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**Towards a multi-bilateral enlargement policy?
German assistance to Central and Eastern Europe at the crossroads
with European aid programs.**

Summary

Since a few years, a lively debate has taken place on whether European regionalisation process contributes to a decline or a restructuring of the nation state. In this article, the case of German assistance to Central and Eastern European countries (CEEC) will help analysing how national external policies evolve and adapt to a new integrative environment. The eastwards enlargement of the European Union will be the general framework for making the interdisciplinary link between foreign policy and European questions. As we argue that the enlargement is a *sui generis* process, one way to analyse the restructuring state is making sociology of the German federal field of aid. Drawing on the literature on social constructivism, sociological institutionalism and sociology of elites, we adopt two variables (identity norms and institutions), which have to be tested in order to understand structural and relational power (S. Strange) among actors involved in national/bilateral (Transform program) and European/multilateral projects (Phare/Twinning). As a result, we contribute to the debate on governance, as we observe that German cooperative federalism is particularly put into question, we argue that a multi-bilateral policy towards CEEC is in fact taking shape.

Since a few years, a lively debate has taken place on whether European regionalisation process contributes to a restructuring of the nation state. Originally, the debate started on a theoretical basis, and then engaged into a proliferation of sector-oriented case studies in order to understand the “nature of the beast” (T. Risse, 1995). It is divided into two main groups, proponents of a progressively disappearing state and proponents of a restructuring state¹. Most of this literature however focuses on politics, polity or common policy processes, i.e. European Union’s (EU) internal questions, and does not ask to what extent, for example, national foreign policies or external relations also evolve in this context. Scholars of international relations, of foreign policy analysis and of international political economy, for their part mainly focused on the phenomenon of the “retreat of the state” (S. Strange, 1996), and on understanding change and continuity of state’s policies after the end of bi-polarity (Rittberger *et al.*, 1996). Apart from exceptions, only few of them did really focus on analysing the intertwined evolution of the regional construction on the one hand, and of the member states on the other. In this article, the enlargement process of the European Union will be the general framework for studying the interdisciplinary link between foreign policy² and European questions, and analysing how national external policies evolve and adapt to a new integrative environment. We choose German assistance policy to Central and Eastern European countries (CEEC) as a case study in order to show more precise results.

German foreign relations with Central and Eastern European countries (CEEC), and in particular German foreign aid (or assistance) to these countries, is an interesting case in a manifold perspective:

- On a historical basis, it is a way to analyse how German governments of the 1990’s faced the question of Germany’s responsibility to CEEC.
- It helps analysing how national and European policies become interlocking ones. How does the German federal state cope with the development of the *Länder*’s own external relations within the enlarging Europe?

¹ For a summary of the debate, see Wallace William (1994), “Rescue or Retreat? The Nation State in Western Europe, 1945-93”, *Political Studies*, (42), Special issue, pp. 42-76.

² For a review of the literature on foreign policy, see Hudson Valerie M., Vore Christopher S. (1995), “Foreign Policy Analysis Yesterday, Today, and Tomorrow”, *Mershon International Studies Review*, 39, supp. 2, oct., pp. 209-238.

- Finally, it is a way to understand how far foreign aid effectively helps restructuring CEE states' infrastructure and takes part in the building to the necessary networks and coalitions of a future enlarged Europe.

To sum up, is the regressing of the federal budget (*annex I*) of German assistance to be explained as a decline of national external policy or as a sign that the German state - although recovering its full sovereignty in the 1990s -, is restructuring in order to take the supra-national level into account?

More theoretically, as we are interested to understand how far the end of bi-polarity changed the nature of the nation-state, the guiding questions of this article will be following:

Can one speak of the decline of the national foreign policies of EU member states or rather of a restructuring of these policies which take European questions into account? What are the effective interlocking processes between the national and European levels, and how can they be analysed?

We will argue that a multi-bilateral enlargement policy is actually taking shape. Because it is a *sui generis* process, polity and politics of aid reflect the conflicts and arrangements that occur between European institutions - in particular the European Commission - and national actors and institutions in the struggle for legitimacy. We will adopt a ***pluralist definition of the state***. Pluralist authors are critical to what used to be the main paradigm in international relations, i. e. realism. They define the state as a complex ensemble comprising different institutions, practices and coercive administrative forms³, which are embedded into a social context⁴. The purpose of this study is to understand, in a social constructivist perspective, what are the logics underpinning the interlocking processes taking place between national and European policies in the framework of the EU enlargement, and how the diffusion of power⁵

³ See Fred Halliday (1994). For Philip Cerny (1997, p. 270), "state actors and different agencies are increasingly intertwined with 'transgovernmental networks' – systemic linkages between state actors and agencies overseeing particular jurisdictions and sectors, but cutting across different countries and including a heterogeneous collection of private actors and groups in interlocking policy communities".

⁴ CHRISTIANSEN Thomas, JØRGENSEN Knud Erik, WIENER Antje (Eds.) (2001), *The Social Construction of Europe*, London, Sage.

⁵ Susan Strange defines power as « the ability of a person or a group of persons so to affect outcomes that their preferences take precedence over the preferences of others » (1996, p. 17). She distinguishes structural and relational power. Relational power is the power of A to get B to do something they would not otherwise do (1996, p. 24). Structural power "confers the power to decide how things shall be done, the power to shape frameworks within which states relate to each other, relate to people, or relate to corporate enterprises". Structural power is to be found not in a single structure but in four separate distinguishable but related structures". It is control over security, production, finance and knowledge. (1996, p. 24-25)

and legitimacy particularly takes place between the different actors involved in assistance to CEEC.

Hypothesis:

1) We will argue that the Eastern enlargement is not a regime, nor a real foreign policy, but a *sui generis* process: **EU member state's policies are** not disappearing, but **restructuring** within European sector-oriented networks.

2) We will claim that **this restructuring process entails “internal” as well as “external” logics**, which are mutually constitutive, but have to be presented as such for analytical purposes.

a) **Changes within the federal state:**

- The federal level (*Bund*) delegates the implementation to various actors of development policy, particularly to half-public and (often economic) non-state actors. The questions to be researched are following: What prompts the federal level to delegate the implementation of policies to quasi-autonomous state agencies and other corporate or non-governmental actors? Are there coordination processes?

- The federal level (*Bund*) and the regions (*Länder*) try to redefine their respective competences on questions of foreign cooperation: do we observe or not a reinforcement of the German “cooperative federalism”?

b) **Changes in regard to the European level:**

- We will argue that changes and adaptation processes are more likely to happen when there is a goodness of fit between national and European norms. It will be analysed if tensions between European and national actors are more likely to arise when relevant actors are embedded in competing institutions, which differ in their view about what constitutes “appropriate” behaviour⁶?

- German federal and regional actors developed strategies in order to integrate the EU institutional networks of assistance, defend their positions on specific questions, and keep bilateral confident relations developed through national bilateral projects. What coordination and institutionalisation processes are taking place at the EU and in the CEEC? What role do bilateral relations play in this framework?

⁶ E. Thielemann (1999) tests this hypothesis in an article on EC state-aid. For him, “*decisions from Brussels are likely to be resisted when the institutional logic of a particular EU policy clashes with key institutionally entrenched domestic traditions*” (p. 402-3).

In a first more conceptual part, an effort will be made to understand the nature of the “EU Eastern enlargement” on an analytical point of view in order to study more precisely what is assistance to CEEC. Is enlargement a new regime or a foreign policy? Then, we intend to find a way to make the analytical link between both of the levels, the EU and the national ones.

The second more empirical part will present Germany’s policy to CEEC. The selected case studies will then try to show how German actors, whose actions are embedded into a national context and specific traditions, did adapt to European programs like Phare/Twinning and ISPA. What are the strategies developed in this framework? May integration within European networks be explained through the goodness of fit between European and national norms? How do the federal level (the *Bund*) and the regions (the *Länder*) coordinate their policies within European programs, and what are the consequences for German “cooperative federalism”?

I – Defining the analytical framework

In his influential work “*The Structure of Scientific Revolutions*”, Thomas Kuhn argued that theory construction is a paradigm-directed activity, and that it involves clarifying the concepts presented in the dominant paradigm, and employing them in the light of research to elaborate theories. The leading questions of this conceptual part will be following: After defining the nature of EU Eastern enlargement and foreign assistance, how can we make the link between national and EU foreign aid policies?

A – Questioning the nature of the EU Eastern enlargement

The EU Eastern enlargement entails two main interdependent phases: political negotiations, and preparation for accession. In this paper, we will focus on the second, more dynamic one, as it shows how integration processes are taking place within various sectors between Western and Eastern partners parallel to political negotiations.

