CHAPTER 9

Representing All of California to the World

The “thundering wheels of time” were now rolling in California…Frémont had flown the Stars and Stripes over a fortified position on Gavilán Peak early in March 1846, but after this foolhardy gesture of defiance toward General Castro’s Mexicans, Frémont had retreated northward – in Larkin’s words “queiteley presing his way to the Oregon” [sic]. But within a month another exciting visitor arrived in Monterey, Lieutenant Archibald H. Gillespie of the United States Marine Corps, with a secret dispatch for Larkin from the Secretary of State. This famous document, drawn up on October 17, 1845 took six months to reach Larkin… The series of letters he sent to his friends and confidants among the Americans in California…indicates clearly how he meant to carry out his plans for a peaceful acquisition of California by the United States. This was to be achieved with the full knowledge and approval of its leading Mexican inhabitants, after a declaration of independence. The fear that Britain instead of the United States would be the first on the scene still troubled Larkin unduly… (Hawgood 1970)

The “thundering wheels of time” have not stopped rolling since Larkin made this observation 175 years ago – nor has the involvement of other countries in the business of California (though they are now probably less likely to make a formal claim on the territory of the state). The next question is how the state could operate more effectively in its diplomatic engagement within the state with consuls general or at any of the other intersections of sovereignty along its vertical axis of diplomacy. Given that subnational activity has been on the increase – particularly

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in areas surrounding the issue of climate change – there has been a significant rise in pressure on state structures from local and regional governments to state and federal agencies and institutions. As Douglas Kyser and Bernadette Meyler point out, this “extrajurisdictional activity” has taken a variety of forms that, at the state level, are prohibited from the formality of a treaty and therefore have more often been memorandums of understanding (MOUs), joint statements, commitments to collaborate, or informal multilateral agreements. This “soft lawmaking” at the state level has been in contrast to the federal level which, Kyser and Meyler go on to suggest, is intentionally not binding (at least on the part of Republican administrations) as there is little desire to commit to executive action on some issues like climate change. The significant aspect of these different approaches is what Kyser and Meyler call a “casualness of foreign affairs activity” that works to “maximize the position of the relevant government actors”, but clearly “within the constitutional framework” (Kyser and Meyler 2008).

From the perspective of California’s diplomatic profile, extrajurisdictional activity is core to California’s efforts (see again Charts C.2 and C.3). The MOUs, statements of intent, and nonbinding agreements not only at the level of the state, but up and down the axis, further demonstrate “casualness” in that many such agreements created by different levels and entities are often not recorded beyond the press release or tracked after the fanfare of the signing. Governor Brown’s administration did begin to list such documents, but other entities including cities and counties have no such archive – an issue identified by some of California’s main partners and surely an issue in the future if/when such agreements have not been met.

This “casualness” is an example of what Samuel McMillan lists as one of the “hurdles” to state effectiveness as well as the lack of consistency or professionalism in state “foreign relations”. This situation is compounded by the tension that is often found between a state’s view on political and economic issues. As he argues, “…little knowledge and coordination, staff turnover, and small budgets... hurt US states’ ability to have their role institutionalized” but their ability to work on political topics can be hampered by the fact that “…states compete in the largest area of constituent diplomacy, international economic development” (McMillan 2012).
The question for David Criekemans, and one that needs to be addressed for California, is, in his view, essentially an empirical one: “How do regions define their foreign policy? What diplomatic instruments do they employ or develop? How do they structurally organize their ‘external relations’ and how do they organize their representation abroad?” (Criekemans 2010).

Of course the problem for any subnational – and particularly one with the weight of California – returns to the original core question of sovereignty: “Who decides?” Chris Whatley’s analysis, “State Officials’ Guide to International Affairs”, was written in 2003 while he was still at the Council for State Governments, but he puts the issue in terms that could have been written specifically about California.

Most states have yet to develop the political consensus, coordination mechanism and leadership structures necessary to pursue an integrated strategy for international affairs. The international engagement of most states consists of a collection of unrelated activities, rather than a strategic commitment to maximizing the competitiveness of the state economy or advancing other international interests. While governors and other state leaders often make commitments to increase state trade budgets or open new overseas offices, these commitments are frequently perceived as pet projects of a single politician rather than a vital interest of the state as a whole. There is a clear need for all branches of state government, as well as business interests and public constituencies, to work together to review state interests in the international arena, inventory state programs and build consensus for an appropriate engagement strategy (Whatley 2003).

This is why, he argues, a state’s Executive has a fundamental role to play in the development of a state’s (or any subnational’s) international strategy. In his view, the Executive is crucial in terms of “building consensus and strategy, setting accurate and realistic goals, coordinating across agency lines, advancing goals abroad while leveraging resources at home and promoting staff continuity” (Whatley 2003).
INTERNATIONAL TRADE AND GLOBAL LESSONS

Douglas Smurr is now a lawyer in Sacramento, but he was also the last director of the California office in Mexico City and is married to a Mexican ambassador who (at the time of writing) is also Consul General in Sacramento. As such, few are more qualified to see this from multiple perspectives. He has written about his experience working for the state and the three “lessons” he offers are still strikingly pertinent.

