing social benefits and dignified work for women and youth.<sup>246</sup> High-level meetings between Flanders and ILO take place on regular basis, and Flanders has co-organised several conferences with ILO. Flanders has been an important contributor to the ILO and has been ranked as the 18<sup>th</sup> extra-budgetary donor to this UN agency.<sup>247</sup> During its 25-year cooperation with ILO, Flanders has contributed with more than 28 million US dollars in project resources.<sup>248</sup> The focus of Flemish cooperation with ILO has

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<sup>242</sup> UNESCO, "National Commissions for UNESCO Annual Report 2015," 103, <http://unesdoc.unesco.org/images/0024/002443/244391e.pdf> (accessed 23 July 2016).

<sup>243</sup> D'Hoest, interview by author.

<sup>244</sup> Willems, interview by author.

<sup>245</sup> Alan Hope, "Flanders signs ILO agreement to aid women in global workforce," *Flanders Today*, 8 March 2016, <http://www.flanderstoday.eu/politics/flanders-signs-ilo-agreement-aid-women-global-workforce> (accessed 26 July 2016).

<sup>246</sup> *Ibid.*

<sup>247</sup> Geert Bourgeois, "Flanders supports the International Labour Organisation in improving labour law for women and young people," press release, 7 March 2016, <http://www.geertbourgeois.be/nieuws/flanders-supports-the-international-labour-organisation-in-improving-labour-law-for-women-and> (accessed 25 July 2016).

<sup>248</sup> *Ibid.*

evolved over the years, not only in terms of creating geographic priorities within the ILO, but also in terms of policy.

Flanders renewed its cooperation with UNAIDS with signing of a new Agreement in 2011, covering the period 2011-2015 with a focus on Southern Africa and HIV prevention.<sup>249</sup> After 2011, Flanders shifted its focus from individual projects to a broader program approach<sup>250</sup> and has allocated 3,000,000 euros for the period 2011-2015.<sup>251</sup>

In 2011, the Government of Flanders approved a grant of 3 million euros to fund HRP over four years, Flanders has moved from financing individual projects to giving much broader support to the organisation as a whole.<sup>252</sup> From 2011 to 2015 Flanders supported 16 WHO projects with around 10.4 million euros, mostly in Southern Africa.<sup>253</sup>

A renewed partnership agreement was signed in 2016 with the UN Relief and Works Agency (UNRWA), which focuses on education, health care, relief and social services, as well as the exchange of expertise and research and the secondment of staff.<sup>254</sup>

According to the Flemish Representative to these organisations, cooperation and relations have evolved over time, not only because the goals and priorities of

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<sup>249</sup> UNAIDS, “UNAIDS and Flanders Renew Cooperation Agreement with Emphasis on HIV Prevention,” press release, 22 March 2011, <http://www.unaids.org/en/resources/presscentre/featurestories/2011/march/20110322flanders> (accessed 27 July 2016).

<sup>249</sup> Ibid.

<sup>250</sup> Ibid.

<sup>251</sup> Flanders Department of Foreign Affairs, “Projecten & programma’s” [Projects and Programs] <http://www.vlaanderen.be/int/en/fiche/combating-hiv-aids-southern-africa-unaid> (accessed 27 July 2016).

<sup>252</sup> Flanders Department of Foreign Affairs, “Flanders approves over 3 million Euro subsidies to WHO for its Department on Reproductive Health,” press release, 15 January 2012, <http://www.vlaanderen.be/int/en/news/flanders-approves-over-3-million-euro-subsidies-who-its-department-reproductive-health> (accessed 27 July 2016).

<sup>253</sup> Flanders Department of Foreign Affairs, ODA Reporting, “List of recipients,” <http://www410.vlaanderen.be/iv/div/Lists/ODAreporting/recipients.aspx> (accessed 28 Jul 2016).

these organisations have changed but also because, as previously said, Flanders has moved from financing individual projects to taking a broad approach to development cooperation.<sup>255</sup> In addition to having established direct cooperation and relations with the above-mentioned UN agencies, Flanders has been active in the work of other UN agencies and bodies, as well, including the Human Rights Council through the Belgian delegation.<sup>256</sup>

The Council of Europe is one of the priority international institutions for Flemish external relations. There are no signed agreements or programs, however, so interactions have been through Belgian delegation. For example, during the term of the Belgian Presidency of the Committee of Ministers (2014/2015), Flanders organised several events related to human rights, education and culture.<sup>257</sup> Flanders participates through the Belgian delegation in the Chamber of Local and Regional Authorities of the Council of Europe and in the Committee of Ministers if an issue refers to mixed or regional competencies. The Council of Europe has political and legal implications for Flanders, as some of its conventions directly touch on Belgian constitutional arrangements. The Framework Convention for the Protection of National Minorities (FCNM) is a case in point. Belgium signed the Convention in 2001, but it has not ratified it, as the Flemish Parliament refuses to adopt it. The Flemings argue the Convention would detract from the Constitution and its definitions of linguistic laws and borders, as the “national minority” would necessarily include French speakers in Flanders.

As this case illustrates, when Flemish vital interests are at stake, the Flemish authorities will use all available resources to protect them, even if it means blocking

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<sup>254</sup> Ibid.

<sup>255</sup> Dierckx, interview by author.

<sup>256</sup> Ibid.

<sup>257</sup> Council of Europe, Committee of Ministers- Chairmanship Belgium, “Flanders,”

the accession of Belgium to an international convention.<sup>258</sup> The current Flemish Government remains resolute that the Convention should not be ratified.<sup>259</sup>

The focus of Flemish work on the Council of Europe is youth and children's rights. Flanders has worked extensively with the Youth Centre of the Council of Europe.<sup>260</sup> In December 2014, Flanders organised a conference on the interests of children. This marked the 25<sup>th</sup> anniversary of the UN convention and was held during the Belgian Chairmanship of the Committee of Ministers of the Council of Europe.<sup>261</sup>

The OECD is another international organisation high on the priority list of Flemish external relations. As with the Council of Europe, there is no formal agreement with this organisation. However, according to the Deputy General Representative of Flemish Government to the OECD, the absence of a formal agreement does not mean the Flemish Government does not aim to develop intense relations with the organisation.<sup>262</sup> The General Representative and the Deputy General Representative of the Government of Flanders in France are accredited to the OECD through the Belgian delegation, and representatives of the Flemish administration and civil servants regularly participate in working groups and committee meetings of the OECD. Within the OECD, there is a shift towards accepting subnational entities; for example, subnational units are allowed to participate in some of its programs. For Flanders, these include PISA (Program for International Student Assessment),<sup>263</sup> LEED (Local Economic and Employment Development)<sup>264</sup> and PIAAC (Program for the International Assessment of Adult Competencies).<sup>265</sup> PIAAC was previously only

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<http://www.coe.int/en/web/portal/belgianchairmanship-flanders> (accessed 20 June 2016).

<sup>258</sup> Massart-Piérard, "Politique des relations extérieures," 710.

<sup>259</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 183.

<sup>260</sup> Willems, interview by author.

<sup>261</sup> Council of Europe, "Flanders."

<sup>262</sup> Willems, interview by author.

<sup>263</sup> For more on PISA see <https://www.oecd.org/pisa/>

<sup>264</sup> For more on LEED see <http://www.oecd.org/employment/leed/>

<sup>265</sup> For more on PIAAC see <http://www.oecd.org/skills/piaac/>

open to countries, but when Belgium decided to participate at the subnational level, it was the French-speaking community and Flanders that actually took part in the program and divided up the contribution. The French-community decided to withdraw, but contribution to the program was still calculated for Belgium as whole, so Flanders ended up paying the entire contribution, although only half of the country participated.<sup>266</sup> The issue was brought before the OECD Council, who decided on a new mandate of PIAAC allowing subnational participation despite the concern expressed by some member states because of the sensitivity of the issue.<sup>267</sup> The acceptance of Belgium institutional particularities by the OECD can also be seen in many of the OECD publications, for example, on education, where some data are given separately for Flanders and the French community.<sup>268</sup> There are, however, still some publications where this division is not made and data are given for Belgium as whole, for example, in OECD Economic Surveys for Belgium. For Flemish representatives, this is not a question of “wanting to make it difficult for anyone,” but they argue that data and work coming from the OECD must be relevant at the policy level.<sup>269</sup> In other words, if the policy is at the regional level and data are given for Belgium as whole, that work is not relevant and it will not be possible to implement recommendations. The OECD’s Global Parliamentary network is open to members of national and regional parliaments and which organises regular meetings at which Flemish representatives regularly participate.<sup>270</sup>

It is worth mentioning here that Flanders has been active in other international organisations, such as the UN World Tourism Organisation (UNWTO) and the Union

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<sup>266</sup> Willems, interview by author.

<sup>267</sup> Ibid.

<sup>268</sup> See for example OECD, *Education at a Glance 2015: OECD Indicators*, OECD Publishing, <http://dx.doi.org/10.1787/eag-2015-en>

<sup>269</sup> Willems, interview by author.

<sup>270</sup> For more information on OECD Global Parliamentary Network see <http://www.oecd.org/parliamentarians/about/>

for the Mediterranean. Flanders has been an associate member of UNWTO since 1997; other associate members include Aruba, Honk Kong, Macao, Madeira and Puerto Rico.<sup>271</sup> In 2015, Flanders was elected for a second consecutive term on the Executive Council of the UNWTO representing the Associate Members.<sup>272</sup> The Secretary General of the Flanders Department of Foreign Affairs sits on the Executive Council and has spoken to the General Assembly of the UNWTO on behalf of the Associate Members. In 2012, the Secretary General of UNWTO paid the first official visit to Flanders, meeting with the Flemish Minister of Tourism and addressing the Flemish Parliament.<sup>273</sup> Flanders supported three UNWTO programs, representing a total cost to Flanders of 180,000 euros,<sup>274</sup> and aimed at helping Mozambique develop tourism and increase its economic gains from this sector.<sup>275</sup> Finally, the Flanders Department of Foreign Affairs signed a funding agreement in 2014 with the Secretariat of the Union for the Mediterranean to contribute to its projects and initiatives in the field of gender equality.<sup>276</sup> The General Representative of the Government of Flanders in Madrid is accredited to these organisations.

Flemish relations and cooperation with international organisations have two dimensions. The first is the direct interaction Flanders establishes with an

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<sup>271</sup> World Tourism Organisation, "Associate Members," <http://www2.unwto.org/members/associates> (accessed 28 July 2016).

<sup>272</sup> Flanders Department of Foreign Affairs, "Flanders re-elected on Executive Council of the World Tourism Organization," press release, 16 September 2015, <http://www.vlaanderen.be/int/en/news/flanders-re-elected-executive-council-world-tourism-organization> (accessed 28 July 2016).

<sup>273</sup> World Tourism Organisation, "Flemish Community among the first regions to measure tourism's economic impact using the Tourism Satellite Account," press release, 21 March 2012, <http://media.unwto.org/press-release/2012-03-20/flemish-community-among-first-regions-measure-tourism-s-economic-impact-usi> (accessed 28 July 2016).

<sup>274</sup> Flanders Department of Foreign Affairs, ODA Reporting.

<sup>275</sup> Flanders Department of Foreign Affairs, "Flanders first region in Europe to present TSA results to the head of UNWTO," press release, 13 March 2012, <http://www.vlaanderen.be/int/node/6218> (accessed 28 July 2016).

<sup>276</sup> Union for the Mediterranean, "Empowering women in the Euro-Mediterranean region: UfM Conference marks the launching of projects and financing agreements on gender affairs," press release, 28 March 2014, <http://ufmsecretariat.org/wp-content/uploads/2014/03/PRESS-RELEASE-UfM-Conference-marks-the-launching-of-projects-and-financing-agreements-on-gender-affairs.pdf> (accessed 28 July 2016).

international organisation. This cooperation is based on agreements Flanders signs with international organisations, including Flemish financial contributions, expertise and research, and programs of international organisations in which Flanders participates. The Flemish Government also second its experts to international organisations and subsidises Flemish interns working with international organisations.<sup>277</sup> While this first dimension may help Flanders build its international reputation and visibility, it does not provide the possibility, at least not in legal terms, for Flanders to directly influence decision-making process within the organisation. The second dimension of Flemish relations with international organisation is more indirect and relates to Flemish participation in the Belgian delegations to these organisations and in the Belgian intra-federal consultation body for multilateral coordination (COORMULTI). In this forum, Flanders defends and protects its interests, priorities and objectives. The Government of Flanders is currently working on a blueprint for a framework for Flemish cooperation at the multilateral level.<sup>278</sup>

#### **4.5. Relations with Belgian institutions and Belgian diplomatic representations**

Relationships between a federal level and a federation's constituent units, especially in multinational federations, are rarely simple, even when they are very cooperative. Flemish diplomats interviewed for this thesis said relations with their federal colleagues at Belgian embassies, missions and consulates are generally good, but can be complex. Belgian and Flemish diplomatic representatives often participate in each other's events, keep each other informed and meet on a monthly basis to discuss various issues. In South Africa, for example, they sometimes organise joint

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<sup>277</sup> The list of organisations for which the Flemish Government provides grant as well as the amount of that grant are defined by the Flemish Government Decree on Subsidisation of Internship with International Organisation, 1 January 2011, [http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/images/Decree\\_internships%20with%20international%20organisation.pdf](http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/images/Decree_internships%20with%20international%20organisation.pdf) (accessed 3 July 2016).

<sup>278</sup> Willems, interview by author.

meetings with South African counterparts, but explicitly making clear at such meetings that the Belgian Embassy and the Flemish General Representation work independently.<sup>279</sup>

Joint meetings and events represent opportunity for the Flemish General Representation Office to see what the Belgian foreign policy does or what is it focusing on and vice-versa.<sup>280</sup> According to the General Representative of the Flanders Government to Poland and the Baltic States, the relationship between federal and Flemish diplomats is largely on a personal level, and as long as each level respects the other's competencies, there are no major issues.<sup>281</sup> Building constructive collaboration and relations with federal diplomats and also with representatives of other Belgian regions and communities, some argue, depends not only on the personalities of those involved, but also on the transparency of their work.<sup>282</sup> However, those at the federal level sometimes have trouble accepting that they do not partake in activities relating to exclusively Flemish competencies; this is evident during official visits of the Flemish Minister-President, when a Belgian ambassador is invited to be part of the delegation only at some meetings (with the Prime Minister of the host country and not, for example, the Minister of Foreign Affairs).<sup>283</sup>

With the federalisation of Belgium, the federal level lost many of its initial international competencies to the regions and communities. As a result, Belgian federal diplomats have a limited scope of activities, especially in the parts of the world where their federated units have representatives. For example, in New York, where Flanders, Wallonia and Brussels-Capital have economic representatives and

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<sup>279</sup> Reymenants, interview by author.

<sup>280</sup> Ibid.

<sup>281</sup> Yves Wantens, General Representative of the Government of Flanders to Poland and the Baltic States, interview by author, tape recording, 25 April 2016.

<sup>282</sup> Dries Willems, Deputy General Representative of the Government of Flanders, Representative of Government of Flanders to UNESCO, OECD and the Council of Europe, interview by author, tape recording, 9 August 2016.

tourist offices, and Flanders also has a General Representation Office, the work of the Belgian General Consulate is restricted to consular affairs.<sup>284</sup> From the very beginning, Regions and Communities agreed to inform the federal Ministry of Foreign Affairs prior to any international trips made by members of their respective Executives, while the federal embassies and consulates would provide the necessary logistic aid to dignitaries.<sup>285</sup> However, some Belgian diplomats, particularly in the 1980s, were reluctant to provide any assistance or even to receive officials of the Regions and Communities.<sup>286</sup> Flemish internationalisation and the creation of its diplomatic network abroad was not welcomed by some French-speaking Belgian ambassadors, especially at the beginning. Former Minister-President Luc Van den Brande stated in 2005 before the Committee for Foreign Policy, European Affairs, International Cooperation and Tourism of the Flemish Parliament that French-speaking Belgian ambassadors often failed to act in accordance with the new constitutional realities.<sup>287</sup> Others claim this is mostly evident at the multilateral level.<sup>288</sup> Because international organisations and institutions are used to dealing with nation-states, not regions, federal diplomacy, some say, exploits this situation as much as possible.<sup>289</sup> According to the General Representative of the Government of Flanders to the Netherlands, federal diplomacy, especially at the beginning, attempted to limit the Flemish field of activities in multilateral forums such as the EU

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<sup>283</sup> Wantens, interview by author.

<sup>284</sup> Geert De Proost, General Representative of the Government of Flanders to the USA, interview by author, tape recording, 20 May 2016.

<sup>285</sup> Lejune, "Belgium," 161.

<sup>286</sup> Ibid.

<sup>287</sup> Former Minister-President Luc Van den Brande cited an example of the inauguration of the Flemish House in Paris and minor incident with the Belgian ambassador behaving in "totally unacceptable way". The Committee for Foreign Policy, European Affairs, International Cooperation and Tourism (2005), *Minutes of the meeting*, 8 March 2005, <https://docs.vlaamsparlement.be/website/html-vrg/404633.html> (accessed 1 March 2016).

<sup>288</sup> Buyse, interview by author; and Kris Dierckx, General Representative of the Government of Flanders to the UN, interview by author, email, 19 June 2016.

<sup>289</sup> Dierckx, interview by author.

and the UN.<sup>290</sup> The Belgian Ministry of Foreign Affairs, according to Lejune, regarded the development of the international agency of Flanders and other regions as temporary.<sup>291</sup>

While tensions between federal and Flemish diplomats and representatives were common at the beginning, this is no longer the case. As the external relations of Belgian Regions and Communities evolved, so too did the relationship between federal and Flemish diplomats.<sup>292</sup> Today, they could be characterised more as cooperative rather than conflictual.

The complexity of the relations between the federal and Flemish diplomatic representations arises from the fact that the cooperation agreement between the federal level and Regions and Communities on representation in multilateral institutions, including the EU, does not take into account all the state reforms of Belgium, especially the sixth. This creates a vague relationship between federal and Flemish diplomats, which can lead to frustration, even to personal confrontations.<sup>293</sup> The Government of Flanders Coalition Agreement (2014-2019) clearly states that the Agreement “must be amended to reflect the institutional reality in the European and Belgian context.”<sup>294</sup> Negotiations to this end have been going on for several years, and some Flemish diplomats feel a settlement is being blocked by an “unholy alliance” of the Walloons and the federal level, “who are sticking together”.<sup>295</sup> It is a sensitive political issue; if the Agreement is updated, this means that on the EU level, the regional and community ministers will have an enhanced presence,<sup>296</sup> while not

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<sup>290</sup> Buyse, interview by author

<sup>291</sup> Lejune, “Belgium,” 171.

<sup>292</sup> Catryse, interview by author.

<sup>293</sup> Ibid.

<sup>294</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 182.

<sup>295</sup> Buyse, interview by author

<sup>296</sup> Wantens, interview by author.

much in terms of foreign affairs will remain on the federal level.<sup>297</sup> Not surprisingly, then, it has been difficult to renegotiate.

Notwithstanding the complexity of the relations and personal tensions and confrontations, Flemish and Belgian diplomatic activities can sometimes be complementary. In some instances, they even strengthen each other. In South Africa, for instance, Belgian development cooperation is limited, so according to the Flemish General Representative to South Africa, the Belgian embassy in Pretoria was pleased that Flanders had decided to focus on South Africa. In the embassy's view, it enhanced the reputation of Belgium as a whole.<sup>298</sup> Another example is the work of the Flemish Commission to UNESCO. As Belgium does not have a national Commission to UNESCO, the Flemish one (an active group) is sometimes seen by other countries and their national commissions as a focal point for Belgium.<sup>299</sup>

#### **4.6. Representation Offices Abroad, Cultural Centres, Tourist and FIT Offices**

From 1994 to 1995, the first Flemish diplomats were sent to posts in den Hague, Washington, Paris, Tokyo and Vienna. They were accredited through Belgian embassies in those cities; they enjoyed diplomatic status and had offices in the Belgian embassy building. Their work, especially at the beginning, was mainly restricted to culture, education and science, and instructions from the Flemish Government were limited.<sup>300</sup> At some point, Flanders apparently considered opening cultural delegations as a part of Dutch diplomatic representations rather than Belgian

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<sup>297</sup> Ibid.

<sup>298</sup> Reymenants, interview by author.

<sup>299</sup> Tijs D'Hoest, Policy Advisor in Flanders Department of Foreign Affairs and Secretary General of the Flemish Commission for UNESCO, interview by author, tape recording, 28 June 2016.

<sup>300</sup> The main office of the General Representation is Pretoria, with offices also in Lilongwe (Malawi) and Maputo (Mozambique), is more focused on development cooperation (General Representation of the Government of Flanders in Southern Africa, Web site. <http://www.vlaanderen.be/int/pretoria/en/article/about-general-representation> (accessed 10 September 2015).

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ones, but this plan was soon abandoned.<sup>301</sup>

The first General Representation Office of the Government of Flanders was opened in Austria in 1994. Today Flanders has 11 General Representation Offices: Austria (also covering Slovakia and Slovenia), Czech Republic, France (covering OECD, Council of Europe and UNESCO), Germany, Hungary, Poland (covering Estonia, Latvia, Lithuania), the Netherlands, South Africa (also Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland),<sup>302</sup> United Kingdom (also EBRD), Spain, USA, Geneva (accredited to the UN) and Brussels (accredited to the EU). There are four satellite offices: one each in Malawi and Mozambique, former FICA Offices, focusing on development cooperation and falling under the jurisdiction of the General Representation of the Government of Flanders to South Africa; one each in Czech Republic and Hungary under the General Representation to Austria.

As it has been noted, Flemish representatives and delegates abroad are accredited through Belgian embassies or consulates and enjoy diplomatic privileges. Until recently, the duration of the mandate of Flemish General Representatives abroad was not fixed, so it could last as long as eight or nine years.<sup>303</sup> Since 2014, the mandate of General Representatives is linked to that of the Government and, thus, lasts five years.<sup>304</sup> Flemish General representatives have different backgrounds but are all civil servants of the Government of Flanders. Until 2000, all Flemish diplomats had the diplomatic rank of attaché. Since then, Flemish General Representatives and

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<sup>302</sup> The main office of the General Representation is Pretoria, with offices also in Lilongwe (Malawi) and Maputo (Mozambique), is more focused on development cooperation (General Representation of the Government of Flanders in Southern Africa, Web site. <http://www.vlaanderen.be/int/pretoria/en/article/about-general-representation> (accessed 10 September 2015).

<sup>303</sup> The main office of the General Representation is Pretoria, with offices also in Lilongwe (Malawi) and Maputo (Mozambique), is more focused on development cooperation (General Representation of the Government of Flanders in Southern Africa, Web site. <http://www.vlaanderen.be/int/pretoria/en/article/about-general-representation> (accessed 10 September 2015).

<sup>304</sup> Reymenants, interview by author.

<sup>304</sup> Ibid.

some Deputy General Representatives (Paris) have the diplomatic rank of counsellor or vice-consul if they are accredited through the Belgian consulate, as is the case with the General Representative of the Government of Flanders in New York. The Government of Flanders organises diplomatic days for General Representatives once a year in Brussels; they attend meetings with the highest governmental and parliamentary officials from Flanders. Every year, the diplomatic days focus on a different theme; for example, in 2015 the focus was on language and culture. Flemish diplomats receive training, and since 2008, there has been a rotation system among senior diplomats.<sup>305</sup>

The biggest challenge in the work of General Representation is twofold. On the one hand, they must cooperate with bodies at the federal level (Belgian embassies), and on the other, the host country must accept the jurisdiction of these offices and acknowledge the particularities of the Belgian institutional design. Some countries are easier to work with, especially those with whom Flanders has signed bilateral agreements; others have a more centralised approach and, thus, are more hesitant to cooperate directly with Flemish representations, not knowing whether the Belgian embassy or Belgian Government will approve.<sup>306</sup> Some countries have difficulty understanding the Belgian constitutional architecture; in Japan, for example, the Government of Flanders has adopted a softer approach and built its presence through the Flemish Cultural Centre. Although the Flemish Government had a diplomatic representative in Tokyo from 1995 to 2003, it realised the Centre was more effective than a formal representative and dropped the diplomatic post.<sup>307</sup>

Federated units and regions face even more difficulties when they are trying to position themselves at the multilateral level, especially with the EU and the UN.

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<sup>305</sup> Crikemans, "Foreign Policy and Diplomacy," 17.

<sup>306</sup> Wantens, interview by author.

According to the General Representative of the Government of Flanders to the UN, the only way to overcome these challenges is to cooperate as closely as possible with organisations and institutions that deal with issues falling under the jurisdiction of Flanders.<sup>308</sup> The EU has not been able to fully accept the Flemish role because working with more partners makes “things a bit complex and more complicated.”<sup>309</sup> Objections sometimes come from member states because of their own internal issues. Spain is a case in point; it may try to prevent subnational initiatives especially at the multilateral level because of the international ambitions of its own autonomous communities, such as the Basque country and Catalonia.<sup>310</sup>

In addition, the work of Flemish diplomats is difficult because most of the General Representations are understaffed. For example, the General Representation of the Government of Flanders in Paris has only two diplomats; the General Representative who deals with the bilateral relations and the Deputy General Representative who handles all the work at the multilateral level, including with organisations such as the OECD, UNESCO, or the Council of Europe. Another example is the General Representative of the Government of Flanders in Warsaw; this post covers Poland, Latvia, Lithuania and Estonia. An exception is the General Representation of the Government of Flanders to the European Union; this office has a General Representative, Director for the EU Affairs and 18 specialised sectorial policy attachés.

In the early 1990s, Flanders sent investment officers to Singapore and Stockholm. At the same time, export promotion representatives were sent to several countries, including Canada, Austria, and the Netherlands, but the consolidation and

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<sup>307</sup> Catrysse, interview by author.

<sup>308</sup> Dierckx, interview by author.

<sup>309</sup> Buyse, interview by author

<sup>310</sup> Ibid.

optimisation of Flemish economic activities abroad only occurred in 2005 with the merger of Flanders Exports and Flanders Foreign Investment into Flanders Investment and Trade (FIT). Today, FIT has more than 70 offices in 65 countries.<sup>311</sup> Flemish economic representatives are accredited through Belgian embassies and general consulates and have the diplomatic rank of attachés or consular agent if they are accredited through Belgian consulates, as is the case with the FIT representative in Montreal. The mandate of FIT representatives lasts a minimum of four years and a maximum of seven, with the exception of certain more difficult posts, such as India, where the mandate lasts three years. There is no hierarchy between a General Representative and an FIT representative, although a General Representative has a higher diplomatic rank. The absence of coordination sometimes leads to confusion, even within Belgian Embassies, as they often consider a General Representative to be the highest-ranking representative of Flanders abroad.<sup>312</sup> Flanders Investment and Trade has cooperation agreements with Walloon and Brussels-Capital investment and trade agencies on mutual representation in the parts of world where one of the agencies is present and the others do not have their representations. These agreements only relate to export promotion, not to attracting investment.<sup>313</sup> The Government of Flanders plans to expand the network of FIT posts abroad based on a SWOT analysis in the coming years.

In addition to Flemish diplomatic representatives and economic attachés, there are around 50 people working in ten Foreign and five Representative Offices of Tourism Flanders-Brussels.<sup>314</sup> They are not accredited through Belgian embassies

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<sup>311</sup> In some countries like France, Russia, Canada, India, USA, Italy etc. FIT has more than one office. Flanders Investment and Trade, “Foreign Offices,” <http://www.flandersinvestmentandtrade.com/en/contact/foreign-offices> (accessed 30 July 2016).

<sup>312</sup> Reymenants, interview by author.

<sup>313</sup> Mieke Pynnaert, FIT Commissioner, Montreal, interview by author, tape recording 17 August 2016.

<sup>314</sup> New York, Beijing, Tokyo, London, the Hague, Paris, Vienna, Cologne, Milano and Barcelona and Representative offices in India, Russia, Switzerland, Australia and New Zealand, and Brasil. *Visit Flanders North America Office*, “Presentation”, Livne Vreven, Director North America Visit Flanders,

and, thus, do not enjoy diplomatic status. Until 2015, the Centre for the Promotion of Agriculture and Fisheries (VLAM) had offices in Paris and Cologne, but the Government of Flanders decided to close them down, as their work could easily be covered by the VLAM's central office in Brussels.<sup>315</sup> There were also agricultural attachés working in the Flemish General Representation Offices in the Netherlands, Germany and France, but for budgetary reasons, the Government of Flanders closed them in 2008.<sup>316</sup> The Government of Flanders is currently analysing the possibility of reintroducing agricultural attachés in certain countries but has not made a final decision.<sup>317</sup>

To optimise its network abroad, the Government of Flanders aims at grouping together General Representation, FIT and Tourism Flanders-Brussels (in countries where they are present) at one working location, with a joint mission and action program.<sup>318</sup> These so-called “Flemish Houses” already exist in the Hague, New York, Vienna, London, and Paris.

#### **4.7. International Treaties, Agreements, Memoranda and Protocols**

As noted in the chapter's introduction, Flanders began to enter into non-binding agreements with states and federated units in the late 1980s, with Quebec its first international partner.

The fourth state reform (1993) gave the Regions and Communities treaty making powers, including at the international level. The powers include both the exclusive competencies of the regions and communities giving them the right to sign a treaty without the federal Government, and mixed competencies, which relates to

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email message to author, 27 July 2016.

<sup>315</sup> Pieter Lieater, Agriculture Attaché, General Representation of the Government of Flanders to the EU, interview by author, email, 4 November 2016.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

treaties signed both by the federal level and federated units. Flanders has used its treaty making powers extensively. It is now a partner in over 700 treaties, protocols and memoranda and is involved in 575 valid mixed treaties.<sup>319</sup> Table 6 provides a list of treaties and memoranda of understanding Flanders has signed with foreign partners, including countries, federated units and institutions. The table is restricted to treaties and memoranda of understanding; it does not cover protocols, joint statements, declarations, action programs etc.

Flanders has signed 28 exclusive bilateral treaties with 15 countries; as Table 6 shows, the Netherlands is the most important partner, with 13 treaties; next comes South Africa with two, followed by France, Luxembourg, Poland, Hungary, Estonia, Latvia, Lithuania, Romania, Slovenia, Bulgaria, Czech Republic, Slovakia and Croatia, with one each.<sup>320</sup> Flanders has been oriented towards concluding exclusive bilateral treaties with the Netherlands; for one thing, the Netherlands is its most important bilateral partner; for another, many open issues require legally binding agreements. The selection of the partners is in line with the geographic focus of the Flemish international presence mentioned earlier: neighbouring countries, countries in Central and Eastern Europe and countries in Southern Africa. Flanders has concluded 89 Memoranda of Understanding with countries, federated units, international organisations and institutions. Of these, 59 were concluded with 25 countries; the Netherlands again tops the list with 13, followed by South Africa (5), the Russian Federation (5) and China (5).

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<sup>318</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 183.

<sup>319</sup> Flanders Department of Foreign Affairs, information provided by email correspondence to author, 4 August 2016.

<sup>320</sup> Flemish Foreign Affairs Council, "Het gebruik van exclusieve bilaterale Verdragen" [*The use of exclusive bilateral treaties*], Advice 2013/08, 30 October 2013, 8. [http://www.sariv.be/web/images/uploads/public/7748612071\\_20131030\\_SARiV\\_verdragen\\_MoU\\_WEB.pdf](http://www.sariv.be/web/images/uploads/public/7748612071_20131030_SARiV_verdragen_MoU_WEB.pdf) (accessed 1 July 2016).

Bilateral Partner	Treaty	MoU	Area/Sector
Countries- Regions			
Australia		1	World Wars commemoration
Brazil		1	Education
Brasilia		1	Education
Bulgaria	1	1	Exchange of interns, cooperation (mostly related to EU integration)
Chile		1	General cooperation
China		5	Research, innovation, education, ports, communications
Columbia		1	Transport, energy, environment
Croatia	1		General cooperation (mostly related to EU integration)
Cuba		3	Education, Foreign investments,
Estonia	1		General cooperation (mostly related to EU integration)
France	1		Culture, language, education and science
Hungary	1		General cooperation (mostly related to EU integration)
India		2	Shipping, biotechnology
Israel		1	Industrial research and development
Latvia	1		General cooperation (mostly related to EU integration)
Lithuania	1		General cooperation (mostly related to EU integration)
Luxembourg	1		Culture, science and cooperation
Malawi		2	Development cooperation
Morocco		1	Education
Mexico		1	General cooperation
Mozambique		4	Health, development cooperation,
Netherlands	13	13	Immigration, Dutch language, education, culture, Scheldt estuary, Dutch-Flemish Centre, water management, agriculture, fisheries, rural development, environment, science, welfare
New Zealand		1	World Wars commemoration
North-Westphalia		1	Mobility, Public Works, social economy, science and innovation
Ukraine		1	Education
Poland	1	1	Environment, energy, cooperation (mostly related to EU integration)
Romania	1		General cooperation (mostly related to EU integration)
Russian Federation		5	Education (including higher education and vocational training)
Scotland		1	Tourism
Slovakia	1	1	Education, general cooperation (mostly related to EU integration)
Slovenia	1		General cooperation (mostly related to EU integration)
Taiwan		1	Education
Thailand		1	Ports
Czech Republic	1	1	Education, general cooperation (mostly related to EU integration)
USA		1	Cooperation in the Globe program
Vietnam		3	General cooperation, transportation, research and development
South Africa	2	5	Development cooperation, youth, culture, arts, sports, education,
International organisations/institutions			
UNESCO		5	Flemish UNESCO Trust Fund
UNAIDS		2	Flemish contribution for UNAIDS programs
UNDP		2	One UN Fund in Malawi
EBRD		1	Flemish funds for technical cooperation
ILO		4	Flemish funds for technical cooperation
IFAD		1	Financial contribution to the Trust Fund-smallholder agriculture
UNICEF		1	Flemish Financial contribution for UNICEF programs
UNITAR		1	Flemish financial contribution
UNMIK		1	EU Pillar IV
UNRWA		2	Technical cooperation and Flemish financial contribution
UN University		5	International training program on biodiversity, regional studies,
WFP		1	Technical cooperation and Flemish financial contribution
World Bank		1	Flemish environmental trust fund
WHO		1	Technical cooperation and Flemish financial contribution

Table 6: List of Exclusive Treaties and Memoranda of Understanding<sup>321</sup>

<sup>321</sup> Flanders Department of Foreign Affairs, information provided by email correspondence to author.

Flanders has also signed 28 cooperation agreements with 14 international organisations and institutions, including UNESCO, ILO, WHO, UNAIDS, UNWTO. These cooperation agreements relate to Flemish financial assistance or expertise for projects conducted by multilateral partners, with a focus on the region of Southern Africa.

