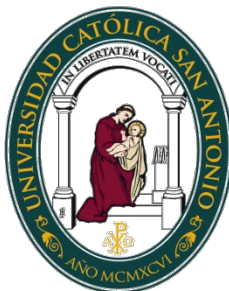


MASTER'S FINAL PROJECT



UCAM
UNIVERSIDAD CATÓLICA
DE MURCIA

*FACULTAD DE CIENCIAS SOCIALES Y DE LA
COMUNICACIÓN*

Master's in European Union Studies and Human Rights

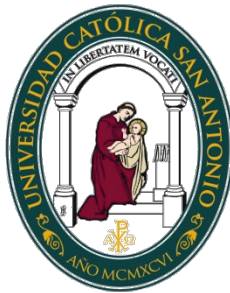
**Institutionalizing paradiplomacy among EU Regions and
Local Authorities: contributions for a practicable legal
proposal**

Autor: Giovanni Urru

Tutor: Dr. María de la Luz Sánchez García

Murcia, 28 September 2018

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I would like to thank my great UCAM family and my kind thesis advisor.

Many thanks also to the experts/friends of AICCRE PUGLIA Italian Association for the Council of Municipalities and Regions of Europe, ALDA SKOPJE European Association for Local Democracy, ASSOCIATION HORIZON POUR LE DÉVELOPPEMENT ET LA CITOYENNETÉ, CLISEL “Climate Security with °Region, MALIK ASSOCIAZIONE, UCLG ASPAC United Cities and Local Governments Asia-Pacific, and of Buenos Aires, Cagliari and Cyprus Universities, interviewed for this research. Thanks for made me passionate about Local Governments over the years.

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Thanks to those who will find inspiration from this modest and ambitious project.

I would also like to apologize in advance, if I will not satisfy every curiosity.

Finally, I fondly dedicate this work to Atzara: my motherland, the small Municipality from which, as Young Former Councillor, I got the first food for thoughts.

Murcia, 28 September 2018

Giovanni

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INTRODUCTION

Can we imagine a European Union made up of Regions and Municipalities that manage to communicate with their correspondents of other Countries? Can we vision a system in which even the most remote mountain village is able to speak the international language and to interact with the rest of the world? Can we realize the perks that such institutional network would have on the society we are living and on the EU integration process? If we look back at the last century we will discovered that a great deal of work is already instigated, since international relations between sub-nationals governments have actually a long tradition, and great results have already been achieved. One need only think an example: in 1999 the United Nations Advisory Committee of Local Authorities (UNACLA) was established

to strength the dialogue of the UN System with local authorities involved in the implementation of the Habitat Agenda. It represent around 323.000 institutions at all scales, from small towns to intermediate cities and big metropolis¹.

In the case of Europe, the history of intermunicipalism began as early as the middle of the 1900th, and within the European Union, regions and cities have increasingly assumed a greater role. However, as argued,

Local governments are visible on the international board, but still without the limelight that they should have².

In another occasion³, I have been investigating the level of protection which international law guarantee to the local self-governments, and I focused on the European and Iberoamerican space.

In particular, article 10 of the European Charter of Local Self Government⁴, and Articles 7 and 8 of the Iberoamerican Charters⁵, laid down

¹ United Nations. Governing Council Resolution 17/18 of 1999.

² SÁIZ, E. "Los Gobiernos Locales son visibles en el tablero internacional, pero aún no tienen el protagonismo que deberían". *Carta Local*, Spanish Federation of Municipalities and Province. March 2018. Pages 38-40.

³ URRU, G – Tutor: SEATZU, F. Thesis Master's degree in Law: "Dalla Carta Europea dell'Autonomia Locale a quella Iberoamericana: la tutela internazionale degli enti territoriali". University of Cagliari, Universidad Abierta Interamericana, 2016.

the Local authorities' right to associate, to belong to an international association and to cooperate with their counterparts in other States.

However, in that case, I wore the jurist lenses, and intermunicipalism was only a secondary part of the research. In this paper, I decided to resume the train of thought, continuing to investigate on the path of paradiplomacy. Also, because in the meantime I was lucky enough, in my own little way, to figure out from inside some organizations that deal with local problems by means of international instruments, and these experiences provided me a lots food for thought⁶. The essay is split in two main sections: it will be a matter of systemized what is already in place and to carry out what is probably lacking. Why something is lacking? Is not fair and equal to let cultivate diplomatic relations only by the advanced cities and regions, or those managed by enlightened administrators.

As a matter of fact, paradiplomacy already exists, and this is a truth even for the most international relations theorists, nonetheless not all municipalities are well equipped to engage at the international level. Applying a principle that is commonly used for human beings, one could say that *no municipality should be left behind*: therefore, each of them should have the same institutional instruments at their disposal. In this regard, article 174 TFEU provides that:

The Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion and reduce disparities between the levels of development of the various regions. Particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions⁷.

⁴ Treaty No.122. The European Charter of Local Self-Government opened for signature by the Council of Europe's Member States on 15 October 1985.

⁵ Article 8 of the Iberoamerican Charter of Local Self Government, approved during the XX Iberoamerican Congress of Municipalities, Caracas 1990. Article 7 of the proposal, approved during the III Iberoamerican Forum of Local Governments, held in San Salvador on 4 and 5 September 2008.

⁶ Internships at "UCLG ASPAC" United Cities and Local Governments Asia Pacific (2016), and at "ALDA Skopje", the European Association for Local Democracy, (2017).

⁷ Treaty on the Functioning of the European Union. TITLE XVIII ECONOMIC, SOCIAL AND TERRITORIAL COHESION, ART 174.

However, quite apart from the matter of a formal or a substantial equality, I want to ensure that the idea is perceived neither complicate nor a pipe dream. The wide scope of this pamphlet is try to demonstrate how institutionalize EU paradiplomacy would have a positive impact for subnational governments and for the European Union itself. Therefore, in the broad framework we are investigating, three key words help to localize clear boundaries: “*paradiplomacy*”, meaning one of the way to define cooperation activities among Regions and Local Governments; “*institutionalize*” by regulating them through a systemic reform, and *European Union*, the geopolitical area that we will take into consideration.

It is also important to point out something that might be misunderstood: *paradiplomacy*, the term we are going to use due to its popularity among the scientist, is different from the so coined “*protodiplomacy*”⁸. If the first is

the normal activity, reflecting the degree of autonomy given to the subnational government,

on the other hand,

*“protodiplomacy” refers to the conduct of international relations, as a preparatory work for a future secession, by a no central government that aims at establishing a fully sovereign state*⁹.

That means we are not envisaging the State system’ twilight, but rather intending paradiplomacy as a complementary activity among the Member States sovereignty, and into the EU legal framework. However, one thing is certain:

⁸ TAVARES, R. *Paradiplomacy. Cities and Regions as Global Players*. Oxford University Press 2016. Page 22.

⁹ DUCHACEK, I.D. LATOUCHE, D. STEVENSON, G. *Perforated Sovereignities and International Relations: Trans-Sovereign Contacts of Subnational Governments*. Greenwood Press, 1988.

*"International system live precariously. [...] The order that grew out of the Peace of Westphalia lasted 150 years; the one created by the Congress of Vienna maintained itself for a hundred years and the order characterized by the Cold War ended after 40 years. Never before, have the components of world order, their capacity to interact and their goals all changed quite so rapidly, so deeply or so globally"*¹⁰.

In this regards, we must question, and we will handle it in the following dissemination, how the attested role of sub national governments will affect the future international order. Take for example the enlargement of the European Union: para-diplomatic activities among regions and cities, might be consider as a tool to prepare the ground for integration? In the same way, what about a better cooperation in economic and sustainable development, rule of law, peace, democracy and human rights? What about the role of local governments in managing EU founds and projects?¹¹ The list goes on, from the biggest problem addressed by the international community, to levels of soft cooperation as in the field of heritage and beauty¹².

We will cross this bridge of questions in the following chapters, in which are collected several successful stories of decentralized cooperation. In particular, the first chapter is devoted to the concept of para-diplomacy, to better understand what we are talking about. Chapter II contains a glimpse to the multilevel EU of regions and municipalities, their legal and political framework. Lastly, from theory to practice, in chapter III we will investigate possible way to institutionalize, moving between EU and national competences, through the precious help of several experts, and trying to provide raw material for a draft legal proposal. Moreover, have reminds the readers that under any condition, a substantial skimming has been necessary, since about global and European paradiplomacy much has already been written.

¹⁰ KISSINGER, H. A. *Diplomacy*. Simon & Schuster, 1994. Page 806.

¹¹ CoR MOOC: "Make the most of EU resources for your region or city". European Committee of the Regions, November 2017.

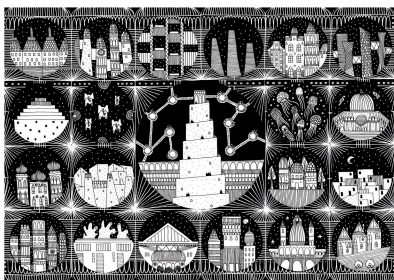
¹² Les Plus Beaux Villages de France" was created in 1982. It inspired other countries facing challenges of preservation and enhancement of their rural heritage. Thus, in 1994, Wallonia created its association, followed by Quebec in 1998, by Italy in 2001, Japan in 2005 and Spain in 2011. In 2003, because of their "European proximity", the French, Walloon and Italian networks started to cooperate by associating under "The Most Beautiful Villages of the Earth". In 2012, the networks of Quebec and Japan decide to join, and in Gordes (Vaucluse, France) the world association was officially created.

However, in this case, the scientific purpose is try to bring the debate beyond, through the specific aim of *institutionalize*: that's would like to be the novel element.

Finally, allow me to make a literal digression that might make hopefully the idea more persuasive: in his novel "Invisible Cities", Italo Calvino imagines a conversation between Marco Polo and Kublai Khan, the emperor of the Tartars¹³.

Khan listen with curiosity the Venetian merchant describing dozens of cities that he visited during his explorations: from Diomira to Berenice, every cities it is a world of its own, a metaphor of social and human conditions. Fantasy take over the whole story. The book does not follow an exactly order and every moment can been seen as the beginning, giving life to a dynamic story with endless possible conclusions. So you know, when I think about a dynamic system of paradiplomacy, Calvino, somehow, always come to my mind: let's make the cities "visible", improving their capacity to engage with their counterparts at the international level, and institutionalizing something that is already in the fabric of the European Union.

Table1. Fedora, Invisible Cities.



Illustrated by Karina
Puente Frantzen.
Web, Consulted on 2018.

"In the center of Fedora, that gray stone metropolis, stands a metal building with a crystal globe in every room. Looking into each globe, you see a blue city, the model of a different Fedora. These are the forms of the city could have taken if, for one reason or another, it had not become what we see today. In every age someone, looking at Fedora as it was, imagined a way of making it an ideal city, but while he constructed his miniature model, Fedora was already no longer the same as before, and what had been until yesterday a possible future became only a toy in a glass globe. The building with the globes is now Fedora's museum: every inhabitant visits it, chooses the city that corresponds to his desires, contemplates it, canopied box along the avenue reserved for elephants (now banished from the city, the fun of sliding down the spiral, twisting minaret (which never found a pedestal from which to rise). On the map of your empire, O Great Khan, there must be room for both the big, stone Fedora and the little Fedoras in glass globes. Not because they are equally real, but because all are only assumptions. The one contains what is accepted as necessary when it is not yet so; the others, what is imagined as possible and, a moment later, is possible no longer."

ITALO CALVINO, *Invisivble Cities*.

¹³ CALVINO, I. *Le Città invisibili*. Einaudi Editore, Letteratura Italiana Einaudi. 1972. Pages 9-13.

AT INTERNATIONAL AND EUROPEAN LEVEL: PARADIPLOMACY AS A REALITY

1.1 About paradiplomacy: history, concept and legal framework

Paradiplomacy is one of the statesmanship's manifestation: it refers to the Central State, the Sub-National Governments, and to third foreign entities. The issue at hand concerns the kind of relation, and the operating spaces, that could exist between the abovementioned players. Firstly, a fundamental distinction must be stressed, in order to identify the field of our investigation: we are moving on legal boundaries, in accordance with the State's unity and sovereignty rules, in a decentralized and multilevel framework, under the principles of subsidiarity and local autonomy. Therefore, we are not getting in the other midfield, where the so named "protodiplomacy" plays another game, since, in that case, subnational entities aspire to become independent from the State. Secondly, paradiplomacy is just one of the many ways to define

the non-central governments involvement in international relations through the establishment of contact with foreign public and private entities¹⁴, or most simply the practice of foreign affairs by no-central governments.

Indeed, paradiplomacy stand for "parallel diplomacy"¹⁵, and even though the term could not fulfil all the nuances of such a broad phenomenon, we chose it instead of "subnational foreign policy", "decentralized cooperation", "federative diplomacy" and other existing formulas, basically, to its "popularity".

However, while it is true that the term "paradiplomacy" was coined in the second half of the last century, and that Rohan Butler, Ivo Duchacek, Soldatos are considered some of the theoretical fathers, it is certain that, even before, sub-national governments have been engaged in diplomatic relations, through myriad ways and with several results.

¹⁴ ALDECOA, F. KEATING, M. *Paradiplomacy in Action: The Foreign Relations of Subnational Governments*. Taylor and Francis, 1999. Page 2.

¹⁵ TAVARES, R. *Paradiplomacy. Cities and Regions as Global Players*. Oxford University Press, 2016. Page 7.

Moreover, being a multifaceted phenomenon, the literature offers different versions about its origins. For instance, some argue that decentralized cooperation originated after the Second War World, during the decolonization and the cold war, through ground-breaking twinning between cities. At the beginning, the agreements involved mostly French and German municipalities interested in reconciliation. Indeed, this form of cooperation firstly aimed at peace, through cultural exchanges¹⁶. However, the history of paradiplomacy date back even before, as a matter of fact, in 2013, we celebrated the 100th anniversary of the *Union Internationale de Villes*, mother of today's United Cities and Local Governments¹⁷, whose end is maintain permanent relations between municipalities from all over the world¹⁸. Finally, just to give another interesting precedent, as early as the first part of the 1900s, the Cuban Professor *Ruy Lugo Viña* envisioned international relations between municipalities as a peacekeeping instrument among nations¹⁹. After all, the principle of local autonomy rooted in most of the Central and South American Constitutions yet since their approval. Thus, it is a fact that during the 1900s, Local authorities, albeit timidly, have emerged as new international actors, by interfering in one area traditionally monopolised by the States stepped out from Westphalia²⁰. In this regard, it is useful to bear in mind what established article 1 of the Montevideo Convention²¹ about the "State" and its international personality, by requiring four necessary qualifications: a) a permanent population, b) a defined territory, c) a government d) the capacity to enter into relations with other States. Thus, traditionally this last feature has been a prerogative of the States, which, for a long time, were considered the only international players.

¹⁶ MASSIAH, G. "Estudio de casos: prácticas, modelos e instrumentos. El enfoque francés de la cooperación descentralizada". Observatorio de Cooperación Descentralizada. Unión Europea-América Latina, 2006. Pag 22.

¹⁷ Centenary of the International Municipal Movement
UCLG www.uclg.org/en/centenary . Consulted in 2018.

¹⁸ PAYRE, R. SAUNIER, P. "Municipalités de tous pays, unissez vous ! L'Union Internationale des Villes ou l'Internationale municipale (1913-1940)". *Amministrare*, 2000, XXX (1-2), pp.217-239. <10.1442/1410>. <halshs-00002762>

¹⁹ "Crónica del V Congreso histórico municipal interamericano. VI. 1957". Madrid. Instituto de Estudios de Administración Local. 1959. Pág. 46 y 47.

²⁰ The concept of Westphalia sovereignty arises from the Peace of Westphalia that in 1648 ended the Thirty Years' War.

²¹ Montevideo Convention on the Rights and Duties of States. Enacted on 26th December 1933 and in force from 1934.

However, it was already in the 70s, when the trans-governmental philosophy spread among the political analyst, who start questioning about the emergence of new global actors²². Tough, even before, in 1949, the International Court of Justice, in the “Reparation case”, recognised the United Nations, a non-state entity, as endowed with the international personality²³. Therefore, it is certain that

*Sovereign States no longer monopolize the status quo of the international system*²⁴

also due to the emergence of new global participant: among them, regions and local governments have taken centre stage. Hence, if the first historical step has been the recognition in most of the Constitutions of the principles of local autonomy and decentralization, it could be argued that paradiplomacy may be allocated in the second generation’s rights of the subnational entities.

Nevertheless, “autonomy” and “paradiplomacy” are two side of the same coin, since they are strongly interconnected: the action of paradiplomacy requires a high level of autonomy in order to be effective. Vice versa, the capacity to interact with other institutions, as it happens, for instance, in the case of the principle of adequate financial resources, might be interpreted as a fundamental component for something to be considered “autonomy”.

This is confirm by the fact that several international treaties on local governance laid down the two principles together, as in the case of the abovementioned European and Iberoamerican Charter of Local Self Government.

However, the right to cooperate with other entities out of the State’s borders, showed up later and only in some national Constitutions.

²² ODDONE, N. “La irreversible necesidad de internacionalización de los gobiernos locales. ¿QUÉ ES Y CÓMO ESTUDIAR LA PARADIPLOMACIA?” Webinar taught by the Ibero-American Union of Municipalists, 11 April 2018. The author analysed the concept of paradiplomacy through the perspective of international politics, foreign policy, territorial development, regional integration and translocal governance.

²³ Reparation for injuries suffered in the service of the Nations, Advisory Opinion, ICJ Rep 174, ICGJ 232 (ICJ 1949), 11th April 1949.

²⁴TAVARES, R. *Paradiplomacy. Cities and Regions as Global Players*. Oxford University Press 2016. Page 2.

For instance, Art. 167 of the Belgium Constitution (1993) granted sub-national government to cooperate in specific matters with other foreign counterparts.

It make Belgium one of the State where the foreign policy “fragmentation” has been more effective under the principle “*in foro interno, in foro externo*”, that entail Regions and Communities to manage their internal competencies even out of the State’s boundaries, in accordance with the constitutional system²⁵.

Traces of paradiplomacy also appears in article 124 of the Argentinian Constitution (1994) and in most of its Provincial Charters²⁶. The same goes for the Austrian and German Länder (the latter noted for being unusually active on paradiplomacy²⁷), respectively with article 16 of the Constitution (1992) and 32 of the Basic Law (1949), for the Italian Regions under articles 117 of the Constitution (1948), for the French Local Authorities, that since the 90s have been legitimated, by the national law, to cooperate on the international stage.

Other interested legal examples can be find in the Russian Constitution (1993), whose article 72 enables the federal units to enter into international agreements with foreign entities²⁸, article 56 of the Swiss Basic Law (1999), or some Statutes of Autonomy in Spain.

However, the presence of a formal legal basis, not always corresponds to advanced models of paradiplomacy: on the contrary, could happen that, even in countries where there is no legislation on the matter or the law is not clear, sub national governments developed a good tradition in external relations.

²⁵ CRIKEMANS, D. “Foreign Policy and Diplomacy of the Belgian Regions: Flanders and Wallonia”. DISCUSSION PAPER IN DIPLOMACY. Netherlands Institute of international Relations. ISSN 1569-2981. March 2010. Page 2.

²⁶ FERRERO, M. “La glocalización en acción: regionalismo y paradiplomacia en Argentina y el cono sur latinoamericano”. Revista Electrónica De Estudios Internacionales (2006). Pages 2-5.

²⁷ MICHELMANN, H.J. *German Politics & Society. Länder Paradiplomacy*. University of Saskatchewan. © 1988 Berghahn Books

²⁸ SALIKOV, M. “The Russian Federal System: Sub-national and local level.” Paper presented at the Conference “Federalism and sub-national Constitutions, design and reform”, Bellagio, March 2004. Pages 4,5,6,7.

For instance, is the case of the Constitution of the U.S.²⁹, where since the 50s the States have been involved in foreign affairs, or the case of Canada, where the Constitution has always been interpreted in a decentralized way³⁰, and the Provinces established direct relations with foreign sub-national entities³¹.

Finally, among the others, is worthwhile mentioning the case of China, one of the Country that strongly opposed the project of a World Charter of Local Self-Government³². In that instance, the Constitution does not contain any reference to paradiplomacy, but the effective political practice, indicates that sub national governments may conduct international relations³³.

Thus, today, cooperation between world regions and cities is a growing phenomenon. We should question why sub-national entities cooperate. Might be many reasons: in 1955 the sister-city agreement between Nagasaki and Saint Paul was established to promote peace between Japan and USA³⁴; a political significance also assumed the end of the sister-city between Prague and Saint Petersburg, after Russian intervention in Ukraine³⁵.

However, the purpose could be disparate: the environment, for instance, as in the case of the *EU Covenant of Mayors*, which involves thousands of local and regional authorities,³⁶ and of *C40 Cities Climate Leadership Group*, which connects Mayors all around the world to enable collective climate actions³⁷.

²⁹ KINCAID, J. *The Americans Governors in International Affairs*. Publius. Vol. 14, No. 4, Federated States and International Relations. 1984. Pages 95–114.

³⁰ TAVARES, R. *Paradiplomacy. Cities and Regions as Global Players*. Oxford University Press 2016. Pages 70, 71.

³¹ ZEPEDA, R. "Canadian Provinces. International Relations in North America". *Revistas CISAN. Voices of Mexico*, 2017. Pages 95-97.

³² Recommendation 98 (2001)1 on the draft World Charter of Local Self-Government. State of discussions.

³³ TAVARES, R. *Paradiplomacy. Cities and Regions as Global Players*. Oxford University Press 2016. Page 71.

