



## More cooperation than conflict despite no 'Third Level'? Understanding the dynamics of paradiplomacy towards the EU in Bavaria and Baden-Württemberg

Annegret Eppler, Martin Große Hüttmann & Carolyn Rowe

**To cite this article:** Annegret Eppler, Martin Große Hüttmann & Carolyn Rowe (09 Jul 2024): More cooperation than conflict despite no 'Third Level'? Understanding the dynamics of paradiplomacy towards the EU in Bavaria and Baden-Württemberg, *Territory, Politics, Governance*, DOI: [10.1080/21622671.2024.2369111](https://doi.org/10.1080/21622671.2024.2369111)

**To link to this article:** <https://doi.org/10.1080/21622671.2024.2369111>



© 2024 The Author(s). Published by Informa UK Limited, trading as Taylor & Francis Group



Published online: 09 Jul 2024.



[Submit your article to this journal](#)



Article views: 174





[View related articles](#)



[View Crossmark data](#)

# More cooperation than conflict despite no ‘Third Level’? Understanding the dynamics of paradiplomacy towards the EU in Bavaria and Baden-Württemberg

Annegret Eppler <sup>a</sup>, Martin Große Hüttmann<sup>b</sup> and Carolyn Rowe <sup>c</sup>

## ABSTRACT

This article advances new understandings of paradiplomacy in action, by reconsidering the mobilisation towards the EU of two German Länder, Bavaria and Baden-Württemberg, over a 30-year period (1992–2022). Refining its traditional usage as a catch-all concept, we deploy a novel typology of *layers* of paradiplomatic activity, in order to unpack the inherent dynamics of substate engagement with the EU and explore the implications of paradiplomacy on intergovernmental relations in Germany. We find little difference between Bavaria and Baden-Württemberg in the dominant mode of interaction with the federal government resulting from paradiplomacy, the cooperative mode, though modes of interaction differ across the layers of paradiplomatic activity, ranging from more active cooperation in the policy space through to benign neglect on cross-border cooperation and on regional identity promotion.

## KEYWORDS

Paradiplomacy; German Länder; European Union

**HISTORY** Received 19 May 2022; in revised form 23 May 2024

## 1. INTRODUCTION

The German Länder have a long and rich history of independent engagement with the politics and policy processes of the European Union. Their ‘mobilisation’ in the EU space has been seen as having helped to shape the present institutional architecture of the European Union’s multi-level system (Bulmer et al., 2000; Jeffery, 1996; 2000; Rowe, 2011; Tatham, 2013). In scholarly circles, there is a vast literature that seeks to explore the mobilisation of European regions more broadly (Marks et al., 1996; Knodt et al., 2000; Sturm & Pehle, 2012). The insights generated by this line of enquiry have provided a mapping of various aspects of mobilisation, delivering core insights into the drivers of such activism (Moore & Eppler, 2008; Tatham, 2018) and how it contributes to the multilevel governance of the EU polity (Dickson, 2014; Schakel, 2020).

The mobilisation and multilevel governance literatures dominate the study of regional activism in the EU. However, these have been largely disconnected, conceptually, from a related approach to the study of substate international activism, namely, the literature on ‘paradiplomacy’. The concept

---

**CONTACT** Martin Große Hüttmann  [grosse-huettmann@uni-tuebingen.de](mailto:grosse-huettmann@uni-tuebingen.de)

<sup>a</sup>Department of Public and European Law, University of Applied Sciences, Kehl, Germany

<sup>b</sup>Institute of Political Science, University of Tübingen, Tübingen, Germany

<sup>c</sup>Department of Politics, History and International Relations, Aston University, Birmingham, UK

of paradiplomacy, developed initially by the study of the international relations of constituent units in federal states, principally in North America, seeks to explore the ‘parallel action of sub-state actors in international affairs’ (Aldecoa & Keating, 1999; Keating, 1999; Soldatos, 1990). Empirically, it considers the actions of subnational governments as a means to promote their own strategic interests (Cornago, 1999). Despite a rich and substantial literature on paradiplomacy which engages with specific theoretical traditions, including federalism studies (Fry, 1990; Kline, 1983), foreign policy analysis (Howard, 2004) and multilevel governance (Dickson, 2014; Egan, 2020), it has been used much less widely to consider the dynamics of substate activism within the European Union, even in a federal state such as Germany.

A yet, there has been no attempt to systematically identify the specific contours of German paradiplomacy toward the EU, despite the potential for such an approach to yield fresh insights into the complex relations that such mobilisations engender within the EU polity (Antunes et al., 2023b, p. 2). This study aims to fill that gap. By assessing German *Länder* activism in the EU through the lens of ‘paradiplomacy’, we shine new light on the practice, and the dynamics of certain strategic choices. This perspective also allows for a fuller consideration of the *impacts* of *Länder* paradiplomacy, and how, specifically, paradiplomacy towards the EU conditions relations between the Federal Government and the *Länder* (*Bund-Länder* relations) on Europe, a viewpoint that is often missed in alternative approaches to the study of German *Länder* ‘mobilisation’ in the EU. Through a combined analysis of the practice and the domestic effects of such substate activities, we can unpack the dynamics of paradiplomacy towards the EU in two German *Länder*, and in doing so, help to refine the concept itself – which may enhance its usefulness as a tool for capturing the current practice of multi-level international relations.

Our analysis addresses four research questions:

- What are the underlying causes of distinctive strategies of regional paradiplomacy towards the EU?
- How can we explain similarities and differences where these occur in our two cases?
- What has been the impact of *Länder* paradiplomacy towards the EU on intergovernmental relations within Germany?
- What are the factors that can explain this differentiation?

To tackle these questions, we examine the paradiplomacy practiced by these two *Länder*, by conducting a case-oriented comparative analysis (George & Bennett, 2005). We look to identify the factors present on particular occasions when certain modes of intergovernmental cooperation result from paradiplomatic activity and yet are absent on other, otherwise similar occasions (González-Ocantos, 2020). What conditions the intergovernmental relations which arise as a result of paradiplomacy in action?

The remainder of this article proceeds as follows. We first elaborate the theoretical framework which has driven this Special Issue, offering nuance to the concept of paradiplomacy, and capturing different forms and types of practice. We then present a set of explanatory factors which have been identified as meaningful for understanding the practice of paradiplomacy itself, and set out their relevance to the German case. The next section considers the potential impacts on the quality of intergovernmental relations between the German federal government and the *Länder* which may develop as a consequence of paradiplomacy in action. We then move on to address each of our selected case studies in detail. Subsequently, we relate the case studies to the consideration of the significant variables which determine conflict, cooperation and benign neglect in wider patterns of subnational paradiplomacy towards the EU – the principal focus of this Special Issue. We conclude by assessing the broader implications of our findings for both the understanding and the practice of paradiplomacy towards the EU in multilevel democracies.

## 2. THEORETICAL FRAMEWORK

Our analysis builds on commonly-held understandings of paradiplomacy in contemporary international relations. Thus, we use the broad definition established in previous work in this field as 'the practice of foreign affairs by cities and states' (Tavares, 2016, p. 7). We can begin to refine analysis of these practices further by embedding a functional logic in our basic definition, leading us to see paradiplomacy 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 ... any foreign dimension of their constitutional competences' (Cornago, 1999, p. 40). However, we acknowledge that manifestations of paradiplomacy can take significantly different forms, and be guided by very different objectives, meaning that paradiplomacy can be a highly multifunctional vehicle for the promotion of interests and identity (Lecours, 2002; 2008). Thus, in order to better analyse paradiplomacy in practice, we need to explore the various sub-dimensions of the concept.

First, a distinction is made between the fundamental goals of paradiplomatic activity. Is the ambition a functional one, concerned with achieving specific policy-related or economic outcomes? Or is it territorial, concerned with issues of governance and self-rule? Scholarship distinguishes between these two agendas by bracketing together functional activism as *paradiplomacy* and territorial activism as *protodiplomacy* (Lecours, 2002; Michelman & Soldatos, 1990). Protodiplomacy, its counterpart, can be understood as activism in the international space in which a clear will for independence is overtly expressed by the protagonists (Antunes et al., 2023a; Duchacek, 1986); in the absence of a credible secessionist movement in Germany, this dimension of paradiplomacy is excluded from our analysis.

