



# COMPARISON OF NATIONAL FRAMEWORKS FOR PARADIPLOMACY IN CZECH, POLISH AND SLOVAK REGIONS

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This article offers a comparative overview of the legislative and institutional frameworks for the paradiplomacy undertaken by regions in Czechia, Poland and Slovakia. The national frameworks are compared using the following criteria: first, the regions' legal competences regarding international cooperation with foreign partners in parallel with national diplomacy; second, European policy (by which we mean two correlated components of regional policies, first, how these relate to national government policy concerning access to the management of EU structural funds, and second, the regions' paradiplomacy at the EU level); and third, relations between the regions and the national government, which are identified using the following two sub-criteria, first, government control and supervision of regional paradiplomacy, and, second, government support for regional paradiplomacy.

Most paradiplomacy researchers agree that engagement by sub-national actors' (regional and local governments) in paradiplomacy is largely influenced by their status in the constitutional system of public administration, the legislation underpinning their competences and by their political relations with national governments, which often depend on party politics and personal ties between politicians at the central and regional levels.<sup>1</sup> Panayotis Soldatos (1990) posits that intergovernmental relations (between national central governments and regional governments) of paradiplomacy exhibit four main patterns:

1. *Cooperative-coordinated pattern.* Regional involvement in international relations takes place as part of formal or informal coordination with the national government;
2. *Cooperative-joint pattern.* Paradiplomacy is a formal or informal part of national foreign policy;
3. *Parallel-harmony pattern.* Regional governments act independently in the international arena within their competences; however, their actions are harmonized and do not contradict national foreign affairs; and
4. *Parallel-disharmony pattern.* The external actions of regional authorities conflict with national government

<sup>1</sup> For a good review of the research and literature in the field, see Kuznetsov, Alexander (2015) *Theory and Practice of Paradiplomacy: Subnational governments in international affairs*. Routledge; see also, for instance, Aguirre, Iñaki (1999) "Making sense of paradiplomacy? An intertextual enquiry about a concept in search of a definition." *Regional & Federal Studies*, 9:1, 185-209; Duchacek, Ivo (1986) "International Competence of Subnational Governments: Borderlines and Beyond," in Martinez, Oscar J. (ed.) *Across Boundaries: Transborder Interaction in Comparative Perspective*. Texas Western Press; Hantsche, Philipp (2020) *The State of Paradiplomacy: Sub-State Entities as the Better Representatives of Population? Towards an Analytical Framework*. UNU-CRIS Working Paper Series, no. 8, December 2020; Hocking, Brian (1993) *Localizing Foreign Policy: Non-Central Governments and Multilayered Diplomacy*. Palgrave Macmillan; Segura, Caterina G., and Etherington, John (2017) "National State Foreign Policy and Regional External Action: An Uneasy Relationship." *Euborders Working Paper 07*, September 2017; Tavares, Rodrigo (2016) *Paradiplomacy: Cities and States as Global Players*. New York: Oxford University Press.

policy. The central government has no administrative power mechanism for controlling subnational entities' activities in the international arena and consequently paradiplomacy de-facto becomes diplomacy.<sup>2</sup>

Regional actors' powers arise from the national constitutional and legal order, including their position and leverage in the public administration system. This determines their capacity to act at home and abroad, and their relations with central government, which involve two sometimes contradictory elements creating an inherent tension. This means that the basic parameters of the national framework for regional paradiplomacy consists of the natural efforts of central governments to exert control over regional paradiplomacy, on the one hand, and central government support for regional diplomacy (not always provided) on the other.

The aim of this paper is to ascertain which of Soldatos's patterns of intergovernmental relations in paradiplomacy most accurately characterizes the national frameworks for regional paradiplomacy in Czechia, Poland and Slovakia.

## 1. Similarities

### 1.1. Roles in the public administration system and competencies

A good starting point for a comparative analysis of the national frameworks for Czech, Polish and Slovak regional paradiplomacy is the finding that the public administration reforms in these countries that led to the establishment of the regional (higher territorial) self-governments were implemented in similar ways, with similar, but not identical, outcomes regarding the status and administrative competences of the regions vis-a-vis the public administration system.<sup>3</sup>

The constitutions of Slovakia (1992), Czechia (1993) and Poland (1997), adopted after the change in political regime at the turn of the 1980s and 1990s, allowed for the establishment of higher territorial units in the form of self-governing regions.<sup>4</sup> In all three countries these

<sup>2</sup> Soldatos, Panayotis (1990) "An Explanatory Framework for the Study of Federated States as Foreign-policy Actors", in Michelmann, Hans J. and Soldatos, Panayotis (eds), *Federalism and International Relations: The Role of Subnational Units*. Oxford: Clarendon Press, pp. 38-40; see also Kuznetsov, Alexander (2015), *ibid.* p. 114.

<sup>3</sup> For a comparative analytical overview of the public administration reforms in the Central European countries, including Czechia, Poland and Slovakia, see Mazur, Stanislaw (ed., 2020) *Public Administration in Central Europe: Ideas and Causes of Reforms*. Routledge.

<sup>4</sup> "Ústava Slovenskej republiky (Zákon č. 460/1992 Zb.)" [Constitution of the Slovak Republic (Act no. 460/1992 Coll.)]. *Slov-Lex*, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/> (accessed on May 6, 2021); "Ústava České republiky (Ústavní zákon č. 1/1993 Sb.)" [Constitution of the Czech Republic (Constitutional Act no. 1/1993 Coll.)]. *Epi.sk*, <https://www.epi.sk/zzcr/1993-1> (accessed on May 6, 2021); "Konstytucja Rzeczypospolitej Polskiej" [Constitution of the Republic of Poland]. *Sejm Rzeczypospolitej*

constitutional provisions were implemented through the adoption of specific laws establishing higher territorial self-government at the regional level, setting out the self-governing regions' administrative competences, including those related to international cooperation. A substantial part of the public administration reforms was underpinned by the legislation on the establishment of self-governing regions, on fiscal decentralization and on the transfer of administrative competencies from central government. A law establishing self-governing regions was adopted in Poland in 1998, in Czechia in 2000 and in Slovakia in 2001.<sup>5</sup>

The Polish system of public administration differs from the Czech and Slovak systems in two important respects. The first difference lies in the existence in Poland of a central state administration at the regional level headed by the governor (*voivode*). At the regional level the administrative authority is thus shared between the governor, appointed by the government, and the self-governing authorities. The governor is the regional representative of the central government and acts on behalf of the central government institutions at the regional level. The governor and the prime minister are both responsible for checking that the activities of self-governing regional and local authorities adhere to the law.<sup>6</sup> The regional parliaments (*sejmiks*) are elected in direct regional elections and the executive head of the self-governing region (the *marszałek* or marshal) is elected by the regional parliaments. The regional parliaments pass laws, including ones relating to regional development strategies and the budget. The executive administration of the region, headed by the marshal, drafts the budget and development strategies, implements the resolutions of the regional parliament, manages the region's property, and develops regional policies, including ones relating to international cooperation.<sup>7</sup>

