

## **Europeanization and Democratization in ECE: Towards Multi-Level and Multi-Actor Governance**

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### **Introduction: institutional challenges in the EU and beyond**

The global crisis has strengthened the pressure for public-administration reforms in the EU, first of all in East-Central Europe (ECE), and beyond. Basically, there have been three challenges in the EU that have to be addressed:

1. At the EU27 level, there is the need to create new transnational regulatory institutions at the top as “metagovernance” and to introduce new common policies that radically transform the horizontal and vertical institutional relationships in order to overcome the institutional crisis in the EU. At the same time, the extension of multi-level governance (MLG) and the multi-actor participative democracy have to be continued, since the new transnational institutions have to be even more balanced with the structures of the mesogovernments (deepening).
2. After the Eastern enlargement, sharp tensions have emerged between the old and new member states in the workings of the EU institutions because the MLG structures – basically the meso-governments in their inter-governmental relationships – are very weak the new member states, especially in the newest members (Bulgaria and Romania). Hence the democratic institution-building has to be completed in the new member states on the meso- and micro-levels as well. Moreover, they have to catch up with the latest developments in the old member states as well as on the EU level (structural adjustment).
3. The extended European governance – in the West Balkan states and the ENP Eastern partners – has reached the stage of the “carrot crisis”, i.e. how to influence these partners in the period of the EU-enlargement fatigue without a proper Road Map to European integration in the West Balkan case or even without a “European perspective” in the Eastern Partnership case. Thus, the institution-building enters the picture very forcefully in this respect, not only in the state-

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to-state approach but also in the MLG approach, so the relations with the EU have to be institutionalized at various levels (widening).<sup>2</sup>

The main message of this paper is that in the EU, the deficit is bigger in the effectiveness or performance than the often-mentioned democratic deficit. Therefore, it is more important and urgent in the EU to reform the “performance” than “democracy”, although it may be even more important to emphasize that in the participatory democracy, it is in fact impossible to separate them, since the active democratic “participation” itself is the most important factor of “performance”. It has been the guideline of European governance since the seminal *White Paper on Governance* (Commission 2001b), which was also already prepared from the MLG side (Commission 2001a), although this dimension came to the fore just in the second half of the 2000s. But as an analytical device, I will try to keep “democracy” (politics) and “performance” (policy) relatively separate in order to point out how to increase the “performance” or effectiveness through the MLG structures, which is high on the agenda everywhere in the EU (see Commission 2009, Ambrosetti 2009 and Bertelsmann 2009).<sup>3</sup>

This paper addresses first of all the challenges to the new member states against the background of the current institutional reform in the EU (Lisbon Treaty), which has demanded enhanced structural adjustments, such as public-administration reforms in the new member states. In addition, it also deals with extending European governance to two regions, the West Balkan states and the Eastern neighbours, i.e. altogether with the relationships of deepening and widening from the special aspect of public administration reforms. Basically, to a great extent, the West Balkan states and the new neighbours have similar problems as the new members: in both cases, there is an institutional “Bermuda Triangle” at the level of meso-politics, where the top-down efforts of Europeanization and Democratization “disappear”. In short, the next step of democratic institution-building in the East-Central European new member states as well as in both the

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2 I have analyzed these issues at length in the ECE context, focusing on Hungary (see Ágh 2005, 2006, and the edited volumes 2008a and 2008b). On the other ECE countries see recently Bryson (2008) and Copesey and Haughton (2009). In general, I argue that the basic weaknesses of the institutional structures in the new member states are first of all at the meso-government level (“the missing middle”).

3 There have been serious efforts in the EU to elaborate the criteria of the institutional performance, first of all in the framework of the Lisbon Strategy. For the standardization of the Total Quality Management (TQM) of public-sector organizations, the European Institute of Public Administration (EIPA, Maastricht) has introduced the Common Assessment Framework (CAF). More than one thousand organizations in many European countries have been analyzed in the CAF process. The EIPA regularly organizes courses to introduce the EU analysts to the CAF methods ([www.eipa.eu](http://www.eipa.eu)). The latest *Bertelsmann Report* (2009) contains a comprehensive analysis of the main international rankings of competitiveness based on the detailed institutional criteria as Sustainable Governance Indicators. The *Observatory on Europe 2009* operates with a set of Key Performance Indicators (KPIs) and from among the new member states offers a more detailed analysis of the Czech Republic, Hungary, Slovakia and Slovenia.

Balkan and the Eastern new neighbour states is creating or further developing the multi-level and multi-actor democracy that can be an institutional channel for their bottom-up Europeanization and Democratization.