### 2.1. 'Layers' of paradiplomacy

The broader approach taken by this Special Issue is to consider the dynamics of EU paradiplomacy in all its forms. To do this, we consider paradiplomacy not as a single form of substate political activism beyond the state, but rather seek to refine the concept by understanding it as a continuum of political activity. Thus, within these two headline clusters of activities, functional and territorial, we can unpack various sets of dynamics. We refer to these here as *layers* of paradiplomacy.

For this study of paradiplomacy in the EU, and in line with the innovative model presented in the introduction to this special issue, we contend that a first layer relates to the representation of substantive interests in the EU: that is to say, a 'policy layer'. This refers principally to the practice of regional interest representation to the EU, whereby substate entities seek to meaningfully influence the policy-making process.

Alongside this, a second layer of paradiplomacy consists of the practice of international, territorial cooperation. Regional territorial cooperation can exist in many spaces, such as scientific or cultural cooperation, but tends to involve the exchange of best practices and the sharing of expertise. This form of substate international relations in the EU focuses on forging relationships of cooperation, with a specific economic, policy-related or even cultural aim, but at the same time allowing that substate actor to develop their international personality (Lecours, 2008). Given that paradiplomacy itself embodies the parallel representation of regional interests, then the participation of substate actors in transregional networks can be conceived of as a form of paradiplomacy; it is international activity which aims to support domestic, substate policy goals (Cornago, 1999, p. 40). The EU itself has fostered a number of initiatives in this space through its support for transregional European networks (Böhm, 2023; Marks et al., 1996).

We identify a third layer of paradiplomacy as consisting of cultural activities which can be read as the international expression of an identity which is distinct from the one projected by

the central state (Lecours, 2008). This may well involve the assertion of political autonomy, yet stops short of secessionist claims, as its underlying ambitions are primarily to reinforce motivations in the functional space.

## 2.2. Impacts of paradiplomacy on Bund-Länder relations in Germany

Assessments of the impact of substate mobilisation in the EU suggest a binary set of effects on intergovernmental relations; substate engagement in European affairs either results in *cooperation* with the central state authorities, or leads to *conflict* (Lecours et al., 2021; Tatham, 2013, p. 65). This dimension of paradiplomacy is relatively under-explored in the extant literature, and yet can help to inform broader understandings of how paradiplomacy contributes to patterns of governance in the EU context.

In a situation of *cooperation*, we can see paradiplomatic efforts and state diplomacy working towards shared goals, possibly even relying on mutually shared resources or expertise. In situations of *conflict*, by contrast, we expect to see impacts on working practices, particularly in the informal dimension of intergovernmental relations. Under a situation of *conflict*, there will be less readiness to accommodate other perspectives or to offer some degree of flexibility on issues. *Conflict* may also lead to more limited communication between the levels, resulting in information flows being blocked and intelligence not circulating within the system in order to allow for an adequate amount of time for decision-making. *Conflict* does not therefore have a necessary impact on formal arrangements for engagement but can affect the working practices that underpin these arrangements: a breakdown of mutual trust, loss of goodwill amongst participants to make concessions on either side and the tone of interaction between the levels.

Yet beyond this duality of conflict and cooperation, a further category of substate-central state authority interaction can arise in response to paradiplomacy yet does not feature in the existing literature: *benign neglect*. In this situation, international relations are conducted by a substate and central state authorities *in parallel*; national and substate interests may differ but do not affect each other's agendas. Under these conditions 'central and regional governments work separately but respect each other's exclusive and shared powers, values and critical interests' (Antunes et al., 2024). Paradiplomatic efforts are conducted in parallel with the federal level, where the region or substate works separately from the national government and pursues its own objectives without overstepping the limits of its constitutional competences. It differs from *cooperation* in that benign neglect occurs when the substate acts autonomously, with no sharing of intelligence or other resources, and each level of government's paradiplomatic efforts do not affect the other's agenda.

For the purposes of our analysis, as with all of the papers forming this Special Issue, we will apply this three-fold categorisation of intergovernmental relations resulting from paradiplomacy: situations of *cooperation*, *conflict* and *benign neglect*. Drawing on the definitions offered by Lecours et al. (2021, p. 514), *cooperation* will be understood as situations in which central and regional governments work together and respect each other's interests and values. By contrast, *conflict* will refer to those situations in which their positions collide. Conflicts generally arise in situations where substates seek to circumvent national positions in pursuit of their own interests, and either act in contradiction to a national position or seek to advance a substate position on an issue where no clear national-level political agenda is being advanced. Such situations present a direct challenge to the national position and are likely to initiate conflict and at least one level of government engages in public criticism of the other within the state and beyond.

## 2.3. Explanatory factors

A broad list of potential factors has informed this Special Issue, drawing on existing research on substate mobilisation and paradiplomacy in the EU (see intro to this volume; Blatter et al., 2008; Jeffery, 2007; Rowe, 2011; Tatham, 2018). Five explanatory factors are particularly relevant for

the German case. We contend that these five factors contribute to an explanation of the form and impact of German paradiplomacy towards the EU. These factors are both institutional and ideological (Berman, 2001). A fuller consideration of the influence of these factors will help us to develop answers to our key research questions, set out above.

**1 The constitutional competences of the Länder:** Although the German Federal Government is responsible for foreign affairs under the Basic Law, EU policy issues cross-cut a number of policy fields for which the Länder have key powers in Germany (inter alia education, regional development, climate and energy). The *Länder* governments participate in legislation at the federal level through the *Bundesrat* (the federal chamber), enjoying a graded veto position on all legislative decisions taken by the directly elected Bundestag, the national parliament, depending on the extent to which the *Länder* are affected by the respective law. The constitutional mechanisms focus on achieving a 'balance' between the federal government and the Länder, leading Germany to be described as a 'cooperative' federal state, with substantial interdependencies between federal and *Länder* levels.

**2 Substate political identity:** this refers to a constellation of historically and geographically-grounded features which inform political debate at the *Land* level and approaches to engagement with international partners. This factor has political salience at the substate level in Germany, where there is evidence of political leadership based on and legitimated by a unique substate political identity (Hepburn & Detterbeck, 2013; Lecours, 2012). This is a salient feature of the paradiplomacy strategies towards the EU which have been developed by both these Länder (Degner & Kroll, 2017), and yet it is not something which is widely considered in the literature as holding explanatory potential. The sense of distinctiveness inherent within a substate political identity can also inform strategic choices at the level of political leadership in pursuit of paradiplomatic goals. Political leadership built upon a particular substate political identity is a salient feature in both these Länder's paradiplomacy strategies towards the EU, and yet it is not something which is widely considered in the literature as holding explanatory potential.

**3 Territorially differentiated interests in European policymaking:** this factor offers the potential to shed light on how differences in policy preference across and between levels of political authority may stimulate conflict or cooperation in *Bund-Länder* relations, as a result of independent paradiplomatic activity in the EU. Deriving from the high degree of self-rule enjoyed by the German Länder (Große Hüttmann, 2019), we can expect territorially differentiated interests to transcend party political allegiances, to be structured by specific policy situations and ultimately, to inform the logic of paradiplomacy across our cases.

**4 Party politics:** this variable captures whether the partisan element of paradiplomacy has consequences for intergovernmental relations. Existing research suggests that party congruence between the different political levels might lead to cooperation arising from paradiplomacy in practice (Bauer, 2006; Keating, 1999), party incongruence to conflict (Marks et al., 1996). The assumption is that within the German federal system, party politics is led by competition, federal politics in the *Bundesrat* by bargaining and consensus (Lehmbruch, 2000). However, given the cross-cutting nature of much EU policy and the largely uncontested nature of EU membership in Germany, with the absence of a credible anti-EU party political voice until the 2010s and the rise of the Alternative for Germany (AfD), party politics is not generally regarded as having played a decisive role in European policy decisions (Degner & Kroll, 2017; Große Hüttmann, 2019). However, in an era of increasingly variable party-political coalitions in power at the *Land* level in Germany, with the electoral rise of the anti-EU challenger party, the AfD, alongside mainstream responses to the anti-EU challenge, we might logically expect to see, over time, an increasing impact of partisanship on *Länder* paradiplomacy.

**5 The European political climate:** this refers to exogenous, EU-level developments which reframe the political space and incentives structure for paradiplomatic activity in the EU. Here we can see key moments in the history and development of the EU as offering significant potential to shape paradiplomacy, as responses are mobilised at the substate level. Within our time

frame, we can identify particular issues relating to EU enlargement, the expansion of EU competences and institutions along with changing issue salience at the EU level as holding explanatory potential for the understanding of variation in the practice and impact of paradiplomacy.

