

**Sub-National Authorities and European Integration:  
Moving Beyond the Nation-State?**

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For presentation at

**The Fifth Biennial International Conference  
European Community Studies Association**

May 29-June 1 1997  
Seattle, USA

## Sub-National Authorities and European Integration Moving Beyond the Nation-State?\*

### Introduction

The 1990s have seen intense discussion of the role of sub-national authorities (SNAs) in European integration. A burgeoning literature has emerged on what has been termed 'sub-national mobilisation' (Hooghe, 1995) in the European Union: the growing engagement of sub-national governmental actors with the institutions and processes of EU policy-making. The features of this 'mobilisation' have been widely documented: the establishment within some member states of formal mechanisms of involvement of sub-national governments in EU policy-making; the wider refocusing of policy activity and strategy of sub-national governments throughout the Union onto an EU-related agenda; the post-1988 reforms of the structural funding process which have demanded, at least on paper, fuller sub-national involvement in European structural policy; the establishment and activity of organisations of inter-regional cooperation focused on the EU; the location of ever-growing numbers of regional information and liaison offices in Brussels; and the EU treaty changes which have opened up the possibility of sub-national input into the Council of Ministers, created the Committee of the Regions, and established the principle of subsidiarity as part of the currency of sub-national debate about 'Europe'.

The literature on the topic sub-national mobilisation has understandably, given all these novel manifestations of EU policy engagement - been infused with terminologies of transformation. We are told that this is an era of the 'Europe of the regions', of a 'third', regional level emerging to claim input into European policy-making, and of a new pattern of 'multi-level governance' in the EU which stretches not only above, but also below the level of the nation-state. A common theme implicit in these terminologies is that SNAs have become able to reach 'beyond the nation-state' and claim access to EU decision-making processes unmediated by the 'nation-state', or, to be more precise, those central state institutions which have traditionally claimed a monopoly competence in EU affairs.

This paper does not take issue with the broad notion of transformation. The relative roles played by SNAs and central state institutions in EU policy-making have indisputably been recalibrated in a significant way. It does take issue, though, with the idea that the transformation consists in SNAs moving *beyond* the central state, that SNAs have become *internationalised* and now

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\* Many of the ideas in this paper emerged from a workshop on multi-level governance in the EU organised by the author at the 1996 ECPR Joint Sessions at Oslo and from a Special Issue of *Regional and Federal Studies* (Vol. 6, No. 2, 1996) he edited on *The Regional Dimension of the European Union*. Thanks are due to all participants/contributors and to Liesbet Hooghe, Sean Loughlin, Willie Paterson, Penny Turnbull and Dan Wincott who have commented on aspects of this paper.

stride purposefully and with significant independent policy influence in the extra-state arena of European policy-making. These assertions do not accord with an empirical reality which, I argue, suggests that the real transformation in the relative roles of SNAs and the central state in EU policy-making has taken place in the intra-state arena. Sub-national mobilisation has not led to significant unmediated access to 'Europe', but has rather served primarily to undermine the capacity of central state institutions to maintain their traditional claims to monopoly competence over European integration policy. In other words, SNAs have begun to wrest away from central state institutions some share of the competence to represent their member state in the process of EU policy-making, and to mobilise this *through* rather than beyond the established structures of the member state. 'Europe', for SNAs, has become *domesticised* rather more than they have become genuinely internationalised.

If the empirical reality has been misread and misrepresented, then the analytical frameworks which have been constructed in order to understand and assess the mechanisms and impact of sub-national mobilisation are likely to be ill-founded. Such frameworks are, in any case, thin on the ground, and among them only ideas on multi-level governance (MLG) have been developed with any real rigour and meaning. The fanciful notions of the 'Europe of the regions' or the 'third level' can be dismissed as ideologically loaded and above all wishful thinking which all too easily overstates the impact that somehow virtuous SNAs have had in supplanting somehow inadequate and anachronistic nation-states. Even ideas on MLG, though, are weakened by an inherent limitation arising from a skewed focus: they have typically been nested in a mindset of European integration studies fixed on the extra-state interactions between member states and European institutions. This focus is neglectful of the intra-state environment in which SNAs are embedded and as a result overplays the significance of central state-EU interactions in catalysing sub-national mobilisation. A wider conception of MLG needs to be developed which is capable of presenting an additional domestic politics perspective focused on those arguably rather more significant *intra-state* factors which also support and catalyse sub-national mobilisation.

Finally, neither empirical descriptions of how SNAs mobilise nor analytical frameworks for understanding the conditions in which they are likely to mobilise necessarily throw light on probably the most important question about sub-national mobilisation: does it actually make a difference? SNAs may well mobilise in full sound and fury in regard to 'Europe'; whether this signifies any real change in the 'structure of authoritative decision-making' (Marks, 1996, 22) in the Union is a different matter: mobilisation and influence are not synonymous. Moreover, SNAs are differently constituted throughout the Union, and display wide variations a) in their capacity and commitment to mobilise and b) in their ability to transform mobilisation into influence. A final challenge for work on SNAs and the EU is therefore to identify those conditions under which mobilisation is likely genuinely to 'make a difference' and to pinpoint and account for variations in the extent of 'difference' likely to be made by different SNAs throughout the EU.

With these considerations in mind, this paper sets out to present a fuller and more nuanced analytical framework for the understanding and assessment of the role of SNAs in EU policy-making. The argument is based on the obvious, yet fundamental proposition that SNAs mobilise in order to gain access to and thereby exert influence on EU policy-making. It is developed through a sequence of empirical and theoretical propositions:

- mobilisation through intra-state channels of access to EU policy-making holds out more promise for influence than mobilisation through extra-state channels (section I)
- existing ideas on MLG as a framework for understanding what sparks mobilisation need to be complemented by additional criteria which also capture intra-state 'sparks' for mobilisation (section II)
- mobilisation is likely to 'make a difference' in terms of policy influence only under certain conditions and then with substantial variations in terms of the extent of influence exerted by different SNAs (section III)

## **I. SNA Access to 'Europe' - Through or Beyond the Nation-State?**

As noted above, sub-national mobilisation has become an unmistakable feature of EU politics in the 1990s. SNAs have evidently been concerned to open up and/or exploit new channels of access to 'Europe' as a means of influencing EU policy. Two broad types of access channel exist: intra-state channels, with indirect SNA access to the EU policy process conducted through the institutions of the member state; and extra-state channels, with direct SNA access to European institutions - or, to use Cochrane's (1994) phrase, channels 'beyond the nation-state'.