The new member states in East-Central Europe have traditionally been centralized unitary states, albeit with some democratization of macro-politics. As a paradox, even the EU accession and the post-accession period have produced a counter-productive process because it has led to the re-centralization of the state under the EU performance pressure. The preference of the Commission has also been to negotiate with the central governments and not with the plurality of the weak, ignorant and non-representative social and territorial actors. Therefore, in the post-accession structural accommodation process of the new member states, some concentrated efforts have been necessary for the MLG type of public-administration reforms. This is the political precondition to overcoming the post-accession crisis in the new member states, which has recently been aggravated by the global financial crisis. The experiences of these reforms can be transferred to some extent to the West Balkan and the East European regions.<sup>4</sup>

Multi-actor democracy and capacity-building in meso- and micro-politics are two sides of the same coin, thus Democratization and Europeanization equally demand the development of MLG structures, since the emerging democratic institutions will also have a higher performance with this kind of MLG-type Europeanization. What is needed is effective regionalism and completing the system of organized interests, in which the task of nation states is not simply finding but forming, creating partners, i.e. institution-building at the top as “macro-governance”, and also at the lower levels as “meso-governance” and “micro-governance”. Nowadays the democracy deficit appears in the “missing middle”, in the meso-governments as regional deficit and social-dialogue deficit, i.e. in the growing regional disparities and in the increasing interest representation asymmetries. Similarly, a robust and vibrant but extremely asymmetrical civil society has emerged in ECE at the micro-levels, since the voluntary associations represent mostly the new middle classes, and they are concentrated in the capital.

All in all, the MLG-type public-administration reforms are high on the agenda in ECE and in the neighbouring states on all levels. In the 2000s, NISPACEE has intensively dealt with the capacity of the central governments and with the “politico-administrative relations”, and it has also raised the governance issue on the central and local levels (see e.g. Verheijen 2001; Potucek 2004; Rosenbaum and Nemec 2006 and Connaughton, Sootla and Peters 2008). It is high time to shift the focus of research to the MLG approach, which has also been developed at length in several of the works above.

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4 As I have indicated in my former paper (Ágh 2009), there is a “treasury of the ECE reform experiences” that can be applied in the WB and EE states; even its failures and delays are very instructive, not only its successes and achievements.

## **I. From governance to multi-level governance**

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### **General considerations – theoretical background in the EU documents**

Governance and communication have been two pillars of the performance oriented EU democracy that have been elaborated in the two *White Papers* of the European Commission in 2001 and 2006. “Governing the EU” has been the basic democratization program of the EU for bridging the gap between citizens and institutions. It has to take place at many levels and with many actors as multi-level governance and multi-actor democracy in order to mobilize, connect and empower the state and non-state, public and private actors. Hence, the full “social” policy cycle (communication – participation – decision) has to be taken into consideration for the merger of the governance and communication strategies. The *White Paper on Governance* (2001) already formulated the program of the extension of representative democracy through multi-level governance, i.e. overcoming the problems of democratic deficit caused by missing participation through the mobilization of citizens and their empowerment of an organized or “articulated” society. The basic statement in the 2001 document is the following: “Reforming governance addresses the question how the EU uses powers given by its citizens. It is about how things could and should be done. The goal is to open up policy-making to make it more inclusive and accountable. ... The quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation.” (2001, 8, 10). This statement admits that the EU was an elite business, but in the nineties, the masses appeared on the scene because they were concerned by the extension of policies, therefore after the Maastricht Treaty, the extension of the representative democracy has also become absolutely necessary. The democratization program along the lines of governance was continued in 2005 by “Plan-D” (Commission 2005).

The starting point of the 2006 document on communication seems to be formulated in the same vein: “A partnership approach is essential. Success will depend on the involvement of all the key players – the other EU institutions and bodies; the national, regional and local authorities in the Member States; European political parties; civil society” (2006, 2). The 2006 document has also emphasized the involvement of the stakeholder forums, specific interest groups or the decentralized approach in general. Under the title “empowering citizens”, this document has outlined three steps: (1) improving civic education, (2) connecting citizens with each other and (3) connecting citizens and public institutions. It has been done, however, at a very abstract level. Although the document has mentioned the actors – “professional and sectoral organizations” – and the levels – “national, regional and local dimension” –, this has still not exposed the issue of “empowering” the citizens. European citizens come from widely diverse social and cultural backgrounds, therefore “empowering the citizens” means actually “nesting” them, i.e. involving their

interest organizations in the policy-making process. Completing the development, the 2008 *Debate Europe* document has mentioned the participatory democracy – “The Plan D civil society projects showed that participatory democracy can successfully supplement representative democracy” (2008a, 5). Following the logic of these basic documents, the Committee of the Regions has prepared the *White Paper on Multilevel Governance* (CoR 2009).<sup>5</sup>

Basically, the EU itself has emerged as a multi-level polity, as an organization in which the central executives (“metagovernance”) govern by sharing responsibility and authority with other supranational and subnational actors. Fritz Scharpf has clearly pointed out that the main failure of the theoretical literature is in the confrontation of intergovernmental and transnational models, since “the multi-level polity of the European Union is conceptualized in a single-level of intergovernmental interactions”, and these single-level models are “ill suited to deal with multi-level interactions” (Scharpf 2000, 5). Even within the member states, there is a plurality of the lower-level, distinct governing modes, therefore “the coexistence of, and the interaction between, distinct levels of government” presupposes a “fusion” of governing functions as a structure of network governance. Thus, in the analysis of the EU polity, one has to “take account of the multi-level nature of European institutions and governing processes” (Scharpf 2000, 7).