³⁴ TAVARES, R. *Paradiplomacy. Cities and Regions as Global Players*. Oxford University Press 2016. Page 31.

³⁵ Prague suspends partnership with Russian cities. Prague post. Published on September 2, 2014.

³⁶ The Covenant of Mayors www.covenantofmayors.eu . Consulted in 2018.

³⁷ C40 Cities Climate Leadership Group www.c40.org . Consulted in 2018.

Particularly, the history of “decentralized cooperation” started as a system of donors between North-and South regions, as in the successful partnership between Nakuru (Kenia) and Leuven (Belgium)³⁸.

Although, traditionally, sister-cities were established to promote peace, gradually economy development became the core of most of the partnership agreements³⁹. Nowadays, many subnational entities appear in the list of the highest GDP Countries. It happens in particular in the case of the Federated States, which very often developed an autonomy foreign policy to promote their economies. For instance, since decades, Québec and other Canadian provinces established deep international relations with US counterparts. As a matter of fact, Canada is very decentralized, and Provinces have competencies in education, health, and welfare. In 2011, they represent 47% of Canada’s public expenditures, the highest percentage among OECD countries, while the central government and local authorities manage respectively 28% and 20%⁴⁰. Just to mention another overseas example, Brazil have a long standing tradition in paradiplomacy: the city of San Paulo signed around 50 international agreements and received 450 foreign delegations on average per year, it managed more cooperation programmes than any other regional governor in Latin America.

Rio de Janeiro, during the thirty-third Olympics (2009), implemented a manifold of paradiplomatic projects searching for partners at all levels, and embarked bilateral and multilateral agreements, in particular with other Olympic cities: for instance, with London, for transportation and urban mobility, with its sister-city Barcelona, for the revitalization of Porto Maravilha.

³⁸ “Decentralized Cooperation and the New Development Cooperation Agenda: What Role for the UN?” United Nations University Centre for Policy Research. November 2015.

³⁹ CROSS, B. “Sister cities and economic development: a New Zeland perspective”. Transylvanian Review of Administrative Sciences No. 30E/2010 Pages 104-117.

⁴⁰ ZEPADA MARTÍNEZ, R. Paradiplomacy in North America: Canadian Provinces’ Relations with Their U.S. and Mexican Counterparts. Researcher at the Center for Research on North America (CISAN), UNAM, 2017. Page 91.

The number of partners of Rio increased more than 30% in the second decade of the new millennium⁴¹. Hence, also the municipal structure had be designed at this aims.

Also in the case of Europe, numbers are very relevant: for instance, in Spain, since the 1980s, Basque Country and Catalonia manage international affairs⁴², in particular through their municipalities⁴³. According to data published by French National Commission for Decentralized Cooperation (C.N.C.D.), since the 2000s, almost 3,250 French corporations and sub-national entities list for more than 6,000 agreements in 115 countries⁴⁴. In Belgium, Flanders signed around 350 treaties and 44 transnational contracts. Moreover, its international network employ 280 people, representing Flemish region around the world⁴⁵.

Finally, some more general data could help to get an overall picture on paradiplomacy⁴⁶: in the next three decades the world population is expected to increase by more than two billion, reaching 9.8 billion, and urban area will host more than two third of them⁴⁷.

Thereby, even city's physical boundaries will be affect⁴⁸. About the leader organizations, among the others, "Sister Cities International"⁴⁹ have more than 2000 partners in more than 140 countries.

⁴¹ MARCOS, V. MENDES, I. "Paradiplomacy and the International Competitiveness of Cities: the case of Rio de Janeiro". *Rev. Bras. Polít. Int.*, 60(1): e012, 2017. Pages 6-7.

⁴² ZAMORANO, M.M. ARTURO, MORATÓ, R. "The cultural paradiplomacy of Barcelona since the 1980s: understanding transformations in local cultural paradiplomacy". *INTERNATIONAL JOURNAL OF CULTURAL POLICY*, 2013.

⁴³ "La paradiplomacia catalana a través de los ayuntamientos. Diplomàcia Publica Catalana." I Volumen, 2015. FOCIR Federació de Organitzacions Catalanas Internacionalmente Reconocidas.

⁴⁴ Estudio de casos: Prácticas, modelos e instrumentos. El enfoque francés de la cooperación descentralizada. <http://observ-ocd.org/> Consulted in 2018.

⁴⁵ CRIEKEMANS, D. Challenges for Foreign Ministries: Managing Diplomatic Networks and Optimising Value Geneva, May, 31 – June, 1, 2006 sub/national entities try to develop their own 'paradiplomacy'. The case of Flanders (1993-2005). Page 13.

⁴⁶ Subnational governments in OECD Countries: KeY Data. 2018 edition.

⁴⁷ World Population Prospects. The 2017 Revision. Key Findings and Advance Tables. U.N, Department of Economic and Social Affairs. New York, 2017.

⁴⁸ LABERENNE, R. LAMSON-HALL, P. "Here's how developing world cities can plan for the next half century of rapid urban growth". April 20, 2018. CityMetric.com

⁴⁹ Founded by President D. D Eisenhower in 1956. SCI is a non-profit which serves as the national membership organization for individual sister cities, counties and states across the US. The network unites tens of thousands of

UCLG represents and defends the interest of more than 240.000 towns, cities, regions and metropolises, more than 170 local and regional government associations, covering 5 billion people across the world and 140 United Nations Member States⁵⁰. According to Rodrigo Taveres, more than 125 networks and forums gather thousands of municipal representatives all around the world⁵¹. Thus, numbers are evident: paradiplomacy is a deep-seated reality. However, despite a number of positive steps achieved, there is a huge slack, on which could be achieved greater results.

1.2 From United Nations to the Council of Europe: local governments on the global stage

In 1957, was held the first session of the Conference of Local Authorities in the Council of Europe. In 1979, it became permanent under the name “Congress of Local and Regional Authorities”⁵² and, in 1985, the European Charter of Local Self-Government was approved⁵³.

The Governing Council Resolution 17/18 of 1999 established the United Nations Advisory Committee of Local Authorities (UNACLA), recognizing

*the urgent need to accelerate international, regional and national progress in the adoption of policy measures aimed at strengthening cooperation between central and local governments*⁵⁴.

citizen diplomats and volunteers in nearly 500 member communities. Consulted in 2018.

⁵⁰ UCLG: The Global network of Cities, Local and Regional Governments. www.uclg.org. Consulted in 2018.

⁵¹ TAVARES, R. “Paradiplomacy. Cities and Regions as Global Players”. Oxford University Press 2016. List of multilateral arrangements of subnational governments, TABLE 1.2. Pag 15.

⁵² 1 KIEFER, A. Secretary General of the C.L.R.A. Municipalities and regions in the C. of Europe: local and regional democracy in action after 1957. wcd.coe.int.

⁵³ Thesis of my Master’s degree in Law: From the European Charter of Local Self- Government to the Iberoamerican Charter: the international protection of the local authorities. University of Cagliari, 2016 (Italian).

⁵⁴ Governing Council Resolution 17/18 of 1999. Cooperation with partners: role of local authorities in the work of the Commission.

In 2004, the creation of the United Cities and Local Governments (UCLG) represented a key step for the international municipal movement, started in the Belgian city of Ghent, by a group of Mayors which made the pioneering decision to cooperate in a permanent and structured way⁵⁵.

With the EU Maastricht Treaty (1992), it was announced the principle of subsidiarity. It was also established the Committee of the Regions, constituted by elected representatives at local and regional level, which must be consulted in matters under its competencies.

Furthermore, several examples of “intermunicipalism” could be found all around the world, in manifold forms of regional and world entities, institutional or non-governmental organisations. What follows, is an overall description of the main world’s local governments associations.

1.2.1 The Congress of Local and Regional Authorities

The Resolution 94 (3) of the Committee of Ministers of the Council of Europe, established the Congress of Local and Regional Authorities, as a continuation of the previous standing conference. It is an advisory body that represents regions and local authorities of all Member States. It is made up of 648 members (of which 324 are substitutes), appointed for four years and holders of an elected office, with a local, regional or political authority.

The distribution follows geographical and political criteria⁵⁶. In 1995, the Congress adopted the European Charter of Local Self-Government, signed by all 47 Member States. It guarantees local authorities rights, starting from the principle of autonomy.

⁵⁵ Centenary of the International Municipal Movement
www.uclg.org/en/centenary. Consulted in 2018.

⁵⁶ STATUTORY RESOLUTION CM/Res(2007)6 Adopted by the Committee of Ministers on 2 May 2007, at the 994th meeting of the Ministers’ Deputies and revised with Statutory Resolution CM/Res(2015)9;

In particular, protects the right to be part of local governments associations and to cooperate with their correspondents in other countries. The Congress monitors the application of the Charter and observes local elections⁵⁷.

In almost 30 years, the Congress has carried out around one hundred mission of electoral observation, in Europe and beyond its borders, as in the case of Israel in 2008⁵⁸. It promotes partnerships and cooperation between local authorities and works to improve the quality of democracy and human rights at local level. Also based on a previous decision (1996), in 2005, the Congress concluded an agreement with the EU Committee of the Regions. The agreement, which was renewed in 2009 and in 2018, established a group which interconnects the two institutions and provides for cooperation on local democracy and subsidiarity⁵⁹.

1.2.2 The United Nations Advisory Committee of Local Authorities (UNACLA)

UNACLA is the advisory body created to better connect United Nations with local authorities, in the implementation of the Habitat Agenda and of the Agenda 21 issued in Rio in 1992.

Since 1996, during the Istanbul Conference (Habitat II), Local governments were recognised as UN closest partners, and national leaders agreed on the importance of decentralization⁶⁰.

⁵⁷ Resolution 306 (2010) REV. Discussed and adopted by the Congress on October 30, 2013, 2nd session. Observation activities are carried out in collaboration with other international organizations.

⁵⁸ The Congress of Local and Regional Authorities - Texts adopted - 18th Session. Council of Europe Publishing - 18 June 2010.

⁵⁹ Coop. agreement between the CoR (EU) and the C.L.R.A (Council of Europe) - Signed on 13 April 2005. Revised on 12 Nov. 2009. Revised cooperation agreement between the European Committee of the Regions and the Congress of Local and Regional Authorities of the Council of Europe, 27 March 2018.

⁶⁰ Istanbul Declaration on Human Settlements. United Nations conference on human settlements (Habitat II) Istanbul (Turkey) 3-14 June 1996 distr. general. a/conf.165/14. 7 august 1996.

In 1999, the Commission Governing Council (at the time “UN Human Settlements”) approved the Resolution 17/18, asking to establish the Committee⁶¹.

On January 2000 the City of Venice hosted its inaugural meeting⁶². In 2005 and in 2007 it contributed to the approval of the “International Guidelines on Access to Basic Services for All” and to the document named “Decentralization and Strengthening of Local Authorities”.

Among the others activities, in 2012, it took part at the UN Conference on Sustainable Development (RIO +20), while, in 2016, to the Second World Assembly of Regional Governments in Quito (Habitat III)⁶³.

UNACLA is composed by 20 members: 10 represent the regional sections of UCLG, 10 are appointed by the main representative networks (UCLG Standing Committee on Gender Equality, All Institute of Local Self Governments, Chinese People Association, Mercociudades, Citynet) and within the Global Taskforce of local and regional governments (CUF, AIMF, ATO, ICLEI, CLGF), established for the post-2015 development agenda. Nowadays, UNACLA represent more than 320.000 local governments⁶⁴. By means of an annual report to the Executive Director of UN-Habitat, it reports data and informations to UN Secretary-General.

1.2.3 UCLG. The Global Network of Cities, Local and Regional Governments

UCLG, the United Cities and Local Government, represents the interests of more than 240.000 towns, cities, regions and metropolises, of around 175 Local and Regional Government associations, 5 billion people across the world, hence 70% of the world population.

⁶¹ Governing Council Resolution 17/18 of 1999. Cooperation with partners: role of local authorities in the work of the Commission.

⁶² Venice Declaration. Done in Venice, on the 24th of January 2000. www.unhabitat.org Consulted in 2018.

⁶³ UNACLA Quito Declaration. www.unhabitat.org Consulted in 2018.

⁶⁴ UNACLA website: unhabitat.org/unacla/ Consulted in 2018.

It was established in 2004, by the marriage of FMCU and IULA, the biggest associations of local authorities at that time. It supports international cooperation between cities, increasing their influence in the global governance. UCLG is present in all continents: Europe (CEMR), Latin America and Caribbean (FLACMA), North America (NORAM), Africa (UCLG- Africa), Asia Pacific (UCLG ASPAC) and Euroasia, Middle East and West Asia (Mewa)⁶⁵.

1.2.4 Others international LGS Networks

Presently, exist over 125 networks⁶⁶ and subnational governments forums.

⁶⁵ UCLG. www.uclg.org Consulted in 2018.

⁶⁶ TAVARES, R. Paradiplomacy. Cities and Regions as Global Players. Oxford University Press 2016. **List of multilateral arrangements of subnational governments, reported by the author and others – Alphabetical order (It doesn't contain the organizations already mentioned in the paragraph):**

Air Quality Initiative of Regions (2011), Airport Regions Conference (1994), Alliance of Energy Intensive European Union Regions (2008), Alps Adriatic Working Community, Alps-Mediterranean Euroregion (2007), Art Nouveau Network (1999), Asian Network of Major Cities 21 (2001), Assembly of European Fruit and Vegetable Growing and Horticultural Regions (1999), Assembly of European Wine-Producing Regions (1988), Association of Alpines States (1972), Association of Cities and Regions for Recycling and Sustainable Resource Management (1994), Association of European Regions for Origins Products (1971), Association of North East Asia Regional Governments (1996), Atlantic Area Transnational Cooperation Program (2007), Baltic Sea States Sub regional Cooperation (1993), Border Governors' Conference (1980), Cities Alliance (1999) Cities Climate Leadership Group C40 (2005), Cities for Local Integration Policy Network (2006), Cities for Mobility (2000), CITYNET (1987), Climate Alliance of European Cities with Indigenous Rainforest Peoples (1990), Commonwealth Local Government Forum (1995), Compact of Mayors (2014), Compact of States and Regions (2014), Conference of European Regions with Legislative Power (2000), Conference of European Regional Legislative Assemblies (1997), Conference of Peripheral Maritime Regions (1973), Conference of Presidents of Ultra-Peripheral Regions (1994), Congress of Local and Regional Authorities of Europe (1994), Council of European Municipalities and Regions (1951), Council of Great Lakes Governors (1983), Council of State Governments- Eastern Regional Conference (1937), Districts of Creativity Network (2004), Energy Cities (1990), Environmental Conference of the Regions of Europe (1993), EURADA European Association of Development Agencies (1992), Europe Mediterranean Partnership of Local and Regional Authorities (2000), Euro-Latin American Alliance of Cooperation among Cities (2013), European Association of Elected Representatives from Mountain Regions (1991), European Chemical Regions Network (2004), European Clusters and Regions for Eco-Innovation and Eco-investments Network (2007), European Federation of Agencies and Regions for Energy and the Environment (1990), European GMO-Free Regions Network (2005), European Local Authorities Network for the

Among the others, *100 Resilient Cities Network* (2013) is dedicated to helping cities become more resilient to physical, social and economic challenges; *ICLEI Local Governments for Sustainability* (1990) gathers over 1500 local governments and impact over 25% of the global urban population.

Information Society (1996), European Region Danube Vltava (2012), European Regions and Municipalities Partnership for Hydrogen and Fuel Cells (2008), European Research and Innovation Network (2001), European Strategy for the Alpines Region (2013), Federation of Latin American Cities Municipalities and Associations of Local Governments (All members of UCLG, 1981), Federation of European Union Local Authorities Chief Executive Officers (1990), Four Motors for Europe association (1988), Global Cities Dialogue (1999), Global Found for Cities Development (2010), Great Lakes Commission (1955), Great Lakes- St. Lawrence Cities Initiatives (2003), Ibero-American Center Forum of Local Authorities (2006), Innovating regions in Europe Network (1995), International Association for Peace Messenger Cities (1988), International Association of Educating Cities (1990), International Association of Francophone Regions (2002), International Lake Constance Conference (1972), International Solar Cities Initiative (2003), IULA (2013) replaced by UCLG (2004), Latin American Organization of Intermediate Governments (2004), Leading Cities (2011), Med-cities – Mediterranean cities network (1991), Mero-cities (1995), MERCOSUR Committee of Municipalities, States Provinces and Departments (2004), Most Ancient European Towns Network (1994), Municipal Alliance for Peace in the Middle East (2005), Network of European Metropolitan Regions and Areas (1996), Networks of European Regions for Sustainable and Competitive Tourism (2007), Network of European Regions on Education for Sustainability (2005), Network of European Regions Using Space Technologies (2008), Networks of Metropolitan Areas of the Americas (2014), Network of Regional Governments for Sustainable Development, Network of South American Cities (2012), New England Governors and Eastern Canadian Premier's Annual Conference (1972), Organization of Islamic Capitals and Cities (250), Pacific Coast Collaborative (2008), Pacific Northwest Economic Regions (1991), Pact of Islands (2007), Peri-Urban Regions Platform Europe (2004), POLIS network (1989), Pyrenes-Mediterranean Euroregion (2004), Red Andina de Ciudades (2003), Regional Greenhouse Gas Initiative (2003), Regional Leaders Summit (1999), Regions of Climate Action (2010), Regions United Forum of Regional Governments and Global Associations of Regions (2007), Soil & Land Alliance of European Cities and Towns (2000), South-eastern United States-Canadian Provinces Alliance (2007), The Climate Group (2004), The Northern Forum (1993), Under Two MOU (2015), UNESCO Creative Cities Network (2004), UNESCO International Coalition of Cities against Racism (2004), Union of Capital Cities Luso-Afro-American-Asian (1985), UCLG (2004), UNACLA (2000), Vanguard Initiative for New Growth by Smart Specialization (2013), Western Climate Initiative (2007), Working Community of the Danube Countries (1990), Working Community of the Pyrenees (1983), World Association of the Mayors Metropolis (1985), World e-Governments Organization of Cities and Local Governments (2008), World Energy Cities Partnership (1995), World Federation of United Cities and United Towns Organization (1957 replaced by UCLG), World Regions Forum (2009).

The Organization of World Heritage Cities (1993) is composed of more than 300 cities, united by the desire of preserve their cultural heritage. *Mayors for Peace* is composed of more than 7550 cities, which have expressed support for the program of Mayor Araki about the total abolition of Nuclear Weapons. *Soustainable Cities and Town Campaign* (1994) puts together around 2007 local authorities.

Regional organizations are also common, like the *Union of Ibero-American Capital Cities* (1982), *Arab Towns Organization* (1967) or the *International Association of Francophone Mayors*, along with others.

In the European Context, the *Assembly of European Regions* (1985) gathers more than 200 members; the *Association of European Border regions* (1971) more than 180; *ALDA the association of Local Democracy* more than 150; *Eurocities* almost 150; the *Covenant of Mayors* involves more than 7500 municipalities; the *European Association of Elected Representatives* (1991) more than 10.000 local governments and 50 regions; the *European Forum for Urban security* (1987) more than 250 and so on.

Moreover, every year, hundred of cities summits take place all over the world. Is the case, for example, of the *World Cities Summit Mayors Forum*, jointly organized by the Singapore's Centre for Liveable Cities and the Urban Redevelopment Authority. It is a annual global event for cities leaders, to share urban best practices⁶⁷; The *XXIII Iberoamerican Meeting of Local Authorities* is coordinated by the Ibero-American Union of Municipalists, the Municipality of Medellín de Bravo and the Municipality of Coatepec. It follows the objectives of 2030 Agenda for Sustainable Development⁶⁸;

The Smart City Expo World Congress is an innovative platform for urban action worldwide and aims to promote urban innovation across the cities⁶⁹.

Finally, it is worth remembering that, 31st of October, has been designated by UN General Assembly as the "World Cities Day", in order to promote cooperation among cities on several issues⁷⁰.

⁶⁷ World Cities Summit

<http://www.worldcitysummit.com.sg/about-us> Consulted in 2018.

⁶⁸ XXIII Encuentro Iberoamericano De Autoridades Locales

<https://encuentroautoridades.eventosuim.org/objetivos/> Consulted in 2018.

⁶⁹ Smart City Expo World Congress

<http://www.smartcityexpo.com/en/the-event/about-scewc> Consulted in 2018.

1.2.5 The Committee of the Regions

The Committee of the Regions⁷¹ and Local Authorities (CoR), the voice of regions and cities in the European Union, was established in 1994. It is composed by 350 territorial representatives who hold an electoral mandate (art 300 TEU). The CoR is divided in political groups and the president is elected for a two-and-a-half-year term. The Committee must be consulted in matters of its interest (Since the Treaty of Amsterdam) and has the power to appeal to the Court of Justice, in case of alleged violation of the principle of subsidiarity (Since the Treaty of Nice). It has six commissions covering different policy areas: CIVEX: citizenship, governance, institutional and external affairs, COTER: territorial cohesion policy; ECON: economic policy; ENVE: environment, climate change and energy; NAT: natural resources and agriculture; SEDEC: social policy, employment, education, culture and research. It takes part in the Euro-Mediterranean Regional and Local Assembly (ARLEM), in the Conference of Regional and Local Authorities for the Eastern Partnership (CORLEAP). It signed memorandum with several organizations, likewise the Congress of Local and Regional Authorities (2005) and the Organisation for Economic Co-operation and Development (2015). In 2014, it adopted the Charter for Multilevel Governance (MLG)⁷² which also promote transnational cooperation between local authorities.

1.3 SDGs: the role of Local Authorities in the 2030 Agenda

Regions and Cities are involved in the 2030 Agenda for Sustainable Development⁷³, adopted by UN Nations with Resolution A/RES/70/1 in 2015⁷⁴. Indeed, the treaty is strongly related to local and regional governments.