### *Extra-state channels*

At first sight, it might be tempting to focus attention on a number of extra-state channels which have emerged to some prominence over the last 10-15 years: the Committee of the Regions (CoR); pro-regional lobbies pushing for a stronger sub-national role in European decision-making (e.g. the Assembly of the European Regions, or AER); inter-regional associations with shared functional (e.g. the Conference of Peripheral Maritime Regions) and/or cross-border (e.g. the *Région Transmanche*) interests; the mushrooming of regional information offices in Brussels; and, under Article 146 of the Maastricht Treaty, sub-national ministerial access to the Council of Ministers. These channels collectively point, on the surface at least, to a quite radical departure from the status quo ante of, say, 1980. There would certainly seem to exist a new potential for SNAs to stride the European stage unfettered, or less fettered, by the restrictions previously imposed by the traditional central state monopoly competence in European policy.

Care should, however, be taken not to overstate that potential. Close empirical analysis suggests that what may initially appear to be extensive, extra-state channels for SNA involvement in the European policy process are either of limited importance, or are in key respects elements of, or adjuncts to, processes of European policy formulation within the framework of the member state. A brief overview of the channels listed above underlines this point:

- *The Committee of the Regions*: The CoR's establishment was, of course, an important and unprecedented step. It breached the established principles of representation in the EU by offering for the first time formal treaty recognition of the role of sub-national government in European policy-making (Loughlin, 1996). The CoR does, though, face considerable obstacles in transforming treaty provisions into a genuinely *influential* role. It has only weak, consultative powers. And the impact of exercising those powers remains rather uncertain given the absence of mechanisms for feedback on the opinions it presents. Moreover, it faces considerable suspicions on the part of the other European institutions - notably the European Parliament - and some of the member states. Most problematically, it is struggling to distil a clear identity and mission from the heterogeneous mix of SNA representatives of whom it composed. It is hampered by the fact that SNAs in the EU manifestly do not have clear common interests, which, in turn, is hardly surprising given the cross-national differences in the role and competence-base of SNAs throughout the Union and the related - and differential - concerns they bring to the European arena. Consider for example the improbability of constructing a purposeful coalition of interest between the Belgian regions and communities, which have eviscerated the Belgian central state of many of its hitherto core competences, and the embattled local authorities of the UK, which have been progressively stripped by the UK central state of much of their competence base and policy discretion over close on two decades of centralising Conservative Party government. Even within individual member states it is not clear that clear coalitions of interest can exist - witness the multi-tiered framework of sub-national government with partly overlapping and competing competences in France. Together these are burdensome handicaps and suggest that the CoR's evolution into an 'efficient' institution, capable of coherent aims and sustained influence on European decision-making will, at the very least, be a long and 'tortuous' (McCarthy, 1996) one. One has to enter the partial qualifications that some of its opinions have had some impact on policy, and that some SNAs - particularly those in the more centralised member states - find even the relatively marginal consultative forum it represents a positive and worthwhile channel for the presentation of their concerns. On balance, though, the CoR at the moment has to be evaluated as a relatively 'inefficient' channel for SNA influence.

• *The pro-regional lobby*: The AER also faces the same problem of a differential interest structure among its even wider and more diverse membership. Moreover, it has arguably already seen its finest hour - along with its short-lived competitor as a pro-regional lobby, the Conference on a Europe of the Regions - during the Maastricht debates, when it was able to develop a high profile in pushing for a number of key provisions which were subsequently incorporated into the treaty, in particular the establishment of the CoR. However, the extent to which the AER and the Conference on a Europe of the Regions can claim any real responsibility for the insertion of these provisions is highly debatable. Both bodies were arguably, at the time, little more than mouthpieces for, and skilfully manipulated by, the German Länder. And it was the ability of the German Länder, in part supported by the Belgian sub-national entities, to exert influence on their central governments through *intra-state* decision-making processes which played the key role in entrenching these treaty provisions (Jeffery, 1996b, 68). If one were to be cynical, it might be argued that the pro-regional lobby was used as nothing more than window-dressing and legitimation for what the German Länder wanted at Maastricht; its independent influence was marginal. This situation does not seem likely to change. If we look to the present day, the Conference on a Europe of the Regions is no longer active, while the AER is currently confronted with a crisis of direction now that its 'major mission with regard to the EU' - the establishment of the CoR - 'has been fulfilled' (Weyand, 1996, 178). One currently sees, as a result, little, if any, role for the pro-regional lobby as an effective extra-state channel for SNA influence on EU decision-making.

• *Regional information offices and interregional cooperation*: Regional information offices (RIOs) in Brussels and the various functional and/or cross border regional associations naturally extend physically 'beyond the nation-state', but whether their work necessarily or significantly transcends the nation-state is a different matter. RIOs do, of course, maintain direct links to the Commission and to a lesser extent the European Parliament to secure advantage for their sponsoring SNAs. But their work is primarily designed to serve, by acting as information channel, the *intra-state* European policy operation of those SNAs, for example in the pursuit of structural funding, whose award is ultimately dependent on central state support (the main function, for example, of the RIOs of UK SNAs), or in supplying intelligence for use in intra-state negotiations on European policy between central and sub-national authorities (the primary function of German Länder RIOs) (Jeffery, 1996c.). Similarly, inter-regional associations also maintain close direct links to European institutions, particularly the Commission, which has sought to instrumentalise some of the associations, such as RETI, in

order to strengthen its capacity to pursue its policy preferences vis-à-vis the member states. Participating SNAs naturally also gain new opportunities for influence from such relationships. However, their work is nevertheless dependent in crucial respects on parallel activity through intra-state channels, often the case where the pursuit of EU funding is concerned. The role of cross-border associations is, moreover, frequently restricted, as Weyand (1996, 180) stresses, to symbolic forms of interregional cooperation; the capacity to graft on 'efficient' components 'is closely linked to national governments' willingness to confer the necessary competences on the regional authorities'. If such competences are not conferred, then interregional cooperation frequently adds up to little more than glorified, regional-level versions of town-twinning agreements.

This rather downbeat assessment is not meant to imply that there is no extra-state dimension to the work of RIOs and inter-regional associations. Both possess this dimension in the sense of promoting what Weyand (1996, 179) refers to as 'social learning processes'. They provide important fora for communication unmediated by central state institutions and for the exchange of ideas, know-how and good policy practice. They also act as 'multipliers' through their activities by 'selling Europe' (Jeffery, 1996c, 196) to sub-national politicians, officials and, through these, the wider sub-national public. However, these extra-state dimensions are necessarily diffuse and intangible in character and long term in impact; the intra-state channels through which these bodies work remain, for the time being at least, those through which the most tangible 'difference' can be made.