Over the last couple of years, the Flemish Government has leaned towards looser forms of engagement such as memoranda of understanding or cooperation agreements, partly because of their flexibility, but also because they do not require the approval of the Parliament of Flanders.<sup>322</sup> Criekemans (2006) warns that, on the one hand, a non-binding nature of these instruments is a potential disadvantage, but on the other, the extensive use of treaties could lead to excessive “formalization” of Flemish external relations with little room to respond to new challenges.<sup>323</sup>

#### **4.8. Development Assistance and Cooperation**

At the beginning of the 1990s, Flanders wanted to project itself as a reliable and solid international partner by providing financial contributions and technical expertise to international organisations and countries. Countries include those in Eastern and Central Europe and in Southern Africa; international organisations and institutions include UNESCO, the International Labour Organisation and the European Bank for Reconstruction and Development (EBRD). Development assistance has an important role in the projecting the “legitimacy of the source” at the domestic as well as the international level,<sup>324</sup> so it is not surprising that wealthy federated units and regions, such as Flanders, Quebec, Scotland, and Catalonia, have used this mechanism widely. As a result, there is an increasing decentralisation of the

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<sup>322</sup> Hendrik Theunissen, Deputy Head of Cabinet Foreign Affairs of Minister-president Geert Bourgeois, interview by author, tape recording, 10 June 2016.

<sup>323</sup> Criekemans, “How subnational entities try to develop,” 12.

international aid system, with federated units and regions appearing as donors or as partners in various development assistance programs and projects.<sup>325</sup> Flanders is no exception.

At first, Flemish development assistance lacked coordination and clearly defined objectives. For example, when Flanders started to provide development assistance to South Africa, there were not only many different actors involved, but also numerous domains and many small projects worth as little as a few thousand dollars. These were difficult to coordinate, and their implementation was hard to track.<sup>326</sup> During this initial stage of Flemish development assistance, geographic priorities were yet not clearly determined, and they included various parts of the world from Latin America, to Eastern and Central Europe, to South Africa and Asia. Since the second half of 2000s, we have seen a tendency to use a more systematic and structural approach to development assistance in terms of geographic priorities and in terms of objectives and sectors.

Development cooperation has had three main strategic objectives: environmental protection, respect for human rights, and poverty reduction and social development. The issue of human rights plays important role when Flanders is selecting a partner country for developing cooperation either bilaterally or multilaterally. According to the Framework Act on Cooperation Development (2007), the criterion for deciding on a partner country is “good governance”, defined as “the method that aims to optimise management of the institutional capacities, the decision making process of the governments and management of government monies

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<sup>324</sup> Rodrigo Tavares, *Paradiplomacy: Cities and States as Global Players*, (New York: Oxford University Press, 2016), 142.

<sup>325</sup> Noé Cornago, “Foreign Development Policy of Constituent Units: Trends, Challenges and Lessons Learned,” Occasional Paper Series no. 2 (Forum of Federations, 2010), 5, <http://www.forumfed.org/wp-content/uploads/2016/02/op2.pdf> (accessed 5 June 2014).

<sup>326</sup> Ibid.

subject to democracy, the rule of law and human rights and the fundamental freedoms.”<sup>327</sup>

Since 2012, the Government of Flanders has aimed at more fully integrating the theme of human rights into its international relations, especially through development cooperation. If in a partner country with whom development cooperation has already been established shows deterioration in human rights, the Flemish Government will make a financial contribution to actors in that partner country who are not part of its official institutions.<sup>328</sup>

As mentioned, from 2006 to 2014, an autonomous governmental agency, the Flanders International Cooperation Agency (FICA) was responsible for bilateral cooperation with the South. FICA had offices in South Africa, Mozambique and Malawi. When FICA merged with the Flanders Department of Foreign Affairs, the formulation of development cooperation policy and its implementation became the Department’s responsibility. The Department of Foreign Affairs has a Development Cooperation Unit. To improve the internal coordination of development assistance, in 2007 the Government of Flanders passed the Framework Decree on Development Cooperation. It requires all Flemish actors in development assistance to adjust their support to reflect the priorities of the Country Strategy Papers.<sup>329</sup> The Flemish Minister in charge of development cooperation has a coordinating role in Flemish development assistance.

One of the biggest challenges Flanders has faced in development assistance is

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<sup>327</sup> Framework Act on Development Cooperation, 22 June 2007, cited in Flanders Department of Foreign Affairs, “Human Rights and Flanders’ International Policy”, July 2012, 27, <http://www.vlaanderen.be/int/en/publications/detail/human-rights-and-flemish-international-policy> (accessed 3 July 2016).

<sup>328</sup> Human Rights and Flanders’ International Policy *ibid* p. 28

<sup>329</sup> Government of Flanders, “Country Strategy Paper II, Development Cooperation Between Flanders and South Africa 2012-2016”, 11, [http://www.vlaanderen.be/int/sites/iv.devvlh.vlaanderen.be.int/files/documenten/Country%20Strategy%](http://www.vlaanderen.be/int/sites/iv.devvlh.vlaanderen.be.int/files/documenten/Country%20Strategy%20II.pdf)

a limited implementation capacity. It is difficult to transform policy strategy into programs and projects or to manage the diversified program portfolios.<sup>330</sup> Therefore, in recent years, Flanders has given geographic priority to Southern Africa. Flemish development cooperation in the region aims at contributing to poverty reduction and is restricted to one sector per country; in South Africa the focus is on job creation and development of small and medium enterprises, in Mozambique on health and sexual and reproductive healthcare, and in Malawi on agriculture and food security.<sup>331</sup>

Another issue with development cooperation is that the federal level continues to implement parts of development cooperation that relate to Region and Community powers. Even though the Lambermont Accord of the fifth State Reform provides for the transfer of certain aspects of development cooperation to Regions and Communities, an agreement defining the modalities of the transfer has never been reached. Consequently, the federal level continues to implement development cooperation policies and programs in sectors for which it has neither legal authority nor expertise.

From 2011 to 2015 the official development assistance of Flanders amounted to 273,545,392.47 euros;<sup>332</sup> about 50 per cent of this went to developing countries in the South and about 45 per cent to domestic actors working on development cooperation.<sup>333</sup> As Graph 3 shows, the official development assistance of Flanders for 2015 was 55,399,743 euros, with 54 per cent or 30,062,996 going to projects and programs in the South; development in Northern countries comprised 24,110,005

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[20Paper%20South%20Africa-Flanders.pdf](#) (accessed 2 July 2016).

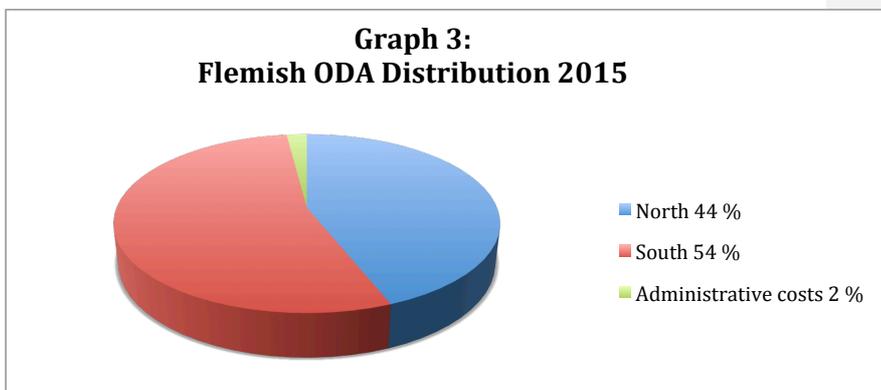
<sup>330</sup> Peeters, "Policy Papers 2009-2014," 22.

<sup>331</sup> Flanders Department of Foreign Affairs, "Development Cooperation," <http://www.vlaanderen.be/int/en/development-cooperation> (accessed 2 July 2015).

<sup>332</sup> Government of Flanders, ODA Data base, [http://www410.vlaanderen.be/iv/div/Lists/ODAreporting/regions.aspx?View={43cfa41-749a-4c14-89c5abaae15d47ca}&SortField=Jaar\\_x0020\\_van\\_x0020\\_betaling&SortDir=Asc&InitialTabId=Ribbon%2EListItem&VisibilityContext=WSSTabPersistence&FilterClear=1](http://www410.vlaanderen.be/iv/div/Lists/ODAreporting/regions.aspx?View={43cfa41-749a-4c14-89c5abaae15d47ca}&SortField=Jaar_x0020_van_x0020_betaling&SortDir=Asc&InitialTabId=Ribbon%2EListItem&VisibilityContext=WSSTabPersistence&FilterClear=1) (accessed 2 July 2015).

<sup>333</sup> Flanders Department of Foreign Affairs, Flemish ODA Reports,

euros or 44 per cent of the total. This was given to Flemish actors, which means these funds did not leave the country.<sup>334</sup> Around 70 per cent of the Northern cooperation went to scientific research and education in the field of development and institutions, such as the Antwerp Institute of Tropical Medicine, the Institute of Development Policy and Management, and the United Nations University.<sup>335</sup>



For Southern cooperation, the priority in 2015 continued to be the countries of the region of Southern Africa, more specifically South Africa, Mozambique and Malawi. Southern Africa, as Graph 4 shows, received 70 per cent of all the Flemish ODA distributed to the South or 21,069,759 EURO.<sup>336</sup>

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<http://www.vlaanderen.be/int/en/flemish-oda> (accessed 1 July 2016).

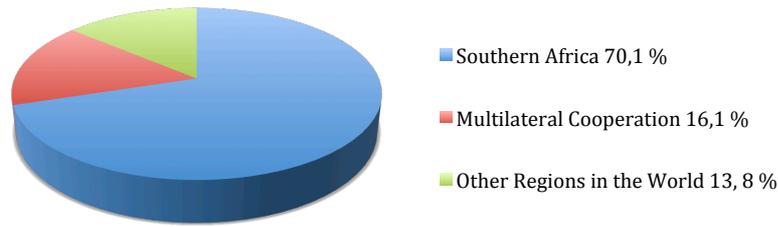
<sup>334</sup> Flanders Department of Foreign Affairs, "The Flemish ODA Report 2016, Official Development Assistance by the Government of Flanders," no. D/2016/3241/093, (April 2016), 12.

[http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/Vlaamse%20ODA%20report%202015\\_ENG.pdf](http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/Vlaamse%20ODA%20report%202015_ENG.pdf) (accessed 3 July 2016).

<sup>335</sup> Ibid., 15.

<sup>336</sup> Ibid., 14-15.

**Graph 4:  
Flemish ODA Distribution for the South 2015**



Flanders also provides assistance to people and territories affected by wars, famine, displacements or epidemics; in 2015, the Flemish Government provided 444,828 EUR in emergency aid.<sup>337</sup>

Flemish development assistance is added into the overall Belgian assistance; thus, Flanders contributes to the projection of Belgium as an international aid donor. The Government of Flanders aims at reaching a target of 0.7 per cent of Belgium's official development assistance.

#### **4.9. Public Diplomacy**

The Government of Flanders announced in its Coalition Agreement that the ambitious Flemish foreign policy would focus on cultural, academic and public diplomacy. It sees these as crucial for the public perception of Flanders abroad; for one thing, it is likely to lead to foreign investment in Flanders.<sup>338</sup> However, a targeted and structured Flemish public diplomacy is a more recent development. In his analysis of Flemish international activities from 1993 to 2005, Criekemans observes that the main challenges of the Flemish foreign policy lied mainly within public

<sup>337</sup> This does not include humanitarian aid contributions to WFP, CERF and UNRWA, Flanders Department of Foreign Affairs, "The Flemish ODA Report 2016," 15.

<sup>338</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 182 & 186.

diplomacy.<sup>339</sup> Since 2006 the Government of Flanders has begun to focus more on public diplomacy through various specific programs and projects. In addition to the promotional and cultural activities carried out by Flemish Cultural Centres and the Representation Offices abroad, Flanders Investment and Trade and Tourism Offices help to promote the Flemish image abroad.

Flemish public diplomacy can be divided into two large but intertwined categories: the initiatives of non-profit organisations and institutions receiving funds from the Flemish Government and the initiatives and projects of the Flemish Government. Within the first category, the most important initiatives include Vlamingen in de Wereld (Flemings in the World), District of Creativity, Flanders Knowledge Area, and Flanders Inspires International Visitors. Flemings in the World is a foundation established as a small association in the 1960s in a Mechelen (Flanders) that has grown into a network with over 120 branches worldwide.<sup>340</sup> In structural partnership with the Flemish Government, it promotes Flemish culture through various activities (exhibitions, concerts, book promotions) and organises Dutch language courses (mostly for expatriates' children). Operational costs are covered by the Government of Flanders. The current Government aims at involving actively the Flemish diaspora in Flemish foreign policy especially in its cultural and public diplomacy.<sup>341</sup>

The District of Creativity (Flanders DC) is a non-profit organisation created in 2004 by the Government of Flanders, whose main aim is to strengthen, connect and promote Flemish creative economy, especially fashion and design.<sup>342</sup> The

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<sup>339</sup> Crikemans, "How subnational entities try to develop," 20.

<sup>340</sup> Flanders State of the Art, "Flemings in the World, New York Region," [http://www.flandershouse.org/viw\\_ny](http://www.flandershouse.org/viw_ny) (accessed 13 March 2016).

<sup>341</sup> Government of Flanders, Coalition Agreement 2014-2019, 187.

<sup>342</sup> Flanders District of Creativity, About us <http://www.flandersdc.be/en/about-flanders-dc> (accessed 2 May 2016).

Flanders DC organises promotional activities abroad and coordinates the work of the District of Creativity Network. The latter brings together 13 of the most creative and innovative regions of the world. The Flanders Knowledge Area is an agency for mobility and cooperation in higher education established in 2008. Its mission is to contribute to the internationalisation of Flemish higher education and to promote Flemish research, mobility and international cooperation.<sup>343</sup> The agency is involved in three main projects “Study in Flanders” and “Research in Flanders,” both funded by the Flemish Government, and is a partner of the European project “Reconfirm” for internship mobility, funded by the European Commission.<sup>344</sup> Finally, the Flanders Inspires International Visitors Program, which started in 2010, is an instrument of public diplomacy implemented by the Government of Flanders. It was inspired by the US “International Visitor Leadership Program” targeting high-level foreign decision and opinion makers. There are normally two programs per year, each with a different sectorial focus; the most recent one, in October 2016, focused on creative industry.<sup>345</sup> The program is coordinated by the Communication division of the Flanders Department of Foreign Affairs.

The Flemish Government has other public diplomacy strategies to increase its international visibility, for example, the celebration of the Flemish National Day on 11 July both at home and abroad is handled by the General Representation Offices and Cultural Centres. In 2016 Flanders was, together with the Netherlands, a guest of honour at the Frankfurter Book fair,<sup>346</sup> one of the largest book fairs in the world. The Government of Flanders, like many European countries, has organised a four-year

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<sup>343</sup> Flanders Knowledge Area, Web site. <http://www.flandersknowledgearea.be/en/welcome/> (accessed 3 May 2016).

<sup>344</sup> Ibid.

<sup>345</sup> Alan Hope, “Guests of honour: High-profile visitors spread Flanders’ fame abroad,” *Flanders Today*, 6 October 2016, <http://www.flanderstoday.eu/business/guests-honour-high-profile-visitors-spread-flanders-fame-abroad> (accessed 19 October 2016).

<sup>346</sup> Frankfurter Buchmesse, Press announcement, <http://www.buchmesse.de/fbmsite/en/fbf/press/press-releases/03093/> (accessed 20 September 2016).

program for the centenary of the Great War. The project has three main aims: to increase the visibility of Flanders on the international scene and project Flanders as a promoter of the world peace; to raise awareness among the Flemish people about the importance of intercultural dialogue and international understanding; and, finally, to develop “commemorative tourism.”<sup>347</sup> The Flemish Minister President is the coordinator of the commemoration project and within the Flanders Department of Foreign Affairs, an office has been established to prepare and coordinate the activities.<sup>348</sup>

In 2007, the Government of Flanders launched a free English language magazine *Flanders Today* available both in hard copy and online.<sup>349</sup> This initiative came after Catalonia introduced a similar English language magazine, *Catalonia Today*,<sup>350</sup> in 2004. The Flemish Research Centre for Foreign Affairs also gets involved in global academic debates on the development of international agency of regions and federated units. The Centre has so far organised two international conferences on the role of regions on the international scene; the first event was organised in 2012 and the last one in 2016.<sup>351</sup>

#### **4.10. Foreign Diplomatic Representations in Brussels**

With a diplomatic presence over 180 countries, over 100 missions to the EU and NATO and around 200 Representation Offices, Flanders can interact with its international partners in a less costly and sometimes less formal way than by making official visits or entering into formal agreements. Having a diplomatic presence in

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<sup>347</sup> Government of Flanders, “Project Office: The Great War Centenary 2014-2018,” (2015), [http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/2015\\_The\\_Great\\_War\\_Centenary\\_1.pdf](http://www.vlaanderen.be/int/sites/iv.devlh.vlaanderen.be.int/files/documenten/2015_The_Great_War_Centenary_1.pdf) (accessed 7 April 2016).

<sup>348</sup> Ibid.

<sup>349</sup> see <http://www.flanderstoday.eu>

<sup>350</sup> see <http://www.cataloniatoday.cat>

<sup>351</sup> for events organised by the Centre see <http://ghum.kuleuven.be/ggs/projects/policy-research-centre/events.html>

Brussels is especially important, as recognised in the Government of Flanders *Policy Paper 2009-2014*. Before this time, the Policy Paper says, the Government of Flanders was not taking full advantage of “enormous opportunities offered by this concentration of assets.” Therefore, since 2010, it has adopted a proactive policy in its diplomatic representation in Brussels”.<sup>352</sup>

In addition to the above-mentioned weekly magazine *Flanders Today*, which is distributed to foreign representations in Belgium, since 2010, the Flanders Department of Foreign Affairs has been distributing monthly e-zines to the embassies and Representation Offices located in Brussels. Contacts with foreign representatives have been developed in a “targeted manner” including content related briefing on Flemish policy on joint interests, projects and initiatives, welcome programs for foreign ambassadors and Dutch language courses for diplomats.<sup>353</sup> Heads of diplomatic missions and embassies pay courtesy visits to the Flemish Minister-President and the Speaker of the Parliament and there are frequent *ad hoc* meetings. The Flemish Government organises two annual events for foreign diplomatic representatives: the celebration of the National Day of Flanders (11 July) and a New Year’s reception for the diplomatic corps, where the Minister-President presents the most important priorities and initiatives of Flemish external relations and states the Flemish positions on the most important global issues, such as the situation in Syria, the European refugee crisis etc.<sup>354</sup> The approach Flanders has taken vis-à-vis foreign diplomats and representatives is very similar to that of a host country, although their interactions may have some limitations, given the reservations of some states about the diplomatic activities of sub-state units.

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<sup>352</sup> Peeters, “Policy Papers 2009-2014,” 65.

<sup>353</sup> Ibid.

<sup>354</sup> see for example *Speech by Flemish Minister-president Geert Bourgeois*, New Year’s reception for the diplomatic corps, Brussels, 18 January 2016, <http://www.vlaanderen.be/int/europese->

#### 4.11. Conclusion

The chapter set out to analyse the external relations of Flanders and the evolution of its institutions playing a key role in the international arena. The Chapter analysed how Flanders managed in a relatively short time to move from image building and what was called in this thesis the Phase A of development of international agency to a second stage where external relations are more diversified and multifaceted. To do so I looked at important moments of time i.e. critical junctures, during which Flanders made important decisions to create institution for external relations. Flemish external relations have so far undergone two stages of development and are currently at the mid-Phase BC. I identified so far three important critical junctures that led to the development of these stages. The first critical juncture was the formation of Belgian federal state and transfer of extensive international powers to the regions. The first critical juncture led to the development of the Phase A. During the Phase A, Flanders begun to open representation offices abroad, send its first diplomats and create institutions at home that had a role to play in the international arena. However, its institutional capacities were rather limited, so its international activities during the Phase A were mostly restricted to culture and identity promotion. Flanders was not known to the outside world and culture was a way to promote it. Putting Flanders on the world map was the main mission of Flemish international activities during this stage. The first critical junctures provided an opportunity to Flanders to engage with various rationales that were grouped in this thesis as cultural and historical legacy, geopolitical rationale, the EU, solidarity with other regions, functional rationale and multilateral institutions. The scope and the type of its international activities during this stage reflect its limited institutional capacity. There was no structural approach neither towards selection of international

partners or areas that Flanders wanted to focus. The Phase A was considered in this thesis to last from 1993 to 2000. As said in the introduction of this Chapter, duration of each phase is not fixed, but should be considered as an approximate time frame.

The fifth state reform of 2001 was considered in this thesis as the second critical juncture. It expanded political and fiscal autonomy of the region, which enabled Flanders to allocate more financial resources both at home and abroad for its international activities. With the transfer of foreign trade and some aspects of development cooperation to the regions, the reform created an opportunity for Flanders to shift its focus from language and culture to other aspects of internationalisation. During the Phase B, which lasted from 2001 to 2010, Flanders was more focused on promoting external trade and reinforcing Flemish economic representation abroad, although promotion of its image remained important feature of its international agency. During this stage there was a proliferation of Flemish actors, taking initiatives and operating on the international scene almost completely independently and autonomously of each other. The absence of synergy between Flemish actors led to overlapping and duplication of activities; with limited capacities, especially in human resources, it became difficult for Flemish administration to follow up on all the initiatives taken on the international scene. During this stage Flanders made a decision to create the Administration for External Relations and the Department of Foreign Affairs (2006), which would take on all the issues that had international dimension. Flanders began to define its international objectives, priorities and goals in a more systematic way through Coalition Agreements. It also began to produce strategy papers, which define priorities and objectives for developing and strengthening relations with specific bilateral partners. The first Strategy Paper was formulated for the Netherlands in 2005. Flanders also

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[unie/files/documenten/2016\\_toespraak%20corps%20diplomatieque\\_EN.pdf](https://www.unie/files/documenten/2016_toespraak%20corps%20diplomatieque_EN.pdf) (accessed 10 April 2016).

started during this stage to pay more attention to public diplomacy both at home and abroad. Several projects and programs have been launched to increase Flemish visibility internationally; these were either carried out by non-profit organisations and institutions or by the Government of Flanders. The Phase B also saw the development of regular contacts and dialogue with the diplomatic representatives of foreign countries, which were seen as an important channel to communicate Flemish international objectives.

The third important moment of time in this thesis was identified with the sixth state reform of 2011. It provided for not only fiscal, but also for the first time social autonomy for federated units. Social security has long been seen as one of the three glues that keep Belgium together. The last state reform according to Swenden has led to the further hollowing of the Belgian centre.<sup>355</sup> For Flanders the third critical has been seen as an opportunity to increase its international role as an independent actor, which is on equal footing with other international actors. Flanders has used the opportunity created by the third critical juncture to move to the Phase BC of the development of its external relations. It made some important decisions regarding the institutionalisation of its international activities such as creation of the fully-fledged Ministry of Foreign Affairs. Creation of the Ministry of Foreign Affairs as a separate Ministry taking over activities hitherto conducted by the Department for Foreign Affairs was approved by the Flemish Government in July 2015. The Ministry is expected to play a coordinating role in the Flemish administration on all issues and policies with an international dimension. Flemish external relations are still in the Phase BC and are in the process of being further consolidated. They are very institutionalised, diverse and structured, focusing on the internationalisation of Flemish economy and culture, the EU, poverty reduction and social development,

human rights and the environment. Some argue that Flemish international activities should not be regarded as a question of choice, but one of taking responsibility at the international level.

Redefining its priorities and fine-tuning its instruments have been an ongoing exercise of the current Government of Flanders. Flemish external relations today resemble to the ones of sovereign states. Flanders has extensively used all possible instruments to position itself internationally, including treaties, memoranda of understanding, development cooperation programs, financial assistance, and opening up economic and diplomatic representations. Recall that Flanders has now signed over 700 mixed and exclusive treaties, memoranda of understanding, protocols and letters of intent. Flanders has signed 28 exclusive bilateral treaties with 15 countries and 58 memoranda of understanding with another 15 countries. These treaties and memoranda of understanding cover a wide range of policy areas: education, culture, economy, the environment, science, research, transport, mobility, human rights, poverty reduction, water management, development cooperation, and EU affairs. Most have not remained a dead letter, as is often the case with memoranda of understanding, but have been used as a framework to develop bilateral relations and cooperation. Flanders has also signed 28 memoranda of understanding with 14 international organisations and institutions. The agreements provide a framework for Flemish financial contributions, expertise and other forms of assistance to international programs of these international organizations and institutions.

In addition, Flanders has created a network of its diplomatic and economic representations with 11 General Representation Offices and 4 antenna offices, over 70 offices of Flanders Investment and Trade, 2 Cultural Centres and 10 Foreign and 5 Representative Offices of Tourism Flanders-Brussels. Although in some countries,

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<sup>355</sup> Swenden, "Conclusion: The Future of Belgian Federalism," 369.

Flanders has both diplomatic and economic representations and even Offices of Tourism Flanders-Brussels, there is no formal mechanism of coordination in place between them. The Flemish Government plans to give a coordinating role to a General Representative in those countries where Flanders has several representatives. As announced in the 2009 Foreign Policy Paper, its implementation refers to physically grouping several agencies and representations in some countries under one roof in the Flemish Houses. Whether and to what extent this synergy will be achieved and how much obstruction (if any) it will receive from Flanders Investment and Trade and Tourism Flanders-Brussels agencies remain to be seen.

At the bilateral level, Flemish foreign policy is focused today on neighbouring countries and regions, South Africa and other countries in Southern Africa, countries of Eastern and Western Europe, and certain federated units and regions, especially Quebec, North Rhine-Westphalia and Catalonia. The European Union represents the most important lever of its external relations, as stated in the Coalition Government Agreement;<sup>356</sup> which is self-explanatory as a significant number of Flemish policies have an EU dimension.<sup>357</sup> However, Flanders may not have always the capacity to follow closely all dossiers at the EU level, even those that should have priority, such as trade. Relations with the Netherlands have always been the priority of the Flemish bilateral policy, not only because it is a neighbouring country, but also because of the historical, cultural and linguistic context and economic reasons.

At the multilateral level, Flanders has established close cooperation with UNESCO, ILO, UNAIDS, WHO, the OECD and the Council of Europe. Multilateral forums can provide an opportunity for image building, and Flanders has used these venues extensively to boost its international profile; for example, it is a strong supporter of human rights and poverty reduction. International organisations and

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<sup>356</sup> Government of Flanders, *Coalition Agreement 2014-2019*, 183.

institution also provide an opportunity to benefit from global scientific cooperation. While Flanders contributes to such cooperation by sharing its expertise in certain fields, it also benefits from the expertise that is available at the global level.<sup>358</sup> Finally, multilateral forums provide an opportunity for countries and regions with a limited capacity to pursue some of their priorities more effectively. Flanders has used multilateral instruments of the UN agencies and other organisations to achieve its strategic objectives of poverty reduction and to work with development cooperation initiatives; it would not been able to do so if it had been limited to a bilateral approach.

In a relatively short time, Flanders has moved from international promotion of its distinct culture and identity to multidimensional external relations. The evidence presented herein suggests this move would not have been possible without the creation of institutions for external relations. The expansion of the Flemish international presence in various sectors and the evolution of its external relations institutions seem path dependent: the path chosen during the first critical juncture is very likely to continue in the future. For one thing, creating a more effective and stronger diplomatic network is envisaged in the 2014-2019 Coalition Agreement. For another, Minister-President Bourgeois often publicly advocates a revision of the current status of Flemish representatives. Finally, the Flemish government plans to expand its diplomatic network to Scandinavia, the Balkans, BRICS and MINT countries and to appoint more professional and career diplomats.

From the very beginning, Flemish representatives have had the ambition to have platforms for international representation and have sought exposure outside

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<sup>357</sup> Hendrik, interview by author.

<sup>358</sup> Willems, interview by author.

Belgium, thus creating a legacy for future governments. In short, Flanders seems likely to continue on its journey towards further internationalisation.<sup>359</sup>

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<sup>359</sup>Andries, interview by author.

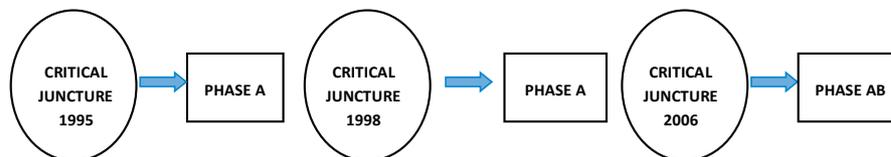
## Chapter 5

### External Relations of the Republika Srpska

#### 5.1. Introduction

One of the main characteristics of the international presence of the Republika Srpska is its *ad hoc* nature. External relations lack specifically articulated international strategies and policy areas, leading to improvisation at the international level. International priorities and strategic interests of the Republika Srpska are not clearly defined, except for a general commitment to the accession of the whole of Bosnia and Herzegovina into the EU.

The external relations of the Republika Srpska remain almost exclusively in the realm of nation and image building. As this chapter will demonstrate, external relations of the Republika Srpska seem stuck at the level of political motivation; they are predominantly aimed at gaining external political support to protect and strengthen autonomy. This thesis assumes that critical junctures have crucial impact on the development of stages and institutions for external relations. In the evolution of internationalisation of the Republika Srpska it is possible to identify three important critical junctures (See Graph 5).



Graph 5: Critical junctures and Phases of development of RS international agency

The General Framework Agreement for Peace (also known as the Dayton Peace Agreement), which ended the civil war and created a federal state of Bosnia

and Herzegovina in 1995 is considered as the first critical juncture. The Dayton Peace Agreement not only ended the war, but it also, as mentioned earlier, recognised the Republika Srpska as a legitimate actor of the complex federal consociational architecture of Bosnia and Herzegovina. However, this also meant that the Republika Srpska had to abandon the idea of an “independent sovereign state” and accept Bosnia and Herzegovina as the state it belonged to. Adapting its structures to new realities, especially its institutions for external relations, was a difficult task during this phase. This changed with the introduction of vast Bonn powers of the High Representative end of 1997/beginning of 1998, which is considered in this thesis as the second critical juncture. The Bonn Powers gave mechanisms to the Office of the High Representative to defacto govern the country leading to what some call a modern Protectorate. The RS leaders were forced to make important decisions including the ones regarding some its institutions such as the RS Ministry of Foreign Affairs. The first and the second critical junctures were important moments of time during which the Republika Srpska had to give up some of its autonomy and assume its role as a federated unit. External relations after the first and the second critical juncture remained underdeveloped and mostly concerned with the image and region building, and as such are considered in this Thesis to be at the Phase A of development. The Phase lasted from 1995 to 2005. As with Flanders, the time frame given to the Phases of RS external relations should not be considered as fixed, but rather as relative. RS external relations moved to the Phase AB after the third critical juncture. The third critical juncture can be identified in 2006 when the constitutional reform also known as the “April package” was not approved in the House of Representatives of the B&H Parliament, with only two votes short of the two-thirds majority. The failure of the constitutional reform is considered as an important moment of time as it marks the beginning of the declining role of the OHR in Bosnia

and Herzegovina. The RS external relations are still in the Phase AB. The Republika Srpska is in the process of institutionalisation of its international agency. It has begun to open the Representation Offices abroad and use other instruments to position itself internationally. Although its international activities are still mainly driven by political motivations, they sometimes include economic and other rationales as well.

This chapter examines the stages of development of RS international agency, from Phase A to the current Phase AB. It looks at how critical junctures influence development of institutions and stages of the RS external relations and how critical junctures open opportunities for the rational of the RS external engagement. The Chapter also examines the relations with the B&H institutions and foreign diplomatic representations in Bosnia and Herzegovina. The Chapter further analyses the tools used by the Republika Srpska to position itself internationally such as international agreements, development assistance and cooperation, public diplomacy and lobbying agencies.

## **5.2. Phase A (1995-2005)**

Phase A of external relations of the Republika Srpska lasted from 1995 to 2005. During this stage two critical junctures took place that shaped the development of external relations of the Republika Srpska. The creation of the federal state of Bosnia and Herzegovina represents the first critical juncture in the development of external relations of the Republika Srpska. Federal consociational design as a mechanism to end the civil war in Bosnia and Herzegovina was introduced in December 1995. It has also given vast powers to its entities that were discussed in the Chapter 3 of this thesis. However, political leaders of the Republika Srpska openly rejected the implementation of the Dayton Peace Agreement. One needs to take into consideration that majority of the population of the Republika Srpska, as well as of

the Federation of Bosnia and Herzegovina, although welcoming the end of the civil war was not in favour of the constitutional arrangement that was constructed in Dayton. While Bosniaks favoured a centralised state of Bosnia and Herzegovina, Serbs wanted an independent Republika Srpska.

At the first post-Dayton elections in 1996, the SDS party, which had controlled the Republika Srpska during the war, won the elections. The first critical juncture created two important challenges for political leaders of the Republika Srpska. The first challenge was to accept the central authority of Bosnia and Herzegovina and its institutions including the Foreign Service and the second one was to give up the idea of an independent state of the Republika Srpska and the fact that some of its institutions and structures would have to cease to exist. The Ministry of Foreign Affairs, which was formed with the first government of the Republika Srpska on April 22, 1992, continued to promote the Republika Srpska as “an independent state on the international scene.”<sup>1</sup> The institutions for external relations, which had been created before the Dayton Agreement was signed, such as the Ministry of Foreign Affairs as well as the Representation Offices of the Republika Srpska in London, Stuttgart, Melbourne, Moscow, Belgrade and Washington, continued to exist until 1998. The Ministry of Foreign Affairs and the representation offices had rather limited institutional capacity. They were grossly understaffed, for example there were only 5 people including the Minister working in the Ministry of Foreign Affairs and only 1 person working in each representation office. In addition to this, these institutions were not formally recognized by sovereign states, however they represented the important element of “sovereignty” that the Republika Srpska

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<sup>1</sup> Government of the Republika Srpska, “Program rada Ministarstva inostranih poslova u Vladi Republic of Srpska” [*Working Program of the Ministry of Foreign Affairs in the Government of the Republika Srpska*], 19<sup>th</sup> January 1996. Document found in the Archives of the Republika Srpska

was trying to project both internally and externally.<sup>2</sup> The Economic Bureau of the Republika Srpska in Belgrade, which was opened in 1992, was reorganised into the Bureau of the Republika Srpska in the Federal Republic of Yugoslavia in 1993. The activities of the Bureau were limited at collecting humanitarian aid and helping Serb refugees and displaced persons from Bosnia and Herzegovina, as well as taking care of wounded soldiers and civilians.<sup>3</sup> In these first few years the Bureau was not involved in any political, cultural or economic activities and therefore should not be regarded as a “real” Representation Office.<sup>4</sup> In 1996 the Ministry of Economic Relations Abroad was created. Although this institution did not have much role to play in the international activities during the Phase A, after the third critical juncture, this institution began to act as a quasi RS Ministry of International Relations.

