

# Enclaves within the State

## How democratic is the Swedish Public Administration?

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Paper prepared for IPSA 2006, 9-13 July Fukuoka – Japan

**Abstract**

The paper is a draft summary of the authors' dissertation Vifell, Åsa 2006, *Enklaver i staten. Internationalisering, demokrati och den svenska statsförvaltningen*, Stockholm: Stockholm University. (Text in Swedish. English title: Enclaves within the State. Internationalisation, democracy and the Swedish State Administration)

The thesis has two purposes. The first is to understand the organizational forms of the public administration when it participates in international rule making processes. The second purpose investigates democratic implications of internationalization of the Swedish state administration. A theoretical framework, combining theories of governance with ideas on resource dependence and a neo-institutional approach, is applied to three empirical cases. The cases follow decision making processes within the European Employment Strategy, The Kyoto Protocol for reduction of green house gasses and negotiations on trade facilitation within the WTO.

The studied processes can be described as complex and fragmented, containing multiple types of actors and parallel arenas, complex technical material and bureaucratic processes. They were also characterised by the fact that policy was created throughout the course of the processes. They also seemed to lack an ending and were to a high degree bound by their history. The administrations' response resulted in an organisational form that is theoretically developed in the study – enclaves. Enclaves contain members from different organizations, both private and state organizations and the work within them is carried out in an informal and interactive way. They are de-coupled units with stable membership that is related to positions in the hierarchy. As opposed to networks, enclaves are not self-organizing but the membership is mainly controlled by state-actors.

The second aim of the study is carried out through a number of indicators derived from the deliberative and the representative models of democracy. The blurring of responsibilities, the lack of transparency and the barriers for entrance into the enclaves made the organisational forms of the administration seem problematic in relation to the representative model. However other features of the enclaves seemed to support a more communicative logic of action, leaving the deliberative model more promising as a way of understanding the administrations' work as democratically legitimate. Still, the analysis showed that the deliberative model also faced some challenges in terms of lack of openness and inclusion of all relevant stake holders.

## Introduction

The number of attempts to regulate transnational phenomena such as migration, climate change, and acid rain has increased through the processes we most commonly refer to as globalisation and internationalisation.<sup>1</sup> These rules in the form of binding agreements, conventions and standards are often negotiated and created within various international and European organisations. And in these international rule-making processes politicians, civil servants from the national level as well as from international organisations take part together with members of NGO's, companies and other actors. This means that politicians from the member states are not the only ones participating and influencing the decisions being made. Sweden has now been a member of the EU for ten years and the signs hereof have started to show, not only in formal EU-regulation being implemented, but also in the organisation of working methods, activities and procedures. Some research has also been carried out in the field of how national administrations have been affected so far.<sup>2</sup> There are however also, as mentioned above, other international organisations that have been important for the development and which have caused state administrations to become embedded in international processes of decision-making. These processes include negotiations within the UN-system, WTO and other such international bodies.

The concept of *governance* is closely linked to internationalisation and europeanisation<sup>3</sup> and the fact that decision making power has moved to international organisations is. Governance is most often used to describe a type of decision making where the state is seen as fragmented, or divided into different parts that are horizontally co-ordinated rather than

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<sup>1</sup> For a discussion on the concepts and their relations see for example Beck, Ulrich 2000, *What is Globalization?* Malden: Polity Press, G; Held, David 2005, *Global Governance and Public Accountability*, Malden: Blackwell and Held, David 1999, *Global Transformations, Politics, Economics and Culture*, London: Polity Pres, Goldmann, Kjell 2001, *Transforming the European Nation State. Dynamics of Internationalization*, London: Sage.

<sup>2</sup> For studies particularly on how the Swedish state administration have been affected see Britz, Malena 2004, *Europeanization of Defence Industry Policy*, Stockholm: Stockholms universitet, Ekengren, Magnus 1998, *Time and European governance: the empirical value of three reflective approaches*, Stockholm: Stockholms universitet; Jacobsson, Bengt, Laegreid, Per and Pedersen, Ove K. (eds) *Europaveje 2001: Vifell, Åsa 2002; 2006*.