- *The Council of Ministers*: Finally, sub-national ministerial access to the Council of Ministers under Article 146 of the Maastricht Treaty needs to be considered with caution for two reasons. First, Article 146 has a limited 'reach', having been operationalised only by three member states: Austria, Germany and Belgium. Second, as Morass (1996, 84) stresses Article 146 'does not imply direct sub-national representation, as has sometimes been argued in the literature on the subject, but only creates an opportunity to delegate national government's rights, while basically remaining within the logic of member states'. Accordingly, the mechanisms established in Austria, Belgium and Germany for allowing sub-national access to the Council are all hedged by what amount to extensive constraints or even powers of veto on the part of the central state representatives *also and always* in attendance in those Council meetings where SNAs are present (Morass, 1996; Kerremans and Beyers, 1996; Jeffery, 1994, 18-19). SNA priorities for Council business therefore have to be prepared before Council meetings in close coordination with the respective central governments. Consequently, Article 146 represents, therefore, an *intra-state* mechanism for feeding in SNA priorities into the European policy process. As Morass (1996,

84) concludes, 'it is necessary to be realistic: regional influence will be more successful in the phase of internal preparations rather than within the Council meeting' itself.

### *Intra-state channels*

The limited significance of, and emphasis on, direct, extra-state channels of access to European decision-making is not entirely surprising. The European integration process has typically been defined within the member states as a field of foreign policy, and foreign policy has traditionally fallen under the exclusive prerogatives of the central state. European integration policy has therefore typically been a central state monopoly. It should not be expected that central state institutions will simply throw away that monopoly. This, though, is not to portray central state institutions as an omnipotent 'gatekeeper' (Anderson, 1992) controlling access to Europe, or to reinforce the view, proposed in contemporary intergovernmentalist approaches to European integration, of central state institutions as the sole 'buckle' which links separate and distinct domestic and European arenas (Moravscik, 1993; cf. Marks and McAdam, 1996, 108-109). Rather, it is to suggest that a central state monopoly over European policy in a climate of deeper European integration and growing SNA mobilisation is unsustainable and liable to be breached. The maintenance of such a monopoly would presuppose that it is possible to exclude SNAs from European policy-making processes or at the very least to control their conditions of entry to such processes. A brief review of the country case studies in a recent collection on 'The Regional Dimension of the European Union' (Jeffery, 1996a), organised below in declining order of the extent to which the respective SNAs can influence intra-state decision-making processes clearly highlights that this is not the case:

- *Belgium's* federalisation process has led to a radical redistribution of competences from the central state to the regional/community level. It has also breached the central state's monopoly over European integration policy to the - very considerable - extent that the regions/communities are empowered to act in external affairs wherever issues concerning their internal competences are under discussion. The mechanisms established to facilitate this action, have produced an extraordinary model of central-SNA coordination which effectively gives a joint competence in EU policy to the regions/communities and the central state: neither level is able to act in the EU policy process without the consent of the other (Kerremans and Beyers, 1996).

- *Germany's* Länder succeeded in the aftermath of Maastricht in constitutionalising a version of cooperative federalism in European policy formulation which grades the scope of their input in different policy fields broadly in relation to the level of input they would have in



corresponding, purely internal matters. Accordingly, they are now able to assume, in coordination with the Federal Government, the duty of representing Germany in the EU in the framework of their exclusive domestic competences, and in areas which otherwise impinge on their domestic competences, they have a 'decisive' influence in shaping the priorities the Federal Government feeds into to European-level decision-making processes (Jeffery, 1996b).

- *Austria* presents an unusual case in that the modalities of Länder involvement in European decision-making were decided before Austrian accession. In intensive negotiation, the Federal Government and the Länder established a constitutionally embedded structure for Länder participation in EU policy-making which drew heavily on the German model and endows the Länder with similar powers of input to those constitutionalised by the German Länder after Maastricht, though they are slightly weaker and impose somewhat looser constraints on the Federal Government's freedom of action (Morass, 1996).

- *Italy's* regional structures have only been slowly institutionalised since their constitutional activation in 1970. Only in the last ten years have formal mechanisms for input begun to breach a long-defended central state monopoly in European policy matters, allowing the regions to express opinions on the general lines the central government should follow in matters for which the regions are competent domestically and to establish a presence in Brussels (in information offices and the Italian Permanent Representation). These mechanisms have not yet proved to be very effective, both because the powers they establish are relatively weak, and because the domestic political upheavals in Italy in the 1990s have thrown up new and as yet unresolved questions about the role, purpose and structures of sub-national government (Desideri and Santantonio, 1996).

- In *France*, the scope for SNA involvement in EU policy is complicated by the fact that two tiers of government - the departments and the recently created regions - each have, and compete over, European policy interests. Both are involved primarily in structural policy and have made use of structures of central state policy-making located at the sub-national level (prefects, local notables involved in national politics, and the central state regional development agency DATAR) to exert influence over policy. The level of influence exerted through these structures varies widely among SNAs, and is hindered by inter-tier competition between departments and regions and by the engrained tradition of central state policy direction which persists in France (Smith, 1996b).

- SNAs in *the UK* present a fascinating example. They have embarked over the last 10-15 years on a process of 'Europeanisation' of administrative structures and policy focus which has been more intense than in most other member states. Yet the internal distribution of power in the UK, combined with the effects of the local government reforms over the present period of Conservative Party government, give them less opportunity to access 'Europe' than in most other member states. Their scope for influence in European policy is therefore highly limited, though in structural policy at least there has arguably emerged a realisation that central state and SNA agendas converge in the sense of 'batting for the UK' (Jeffery, 1996c, 200) and securing as full a flow of European funds as possible into the country. To that extent, those SNAs capable of presenting convincing cases for funding have opened up for themselves a partial role in intra-state European policy formulation (John, 1996).

These examples, though based on a limited sample of only six member states, provide an overview of the different ways in and extents to which SNAs have been able to breach the monopoly of the central state over EU policy and establish significant intra-state channels of access to European decision-making. And on balance, these channels clearly offer rather more scope for tangible and direct influence on EU policy than the extra-state channels discussed above. To differing extents, SNAs have managed to rein in central state institutions and claim a share in European decision-making, breaching the tradition of central state institutions acting as the sole interlocutors between the member states and the European arena. Rather, as SNAs have 'muscle in' to claim a role in European decision-making, the function of authoritative interlocutor between the member state and the EU has come increasingly to be fulfilled by central state institutions *and* SNAs acting in combination in some form of interdependent relationship.