In his Conclusion, the MLG appears as the basic institutional feature of the EU: “The European polity is a complex multi-level institutional configuration which cannot be adequately represented by theoretical models that are generally used in international relations or comparative politics. ... these difficulties could be overcome by a modular approach using a plurality of simpler concepts representing different modes of multi-level interaction that are characteristic of subsets of European policy processes.” Thus, “the same conceptual tools should also be useful for the analysis of subnational, national, transnational and other supranational policy-making institutions” (Scharpf 2000, 26). Given the multi-level nature of European institutions and governing processes, according to his conceptual framework, the European governance has been based on the following multi-level interactions:

1. *Mutual adjustment* – national governments continue to adopt their own policies nationally but they do so in response to, or anticipation of, the policy choices of other governments.
2. *Intergovernmental negotiations* – at the lowest level of institutionalization, national policies are coordinated by agreements but national governments remain in full control of the decision-making process.

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5 On the EU communication policy as part of democratization campaign, see Fossum and Schlesinger (2007). The preparations of the White Paper on Multilevel Governance began in the framework of the Committee of Regions (CoR), which organized its “Ateliers” for preparing the *Green Paper*, then the *White Paper*. I have participated in this process and my paper relies on the results of this expert process.

3. *Hierarchical direction* – in this mode, competencies are completely centralized and exercised by supranational actors without the direct participation of member state governments.
4. *Joint decisions* – this combines aspects of intergovernmental negotiations and supranational centralization, such as the openness of the decision-making process to the demands of plural interests, to the networks of interest intermediation.

Since the late nineties, the MLG concept has become the mainstream approach in the European Studies from the international relations to the regional research, as the seminal book written by its prominent authors has demonstrated (see Bache and Flinders 2004). The idea of the MLG type of democratization with public-administration reform has also been developed in several works by B. Guy Peters (see recently, Connaughton, Sootla and Peters 2008, 8–11). It has been extended after the Commission's *White Paper on Governance* to several policy fields, including employment policy (see Garcia, Cardesa Salzmann and Pradel 2004). Arguing for the utility of the concept of MLG, Ian Bache and Matthew Flinders also present this concept as a theoretical response to the emergence of the multi-level European Union. This process has led to the differentiation (dispersal) of authority, both vertically to the new levels of governance and horizontally to the new, non-state actors with increased interdependence in both. The MLG concept has proven to be useful to capture these complexities and to overcome the rigid distinctions between domestic and international politics in order to analyze the implications of the growing interactions between governments and non-state actors across the various levels (see Bache and Flinders 2004).

In a more recent paper (2008), Ian Bache and Rachel Chapman have further elaborated the MLG concept at the subnational territorial levels. They have pointed out that “The literature on multilevel governance has typically focused on contestation and cooperation between a cross section of political actors organized at various territorial levels. In this context, the role and authority of state has been challenged by the increased engagement of supranational, subnational and nonstate actors. ... Its emphasis is on the growing importance of both horizontal and vertical interdependence in the context of European integration that is between actors located at different territorial levels and from public, private and voluntary sectors. A characteristic feature of this kind of policy-making is the prominence of ‘territorially overarching policy networks.’” (2008, 397–398).<sup>6</sup>

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6 I refer in this paper to the widening governance literature without embarking on its detailed analysis, see recently Bache (2004, 2008), Benz and Papadopoulos (2007), Graziano and Vink (2007), Hayward and Menon (2003) and Kohler-Koch and Eising (2007). Karen Smith draws attention to the fact that for the EU, promotion of democracy has always been connected with good governance (2008, 143). The MLG discussions on the effectiveness and accountability have been continued in the volume edited by Benz and Papadopoulos (2007). The chapters of Benz (2007), Peters and Pierre (2007) and Schmitter (2007) in Benz and Papadopoulos have further developed the debate on European governance and democratic deficit.

The extension of democratic institutional structures and practices from governance to multi-level governance has been a big step in the democratization of the EU, but some basic weaknesses of the emerging multi-level and multi-actor democracy have also come to the surface. In general, the recently emerging world order can be characterized by the unprecedented unity and unprecedented fragmentation that has been exacerbated by the global crisis. The EU polity as well as the member states' polities can also be characterized in the same way. For the parallel processes of fragmentation and integration, James Rosenau coined the term "framgregation". The MLG approach can serve as a "prime mechanism" to steer the tension between the – external and internal – fragmentation and integration (Bache and Flinders 2004, 1, 5). If representative democracy is to be extended to the new actors at various levels by turning it into participatory democracy at the macro-, meso- and micro-levels, the three following questions arise: (1) who decides about the entry of new actors into the particular policy-making processes, (2) what kind of regulation is imposed upon the relationships of the actors in that given process and (3) how is the accountability applied to these actors. The MLG principle also has a big deficiency that has originally been called a "Faustian Bargain", or rather "Faustian Dilemma". It turns out that the old model – "civil society has to control the state" – has become inefficient and outdated, since the borderline between state and civil society has been blurred with the mass of the new "unregulated" civil actors that have entered the policy-making process. The real question is how to control the new actors, i.e. "how to control the controllers", which requires a new model of democracy with a change of paradigm. It also applies to the old member states but even more so to the new ones; first of all, however, it applies to the regulation of the new world order, which goes far beyond the topic of this paper.<sup>7</sup>