1) A new enlargement strategy

The way a European policy towards CEEC emerged is now well known. On the Arch summit in Paris at the end of 1989, the G24 decided to entrust the European Commission with the

coordination of the assistance to democracy and integration in market economy. The main European assistance instruments – the programs PHARE for CEEC and TACIS for Newly Independent States (NIS) – then first took shape. Bilateral trade agreements and later association agreements were signed between the EU and every Eastern European state. In 1993, political and economic conditions were defined at the EU summit of Copenhagen⁷: the first negotiations for accession opened in March 1998 with 6 countries and, one year later, with officially ten candidate states. A planification of EU financial and assistance measures for the years 2000-2006 was signed at the EU Berlin summit in April 1999 (*Annex 2*), opening ways to a stronger integration process, especially on the agricultural (SAPARD program) and environmental / structural questions (ISPA program), but also on institution-building projects (*Twinning* program). As a consequence, *many authors analyse the EU enlargement as a way to expand markets, as most of the agreements with CEEC and as a consequence, the assistance programs, deal with the restructuring of trade and economics in CEEC*⁸. Like A. Mayhew, ex-coordinator of the Phare program writes, between 1990 and 1996, only 1% of the EU assistance was dedicated to projects on “civil society” and democratisation in CEEC, the rest concentrated on economic restructuring and market economy⁹.

Nevertheless, the existence of the Copenhagen criteria, and particularly of a supra-national legal framework (*the acquis communautaire*) that the candidate states have to apply, suggests to consider the enlargement as the source of *a new regime*. Regimes are traditionally defined as “sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations” (Krasner, 1983, p. 2). But constructivist authors have rightly pointed out that the EU’s institutional features and dynamics represents more than what the neo-liberal A. Moravcsik (1993) simply calls a “*successful intergovernmental regime*”. Like K. Smith suggests, the

⁷ Accession conditions were defined at Copenhagen in 1993 as following: 1) stable institutions (democracy, rule of law, human right, minority rights) ; 2) functioning market economy and capacity to cope with competitive pressures inside the EC ; 3) ability to adopt the *acquis*; accepted the aims of political, economic, and monetary Union. (EU Commission, Agenda 2000).

⁸ See for example : Durand M. F., de Vasconcelos A. (dir.), *La PESC, ouvrir l’Europe au monde*, Paris, Presses de Sciences Po, 1998. « Economic action stays the fundamental, quasi exclusive dimension of the European Union’s foreign policy, even after Amsterdam », p. 43.

⁹ MAYHEW Alan, *Recreating Europe : The European Union’s Policy towards Central and Eastern Europe*, Cambridge, Cambridge University Press, 1998, p. 141.

introducing of the Copenhagen criteria for the Eastern enlargement add a symbolic and historic dimension that we do not find in any other policy of the EU¹⁰.

Many scholars in fact agree on saying that the Eastern enlargement is not a policy like the others. For H. Grabbe (2000), the creation of formal accession conditions has given the EU institutions much wider leverage to get these applicants to comply with its demands than previous ones. In this sense, “*the pressures on CEE for adaptation and policy convergence are considerably greater than those on previous applicants owing to the Union’s much more advanced state of policy development – because of the completion of the single market in 1992, the integration of the Schengen area of passport-free movement into the EU’s treaty framework in 1997, and the launch of the single currency in 1999*”. As H. Grabbe points out, the definition of accession criteria, and above all the obligation for candidates to apply the whole *acquis communautaire*, creates a situation of disequilibrium, where EU institutions have the power to influence CEE institutions on the long run (2002, p. 4-5).

For this reason, some authors consider the EU enlargement as ***a particular type of foreign policy***. Drawing on works of Roy Ginsberg (1989), H. Sjursen and E. Smith (2001) explain that the process of “externalisation” is determinant, as it generated a foreign policy option that could be executed in response to outside pressure from candidate states. As Å. Lundgren (2002) agrees with them: those outside are, admittedly, members-to-become, or at least potential members, but nevertheless not yet members. But, as L. Friis and A. Murphy (1999) point out, ***the current process is also influencing the internal development of the EU***, and affecting decision-making of the EU and the member-states. Although these authors agree on the fact that domestic and international spheres have become increasingly intertwined, their analysis does not focus on the precise interface between both of them. Furthermore, ***the role played by actors from candidate states are often forgotten in this process***: Empirical findings and interviews show that CEE actors integrated the experience of negotiations and implementation of the assistance projects in an astonishing fast period, they also learned to develop more self-confident strategies. So enlargement is not a one-way process led by the West over the East. Because it is an interactive phenomena, it holds some consequences on the way negotiations and assistance projects are lead and (re)defined.

¹⁰ K. Smith, PhD, 1995, cité par H. Sjursen, “Enlargement and the Common Foreign and Security Policy: Transforming the EU’s External Policy?”, *ARENA Working Papers*, WP 98/18, University of Oslo, p. 6

Therefore, we will consider the EU enlargement is a *sui generis* process: As assistance policy constantly has to integrate previous experiences for the definition of new tasks, it may be asked if it also affects the distribution of competencies between European and national actors¹¹, and the way policy-making and the implementation of aid within the enlargement process looks like.

2 - Foreign assistance to CEEC: a mix of European and national experiences

For U. Sedelmeier and H. Wallace, “*the activism and leadership provided by the Commission were crucial elements in establishing that the EU would play a central role in promoting systemic transformation in the CEECs and in coordinating Western policy more generally*”¹². In this article, we want to focus on the other actors and policies developed in this framework.

The specificity of the assistance to CEEC

Assistance, or aid, entails different kind of activities, categorized as *humanitarian and technical assistance activities*. In the case of CEE, projects only focused up to 1992-93 on the second one. The OCDE defines technical co-operation as 1) subventions for education and training activities taking place in the donor or receiver country 2) financing of consultants, audits and similar persons, as well as teachers and administrators sent abroad¹³, often for the purpose of institution-building projects. At the end of bipolarity, the Comity for Aid Development (CAD) of the OECD created a new classification in order to distinguish between aid for development countries (Africa, Asia, Latin America) - or official development aid (ODA) -, and assistance to Central and Eastern European countries and New Independent States (NIS), called Official Aid (OA).

It is interesting to notice that this classification has been retaken by most international organisations and national policies, but *in a different range*. The EU distinguishes between the CEEC (Baltic states included), the NIS and East-Southern Europe (Balkan). Each defined “region” has its own aid program: PHARE for the CEEC, TACIS for the NIS and the pact of stability for the Balkans. Parallel to these multilateral measures, the member of the G7, as

¹¹ In her analysis of the EU program Phare, Florence Deloche (1998) for example showed that EU assistance policy relied on the experience and resources of development aid in order to implement the Phare program.

¹² SEDELMEIER Ulrich, WALLACE Helen, « Eastern enlargement: Strategy or Second Thoughts? », in: WALLACE William, WALLACE Helen (2000), *Policy-Making in the European Union*, (4th ed.), Oxford, Oxford University Press, p. 433.

¹³ OCDE / CAD, *Série des examens en matière de coopération pour le développement. Allemagne*, (29), Paris, OCDE, 1998, p. 85.

well as most EU member-states, developed their own assistance program with different priority regions: Northern EU countries (Finland, Sweden, Denmark, even UK) concentrate on the Nordic cooperation of the EU (Poland, Baltic states, St Petersburg), Italy on Hungary and the Balkans, France on Poland, Rumania and Russia, etc...

The German government, as we will see later in more details, distinguishes between the “*Transform* countries”, i.e. “strategic countries” like Russia, Bielorrussia, Ukraine, Poland, Hungary, Czech Republic, Slovak Republic, Slovenia and the three Baltic states who get a special attention from the federal level¹⁴, and countries with an economy similar to development ones, like Bulgaria, Romania, Croatia, etc¹⁵...

The consequence of these multiple area definitions is following: *The EU has been given the difficult task to coordinate national and international programs which do not have the same definition of priority regions, and priority sectors*. Concerning the sector, most of the projects focus on the restructuring of economies, some donor countries put the accent more on culture, others on the promotion of small and medium companies (SME), or of human rights, environmental norms and transfer of technologies, etc...

In studying the interface between national and European policies, we would like to answer part of following question: *how far do the priorities defined by the various actors of donor countries on a very national or bilateral basis help integrate and enforce their position within European assistance networks? What are the mechanisms of this integration process, and to what extent does it modify the nature of national external policies?*

Identifying tools for analysis: foreign policy analysis and networks

As foreign aid or foreign assistance is traditionally defined as a type of foreign policy, or a policy dealing with the regulation of external relations, are the tools for the analysis of foreign policy useful in the case of the assistance to CEEC?

The term “foreign policy” has been described as “*the attempt of a state to influence its international environment in order to create good conditions for the realisation of its own interests*” (Lübckemeier, 1998, pp.ii). For D. Clinton, the central problem in defining “national interest” is how to distinguish between interests of the political community as a whole and more particularist interests of specific groups within it¹⁶. In the context of international

¹⁴ *Transform* program, aid for democracy and the developing of social market economy, coordinated by the Federal Ministry of Economy, BMWi, and the Federal Ministry of Foreign Affairs, AA.

¹⁵ Coordinated by the Federal Ministry of Economic Development, BMZ.