Neither Czechia or Slovakia have such a dual or parallel system in which the public administration is shared between the state and self-governing authorities at the regional level. The state administration is run by the central level (national government) and the lower local level (district offices); there is no regional level of state administration in Czechia and Slovakia. The second difference concerns the existence of an intermediary level

of territorial self-governance in Poland: the counties (*powiaty*) – which operate between the regions (voivodships) and the municipalities (*gminy*). Thus, while in Poland territorial self-government has a three-level structure (region – district – municipality) with a state administration presence at the regional level, in Czechia and Slovakia there are two levels – the self-governing regions and the municipalities, with no state administration at the regional level.<sup>8</sup>

The legislation on the administrative competences of the self-governing regions does not fundamentally differ between Czechia, Poland and Slovakia. The regional authorities are responsible for regional and land development, including spatial planning, secondary (higher) education, social services, environment, regional road network and public transport, health care services (hospitals), tourism, culture, sport, youth, public safety, including prevention of criminality, civil protection, fire safety, and other matters delegated by the central authorities. Some competences are country-specific, e.g. in Poland the regional authorities deal with economic policy and employment, while in Slovakia, the regions are responsible for granting licenses to pharmacies and private physicians.<sup>9</sup>

Although the administrative competences of the regional self-governing authorities are comparable between the three countries, there is one fundamental difference in the exercise of these competences, which stems from the different system of public administration in Poland, compared to those in Czechia and Slovakia. In Poland the mixed system of governance at the regional level presupposes close interaction and coordination between the *voivode*, who represents the central government in the region, and the *marshal*, who is the highest representative of the regional self-governing authority. Both are responsible for managing regional policy, within their competences, and to contributing to the development of the region, so they have to cooperate and coordinate their actions. Where the cooperation between them is harmonious, it benefits the region, bringing effective communication with the central government and governmental support for regional policies. Where the relationship is less harmonious, the regional self-governing authorities inevitably face problems achieving

*Polskiej*, <https://www.sejm.gov.pl/prawo/konst/polski/kon1.htm> (accessed on May 6, 2021).

<sup>5</sup> “Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa” [Act of 5 June 1998 on the self-government of the voivodeships]. *Dz. U. 1998 nr 91 poz. 576. Internetowy system Aktów Prawnych*, <http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDu19980910576> (accessed on May 11, 2021); “Zákon č. 129/2000 Sb. o krajích (krajské zřízení)” [Act no. 129/2000 Coll. on regions (establishment of regions)]. *Poslanecká sněmovna parlamentu České republiky*, <https://www.psp.cz/sqw/sbirka.sqw?r=2000&cz=129> (accessed on May 11, 2021); “Zákon č. 302/2001 Z. z. o samosprávě vyšších územních celků (zákon o samosprávných krajoch)” [Act no. 302/2001 Coll. on self-governance of higher territorial units (self-governing regions)]. *Slov-lex*, <https://www.slov-lex.sk/static/pdf/2001/2001c38.pdf> (accessed: January 22, 2021).

<sup>6</sup> “Ustawa z dnia 23 stycznia 2009 r. o wojewodzie i administracji rządowej w województwie” [Act of 23 January on Voivode and the state administration in voivodship]. *Dz. U. 2009 nr 31 poz. 206. Internetowy system Aktów Prawnych*, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20090310206> (accessed on May 13, 2021).

<sup>7</sup> “Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa”, *ibid.*

<sup>8</sup> For a comparative perspective on public administration systems, including the competences of regional and local authorities in the V4 countries and Ukraine see – *Comparative analysis on the competencies of regional and local actors in the field of CBC of the 5 countries*. Budapest: CESCO, 2021, <https://budapest.cesci-net.eu/en/comparative-analysis-on-the-competencies-of-regional-and-local-authorities-in-the-field-of-cbc-of-the-5-countries/> (accessed on May 1, 2021).

<sup>9</sup> *Ibid.*; see also *Local and Regional Government in Europe: Structures and Competences*. Council of European Municipalities and Regions, [https://www.ccre.org/docs/Local\\_and\\_Regional\\_Government\\_in\\_Europe.EN.pdf](https://www.ccre.org/docs/Local_and_Regional_Government_in_Europe.EN.pdf) (accessed on May 11, 2021).

their goals, including in paradiplomacy. Where the outcomes of national and regional elections diverge, that is, the *voivode* and the *marshal* do not represent the same political parties, the risk is that regional policies will be less effective. In such situations achieving a harmonious relationship between the state and self-government at regional level depends on informal factors that cannot be foreseen or legally guaranteed, i.e. on whether the highest representatives of the state and the self-governing powers at the regional level have the personal qualities and capacities that enable them to reach agreement and act jointly and in a coordinated manner.

The Czech and Slovak self-governing regions face no such risk because there is no state authority at the regional level with whom they have to share management and coordinate the implementation of regional policies. The regional level of state administration in both countries was abolished as a result of the public administration reforms at the turn of 1990s and 2000s. Of course there is a risk in Czechia and Slovakia of communication between the regions and central government being hampered if the regional election results differ from the national ones, i.e. the regional leaders do not represent any of the political parties making up the national government. Nevertheless, leaders of the Czech and Slovak regions have a freer hand to exercise their competencies within their regions since there is no need for them to continually coordinate their policies with state administration bodies. This applies to international cooperation as well.

## 1.2. European legal framework: common grounds of regional paradiplomacy

Another common feature the regional authorities in the three countries share in international cooperation is that their competences are anchored in the European legal framework that has been incorporated into the national legislations. It consists of two main parts: first, the Council of Europe (CoE) conventions, and second, the European Union legal acts that the three countries either harmonized or transposed through national laws during the accession process after gaining EU membership in 2004.