GLOBAL LESSON ONE

The first lesson Smurr outlines both captures and reinforces the idea of the vertical axis in that he argues a “narrow focus that only seeks to promote exports and attract inward foreign direct investment is too limited”. As with the idea of exploring the levels and interconnections between California’s international activities, he wants California to “take advantage of the entire range of policy items so as to fully exploit its potential.” He calls this an “all-encompassing international program” likening it to playing “with a full deck of cards, and not just with the suit of international commerce” (Smurr 2010).

Nina Hachigian (a former ambassador) identifies the same problem, not from the point of view of a trade office in another country, but from the point of view of the Deputy Mayor of Los Angeles and recognizing that the city has many international “interests” to use the more traditional IR language.

I don’t see us going backwards…in the past it’s been somewhat dependent on the personality of the mayor or governor…I just don’t see us having a choice anymore as a state… I don’t understand how we could not have someone doing international affairs…but there’s no question that we’re going to be doing international diplomacy and agreements as a city… I don’t think we can put that genie back in the bottle. That’s just not who California is. We are too dependent on the world to do that…it would harm our interests. (Hachigian 2018)

Hachigian is also keenly aware of the need for coordination with national actors, and ideally would like to see executive level guidance. As she goes on to say:
If you had a functioning State Department, they would be the ones who would have the incentive to figure out what...sub-national actors are doing. Right?... If I were running the State Department I would have an office whose business it was to figure out – at least keep tabs on – what the 50 states and all the big cities were doing, because I’d want to know... [In LA] we coordinate with the State Department sometimes...because they’re here... We coordinate with the county. We do some coordination with the state legislature. I think we will coordinate with the [new] governor’s office. Interestingly Jerry Brown was sort of doing this on his own with a few people – he [didn’t] have an Office of International Affairs... (Hachigian 2018)

This is a point with which the State Department representative in LA, Christina Hernandez (referred to by the Deputy Mayor) agrees entirely. From her perspective, “…if you really want to capture what’s going on internationally, you need to work with those city mayors... First of all, what’s California’s vision for international relations?...You’ve got to work with those city mayor offices and counties and get them coordinated” (Hernandez 2019).

**GLOBAL LESSON TWO**

The need for California to have a “real” strategy was not only argued by Smurr, but continues to be seen as an issue by many of those interviewed. However, and for that to happen, Smurr argues,

California must learn that its past strategy was flawed...what is needed is a balanced approach that takes into account both the positive and negative effects of trade... Developing such a strategy will be a monumental undertaking. If done properly, it will require years of legislative hearings seeking input from the best universities, think tanks, non-governmental organizations, state agencies and departments, the Governor's office... California will also have to consider options undertaken by other states or countries in establishing and carrying out their international interests. (Smurr 2010)

Foreign diplomats agree. When asked what California should do to move forward, strategic concerns were at the top of their list – though sometimes tinged with doubt even from its largest trading partners,
Assuming that the government of California has international political goals – which is a main question…it’s a mental change – it’s a change in saying, ‘Come on guys we have ready access to the Pacific. If we were a country – which we’re not...we don’t want to be a country – we could influence these matters directly without going through Washington because it is in our interests… If we have an interest in climate change and the federal government has an opposite stance we need to work in Congress [and] with Washington getting that stance overturned. But we also need to tell the world that we can – that they can count on us…’ But that needs a shift in the mindset...and I don’t think that California is there…California needs to believe in itself as global.

A host of other partners put this point in a variety of ways. For example, the United Kingdom’s Consul General to Los Angeles, Michael Howells, believes that having a strategy is “extremely important”, but a strategy also “needs to be something which you can amend” as a “living thing”. Bringing the point back to the theme of space and place, Howells goes on, “Once you’ve got…a sense of place – a sense of what you can achieve – what you can’t – and what tools work...that’s the point from which you can begin to devise a strategy which matches an informed understanding of what you’re interested in – with an informed understanding of what you’re capable of doing” (Howells 2018). More bluntly, the German Consul General in San Francisco suggests that California needs to “decide if they want to be a global thought leader or just a state...” (Südbeck 2018) while India’s Deputy Consul General and Commercial Representative in San Francisco feels California needs a “defining of priorities” (Rathish 2019).

In more formal diplomatic terms, it is not surprising that the Consuls General raise the point that the question of strategy is closely linked to the issue of identifying and utilizing the “soft power” of the state. However, they remain unconvinced that California has focused on its potential, or is doing enough. Again, from one of its largest trading partners, “California has vast amounts of soft power...they...have never...deployed. There’s soft power capabilities to a strategy. They have vast amounts of it, but they haven’t actually marshaled that in some kind of strategic framework”.