The extent to which these factors change over times varies considerably; the first three factors remain relatively constant across the time span of our analysis. We look to explore the implications of these factors over this period and the extent to which ‘change’, that is, moments of more pronounced conflict, cooperation and benign neglect resulting from paradiplomacy in practice, relates to these.

#### 2.4. Data and methods

Empirically, this article focuses on Bavaria and Baden-Württemberg, two sizeable German Länder with a rich history of substate leadership on European issues and offering a large dataset of forms of similar yet subtly distinct paradiplomatic activity. Both are more populous than half of the EU’s member states; both are major export-oriented economic powers and both are therefore dependent on European integration and market power. Both Länder have a long history of paradiplomacy towards the EU and invest a considerable amount of resources in their engagement on EU matters (Jensen, 2014; Rowe, 2011), therefore presenting a rich seam of data with which to explore the inherent dynamics of paradiplomacy.

Our article draws on a range of sources, including primary documents such as parliamentary reports and newspaper coverage, and interviews with policy-makers in the field of European affairs. Eight semi-structured interviews were carried out by the authors within the two-case study *Länder*, Baden-Württemberg and Bavaria, with party officials, public servants and elected representatives from across the political spectrum. To balance the analysis of these informed interviewees’ perceptions and recollections, we supplement this data with analysis of parliamentary texts and media reports. We triangulate this with analysis of primary sources such as treaties and (constitutional) laws, sub-institutional agreements, court rulings and newspaper reports. (Table 1)

We structure our analysis over the period of time 1992–2022 around the most significant macro-level developments in the EU. The first period covers developments after the Maastricht Treaty through to the Laeken Declaration (1992–2001). We then consider developments after Laeken through to the coming into force of the Lisbon Treaty (2001–2009). Finally, we consider

**Table 1.** Interviews.

Interview 2022a	Interview with senior CSU politician, 11 February 2022
Interview 2022b	Interview with former Bavarian Minister for Federal and European Affairs, 11 February 2022
Interview 2022c	Interview with former Baden-Württemberg Minister for Europe, 16 February 2022
Interview 2022d	Interview with senior official #1, EU team, Baden-Württemberg Ministry of State, 28 February 2022
Interview 2022e	Interview with senior official #2 in EU team, Baden-Württemberg Ministry of State, 4 March 2022
Interview 2022f	Interview with Minister in the Bavarian Government, 14 March 2022
Interview 2022g	Interview with senior Green Party official, Baden-Württemberg, 17 March 2022
Interview 2022h	Interview with former Bavarian CSU politician and member of the CoR, 29 April 2022
Interview 2022i	Interview with office director, Bavarian representation to the EU, 22 December 2022

Notes: All persons interviewed (2022a–i) were informed about the purpose of the research, and they all gave their consent to use the information provided. All interviews were conducted in compliance with the ethical standards of the journal.

developments since Lisbon, across the period of the EU's multiple, overlapping 'crises' (2009–2022).

### 3. CASE STUDY: BAVARIA

#### 3.1. Bavaria's paradiplomacy towards the EU: individualist thinking and subnational leadership

Bavaria's European policy is sustained by its identity as a powerful historic region, supported by a sense of 'difference' from its German counterparts, many of which are artificial territorial constructs, put together by a form of functional logic rather than an emotive sense of community and place. Bavarian individualism is informed further by social and political difference within Germany; Bavaria has been governed over the time frame of our analysis by the Christian Social Union (CSU) party, a more socially conservative 'sister' party to the national Christian Democratic Union (CDU) which only contests seats in Bavaria. The concept of 'subsidiarity' – a principle common to the Catholic social teachings that remain so powerful in the largely Catholic society of Bavaria – was brought into EU legal and political thinking by Bavarian politicians, who harnessed this idea in the 1990s as a means to drive forward their vision of an EU-wide 'Third Level' of government (interview, 2022a).

#### 3.2. Between conflict and benign neglect after Maastricht (1992–2001)

During this time period, EU enlargement, and the evolving economic and political geography of Central and Eastern Europe shaped Bavarian paradiplomacy towards the EU and its effects. For almost 40 years of EU membership, Bavaria had had no borders with other EU states, being itself positioned at the edge of the EU. Beyond engagement in the ARGE-ALP substate network of Italian, German, Austrian and Swiss regions in the Alps, Bavaria had not pursued a pro-active strategy of cross-border policy cooperation, focusing its efforts primarily on issues of substate constitutional power within the EU's decision-making framework. However, in 1995, when Austria joined the EU, Bavaria was presented with the challenge of having to coordinate strategic intra-EU, cross-border relations and develop a new substate relationship-building agenda. This significantly reframed the substance of Bavarian paradiplomacy, giving higher political salience to the kind of policy-level paradiplomacy which emphasised cooperation within horizontal, cross-border networks (interview, 2022h). In the shadow of EU enlargement to neighbouring Czechia in particular, cross-border activism was given a higher political priority in Bavaria, though it still remained a secondary issue; paradiplomacy in this era remained focused primarily on power politics and policy issues relevant for the Bavarian economy (interview, 2022a).

Throughout the 1990s, Bavarian discourse on Europe became more overtly critical and controversial, with implications for its EU paradiplomacy. At both the level of political leadership and in party politics, openly critical voices and Eurosceptic positions could be found in Bavarian public debate for the first time. During discussions around the introduction of the euro, Edmund Stoiber (CSU, Minister President of Bavaria 1993–2007) was one of the most nationally recognised counterpoints to Kohl's dogged determination to lead the introduction of the European single currency (Bulmer et al., 2000). By taking this less avowedly enthusiastic position on a significant advancement of European integration, Stoiber's EU paradiplomacy brought him directly into conflict with the CDU-led Federal Government, as well as with the Federal Finance Minister Theo Waigel, himself a member of the CSU.

At the policy level, the expansion of the EU's policy portfolio after Maastricht and the recognition within Bavaria that the emergent European multi-level system would affect an increasing number of its own policy areas, saw a shift in paradiplomacy strategy on Europe by the Bavarian government, which began to move towards pressuring for limits to EU reach, impact and influence (interview, 2022b; interview, 2022c). This ran counter to explicit Federal-level



EU policy at the time (interview, 2022b). As the institutional weaknesses of the Committee of the Regions became apparent, political leaders in Bavaria sought to improve domestic channels of influence as a means of securing their EU-related political and policy ambitions, reinforcing their rights within the practice of ‘European domestic policymaking’ (Jeffery, 2000) – decision-making rights in policy areas that are domestic arenas of self-governance yet ‘Europeanised’ as a result of EU membership. As a result, Bavaria’s policy-focused EU paradiplomacy during this period after the Maastricht high point for ‘Third Level’ engagement (Jeffery, 1996) shifted strategically to centre heavily on the domestic political arena, and both the exercise and the protection of Länder competences and influence.

‘Subsidiarity’ became a watchword for Bavarian activism on Europe over this period, and was effective shorthand for the protectionist approach which political leaders began to develop. A core example is provided by an amendment to the Bavarian constitution in 1998, where a new Article 3a recognised Bavaria’s commitment to being:

Part of a unified Europe, which is committed to democratic, social and federal principles governed by the rule of law and the principle of subsidiarity, which safeguards the independence of the regions and ensures their involvement in European decisions. (Bavarian Landtag, 2023)

The rhetoric of this constitutional amendment is a clear marker of intent. Bavarian EU diplomacy was no longer driving the establishment of a ‘Third Level’ for Europe as a whole, but was focusing on a more individualist, inward-looking, protectionist vision of self-determination in the EU. This was compounded by the emergent new politics of reunified Germany in the 1990s, and the huge disparities between East and West German Länder, creating significant divergences in preferences on numerous policy issues, amongst them EU matters (Rowe & Turner, 2023).