The Council of Europe's Madrid Convention of 1980 and the additional protocols, including the European Charter

of Local Self-Government of 1985, set out the regional and local paradiplomatic competences for CoE member states to follow. The CoE legal framework has played a crucial role in ensuring harmony among the national legislations of the CoE member states, including EU ones. It also served as guidance for public administration reforms, particularly for the post-communist countries of Central and Eastern Europe when establishing the international cooperation rights of regional authorities from the 1990s to 2010s.<sup>10</sup> The Madrid Convention provides the building blocks for the national legal frameworks for paradiplomacy in the three countries examined here. It was incorporated into the Polish national legislation as early as in 1993, followed by Czechia and Slovakia in 2000.<sup>11</sup>

In addition to the CoE legal framework, the political leverage of regional authorities in EU member states, including over paradiplomacy, was enhanced by the EU Regulations on European Structural and Investment Funds, first adopted in 1993. First, they strengthened the position of the regions vis-à-vis their national governments regarding EU cohesion policy, and second, they provided access to key resources for regions seeking to finance their paradiplomatic activities both within and beyond the EU's borders.<sup>12</sup>

Furthermore, in 2006 the EU adopted the Regulation on European Grouping of Territorial Cooperation (EGTC). The aim of this regulation was to eliminate barriers to cooperation between regional and local authorities caused by differences in the national legislation regulating their competencies. EGTCs are legal entities established by members from at least two member states or one member state and a third country that have the right to own property, employ staff and enter into contractual relations with other legal entities. In other words, EGTCs are a legal means of enabling regional and local authorities to cooperate with partners inside and outside the EU that applies to all member states and is transposed into the national legislations.<sup>13</sup> Slovakia transposed the regulation in 2008 through the adoption of Act no. 90/2008 Coll. on EGTC and Act no. 540/2001 Coll. on state statistics. Poland followed in the same year, adopting the Act of 7 November 2008 on EGTC. Czechia was last to do so in 2009, by amending Act no. 154/2009 Coll. amending Act no. 248/2000 Coll. on support for regional development.<sup>14</sup>

<sup>10</sup> *European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities*. European Treaty Series – No. 106. Council of Europe, Madrid, 21.V.1980; *Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities*. European Treaty Series – No. 159. Council of Europe, Strasbourg, 9.XI.1995; *Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial cooperation*. European Treaty Series - No. 169. Council of Europe, Strasbourg, 5.V.1998; Protocol No. 3 to the *European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Cooperation Groupings (ECGs)*. European Treaty Series - No. 206. Council of Europe, Utrecht, 16.XI.2009; *European Charter of Local Self-Government*. European Treaty Series – No. 122. Council of Europe, Strasbourg, 15.X.1985.

<sup>11</sup> "Chart of signatures and ratifications of Treaty 106. Status as of 12/05/2021." *Council of Europe*, <https://www.coe.int/en/web/conventions/full-list/>

[/conventions/treaty/106/signatures?p\\_auth=vir0lz7J](#) (accessed on May 12, 2021).

<sup>12</sup> For an overview of the EU Regulations see "Structural Funds Regulations 1994–1999." *European Commission*, [https://ec.europa.eu/regional\\_policy/en/information/legislation/regulations/1994-1999/](https://ec.europa.eu/regional_policy/en/information/legislation/regulations/1994-1999/) (accessed on April 27, 2021).

<sup>13</sup> "Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC)." *Official Journal of the European Union*, 31.7.2006, L 210/19-L 210/24; see also – "Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC)." *Official Journal of the European Union*, 20.12.2013, L 347/303-L 347/319.

<sup>14</sup> "Zákon č. 90/2008 Z.z. o európskom zoskupení územnej spolupráce a o doplnení zákona č. 540/2001 Z. z. o štátnej štatistike v znení neskorších predpisov" [Act no. 90/2008 Coll. on European grouping of territorial cooperation and Act no. 540/2001 Coll. on state statistics, as amended]. *Zákony pre ľudí*,

Looking at the dynamics of public administration reforms in the post-communist period, including the establishment of self-governing regions and endowing them with the right to international cooperation, it can be argued that Poland progressed faster than Czechia and Slovakia. Poland adopted Madrid Convention no. 106 relatively quickly, in 1993, while Czechia and Slovakia adopted it seven years later.<sup>15</sup> Poland was also faster to adopt a law establishing the self-governing regions in 1998, followed by Czechia in 2000 and Slovakia in 2001.<sup>16</sup> The public administration reforms in Czechia and Slovakia progressed at around the same speed, despite the differences in political development in the 1990s. It is notable that in the 1990s the political elites ruling the countries had different approaches to building democratic institutions. In particular the autocratic style of rule in Slovakia under the government led by Vladimír Mečiar in 1994–1998 stands out, as it led Slovakia to be excluded from the first round of NATO and EU enlargement, owing to non-compliance with the political criteria for membership, whereas Czechia, Hungary and Poland continued to make progress. Mečiar’s government did not undertake any reforms strengthening the role of self-government in the Slovak public administration system.<sup>17</sup> Despite Slovakia having lost time in implementing the reforms, taking more than one electoral term in the 1990s to do so, the public administration reforms leading to the establishment of the self-governing regions took place at roughly the same time as those in Czechia, at the turn of the 1990s and 2000s.

In the end, the self-governing regions in all three countries gained the right to establish and develop cooperation with foreign partners, especially with self-governing regions in other countries or with state authorities in other countries responsible for regional territorial governance, including the right to become members of international regional associations. These rights apply to cooperation with foreign partners within the scope of the administrative competences set out in the national legislation. The legislation on regional paradiplomacy, and particularly their *rights to cooperate* with foreign partners, is similar in all three countries, as it was drafted in line with the common European legal framework. The differences lie in the legislation determining *how they cooperate* and in the everyday practices of relations between the regions and the national central governments regarding foreign affairs.

## 2. Differences

<https://www.zakonypreludi.sk/zz/2008-90> (accessed on May 13, 2021); “Ustawa z dnia 7 listopada 2008 r. o europejskim ugrupowaniu współpracy terytorialnej” [Act of 7 November 2008 on EGTC]. *Dz.U. 2008 nr 218 poz. 1390. Internetowy system Aktów Prawnych*, <http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20082181390> (accessed on May 13, 2021); “Zákon č. 154/2009 Sb. kterým se mění zákon č. 248/2000 Sb. o podpoře regionálního rozvoje, ve znění pozdějších předpisů, zákon č. 218/2000 Sb. o rozpočtových pravidlech a o změně některých souvisejících zákonů (rozpočtová pravidla), ve znění pozdějších předpisů, a zákon č. 89/1995 Sb. o státní statistické službě, ve znění pozdějších předpisů” [Act no. 154/2009 Coll. amending Act no. 248/2000 Coll. on the support of regional development, as amended, Act no. 218/2000 Coll. on budgetary rules and on the amendment of certain related acts (budgetary rules), as amended, and Act no. 89/1995 Coll. on state

### 2.1. Regions’ European policy: geography matters

The differences between the regions in the three countries are particularly noticeable in “European policy”, by which we mean not only contacts with the EU institutions and cooperation with regions in other EU member states, but also their involvement in the management of European funds at the national level. This is evident especially in the regions’ access to the EU structural and investment funds, which represent a significant source of investment for regional development, and which depend greatly on relations with the national government.