## **II. Understanding Sub-National Mobilisation: Multi-Level Governance and 'European Domestic Policy'**

The message of the previous section is clear. SNAs in the EU have not moved in anything other than limited and symbolic senses 'beyond the nation-state'. Insofar as sub-national mobilisation in 'Europe' has produced a 'real shift in decision-making power' (Colino, 1996, 3), it has done so within the framework and logic of the member state. The shift has been an internal one, rooted in a changed and changing relationship between central and sub-national authorities. This finding raises questions about the concepts and approaches hitherto used to capture, theorise and understand SNA mobilisation. These have typically focused in whole or in part on political dynamics located beyond the domestic context of the member state. A brief review and critique of the most convincing such approach - that of multi-level

governance - is presented below, followed by a tentative outline of a complementary approach designed to capture the intra-state thrust of sub-national mobilisation, which is rooted in the concept of 'European domestic policy'.

### *Multi-Level Governance*

The concept of MLG, as pioneered by Gary Marks and his colleagues (Marks, 1992; 1993; Marks, Hooghe and Blank, 1995), initially focused on the spin-offs which emerge out of interplay between central state and European-level institutions and, more or less incidentally, disperse decision-making powers to SNAs and empower them to engage with and influence the EU policy process. Marks has developed the concept further more recently by outlining the circumstances in which central government leaders may more purposefully disperse, or acquiesce in the dispersal of, decision-making powers either to European institutions - whereby, presumably, indirect spin-off effects may emerge for SNAs - or direct to SNAs (Marks, 1996).

These ideas have done much to stimulate interest in and research on SNAs in the EU over the last few years. They have helped to focus attention among European integration scholars on an empirical reality of extensive SNA mobilisation in 'Europe' which squares uneasily with the more traditional approaches employed in the field. However, they do carry with them a number of problems. Firstly, their terms of reference have been inherently limited. The 'classic' accounts of the emergence of MLG have presented broad claims about the changing nature of EU decision-making on the basis of observations of one narrow, albeit important policy sector: EU structural policy. Within that ambit, those accounts are undoubtedly persuasive (though not uncontested - cf. Anderson, 1990). But a convincing, general framework for analysis cannot be extrapolated from the study of one policy sector. A fuller framework for the analysis of MLG would need to provide for openness to other European policy sectors in which SNAs have an interest, such as environmental policy, research and development, and cultural affairs (Onestini, 1996, 201-204). Moreover, the classic accounts of MLG are something of a blunt instrument in respect of the diversity of sub-national government in the EU. The existence of such diversity - both between and within member states - and its mediating impact on patterns of MLG across the Union is, of course, identified as a characteristic feature of the MLG phenomenon (Marks, 1992, 215; 1993, 404-405), but the story is taken no further. Such broad-brush observations can only be seen as a starting point. A more nuanced framework for analysis will need to be capable of identifying more precisely the different ways in which national peculiarities in the structure of intra-state authority facilitate or hinder SNA engagement in policy processes across the range of policy sectors relevant to the SNAs concerned.

These points, though, are hardly fundamental ones, pointing merely to a need for a widening and nuancing of focus. There is, though, a more

fundamental problem, which may reflect the provenance of these ideas in a (North American) intellectual milieu of European integration studies. The focus is on the central state and, beyond it, the European level. SNAs are implicitly portrayed as essentially inconsequential and passive players until either an incidental by-product of central state-EU interplay provides an opportunity for mobilisation, or a central government decision is taken which passes decision-making powers down to SNAs. The perspective remains throughout a 'top-down' one (Jeffery, 1996c, 185) in which the dynamics of intra-state relationships between central and sub-national authorities are defined either directly or indirectly (that is, as a result of its interactions with EU institutions) by the central state. This perspective neglects the possibility that SNAs may themselves, and from the 'bottom up', actively seek to change and succeed in changing those dynamics in ways which facilitate European policy mobilisation.

This 'bottom-up' thrust has become increasingly important in the light of two factors: the growing practice of, and debate about, decentralised government throughout the Union over the last 20-25 years, which has affected all established and new member states with the exception of Luxembourg and Denmark; and the growth of sub-national policy activism and innovation evident in more recent years, which has not necessarily been contingent on extensive formal policy competences, and which has resulted from the partial downgrading of the central state as the primary arena of internal policy-making in the face of economic globalisation processes and new strategies of public management. The significance of these trends of decentralisation and growing sub-national policy activism is that they have provided a broader and more solid intra-state base for sub-national mobilisation in European policy-making. This base has supported the creation of new intra-state channels of access to European policy processes. It has also established an enhanced, intra-state capacity to exploit opportunities for access which emerge, in the senses suggested by Marks, from the top down. In either case, the capacity for 'bottom-up' mobilisation has been significantly boosted.

The discussion of intra-state channels of access to EU decision-making in the six member states reviewed above provides a number of examples of this enhanced 'bottom-up' capacity for sub-national mobilisation. It reveals a pattern in which SNAs have demanded, from the 'bottom up' and in many cases successfully, significant changes to the intra-state structure of European decision-making. The extensive European policy powers of SNAs in Belgium, Germany and Austria are clearly not spin-offs from central state-EU interplay or the products of purposeful decisions of central government leaders, but rights claimed and won from below on the basis of existing constitutional powers and the exploitation of a certain coercive potential: if such powers had not been granted, the Belgian state might have disintegrated, Germany might not have ratified the Maastricht Treaty, and, without Länder support, Austria might not have secured a positive vote in the referendum on accession to the EU. Less dramatically, the more limited powers of involvement in EU policy now possessed by the Italian regions are based on judgements of the

Constitutional Court, over which the central government had no (direct) control, and which endorsed the arguments the regions had long pressed in the face of central government resistance. In a rather different vein, the more limited roles in the field of European structural policy now played by at least some French and British SNAs have been claimed, from the 'bottom up', on the basis of the expertise, administrative infrastructure and sheer ambition they had purposefully built up and mobilised in their policy relationships with central state institutions.

A fuller framework for understanding and analysing the engagement of SNAs with the European policy process, and thereby of generating a more encompassing conception of multi-level governance, would seem, therefore, to need to consider and capture this evident 'bottom-up' drive. An effective way of doing this is provided by the concept of 'European domestic policy'.

### *Multi-Level Governance and European Domestic Policy*

The concept of 'European domestic policy' has been a central element of the European policy strategies of the German Länder over the last ten years (Jeffery, 1996b). It has been developed as part of a political argument the Länder have used - with considerable success - in order to recalibrate the structures and processes of European policy-making in Germany in their favour. The argument nevertheless has a wider significance in that it points to the particular problems - and opportunities - the European integration process presents for SNAs more generally.