⁷⁰ World Cities Day 31 October <http://www.un.org/en/events/citiesday/> Consulted in 2018.

⁷¹ CoR <http://cor.europa.eu/en/about/Pages/index.aspx> Consulted in 2018.

⁷² Charter for Multilevel Governance (MLG) in Europe, adopted by the CoR on 3 April 2014, and opened on 9 May 2014 for the signature of all EU cities and regions.

⁷³ The Role of Local Governments at United National Level was already affirmed: "[...] *We Recognizing local authorities as our closest partners, and as essential, in the implementation of the Habitat Agenda*". Istanbul Declaration on Human

In this regards, in 2013, has been set up a Global Taskforce of local and regional governments which actively participate in the post-2015 development agenda and towards the “Habitat III” process. Indeed, subnational governments are not only mere implementers of the agenda, they are the closest policy makers to citizens, able to link global goals with local communities⁷⁵.

“People, Planet, Prosperity, Peace and Partnership” are the five key words in the preamble. The Agenda contains 17 Sustainable Development Goals⁷⁶ and 169 targets, seeking to build on the Millennium Development Goals adopted in September 2000⁷⁷ (8 Goals and 21 targets). However, albeit the experiences learned by MDGs are an important basis for the SDGs Agenda⁷⁸, there are several differences between them: MDGs were set up without a global consultation and through a top-down approach. They aimed to tackle poverty, but only referred to world’s poorest population and to developing countries.

Its efficiency were measurable through 60 indicators, following a statistical method and involving mostly national governments. Differently, SDGs are universal and engage several stakeholders. They refer to the world’s population, aiming at achieve sustainable development . SDGs came into effect on 2016 and seek to reduce poverty, hunger and inequalities, to promote good health and well being, clean water, energy and sanitation, to encourage education, responsible consumption and production, to foster decent work and economic growth, sustainable cities and communities and so on⁷⁹.

Settlements. United Nations conference on human settlements (Habitat II) 3-14 June 1996.

⁷⁴ A/RES/70/1 Transforming our world: the 2030 Agenda for Sustainable Development

⁷⁵ SDGs. What Local Governments need to know. UCLG publication. 8/10/2015.

⁷⁶ SDGs: 1(No Poverty); 2(Zero Hanger); 3(Good Health and Well Being); 4 (Quality Education); 5 (Gender Equality); 6 (Clean Water and Sanitation); 7 (Affordable and Clean Energy); 8 (Decent Work and Economic Growth); 9 (Industry, Innovation and Infrastructure); 10 (Reduced Inequalities); 11(Sustainable Cities and Communities); 12 (Responsible Consumption and Production), 13 (Climate Action); 14 (Life below water); 15 (Life on land); 16 (Peace, Justice and Strong Institutions); 17 (Partnership for the goals).

⁷⁷ A/RES/55/2 United Nations Millennium Declaration. 18 September 2000.

⁷⁸ World Bank Group, UNDP. Transitioning from the MDGs to the SDGs. The Report synthesizes the main lessons learned from the MDG Reviews conducted by the UN System Chief Executives Board for Coordination (CEB) between April 2013 and November 2015.

⁷⁹ Other measures for each goal: SDGs. What Local Governments Need to Know. UCLG publication.

Thus, Local and regional governments play a great role on achieving the abovementioned commitments. That's why world leaders formally recognized the importance of them in renewing human settlements and in fostering community cohesion, innovation and employment (point 34 of the Resolution)⁸⁰. Indeed, historically, local governments have been fundamental to the provision of services which correspond to latest SDGs targets. For this reason the international community agree on the fact that they must be "localize", meaning with this concept

the process of taking into account subnational contexts in the achievement of the 2030 Agenda".⁸¹

Hence, how paradiplomacy could be useful? The Global Taskforce of Local and Regional Governments, had strongly pushed for the introduction of *SDG11 on sustainable cities and human settlements*. Indeed, in 2015, around 4 billion people (54% of the world's population) lived in urban areas. The number will increase more and more, therefore a better urban planning is required to tackle air pollution, inadequate services and other effects of the rapid urbanization⁸². However, the role of cities and municipalities goes far beyond Goal 11, being connected with all SDGs: for instance, regarding Goal 1 (End poverty), local governments can identify poor people living on the ground, provide them basic services, and foster local economic development. Under Goal 2 (Zero hunger), they can support agriculture by promoting local food chains, urban cultivation, and building better infrastructures.

⁸⁰ The same importance is been recognized in the New Urban Agenda, at the United Nations Conference on Housing and Sustainable Urban Development, held in Quito on 17-20 October 2016.

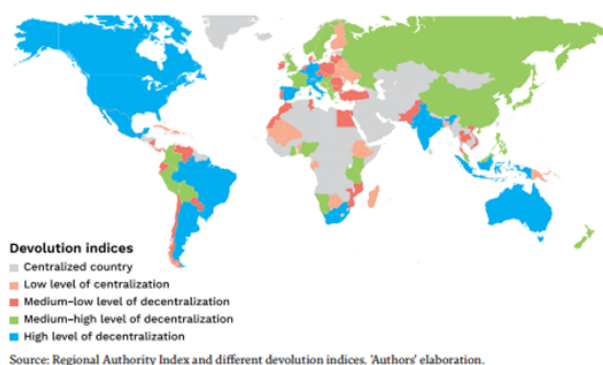
⁸¹ Roadmap for localizing the SDGs: implementation and monitoring at subnational level. Global Taskforce Of Local And Regional Governments, UN Habitat, UNDP (<http://localizingthesdgs.org/>). Consulted in 2018.

⁸² Progress towards the Sustainable Development Goals. Report of the Secretary General. Economic and Social Council. E/2017/66.

As a matter of fact, “The National and Sub-National Governments on the way towards the Localization of the SDGs”, the UCLG Report to the Global Taskforce⁸³ presented at the High Level Political Forum (HLPF) on Sustainable Development (2017)⁸⁴, demonstrate the role of local and regional governments in the implementation of SDGs⁸⁵.

Indeed, despite the needed of be better integrated in the SDGs mechanisms, they are taking important actions to localize the Agenda, by developing territorialized and multidimensional policies and fostering awarness among local communities. They are working on both side: as single entities and across local and global associations⁸⁶. This confirms the role of paradiplomacy in achieving the the global goals. Thus, the involvement of local authorities in SDGs strategies, requires an appropriate paradiplomatic institutional framework, accordingly to the principles of decentralization and multi-level governance.

Table 2: Level of decentralization by country, 2016.



Trainer's guide for Localizing the SDGs. Learning Module 1. UNDP, UCLG, UN-HABITAT, Global Taskforce, Barcelona Municipality, European Commission. July 2017. Pag. 33

⁸³ The report is based on first-hand information collected by UCLG from local government associations in over 30 countries, complemented by an analysis of the 63 official National Voluntary Reviews (NVRs) and 'Main Messages' presented by national governments. Around 400,000 subnational governments have presented Voluntary National Reviews in the two HLPF that were held after adoption of the Agenda.

⁸⁴ New York, 2017. The Forum, established by United Nations in 2012, meets annually.

⁸⁵ Sustainable Development in the European Union — Monitoring report on progress towards the SDGs in an EU context. Eurostat, 2017.

⁸⁶ UCLG report National and Sub-National Governments on the way towards the Localisation of the SDGs. UCLG, 2017.

1.4 Sub-national relations in Europe and in the European Union: a longstanding tradition

Experts agree that, already in 836 A.C, Paderborn (Germany) and Le Mans (France) established the earliest town twinning in Europe⁸⁷. Nevertheless, the golden age of paradiplomacy goes back to the 20th century.

Indeed, hundred of Sister Cities were born at the end of the two world wars, initially, with the aim of promoting peace: for instance, is the case of Keighley (UK) and Poix-du-Nord (FR)⁸⁸ in 1920, and of Coventry (UK) and Dresden (D) in 1959, both bombed during the war⁸⁹.

Over the years, twinning between cities increased⁹⁰ on a manifold area of cooperation and for several reasons⁹¹. However, since the beginning, the arrangements⁹² has generally been simple informal acts, therefore not legally binding. At the beginning of the last century (1913), the “International Municipal Movement” also moved its first steps: in the Belgian city of Ghent, a group of Mayors decided to cooperate in a structured manner, giving birth to the “Union Internationale des Villes”⁹³. In 1951, mayors from France and Germany founded the Council of European Municipalities and Regions (CEMR)⁹⁴.

⁸⁷ LELIÈVRE, J. BALAVOINE, M. Le Mans-Paderborn, 836–1994: dans l'Europe, une amitié séculaire, un sillage de lumière. Retrieved 9 August 2013.

⁸⁸ POIX DU NORD Site de la ville / <http://ville-poixdunord.fr/historique/> “En 1920, dans la continuité de l'amitié liant M. Gaston DUCORNET, maire de Poix du Nord et M. Ferdinand BINNS, maire de KEIGHLEY (Yorkshire-Angleterre), et suite à l'état de notre ville après les bombardements de 1918, KEIGHLEY devient la marraine de Poix-du-Nord.”

⁸⁹ Coventry City Council. Coventry's twin towns and cities - Dresden, Germany https://www.coventry.gov.uk/directory_record/6210/dresden_germany. Consulted in 2018.

⁹⁰ Sister Cities of the World (<http://en.sistercity.info/>). A list is maintained by Sister Cities International. A list of town-twinning in Europe on Wikipedia https://en.wikipedia.org/wiki/List_of_sister_cities_in_Europe. Consulted in 2018.

⁹¹ FURMANKIEWICZ, M. “Town Twinning as a factor generating international flow of goods and people” – the example of Poland. Wroclaw University, 2004.

⁹² TAVARES, R. *Paradiplomacy. Cities and Regions as Global Players*. Oxford University Press 2016. The author classifies sister cities in the category of the “Ceremonial Paradiplomacy”. Page 29.

⁹³ Centenary of the International Municipal Movement | UCLG <https://www.uclg.org/en/centenary> . Consulted in 2018.

⁹⁴ In 1953 CEMR General Assembly adopted The European Charter of Municipal Liberties.

Nowadays, it brings together national associations of local and regional governments, representing more than 130.000 municipalities of 42 European countries⁹⁵. Some years later, in 1957, the first session of the new “Conference of Local Authorities” was held in Strasbourg. After Regions representatives were also admitted, it became the Conference of Local and Regional Powers, while, in 1993, it was converted in the current *Congress of Regional and Local Powers*. That’s are the words, in his inaugural speech, of Jacques Chaban Delmas, first President of the Council:

*the foundation of this Council is the result of a team-work of passionate local administrators, holders of a mandate conferred by millions of European citizens, for the first time called to express their opinion within a supranational Institutions*⁹⁶.

In 1985, the Congress adopted the European Charter of Local Self Government. Art 10 of the agreement refers to paradiplomacy, laying down the Local Governments right to associate and cooperate with their counterparts in foreign countries. A few years after, in 1994, the Treaty of Maastricht gave birth to the European Committee of the Regions, the voice of local and regional authorities in the EU. In 2009, the Treaty of Lisbon provide it the right to appeal directly the EU Court of Justice. It also extended the mandate of its representatives to five years, bringing the Committee into line with the other EU institutions. Furthermore, territorial cohesion became a European pillar, as stated in art 4.2 of the Treaty:

*Region and Local Self-Government are inherent in the fundamental structure of the Union*⁹⁷.

⁹⁵ CEMR is also the European section of the world organisation “United Cities and Local Governments”.

⁹⁶ 50 Years of Local Democracy in Europe. Series Local and Regional Page 15. C. of Europe. 2007. F67075.

⁹⁷ In 2008, the EU Commission expressly recognised the importance of Local governments for the development. LOCAL AUTHORITIES: ACTORS FOR DEVELOPMENT. {SEC(2008)2570} – Communication from the Commission to the Council, the EU Parliament and the European Economic and Social Committee and Committee of the Regions. Brussels 8.10.2008.

Hence, alongside the principle of multilevel governance, of subsidiarity and autonomy, the Union used transnational cooperation as a further tool to encourage EU integration and enlargement. Indeed, paradiplomacy easily allow the transfer of the *acquis communautaire* to local communities in the candidate Countries^{98 99}.

For these purposes, the EU took many other initiatives: it set up instruments as the “Euroregions”, the “European Grouping for Territorial Cooperation” and the “Eurodistricts”¹⁰⁰. In 2008, gave life to a program named “Non-State Actors and Local Authorities”, which supports the Europe-wide platform of local and regional government associations (PLATFORMA). Through the program “Europe for citizenship”¹⁰¹, it promote citizens’ understanding of the Union and democratic participation, boosting town twinning and networks of cities.

Finally, European paradiplomacy expresses itself through a manifold of local governments organizations. Among the others, *The Assembly of European Regions*, gathers members from 35 countries. It was founded after that Regions met in Louvaine-la-Neuve, in 1985¹⁰². *Eurocities*¹⁰³, founded in 1986 by the Mayors of Barcelona, Birmingham, Frankfurt, Lyon, Milan and Rotterdam, have more than 140 members from 30 different countries. *MedCities*¹⁰⁴, established in Barcelona in 1991, is a network of 27 coastal cities, with the aim of sustainable urban development.

⁹⁸ COLETTI, R. JOSÉ, E. RHI-SAUSI, L. “Paradiplomazia e politica estera nell’Unione Europea”. CeSPI Centro Studi di Politica Internazionale Doc. 3/10. Febbraio 2010. Page 3,4,5.

⁹⁹ VALMORBIDA, A. “Decentralised cooperation: an added value for Eastern Partnership”. ALDA EUROPE. LOCAL DEMOCRACY LIBRARY The series of the European Association for Local Democracy, 2017. Page 6, 7.

¹⁰⁰ 2.3.2 The Madrid Convention on Transfrontier Co-operation between Territorial Communities or Authorities and the Territorial Cooperation Programmes: Interreg; Euroregions; European Grouping for Territorial Cooperation; Eurodistricts

¹⁰¹ 2.3.3 Europe for Citizenship: fostering Networks of Cities and Town Twinning

¹⁰² The Report on the state of Regionalisation in Europe. An interesting work about Regionalisation in Europe that covers 41 countries, delivering details about their state of regionalisation through a comparative approach. 2017 Edition.

¹⁰³ EUROCITIES. The European Cities Network.

<http://www.eurocities.eu> Consulted in 2018.

¹⁰⁴ MedCities. Mediterranean Network for Urban Sustainable Development. <http://www.medcities.org> . Consulted in 2018.

EURADA, founded in 1992, is the European Association of Economic Development Agencies, with around 75 members throughout 22 countries ¹⁰⁵. *ALDA*, the *European Association for Local Democracy*, was created in 1999 on the initiative of the Council of Europe. It gathers more than 300 members in more than 40 countries ¹⁰⁶.

¹⁰⁵ EURADA. The European Association of Economic Development Agencies.
<http://www.eurada.org> . Consulted in 2018.

¹⁰⁶ ALDA. European Association for Local Democracy.
<http://www.alda-europe.eu> Consulted in 2018

2. A GLIMPSE TO THE EUROPEAN UNION OF REGIONS AND MUNICIPALITIES

2.1 Mapping Regions and Local Governments in Europe

Why to map? It should not be forgotten that the objective of this work is to conduct the analysis on paradiplomacy to the path of *institutionalization*. For this reason, the idea is to provide numbers and food for thoughts to figure out whether, systematize through the implementation of local governments with international apparatus, could be useful and sustainable.

Therefore, we must question how many municipalities exist in Europe, what budget would be needed for such an intervention, who would be competent and through which tools. To all this question we will try to answer in the third chapter¹⁰⁷, while at this stage of the work, we will just detect some data, identifying the number of local authorities in the European scenario. Unfortunately, will be impossible to be precise, if one considers the widespread tendency by the legislator to reorganize local systems, even more so in time of economic crisis. Indeed, since 2012, in order to fight the excessive fragmentation of the institutional framework, the number of european Local Authorities has decreased by approximately 15%. On the contrary, Regions has increased by 1%¹⁰⁸. Furthermore, albeit to a much lesser extent, the number could change also because, in some cases, local authorities themselves have the right to modify their territorial structure, by adhering or detaching from other entities¹⁰⁹.

¹⁰⁷ Chapter 3. THE SUCCESSFUL STORY OF PARADIPLMACY AND THE NEED TO INSTITUTIONALIZE: ROADMAP FOR A PRACTICABLE LEGAL PROPOSAL.

¹⁰⁸ Local and Regional Governments in Europe. Structures and Competences. Council of European Municipalities and Regions (CEMR) Publication. www.ccre.org Consulted in 2018.

¹⁰⁹ These rights are protected by many National Constitutions and by Article 5 of the European Charter of Local Self-Government: *Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by status.*

Finally, it is interesting to note that on the status of local and regional democracy, the Congress of Local and Regional Authorities adopts reports and recommendations as a result of several monitoring visits, and assesses the application of the European Charter of Local Self-Government in each of the 47 Member States of the Council of Europe¹¹⁰.

The following, in alphabetical order, is a list of the European Countries, with the information about the form of governments, the level of decentralization and the specific name for each territorial entity^{111 112 113 114}.

Albania is a unitary State composed of 61 municipalities (*Bashkia*) and 12 counties (*Quark*)¹¹⁵. **Austria** is a federal State with 2100 municipalities (*Gemeinden*) and 9 regions (Länder). **Belgium** is a federal State consisting of 589 municipalities (*Gemeenten*), 11 provinces, (*Provincies*), 3 regions (*Gewesten*) and 3 communities (*Gemeenschappen*). **Bosnia and Herzegovina** is a federal State with 145 municipalities (*Opštine*) and 10 cantons (*Kantoni*). **Bulgaria** is a unitary State composed of 265 municipalities (*Obshtina*) and 28 provinces (*Oblasti*). **Croatia** is a unitary State made up of 21 counties (*Županija*) 429 municipalities (*Općina*), 106 town and 21 cities (*Grad*). **Cyprus** is a unitary States with six districts, 350 communities (*Koinotites*) and 30 municipalities (*Dimoi*). **Czech Republic** is a unitary State with 6258 municipalities (*Obec*) and 14 regions (*Kraje*). **Denmark** is a unitary State composed of 5 regions (*Regioner*) and 99 municipalities (*Kommuner*)¹¹⁶.

¹¹⁰ European Charter of Local Self Governments. Texts adopted by the Congress <https://www.coe.int/en/web/congress/adopted-texts> Consulted in 2018.

¹¹¹ Local and Regional Governments in Europe. Structures and Competences. Council of European Municipalities and Regions (CEMR) Publication. www.ccre.org Consulted in 2018.

¹¹² EUROPE Population Statistics in Maps and Charts for all Countries in Europe. citypopulation.de

¹¹³ The Report on the state of Regionalisation in Europe. Assembly of European Regions. 2017 edition.

¹¹⁴ Subnational governments in OECD Countries: Key Data. 2018 edition.

¹¹⁵ In 2015, the numbers of municipalities were reduced from 373 to 61 and the rural municipalities (at the time 308 of them) were abolished.

¹¹⁶ On 1 January 2007, Regions replace the 16 Counties. The number of municipalities were reduce from 270 to 98.

Estonia is a unitary State with 79 municipalities (*Omavalitsus*), 14 of them urban and 65 rural¹¹⁷. **Finland** is a unitary State divided into 313 municipalities (*Kunta*) and 18 regions (*Maakunnanliitto*). **The Former Yugoslav Republic of Macedonia** is a unitary State with 81 municipalities (*Opština*) of which 10 constitute the City of Skopje. **France** is a unitary State composed of 36.658 municipalities (*Commune*), 99 departments (*Département*) and 3 overseas departments, 13 regions (*Région*) and 3 overseas regions. **Georgia** is a unitary State divided into 60 municipalities (*Minucipalitati*) and 12 governing cities (*Tvitmmartveli qalagebi*). **Germany** is a federal State with 11.135 municipalities (*Gemeinden*) and cities (*Städte*), 295 counties (*Kreise*) and 16 regions (*Länder*). **Greece** is a unitary State composed of 325 municipalities (*Dimos*) and 13 self-governed regions (*Periphéria*)¹¹⁸. **Hungary** is a unitary State divided into 3201 municipalities (*Települések*), cities (*Városok*), cities with county rank (*Megyei.jogú.városok*), 23 capital town districts (*Fővárosi.kerületek*) and 19 counties (*Megyék*). **Iceland** is a unitary State composed of 74 municipalities (*Sveitarfélag*). **Ireland** is a unitary State with 31 cities and counties, 95 municipal districts and 3 regions. **Italy** is a unitary state made up of 8.006 municipalities (*Comune*), 110 provinces (*Provincia*) and 20 Regions (*Regione*). **The Republic of Kosovo** is a unitary State (partially recognised) divided into 38 municipalities (*komunë* in albanian and *Opština* in serbian) and 1285 villages (*Fshat/Selo*). **Latvia** is a unitary State made up of 110 municipalities (*Novads*), 9 cities (*Pilseta*) and 5 regions (*Reģioni*). **Lithuania** is a unitary State with 60 municipalities (*Savivaldybė*). **The Principality of Liechtenstein** is divided into 11 municipalities (*Gemeinden*). **Luxemburg** is a unitary State composed of 105 municipalities (*Gemengen*). **Malta** is a unitary State composed of 68 local council (*Kunsill lokali*). **Moldova** is a unitary State with 1547 villages (*Sate*) and communes (*Comune*), 5 municipalities (*Municipii*), 61 cities (*Orașe*), and 66 villages within cities structure. **Montenegro** is a unitary State divided into 23 municipalities (*Opštine*). **The Netherlands** is a unitary State composed of 390 municipalities (*Geementen*) and 12 provinces (*Provincies*).