The basic geographical data (area and population) show that Polish regions (16 voivodships –NUTS2 level) are on average about twice as large as the Czech regions (14 regions [*kraje*], including the capital city Prague – NUTS3) and about three times larger than the Slovak ones (8 regions – NUTS3 [*kraje*]). Consequently, on average the Czech regions are about twice as large as the Slovak ones. Although there are no major legislative differences regarding their competence, the size of the regions is an important factor determining their “political weight” in developing international cooperation. For foreign partners larger regions with greater economic potential and larger populations are more attractive. Hence the Polish regions have greater paradiplomatic potential than the Czech and Slovak ones, and this applies to comparisons of the Czech regions and the Slovak regions as well.

The region’s geography is also important when planning EU cohesion policy, including the allocation of EU structural funds. Under EU cohesion policy programming, NUTS 2 level regions (Polish voivodships) are defined as “basic regions for the application of regional policies.” NUTS 3 regions (Czech and Slovak regions) are defined as “small regions for specific diagnoses.”<sup>18</sup> In terms of regional development programming, the Polish voivodships represent self-sufficient territorial units insofar as the application of EU cohesion policy is concerned, which makes it easier for them to plan the use of EU structural funds, including access to managing the funds. Whereas if the Czech and Slovak regions want their regional development plans to reflect EU cohesion policy, they can only achieve this by coordinating with neighboring regions. In other words, additional political effort is required but there is no guaranteed outcome because agreements with other regions depend on political factors that are not always predictable. As the Czech experience of the 2007–2013 programming period shows,

statistical service, as amended]. *Epi.sk*,

<https://www.epi.sk/zzcr/2009-154> (accessed on May 13, 2021).

<sup>15</sup> “Chart of signatures and ratifications of Treaty 106. Status as of 12/05/2021,” *ibid*.

<sup>16</sup> “Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa”, *ibid*.; “Zákon č. 129/2000 Sb. o krajích (krajské zřízení),” *ibid*.; “Zákon č. 302/2001 Z. z. o samosprávě vyšších územních celkov (zákon o samosprávných krajoch),” *ibid*.

<sup>17</sup> For more see Nižňanský, Viktor (2005) *Decentralizácia na Slovensku. Bilancia nekonečného príbehu 1995-2005* [Decentralization in Slovakia. The audit of the never-ending story 1995–2005]. Bratislava: Úrad vlády SR.

<sup>18</sup> “NUTS – Nomenclature of territorial units for statistics.” *Eurostat*, <https://ec.europa.eu/eurostat/web/nuts/background> (accessed on May 16, 2021).

firstly, these efforts do not always turn out well, and secondly, the need to coordinate with other regions requires greater political leverage and coordination from the government.<sup>19</sup> Unlike in Czechia, the Slovak regions have not yet attempted to enter into agreements with regional coalitions to create regional alliances corresponding to the NUTS 2 statistical units.

In addition, the size of the region has a significant impact on political leverage in national politics and positioning towards central governments. The greater the region's economic and population potential, the stronger its capacity to influence government decision-making, and consequently, its capacity to engage in paradiplomacy. One of the main factors affecting ability to access the EU structural funds is the geographical differences between regions as these have a significant impact on the "political weight" of the region vis-à-vis the central government. As already mentioned above, the EU funds have been one of the main sources of finances available for developing the Czech, Polish and Slovak regions since these countries joined the EU in 2004. Level of access to the management of EU funds is indicative of the extent to which regions can control the available resources and plan their own development.

In Poland 41.5% of the EU's Operational Programs (OPs) for the 2014–2020 financial perspective were managed at the regional level (16 regional Ops, and OP Eastern Poland).<sup>20</sup> There are hundreds of millions of euros, and in the case of the Polish regions billions, available for regional development. It is also evident that they are interested in accessing and gaining control over these resources. As a measure of the effectiveness of the relationship between the national government and the regions in absorbing the EU structural funds, the Polish legislation and practice may serve as inspiration for other EU member states, not just the "new" ones.<sup>21</sup> The Partnership Agreement is negotiated by the "European Commission – national government – self-governing regions" triangle, which means that the regions have to lobby and promote their interests vis-à-vis both the national government and the European Commission. The Polish voivodships each have a regional office in Brussels.<sup>22</sup>

<sup>19</sup> For more see - Baun, Michael and Dan Marek (2017) "The Limits of Regionalization: The Intergovernmental Struggle over EU Cohesion Policy in the Czech Republic." *East European Politics and Societies: and Cultures*, Vol. 31, Issue 4, 863-884.

<sup>20</sup> "Country Data for: Poland. European Structural and Investment Funds." *European Commission*, <https://cohesiondata.ec.europa.eu/countries/PL#> (accessed on May 1, 2021).

<sup>21</sup> Cooperation between the Polish government and the regions on drafting a partnership agreement, with the participation of regions in the management of regional OPs is regulated by "Ustawa z dnia 6 grudnia 2006 r. o zasadach prowadzenia polityki rozwoju" [Act of 6 December 2006 on the principles of the implementation of development policy]. *Dz.U. 2006 nr 227 poz. 1658. Internetowy System Aktów Prawnych*, <https://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20062271658> (accessed on May 16, 2021); for an evaluation of the performance of new member states in absorbing the EU structural funds see – *EU Funds in Central and Eastern Europe. Progress Report 2007-2015*. KPMG, <https://assets.kpmg/content/dam/kpmg/pdf/2016/06/EU-Funds-in-Central-and-Eastern-Europe.pdf> (accessed on May 16, 2021).

In Slovakia, under Act no. 528/2008 Coll. on assistance and support provided from the European Community Funds,<sup>23</sup> the regions cannot administer the OPs independently of the government. Under the law, the self-governing regions, together with ministries and other central state administration bodies, are considered "intermediary bodies" in the administration of OPs. The self-governing regions can only administer OPs if they have been empowered to do so by both the government and the "managing authority" of the operational program, which is a central state administration body entrusted by the government. The law is worded such that the government decides to what extent the regions are involved in the management of the OPs. The government invites the Slovak regions to engage in the consultations on the preparations for the partnership agreement for the EU funding for the upcoming financial perspective. The regions play an important role in preparing the Interreg cross-border cooperation programs and are also invited onto the monitoring committees dealing with the OP implementation; however, they are not fully involved in access to the management of OPs. In an interview, representatives of Slovak regions stated that they were more involved in the management of OPs under the shorter financial perspective, 2004–2006, because they had co-ownership of the OP management.<sup>24</sup> Following the adoption of Act no. 528/2008 as mentioned above, the regions found that their position regarding the administration of the longer OP programming periods of 2007–2013 and 2014–2020 gradually weakened, while that of the government strengthened. In these last two EU programming periods the Ministry of Agriculture and Rural Development of the Slovak Republic set up and managed one integrated regional OP (in 2020 it was transferred to the Ministry of Investments, Regional Development and Innovations of the Slovak Republic; MIRD). The fact that the system for managing EU funds is highly centralized in the hands of the government may well be one of the main factors explaining why Slovakia has one of the slowest and inefficient rates of absorbing EU structural funds.<sup>25</sup>

The Czech situation is similar to that of Slovakia. In the 2007–2013 programming period, the Czech regions had direct access to the management of regional OPs. There

<sup>22</sup> For comparison, four (of 8) Slovak regions and four (of 14) Czech regions, including the capital city Prague, have representation offices in Brussels: "Regional offices of organizations." *Committee of Regions*, <https://cor.europa.eu/en/members/Documents/regional-offices-organisations.pdf> (accessed on May 16, 2021).