Michael Howells of the United Kingdom continues this idea while putting it in the context of space rather than place by suggesting,
California has more soft power than most countries in the world and probably the majority of American soft power actually has its apex here. If you look at the things that...most people globally associate with America, a lot of it is based in this part of the country and so I think California has probably begun to realize that...there is a space there that maybe it didn’t realize [and] that it is now able to occupy and fill. (Howells 2018)

If this were only the perception of those from outside it may be one thing, but Smurr and others who have served (or are currently serving the state) clearly suggest there is more to be done. Awinash Bawle, Deputy Director of International Affairs and Business Development, puts it in very basic terms to ask,

Why go halfway and do it...with one hand tied behind our back when we’re California? We have so much to offer...[we need] almost a miniature version of the US State Department in Washington DC [to] sort of ride herd in a very coordinated way across all the cabinet level executive branch agencies to make sure that our engagement with foreign countries – and not just in trade and investment by the way – is done in a holistic thoughtful way. (Bawle 2018)

Meanwhile at the city level, Deputy Mayor Hachigian in LA explains

You know, I have a document where I’ve written the question ‘What is our strategy?’... I mean I have goals, and I have missions, and I have tactics and I don’t know if I really have a strategy – but it’s basically to try to...take all this ‘globalness’ that we have in Los Angeles. All these ties, all these connections, all these relationships, all these people – and bring more value to the city and to elevate Los Angeles. Los Angeles is a voice on the international stage through a variety of city networks and other kinds of engagements...so we can share our values and our experiences in a way that helps the world. (Hachigian 2018)

**Global Lesson Three**

These final points on strategy link directly to the third and final lesson that Smurr drew out of his experience. The problem is not only one of strategy – although that is the starting point – it is also a fundamental problem of coordination. Smurr and Bawle have effectively proposed the same solution nearly a decade apart, “Create a new agency that will have only one duty – that of managing and coordinating CA’s international
efforts. In short, create the CA Foreign Affairs Agency (CFAA)” (Smurr 2010). For Bawle, this is not just a matter of structure. “There’s a distinction between doing things right versus doing the right things [and]...in my humble view...we were not doing the right things...[we need] – for lack of a better phrase – a California Department of International Affairs” (Bawle 2018). Meanwhile, the same point is repeated further afield in Washington, where Brooks Rainwater of the NLC laments the lack of an office of municipal policy at the federal level (Rainwater 2019) and where Brian Namey of the National Association of Counties constantly seeks more coordination with the counties (Namey 2018).

These proposals, from both the practitioners of California’s diplomatic activity and their colleagues and counterparts in the capitol, echo the works of scholars in the field such as Earl Fry who suggested something perhaps even more elaborate two decades ago:

…what is needed is an effective consultative body composed of federal, state and select local officials that would meet on a regular basis. Each state and the federal government should create an Office of Intergovernmental and International Affairs that would be the focal point for this inter-governmental cooperation. The state and federal office would be within the executive branch but also would include a representative from each chamber of the state legislature of the US Congress. (Fry 1998)

Scholars such as Luc Van den Brande also offer advice on how to begin, and how to ensure such an entity could succeed. To paraphrase his guidelines, he suggests any such body would need to have: a clear minister and, if a region has the competence to take external actions – clearly varied based on their constitutional structures – it must use whatever power it has wisely. In other words, competence does not give carte blanche and, specifically in the case of California, straying outside the constitutional boundaries has already attracted national attention, but both staying within and challenging the existing structure can be used to good effect. Van den Brande goes on to encourage sub-state actors to establish their own representation abroad, get good staff, and have clear agreements with other levels and stakeholders in the system, all while keeping a weather eye on the trends and issues at the macro level. Finally, he recommends a strong strategic communication plan, as well as an active public diplomacy profile (Van den Brande 2010).
Insight study – The United Kingdom: The devolution of Nation-States and the Diplomacy of Nations

Map 9.1 The United Kingdom

The constitutional structures of California’s largest trading partners were briefly outlined in Chapter 7 as part of the discussion of the ability of subnational entities in both Canada and Mexico to interact with the United States – in particular, contact between subnational neighbors directly across the border.

Clearly, these interactions – as well as all of the exchanges along the vertical axis – have been changing rapidly in recent years. Further to the overall argument presented here, the processes of globalization have transformed space into place and enabled
different entities to take action on a much broader agenda and engage with a new range of subnational, national, and international actors.

The Canadian and Mexican examples are important to the evolution of California’s global profile, given the size and depth of the relationship California has with them both at the national and subnational level. However, the United Kingdom and California have much in common, and the evolution of the “diplomacy of devolution” undertaken by the nations of the United Kingdom bears further examination – arguably now more than ever, as the process of Brexit unfolds. Indeed, Michael Howells the UK Consul General Los Angeles even suggested that the United Kingdom could be called the “California of Europe”. Both are located on the western edge of continents to which they have deep historical, political, and social links, where they often feel misunderstood. As he points out,

...they’re basically the same size economy. The population of California is a little lower and a higher GDP per capita...but they’re basically about the same... They have very similar set of values and...have a citizenry that consumes similar media, worries about similar things... Now obviously we have different tools – different history – we’re in a different place – different politics – there are many differences, but nevertheless...we [both] have this perennial question: do we try and do a little bit of everything because [being] global you must – or do we prioritize things which we decide are going to give us the best bang for our buck?... So what does that mean for California...as a state of country scale...with the interests that it has in global trading...the values that it has – and tools that it has?... Should California try to do as much as it can or should it prioritize focus on areas where it can make the most difference? (Howells 2018)