The central problem arising for SNAs from European integration has been the characteristic definition of European policy as an area of foreign policy - and foreign policy has, as noted above, traditionally been located among the exclusive prerogatives of the central state. Central governments have therefore made decisions about the transfer of competences to European institutions and have then, through the Council of Ministers, represented the member state in the exercise of those competences. These decision-making procedures have typically been 'blind' to the internal distribution of competences within the member state. In other words, central governments have been able to transfer authority in the fields not just of their own, but also of sub-national competences - be they legislative or implementive - to the European level. Through the Council of Ministers they have then helped shape how those competences are exercised. The result has been an indirect skewing of the structure of intra-state authority in favour of central state institutions.

While this was a problem which exercised the German Länder from the foundation of the European Coal and Steel Community onwards (Engel, 1994: 92-93), it became especially acute with the 'relaunching' of the integration process with the Single European Act (SEA) and later with the Maastricht Treaty, which together massively widened the scope of European competence in part at the expense of Länder competences internally. The widening of the scope of post-SEA European competence - with its direct effect in the member states and with its growing impingement on Länder competences - led the

Länder to argue that European policy should no longer be seen as *foreign* policy in the traditional sense of international relations and international law. Rather, it had adopted a new character as the *domestic* policy of an emergent Euro-polity. The Länder consequently claimed rights in shaping this 'European domestic policy' as far as possible equivalent to those extensive rights they possess in 'traditional' domestic policy. More specifically, in areas in which they were internally competent, they claimed and won access to decision-making wherever those areas, or parts of them, had fallen under the ambit of European institutions.

A similar line of argumentation has been adopted - with varying degrees of success and often in imitation of Länder views and achievements - by the other 'strong' SNAs in the EU: in Belgium (Monar, 1994); Austria (Morass, 1994: 315-317); Spain (Morata, 1995: 120-121); and Italy (Desideri and Santantonio, 1996, 103-105). In each case the attempt has been made to 'domesticise' European policy-making by establishing the principle that SNAs should have the right to act in EU decision-making within the framework of their internal competences.

This convergence of the views of 'strong' SNAs on equivalents to the Länder conception of 'European domestic policy' represents a common concern to maintain the integrity and purpose of the internal distribution of competences within their member state in the face of the 'blindness' of the European integration process to that distribution. However, the notion of 'European domestic policy' can have a broader relevance extending beyond 'strong' SNAs. To quote Marks and McAdam (1996: 109): 'As the policy activity of the EU has expanded, so it touches on the affairs of sub-national decision-makers across Europe', that is, of the whole spectrum of SNAs in the Union, whether competence-strong or competence-weak. It seems commonsensical that SNAs will seek to mobilise in and influence European decision-making processes to the extent that those processes impinge on their internal functions and responsibilities, however broad, narrow, extensive or inconsequential these might be. Peter John (1996, 133-4) writes, for example, of the process of 'Europeanisation' of competence-weak sub-national government in the UK in such terms:

The expansion of competences of the European Union in the 1980s and the tranche of directives which implemented the single market initiative from 1986 affected local authorities in their environmental, transport, planning, economic development, tourism and trading standards roles, and even extended to education, social services and housing functions. As local authorities became more involved with European matters, so they realised that an effective European operation requires strategic thinking which is both oriented to receive cash, and to influence, and be receptive to, EU policy.

John recounts here a UK version of 'European domestic policy': as UK SNAs were increasingly affected by EU policies, so they began increasingly to

redirect their attention outwards onto those policies and seek to act in such *European* matters within the framework of their *internal* competences. The scope of this mobilisation in respect of external matters is, of course, inevitably constrained by the limited legislative and implementive discretion UK SNAs possess in the exercise of those competences. It cannot compare with, say, the Belgian situation, where the range of competences held by the regions and communities is far broader and the level of legislative and implementive discretion far higher. Nevertheless, the principle governing the stimulus for European policy engagement is the same: the motivation to act in European matters is a function of the ability to act in internal matters.

The proposition which follows is that a notion of 'European domestic policy' can effectively address the shortcomings of the classic accounts of MLG noted above:

- By pointing to the circumstances in which SNAs are likely to seek, *from the bottom up*, to gain access to EU decision-making (i.e. wherever EU policy impinges on their internal frame of policy reference)
- By pointing to *the range of policy sectors* where SNAs are likely to seek to gain such access (i.e. those policy sectors which fall under their internal competence)
- By allowing for *differentiation between different member states* of the scope and intensity of SNA engagement likely to be observed (i.e. with regard to the range of competences exercised by SNAs, and the level of discretion with which they are exercised, according to the internal distribution of authority of a particular member state).

Additional criteria for pursuing *intra-state differences* in SNA engagement are developed below in section III.

### III. Does Sub-National Mobilisation Make a Difference?

To recap: this paper has set out a framework for approaching MLG from a domestic politics perspective. It has argued that channels of input into EU decision-making *within the framework of the member state* are more likely to yield results for SNAs than channels of direct access to EU institutions and that SNAs are likely to seek access to EU decision-making processes in those cases where EU policies cut across *their domestic competence base*. The discussion can now turn to the key question raised in the introduction to this paper: whether the sound and fury of SNA mobilisation actually makes a difference and can be transformed into genuine influence in EU policy-making. Put another way, is there really a *multi-level* governance in which sub-national mobilisation has led to a 'real shift of decision-making power' to the advantage of SNAs in EU policy processes?

This section establishes a tentative framework for tackling this question. It sets out a number of variables which, taken together, are designed to help point to and predict the differing extents to which SNAs in the EU are likely to 'muscle in' to establish an interdependent relationship with central state institutions as authoritative interlocutors between the member state and 'Europe'. The variables are intended to be dynamic in the sense of being capable of accommodating changing conditions. They are also intended to be capable of differentiating SNA capacity to 'make a difference' both between *and* within different member states. The underlying proposition is that the more strongly these variables apply positively to particular SNAs, the more likely those SNAs are to 'muscle in', successfully establish central state-SNA interdependence in, and gain real influence on EU policy-making in the member state(s) concerned.

### *Constitutional factors*

The first, and most important variable concerns constitutional factors.

*SNAs constitutionally endowed with extensive internal competences are likely to exert stronger influence over European policy than their more weakly endowed counterparts.*

A continuum of higher to lower degrees of central state-SNA interdependence, and through this, stronger to weaker SNA influence, in EU policy-making is likely to exist in relation to differences in the internal structure of member states. A useful guideline is Loughlin's (1996) typology, which extends from federal states (Austria, Belgium, Germany), regionalised unitary states (France, Italy, Spain, and arguably Portugal), decentralised unitary states (Denmark, Finland, the Netherlands, Sweden) and through to centralised unitary states (Greece, Ireland, Luxembourg, the UK). The constitutional situation of SNAs is, logically, the variable with the most predictive strength in pinpointing the level of influence SNAs have in European policy: to take a polarised contrast, a German Land will *always* have more scope for influence than UK local authorities as currently constituted.