Although the first critical juncture created a power sharing and representation model, Serbs were not taking part in the central institutions in 1996 and 1997, partly because of the objection from the Bosniak side and partly because Serbs did not recognise the central institutions as their own. Gradual change begun with the decision of the RS Ministry of Foreign Affairs to organise diplomatic training for future diplomats. The training took place in June 1997 and was intended for future diplomats from the Republika Srpska that would work in the Ministry of Foreign Affairs and Embassies of Bosnia and Herzegovina.<sup>5</sup> This was an important signal that the Republika Srpska begun to recognize the institutions of Bosnia and Herzegovina

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<sup>2</sup> Igor Davidovic, advisor to the Speaker of the RS National Assembly, B&H ambassador to EU (2011-2014), OSCE (2008-2011) and USA (2000-2005), chief negotiator of B&H for the EU SAA (2005-2008), Head of the Cabinet of RS Prime Minister (1998-2000), interview by author, tape recording, 10 March 2016.

<sup>3</sup> Mladjen Cicovic, Director of the RS Representation Office in Serbia, interview by author, email, 25 May 2016.

<sup>4</sup> *ibid*

<sup>5</sup> Government of the Republika Srpska, Ministry of Foreign Affairs, “Program seminara za radnike koji ce raditi na poslovima diplomatsko-konzularne struke” [Seminar Program employees that would work in diplomatic and consular field], 15<sup>th</sup> May 1996, Document found in the Archives of the Republika Srpska

and that it was willing to take part in their work including the Foreign Service.<sup>6</sup> The first critical juncture produced only relative change. Throughout 1997 the Republika Srpska remained isolated internationally and the contacts with foreign officials were very limited.<sup>7</sup> This changed in 1998 with the arrival of Milorad Dodik on the RS political scene, who was seen by the international community as a moderate politician. His arrival coincided with the second critical juncture, which was the introduction of the Bonn powers in December 1997. Keil argues that the Bonn powers were introduced because “the political elites in both entities were more focused on consolidating their power in the territory under their control than on establishing effective governance structures and overcoming the legacies of the war in terms of economic decline, trauma and ethnic division.”<sup>8</sup> From 1997 to 2010 the OHR made over 900 decisions that included removal of elected officials, enacting laws etc.<sup>9</sup> The OHR with the Bonn powers introduced what Martin calls a form of “coercive cooperation.”<sup>10</sup> The Bonn powers in that sense resemble multilateral sanctions, whose purpose is to convince the parties to cooperate through coercive policies, persuasion, threats and promises.<sup>11</sup> The international agents, which imposed the Dayton Agreement, considered the RS Ministry of Foreign Affairs as a legacy of war that had to be abolished. Under the pressure of the OHR, the Republika Srpska abolished the Ministry of Foreign Affairs.<sup>12</sup> For some time in 1998, pending the adoption of the new Law on the Government of the Republika Srpska, then Prime

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<sup>6</sup> Djordje Latinovic, ambassador of Bosnia and Herzegovina to Montenegro (2014-), advisor to the Serb member of the Presidency of Bosnia and Herzegovina (2006-2014), chief of staff of the Republika Srpska Prime Minister (1998-2001), interview by author, email, 10 October 2016.

<sup>7</sup> Nebojsa Radmanovic, Serb delegate in the B&H House of Peoples, member of the B&H Presidency from the Republika Srpska (two mandates 2006-2010 and 2010-2014), interview by author, tape recording, Banja Luka, 9 April, 2015.

<sup>8</sup> Keil, “Building a Federation Within a Federation”: 117.

<sup>9</sup> Bart M.J. Szewczyk, “The EU in Bosnia and Herzegovina: powers, decisions and legitimacy,” European Union Institute for Security Studies, Occasional Paper no. 83, March 2010: 7.

<sup>10</sup> Lisa L. Martin, *Coercive Cooperation: Explaining Multilateral Economic Sanctions*, (Princeton, New Jersey: Princeton University Press, 1992).

<sup>11</sup> For more on multilateral sanctions see Martin, *Coercive Cooperation*.

<sup>12</sup> Davidovic, interview by author.

Minister of the Republika Srpska Milorad Dodik served *de jure* and *de facto* as a Minister of foreign affairs of the Republika Srpska.<sup>13</sup>

From 1998 to 2000 the leaders of the Republika Srpska had intensive international contacts, including with heads of state. Meetings included one between President of the Republika Srpska Biljana Plavsic and French President Jacques Chirac in Paris in 1998,<sup>14</sup> several meetings of the President and Prime Minister of the Republika Srpska with US State Secretary Madeleine Albright in Banja Luka and Washington, as well as with many European Prime Ministers and Foreign Ministers.<sup>15</sup> Although these world leaders saw the meetings as an opportunity to pressure the Republika Srpska to make additional efforts to implement the Dayton Peace Agreement, leaders of the Republika Srpska welcomed them as a chance to consolidate their power and build their image at home.

During the first stage of development of the RS international agency, international agents participated directly or through coercive cooperation in the formulation and implementation of laws, policies and reform strategies. Under such circumstances formal international activities of the Republika Srpska's had very little room for manoeuvre.

During the Phase A, the RS external engagement was almost completely politically motivated and aimed at the preservation of its autonomy, which was slipping away under the pressure of the international community. The first and the second critical juncture with a strong involvement of international agents created only limited opportunities for the Republika Srpska to engage internationally. Some of the international partners that the RS was trying to establish the relations with,

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<sup>13</sup> Ibid.

<sup>14</sup> This meeting was highly criticised by Bosniak political leaders, as Plavsic was received at l'Elysée, a privilege normally accorded heads of state

such as Serbia and Russia, had their own internal issues and constraints in late 1990s and the beginning of 2000s. What follows is a brief analysis of the Republika Srpska's relations with international partners during the Phase A. The first and the second critical juncture coupled with internal issues such as transition to democracy, the rule of law and market-oriented economy did not provide an opportunity for the Repulika Srpska to establish relations with other regions or to engage in international activities that were driven by economic motivations. Therefore, they are missing from the present analysis.

### **5.2.1. Cultural and historical legacy**

Cultural and historical legacies represent the most important rationale for the Republika Srpska's engagement with Serbia. Relations with Serbia should also be viewed through the prism of relations between a kin community and a kin state, as the majority of the population living in the Republika Srpska has the same ethnic and religious origin as those in Serbia, Serb orthodox. Although kin states may play decisive role for their kin communities by providing significant resources, political, diplomatic and even military support, they often maintain an official distance from their kin communities.<sup>16</sup> This was the case with Serbia, then Federal Republic of Yugoslavia, and its refusal to recognise the proclaimed independence of the Republika Srpska. The RS relations with its kin-state changed especially during the war, "from being loyal supporters of the Serbian President, the local leaders became increasingly autonomous actors, who were at times in direct conflict with Belgrade."<sup>17</sup> The conflict between the Serbian President and the RS leadership coupled with the growing international pressure resulted in a decision of Serbian President Slobodan Milosevic to cut off all the supplies (except the food and medical

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<sup>15</sup> Davidovic, interview by author.

<sup>16</sup> Nina Caspersen, "Between Puppets and Independent Actors: Kin-state Involvement in Conflicts in Bosnia, Croatia and Nagorno Karabakh," *Ethnopolitics*, Vol 7, No. 4 (November 2008): 358.

supplies) to the Republika Srpska in 1993 and to break off all the economic and political relations with the RS leadership in 1994.<sup>18</sup> As Milosevic's efforts to act as a "quasi-mediator" in the conflict in Bosnia and Herzegovina failed, Serbia in the late 1995 took over the role of "an enforcer."<sup>19</sup> "Kin states act as enforcers by taking over the kin community's decision-making bodies and imposing their will on their kin communities with little or no consultation with the kin-community leadership."<sup>20</sup> Milosevic acted as an enforcer in the peace negotiations in Dayton and spoke for the Republika Srpska, whose leaders were present, but not involved in the decision-making, and over which he had total control.<sup>21</sup> The first critical juncture, the formation of the federal state of Bosnia and Herzegovina, during which Serbia had an important role to play, also shaped the nature of the relations between the Republika Srpska and its kin state. Prior and right after the first critical juncture Serbia had an important political influence on decision-making processes in the Republika Srpska and acted as a patronising state. Some even argue that in the first few years after the war, leaders of the Republika Srpska frequently went to Belgrade for "instructions."<sup>22</sup>

However, the level of influence of Serbia did not remain high throughout the Phase A, in fact at some point Serbia's influence was rather limited. Several important factors shaped the intensity of the relations. Firstly, the international agents, which were actively involved in the decision-making processes in the Republika Srpska, aimed to diminish the role of Serbia in the Republika Srpska. Secondly, Serbia had its own internal issues such as the Kosovo war, NATO bombing and the indictment of Milosevic for war crimes in 1999 and its international

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<sup>17</sup> Ibid. 360

<sup>18</sup> Ibid. 362-363.

<sup>19</sup> Özker Kocadal, "A Conceptual Typology of Kin-State Mediation," *Negotiation Journal* Vol 32, No. 3 (July 2016): 182-183.

<sup>20</sup> Ibid. 183.

<sup>21</sup> Ibid., 186.

<sup>22</sup> B&H diplomat and former senior civil servant, interview by author.

reputation was at stake. The relations between Serbia and the Republika Srpska at that time reached a historic low level and there was even an open antagonism between Milosevic and Dodik.<sup>23</sup> With the removal of Milosevic from the Serbian political scene in 2000 and his subsequent extradition to the Hague in 2001, relations began to improve gradually. Although, as stated earlier, the Constitution of Bosnia and Herzegovina provided that entities can enter into agreements on Special and Parallel Relations with neighbouring countries, the Republika Srpska and then Yugoslavia signed the Agreement only after the removal of Milosevic, in 2001. It is worth to note here that for example the Federation of Bosnia and Herzegovina signed the Agreement on Special relations with Croatia in 1998.<sup>24</sup> The Agreement on Parallel and Special Relations envisaged the development of institutional cooperation in economy, legislation, science and technology, education, culture, sports, health, tourism, environment, privatisation, crime prevention etc. However, the agreement remained for the most part a dead letter.<sup>25</sup> Serbia continued to face internal challenges throughout the first half of 2000s; the Kosovo issue became the highest political and national priority, the assassination of Serbian Prime Minister Zoran Djindjic in 2003 showed the fragility of the country and the preparation for the secession of Montenegro from Federal Republic of Yugoslavia additionally destabilised the country. These issues limited the, capacity of Serbia to act as a kin state and consequently restricted its relations with the Republika Srpska. The relations during the Phase A remained mostly in the realm of politics. A case a point would be the increased pressure coming from the OHR to reform the police in Bosnia and Herzegovina when the leaders of Serbia strongly backed the Republika Srpska's position. On that occasion the highest Serbian officials, the President, the Speaker of

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<sup>23</sup> Davidovic, interview by author.

<sup>24</sup> See the Full text of the Agreement on [http://www.ohr.int/?ohr\\_archive=agreement-on-special-relations&print=pdf](http://www.ohr.int/?ohr_archive=agreement-on-special-relations&print=pdf)

<sup>25</sup> Latinovic, interview by author.

the Parliament and the Prime Minister issued a joint statement saying that the High Representative “does not have the authority to dismiss officials, let alone to change the institutional framework defined by the Dayton Agreement.”<sup>26</sup>

### 5.2.2. Geopolitical rationales

Kin-states, as Caspersen rightly points out, “are not the only supplier of resources to local leaders” and kin communities may look for alternative resources to pursue their political agenda and enhance their autonomy.<sup>27</sup> These alternative resources may come from actors that have geopolitical interests in the region. Geopolitical interests, which can sometimes be portrayed as a “historical legacies,” are the key rationale behind the RS relations with Russia and Israel.

The relations with the Russian Federation are often viewed through the prism of traditional Serb-Russian and Orthodox ties, and the fact that Serbs have always regarded Russians as natural allies. A former member of the Presidency of Bosnia and Herzegovina, Radmanovic argues, however, that these historical ties are often overemphasised, and even though they should not be completely ignored, they are relative.<sup>28</sup> Relations with Russia should be viewed in the framework of Russian national and strategic interests in the Balkans. As Simic rightly points out, after the end of the Cold War and the breakup of the Soviet Union, “the Balkans unexpectedly regained the central position in Russian politics and Russia's efforts to redefine its national interests and relations with the West.”<sup>29</sup> In other words, for Russia wars in the former Yugoslavia, especially Bosnia and Herzegovina, provided an opportunity to end the confrontation with the West and to build an image of an influential power

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<sup>26</sup> "Serbian leadership urges Ashdown to respect Dayton agreement", FENA, 23 December 2004, found in International Crisis Group, *Bosnia's Stalled Police Reform: No Progress, No EU*, Europe Report N°164, (6 September 2005): 8.

<sup>27</sup> Caspersen, ““Between Puppets and Independent Actors,” 358.

<sup>28</sup> Radmanović, interview by author.

<sup>29</sup> Predrag Simic, “Russia and the Conflicts in the Former Yugoslavia,” *Southeast European and Black*

in the region. It is important to note here that contrary to Serb expectations, Russia did not completely support the Republika Srpska during the war in Bosnia and Herzegovina. As a matter of fact, on couple of occasions Moscow followed the position taken by the West in the conflict in Bosnia and Herzegovina and even severed its relations with the Republika Srpska.<sup>30</sup>

After the first critical juncture, Russian influence in the Balkans, the Republika Srpska and Bosnia and Herzegovina included, was rather limited. According to Guskova “Russian diplomacy at the end of 1995 found itself in a very difficult position. After the failure of Russian foreign policy in the Balkans, Russia ceased to be the factor that could determine the course of events in the region. It lost its traditional influence on Yugoslav peoples, while leaders of regional organizations, which reinforced their positions, did not count much on Russia.”<sup>31</sup> The second critical juncture provided an opportunity for Russia to take more active role in Bosnia and Herzegovina. However, in the late 1990s and beginning of 2000s Russia’s relations with the Republika Srpska were rather limited. Russia’s position during this time were best describe by Lynch, who argued that “when pressed to make a choice, the Russian government chose to tend its bridges to the West rather than make its Western policy hostage to the particulars of disagreements over the Balkans.”<sup>32</sup>

The relations with Israel are often viewed in an historical context and in the context of the internal divisions of Bosnia and Herzegovina. Radmanovic for example argues that systematic prosecution and execution of Jews and Serbs by

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*See Studies*, Vol. 1, No. 3 (September 2001): 95.

<sup>30</sup> See Simic “Russia and the Conflicts in the Former Yugoslavia”; Sharyl Cross, “Russia and NATO toward the twenty - first century: conflicts and peacekeeping in Bosnia - Herzegovina and Kosovo,” *The Journal of Slavic Military Studies*, Volume 15, No. 2 (June 2002): 1-58.

<sup>31</sup> Jelena Guskova, *Evolucija ruske spoljne politike na Balkanu u devedesetim godinama dvadesetog veka* [The evolution of Russian foreign policy in the 1990s]: 61-62 in Jelica Kurjak (ed.), *Ruska politika na Balkanu* [Russian politics in the Balkans], (Belgrade: IMPP1999) found in Simic “Russia and the Conflicts in the Former Yugoslavia”, 101.

<sup>32</sup> Allen C. Lynch, “The Evolution of Russian Foreign Policy in the 1990s,” *The Journal of Communist Studies and Transition Politics*, Vol.18, No.1 (2002): 175.

Ustasas and Germans in occupied Yugoslavia during WW II<sup>33</sup> made them natural allies<sup>34</sup>. This became evident after the break-up of Yugoslavia,<sup>35</sup> especially in Bosnia and Herzegovina with Bosniaks supporting “the Palestine cause” for religious reasons, and Serbs and the Republika Srpska supporting Israel for historical reasons.

Diplomatic relations between Israel and Bosnia and Herzegovina, though established in 1997,<sup>36</sup> have been practically non-existent, mostly due because of very strong objections by the Bosniak political establishment.<sup>37</sup> This absence of any form of formal cooperation between Bosnia and Herzegovina and Israel created a window of opportunity for the Republika Srpska to establish cooperation with Israel. A Representation Office of the Republika Srpska was opened in Israel (in 1998) even before Bosnia and Herzegovina opened its embassy in Tel Aviv (in 2000). The rationale behind the Representation Office in Israel, according to Livne, was that close relations between the Republika Srpska and Israel could be used as a springboard for establishing good relations with the USA.<sup>38</sup> However, the relations with Israel never developed fully mostly because of the lack of institutional capacity

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<sup>33</sup> The Serbs, the Jews and the Roma were considered as “undesired elements” that Croatian fascist regime wanted to rid the *Croatian Independent State* (NDH) of (see Tomislav Dulić, “Mass Killings in the Independent State of Croatia, 1941-1945: a Case of Comparative research,” *Journal of Genocide Research* 8, no 3 (2006): 261-262). While Serbs have not been subjected directly to the racial laws to the same degree as Jews and Romas, genocidal cleansing of the NDH of the Serbs had been prepared in advanced while the persecution of Jews were added later (see Ivo Goldstein, “The Independent State of Croatia in 1941: On the Road to Catastrophe,” *Totalitarian Movements and Political Religions* 7, no. 4 (2006): 419). “The solution for Serb ‘problem’ was seen in the slogan ‘kill one third, deport one third, convert one third to Catholicism.’ was solution for the especially in on the ground the reality was different. (Goldstein, “The Independent State of Croatia in 1941,” 419).

<sup>34</sup> Radmanović, interview by author.

<sup>35</sup> Relations between Israel and former SFR Yugoslavia were not very close, as Yugoslavia had an important role in non-Alignment Movement. During the conflict between Israel and Egypt in 1967, Yugoslavia as well as other communist countries except Romania severed the diplomatic relations with Israel.

<sup>36</sup> Ministry of Foreign Affairs of Bosnia and Herzegovina, Web site. [http://www.mvp.gov.ba/vanjska\\_politika\\_bih/bilateralni\\_odnosi/datumi\\_priznanja\\_i\\_uspostave\\_diplo\\_matskih\\_odnosa/default.aspx?id=6](http://www.mvp.gov.ba/vanjska_politika_bih/bilateralni_odnosi/datumi_priznanja_i_uspostave_diplo_matskih_odnosa/default.aspx?id=6) (accessed 30 November 2015).

<sup>37</sup> Radmanović, interview by author.

<sup>38</sup> Arie Livne, Director of the Representation of the Republika Srpska in Israel, interview by author, tape recording, 2 May 2016.

of the Republika Srpska.<sup>39</sup> As for the State of Israel, it had no real interest at that time to develop relations in an entity, which was often contested by the Western countries.

### 5.2.3. European union

The first and especially the second critical juncture made the EU more of a challenge than the opportunity for the Republika Srpska and its autonomy. In 2002, the High Representative for Bosnia and Herzegovina was also given the role of the European Union Special Representative (EUSR) to Bosnia and Herzegovina. The fusion of the OHR and the EUSR marked the new phase of the involvement of the international agents often labelled as “reversal from Dayton to Brussels.” The “new” phase of the involvement of the international agents in Bosnia and Herzegovina was seen as a reorientation towards the integration into the European Union, especially after the EU-Western Balkans Summit in Thessaloniki in 2003.<sup>40</sup> Increasing engagement of the EU in B&H was also seen through its military and police missions. The first European Security and Defence Policy mission, the European Union Police Mission (EUPM) was launched in Bosnia and Herzegovina in 2003 and the military mission, the European Union Force (EUFOR) in 2004. However, the EU integration process in Bosnia and Herzegovina was used as a pretext to press reforms that were allegedly in accordance with “European standards.” As stated in the Chapter 3 of this thesis, former High Representative Paddy Ashdown convinced his countryman former EU Commissioner Christopher Patten to introduce the police reform as a precondition of signing the EU Stabilisation and Association Agreement (SAA) with Bosnia and Herzegovina. In 2004, Commissioner Patten laid out explicit instructions in his letter to the Chairman of the B&H Council of Ministers that centralised state police was needed if Bosnia and Herzegovina was to establish closer

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<sup>39</sup> Ibid.

<sup>40</sup> See *Declaration of EU-Western Balkans Summit* [http://europa.eu/rapid/press-release\\_PRES-03-163\\_en.htm](http://europa.eu/rapid/press-release_PRES-03-163_en.htm)

relationship with the European Union.<sup>41</sup> The Republika Srpska faced an important challenge; on one hand it was in favour of the EU integration process of Bosnia and Herzegovina, but on the other, the required police reform touched deeply upon its autonomy. As Lindvall rightly points “the rationale for police reform did not convincingly reflect any general set of EU norms and therefore did not confer enough legitimacy to gain the support of all three ethnic groups.”<sup>42</sup> Aybet and Bieber also warned that there were no standards within the EU on the structure of police forces of each member state and further more, within the EU itself, most members states, such as for example UK, did not have a unified state-level police.<sup>43</sup> The leverage of the European accession was overplayed by the High Representative, who at the end accepted “a major watering-down of his stated ‘principles’.”<sup>44</sup> As the pressure to reform the police grew, so did the negative attitude of the Serbs towards the EU.<sup>45</sup> At this stage of development, the Republika Srpska was very cautious with the prospects of the EU integration. For example former Prime Minister Dodik said that the existence of the RS Police was more important than the EU integration.<sup>46</sup>

#### 5.2.4. Multilateral Institutions

The first critical juncture, the Dayton Peace Agreement and its Annexes, provided a unique opportunity for the active involvement of international institutions in Bosnia and Herzegovina. As Chandler rightly points out, the Dayton Framework

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<sup>41</sup> Christopher Patten, EU Commissioner for External Relations, *Letter to the Chairman of the Council of Ministers of Bosnia and Herzegovina*, 16 November, 2004, <http://www.ohr.int/ohr-dept/rule-of-law-pillar/prc-letters/pdf/patten-letter.pdf>

<sup>42</sup> Daniel Lindval, *The Limits of the European Vision in Bosnia and Herzegovina*, Doctoral Thesis in Sociology, Stockholm University, Stockholm Studies in Sociology New Series 40, (2009), 240.

<sup>43</sup> Gülnur Aybet and Florian Bieber, “From Dayton to Brussels: The Impact of EU and NATO Conditionality on State Building in Bosnia & Herzegovina,” *Europe-Asia Studies*, Vol. 63, No. 10 (December 2011): 1912.

<sup>44</sup> Thomas Muehlmann, “Police Restructuring in Bosnia-Herzegovina: Problems of Internationally-led Security Sector Reform,” *Journal of Intervention and Statebuilding*, Vol. 2, No. 1 (March 2008): 12.

<sup>45</sup> Lindval, *The Limits of the European Vision in Bosnia and Herzegovina*, 240.

<sup>46</sup> “Milorad Dodik: Političari iz Sarajeva najviše doprinose rasturanju BiH” [Milorad Dodik: Politicians from Sarajevo contribute the most to dissolution of B&H], *Srna News Agency*, 1 September 2007, <https://www.nezavisne.com/novosti/bih/Milorad-Dodik-Politicari-iz-Sarajeva-najvise-doprinosu->

for Peace gave “effective power over the Bosnian state to the institutions of the international community; these powers covered the entire range of government functions usually associated with an independent state, including the highest level of military, political, judicial and economic regulation.”<sup>47</sup> The second critical juncture provided for even stronger engagement of international agents. The leading international institutions such as NATO, OSCE, UN, IMF, the Council of Europe, UNESCO, the European Court of Human Rights etc. were not only given the role to end hostilities, but also political roles of democratizing and reconstructing a society.<sup>48</sup> In the first few years after the war and up to about 1998, most of international aid bypassed the Republika Srpska and went to the Federation of Bosnia and Herzegovina or to the central level.<sup>49</sup> With the arrival of the new Coalition Government in the Republika Srpska in 1998, the Republika Srpska has started to receive international aid and to participate in development programs.<sup>50</sup> However, during the Phase A, the relations between the Republika Srpska and international institutions based in Bosnia and Herzegovina, both governmental and non-governmental, was for the most part in the form of “coercive cooperation.” The Republika Srpska had a very little manoeuvring room to act and the international organisations, for the most part, dictated the dynamics of their relations.

### **5.3. Phase AB (2006- present)**

Arguably, 2006 marked the beginning of a more salient international presence of the Republika Srpska. Attempts to impose police reform under the pretext of EU integration and more frequent demands for revision of the Constitution were

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[rasturanju-BiH/12642](#) (accessed 15 November 2015).

<sup>47</sup> David Chandler, *Bosnia: Faking Democracy After Dayton*, (London: Pluto Press, 2000), 44.

<sup>48</sup> Chandler, *Bosnia: Faking Democracy After Dayton*, 43.

<sup>49</sup> B&H diplomat and former senior civil servant, interview by author.

<sup>50</sup> Ibid.

important internal triggers for the Republika Srpska's international activity.<sup>51</sup> The failure to adopt the "April package" is considered in this Thesis to be the third critical juncture in the development of the RS external relations. The April package aimed to reform the election of the B&H Presidency (a president and two vice-presidents), create ministries of agriculture and technology, increase number of MPs in the B&H Parliament, etc. Cubrilovic also argues that since that time the Republika Srpska has taken a more aggressive approach towards protecting its autonomy within Bosnia and Herzegovina and internationally.<sup>52</sup> The failure to adopt the "April package" is considered to be an important moment of time as it marks the beginning of a declining role of the international agents in Bosnia and Herzegovina. It creates an opportunity for the Republika Srpska to make decisions more independently including the ones that relates to its international presence. Pressure to close down the OHR were not coming only from the Republika Srpska, but also from the countries, which were members of the PIC. At the beginning of 2008, PIC decided that 5 objectives and 2 conditions needed to be met by B&H authorities prior to the closure of the OHR.<sup>53</sup> The third critical juncture also coincided with the return of Milorad Dodik to the political scene; he was very active internationally during his first mandate as the RS Prime Minister (1998-2001).

According to the Ambassador of Bosnia and Herzegovina in Montenegro and former chief of staff of the RS Prime Minister, three crucial events sparked the development of international agency of the Republika Srpska.<sup>54</sup> The first was the attempt of the former High Representative, Paddy Ashdown, to impose police reform under the pretext of better functionality of the country and to meet EU standards.<sup>55</sup>

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<sup>51</sup> Davidovic, interview by author.

<sup>52</sup> Cubrilovic, interview by author.

<sup>53</sup> See "Agenda 5 + 2" [http://www.ohr.int/?page\\_id=1318](http://www.ohr.int/?page_id=1318)

<sup>54</sup> Latinovic, interview by author.

<sup>55</sup> Ibid.

The second event also relates to the initiative of a High Representative, in this case Miroslav Lajčák, to introduce series of reforms that would drastically change the existing Dayton principle of decision-making at the central level and abolish entity voting.<sup>56</sup> And the third is the refusal of Bosniak political parties in the Parliament of Bosnia and Herzegovina to adopt the so called “April package of constitutional changes”, which was negotiated and agreed upon by all major political parties in Bosnia and Herzegovina. The Republika Srpska, according to Latinovic, made many concessions and compromises in favour of the central institutions of Bosnia and Herzegovina, but the Bosniak parties decided to withdraw at the last minute under pressure from the Islamic Community in Bosnia and Herzegovina.<sup>57</sup>

During the third critical juncture, the RS Government made some important decision regarding its international activities. As the EU integration became the objective of most of the B&H stakeholders, the RS Government decided to institutionalise EU-related activities. In 2006, the Government of the Republika Srpska began to establish EU integration units in each ministry; their goal is to become contact points for all relevant EU-related activities. The Ministry of Economic Relations and Regional Cooperation (until 2010 it was the Ministry of Economic Relations and Coordination) and its European Integration Sector, together with the Office of the Prime Minister of the Republika Srpska, coordinate the activities of RS administrative authorities related to the EU integration of Bosnia and Herzegovina. Within MERRC there is an EU Integration Sector, which is further divided into three Departments: Department of Integration Policy, Analytics and Reporting; Department of Harmonisation of Republika Srpska Laws with EU Regulations; and Department of EU Funds and Development Assistance.<sup>58</sup> In 2009, a

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<sup>56</sup> Ibid.

<sup>57</sup> Ibid.

<sup>58</sup> Ministry of Economic Relation and Regional Cooperation, “Organisation of the Ministry,”

Sector for Programming and Coordination of EU Financial Assistance was established within the Ministry of Finance of the Republika Srpska; its main task is to coordinate the application process for EU funds and their distribution in the Republika Srpska.<sup>59</sup> And the Ministry of Economic Relations and Regional Cooperation has a Unit for EU Funds and Development Assistance.

Furthermore, the National Assembly of the Republika Srpska established a Committee for EU integration and regional cooperation in 2006 and also has coordinator for international activities. Based on the recommendations<sup>60</sup> of the EU funded Twinning Project “Enhancing the role of parliaments in Bosnia and Herzegovina in the EU integration,”<sup>61</sup> within the Secretariat of the National Assembly of the Republika Srpska, the Department for EU Integration and International Activities was created in 2015.<sup>62</sup> The National Assembly of the Republika Srpska is the only Parliament in Bosnia and Herzegovina so far to establish such a department. Notably, however, it did not do so on its own initiative but on the initiative of the EU funded project.<sup>63</sup> The Committee for EU integration of the RS National Assembly of the Republika Srpska, which is composed of members of the Assembly, initiated the creation of a Parliamentary Forum for EU integration at the level of Bosnia and Herzegovina, composed of Committees and Commissions for EU integration from the Parliament of Bosnia and Herzegovina and the Parliaments of the entities.<sup>64</sup>

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<http://www.vladars.net/eng/vlada/ministries/MERRC/orgmin/Pages/default.aspx> (accessed 6 November 2015).

<sup>59</sup> Ministry of Finance, “Organisation of the Ministry,” [http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mf/OM/resori/Pages/Resor\\_za\\_programiranje\\_i\\_koordinaciju\\_finansijske\\_po\\_drske\\_Evropske\\_Unije.aspx](http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mf/OM/resori/Pages/Resor_za_programiranje_i_koordinaciju_finansijske_po_drske_Evropske_Unije.aspx) (accessed 1 February 2016).

<sup>60</sup> Zeljko Belina, secretary of the Committee for EU integration and regional cooperation, interview by author, tape recording, 5 May 2016.

<sup>61</sup> For more information on the EU Funded Twinning Project for Parliaments in B&H see <http://bih-parliamentary-twinning.eu>.

<sup>62</sup> National Assembly of the Republic of Srpska, Web site. <http://www.narodnaskupstinars.net/?q=ci/narodna-skupstina/sljuzba-nc-rc/organizaciona-sHEMA>, (accessed 10 January 2016).

<sup>63</sup> Belina, interview by author.

<sup>64</sup> House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, “Odrzan radni sastanak Parlamentarnog foruma za evropske integracije BiH” [Working meeting of the

Although the Forum was established in 2011, it became operational only at the end of 2015, mostly because of the obstruction of the Parliament of the Federation of Bosnia and Herzegovina.<sup>65</sup> The Forum focuses on promoting the EU integration of Bosnia and Herzegovina, including public campaigns to explain the advantages of potential EU membership of Bosnia and Herzegovina.<sup>66</sup>

While the Government of the Republika Srpska established EU integration units in each Ministry in 2006,<sup>67</sup> it has not created an organisational unit to coordinate all other international activities of officials and institutions of the Republika Srpska or to be involved in the preparation of international policies and strategies for the development of international agency of the Republika Srpska. The President, the Prime Minister and the Speaker of the National Assembly of the Republika Srpska each have at least one advisor for international relations. Unofficially, some of the interviewees claimed the Ministry of Economic Relations and Regional Cooperation (MERRC) acts as quasi-Ministry of External Relations of the Republika Srpska. The Ministry coordinates the work of RS Representation Offices abroad, promotes the economic potential of the Republika Srpska globally and coordinates donors and development aid and assistance. It is composed of an Economic Cooperation Sector, EU Integration Sector and Regional and Institutional Cooperation Sector.<sup>68</sup> MERRC has a senior expert associate who coordinates “cooperation between the Republika Srpska and domestic and international organisations and institutions.”<sup>69</sup> However, it

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Parliamentary Forum for EU integration of B&H], press release, 21 September 2015, <https://predstavnickidom-pfbih.gov.ba/sr/page.php?id=946> (accessed 2 February 2016).

<sup>65</sup> Belina, interview by author.

<sup>66</sup> Ibid.

<sup>67</sup> Government of the Republic of Srpska, Web site. [http://www.vladars.net/eng/vlada/Activities/eu\\_integrations/Pages/default.aspx](http://www.vladars.net/eng/vlada/Activities/eu_integrations/Pages/default.aspx) (accessed 10 December 2015).

<sup>68</sup> Ministry of Economic Relations and Regional Cooperation of the Republic of Srpska, Web site. <http://www.vladars.net/eng/vlada/ministries/MERRC/orgmin/Pages/default.aspx> (accessed 20 September 2015).

<sup>69</sup> The job description is as follows: participates in creating a network of institutional cooperation at the RS level, as well as with institutions of Bosnia and Herzegovina, the Federation of Bosnia and

does not have any geographical divisions, nor it is equipped to deal with sensitive issues and it is “far from having developed into a full-fledged foreign ministry.”<sup>70</sup>

Directors of the RS Representation Offices in Washington and Belgrade argue that the way the MERRC has been structured creates difficulties both for the Ministry and for the offices. They suggest many technical problems could be solved by creating a separate sector or division dealing with the offices and, for example, with international development or cooperation.<sup>71</sup>

Since 2013, MERRC has had a coordinating role in the EU integration process and international cooperation pursuant to the decision of the Government of the Republika Srpska.<sup>72</sup> According to a senior RS government official,<sup>73</sup> this Ministry has not yet fully assumed this coordinating role; it is “halfway there”.<sup>74</sup> A senior civil servant working in one of the Ministries of the Republika Srpska says her Ministry complies fully with the 2013 decision, but she observes that MERRC has not been very efficient in performing coordination tasks in EU matters so far.<sup>75</sup> Her opinion is shared by other civil servants. For example, one argues the decision is not clearly defined and its many loopholes allow MERRC to position itself as the most important Ministry in the Government of the Republika Srpska.<sup>76</sup> For example, civil servants in

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Herzegovina, the District of Brcko and at the regional and international level in accordance with the Constitution; coordinates cooperation with international organisations, participates in providing information for RS Reports to the UN Security Council and other UN bodies, follows the NATO accession process of the countries of the region, collects and updates information on B&H activities within the Council of Europe, participates in coordination of activities of RS ministries and other institutions with regards to fulfilling the obligations of the RS and B&H towards the Council of Europe.