The trade and investment consequences of Brexit are still uncertain, but as of 2016 the US–UK investment relationship was the largest in the world, valued at more than $1 trillion, creating over 2 million jobs, about a million on each side (British Consulate General – SF, 2012). In 2017, the United Kingdom was the fifth largest importer of US goods with a total value of $56.3 billion (US Department of Commerce). In terms of Europe overall, California was the top US state, exporting $31.84 billion – mainly in
computers, electronic products, transportation equipment, chemicals, and miscellaneous manufactured commodities in 2018 – while the countries of the European Union purchased just under 20% of all of California’s exports. More specifically, the United Kingdom was California’s 10th largest export market (with a value more than $5 billion) while imports into California were approximately $5.5 billion. It is estimated that British investment supports approximately 90,000 jobs in the state (Calchamber.org). However, and whatever the next stages of the trade position, the other parallels remain useful as California works to create its global infrastructure.

The United Kingdom of Great Britain and Northern Ireland is essentially a union of different kingdoms joined over centuries. Wales was defeated and annexed by England, followed by the union between Scotland and England through the Acts of Union in 1706 and 1707. In 1801, the Kingdom of Ireland was added though, in 1922, the southern portion of the island of Ireland seceded. The United Kingdom of Great Britain and Northern Ireland now has a population of approximately 65 million and recently dropped from fifth to sixth largest economy with a GDP of $2.62 trillion as California pushed ahead to $2.75 trillion.

The United Kingdom is governed through a unitary parliamentary democracy based on the Westminster system of two houses: an elected House of Commons and an appointed House of Lords within a constitutional monarchy. The system, while constitutional, has no written documentation, but governs on the basis of statute, common law and practice and furthermore, constitutional issues have intentionally not been part of any devolution agreement. The constituent countries remain: England, Scotland, Wales, and Northern Ireland (England is the only one of the four that does not yet have a devolved government). However, all devolved powers are delegated from Parliament and could therefore be changed or even dismantled by that entity. The powers of Scotland, Wales, and Northern Ireland vary from subnational to subnational, but each has its own government – or executive with a first minister (this is slightly different in Northern Ireland) and a devolved unicameral legislature.
More specifically, and useful in this context, the Scottish Government and Parliament – not unlike states in the United States – have wide-ranging powers over any matter that has not been explicitly reserved to Parliament, though secession has regularly been the subject of debate. The Welsh Government and the National Assembly for Wales have more limited powers, as the Assembly is only able to legislate without prior consent from Westminster on devolved matters through the acts of assembly.

The types of subnational activity – from paradiplomacy to the protodiplomacy of secessionist entities – have already been explored, and the subsequent diplomacy of these different approaches was touched upon. California, to this point at least, has shown few secessionist tendencies (unlike Quebec with its clearly separate foreign mission and infrastructure, or Scotland that is developing a distinct foreign policy). So, in terms of patterns or templates from which to draw, this could suggest that California would be better served looking for inspiration from Ontario (like California, the dominant economy of the country) or perhaps Wales (working alongside the central operation, but beginning to design new structures). This is simply to suggest that the United Kingdom is particularly interesting, as it is developing new diplomatic structures in the present moment.

The fundamental constitutional basis of the United Kingdom has been slowly shifting since 1997 largely due to the process of devolution to the nations of Scotland, Wales, and Northern Ireland. Brexit will only add to the pressure within the system and increase the awareness for new networks of diplomacy at both the national and subnational level. These adaptations seem particularly useful to California as it decides how to move toward a more proactive diplomatic presence.

The United Kingdom currently maintains 9 consulates general in the United States (Boston, New York, Miami, Atlanta, Chicago, Houston, Denver, Los Angeles, and San Francisco) and 2 consulates (Orlando and San Juan in Puerto Rico). The value of the relationship with California is reflected in the balance of support in the state with two consulates general when compared to their spread over rest of the country. However, this also does not entirely reflect
the new levels of representation of the devolved nations, or the growing sense that more lines of communication and collaboration are needed.

As Richard Jones and Elin Royle point out in their discussion of Wales, sovereign entities often “jealously guard” their privileges of statehood, “especially in the context of regional actors within the borders of the states, who chafe at the restrictions”. Thus, they suggest “Sub-state diplomacy increased the potential for tension in central-sub-state relations” (Jones and Royle 2012). Yet, in the case of the United Kingdom, reports suggest that the new and different levels of governance have continued to adjust to the new political environment back home without causing undue harm to relations abroad. Jones and Royle offer three models of such operations: the “functional”, the “financial”, and the “summit-oriented”. As pointed out earlier, much of the effort on paradiplomacy has focused on economic development and the promotion of trade, investment, and areas such as tourism. However, as subnational entities (and particularly newly devolved nations) exercise their new competencies and develop systems of exchange and diplomacy, there is at least anecdotal evidence to suggest that the way the United Kingdom has cultivated diplomatic representation as part of their national/Foreign Office operations is producing positive results.