### 3.3. Issue-driven conflict in an overarching framework of cooperation and benign neglect (2001–2007)

Developments at the European level in the early 2000s regarding EU treaty reform and wider constitutional thinking provided scope for a renewed intensity of Bavarian policy-level paradiplomacy. From the time of the Laeken declaration of 2001 onwards, Bavaria sought to use the windows of opportunity presented by both the Constitutional Convention and subsequent EU Treaty revisions as spaces to promote individualised, domestic policy objectives. Bavarian perspectives had an agenda-setting effect on the Convention on the Future of Europe regarding the future shape of multi-level EU politics (Jeffery, 2004). Leading the lobbying through a new group of ‘legislative regions’ (RegLeg), Bavaria moved to ensure that new mechanisms of subsidiarity control, which were envisaged by the Convention for member state national parliaments, could also be extended to the regional level (Kiefer, 2005). This forum proved a useful vehicle for the further promotion of the protectionist Bavarian vision of ‘subsidiarity’ in the future EU; a number of the measures adopted in the Lisbon Treaty to secure the legal foundation of the subsidiarity principle, such as the right to take claims of breaches to the European Court of Justice, or the subsidiarity control process (the early warning mechanism) were driven forward considerably by Bavarian paradiplomacy (Bauer, 2006; interview, 2022b).

Bavaria sought to further enhance both its policy-level representation to the EU and to develop its cultural paradiplomacy. In 2004, the Bavarian government invested €30 million in the redevelopment of the former Pasteur Institute building in the heart of the EU quarter of Brussels to become its EU office, a hugely symbolic marker of the significance of the EU to Bavaria and to Bavaria’s ambitions in the EU (Moore, 2006). The federal political establishment in Germany considered this a moment of ‘madness’,<sup>1</sup> a ‘*Schloss Neuwahnstein*’, though the Bavarians themselves regarded this as flattery (interview, 2022h). This enhanced physical presence in

Brussels helped advance Bavarian paradiplomacy, not least through the outward projection of the Land's sense of self. In practical terms, large new premises adjacent to the European Parliament offered scope for bigger and more frequent cultural promotion events, forming one of the largest elements of their activity profile in the city (interview, 2022i).

Enlargement had opened up increased perspectives for transborder paradiplomacy in the EU over this period. In 2004, Bavaria established its own representative office in Prague, which aimed specifically to develop the region around the Czechia–Bavaria border, particularly with regard to economic cross-border cooperation (Huml, 2023). Increased activity in this layer of paradiplomacy did ultimately prove worthwhile; cross-border cooperation in the economic space was widely credited with having stimulated growth in the border region, which had been suffering from economic decline and outward migration (Huml, 2023). However, despite a marked increase in the intensity of Bavaria's participation in transregional European networks during this time, this layer of paradiplomacy still did not become the main priority for Bavaria. Bavaria itself was widely seen as 'a reluctant networker' throughout this phase (interview, 2022d).

Paradiplomacy on EU policy issues in pursuit of territorially differentiated interests during this phase did lead to periodic conflict between Bavaria and the national authorities. In the case of the Directive on Flood Risk Management, Bavarian paradiplomacy around the issue became more independentist in its approach, motivated by disagreement with the German federal government over its policy position. This prompted an investment in enhanced EU-level paradiplomacy around the articulation of Bavaria's preferred policy outcome on this Directive. Bavarian strategic paradiplomacy around this issue was costly, and involved developing enhanced contacts with relevant MEPs, drafting an extensive report on the potential cost implications to Bavaria of the Commission's proposals as well as promoting the technical and political arguments against the proposed directive (Högenauer, 2014). As well as engaging vociferously in Commission consultation processes, the Bavarian government's cabinet took the unusual step of meeting for the first time ever in its EU representation in Brussels in 2006, discussing this particular Directive on Flood Risk Management (amongst other issues). Senior leaders from the government then met with Commission President Barroso to raise their concerns and to publicise their opposition to the proposals directly, in a move driven from the top by Bavarian premier Edmund Stoiber. A press release issued by the Bavarian government at the time called directly on the federal government to change its position on the Directive (Bayerische Staatskanzlei, 2006).

It is notable that Stoiber's reproaches against the federal government were couched in the language of breaches of the subsidiarity principle, relying heavily on this preferred metaphor as a means to secure influence independent of both the federal government and the collective voice of all 16 German Länder (Göhmann, 2015). Yet this clear outlier within the general pattern of paradiplomatic efforts undertaken by Bavaria in the EU can be explained not by partisan logics but by strategic economic reasoning; the introduction of this particular EU Directive would have proved costly to Bavaria, therefore investment in a strategy of paradiplomacy which would bring it into conflict with the EU policy of the Federal Government was considered worthwhile in the longer term.

### 3.4. Developing new modes of cooperation (2009–2022)

The role played by the German Federal Constitutional Court (FCC) in the development of German Länder strategies of paradiplomacy towards the EU is particularly significant during this period. The Court's ruling on the Lisbon Treaty in 2009 had emphasised the nature of the EU as a collective of sovereign, democratic states, striking a preemptive blow against Euro-federalisation (Arato, 2010). However, the legislation accompanying the Court's ruling, the *Integrationsverantwortungsgesetz* (IntVG) ('law on responsibility for integration') had direct significance for the relations between Länder and Bund on EU issues and hence for the future

shape of Bavarian paradiplomacy, and that of the other German Länder, towards the EU (Abels & Eppler, 2010; Arnould & Hufeld, 2018). It both re-shaped the nature of domestic competences accorded to the Länder on European issues and reset the terms of IGR on Europe in Germany (Calliess, 2021).

A new legislative framework developed by the *Länder* after the Court's ruling, set out to regulate the participation rights of both chambers of the German parliament – and by extension, the *Länder*, through their role in the *Bundesrat* – on EU issues. Along with a partial reworking of rules on the provision of information, this effectively established a new basis for German *Bund-Länder* relations on European issues (Vogel, 2021, p. 4). Yet without the clarification on the functioning of an agreement process, and on roles and responsibilities which had been presented by the IntVG in 2009, there would undoubtedly have been much more intense and indeed conflictual discussion around the proper role to be played in this instance by the *Bundesrat* (Vogel, 2021, p. 5). This new legal framework offered the clarity both sides needed in helping to reduce conflict and to foster cooperation on EU matters, which reset the terms of policy-level paradiplomatic engagement.

The wider political climate of multiple, overlapping crises in the EU after the Lisbon Treaty further determined the shape and nature of Bavarian paradiplomatic activity. Europe was faced with a string of crisis moments which in themselves had widely felt ramifications at the substate level, but also had consequences for the development of IGR on the EU in Germany. Between 2010 and 2012 there were a number of significant new regulations passed to ensure a proper role for the *Bundesrat* in the European policy processes which were being established quickly as a response to the Euro crisis. These included a new law accompanying the European Financial Stability Facility (EFSF) and European Stability Mechanism (ESM) (*Begleitgesetzgebung zur Europäischen Finanzstabilisierungsfazilität und zum Europäischen Stabilitätsmechanismus*), both of which led to new legal clarifications over roles and responsibility. Overall, this new legal framework aimed to clarify particular requirements to share information and stipulated that the Federal Government had to inform the *Länder* at an early point about relevant EU-level developments (Vogel, 2021). In sum, these changes to the architecture of domestic constitutional competences on the EU chime with the broader, protectionist approach taken by Bavaria to ringfence individual-level competences within the domestic arena on EU matters.

Territorially differentiated interests did drive moments of conflict. In 2013, Bavaria's paradiplomacy around the future of EU agricultural support funding led to an active strategy at odds with that of the Federal Government in Brussels (interview, 2022a; interview, 2022h), in a wider climate of international tension around this particular issue (tageschau, 2013). This strategy was informed by substate interests at variance from national interests. Bavaria recognises that its approach to EU agricultural policy programmes differs from that taken by most other German *Länder*, as the structure of the Bavarian agricultural economy contrasts significantly, on account of both historical and geographical features; Bavaria's small-scale, family-led farming infrastructure contrasts sharply with the more large-scale production that is especially common in the East of Germany, as in other parts of Europe. Bavaria therefore has tended latterly to cooperate more intensely with regions from other EU member states than with the other 15 German Länder in the early stages of the EU policy process (interview, 2022a).

### 3.5. Modes of intergovernmental relations: cooperation, conflict and benign neglect arising from Bavaria's paradiplomacy to the EU (1992–2022)

Bavaria's paradiplomacy towards the EU over the 30 years of our study has been undertaken across all of the layers of activity in this space. What is notable is that the *intensity* of paradiplomacy activity across these layers varies. Across the entire time frame considered here, there is a

strong emphasis on independent, policy-focused and issue-driven paradiplomacy. This can be understood through the lens of Bavaria's substate political identity and a leadership which is keen to promote an autonomous voice in EU policy circles. Heavy investment in cultural paradiplomacy serves to underpin awareness of Bavarian *difference* to its EU partners and speaks to the specific policy objectives of the political paradiplomacy strategy.