The "political control and accountability remain just as critical as ever to democratic government", given the continued extension of representative democracy to a multi-actor democracy. In brief, the MLG itself does not provide the political accountability dimension for representative democracy and therefore, it may lead to an increasing democratic deficit. Thus, B. Guy Peters and Jon Pierre "highlight the perils and dangers associated with such governance in terms of participation, accountability, transparency, and inclusion" (Peters and Pierre 2004, 76–77). The Faustian Bargain according to them is that by this extension, one can gain efficiency in the policy-making process at the price of losing accountability; therefore, they also separate "performance" and "democracy" as analytical devices to point out the main problem: higher efficiency at the price of compromised "democracy". One can cope better with diversity and complexity in a widening universe of public policy by the extension of the MLG structures but this new arrangement necessitates a new type of political control and leadership. The answer to this new problem is the democratically constructed and controlled metagovernance as explained below, since

<sup>7</sup> On the re-regulation of global governance, see the Presidency Conclusions of the European Council (2008 and 2009a, b).

otherwise more efficiency will cause less accountability and increased democratic deficit at both ends, at the top and bottom of the EU polity. In short, the next step of democratic institution-building in the new member states as well as in the West Balkan and the new neighbour states is the creation, or further development, of the multi-level and multi-actor democracy that can also be an institutional channel for bottom-up Europeanization and Democratization. At the same time, this democratization strategy of the new member states runs parallel with that of the EU, given the striking similarities between them concerning their democratic deficits.<sup>8</sup>

The extension of representative democracy through the MLG process into some kind of the troubled participatory democracy has not only created a new democracy deficit in the EU but also some marked policy asymmetries between policy fields given the lack of coordination between economic, social and territorial cohesion. The economic cohesion of the EU has always been at the forefront in the EU with a constant effort to balance or complete it by social cohesion. Due to the relative failure of the Lisbon Strategy and its renewal in 2005, the “growth and jobs” approach has diminished the importance of social cohesion in order to enhance the economic competitiveness in the global arena. In the first decade, however, territorial cohesion/dimension has been relatively neglected, although the initial set-up of the Lisbon Strategy has identified the regions (NUTS2) as the basic units of the competitiveness, and it has exposed the territorial cohesion in the EU as a basic objective. In fact, territorial cohesion has been pushed back, since the clash between economic and social cohesion has been a heavy problem/tension in all member states, while the territorial cohesion has only been a partial problem, mostly limited to the less developed member states. It has been perceived by the net-payer member states as an overload and unnecessary burden. They have emphasized all the time that the territorial assistance has been counterproductive and inefficient, so it has to be (re-)nationalized. Eastern enlargement has increased this “second” debate, first after the entry of the East Balkan states. The debate has been reinforced by Spain in its phasing-out stage by losing interest in cohesion policy, as the UK did earlier in the nineties. The Lisbon Strategy has to be renewed for the next decade as the EU 2020 Strategy and this policy asymmetry between economic, social and territorial

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8 The special issue of the *Journal of European Public Policy* in 2008 (15 (6)) seems to suggest that the conditionality and/or compliance of the new member states is a short-term problem as if it were basically the decision of the elites how to behave in the EU. I think that the mainstream EU Studies have gone into a blind alley by insisting on the short-term effects of the failure of post-accession conditionality instead of looking at the long-term effects. In my view, institution-building is the basic issue of imposing the conditionality on the new member states for the mid-term and long term that could solve those problems, which are usually visualized as the items for the short-term political decisions, since most problems are beyond the decision-making capacity of the ECE governments in the short run.



cohesion has to be corrected, otherwise the second decade may also be a relative failure of the new Strategy in the enlarged EU27.<sup>9</sup>

### Overcoming of the new weaknesses by the extended metagovernance

The MLG approach stresses the distinction between government and governance, but this does not mean at all that the national governments will be fatally weakened, and a “super-government” will not appear on the EU level either. This concept presupposes the continued importance of nation states at various territorial levels and throughout the policy process, i.e. the governments will have more multi-level *deconcentration*, parallel with the widening *decentralization* along the governance line. Basically, there is also “a growing recognition of the role of states in shaping and regulating governance ... as metagovernance” (Bache and Flinders 2004, 201). If the MLG is going to overcome the weakness of losing democratic legitimacy, then also some new means have to be found to empower citizens to cope effectively with this shifting location of power. The electoral legitimacy of national governments ensures them a pivotal role in this changing context, but the diffusion of competences and the changing patterns of participation demand some additional mechanisms of accountability beyond those provided by representative institutions. Consequently, “the evolving structures of multi-level governance are likely to necessitate new forms and models of accountability that seek to build new and innovative conduits between the public and the institutions involved in complex networks. In essence, this may involve a fundamental reappraisal of the meaning of democracy and the role of representative institutions within nation states” (Bache and Flinders 2004, 205).

The extension of representative democracy to participatory, multi-actor democracy overstretches the frames of democratic accountability and legitimacy, and it demands a parallel change or extension in the control mechanisms. The basic idea for this mechanism in the form of metagovernance at the top has come from Bob Jessop. He has elaborated the idea of the continuing centrality of the state as metagovernance, with respect to its capacity providing the ground rules for governance and regulatory order through which governance partners can pursue their aims: “For political authorities (on and across all levels) are becoming more involved in all aspects of metagovernance: they get involved in redesigning markets, in constitutional change and the juridical re-regulation of organizational forms and objectives, in the overall process of collibration” (Jessop 2004, 65). Jessop here gives a long list of the metagovernance functions; namely metagovernance provides the ground rules for governance and regulatory order in and through which the governance partners can pursue their aims, and it ensures the compatibility or coher-