An attempt to represent the impact of constitutional factors on levels of influence on EU policy is made in Figure One. Assuming that the empirical reality of multi-level interactions in EU policy-making forms the independent variable, Figure One which plots a dependent variable of weaker to stronger SNA influence against an explanatory variable of weaker to stronger constitutional position. The line A-B presents the hypothesised relationship between constitutional position and level of influence, with weak constitutional position, such as that in the UK, predicting weak influence and strong constitutional position, such as that in Germany, predicting strong influence.

**[INSERT FIGURE ONE ABOUT HERE]**



This, however, is an picture oversimplified in a number of ways. Most fundamentally, it presents a net picture of SNA influence across the whole range of policy areas in which SNAs seek to exercise influence. One might consider disaggregating the phenomemon of sub-national mobilisation into discrete policy areas and applying the above considerations to each one in turn. Such an enterprise would, though, burst the bounds of this paper. This section therefore focuses solely on the net situation, and here, two further factors need to be noted. First, the constitutional variable is not necessarily uniform or static within member states. Qualifications need to be accommodated here with regard to:

- internal asymmetries in the scope of SNA competences (e.g. among the Spanish autonomous communities)
- to the existence of multiple SNA structures with competing interests in EU-related matters (e.g. French departments and regions)
- and to processes of constitutional change which directly or indirectly affect the capacity for EU policy engagement by SNAs (e.g. in recent years, the Belgian state reforms and the European amendments to the German and Austrian constitutions; the current potential for reform of SNA structures in the UK may also become relevant here).

Second, constitutional factors are not the sole variable in predicting and explaining different levels of influence. It is quite conceivable that a constitutionally stronger SNA in one member state may exert less influence on EU policy than a constitutionally weaker SNA in another. An example would be the contrast between the autonomous community of Castilla-la-Mancha in Spain, which has made no significant impact on European policy, and Birmingham City Council in England, which has, at least in the fields of the structural funds and urban policy. In addition, constitutionally equally endowed SNAs within a particular member state may mobilise in and influence European policy differentially: 'regardless of which country one examines, one can find regional and local governments who do little vis-à-vis Europe as well as others who have been at the forefront of European activity' (Klausen and Goldsmith, 1997, 239); intra-state differentiation is, in other words, just as marked a phenomenon as inter-state differentiation.

The necessary conclusion is that other variables beyond that of constitutional position intervene to modify the likely levels of influence exerted by SNAs both across and within particular constitutional orders. I would suggest that these variables concern:

- the quality of intergovernmental relations between SNAs and the central state
- the effectiveness of administrative adaptation to 'Europe'
- success in coalition-building on European policy issues
- the 'legitimacy' of an SNA's European policy engagement

### *Intergovernmental Relations*

*Formal structures of central-SNA intergovernmental relations are likely to embed a relationship of close interdependence and thus provide more effective channels for policy influence than more informal interactions.*

Of particular significance here are the constitutionalised coordination structures for policy formulation within the domestic arena and/or in respect of SNA Council of Ministers participation in Austria, Belgium and Germany and (of commensurately lesser significance) the non-constitutional general (Italy) or policy-specific (France - regional policy) coordination structures which exist elsewhere. A point of qualification is that the effectiveness of such structures from the point of view of SNAs is typically dependent on establishing inter-SNA consensus on strategy and priorities, which is not always forthcoming (cf. Jeffery, 1996d, 92-94; Morass, 1996.).

However, even where formal procedures for the structuring of interdependent central-SNA intergovernmental relations are absent, informal relationships of interdependence evolving from the forms of resource dependency identified in the policy networks literature (e.g. Rhodes, 1988) will still exist. SNAs everywhere possess policy resources in the form, for example, of expertise, information and legitimacy which are desirable, even necessary, in the formulation and implementation of EU policy, especially since they typically play a major administrative role throughout the Union at the implementation stage. Such resources can create a less entrenched, though not insignificant form of central-SNA interdependence in EU decision-making. Naturally, the policy resource base is not uniform among all the SNAs in any member state, and will vary in part in relation to the additional criteria conditioning SNA involvement in European policy-making presented below. In addition, the policy resource base of SNAs can be shaped and constrained by strategies of central state institutions, for example the restrictive interpretation of post-1988 structural funding policy procedures by the UK central government (John, 1996), or the 'reinvented' roles of central state institutions - the prefects and the DATAR - in EU structural funding policy in France (Smith, 1996a, 7-8).

The capability of SNAs to deepen central-SNA interdependence arising from both formal and informal relationships will, in addition, vary significantly in respect of the 'entrepreneurship' they display in their adaptation to the European policy environment. Two points seem especially important: a) internal administrative adaptation to this environment; and b) strategies of coalition-building which lend support to their European policy interests.

### *Administrative Adaptation*

*Early and/or thorough administrative adaptation to the challenges posed by European integration are likely to improve the prospects for successfully influencing European decision-making.*

This applies both to strong SNAs formally entrenched in intergovernmental European policy coordination - enhanced administrative capacity and expertise strengthens the bargaining hand in intergovernmental negotiation - and also to weaker SNAs which can equally enhance the policy resources they bring to bear in their less formalised and extensive relations with central state institutions by establishing a stronger administrative infrastructure. Among the former would be the German Länder which established European policy sections in (almost) all their ministries at an early stage, subsequently complemented by central coordination of European policy strategy under one ministerial roof, and by the establishment of RIOs in Brussels (Jeffery, 1996b). Some - Baden-Württemberg, North Rhine-Westphalia and, in particular, Bavaria, - have taken this further still in heavy administrative investments in the attempt to profile themselves as European policy players equivalent (in their self-perception) in importance to member states of the EU of smaller or similar size and economic weight. A comparable picture exists in Spain with regard to the self-profiling of the Basque Country, Catalonia and, more recently, Galicia. Among the weaker SNAs, examples of effective adaptation include the early mobilisation of the French departments of Ardèche and the Drôme in the structural funding process in the context of the 1986 Integrated Mediterranean Programmes, where they outflanked the newly created regions in which they were located as the sub-national interlocutors for structural policy (Smith, 1996b). Similarly, in the UK, some authorities - notably Birmingham and Strathclyde Region - boarded the structural policy bandwagon at an early stage, establishing the first ever SNA offices in Brussels and subsequently implementing an impressive portfolio of EU-funded projects. Perhaps more strikingly, Kent, previously a rather sleepy and inward-looking, 'little Englander' backwater, rapidly transformed itself into arguably the most Europe-focused English SNA as the Channel Tunnel project shifted its frame of reference away from London and towards a wider European context. It too was early to establish a base in Brussels, subsequently reorganised internally to attach European officers to each of its policy departments and has won unexpectedly substantial benefits from EU structural funding (Jeffery, 1996c; Cochrane, 1994).