<sup>23</sup> "Zákon č. 528/2008 Z.z. o pomoci a podpore poskytovanej z fondov Európskeho spoločenstva" [Act no. 528/2008 Coll. on assistance and support provided from the European Community Funds]. *Slov-Lex.sk*, <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/528/20090707.html> (accessed on May 16, 2021).

<sup>24</sup> Interview with representatives of the Office of Trnava Self-Governing Region, October 20, 2020.

<sup>25</sup> Drapáková, Dáša and Marián Koreň (2020) "Eurofondy začínajú odznova: Ako ich Slovensko čerpalo doteraz?" [Eurofunds start all over again: How has Slovakia done so far?]. *EURACTIV.sk*, March 24, 2020, <https://euractiv.sk/section/ekonomika-a-euro/infographic/eurofondy-zacinaju-odznova-ako-ich-slovensko-čerpalo-doteraz-infografika/> (accessed on May 16, 2021).

were eight regional OPs managed by the regional authorities, who created OP Management Committees consisting of several regions to comply with the NUTS 2 statistical unit ruling. However, owing to misuse of the European funds by regional politicians and businesses, the Czech government decided to close down the regional OPs.<sup>26</sup> Starting from the 2014–2020 programming period, an Integrated Regional OP (IROP) was set up under the Ministry for Local Development of the Czech Republic. The IROP Management Committee and working groups consist of the regions and around 20 other partners.<sup>27</sup> As a result, the Czech regions have lost direct access to managing the EU's structural funds.

In Slovakia and Czechia, there were no regional OPs managed by regional authorities for the most recent financial perspective (2014–2021) and the regions do not have direct access to managing the EU structural funds. Central governments invite them to engage in the consultations on preparations for the partnership agreement for the upcoming EU financial perspective. They play an important role in preparations for the Interreg cross-border cooperation programs and are invited to the OP implementation monitoring committees. Neither the Czech nor the Slovak regions have full access to the management of OPs; although they do co-administer parts of the Interreg programs, including “micro-projects.”

It is evident that the Polish regions, with their direct access to managing the OPs at the national level, are much more motivated to strengthen and finance their representations to the EU institutions and their presence in Brussels than the Czech and Slovak regions are, which lack such direct access at the national level. This difference in access to the management of EU funds explains the key difference in the European policy of the Polish regions, on the one hand, as they are motivated to develop active contacts and cooperation with the EU institutions in Brussels, and with the Slovak and Czech regions on the other, as they do not have the same level of motivation. As already mentioned each Polish region has a representation office in Brussels, whereas less than half the Slovak and Czech regions do.<sup>28</sup> The Czech and Slovak regions need to gain greater control over the EU structural funds vis-à-vis the national government. It is after all part of their “external” relations, both because it is about gaining control over the external resources for developing the region and, first and foremost, it is about the domestic side of the political relationship at the national level, not merely part of the region's “pure” paradiplomacy and relationship with the foreign partner. The Czech and Slovak regions cannot achieve as much their Polish counterparts in European policy and that is one of the

main elements distinguishing the regional paradiplomacy of the three countries.

## 2.2. Government supervision

The conditions for regional paradiplomacy in the three countries also differ in the nature of the relations between the regions and the central government. In all three countries the legislation stipulates that the regions' international cooperation cannot conflict with the country's constitution, laws, international agreements and obligations and/or public interest (the constitutions of Czechia, Poland and Slovakia are almost identical, as are the laws on establishing self-governing regions and the relevant legal acts).<sup>29</sup> However, the laws relating to state control of regional paradiplomacy differ from country to country, as do the everyday political practices of intergovernmental relations.

Poland's legislation enables the highest level of direct state intervention in the regions' international cooperation. The foreign minister has to approve any planning documents the regional self-governing authorities adopt in relation to paradiplomacy, including agreements with foreign partners. The foreign ministry's approval is required at the final stage, before the agreement can be signed. The regions can initiate, negotiate and draft agreements on their own but the MFA has to approve any agreements. This motivates the Polish regions to consult the MFA on an ongoing basis when concluding agreements with foreign partners, and not just before the signing, in order to avoid any misunderstandings.<sup>30</sup>

Neither the Czech nor the Slovak legislation provides for the state authorities to have such direct supervisory and interventional competences over regional paradiplomacy. In neither country do the regions have a duty (formal or informal) to consult the central authorities on their international agreements including the drafting and nor is there a mechanism for central government to supervise the regions' paradiplomacy. Obligations can only be imposed on the regions by law or through an international agreement, and their paradiplomatic activities can only be terminated by the courts. According to the Czech Constitution, the “state may intervene in the affairs of territorial self-governing units only where required do so to protect the law and only in a manner provided for by the Constitution” and this applies to all the regions' competencies, including international cooperation.<sup>31</sup> The Slovak legislation does not even mention state intervention in the affairs of the self-governing regions. The Slovak Constitution, and the related legal act, stipulates that obligations may only be imposed on regions

<sup>26</sup> “Usnesení vlády ČR ze dne 18. ledna 2012 č. 42 a související Soubor Rámcových pozic k návrhům nařízení pro fondy Společného strategického rámce EU pro období 2014–2020 týkajících se strukturálních fondů” [Resolution of the Government of the Czech Republic of 18 January 2012 no. 42 and related Set of Framework Positions on the proposals for the regulations on the funds of the EU's Common Strategic Framework for the period 2014–2020 concerning the Structural Funds] *Přehled zákonu, vyhlásek a usnesení vlády ČR – Dotace EU*, [http://www.dotaceeu.cz/getmedia/ccc38568-8909-49af-82a8-aeabd16d7e15/Priloha-c-4-Prehled-zakonu,-vyhlasek-a-usneseni-vlady-CR\\_verze-3.pdf.aspx?ext=.pdf](http://www.dotaceeu.cz/getmedia/ccc38568-8909-49af-82a8-aeabd16d7e15/Priloha-c-4-Prehled-zakonu,-vyhlasek-a-usneseni-vlady-CR_verze-3.pdf.aspx?ext=.pdf) (accessed on May 16, 2021).  
<sup>27</sup> See – Baun and Dan (2017), *ibid.*