<sup>9</sup> See in this respect Council (2007). This document specifies the need for coherence between economic, social and territorial cohesion, and it leaves the elaboration of this strategy for the Hungarian EU presidency March 2011: “(45.) We ask the coming Hungarian EU presidency to evaluate and review the Territorial Agenda in the first half of 2011” (2007, 11).

ence of different governance mechanisms and regimes. This central authority acts as the primary organizer of the dialogue among policy communities and deploys a relative monopoly of organizational intelligence and information by helping in the self-understanding of identities, strategic capacities and the real interests of the individual and collective actors in various social contexts. It serves as some kind of “court of appeal” for disputes arising within and over governance, and it seeks to rebalance power differentials by strengthening weaker organizations to enhance social integration and cohesion. Finally, the metagovernance has the basic function to assume the political responsibility in the event of governance failure. This long list can be further widened and explained from different sides but it already demonstrates clearly that this central authority, the state at the national level, does not lose its importance with the shift from government to governance. Just to the contrary, it gains new importance through these vital functions without which the emergence and extension of the MLG would lead to chaos and to the weakening of the democratic order and legitimacy.

It is not enough, however. By the extension of representative democracy not only national but also the EU transnational democracy has changed its meaning. The workings of the EU necessitate increased metagovernance at the new top or peak institutions in the form of renewal in the Big Power Triangle of the Council, Commission and Parliament. As Jessop explains, “[T]he European Union can be seen as a major and, indeed, increasingly important, supranational instance of *multi-level metagovernance* in relation to a wide range of complex and interrelated problems.” Metagovernance also has the function of elaborating the long-term Grand Strategy for Europe.

In the Big Power Triangle, “The European Council is the political metagovernance network of prime ministers that decides on the overall political dynamic around economic and social objectives ... The European Commission plays a key metagovernance role in organizing parallel power networks, providing expertise and recommendations, developing benchmarks, monitoring progress, promoting mutual learning, and ensuring continuity and coherence across presidencies. This is associated with increasing networking across old and new policy fields at the European level as well as with a widening range of economic, political and social forces that are being drawn into multi-level consultation, policy formulation and policy implementation” (Jessop 2004, 72).

Consequently, the pattern of multi-level metagovernance in the EU is still evolving, and it has the tendency of permanent change and reforms for two reasons. First, there are inherent tendencies of failure in all major forms of governance, like market failures, so the “governance failures” also have to be corrected and balanced. Second, the metagovernance itself may develop its own special “top” failures, hence it needs an internal correction mechanisms for its internal renewal. This is the eminent case with the creative crisis in which the EU has entered a new phase with the

global financial crisis. From the point of view of “multilevel metagovernance”, the MLG concept has to be developed as the main profile of “deepening” that presupposes permanent structural transformations in the relationship of both the vertical institutional layers and the horizontal actors within the EU. Democratically constructed and controlled metagovernance is the solution for the democratic deficit at both ends, at the top and bottom of the institutional structure. It represents the positive sum game or win-win game in democratic politics.<sup>10</sup>

In the final analysis, the European governance can be described in three partnership triangles in the EU decision-making in general and in the EU policy-making in particular. The *first* partnership macro-triangle is between (1) the EU transnational institutions, (2) the nation-state institutions and (3) the subnational actors and agencies. In this macro-triangle, the nation state intermediates between the EU and regional levels and transmits the Europeanization effect top-down to the national and subnational actors, and it represents their national-local interests bottom up. The *second* partnership meso-triangle appears at the member state level between (1) the nation state and (2) the social actors horizontally and (3) the territorial actors vertically. In this meso-triangle, both the social and the territorial policy communities have their action fields. The *third* partnership micro-triangle(s) are at the subnational level of these social and territorial actors, and they have both horizontal and vertical, or both policy (sectoral) and territorial dimensions. These micro-triangles have a plurality of distinct policy networks or communities, in which the state-administration units or special state agencies are engaged in active cooperation with the local – social, business, civil, territorial – non-state actors. Altogether, the introduction and extension of the MLG structures have caused, indeed, a participatory revolution. Most European citizens are aware of this multi-level approach, and they actively support it.<sup>11</sup>

Deepening as usual can also be understood as extending/strengthening the subnational-regional governance at the bottom in the framework of European and state governance. However, in the present EU institutional crisis, there is no doubt that in the vertical relationship, the main reform agenda in Scharpf’s term is the move from the loose “mutual adjustment” to the organized “joint decision making”

10 Adrienne Héritier (2007) has given an in-depth analysis of the institutional reform mechanism in the Big Power Triangle in accordance with their “metagovernance” role, although without a reference to this term. The so-called new modes of governance also indicate that the “metagovernance” has to change from time to time (see Dezséri 2007, Kohler-Koch and Eising 2007 and Hayward and Menon 2003). As Vivien Schmidt (2005) observes, the EU is a “policy without politics”, while in the nation states, there is a “politics without policy”.