¹⁶ On this point, see Hudson and Vore, 1995, p. 210 : ‘the national interest’ is more productively viewed as the interests of various players – not all of which are coherently related to anything resembling an objective national interest’

society, “it includes the ability both to protect the society from outside threats and to engage in mutually beneficial cooperation with other societies” (D. Clinton, 1991, p. 50). Like Hyde-Price (2000, p. 10) notices, these definitions indicate that foreign policy cannot be understood by rationalist approaches that make *a priori* assumptions about interests as objectively determined and pre-given. Instead, they suggest that a state’s behaviour can only be understood with an analytical framework that includes a study of two essential factors: First, through the *cognitive frameworks* and *normative assumptions* of policy-makers. Foreign policy is “socially constructed” within a specific set of discourses and discursive practices. These reflect the normative and historical context within which policy-makers operate. Second, whilst normative and ideational factors can help understand the broad strategic direction of a country’s foreign and security policy, they cannot shed much light on specific policy decisions. For this reason, foreign and security policy analysis must consider *the institutional context* within which decisions are framed and implemented. This includes investigating “not just the cocktail of ministries and government agencies that constitute the ‘complex institutional ensemble’ that is the modern state, but also the influence of non-governmental actors” (A. Favell).

We want to stress *the difference between decision and implementation processes*. In the case studies presented further, an emphasis will not only be put on what has been agreed at the political level, but especially on what is implemented at the administrative one.

As we mainly focus on policy implementation, the tools proposed by the *literature on networks and policy-networks* will also be taken into account¹⁷. Although these tools are those used for the analysis of *national* policies, we will take into account how they can be integrated into a more complex framework including a supra-national level.

B - Consequences for analysing the implementation of the assistance to CEEC

The new institutionalist agenda and literature on sociology of elites will help analysing interaction processes between different assistance policies to CEEC.

¹⁷ On networks, see M. Castells (1996), on policy-networks, see for example in French Le Gales Patrick, Thatcher Mark (Dir.) (1995), and in English or German B. Kohler-Koch and Tanja Börzel.

1) The new institutionalist agenda

In the debate on the nature of the EU¹⁸, one approach has particularly contributed to the study of the socially textured nature of European order, namely ‘new institutionalism’¹⁹. It has led to greater awareness of the effect of social and political structures on political behaviour and decision-making (March and Olson, 1989). It has also served to increase cross-fertilisation between domestic, comparative and international politics (Milner, 1998, p. 760), and gave birth to a large literature on (multi-level) governance and Europeanisation. Before asking if the tools proposed by these two perspectives are useful for our research, we have to define what are institutions.

Define institutions: three kind of intitutionalism

Like E.R. Thielemann (1999, p. 401) notices, the new institutionalist research agenda is characterized by a high degree of ambiguity, including lack of agreement over what to consider as an institution. He proposes to adopt Norgaard’s definition, which encompasses both formal institutions (decision-making rules) and informal ones (habitual action). Institutions can therefore be defined as “*legal arrangements, routines, procedures, conventions, norms and organizational forms that shape and inform human interaction*” (1996, p. 39)²⁰.

Different disciplines – like sociology, comparative politics, international relations, European questions, FPA, political economy – nowadays adopted new institutionalism. P. Hall and R. Taylor proposed in 1996 to classify the prolific works into three categories, namely rationalist, historical and sociological institutionalism. For *rational institutionalists*, actors seek to maximize the attainment of goals and base their decisions upon strategic and rational calculations. D. North (1990) for example regards institutions as incentive structures which influence an individual’s utility-maximizing behaviour, but it is assumed that actors’ preference formation is external to the institutional context in which actors find themselves. Most rationalist writers (Scharpf, 1988; Pollack, 1996) pursue an actor-centred analysis. Supranational institutions, like the Commission, are understood to act in the *multi-level*

¹⁸ For a summary of the debate and a position against realism and neo-liberalism, see Lequesne C., Smith A. (1997).

¹⁹ Hyde-Price A. (2000)

²⁰ Oran Young distinguishes between institutions and organisations. He defines institutions as “*sets of rules of the game or codes of conduct that serve to define social practices, assign roles to the participants in these practices, and guide the interactions among occupants of these roles*”. Organisations, on the other hand, are “*material entities possessing offices, personnel, budgets, equipment, and, more often than not, legal personality. Put another way, organisations are actors in social practices. Institutions affect the behaviour of these actors by defining social practices and spelling out codes of conduct appropriate to them, but they are not actors in their own right*” (Young, 1994, pp: 3-4).

environment of European policy-making. In contrast, more **historical or sociological institutionalist** accounts perceive of institutions as the context that constitutes national and supranational actors by shaping their interests and identities (March and Olsen, 1989; Powell and DiMaggio, 1991). S. Steinmo for example emphasizes that rationality is embedded in a context: “*In politics, political institutions provide the basic context in which groups make their strategic choices. And any rational actor will behave differently in different institutional contexts*” (1993, p. 7). As **historical institutionalists** are interested in the relationship between politics and economics, and in the way resources and power is distributed among actors, **sociological-oriented approaches** raise the question as to what extent an actor’s broader institutional context – defined by the legal and political-administrative traditions of a political system or policy area in which actors are embedded – can lead to rule-governed behaviour that may supplant instrumental calculations. In other words, sociological approaches ask questions about how traditions and rule structures shape expectations about what is considered “appropriate” behaviour and influence policy outcomes. For E. Thielemann (1999), sociological institutionalism complements other approaches by making the following principal propositions:

- (i) *Institutions provide actors with a particular understanding of their interests regarding a particular policy issue*. Therefore, a calculus of identity and appropriateness is sometimes more important to actors than a calculus of political costs and benefits (March and Olsen, 1989)
- (ii) *Institutions are not neutral structures as they privilege certain types of policy and certain actors over others* (Hall and Taylor, 1996; Armstrong and Bulmer, 1997). By giving legitimacy to some groups, while denying it to others, institutions affect not only the structure of the decision-making process, they also influence what interests are reflected in policy outcomes (Immergut, 1997, p. 340). Nevertheless, given the circumstances, actors have choices and can change institutional structures (E. Thielemann, 1999, p. 402).

For some authors, it could also be possible to add ideational or cognitive institutionalism. We prefer staying closer to historical and especially sociological institutionalism, which allows making the bridge between different disciplines and approaches, and especially with social constructivism.

Europeanisation, a key concept?

After the failure of federalist and neo-functional theories to conceptualise regional integration²¹, new institutionalism particularly inspired new research agendas in the 1990s, opening ways to a large and flourishing literature on *governance* and *Europeanisation*. In this article, we will present our comments on the second approach, where the literature is quite heteroclit: Projects for example focus on the way national actors represent their interests at the European level, or on the impact of European norms on national institutions of either EU-member states or candidate countries. For Radaelli (2000), Europeanisation has to be differentiated from other concepts like convergence, harmonization and integration. Taking the definition of Ladrech (1994), Europeanisation might be defined “*as a set of processes through which the EU political, social and economic dynamics become part of the logic of domestic discourse, identities, political structures and public policies*”. In contrast to the first writings on Europeanisation that concentrated only on the EU impact on domestic political structures (institutions, public administration, legal structure), this definition has the advantage to include other fields of research, like structures of representation, cognitive and normative structures and public policy, helping to bridge the rationalist-constructivist divide (J. Checkel)²². Although a large literature is now developing on the impact of the EU eastern enlargement process on CEEC domestic institutions, there is no consistent reflection on Europeanisation of foreign policy so far, i. e. on the impact of EU norms and institutions on bilateral co-operation networks. Fewer are the writings on the impact of the EU enlargement agenda on EU member states’ policies and on their bilateral relations to CEEC.

In fact, *the full picture of this particular and unique enlargement process may not be caught if one does not understand mutual adjustments taking place between member and candidate states*. Within the enlargement process, a great competition takes place on the fields of norms, values and institutional procedures, mostly in order to influence CEEC actors and structures. As Radaelli (2000) notices, while quoting Jachtenfuchs (1999), « *the analysis of*

²¹ The analysis of institutional and normative restructuring processes in the EU is again a prolific research agenda. For a good synthesis on *European integration* and *regionalization* processes, see Elmar Rieger (1995) and Ruth Zimmeling (1991), but also Joenniemi Pertti (1997), Caporaso (1996), Waever (1996), Zürn (1996).

²² CHECKEL Jeffrey T., “International Norms and Domestic Politics. Bridging the Rationalist-Constructivist Divide”, *European Journal of International Relations*, 3 (12), 1997, pp.473-495. See also M. Zürn, T. Risse, or Jachtenfuchs, Kohler-Koch, R. Mayntz. On the interdisciplinary approach of European studies, see the debate between Simon Hix (defending a rationalist, public policy perspective) and Andrew Hurrell and Anand Menon (defending that comparative politics and international relations are complementary) in *West European Politics* (Jan. 1994, April 1996) and the *Journal of European Public Policy* (1998).

cognitive and normative structure is connected to the renewed interest in sociological institutionalism, preference formation and political legitimacy ».