¹¹⁷ Before the Administrative Reform, in Estonia (October 2017) there were 213 municipalities.

¹¹⁸ After the adoption of the *Kallikratis Programme* (law 3852/2010) that merged the 1033 municipalities and communities.

Norway is a unitary State made up of 428 municipalities (*Kommune*) and 19 counties (*Fylkeskommune*). **Poland** is a unitary State divided into 2479 municipalities (*Gminy*), 380 counties (*Powiaty*) and 16 regions (*Voivodship-województwo*). **Portugal** is a unitary State composed of 308 municipalities subdivided in 3092 parishes (*Freguesias*) and 2 autonomus regions. Romania is a unitary state made up of 2861 municipalities (*Comune*), 217 towns (*Orase*), 103 cities (*Municipii*), 41 counties (*Judete*). **Serbia** is a unitary State with 174 municipalities (*Opstina*) and cities (*Grad*) and two autonomous provinces. **Slovakia** is a unitary State with 2751 municipalities (*Obec*), 140 cities (*Mesto*), 39 city districts (*Mestská časť*) and 8 self-governing regions (*Samosprávne Kraje*). **Slovenia** is a unitary State composed of 212 municipalities (*Občina*). **Spain** is unitary State divided into 8124 municipalities (*Municipios*) and 52 county council (*Disputaciones, Consejos and Cabildos*), 17 autonomous communitis (*Comunidades autónomas*) and 2 autonomous cities (*Ciudades autónomas*). **Sweden** is a unitary State with 290 municipalities (*Kommuner*), 11 county council (*Landsting*) and 9 regions (*Regioner*). **Switzerland** is a federal State composed of 2324 municipalities (In german *Gemeinden, Einwohnergemeinden or politische Gemeinden*; *Communes* in french; *Comuni* in italian; *Vischnancas* in romansh) 6 half-cantons and 20 cantons (*Kanton, Canton, Cantone, Chantu*). **Turkey** is a unitary State with 18247 villages (*koy*) and 1397 municipalities (*Belediye*), and 51 special provincial administrations (*Il özel idaresi*). **Ukraine** is a unitary State made up of 10885 municipal councils, 488 districts (*Rayony*) and 24 regions (*Oblasti*). **United Kingdom** is a unitary State with 419 local authorities and 4 regions.

Therefore, doing math, it can be detect that in the whole European continent there are almost 130.000 municipalities, while in the European Union around 90.000. EFTA, the European Free Trade Association, is made up of around 3000 local self-governments; the Balkans, both candidate and potential countries¹¹⁹, of around 530; lastly, Turkey, the most controversial candidate country, is composed of more than 18.240 municipalities.

¹¹⁹ Albania, the Former Yugoslav Republic of Macedonia, Montenegro, Serbia (and Turkey) are candidate countries. Bosnia and Herzegovina and Kosovo are potential, since they have not been yet granted "candidate" status.

With regards to the other entities, only 7 EU countries are divided into three tiers of government (Belgium, France, Germany, Italy, Poland, Spain and United Kingdom¹²⁰), other 12 are composed only of regions and municipalities (Austria, Czech Republic, Denmark, Finland, Greece, Hungary, Ireland, Latvia, Netherlands, Portugal, Romania, Slovakia and Sweden), and 6 countries have only one administrative level (Bulgaria, Cyprus, Estonia, Lithuania, Malta, Slovenia). In total, the European Union is divided into around 285 Regions and 910 Intermediate Provinces. Among the candidate countries, only Albania, Serbia and Bosnia Erzegovina have regions (24) and no intermediate entites, while Norway and Switzerland are the only EFTA countries with regions and municipalities.

Looking at EU demography, can be noted that European cities have averagly a small size. Around 8000 cities in the EU have a population of above 50000 inhabitants. About 50% of them does not exceed 100,000, while 260 cities have between 100,000 and 250,000 citizens. Only 26 cities in the EU have a population of more than one million, 12.5% Europeans lives in such a city, while around 75% live in urban areas. Only London and Paris are megacities with populations of over 10 million. The average density of a European city is 3,000 inhabitants per square kilometer, while in others Continents it ranges between 4,000 and 8,000^{121 122}.

¹²⁰ On 30 March 2019, United Kingdom is due to withdraw from the EU, based on the 2016 referendum's results and on article 50 of the Treaty on the European Union.

¹²¹ The State of European Cities 2016. Cities leading the way to a better future. European Union, United Nations Human Settlements Programme (UN-Habitat), 2016.

¹²² MOOC. Make the most of EU resources for your region or city. The European Committee of the Regions, the European Investment Bank, the European Commission, Eurostat, 2018. Iversity.it

2.1.2 NUTS: the Classification of Territorial Units for Statistics

“Regional statistics have always been a cornerstone of the European Statistical System.”

However only after thirty years of life¹²³, the Commission Regulation (EC) No 1059/2003¹²⁴ gave NUTS a legal status.

The NUTS classification (Nomenclature of territorial units for statistics), set up by Eurostat and regulated by the EU¹²⁵, is a hierarchical system which subdivides the economic territory of the European Union into three territorial units (NUTS levels 1,2,3), from smaller to larger areas, and ascribes to each of them a specific code and name¹²⁶. It ensures harmonised standards in regional statistics, enabling comparative analysis and interventions in support of disadvantaged and less competitive regions. For instance, under the European Structural Funds, regions eligible from cohesion policies are defined at NUTS 2 level. Indeed, since 1961, the Brussels Conference on Regional Economies had identified NUTS 2 as the administrative level on which Member State apply regional policies, therefore being appropriate even for statistical analyzes¹²⁷. The minimum and maximum population thresholds for the size of NUTS 1 are 3.000.000 and 7.000.000 (major socio-economic regions), for NUTS 2 are 800.000 and 3.000.000 (basic regions for the application of regional policies) and for NUTS 3, the range is between 150.000 and 800.000.

¹²³ Council Regulation (EEC) No 2052/88 on Structural Funds: OJ L 185, 15.7.1988.

¹²⁴ REGULATION (EC) No 1059/2003 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS). The consolidated version of the amended NUTS Regulation Eur-lex <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:02003R1059-20180118&from=EN>

¹²⁵ Candidate and EFTA Countries are not governed by the Regulations.

¹²⁶ It begins with a two-letter code of the country and continues with numbers referred to the subdivision entities. Capital letters are used after the numbers only when the subdivision has more than nine constituents.

¹²⁷ Regions in the European Union. Nomenclature of territorial units for statistics NUTS 2013/EU-28. Manuals and guidelines. Eurostat. European Union, 2015.

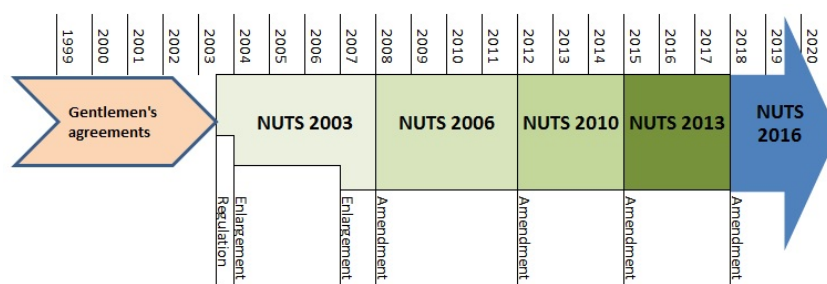
Art. 3 of the Regulation established that

existing administrative units within the Member States shall constitute the first criterion used for the definition of territorial units, and that to this end, 'administrative unit' shall mean a geographical area with an administrative authority that has the power to take administrative or policy decisions for that area.

Nevertheless, the subdivisions not necessarily corresponds to the Countries' administrative systems: indeed NUTS units can be constituted by aggregating smaller administrative entities to the higher levels, based on geographical and socioeconomic criteria (the results is called "non-administrative units").

By law, NUTS classification can be amended after three years from the previous version¹²⁸. The first two amendments date back to 2006 (Commission Regulation (EC) No 1888/2005) and to 2011 (Commission Regulation (EU) No 31/2011). The third and the fourth were adopted in December 2013 and in 2014 (extraordinary amendment by Commission Regulation (EU) No 868/2014). The last version, NUTS 2016 (Commission Regulation (EU) 2016/2066) lists 104 NUTS 1, 281 NUTS 2 and 1348 NUTS 3, and entered into force on 1 January 2018.

Table 3: The NUTS classification over time. Eurostat.



¹²⁸ In case of administrative reorganisation of a Member State, may be adopted amendments before than 3 years. It happened in 2014 for Portugal (the only case so far).

Article 4 of the NUTS Regulation is named “Local administrative units”. Indeed, in addition to NUTS, Eurostat has identified the LAUs¹²⁹, a more particular units than NUTS 3, which is appropriate for implementing the so called “local level typologies” included in TERCET, the system of the Union territorial typologies. Indeed, Art 4b of the Regulation established that

The Commission (Eurostat) shall maintain and publish, in the dedicated section of its website, Union typologies composed of territorial units at the levels of NUTS, LAU and grid,

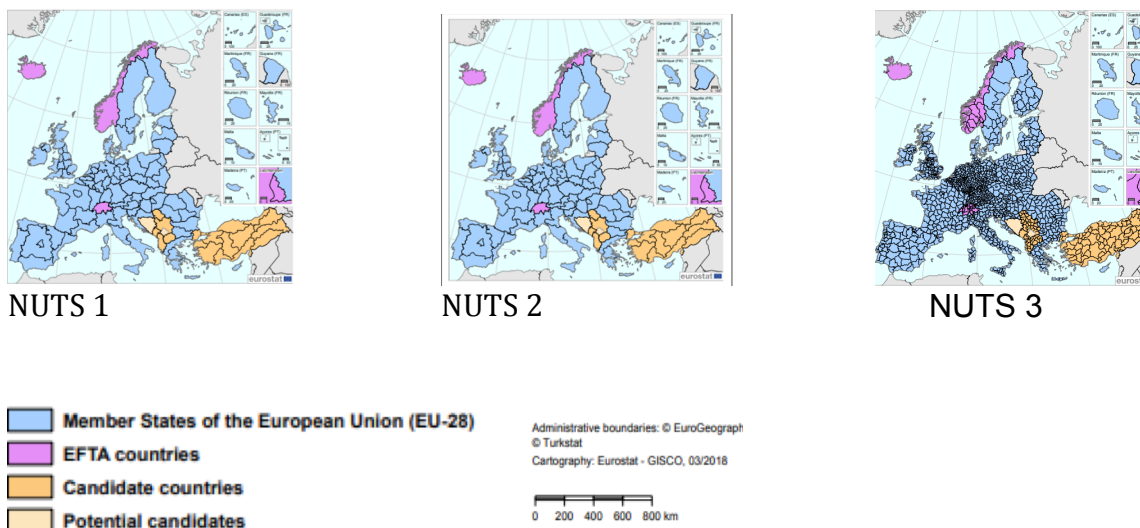
meaning with “grid”, a further subdivision needed for the analysis of statistics independently from the administrative boundaries. The grid-based typology shall be established at the 1 km² grid level as follows (art 4): urban centres, urban clusters and rural grid cells. At LAU level shall therefore be established the following typologies: firstly, the degree of urbanisation (DEGURBA) indicates specific kind of urban areas: A) Cities or “*Densely populated areas*”; Towns and suburbs or “*Intermediate density areas*”; Rural areas or “*Thinly populated areas*”. B) Functional urban areas (FUA) namely “cities” plus their “Commuting zones”. C) Coastal areas: “*Coastal areas*” and “*Non-coastal areas*”. Therefore, the concept of “City” could have several meanings. Thus, according to DEGURBA¹³⁰: a *City* is a local administrative unit where the majority of the population lives in an urban centre of at least 50,000 inhabitants. A *Commuting zone* contains the surrounding travel-to-work areas of a city where at least 15% of employed residents are working in the city. *Metro regions* are NUTS-3 regions or groupings of NUTS-3, representing all functional urban areas of more than 250,000 inhabitants. There are three types of metro regions: 1. *Capital city region* is the metro region which includes the national capital 2. *Second-tier metro regions* are the group of largest cities in the country excluding the Capital; 3. *Smaller metro regions* are the remaining ones.

¹²⁹ Until 2016 existed two levels of LAU. Since 2017, only one has been kept.

¹³⁰ European statistics on cities. Compact Guides. Eurostat. Publications office. European Union 2016.

Finally, the “*Population grid*” is made up of cells of one km² containing population. According to this classification, “*Rural areas*” are municipalities where more than 50% of the population lives in rural grid cells. “*Town and suburbs*” are municipalities where 50% of the population lives in urban clusters and which aren’t a city. “*Urban area*” is the sum of city, towns and suburbs. Finally, “*Urban centre*” is a cluster of contiguous grid cells of 1 km², with a density of at least 1,500 inhabitants per km² and a minimum population of 50,000^{131 132}.

Table 4: Regions in the Member States of the European Union (EU-28) according to NUTS 2013.



The designation of Kosovo is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo Declaration of Independence. EUROSTAT.

¹³¹ The State of European Cities 2016. Cities leading the way to a better future. EU Commission and UN HABITAT, 2016.

¹³² CoR MOOC: Make the most of EU resources for your region or city. European Committee of the Regions 08/11/2017.

2.1.3 The EU Urban Agenda

On 30th May 2016, with the Pact of Amsterdam¹³³, EU Ministers responsible for Cities matters, launched the *Urban Agenda for the EU* (UAEU)¹³⁴, then approved by the Council¹³⁵ on June 24th.

The agreement, to which contributed other stakeholders such as the Council of European Municipalities and Region¹³⁶, refers to the “2030 Agenda for Sustainable Development”, and in particular to Goal 11 which aims to make cities inclusive, safe, resilient and sustainable. It is furthermore in line with “The New Urban Agenda” approved in Quito in 2016¹³⁷, as confirmed by the EU Commission, which considers the UAEU the mechanism for its implementation in Europe. This commitment stems from the fact that urban areas host almost 75% of the EU population and that they generate up to 85% of Europe's GDP¹³⁸. Therefore, although the EU does not have explicit competences on the matter, urban entities are at the core of the Agenda, also due to the fact that most of the EU policies are implemented at local level. For this reason, since they are closer to citizens, the Agenda strives to involve Local Governments in the territorial cohesion strategy, seeking to improve well being and development in urban areas.

¹³³ The Pact of Amsterdam, agreed between EU Ministers responsible for urban matters during their informal meeting of 30 May 2016, under the Dutch Presidency of the Council of the European Union.

¹³⁴ As regards to the terminology, the document contains “Urban Area” and “Urban Authorities” like general terms to denote all kinds of urban settlement and the public authorities responsible to administrate on them.

¹³⁵ Council Conclusions on an Urban Agenda for the EU. PRESS RELEASE 382/16 24/06/2016

¹³⁶ Among the others, contributed EUROCITIES, URBACT, the European Forum for Architectural Policies (EFAP), the European Urban Knowledge Network (EUKN) and the European Observation Network for Territorial Development and Cohesion (ESPON).

¹³⁷ In 2016, as a result of the UN General Assembly Resolution 66/207, and on the path of the 1996 Habitat Agenda of Istanbul, it was held the Habitat III Conference, with the aim to reinvigorate the global commitment to sustainable urbanization. On Habitat III, the New Urban Agenda has been approved: <http://habitat3.org/wp-content/uploads/NUA-English.pdf>.

¹³⁸ Cities in Europe. Facts and figures on cities and urban areas. PBL Netherlands Environmental Assessment Agency. The Hague, 2016.

The Pact of Amsterdam recognizes as interested parties the European Commission and the European Parliament, the Committee of the Regions, the European Economic and Social Committee, Member States, Local Governments, NGOs and companies as well the European Investments Bank. Together, they carry out a manifold of vertical and horizontal cooperation initiatives to promote sustainable urban development¹³⁹.

Three main objectives are listed in the Treaty: better regulation, better funding and better knowledge. Moreover it contains fourteen core priorities: air quality, circular economy, climate adaptation, cultural heritage, digital and energy transition, housing, inclusion of migrants and refugees, innovative and responsible public procurement, jobs and skills in local economy, sustainable use of land and nature based solutions, security in public space, urban mobility and urban poverty.

The Agenda works through Partnerships, bringing together between fourteen to twenty-four local, national and European stakeholders¹⁴⁰. Four groups of partnerships have been established so far¹⁴¹: the pilot project was set up with the Pact of Amsterdam¹⁴², followed by the “Bratislava Partnerships”¹⁴³ in 2016, and by the “Malta Partnerships” in 2017¹⁴⁴. A cooperation agreement on Security in public spaces and Cultural heritage in European cities, was announced on April 2018, under the Bulgarian Presidency of the Council of the European Union¹⁴⁵.

¹³⁹ Contribution of European Institutions and organisations to the UAEU. One year pact of Amsterdam. European Urban Knowledge Network report. 18 July 2017.

¹⁴⁰ One Year Pact of Amsterdam. European Urban Knowledge Network report. 18 July 2017

¹⁴¹ All the thematic partnerships <https://ec.europa.eu/futurium/en/urban-agenda>. Consulted in 2018.

¹⁴² Partnerships on Air quality, Housing, Urban poverty and Integration of migrants and refugees.

¹⁴³ Partnerships on Circular economy, digital transition, jobs and skills on local economy and urban mobility.

¹⁴⁴ Partnerships on climate adaptation, energy transition, responsible and innovative public procurement, and sustainable use of land and nature-based solutions.

¹⁴⁵ Meeting of the Director Generals for urban issues in the EU. Sofia, 27 April 2018.

About the composition, it can be noted that in all partnerships there is an evident imbalance regarding the cities size: “small” (<100.000 inhabitants) and “medium size” cities (100.000- 1 million) prevail in the Bratislava and Malta group, while the Amsterdam Partnership is mainly represented by “big” cities (more than 1 million).

Finally, benefiting from the previous experiences, the last partnerships denote a more structured organization if compared to the pilot project¹⁴⁶.

Partnerships facilitates access to EU funding and are supported by EU resources, coming from the European Regional Development Fund and in particular from the four interregional programmes: ESPON, Intereact, Interreg Europe and URBACT¹⁴⁷, which foster integrated urban and regional development¹⁴⁸.

Which future for the UAEU? The post 2020 Multiannual Financial Framework (MFF) is currently being discussed¹⁴⁹. The Agenda will be a reference point for the EU urban areas in the next programming period. All the stakeholders should play the right role, by working together to set up partnership better organized, and strongly negotiating to maintain Cohesion policy as a European Union pillar¹⁵⁰¹⁵¹.

¹⁴⁶ One year Pact of Amsterdam. European Urban Knowledge Network report. 18 July 2017. Although the report refers specifically to the Bratislava Partnership, the same can be deduced for the Malta group.

¹⁴⁷ ESPON: www.espon.eu, Interact <http://www.interact-eu.net>, Interreg Europe: www.interregeurope.eu, Interreg Europe: www.interregeurope.eu and URBACT: www.urbact.eu Consulted in 2018.

¹⁴⁸ Interregional contribution to the Urban Agenda for the EU. ESPON, Interact, Interreg Europe and URBACT. Urban Agenda Library, March 2017.

¹⁴⁹ Reflection paper on the future of EU finances. EU Commission, 2017.

¹⁵⁰ #CohesionAlliance for a strong EU cohesion policy beyond 2020. Official Declaration: <https://cor.europa.eu/en/engage/Documents/Cohesion%20Alliance/declaration-cohesion-alliance.pdf>.

¹⁵¹ European Territorial Review. Territorial Cooperation for the future of Europe. ESPON contribution to the debate on Cohesion Policy post-2020. September 2017.

2.2 Local authorities in EU law and policies: the role of the Committee of the Regions and the principle of Subsidiarity, Proportionality and Multi-level governance in relation to paradiplomacy

Talking about “the importance of Local Authorities for the development”, the EU Commission defined them as

public institutions with legal personality, component of the State structure, below the level of central government and accountable to citizens¹⁵².

However, from a legal standpoint, which status they have in the EU framework? With the Lisbon Treaty¹⁵³, for the first time, they appear in the EU primary sources. Indeed article 4.2 states that:

the Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government [...]

With the abovementioned agreement, the EU Charter of Fundamental Rights obtained the same value of the Treaties, and therefore its Articles that refers to the Local Governments. In particular, the preamble establishes that:

the Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels.

¹⁵² Empowering Local Authorities in partner countries for enhanced governance and more effective development outcomes. Communication from the Commission to the EU Parliament, the Council, the EU Economic and Social Committee and the Committee of the Regions. Brussels, 15.5.2013 com(2013) 280 final.

¹⁵³ Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon, 13 December 2007.

Moreover, Article 40 provides that:

*every citizen of the Union has the right to vote and to stand as a candidate at municipal elections in the Member State in which he or she resides under the same conditions as nationals of that State*¹⁵⁴.

Nevertheless, there is not an official recognition of the Principle of “Local Autonomy” in EU law. It is not even found among the common values of the European Union, stated in Article 2 of the TUE¹⁵⁵. More likely, may be detected through the common constitutional traditions applicable by the Court of Justice. Finally, in the EU framework there is not reference to the European Charter of Local Self-Government¹⁵⁶, as happens, for instance, in the case of the European Convention on Human Rights (CEDU), through article 52.3 of the EU Charter of Fundamental Rights¹⁵⁷.

Thus, on one hand, European Union lacks a competence in local autonomy matters. Moreover, for their part, Local authorities don't have a full prerogatives status, having not standing to appeal to the EU Court of Justice. However, on the other hand, their role within the European Union has progressively grown. In what follow, we will try to figure out by what means and with which results¹⁵⁸.