<sup>70</sup> Marciacq, “Sub-state Diplomacy in Malfunctioning States,” 338 and 324.

<sup>71</sup> Kesic, interview by author and Mladjen Cicovic, Director of the RS Representation Office in Serbia, interview by author, email, 25 May 2016.

<sup>72</sup> *Odluka o ostvarivanju koordinacije republičkih organa uprave u sprovođenju aktivnosti u oblasti evropskih integracija i međunarodne saradnje* (Decision on establishing coordination of the Republic Administration in conducting activities in the field of the European integration and international cooperation), Službeni Glasnik Republike Srpske [Official Gazette of the Republic of Srpska], no. 47/13, 7 June 2013, 1-2.

<sup>73</sup> Senior RS Government Official 1, interview by author.

<sup>74</sup> Ibid.

<sup>75</sup> Senior civil servant 1 (RS Government), interview by author, email, 19 April 2016.

<sup>76</sup> Senior RS Government Official 2, interview by author, tape recording, May 28 2016.

other Ministries are required to obtain permission from MERRC to participate in international forums, conferences, training, etc. even after being authorised by their respective Ministries. While he admits there is an urgent need for the coordination of the international activities of the Republika Srpska, he says the way MERRC bureaucrats interpret the decision leads to the inefficiency and ineffectiveness of the system and the demotivation of civil servants. Others feel MERRC does not yet have the capacity to play a coordinating role, as it is one of the smallest Ministries in the Government of the Republika Srpska.<sup>77</sup>

The Republika Srpska does not have a specialised agency to promote trade and attract foreign investment, but there is one at the level of Bosnia and Herzegovina, the Foreign Investment and Promotion Agency (FIPA). FIPA was created in 2004, and a representative of the Government of the Republika Srpska is one of nine members of its Steering Board.<sup>78</sup> The institutions of the Republika Srpska involved in trade promotion and foreign investments are MERRC, the Ministry of Industry, Energy and Mining and the Chamber of Commerce. In 2006, the Republika Srpska Investment-Development Bank was established by the Government with the mission to encourage investment (both domestic and foreign) and stimulate development in the Republika Srpska.<sup>79</sup> There is also an English web portal of the Government, “Invest in Srpska”,<sup>80</sup> focused on providing information and general economic indicators to potential foreign investors. In May 2016, the Government of the Republika Srpska adopted for the first time a Strategy and Action plan on attracting direct foreign investments.<sup>81</sup>

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<sup>77</sup> Senior civil servant 2 (RS Government), interview by author, tape recording, 6 June 2016.

<sup>78</sup> see [http://www.fipa.gov.ba/o\\_fipa/zakon/default.aspx?id=285&langTag=en-US](http://www.fipa.gov.ba/o_fipa/zakon/default.aspx?id=285&langTag=en-US)

<sup>79</sup> see <http://www.irbrs.org/azuro3/a3/?id=8>

<sup>80</sup> see <http://www.investsrpska.net/index.aspx?PageID=285&cls=true>

<sup>81</sup> Ministry of Economic Relations and Regional Cooperation, “Strateski dokumenti” [Strategic documents]. <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/strategije/Pages/Splash.aspx> (accessed 5 June 2016).

Constitutional constraints and the division of powers are often cited as the main reasons why the Republika Srpska has not established a Secretariat or even a Ministry to manage its external relations and international activities. Several interviewees<sup>82</sup> point to the fact that with the Dayton Peace Agreement, the Republika Srpska transferred foreign policy and external relations to the central level of Bosnia and Herzegovina; thus, creating some kind of institution for external relations would be unconstitutional.<sup>83</sup> However, as Davidovic points out, even though the foreign policy powers have been transferred to the central level, there is nothing in the Constitution of Bosnia and Herzegovina that would prevent the entities, including the Republika Srpska, from conducting their own external relations or creating an institution to manage them, especially as many of the powers belonging to the entities have international dimension.<sup>84</sup>

The abolition of the Ministry of Foreign Affairs shaped the RS external relations trajectories that were difficult to alter even after the third critical juncture. While there is nothing in the B&H Constitution that prevents the RS to engage in external relation, there is a perception in Bosnia and Herzegovina, but also in the Republika Srpska, that the Republika Srpska does not have the right to conduct its own external relations. The Speaker of the RS National Assembly feels this “imposed impression” is completely wrong, but has created an overwhelming stereotype.<sup>85</sup> Consequently, external relations even after the third critical juncture have not been very transparent, systematic or highly institutionalised in the Republika Srpska. They

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<sup>82</sup> Mazalica, interview by author; B&H diplomat and former senior civil servant, interview by author; Senior RS Government Official, interview by author, and Vranjes, interview by author.

<sup>83</sup> Ibid.

<sup>84</sup> Davidovic, interview by author.

<sup>85</sup> Cubrilovic, interview by author.

have been conducted in a spontaneous, even “nomadic” fashion, with no consistent order or established goals.<sup>86</sup>

### **5.3.1. Cultural and historical legacy**

As stated earlier, kin states may help their kin communities politically, economically and even military. Furthermore, the kin community often depends on its kin state to advance its cause internationally.<sup>87</sup> The third critical juncture provides an opportunity for closer relations between the Republika Srpska and Serbia. With the declining role of the OHR, the Republika Srpska is now in position to pursue its international goals more independently. As Serbia’s image from the 1990s begins to improve internationally, it is in a better position to protect national interests of the Republika Srpska.

With the break-up of the Federal Republic of Yugoslavia (Montenegro seceded in 2006), Serbia and the Republika Srpska signed a new Agreement on Parallel and Special Relations in 2006. The new Agreement also envisages the development of institutional cooperation in economy, legislation, science and technology, education, culture, sports, health, tourism, environment, privatisation, crime prevention etc. The Agreement also creates a Council for Cooperation between Serbia and the Republika Srpska, comprising Presidents and Prime Ministers of Serbia and the Republika Srpska. The Serbian and RS governments organise joint sessions; so far there have been seven such sessions, the last one held in June 2015. Finally, the Agreement provides for regular meetings between the Speakers and Committees of the National Assemblies of the Republika Srpska and Serbia.

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<sup>86</sup> Ibid.

<sup>87</sup> Özker Kocadal, “A Conceptual Typology of Kin-State Mediation,” *Negotiation Journal* Vol 32, No. 3 (July 2016): 179.

During this Phase of development of the RS international agency, the Republika Srpska and Serbia have signed over 70 protocols and agreements based on the Agreement on Special and Parallel Relations.

Relations with Serbia have been the highest priority for the Republika Srpska for several reasons. Firstly, the majority of the population living in the Republika Srpska has the same ethnic and religious origin as those in Serbia, Serb orthodox. Secondly, the Republic of Serbia (then Federal Republic of Yugoslavia) played an important role in the Dayton peace negotiations and is one of the guarantors of the Dayton Peace Agreement. Thirdly, Serbia is one of the most important economic partners of the Republika Srpska and the largest foreign investor. Serbia has been the second largest foreign investor in Bosnia and Herzegovina since 1994,<sup>88</sup> with the majority of its investments going to the Republika Srpska (telecommunications, banking etc.). Serbia was the largest foreign investor in the Republika Srpska from 2007 to 2015, at about 758 million euros; its investments represent around 49 per cent of total foreign investments in the Republika Srpska.<sup>89</sup> It is the third largest trading partner of Bosnia and Herzegovina<sup>90</sup> and the largest partner of the Republika Srpska.<sup>91</sup>

Although Serbia was present in the Republika Srpska politically, financially and even economically during the Phase A, 2006 marked the beginning of more diversified cooperation and relations based on partnership. Before the third critical juncture, the presence of Serbia in the Republika Srpska could be defined as

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<sup>88</sup> Foreign Investment Promotion Agency (FIPA) of Bosnia and Herzegovina “FDI Position and Performance,” <http://www.fipa.gov.ba/informacije/statistike/investicije/default.aspx?id=180&langTag=en-US> (accessed 30 October 2015).

<sup>89</sup> Government of the Republic of Srpska, “Strategija podsticaja stranih ulaganja,” 18.

<sup>90</sup> Chamber of Commerce of Bosnia and Herzegovina, Foreign Trade Exchange 2015, [http://komorabih.ba/wp-content/uploads/2013/05/obim\\_9\\_2015.pdf](http://komorabih.ba/wp-content/uploads/2013/05/obim_9_2015.pdf) (accessed 11 May 2016).

<sup>91</sup> Republika Srpska Institute of Statistics, External Trade Statistics, “External Trade of the Republika Srpska (Import and Export),” Monthly Release, December 2015, [http://www2.rzs.rs.ba/static/uploads/saopstenja/spoljna\\_trgovina/mesecna\\_saopstenja/2015/decembar](http://www2.rzs.rs.ba/static/uploads/saopstenja/spoljna_trgovina/mesecna_saopstenja/2015/decembar)

patronising. Over time, relations have evolved, and, as Maricacq observes, now they are maintained on an almost equal footing.<sup>92</sup>

Several factors contributed to the expansion of bilateral cooperation and the change in the attitude of Serbia to the Republika Srpska from patron to partner state. Internal Serbian issues, such as Kosovo and its aspiration for independence, have had a significant impact on the dynamics of the relations and cooperation between the Republika Srpska and Serbia.<sup>93</sup> Bosnia and Herzegovina is the only country of the former Yugoslavia (not counting Serbia) that has not recognised Kosovo, largely because of strong opposition from the Republika Srpska and the veto power of the member of the Presidency of Bosnia and Herzegovina from the Republika Srpska. While Bosnia and Herzegovina was a non-permanent member of the UN Security Council (2010-2011), the interests of Serbia, especially those related to the Kosovo issue, were taken into account during the voting process only because of the veto power of the RS member in the B&H Presidency.<sup>94</sup> Furthermore, Bosnia and Herzegovina abstained during voting on the admission of Kosovo to UNESCO.

Furthermore, Serbia's ambition to become a regional leader and project itself as stable also created opportunities for relations and cooperation to evolve. In several instances, Serbia has tried to act as a mediator between the Republika Srpska and the international community or to ease tensions within the Republika Srpska. For example, Serbian Prime Minister Vucic tried to persuade RS President Dodik to give up on the Referendum on the Constitutional Court of Bosnia and Herzegovina. He also made several appeals to the opposition leaders of the Republika Srpska and those in power at the B&H level (i.e., opposition at the B&H level) to find a way to work

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2015/Spoljna\_dec\_2015\_EUR.pdf (accessed 11 May 2016).

<sup>92</sup> Marciacq, "Sub-state Diplomacy in Malfunctioning States," 341.

<sup>93</sup> Bosniak political elite in general supports Kosovo's independence and has close relations with Kosovar leaders.

together and calling for Serbian unity. Although Serbia has sometimes been accused by the Bosniak political elite of meddling in the internal issues of Bosnia and Herzegovina, in the view of the Republika Srpska, as a kin state, Serbia has political, historical and moral obligations to protect the interests of the Republika Srpska and Serbs living in Bosnia and Herzegovina.<sup>95</sup>

In 2009, Serbia adopted a Law on Diaspora and Serbs in the Region.<sup>96</sup> The Law represented another platform for the Republika Srpska to protect its national interests. Pursuant to Article 27 of the Law on Diaspora and Serbs in the Region, a Council for Relations with Serbs in the Region was formed in 2009; its main mission was to help Serbs preserve their national and cultural identity and protect their rights and interests. The President of Serbia presides over the Council. In 2013, the Republic of Serbia and the Republika Srpska signed a Memorandum on Cooperation to strengthen their mutual ties with the Serb diaspora from Serbia and the Republika Srpska.<sup>97</sup>

The relations with Serbia today are both intense and concrete. They entail a wide range of issues, including economic, cultural, scientific, sport, health, education, and security. Given the lengthy list, I will only mention a few. There are several joint projects; one is the Podrinje project, relating to the economic and social development of 15 municipalities from Serbia and 16 from the RS in the Drina River Basin.<sup>98</sup>

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<sup>94</sup> Danilo Petrovic, former foreign policy advisor to the former member of the B&H Presidency from the Republika Srpska Nebojsa Radmanovic, interview by author, tape recording, 18 November 2015.

<sup>95</sup> Ibid.

<sup>96</sup> Term “Serbs in the Region” was introduced for the first time, and it refers to Serbs living in Albania, Bosnia and Herzegovina, Croatia, Hungary, Macedonia, Montenegro, Romania and Slovenia Article 2 of the Law on Diaspora and Serbs in the Region, *Zakon o dijaspori i Srbima u Regionu* [Law on Diaspora and Serbs in the Region], *Sluzbeni Glasnik Republike Srbije* [Official Gazette of the Republic of Serbia], number 88, 28 October 2009, [http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon\\_o\\_dijaspori.pdf](http://dijaspora.gov.rs/wp-content/uploads/2012/12/Zakon_o_dijaspori.pdf) (accessed 14 May 2016).

<sup>97</sup> Ibid.

<sup>98</sup> Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima regionalne i institucionalne saradnje*, 16.

Others are joint infrastructure projects (roads and Ljubovija-Bratunac bridge)<sup>99</sup> and projects in the energy sector.<sup>100</sup> Serbia has been helping the Republika Srpska in capacity building by providing training for civil servants of the Government of the Republika Srpska and law enforcement agents.<sup>101</sup> Furthermore, students from the Republika Srpska can study in Serbia under the same conditions as those from Serbia. Based on a Memorandum of Understanding between the Serbian Ministry of Health and the Ministry of Health and Social Welfare of the Republika Srpska, doctors from the Republika Srpska are trained in Serbia and RS citizens can receive medical treatment in Serbian medical institutions under the same conditions as Serbian citizens.<sup>102</sup>

Based on the Agreement on Dual Citizenship signed in 2002 between Bosnia and Herzegovina and then Federal Republic of Yugoslavia,<sup>103</sup> citizens of the Republika Srpska can obtain also Serbian citizenship.<sup>104</sup> While it is true that the agreement gives the right of applying for dual citizenship to all citizens of Bosnia and Herzegovina, this right has been mostly used by the citizens of the Republika Srpska. The number with dual citizenship in 2005 was around 20,000<sup>105</sup> or less than 2 per cent

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<sup>99</sup> Ibid.

<sup>100</sup> Several Agreements and memoranda on cooperation in the energy sector were signed between the RS and Serbia.

<sup>101</sup> Memorandum of Understanding and Cooperation between the RS Ministry of Economic Relations and Regional Cooperation and the Ministry of Foreign Affairs of Serbia signed in 2011, Protocol between the RS Ministry of Interior and the Ministry of Defence of Serbia regarding the education and training in Serbian military training centres signed in 2013, Cooperation Agreement between the RS Ministry of Interior and the Serbian Criminal Police Academy signed in 2008, Ministry of economic relations and regional cooperation, "Informacija o upisanim sporazumima." 15-18

<sup>102</sup> Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima regionalne i institucionalne saradnje*, 16.

<sup>103</sup> See *Sporazum o dvojnomo drzavljanstvu izmedju Bosne i Hercegovine i Savezne Republike Jugoslavije* [Agreement on dual citizenship between Bosnia and Herzegovina and the Federal Republic of Yugoslavia], 2002, <http://www.vladars.net/sr-sp-cyrl/vlada/ministarstva/muls/Documents/уговор%20о%20двојном%20држављанству%20између%20бих%20и%20савезне%20републике%20југославије.pdf> (accessed 14 May 2016).

<sup>104</sup> Bosnia and Herzegovina has also signed the same agreement with Sweden and Croatia.

<sup>105</sup> S. Misljenovic, "Pasos Srbije veoma pozeljan u Srpskoj" [Serbian passport wanted in Srpska], *Vecernje Novosti*, 8 June 2015, <http://www.novosti.rs/vesti/naslovna/drustvo/aktuelno.290.html:551968-Pasos-Srbije-veoma-pozeljan-u-Srpskoj> (accessed 14 May 2016).

of the total population of the Republika Srpska,<sup>106</sup> but numbers have been growing especially after Serbian authorities simplified the procedures in 2013.

The Republika Srpska relies on Serbia diplomatically not only to protect but also to promote its interests. For example, during the official state visit of Chinese President Xi Jinping to Serbia in June 2016, President of the Republika Srpska Dodik was invited by the Serbian President to attend some events, including a state dinner given by the Serbian President<sup>107</sup> and an official lunch given by the Serbian Prime Minister.<sup>108</sup> The President of the Republika Srpska was invited by Serbian officials to attend similar events during the official visit of Russian Prime Minister Vladimir Putin in 2011.<sup>109</sup>

As Marciacq observes, relations between Serbia and the Republika Srpska are more intense than between Serbia and Bosnia and Herzegovina.<sup>110</sup> Meetings between the officials of Serbia and the Republika Srpska are very frequent, almost on a monthly basis. For example, between 2009 and 2011, Serbian President Boris Tadic only made one official visit to Sarajevo, but during the same period, he met Republika Srpska President Milorad Dodik 23 times.<sup>111</sup> Some argue these meetings, especially when organised around elections, are used by both sides to strengthen their

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<sup>106</sup> 87 % of Croats from Bosnia and Herzegovina have also Croatian citizenship and together with Bosniaks and some Serbs they amount up to half million of B&H citizens with Croatian citizenship as well. See <http://www.nezavisne.com/novosti/bih/Pola-miliona-bh-gradjana-postace-drzavljan-EU/179735>

<sup>107</sup> President of the Republic of Srpska, “Predsjednik Republike Srpske prisustvovao svecanoj veceri u cast kineskog predsjednika” [President of the Republika Srpska at the official dinner in honour of the Chinese President], press release, 20 June 2016, <http://www.predsjudnikrs.net/председник-республике-српске-присус-65/?lang=sr> (accessed 1 July 2016).

<sup>108</sup> President of the Republic of Srpska, “Predsjednik Republike Srpske boravio u Smederevu” [President of the Republika Srpska visited Smederevo], press release, 20 June 2016, <http://www.predsjudnikrs.net/председник-республике-српске-борави-3/?lang=sr> (accessed 1 July 2016).

<sup>109</sup> “Susret Putin-Dodik: Federacija BiH će zavisiti od dobre saradnje sa RS i Srbijom” [Meeting between Putin and Dodik: the Federation of Bosnia and Herzegovina will depend on the good cooperation between the Republika Srpska and Serbia], *Vijesti*, 24 March 2011, <http://vijesti.ba/clanak/35202/susret-putin-dodik-federacija-bih-ce-zavisiti-od-dobre-saradnje-sa-rs-i-srbijom> (accessed 10 April 2016).

<sup>110</sup> Marciacq, “Sub-state Diplomacy in Malfunctioning States,” 340.

<sup>111</sup> Kurt Bassuener, and Bodo Weber, “Croatian and Serbian Policy in Bosnia and Herzegovina -Help

internal positions. For the leaders of the Republika Srpska, meetings with Serbian officials, especially Prime Minister Vucic, are important for their positioning, both in the Republika Srpska and in Bosnia and Herzegovina.<sup>112</sup> Meanwhile, leaders of the Republika Srpska, especially current President Dodik, enjoy high popularity in Serbia.<sup>113</sup>

Even though most interviewees stress the importance of Serbia's support to the Republika Srpska, some argue that at certain moments, Serbia and its leaders have used the Republika Srpska for their own interests and as a bargaining chip. The Republika Srpska, they say, was just an object of negotiations.<sup>114</sup> Serbia, in their opinion, could have done much more to protect interests of the Republika Srpska.<sup>115</sup>

### **5.3.2. Geopolitical rationales**

The revival of Russian international power has meant the revival of its geostrategic interests in the Western Balkans, including Bosnia and Herzegovina. Although Russia has never left the Western Balkans completely, its influence diminished with the prospect of the EU and NATO integration of these countries. To regain its influence, Russia has begun to use economic investments, especially in the energy and banking sectors. As relations between the Western NATO countries (especially USA) and Russia begun to deteriorate from the position of the Western countries on Bosnia and Herzegovina. In 2007, Russia for the first time expressed a special opinion in the Declaration of the Steering Board of the Peace Implementation Council.<sup>116</sup>

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or Hindrance?" DPC Policy Study, (Sarajevo, Berlin: Democratization Policy Council, 2012), 11.

<sup>112</sup> B&H diplomat and former senior civil servant, interview by author.

<sup>113</sup> Ibid.

<sup>114</sup> Petrovic, interview by author.

<sup>115</sup> Ibid.

<sup>116</sup> PIC supported the High Representative's decision to change the procedures in the decision-making process in the B&H Council of Ministers and called upon RS leaders to "abide by their obligations." Russia expressed special opinion regarding the decision of the High Representative due to the lack of

The first major Russian investment in the Republika Srpska was in 2007, when the Russian state-owned company Zarubezhneft bought two refineries in the Republika Srpska. This was followed by other investments, mostly in the banking sector. These investments made Russia the fourth-largest foreign investor in Bosnia and Herzegovina since 1994<sup>117</sup> and the second largest investor in the Republika Srpska for the period from 2007 to 2015, with total investments of around 270 million euros, representing more than 17 per cent of all total foreign investments in the Republika Srpska.<sup>118</sup> The Russian Federation is an important trading partner of the Republika Srpska as well, coming third in 2015.<sup>119</sup>

The EU's lack of a clear vision on the future of Bosnia and Herzegovina created a vacuum allowing Russian interests to step in. Although cooperation with Russia has economic and cultural dimensions, the political elite of the Republika Srpska stresses the political aspect. The Russian Federation is a member of the Peace Implementation Council (PIC) for Bosnia and Herzegovina and plays an important role in the country. After the third critical juncture, the Russian Federation has begun to defend the interests and positions of the Republika Srpska at the PIC and even the UN Security Council. For example, Russia vetoed the British Resolution on Srebrenica in July 2015; its position was that the resolution would "certainly provoke more interethnic frictions in the Balkans instead of promoting reconciliation between all resident ethnic groups."<sup>120</sup> The Russian Minister of Foreign Affairs said: "If we

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the agreement on the proposed measures among the B&H leaders. See Declaration by the Steering Board of the Peace Implementation Council, OHR 31 October 2007 <http://www.ohr.int/?p=37955>

<sup>117</sup> Foreign Investment Promotion Agency (FIPA) of Bosnia and Herzegovina "FDI Position and Performance."

<sup>118</sup> Government of the Republic of Srpska, "Strategija podsticaja stranih," 18.

<sup>119</sup> Chamber of Commerce of Banja Luka, information provided by email correspondence to author.

<sup>120</sup> Ministry of Foreign Affairs of the Russian Federation, "Foreign Minister Sergey Lavrov replies to a media question about the results of his talks with Milorad Dodik, President of the Republika Srpska (Bosnia and Herzegovina)," press release, St Petersburg, 19 June 2015, [http://www.mid.ru/en/web/guest/maps/ba/-/asset\\_publisher/cTXJ1EKuN92G/content/id/1465427](http://www.mid.ru/en/web/guest/maps/ba/-/asset_publisher/cTXJ1EKuN92G/content/id/1465427) (accessed 19 December 2015).

want to ‘heal the wounds’ of the 1992-1995 war, it is necessary to respect the memory of all the war’s victims regardless of their ethnicity.”<sup>121</sup>

Russian representatives in the UN Security Council often criticise the High Representative for Bosnia and Herzegovina for imbalanced and biased reporting on the situation in Bosnia and Herzegovina.<sup>122</sup> Twice a year, the UN Security Council considers the situation in Bosnia and Herzegovina. Since 2008, the Government of the Republika Srpska has started to send a voluntary report to the UN Security Council;<sup>123</sup> it is distributed by the Russian mission to the other members of the UN Security Council.<sup>124</sup> But this support works both ways: the member of the Presidency of Bosnia and Herzegovina from the Republika Srpska opposed recent sanctions against Russia despite pressure from the EU and the USA.<sup>125</sup> The RS member of the Presidency of Bosnia and Herzegovina vetoed the export of arms from Bosnia and Herzegovina to Ukraine, as this was against the Russian national interests;<sup>126</sup> Bosnia and Herzegovina was sustained during the voting in the UN General Assembly on the Resolution on the referendum in Crimea as the RS member of the Presidency again vetoed the decision within the Presidency.<sup>127</sup>

There are no contractual arrangements with the Russian Federation, but several protocols and memoranda have been concluded with the Regions of Moscow and Saint Petersburg (discussed later in the chapter). The Academies of Science and

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<sup>121</sup> Ibid.

<sup>122</sup> Such was the session of the UN Security Council on the situation in Bosnia and Herzegovina in November 2015.

<sup>123</sup> Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima regionalne i institucionalne saradnje*, 23.

<sup>124</sup> Vranjes, interview by author.

<sup>125</sup> “Radmanovic kontra EU: Nećemo dozvoliti da BiH uvede sankcije Rusiji!” [Radmanovic against the EU position: We will not allow B&H to introduce sanctions against Russia], *Slobodna Bosna*, 2 August 2014, [http://www.slobodna-bosna.ba/vijest/15588/radmanovic\\_kontra\\_eu\\_necemo\\_dozvoliti\\_da\\_bih\\_uvede\\_sankcije\\_rusiji.html](http://www.slobodna-bosna.ba/vijest/15588/radmanovic_kontra_eu_necemo_dozvoliti_da_bih_uvede_sankcije_rusiji.html) (accessed 30 October 2015).

<sup>126</sup> Petrovic, interview by author.

<sup>127</sup> “Bh. ambasadorica u UN-u izbjegla glasanje o Krimu” [B&H ambassador to the UN avoided voting on Crimea], *Nezavisne Novine*, 31 March 2014, <http://www.nezavisne.com/novosti/bih/Bh->

Arts of the Republika Srpska and the Russian Federation concluded a Cooperation Agreement in 2006.<sup>128</sup> The Republika Srpska, as said earlier, has a Representation Office in Moscow, and according to the President of the Republika Srpska, it plans to expand its representation to include Saint Petersburg in 2017. In 2016, a Centre for economic cooperation with the Republika Srpska was opened in Nizhny Novogord, an industrial region with developed automobile industry. The purpose of the Centre is to foster economic cooperation between the Republika Srpska and the Russian Federation especially in the field of agriculture and automobile industry.<sup>129</sup>

In 2014, the Government of the Republika Srpska signed a Memorandum of Understanding with a Russian state-owned company, Gazprom, which deals with production, transport and sale of natural gas. The agreement provides that without intermediaries the gas will be delivered directly to the Republika Srpska.<sup>130</sup> Initially, the Russian gas was to be delivered via the South Stream gas pipeline, but as this project was suspended, the Government of the Republika Srpska is considering other means, such as the Turkish stream gas pipeline.<sup>131</sup>

During the Phase AB, the President of the Republika Srpska has begun to have regular meetings with the Russian Minister of Foreign Affairs, and in the last two years, he has met on several occasions with the Russian President as well. The first official meeting between Milorad Dodik and Vladimir Putin took place in the

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[ambasadorica-u-UN-u-izbjegla-glasanje-o-Krimu/237971](#) (accessed 30 October 2015).

<sup>128</sup> Academy of Science and Arts of the Republic of Srpska, Web site <http://www.anurs.org/92/anurs/Medjuakademijska/saradnja> (accessed 15 October 2015).

<sup>129</sup> Petr Ivancov, ambassador of Russia to Bosnia and Herzegovina, "20 years of diplomatic relations between Russia and Bosnia and Herzegovina: Russia and Bosnia and Herzegovina; Russia and the Balkans" (speech, Banja Luka, Bosnia and Herzegovina, 14 December 2016).

<sup>130</sup> "RS and Gazprom signed an agreement on direct delivery of gas," *Srna News Agency*, 16 September 2014

<http://www.akta.ba/en/Vijest/news/rs-and-gazprom-signed-an-agreement-on-direct-delivery-of-gas/43712> (accessed 29 June 2016).

<sup>131</sup> Slobodan Puhalic, Director of the "GAS Republic of Srpska", interview 20 February 2015 <http://www.ekapija.com/website/bih/page/1076418/Uskoro-potpisivanje-ugovora-RS-sa-Rusijom-o-isporuci-gasa-U-planu-izgradnja-fabrike-za-komprimovanje-ovog-energenta> (accessed 29 June 2016).

Kremlin in September 2014.<sup>132</sup> It occurred in the midst of Dodik's electoral campaign and was interpreted by some as clear Russian support of Dodik.<sup>133</sup> Earlier that year, in May, Dodik attended a military parade in Moscow on the invitation of Putin; he met with Putin as well, albeit unofficially. The President of the Republika Srpska regularly participates in the International Economic Forum in Saint Petersburg at the invitation of the Russian President. In September 2016, a few days before a referendum on the national day of the Republika Srpska (which Bosniak political representatives tried to prevent),<sup>134</sup> the second official meeting between Dodik and Putin took place in the Kremlin.<sup>135</sup> Again, the meeting was portrayed by local media as Russian support for the political agenda of the Republika Srpska.<sup>136</sup>

It is worth noting that high-level meetings between officials of the Republika Srpska and the Russian Federation are more frequent than meetings between Russian officials and officials from Bosnia and Herzegovina. For example, the last official meeting between the Russian President and a Member of the Presidency of Bosnia and Herzegovina from the Republika Srpska took place in 2007 at the Economic Summit in Croatia. Although the Serb member of the Presidency of Bosnia and

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<sup>132</sup> President of Russia, "Meeting with President of the Republika Srpska entity of Bosnia and Herzegovina," press release, 18 September 2014, <http://en.kremlin.ru/events/president/news/46637> (accessed 30 October 2015).

<sup>133</sup> "Putin podržao Dodika na izborima" [Putin supports Dodik in the forthcoming elections], *Nezavisne Novine*, 18 September 2015, <http://www.nezavisne.com/novosti/bih/Putin-podrzao-Dodika-na-izborima/263697> (accessed 30 October 2015).

<sup>134</sup> Bosniak member of the B&H Presidency filed an appeal before the Constitutional Court of Bosnia and Herzegovina in 2013 regarding the Republika Srpska National Day. In 2015, the Constitutional Court ruled that the National Day was discriminatory against people of other ethnic and religious background and thus unconstitutional (however Croat and Serb judges were against such decision, while Bosniak and foreign judges voted in favour see interview with the President of the Constitutional Court of Bosnia and Herzegovina <http://www.balkaninsight.com/en/article/bosnian-constitutional-court-under-pressure-from-serb-referendum-08-29-2016> ). The Republika Srpska decided to organise a referendum on 25<sup>th</sup> September 2016 seeking public opinion whether the 9<sup>th</sup> January should be kept as a National Day. Bosniak political elite and the OHR strongly opposed the referendum. The Prosecutor's Office in Bosnia and Herzegovina opened an investigation against the Republika Srpska President and members of the commission for referendum.

<sup>135</sup> President of Russia, "Meeting with President of the Republika Srpska entity of Bosnia and Herzegovina," press release, 22 September 2016, <http://en.kremlin.ru/events/president/news/52951> (accessed 25 September 2016).

<sup>136</sup> see for example <http://www.nezavisne.com/novosti/bih/Dodik-Sve-spremno-da-sutra-bude-odrzan-referendum-o-Danu-Republike/388898>

Herzegovina has attended a military parade in Moscow, no official meeting was organised with the Russian President. The relatively underdeveloped relations between Russia and Bosnia and Herzegovina leave ample space for the Republika Srpska to move in. When the situation in Bosnia and Herzegovina is being discussed by Russian officials and their counterparts in Western Europe, Russia often sides with the position of the Republika Srpska. A recent example is a telephone conversation between the Ministries of Foreign Affairs of Russia and Germany on the situation in Bosnia and Herzegovina following the referendum in the Republika Srpska. The Russian Minister of Foreign Affairs emphasised: “The plebiscite does not create any threats to the territorial integrity of Bosnia and Herzegovina and does not violate the principles of the General Framework Agreement for Peace.”<sup>137</sup> He also urged “against escalating the situation around the Republika Srpska.”<sup>138</sup>

Most of the interviewees who took part in this research named Israel as an important international partner of the Republika Srpska. While relations with the other two strategic partners, the Russian Federation and Serbia, could be described as mutually beneficial, this is not so evident in the case of Israel.

In July 2014, pro-Palestinian protests were organised in several cities with a Bosniak majority, such as Sarajevo, Tuzla and Zenica,<sup>139</sup> while at the same time, the President of the Republika Srpska, Milorad Dodik, publicly supported Israel and its military operations in Gaza.<sup>140</sup> The Israel-Palestine question thus became another

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<sup>137</sup> Ministry of Foreign Affairs of the Russian Federation, press release, 29 September 2016, [http://www.mid.ru/en/telefonnye-razgovory-ministra/-/asset\\_publisher/KLX3tiYzsCLY/content/id/2478984](http://www.mid.ru/en/telefonnye-razgovory-ministra/-/asset_publisher/KLX3tiYzsCLY/content/id/2478984) (accessed 4 October 2016).

<sup>138</sup> Ibid.

<sup>139</sup> “Protesti podrške narodu Gaze: Palestinci nisu teroristi, oni se brane,” [Pro-Gaza Protests: Palestinians are not terrorists, they defend demselves], *Oslobodjenje*, 25 July 2014, <http://www.oslobodjenje.ba/vijesti/bih/protesti-podrške-narodu-gaze-palestinci-nisu-teroristi-oni-se-brane> (accessed 18 June 2015).

<sup>140</sup> “Izraelski mediji: Dodik skoro jedini dao bezuslovnu podršku operaciji u Gazi,” [Israeli Media; Dodik almost the only one who gave unconditionally support for the Operation in Gaza], *Blic*, 16 July 2014, <http://www.blic.rs/Vesti/Svet/481064/Izraelski-mediji-Dodik-skoro-jedini-dao-bezuslovnu-podrsku-operaciji-u-Gazi> (accessed 18 June 2015).

element of the internal division of Bosnia and Herzegovina. This came to fore when Bosnia and Herzegovina was a non-permanent member of the UN Security Council for a period of a year. According to Petrovic, it was possible to reach consensus within the Presidency of Bosnia and Herzegovina on the Israel-Palestine issue in less than 30 per cent of cases.<sup>141</sup> While it was a non-permanent member of the UN Security Council, Bosnia and Herzegovina never supported a pro-Palestine resolution or action because of the opposition of the member of the Presidency from the Republika Srpska.<sup>142</sup> For the same reasons, Bosnia and Herzegovina abstained from voting on the admission of Palestine to UNESCO in 2013, even though most of the former Yugoslav Republics and other countries of Europe supported it.<sup>143</sup> Two years before, Bosnia and Herzegovina had not supported Palestine's membership in the UN; once again, there was no consensus in the Presidency of Bosnia and Herzegovina (the Serb member was against) even though it was its vote, which was deciding.<sup>144</sup>

For the Republika Srpska, relations with Israel are important to its international projection. According to President of the Republika Srpska Dodik, a similar "micro-political and micro-regional situation" in Israel and the Republika Srpska contributes, in a political context, to better understanding.<sup>145</sup> Several meetings between the two Parliaments were organised in Israel and in the Republika Srpska. The President of the Republika Srpska had frequent meetings with then Israeli

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<sup>141</sup> Petrovic, interview by author.