<sup>3</sup> The definition of europeanisation is one often used to define internationalization and corresponds to and could be described as: the process which means that communication, transaction and organization increasingly happens between on the one hand national administrations and on the other hand other member states and European administrative, political and private bodies. This means that adjustment of national political systems as well as resistance to integration are to be looked upon as europeanisation. Compare Underdahl, Arild 1984; Jacobsson, Bengt 1997; Hanson, Göte and Stenelo, Lars-Göran 1990. This definition also means that transnational relations may be important to political processes and outcomes. Risse-Kappen, Thomas 1995.

governed through traditional hierarchical relations.<sup>4</sup> Theories of governance have described the development as one where state competencies have been dispersed upward to international organisations, downward to sub-national entities, and outward to private organisations.<sup>5</sup> This study is thus concerned with the upward transfer, which has led to a situation where new demands are placed on the public administration. And those demands may not always be compatible with each other or with other demands on the administration such as acting according to democratic norms and procedures. Other concepts related to the governance debate are issue networks and policy communities that are used to describe what type of organisation of activities may be appearing outside the hierarchical structures and which may be important to understand in order to have a better view of how politics are being made.<sup>6</sup> These concepts are meant to characterise networks of politicians, civil servants and others that tend to emerge around specific issues and policy areas. Close relations, common frames of reference and issue specific terminology are a few of those things that often go along with these groups.

Traditionally these types of attachments that go beyond formal structures have been seen as problematic from a democratic point of view, and have been described as iron triangles and distortion of representative structures.<sup>7</sup> However, there has lately there been a tendency to rather emphasise their ability to enhance efficiency and legitimacy since they make it possible to involve a larger set of stake holders than state politics in general.<sup>8</sup> Whether or not they function according to democratic norms or not is an empirical question – but this

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<sup>4</sup> See for example Pierre, Jon and Peters, Guy B. 2000, *Governance, Politics and the State*, London, New York: Macmillan Press LTD; Kettl, Donald F. 2000, *The Transformation of Governance. Public Administration for Twenty-first Century America*, Baltimore : Johns Hopkins University Press; Kooiman, Jan (red.)1993, *Modern Governance. New Governemnt – Society Interactions*. London: Sage.

<sup>5</sup>Rhodes, Roderick A. W. 1997, *Understanding Governance – Policy Networks, Governance, Reflexivity and Accountability*, Open University Press: Buckingham, Philadelphia, p. 34; Heclo, Hugh and Wildawsky, Aaron B. 1974, *The Private Government of Public Money*, London: MacMillan, Pierre, Jon and Peters, Guy B. 2000.

<sup>6</sup> Börzel, Tanja A. 1998, Börzel, Tanja A. 1998, "Organizing Babylon. On the Different Conceptions of Policy Networks." in *Public Administration*, 76(2):253-273; Rhodes, Roderick A. W. 1997. Rhodes, Roderick A. W. and Marsh, Dave 1992, *Policy Networks in British Government*, Oxford: Clarendon Press, s. 251, and Rhodes, Roderick A. W. 1997, p. 43-45.

<sup>7</sup> Etzioni-Halevy, Eva 1983, *Bureaucracy and Democracy. A Political Dilemma*, London: Routledge & Kegan Paul.

<sup>8</sup> See for instance Kjear, Anne Mette 2004, Sørensen, Eva and Torfing, Jacob 2004, *Making Governance Networks Democratic*, Roskilde: Centre for Democratic Network Governance, Working Paper 2004:1. Pierre, Jon and Peters, Guy B. 2000; Triantafillou, Peter, 2004. *Conceiving "Network governance" - The Potential of the Concepts of Governmentality and Normalization*, Roskilde: Centre for Democratic Network Governance, Working Paper 2004:4.

study has another claim, namely that networks and epistemic communities are not very accurate concepts either empirically or theoretically if we want to understand how the national administration acts when taking part in international decision making.

The aim of the dissertation that this paper sets out to summarize is to understand the organisation of the Swedish administration when it acts embedded in international decision-making processes. Since the administration is an important link in the democratic system, a second aim is therefore to see if and how internationalisation causes any problems in legitimising the public administration democratically. A fundamental assumption of the study is that new demands are placed on those parts of the administration that handle international issues, and that, in order to meet these demands, the organisation of activities and work procedures has to be adapted. Empirically the study consists of three case studies that serve as examples of international rulemaking processes in which the state administration participates. Through a close study of the Swedish strategies to influence the outcome of these processes, the demands on how to act and work are mapped out. This analysis of how the work is carried out serves as the basis for the normative analysis of what democratic problems this might cause.