¹⁵⁴ CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION (2000/C 364/01).

¹⁵⁵ ART 2 TUE: *The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.*

¹⁵⁶ Treaty No.122. The European Charter of Local Self-Government opened for signature by the Council of Europe's member states on 15 October 1985.

¹⁵⁷ ART 52.3 CFREU: *In so far as this Charter contains rights which correspond to rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, the meaning and scope of those rights shall be the same as those laid down by the said Convention. This provision shall not prevent Union law providing more extensive protection.*

¹⁵⁸ ANTONELLI, V. “Le autonomie locali: una questione europea. In Amministrazione in cammino. Rivista elettronica di diritto pubblico, di diritto dell'economia e di scienza”. A cura del Centro di ricerca sulle amministrazioni pubbliche “Vittorio Bachelet”. 15.05.2012. Pagine 7-12.

Historically, since the Treaty of Rome, regional and local dimension characterized EU affairs. One need only think that, as early as in 1968, it was created the Directorate General for Regional Policy¹⁵⁹. However, it was later in the 1990s that the Maastricht Treaty introduced the Principle of Subsidiarity in the European framework¹⁶⁰. It became legally binding with the Treaty of Amsterdam and the “Protocol on the application of the principles of subsidiarity and proportionality”¹⁶¹. The Treaty of Lisbon confirmed the subsidiarity under Article 5 TEU, and introduced a new Protocol (No. 2) which strengthen the role of national parliaments in monitoring the application of the principle¹⁶².

Art 5 TEU establishes that:

the use of Union competences is governed by the principles of subsidiarity and proportionality.

and that:

in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level [...]. Under the principle of proportionality, the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties. The institutions of the Union shall apply the principle of proportionality as laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

¹⁵⁹ It is now the Directorate-General for Regional and Urban Policy.

¹⁶⁰ The principle was indirectly contained also in the Single European Act (1987), whit regard to environment.

¹⁶¹ Indeed, before, in the Case Vereniging van Samenwerkende Prijsregelende Organisaties in de Bouwnijverheid v Commission of the European Communities, it was affirmed that subsidiarity was not a general principle cognizable by the Court. Case T-29/92, Court of First Instance, ECJ.

¹⁶² FINNIS, J.M. *Subsidiarity's Roots and History: Some Observations*. N. D. Law School, 2016. Pages 133-141.

The Protocol¹⁶³ refers to 'draft legislative acts': before making a proposal, the Commission must carry out extensive consultations, taking into account regional and local dimension impact (Article 2)¹⁶⁴. It must justify its decision with regard to the principles of subsidiarity and proportionality (Article 5).

Article 4, 6 and 7 focus on National Parliaments watchdog's role, since they and the Committee of the Regions can proceed before the Court of Justice in case of infringement of the principle (Article 8)¹⁶⁵.

As regards to the principle of proportionality, Article 5 TEU lays down that

the content and form of Union action shall not exceed what is necessary to achieve the objectives of the Treaties.

In addition to the Court's ex-post monitoring and to the annual reports of the EU Commission, the proper application of the principles is controlled through further systems: by the Subsidiarity Monitoring Network, established by the Committee of the Regions in 2005, which involves local and regional authorities. Moreover, since 2017, through the Task Force on Subsidiarity and Proportionality, chaired by the European Commission First Vice-President and composed by three members of the EU Parliament, three of National Parliaments and three of the Committee of the Regions¹⁶⁶.

While the structure¹⁶⁷ of the Committee of the Regions¹⁶⁸ has already been addressed, in this part will be discussed its impact in the EU decision making process.

¹⁶³ Protocol (No 2) on the application of the principles of subsidiarity and proportionality, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union by the Treaty of Lisbon of 13 December 2007.

¹⁶⁴ In cases of exceptional urgency, the Commission shall not conduct such consultations. It shall give reasons for its decision in its proposal (Article 2).

¹⁶⁵ It must be specified that Article 3 of the Protocol establishes that "draft legislative acts" shall mean proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, Recommendations from the European Central Bank and requests from the European Investment Bank for the adoption of a legislative act.

¹⁶⁶ The Task Force was established with the Decision C(2017)7810 of 14 November 2017 by the President of the EU Commission.

¹⁶⁷ As a result of the EU enlargement, even the composition of the CoR changed significantly, passing from 189 to 350. Composition: article 305 TFEU, Council Decision 2014/930/EU: 24 Germany, France, Italy and United Kingdom; 21

It is not disputed that the Committee, even after Lisbon Treaty, has not been granted full status of European Union Institution. Nevertheless, it's undeniable that its role has progressively grown. Since the beginning, the CoR was conceived as a consultative body, indeed opinions are still the core of its activity. There are two types of opinions: those for which the Treaties required a consultation carried out by other EU Institutions, and those of voluntary initiative, whenever the Committee deems it appropriate. The first category, which include case of mandatory and voluntary consultation, have increased over time: the Treaty of Maastricht, includes opinions on Education, Vocational training and Youth (Articles 165 TFEU), Culture (Articles 167 TFEU), Economic and Social Cohesion (Articles 175, 177 and 178 TFEU), Public health (Art. 168 TFEU), Trans-European networks and telecommunications (Art. 172 TFEU). The Treaty of Amsterdam added Environment (Article 191, 192, 193 TFEU), Transport (Articles 91, 95 and 100), Social policy (Articles 156, 165, 166 TFEU), Vocational training and employment (Article 148, 149, 153 TFEU). Finally the Lisbon Treaty included also civil protection (Art. 196 TFEU), Climate (Articles 191, 192, 193 TFEU), Energy (Art. 194 TFEU) Service of general interest. Moreover, they may consult the CoR on any other matter. As seen, the Committee can furthermore issue opinions on its own initiative when it considers as appropriate. Thus, is the Committee of the Regions strong enough to influence European policies? As noted, the CoR has been particularly "active", if one considers the number and the quality of the opinions of voluntary initiative. Nevertheless, an excessive production, could risk undermining the authoritativeness of the opinions before the other EU Institutions.

Among the 2015-2020 priorities¹⁶⁹, the CoR placed greater emphasis on territorial cooperation and cohesion policy. It also intends to refine the approach on the impact evaluation of EU legislation at local level, and to better involve local authorities in EU affairs and in neighborhood policies.

Spain, Poland; 15 for Romania; 12 Austria, Belgium, Bulgaria, the Czech Republic, Greece, Hungary, the Netherlands, Portugal and Sweden; 9 for Croatia, Denmark, Finland, Ireland, Lithuania and Slovakia; 7 Latvia and Slovenia; 6 for Estonia; 5 Cyprus, Luxembourg and Malta. Furthermore, the CoR is divided in political group.

¹⁶⁸ 1.2.5 The Committee of the Regions.

¹⁶⁹ The political priorities of the European Committee of the Regions 2015-2020. Agreed in the June 2015 Plenary for the whole five-year mandate. cor.europa.eu

Finally, it carries out extra activities with a strong impact, such in the case of cohesion policies¹⁷⁰ and of multilevel governance¹⁷¹. As a matter of fact, the Committee is struggling to avoid the cut of 10% of cohesion budget envisaged for the next Multiannual Financial Framework¹⁷². With regards to multilevel governance, of which origins are controversial¹⁷³, the CoR played a leading role: it made a first significant step with the opinion 2009/ C 211/01, otherwise known as “The White Paper on Multilevel Governance”¹⁷⁴. On 3 April 2014 it adopted the Charter for Multilevel Governance in Europe¹⁷⁵, with the support of the Congress of Local and Regional Authorities. Even if the Principle has been codified, the Charter qualifies as an act of soft law and not legally binding. However, Multilevel Governance is also present in EU secondary law, as in the case of EU Regulation No 1303/2013¹⁷⁶ and of the European Code of Conduct on Partnership¹⁷⁷.

Both acts recognize multi-level governance as a fundamental principle which must be respected by the Member States, in favour of social, economic and territorial cohesion¹⁷⁸.

¹⁷⁰ The CoR contributes as observer on social, economic and the territorial cohesion to the EU Draft Constitution, later merged partially in the Lisbon Treaty.

¹⁷¹ With the opinion of 18 September 1997 on climate change and energy — CdR 104/1997 the Committee expressed its position on climate change.

¹⁷² EU budget 2021-2027: local leaders and Bulgarian Presidency of the EU defend future cohesion policy. CoR Press release 07/006/2018

¹⁷³ STEIN, M. “The Concept of Multi-level Governance in Studies of Federalism.” Paper Presented at the International Political Science Association (IPSA) International Conference. May, 2008. Pages 2,3,4.

¹⁷⁴ Own-initiative opinion of The Committee of the Regions' white paper on multilevel governance. (2009/C 211/01) Official Journal of the European Union. Opinion of the Committee of the Regions on 'building a European culture of multilevel governance: follow-up to the Committee of the Regions' White Paper", (2012/C 113/12).

¹⁷⁵ Charter for Multilevel Governance (MLG) in Europe, adopted by the CoR on 3 April 2014, and opened on 9 May 2014 for the signature of all EU cities and regions.

¹⁷⁶ Regulation (EU) No 1303/2013 EU Parliament and Council of 17/12/2013.

¹⁷⁷ COMMISSION DELEGATED REGULATION (EU) No 240/2014 of 7/01/2014.

¹⁷⁸ PANARA, C. *The Sub-national Dimension of the EU. A legal study of Multilevel Governance*. Springer, 2015. Pag 1-8.

In the preamble of the 2014 Charter it's written that multilevel-governance is

based on coordinated action by the European Union, the Member States and regional and local authorities, according to the principles of subsidiarity, proportionality and partnership, taking the form of operational and institutional cooperation in the drawing up and implementation of the European Union's policies.

The document is divided into two titles, containing respectively the general principles (with the aim to develop a transparent, open and inclusive policy-making process) and the rules for implementation (by promoting citizens participation, cooperating with other public authorities, fostering institutional capacity building, creating networks between local and European political bodies and administrations, whilst strengthening transnational cooperation). The Charter is open for signature to local, regional authorities and their networks, since they are the closest level to citizens and implement around 70% of EU legislation¹⁷⁹. Thus, the abovementioned principles are naturally connected with paradiplomacy. They are the face of the same coin, to the point that, sometimes, even the terms are wrongly interchanged¹⁸⁰. As a matter of fact, paradiplomacy would benefit by a good implementation of the other principles and vice-versa. Indeed, municipal paradiplomacy would succeed if inserted in a multilevel governance system in which cities and regions have a great political role. This will benefit both local, national and European interest¹⁸¹.

¹⁷⁹ More than 200 local authorities in Europe have signed the Charter. Signatory Map <https://portal.cor.europa.eu/mlgcharter/Pages/maps.aspx>, Consulted in 2018.

¹⁸⁰ DICKSON, F. *The Internationalisation of Regions: Paradiplomacy or Multi-level Governance?* Wiley Online Library, 13 October 2014.

¹⁸¹ GALLO YAHN FILHO, "A. Multi-level governance and rescaling of the state: paradiplomacy converging towards the national foreign policy". (Apresentação de Trabalho/Congresso), 2012. Page 4-7.

2.3 EU budget and policy for Regions and Local authorities

2.3.1 The EU Regional Policy: history and framework

Despite European regional policy dates back to the Treaty of Rome (1957), of which the Preamble calls for

strengthen the unity of their economies to ensure their harmonious development by reducing the differences existing between the various regions,

at that time, the approach on regional issue was still a nascent policy area and not much considered among the most orthodox economists. Moreover, the matter was not directly left in the hands of the EU Commission, suffice it to say that the European Investment Bank, which *aims to facilitate the financing of projects for developing less developed regions*, was created as an intergovernmental body, managed by the Member States¹⁸². Yet the subsequent role of the Commission has been crucial for the development of a European regional policy. In 1961 it organized the “Conference on Regional Economies” and in 1965, through a first Communication, proposed the establishment of a Comprehensive regional policy¹⁸³. Finally, in 1968, the creation of a Directorate General dedicated to Regional Policy, represented a further step for the development of a “politique régionale dans le Marché Commun”¹⁸⁴. The European Parliament always supported the actions of the Commission in this direction. Step by step, in 1971, the Council of the European Communities encouraged regional development initiative in the Common Agricultural Policy. In 1975, as a condition laid down by United Kingdom for its accession in the EC, was created the European Regional Development Fund.

¹⁸² MENDEZ, C. MANZELLA, G.P. “The turning points of EU Cohesion policy.” Working paper written in the context of the report “An Agenda for a reformed Cohesion Policy”. January 2009. Pages 5-18.

¹⁸³ First Communication of the European Commission on Regional Policy in the European Community, SEC (65) 1170 def., Brussels. Commission of the European Communities (1965).

¹⁸⁴ La politique régionale dans le Marché Commun. Communautés européennes. Service de presse et d'information. Paris, 1965.

In 1973, George Thomson, the British Commissioner for Regional policy, proposed investments to help the poorer regions in Europe¹⁸⁵. Before, only Italy had supported such of intervention¹⁸⁶. It consisted in 1.4 billion units of account (EUA)¹⁸⁷, about 4% of the entire budget for 1975-1977 period.

Significative reforms of the European Regional Fund occurred in the 80s, such as the elimination of the system of distribution by fixed quotas and the enlargement of the eligible expenses. Later, the Single European Act introduced the part on Economic and Social Cohesion. It made Cohesion policies more effective, balancing the effects of the single market, with compensation measures for the less developed regions. In the 1980s, the Delors Commission, in his inauguration speech, defined its commitment on regional policy. Three years later, the European Council in Brussels allocate ECU¹⁸⁸ 64 billion to Structural Funds over 5 years, doubling the resources. In 1992, the Maastricht Treaty, in the wake of the principle of subsidiarity and of the newborn Committee of the Regions, introduced the so called “Cohesion Fund”. The same year, the EU Council ran over ECU 168 billion for the period 1994/1999 on “Structural and Cohesion Funds”, reaching one third of the EU budget. Moreover, the four key principles introduced under the Delor Commission, namely “Concentration”, “Partnership”, “Programming” and “Additionality”, were confirmed by new regulations. During the period 2000/2006, pending the new EU enlargement, it was announced the objective of simplify cohesion policies.

With the entry of new EU Countries, whose GDP was under half of the EU average, another €22 billion were allocated for the period 2004/2006. They were additional resources to the already 213 billion at the disposal of the fifteen EU Members States. For the period 2007/2013, the European Council agreed to allocate €346.5 billion and to make all Regions eligible.

¹⁸⁵ O.BECKER, S. H. EGGER, P. AND VON EHRLICH, M. “Effects of EU Regional Policy: 1989-2013”. Warwick Economics Research Paper Series. February 29, 2013. Pages 2-6

¹⁸⁶ GEORGE, S. “An Awkward Partner: Britain in the European Community”. Oxford University Press, 1990. Press. pp. 56–67. ISBN 0-19-827563-3.

¹⁸⁷ The unit of account used in the European Communities during the period 1975- 1979.

¹⁸⁸ The European Currency Unit was introduced on 13 March 1979. It was replaced by the Euro on 1 January 1999.

Despite this, 81.5% of the resources were dedicated to the “Convergence” Regions¹⁸⁹, with a GDP per capita under 75% of the EU average¹⁹⁰. The novelty of the 2014-2020 period is that it focus on results, with a new strategic approach.

With the adoption of the “European Structural and Investment” (ESI), the current programme is made up of 450 billion distributed into new five funds: € 351.8 billion for the Cohesion policy: ERDF (Regulation No 1301/2013), ESF (Regulation No 1304/2013) and Cohesion Fund (Regulation No 1300/2013)¹⁹¹; € 99.6 billion for rural development, under the Common Agricultural Policy (No 1305/2013), and € 5.7 billion for the Maritime and Fisheries Fund, under the Common Fisheries Policy (No 508/2014). Furthermore, Regulation No 1299/2013 refers to European Territorial Cooperation (ECT) and applies to programmes co-financed by the ERDF. Therefore, the EU 2020 strategy (2014-2020) presents several differences with the Lisbon strategy (2007-2013): in the previous multiannual financial framework, 60-70% of the cohesion policy funds had to be spent on areas of investments related to Lisbon strategy, while the new plan set out minimum level of resources which should be spent on specific areas and for the European Social Fund. Furthermore, there was an indirect link between Cohesion policy and the Lisbon strategy, through national projects, while “Europe 2020” requires direct and explicit links between the programmes, the recommendations for a specific country and the partnership agreements. Finally, while the Lisbon strategy provided thematic targets for each Fund, Europe 2020 set up common priorities for the five ESI Funds¹⁹².

What’s coming next? The discussion about the EU MFF post 2020 (2021-2027) is ongoing and the positions about cohesion policies are different^{193 194}.

¹⁸⁹ Regional Policy – Inforegio. www.ec.europa.eu/regional_policy/archive/policy/history/index_en.htm June 2016. In five chapters, the page provides an introduction into the history of EU Cohesion and Regional Policy. European Commission.

¹⁹⁰ Ex post evaluation of the ERDF and Cohesion Fund 2007-13. COMMISSION STAFF WORKING DOCUMENT. Brussels, 19.9.2016 SWD(2016) 318 final.

¹⁹¹ 2.3.2 Structural Funds and the Cohesion Fund: ERDF, ESF, CF, EAFRD, EMFF

¹⁹² EUROPEAN STRUCTURAL AND INVESTMENT FUNDS 2014-2020: Official texts and commentaries. Regional and Urban Policy. Luxembourg: Publication Office of the EU, 2015.

¹⁹³ Delivery and implementation of cohesion policy after 2020: Council adopts conclusion. The Council of the European Union 12 April 2018.

What will happen to the eligibility criteria? Which kind of investments? How many resources? One thing's for sure: cohesion's policy has an added value in its ability to guide regional and national policies, and the regional approach of the last decades has been fundamental in managing Europe's diversity¹⁹⁵.

2.3.2 Structural Funds and the Cohesion Fund: ERDF, ESF, CF, EAFRD, EMFF

The EU budget is based on a Multiannual Financial Framework (MFF), which determines the EU investments over a seven years period. The MMF is proposed by the EU Commission and must be adopted with unanimity by the Member States, after obtaining the consent of the EU Parliament. The latter and the Council approve the annual budget, which corresponds to 1% of the EU total public expenditure, accounting for less than 1% of the EU incomes and only around 2% of EU public expenditure. For the period 2014-2020, the total budget is around 1 trillion and in the area of Economic, Social and Territorial Cohesion, is invested 34%¹⁹⁶ of the entire budget¹⁹⁷.

In the following, in broad terms, will be described the Structural and Cohesion Funds. The funds are great opportunity for local administrations and for the European Union itself, in order to implement its own policies. The aim is to encourage the economic growth of the Member States and their Regions, and to promote European territorial cooperation.

¹⁹⁴ High-level Conference dedicated to EU Cohesion Policy: post 2020 Perspectives for Convergence and Sustainable Regions. It has been the first public debate on the proposal for the Multiannual Financial Framework (MFF) 2021-2027, under the Bulgarian Presidency of the Council of the EU. 8 June 2018.

¹⁹⁵ For a Regional solidarity policy after 2020. Notre Europe. Jacques Delors Institute. 29 March 2018.

¹⁹⁶ While 39% of the total budget is invested in Sustainable Growth and Natural Resources, 13% in Competitiveness for growth and jobs, 6% in Administration, 6% in Global Europe and 2% in Security and Citizenship. MFF 2014-2020 has been revised at mid/term by dedicating more resources to jobs, growth and migration challenges.

¹⁹⁷ EU Budget at a glance. European Commission. Directorate-General for Budget. Luxemburg: Publications Office of the European Union, 2015.

The current program refers to the seven years period 2014-2020, and is composed by the European regional development fund, European social fund, Cohesion fund, European agricultural fund for rural development, European maritime and fisheries fund¹⁹⁸.

It's important to bear in mind that for the current programming period the rates could vary (2014-2020), in line with the co-financing principle, according to the development of each regions: 80% for the less developed (GDP per capita < 75% of EU average); 60% for transnational region (GDP per capita between 75% and 90% of EU average) and 50% of the most developed regions (GDP per capita over 90%). The actions under the Structural Fund are decided by the ordinary legislative framework, therefore by the EU Parliament and the Council of the EU, and through the consultation of the Economic and Social Committee and of the European Committee of the Regions.

The following paragraphs contain basic informations on the indirect funds, transferred from the European Union to the States and the Regions, which must be used according to a plan approved by the EU Commission. On the other hand, direct managed funds are administered directly by the European Commission, through its Directorates General or other specific Agencies which transfer the loans to the beneficiaries after a Call for proposals or a Call for tender. Among these direct managed funds (HORIZON, COSME, LIFE, ERASMUS+ ad so on), it will be presented "Europe for Citizenship", a program which aim to foster Networks of Cities and Town Twinning¹⁹⁹.

Once again, through an overview on EU funds, we will attempt to demonstrate the validity of the idea of provide municipalities with a permanent international apparatus. In the case of the European Union, considering the importance, these offices should furthermore be staffed with experts in european management.

¹⁹⁸ REGULATION (EU) No 1303/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL, of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006.

¹⁹⁹ 2.3.4. Europe for Citizenship: fostering Networks of Cities and Town Twinning.

European Regional Development Fund

The ERDF was set up in 1975, starting with a budget of 1.4 blion of account²⁰⁰. The current program for 2014-2020 is governed by the Regulation (EU) No 1301/2013 of the EU Parliament and the Council. It establishes tasks and scope with regard to the “Investment for growth and jobs” and to the “European territorial cooperation” (art 1). The budget for 2014-2020 amounts to € 281.026.052.208 (€ 199.044.407.585 by the EU and € 81.981.644.622 of National budget)²⁰¹ and focus on four key priorities: Research and Innovation, Digital Economy, SME Competitiveness and Low Carbon Economy. Article 176 of the Treaty on the Functioning of the European Union (TFEU) provides that

the European Regional Development Fund (ERDF) is intended to help to redress the main regional imbalances in the Union.