<sup>142</sup> Ibid.

<sup>143</sup> Michael Freund, "Bosnia's Serbian President Visits Israel, Voices Solidarity: Nebojsa Radmanovic played a crucial role in opposing unilateral steps by the Palestinian Authority at the United Nations," *Israel National News*, 19 December 2013, <http://www.israelnationalnews.com/News/News.aspx/175350#.VIDbPNCprzI> (accessed 1 October 2015).

<sup>144</sup> Michael Freund, "Fundamentally Freund: Israel's Best Friend in Europe," *The Jerusalem Post*, 5 March 2014.

<sup>145</sup> Milos Mitrovic, "Izrael pomaze srpske interese," [Israel supports Serb interests], *Danas RS*, 11 September 2012, [http://www.danas.rs/danasrs/svet/region/izrael\\_pomaze\\_srpske\\_interese.9.html?news\\_id=247406](http://www.danas.rs/danasrs/svet/region/izrael_pomaze_srpske_interese.9.html?news_id=247406)

Minister of Foreign Affairs Avigdor Lieberman (2009-2012). In 2010 and 2012, President of the Republika Srpska Dodik met President of Israel Shimon Perez on his visits to Israel. Meetings between high officials of the Republika Srpska and Israel were intensified in 2010 and 2011, while the year when Bosnia and Herzegovina was a non-permanent member of the UN Security Council. However, the Republika Srpska did not capitalise on the opportunities that these high level meetings created, as the cooperation in other fields remained underdeveloped. There are no cooperation memoranda or protocols, no joint projects or programs, and the trade exchange is very poor. Israeli investments in the Republika Srpska are minor; investments for 2007-2015 were only around 1.3 million euros.<sup>146</sup>

There have been several initiatives to develop cooperation in the agriculture and health sectors, mostly concerning the transfer of Israeli expertise. There is some limited cooperation in education; this includes exchanges of students and professors, as well as training on the study of the Holocaust provided for RS history teachers by Jad Vashem, World Holocaust Remembrance Centre. Banja Luka, the administrative centre of the Republika Srpska, and the Israeli city Modiin signed a Cooperation Memorandum in 2010. As a token of strong Serb-Jewish ties, the Republika Srpska recently opened a Jewish Centre in Banja Luka; in 2015, the Centre organised Jewish-Israeli Days.

### **5.3.3. The European Union**

One of the most important foreign policy strategic goals of Bosnia and Herzegovina is to join the European Union. In a complex and divided political environment, the EU path represents a unifying element with the almost exclusive consensus of all political stakeholders in the federated units and at the central level.

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(accessed 3 October 2015).

While the authorities and political leaders on all levels are committed to working on EU integration,<sup>147</sup> their opinions diverge on how to get there. The Bosniak political elite sees EU integration as a window of opportunity for further centralisation of Bosnia and Herzegovina, while the political elite from the Republika Srpska sees it as both an opportunity and a threat to its autonomy.

The EU conditions for integration of Bosnia and Herzegovina are frequently tied to political influences and agendas. A case in point is police reform, set up as one of the four conditions for Bosnia and Herzegovina to sign the Stabilisation and Association Agreement (SAA) with the European Union. The former chief negotiator of Bosnia and Herzegovina for the SAA, Davidovic, says police reform became a condition even though the overall security situation in Bosnia and Herzegovina was at a very satisfactory level.<sup>148</sup> In his opinion, police reform was simply a pretext to achieve a quite different goal: the systematic transfer of powers and the construction of a centralised state.

From the beginning of the negotiations for SAA in 2005 until formal submission of the EU candidacy application in February 2016, the EU conditions for Bosnia and Herzegovina kept changing (police reform, closure of the OHR, constitutional revision, other reforms etc.). Davidovic claims this constant conditionality gives the impression of a lack of EU political will to speed up the EU accession.<sup>149</sup> EU requirements for police reform interfered with the balance of

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<sup>146</sup> Chamber of Commerce of Banja Luka, email correspondence, 21 June 2016.

<sup>147</sup> As a token of this commitment, EU Reform Agenda was agreed upon by entities as well as the central level and adopted in July 2015 (see EU delegation to Bosnia and Herzegovina, Op-ed by Ambassador Wigemark: "The Reform Agenda: Bosnia and Herzegovina's best chance," 5 August 2015, <http://europa.ba/?p=35691>, accessed 10 October 2015).

<sup>148</sup> Davidovic, interview by author.

<sup>149</sup> Ibid.

“political authority and touched deeply on the public sense of societal security”, which led to further polarisation and political confrontations.<sup>150</sup>

Another recent example of EU conditionality was the adaptation of the Stabilisation and Accession Agreement to allow Croatia, as a new EU member, to keep exporting its goods under the same conditions as before its EU entrance, even though other countries did not have this concession.<sup>151</sup> According to Davidovic, since Croatia joined the EU, the EU Commission has become the guardian of the Croatian economic and other interests in Bosnia and Herzegovina.<sup>152</sup> For its part, the Government of Republika Srpska objected because of the possible negative effects, especially in the agriculture sector, as Croatia could enjoy benefits that Bosnia and Herzegovina could not. As 65 per cent of the agriculture production in Bosnia and Herzegovina comes from the Republika Srpska, the Government and the President of the Republika Srpska requested the RS member of the B&H Presidency to vote against the adaptation.<sup>153</sup> After several days of negotiations, including a meeting between the President of the Republika Srpska and the German Federal Minister of Food and Agriculture,<sup>154</sup> the German Government offered to provide financial assistance to cover the eventual damages. The President of the Republika Srpska

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<sup>150</sup> Lindval, *The Limits of the European Vision in Bosnia and Herzegovina*, 243.

<sup>151</sup> In 2006 Albania, Bosnia and Herzegovina, Bulgaria, Croatia, Macedonia, Moldavia, Romania, Montenegro, Serbia and the United Nations Interim Administration Mission in Kosovo signed the Agreement on Free Trade in the Balkans (CEFTA), which came into force in 2007. The aim of the Agreement is to create a free trade area. See [http://www.seio.gov.rs/documents/agreements-with-eu\\_220.html](http://www.seio.gov.rs/documents/agreements-with-eu_220.html).

<sup>152</sup> Davidovic, interview by author.

<sup>153</sup> “Dodik: Za Srpsku neprihvatljiva predložena adaptacija SSP-a!” [Dodik: for the Republika Srpska the proposed adaptation of SAA is unacceptable!], *ATV Banja Luka*, 26 June 2016, <http://www.atvbl.com/dodik-neprihvatljiva-predlozena-adaptacija-ssp/> (accessed 2 July 2016).

<sup>154</sup> President of the Republic of Srpska, “Predsjednik Republike Srpske razgovarao sa njemackim saveznom ministrom za poljoprivredu” [President of the Republika Srpska met with the German Federal Minister of Agriculture], press release, 13 July 2016, <http://www.predsjudnikrs.net/18509-2/?lang=sr> (accessed 15 July 2016).

agreed to this condition; it was approved the following day by the Presidency of Bosnia and Herzegovina.<sup>155</sup>

The position of the Republika Srpska on the SAA adaptation illustrates its ambition to protect its interests in the process of the EU integration of Bosnia and Herzegovina. There is a general concern among the political elite of the Republika Srpska that under the EU umbrella, certain powers of the Republika Srpska could be transferred to the central level. Therefore, the Republika Srpska has insisted on creating an effective and comprehensive mechanism of coordination in EU matters in which the Republika Srpska would have a say and would be able to protect its autonomy. The mechanism of coordination represents one of the most proactive institutional initiatives of the Republika Srpska, according to a senior RS Government official.<sup>156</sup> The Belgian experience, he says, helped the Republika Srpska voice its demands, although at the beginning, some EU representatives were against it.<sup>157</sup> The mechanism of coordination allows the Republika Srpska to actively participate in the process of the EU integration of Bosnia and Herzegovina and protect its interests.<sup>158</sup> It provides for the participation of the representatives of the Republika Srpska in the following bodies: Collegium for EU integration (RS Prime Minister member), Ministerial Conferences, Commission for EU integration, Sub-commissions for EU integration and Working Groups for EU integration.<sup>159</sup> Representatives of the Government of the Republika Srpska also part take in the supervision of the implementation of the Stabilisation and Association Agreement of Bosnia and Herzegovina through the Standing Delegation of Bosnia and Herzegovina

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<sup>155</sup> Presidency of Bosnia and Herzegovina, "Press release," 15 July 2016, <http://www.predsjednistvobih.ba/saop/default.aspx?id=72096&langTag=bs-BA> (accessed 15 July 2016).

<sup>156</sup> Senior RS Government Official 1, interview by author.

<sup>157</sup> Ibid.

<sup>158</sup> Mazalica, interview by author.

<sup>159</sup> *Odluka o sistemu koordinacije.*

within the Stabilisation and Association Committee and Subcommittees (Article 11). Representatives of the Republika Srpska have already started to participate in the work of some sub-commissions, such as the one for Agriculture and Fisheries, with the first meeting held in Brussels in June 2016.<sup>160</sup> In November 2016, the first constitutive session of the Collegium for EU integration took place; the delegation of the Republika Srpska was led by its Prime Minister. The Collegium decided on the establishment of 11 Ministerial Conferences based on the constitutional distribution of competencies among various governmental levels in Bosnia and Herzegovina.<sup>161</sup> Ministers of the entities, the cantons and the central level will take part in the work of these conferences.

The Belgian experience was also used as an argument against some other EU initiatives for the transfer of power, such as the creation of a Ministry of Agriculture at the level of Bosnia and Herzegovina.<sup>162</sup> Thus, EU integration represents a challenge, as the initiatives for transfer of its powers to a central level are likely to continue. But it is also an opportunity; if the Republika Srpska continues to play a proactive role, as it did with the mechanism of coordination in EU matters, it can protect its autonomy.

The EU is one of the most important international partners of the Republika Srpska for three reasons. Firstly, the EU member states together represent the largest trading partner, with 72.7 per cent of RS exports going to EU countries in 2015.<sup>163</sup> EU member countries have been important foreign investors in the Republika Srpska

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<sup>160</sup> Government of the Republic of Srpska, “Poceo prvi sastanak Pododbora za poljoprivredu i ribarstvo izmedju EU i BiH [First meeting of the Subcommission for Agriculture and Fisheries between the EU and B&H], press release, 29 June 2016, <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/media/Vijesti/Pages/Poceo-prvi-sastanak-Pododbora-za-poljoprivredu-i-ribarstvo-izmedju-EU-i-BiH-.aspx> (accessed 10 July 2016).

<sup>161</sup> “Konstituiran Kolegijum za evropske integracije BiH” [College for European integration of B&H established], *Oslobodjenje*, 17 November 2016, <http://www.oslobodjenje.ba/vijesti/bih/konstituiran-kolegijum-za-evropske-integracije-bih/185896> (accessed 19 November 2016).

<sup>162</sup> Senior RS Government Official 1, interview by author.

since 1994. Secondly, the culture and traditions of the Republika Srpska are similar to those of many EU member states, especially Slavic countries.<sup>164</sup> Thirdly, all stakeholders from the Republika Srpska are wholeheartedly committed to the EU integration of Bosnia and Herzegovina.<sup>165</sup> In addition, as noted earlier, the EU provides considerable funds for development projects in the Republika Srpska and the whole of Bosnia and Herzegovina, and as Bosnia and Herzegovina progresses towards EU integration, more EU funds will be at its disposal.

However, many feel the Republika Srpska needs to take a more aggressive and proactive approach towards EU integration to protect its autonomy. One way to do so would be to adopt its own program or strategy for integration.<sup>166</sup> In fact, the Republika Srpska aims at having direct contact with the EU; while the contacts are mostly with EU technocrats, sometimes they include high ranking EU officials, for example, the visit of Catherine Ashton, EU High Representative for Foreign Affairs and Security Policy, to Banja Luka in 2011 and her meeting with President of the Republika Srpska Dodik. Even though Ashton's visit was aimed at easing tensions on the reform of the justice system, thus preventing a significant political crisis, it was portrayed by some, including Dodik, as a strategic victory of the Republika Srpska.

As said earlier, the Ministry of Economic Relations and Regional Cooperation acts as a main coordinator of EU integration issues, including: monitoring the implementation of the Stabilization and Association Agreement (SAA); coordinating activities amongst RS institutions on the SAA process; preparing RS institutions inter-sectorial; coordinating the participation of RS representatives in negotiations with the European Union; preparing and reviewing strategic documents and action

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<sup>163</sup> Chamber of Commerce of Banja Luka, "Foreign Trade of the Republic of Srpska."

<sup>164</sup> Radmanović, interview by author.

<sup>165</sup> Ibid.

<sup>166</sup> Davidovic, interview by author.

plans related to fulfilment of obligations in the EU integration process. For one example, the Government of the Republika Srpska adopted a package of documents related to the methodology and guidelines for reporting on EU integration.<sup>167</sup> In May 2016, the Government drew up a list of institutions to take part in answering the Questionnaire of the European Commission and created a list of legal documents to be translated in English and delivered with the Questionnaire. The Government also appointed members to working groups to work on the Questionnaire on behalf of the Republika Srpska.<sup>168</sup> In short, the Republika Srpska was well ahead of the Federation of Bosnia and Herzegovina in coordinating activities at the time of writing this thesis – on the eve of the delivery of the Questionnaire of the European Commission in December 2016.<sup>169</sup>

However, the challenges to EU integration remain salient. An example is the Stabilisation and Association Parliamentary Committee, a forum of the members of the Parliamentary Assembly of Bosnia and Herzegovina and the European Parliament, officially inaugurated in November 2015. The Committee has already failed on two occasions to adopt Rules of Procedure, largely because of the persistence of the representatives of the Republika Srpska in seeking to include in the Rules of Procedures the so-called “entity vote” mechanism, as provided by the Constitution of Bosnia and Herzegovina and applied in the parliamentary work of Bosnia and Herzegovina.<sup>170</sup> As the Committee’s recommendations are submitted to the European Parliament, European Commission and authorities of Bosnia and Herzegovina, the representatives of the Republika Srpska would prefer the voting mechanism specified in the Constitution of Bosnia and Herzegovina rather than a

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<sup>167</sup> See <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/Pages/default.aspx#collapsible3>

<sup>168</sup> “Odrzana 73. sjednica Vlade Republike Srpske” [73<sup>rd</sup> Session of the Government of the Republic of Srpska], *BL Portal*, 12 May 2016, <http://www.bl-portal.com/vijesti/rs-i-fbih/odrzana-73-sjednica-vlade-republike-srpske.html> (accessed 19 June 2016).

<sup>169</sup> Representative of the EU delegation to Bosnia and Herzegovina, interview by author.

simple “majority” vote. The next session in December 2016 may reach a compromise.<sup>171</sup>

#### 5.3.4. Functional rationales

Political elite from the Republika Srpska and most of interviewees who took part in this research project claim the most important strategic partners of the Republika Srpska have been Serbia, Russia, Israel and the European Union. However, some say the most important international partners should be other federated and autonomous units, mostly from the Western Europe, who are very active internationally and have substantial influence especially within the EU, such as Catalonia, Wels, Flanders, Bavaria, Wallonia etc.<sup>172</sup> Of these, some suggest that the focus should be on the German-speaking countries, mostly because of economic incentives, but also because of the relative geographic proximity.<sup>173</sup> According to foreign trade statistics for the Republika Srpska, Germany was the fourth trading partner of the Republika Srpska in 2015 and Austria the seventh.<sup>174</sup> Austria was the sixth foreign investor from 2007 to 2015 and Germany was the seventeenth.<sup>175</sup>

China is also mentioned as a possible partner for economic reasons and because of the impartial political position the Government of China has taken in Bosnia and Herzegovina and in the Balkans as a whole.<sup>176</sup> Chinese investments in the Republika Srpska have been limited, with trading oriented towards imports from China.<sup>177</sup> New opportunities for establishing cooperation with China have been

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<sup>170</sup> Ibid.

<sup>171</sup> Ibid.

<sup>172</sup> B&H ambassador from the RS, interview by author, 25 January 2016.

<sup>173</sup> Filipovic, interview by author.

<sup>174</sup> The Chamber of Commerce of Banja Luka, “Foreign Trade of the Republic of Srpska,” (2015), information provided by email correspondence to author 21 June 2016.

<sup>175</sup> Government of the Republic of Srpska, “Strategija podsticaja stranih ulaganja 2016-2020” [Foreign Direct Investment Incentives Strategy for 2016-2020], May 2016, 18, [http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/Documents/Strategija%20podsticanja%20stranih%20ulaganja%20u%20RS\\_583782412.pdf](http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/Documents/Strategija%20podsticanja%20stranih%20ulaganja%20u%20RS_583782412.pdf) (accessed 10 June 2016).

<sup>176</sup> Senior RS Government Official 1, interview by author.

<sup>177</sup> Chinese investments from 2007 to 2015 were around 110,000 euros. Government of the Republic

opening up since 2012, when China began to intensify its cooperation with countries of Central and Eastern Europe (also known as the “16 +1” cooperation platform).<sup>178</sup> In December 2015, President of the Republika Srpska Dodik visited China where he met with representatives of Chinese public companies interested in infrastructure projects and the energy sector,<sup>179</sup> and in June 2016, at the invitation of Serbian authorities, Dodik met with the Chinese President during his official visit to Serbia. Memoranda of Understanding between the Government of the Republika Srpska and two Chinese companies in the field of energy were signed during the visit of Chinese delegation to Belgrade.<sup>180</sup> Before this time, the Government of the Republika Srpska had signed Memoranda of Cooperation and Understanding with four Chinese public companies in the field of energy and infrastructure.<sup>181</sup> In November 2016, the President of the Republika Srpska led an RS delegation composed of several ministers and representatives of the energy sector on a working visit to China. Several important memorandums of cooperation on infrastructure projects were signed with the Chinese companies in health, telecommunications, IT and energy.<sup>182</sup> Dodik also delivered a speech at the opening ceremony of the 16<sup>th</sup> Western China

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of Srpska, “Strategija podsticaja stranih.” 18.

<sup>178</sup> For more information on Chinese initiative with the Central and Eastern Europe see <http://www.china-ceec.org/eng/xy.html> (accessed 20 March 2016).

<sup>179</sup> President of the Republic of Srpska, “Predsjednik Republike Srpske nastavio posjetu Kini” [President of the Republika Srpska continues his visit to China], press release, 20 December 2015, <http://www.predsjudnikrs.net/предсједник-републике-српске-настав-2/?lang=sr> (accessed 15 March 2016).

<sup>180</sup> President of the Republic of Srpska, “Predsjednik Republike Srpske prisustvovao potpisivanju Memorandum o razumijevanju i saradnji na projektu izgradnje Termoelektrane “Gacko 2” [President of the Republika Srpska present at signing of Memorandum of Understanding and cooperation on the project of building Thermal Power Plant “Gacko 2”], press release 18 June 2016, <http://www.predsjudnikrs.net/предсједник-републике-српске-присус-64/?lang=sr> (accessed 1<sup>st</sup> July 2016).

<sup>181</sup> Ministry of economic relations and regional cooperation, “Informacija o upisanim sporazumima.” 4, 5 & 11.

<sup>182</sup> President of the Republic of Srpska, “Predsjednik Republike Srpske razgovara sa predstavnicima korporacije “Cajna voter elektrik” i “Cajna Pauer-Sinohidro korporacije” [President of the Republika Srpska met with representative of the corporation “China Water Electric” and “China Water-Sinohidro Corporation”], press release, 6 November 2016, <http://www.predsjudnikrs.net/предсједник-републике-српске-разгов-148/?lang=sr> (accessed 7 November 2016); and President of the Republic of Srpska, “Predsjednik Republike Srpske posjetio telekomunikacionu kompaniju “Huawei” [President of the Republika Srpska visited telecommunications company “Huawei”], press release, 5 November 2016, <http://www.predsjudnikrs.net/предсједник-републике-српске-посјет-8/?lang=sr> (accessed 7

International Fair in Chengdu. The Governor of the Sichuan Province and the President agreed to sign a memorandum of cooperation at the beginning of 2017 in Banja Luka.<sup>183</sup> The memorandum will focus on economic cooperation and the creation of five economic hubs for the Chinese companies in the Republika Srpska.<sup>184</sup>

The Government of China has been interested in developing other forms of cooperation with the Republika Srpska, especially scientific, cultural and linguistic ones, an example being a proposal to open a Confucius Institute in Banja Luka. After several years of failed negotiations with the Government of the Republika Srpska, the Chinese Government decided to open a Confucius Institute in Sarajevo in 2015. According to a source from the Government of the Republika Srpska, now that there was Confucius Institute in Sarajevo, there was a good chance that the Government of the Republika Srpska would give the green light for one to be opened in Banja Luka, “just for the sake of showing that Banja Luka has the same potential as Sarajevo.”<sup>185</sup> And indeed, in October 2016, the University of Banja Luka and the Tianjin University of Technology and Education signed an agreement to establish a Confucius Institute within the University of Banja Luka.<sup>186</sup>

The initial reluctance of the Republika Srpska to develop further relations with China may be explained by the lack of a clear strategy or a well-formulated institutional approach to the selection of its strategic partners. However, the working visit of the President of the Republika Srpska to China in November 2016 could be

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November 2016).

<sup>183</sup> President of the Republic of Srpska, “Predsjednik Republike Srpske razgovarao sa guvernerom provincije Secuan” [President of the Republika Srpska met with the Governor of the Sichuan Province], press release, 3 November 2016, <http://www.predsjudnikrs.net/предсједник-республике-српске-разгов-147/?lang=sr> (accessed 5 November 2016).

<sup>184</sup> Ibid.

<sup>185</sup> Senior RS Government Official 2, interview by author.

<sup>186</sup> University of Banja Luka, “Rektor Milan Mataruga i prorektor Biljana Antunovic boravili u radnoj posjeti Kini” [Chancellor Milan Mataruga and vice-chancellor Biljana Antunovic in working visit to China], press release, 14 October 2016, <http://unibl.org/sr-lat/vesti/2016/10/rektor-milan-mataruga-i-prorektor-biljana-antunovic-boravili-u-radnoj-posjeti-kini> (accessed 28 October 2016).

an indication that the Republika Srpska has begun to look for international partners with whom it can establish various forms of cooperation other than just political.

### **5.3.5. Solidarity with other regions and federated units**

Formal cooperation in the form of agreements, protocols and memoranda has been established with 10 federated units and regions; Italian (Veneto Region and its province of Belluno), Czech (Hradec Králové and Ústecký Region), Ukrainian (Luganska and Ternopil Oblast), German (Baden-Wurttemberg), Norwegian (Troms County) and Russian (St Petersburg and Moscow).<sup>187</sup> Agreements with these regions, provinces and counties were signed between 2007 and 2013. An exception is the Government of Moscow, with whom the Republika Srpska signed a memorandum in 1997, however the relations with the Government of Moscow remained rather limited during the first and the second critical juncture. The agreements have envisaged development of cooperation in many fields, such as trade, economy, science, technology, culture, tourism, education, local administration, energy, the environment, communications, health and social welfare, and the EU (German and Czech regions). Most of the agreements also provide for the establishment of intergovernmental commissions, working groups and other forms of coordinating mechanisms. Although the intention to establish relations with some of these regions was formalised in 2007, most of the agreements remain a dead letter; intergovernmental commissions have not been established, and cooperation has only been concretised with the Russian regions and German Länder of Baden-Wurttemberg.

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<sup>187</sup> Ministry of Economic Relations and Regional Cooperation, *Cooperation Protocols*, <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/Protokoli/Pages/Splash.aspx> (accessed 2nd May 2016)

A Memorandum of Understanding was signed with Baden-Wurttemberg in 2008 with the aim of strengthening economic cooperation.<sup>188</sup> Since then, the two Governments and Parliaments have exchanged visits relatively frequently. In 2009, the Republika Srpska opened a Representation Office in Stuttgart; in 2015, this Office organised a business forum “Days of the Republika Srpska Economy”.<sup>189</sup> Several companies from Baden-Wurttemberg have already invested in the Republika Srpska, mostly in the metal industry and forestry.<sup>190</sup> Cooperation has been established in the EU Strategy for the Danube Region (EUSDR),<sup>191</sup> especially in Priority Area 8: “To support the competitiveness of enterprises.”<sup>192</sup> Baden-Wurttemberg has been the Priority Area coordinator.<sup>193</sup>

Cooperation with the Russians regions of Moscow and Saint Petersburg is even more developed. A Cooperation Protocol between the Governments of the Republika Srpska and Moscow was signed in 1997; in 2010, this was followed by a Protocol on Cooperation in Foreign Trade and Science and Technology.<sup>194</sup> The Chambers of Commerce of the Republika Srpska and Moscow signed a Cooperation Protocol in 2003.<sup>195</sup> Cooperation has developed between the University of East

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<sup>188</sup> Ministry of Economic Relations and Regional Cooperation, Memorandum of Understanding between Baden-Wurttemberg and the Republic of Srpska, <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/Documents/95%20memorandum-%20meors%20i%20ministarstvo%20privrede%20baden%20virtemberg.pdf> (accessed 2 May 2016).

<sup>189</sup> Chamber of Commerce of the Republic of Srpska, “Dan privrede Republike Srpske, Stuttgart, Njemacka,” [Business days of the Republic of Srpska, Stuttgart, Germany], Press release, 5 November 2016 <http://komorars.ba/medunarodna-saradnja/sajmovi/misije-i-poslovnji-susreti/dan-privrede-republike-srpske-05-11-2015-stuttgart-njemacka/> (accessed 10<sup>1</sup> May 2016).

<sup>190</sup> “Djokic: Srpska is a reliable partner,” *SRNA News Agency*, 5 November 2015, <http://www.srna.rs/novosti/350280/djokic-srpska-is-a-reliable-partner-to-investors.htm> (accessed 10 May 2016).

<sup>191</sup> Bosnia and Herzegovina is a participating country. For more information on EU Strategy for the Danube Region see <http://www.danube-region.eu/about/the-danube-region> (accessed 11 May 2016).

<sup>192</sup> Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima regionalne i institucionalne saradnje*, 2.

<sup>193</sup> Danube Region Strategy, Priority Area Coordinators <http://www.danube-region.eu/contact/priority-area-coordinators>, (accessed 11 May 2016).

<sup>194</sup> Cooperation Agreement between the Government of the Republika Srpska and the Government of Moscow, Ministry of economic relations and regional cooperation of the RS <http://www.vladars.net/sr-sp-cyrl/vlada/ministarstva/meoi/Documents/91%20protokol-%20vlada%20rs%20i%20vlada%20moskve.pdf> (accessed 15 September 2015).

<sup>195</sup> Gordana Visekruna, Head of the promotion and international economic relations of the RS

Sarajevo and Lomonosov Moscow State University.<sup>196</sup> The Ministry of the Interior of the Republika Srpska signed a Cooperation Memorandum with the Main Department of Internal Affairs of the City of Moscow in 2015; this provides for close cooperation in trans-border crime prevention, prevention of terrorism and clandestine immigration, as well joint training and education.<sup>197</sup> This Memorandum sparked tensions in Bosnia and Herzegovina, as the Bosniak political elite strongly condemned any possibility of the cooperation between the two police forces,<sup>198</sup> although similar cooperation between the Ministry of Interior of the Republika Srpska and law enforcement agencies of other countries had already been established. Representatives of the Republika Srpska and the Moscow Government meet regularly, either in Moscow or Banja Luka.

Relations with the Government of Saint-Petersburg have been good as well. The two Governments signed a Protocol on Cooperation in Economy, Trade, Science and Technology in 2007.<sup>199</sup> In June 2016, a Road Map was signed in Saint Petersburg; the Map determines directions and priorities of mutual cooperation. The Chambers of Commerce of the Republika Srpska and Saint Petersburg signed a Cooperation Protocol in 2008.<sup>200</sup> The President of the Republika Srpska, together with representatives of the Chamber of Commerce of the Republika Srpska, participates regularly at the International Congress “Saint Petersburg and the Slavic World.”

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Chamber of Commerce, email correspondence, 7 July 2016.

<sup>196</sup> “Наш универзитет потписује споразум са Универзитетом Ломоносов,” [Our University to Sign Cooperation Agreement with the Lomonosov University], *Frontal RS*, 19 April 2014, [http://frontal.rs/index.php?option=btg\\_novosti&catnovosti=8&idnovost=42729](http://frontal.rs/index.php?option=btg_novosti&catnovosti=8&idnovost=42729) (accessed 15 October 2015).

<sup>197</sup> Ministry of economic relations and regional cooperation, “Informacija o upisanim sporazumima,” 8

<sup>198</sup> “Dolaze li ruski vojni specijalci u RS samo zbog obuke policije?” [Are Russian Military Special Forces Coming to the Republika Srpska only to Train Police Forces?], *Aljazeera Balkans*, <http://balkans.aljazeera.net/vijesti/dolaze-li-ruski-vojni-specijalci-u-rs-samo-zbog-obuke-policije> (accessed 18 March 2016).

<sup>199</sup> Cooperation Agreement between the Government of the Republika Srpska and the Government of Saint-Petersburg, Ministry of economic relations and regional cooperation of the RS <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/Documents/98%20sporazum-%20vlada%20rs%20i%20vlada%20sankt%20peterburg.pdf> (accessed 15 September 2015).

<sup>200</sup> Chamber of Commerce of Banja Luka, email correspondence 21 June 2016.

organised by the Government and the Chamber of Commerce of Saint Petersburg.<sup>201</sup> Meetings between officials of the Republika Srpska and the Government of Saint Petersburg are quite frequent. The latter has offered premises free of charge for the new Representation Office of the Republika Srpska, which will most likely be opened in 2017.<sup>202</sup>

There have been several meetings between the officials of the Republika Srpska and certain other regions and federated units, including Flanders, Wallonia, Saxony, and Scotland.<sup>203</sup> These meetings were intensified from 2010 to 2014 while the Speaker of the National Assembly of the Republika Srpska was Igor Radojčić,<sup>204</sup> who was quite active internationally, especially in his second mandate. Several meetings took place with representatives of the Flemish Government and Parliament in Brussels, and the Speaker of the Flemish Parliament visited Banja Luka in 2013.<sup>205</sup> However, cooperation has never been formalised. Meetings also took place with Representatives of Polish Voivodeships of Lower Silesian<sup>206</sup> and Silesian,<sup>207</sup> as well as with the German Länder of Rhineland-Palatinate. Relations with Rhineland-Palatinate were established in 2014, mostly in the economic sector (renewable energy

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<sup>201</sup> Goran Racić, President of the Chamber of Commerce of Banja Luka, interview by author, tape recording, 15 June 2016.

<sup>202</sup> “Dodik: Sankt Peterburg obezbjedio prostor za predstavništvo Srpske,” [Dodik: Saint Petersburg provided office premises for the Republika Srpska representation], *Nezavisne novine*, 17 June 2016 <http://www.nezavisne.com/novosti/bih/Dodik-Sankt-Peterburg-obezbjedio-prostor-za-predstavnistvo-Srpske/374894> (accessed 5 July 2016).

<sup>203</sup> “Rezultati rada NSRS januar-jul 2012,” [Working Results of the Republika Srpska National Assembly], 18 July 2012, <http://lat.rtrs.tv/vijesti/vijest.php?id=65499> (accessed 20 October 2015).

<sup>204</sup> Igor Radojčić was a speaker of the RS National Assembly in two mandates 2006-2010 and 2010-2014.

<sup>205</sup> “Peumans: Nadamo se da će BiH uskoro postati članica EU,” [Peumans: We hope that Bosnia and Herzegovina will become an EU member state soon], *Vijesti*, 21 March 2013, <http://m.vijesti.ba/clanak/136826/peumans-nadamo-se-da-ce-bih-uskoro-postati-clanica-eu> (accessed 20 October 2015).

<sup>206</sup> “Klokić: Odnosi Srpske i Poljske tradicionalno dobri,” [Klokić: Relations between Srpska and Poland traditionally good], *RTRS*, 1 April 2016 <http://lat.rtrs.tv/vijesti/vijest.php?id=195198> (accessed 10 April 2016).

<sup>207</sup> “Jasna Brkić u radnoj posjeti Poljskoj,” [Jasna Brkić in working visit to Poland], *Capital*, 26 September 2010, <http://www.capital.ba/jasna-brkic-u-radnoj-posjeti-poljskoj/> (accessed 10 April 2016).

and process manufacturing) and are expected to be formalised by the conclusion of a protocol in the near future.<sup>208</sup>

Since 2007, the Republika Srpska has been a member of the Assembly of European Regions (AER) and, according to a senior RS Government official, the Republika Srpska has been very active and directly participated in the work of the Bureau and the General Assembly of the AER.<sup>209</sup> Although the AER membership has more symbolic meaning than real impact, the Republika Srpska sees this “as an opportunity to expand communication and contacts with like-minded regions in Europe.”<sup>210</sup> However, the activities of the Republika Srpska in the AER have been limited, at least based on the official reports of the Government of the Republika Srpska. For example, according to the Government report for 2015, the most important aspect of the Cooperation in the AER (and actually the only one listed) was the Eurodysée exchange program for traineeship placement,<sup>211</sup> with two candidates from the Republika Srpska being placed in Belgium and France.<sup>212</sup>

### **5.3.6. Multilateral Institutions**

After the third critical juncture, in addition to its activities within the framework of the EU, the Republika Srpska has been trying to play an active role in a number of international organisations and institutions, such as the Council of Europe, the World Bank, the International Monetary Fund (IMF) and the UN, but this has only been possible in central level processes. Therefore, these activities are mostly limited to joint programs and projects that require the involvement of Bosnia and Herzegovina as a whole or to the obligations arising from the Conventions to which

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<sup>208</sup> Racic interview ibid

<sup>209</sup> Senior RS Government Official 1, interview by author.

<sup>210</sup> Ibid.

<sup>211</sup> More on the Eurodysée <http://www.eurodyssee.eu/the-eurodyssey-programme-traineeship-exchange-programme.html>

<sup>212</sup> Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima*

Bosnia and Herzegovina is party. Cooperation has mostly been achieved with the offices of these institutions and organisations located in Bosnia and Herzegovina. As stated earlier, during the first and the second critical juncture, the relations between the Republika Srpska and international institutions could be best described as a form of “coercive cooperation.” During the third critical juncture, the nature of the relations began to evolve from patronising to partnership.