### *Coalition-Building*

*The establishment of coalitions with other actors with compatible European policy interests is likely to improve the prospects for successfully influencing European decision-making.*

Such coalitions may be established (possibly simultaneously) in various ways:

- with private sector actors, e.g. the North West Regional Association in England (Burch and Holliday, 1993) or the 'regionalised structural policy' of North Rhine Westphalia in Germany, which has combined business, trade union and educational interests in the development of regional policy plans (Jochimsen, 1993)
- with other SNAs within the member state, e.g. the Centre de Rencontres et d'Initiatives de Développement Local (CRIDEL) in France (Smith, 1996b) or the 'region-building' (Garmise, 1996) concertation of local authorities in the West of England
- with SNAs in other member states, e.g. the functional inter-regional associations and cross-border cooperation agreements noted above in section I, with a number of these subsequently evolving into networks through which EU-funded initiative programmes were channelled, e.g. RECHAR, the coal-mining areas' structural adjustment programme or the UK-French (and later Belgian) *Région Transmanche* INTERREG
- and/or with the Commission, with which SNAs have periodically struck alliances in order to exert influence on central state institutions, most notably in the case of the UK-SNA-led Coalfield Communities Campaign, which played a key role alongside the Commission in the conflict with the UK central government over additionality in structural funding in the early 1990s (Marks, 1993, 402-403)

Whatever the particular form of coalition(s) established, their existence can help generate additional policy resources for application in relations with central government. These might arise from the generation of additional information resources, the application of multiple organisational pressures both within and outside the member state, and the enhanced legitimacy of an SNA strategy backed by wider societal actors.

### *Legitimacy*

*The credibility of SNA claims to a share in EU decision-making alongside central state institutions will be enhanced by the perceived legitimacy which SNAs bring with them into the European policy process.*

What is meant here is the extent to which SNAs, and the policy aims they pursue, accord with 'the values or social representations of the population concerned' (Smith, 1996a, 5). Or, to adapt from Michael Keating (1996, 12), who himself follows Putnam (1993), the question is one of the extent to which the territorial space which SNAs formally represent also constitutes a civil society: 'There is some evidence ... that regional [or other sub-national] government operates best where there is a well-developed civil society, a sense

of identity, civic traditions, an associative life, and relationships of confidence and exchange within the territory'. Such a sub-national civil society might display any of the following (cf. Keating, 1996, 10-13; Smith, 1996a, 9-10): a sense of identity based on ethnic or linguistic solidarity or on institutions and civic cooperation; territorial peculiarities of party system structure; the operation of interest groups on a territorial basis; a distinctive territorial economy; a conception of territory-based political leadership, and so on. A sub-national civil society may, moreover, be historically rooted (e.g. in Scotland) or be created afresh (e.g. in the '*Bindestrich*', or 'hyphen' Länder of post war West Germany - Baden-Württemberg, Rhineland-Palatinate, North Rhine-Westphalia). In either case, its existence suggests implicitly or explicitly that the policy aims of SNAs will be 'internally solid' (Smith, 1996a, 11), expressive of a popular will, mindful of the concerns of territorial interest groups, and thus legitimate articulations of an aggregated territorial interest.

If those conditions are met, the credibility of SNA claims for a share in European decision-making processes will be high and less easy for central state institutions to ignore or deflect. This point can be illustrated in relation to some of the SNAs mentioned above. One of the reasons why Catalonia and the Basque Country have assumed more influence in EU policy matters in Spain than the other autonomous communities is that they constitute not just competence-strong political units (like other autonomous communities), but also firmly established civil societies (unlike most of the other autonomous communities). Similarly the success of the Ardèche and the Drôme departments in outflanking the regions of which they form part as interlocutors in EU structural policy reflected their status and legitimacy as coherent civil spaces - unlike their respective regions, which, as newly established entities, lacked equivalent civic underpinning. Equally, the limited progress in 'region-building' in the West of England reflects the absence of a regional civil society and helps explain why its European policy mobilisation has been less credible and influential hitherto than, say, in the city of Birmingham, whose civic tradition is firmly established.

## CONCLUSIONS

The conclusions to be drawn from this framework of variables are simultaneously obvious and complex. To take the obvious point: if these other variables were factored in alongside the constitutional variable in Figure One, the line A-B would still provide a strong predictive guideline if a constitutionally strong or weak SNA scored equally strongly or weakly on all variables, so that point B would represent an SNA which, alongside a strong constitutional base, was also embedded in formalised intergovernmental coordination structures, had an extensively Europeanised administrative infrastructure and powerful coalition allies, and was rooted in a well-defined territorial civil society. Such an SNA would be able to claim a far greater

share in European decision-making alongside and interdependent with central state institutions than an SNA with an opposite profile, represented by point A.

However, the number of intermediate positions influenced by the non-constitutional variables, and the intermediate levels of central-SNA interdependence which result, is vast. A number of illustrative examples are provided in Figure Two:

**[INSERT FIGURE TWO ABOUT HERE]**

- *Germany*: While all of the German Länder are equally strongly placed in the German constitution, they do not all display the same levels of entrepreneurship in European policy, have the same depth of rootedness in distinct civil societies, or bring the same influence to bear in intergovernmental relations. Their respective impact on European decision-making is likely to vary accordingly. This might produce a specifically German line C-D, cutting across the general guideline A-B. The line is horizontal, depicting a common constitutional position, yet spreads significantly along the influence axis. Position C might represent the relatively uninfluential Mecklenburg-Vorpommern and position D the highly influential Bavaria. Bavaria has the most focused and efficient European policy administration of all the Länder, has built up effective alliances, has the most historically rooted civil society in Germany, and has unique advantages in intergovernmental relations arising from the place of the CSU both as the Bavarian 'state party' and as a coalition partner in the German Federal Government. Mecklenburg-Vorpommern has a more or less opposite profile on all of these factors

- *Spain*: Line E-F sets out an equivalent picture for Spain, where variations exist both in constitutional status, as represented in the sloping of the line, and also along the other variables, which extends the line horizontally at either end of the scale of constitutional variations. Point F might represent Catalonia which has the enhanced constitutional status of one of the historic nationalities, advantages in intergovernmental relations arising from the Catalan governing party's simultaneous role as partner in the national governing coalition, a highly entrepreneurial approach to 'Europe' and a strongly constituted civil society. Note that the latter, non-constitutional factors imply that Catalonia is likely to exert more influence in EU policy than some of the constitutionally competence-stronger German Länder. Point E might represent Castilla-la-Mancha, which has a lesser constitutional status and a much weaker profile along the other variables.