<sup>28</sup> “Regional offices of organizations,” *ibid.*

<sup>29</sup> “Ústava Slovenskej republiky (Zákon č. 460/1992 Zb.)”, *ibid.*;  
“Ústava České republiky (Ústavní zákon č. 1/1993 Sb.)”, *ibid.*;  
“Konstytucja Rzeczypospolitej Polskiej”, *ibid.*; “Zákon č. 302/2001 Z. z. o samosprávě vyšších územních celků (zákon o samosprávných krajích)”, *ibid.*; “Zákon č. 129/2000 Sb. o krajích (krajské zřízení)”, *ibid.*; “Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa”, *ibid.*

<sup>30</sup> “Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa”, *ibid.*

<sup>31</sup> “Ústava České republiky (Ústavní zákon č. 1/1993 Sb.)”, *ibid.*; see also “Zákon č. 129/2000 Sb. o krajích (krajské zřízení)”, *ibid.*

by law or through international agreement.<sup>32</sup> However, unlike the Czech legislation, which does not contain any other specific regulations concerning state control of paradiplomacy, the Slovak legislation does provide for a specific mechanism of control, but not direct control, as is the case with the Polish legislation.

The Act on the Establishment of Self-Governing Regions of the Slovak Republic stipulates that regions must file a copy of any agreements on cooperation with a foreign partner or a membership protocol with an international association with the district state office in the region's capital. The district state office keeps records of the self-governing regions' agreements on cooperation and membership of international associations. The district state office may ask the court to determine whether a region is obliged to terminate a cooperation agreement or membership of an international association owing to non-compliance with the law. Before filing a request with the court, the district state office must first ask the relevant regional state administration body for its opinion. Besides the legal requirement for the state authorities to initiate court proceedings to terminate an international agreement, the self-governing regions' obligations and restrictions in matters of territorial self-government, including international cooperation may be imposed only by law and/or on the basis of an international agreement.<sup>33</sup>

Although the Czech legislation does not specify a procedure whereby the state can intervene in a region's international cooperation that violates the law or international obligations of the Czech Republic, the central authorities can revoke an agreement between a region and a foreign partner where that agreement violates the law, since unlawful agreements are not permitted. However, unlike in Slovakia, the Czech legislation does not set out a specific mechanism for doing so. Were such a case to arise, it could be dealt with as a standard administrative appeal by the state authorities through the administrative court. Again, similarly to Slovakia, international cooperation by a Czech region can be stopped only on the basis of a court ruling, not by a decision taken by the executive body of the central government. It is necessary to emphasize that the neither the Czech nor the Slovak state authorities have ever attempted to intervene in a region's international cooperation, revoke an international agreement or membership of an international regional association.

This comparison of the legislation underpinning state control shows that the Polish state has the greatest direct control over paradiplomacy. The MFA supervises the paradiplomatic activities of the Polish regions and can decide not to approve an agreement with a foreign partner before it is concluded. Hence the Polish state authorities maintain continual control over paradiplomacy. The Czech and the Slovak legislation does not provide for this level of state control. The Czech legislation is most liberal as it allows the state to intervene in the regions' paradiplomatic activities, but does not specify the method

of implementation. The Slovak legislation does not allow for state interference in paradiplomacy as obligations can only be imposed on regions by law or through international agreements. Nonetheless the district state offices have a control mechanism, as the regions have to file any international agreements with them. If the district state office deems that these violate the law, it can initiate court proceedings and the region may then have to terminate its international cooperation, annul the international agreement with the foreign partner or terminate membership of an international association.

Controls on the management of the region's budget may also have an impact on the financing of the region's international cooperation (co-financing of cross-border or international cooperation projects, payment of membership fees to international associations, etc.). In Slovakia, the chief controller (*hlavný kontrolór*) of the self-governing region plays an important role. Chief controllers are elected by the regional parliament (council) and oversee the spending of the regional budget by the self-governing region administration, i.e. the office of the self-governing region, which is headed by the elected mayor of the region (*župan*). Chief controllers are responsible for approving the annual reports on the activities of the office of the self-governing region, including international cooperation and financing.<sup>34</sup> The Czech legislation on the self-governing regions does not place the same obligations on the chief controllers established by regional authorities; instead responsibility for controlling the region's budget management lies with the regional parliament (council). The National Audit Office of the Czech Republic can perform financial controls on the region, including the allocation of funds for international cooperation.<sup>35</sup> The Polish legislation is different and provides for stronger state competences in performing checks and controls on self-governing regions, including regional finances, than the Czech and Slovak legislation and practice. The prime minister and the voivodes supervise the legal side of paradiplomacy and the Regional Audit Chamber oversees financial matters.<sup>36</sup>

### 2.3. Government support

Another aspect is the degree to which governments in the V4 countries support paradiplomacy and the mechanisms for providing that support. We assume that successful paradiplomacy is in the country's public interest and so it is in the interests of the central authorities to support it as much as possible. In addition, the state has greater capacity in international relations than the regions do, including educated and trained personnel, the institutional infrastructure (foreign embassies) and public finances. Cooperation between the state authorities, and especially the foreign ministries and the regions can bring synergies and significantly boost the fulfilment of the country's foreign policy goals.

<sup>32</sup> “Ústava Slovenskej republiky (Zákon č. 460/1992 Zb.)”, *ibid.*; “Zákon č. 302/2001 Z. z. o samospráve vyšších územných celkov (zákon o samosprávnych krajoch)”, *ibid.*

<sup>33</sup> “Zákon č. 302/2001 Z. z. o samospráve vyšších územných celkov (zákon o samosprávnych krajoch)”, *ibid.*

<sup>34</sup> “Zákon č. 302/2001 Z. z. o samospráve vyšších územných celkov (zákon o samosprávnych krajoch)”, *ibid.*

<sup>35</sup> “Zákon č. 129/2000 Sb. o krajích (krajské zřízení)”, *ibid.*

<sup>36</sup> “Ustawa z dnia 5 czerwca 1998 r. o samorządzie województwa”, *ibid.*; “Ustawa z dnia 23 stycznia 2009 r. o województwie i administracji rządowej w województwie”, *ibid.*

Comparing the paradiplomacy in the three countries, we find that Poland has the most intensive cooperation between regions and government. This stems from the MFA's role in supervising the legislative aspects of the regions' international cooperation. There is no systematic cooperation between the government and the regions; however, it is conducted on a regular basis and the government supports the paradiplomacy of the Polish regions. Its role is best described as the coordination of the regions' paradiplomacy with the country's foreign policy. The formal forum for dialogue between the MFA, including other ministries, and regional governments is the Working Group for International Affairs, which operates under the Joint Government and Territorial Self-Government Commission. The group is co-chaired by the deputy foreign minister, who is responsible for European affairs, the Polish diaspora and public and cultural diplomacy and a member of the Śląskie Voivodeship Sejmik. The group consists of 14 members, of whom seven represent the government and seven the different levels of self-government. The group is divided into two subsections, the first deals with EU affairs, and the second with foreign affairs.<sup>37</sup> The Ministry of Interior and Administration of Poland involves the regions in the work of the bilateral cross-border cooperation commissions, which were set up on the basis of cross-border cooperation agreements with neighboring countries and provide modest financial assistance for their participation.<sup>38</sup>