Cooperation has been established with all 12 UN Funds, Programs and Specialised Agencies present in Bosnia and Herzegovina (FAO, ILO, UNDP, UNFPA, UNEP, UNESCO, UNHCR, UNICEF, UNODC, UNV, UN Women, WHO).<sup>213</sup> The work of these agencies is specified in the “One UN Program for Bosnia and Herzegovina 2015-2019,” signed by the Chairman of the Council of Ministers of Bosnia and Herzegovina and the UN Resident Coordinator in Bosnia and Herzegovina in July 2015.<sup>214</sup> The Minister of Economic Relations and Regional Cooperation of the Republika Srpska participates as a member in the work of the Joint Steering Committee on behalf of the Government of the Republika Srpska. Established in 2015, the Steering Committee includes representatives of the Council of Ministers, the Governments of the Federation of Bosnia and Herzegovina, the Republika Srpska and Brcko District, and representatives of the UN system agencies working in Bosnia and Herzegovina. It provides strategic guidance and monitors the implementation of the “One UN Program.” for Bosnia and Herzegovina.<sup>215</sup> As for UN-related activities of the Republika Srpska outside Bosnia and Herzegovina, one worth mentioning is that since 2000, the Ministry of Interior of the Republika Srpska

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*regionalne i institucionalne saradnje*, 5.

<sup>213</sup> For more information on the UN’s presence in Bosnia and Herzegovina see [http://ba.one.un.org/content/unct/bosnia\\_and\\_herzegovina/en/home/un-agencies.html](http://ba.one.un.org/content/unct/bosnia_and_herzegovina/en/home/un-agencies.html)

<sup>214</sup> Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima regionalne i institucionalne saradnje*, 22.

<sup>215</sup> For more information on the “One UN Program for Bosnia and Herzegovina” see [http://ba.one.un.org/content/dam/unct/bih/PDFs/UNDAF\\_20102015\\_ENok.pdf](http://ba.one.un.org/content/dam/unct/bih/PDFs/UNDAF_20102015_ENok.pdf)

has participated in UN peacekeeping missions in East Timor, Liberia, Cyprus and Sudan, as a part of the contingent of Bosnia and Herzegovina.<sup>216</sup>

Since Bosnia and Herzegovina became a member of the Council of Europe, the Ministry of Economic Relations and Regional Cooperation of the Republika Srpska has coordinated the implementation of the obligations devolving on institutions of the Republika Srpska. In 2015, for example, focus was on the prevention of money laundering, financing of terrorism, prevention of violence against women and domestic violence, and the management of seized property. The Republika Srpska also participated in the Council of Europe's campaign against hate speech on the Internet.<sup>217</sup> Through the Council of Europe's Congress of Local and Regional Authorities, the Republika Srpska participates in the Chamber of Local Authorities and the Chamber of Regions. The Head of the delegation of Bosnia and Herzegovina for 2015-2016 has been the Minister of Administration and Local Self-Government of the Republika Srpska. However, because of problems coordinating the work of the Ministry of Economic Relations and Regional Cooperation, the Republika Srpska has failed on several occasions to comply with recommendations of the Council of Europe, resulting in negative reports on the Republika Srpska from the Council of Europe.<sup>218</sup> A recent example is the failure of the Ministry of Economic Relations and Regional Cooperation to coordinate the work of other Governmental Ministries on the GRECO<sup>219</sup> recommendations.<sup>220</sup>

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<sup>216</sup> Ministry of Interior of the Republic of Srpska, "Ministar u posjeti policijskim sluzbenicima MUP-a Republika Srpska na Kipru" [Minister visited police officers of the RS Ministry of Interior stationed at Cyprus], press release, 29 May 2012, <http://www.mup.vladars.net/lat/index.php?vijest=7589&vrsta> (accessed 20 May 2016).

<sup>217</sup> Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima regionalne i institucionalne saradnje*, 26.

<sup>218</sup> Senior civil servant 2 (RS Government), interview by author.

<sup>219</sup> In 1999 the Council of Europe established GRECO (The Group of States against Corruption) to monitor States' compliance with the organisation's anti-corruption standards. For more information see [http://www.coe.int/t/dghl/monitoring/greco/general/3.%20What%20is%20GRECO\\_en.asp](http://www.coe.int/t/dghl/monitoring/greco/general/3.%20What%20is%20GRECO_en.asp)

<sup>220</sup> Senior civil servant 2 (RS Government), interview by author.

Cooperation with the Bretton Woods Institutions, the World Bank and the International Monetary Fund has also been established within the framework of Bosnia and Herzegovina. Such cooperation includes financial and technical assistance in number of areas. In 2008, the Fiscal Council of Bosnia and Herzegovina was established to coordinate the fiscal policy of Bosnia and Herzegovina and promote the macroeconomic and fiscal stability of Bosnia and Herzegovina, its entities and the Brcko District.<sup>221</sup> Members of the Fiscal Council are the Chairman of the Council of Ministers of Bosnia and Herzegovina, the Prime Ministers of the entities and the Ministers of Finance of Bosnia and Herzegovina and the entities.<sup>222</sup> The Fiscal Council provides a framework for the representatives of the Republika Srpska to play an active role in discussions with representatives of Bretton Woods institutions, often in Washington, on various issues, including stand-by arrangements, credits and loans, but within the framework of the central level processes.

Internal tensions and divisions often hinder cooperation with these institutions. In July 2016, for example, the Chairman of the Council of Ministers of Bosnia and Herzegovina and the Minister of Finance of the Federation of Bosnia and Herzegovina refused to sign a Letter of Intent on an arrangement with IMF under the Extended Fund Facility, even though it had been agreed upon by all members of the Fiscal Council of Bosnia and Herzegovina. Simply stated, the Government of the Republika Srpska refused to accept the adaptation of the SAA with the EU.<sup>223</sup> Although the arrangement with the IMF was not directly related to the SAA, the Bosniak side tried to use it as a bargaining chip.

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<sup>221</sup> Law on the Fiscal Council in Bosnia and Herzegovina, *Official Gazette of Bosnia and Herzegovina* no. 63/08, 2008, <http://www.ohr.int/ohr-dept/legal/laws-of-bih/pdf/New2015/BH%20Law%20on%20the%20Fiscal%20Council%20in%20Bosnia%20and%20Herzegovina%2063-08.pdf> (accessed 10 April 2016).

<sup>222</sup> Ibid.

<sup>223</sup> “Novalić: Pismo namjere MMF-u nisam potpisao zbog zastoja u pozitivnim procesima” [Novalić: I did not sign the Letter of Intent to IMF because of deadlocks in positive processes], *Klix*, 7 July 2016,

#### 5.4. Relations with the Institutions and Diplomatic Representations of Bosnia and Herzegovina

The nature of the relations between the Republika Srpska and the institutions of Bosnia and Herzegovina reflects an internal situation that could be likened to a political chess game of the country. As Marciacq observes, the diplomatic actorness of the Republika Srpska is not a product of cooperative relations with central institutions of Bosnia and Herzegovina, but “has been built and maintained through competition and benefited from mutual disregard.”<sup>224</sup> According to Nebojsa Radmanovic, a former member of the Presidency of Bosnia and Herzegovina who comes from the Republika Srpska, the Republika Srpska has been dissatisfied with the work of those institutions of Bosnia and Herzegovina that represent the country outside its borders. This mostly applies to the Ministry of Foreign Affairs, but the Ministry of Defence and the Ministry of Civil Affairs of Bosnia and Herzegovina are implicated as well.<sup>225</sup> Some claim the Ministry of Foreign Affairs of Bosnia and Herzegovina has not been equally representing the interests of two federated units, nor has it been oriented towards the protection of the rights of all its peoples.<sup>226</sup> The absence of any form of coordination between the Republika Srpska and Bosnia and Herzegovina in international relations, coupled with the fact that the latter’s institutions ignore the existence of the Republika Srpska or portray it negatively, force the Republika Srpska to engage in its own international relations.<sup>227</sup> The current face-off (since the 2014 elections) sees the President and the Government of the Republika Srpska on one side and the Serb member of the Presidency of Bosnia and Herzegovina and RS ministers on the Council of Ministers of Bosnia and Herzegovina on the other. Not surprisingly, this complicates political life in both

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<http://www.klix.ba/vijesti/bih/novalic-pismo-namjere-mmf-u-nisam-potpisao-zbog-zastoja-u-pozitivnim-procesima/160707108> (accessed 10 July 2016).

<sup>224</sup> Marciacq, “Sub-state Diplomacy in Malfunctioning States,” 342.

<sup>225</sup> Radmanović, interview by author.

<sup>226</sup> Vranjes, interview by author.

Bosnia and Herzegovina and the Republika Srpska.

The relations between the institutions of Bosnia and Herzegovina and the Republika Srpska have never been exemplary, but up until the last general elections in 2014, the cooperation was at a “satisfactory level.”<sup>227</sup> Mutual accusations and political competition between the Government of the Republika Srpska and the RS representatives at the level of Bosnia and Herzegovina have complicated foreign policy and external relations. This, what a senior RS government official calls an “erosion of communication,” has created “political turbulence at the institutional level.”<sup>228</sup> As a result, official positions of the Government of the Republika Srpska in matters of its concern are ignored, with a negative effect on the overall relations between the Government of the Republika Srpska and the Council of Ministers of Bosnia and Herzegovina.<sup>229</sup> So, for example, even though according to the Constitution of the Republika Srpska,<sup>230</sup> ambassadors of Bosnia and Herzegovina from the Serb quota<sup>231</sup> are being nominated on the proposal of the President of the Republika Srpska, since the 2014 elections, the President of the Republika Srpska has been completely bypassed in the nomination process.<sup>232</sup>

As mentioned in Chapter 3, the Presidency of Bosnia and Herzegovina formulates the country’s foreign policy. Foreign policy of Bosnia and Herzegovina depends on the internal political relations and as Bosnia and Herzegovina is a deeply divided society and an unstable state, in practice, the country does not have a

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<sup>227</sup> Radmanović, interview by author.

<sup>228</sup> Senior RS Government Official 1, interview by author, tape recording, 16 December 2015.

<sup>229</sup> Ibid.

<sup>230</sup> Ibid.

<sup>231</sup> Article 80, the Constitution of the Republika Srpska

<sup>232</sup> “Sporazum Predsjedništva Bosne i Hercegovine o nacionalnoj rotaciji i raspodjeli DKP,” [Agreement of the Presidency of Bosnia and Herzegovina on ethnic rotation and distribution of Diplomatic and consular posts], Presidency of Bosnia and Herzegovina, 2003. The Presidency Decision regulates the distribution of posts of ambassadors, heads of missions and general consuls based on the ethnic balance. There are 15 posts that rotate among Serbs, Croats and Bosniaks and the others are distributed according to the 1991 census in Bosnia and Herzegovina.

<sup>233</sup> Vranjes, interview by author.

common foreign policy beyond what is merely declarative.<sup>234</sup> Marciacq rightly observes that the Republika Srpska is involved in the definition and conduct of the foreign policy of Bosnia and Herzegovina via its representative in the tripartite Presidency.<sup>235</sup> Therefore, if a member of the Presidency is from the Republika Srpska, it seems logical that the Republika Srpska can protect its interests in the foreign policy of Bosnia and Herzegovina. However, according to Radmanovic, while there are mechanisms such as veto power in decision-making process within the Presidency, there are no mechanisms that can stop a member of the Presidency from making statements, declarations, announcements, speeches etc. that are against or not in accordance with the official position of the Presidency of Bosnia and Herzegovina on a particular issue. Radmanovic goes on to give examples of Bosniak members of the Presidency, first Silajdzic and then Izetbegovic, who abused the role of the Presidency of Bosnia and Herzegovina in international forums and conferences, even at the UN level, by giving statements or taking on initiatives, which other two members didn't agree upon and which were often detrimental for the Republika Srpska. There is no mechanism stopping them.<sup>236</sup> For Marciacq, the absence of clearly delimited spheres of competences, especially in international relations, means diplomatic actors in Bosnia and Herzegovina "are doomed to compete in order not to lose ground."<sup>237</sup> He argues "whereas the Serbs would ideally keep an eye (and have a say) on every single decision passed by state-level institutions, the Bosniaks (above all) are keen on strengthening the legal authority of actors to the detriment of the Republika Srpska."<sup>238</sup>

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<sup>234</sup> Latinovic, interview by author.

<sup>235</sup> Marciacq, "Sub-state Diplomacy in Malfunctioning States," 333.

<sup>236</sup> Radmanović, interview by author.

<sup>237</sup> Marciacq, "Sub-state Diplomacy in Malfunctioning States," 339.

<sup>238</sup> Ibid.

There is a general perception among the interviewees, as well as in the public in the Republika Srpska, that Sarajevo wants to impose its will on the whole country. According to Radmanovic, this is against the Constitution; it is also undemocratic, goes against EU principles and creates tensions in the already fragile Bosnia and Herzegovina.<sup>239</sup> Therefore, Radmanovic and most of the other interviewees believe that interested entities, notably, the Republika Srpska, should be more involved in foreign policy formulation and implementation especially in matters directly concerning them; to this end, a formal coordination mechanism, similar to that used in EU matters, should be introduced.

Macriacq observes that when actors involved in international relations from different levels of governance in Bosnia and Herzegovina do not openly struggle for power; they simply ignore each other.<sup>240</sup> He goes on to argue that they “opt for such an approach either because the issue at stake is not essential in terms of power politics, or because they have too little room for manoeuvre in competing for competencies.”<sup>241</sup>

Arguably, the way the Republika Srpska conducts its external relations could be considered what Tatham (2010) calls “bypassing paradiplomacy.”<sup>242</sup> One interviewee claims the institutions of Bosnia and Herzegovina will not always, depending who is representing them, work in the interests of the Republika Srpska; therefore, the Republika Srpska has to work on its own.<sup>243</sup> While it is true that certain mechanisms of traditional diplomacy may be closed to federated units,<sup>244</sup> some diplomats of Bosnia and Herzegovina<sup>245</sup> believe the Republika Srpska should rely

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<sup>239</sup> Radmanović, interview by author.

<sup>240</sup> Marciacq, “Sub-state Diplomacy in Malfunctioning States,” 340.

<sup>241</sup> Ibid.

<sup>242</sup> Tatham, “With or Without You?” 78.

<sup>243</sup> Mazalica, interview by author.

<sup>244</sup> Lecours, “When Regions Go Abroad,” 3.

<sup>245</sup> B&H diplomat and former senior civil servant, interview by author; Latinovic, interview by author.

more on the diplomatic network of Bosnia and Herzegovina. However, because of the general perception in the Republika Srpska that the embassies of Bosnia and Herzegovina work almost exclusively in the service of the institutions of Bosnia and Herzegovina, the Republika Srpska unlike the other entity, the Federation of Bosnia and Herzegovina, almost never asks them to get involved in attracting foreign partners or promoting trade fairs, conferences, forums etc.<sup>246</sup> The Republika Srpska also for political reasons decides to bypass and minimise cooperation with institutions and diplomatic network of Bosnia and Herzegovina to project itself as an independent international player.

The relations between the institutions of the Republika Srpska and the embassies of Bosnia and Herzegovina, according to RS President advisor Vranjes, mostly depend on where ambassadors come from; those from the Republika Srpska, he says, are more likely to cooperate and initiate activities with the institutions of the Republika Srpska than are ambassadors and diplomats from Bosnia and Herzegovina.<sup>247</sup> He admits there is no systematic approach to capitalise on the presence of representatives of the Republika Srpska in the diplomatic network of Bosnia and Herzegovina, and that cooperation with the embassies of Bosnia and Herzegovina depends on “the will and capabilities of individual ambassadors.”<sup>248</sup> The work of the embassies depends, according to Latinovic, to a great extent on the ethnic and political representation within the Ministry of Foreign Affairs and the affiliations of ambassadors and diplomatic staff and their ethnically driven motivations to promote certain political positions and interests at the expense of the legitimate interests of other constituent peoples of Bosnia and Herzegovina.<sup>249</sup>

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<sup>246</sup> Former B&H ambassador from the RS, interview by author, email, 21 April 2016.

<sup>247</sup> Vranjes, interview by author.

<sup>248</sup> Ibid.

<sup>249</sup> Latinovic, interview by author.

A former ambassador for Bosnia and Herzegovina (from the Republika Srpska) suggests the Government of the Republika Srpska should organise an annual meeting with ambassadors of Bosnia and Herzegovina from the Serb quota at which it would present its projects and priorities.<sup>250</sup> There are even those who suggest forming some sort of parallel network of diplomats from the Republika Srpska who would be willing to work for interests of the Republika Srpska, especially in the field of economy, while fully respecting the Dayton structure of Bosnia and Herzegovina.<sup>251</sup>

### **5.5. International Agreements, Memoranda and Protocols**

After the third critical juncture, more specifically in 2009, a Register of international agreements, memoranda and protocols was established within the Ministry of Economic Relations and Regional Cooperation.<sup>252</sup> However, the Register has no record of the agreements, protocols and memoranda signed before it was established. As of 30 November 2015, it contained 117 valid international agreements, memoranda and protocols.<sup>253</sup> The total number signed is 158,<sup>254</sup> but 41 have either expired or been terminated. Table 7 classifies these agreements by the international partners rather than by the overall number.

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<sup>250</sup> Former B&H ambassador from the RS, interview by author.

<sup>251</sup> B&H diplomat and former senior civil servant, interview by author.

<sup>252</sup> *Uredba o registru sporazuma i protokola o saradnji Republike Srpske sa subjektima u inostranstvu* [Decree on establishing Register of cooperation agreements and protocols of the Republika Srpska with international subjects], *Sluzbeni Glasnik Republike Srpske* [Official Gazette of the Republic of Srpska] No. 73, 10 August 2009.

<sup>253</sup> Ministry of economic relations and regional cooperation of the Republic of Srpska, "Informacija o upisanim sporazumima, protokolima i memorandumima o saradnji Republike Srpske sa subjektima u inostranstvu u Registar u 2015. godini" [Information on cooperation agreements, protocols and memorandums of the Republika Srpska with international subjects entered in the Register in 2015], December 2015.

<sup>254</sup> *Ibid.*

	RS Government	Ministries	Other institutions (e.g. National Archives, Tax Administration, Geodetic Administration, Civil Protection, Institute of Statistics, Agriculture Payment Agency, Institute of Meteorology, Institute for the Protection of Cultural and Historical Heritage, etc.)
States	2		
Regions and federated units	9	1	
Foreign Companies	6	1	1
International Governmental Organisations			4
Other international partners (e.g. Police Agencies, Institutes, Universities, NGOs, Development Agencies, Associations, Geodetic Administration, Tax Administration, Unions, Institute of Meteorology, National Institute for Geophysics and Volcanology, National Archives, etc.)		9	19

Table 7: International parties to Agreement, Memoranda and Protocols<sup>255</sup>

Some international partners, such as Serbia, have signed more than one agreement with the institutions of the Republika Srpska, but are cited only once in the table to paint a more general picture of the international partners. As the table shows, the Republika Srpska has signed an agreement with only two states; the Republic of Serbia and the Republic of Malawi. The total number of agreements, protocols and memoranda signed with Serbia between August 2009 and November 2015 is 75, of which 66 remain valid.<sup>256</sup> This number does not include the Agreement on Parallel and Special Relations signed in 2006 between the Republic of Serbia and the Republika Srpska. As for the Republic of Malawi, a Memorandum on Economic and Technical Cooperation was signed in 2015.<sup>257</sup> This non-binding agreement was initiated by the Republic of Malawi and is mostly of economic nature. The Malawian Government requested the agreement be signed before they purchased some equipment from suppliers in the Republika Srpska.<sup>258</sup>

<sup>255</sup> Table 1 was compiled from the Ministry of economic relations and regional cooperation of the Republic of Srpska, "Informacija o upisanim sporazumima."

<sup>256</sup> Ministry of economic relations and regional cooperation, "Informacija o upisanim sporazumima," 16.

<sup>257</sup> *Srna News Agency* (2015) "Srpska potpisala Memorandum o saradnji sa Republikom Malavi", 24 June, <http://pressrs.ba/info/vijesti/srpska-potpisala-memorandum-o-saradnji-sa-republikom-malavi-24-06-2015> accessed 10 October, 2015

<sup>258</sup> Senior RS Government Official 1, interview by author.

For the most part, agreements and memoranda with foreign companies (three companies are from China, with others from the USA, Slovakia, Italy and Hungary) were signed in the field of energy and infrastructure projects.<sup>259</sup> As for the international organisations (International Labour Organisation, UN Fund for Children in B&H, International Monetary Fund and World Bank),<sup>260</sup> parties to the agreements and memoranda included institutions from other entity, the Federation of Bosnia and Herzegovina, and the central level as well.

Agreements with other international partners such as universities, institutes, development agencies etc. are mostly related to technical support and expertise. The Government of the Republika Srpska has signed cooperation memoranda and protocols with only 10 regions and federated units.<sup>261</sup> Some<sup>262</sup> say economic constraints have been the main obstacle, yet others have done better. The overall number of signed protocols is still relatively insignificant compared to the ones signed by other federated units, or even provinces, with a much lower level of autonomy. For example, the Autonomous Province of Vojvodina (Serbia), signed protocols and memoranda on cooperation with 15 regions and provinces.<sup>263</sup>

Financial resources play important part in external relations, but there are those<sup>264</sup> who argue the problem stems more from the lack of initiative from the RS Government itself.<sup>265</sup> As the international projects and initiatives of the Republika Srpska rely more on a personal than an institutional level, any reshuffling of the

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<sup>259</sup> Ministry of economic relations and regional cooperation, "Informacija o upisanim sporazumima." 4, 5 & 11.

<sup>260</sup> Ibid, 5.

<sup>261</sup> Ministry of economic relations and regional cooperation of the Republic of Srpska, "Protokoli o saradnji" [Cooperation Protocols], <http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/meoi/Protokoli/Pages/Splash.aspx> (accessed 30 of September 2015).

<sup>262</sup> Mazalica, interview by author.

<sup>263</sup> "Autonomous Province of Vojvodina, Republic of Serbia, "Potpisana dokumenta o saradnji" [Signed Cooperation Documents], , [http://www.region.vojvodina.gov.rs/Potpisana\\_dokumenta\\_o\\_saradnji](http://www.region.vojvodina.gov.rs/Potpisana_dokumenta_o_saradnji) (accessed 4 October 2015).

<sup>264</sup> B&H diplomat and former senior civil servant, interview by author.

<sup>265</sup> Mladne Filipovic, Director of the RS Representation Office in Austria, interview by author, tape

Government or changes in the party composition affect their implementation by creating a “stalemate” or “starting everything from scratch.”<sup>266</sup> For example, the previous Government of the Republika Srpska made several initiatives to achieve Cooperation Agreements with some Polish Voivodeships but the current Government has not followed up.<sup>267</sup>

## 5.6. Representation Offices Abroad

After the third critical juncture, the RS Government began to open Representation Offices abroad. While there were two Representation Offices opened during the Phase A (in Serbia and Israel), their work was rather limited. During the Phase AB the Republika Srpska opened Representation Offices in Brussels (2008), Stuttgart (2009), Moscow (2010), Vienna (2012) and Washington (2012). The Representation Office in Thessaloniki, which opened in August 2013, was closed in February 2015 for economic reasons,<sup>268</sup> only to be reopened again at the beginning of 2016. The Government of the Republika Srpska has announced its intention to create Representation Offices in Croatia and Italy, but given the difficult economic situation, it remains to be seen when or if they will be opened. Following Republika Srpska President Dodik’s visit to China in November 2016, the Minister of Economic Relations and Regional Cooperation said that the Government would consider the possibility of opening a Representation Office in China.<sup>269</sup>

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recording, 4 February 2016.

<sup>266</sup> B&H diplomat and former senior civil servant, interview by author.

<sup>267</sup> Ibid.

<sup>268</sup> Elvir Padalovic, “Krivac ekonomska neopravdanost: Zatvoreno predstavništvo RS u Grčkoj” [RS Representation Office in Greece Closed for Economic Reasons], *Buka*, 10 March 2015, <http://www.6yka.com/novost/76589/krivac-ekonomska-neopravdanost-zatvoreno-predstavnistvo-rs-u-grckoj> (accessed 15 October 2015).

<sup>269</sup> “Rezovi u predstavnistvima Srpske po svijetu” [Cuts in RS Representation Offices abroad], *ATV News*, 12 November 2016, <http://www.atvbl.com/rezovi-u-predstavnistvima-srpske-po-svijetu/> (accessed 15 November 2016).

International activities of the Republika Srpska, especially those of its representatives abroad, are frequently contested by the Bosniak political elite. In 2008, former Bosniak member of the Presidency of Bosnia and Herzegovina, Haris Silajdzic, submitted an appeal to the Constitutional Court of Bosnia and Herzegovina, requesting it to pronounce measures to “suspend anti-Dayton activities of the Republika Srpska”<sup>270</sup> and close down its Representation Offices abroad. The Constitutional Court ruled that the existence of such Representation Offices was not against the Constitution. This decision could be an important internal trigger, causing the Government of the Republika Srpska to open new Representation Offices abroad. But because of the Republika Srpska’s poor institutional capacity and limited resources in the field of international relations, the decision of the Constitutional Court did not influence further development of external relations of the Republika Srpska.

Financial constraints, according to a senior RS government official, are the biggest obstacle to the expansion of Representation Offices abroad. In addition to financial constraints, opening a Representation Office in most of the countries is challenging because of the very strong prejudice against the Republika Srpska.<sup>271</sup> The Director of the Representation Office of the Republika Srpska in Washington talks about three main challenges.<sup>272</sup> The first is bureaucratic, as procedures differ across countries. For example, in the USA according to the Foreign Agents Registration Act (FARA from 1938), everyone who receives money from a foreign government (with an exception of diplomatic missions) has to be registered under the Department of Justice Unit Counter Espionage Unit; every six months, the registration licence has to

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<sup>270</sup> “Silajdzic trazi suspenziju spoljnopolitickih aktivnosti RS” [Silajdzic request suspension of foreign activities of the Republic of Srpska], *Magazine Danas*, 15 September 2008, [http://www.danas.rs/danasrs/svet/region/silajdzic\\_trazi\\_suspenziju\\_spoljnopolitickih\\_aktivnosti\\_rs.9.html?news\\_id=139352](http://www.danas.rs/danasrs/svet/region/silajdzic_trazi_suspenziju_spoljnopolitickih_aktivnosti_rs.9.html?news_id=139352) (accessed 30 September 2015).

<sup>271</sup> Filipovic, interview by author.

be renewed and a registration fee paid.<sup>273</sup> The second challenge is the general perception of the Republika Srpska. The US State Department's view, on the Republika Srpska according to Kesic, is "little bit schizophrenic"; on the one hand, it accepts that the Republika Srpska exist, but on the other hand, it fears the Republika Srpska has aspirations to secede and does not want "to be perceived in any way as encouraging that."<sup>274</sup> The third issue is the Bosniak community; in the USA, the Bosniak community perceives anything to do with the Republika Srpska should be blocked, as it poses a "threat to sovereignty and integrity of Bosnia and Herzegovina".<sup>275</sup> Even the most innocuous events are seen as threatening: "Whether it is a promotion of a book, or a film view or it is a round table on a foreign policy, they immediately boycott, they campaign, they intimidate people who want to participated in the event by calling them and writing letters."<sup>276</sup>

According to the Decree of the Government of Republika Srpska<sup>277</sup> on the work of the Representation Offices of the Republika Srpska abroad, the Offices are obliged to cooperate with Diplomatic Missions of Bosnia and Herzegovina, and when necessary, with associations and organisations of Bosnia and Herzegovina abroad. Relations between the Representation Offices of the Republika Srpska and the embassies and missions of Bosnia and Herzegovina are much better than those between the institutions of the Republika Srpska and those of Bosnia and Herzegovina (B&H), according to a B&H diplomat, simply because they are not decision-makers, and by the virtue of their work they rely more on each other.<sup>278</sup> In

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<sup>272</sup> Kesic, interview by author.

<sup>273</sup> Ibid.

<sup>274</sup> Ibid.

<sup>275</sup> Ibid.

<sup>276</sup> Ibid.

<sup>277</sup> "Uredba o uslovima za formiranje i rad predstavništava Republike Srpske u inostranstvu" [Decree on conditions for establishing and work of the Republic of Srpska's Representation Offices abroad], Government of the Republic of Srpska, Sluzbeni Glasnik Republike Srpske [Official Gazette of the Republic of Srpska], no. 45, 20 May 2008.

<sup>278</sup> B&H diplomat and former senior civil servant, interview by author.

Austria for example, representatives of the RS Representation Office and the B&H Embassy and the B&H Mission to OSCE take part in each other's events and meet on a regular basis, either formally or informally.<sup>279</sup> However, apprehension and the negative public perception of the Republika Srpska, according to the Director of the RS Representation Office in Washington, hinder cooperation with B&H embassies and with some Bosniak associations in the USA.<sup>280</sup> To illustrate this, he explains how he met with representatives of Bosniak community in Chicago prior to the opening of the Representation Office of the Republika Srpska in Washington and tried to ease some of their concerns.<sup>281</sup> He also says it took several months before the ambassador of Bosnia and Herzegovina to the USA was authorised to meet him.<sup>282</sup>

The Representation Offices of the Republika Srpska abroad do not enjoy diplomatic status and are not accredited through the embassies of Bosnia and Herzegovina in those countries, unlike the Flemish General Representations. Their main mission is to work on establishing economic, scientific, cultural, social, education, sport and other forms of cooperation between the Republika Srpska and the institutions of the countries in which they are based. However, some interviewees<sup>283</sup> claim the main role of certain RS representation offices (such as the ones in Washington, Brussels and Jerusalem) is political.

The total budget for these Representation Offices for 2015 was only 2.3 million euros,<sup>284</sup> aimed mostly at covering operating expenses and salaries. Their budget for 2017 is projected at 2.2 million euros, or for about 100.000 euros less than in 2015. The Minister of Economic Relations and Regional Cooperation said that the budget cuts would be made for the work of the Representation Offices in Austria,

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<sup>279</sup> Filipovic, interview by author.

<sup>280</sup> Kesic, interview by author.

<sup>281</sup> Ibid.

<sup>282</sup> Ibid.

Greece, Israel and Germany.<sup>285</sup> According to the Director of the Representation Office in Washington, a limited budget presents an obstacle to their work: firstly, they cannot hire more personnel, even though they are authorised to do so; secondly, it is a challenge to maintain operations at a level that allows them to focus on programs, such as promoting investments or promoting image of the Republika Srpska.<sup>286</sup> Some Representation Offices (Vienna and until recently Brussels) do not even employ administrative personnel, except sometimes on a part-time basis.<sup>287</sup> The largest Representation Office is in Belgrade; it has 13 employees, including the Director and administrative personnel, more than in the embassy of Bosnia and Herzegovina in Belgrade.

Directors of the Representation Offices are nominated by the President of the Republika Srpska and have a mandate of four years. However, most of the current Directors of the Representations have been in their positions since the beginning. Directors and other personnel are not civil servants of the Government of the Republika Srpska, and some, such as the Director of the Representation Office in Thessaloniki, are not even citizens of the Republika Srpska/ Bosnia and Herzegovina.<sup>288</sup> In 2015, the Ministry for Economic Relations and Regional Cooperation began to organise meetings between the Minister and all the Directors of the Representation Offices, but there are no Diplomatic Days like in Flanders. While some acknowledge the importance of these meetings, they argue more should be done in terms of training and structured programs.<sup>289</sup> Because of the institutional deficit, they say, the Representation Offices often lack clear guidance in terms of the

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<sup>283</sup> Mazalica, interview by author.

<sup>284</sup> Filipovic, interview by author.

<sup>285</sup> “Rezovi u predstavništvima Srpske po svijetu.”

<sup>286</sup> Kesic, interview by author.

<sup>287</sup> Filipovic, interview by author.

<sup>288</sup> The current Director of the RS Representation Office in Thessaloniki, as well as his predecessor, is a Greek national, who doesn't speak Serbian language.

<sup>289</sup> Kesic, interview by author.

stand of the Republika Srpska, especially on delicate issues and, thus, could undermine the official position of the Government of the Republika Srpska.<sup>290</sup>

The work of the Representation Offices is not transparent, and lines of communication have not been established with all institutions of the Republika Srpska – only with the Government of the Republika Srpska.<sup>291</sup> The Bosniak political elite continues to say the existence of these Representations is against the Constitution, while opposition in the Republika Srpska say they are costly and have not yielded any economic benefits to the Republika Srpska. And indeed very little information is available to the general public about the actual work of these Representation Offices, if and what concrete projects they have been involved in or initiatives they have undertaken. The Director of the Representation Office in Washington argues that because of the very hostile campaign portraying Representation Offices as worthless, led by media who are already critical of the government, there is a need for a public relations campaign.<sup>292</sup> Others<sup>293</sup> claim some Representation Offices exist only on paper; the one in Jerusalem, for example, lacks phones, a website,<sup>294</sup> perhaps even an office.<sup>295</sup>

While Representation Offices represent a tool used by federated units and regions to position themselves externally, the absence of clearly defined strategic goals and programs, as is the case with the Representation Offices of the Republika Srpska, is likely to yield very limited results. According to a senior RS Government official, before making a decision to open a Representation Office abroad the

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<sup>290</sup> Ibid.

<sup>291</sup> Cubrilovic, interview by author.

<sup>292</sup> Kesic, interview by author.

<sup>293</sup> Former B&H ambassador from the RS, interview by author.

<sup>294</sup> The author has tried on numerous occasions to contact the Representation Office in Jerusalem by phone, but without success. The website is also not functioning. However, the Director of the Representation Office in Jerusalem during the interview in Banja Luka said that the Office was fully operational (Arie Livne, interview by author, tape recording, 2 May 2016).

<sup>295</sup> Arie Livne, interview by author, tape recording, 2 May 2016.

Government of the Republika Srpska takes into account the potential for economic cooperation, the presence of a diaspora and the “current level of bilateral cooperation.”<sup>296</sup> However, when we look at where and how some Representation Offices were opened, for example, the ones in Jerusalem and Thessaloniki, there is little evidence to suggest they were the result of thorough analysis.<sup>297</sup>

### **5.7. Recipient of International Aid**

Well-developed federated units and regions use their financial contributions and technical support to establish relations with states, regions and international organisations, as demonstrated in the case of Flanders. In contrast, less developed regions and federated units, such as the Republika Srpska, are on the receiving end of international aid and development cooperation programs. There are no reliable data on how much international aid the Republika Srpska and Bosnia and Herzegovina have received from the international community from the beginning of the war up to the present time. Some claim the country has been one of the largest aid receivers per capita, larger than any European country under the Marshal Plan.<sup>298</sup> Over time, international assistance in Bosnia and Herzegovina has started to decrease. In addition, the focus shifted from reconstruction (up to 2000) to such issues as good governance and stable institutions and finances.<sup>299</sup> Following the Paris Declaration on Aid Effectiveness, in December 2005 17 leading donor organisations and international financial institutions established the Donor Coordination Forum (DCF) in Bosnia and Herzegovina to improve the management of aid information and

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<sup>296</sup> Senior RS Government Official 1, interview by author.