Whilst horizontal networking relations, themselves a lesser element of the paradiplomacy portfolio undertaken by Bavaria across this time frame, are undertaken in a climate of *benign neglect*, the dominant mode of interaction in Bund-Länder relations which has resulted from Bavarian paradiplomacy is *cooperation*. Whilst this is particularly true of economic and growth objectives, we find that this mode of cooperation is punctuated by moments of *conflict*, which have arisen from the promotion of territorially differentiated interests through a strategy of paradiplomacy. The costs of strategic choices which lead to a situation of *conflict* with the Federal Government are significant, both materially and operationally. Only rarely, therefore, does conflict seem 'worth' the effort for Bavaria.

## 4. CASE STUDY: BADEN-WÜRTTEMBERG

### 4.1. Baden-Württemberg and paradiplomacy towards the EU: intense multilateralism

Baden-Württemberg has traditionally been a very outward focused, pro-European *Land*, engaged in a wide range of policy-relevant activities at the EU level. This can be related to two particular features. Firstly, the *Land* is situated in the heart of Western Europe and shares 500 km of international borders with Austria, France and Switzerland; international relations are consequently a fundamental element of regional governance. Secondly, Baden-Württemberg is home to a strong, export-oriented high-tech industry, underpinned by the European single market (Große Hüttmann & Eppler, 2009). With 46% of goods produced in Baden-Württemberg in 2019 being exported to other EU member states, it is clear that EU policy in Baden-Württemberg can also be understood as a form of regional economic policy (Große Hüttmann, 2021, p. 383).

### 4.2. A post-Maastricht emphasis on transregional cooperation (1992–2001)

Baden-Württemberg's paradiplomacy towards the EU throughout this period was embedded in the policy level of paradiplomacy, with a heavy focus on transregional networking and cooperation. This form of paradiplomacy is multidimensional in that it is not simply focused on economic gain, but can produce multifaceted and mutually beneficial wider relationships (Lecours, 2008). Baden-Württemberg led in the creation and development of the 'Four Motors of Europe' initiative, a significant example of how collaborative paradiplomacy between regional actors across member state boundaries could serve to advance economic and sectoral policy agendas (interview, 2022e). The real engine behind this collective grouping was the personal support and vision of the then Minister President Lothar Späth (interview, 2022f). The Federal Government regarded this association with a degree of scepticism; however, as long as the project itself continued to focus on economic and cultural exchanges, and informed the Federal Government appropriately, then there were no real conflicts (Knodt et al., 2000) and such cooperation was tolerated, if not actively supported (interview, 2022d). Baden-Württemberg's wider strategy on paradiplomacy over this period took this model further, spearheading other transborder initiatives, institutionalising cross-border cooperation along the French-German border (Upper Rhine Conference and Council) and with Switzerland and Austria (Lake Constance Conference) (Nagelschmidt, 1999).

Despite a heavy emphasis on multilateral substate engagement, this was complementary to paradiplomacy around substantive policy interests. Whilst the dominant mode of operation in

Bund-Länder relations resulting from this activism was cooperative (Göhmman, 2015), as with the Bavarian case, this did not preclude the sharp articulation of differentiated policy objectives at variance with those of the Federal Government when a strategic cost-benefit calculation perceived this to be worthwhile (interview, 2022e). With regard to the EU's proposals on the end-of-life vehicles Directive in 2000, for instance, there were significant public stand-offs between Baden-Württemberg, with its heavy reliance on the automotive sector, and the Federal Government (Interview, 2022g; Der Tagesspiegel, 1999; taz, 1999). Baden-Württemberg aligned with a number of Central and Eastern European states with significant automotive sectors to develop a lobbying strategy running counter to the position taken by the Federal Government over the Directive. Despite differences in party political leadership, with the Federal Government being led by an SPD-Greens coalition at the time and Baden-Württemberg under a CDU-liberal government, the standoff was felt to be more attributable to territorially differentiated interests than to party political disputes (interview, 2022d). This example illustrates clearly the principal fault lines in German politics over Europe; the *Land* administration forms an opinion firstly on the basis of what is in the best interests of the *Land* and only then do party politics come into play (interview, 2022e).

#### 4.3. Challenges in the paradiplomacy of uploading norms to EU debates (2001–2009)

Baden-Württemberg's pro-active approach to EU paradiplomacy is reflected in the entrepreneurship of the *Lands* leadership during this period. Serving as the leader of one of the EU's most powerful substate regions between 1991 and 2005, the Minister President of Baden-Württemberg, Erwin Teufel, was seen as an ideal candidate to take on the role of *Bundesrat* representative in the Convention on the Future of Europe in 2002. This saw him advance a significant voice for *all* substate actors in the EU, best expressed through his personal agenda to create 'a strong Europe with strong regions' in an EU that 'respected subsidiarity' (Stuttgarter Zeitung, 6 May 2002). One of Teufel's chief missions was to establish a 'dual catalogue of competences', which would set out in explicit terms the responsibilities of each level of government (Bauer, 2006). This constitutional thinking, very much inspired by the concept of subsidiarity, was also being expressed in parallel domestic debates about the reform of German federalism, principally by the richer German Länder such as Bavaria and Hesse (interview, 2022c). However, Teufel's efforts on this in the Convention ultimately failed, and commentators felt the takeaway lesson was that German constitutional thinking is not necessarily directly transferable to the European level (interview, 2022e).

This period saw Baden-Württemberg continue to prioritise active engagement in and leadership of horizontal, transregional European networks, showcasing the *Land's* commitment to multilateral paradiplomacy. Baden-Württemberg took on leadership roles during this phase in important vehicles for regional cooperation, such as the subsidiarity monitoring network, established in 2007, and CALRE – the Conference of European Regional Legislative Assemblies and the well-regarded Four Motors initiative. Eastern enlargement of the EU offered further scope for the development of a multilateral, network-oriented approach to paradiplomacy during this phase, with the *Land* actively developing a thickening of relations with regions in candidate countries who had similar automotive production economies (interview, 2022d).

#### 4.4. New politics, same direction (2009–2022)

In 2011 Baden-Württemberg experienced a 'historic transfer of power' (Wagschal, 2012) from a CDU-FDP coalition to a Green Party-led coalition with the SPD under Germany's first ever Green Minister President, Winfried Kretschmann, whose party went on to win two further Land-level elections since then.

The coalition agreement signed by the Greens and the SPD in 2011 was entitled 'The Change Begins'. However, much of the European dimension of this governance agenda simply offered a continuation of established patterns of engagement. Specific EU objectives were presented in vague terms, for instance, an ambition to give Baden-Württemberg 'a strong voice in Europe and to play an active role on the European stage' (Degner & Kroll, 2017, p. 289). The Minister for Europe in Baden-Württemberg at the time, Peter Friedrich (SPD) was given relatively free rein by the Minister President to pursue an active policy of continuity of approach in European issues and an emphasis on multi-level, multilateral cooperation, rather than a policy of change (interview, 2022c), albeit with a stronger emphasis on enhanced citizen participation (interview, 2022d). This adherence to the existing direction of travel under the Green-Red coalition contrasts sharply with other policy areas where there was a noticeable turn away from previous approaches under the new government (Hörisch & Wurster, 2019).

This period saw an increase in the public salience of EU policy and decision-making, driven in part by party responses to the openly Eurosceptic *Alternative für Deutschland* (AfD), which won its first seats in the state parliament (*Landtag*) of Baden-Württemberg in 2016 and subsequently became the largest opposition party. The existence of an EU-sceptic party in the *Landtag* reframed the political context in which strategies of paradiplomacy were developed, particularly with regard to public scrutiny of government strategy (interview, 20223); the rise of the AfD meant that for the first time the parties of government were forced to explain in some detail their choices on EU policy and to defend their long-term pro-integration narrative (Große Hüttmann, 2021).

Cross-border networking initiatives remained the mainstay of paradiplomatic activity on policy during this period. Baden-Württemberg's leadership experience in substate cross-border initiatives was very much in demand; tellingly, the *Land* was hugely influential in developing and leading the EU Danube Region Strategy, which was launched in 2011, despite only very few miles of this major European river flowing through its territory. Much as this form of paradiplomacy is beneficial to Germany's wider EU diplomacy, there have been occasions of low-level conflict with the national authorities. At certain points, the Federal Government has felt compelled to intervene or to ask critical follow-up questions when it has perceived Baden-Württemberg to be cooperating too intensely on particular issues with individual network partners, or when the Federal Government felt that it needed to have the last word on positions in certain forums rather than Baden-Württemberg (interview, 2022d).