- *The UK*: A further illustration is the current UK situation, as depicted in line G-H, which shows that while all UK SNAs lack a strong constitutional base, those which approach European policy

entrepreneurially and on the basis of a strong civic tradition - e.g. Birmingham at point H - are better placed to 'muscle in' for a share of European decision-making alongside the central state than those which do not display these characteristics - e.g. the local authorities of the West of England at point G. Again, the strength of Birmingham on the non-constitutional variables would place it at a higher level of influence than constitutionally stronger Castilla-la-Mancha in Spain

Such patterns of diversity in the bottom-up impact of European policy engagement are complicated further by the dynamic situation in which SNAs are located: constitutions can be changed, entrepreneurship developed, and civil societies invented. Examples might include:

- *Galicia*, which is currently developing a stronger entrepreneurial drive and purposefully stressing its historic national tradition as a means of strengthening the level of influence already implied by a higher constitutional status equivalent to that of Catalonia. Galicia might be depicted as moving along the line E-F towards point F.
- Current *proposals for constitutional reform in the UK* may have the effect in due course of generating a new UK line of G-J, with differential constitutional powers for, respectively, English regions, Wales and Scotland. This, when factoring in the non-constitutional variables, might create a line of similar shape to Spanish line E-F. Scotland's historic rootedness as a civil society and the undoubted entrepreneurial drive of 'Jock Tamson's bairns' in Brussels might enable it to extend its influence beyond that granted by enhanced constitutional status and allow it to move towards point J. Conversely, regions such as the West of England, with weaker powers and a weakly constituted civil society, might remain beached at a far lower level of influence (point G). Wales, with an intermediate constitutional status and a medium profile on the civil society and entrepreneurialism variables, would presumably take up an interim point on line G-J.

These examples show that sub-national mobilisation in 'Europe' is a fitful process, whose significance in the 'overall reconfiguration of governance' (Colino, 1996, 3) in the EU is extremely differential, both within and across member states. As Keating (1996, 16) has argued, it is certainly not 'a wave sweeping across Europe and transforming the architecture of politics in a uniform manner'. However, the existing architecture is being chipped away into a new, diverse and dynamic pattern of multi-level governance by a profusion of larger or smaller waves of sub-national mobilisation and policy influence. At the very least, a bottom-up, domestic politics approach to multi-level governance such as that presented here can point to ways of understanding why these waves gather momentum, and, as tentatively illustrated in Figures One and Two, the impact they are likely to have.

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FIGURE ONE: CONSTITUTIONAL SITUATION AND POLICY INFLUENCE

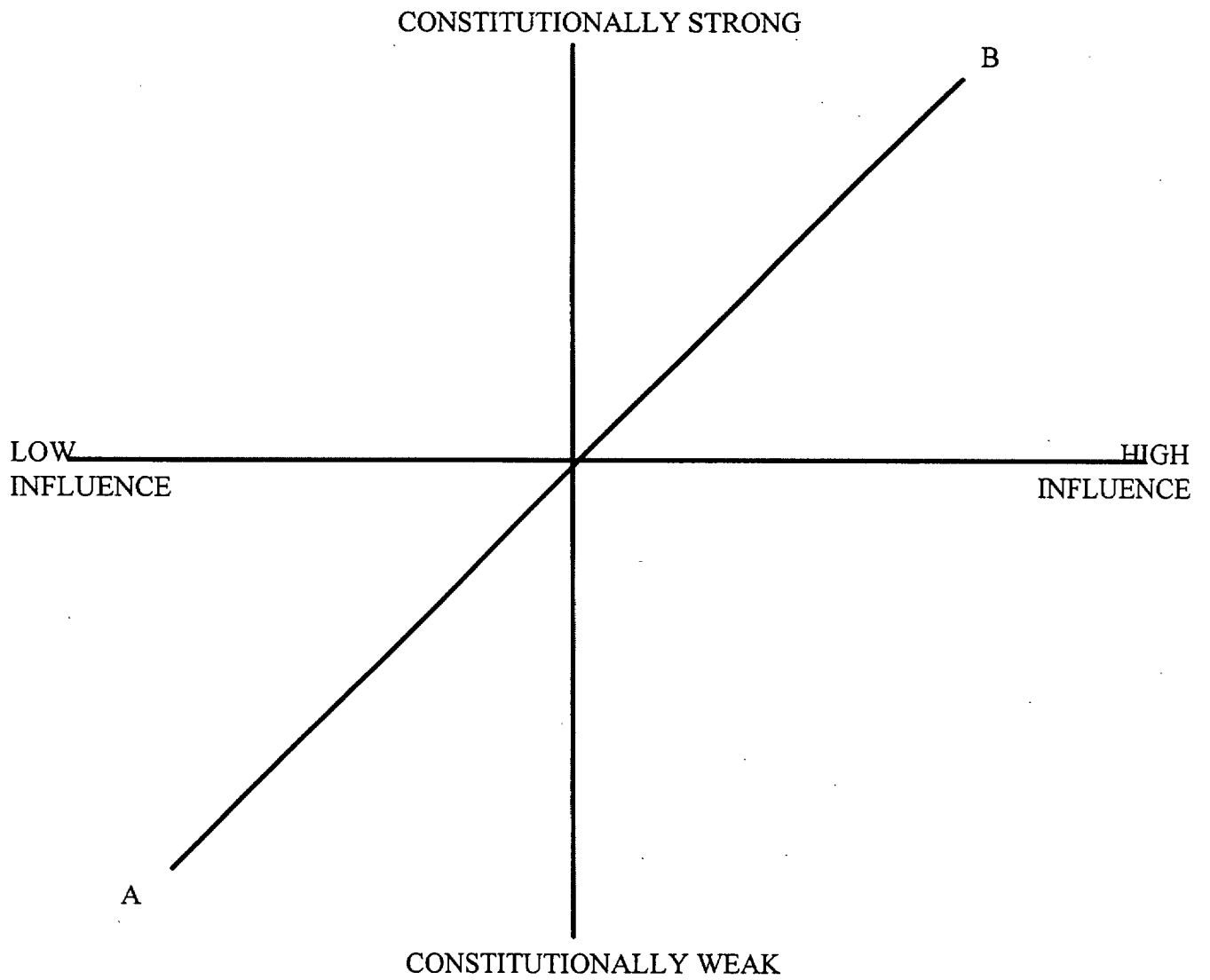


FIGURE TWO: CROSS-NATIONAL AND INTRA-STATE VARIATIONS IN POLICY INFLUENCE