## Theoretical Approach

In the thesis, the largely descriptive governance theories mentioned above are combined with more explanatory theories to help grasp what happens in the national administration. There are many indications that viewing states as unitary actors acting strategically to maximise their clearly predefined interests in international negotiations is a vantage point that could be questioned.<sup>9</sup> Studies show that what a government wants in a particular question is something that it learns through taking part in the process, and not something that is completely prenegotiated and brought in the suitcase to Brussels or Washington.<sup>10</sup> In complex decision-making procedures new issues may also turn up on the agenda where national representatives may have to respond quickly and without time to confirm

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<sup>9</sup> Simon, Herbert A. 1957, *Administrative Behaviour*, New York: Macmillan; March, James G. and Olsen, Johan P. 1984, "The New Institutionalism: Organizational Factors in Political Life" in *American Political Science Review*, 78(3):734-749

<sup>10</sup> Dyson, Kenneth 2000, *The Politics of the Euro-Zone, Stability or Breakdown*, Oxford: Oxford University Press; Jacobsson, Bengt 1997, *Europa and staten - Europeiseringens betydelse för svensk statsförvaltning*, SOU 1997:30; Marcussen, Martin and Ronit, Karsten (red.) 2003, *Internationaliseringen av den offentlige förvaltning i Danmark- forandring and kontinuitet*, Århus: Aarhus universitetsforlag; O'Riordan, Tim and Jäger, Jill (red.) 1996, *Politics of Climate Change – A European Perspective*, London, New York: Routledge,; Schneider, Gerald and Aspinwall, Mark (red.) 2001.

standpoints with the political leadership back home. But what happens then? How is the work organised and how can this be understood? What happens with the Swedish administration's room for manoeuvring?

An organisation perspective where states are seen as one type of organisation interacting and being embedded in the surrounding environment provided the starting point for the study. States are seen as open systems that are shaped by relations in the specific context, at the same time as it influences the structures of the environment itself. A central concept in the study is legitimacy which is attained from a resource dependence perspective.<sup>11</sup> The concept has been linked to an organisation's possibility to live up to various demands in the environment in order to be seen as a legitimate actor. Organisations are then rewarded or punished according to how well appropriate behaviour is attained. A legitimate organisation thus receives different kinds of resources that are necessary for its survival. The resources can be anything from skilled labour to social acceptance. These ideas were complemented by an institutional perspective where working procedures that are not questioned or sometimes even used as starting points, taken for granted or unconsciously followed, can be seen as institutionalised.<sup>12</sup> These norms and rules can, without formally containing any such regulative powers, determine how the organisation acts. This happens since institutions also supply the organisation with normative scripts on how to act in a given situation. The organisations' strategies were thus shaped, limited and expanded due to institutional factors and assumed to behave according to a logic of appropriateness. When an organisation ends up in a decision-making position it does consequently not calculate the use of this or that alternative from the vantage point of his or her predefined preferences, but instead acts according to the rules of how such an organisation should behave. This is referred to as the logic of appropriateness where actors ask themselves, what kind of organisation am I, and how would an organisation like that act in a situation like this? An organisation is then rewarded or punished for how well the normatively correct structures and procedures have been established within the organisation.

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<sup>11</sup> Pfeffer, Jeffrey S. and Salancik, Gerald R. (1978) 2003, *The External Control of Organizations. A Resource Dependence Perspective*, Stanford: Stanford University Press.

<sup>12</sup> Scott, Richard W. 1995, *Institutions and Organizations*, Thousand Oaks, Kalifornien: Sage; March, James G. 1994a, *A Primer on Decision Making. How Decisions Happen*, New York: The Free Press Macmillan; March, James G. 1994b, "Understanding how decision happen in organizations" i Shapira, Zur (red.) 1994, *Organizational Decision Making*, Cambridge: Cambridge University Press; March, James G. and Olsen, Johan P. 1989, *Rediscovering Institutions. The Organizational Basis of Politics*, New York: The Free Press.