#### 4.5. Modes of intergovernmental relations: cooperation, conflict and benign neglect arising from Baden-Württemberg's paradiplomacy to the EU (1992–2022)

The overall mode of Bund-Länder relations resulting from Baden-Württemberg's paradiplomacy towards the EU is a pattern of *cooperation* and *benign neglect* across all of the meaningful policy layers of paradiplomatic activity, in spite of periods of incongruent party-political leadership between the *Land* and the Federal level.

At the level of Baden-Württemberg's policy-related paradiplomacy through cooperation within transregional EU networks, we can see that these extra-state activities occur in a context of *Bund-Länder benign neglect*, enabled by the defined constitutional competences, where the federal authorities take little direct interest in the substance of the networking arrangements. Only rarely have these activities caused *conflict*, and this has remained largely at the level of abstract threat on the part of the Federal Government rather than forcing substantive changes to practices or behaviours, such as on the Danube Strategy Region.

In the cultural layer of paradiplomacy, activities relating to issues of trade promotion, stimulating investment and tourism in the region through the showcasing of cultural and geographical distinctiveness, are undertaken to reinforce substate policy goals, but happen with less intensity than

those delivered by Bavaria. These paradiplomatic activities take place relatively problem free, as the specific interests of the Bund and the Länder will differ, but do not impact on each other's agendas. This kind of parallel diplomacy is in line with the allocation of competences in the federal order.

Baden-Württemberg's practice of policy-level paradiplomacy towards the EU over the time period of our analysis has led to a *conflictual* mode of interaction with the Federal Government on only very few occasions, with *cooperation* by far the dominant outcome. *Conflict* in intergovernmental relations resulted from the pursuit of territorially differentiated interests, in parallel, by both the Federal Government and the government of Baden-Württemberg. Both levels of government engaged in open criticism of the others but were motivated by the perceived gains to be drawn from a favourable policy outcome.

## 5. DISCUSSION

This article has provided a comparison of two regions' paradiplomacy actions across a 30-year time span, with a special emphasis on the observable patterns of intergovernmental cooperation and conflict with the central government that this activism entailed.

### 5.1. Explaining conflict, cooperation and benign neglect across the layers of paradiplomacy

Bavaria and Baden-Württemberg's paradiplomacy towards the EU share both similarities and differences. They share the common framework of the infrastructure of German federalism for the development and coordination of domestic EU policy. Much of the substance of their paradiplomacy across all the 'layers' of different forms of paradiplomatic activity serves to underpin the development of European domestic policy, within the collective decision-making forums of German federalism, with their high incentives for consensus-building and cooperation.

However, whereas both *Länder* have presented *benign neglect*, *cooperation* and *conflict* in *Bund-Länder* relations regarding paradiplomatic activity at the policy level, Bavaria's paradiplomacy has been characterised by a somewhat greater degree of *conflict* in the resulting *Bund-Länder* relationship across a greater number of areas. A sense of distinctiveness in cultural and in economic terms, informed a more overtly independent strategy of interaction with EU partners, seen through the agency of its political leaders. Baden-Württemberg's activities, by contrast, are built primarily on the anchor activity of transregional networking and also on leading cooperation amongst the *Länder* (for instance, through their contributions to the Convention on the Future of Europe). The political geography of Baden-Württemberg plays out in its politics, where an outward-facing and consensus-oriented mindset is a prerequisite for successful political leadership and underpins the *Land's* European sense of self.

At the level of transregional cooperation in European networks, we find that paradiplomacy in both our cases occurs within a situation of *benign neglect* on the part of the federal government, given that this form of paradiplomacy is in line with the distribution of competences in the German federal system. This overall picture is punctuated only briefly at junctures when the Federal Government has actively taken an interest in a related policy issue or engagement with the central state concerned, and as such has tried to wrest control, as in the case of Baden-Württemberg's experience with the Danube Regional Strategy. However, such situations of paradiplomacy leading to direct *conflict* with the federal government are the exception rather than the rule and do not upset the overall model.

Though still rare, *conflict* is more likely in policy-level paradiplomacy, and we find examples of this in our two case studies when policy issues which are of greater concern to the *Land* involved than to the Federal Government and the state as a whole. Thus, we find situations of territorially differentiated policy preferences to be the most significant explanation for high-intensity conflict in *Bund-Länder* relations resulting from paradiplomacy. In the instances highlighted in our cases,

flood risk management, agricultural policy and the end of life of vehicles policy, we find that interests specific to the region – economy, society, industrial profile – transcend issues of party-political congruence. The paradiplomacy strategies which were deployed ran counter to the Federal Government's diplomatic efforts and led to a situation of *conflict* in each case.

Whilst paradiplomacy which focuses on cultural promotion serves to support motivations in the functional space, we see no evidence of cultural promotion leading directly to conflict, instead being conducted in a situation of *benign neglect*.

## 5.2. Reviewing the explanatory factors

Overall, we have found that three factors effectively explain the patterns of Bund-Länder relations that arise from paradiplomacy:

1 – **Constitutional competences** emerge as a key explanatory factor of both cooperation and benign neglect, where the federal government is broadly supportive of the substates' paradiplomacy strategies, offering assistance in situations of cooperation and remaining a bystander in situations where there is little coordination required (*benign neglect*). Conversely, however, constitutional competences also emerge as an explanatory factor of conflict in situations of territorially differentiated policy interest, legitimated by a degree of self-rule over that particular policy field in the domestic space.

2 – **Territorially differentiated interests** matter: where regional interests differ significantly from those of the national government, then we see strategies of paradiplomacy being developed that are directly in conflict with national bargaining positions. Here, it is clear that paradiplomacy leads to conflict. The threshold for a Land to make the decision to pursue such a strategy is extremely high; the potential negative repercussions for the Land are considerable in terms of the breakdown of mutual trust, or access to resources within state channels of coordination and cooperation. However, if on the basis of a cost–benefit analysis it is felt that the national position can no longer be influenced through the traditional, intra-state channels and the only remaining option is to pursue a strategy of diplomacy beyond the state which runs counter to that of the national authorities, then we enter the space of conflictual paradiplomacy. In our analysis, this happens only infrequently.

3 – **Substate political identity**, and the constellation of historically and geographically-grounded features, continue to inform regional political debate and hence to shape significantly approaches to engagement with international partners through paradiplomacy.

For reasons of its specific history as a distinct European region, Bavarian political identity is built on maintaining a narrative of distinctiveness that derives from its historical trajectory – one which differentiates it enormously from many of its German counterparts. Successive leaders have developed a style of paradiplomatic engagement that builds on this sense of difference and is not afraid to articulate independent visions of European cooperation. This informs a certain manner of behaviour and interaction in multilateral circles which is somewhat at odds from its inner-German counterparts; multilateralism sits uneasily with this identity and has had to be manufactured retrospectively in response to changing circumstances (the accession of new EU member states with borders to Bavaria) and to changing economics (the financial incentives provided by the engagement in networks of European regions).

Baden-Württemberg by contrast has been both a leader and an agenda-setter in the building of effective networks of horizontal coordination between substate entities of different European countries. For successive political leaderships, this focus on bilateral and multilateral cross-border cooperation at the substate level is a 'given', and is an approach which is not questioned (interview, 2022f). 'It is in our DNA' (interview, 2022a). As a reasonably recent European region, which was created as an artificial agglomeration of territories in the aftermath of the Second World War, Baden-Württemberg does not draw on its historical identity in the same way that Bavaria does. Instead, the substate political identity in Baden-



Württemberg is focused on the large number of cross-border relationships which are crucial to its domestic internal stability and economic well-being and this is an important marker of its strategic paradiplomacy.

These factors remain broadly constant over time. However, where they interact with specific changes in the EU political climate, such as EU enlargement and new policy agendas, then we can also see shifts in approach. These interactions, that is, paradiplomacy strategies which are developed and operated within the contours of these relatively stable factors in order to respond to new EU-level developments, help to explain moves from dominant patterns of *cooperation* and *benign neglect* towards situations of conflict.

In line with previous findings (Tatham, 2013) our analysis confirms that whilst party politics ostensibly has the potential to shape the strategic gameplay of Länder paradiplomacy towards the EU, this potential is constrained by other factors. Shifts in the parties of government have not brought about fundamental shifts in approach to EU paradiplomacy, suggesting that strategies of paradiplomacy are rooted, rather, in the broader political culture of the Land, and are not influenced significantly by changes of government. Both our case studies present periods of party-political congruence and incongruence with the national administration, yet this offers little discernible impact on the dominant modes of interaction: *cooperation* and *benign neglect*.