Thus far, Scotland and Wales have opted to maintain offices within the Embassy structure and in contrast to the offices for Northern Ireland. Northern Ireland has, in fact, had representation in the United States apart from the British Embassy long before the most recent moves toward devolution for Scotland and Wales, but given the particular history of the relationship between the communities of Northern Ireland, this contrast is less helpful in this context. The most significant aspect of devolved diplomacy is perhaps simply that both a secessionist and a subnational entity have decided their interests are best served by maintaining close contact with the national government operation overseas. Moreover, the national operation shares the view that there is much to be gained from having more voices that are coordinated than disparate interests and claims being made from different directions. Arguably, this more intentionally networked or multi-layered approach is also
evidenced by the fact that the UK embassy is one among many that have hired a person in Washington to watch the activities of US states more carefully (as pointed out by several consuls general and various state organizations).

In terms of practical operations, the Scottish and Welsh representatives work closely together and often find that they can “tag team” their efforts among their Foreign Office colleagues as they work on related tasks and across similar issues. Scotland tends to have more “foreign policy” than Wales, yet – and in a phrase that resonates deeply in terms of tribal relations – there was regular talk of the “government-to-government” relations between UK subnationals and the US national government as distinct from those debates within the borders of the United Kingdom. In other words, the First Minister of Scotland would be expected to have positions on current international affairs and issues while at home, but generally they are not asked (nor do they commonly offer) such comments abroad. As one person suggested, it “kind of depends on where we are whether or not it’s foreign”.

Almost everyone engaged in this kind of devolved diplomacy also commented on the need to help others in the system (both in the embassy and in the US government) learn about the role of the nations in British decision-making as well as the evolving diplomatic representation. The need to “remind” colleagues of their presence or to step beyond the perception of the nations as “little brothers” was a regular observation. On the other hand, some US subnationals have been quick to reach out. For example, Scotland was invited to be on Michael Bloomberg’s International Health Policy Task Force.

Ensuring a voice in day-to-day operations such as planning, scheduling, and communicating seems to be more straight forward, while combining strategic goals remains more of a challenge. Yet the simple fact of a presence for the devolving nations has begun to change the culture, and most observers see bigger changes on the way as the systems become more attuned to ways in which the individual nations can support the country’s mission and where they may need to diverge.
For the moment, all sides agree that while the nations have benefited greatly from the freedom that devolution has brought in terms of their own interests, most agree (for now) that being a part of the United Kingdom’s diplomatic machinery remains an important part of their identity “…these four parts…are a fundamental part of what the UK is…we are not chafing against the constraints…” but they are developing new structures – particularly in the area of economic development. For example, the Welsh Assembly brought the once quasi-independent Welsh Development Agency (WDA) in-house starting in 2006.

In some ways, those representing the nations of the UK in the United States are like the Deputy Mayor of International Affairs in Los Angeles. These role(s) are entirely new and there are no clear expectations as to what may develop. On the other hand, expectations are high in terms of what the people in such posts should and can deliver. In much the same way that Nina Hachigian suggested that her first task was not so much an overall strategy, but to deliver value to the people of LA those representing Scotland and Wales clearly see their job as ensuring they are connected to those with influence over the areas of interest to their respective subnational entities and that they use their influence effectively.

As to the future, few anticipate a separate “foreign service” or indeed even a distinct diplomatic civil service as the current systems seemed to be making room for the needs and voices of the nations and “there are other ways to make international impact”. However, there was also some suggestion that this may not always be the case. The uncertain ebb and flow of the fortunes of different political parties and the potential for a divergence of the national vision for the United Kingdom as a whole versus its constituent nations may grow as Brexit becomes a reality. Thus, models used by Quebec – or even the idea of a type of diplomat that existed within the devolved civil services (like the roles found in Flanders) – are variations that may become more appealing to the entities that make up the United Kingdom. California would do well to study these more closely.
**Regions and Tribes**

However, a level rarely discussed in the context of subnational entities— but particularly relevant to California— is that of regions. Mark Baldassare, associated with the Public Policy Institute of California since 1996 and its President and CEO since 2007, argued in his book, *California in the new Millennium: The changing social and political landscape of California*, that this is a state of regions—often to its detriment. “The north and south have struggled over political power and economic development. The coastal and inland areas have fought over the rights to the water that flows out of the Sierra mountains… Policy discussions are often fragmented and incomplete, focusing on what’s best for the regions as opposed to what’s right for the state” (Baldassare 2000). In the text, he argues a point that remains true today. What is needed is a system of local government collaboration with the private sector for an investment in “smart” regional growth. While he did not propose or even refer to the ideas of other regional/subnational advocates, it stands to reason that Baldassare’s point could be used to support a California regional policy that would not only “encourage regional cooperation in the state” that he sees as beneficial to the state, but that would dovetail nicely with a more networked California, connecting each entity and level of governance.