In Czech foreign affairs, the relationship between the regions and the central state authorities has gradually evolved into more structured, but still quite loose cooperation. After the establishment of the regions in 2000, the MFA chose not to strive for greater coordination or to create more formalized communication platforms. Only in the run up to the Czech Presidency of the Council of the EU in 2009 did the regions and MFA conduct more comprehensive cooperation. In May 2007 the MFA signed a Memorandum on Cooperation in European Affairs with the Association of Regions of the Czech Republic, emphasizing the willingness of the MFA to share information on European affairs with the regions. The most visible manifestation of this cooperation was the preferential leasing of premises to the regions in which

they set up their representation offices in Brussels.<sup>39</sup> In 2017 a Memorandum was signed between the MFA and the Association of Regions of the Czech Republic on Cooperation in economic diplomacy;<sup>40</sup> however, it has not been implemented. The MFA invites regional authorities to participate in the work of bilateral commissions on cross-border cooperation established following the signing of intergovernmental treaties with neighboring countries.<sup>41</sup>

The situation regarding the cooperation between the Slovak regions and the Ministry of Foreign and European Affairs of the Slovak Republic (MFEA) is similar to that in the Czech Republic, but the MFEA has yet to attempt establishing systematic cooperation and/or dialogue with the regions on paradiplomacy. Unlike the Polish and Czech regions, the Slovak regions have not implemented a single project under the SlovakAid program, which is managed by the MFEA, although they do have partners in countries that are beneficiaries of Slovakia's Official Development Assistance. Despite the fact that the Act on promotion of tourism obliges the Slovak regions to help promote the good name of Slovakia abroad, no regional representatives have been invited to attend the Working Group on the unified promotion of Slovakia abroad, established by the MFEA back in 2013.<sup>42</sup> Cooperation between the MFEA and the self-governing regions is both sporadic and non-systemic. The exception to the rule is the organization of a series of presentations by the Slovak self-governing regions in Vienna during Slovakia's 2019 OSCE Chairmanship.<sup>43</sup> Paradoxically, the Slovak regions cooperate more intensively with other ministries, including on paradiplomacy.

In Slovakia there is secondary legislation (to the constitution and the Act on establishing self-governing regions) that sets out the region's competences in paradiplomacy, especially participation in cross-border cooperation (Act no. 539/2008 Coll. on the support of regional development) and activities aimed at the promotion of tourism (Act no. 91/2010 Coll.).<sup>44</sup> Both these laws are important for the paradiplomatic activities of the Slovak regions as they set out the rules for cooperation with the government, including on ministries' obligations to provide financial support for paradiplomacy. The Slovak regions can establish regional development agencies that are financially supported and

<sup>37</sup> *Komisja Wspólna Rządu i Samorządu Terytorialnego* [Joint Commission of the Government and Territorial Self-Government], <http://kwrist.mswia.gov.pl/> (accessed on May 1, 2021).

<sup>38</sup> "Inter-governmental Councils and Commissions for cross-border and interregional cooperation." *Ministry of Interior and Administration of the Republic of Poland*, <https://www.gov.pl/web/mswia-en/inter-governmental-councils-and-commissions-for-cross-border-and-interregional-cooperation> (accessed on May 17, 2021).

<sup>39</sup> "Kraje budou spolupracovat s MZV při prosazování českých zájmů v EU" [The regions will cooperate with the Ministry of Foreign Affairs in promoting Czech interests in the EU]. *EurActiv.cz*, May 5, 2007. Available online: <http://www.euractiv.cz/cr-v-evropske-unii/clanek/kraje-budou-spolupracovat-s-mzv-pri-prosazovani-ceskych-zajmu-v-eu> (accessed on May 1, 2021).

<sup>40</sup> "Ministerstvo zahraničních věcí vstupuje do krajů" [The Ministry of Foreign Affairs is engaging with the regions] *Ministerstvo zahraničních věcí ČR*, June 16, 2017, [https://www.mzv.cz/jnp/cz/udalosti\\_a\\_media/archiv\\_zprav/rok\\_2017/tiskove\\_zpravy/x2017\\_06\\_16\\_mzv\\_vstupuje\\_do\\_kraju.html](https://www.mzv.cz/jnp/cz/udalosti_a_media/archiv_zprav/rok_2017/tiskove_zpravy/x2017_06_16_mzv_vstupuje_do_kraju.html) (accessed on May 1, 2021).

<sup>41</sup> "Regionální a přeshraniční spolupráce". *Ministerstvo zahraničních věcí České republiky*,

[https://www.mzv.cz/jnp/cz/zahranicni\\_vztahy/cr\\_v\\_europe/regionalni\\_a\\_preshranicni\\_spoluprace/index.html](https://www.mzv.cz/jnp/cz/zahranicni_vztahy/cr_v_europe/regionalni_a_preshranicni_spoluprace/index.html) (accessed on May 17, 2021).

<sup>42</sup> "Zákon č. 91/2010 Z.z. o podpore cestového ruchu" [Act no.

91/2010 Coll. on promotion of tourism]. *Slov-lex.sk*,

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2010/91/> (accessed on May 17, 2021); see also "Prezentácia Slovenska v zahraničí"

[Promotion of Slovakia abroad]. *Ministerstvo zahraničných vecí a európskych záležitostí SR*,

[https://www.mzv.sk/ministerstvo/verejna\\_diplomacia-prezentacia\\_slovenska\\_v\\_zahranici](https://www.mzv.sk/ministerstvo/verejna_diplomacia-prezentacia_slovenska_v_zahranici) (accessed on May 17, 2021).

<sup>43</sup> "Prešovský kraj sa prezentoval vo Viedni pred diplomatmi z celého sveta". [Prešov region promotes itself in Vienna to diplomats from all over the world.] *TASR*, 4.10.2019, <https://www.teraz.sk/regiony/presovsky-kraj-sa-prezentoval-vo-viedni/422384-clanok.html> (accessed: May 1, 2021).