## 6. CONCLUSIONS

Fundamentally, the German case studies presented here illustrate a specific model of paradiplomacy in the European context, which is embedded within the dynamics of a federal polity. The strategies of policy-level paradiplomacy which we have explored throughout this period were conditioned significantly by the incentives structures of mechanisms for the coordination of 'German' viewpoints into EU policy processes. However, it is significant to note that the EU policy environment is more dynamic than domestic policy arenas, given the multiplicity of actors. Thus, the domestic (federal) bargaining process may well be overtaken by events before it enters the EU arena (Hegele & Behnke, 2017); there are therefore incentives for Land-level actors to remain autonomously competent through an effective strategy of paradiplomacy, and to engage directly in EU policy circles outwith the confines of the German national bargaining framework.

As the case studies presented in this volume show, paradiplomacy can have a significant impact on intergovernmental relations with regard to the development of national relations with the EU. Understanding this practice better can help to refine arguments about the validity and consequences of particular forms of paradiplomacy. The case studies analysed here offer some initial insights into the nature of German Länder paradiplomacy towards the EU and how we can account for the resulting impacts on *Bund-Länder* relations on Europe. However, this study draws only on powerful, economically rich Länder and as such offers only a preliminary set of findings. A wider, more comprehensive analysis may yet yield considerable further data and would serve to enrich further our conclusions on the nuances that are significant to a better understanding of paradiplomacy in practice.

## DISCLOSURE STATEMENT

No potential conflict of interest was reported by the author(s).


## FUNDING


The authors gratefully acknowledge the support of the Coppieters Foundation [grant number EP-FINS-2020-17].

## NOTE

1. The *Süddeutsche Zeitung* called the new office 'Schloss Neuwahnstein' (Moore, 2006), a term that was originally coined by Peer Steinbrück, the federal finance minister of the Grand coalition in Berlin.

## ORCID

Annegret Eppler  <http://orcid.org/0000-0002-3133-4703>

Carolyn Rowe  <http://orcid.org/0000-0001-8598-769X>

## REFERENCES

- Abels, G., & Eppler, A. (2010). Auf dem Weg zum „Mehrebenenparlamentarismus? In G. Abels, & A. Eppler (Eds.), *Auf dem Weg zum Mehrebenenparlamentarismus? Funktionen von Parlamenten im politischen System der EU* (pp. 9–34). Nomos Verlag.
- Aldecoa, F., & Keating, M. (1999). *Paradiplomacy in action: The foreign relations of subnational governments*. Routledge.
- Antunes, S., Cornago, N., & Lecours, A. (2023a). Frontrunners but different games? Comparing Catalan and Basque paradiplomacy towards the EU. *Territory, Politics, Governance*, 1–19. <https://doi.org/10.1080/21622671.2023.2264868>
- Antunes, S., Guimarães, M. H., & Egan, M. (2023b). Made in the USA? The paradiplomatic strategies of California and Illinois to the EU. *Territory, Politics, Governance*, 1–20. <https://doi.org/10.1080/21622671.2023.2218418>
- Antunes, S., Cornago, N., Lecours, A., Minto, R. and Rowe, C. (2024, forthcoming). Introduction to this volume.
- Arato, J. (2010). A preemptive strike against European federalism: The decision of the bundesverfassungsgericht concerning the treaty of Lisbon. *EJIL: Talk! The Blog of the European Journal of International Law*, Retrieved April 10, 2023, from <https://www.ejiltalk.org/a-preemptive-strike-against-european-federalism-the-decision-of-the-bundesverfassungsgericht-concerning-the-treaty-of-lisbon/>.
- Arnauld, A. V., & Hufeld, U. (2018). *Systematischer Kommentar zu den Lissabon-Begleitgesetzen* (2nd ed.). Nomos.
- Bauer, M. W. (2006). The German Länder and the European constitutional treaty. Heading for a differentiated theory of regional elite support for European integration. *Regional and Federal Studies*, 16(1), 21–42. <https://doi.org/10.1080/13597560500526152>
- Bavarian Landtag. (2023). *Verfassung des Freistaates Bayern*. Retrieved April 10, 2023, from [www.bayern.landtag.de](http://www.bayern.landtag.de).
- Bayerische Staatskanzlei. (2006). *Stoiber fordert beim EU-Subsidiaritätsgipfel eine stärkere Beteiligung der nationalen Parlamente an der EU-Rechtssetzung*. Press Release.
- Berman, S. (2001). Ideas, norms and culture in political analysis. *Comparative Politics*, 33(2), 231–250. <https://doi.org/10.2307/422380>
- Blatter, J., Kreutzer, M., Rendt, M., & Thiele, J. (2008). The foreign relations of European regions: Competences and strategies. *West European Politics*, 31(3), 464–490. <https://doi.org/10.1080/01402380801939743>
- Böhm, H. (2023). Five roles of cross-border cooperation against Re-bordering. *Journal of Borderlands Studies*, 38(3), 487–506. <https://doi.org/10.1080/08865655.2021.1948900>
- Bulmer, S., Jeffery, C., & Paterson, W. (2000). *Germany's European diplomacy. Shaping the regional Milieu*. Manchester University Press.
- Calliess, C. (2021). Die Rolle des Grundgesetzes und des Bundesverfassungsgerichts. In K. Böttger, & M. Jopp (Eds.), *Handbuch zur deutschen europapolitik* (2nd edition, pp. 169–193). Nomos.

- Cornago, N. (1999). Diplomacy and paradiplomacy in the redefinition of international security: Dimensions of conflict and co-operation. *Regional & Federal Studies*, 9(1), 40–57. <https://doi.org/10.1080/13597569908421070>
- Degner, H., & Kroll, A. (2017). Viel Kontinuität und wenig Wandel: Die Außen- und Europapolitik des Landes Baden-Württemberg unter Grün-Rot. In F. Hörisch, & S. Wurster (Eds.), *Das grün-rote Experiment in Baden-Württemberg. Eine Bilanz der Landesregierung Kretschmann 2011–2016* (pp. 279–303). Springer.
- Dickson, F. (2014). The internationalisation of regions: Paradiplomacy or multi-level governance? *Geography Compass*, 8(10), 689–700. <https://doi.org/10.1111/gec3.12152>
- Duchacek, I. D. (1986). *The territorial dimension of politics: Within, Among and across nations*. Westview Press.
- Egan, M. (2020). Multilevel trade in the United States: Federalism, internal markets, and intergovernmental relations. In J. Broschek, & P. Goff (Eds.), *The multilevel politics of trade* (pp. 111–129). University of Toronto Press.
- Fry, E. H. (1990). State and local governments in the international arena. *The ANNALS of the American Academy of Political and Social Science*, 509(1), 118–127. <https://doi.org/10.1177/0002716290509001011>
- George, A. L., & Bennett, A. (2005). *Case studies and theory development in the social sciences*. MIT Press.
- Göhhmann, D. (2015). *Farewell state by-passing, hello national government! The preferred lobbying strategy of legislative regions in Germany and the United Kingdom in EU Competition, EU Environment and EU Education Policies* [Doctoral dissertation]. University of Cologne.
- González-Ocantos, E. (2020). Designing qualitative research projects: Notes on theory building, case selection and field research. In L. Curini, & R. Franzese (Eds.), *The SAGE handbook of research methods in political science and international relations* (pp. 104–120). Sage.
- Große Hüttmann, M. (2019). Als Bundesstaat im EU-Mehrebenensystem: die „Koevolution“ von Europäischer Union und deutschem Föderalismus seit 1949. In Europäisches Zentrum für Föderalismus-Forschung (Ed.), *Jahrbuch des Föderalismus 2019* (pp. 127–144). Nomos.
- Große Hüttmann, M. (2021). Europa- und Außenpolitik des Landes Baden-Württemberg: „Weltoffen und heimatverbunden“. In F. Hörisch, & S. Wurster (Eds.), *Kiwi im Südwesten. Eine Bilanz der zweiten Regierung Kretschmann 2016–2021* (pp. 377–404). Springer VS.
- Große Hüttmann, M., & Eppler, A. (2009). Die Europapolitik Baden-Württembergs im Dreieck Stuttgart-Berlin-Brüssel. In S. Frech, M. Große Hüttmann, & R. Weber (Eds.), *Handbuch Europapolitik. Politik in Baden-Württemberg Vol. 4* (pp. 11–31). Landeszentrale für politische Bildung Baden-Württemberg.
- Hegele, Y., & Behnke, N. (2017). Horizontal coordination in cooperative federalism: The purpose of ministerial conferences in Germany. *Regional & Federal Studies*, 27(5), 529–548. <https://doi.org/10.1080/13597566.2017.1315716>
- Hepburn, E., & Detterbeck, K. (2013). Federalism, regionalism and the dynamics of party politics. In J. Loughlin, J. Kincaid, & W. Swenden (Eds.), *Routledge handbook of regionalism and federalism* (pp. 76–92). Routledge.
- Högenauer, A.-L. (2014). The limits of territorial interest representation in the European union. *Territory, Politics, Governance*, 3(2), 147–166. <https://doi.org/10.1080/21622671.2014.911701>
- Hörisch, F., & Wurster, S. (2019). The policies of the first green-red government in the German federal state of Baden-Württemberg, 2011 to 2016 – A Fuzzy set qualitative comparative analysis of different policy sectors. *Politische Vierteljahresschrift*, 60(3), 513–538. <https://doi.org/10.1007/s11615-019-00170-0>
- Howard, P. (2004). The growing role of states in US foreign policy: The case of the state partnership program. *International Studies Perspectives*, 5(2), 179–196. <https://doi.org/10.1111/j.1528-3577.2004.00168.x>
- Huml, M. (2023). Speech delivered by the Bavarian Minister for European and International Affairs, Melanie Huml to the Europa Union Kehl, 14.02.2023.
- Jeffery, C. (1996). Towards a 'Third Level' in Europe? The German *Länder* in the European Union. *Political Studies*, 44(2), 253–266. <https://doi.org/10.1111/j.1467-9248.1996.tb00325.x>
- Jeffery, C. (2000). Sub-National mobilization and European integration: Does it make any difference? *JCMS: Journal of Common Market Studies*, 38(1), 1–23. <https://doi.org/10.1111/1468-5965.00206>
- Jeffery, C. (2004). Regions and the constitution for Europe: German and British impacts. *German Politics*, 13(4), 605–624. <https://doi.org/10.1080/0964400042000343164>