This type of regional idea would also support a more government-to-government style of relationship to the tribes within the state, providing a bridge back to the discussion on the theory of sovereignty and its juxtaposition with inherent sovereignty. The process of connecting the different levels along California’s axis opens the possibility of the kinds of “multiple types of sovereignties—state and indigenous—within and across state borders” that Sheryl Lightfoot discusses (Lightfoot 2016) and creates space for the type of “self-determination” that “runs parallel to state sovereignty and takes place within the body of the state” supported by Walter Echo-Hawk (Echo-Hawk 2013).

Governor Newsom’s “California for all” and his commitment to diversity needs to evolve further. As Lightfoot, putting forward the argument of Anishinaabe scholar Duane Champagne, points out, “…the multicultural nation-state does not work well for Indigenous peoples”. Rather, tribes need a “multinational state that can accommodate Indigenous rights, territories, institutions, cultures and self-governance” (emphasis added – Lightfoot 2016).
Kurt Mills calls this a “reconstructed notion of sovereignty” and suggests that “a variety of forms of political association outside of the sovereignty discourse needs to be recognized” as that is the only way to “keep communities together in one kind of association, while permitting them to pursue their ‘common lives’ in others” (Mills 1998). Ironically, once subnationals are brought in a tighter formation with a more connected structure, it seems that the state of California is no “better off” than tribes on some sovereign issues. However, if they work together, they may be able to improve their international and their sovereign standing.

Vine Deloria Jr., in much the same helpful tone as that taken by Van Den Brande on subnational structures, concludes that, “the adherents of both self-government and self-determination must cooperate if the tribe is finally to reconstitute itself”. He goes on to list five key areas of work: the restructuring of tribal governing institutions with continuity between the past and the present; a sense of a determined and lasting cultural renewal; economic stability; a stabilization of relations between the federal and state governments; and to resist the tendency to “absolutize” recommendations (Deloria and Lytle 1984). Clearly, not all of these are directly relevant to California, but as with Van den Brande, there are pertinent features that can be included in a plan for the state’s global profile. As the National Congress of American Indians reported, more states are creating tribal liaison offices of various types and at different levels. In California, that has meant the creation of practical guides for sound government-to-government consultation that are also being created based on those international/sovereign principles. As Christina Snider suggests,

International or state-to-state type of relationships where – if you have issues that are of mutual interest to your states – basically you meet with the decision makers and you engage in a respectful way... where you haven’t made a decision before you enter the room, where you give people enough information so that they can meaningfully engage, and when they have comments and they have concerns that are legitimate, that you take those into account (Snider 2018).

At the Washington level, the Bureau of Indian Affairs (BIA) – External Affairs Office liaises with the National Governors’ Association particularly on economic issues and the state-federal relationships. However as Mark Cruz, Deputy Assistant Secretary, Indian Affairs for Policy and Economic Development indicated, state-level economic development officials often
don’t reach out to tribes. The systems are not connected to each other, despite the fact that the economic fate of tribes and regions are inextricably linked, as are the peoples from each community; another reminder that the problem with regionalism is the fact it’s voluntary.

At the point of a tribal-global connection there is also an interesting question as to how California’s efforts stack up against the UN Declaration of the Rights of Indigenous People (or the slightly different version of the same document from the Organization of American States). When various officials were asked if there has been an assessment or inventory of any kind – much as a national government would do to ensure compliance with international obligations – it was clear none had been undertaken. Again, this is a practical site of diplomatic action that could bring more coherence to the vertical axis and mutual assurance of respect.

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**Insight study – Duluwat Island: Government-to-Government relations between cities and tribes**

**Map 9.2** Dulawat, California

“Indian Island” is the largest of three islands in Humboldt Bay, just off-shore from Eureka, CA (population~30,000) and is comprised
mainly of tidelands. The island is approximately 280 acres, about a mile long and a half-mile wide. Until the mid-1800s, there were two Wiyot villages: Tuluwat (Toulouwat) and Etpidolh (Etpidalh Watpuroulh) located there, and the island also served as the site of the tribe’s annual World Renewal Ceremony – an event that regularly lasted seven to ten days and drew many of the 3000 Wiyots from the 20 or so villages around Humboldt Bay. The ceremony was also a main reason for the size of the shell mound on the northeast end of the island that, in 1918, was carbon dated to 900 A.D. by a University of California Berkeley professor, though the space was deemed the home of the Wiyot since “time immemorial” by the tribe. The increase of settlers in the area decimated the Wiyot population and by 1852 it is estimated that only about 800 Wiyot people remained in the area of of their traditional homeland.

A particularly grisly milestone in this steep decline was an event that took place in February of 1860 when a group of militiamen from Eureka attacked the island at night during the annual ceremony. Men were away from the village, a fact supported by later accounts that determined of the 60–70 killed that night, 50–60 were women and children. A journalist, Bret Harte, documented the scene at the time:

Neither age nor sex had been spared. Little children and old women were mercilessly stabbed and their skulls crushed with axes. When the bodies were landed at Union, a more shocking and revolting spectacle never was exhibited to the eyes of a Christian and civilized people. Old women, wrinkled and decrepit, lay weltering in blood, their brains dashed out and dabbled with their long gray hair. Infants scarce a span long, with their faces cloven with hatchets and their bodies ghastly with wounds. We gathered from the survivors that four or five white men attacked the ranches at about 4 o’clock in the morning. No resistance was made, it is said, to the butchers who did the work, but as they ran or huddled together for protection like sheep, they were struck down with hatchets.