Although very attractive, it may be noticed that the protean and multi-faceted form of the concept of Europeanisation does not especially make the analysis of Europe's construction easier, as scholars do not agree on the definition of territorial spaces, interaction or causal links. Furthermore, it does not explain how power is redistributing at the European context²³. For this reason, we will draw on part of this literature, but want to avoid the term of 'Europeanisation' in our analysis.

As our question consists in understanding the interactions between European actors and national ones, it is necessary to come back to a more classic question, namely the structure-agency relationship.

2) A sociological institutionalist perspective

In a historical institutionalist perspective, one of the main questions consists in understanding how power is distributed among actors. On a more sociological point of view, we would like to analyse who are the norms entrepreneurs in the framework of the EU enlargement in order to understand how governmental actors interact with non-governmental ones: How do they decide, along which criteria (rationalist or identity ones)?

a) Coming back to a key question: the structure-agency relation and the distribution of power

This question was developed in the early 1980s by new institutionalists (DiMaggio, March and Olson), and has recently been integrated by scholars of international political economy and foreign policy analysis. In an article entitled "*The Agency-Structure Problem in Foreign Policy Analysis*" (1992), Carlsnaes indicates the importance of studying the relative weight of agential and structural factors in different concrete instances of foreign policy behaviour. He emphasises the interaction over time between structure and agency, which allows this process to be "*penetrated analytically as a consequence of its essentially sequential thrust in societal transformation*"²⁴: This process of mutual constitution means that neither structure nor

²³ For a critical approach of Europeanisation, see Papadimitriou D. G. (2002);

²⁴ "In this perspective, actions thus not only are casually affected *by* structures, but in turn – in terms of both intended and unintended outcomes – subsequently affect them, and so forth, indicating the mutually dynamic relationship between the two

agency can be accorded ontological priority (McSweeney, 1999). As Colin Hay has argued (1995, p. 205), this implies two avenues of investigation. The first is the “*contextualisation of agency*”. This involves contextualising foreign policy behaviour within the structural context in which it takes place, and considering *how developments in the wider Europe impact upon the context and strategies, intentions and actions, of the actors involved in EU member’s foreign policy*. The second is the “*strategic selectivity of structure*”. EU governments are situated within institutions, normative and material structures that define the range of potential strategies and opportunities available to it. These structures can constrain EU actors’ freedom of manoeuvre, but can provide resources for enabling action and amplifying its influence on European affairs (Hoffman, 1995, p. 282). For A. Hyde Price (2000, p. 14), it may be agreed that shifts in normative understanding are often manifested in changed identity and national role conceptions, which in turn will precipitate change in foreign policy. Therefore, one analytical consequence of the agency-structure problematic is its implications for the *concept of power*. Colin Hay has argued (1995, p. 191) that power “*is fundamentally bound up with the idea of the victory of the agent or subject over its other – structure or object. Power is a question of agency, of influencing or ‘having an effect’ upon the structures, which set contexts and define the range of possibilities of others. This suggests the need for a relational conception of both the structure and agency: one person’s agency is another person’s structure. Attributing agency is therefore attributing power (both causal and actual)*”. Power derives from both tangible and intangible resources (Stoessinger, 1991), and can be both relational and structural (Strange, 1988). Drawing on S. Strange typology, Hyde-Price writes that it manifests itself in four dimensions: political, economic, normative and military. In the case of the EU enlargement, the last one stays apart from the other, so that we only take the first three into account.

Finally, the relationship between EU members as agents and Europe as structure can best be understood as being mutually constitutive²⁵. This perspective owes much to social constructivist arguments that highlight “*the construction of social structures by agents as well as the way in which those structures, in turn, influence and reconstruct agency*” (Finnemore, 1996, p. 24). At the same time, states themselves are involved in a process of “strategic

over time as well as the inherently constraining and enabling character of the structural domain. In other words, to explain fully a policy action at a certain point in time, this conceptualisation indicates the necessity of considering not only its underlying causal structures, but also previous actions and both the structural effects and structural antecedents of the latter (Carlsnaes, 1994, pp. 284-85).

²⁵ A. Hyde-Price (2000)

learning” – or what Bill McSweeney calls “seduction” (1999, pp. 196-70) – which may result in changed conceptions of the structure and the state itself.

b) Understanding the restructuring state: Sociology of the German assistance’s milieu

In order to bridge European questions and foreign policies, we will rely on historical and sociological new institutionalism. As the nature of enlargement is particular, we will also adopt part of the literature on sociology of European elites in order to analyse the actors involved into foreign aid programs and projects, may they be called “advocacy coalitions” (Sabatier) or “epistemic communities” (P. Haas). It is only after having understood the way it works, that we will be able to get some conclusions on the way the state is restructuring within the European construction.

- **Sociology of elites**

In the discipline of sociology, the growing literature on sociology of European elites tries to catch the logics underpinning the making of a supra-national elite. Maurizio Bach’s thesis of “*Bürokratisierung*” of Europe, i.e. of a Europe more and more led by technocrats, is particularly interesting in our case²⁶. He quotes F. Fischer (1990) for explaining that “*technocracy, in classical terms, refers to a system of governance in which technically trained experts rule by virtue of their specialised knowledge and position in dominant political and economic institutions*”²⁷. He takes the works of R. Lepsius as a point of departure in order to question legitimisation processes within the EU (the right of legislative initiative and the administrative implementation are both controlled by the Commission), and to show that, although national experiences still represent the references for the building of European institutions, a new “transnational type of regime” led by technocrates and experts, a European structure *sui generis* characterised by a strong juridicisation process, is taking shape.

We will adopt a similar position, and will try to show that the Commission is not a unitary actor. General directions, and the numerous comities working for them, are often in competition, and integration processes between national and European actors in fact take place within specific sectors, or around precise topics.

²⁶ Bach Maurizio (1999), *Die Bürokratisierung Europas: Verwaltungseliten, Experten und politische Legitimation in Europa*, Frankfurt/Main, New-York, Campus Verlag.

²⁷ F. Fischer, 1990, p. 17.

- **New institutionalist variables of analysis**

Authors of different disciplines, like P. Hall, A. Hyde-Price, V. Rittberger and M. Bach, all identify three variables that need to be investigated in a new institutionalist point of view: interests, institutions and identity. As we consider in a constructivist perspective (or sociological institutionalist one) that identity and interests are mutually constitutive, only two criteria in fact need to be analysed:

- **Identity, ideas and beliefs**: ideas may be defined in a three-fold categorisation (Goldstein, Keohane, 1993): ‘World views’ are imbedded in the symbolism of culture and entwined with identity-conceptions; ‘Principled beliefs’ are normative ideas for distinguishing between right or wrong; ‘causal beliefs’ are beliefs about cause-effect relationships which provide guides as to how to achieve a given policy objective. Ideas and beliefs may serve as ‘road maps’, guiding actors’ preferences and indicating ways of achieving them; they can act as a ‘focal point’ for actors in the absence of compromise or cooperation; they can become ‘institutionalised’, i.e. embedded in the operation of institutions and social practices. (Hyde-Price, 2000)

- **Institutions**: Institutions play a key role in the process of identity and interest formation. (...) Institutions ‘offer a normative context that constitutes actors and provide a set of norms in which the reputation of actors acquires meaning and value (Katzenstein, 1997, pp. 12-13). International institutions and multilateral structures thus facilitate the emergence of a sense of *Gemeinschaft* (community) based on shared interests, trust and a common identity. (Hyde-Price, 2000)

J. Goldstein and R. Keohane (1993) explain that through the intervention of institutions “*the impact of ideas may be prolonged for decades or even generations... [such that they] can have an influence even when no one genuinely believes in them as principled or causal statements*”. It is also essential to refer to **social learning** as defined by J. Nye (1987) and P. Haas (1993) in order to link these three variables: “*New understanding of the social and political environment can prompt decision makers to alter their strategies for achieving goals, the latter remaining basically unchanged. Alternatively, new understandings can redefine the very content of the national interest, requiring the selection of new goals and a*

search for more appropriate strategies to achieve them”²⁸. In this perspective, it may be asked if socialization processes and “specific bilateral relations” help “fostering European integration on a longer prospect”²⁹ and thus “rearrange the relation between society and state”³⁰ in the European public space.

- **Methodology**

We define following target group: politico-administrative and non-governmental elites working with the *Bund* and the *Länder*. We already did around 60 interviews in Germany at various ministries, state agencies and non-governmental organisations, but also at the German representations and local ministries and organisations in Estonia, Poland, Czech Republic, Hungary and Slovenia.

The main focus is on governmental aid, or official aid, not *a priori* on private initiatives although both of them often intersect. The institutions we will therefore take into consideration are legal norms, like the *acquis communautaire* in specific sectors, but also general topics defined for implementing the assistance on the transfer of norms, and ways of doing or working-traditions.