<sup>297</sup> In the absence of economic, cultural and political reasons for opening the Representation Office in Thessaloniki (and not in the capital Athens), one can only speculate that decision was led by personal motivations of some individuals. The same goes for the opening of the Representation Office in Jerusalem.

<sup>298</sup> Lana Pasic, “Bosnia’s Vast Foreign Financial Assistance Re-examined: Statistics and Result,” Balkan Analysis, <http://www.balkananalysis.com/bosnia/2011/06/21/bosnia's-vast-foreign-financial-assistance-re-examined-statistics-and-results/> (accessed 1 April 2016).

<sup>299</sup> Ibid.

cooperation among various donors to that country. In 2009, the B&H Ministry of Finance and Treasury assumed the role of the DCF Secretariat.<sup>300</sup> Today, Bosnia and Herzegovina, as an EU potential candidate country, has at its disposal EU funded Instruments for Pre-accession Assistance (IPA).

In 2005, the Republika Srpska passed the Law on Donations in the Public Sector<sup>301</sup> regulating the type of donations<sup>302</sup> that could be received, as well as their management. In addition, the Register on public donations<sup>303</sup> was established in 2005. It lies within the Ministry of Economic Relations and Regional Cooperation. From 2005 to 2015, 1,258 donations were registered, for a total value of 148,990,803 euros.<sup>304</sup> Technical assistance, such as counselling, training etc., was not registered, as it was difficult to assess their real value in financial terms.<sup>305</sup> The sector receiving the largest donations from 2005 to 2015 was Construction, Spatial Planning and Ecology (20.37 per cent or 30.34 million euros) followed by Agriculture, Forestry and Fisheries (19.43 per cent or 28.95 million euros).<sup>306</sup>

Foreign donations to the Republika Srpska peaked in 2014, both in number (1098)<sup>307</sup> and in value (141,978,059 euros).<sup>308</sup> Most of the registered donations<sup>309</sup> in this period were collected for the recovery of damage and economic losses caused by

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<sup>300</sup> Donor Coordination Forum, Web site. <http://www.donormapping.ba/index.php/publications/DCF-articles/77-welcome-to-dcf> (accessed 1 April 2016).

<sup>301</sup> *Zakon o donacijama u javnom sektoru* [Law on Donations in Public Sector], Sluzbeni Glasnik Republike Srpske [Official Gazette of the Republic of Srpska], no. 96/05, 27 October 2005.

<sup>302</sup> According to the Article 4 of the Law on Donations in Public sector, donations can be received in the following forms: goods (except for tobacco products, alcohol products and equipment and motor vehicles whose year of production is not in accordance with the law), services, local and foreign currencies, securities, property and other rights.

<sup>303</sup> *Pravilnik o vodjenju registra donacija u javnom sektoru* [Regulation on Managing the Registry on donations in public sector] Sluzbeni Glasnik Republike Srpske [Official Gazette of the Republic of Srpska], no. 116/05, 28 December 2005.

<sup>304</sup> Ministry of Economic Relations and Regional Cooperation of the Republic of Srpska, "Informacija o upisanim donacijama u Registar donacija u javnom sektoru" [Information on donations in public sector entered in the Register], 16 December 2015.

<sup>305</sup> Ibid.

<sup>306</sup> Ibid.

<sup>307</sup> Ibid.

<sup>308</sup> Ibid.

<sup>309</sup> According to the RS Government Information on donations, it was not possible to collect all the

extreme floods in May 2014 that affected Bosnia and Herzegovina and Serbia.<sup>310</sup> Serbia donated 1 million euros<sup>311</sup> and the Russian Federation around 0.5 million euros.<sup>312</sup> The European Commission, together with France and Slovenia, organised a Donors Conference, mobilising pledges of 809.2 million euros for Bosnia and Herzegovina and 995.2 million euros for Serbia.<sup>313</sup>

In 2015, the Republika Srpska took part in 116 projects and programs financed or co-financed by international partners (Table 8). Within the Ministry of Economic Relations and Regional Cooperation, there is a unit for foreign investments, export promotion and development projects. The Ministry is also responsible for following up on the implementation of international projects and programs in which the institutions of the Republika Srpska participate. The majority of the projects (109) have not been limited to the Republika Srpska but have also been implemented in other parts of Bosnia and Herzegovina; some included the region of the Western Balkans. Projects implemented only in the Republika Srpska included four related to culture and heritage protection, two related to health and one related to youth.

Economic information on these projects and programs has not been given in reports of the Government of the Republika Srpska, so it is not possible to determine who gave the most financial assistance. However, if we count the number of projects,

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data on donations simply because some municipalities did not deliver complete information.

<sup>310</sup> Damages and economic losses were estimated at around €2 billion in Bosnia and Herzegovina and €1.5 billion in Serbia. European Commission, “Conclusions of Donors conference for Serbia and Bosnia and Herzegovina “Rebuilding Together,” 16 July 2014, [http://europa.eu/rapid/press-release\\_MEMO-14-490\\_en.htm](http://europa.eu/rapid/press-release_MEMO-14-490_en.htm) (accessed 4 April 2016).

<sup>311</sup> “Vucic: Milion evra za pomoc Doboju i Samcu” [Vucic: Milion euros to help Doboju and Samac], *Mondo*, 19 July 2014, <http://mondo.ba/a495102/Info/BiH/Vucic-Milion-evra-za-pomoc-Doboju-i-Samcu.html> (accessed 5 April 2016).

<sup>312</sup> Government of the Republic of Srpska, “Uplata na racunima za pomoc poplavljenim podrucjima u Republici Srpskoj” [Payment of donations for flooded areas in the Republic of Srpska], 11 May 2016, [http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mf/media/vijesti/Pages/Uplate\\_na\\_racunima\\_za\\_pomoc\\_poplavljenim\\_podrucjima\\_u\\_Republici\\_Srpskoj.aspx](http://www.vladars.net/sr-SP-Cyrl/Vlada/Ministarstva/mf/media/vijesti/Pages/Uplate_na_racunima_za_pomoc_poplavljenim_podrucjima_u_Republici_Srpskoj.aspx) (accessed 20 May 2016).

<sup>313</sup> European Commission, “Conclusions of Donors conference.”

the EU comes first, with 18 projects, followed by the World Bank, with 11. Among the foreign countries, 11 governments funded 24 projects and programs, with Switzerland coming first at 7, followed by Sweden at 6. Interestingly, Serbia, Russia and Israel, countries seen as the most important strategic partners of the RS, did not fund any projects there in 2015. Serbia was involved in 15 regional projects, but as an implementing partner, not a funder.

Sector	No. of projects	Funding provided by
Energy Efficiency Management, Environment Protection and Natural Resources Management	27	World Bank, UNDP, GIZ, EBRD, MAVFA Foundation, EU, GEF, IAEA, Governments of Japan, Finland and Czech Republic, World Bank IDA, IBRD,
Economic development	10	World Bank IDA, IFAD, EU, ORIO Fund (Government of the Netherlands), GIZ, USAID, Government of Switzerland, Japan (JICA) and Korea, UNDP, UNWTO,
Spatial Planning and Land Administration	4	World Bank, SIDA (Government of Sweden), Government of Norway
Public Finance and Statistics	11	EU, USAID, World Bank, IMF, Governments of the Netherlands, Denmark, Sweden, France,
Health Care, Welfare, Child care, Work and Youth	29	Governments of the Republic of Korea, Switzerland, Sweden, Saudi Arabia, USA, European Investment Bank, World Bank, Council of Europe Development Bank, UNDP, WHO, UNIDO, GEF, EU, UNFPA, UNICEF, OFID, OSCE, ILO
Education and Science	8	EU, GIZ, UNICEF, Save the Children, British Council, OSCE, Government of Switzerland
Culture and Heritage Protection	10	Council of Europe, Turkish International Cooperation and Development Agency (TIKA), UNESCO, Euronatur Foundation, MAVFA Foundation
Internal Affairs, Security and Judiciary	12	Governments of UK, Sweden, USA, Italy, Germany, Switzerland and Norway, EU, UNHCR, UNDP, IOM, UN Women, UNICEF, UNODC, OSCE, UNICRI
Local Government Administration	5	EU, UNDP, SIDA, SDC (Swiss Agency for Development and Cooperation)

Table 8: Programs and Projects Financed and Co-Financed by International Partners<sup>314</sup>

As a response to frequent internal tensions and political crises in Bosnia and Herzegovina, the Republika Srpska quite often decides to withdraw from the joint

<sup>314</sup> Table 2 was compiled from the Government of the Republic of Srpska, *Informacija o aktivnostima Republike Srpske u oblastima regionalne i institucionalne saradnje* [Information on the activities of

projects implemented in the whole of Bosnia and Herzegovina.<sup>315</sup> A senior RS Government official claims that because the initial mechanism of coordination in EU matters, adopted in January 2016, did not receive the consent of the Republika Srpska, the Government of the Republika Srpska decided not to participate in joint projects with institutions of Bosnia and Herzegovina, even though some were in their final stages.<sup>316</sup> This approach, he argues, is counter-productive; firstly, it represents a derogation of the work done by representatives of the Republika Srpska participating in projects, and secondly, by excluding itself from the process, the Government of the Republika Srpska cannot influence its outcomes.<sup>317</sup>

### **5.8. Lobbying Agencies and International consultants**

Legal and public relations firms are often hired by foreign governments and entities to protect and promote their interests, especially in the USA. In the USA, nearly 100 countries rely more on lobbyists than on the work of their own embassies to defend their positions or promote their initiatives,<sup>318</sup> mainly because professional lobbyists are “among the most experienced, knowledgeable and strategic actors” involved in everyday practice of politics, but also because they often have the same professional or education background as the policymakers and officials they lobby.<sup>319</sup> After the third critical juncture, the Government of the Republika Srpska has started to hire legal and public relations firms, mostly based in the USA, to promote and advance its interests. One of the first lobbying agencies hired by the Republika Srpska was Capitol Links; it served as a Special Representative of the Government of the Republika Srpska in 2006 by providing “strategic advice, direct representation

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the Republika Srpska in the field of regional and institutional cooperation], December 2015, 55-63.

<sup>315</sup> Senior RS Government Official 2, interview by author.

<sup>316</sup> Ibid.

<sup>317</sup> Ibid.

<sup>318</sup> John Newhouse, “The Influence of Lobbies on U.S. Foreign Policy,” *Foreign Affairs* 88, no. 3 (May/June 2009): 73.

<sup>319</sup> Richard L. Hall and Alan V. Deardorff, “Lobbying as Legislative Subsidy,” *American Political*

and public affairs counselling.<sup>320</sup> In 2007, the public affairs firm Quinn Gillespie & Associates LLC was hired by the Government of the Republika Srpska to brief US government policymakers on the Republika Srpska and to develop media and communication strategies for the Republika Srpska, along with its communication strategies for the EU and the UN.<sup>321</sup> Table 9 shows firms hired by the Republika Srpska from 2006-2015, their main activities, and the annual remuneration for their services. In 2013, the Republika Srpska was one of the top ten foreign governments who spent the most to influence US politics.<sup>322</sup> An interesting observation is that the contracts and work of these legal and public affairs firms have been treated as confidential by the Government of the Republika Srpska. In the Budget of the Republika Srpska, fees for their services are noted as “expert services”.<sup>323</sup> However, in US law, more specifically the Foreign Agents Registration Act,<sup>324</sup> their work, as well as any financial remuneration must be reported to the US Department of Justice and made available to the general public. The work of these agencies has been heavily criticised by Bosniak political elite, by opposition in the Republika Srpska, and even by some senior officials within the Government of the Republika Srpska.

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*Science Review* 100, no. 1 (February 2006): 70.

<sup>320</sup> U.S. Department of Justice, FARA, Exhibit A to Registration Statement,, <https://www.fara.gov/docs/5761-Exhibit-AB-20060627-1.pdf> (accessed 10 June 2016).

<sup>321</sup> U.S. Department of Justice, FARA, Exhibit A to Registration Statement, <https://www.fara.gov/docs/5753-Exhibit-AB-20070322-3.pdf> (accessed 10 June 2016).

<sup>322</sup> Colby Itkowitz, “Which foreign countries spent the most to influence U.S. politics?” *The Washington Post*, 14 May 2014, <https://www.washingtonpost.com/blogs/in-the-loop/wp/2014/05/14/which-foreign-countries-spent-the-most-to-influence-u-s-politics/> (accessed 15 June 2016).

<sup>323</sup> Supreme Office of the Republika Srpska Public Sector Auditing, “Izvjestaj o reviziji finansijskih izvjestaja Ministarstva za ekonomske odnose i regionalnu saradnju Republike Srpske za period 01.01-31.12.2015. godine,” [Report on Financial Auditing of the Ministry of Economic Relations and Regional Cooperation of the Republika Srpska for the period 1 January – 31 December 2015], No. RV016-16, 8 April 2016, [http://www.gsr-rs.org/static/uploads/report\\_attachments/2016/04/15/RI016-16\\_Lat.pdf](http://www.gsr-rs.org/static/uploads/report_attachments/2016/04/15/RI016-16_Lat.pdf) (accessed 16 June 2016).

<sup>324</sup> “The Foreign Agents Registration Act (FARA) was enacted in 1938. FARA is a disclosure statute that requires persons acting as agents of foreign principals in a political or quasi-political capacity to make periodic public disclosure of their relationship with the foreign principal, as well as activities, receipts and disbursements in support of those activities. Disclosure of the required information facilitates evaluation by the government and the American people of the statements and activities of such persons in light of their function as foreign agents. The FARA Registration Unit of the Counterintelligence and Export Control Section (CES) in the National Security Division (NSD) is responsible for the administration and enforcement of the Act.” The United States Department of

For example, former Bosniak member of the Presidency of Bosnia and Herzegovina Haris Silajdzic filed an appeal before the Constitutional Court of Bosnia and Herzegovina in 2008 requesting it to pronounce measures to “suspend anti-Dayton activities of the Republika Srpska;”<sup>325</sup> this was rejected by the Constitutional Court.

An advisor to the President of the Republika Srpska argues that the Republika Srpska is not using these lobbying agencies for any kind of independency or secession agenda, but to protect its autonomy as given by the Constitution.<sup>326</sup> A senior official in the Government of the Republika Srpska does not question whether the Government should hire international lobbyists; he is more concerned about whether they have had any positive effects.<sup>327</sup>

While measuring political influence quantitatively can be a difficult task, Mahoney argues it is possible to assess lobbying success by looking at the degree of attainability of the objectives.<sup>328</sup> She suggests many factors must be taken into account, such as institutional design, the nature and the scope of issues, and the level of conflict on an issue, in order to understand variations in lobbying success.<sup>329</sup> However, lobbying is not like any other goods and services, and the ambiguity of its results comes from the difficulty of defining lobbying goals against which we could measure lobbying success.<sup>330</sup>

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Justice, <https://www.fara.gov> (accessed 14 June 2016).

<sup>325</sup>The same appeal that referred to the work of the RS Representation Offices abroad “Silajdzic trazi suspenziju spoljopolitickih aktivnosti Republic of Srpska.”

<sup>326</sup>Vranjes, interview by author.

<sup>327</sup>Senior RS Government Official 2, interview by author.

<sup>328</sup>Did not attain objective at all, attained some portion of their objective and fully attained objective. Christine Mahoney, “Lobbying Success in the United States and the European Union,” *Journal of Public Policy* 27, no 01 (May 2007): 44.

<sup>329</sup>*Ibid.*, 47.

YEAR	NAME OF THE FIRM	ACTIVITIES	FEES
2006	Capitol Links LLC	Strategic advice, direct representation and public affairs counselling	\$ 21,000
2007	Quinn Gillespie & Associates LLC	US government policymakers briefing, developing media and communication strategies, strategies with the respect to the EU and the UN	\$ 1,272,000
2008	Dewey & LeBoeuf, LLP	Legal counselling concerning the legal rights and obligations under international law	\$ 846,394
2009	Dewey & LeBoeuf, LLP Picard Kentz & Rowe, LLP	Legal counselling concerning the legal rights and obligations under international law Legal advice on international law, US government policymakers briefing	\$936,341.24 \$1,832,910
2010	Picard Kentz & Rowe, LLP	Legal advice on international law, US government policymakers briefing	\$1,740,000
2011	Laurus Group, LLC Picard Kentz & Rowe, LLP Myrmidon Group, LLC	US government policymakers briefing, developing media and communication strategies, strategies with the respect to the international community. Legal advice on international law, US government policymakers briefing Promotion of Investment	\$439,739.00 \$2,373,000 \$247,000
2012	Innovative Global Initiatives and Solutions, LLC Laurus Group, LLC (subcontractor of Myrmidon Group, LLC) Myrmidon Group, LLC Picard Kentz & Rowe, LLP	Outreach and external relations in the US on behalf of the RS US government policymakers briefing, developing media and communication strategies, strategies with the respect to the international community Promotion of Investment, Advise RS Government on its interaction with US Government and Congress Legal advice on international law, US government policymakers briefing	\$90,000 N/A \$795,421 \$2,171,000
2013	Innovative Global Initiatives and Solutions, LLC Laurus Group, LLC (subcontractor of Myrmidon Group, LLC) Myrmidon Group, LLC Picard Kentz & Rowe, LLP	Outreach and external relations in the US on behalf of the RS US government policymakers briefing, developing media and communication strategies, strategies with the respect to the international community Promotion of Investment, Advise RS Government on its interaction with US Government and Congress Legal advice on international law, US government policymakers briefing	\$48,000 N/A \$419,790 \$1,594,000
2014	Laurus Group, LLC (subcontractor of Myrmidon Group, LLC) Myrmidon Group, LLC Picard Kentz & Rowe, LLP	US government policymakers briefing, developing media and communication strategies, strategies with the respect to the international community Promotion of Investment Advise RS Government on its interaction with US Government and Congress Legal advice on international law, US government policymakers briefing	N/A \$703,753 \$1,372,000.
2015	Myrmidon Group, LLC Picard Kentz & Rowe, LLP	Promotion of Investment, Advise RS Government on its interaction with US Government and Congress Legal advice on international law, US government policymakers briefing	\$120,000 (ended Feb 2015) \$1,334,918

Table 9: Law and Public Affairs Firms Hired by the Republika Srpska in the USA<sup>331</sup>

The absence of clearly defined objectives can be identified when looking at the contracts of two firms who worked the longest for the Republika Srpska:

<sup>330</sup> David Lowery and Kathleen David, "You don't know Jack: Principals, agents and lobbying," *Interest Groups & Advocacy* 1 (2012): 142-143.

<sup>331</sup> Table 9 was compiled from the U.S. Department of Justice, Reports of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act (2006-

Myrmidon Group LLC from 2011 to 2015 and Picard Kentz & Rowe LLP from 2009 to 2016 (and ongoing). Objectives were either too general (“to rebrand the Republika Srpska as an entity that is stable,” “to portray current leadership as strongly protective of Serbian ethnic interests, while at the same time pragmatic,” or “to combat perceptions of Republika Srpska as an entity riddled by bureaucracy and corruption”)<sup>332</sup> or not defined at all.

According to Don Picard, from Picard Kentz & Rowe LLP, his firm has been retained to give “legal advice as necessary and if necessary to represent the Government of the Republika Srpska in litigation before whatever Courts such litigation might arise as requested.”<sup>333</sup> When they were hired in 2009, there was some consideration of litigation against the High Representative or the Deputy High Representative (who is always a US citizen) because of “violations of human rights and variety of violations of international law and domestic law of Bosnia and Herzegovina”.<sup>334</sup> He claims that because the OHR was worried about such litigation, the activities in which the International Community in Bosnia and Herzegovina was engaged, especially until 2006, have started to diminish.<sup>335</sup> This law firm, according to its representative, has never been retained to lobby in Washington, but from time to time, they discuss the legal position of the Republika Srpska on various issues with US and EU officials to help them understand the position.<sup>336</sup> Their main job is to provide legal advice; this can include talking point papers or strategic memoranda explaining how the government might position itself or to whom the government representatives might want to talk. A recent example is a document prepared for the

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2015) as well as registration statements for each firm as available on U.S. Department of Justice FARA database <https://www.fara.gov> (accessed 10-14 June 2016).

<sup>332</sup>U.S. Department of Justice FARA, Myrmidon Group, LLC, Exhibit B to Registration Statement, <https://www.fara.gov/docs/6057-Exhibit-AB-20111005-2.pdf> (accessed 10 June 2016).

<sup>333</sup> Picard, Don, lawyer at Picard Kentz & Rowe, LLP, interview by author, tape recording, 8 June 2016.

<sup>334</sup> Ibid.

<sup>335</sup> Ibid.

President and the Prime Minister of the Republika Srpska which analyses a dispute over the census; it explains why the Statistical institute of Bosnia and Herzegovina did not have the legal right to use a particular method of analysing census information.<sup>337</sup> Other legal memoranda prepared by the firm refer to the national dispute over the decision of the constitutional court on the National Day of the Republika Srpska and the legal right to have a referendum on various questions in the Republika Srpska.<sup>338</sup> According to a firm's lawyer, one of the best ways to understand what the firm has done in terms of legal advice and legal positioning of the Government is that they help the Government of the Republika Srpska to draft reports to the UN Security Council,<sup>339</sup> which, as noted previously, are disturbed to the UN SC members by the Russian delegation.

## 5.9. Public Diplomacy

Duchacek argues that the “international activities of non-central governments rarely make the first page of national dailies. They are neither alarming nor dramatic – they can hardly compete for public attention with wars, arms talks, international terror, and other forms of conflict or cooperation among sovereign nations.”<sup>340</sup> However, this claim is only partially true in countries where intergovernmental relations are cooperative and where the international activities of sub-state units do not challenge or contravene the foreign policy of their central authorities.

In multinational countries when federated units and regions try to achieve a political goal at home by developing their own international agency, advancing their public relations, especially by catering to a domestic audience, is part of their

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<sup>336</sup> Ibid.

<sup>337</sup> Ibid.

<sup>338</sup> Ibid.

<sup>339</sup> Ibid.

strategy. Therefore, officials of the Republika Srpska devote significant attention to informing the general public, both in the Republika Srpska and in all of Bosnia and Herzegovina, about their foreign trips, meetings with foreign dignitaries and conferences they attend. Interestingly, they often fail to provide information on why certain choices are made internationally, and this too is part of the strategy. Representatives of the Republika Srpska may travel abroad as part of an official delegation of Bosnia and Herzegovina to meet, for example, representatives of the World Bank or the IMF in Washington or the EU Commission in Brussels. However, there is a tendency in the Republika Srpska Government's press releases and statements to deliberately omit the information that representatives of other entities or central levels were present as well.<sup>341</sup> This public relations strategy of minimising the role of the central authorities on the international scene is part of the larger political platform of the image building of the Republika Srpska and its highest officials.

Overall, the public diplomacy of the Republika Srpska is relatively underdeveloped. The Republika Srpska has not established any programs or projects aimed at sensitising a foreign public. To improve its image internationally, Latinovic argues the Republika Srpska needs to adopt a rational concept of soft power diplomacy and well-thought out strategy for its rebranding.<sup>342</sup> Cultural diplomacy, as a tool for the promotion of the Republika Srpska, could be used more, at least in the countries where the Republika Srpska has a Representation Office. For example, in Serbia, the Representation Office of the Republika Srpska organises a series of cultural and educational events throughout the year or on "Days of the Republika Srpska in Serbia." Such events are used to present and promote the cultural, educational, economical and touristic potential of the Republika Srpska. In other

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<sup>340</sup> Duchacek, "Perforated Sovereignties," 2.

<sup>341</sup> See for example <http://lat.rtrs.tv/vijesti/vijest.php?id=197595>

<sup>342</sup> Latinovic, interview by author.

countries, cultural and promotional activities remain sporadic; for example, in 2008, the Representation Office in Brussels organised a 15-day promotional campaign with billboards saying “The Republika Srpska is now present in Brussels and wishes you Happy New Year” and “With its Representation in Brussels, the Republika Srpska is now closer than ever” placed in the busiest parts of Brussels.<sup>343</sup> Although Representation Offices generally organise annual receptions for the Republika Srpska National Day, their cultural or promotional activities may receive, as mentioned, strong objections from the Bosniak diaspora. Especially in the USA, the Bosniak diaspora will try to undermine them.<sup>344</sup> Diaspora communities from Bosnia and Herzegovina, as the country itself, have been divided along the ethnic and religious lines. While Bosniak diaspora communities mostly gather Bosniaks and Muslims originated from Bosnia and Herzegovina (sometimes from Sandzak as well), Croat and Serb communities include all members of their respective ethnic groups regardless of their geographical origin. According to the Government of Serbia, there are around 1,300 various associations and clubs of Serb diaspora communities in the world.<sup>345</sup> The Republika Srpska has not formalised nor institutionalised relations with Serb diaspora communities. The Government of the Republika Srpska does not financially or institutionally support the work of Serb diaspora. The cooperation is ad hoc and includes sporadic meetings between RS officials and representatives of Serb diaspora, collection of humanitarian aid by Serb communities abroad (for example for the recovery of floods in 2014 or during and after the war in Bosnia and

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<sup>343</sup> “Kampanja Republike Srpske u Briselu” [RS Campaign in Brussels], *B92*, 28 December 2008, [http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=12&dd=28&nav\\_id=336733](http://www.b92.net/info/vesti/index.php?yyyy=2008&mm=12&dd=28&nav_id=336733) (accessed 17 April 2014).

<sup>344</sup> Kesic, interview by author.

<sup>345</sup> See the Ministry of Foreign Affairs of the Republic of Serbia Web site <http://www.mfa.gov.rs/en/consular-affairs/diaspora/diaspora-general-information> (accessed 10 October 2016).

Herzegovina), celebration of RS National Day in some countries<sup>346</sup> and some cultural activities.

Governmental publications have the potential to disseminate information, but there is no English language magazine published by the Government; the official website of the Government is regularly updated in English, but this is not the case for the websites of the President and the National Assembly. In 2011, at the request of the Republika Srpska Government, the above-mentioned US law firm Picard Kentz & Rowe set up a website called “BiH Dayton project”<sup>347</sup> to send out news and analysis in English on the situation in Bosnia and Herzegovina.<sup>348</sup> According to one of the firm’s lawyers, the public discourse, especially among the think tanks in Washington and internationally, has been very one-sided. Therefore, the idea behind the project was to provide “better, more complete and unbiased information” to those in the international community.<sup>349</sup> *The Srpska Times*,<sup>350</sup> the first English language magazine in the Republika Srpska, was launched at the beginning of 2016 as an independent media project; it is still in its initial phase, however, so it is difficult to assess its effects.

### **5.10. Foreign Diplomatic Representations in Bosnia and Herzegovina**

About 45 foreign embassies and 20 international organisations are based in Sarajevo. The embassies of France and Germany had branch offices in the administrative capital of the Republika Srpska, Banja Luka, from 1998 to 2010, but they were closed down for economic reasons. The Republics of Serbia and Croatia have general consulates in Banja Luka, the USA has a branch office, the UK has a

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<sup>346</sup> The Union of Serbs and Serb Orthodox Church in France organised for the first time celebration of RS National Day in Paris in January 2016. See <http://lat.rtrs.tv/vijesti/vijest.php?id=183561> (accessed 15 October 2016).

<sup>347</sup> See <http://www.bihdaytonproject.com>

<sup>348</sup> Picard, interview by author.

<sup>349</sup> Ibid.

representative office (with local staff), and Slovenia has a consular office. There are also a few international organisations with a physical presence in Banja Luka; the EU delegation has a regional office; there is a regional centre of the OSCE and field offices of UNDP, WHO and UNICEF and EUFOR Lot Houses. Contacts between foreign diplomats accredited in Bosnia and Herzegovina and Republika Srpska officials are regular; ambassadors pay courtesy calls on their arrival and departure to the Republika Srpska President, the Speaker of the Parliament and the Prime Minister.

Exchanges with Western and regional diplomats have been mostly used to present the Republika Srpska's position on the internal situation in Bosnia and Herzegovina. For example, in September 2016, the Republika Srpska President met with a group of ambassadors from the EU countries (France, Italy, UK, Germany and the EU delegation) to discuss the issue of the referendum.<sup>351</sup> On an earlier occasion, in April 2016, he met with the same group of ambassadors to talk about the coordination mechanism in EU matters.<sup>352</sup> This is not surprising; the ambassadors of some countries take part in the work of the Peace and Implementation Council and, therefore, are more involved in the domestic matters of Bosnia and Herzegovina than they would be in those of another country lacking international supervision. Consequently, actors in Bosnia and Herzegovina compete to establish closer relations with foreign diplomats. In such an environment of rivalry, foreign diplomats are often found in the middle of power struggles between constituent peoples of Bosnia and Herzegovina. A recent example is a decision of the Austrian embassy to organise

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<sup>350</sup> See <http://thesrpskatimes.com>

<sup>351</sup> "Dodik sa ambasadorima i predstavnicima EU: Referndum ce biti odrzan" [Dodik met ambassadors and EU representatives: the Referndum will take place], *RTRS*, 8 September 2016, <http://lat.rtrs.tv/vijesti/vijest.php?id=219712> (accessed 20 September 2016).

<sup>352</sup> "Dodik sa ambasadorima: Potreban napredak za clanstvo u EU" [Dodik met ambassadors: a progress is needed for the EU membership], *Srpska Cafe*, , 20 April 2016, <http://www.srpskacafe.com/2016/04/dodik-sa-ambasadorima-potreban-napredak-za-clanstvo-u-eu/> (accessed 20 September 2016).

concerts in Banja Luka and Mostar on the Austrian National Day. Although the central celebration took place in Sarajevo, the Austrian ambassador in Bosnia and Herzegovina was criticised; for example, the Chairman (Bosniak) of the Presidency of Bosnia and Herzegovina said that dividing the celebration into three parts made an allusion to the internal division of Bosnia and Herzegovina into three parts and, thus, according to him, sent out the wrong message.<sup>353</sup>

### **5.11. Conclusion**

The chapter set out to examine the nature and the evolution of the international activities of the Republika Srpska. This is an understudied topic, and the chapter is able to fill a number of important gaps in the literature. The main purpose of the chapter was to analyse why the RS external relations have remained mostly in the realm of politics and identity building. In other words, I wanted to investigate why international agency of the Republika Srpska, which has been developing since the end of 1995, has had difficulty to move from the Phase A to the Phase B. As in the case of Flanders, I applied the theory of the historical institutionalism to the stage-based argument developed in this thesis. I looked at those important moments of time, i.e. critical junctures, which have had crucial impact on development of stages and institutions for external relations.

I have identified three important moments of time in the development of RS international agency. Creation of the federal state of Bosnia and Herzegovina was considered to be the first critical juncture. For the RS external relations, this was an important moment of time, as it had to make a shift from projecting itself as an “independent state” and accept Bosnia and Herzegovina as a state that it belongs to.

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<sup>353</sup> “Obilježavanje Dana Austrije u BiH podjelilo javnost” [Celebration of the Austrian National Day divided the public], *Aljazeera Balkans*, 20 October 2016, <http://balkans.aljazeera.net/vijesti/obiljezavanje-dana-austrije-u-bih-podijelilo-javnost> (accessed 25 September 2016).

Although institutions created before the first critical juncture such as the Ministry of Foreign Affairs continued to exist after the first critical juncture, they had no legitimacy internationally. The second critical juncture, introduction of Bonn powers, led to a more radical change of RS institutions. Under the pressure of the OHR, the Republika Srpska made a decision to abolish its Ministry of Foreign Affairs. This decision led to deinstitutionalisation of RS external relations and influenced actors' behaviour on the international scene. As a consequence, RS international agency was reverted to the very beginning of the Phase A. In addition to the institutional deficiencies, the second critical juncture also created a unique opportunity for international agents to participate directly or through 'coercive cooperation' in the formulation of RS policies. Strong involvement of international agents posed important limitations on the development of international agency of the Republika Srpska and created only limited opportunities for the Republika Srpska to engage internationally. The Phase A was characterised with improvisation, personalisation and non-transparency in external relations. During the Phase A, the RS external engagement was almost completely politically motivated and aimed at the preservation of its autonomy, which was slipping away under the pressure of the international community.

The failure to adopt the constitutional reform in Bosnia and Herzegovina was considered as the third critical juncture as it marked the beginning of the declining role of the OHR in Bosnia and Herzegovina. This provided an opportunity for the Republika Srpska to make decisions more independently including the ones related to its external relations. During the third critical juncture, the Republika Srpska made some important decision regarding its international activities. For example the RS Government decided to establish EU integration units, the RS National Assembly decided to establish a Committee for EU integration and regional cooperation. The

RS Government also decided to give a coordinating role to the Ministry of Economic Relations and Regional Cooperation for all relevant EU-related activities. However, other than the EU-related activities, the RS Government has not yet made a decision to create an organisational unit that would coordinate all other international activities. The Republika Srpska has not made a decision to create an institution that would be in charge of preparation of international policies and strategies for the development of international agency of the Republika Srpska. But, during this stage, the Republika Srpska made decision to open the Representation Offices abroad. However, as the chapter has demonstrated, the establishment of the Representation Offices abroad has rarely been result of a thorough analysis and more often reflection of personal choice at a given time.

The international arena has a great deal of symbolic meaning for regional leaders; it provides a high degree of visibility and an opportunity to “play to a domestic audience.”<sup>354</sup> If regional leaders can project their image internationally, this can help them build their image and prestige at home.<sup>355</sup> This strategy, especially seen in meetings with high level foreign officials, including presidents, is frequently used by President of the Republika Srpska Milorad Dodik.

Institutional deficiencies have had a negative impact on signing and implementing international treaties and agreements, an important tool used by federated units and regions. Although the Constitution of Bosnia and Herzegovina provides that entities can enter into contractual agreements with other states, albeit with the consent of the Parliament of Bosnia and Herzegovina, the Republika Srpska has no treaties signed with a foreign country, except for a non-binding Cooperation

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<sup>354</sup> Lecours and Moreno, “Paradiplomacy and stateless nations.”

<sup>355</sup> Stéphane Paquin, “La Paradiplomatie Identitaire: Le Québec, la Catalogne et la Flandre en Relations Internationales” [Identity paradiplomacy: Québec, Catalogna and Flanders in International Relations], *Politiques et Sociétés* 23, no. 2-3 (2004): 213.