The 1860 massacre was so horrific that it attracted national attention even by the violent standards of the time and deemed “one of the most notorious massacres in California history”, by the San Francisco Chronicle.

However even before the massacre, locals were working to gain control of the island. In 1858, John T. Moore submitted a claim
to the Federal Land Claims Office under the *Swamp and Overflow Lands Act* to take ownership of the island and received a “certificate of purchase” for the property in January of 1860, which he sold to Robert Gunther the following month. The island was later diked to drain the saltmarshes and create land for cattle grazing, lumber mills were based nearby, and there was a dry dock boat-repair shop that operated on the island for 120 years – all causing environmental damage to the tidelands.

In the early 1900s, the island was home to the exclusive Sequoia Yachting and Boating Club, but a fire gutted the club in 1913, and another devastated Gunther’s home on the island decades later. The city of Eureka purchased about 250 acres of the island in the 1950s from Ida Bohn Gates, and for decades, the island lay fallow, deemed “surplus property” by the City Council.

The tribe began to lobby for the return of the island in the 1970s, and in a parallel case in the 1980s the tribe brought a successful lawsuit against the federal government to gain full tribal status. In 1996, when Cheryl A. Seidner began her service as tribal chairwoman, she began to work for the return of the island and made it a priority when the city put 1.5 acres of the island, a parcel that included Tuluwat, up for sale for $100,000. The tribe bought the parcel for $106,000 in 1998 and signed the transfer deed in 2000. In 2004 another parcel of 40 acres was deeded to the tribe from the city which secured a variety of grants to clean up the toxic contamination.

In 2014, having become mayor of Eureka unopposed, Frank Jager read the history of the island and felt the need to write an apology to the Wiyot people. A few months later, Natalie Arroyo and Kim Bergel won seats on the Eureka City Council and also began to seek better government-to-government relations with the tribe. As a sign of the changing relationship, tribal members gathered at Tuluwat to finish the World Renewal Ceremony that had been interrupted by the massacre.

In December 2018, the Eureka City Council voted to return the remaining 202 acres it held to the Wiyot people and, while there are still a few private homes on the island, the process was completed and celebrated on October 21, 2019.
Since then, both the tribe and the city have received inquiries from other tribes, cities, and organizations such as the National League of Cities about how it was done as the process is without precedent in the United States. While there have been examples of the federal government, nonprofits, and private entities returning land to tribes, Eureka appears to be the first local municipality to have ever taken such a step – without a lawsuit as the catalyst.

In terms of the renewal ceremony (and before the onset of COVID-19) the tribe was raising money in the hope of returning to the island in 2020 while others are working on the restoration of the natural habitat. The new Mayor of Eureka, Susan Seaman, who, with the current Wiyot chairman, Ted Hernandez, signed the deed of transfer, is hoping to work with the tribe to formalize a “more collaborative” relationship that will give the tribe “a stronger voice at the table” (Greenson 2019; Mukherjee 2019; Wickstaff 2019).

**Practical Ideas from the Ranks**

Throughout the interview process, diplomats, California staff, subnational and tribal organizations were all asked for suggestions on how California could better serve them and the broader interests of the state in the international space. The responses included here came from people across the entire range of large and small consulates and from people across the country. The recommendations form five broad categories, and together create a useful starting list of items the state could consider in terms of its international engagement. Some would cost little or nothing while others might be better organized by a new agency.

The first category falls under the heading of general support and includes relatively simple things such as:

- A welcome packet or orientation materials for new consuls with basic information related to the city in which they are based, protocol, who to contact, etc. Apparently, some organizations or agencies do reach out, but not the state itself.
• A guide on how to engage the state – from personnel in the Governor’s office to other agencies – and, ideally, relevant contacts for that specific country, i.e., agencies dealing with issues or industries relevant to that country, e.g., agriculture or tourism.

• More visits by relevant Sacramento officials to other cities to offer information and briefings – particularly Los Angeles, the largest consular corps in the country outside of New York.

• Pictures with the governor (apparently Governor Brown refused selfies or even group pictures with the Consuls General who felt this to be an issue particularly in this social media age and for smaller consulates).

Still in the area of information, and specifically questions of data, the second area may require more coordination and perhaps more resources.

• Many consulates are small and don’t have the research capacity to do the kinds of work the state does as a matter of course in terms of economic trends, industry indicators, trade numbers, etc., but that information is not coordinated or not made readily available to diplomats.

• An inventory of each state agency for its international connections (and contact people) so consulates could find relevant people more quickly. This helps ensure opportunities will not be missed by the state or again by small consulates unable to undertake this kind of work.