<sup>44</sup> "Zákon č. 539/2008 Z.z. o podpore regionálneho rozvoja" [Act no. 539/2008 Coll. on support of regional development]. *Zákony pre ľudí.sk*, <https://www.zakonypreludi.sk/zz/2008-539> (accessed on May 17, 2021); "Zákon č. 91/2010 Z.z. o podpore cestového ruchu", *ibid.*

co-funded by the Ministry of Investments, Regional Development and Informatization of the Slovak Republic (MIRDI). In addition, Slovak regions can apply to the MIRDI for funding to cover the costs of co-financing cross-border projects with foreign partners. They can also establish regional tourism organizations that are co-financed by the Ministry of Transport and Construction of the Slovak Republic. Finally, the Slovak regions are also involved in the work of bilateral cross-border cooperation commissions established on the basis of intergovernmental agreements with neighboring countries and coordinated by the Ministry of Interior of the Slovak Republic.<sup>45</sup>

Neither Poland nor Czechia have the supportive secondary legislation Slovakia has that obliges central government to support paradiplomacy in certain fields, including the provision of co-funding. But development, tourist and other types of agencies established by regional authorities can apply for government grant schemes or submit project applications for EU funds; however, unlike in Slovakia, the Czech and Polish governments are under no obligation to provide funds for their operation.

## Conclusions

The national frameworks for paradiplomacy in the Czech, Polish and Slovak regions are similar in terms of the regions' administrative competencies and roles in the public administration system, including the right to develop cooperation with foreign partners. These stem primarily from the European legal framework for international cooperation by sub-national governments (or the Conventions of the Council of Europe and the EU legal acts on cohesion policy and territorial cooperation) adopted by the national legislatures. The Polish system of public administration differs from the Czech and Slovak ones, particularly at the regional level, in the shared governance between the government's state administration represented by the *voivode* and the self-governing authorities whose executive power lies with the *marshal*. However, the powers of the self-governing regional authorities in all three countries are comparable, including in paradiplomacy.

There are differences in some of the other criteria used in this comparative review such as the regions' European policy, the degree of government control and supervision over paradiplomatic activities, and finally, government support for the regions' international cooperation. The Polish regions meet the NUTS2 geographic criteria for EU cohesion policy and have direct access to the management of regional operational programs for the implementation of EU structural funds at the national level. The Czech and Slovak regions are classified as NUTS3 regions and do not have direct access to the management of EU structural funds. They have one integrated regional operational program, which is administered by the state ministries, while the regions have advisory status in its management. The consequence of this is the Polish regions have greater motivation to engage in

paradiplomatic activities at the EU level, including maintaining a presence in Brussels. The Czech and Slovak regions do not have the same motivations regarding European policy and this is evident in, for example, the fact that while all Polish regions have representative offices in Brussels, less than half of the Czech and Slovak regions do.

The comparison of the three national frameworks shows that Poland has the highest degree of state control over the paradiplomacy of regions. In Poland the foreign minister approves the regions' strategic planning documents on international cooperation and agreements entered into between the Polish regions and their foreign partners. This forces the Polish regions to consult the MFA continually on paradiplomatic activities. International cooperation by the Czech and Slovak regions can be terminated by a court ruling only; no state body has the right to approve or disapprove regions' international agreements. In Poland the government makes considerable efforts to coordinate international cooperation between the regions through institutionalized dialogue. In Czechia and Slovakia there is only sporadic ad hoc cooperation and dialogue between the regions and the government in foreign affairs and there is little attempt by the government to coordinate the regions' foreign activities with state foreign policy. Slovakia has secondary legislation obliging government ministries to support some aspects of the regions' paradiplomatic activities, including by providing financial support, specifically cross-border cooperation and tourism support. Neither Poland or Czechia do this.

Based on the above analysis of the national frameworks for regional paradiplomacy, it can be concluded that Poland's intergovernmental relations correspond to the *cooperative-joint pattern* identified by Panayotis Soldatos. Under this model regional paradiplomacy is either formally or informally part of national foreign policy. By contrast, the legislative and institutional frameworks for paradiplomacy in the Czech Republic and the Slovak Republic, including intergovernmental relations as practiced between the regions and central government, correspond to Soldatos's *parallel-harmony pattern*. Under this model regional governments act independently in the international arena within the limits of their competences; at the same time, however, their actions are harmonized and do not contradict national foreign affairs.

Furthermore, if we compare the national frameworks for paradiplomacy in Czechia, Poland and Slovakia, we can identify two basic models that can be conditionally labelled *state-centralist* and *liberal*. Each has its advantages and disadvantages in terms of the degree of independence the regions have to carry out paradiplomatic activities and at the same time, their ability to obtain (additional) resources to support their own regional development, which is after all the ultimate goal of any region's domestic or external policy.

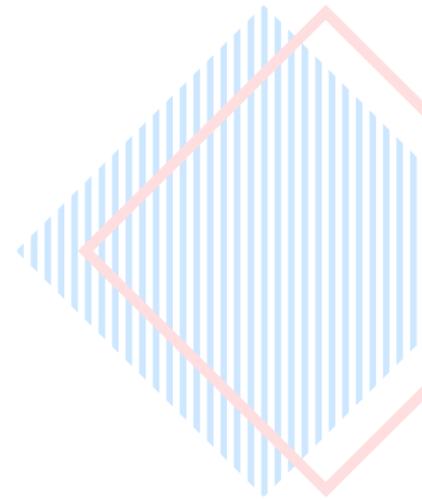
The advantage of the first *state-centralist* model of national framework for paradiplomacy that exists in Poland is that the regions have direct access to the management of EU structural funds. The disadvantage is

<sup>45</sup> "Cezhraničná spolupráca" [Cross-border cooperation]. *Ministerstvo vnútra SR*, <https://www.minv.sk/?cezhranicna-spolupraca> (accessed on May 17, 2021).

that the regions have limited scope to engage in paradiplomatic activities as these have to be approved by the central government. The advantage of the second *liberal* type of national framework for paradiplomacy that exists in Czechia and Slovakia is that the regions retain independence from the central government in developing their international cooperation. The main disadvantage is the regions' lack of direct access to the management of the EU structural funds, which represent a significant chunk of public investment in the three countries, including in regional development.

The supportive secondary legislation that exists in Slovakia, which obliges the central government to support the regions' paradiplomatic activities, is something of an exception. However, it shows that, in theory, there may be a *region-centralist* model of national framework for paradiplomacy, under which the regions retain their independence from central government in developing cooperation with foreign partners, while central government resources are used to service the regions' paradiplomacy in all areas, not just selected ones. This model of a national framework for regional paradiplomacy would require legislative changes so that regions' rights and obligations in paradiplomacy are legally, but not politically, determined and hence minimize the role of party politics, which is an important factor affecting cooperation between central and regional governments, including in foreign affairs and international cooperation. We boldly assume that such a model of national framework for paradiplomacy would better serve the public interest.

Cross-border cooperation is often complicated by the generally bureaucratic burden of submitting projects. A potential threat – a problem in the field of international cooperation is primarily capacity under-dimensioning with the current large number of activities – in general, capacity is always a problem<sup>46</sup>.



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<sup>46</sup> Interviews with PSK Office representatives, October 12, 2020.