Article 174 TFEU, established that

the ERDF contributes to reduce disparities between the levels of development of the various regions. Therefore, this fund shall support economic, social and territorial cohesion by redressing the main regional imbalances in the Union through the sustainable development and structural adjustment of regional economies (art 2 of the Regulation).

About the scope, Art 3 establishes that ERDF shall support productive investment to create jobs, through direct aid to SMEs, in the area of energy, environment, transport, social, health, research, innovation, business, education and so on.

²⁰⁰ 2.3.1 The EU Regional Policy: history and framework.

²⁰¹ European Regional Development Fund. Open Data Portal for the EU. European Structural and Investment funds. It is possible to consult data on the implementation, payments and achievements. www.cohesiondata.ec.europa.eu/funds/erdf, Consulted in 2018.

The ERDF also finances the European Territorial Cooperation programmes like “Interreg” – and other cross border activities of which will be dealt in the following paragraph²⁰². At least 5% of the ERDF fund are dedicated on sustainable urban development, and managed by cities through integrated actions. URBACT programme, for example, aims to foster sustainable integrated urban development in cities across Europe.

European Social Fund

The European Social fund is the oldest of the Structural Funds, dates back to the Treaty of Rome in 1957. It is the “financial backbone of EU social and regional policies”²⁰³, and is a redistributive instrument which foster cohesiveness between EU regions²⁰⁴. The current ESF is regulated by the Regulation (EU) No 1304/2013 of the European Parliament and of the Council (17 December 2013).

*In accordance with Article 9 of the TFEU, the ESF should take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education training and protection of human rights*²⁰⁵ (Preamble of the Regulation).

The budget for 2014-2020 amount to € 121.111.044.652 (€ 83.962.756.628 by the EU and € 37.148.288.024 by the Member States²⁰⁶).

²⁰² 2.3.3 European Territorial Cooperation Programmes: Interreg; Euroregions; European Grouping for Territorial Cooperation; Eurodistricts.

²⁰³ GEYER, R, R. Exploring the EU Social Policy. Cambridge, UK: Polity Press, 2000.

²⁰⁴ BRINE, J. The European Social Fund: the Commission, the Member State and levels of governance. European Educational Research Journal, Volume 3. Number 4, 2004. Page 778.

²⁰⁵ It also includes the “Youth Employment Initiative” (YEI) (Art 1), one complementary activities supported by ESF.

²⁰⁶ The European Social Fund. Open Data Portal for the EU. European Structural and Investment funds. It is possible to consult data on the implementation, payments and achievements. www.cohesiondata.ec.europa.eu/funds/erdf, Consulted in 2018.

In the period 2007-2014 the fund has created 9.7 million new jobs and provided new qualifications to 8.7 million person²⁰⁷.

Coesion Fund

The Cohesion Fund was created in 1994. It doesn't concerns all Member States but only the one with Gross National Income per inhabitant less than 90% of the EU average. For the 2014-2020 period, the Cohesion Fund refers to Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Grece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia and Slovenia. It is governed by the Regulation (EU) No 1300/2013 of the European Parliament and of the Council (17 December 2013). The Fund is established for the purpose of strengthening economic, social and territorial cohesion of the Union and to promote sustainable development (Art 1). Total Fund Budget allocated for 2014-2020 is 75.427.219.276 (EU € 63.282.608.285, € 12.144.610.991 by Nations)²⁰⁸ and its scope is to support EU enviromental projects (Art 2) and transport infrastucture under the Connecting Europe Facility (Art 3).

European agricultural fund for rural development

The EAFRD was created by the EU Regulation (EC) No 1290/2005 on the financing of the Common Agricultural Policy (CAP).

Art 2 of the Regulation set up the European Agricultural Guarantee Fund (Point a) which is addressed to farmers and rural areas of the EU, by managing agricultural markets.

²⁰⁷ CoR MOOC: Make the most of EU resources for your region or city. European Committee of the Regions. Introducing ESF programmes. Loris di Pietrantonio. Head of Unit at the European Commission Directorate- General for Employment, Social Affairs and Inclusion, 8/11/2017.

²⁰⁸ Coesion Fund. Open Data Portal for the EU. European Structural and Investment funds. It is possible to consult data on the implementation, payments and achievements. www.cohesiondata.ec.europa.eu/funds/erdf , Consulted in 2018.

The EAFRD became part of the European Structural Funds only with the 2014-2020 programming period which allocate €150.834.686.014 (€ 99.343.257.865 EU budget, and € 51491428149 National budget).²⁰⁹ It is currently governed by the Regulation (EU) No 1305/2013 of the European Union Parliament and of the Council of 17 December 2013.

European maritime and fisheries fund

The EMFF (2014-2020) replaced the European fisheries fund of the 2007-2013 period. It implements the reformed Common Fisheries Policy (CFP) and the EU Integrated Maritime Policy (IMP). CFP was already part of the Treaty of Rome and gradually became independent from the Common Agricultural Policy²¹⁰. It is governed by the Regulation (EU) No 508/2014 of the European Parliament and of the Council (15 May 2014) of which article 5 established that

EMFF shall promote competitive, environmentally sustainable, economically viable and socially responsible fisheries and aquaculture and promote a balanced and inclusive territorial development of fisheries and aquaculture areas.

The total budget for the current programming period amounts to € 7.988.590.111, of which € 5.749.331.600 by the EU and € 2.239.258.511 by Member States²¹¹.

²⁰⁹ European Agricultural Guarantee Fund. Open Data Portal for the EU. European Structural and Investment funds. It is possible to consult data on the implementation, payments and achievements. www.cohesiondata.ec.europa.eu/funds/erdf. Consulted in 2018.

²¹⁰ The Common Fisheries Policy: origins and development. Fact Sheets on the European Union, 2018.

²¹¹ European maritime and fisheries fund. Open Data Portal for the EU. European Structural and Investment funds. It is possible to consult data on the implementation, payments and achievements. www.cohesiondata.ec.europa.eu/funds/erdf, Consulted in 2018.

2.3.3 The Madrid Convention on Transfrontier Co-operation between Territorial Communities or Authorities. The Territorial Cooperation Programmes: Interreg; Euroregions; European Grouping for Territorial Cooperation; Eurodistricts

The European Territorial Cooperation programmes are at the core of cohesion policies. They aim to promote exchanges between national, regional and local entities from different Member States. “INTERREG”, otherwise known as European Territorial Cooperation, was introduced in 1990 (Interreg I)²¹². It was funded by the European Regional Development Fund²¹³, at the time with only 1 billion ECU, covering exclusively cross-border cooperation (Interreg A), which today supports projects between NUTS III adjacent regions²¹⁴, from at least two different Member States. Just think that 37.5% of the EU population lives in border areas and that for the period 2007-2013 more than 60 cooperation programmes were activated. The 2014-2020 period corresponds to Interreg V and the priorities are laid down in the ERDF regulation, connected to the 2020 strategy. The current edition is financed with € 10.1 billion (2.8% of the EU Cohesion Policy budget), invested in 100 cooperation programmes. However, this budget also refers to other ERDF instruments such the IPA funds (Instrument for Pre-Accession and European Neighborhood Instrument), and other networking programmes: “Urbact III”, which supports networks of cities; “ESPON” which provides scientific information to public authorities through territorial research; “Intercat III” which helps programme’s managing authorities. Transnational cooperation (Interreg B) involves nations, regions and local authorities, in general between non-contiguous regions that share comparable problems. “Interreg B” supports projects in several areas as environment, urban development and so on.

²¹² Interreg II (1994-1999) ECU 3.8 BN – Interreg III (2000-2006) EUR 5.8 BN – Interreg IV (2007-2013) EUR 8.7 BN – Interreg V (2014-2020) EUR 10.1 BN

²¹³ No EU countries contribute directly to the programme because they don’t pay EU membership.

²¹⁴ 2.1.2 NUTS: the Classification of Territorial Units for Statistics

Interregional cooperation (Interreg C), which covers Interreg EUROPE, INTERACT, URBACT and ESPON, builds networks to develop good practices and transfer of experiences²¹⁵.

The Regulation (EC) 1082/2006²¹⁶ of the EU Parliament and of the Council, created a new entity call “European Grouping of Territorial Cooperation” (EGTC), the first EU instrument with a EU legal personality which promote territorial cooperation for the implementation of the programmes co-financed by Structural funds. An EGTC could exist even without EU financial contribution (Article 7 of EGTC Regulation). Can be members of an EGTC, Regional or Local Authorities, States and any other public bodies, located at least in two EU Member States. Each EGTC is based on a convention (name and registered office, territory covered objectives) and a statutes (operating provinsion, decision-making procedure, working language, member financial contribution etc), and is governed at least by an assembly and a director (art 10). According to the Committee of the Regions, the EGTC helps to achieve the EU 2020 objectives, through a multilevel approach.

Another important instrument of cooperation, very useful to access INTERREG funds, is embodied in the so called “Euregions”. There is no univocal definition for this entity. The Council of Europe defines it as a tranfrontier region, inherent in geography, history, ecology, ethnic groups, economic and possibilities²¹⁷. According to Perkmann's definition:

cross-border co-operation is the institutionalised collaboration between contiguous subnational authorities across national borders.

²¹⁵ Interreg – Portal to all Interreg programmes, financed by the EU. www.interreg.eu June 2018

²¹⁶ The Regulation (EC) 1082/2006 has been modified by (Regulation (EC) 1302/2013) and it is complemented by national rules.

²¹⁷ Council of Europe (2000). Manual de Coopération Transfrontalière à l'usage de Collctivités Locale et Régionales en Europe. Strasburg: Edition du Conseil de l'Europe.

A Euregion can be defined as

*a bounded socio-territorial unit composed of the territories of authorities participating in a CBC initiative, equipped with a certain degree of strategic capacity on the basis of certain organisational arrangements.*²¹⁸

Certainly, the history of the Euregions is ancient. The first EUREGIO was founded in 1958, between Germany and Holland. This kind of entites, promoted nowadays under the Cohesion policy, are an expression of cross-border cooperation. An important impulse has been given by the *European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities* (1980)²¹⁹, launched by the Council of Europe, and later integrated with three Additional Protocols²²⁰. The Convention lays down both mandatory and non-compulsory provisions. In article 1 of the Convention it is written that

Each Contracting Party undertakes to facilitate and foster transfrontier co-operation between territorial communities or authorities [...]". Art 3.1 established that "the arrangements and agreements concluded may be based on the model and outline agreements, statutes and contracts appended to this Convention with whatever changes are required by the particular situation of each Contracting Party" and that "These model and outline agreements, statutes and contracts are intended for guidance only and have no treaty value.

Therefore, from a legal point of view, there is no standardized system of agreements and they can present different degrees of institutionalization.

²¹⁸ PERKMANN, P. "The rise of the Euroregion. A bird's-eye perspective on European cross-border co-operation". Lancaster University, Department of Sociology. Published in 2002 and revised on 5th December 2003. Page 5.

²¹⁹ Treaty No.106. European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities. Madrid, 21/05/1980. Up to now 40 Countries have signed the document.

²²⁰ Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159).

Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation (ETS No. 169).

Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) (CETS No. 206).

On the European framework, various legal instruments give shape to various forms of cooperation: it has been addressed the case of the *European Grouping of Territorial Cooperation* (EGTC). Other are the *European Economic Interest Grouping* (EEIG) and the *Euroregional Cooperation Grouping* (ECG). The abovementioned protocol provides that cross-border cooperation's body may have legal personality or not. As a matter of fact, there are several types of Euroregions, with different structures and aims, from simply geographical union to more complex and articulated bodies. It is no coincidence that the European Commission has called them "laboratories of European Integration", since most of the Euroregions achieve excellent goals²²¹. For instance, is the case of the Adriatic-Ionian and Pyrenean-Mediterranean area²²², or of the Baltic and Danube macroregions. However, to date, there is no comprehensive list containing the exactly number of euregions in Europe.

The Association of European Border Regions (AEBR), funded in 1971, represent over 200 border regions. It defines the criteria which a Eurigion must follow:

*local and regional authorities on either side of the national border, sometimes with a parliamentary assembly; a trasfrontier association with a permanent secretariat and a technical and administrative team and with own resources; of private law nature, based on non-profit making associations or foundations on either side of the border in accordance with the respective national law in force; of public law nature, based on interstate agreements, dealing among other things, with the participation of territorial authorities*²²³.

Along the same line are the "Eurodistricts": the administrative bodies of urban agglomerations set on different States borders.

²²¹ DURÀ A., CAMONITA F., BERZI M. AND NOFERINI A. (2018). "Euroregions, Excellence and Innovation across EU borders". A Catalogue of Good Practices. Barcelona, Department of Geography, UAB, Pag. 254

²²² DURAN, M. Mediterranean Paradiplomacies: The Dynamics of Diplomatic Reterritorialization. The author offers an account of diplomatic activities of a number of French, Italian and Spanish substate entities as a site of political territorialization. By Koninklijke. Brill NV, Leiden, The Netherlands, 2015.

²²³ Association of European Border Regions www.aebr.eu . Consulted in 2018.

As in the case of the Euregions, they can be established for several purposes and can present different levels of institutionalization.

Among the others, the Eurodistrict Regio Pamina, in the border regions of Southern Palatine, Central Upper Rhine and Northern Alsace, date back to the end of the Second World War. Over the time, it developed a stronger cooperation capacity²²⁴. The Eurodistrict Strasbourg-Ortenau, created in 2003, on the borders between France and Germany, connects the town of Strasbourg, the German Ortenaukreis and the five major cities of Offenburg, Lahr, Kehl, Achern and Oberkirch. It aims to break down administrative barriers and to facilitate the daily lives of residents. Since 2010, it has the status of EGTC²²⁵, with its own structure and budget, therefore able to promote several cross-border initiatives²²⁶.

²²⁴ Eurodistrict Pamina. Groupement Européen de coopération territoriale <https://www.eurodistrict-pamina.eu/> Consulted on July 2018.

²²⁵ A new status for the eurodistrict Strasbourg/Ortenau. Interview to Roland Ries, Mayor of Strasbourg. WelcomeEurope.com <https://www.welcomeurope.com/interview-europe/new-status-eurodistrict-strasbourg-ortenu-281+181.html#afficherTexte>, Consulted on July 2018.

²²⁶ Eurodistrict Strasbourg- Ortenau. Au coeur de la coopération transfrontalière. <http://www.eurodistrict.eu/fr> Consulted on July 2018.

2.3.4. Europe for Citizenship: fostering Networks of Cities and Town Twinning

As already seen in the first chapter, in Europe, paradiplomacy, and specifically town twinnings have a long standing tradition²²⁷, dating back to the early 1945, when their movement started. In 1951, they became one of the main priorities of the Council of European Municipalities. Just to mention, yet in 1947, Reading (UK) and Düsseldorf (German), made up the first British-German town twinning between Countries which have been in opposition during the war²²⁸. Town twinning played a great role for the maintenance of peace, the development and the enlargement of the European Union²²⁹. Twinning is a flexible tool, since can involve small villages, town or regions and local actors, facing a wide range of issues from culture, to local economy, environment and so on²³⁰. For that reason, since 1989, the EU supports them financially, and in 2006 launched the “Europe for Citizens” program. It is implemented by the Executive Agency for Education, Audiovisual and Culture (EACEA), and set up a number of initiative *to reach EU citizens and promote European awareness, political integration, social inclusion and mutual understanding*²³¹.

Since the 2007-2013 edition, the “Citizenship Programme”, that only later become “Europe For Citizen”²³², included an action on Town Twinning and Networking of twinned towns. It aims to promote meetings and to support projects between citizens from European municipalities. It provides funds to local governments and associations in order to organize long term cultural exchanges, through conferences, seminars and other initiatives.

²²⁷ The Origins of Town Twinning. Joint Report by Inverness City Manager and Chairman. The City of Inverness Town Twinning Committee. 8 December 2008.

²²⁸ Reading-Düsseldorf Association <http://www.reading-dusseldorf.org.uk/>

²²⁹ What is twinning? CCRE- CEMR. Council of European Municipalities. www.twinning.org July 2018

²³⁰ Creativity and Innovation in Town-Twinning Activities in Europe and Southeastern Europe. Project Results. ALDA Association of Local Democracy Agency, 2011.

²³¹ Decision No 1904/2006/EC of the European Parliament and of the Council of 12 December 2006 establishing for the period 2007 to 2013 the programme ‘Europe for Citizens’ to promote active European citizenship (OJ L 378, 27.12.2006, p. 32).

²³² In a symbolic move, MEPs changed the title from ‘Citizens for Europe’ to “Europe for Citizen”, also establishing a separate budgetary heading for 2007-2013. Parliament approves plan to promote EU citizenship. euobserver.com 5 April 2006.

The financial envelope for the implementation of the programme started with EUR 215 million (2007-2013) decreasing up to EUR 185 468 million for the next period (2014-2020)²³³. Under “Europe for citizens”, twinings are supposed to last not more than 21 days and to be grant with maximum EUR 25.000, while Network of towns can last 24 months with a grant between EUR 10.000 to EUR 150.000²³⁴.

In total, including also “Europe for Citizen” data, cities links across Europe are around 20.000. They remain a great tool to promote partnership in specific projects, in areas as enviroment, social services and so on. They also serve to promote cooperation between Europe and EU Candidate Countries, and within the European Neighbourhood Policy (ENP)²³⁵. Despite this, the potential of the Twinning Cities has not been fully expressed, as a macter of fact, sometimes, its weakness can be found firstly in the quality of the agreement, frequently a act of soft law and not legally binding. Moreover, in lot of the cases, the implementation activities are not systematic and often rely on the personal relationships between the representatives of the twin institutions²³⁶. That is why, for that reasons, institutionalizing Paradiplomacy through permanent stuctures in the municipalities, could be one of the tool to make the system more efficient and soustenible, in favor of a more integrated European Union.

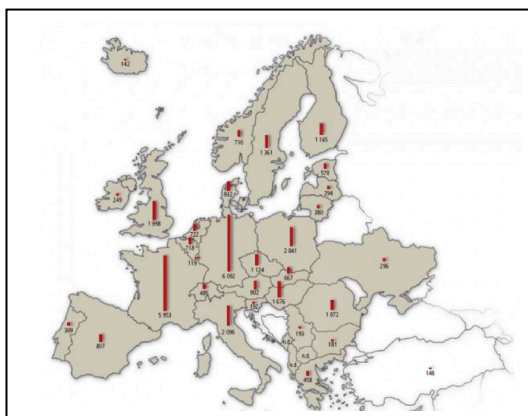


Table 5: Town Twinning in Europe. Data by country.

The map is not updated.. COUNCIL OF EUROPEAN MUNICIPALITIES AND REGION. www.twinning.org. Consulted in 2018.

²³³ COUNCIL REGULATION (EU) No 390/2014 of 14 April 2014 establishing the ‘Europe for Citizens’ programme for the period 2014-2020.

²³⁴ EU Citizenship Portal. European Commission

<http://ec.europa.eu/citizenship/europe-for-citizens-programme/>, July 2018.

²³⁵ CCRE- CEMR. Council of European Municipalities. www.twinning.org July 2018

²³⁶ Structure Dialogue. For an efficient partnership in development. Technical sheet – aid modalities 7– city to city partnerships (twinning), Consulted on July 2018. https://webgate.ec.europa.eu/fpfis/mwikis/aidco/images/2/25/TF7_-_Twinning_2.pdf Consulted on July 2018.

3. THE SUCCESSFUL STORY OF PARADIPLOMACY AND THE NEED TO INSTITUTIONALIZE: ROADMAP FOR A PRACTICABLE LEGAL PROPOSAL

3.1. The lack of an institutionalized system and possible ways to intervene, between EU and national competences: consequences and prospects

The performance and the potential results of a municipality equipped with a structure specialized in entertaining international relations are evident. We have dealt with them in the previous chapters. Furthermore, in the following, we will find out many other examples, also thanks to direct testimonies of some “insiders”.

However, as thing stands, it must be clearly noted that the majority of local governments are still not prepare to interact with their counterparts in other States. This is historically physiological, if we consider the modern society they have raised in: a State-centric²³⁷ world in which external relations were always considered a prerogative of the States. That is because, albeit with different levels of autonomy, local authorities have constantly been regarded as State’s administrative and political subdivisions. Exclusively linked to domestic politics, what happened outside of the national borders was not their business. The results of this lack should be analysed through different angles, all attributable to the concept of governance within the Constitutional framework. Indeed, all too often, paradiplomacy hired a negative connotation: a borderline phenomenon in breach of the constitutional balances, in contrast with the national governments, which normally hold the foreign relations.

By reference to this, someone even summoned the application of the principle of subsidiarity in foreign policy, imagining a system of sharing competences between national and sub-national authorities²³⁸. Despite being suggestive, the latter theory exceed the purpose of this work, even if could be somehow included, through an holistic interpretation.

²³⁷ A LAKE, D. *The State and International Relations*. The Oxford Handbook of International Relations, 2008.

²³⁸ COLETTI, R. RHI-SAUSI, E J.L. “Paradiplomazia e politica estera nell’Unione Europea”. Paper preparato per il Seminario “Il Mondo si Glocalizza. L’azione internazionale dei governi subnazionali” organizzato dal CeSPI, da globus et locus e dall’IILA, e svoltosi a Roma il 25 febbraio 2010. Page 8.

That is to say, we are not questioning the State's competences in external relations, whereas we are investigating the space that sub-national entities could have on transnational relations, as part of a governance constitutional system. This is where it starts: what is governance?