The leading questions we need to answer are therefore following: Who are the key actors? What are the institutional dimensions of enlargement in the analysed case? How do the actors integrate them? Do they really influence their strategies? How do the actors take the different levels of action (*Bund*, *Länder*, EU, CEEC) into account? How far does their direct institutional environment (organisation they work for, federal and state traditions) influence their decisions and strategies?

Institutions (norms, rules, etc...) and the evolving actor’s identities have partly already been - but still need to be - identified and analysed through interviews, official documents and reports, newspaper articles, debates at the parliament (Bundestag), etc... We are still working on a more precise way to make the link between the various empirical findings.

²⁸ Hasenclever, Mayer, Rittberger (1996), p. 208. Boekle, Rittberger and Wagner (1999) also distinguish between societal and transnational socialization processes.

²⁹ BEDOW Wilfried (von), “Bilateral Beziehungen im Netzwerk regionaler und globaler Interdependenz”, in: KAISER Karl, KRAUSE Joachim (Hrsg.), *Deutschlands neue Außenpolitik, Interessen und Strategien*, Band III, DGAP, München, Oldenburg, 1996.

³⁰ ALBERT Mathias, “Between ‘South of Norden’ and ‘Norden’s South’: Germany and a ‘Baltic political space’”, in: JOENNIEMI Pertti (Ed.), *op.cit.*, p. 85.

II – German assistance to CEEC in the enlarging European Union: which future for the federal state?

For A. Hyde-Price (2000, p. 12), the study of German foreign policy in relation to the reshaping of European order raises questions concerning Germany's ability to influence its external environment: to what extent is Germany the object rather than the subject of change in post-cold war Europe? For the author, the Federal Republic is embedded in a series of multilateral structures that both constrain its range of foreign policy actions, and empower it to act in certain ways. We now want to test if this assumption is also true in the case of the assistance to CEEC.

2) The *Bund* facing the *Länder*: towards a new definition of cooperative federalism?

Normative and institutional roots of the federal strategy: the *Transform* program at its roots

The *German program Transform* is one of the most important governmental responses to these questions in Europe. Between 1990 and 2000, **a total of 2.377 billion DM** was spent for consulting activities as well as other matters, mostly under the label of the program *Transform*. It mainly consists in education and training of selected partners from 11 countries, which, according to criteria determined by the OECD, are involved in a transformation process³¹. Between 1993 and 2000, more than 1500 projects were implemented through *Transform* in manifold sectors – economics, politics, agriculture, law, environment, and social matters. In this framework, German ministries strengthened their links to non-governmental organisations and companies³², and especially relied on networks developed during forty years of development policy abroad and on the experience of reunification.

The German government adopted an *extensive definition of security*³³. In an unpublished decision of 1992, the Federal Cabinet identifies three factors of threat and destabilisation in CEEC and Newly Independent States (NIS):

³¹ They include Belarus, Bulgaria, the Czech Republic, Estonia, Latvia, Lithuania, Hungary, Poland, Slovakia, Russia, Ukraine, and since 1998, Slovenia.

³² In its *Journalistenhandbuch*, the BMZ explains it had to develop stronger co-operation with civil society, like through Public-Private Partnerships (PPP), in order to cope with nowadays global evolutions. BMZ (2000).

³³ In this sense, the implemented strategy draws on J. Nye's idea of soft power. NYE Joseph S., "Redefining the National Interest", *Foreign Affairs*, 78 (4), juil.-août 1999, pp. 22-35. On security, see : BIGO Didier, "Sécurité et immigration", *Cultures et Conflits*, (31-32), aut-hiv. 1998, p. 7-11.

- 1) *Political destabilization* (disorganization of the state, risks of civil war, weak belief in democracy);
- 2) *Collapse of society* (strong immigration, especially of the elite having knowledge on weapon and missiles production, but also on nuclear and sanitary questions);
- 3) *Collapse of economics* (recession of production and trade, growing inflation and unemployment)³⁴.

The main idea of the program is the same as in assistance for third-world countries: “*help the countries to help themselves*” (*Hilfe zur Selbsthilfe*) in their transformation³⁵. It also aims to present **three norms constituting German post-war identity**³⁶:

- 1) “The model of social market economy characterized first by its open, competitive economy and second by its social security system; (*model of social economy*)
- 2) The experience of reconstruction [after WW II] and of reunification; (*democratisation process*)
- 3) The strengths of a federalist [and pluralist] state structure” (*federalism*)³⁷.

These norms justify the implementation of *Transform*’s consulting activities in following issues³⁸:

- Back up economic policies in order to create the conditions for a social market economy and to establish medium-size companies and other relevant economic structures;
- The restructuring of companies, privatisation and breaking up monopolies;
- The setting up of a fiscal system to include taxes, customs and excises and budgets; establishing the banking, stock market and insurance systems;
- Technical assistance to the agricultural sector;

³⁴ KABINETTBESCHLUSS vom 18. März 1992. “Gesamtkonzept zur Beratung beim Aufbau von Demokratie und sozialer Marktwirtschaft in den Staaten Mittel- und Osteuropas sowie der GUS”. (not published)

³⁵ The underlying notions are subsidiarity and solidarity. „Help for selfhelp“ was the leading concept of the American Marshall plan in Europe. The idea has been included in the German development policy, as most of the institutions and organisations created for the implementation of the Marshall plan in Germany then became the leading actors of Germany’s aid for third world or development countries.

³⁶ BMZ, *BMZ aktuell, TRANSFORM, Beratung für Mittel- und Osteuropa, Fortschreibung 1999*, Nr. 104, Bonn, BMZ, August 1999, p. 13.

³⁷ It may be noticed that a research project of the European Institute of Florence on the evolution of several EU states identity in the European context also reveals the existence of **the same societal norms in the German case**: “*Any new idea about political order, in order to be considered legitimate, must resonate with core elements of older visions of the political order such as ‘state-centred republicanism’ in France, ‘parliamentary democracy and external sovereignty’ in Great Britain, and ‘federalism, democracy and social market economy’ in Germany*”. MARCUSSEN Martin, RISSE Thomas, ENGELMANN-MARTIN Daniela, KNOPF Hans-Joachim, ROSCHER Klaus, „Constructing Europe? The Evolution of French, British and German Nation State Identities“, *Journal of European Public Policy*, 6 (4), Special Issue, 1999, pp. 614-633.

For a comparison, the norms promoted by the G-24 assistance were: “adherence to the rule of Law, respect of human rights, adoption of a multi-party political system, holding of free and fair elections and adoption of a market-oriented economy”. G-24, *Ongoing International Co-operation with the Czech Republic*, meeting and working-documents, 1995.

- Job training and specialised training in business (i.e. management training, vocational training), as well as measures leading to qualifications;
- The law, with an emphasis on economic law;
- Helping both to create and to improve administrative structures;
- Back-up advisory services in labour market policy and social policy, environmental protection, house building and urban development

Although all sectors are linked together, the German program progressively focused on the third source of destabilization identified in 1992, i.e. **economics (46% of the expertise)**. The other sectors, and especially the social and environmental ones, do only represent a marginal part of the assistance – respectively 4 % and 2% in 1998 (*Annex 3*). As a matter of fact, the government’s failure to contain immigration from CEEC and NIS between 1989 and 1994 allowed further assistance to develop co-ordination procedures on economics. Therefore *Transform’s* activities mainly help backing up German companies and trade in targeted countries, i.e. regions where the German economy had already developed before 1989. In this context, the social market economy is not only a guide for action, but also a label used by public actors in order to justify two majors aims: 1) make German private actors win assistance contracts and influence structural and legal features as well as practices, 2) build long lasting networks drawn on confidence through education and training, and change Germany’s image abroad by publicising successful projects in local CEEC newspapers.

Priority for trade activities is also reflected in the *regional distribution of the assistance*: the major part of the budget and most of the projects concern Russia, Bielorrussia and Ukraine (*Annex 4*). Some candidate states like Estonia, the Czech Republic, and Hungary do not beneficiate any more from the German bilateral assistance “because of their good results” and the growing place of EU programs³⁹. It is interesting to notice that Bulgaria was replaced in 1998 by Slovenia, a country officially accepted in the first step of EU negotiations. It may be asked if these changes speak for the defence of German national interests, or rather for compliance to EU-decisions and multilateral co-operation perspectives for sharing the burden.

³⁸ BMWi, *TRANSFORM : Die Beratung Mittel- und Osteuropas beim Aufbau von Demokratie und sozialer Marktwirtschaft – Konzept und Beratungsprogramme der Bundesregierung*, (350), Bonn, BMWi - KfW, 1994. BMWi-Dokumentation.

³⁹ Quoted from interviews at the Ministry of Economics (BMWi) and Ministry for Co-operation (BMZ), official co-ordinators of the program, and from annual reports. Behind these official discourses are other reasons: in the Estonian case, German assistance was not required, except on law and privatisation projects. In the Czech case, no governmental agreement could be signed. Many people refer to the bad relations between H. Kohl and Václav Klaus, but also to the veto of Bavarian economic and agricultural lobbies at the *Bundestag*.