Agreements with Malawi, and an Agreement on a Special Parallel Relationship with Serbia, something permitted in the Constitution of Bosnia and Herzegovina. The reason is likely twofold. Firstly, there is a good chance that such contractual agreements would not be approved by the Bosniak political parties in the Parliament of Bosnia and Herzegovina. Secondly, the Republika Srpska has made no moves in that direction. At the sub-state level, a few non-binding Cooperation Agreements have been signed – only with ten provinces, federated units and regions. The absence of criteria on the selection of partners could explain why two of these agreements (with Russian regions) have been only partially implemented, while others remain dead letters. In addition, the Government of the Republika Srpska has made no effort to review these agreements and determine the partners with whom it should intensify cooperation. During this stage of development, the Republika Srpska has also started to hire lobbying agencies, mostly based in the USA, to promote and advance its interests.

The RS external relations are still in the Phase AB. Its international activities continue to be still mainly driven by political motivations, although they sometimes include economic and other rationales as well. The Republika Srpska conducts external relations in a spontaneous and ad hoc fashion, with no consistent order or established goals. The abolition of the Ministry of Foreign Affairs shaped the trajectories of the RS international agency that have been difficult to alter even after the third critical juncture.

## Chapter 6

### Conclusion

Federated units, regions, provinces and other sub-state actors have become active in the international arena to promote their cultural, economic and political interests and pursue their own agenda. They internationalise under the umbrella goal of “self-help”<sup>1</sup> trying to respond to the opportunities presented on the global scene. Proliferation of the new actors in the world politics and development of their international agency was a result of myriad factors, including globalisation, nationalism, regionalisation, decentralisation and federalisation, internationalisation of domestic issues, regional trade initiatives such as NAFTA, EU integration etc. As noted in the introductory chapter the arrival of regions and federated units on the global scene is driven by economic, cultural and political motivations. While it often may be the case that these motivations overlap, involvement of federated units and regions in the international arena may be greater if it involves the issue of identity. Federated units and regions often cited in the literature as the ones with well-developed international presence are Flanders, the Basque country, Quebec and Catalonia. All have a distinct identity and devote a significant part of their external relations to advertise this difference; they use the international scene as a stage for its promotion and consolidation. Their international activities may sometimes be perceived as a challenge to the integrity and sovereignty of their states, as they often act like quasi-states in the international arena. For instance Keating argues that regions and federated units with nationalist aspirations enter the international arena to “seek recognition and legitimacy as something more than mere regions.”<sup>2</sup>

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<sup>1</sup> Duchacek, “The International Dimension of Subnational Self-Government,” 9.

<sup>2</sup> Keating, “Regions and International Affairs,” 5.

This thesis set out to examine the external relations of federated units and regions with an identity that sets them apart from the larger country in which they are located. The complexity of their external relations and their development of diplomatic instruments similar to those of sovereign states were the main motivations that generated this analysis. At the beginning of my quest to understand why and how these federated units and regions make certain choices internationally, I noticed significant variations in the development of the scope of their international agency. While some federated units have developed a full range of diplomatic activities, others have kept their work mostly in one arena. This thesis sought to investigate why this happens; why and how some federated units and regions with a distinctive identity manage to consolidate their international activities and engage in multifaceted and integrated external relations, while others remain focused on international recognition. I hypothesised that external relations of regions and federated units with distinctive identity pass through several stages of development. I also argued that the development of their international agency has two important phases. My stage-based argument was influenced by the work of Miroslav Hroch and his phase theory of development of national movements over time.

The first stage of development, the Phase A, consists of diplomatic activities, almost exclusively concerned with promoting cultural and linguistic distinctiveness, identity and region building and/or gaining political support abroad for the preservation and expansion of autonomy at home. During this initial phase, federated units and regions begin to open cultural centres and representation offices abroad, laying the groundwork for the institutional organisation of external relations at home.

Development of organisational structures and institutions for external relations, both abroad and at home, are crucial for moving to Phase B. This stage is characterised by the establishment of multifaceted and multidimensional external

relations; international activities now include a wide range of issues and instruments, and although international recognition remains important, other issues have been added to the agenda. I have also identified the third phase, Phase C, which should be characterised by the consolidation and optimisation of international presence.

Switchover from one stage to another is not a clear cut and phases may sometimes overlap creating what I called in this thesis mid-stages. I have identified two mid-stages, which were referred to in this thesis as AB and BC. AB mid-stage indicates that external relations are well ahead on the trajectory of institutionalisation, but institutional capacities are rather limited and external relations are still mainly preoccupied with the region building and promotion of identity and culture. BC mid-stage refers to the beginning of consolidation of external relations that includes decision to create a new institution or merge the existing ones.

To the stage-based argument, I applied the theory of historical institutionalism. The theory of historical institutionalism has already been applied to the study of external relations of sub-state units. For example Bursens and Deforche use this theoretical framework to analyse foreign competences of regions,<sup>3</sup> and Lecours uses it to discuss the foreign policy instruments chosen by federated units and regions.<sup>4</sup> This thesis expands their discussion to the analysis of the evolution of the objectives, strategies, priorities and institutions of external relations. By applying the theory of historical institutionalism to this analysis, I demonstrated its broader relevance for the study of diplomacy of federated units and regions, phenomenon often described in the literature as paradiplomacy. Historical institutionalists give theoretical importance to political institutions. In their view, the decision to create a particular institution is path dependent, as it shapes future preferences and strategies.

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<sup>3</sup> Bursens and Deforche, "Going Beyond Paradiplomacy?"

<sup>4</sup> Lecours, "Paradiplomacy: Reflections on the Foreign Policy."

But how do external relations move from one phase to another? For the stage-based argument of this thesis it was important to establish what was the role of critical junctures and what was the role of institutions. In this thesis I argued that the critical junctures have a crucial role to play in moving from one stage of the development of external relations of federated units to the new phase. During critical junctures federated units make important decisions regarding the institutionalisation of their international agency. These decisions relate not only to the creation of new institutions, but also to the transformation of old institutions to new purposes. I also argued that institutions are a key factor in the development of international agency. Therefore critical junctures are important for the development of institutions, and the creation of institutions for the development of international agency. The establishment and maintenance of an administration of international relations, as Kincaid argues, represents the “symbolic institutionalisation” of the status of federated units and regions aiming to project their distinctiveness internationally.<sup>5</sup> However, once installed, the institutions take on a life of their own; they are a key factor in the development of international agency of federated units and regions and the capacity to engage effectively on the international arena. Therefore, their absence is crucial for understanding why some federated units and regions, although active internationally, have not managed to diversify their external relations and move to the second Phase.

When the concept of critical junctures is applied to an analysis, Cappocia rightly points out that it is necessary first to clarify what constitutes a unit of analysis and that the first question to be asked is “a critical juncture in the development of what.”<sup>6</sup> In this thesis, I looked for the series of events that were crucial in the

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<sup>5</sup> Kincaid, “Foreign Relations of Sub-national Units,” 92.

<sup>6</sup> Giovanni Capocchia, “Critical junctures and institutional change,” in *Advances in Comparative-Historical Analysis*, ed. James Mahoney and Kathleen Thelen (Cambridge: Cambridge University

development of institutions for external relations. These events and important moments of time, however, may not constitute a critical juncture in the development of some other institutions, organisations, political regimes etc. Cappocia also argued that change is not a necessary element of the critical junctures and that when change is possible, but not materialised, it constitutes what he calls “near-miss” critical junctures.<sup>7</sup> For example, the third critical juncture in the development of international agency of the Republika Srpska could be considered to a certain degree as a “near-miss” critical juncture. It led to decisions to institutionalise for example only EU-related activities, but RS political agents failed to seize the opportunity and create institutions for other international activities. The behaviour of RS political entrepreneurs towards the institutionalisation of other international activities was influenced by the trajectories produced by earlier critical junctures, which was in their case the abolition of the Ministry of Foreign Affairs.

The theory of historical of institutionalism, especially the concept of critical junctures, was appropriate theory to also analyse the rationales of the engagements of federated units. I looked at how critical junctures produced opportunities for federated units to engage with various rationales such as cultural, historical, functional etc., and how they responded to these opportunities in each stage of development of their international agency. The scope of the engagement in each case was conditioned by the level of development of their international agency. For example, although the first critical juncture created an opportunity for Flanders to engage with various rationales, its focus remained in the realm of image building and identity promotion during the Phase A. During the Phase B, Flanders seized the opportunities and engaged with rationales in more multifaceted manner.

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Press, 2015), 167.

<sup>7</sup> Cappocia, “Critical junctures and institutional change,” 166.

Institutions are important in understanding actors' preferences, objectives and strategies, however, as stressed by Hall and Taylor, institutions are not the only causal force, but are located in "a causal chain that accommodates a role for other factors"<sup>8</sup> as well. For the development of international agency of a federated unit or a region, these other factors may include various exogenous and endogenous pressures and constraints, but also opportunities that the international arena creates. In other words, evolution of external relations of federated units is not a linear process, but a hybridisation of various elements.

The stage-based argument raised some theoretical questions with regards to the application of the theory of historical institutionalism and some of its concepts, most notably the path dependency. The main challenge of accounting stage-based argument in this thesis was how to distinguish between institutional innovation within existing path and a switchover to a new trajectory. This issue has already been raised by Deeg, whose conceptualisation of path-dependency diverges to a certain degree from the traditional theorists of historical institutionalism. Deeg argues that a switch to a new path "is always (or nearly so) an evolutionary process."<sup>9</sup> New path does not necessarily have to represent "a radical break from the past," but that does not mean that it is "simply evolution or innovation within the old path."<sup>10</sup> In this thesis I followed Deeg in assuming that a new path can be "characterized by a hybridization process (not convergence) in which some old institutions are transformed to new purposes, and new institutions are introduced."<sup>11</sup> This conceptualisation was particularly useful in explaining the how external relations of Flanders moved from the Phase A to Phase B. While some might claim that the switchover was a result of path dependency, I argued that this was a new phase,

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<sup>8</sup> Hall and Taylor, "Political Science and the Three New Institutionalisms," 942.

<sup>9</sup> Deeg, "Change from Within," 170.

<sup>10</sup> Deeg, "Institutional Change and Limits of Path Dependency," 7.

despite the fact that some old institutions, which were introduced during the Phase, continued to exist. This path represented a new phase because some of the old institutions were transformed to the new purposes and because the “logic” of the system of external relations significantly changed.

The stage-based argument was applied to the analysis of development of the international agency of two federated units: Flanders and the Republika Srpska. Although considerable differences in land size, population, and industrial, economic and social development between Flanders and the Republika Srpska may seem to preclude a cross case comparison, these two cases share several common characteristics that enable comparison.

Flanders and the Republika Srpska are both part of multinational federations, whose federal structures were put in place around the same time. Federal institutional design is not a fixed arrangement, but a constantly evolving process that must accommodate various endogenous and exogenous pressures. Consociational federal designs of Bosnia and Herzegovina and Belgium share some broad similarities, although there are some specific institutional differences, which were shown in Chapters 3. The constitutional distribution of powers in Belgium and Bosnia and Herzegovina has given their respective federated units a high level of autonomy, including in the field of external relations. They can enter into binding contractual arrangement with states, international organisations and other foreign entities (in Bosnia and Herzegovina, this require the consent of the Parliament of Bosnia and Herzegovina). The third state reform of Belgium introduced the principle of *in foro interno in foro externo*, thus providing that the regions and communities could engage in all international activities for which they had internal competencies. The Constitution of Bosnia and Herzegovina does not explicitly provide that the country’s

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<sup>11</sup> Ibid.

entities can develop international agency. It specifies that foreign policy is the prerogative of the country and says the entities can enter into parallel relationships with neighbouring states. However, it does not prohibit the entities from developing their external relations in the areas falling under their jurisdiction. As a result of this constitutional ambiguity, as well as the underdeveloped intergovernmental relations in the country more generally, conflicts often arise over the external relations of its most internationally active entity – the Republika Srpska.

According to Kincaid, the international projection of federated units and regions itself is seldom the cause of intergovernmental conflict; in fact, tensions usually reflect an already existing domestic intergovernmental conflict.<sup>12</sup>

Intergovernmental relations in Belgium and Bosnia and Herzegovina are complex and can be contentious. Their competitive and sometimes conflictual nature necessitates the creation of highly institutionalised or *ad hoc* mechanisms of cooperation and coordination to stimulate cooperative intergovernmental relations in all spheres of mutual interest. Belgium has developed a variety of cooperation mechanisms in the field of external relations; the most important of these are the Inter-Ministerial Conference for Foreign Policy and several Cooperation Agreements between the Federal State, the Communities and the Regions on, for example, rules for the conclusion of mixed treaties or the representation of Belgium in international organisations whose activities concern mixed competencies or representation on the Council of Ministers of the European Union. However, intergovernmental cooperation instruments in Bosnia and Herzegovina are underdeveloped, except for coordination mechanism in EU matters, which after several years of negotiations, have finally been adopted. An important feature of the Belgian federal architecture is that its federated units are on equal footing with the federal level, and there is no

primacy of federal law over the legislation of the regions and communities. In Bosnia and Herzegovina, however, the central level has supremacy over the entities, and their legislation must be harmonised with the state legislation.

Belgium and Bosnia and Herzegovina represent deeply divided countries and fragmented societies. Although the tensions that preceded the introduction of federal structures are not as high, they still resurface from time to time in both countries. The polarised political and societal landscapes of the two countries have several important commonalities: the absence of a dominant political party in the country; political parties divided along ethnic/linguistic lines; a lack of mutual trust among key political figures at the central level and the level of federated units; and divergent views on the future of the country. Domestic rivalry between those advocating more autonomy and those with centralist aspirations seems to be the main generator of internal conflicts and tensions in Belgium and Bosnia and Herzegovina. While Flanders and the Republika Srpska demand more autonomy on the grounds that the current constitutional arrangements are not efficient, the rest of their respective countries use the same argument to ask for tighter centralisation. As rightly pointed by Stroschein, Belgium and Bosnia and Herzegovina represent ‘divided house states’, “which contain proportionally similar groups with opposing views regarding whether the state should be more unitary or more decentralized.”<sup>13</sup> The complexity of their institutional structures was not, according to him, produced by accident; asymmetric and complex governing institutions were introduced so that groups, which disagree on the nature of governance, could coexist.<sup>14</sup>

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<sup>12</sup> Kincaid, “Foreign Relations of Sub-national Units,” 90.

<sup>13</sup> Sherril Stroschein, “What Belgium Can Teach Bosnia: The Use of Autonomy in ‘Divided House’ States”, *Journal of Ethnopolitics and Minority Issues in Europe*, Issue 3, (2003): 22.

<sup>14</sup> Stroschein, “What Belgium Can Teach Bosnia: The Use of Autonomy in ‘Divided House’ States”, 22.

## **6.1. International agency of Flanders and the Republika Srpska**

The thesis thoroughly analysed the evolution and development of the external relations of the Republika Srpska and Flanders, two federated units, which not only have cultural, linguistic and ethnic identities distinct from the rest of their federations but also have witnessed increasing separatism, especially in the last decade. The present leaders of Flanders and the Republika Srpska, in their public discourse at home and abroad, often refer to their respective regions as “countries,” alluding to the high degree of autonomy they already enjoy and even suggesting an ultimate goal of full sovereignty.

Although Flanders and the Republika Srpska became federated units around the same time, their external relations have not developed at the same pace or in the same direction. While Flanders managed, in a relatively short time, to move from image building (the Phase A) to a second stage where external relations are more diversified and multifaceted, this switchover to a new phase has been much more difficult for the Republika Srpska, whose external relations remained almost exclusively in the realm of politics. In order to examine variations in the development of their international agencies, I looked at the important moments of time, critical junctures that were considered crucial for the development of their external relations. In both cases I identified three critical junctures. The first critical juncture, which was in both cases considered to be formation of their respective federal states, produced similar opportunities for Flanders and the Republika Srpska to make decisions about creation of institutions for external relations. Flanders seized the opportunity and embraced its role as a federated unit with extensive international power, whereas the Republika Srpska continued to act as a “sovereign state” and thus limited development of its international agency. The second critical juncture led to the almost completely opposite circumstances under which Flanders and the Republika Srpska

could develop their international agency. Being given more powers internationally, Flanders was in position to make decision to transform some of its old institutions to new purposes and create new ones. On the other hand, strong involvement of international agents posed important limitations on the development of international agency of the Republika Srpska and created only limited opportunities for the Republika Srpska to engage internationally. The third critical juncture for Flanders, which led to the transfer of some powers for the first time, was seen as an opportunity to increase its international role as an independent actor. For the Republika Srpska, the third critical juncture, as said earlier, represents to a certain degree a “near-miss” critical juncture as it has made decision to only partially institutionalise its external relations. As a result of the decisions made during three critical junctures, Flemish external relations have so far undergone two stages of development and are currently at the mid-Phase BC, whereas the RS international agency is still in the Phase AB. In other words, Flemish external relations today are very institutionalised, diverse and structured, focusing on the internationalisation of Flemish economy and culture, the EU, poverty reduction and social development, human rights and the environment. On the other hand, RS international activities continue to be mainly driven by political motivations, although they sometimes include economic and other rationales as well. The Republika Srpska conducts external relations in a spontaneous and ad hoc fashion, with no consistent order or established goals.

Flanders and the Republika Srpska have used the same type of instruments and mechanisms in the international arena such as establishing representation offices abroad, signing treaties and memoranda of understanding, public diplomacy and development cooperation. However, a closer analysis of their respective diplomatic tools finds important variations in the scope of their international activities. While variations are partially conditioned by the differences in their economic development,

their institutional capacities determine the character of their external relations and the choices they make on the global scene. Flanders has 11 General Representation Offices and 4 satellite offices, 3 Cultural centres, 70 FIT offices and 15 Flemish Tourist offices abroad. These offices were opened based on the clearly set criteria and their existence is subjected to continuous evaluation. The Republika Srpska has eight Representation offices abroad mostly registered as trade offices. Their mandate is only vaguely defined and the establishment of some (Thessaloniki, Stuttgart or Jerusalem) is more reflective of personal choice at a given time rather than result of a thorough analysis. Flanders is a partner in over 700 treaties, protocols and memoranda, and the Republika Srpska in 117 international agreements and memoranda. Flanders signed 28 exclusive bilateral treaties with 15 countries, 88 memoranda of understanding with 25 countries and 14 international organisations, not including protocols, declarations and joint statements signed with other actors. The Republika Srpska, on the other hand, signed memoranda of understanding with only 2 countries and 10 regions and federated units. While the Republika Srpska does not have the treaty-making powers like Flanders does to enter into contractual arrangements with states and other actors, it does have the capacity to sign non-binding agreements such as memoranda of understanding and protocols; however, it has rarely used this tool.

The development of the international agency of federated units and regions as demonstrated in this thesis may be additionally constrained by internal and external factors. For example, their respective central authorities may try to control or even hinder their international projection. For various reasons, other states may be reluctant to establish relations with federated units; in a multilateral environment, some may even try to impede the initiatives and activities of federated units and regions. Belgian federal authorities, especially its diplomatic representations, initially

had difficulty accepting the international role pursued by its Regions and Communities. Although some Flemish diplomats claim that tensions still occur from time to time in their interactions with the federal level, the overall relations between Belgian and Flemish international actors could be characterised today as rather cooperative. Flanders sometimes decides for political reasons not to cooperate with the federal states on the issues that have solely domestic dimension to gain more competencies, but also to boost its international profile. While it relies more on its own diplomatic instruments, Flanders does not however bypass completely the federal level; in fact, in most of the cases, Flemish and Belgian diplomatic actors keep each other informed on the initiatives and projects that they take on internationally.

A different story is told in Bosnia and Herzegovina. The central authorities and Bosniak political elite have not welcomed the international projection of the Republika Srpska and have even taken legal action to prevent the development of its international agency. For its part, the Republika Srpska bypasses almost completely the central authorities. Communication between the two levels is practically non-existent, except when it is absolutely necessary – often the case in EU affairs and joint international programs and projects. Bypassing the central authorities of Bosnia and Herzegovina and its diplomatic representations are part of the larger strategy of projecting the Republika Srpska as an independent international player.

In the selection of the most important international partners, we see a certain degree of similarity in two cases, at least of the face of it. The findings suggest Flanders and the Republika Srpska used a window of opportunity created by a vacuum in the relations of their respective states with certain international actors.

Flanders, as observed by Criekemans,<sup>15</sup> initially focused on developing relations in areas where the Belgian government had limited contacts, especially in the 1990s. For example, Belgian relations with the Netherlands were limited to culture, and in the countries of Central and Eastern Europe, Belgium developed limited diplomatic relations. As Belgium was concentrated on the countries of Central Africa for various historical and linguistic reasons, its relations with Southern Africa countries remained relatively underdeveloped throughout the 1990s. Belgium also created a vacuum in relations with some international organisations, such as UNESCO; in the 1990s, it had to cut some UNESCO projects because of budgetary constraints. In all cases, Flanders took advantage of the opportunity with which it had been presented. The same observation could be made for the Republika Srpska: although Bosnia and Herzegovina has diplomatic relations with all three major partners of the Republika Srpska (Serbia, Israel and Russia), relations and contacts have been rather limited and largely confined to Serb representatives at the level of Bosnia and Herzegovina. Relations between Bosnia and Herzegovina and these countries are burdened by the recent history, outstanding questions and divergent views on some important global issues such as the Israeli-Palestine conflict, the situation in Ukraine and Kosovo.

However, the vacuum created by Belgium and Bosnia and Herzegovina in the international arena does not account completely for interests of Flanders and the Republika Srpska to develop their relations with certain international partners. For example development of relations with the Netherlands, considered as the most important international partner of Flanders, were motivated initially by the shared culture, language and history. But as Flemish external relations moved to the Phase B, the engagement with the Netherlands was led more by economic and functional rationales (geographic proximity) and the fact that the Netherlands is the member

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<sup>15</sup> Criekemans, "How subnational entities try to develop," 11-16.

state of the EU than by the cultural and historical legacy. The Republika Srpska, however, seems to be oriented towards international partners, who are likely to provide political support for its agenda. For instance the Republika Srpska counts on Serbia, as a kin-state, to provide political and diplomatic support for the protection of its autonomy. Territorial minorities, especially in Central and Eastern Europe, ask their ethnic motherlands to help them in their conflicts with their respective states<sup>16</sup>. The Republika Srpska also looks to Russia for support for its agenda and protection of its interests especially within the international community in Bosnia and Herzegovina.

Regions and federated units with strong identities are according to Happaerts and Van den Brande susceptible to international pressures especially coming from the intergovernmental and supranational institutions and organizations. They tend to comply with international commitments to legitimize their presence “in a certain international community.”<sup>17</sup> This is most evident with the transposition of EU directives and implementation of EU policies. Regional dimension of the EU is the recurring theme among the leaders of Flanders and the Republika Srpska. Both aim at having direct contact with the EU institutions and advocate stronger involvement of regions and federated units in the EU affairs. Flanders sees the EU as the most important layer of its foreign policy, not only because 70 per cent of its legislation has been harmonized with the *acquis communautaire*, but also because of the direct impact the EU has on its autonomy. Not surprisingly Flanders has developed strong institutional capacities and mechanisms to maximize its political and economic interests in the EU. The idea of autonomy slipping away in the EU integration process of Bosnia and Herzegovina was what prompted the authorities of the

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<sup>16</sup> Keating, “Regions and International Affairs,” 5.

<sup>17</sup> Sander Happaerts and Karoline Van den Brande, “Sustainable Development and Transnational Communication: Assessing the International Influence on Subnational Policies,” *Journal of*

Republika Srpska to develop its institutional capacities to respond to these challenges. The EU integration presents also an opportunity for the image building of the Republika Srpska. Its leaders emphasise their commitment to work with the EU on the reforms in Bosnia and Herzegovina and often claim that the Republika Srpska is playing “a leading role” to promote EU integration in the country.<sup>18</sup> They praise the progress achieved by the Government and even compete with the Federation of Bosnia and Herzegovina in the fulfilment of their EU requirements. Flanders has also used other multilateral forums to increase its international visibility. Development cooperation, financial and technical assistance are the instruments used by Flanders to boost its profile internationally as a strong supporter of human rights and poverty reduction.

The international arena has symbolic meaning for federated units with a distinct identity. It is a stage from which they may address a domestic public, or as Keating puts it, it is a platform for “internal regional building.”<sup>19</sup> The empirical evidence presented in this thesis suggests that promoting a distinct Flemish identity is still an important feature of its international agency, but not the only one, while political motivations continue to dominate the external relations of the Republika Srpska. Promotion of Flemish culture, identity and language no longer occupy the central position in Flemish international activities; they have been expended to other issues to include economy, science, development, human rights, environment, health, tourism etc.

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*Comparative Policy Analysis* 13, no. 5 (November 2011): 538.

<sup>18</sup> President of the Republic of Srpska, “Republika Srpska’s 16<sup>th</sup> Report to the UN Security Council, October 2016,” 27 October 2016 <http://www.predsjednikrs.net/wp-content/uploads/2016/10/16th->

## 6.2. Further Research Agenda and Implications

The research described in this thesis represents only a first instance of a broader comparative study of the evolution of external relations and institutions of federated units and regions with a distinctive identity. This study raises a number of opportunities for further theory development and hypothesis validation. Firstly, the findings of this thesis could be strengthened by expanding the analysis to other federated units and regions having a distinctive identity, such as Quebec, the Basque Country, Scotland, Catalonia, and less studied regions of Tatarstan and Kurdistan. Development of international agency of Scotland has been constrained by limited powers it enjoys within the UK. Implications of Brexit for Scottish external relations could be included in the future research agenda. For example, one could ask whether Brexit could be regarded as a critical juncture for further development of Scottish international agency. Whitman argues that Brexit will have both political and institutional implications for external relations of Scotland, Wales and Northern Ireland.<sup>20</sup> Some of the powers with the external dimension such as agriculture, fisheries, the environment, trade, renewable energy, climate change etc., which have been transferred to the EU, may be repatriated directly to the devolved governments after Brexit.<sup>21</sup> How will Scotland establish its relations with the EU and its members states, how will its institutions such as the External Affairs Directorate or the Scottish Government EU Office in Brussels respond to these new opportunities are just some of the questions for future research that could lead to more insight.

This study could have some implications on new potential federations such as Cyprus or Moldova. The Turkish Republic of Northern Cyprus (TRNC) has been

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[Report-to-UNSC-27-Oct-English.pdf](#) (accessed 1 November 2016)

<sup>19</sup> Keating, "Regions and International Affairs," 5.

<sup>20</sup> Richard G. Whitman, "Devolved External Affairs: The Impact of Brexit," Research Paper, Europe Program, London: Chatham House, The Royal Institute of International Affairs, February 2017: 1.

engaged in diplomatic activities as an unrecognised state. It has a Ministry of Foreign Affairs and the network of around 20 Representation Offices and a fully-fledged diplomatic representation in Turkey.<sup>22</sup> While various ethnic, religious, geopolitical, security and other determinants have influenced development of its international agency, the possible federalisation of Cyprus will have important impact on international activities of the TRNC. In that sense, new federal arrangements could represent a critical juncture that would shape internationalisation of the Turkish Community in Cyprus in the future. A similar study could be extended to Moldova as well. Talks on the settlement of the Transnistrian dispute have resumed in 2016 with federalisation of Moldova as one of the potential solutions to the conflict. The Pridnestrovien Moldavian Republic (Transnistria), which proclaimed its independence in 1990, has a Ministry of Foreign Affairs and two representation offices (in South Ossetia and Abkhazia)<sup>23</sup> and has acted internationally as an unrecognised state. Scope and focus of future international activities of Transnistria and TRNC will be determined not only by various exogenous and endogenous factors, including the extent of autonomy that they may be given, but also by the decisions that they will make during these critical junctures.

Further theoretical deepening of the interplay between institutionalisation and diversification of external relations is also needed. Fine-tuning of the two stage argument would include defining variables that would differentiate more clearly two phases of the evolution. The investigation could also be expanded to what happens after the last stage, in other words after the institutions are established and external relations consolidated. One could examine whether they persist, follow particular

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<sup>21</sup> Ibid

<sup>22</sup> Turkey is the only country, which has formally recognized TRNC as a sovereign state. TRNC has an ambassador in Ankara and Consulates in Istanbul, Mersin and Izmir. For more information on TRNC network see <http://mfa.gov.ct.tr/consular-info/missions-abroad/>

<sup>23</sup> See Ministry of Foreign Affairs of Pridnestroian Moldavian Republic Web site <http://mfa->

pathways and have self-reinforcing qualities, as historical institutionalists would argue.

Although this thesis makes a significant contribution to the understanding of the process of internationalisation of sub-state units, its findings do not provide a full account of the phenomenon, as this study is restricted to those federated units and regions having a distinctive identity. Further research is therefore needed in the form of comparative studies that would include also sub-state units whose internationalisation is driven by purely economic reasons. Such investigation could focus on the evolution of their external relations, their international priorities and objectives. Questions could include the following: How and to what extent do they institutionalise their external relations? Do their priorities and preferences change with the establishment of institutions? What kind of development pattern their international agency is likely to follow? Does their international agency evolve differently than the ones of regions with distinctive identity and if so why? Such inquiry would enrich the understanding of the phenomenon and provide more insight in the future perspectives of the internationalisation of sub-state units.

## Appendix 1

### List of interviews:

For Flanders:

1. Andries, Mark, Chief of Cabinet Minister-President Geert Bourgeois Government of Flanders, interview by author, tape recording, 16<sup>th</sup> June, 2016
2. Buyse, Axel, General Representative of the Government of Flanders to the Netherlands, interview by author, tape recording, 5<sup>th</sup> July, 2016
3. Catrysse, Bernard, Director of the Flemish Centre in Tokyo, interview by author, tape recording, 10<sup>th</sup> September, 2016
4. Dierckx, Kris, General Representative of the Government of Flanders to the UN, interview by author, email, 19<sup>th</sup> June, 2016
5. D'Hoest, Tijs, Policy Advisor in Flanders Department of Foreign Affairs and Secretary General of the Flemish Commission for UNESCO, interview by author, tape recording, 28<sup>th</sup> June, 2016
6. De Proost, Geert, General Representative of the Government of Flanders to the USA, interview by author, tape recording, 20<sup>th</sup> May, 2016
7. Lieater, Pieter, Agriculture Attaché, General Representation of the Government of Flanders to the EU, interview by author, email, 4<sup>th</sup> November, 2016
8. Maenaut, David, General Representative of the Government of Flanders to Austria, tape recording, 27<sup>th</sup> July, 2016
9. Pynnaert, Mieke, FIT Commissioner, Montreal, interview by author, tape recording 17<sup>th</sup> August, 2016
10. Reymenants, Geraldine, General Representative of the Government of Flanders to South Africa, interview by author, tape recording, 20<sup>th</sup> April, 2016
11. Senior Civil Servant, the Government of Belgium, interview by author, tape recording, 2<sup>nd</sup> June, 2016
12. Theunissen, Hendrik, Deputy Head of Cabinet Foreign Affairs, Geert Bourgeois Minister-president of the Flemish Government, interview by author, tape recording, 10<sup>th</sup> June, 2016
13. Vreven, Line, Director North America, Visit Flanders, interview by author, tape recording, 26<sup>th</sup> July, 2016
14. Willems, Dries, Deputy General Representative of the Government of Flanders, Representative of Government of Flanders to UNESCO, OECD and the Council of Europe, interview by author, tape recording, 9<sup>th</sup> August, 2016
15. Wantens, Yves, General Representative of the Government of Flanders to Poland and the Baltic States, interview by author, tape recording, 25<sup>th</sup> April, 2016
16. Vreven, Line, Director North America, Visit Flanders, interview by author, tape recording, 26<sup>th</sup> July, 2016

For the Republika Srpska:

1. B&H diplomat and former senior civil servant at the RS Government, interview by author, tape recording, Banja Luka, 29 December, 2015
2. B&H ambassador from the RS, interview by author, email, 25 January, 2016
3. Belina, Zeljko, secretary of the Committee for EU integration and regional cooperation, interview by author, audio recording, Banja Luka, 5<sup>th</sup> May, 2016

4. Cicovic, Mladjen, Director of the RS Representation Office in Serbia, interview by author, email, 25<sup>th</sup> May 2016
5. Cubrilovic, Nenad, Speaker of the RS National Assembly, interview by author, tape recording, Banja Luka, 26 February, 2016
6. Davidovic, Igor, advisor to the Speaker of the RS National Assembly, B&H ambassador to EU (2011-2014), OSCE (2008-2011) and USA (2000-2005), chief negotiator of B&H for the EU SAA (2005-2008), Head of the Cabinet of RS Prime Minister (1998-2000), interview by author, tape recording, Banja Luka, 10th March, 2016
7. Filipovic, Mladen, Director of the RS Representation Office in Austria, interview by author, tape recording, phone 4<sup>th</sup> February, 2016
8. Former B&H ambassador from the RS, interview by author, email, 21 April, 2016
9. Latinovic, Djordje, ambassador of Bosnia and Herzegovina to Montenegro (2014-), advisor to the Serb member of the Presidency of Bosnia and Herzegovina (2006-2014), chief of staff of the Republika Srpska Prime Minister (1998-2001), interview by author, email, 10<sup>th</sup> October, 2016
10. Livne, Arie, interview by author, tape recording, Banja Luka, 2<sup>nd</sup> May, 2016
11. Kesic, Obrad, Director of RS Representation Office in Washington, interview by author, audio recording, Banja Luka, 3<sup>rd</sup> March, 2016
12. Mazalica, Srdjan, member of the Committee for EU integration and regional cooperation at the National Assembly of the Republika Srpska, interview by author, email, 18<sup>th</sup> December, 2015
13. Petrovic, Danilo, (a former foreign policy advisor to former member of the Presidency of B&H from the Republika Srpska Nebojsa Radmanovic), interview by author, tape recording, Banja Luka, 18 November, 2015
14. Racic, Goran, President of the Chamber of Commerce of Banja Luka, interview by author, tape recording, 15<sup>th</sup> June, 2016, Banja Luka
15. Radmanovic, Nebojsa, Serb delegate in the B&H House of Peoples, member of the B&H Presidency from the Republika Srpska (two mandates 2006-2010 and 2010-2014), interview by author, tape recording, Banja Luka, 9 April, 2015
16. Representative of the EU delegation to Bosnia and Herzegovina, interview by author, tape recording, 8<sup>th</sup> September, 2016
17. Senior RS Government Official 1, interview by author, tape recording, Banja Luka, 16<sup>th</sup> December, 2015
18. Senior RS Government Official 2, interview by author, tape recording, Banja Luka, May, 28<sup>th</sup>, 2016
19. Senior civil servant 1 (RS Government), interview by author, email, 19 April, 2016
20. Senior civil servant 2 (RS Government), interview by author, tape recording, 6<sup>th</sup> June, 2016
21. Vranjes, Aleksandar, Advisor to the RS President, interview by author, tape recording, Banja Luka, 8th March, 2016

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