"Is the processes of interaction and decision-making among the actors involved in a collective problem that lead to the creation, reinforcement, or reproduction of social norms and institutions"²³⁹. Is the manner in which power is exercised in the management of a country's economic and social resources for development²⁴⁰.

Leaving aside the matter on multilevel governance, which we have already dealt with²⁴¹, is important to consider whether paradiplomacy could be regarded as constituent element of the governing process, under the constitutional framework. By law, local authorities traditionally hold specific competencies to administrate the territory they are located in. Municipalities are generally responsible in the area of social services, control of the territory, local public works and transport, education, local economic development and so on. The implementation of these policies takes place through specific powers attributed to them or rather derived from their autonomy, such as the possibility to conclude agreements, to issue administrative acts, to regulate certain sectors and promote active policies. For that reason, we need to distinguish the plan of the areas of competence regulated by the Constitution, from the plan of the administrative tools, necessary for their implementation.

Thus, the idea is not to attribute the sphere of "foreign policy" to local authorities, whilst is to provide them a further administrative instrument in order to better perform their constitutional mission.

²³⁹ HUFTY, M. "Investigating Policy Processes: The Governance Analytical Framework (GAF). In: Wiesmann, U., Hurni, H., et al. eds. Research for Sustainable Development: Foundations, Experiences, and Perspectives". Bern: Geographica Bernensia: 2011. Pages 403–24.

²⁴⁰ WORLD BANK, Managing Development – The Governance Dimension, 1991, Washington D.C.

²⁴¹ 2.2 Local authorities in EU law and policies: the role of the Committee of the Regions, the Principles of Subsidiarity, Proportionality and Multi-level governance.

Our pragmatic proposal, certainly not the only way forward, is to reach this goal, through physical bureaux capable to conclude transnational agreements and to entertain relations beyond the State borders. Hence, we are not concerning about the competence, but rather about the need to provide local authorities with a further tool, which would allow them to achieve administrative effectiveness in the areas under their responsibility.

Just to give an example, take the case of economic development: local authority can issue regulations, economic incentives, produce tenders, grant permits and so on. An international structure in the municipality would represent an added value for the implementation of the abovementioned sector. How? For instance, by promoting the territory for the stakeholders who don't understand the local language (companies, tourists, investors etc.), by concluding cooperation agreements with foreign institutions (other municipalities, organisations etc.), by participating in international projects and other means. Supranational bodies would benefit from it, in the sense that, through internationalized municipalities, their actions would reach citizens much more easily. Indeed, the latter are the closest level to citizens, and like a filter, through a competent bureau, would be able to better incorporate international guidelines. On the other hand, we must take into consideration the objection of those who believe that such an integrated system would have the effect of developing a more globalized and homogeneous world, with the risk, for the specificities of the territories, to be overwhelmed. In this regards, another food for thought, we are given by who fear that the interest of the municipal administration in international issues, could remove the administrators from citizens, giving the perception of a local government far from their own interests. These concerns should be allayed due to paradiplomacy should be thought as an additional tool for managing local affairs, through a better integration with the higher levels of government. Therefore, according to a two-way logic, on one hand, local governments would be involved in addressing major international issues; on the other hand, local development would be affected by capacity of the municipalities to follow international guidelines.

A simple example: imagine that UN promotes an international campaign on an environmental issue. How different would be the UN measure's effectiveness if all municipalities were attentive to its implementation?

How much would the citizens benefit, considering that UN measures would translate into better local services? Thus, not only citizens would not feel local authority far from their interest in fact, on the contrary, they would feel like citizens of the world, while maintaining their roots and local characteristic.

Once again, the monist theory come to mind: the public system should be interpreted as *unicum*: international, national and local stakeholders as part of a whole, although, to avoid the Hegelian night of black cows, by keeping specificities and differences²⁴². However, all these reasonable concerns are worthwhile contributions for a constructive debate. Thus, is clear that the institutionalization of paradiplomacy, should be set up under certain limits and conditions, in order to prevent potential side effects.

Still on practical terms, the lack of an institutionalized system of paradiplomacy, leads downstream to a problem of equality, both for local authorities and citizens. Once again an example: by law, all municipalities have a technical office dedicated to planning and manage public works. This means that each local government is equipped with it, having the capability to implement policies through this instrument. The same does not happen for the International bureau. In fact, not all municipalities have such an office, due to economical differences, human resources and the administrative capacity of the governors. An "International structure" is not generally included in the configuration of the public administrations, as happens, for example, in the case of the civil registry or of the welfare office. As consequence, between local authorities, are generated inequalities, and thereupon among citizens, given that the quality of their life depends also on the performance carry out by the municipalities they live in.

Accordingly, each Local Self-Government should be guaranteed the right to interact at international level. In this respect, we should try to disprove the reasonable thesis of those who doubt the need and the feasibility of equipping every single municipality with such a bureaux, both for unsustainable costs and governance issues.

²⁴² HEGEL, G. W. F. *Phänomenologie des Geistes*, 1807. Against Schelling's conception of absolute, Hegel claims the importance of distinguishing and differentiating in order to know and reach its essence.

Fearing the risk of an excessive institutional fragmentation, is questioned the benefit of a system in which each local administration has its own office: would be better or not if the diplomatic offices were shared by municipalities? After all, the second case is a common trend occurring in other areas of their competence.

Regardless of a higher or lower diffusion and decentralization of such offices, we can assume that the expenditure for the public coffers would not be impossible and that the matter would be rather linked to a political will.

However, it is also true that the numbers we reported about European Union²⁴³ seem unachievable: hundreds of thousands of local governments on which action should be taken. Nevertheless, if we think about standard models of public administration systems, with all due respect, could be noted how happens that local governments include anachronistic or passive offices, particularly so given that nowadays everything is computerized. For instance, the civil registry office, in most of the cases, is essentially static, mostly needed for statistical or registry purposes. Differently, in terms of governance, an international bureau in the municipal structure would be part of an active measure, an investment with the benefits we have seen, and that, if designed according to the Constitution, would be help to develop an efficient system of multi-level governance. Obviously, this unpleasent comparison is nothing more than a provocation, with which we intended refute the economic argument of those who think the idea of institutionalize not feasible. Indeed, the civil registry has a fundamental function, no less important than the one of a diplomatic office. Therefore, one might say one does not exclude the other. However, it should be also time to gain awareness on the importance about the second one.

²⁴³ 2.1 Mapping Regions and Local Governments in Europe

Moving to the legal plan, the principle of paradiplomacy can be found in some international agreements, as in the preparatory works of the World Charter on Local Self-Governments, an attempt never completed²⁴⁴, or in other regional treaties, as the Ibero-American²⁴⁵ or the European Charter of Local Self-Government²⁴⁶, a milestone in Local Authorities protection.

Article 10 of the latter provides that

Local authorities shall be entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest. 2. The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State. 3. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

Is the prescription well implemented? Regardless we take into consideration the monist theory of international law, which conceives a unique juridical phenomenon, or the dualist one²⁴⁷, which considers International and State law as separate systems, the European Charter should be integrated into the Member States of the Council of Europe. Indeed, promoted by the Congress of Regional and Local Authorities²⁴⁸, the Treaty n°122, although the possibility for the States to subscribed it partially (art 12), and even if admits reservations, should apply into the national systems.

²⁴⁴ Towards A World Charter of Local Self-Government. United Nations centre for human settlements (Habitat). World Associations of Cities and Local Authorities Coordination (waciac). Joint consultation document - May 1998.

²⁴⁵ Iberoamerican Charter of Local Self Government. Approved during the XX Iberoamerican Congress of Municipalities, in Caracas in 1990 and Art. 7 of the proposal, approved during the III Ibero-American Forum of Local Governments, held in San Salvador on 4 and 5 September 2008

²⁴⁶ Treaty No.122. The European Charter of Local Self-Government opened for signature by the Council of Europe's Member States on 15 October 1985.

²⁴⁷ Basic Concepts of Public International Law - Monism and Dualism. Editor: Marko Novakovic, Belgrade 2013.

²⁴⁸ 1.2.1 The Congress of Local and Regional Authorities

Therefore, a legal coverage on the international capacity of local authorities exists. Thus, even if it does not find effective application, we could question about its legal value, also hazarding, for example, if it could be included in the “*common constitutional traditions*” to which refers the Court of Justice of the European Union. As a result, having found the legal basis and analysed the question in the merit, come back to mind the metaphor on “Regional Blindness”²⁴⁹, which refers to the last decades of the 20th century.

Indeed, at the time, beside the work carried out by the Congress of Local and Regional Authorities within the Council of Europe, the “redrawn” European Union assumed a strong regionalist conscience, by affirming the principle of subsidiarity and creating the Committee of the Regions.

Similarly, forty years later, one could say that the public power is facing another moment of “Blindness”. Indeed, in this globalized world, seems it doesn’t see the unexpressed potential of local authorities, deriving from the lack of an effective diplomatic capacity.

Finally, we will try to identify the possible ways to institutionalize. In this regards, the opinions of the experts in the following chapters will make a further contribution. The routes could be different, from basic initiatives to more ambitious proposals. For instance, we could start thinking about a pilot project in only one Region, or between several Regions (Landers, Comunidades autónomas etc), which should be competent in local authorities matters. They could carry out reforms and set up such kind of offices for the internationalization, by intervening at municipal or at the intermediate level.

However, this being the case, since national governments are responsible for local authorities and for public administration, perhaps should be at State level that the institutionalization could be easily achieved. Indeed, a reform aiming to develop the diplomatic intelligence of municipalities, would involve several government departments.

Moreover, as we have already suggested, if conceived in the context of the Constitutional provisions, there wouldn’t be intractable problems related to governance, while the biggest difficult would have economical nature.

²⁴⁹ GUASTAFERRO, B. Rappresentanza regionale e controllo di sussidiarietà. 1. Il Trattato di Lisbona ed il superamento della regional blindness. Diritto Pubblico Europeo. Rassegna Online. Luglio 2015. Pag 1-10.

Indeed, such a reform would represent an important investment expense. Even the recruitment of personnel would not be a huge obstacle, given that nowadays there is not lack of workers which are specialized on the matter. Nonetheless, a specific training and recruitment plan should be implemented. For their part, at international level, UNACLA²⁵⁰ (UN) and other NGOs, could push in this direction, as well as in the Council of Europe, through the Congress of Local and Regional Authorities that conceived the European Charter which contains a provision on paradiplomacy written in flame letters. Finally, at EU level, since the Union has not specific competence on local authorities and on public administration, the idea of a binding act (Regulation, directives, decision) does not seem easily practicable. More likely, the European institutions could start a significant process by adopting specific acts of soft law.

²⁵⁰ 1.2.2 The United Nations Advisory Committee of Local Authorities (UNACLA)

3.2 Paradiplomacy from the ground: expert advices, cases studies and best practices

3.2.1 Interview to Antonio Moreno, Legal Advisor at FMRM Municipality Federation of Murcia Region²⁵¹

Mr. Moreno, as legal advisor at the Federación de Municipios de la Región de Murcia, and as a profound expert on local authorities, what is your opinion about the idea of equipping all local authorities in the Region of Murcia with an international office?

The idea to provide an international bureau to local entities (authorities) of our region is very interesting. Indeed, the direct knowledge on the development of municipal activity in other Countries, both from Europe and other continents, combined with the integration in supranational organizations, would undoubtedly contribute to improve local services and the quality of life of the local communities.

However, before its implementation, it would absolutely be necessary to delimit adequately the tasks of the international bureaux.

In this way, they would not collide with the functions of diplomatic and consular offices and of the Spain delegations abroad, given that, according to our current Constitution (Article 149.1.3^a), international relations are an exclusive State's competence²⁵².

²⁵¹ FMRM <http://www.fmrn.es/> . Consulted in 2018.

²⁵² Original interview, in Spanish: Creo que la idea de dotar a las entidades (autoridades) locales de nuestra Región de una oficina internacional es muy interesante, toda vez que el conocimiento directo del desarrollo de la actividad municipal en otros países, tanto europeos como de otros continentes, y la integración en organizaciones de ámbito supranacional e, incluso, supracontinental, contribuiría, sin duda, a la mejora de los servicios públicos locales y, por ende, de la calidad de vida de la comunidad local.

Sin embargo, antes de su puesta en marcha sería absolutamente necesario delimitar adecuadamente los cometidos de dicha oficina internacional, para que no entraran en colisión con las funciones de las oficinas y legaciones diplomáticas y consulares de España en el extranjero, habida cuenta que, según nuestra Constitución vigente (artículo 149.1.3^a), las relaciones internacionales son competencia exclusiva del Estado.

Do you think it can be achieved? Through which tools? What about to accomplish it at national and EU level?

I believe that the objective could be achieved, although in a long term. To carry out this initiative, the tool could be a cooperation agreement between the Government, through the Ministry of Foreign Affairs, and the Spanish Federation of Municipalities and Provinces. Such agreement could recognize to the local entities the ability to implement this kind of international offices and could provide the necessary financing for it²⁵³.

3.2.2 Interview to Aristoteles Constantinides, Associate Professor of International Law and Human Rights, University of Cyprus²⁵⁴

Mr. Constantinides, as expert on International Law, can you provide us one or more cases of cooperation between local authorities which you think are particularly significant?

I am not aware of the particularities of bilateral cooperation between cities and how successful such cooperation schemes have been. I am aware of the twin towns (or sister cities) program but I am not sure how successful it has been or how much impact it has had. It would be interesting to have a comparative study on that program and its impact.

²⁵³ Original interview, in Spanish. Creo que el objetivo se podría lograr, aunque no a corto o medio plazo, sino a largo plazo. La herramienta para conseguirlo creo que podría ser un convenio de colaboración sobre la materia entre el gobierno de la Nación, a través del Ministerio de Asuntos Exteriores, y la Federación Española de Municipios y Provincias, que reconociera a las entidades locales la capacidad para implantar dicha oficina internacional y que facilitara la financiación necesaria para ello.

²⁵⁴ ΠΑΝΕΠΙΣΤΗΜΙΟ ΚΥΠΡΟΥ. University of Cyprus <http://ucy.ac.cy/en> . Consulted in 2018.

Additionally, I have become aware of the 'C40 – Climate Leadership Forum' association of major cities that aim to foster cooperation and local implementation of international climate change norms by raising awareness and responsibility among citizens.

I think this is a great and commendable initiative that should be further strengthened, studied and promoted and also expand to other issue areas of global concern such as human rights (particularly of refugees and migrants and other vulnerable populations), if this is not already the case (I am not aware).

How do you see the role of local governments in the international system?

What do you think about the idea of equipping all local authorities with an international office? Through which tools do you think this can be achieved in the EU framework?

I think that local governments can play an important but complementary role in international affairs. Strengthening links and cooperation among local actors can only promote peace, particularly among states that have tense relations. However, this should be done carefully and should be explained well to local constituencies so they can understand the rationale and the benefits for them. Such cooperation should not distance local authorities from the everyday problems of their local constituencies because it could possibly bring local populations closer to xenophobic and extremist politicians. This is also a relevant concern regarding the idea of equipping local authorities with an international office, particularly if such an initiative has financial implications for the local population.

It should be done and explained with caution, so that the local population does not feel that local authorities are distancing themselves from their (local) problems and needs to more lofty and long-term concerns at the expense of their urgent needs. I am not an expert in EU Law and should rather not comment on the EU (legal) framework that could govern such initiative.

3.2.3 Interview to Bernadia Irawati Tjandradewi, Secretary at UCLG ASPAC United Cities And Local Governments Asia Pacific²⁵⁵

Ms Tjandradewi, as Secretary of UCLG ASPAC, can you tell us about one or more cases of cooperation between Asian municipalities that you think are particularly significant?

United Cities and Local Governments Asia Pacific is the largest regional section of UCLG that connects more than 240,000 towns, cities, regions and metropolises, and more than 175 local and regional government associations.

Cooperation amongst cities and local governments has been growing over the past two or three decades for various reasons, 1) easy access on information due to existing and improving ICT system, 2) mushrooming number of network of cities or local governments – either having general or sectoral objectives and/or institutions that deal with local governments and are able to facilitate the exchange, 3) increasing number of cities particularly in developing countries that require support. Local to local cooperation amongst cities and municipalities is the cornerstone of UCLG ASPAC.

Through this platform, they learn about the experience of others on areas that are their interest and priority. Cooperation of municipalities is also reflected in the implementation of global agenda, such as the Sustainable Development Goals (SDGs) and Sendai Framework for Disaster Risk Reduction.

There have been many cooperation activities carried out by UCLG ASPAC. It could be the bi- and/or multilateral basis.

The role of the national cities associations is also crucial in reaching much more cities. However, the capacity of the associations in Asia is relatively weak.

I would like to highlight cooperation that has been implemented at sub-regional level – in this case is Southeast Asia. The cooperation started from the project entitled DELGOSEA or “Partnership for Democratic Local Governance in Southeast Asia” funded by EU that focus on good governance.

²⁵⁵ UCLG ASPAC <https://uclg-aspac.org/en/> . Consulted in 2018.

The approach has been significant as the cooperation focuses on the local needs and interests, and adjusting it to local contexts. It was knowledge transfer and replication that put the beneficiary's context at the core.

Resource cities were identified based on their strengths and available best practices and beneficiary municipalities on their needs/interests and leaders' commitment for improvement and change. The exchanges were made in various issues:

- Livable environment program from Thailand (Muang Klang Town) to Indonesia (Wakatobi),
- Enhanced territorial governance from Indonesia (Yogyakarta, Sleman and Bantul) to Thailand (Chiang Rai),
- E-government from Indonesia (Yogyakarta, Sleman and Bantul) to Vietnam (Tra Vinh City) and Thailand (Songkla) that helped improve government performance and services.
- Eco savers program from Philippines (Marikina) to Cambodia (Campot) that resulted in better collection and segregation of solid waste at schools,
- Public institutional innovation from Vietnam (Lang Son City) to Thailand (Yala City),
- Local economic development from Indonesia (Surakarta) to Thailand (Pakkret City) on "People's Participation on Sustainable Conservation and Development of the Old Market at Pakkret Riverside" has empowered street vendors and increased economic activities in Pakkret.
- Preserving old town architecture from Thailand (Phuket City) to Vietnam (Danang) that produced lessons learnt on the value of people's participation and revitalized the local culture.

Due to its success, DELGOSEA has continued and per result of an external evaluator hired by EU after the closure of the project, DELGOSEA has received A+ for its sustainability.

Cooperation will be success and sustainable if we adopt the following key elements:

- Commitment to link—on behalf of both parties, manifested in both time and financial resources.
- Community participation in the project—between cities and at the civil society level within cities,

- Understanding—expressed through agreed upon goals and mutually understood expectations,
- Reciprocity—demonstrated in mutual trust and respect from both parties,
- Results through real examples—tangible results that are related to real examples provided through demonstrations by the resource city,
- Consistent leadership
- Demand-driven focus - on both the recipient and benefactor sides. This may be different from other resource–recipient types of cooperation in which particular economic interests within the benefactor cities sometimes dominate the agenda.

What do you think about the idea of equipping all local authorities with an international office? Through which tools do you think it can be achieved?

Capacity of local authorities in initiating and/or implementing cooperation is varied. It depends very much on various issues, some of them are:

1) Funding allocated by local authorities on international cooperation, 2) Availability of international unit in charge of cooperation, 3) City's leadership in understanding the value of cooperation and networking, 4) Local authorities' participation in the city networks like UCLG ASPAC, 5) Capacity of local authorities' personnel in understanding the procedures, legal system, 6) Local apparatus' connection with the officials at the Ministries for easy exit permit and also to facilitate joint activities with other cities such as study visits, 7) Cities' location – cities that are remote then have less connection with others.

The idea of equipping local authorities with an international office is considered important and necessary. There was a case in Surakarta or Solo wherein the apparatuses were not familiar with the UN grant system and due to the misconduct on administrative procedure, the head of unit dealing with the project was imprisoned.

This would not have happened if the City had the international cooperation office. Now, Surakarta has this office and their understanding of matters and dealings when it comes to international cooperation has greatly improved, thus preventing cases like those from occurring again.

However, the challenge of the staff at international office is the limited persons speaking foreign languages, such as English, and also their ability in marketing their cities due to lack of capacity in understanding their own cities' strengths, uniqueness and selling points.

The ability of personnel at the international office also need to be enhanced when it comes to following-up the participation of their city's staff members at the international events/fora, in grasping funding opportunities or support available at the international level, and in understanding the global agenda for local implementation.

Considering the needs for improving "City Diplomacy," UCLG ASPAC will conduct the training on city diplomacy as part of the SDGs Localisation Project in Indonesia funded by EU. The training will be held in cooperation with Ministry of Home Affairs and Ministry of Foreign Affairs of Indonesia. The module on city diplomacy will be developed to include several topics such as:

- Establishment of sister city, friendship city relations – procedures, process, expectation and lessons learnt
- Capture the opportunity from global or regional level – funds that can be accessed from overseas, grant's receiving procedure and process, etc.

3.2.4 Interview to Claudia Sedda Project Manager at Eurobridge²⁵⁶ and at Malik Association²⁵⁷ (Italy)

Ms. Sedda, as expert on EU Projects, in particular at local level, can you provide us one or more cases of cooperation between local authorities which you think are particularly significant?

I can give you two examples: **Transnational cooperation between Local Action Groups**. LAGs are non profit-making organizations made up of public and private partners from rural villages having a broad representation from different socio-economic sectors.

The measure 19.3, dedicated to transnational cooperation, allows Local Actions Groups from different Countries to cooperate and implement joint actions and common projects.