- Jeffery, C. (2007). Towards a new understanding of multi-level governance in Germany? The federalism reform debate and European integration. *Politische Vierteljahresschrift*, 48(1), 17–27. <https://doi.org/10.1007/s11615-007-0003-z>
- Jensen, M. D. (2014). Game changing. Tracing the positions, strategies and interaction modes of the German Länder towards the (ever expanding?) European Union. *Regional and Federal Studies*, 24(3), 263–280. <https://doi.org/10.1080/13597566.2014.911737>
- Keating, M. (1999). 'Asymmetrical government: Multinational states in an integrating Europe. *Publius*, 29(1), 71–86. <https://doi.org/10.1093/oxfordjournals.pubjof.a030014>
- Kiefer, A. (2005). Der Verfassungsvertrag für Europa und die Vorbereitung auf seine Anwendung. Initiativen von RegLeg im Jahr 2004. In EZFF (Ed.), *Jahrbuch des Feralismus 2005* (pp. 607–619). Baden-Baden.
- Kline, J. M. (1983). *State government influence in US international economic policy*. Lexington Books.
- Knodt, M. (2000). Europäisierung à la Sinatra: Deutsche Länder im europäischen Mehrebenensystem. In M. Knodt & B. Kohler-Koch (Eds.), *Deutschland zwischen Europäisierung und Selbstbehauptung. Mannheimer Jahrbuch zur Europäischen Sozialforschung* (Vol. 5, pp. 237–264).
- Lecours, A. (2002). Paradiplomacy: Reflections on the foreign policy and international relations of regions. *International Negotiation*, 7(1), 91–114. <https://doi.org/10.1163/157180602401262456>
- Lecours, A. (2008). *Political issues of paradiplomacy: Lessons from the developed world*. Netherlands Institute of International Relations.
- Lecours, A. (2012). Sub-state nationalism in the western world: Explaining continued appeal. *Ethnopolitics*, 11(3), 268–286. <https://doi.org/10.1080/17449057.2010.507114>
- Lecours, A., Béland, D., Fenna, A., Fenwick, T. B., Paquet, M., Rocco, P., & Waddan, A. (2021). Explaining intergovernmental conflict in the COVID-19 crisis: The United States, Canada and Australia. *Publius: The Journal of Federalism*, 51(4), 513–536. <https://doi.org/10.1093/publius/pjab010>
- Lehmbruch, G. (2000). *Parteienwettbewerb im Bundesstaat. Regelsystem und Spannungslagen im politischen System der Bundesrepublik Deutschland* (3rd ed.). Springer.
- Marks, G., Nielsen, F., Ray, L., & Salk, J. E. (1996). Competencies, cracks and conflicts: Regional mobilization in the European union. *Comparative Political Studies*, 29(2), 164–192. <https://doi.org/10.1177/0010414096029002002>
- Michelman, H. J., & Soldatos, P. (Eds.). (1990). *Federalism and international relations*. Clarendon Press.
- Moore, C. (2006). 'Schloss Neuwahnstein'? Why the Länder continue to strengthen their representations in Brussels. *German Politics*, 15(2), 192–205. <https://doi.org/10.1080/09644000600731437>
- Moore, C., & Eppler, E. (2008). Disentangling double *Politikverflechtung*? The implications of the federal reforms for Bund-Länder relations on Europe. *German Politics*, 17(4), 488–508. <https://doi.org/10.1080/09644000802490527>
- Nagelschmidt, M. (1999). Les relations internationales des länder allemands et l'évolution dy système fédéral dans l'Union européenne: le cas du Bade-Wurtemberg. *Etudes Internationales*, 30(4), 679–699. <https://doi.org/10.7202/704084ar>
- Rowe, C. (2011). *Between diplomacy and interest representation. Regional representative offices in the EU*. Palgrave Macmillan.
- Rowe, C., & Turner, E. (2023). *Decentralising policy responsibility and political authority in Germany*. Palgrave Macmillan.
- Schakel, A. H. (2020). Multi-level governance in a 'Europe with the regions'. *The British Journal of Politics and International Relations*, 22(4), 767–775. <https://doi.org/10.1177/136914812093>
- Soldatos, P. (1990). An explanatory framework for the study of federated states as foreign-policy actors. In H. J. Michelmann, & P. Soldatos (Eds.), *Federalism and international relations: The role of subnational units* (pp. 34–53). Clarendon Press.
- Sturm, R., & Pehle, H. (2012). *Das neue deutsche Regierungssystem: Die Europäisierung von Institutionen, Entscheidungsprozessen und Politikfeldern in der Bundesrepublik Deutschland* (3rd ed.). Springer.
- Tagschau. (2013). <https://www.tagesschau.de/inland/eu-agrarkonferenz-ts-100.html>

- Tagesspiegel. (1999). *Trittin blockiert die Auto-Richtlinie* Tagesspiegel 24.06.1999. Retrieved April 04, 2023, from <https://www.tagesspiegel.de/wirtschaft/trittin-blockiert-die-auto-richtlinie-602509.html>.
- Tatham, M. (2013). Para-diplomats against the state: Explaining conflict in state and sub-state interest representation in Brussels. *Comparative Political Studies*, 46(1), 63–94. <https://doi.org/10.1177/0010414012453031>
- Tatham, M. (2018). Regions beyond the state: External relations and para-diplomacy. In K. Detterbeck, & E. Hepburn (Eds.), *Handbook of territorial politics* (pp. 278–292). Elgar Publishing.
- Tavares, R. (2016). *Paradiplomacy. Cities and states as global players*. OUP.
- taz. (1999). *Trittin blockiert Autorecycling* taz. Am Wochenende vom 13.03.1999. Retrieved April 04, 2023, from <https://taz.de/!1297720/>.
- Vogel, M. (2021). Zehn Jahre Vertrag von Lissabon – Rolle der deutschen Länder. Hoffnungen, Enttäuschungen, Erwartungen im deutschen Föderalismus. *Europarecht*, 56(1), 40–61. <https://doi.org/10.5771/0531-2485-2021-1-40>
- Wagschal, U. (2012). *Der historische Machtwechsel: Grün-Rot in Baden-Württemberg*. Nomos.