Interviews and official documents reveal a strong *distortion between official discourses on co-ordination and the ways projects are effectively co-ordinated*. Apparently structured and shaped by public actors, the German program is in fact mostly implemented by governmental organizations and non-state actors. Only few new institutions emerged after 1989 in Germany for the assistance to CEEC. The institutional networks are a mix of previous W. Brandt's *Ostpolitik* institutions based on trade, of development policy organizations and of new structures created after 1989 for the German reunification processes or the assistance to CEEC and NIS, and almost every German ministry and their main (public and private) partners are represented. The mostly sector-oriented networks are made up of experts in federal, regional and local administrations, in health care systems, in NGOs or companies' foundations, in chambers of commerce, and consulting-companies....

The German government adopted an *integrated approach for the co-ordination of the program*: the different actors officially work together under the leading role of the *Lenkungsausschuß*, a *triumvirat* composed by the ministry of Economics (BMW_i), the Foreign Office (AA), and the ministry for Co-operation and Development (BMZ). Until the election of G. Schröder in 1998, former Secretary of State for Agriculture Dr. Walter Kittel (a close friend of Helmut Kohl) was responsible for the general co-ordination⁴⁰. A whole structure has been set for the representation of German sectors abroad: the German Bank for Reconstruction (KfW), beneficiating of the main part of the programme's budget, set up 11 local offices (*KOST-Stellen*) in the German embassies of *Transform* countries in order to manage and co-ordinate the various projects. The KfW experts acquired a sort of monopoly on transition matters, using links to economics as well as diplomatic contacts. On many occasions, congresses and seminars were organised in CEEC with other German actors, like political foundations, chambers of commerce (representation offices – AHK – opened in quite all CEEC), trade representation of *Länder* (like Schleswig-Holstein in Estonia or Bavaria in Hungary), etc...

However, *the co-ordination reflects political rivalries and power relations between German actors*: for the ministries, the control of the *Lenkungsausschuß* and the dividing up of the annual budget is at stake⁴¹, whereas many state agencies and NGOs, who already

⁴⁰ After the restructuring of the assistance by the Schröder government, W. Kittel was dismissed. He is now a personal consultant of the Lithuanian government.

⁴¹ Elements of path dependency may be noticed on this case: the Ministry of Foreign Affairs (AA) has only a small influence in the program. Rivalries rather take place between the Ministry of Economy (BMW_i) and the Ministry of economic Co-

communicate everyday, believe annual co-ordination meetings in Bonn (since 2001 in Berlin) are a loss of time. Another contradiction lies in the implementation of the program. While Eastern partners officially spontaneously ask for German assistance, the reality shows that ***German companies or state agencies on the contrary, directly contacted most of Eastern partners***. These actors most of the time had already built contacts in CEEC in order to evaluate (or even to create) the needs, and help their partners elaborate a project, to be submitted to German governmental agencies, and then approved by German ministries. Manifold critics opened ways in Germany to controlling procedures and reforms were also a little debated at the *Bundestag* in 1994-95 and 1998-99⁴². In this sense, one may not speak of the instrumentalisation of NGOs or private actors by public actors, as there are processes of mutual influence. The analysis of the societal organisations, agencies, private (companies') foundations, expert organisations or political foundations are in general followed up or partly retaken by administrative organizations⁴³: in this sense, we may call them ***places of informal diplomacy***⁴⁴, although many of these particular activities are often classified under the term of "business of aid" (J. Putzel, 1998).

Since a few years, projects are more and more driven through multilateral donors. Up to 1995, Transform's annual budget strongly decreased (***Annex 1***): in 1997 it was comparable to the UK's one, and the budget for consulting activities on privatisation represented a sixth of the American bilateral technical assistance on the same matter⁴⁵. *Transform's* budget was also put to the test by the re-orientation of the German assistance to South-Eastern European countries: the German financing to reconstruction and democratisation in the Balkans was in 1999 as high as used to be the *Transform* budget in 1995, i. e. 300 million DM. Thus, ***the governmental program was restructured***: Many ministries lost the national budget for their

operation (BMZ), but also the Ministry of Finance (BMF), that receive the main part of the budget. It is interesting to notice that these ministries and their related organisations (KfW...) were represented at the *Ost-Ausschuss der deutschen Wirtschaft*, related to the Federation of German Industry (DIHT), the main actor of Willy Brandt's *Ostpolitik*.

⁴² See debates during the 12. and the 14. election periods (*Wahlperiode*), particularly the evaluation presented in 1994 by the *Bundesrechnungshof* (German federal Audit Office) at the *Bundestag* on the budget of the Ministry of Economy (BMWi): Drucksache 12/8490, Deutscher Bundestag, 12. Wahlperiode, pp. 41-44. It revealed that many projects were driven without respecting usual procedures of development policy, i.e. without inviting tenders, implemented by "*unexperienced organisations*". The Office reproaches the Ministry of Economy (BMWi) wanting to use the experience of reunification "*although new solutions have to be found for totally different existing problems in Central and Eastern Europe*". The Office also claims for more control of the federal parliament on these governmental activities (p. 42). It is important to add that controls are rare. Similar discussions also took place in 1993-1994 at the American Congress.

⁴³ Nevertheless, it is not easy to judge what is exactly retaken or not, as some interviews revealed that some analyses are not even read by administrators because of their length.

⁴⁴ Some scholars wrote about "privatisation" of state's policies (B. Hibou, 1997; T. Brühl, 2001). Béatrice Hibou for example thinks that states adapt to domestic and international constraints by cooperating more and more with semi-public and private actors. As a result of the ever increasing role of transnational actors in political decisions, public actions are more and more focusing on economic matters and integrating economic and financial questions in their discourse.

⁴⁵ GTZ, 1999, p.10.

consulting activities, especially those badly represented at the national level or with low legitimacy for driving foreign activities (social questions, environment, Ministry of Internal questions...). Some co-ordination offices of the KfW (*Koordinationsstellen* - KOST) closed (Tallinn, Budapest. Warsaw's KOST will close at the end of 2002), and because many actors had to adapt to EU tenders procedures, coalitions between different governmental agencies took place in order to stay competitive at the European level (Phare, Tacis...).

The result of the changing context is that ***German actors of bilateral programs put more and more European norms and values in the forefront***: Most of *Transform*'s projects stopped promoting social market economy and federalism, but German experience on how to deal with European procedures (representation processes, ways on writing tenders, creation of software for the classification of Phare tenders...), assistance on the introduction of the European currency (Euro), education on European institutional history... The actors also had to adapt to more bureaucratic and competitive procedures and to develop strategies of representation and lobby within the European Commission in order to win tenders. Many civil servants and experts complained that procedures thus became longer and less flexible than in the national one, thus "*had no other choice than to adapt to them*"⁴⁶.

Reinforcing German cooperative federalism?

- **The *Länder*, new foreign policy actors**

The federal structure of the assistance encourages overlapping actions⁴⁷: As matter of fact German states (*Länder*) as well as cities (like Hamburg, Bremen, Munich), universities and other public administrations have built their own networks of relations with CEEC⁴⁸. Sometimes, solely individuals are the source of these connections between local, federal, and even supra-national levels, as they work for the German Parliament, are part of a local NGO, and/or have contacts at the European Commission. The personal address book of some

⁴⁶ Interview at the IRZ-Stiftung and the Carl-Duisberg-Gesellschaft, Bonn / Köln, February 2000. Interview at the Federal Ministry of Foreign Affairs, department for the EU-negotiations and the co-ordination of European assistance projects, Berlin, February 2001.

⁴⁷ However, the moving of the German government to Berlin somehow contributed to the reshaping of this federal structure: Bonn, where the BMZ and BMA stayed, and the Ruhr-region have turned into an institutionalised pool of expertise and development assistance, whereas Berlin has become the centre of political decisions. A Centre for International Co-operation (CIC) was created on the 1st July 1998 in Bonn, and constitutes the rallying point of federal ministries (BMZ, BMU, BML), about 150 NGOs and German representations of United Nations' organisations.

⁴⁸ "German foreign policy operates in a dual mode. The government's traditional foreign policy is complemented by Germany's societal foreign policy (*gesellschaftliche Aussenpolitik*). Most of the major German institutions conduct their own foreign relations", in: Peter J. Katzenstein (1997a), p.24-25.

(political, business...) influential people situated on the intersection of these networks may prove more efficient than a whole organisation⁴⁹.