11 As Flash Eurobarometer 234 indicates (2008, 5), about half of the EU citizens are aware that the EU supports their region, seventy per cent of which consider it beneficial. It has been more and more frequently noticed that not only does the entry of the non-state actors change the policy-making process but also that their entry to the policymaking-process changes the internal structure of non-state actors, including the large firms, to become more open to the public demands or taking Corporate Social Responsibility. On the same issue, see also Flash Eurobarometer 252, and the latest EU-27 Watch (2008).

between the EU, state and regional levels in all three partnership triangles. In general, both the bottom-up and the top-down directions are necessary for the deepening in the EU. The bottom-up approach facilitates the workings of MLG structures based on the subsidiary principle. On the other hand, the top-down approach as the opposite approach strengthens the centralized decision-making at the top. Nowadays, in the special situation of the Lisbon Treaty's implementation process, it is more important to move more and more towards the "hierarchical direction", towards the "centralization" of European governance in the new increased metagovernance, i.e. the institutional reform at the top is now high on the agenda. The new common-community policies, such as climate change, energy and innovation – but also many JHA policies, such as immigration –, need more centralized EU institutions as concentrated decision-making processes at the top, in which the MLG structures at the bottom also have their own very important role in both preparing and implementing the centrally made decisions.

As for the second and third partnership triangles, in the developed member states, the multi-level and multi-actor democracies have emerged through an extended system of social dialogue and territorial decentralization ("regionalization") with some relatively autonomous and powerful social and territorial actors as "veto points" in the decision-making system. This multi-actor democracy is largely missing or hardly developed in the new member states. The social and territorial actors are weak, their competences are limited, and their role in the decision-making system is very restricted. The EU membership has meant tremendous pressure for them in this respect, first of all not in the political dimension, but much more in practical dimensions of the cohesion policy for an urgent capacity-building. There have been some developments in the second partnership triangle; in fact, the constitutional arrangements are there, although the subnational institutions are still weak. Moreover, regarding the third partnership triangles, the horizontal policy networks and/or communities at the regional level are hopelessly missing or weak, so is the system of their vertical network governance that incorporates the subregional territorial and social actors (see Commission 2008b, 12).

This research line of multi-level governance has also been very important for the practical reasons of the absorption of the Structural Funds. It is a salient issue not only in the old member states, but even more so in the new member states. Here the weakly developed sector of the meso-governments and micro-governments, or the low institutionalization of the MLG structure in general, has always been the biggest obstacle to an optimal use of the Funds (see e.g. Dezséri 2007). The main reason is that at the meso-government level – as in a "Bermuda triangle" – the Europeanization efforts starting from both sides, from both the top and the bottom have usually disappeared. As a result of the post-accession crisis and the early challenge of the MLG structures, an institutional jungle has appeared in ECE, since governance has been extended without a proper regulative system. A drastic transformation of representative democracy has begun towards the participatory-inclusive democracy

but it is only in its first, controversial stage. Thus, nobody knows who is who in the policy-making process and what kinds of competences these newly entering actors have in relations to the state or to each other, “controlling the controllers”. The state and civil society have merged to some extent, and the boundaries have been blurred, so civic organizations do not control the state exclusively from outside, since they are also active inside. There will be a long road ahead to build the new regulative structures as metagovernance even in the ECE national frameworks, but this process has sped up under global pressure. Accordingly, the latest MLG literature has been developed in its two basic dimensions, in both governance-performance terms and in democratization perspectives. It has proven that the MLG discourse has been and will still be the main discourse in the renewal of the EU, even in its policies to the neighbours.<sup>12</sup>

## **II. External governance in the West Balkans and Eastern neighbour states**

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### **The clash between policies and institutions**

The extended or external EU governance as a transformative linkage policy in fact has been based on the mechanisms of “regulatory boundary” (policy) and “organizational boundary” (institution). The regulatory boundary covers the specific policy areas, addressed by the agreements, legal obligations and modalities through which compliance is monitored. The organizational boundary means those institutions and/or agencies through which the third country concerned participates in shaping and implementing the decisions. The EU has wanted to elaborate flexible cooperation relationships with these boundaries but, obviously, there has been a huge gap between these two clashing and confronting mechanisms. The EU has tried to expand the regulatory boundary with new issues attached to the policy agenda but it has tried even more to limit the organizational boundary, since it has created only minimal common institutions and has expressed its unilateralism very forcefully by formulating the substance of the agreements. Thus the major weakness of the widening policy has been its low-level MLG type of institutionalization in the spirit of the famous saying by Romano Prodi: “everything but institutions”. What he meant was that the EU can elaborate some regulatory mechanisms for the extended governance formulated in bilateral agreements but the EU will not establish common institutions with the countries concerned in order to avoid and to exclude the sovereignty-sharing procedures (Lavenex, Wichmann and Lehmkuhl 2008, 1, see

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12 On the governance-performance side, see Kritzinger and Pölzl (2009), Mamudu and Studlar (2009), Mörtz (2009), Sorensen and Torfing (2008), even in the West Balkan relations in Fagan (2008). On the democratization side, see Ayers (2009), Bache (2008), Bellamy, Castiglione and Shaw (2006) and Philip (2009), but first of all the efforts of Hooghe and Marks (2009) for the politicization and mobilization of the EU population as demos through MLG, and its current debate, Börzel and Risse (2009) and Schmitter (2009).

also on the ENP in general, Blockmans and Lazowski 2008, De Bardeleben 2008 and Varwick and Lang 2007).