• The creation of a database similar to that offered by the United States Trade Representative or Commerce Department, etc., but centralized and tailored to California. Going beyond a simple “download”, the information would include a strategic approach to each area, and thereby help consulates meet their own priorities.

A third, more generalized category would require additional resources and staffing, as it concerns a range of issues Consuls General have encountered regarding a lack of protocol services, the small number of people in the governor’s office dealing with international activities (and the professional level of those staff), and the lack of resources and staff in all state agencies who know about and understand international issues.
At least two partners made the case for a fourth area by suggesting that California needed to up its game in other countries through the strategic placement of offices. Mexico, Canada, China, Japan, and Korea were listed as logical options, but interestingly the point was also made that CA needs a more proactive office in Washington DC – both to lobby on issues of concern in the US government, and to connect more proactively with the embassies of the countries where they have a strategic interest (so they, in turn, could connect back to consulates in the state).

This would also help resolve the point made by one Consul General who pointed out that, inevitably, Consuls in Los Angeles work in different ways with their home countries, their embassies in Washington and California’s state structures, and therefore the state working to make those connections as well would help close the loop. When asked, one responded, “Do they need a specific department? I cannot say. Should they open more trade offices in the world? I would say yes.” A related, more scholarly idea is to return to more historic notions of subnational representation and the (re)creation of the role of an honorary consul.

The fifth and final area returns to the idea of a bespoke agency to deal with California’s growing global presence at every level. An observation that makes the need for more coordination on the part of the state increasingly important is the fact that, without some kind of international relations office (or at least coordinating office of some kind), consulates and partner countries have a harder time trying to follow up on initiatives such as the MOUs that California has been generating. Like the lack of a comprehensive archive of each level of government, the lack of some kind of tracking puts extra burdens on California’s partners.

**Climate Change Is the Catalyst: Trump Created the Space**

Climate change offers a clear case of the need for more coordination and more coherence in California’s international activities. While California has assumed a leadership position on this issue, there is a question as to how our partners can interact on, or even trust, this activity without the benefit of formal treaties or agreements. Howells of the United Kingdom returns to the point about the “divergence in politics between the national level and the state level”, and suggests that the election of Donald Trump has given subnational activity on this issue a huge boost, while at the same
time increasing the gap between national and state politics. Local politicians respond to the national debate by ever more forcefully asserting their intention to defy national policy (often for their own political survival) but that split also has implications for our international guests and partners. As Howells points out, “There’s another side of it…which is how national governments like mine respond… The current post-coal alliance…is a case study in how we have essentially used quite a traditional diplomatic tool to build consensus around some common objectives and common activity, but rather than purely offering that out to national governments…we’ve done it with not just states, but with cities…in a kind of Venn Diagram approach to consensus” (Howells 2018). His sentiment is closely reflected by Deputy Mayor Hachigian who said, “I think the Trump Administration has created a lot of space for us to move. In part because it’s creating interest among our counterparts in other countries… It’s still kind of toes in the water…but I think it will [continue]” (Hachigian 2018).

Still, there are some serious issues, as Rachel McCormick, Head of Energy and Environment at the Canadian Embassy, Washington DC calls to our attention,

…all of these Memorandums of Understanding – and they seem to be coming up with really creative names – commissions and whatever. Some of these regional bodies… make statements [but] there’s no way to somehow track those or mark those… I’m sure somebody somewhere has a database or a spreadsheet that lists them that gets updated every year or something like that but…I’ve never seen a strategic overlay. I’d like know how all of these feed into each other. (McCormick 2018)

The point is simply that California’s international partners and allies have not only noted the boost in subnational activity—first on specific issues, and then on a whole host of topics as the division between California’s politics and national political began to widen—but they have also observed that there is little or no coordination between entities, agencies, actors, and political players. The constitutional challenge presented by the absence of binding agreements is clear to them, but so is the potential for agreements to fall away with the next civil servant or political head of an agency. The rise in activity has not been matched with an increase in infrastructure or capacity. Without a strategy, the state’s (county’s, city’s, region’s) would-be international partners cannot engage effectively.
Without an infrastructure, opportunities are missed and there is little faith in the continuity or consistency of whatever actions are proposed.

California’s economic might offers one kind of power, but it does not lend the state credibility. The absence of an integrated and interconnected strategic approach at every level of interaction along the state’s vertical axis needs to be addressed for the state to finally fulfill not only its soft power potential, but its global status. Kyser and Meyler usefully frame this dilemma by connecting the high politics issues of sovereignty to the specifics of climate change as well as the untapped soft power of the state in their article, “Like a Nation-State”:

By its nature, California’s stance on climate change does not fit into a domestic-foreign construction. It cannot be characterized as one or the other, because it recognizes that much of the meaning of the climate change policy problem rests in the artificial division of human interests that is created by political territoriality. Far from being an embarrassment to the nation, therefore, California’s dissenting voice is regarded by many international observers as a primary reason for believing that climate change – the greatest tragedy of the commons the world has ever seen – might have a Hollywood ending. (Kyser and Meyler 2008)

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