Like the *Bund*, the *Länder* can officially sign bilateral agreements with foreign governments in the framework of their competencies (Article 23 and 24 Ia of the Basic Law). Since the *Länder* have the right to participate to European decisions (1992: subsidiarity inscribed into the Maastricht treaty, modification of the German Basic Law), most of them developed a European policy, creating representation offices in Brussels, and especially interregional relations with non-EU member states. Some *Länder* opened representation offices, or Chambers of commerce, in CEEC, like Schleswig-Holstein and Mecklenburg-Vorpommern in the Baltic States (Tallinn, Riga, Vilnius), or Bavaria and Baden-Württemberg in Hungary. Most of them also initiated bilateral working commissions, who generally have as aim to develop and strengthen cultural and economic cooperation. It is interesting to notice the role played by history and long-lasting boundaries for the renewed cooperation of the 1990s. A partnership existing since the 1970s between Kiel and Tallinn for example served as a basis for a project on creating an Estonian Chamber of commerce: The project was led with the help of advisors coming from organisations (SEQUA, SES) connected with the German industry and trade federation (DIHT). Financing support first came from the German federal (*Transform* program) and state budget (Schleswig-Holstein), and in a second phase from the European Commission (Phare). But, most important, *norms* transferred were German sector and organisational ones, and one of the experts now leads the German permanent representation in Tallinn, which contributes to maintain bilateral and interregional contacts. This is an example of the kind of interconnections commonly observed in assistance to CEEC (and also to development countries) between state, federal, and EU levels, mostly through one or several key-persons, because of their personal resources and contacts.

In general, political-administrative actors of the *Länder* try to make an extensive promotion of their official competencies (culture, education, police, trade policies), and a large interpretation of their new prerogatives in the Basic Law (art 23, participation to European decisions, art 24 Ia, conclusion of transborder agreements on cooperation) for the extension of their own international relations⁵⁰. Most representation offices of the *Länder* in Brussels or

⁴⁹ For example M. Wittman, CDU member of the *Bundestag*, former president of the *Bund der Vertriebenen (BdV)*, is at the same time personally involved in many societal reconstruction projects in CEEC.

⁵⁰ FISCHER Thomas (2002), "Die Außenpolitik der deutschen Länder als Ausdruck 'perforierter' nationalstaatlicher Souveränität? Transföderalismus zwischen Kooperation und Konkurrenz", in: WHELING Hans-Georg (Hrsg.), *Die deutschen Länder. Geschichte, Politik, Wirtschaft*, (2. Aufl.), Opladen, Leske + Budrich.

abroad consider themselves as small embassies, defending the interests of state companies, and organising cultural events for the promotion of the *Land*⁵¹. But how far is the German cooperative federalism put into question since the 1990s?

- ***Bund and Länder, which coordination?***

Like E. Thielemann (1999, p. 402) writes, Germany's federal constitution (*Basic Law*) assigns policy responsibility to the federation (*Bund*) and the states (*Länder*), depending on the policy issue concerned. It is important to note the important role the *Länder* play in Germany's legislative and administrative set-up: article 70 (1) of the Basic Law for example stipulates that the *Länder* have the right to legislate when the mentioned Basic Law does not confer legislative power on the Federation. In fact, the *Länder* act as Germany's principal administrators, and carry out two-thirds of total public expenditure. German federalism is therefore a highly cooperative form of government (Benz, 1994). Regional policy decisions are taken in the framework of the "joint tasks" (*Gemeinschaftsausgaben*), a structure which has become the trademark of Germany's cooperative federalism. It is a structure exemplary of what Scharpf *et al.* (1976) have termed *Politikverflechtung* (a system of interlocking competencies).

The question if cooperative federalism is endangered since the beginning of the 1990s still has to be researched through various interviews and readings. However, recent research on the relationship between the *Länder* and the EU tend to assess that the cooperative federalism has rather been reinforced (T. Börzel). Case studies will help understanding with more details these growing interconnections between the *Bund*, the *Länder* and the EU levels, which characterise what we call the multi-bilateral assistance policy to CEEC.

B – Case studies: how do the various actors of the German assistance make the link between bilateral and multilateral assistance networks?

Most of the case studies in European questions focus on precise sectors: finance, EMU, environment, etc... In our case studies, we prefer studying how coordination of the aid takes place around a particular topic, rather than focusing on a precise sector. We will argue that

⁵¹ Interviews at the representation office of Mecklenburg-Vorpommern in Tallinn, April 2000. Also FISCHER Thomas (2002).

coordination only effectively began since the opening of negotiations in 1997. That is why we focus on the last years of the implementation of assistance programs.

We identified following topics as being representative of the difficult coordination process taking place between European and national actors of different – sometimes competing – sectors:

1) institution-building (infrastructure, ministries, etc...)

2) transfer of norms:

- law transfer, build the state of law

- education: develop the markets, educate the elites of tomorrow (EU civil servants)

In this paper, we only present the first case, i.e. on the links between the German bilateral and the European assistance programs.

Dealing with Twinning: an institution-building program

Discussions as well as an evaluation report of the implementation of the Phare program from 1989 to 1998 gave birth in 1998 to new guidelines for Phare: since the CEEC committed themselves to future accession to the EU, Phare would no longer be demand-driven but accession-driven. The Accession Partnership, signed with each candidate country in 1998, are “*key feature of the revised Phare program, since they lay down the short-term and medium-term priorities for each country in the accession process*” (p. 7).

The new Phare orientations focus essentially on two types of support: institution-building and investment support, in particular for rehabilitating/modernisation infrastructure. There are two types of institution-building projects: Twinning and technical assistance.

What is Twinning?

Twining was created in 1997 in order to make available the expertise⁵² of member state practitioners and help administrations of East European countries to implement the *acquis*

⁵² The EU Commission has a large and vague definition of expertise: “*Given the range of sectors and priorities targeted by the Phare Programme across all the partner countries, there is no typical expert, but there is instead a typical contract for the provision of the expertise needed in each individual case. Expertise is provided by international companies and organisations, European federations, national institutes, universities, consultancies, NGOs and individuals. There is no*

communautaire. A network of National Contact Points was established to work with the Commission: Each member-state and each candidate country appointed a person to represent them, to liaise with their own administration and to ensure the flow of information through the network. *Twinning* precisely consists in the long-term secondment (over 12 months) of one or more Pre-Accession Advisors (PAA) from a Ministry or other approved body in a member state to work on a project in the corresponding Ministry in a candidate country⁵³, but it also includes short-term expertise, training, services (translation, interpreting) and specialised help like on compute software (technical assistance). In 1998, the *Twinning* projects focused on the same four key areas of the *acquis* in each candidate country: agriculture, environment, finance, and justice and home affairs. In 1999, preparatory measures for the implementation of the structural funds was added as a topic. For the Commission, “*Twinning reflects a change in the Commission’s approach to assistance, on the basis that these countries are becoming members of the EU*”. We especially want to stress on the fact that in the new strategy, a stronger role was attributed to national advisors: “*The best way of [putting the basic structures into place] is to use civil servants from the Member States to provide advice and training to local civil servants*”, explains the official EU document. Interviews with German administrative experts revealed that in fact, the attempt of the Commission to become an administration independent from the member-states failed, as consulting companies and technical committees working for the Commission did not have the sufficient knowledge on showing how a state is working.

Which connections between the German assistance community and the EU?

The case of the EU *Twinning* program is representative of the bargaining process taking place between the European Commission, which tries to have a regulative role for the attribution of projects, and the actors of EU member states who try to show that national expertise and experience is not dead. It particularly shows the important role of already existing bilateral relations for the integration within multilateral programs. Before the evaluation in 1997, “*various governments proposed projects themselves to the European Commission. As long as they met the Phare objectives, projects could be in any fields or sector for varying amounts and for whatever purpose. This led to numerous small projects, which made for enormous complications and time-consuming activities by the project managers*” (p. 6). As the German

particular advantage in being large or small, or in having any particular corporate format.” EU Commission (DG1A), *How to work with Phare*, Brussels, May 1999.

⁵³ EU Commission, *The Phare Programme. Annual Report 1998*, Brussels, 31.03.2000. COM (2000) 183 final, p. 8.

Transform program already helped to develop a vast network of bilateral relations with candidate states, it may be noticed how it helped the same actors (mostly national agencies) to be good positioned within the Phare program. The first year, in 1998, the EU Commission presented 152 projects: the German government made 123 propositions and could participate to 57 of them (under which 33 with the statute of project leader). In comparison, France and the UK, the more active countries in the fields of assistance to CEEC, respectively proposed 81 and 57 projects, but won 40 (F) and 23 (UK) of them. Because of the preponderant position of German actors (they won more than a third of the projects) the EU Commission regulated between 1999 and 2002 the attribution of *Twinning* co-operations in selecting less German projects and more from other EU countries⁵⁴. Nevertheless, German participation to the *Twinning* program stays very high: a total of 132 *Twinning* projects were lead or implemented by German actors between 1998 and 2000⁵⁵. It is nevertheless interesting to notice that the regional and sector-related repartition of the projects is somehow the reverse mirror of the *Transform* program: it concentrates on CEE countries and especially on sectors which, for the most of them, are now *out* the *Transform* program. This is the case of Estonia, the Czech Republic, Hungary, Bulgaria and Romania, and of the activities of the Ministries of Interior (BMI), of Environment (BMU), of Labour and social Questions (BMA), of Health (BMG), etc...and their related organizations⁵⁶. Interviews with German civil servants revealed that some actors, for example of the social and environmental sectors which could not face the monopoly of *Transform*'s *triumvirat* – composed by Ministry of Foreign Affairs, Ministry of Economy, Ministry of economic Co-operation – thus found an escape door at the European level in order to keep their consulting activities in CEEC⁵⁷. In this sense, ***European programs offered a political opportunity window for actors with a lower position at the national level***⁵⁸. But we still need to understand through interviews if *Twinning* gives way to renewed co-operation between the *Bund* and the *Länder*. The Ministry of Finance and the GTZ (governmental organization working for the Ministry of Development), representing the

⁵⁴ Interview at the Federal Ministry of Foreign Affairs, department for the EU-negotiations and the co-ordination of European assistance projects, Berlin, February 2001.