Eg. ABBAS Project²⁵⁸. Sport Fishing Tourism–ABBAS" is a project co-funded by the European Agricultural Fund for Rural Development (EAFRD) and the Autonomous Region of Sardinia. Through the creation of an international network for sport fishing, the project aims to enhance inland areas by promoting a sustainable tourism model open to global markets.

Sportello in Spalla Project (Moving Desk): Sportello in Spalla project, promoted by Malik Association in partnership with Eurodesk Italy and Eurobridge, aims to facilitate the participation of young people and youth workers living in rural areas in all initiatives promoted by the European Union in the fields of Youth, Education, Work, Volunteering and International mobility.

The initiative, self-financed by local bodies and co-financed by the Autonomous Region of Sardinia, intends to: promote and encourage European mobility; inform young people about policies of the European Union and facilitate their participation in European programs and opportunities; boost active citizenship through youth informal groups and / or youth councils; encourage the implementation of networking projects coordinated in the territory, the exchange of good practices, the identification of strategies and shared information tools;

²⁵⁶ EUROBRIDGE www.eubridge.eu Consulted in 2018

²⁵⁷ MALIK ASSOCIAZIONE <http://www.associazionemalik.it/> Consulted in 2018

²⁵⁸ Eg. ABBAS Project <http://progettoabbas.it/index.php/en/>

offer support to local authorities for projecting and/or European accreditation.

In the frame of the initiative local bodies and organizations coming from different Countries cooperate to implement common projects: youth exchanges, European volunteering projects, Training courses, strategic partnerships, etc.

Eg. European Volunteers in The Heart of Sardinia (EVHOS). EVHOS (European Volunteers in the Heart of Sardinia) is a long-term volunteer project that, for a period of 12 months, will involve two young German and Moldavian volunteers in activities aimed to support the Municipality of Ollolai in planning and implementing ordinary and extraordinary initiatives in the cultural, environmental and social fields.

The Barbagia di Ollolai, the "heart of Sardinia", is a disadvantaged area, afflicted by problems of depopulation, isolation (even cultural), lack of services and youth unemployment.

These weaknesses are, however, counterbalanced by the cultural and landscape richness that characterizes this territory and represents for young people who spend a period of their life here an excellent opportunity for cultural, professional and human enrichment. The specific objective of the project is to promote the active citizenship of the young people of Ollolai and the European integration of Barbagia's territory. The project also intends to promote solidarity, social inclusion, mutual understanding and intergenerational and intercultural dialogue. EVHOS is in line with the objectives of the ERASMUS + program and, in particular, of Key Action 1, which promotes the development of skills, knowledge and competences of young people. The methodologies used will be non-formal, interactive and based on learning by doing.

How do you see the role of local governments in the European Union? What do you think about the idea of equipping all local authorities with an international office? Through which tools do you think this can be achieved in the EU framework?

On one hand, an international office would facilitate the understanding of perception of European Union among citizens and to push them to reflect on euroscepticism and European integration.

It would also facilitate a better knowledge about benefits given by the fact to be members of the European Union and to promote an engagement of citizens in building a better future for Europe. On the other hand, it would allow rural areas to have a more important role and a louder voice in European Politics.

3.2.5 Interview to Giuseppe Valerio, President at AICCRE PUGLIA Italian Association for the Council of Municipalities and Regions of Europe²⁵⁹

Mr. Valerio, as President of regional federation of AICCRE PUGLIA, can you provide us some examples of cooperation between EU municipalities that you think are particularly significant?

We are very interested in cooperative relations between local authorities. I would like to remind you that thanks to the action of our association in Europe (CEMR, The Council of European Municipalities and Regions²⁶⁰) it was possible to establish and then give powers to the Committee of the Regions.

We have been the promoters of twinning since 1951 to strengthen political ties, overcome political understandings and, recently, to create projects of common interest to local populations. In addition, I must point out EGTCs, territorial cooperation groups between entities from different countries and the Macro-regions in which local, especially regional, powers play a role of promotion and management.

How do you see the role of local governments in the European Union? What do you think about the idea of equipping all local authorities with an international office? Through which tools do you think it can be achieved in the EU framework?

Local authorities can play, but have so far already played an important role in the European Union, because they are the institutions closest to citizens and European citizenship can and must be built from the bottom up.

²⁵⁹ AICCRE PUGLIA <https://www.aiccre.it/> Consulted in 2018

²⁶⁰ CEMR www.ccre.org Consulted in 2018

On the international offices of local authorities I would have some doubts. This can be seen from the representative offices of the Italian regions in Brussels or from the various initiatives, starting with tourism, which the regions themselves promote independently.

Representation must be recognized to the associations of local authorities - see in Europe the CEMR or the UCLG at the world level, as well as at international level the unity of the State towards the supranational entities would be more appropriate.

3.2.6 Interview to Guido Risso, Full Professor of Constitutional Law at University of Buenos Aires²⁶¹

Mr. Risso, as an expert in law and political science and profoundly knowledgeable about the State, what do you think about the idea of equipping all local authorities with an international office? Do you think this can be achieved? Through which tools?

The idea of providing each municipality or political unit, even the smaller ones, with its own office of international relations - in addition to being compatible with the existing supra-legal regulation, for example with article 7 of the Iberoamerican Charter of Local Self-Governments, is extremely necessary. This happens, according to the unequal pattern of power which is prevailing nowadays. Indeed, as globalization's consequence, transnational corporate powers are increasingly consolidating, and therefore the distribution of forces in the current political and economic system is unbalanced.

The national States have not been able to escape the growing interference of these transnational actors, although the form and extent of the influence vary according to the Countries in question.

More weak is the institutional State, and more fragile economically, greater is the influence's power of the transnational agents (multinational companies: energy, financial, mining and organisms such as the IMF, etc).

²⁶¹ UBA Universidad de Buenos Aires. University of Buenos Aires
<http://www.uba.ar/internacionales/index.php?lang=en> Consulted in 2018.

Corporations take advantage of the States vulnerability to circumvent the regulations and impose their economic and financial interests.

In this power structure, small political units such as municipalities have significantly weakened their political and administrative capacity.

Therefore, to some extent, providing them with their own office of international relations helps to equate forces through institutional channels. Undoubtedly, to provide local authorities with an office of their own, enabling them to use effective tools and procedures to associate and cooperate with other local governments, is a step forward in strengthening democracy²⁶².

²⁶² Original interview, in Spanish: La idea de proporcionar a cada municipio o unidad política por pequeña que esta sea, de una oficina propia de relaciones internacionales es -además de compatible con la regulación supra legal existente en la materia, recordemos por ejemplo lo establecido en el artículo 7° de la Carta Iberoamericana de autonomía local- sumamente necesaria conforme el esquema desigual de poder imperante en la actualidad, en donde a partir del proceso de globalización se consolida cada vez más el poder y los intereses corporativos transnacionales, desequilibrado en consecuencia, la distribución de fuerzas en el sistema político y económico vigente. Los propios Estados Nación no han podido escapar a la creciente interferencia de estos actores transnacionales, aunque la forma y el alcance de la influencia varían según los países de que se traten. Cuanto mas débil institucionalmente y mas frágil en términos económicos es el Estado, mayor es el poder de influencia de los agentes trasnacionales (empresas multinacionales: energéticas, financieras, mineras y organismos como el FMI, etc. etc).

Las corporaciones se aprovechan de la debilidad de los Estados para eludir regulaciones e imponer sus intereses económicos y financieros. En este esquema de poder, las pequeñas unidades políticas como los municipios ven significativamente debilitada su capacidad política y administrativa, por lo tanto brindarles su propia oficina de relaciones internacionales ayuda, a que en alguna medida puedan equipararse fuerzas mediante canales institucionales.

Sin duda, dotar a las autoridades locales o municipios de una oficina propia que les habilite herramientas y procedimientos eficaces para asociarse y cooperar con otros gobiernos locales, es un paso adelante en el fortalecimiento de la democracia.

3.2.7 Interview to Hichem Regmoun, President at Association horizon pour le développement et la citoyenneté (Tunisia)²⁶³²⁶⁴

Mr. Regmoun, as President at Association horizon pour le développement et la citoyenneté, and as a expert on local development, can you provide us some examples of cooperation between local authorities from different states?

Regarding cooperation, there are many best practices and initiatives related to the axes of education, citizenship, health, environment etc. I know about inter-municipal and twinning programs that aim to strengthen local governance and sustainable development. For example, programs aiming at improving the living and working conditions of rural women are well implemented. The European Union provide financial and technical assistance to the associations working on the electoral observations. With regard to our association, we carried out several projects. I would like to mention the one realized in 2015 in the City of Dar Chabane the Fehri, in cooperation with French and German partners. It was an exchange of experiences on risky behaviour and drug use.

²⁶³ Association horizon pour le développement et la citoyenneté <https://www.facebook.com/horizon.pour.developpement.citoyennete> . Consulted in 2018.

²⁶⁴ The original interview, in French: En ce qui concerne la coopération, il existe de nombreuses expériences et initiatives liées aux axes de l'éducation, de la citoyenneté, de la santé, de l'environnement, etc. Par exemple, les programmes visant à améliorer les conditions de vie et de travail des femmes rurales sont bien mis en œuvre. L'Union européenne fournit une assistance financière et technique aux associations travaillant sur l'observation électorale. En ce qui concerne notre association, nous avons réalisé plusieurs projets. Je voudrais mentionner celle mise en place en 2015 dans la ville de Dar Chabane le Fehri, en coopération avec des partenaires français et allemands. C'était un échange d'expériences sur les comportements à risque et la consommation de drogues. De nombreux jeunes ont participé et le projet a contribué à sensibiliser et à soutenir les lycéens et les jeunes dans les quartiers tunisiens. Le conseil municipal a également été impliqué, en fait, nous travaillons toujours à la réalisation d'un centre de réduction des risques. Des bureaux internationaux dans les communes pourraient donner aux différents projets plus d'objectivité et d'efficacité, à travers un véritable diagnostic, une meilleure approche du travail et des analyses de proximité. En ce qui concerne le bureau, je pense qu'il devrait y avoir des accords intergouvernementaux suivis de lois et de directives qui devraient tout d'abord respecter les spécificités culturelles, religieuses et économiques de chaque pays.

Many youngster have participated and the project contributed to raise awareness and support high school students and young people in Tunisian neighbourhoods.

The city council has also been involved, as a matter of fact we are still working on the realization of a risk reduction centre.

What do you think about the idea of equipping all local authorities with an international bureau? How would it affect cooperation between Mediterranean countries? Through which tools do you think this could be achieved?

International offices in the municipalities could give to the various projects more objectivity and efficiency, through real diagnosis, a better work approach and proximity analyses. As for the offices, I think there should be intergovernmental agreements followed by laws and directives that, first of all, should respect the cultural, religious and economical specificities of each country.

3.2.8 Interview to Ilenia Ruggiu, Full Professor of Constitutional Law at University of Cagliari²⁶⁵ and Coordinator of CLISEL “Climate Security with Local Authority”²⁶⁶

Ms. Ruggiu, can you shortly please tell us about CLISEL?

CLISEL is a “coordination and support action” funded by the European Union within Horizon2020 aimed to study the nexus between climate change and human migrations from the point of view of local governments. CLISEL is the acronym of the full title of the project which is “Climate Security with Local Authorities. From insecurity takers to security makers: mobilizing local authorities to secure the EU against the impacts of climate change in Third Countries”.

²⁶⁵ UNICA. Università degli Studi di Cagliari. University of Cagliari:
<https://www.unica.it/unica/>

²⁶⁶ CLISEL www.clisel.eu

According to some projections, by 2050 there will be 250 million of environmental displaced people in the world, escaping draught, floods, changes in the agricultural rhythms or wars and conflicts related to environmental changes. CLISEL aims to prepare Europe against this impact starting from the bottom level: local communities. Sardinia, in the heart of the Mediterranean Sea, has been the chosen region for the pilot work due to its high number of disembarkments from Africa and Asia, both affected by climate change.

The research is aimed to understand how local authorities perceive the nexus climate change-migration, promising a valuable contribution to the guidelines and recommendations for European External Policy in order to guarantee the recognition of climate change migrants and to tolerate their arrival avoiding social alarm. CLISEL started 1° May 2016 and it is a 3 years project which involves 5 partners: the University of Cagliari, the Sardinian Council for Local Authorities (CAL), the University of Lancaster, the University of Bern-World Trade Institute, the Laboratory for Environment in Stockholm.

What do you think on the idea of equipping all local authorities with an international office? How it would affect CLISEL project?

I think it is important that, in a globalized context, local authorities are more present in the multilevel governance presenting directly (without the mediation of the Regions or the States) what are their needs.

Particularly the field of climate change and migration show how the local governments have been excluded by the multilevel governance system (for lack of specific organs and institutions) although they are in the front line of practical problems connected with climate security (e.g. floods, draught, change in agricultural cycles, migrants coming to their villages etc.)

With regard to climate change and migration, the Sardinian 377 Mayors had not been involved at international level. So far, it has been CLISEL to make the connection (e.g. with EU institutions, with UN institutions) between Mayors and International institutions.

The presence of an international office would allow the 377 City Councils which are working with CLISEL to have a direct contact with international institutions.

Having access to more EU fundings, through the activity of the international offices, the city councils would be able to implement some of the CLISEL goals (e.g. reduce social, cultural, economic insecurity in their villages).

Through which tools do you think this can be achieved?

Empowering CAL or ANCI. I do not think that equipping each individual City Council with an international office is feasible in practice. This is true particularly in Sardinia (317 city councils out of 377 have a population inferior to 5,000 inhabitants), but in general in Italy where local authorities have in general very small dimensions. We should take in account the size of them. The reality in Italy, in Sardinia, and in many other European Regions is characterized by very small-sized local governments. I think paradiplomacy should develop in coordination, either through spontaneous networks that city councils establish or investing the Council for local autonomies with this power.

My objection toward a single international office in each local government comes not only from practical problems of feasibility, but also from what the theory of governance tell us about institutional fragmentation. Italy is a good example of it. Until 1983 in Italy there were hundreds of mixed organism of cooperation State-Regions. Only when the Conference State-Region was created, Regions started to have an impact. I see that today city councils lack of a strong horizontal coordination. For instance, there is a sort of binarism between the Council of local authorities and the ANCI which at the end of the day make both week.

I think the International Office should operate as a common institution of City Councils. I see that the Council of local autonomies, at the moment composed by 36 City Councils representative could be invested of those international function. Starting from what we already have at institutional level is easier.

This “centralized” model I suggest does not foreclose the possibility of spontaneous international offices realized in single city councils or at the level of unions of city councils.

So far Sardinian City Council, have been protagonist of single projects of cooperation (e.g. the building of a bread-factory in Palestine promoted by a Sardinian City council).

Coordination with other level of the governance. It would be important than a national or regional law (in the case of Sardinia) clarifies the international power of local authorities in order to avoid overlapping in representation, and political responsibility.

Since the new art. 117 Const. was introduced in 2001, Italian regions have an “external power” (potere estero). In special regions has Sardinia, where the Region has an exclusive competence from the Statute on local authorities, the Region itself could in some sense “delegate” the local authorities and involve them in the exercise of the external power. Regional law of the Sardinia Region no. 13/2010 foresee the possibility to involve the local authorities in the international power (potere estero) hold by the regions.

From my experience as CLISEL coordinator, I think it is very important the coordination between local authorities and the region in which they are allocated. For instance, CLISEL has coordinated a delegation of Mayors coming from CAL (which is a CLISEL partner) to discuss with EU representatives (Parliament, Commission, EESC) the results of the project and the pilot case (May 2018). Since then, CAL has intensified its contact with the EU encountering a strong help from the Sardinia Region who gave to CAL its office in Bruxelles as a logistic base.

3.2.9 Interview to Katika Janeva, Director at ALDA SKOPJE, European Association for Local Democracy, branch in Skopje²⁶⁷

Ms. Janeva, as a director of ALDA SKOPJE, can you tell us about one or more cases of cooperation between some EU municipalities and others from candidate countries that you think are particularly significant?

The decentralised cooperation between Normandy and Macedonia began in 2006 when the Regional Council of Lower Normandy launched a decentralised cooperation project with the Macedonian State on the topic of decentralisation.

²⁶⁷ ALDA SKOPJE

https://www.facebook.com/search/str/alda+skopje/keywords_search
aldaskopje@aldaintranet.org

In 2007, the two territories formalised their partnership and began a three-year program of cooperation supported by the French Ministry of Foreign Affairs thanks to an exceptional derogation allowing a Region to work in direct relation with a State.

In total 3 three-year programs of cooperation were implemented with the local governance at the heart of its projects by joining and establishing cooperation between elected officials and local stakeholders through exchange of experiences and practices on the topic of decentralisation as well as the support for European integration of the Republic of Macedonia. Aside of its innovative aspect this cooperation was for many years France's biggest decentralised cooperation in the Balkans characterised by its sustainability and its amplitude. In total 18 local authorities from the Region Normandy (at the time Lower Normandy) and the Republic of Macedonia were engaged in the cooperation and their implication was essential for the development of actions which respond to the demands on local level and the stakes that decentralised cooperation strives to achieve in terms of good governance and local democracy. The activities in the framework of the decentralised cooperation between Normandy and Macedonia were based on multi-stakeholder partnerships: local authorities, civil society organisations, educational institutions, private sector, national institutions, experts, citizens etc.

The decentralised cooperation between Normandy and Macedonia has developed many good practices for cooperation between local authorities and civil society organisations mainly focused on furthering the process of decentralisation, CSO and citizens' participation in local public life which can be replicated and create multipliers. Its endurance and results speak for themselves and are proof that this type of cooperation are beneficial to EU and Non EU countries alike.

What do you think about the idea of equipping all local authorities with an international office? Through which tools do you think this can be achieved?

ALDA – the European association for local democracy was the coordinator of the aforementioned Cooperation between Normandy and Macedonia.

The role of an international office is crucial for the coordination and the cultural mediation between different countries.

That is why, it would surely be beneficial to equip local authorities with an international office, of course there should be parameters implemented for this based on the size of the local authority, its performances, human resources etc. ALDA already started this practice through the implementation of Local Democracy Agencies – LDAs.

Indeed, The Local Democracy Agencies have been established in the Western Balkans by the Congress of the Council of Europe since 1992, as a support programme to strengthen local democracy, foster respect for human rights and further sustainable development. Today there are 10 active Local Democracy Agencies based in Western Balkans and South Caucasus coordinated by ALDA, on top of 3 LDAs - Operational partners, based in Croatia. The agencies function as self-sustainable, locally registered NGOs, but they are different from other local NGOs because of the international framework they operate in. Indeed, the LDAs develop partnerships with local authorities and NGOs from all over Europe giving to the whole network direct access to an international framework through the support of ALDA, the Council of Europe and the European Union.

The most important aspect of the LDAs is the process of partnership building. The cooperation and partnership between local and international partners, between local authorities and NGOs, give added values to the process of designing projects and implementing local activities.

This process is in itself a learning process for everyone involved and serves as a practical example of how a democratic participatory planning process can create results²⁶⁸.

²⁶⁸ (LDAs presented on ALDA website here - <http://www.alda-europe.eu/newSite/lda.php>)

CONCLUSIONS

We started the investigation with some specific questions. It is now time to take stock: have we been able to imagine a European Union made up of Regions and Municipalities that manage to communicate with their correspondents of other Countries? Have we been able to vision a system in which even the most remote mountain village can speak the international language and interact with the rest of the world? Have we been able to realize the perks that such institutional network would have on the society we are living and on the EU integration process?

Regardless of the feasibility of the proposal, even with all its contradictions, we can answer positively to all these questions: certainly, we have been able to imagine, to vision and to realize about the perks of such a system. After all, even if we didn't arrive in a ready made world, we had not started from scratch. Indeed, on several occasion, we have provided examples coming from the reality. We discovered that *Paradiplomacy* is a fact which present itself in many ways: as a longa manus of local governments, which developed a strong diplomatic capacity and as peculiar organizations which we identified as the entities for the international cooperation between municipalities. Furthermore, along this path, history definitely helped, since, as we have seen, paradiplomacy has a long standing tradition.

Although the paradiplomatic phenomenon has developed on a worldwide scale, we have chosen the European Union as operational space, dedicating an entire chapter to the role of local authorities in its context. We analysed the EU governance system involving municipalities, the EU legal framework, funds and dedicated programs. On the other hand, from a legal point of view, we have expanded to the Council of Europe, identifying the cornerstone of paradiplomacy in Article 10 of the European Charter of Local Self Government. The whole reasoning has been based on a very logical and pragmatic approach: it is proven that the ability of local authorities to cooperate at the international level increases its administrative effectiveness and contributes to development. It is written down that this capacity is legally protected.

Nevertheless, the phenomenon still finds life on a voluntary basis or on factors of administrative capacity and economic resources. Therefore, this creates imbalance and inequality between territories, which unfortunately do not always have the same tools at their disposal. From this derives the necessity of a structural public intervention so that the system can be institutionalized.

Thus, even if some perplexities were presented in many quarters, including these of our "insiders" friends, we seem all in agreement on the need to institutionalize. The critical issues are revealed in the second step, namely on the ways in which the reform should be realized and implemented. In fact, in this regard, the work left endless possibilities open, as if to postpone the solution on the technical modalities to another episode on paradiplomacy. Indeed, we have limited ourselves to providing possible legal and political avenues, to compare intervention proposals, to predict weights and balances that could derive from the possible institutionalization.

Yet, despite the various solutions proposed, even in this sense a step forward has been made, given that some pivotal points have been identified. Among the other, first of all, the need for the public power to intervene through structural reforms.

After all, we have been loyal to the title: Institutionalizing paradiplomacy among EU Regions and Local Authorities: contributions for a practicable legal proposal. Thus, through this work, we planted a seed. The hope is to see the paradiplomacy tree flourish.

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