The EU has aimed at institution-building in the West Balkan countries but not so much at creating “shared institutions” between the EU and the WB countries. In addition, so far the EU has focused only on the first partnership triangle as macro-governance, or on the state-to-state relations. In launching the first reform waves of the public administration, the main aim of the EU has been the nation-building that has still gone uncompleted so far. Therefore, the EU has neglected the second and third partnership triangles within the WB countries. The EU has promoted the sectoral integration in some policy fields and wanted to offer assistance to build up the proper institutions at the macro-level but it has not realized, or it has not arrived at this task, that it can only be promoted and/or implemented properly if the supporting subnational institutions exist in the West Balkan states. The failure of the East Balkan states – Bulgaria and Romania – in building up the basic institutions could have been a warning sign for the EU but this negative experience has not yet been taken into consideration enough so far (see Andreev 2008).

The National Strategy for Development and Integration in the WB has been funded by the IPA (only the first two out of five for the potential candidates)

- (1) support for transition and institution-building
- (2) cross-border cooperation
- (3) regional development leading to cohesion policy
- (4) human-resources development leading to cohesion policy
- (5) rural development leading to CAP.

Although the WB integration process and Eastern Partnership differ a lot, the lack or weakness of the shared institution is common in these differing cases. Sandra Lavenex and her co-authors have formulated this basic contradiction very markedly between the ENP model based on the enlargement process with conditionalities and the lack of proper institutions for its implementation.

Simply said, the fundamental difference is that the ENP has not intended to create a “legally homogeneous” space with the neighbouring countries: “In practical terms, however, the EU considers its own ‘standards’ as a model, which third countries might want to follow. The resemblance to the enlargement mechanisms, which finds expression by the reference to the concepts of ‘approximation’ and the commitment to ‘shared values’, is also displayed in the political nature of ‘monitoring of compliance’ under ENP. The characteristic features are unilateral ‘progress’ reports drawn up by the European Commission and the ensuing discussions in the various formats of the AA and PCA Councils. ... Put differently, the shift of the organisational boundary is very limited and does not include any participation in decision-shaping. To conclude, neighbourhood relations differ from conventional external relations in that the EU displays a strong interest of exporting its regulatory

policies to the neighbouring countries while at the same time it lacks its most successful foreign policy instrument: accession conditionality.” (Lavenex, Wichmann and Lehmkuhl 2008, 4).

In this respect, the relationship between the EU and the ENP countries differs basically from that between the EU and the developed European partner countries in matters of institutionalized patterns of interaction on governance. While in the case of Western neighbours, the shift of the regulatory boundary has been accompanied by the opening and widening of the institutional boundary at the same time by granting them membership in EU agencies and programmes, in the ENP case, the tension has grown through the constant widening of the regulatory boundary but without opening the organizational boundary. This tension or asymmetry has become the major obstacle to the further development of the ENP. The above-quoted co-authors argue that “As the experience of the Western neighbours shows, participation in such structures is not only supportive to the third countries’ approximation to the EU policies, it also increases the sense of partnership and co-ownership, thus fostering the legitimacy of such regulatory approximation” (Lavenex, Wichmann and Lehmkuhl 2008, 4).

There is no doubt that this principle of “no common institutions” has to be given up and the EU has to establish common institutions at distinct governing levels with joint decision-making processes in order to make the ENP effective and efficient, since the low level of institutionalization has been the main reason for its improper working and moderate success so far. The EU has to facilitate the bottom-up Europeanization and Democratization of its neighbours by building common institutions in the framework of multi-level and multi-actor democracy. In addition to this regulatory-institutional asymmetry, a large geographically based institutional asymmetry can be noticed in the ENP between the two big regions. Given its historical advantage, the Southern rim has elaborated a rather wide but weak institutional framework, e.g. the regular Euro-Mediterranean Ministerial meetings with its annual work programmes. In Eastern Europe, the institutional framework in general and the bilateral, country specific institutions in particular have been very much lagging behind, actually almost missing.

### **External governance and types of regionalisms**

The ENP as extended EU governance is at the same time multi-tier governance in both ways, horizontally and vertically, and at various levels of institutional and policy cooperation. It can produce various types of regionalisms as regional cooperation above and below the level of nation states. Michael Emerson has elaborated a typology of regionalism that can reveal the opportunities of the ENP: (1) *Technical regionalism*: to assign specific public policy functions to the territorial level following some objective criteria and aiming at the efficiency on the regional level, where all parties can in principle have the same or similar objectives and which may be

effectively de-politicized. (2) *Good neighbourliness regionalism*: where neighbouring political jurisdictions organize congenial activities together with a view to building good relations and friendship such as sports and/or cultural events. (3) *Security regionalism*: facing common threats of a cross-border nature such as illegal migration, the trafficking of drugs and people, terrorism and strategic security generally that can lead to security communities or alliances. (4) *Eclectic regionalism*: experimenting with many conceivable types of regional cooperation, i.e. collecting a large variety of quite different regionalisms without a clear strategic view or evident criteria for selection. (5) *Dysfunctional regionalism*: vain attempts to construct regional cooperation, frustrated by serious political divergences or inefficiencies between the participants because of the incompatibility of objectives among the region's actors. (6) *Institutional regionalism*: focus on the administrative and organizational structures devised to promote regional cooperation. (7) *Transformative regionalism*: regional cooperation as a means of working towards the Europeanization of the whole region to converge on the EU's political values and economic structures, norms and standards as transformative Europeanization. (8) *Compensatory regionalism*: the EU seeks to compensate outsiders immediately beyond its frontiers for the disadvantages of exclusion or being deeply disappointed by not being granted a membership perspective. (9) *Geo-political regionalism*: relating to the objectives of the leading powers to secure a sphere of influence as the Kremlin openly states its foreign-policy priority to re-consolidate the CIS area or the US to secure its own geo-political position, especially with respect to Georgia (Emerson 2008, 2–3).