For the second part of the purpose related to the democratic status of the Swedish administration, a number of criteria for the normative analysis of the organisation of the Swedish public administration are developed. But democracy is a concept that could mean a lot of things, and there are many measuring rods to evaluate the degree of democracy against. In this study the representative model of democracy and the deliberative model are used as two perspectives. The analysis is carried out through a number of indicators or empirical questions in relation to which the work of the administration is discussed. Since only one part of the Swedish democratic system is under scrutiny, only some criteria of the representative and deliberative models of democracy are relevant. The Swedish model of representative democracy is one point of departure, but the evaluation is done from the perspective of the theoretical underpinnings upon which the practical model is built. The deliberative model is then used as an alternative perspective in order to capture other forms of democratic organisation that might be prevalent. Since this form of democracy has lately been suggested as a way of understanding international and European co-operation as being more democratic it is important to empirically study such indications.

## Empirical Material

As mentioned, the study is carried out through three case studies of international decision-making processes where the Swedish public administration has taken part. Methodologically they are case studies that have been chosen to represent different examples of international decision-making processes. They include hard and soft law, technically complicated issues and issues closely related to core values of the welfare state. There is also a difference in whether they are handled at EU-level or at a global level. More specifically they include the negotiations that proceeded the signing of the Kyoto protocol within the climate convention, the new guide-lines for the European Employment Strategy and WTO-negotiations on trade facilitation. Having said that, it is also important to point out that, although the focus is on decision-making processes, it is not a study on who is effective in influencing the decisions; instead it is a study on how organisations act in response to the way the decision-making processes are perceived.

The rule-making processes were studied closely and a thick description of the Swedish strategies in trying to influence the outcome was attained. The major part of the empirical material consists of interviews. The interviewees were civil servants and politicians at national level involved in the studied processes, but also persons working in international organisations with an overview of the processes as such were included. Since the neo-institutionalist approach opens up for the potentiality that others than the formally central persons may be influential and important, also persons working in the periphery of the processes were interviewed. The goal was to understand – through the interviewees’

own descriptions of their actual doings, (what did they do, in what way and with whom?) – what limited and decided the room for manoeuvring in the international environment. What type of situation were they participating in? Which type of organization did they belong to? Which rules were important to follow? Altogether 74 interviews were conducted and transcribed, and in addition a number of participant observations of negotiations and other occasion of interaction between participants in the processes were carried out. The respondents then had a chance to read the empirical descriptions and validate the content through a so called respondent validation.<sup>13</sup>

### Complex Decisions and the National Administration

The international decision-making processes studied can be described as complex and fragmented processes containing multiple types of actors and parallel arenas, complex technical material and bureaucratic processes. They were also characterised by the fact that policy was created throughout the course of the processes. They also seemed to lack an ending and were to a high degree bound by their history. When a negotiation ended in an agreement or rule of some kind they did in all three cases resume with negotiations on implementation or expansion of the agreement. The historical boundedness in turn seemed to consist mainly of issue specific language and the need to know the history of the process in terms of earlier agreements, formulations and statements rather than an expert knowledge on issue specific technological aspects. In addition, all processes contained the EU as one important organisation to relate to for Sweden whether or not the negotiations took place within the UN or the WTO and whether Sweden negotiated on its own or if the European commission participated on behalf of the member states. In many ways the EU-membership determined the room for maneuvering in terms of available strategies and ideas. This was the situation facing the Swedish administration as it worked embedded in the international processes. The situation did according to the participants place high demands on national co-ordination, the following of already agreed upon rules, political statements of a national point of view and the need to focus more on form than content. It was seen as necessary to respond to such demands in order to fit in and gain legitimacy as an actor that should have an influence within the processes. In that sense the theories of decision making that focus on rule following and symbolic reasons for participation seemed to improve the understanding of the administrations actions. The response resulted in an organisational form that was theoretically developed in the study – namely enclaves.

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<sup>13</sup> Bryman, Allen and Bell, Emma 2003, *Business Research Methods*, Oxford: Oxford University Press.