⁵⁵ In comparison, France won 104 projects, the UK 75, Spain 59, Sweden 53 and Austria 42. EUROPEAN COMMISSION, "Meeting of National Contact Points", *Working-paper on Twinning projects*, Brussels, 24 January 2001. (not published). See also: BMF, „Twinning-Verwaltungspartnerschaft mit den Beitrittsländern Mittel- und Osteuropa“, *Monatsbericht des BMF*, März 2002, pp. 53-56.

⁵⁶ EU COMMISSION, "Meeting of National Contact Points", *op. cit.* BMF, „Twinning-Verwaltungspartnerschaft...“, *op. cit.*, p. 53.

⁵⁷ Federal Ministry of Finance, interview with a civil servant responsible for the co-ordination of *Transform* and EU programmes, Berlin, February 2001.

⁵⁸ The concept of opportunity window is a public policy concept. See also: NENTWICH Michael, "Opportunity Structures for Citizens' Participation : The Case of the European Union", *European Integration Online Papers (EioP)*, (1), 1996. <http://eiop.or.at/eiop/texte/1996-001a.htm>

Bund, are leading the Co-ordination Office of Twinning. It seems that the coordination has especially reinforced cooperation between the *Bund* and the new *Bundesländer*. As a matter of fact, Saxony, Brandenburg and Mecklenburg-Vorpommern obtained a leading role for the implementation of respectively 22, 17 and 10 projects (1998-2000), especially on the field of agriculture. Bavaria (13) and Baden-Württemberg (8), which have traditionally well represented at various European institutions, and have already developed strong bilateral contacts with CEEC, also prove very active⁵⁹. In this sense, it would be interesting to analyse furthermore how German federal system is restructuring in the context of EU enlargement.

One point is nevertheless important to notice: *Transform*'s actors oriented their activity towards *Twinning* not only for financial, but also identity reasons. For them, the main priority is to keep already existing projects and initiate new ones, in order to keep their organisational and sometimes national identity norms. The way integration is taking place between national and European programs then depends on the sector analysed: Some resist to the implementation of European norms, other do not. The following actors of traditional ones of the German *Ostpolitik*, are, most of the time, ***the most integrated ones at the EU level***, but also ***the ones who defend promotion of national-experience the most at the implementation stage***.

Nevertheless, *Twinning* as well as European/multilateral programs are heavily criticised on both West and East parts: for the donor organisations and PAAs, *Twinning* is not flexible enough, procedures (tenders, etc...) are long, and the costs of local living conditions of PAAs (hotels, restaurants...) are sometimes considered as a way of wasting money. All experts agree on the fact that the German program *Transform*, i.e. direct bilateral relations, was more flexible, quicker and less expensive. It particularly helped to develop projects around the transfer of norms, ways of doing (write a tender...), but also to think of common ways of working through regular contacts.

Conclusion: towards governance or a *sui generis* multi-bilateral enlargement?

In this article, we tried to show that the Eastern enlargement is not a regime, nor a real foreign policy, but a *sui generis* process: thus EU member state's policies are not disappearing, but

⁵⁹ BMF, *Monatsbericht des BMF*, März 2002, p. 55.

restructuring within European sector-oriented networks. This restructuring process entails “internal” as well as “external” logics, which are mutually constitutive: The federal level (*Bund*) delegates the implementation to various actors of development policy, particularly to half-public and (often economic) non-state actors, in order to win legitimacy. As the federal level (*Bund*) and the regions (*Länder*) also redefined their respective competences on foreign cooperation, the new nature of German “cooperative federalism” still needs to be further researched. In general, as coordination processes do not work the way they should do, doubt may stay open on the democratic aspect of this policy. Integration of national actors at the EU level rather works when they officially adopt the European discourse (political process), but nevertheless keep their own identity and promote it for the implementation of projects (administrative process), without having any big accounts to give. ***This is what we call multi-bilateral enlargement policy: European programs are built on national and bilateral experiences, which are called European in the form, but stay national in praxis.*** For this purpose, German federal and regional actors developed strategies in order to integrate the EU institutional networks of assistance, defend their positions and identities on specific questions, and keep bilateral confident relations developed through national bilateral projects. Lack of communication drive to some inconsistencies and contradictions, therefore to difficulties of coordination at the EU as well as in the CEEC. Bilateral programs nowadays are a mean to develop or keep bilateral contacts, to make them later legitimised at the EU level.

We argue that a more effective coordination between national and European policies did not take place before the opening of negotiations in 1998. Until an important evaluation of the Phare program in 1997, the European Commission also tried to develop its own autonomy from national actors, asking for the expertise of independent technical committees and consulting companies working for the EU. Rather strange, case studies show that recent attempts to better coordinate European and national resources tend to reallocate legitimacy to national institutions and organisations of EU member states. Last programs, like *Twinning*, defend the principle of subsidiarity, and thus intend to give a growing role to regional (*Länder*) administration within the process of enlargement.

Therefore, it is ***difficult to speak of governance*** as hierarchy still plays a role within the decision-process and implementation of the assistance to CEEC. We would rather say that poor coordination processes around a precise thematic leaves way to national, regional and private initiatives, and still drive to incoherent and competitive activities. Therefore, we would not claim that the state is dead: we have to take into account that we simply do not speak of the same state anymore. It is now most of the time identified to the governmental

apparatus, which also lost many traditional functions. As the growing technical questions are being delegated to half-state and private actors, power distribution has also become different: Governmental and ministerial actors now mainly have a coordination role, and try through delegation and stronger cooperation with the *Länder*, to keep an eye on every sector of activity. Therefore, communication in all sectors, preparation of national opinions, bringing actors of different sectors together, and especially making the promotion of the federal state, have for sure become one of their last main and long-lasting tasks of governmental actors within what has become a multi-bilateral enlargement policy.

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Annexes:

Annex 1

Official budget of Germany's assistance to CEEC and NIS between 1990 and 2000 (Million DM):

| Year | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 |
|--------|------|-------|-------|------|------|------|------|------|------|------|------|------|------|
| Budget | 112 | 212,5 | 299,4 | 300 | 300 | 300 | 285 | 178 | 150 | 130 | 110 | 90 | 70 |

Source : BMWi, *Fünf Jahre TRANSFORM, Beratung für Mittel- und Osteuropa, Bilanz und Ausblick*, Bonn, BMWi, KfW, Juni 1998.
+ Interviews BMWi, BMZ, BMF.

Annex 2

Break down year by year of the EU PHARE funds committed in the period 1990-1998 (EUR million):

| Year | 1990 | 1991 | 1992 | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 |
|--------|------|-------|-------|-------|-------|---------|---------|---------|---------|
| Budget | 493 | 758,9 | 996,2 | 998,4 | 966,9 | 1 153,3 | 1 222,5 | 1 147,7 | 1 153,9 |

Source: EU Commission, *The Phare Programme. Annual Report 1998*, Brussels, 31.03.2000. COM (2000) 183 final, p. 21.

Annex 3

| Sectoral distribution of <i>Transform's</i> annual budget (1998) | In % |
|--|------|
| Commercial sector | 46 % |
| Training and qualifications | 12 % |
| Financial sector | 9 % |
| Consulting on governmental and law activities | 8 % |
| Agricultural sector | 7 % |
| Research | 7 % |
| Administrative institution building | 5 % |
| Labour, social, health | 4 % |
| Environment | 2 % |

Source : BMWi, *Die Beratung Mittel- und Osteuropas beim Aufbau von Demokratie und sozialer Marktwirtschaft. Konzept und Beratungsprogramme der Bundesregierung, Fortschreibung 1998*, (439), mai 1998, Bonn, BMWi. BMWi Dokumentation, p. 23.

Annex 4

Regional repartition of *Transform's* annual budget (1997) :

| | |
|------------------|---------------------|
| Russia : 26% | Czech Republic : 3% |
| Ukraine : 11% | Slovakia : 4% |
| Bielorussia : 5% | Estonia : 3% |
| Poland : 9% | Latvia : 3% |
| Hungary : 6% | Lithuania : 3% |
| Bulgaria : 6% | Other : 21% |

Source : BMWi, *Fünf Jahre TRANSFORM, Beratung für Mittel- und Osteuropa, Bilanz und Ausblick*, Bonn, BMWi, KfW, Juni 1998.