Altogether, the main MLG reform line in the ENP is moving from the “regulatory boundary” to the “organizational boundary” as a shift from the present asymmetry to a more participatory relationship. In Scharpf's terms, it means moving basically from the “hierarchical direction” to “joint decision making”, or at least from the spontaneous “mutual adjustment” to “intergovernmental negotiations”. In practical terms, this participatory process would represent an approach, in which the situation of the ENP states will get closer to that of the more developed European countries (EEA states and Switzerland), since this relationship with the developed countries is much less “regulatory” and more based on active participation in the common institutions and organizations. The EU politicians and experts have realized that the fundamental nature of the EU polity is its multi-level character. But they have not yet realized that the relationship is the same with the ENP partners, since widening, as an extension of the European governance to the state and non-state actors and to state and sub-state levels, presupposes an MLG structure as well. Therefore the more the MLG type of governance is introduced in the ENP, the better and more efficient these bilateral and multilateral relationships would be. The extended EU governance of unilaterally imposing “regulations” upon the ENP partners has reached its limits; in fact, it has become counter-productive. The improvement of the relationship is possible only through common institution-building, i.e. creating “organizations” to make the EU regulations feasible. Transformative re-



gionalism in Emerson's terms with its MLG structure can only be successful if it is at the same time a compensatory regionalism offering substantial advantages for the neighbouring states instead of EU membership.

## **Conclusion: the emerging “glocal” governance**

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The increasing globalization already in the nineties sped up and strengthened the “regionalization” efforts worldwide to a great extent. Regionalization means here the continent-size transnational formations like the EU, NAFTA and ASEAN. In the present decade, this process has not only continued but strengthened further. It has also shown the signs of the “spill over effect” to other levels as well. The stronger the impact of globalization is on all other territorial levels, the more the transnational regions, countries and subnational regions organize and strengthen also their smaller territorial units. The “glocal” governance is a reaction to the danger coming from the global uncertainties as an arch of the multi-level governance from the global governance to the local governance: the global-local linkage. Thus, the global governance is basically a strengthened local governance and basic democracy under the global pressure at the level of local communities. Glocal governance is both a transition from global to local governance and an arch of institutions between the two ends. It proves that globalization penetrates not only countries and subnational regions but also the much smaller territorial units and communities, and under its pressure, even local governance needs a reconstruction.

Similarly, under the pressure of global crisis, and as a result of the long term preparation process, the EU has taken a further step in transforming its own global environment with the Eastern Partnership (ENP-EP). On 20 March 2009, the European Council decided on the Eastern Partnership, which may be a breakthrough in the treatment of the six Eastern neighbours as well as in the institution-building policy of the EU. In the Declaration attached to the Presidency Conclusions (Council 2009b, 19–21), the European Council has invited the heads of states and governments of the new 27+6 partnership formation to a Summit meeting on 7 May 2009 to Prague. The Declaration reorganizes the main objective of the ENP's Eastern Dimension to be “to create the necessary conditions for political association and further economic integration between the European Union and Eastern partners” by introducing “the principle of joint ownership” and suggesting a “multilateral framework” for regional cooperation. The most important message is that “The European Union's Comprehensive Institution-Building Programmes will help the participating countries to improve their administrative capacity.” In this spirit “the multilateral framework ... should operate on a basis of joint decisions of EU member states and Eastern partners”. The Prague Summit has adopted a Joint Declaration on the Eastern Partnership. There will be a Summit of Heads of States and Governments once in every two years, and the foreign ministers will meet once every year. After this basic turning point, introducing partnership at the macro-level,

the elaboration of the multi-level and multi-actor democracy can begin in the six Eastern partner states. When the global crisis ends, the EU can return to the deeper and more detailed elaboration of the Road Map for the West Balkan integration as well. Both the ENP-EP and the WB processes in widening have been of great interest to the new member states. The real progress presupposes their continued support on the one hand and also a learning process of the WB states and the Eastern neighbouring states on the other.

Nowadays the “imported crisis” still spreads to Eastern Europe (Emerson 2009). The ongoing global crisis has created new “mental barriers” in Europe, and it has undermined the European identity and European governance to a great extent. However, the crisis-management actions have also discovered new horizons for both deepening and widening in the EU. Actually, the big periods of EU development have been created by deep transformations as milestones of the world system. The first period ended in 1973 with the first enlargement that widened the core of Europe to a continental power through a series of enlargements and the second one in 1991 (Maastricht Treaty) with the collapse of the bipolar world turning the EU into a global actor. In 2008, the third period came to an end with the outbreak of the global crisis, and around 2010/2011, a new, fourth period will begin that will differ from the present EU beyond recognition. The EU is in a creative crisis, and some outlines of the “new EU” in a “new Europe” can already be seen based on an MLG type of structure with extended external governance and deepened internal governance. In the democratic renewal of the EU – also in its relationship with the neighbours –, a new European identity and civil society cooperation will emerge (see Kostakopoulou 2008, Ruzza and Bozzini 2008).

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