## Enclaves within the Swedish state

The Swedish administration working in international decision-making processes, turned out to be highly embedded in international contexts with close contacts, stable and numerous relations within these contexts, context bound language and alliancemaking as important components of every day life. The three cases were very similar and contained some common characteristics. First of all they showed a picture where only a small number of individuals at national level handled and took active part at European and international level. The established concept of networks seemed misleading since it might be conceived as something open and loosely structured while these groups were well co-ordinated and fairly closed for other actors outside the core group.<sup>14</sup> The concept of policy communities also lead astray since it contains assumptions on a balance of resources and common ideological standpoints which was not the case here. These groups were instead best described as *enclaves*.

A first distinguishing feature is that they were organisational units that were partly separated from the national organisational units they formally belonged to, and instead took part in European and international processes together with actors from other organisations with which they had close relations. The Swedish standpoints were to a great extent created in interaction with other member states representatives, IGO-actors, NGO's etc. The enclaves had clear boundaries to actors on the outside and the common language and history that were necessary to incorporate in contacts in the international processes became a hindrance for entrance to the enclaves. The cognitive frames supplied by the international processes made ideas presented in other ways and in other vocabulary irrelevant to the groups. The results showed that the organisation needed to be well co-ordinated in order to "speak with one voice" in different committees and at different levels in the policy process. This meant informal contacts and networking outside the formally established organisational structures since short time limits and European networking were prevailing. The short time frames also caused a closer co-ordination between civil servants at various levels and thus blurred the division between politics and administration. This in turn blurred the borders between the participants' home organisations. This first feature of the enclaves can thus be defined as a physical separation from their "home organizations". This was true because the participants spent a lot of their time abroad in international negotiations and because they were obliged to work according to others norms and rules than those at home. Since their working methods were more informal they were also partly disconnected from the formal steering of the administration back home. The instruments for regulating the

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<sup>14</sup> Rhodes, Roderick A. W. 1997.

civil servants actions that were emphasized at national level as the most important were seen as to blunt and inflexible.

A second trait is that in opposition to the other concepts of networks and policy communities, they were not self-organising but instead had a membership connected to hierarchical positions and the entrance into the enclaves was to a great extent controlled by the state actors. The word network is easily associated with openness, blurry boundaries and relations that are most often not formalized. And if the structures for interaction are formalized, the members need not be the same.<sup>15</sup> But as we shown in the study the groups were clearly defined and the borders most often waterproof. It is however an empirical question whether or not politicians are members or not, but an important conclusion is that civil servants also become politicians as the surrounding actors demand political statements to be delivered. The separation between politics and administration, in Sweden embodied in the organizational separation between ministries and executive agencies becomes unclear and not so important. Thirdly, the membership was stable over time as the membership as the processes seemed to lack an ending, leaving the participants embedded in international environments for long periods of time. This also contributed to the open relations within the groups. In effect, these enclaves were new organisations of their own that cut across formal organisational boundaries as well as that of public and private.

A fourth trait is that the members were not connected through their profession as in a policy community, but instead shared an administration expertise based on the processes specific history and language. The knowledge of previous statements, agreed upon acronyms, meeting schedules or informal modes of interaction was far more important than issue specific competence and the shared language and process knowledge was something that kept the group together. It also served as a clear boundary towards outsiders.

To sum up this meant that these closely co-ordinated groups had limited contacts with other parts of the Swedish administration and thus can be characterised as enclaves in the Swedish state where different working procedures, as we have seen here, prevailed and thus the formal procedures of the Swedish administration were by-passed. I therefore argue that the concepts of hierarchy, networks and policy communities are insufficient in order to understand the internationalized public administration. First of all because they do not provide an empirically accurate picture of the actions and functioning of the administration. Second, the other concepts are not enough theoretically founded in order to help us understand and explain what we see.<sup>16</sup> The concept of enclaves is founded in assumptions of actors as effected and steered by established norms and ideas of how to behave in a given

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<sup>15</sup> Rhodes, Roderick A. W. 1997, p.43ff.

<sup>16</sup> Dowding, Keith 1995.

context.<sup>17</sup> Parts of decision theory where actors behavior is to large extent understood as rule following rather than strategic. Strategies are seen as developed within cognitive, normative and regulative structures.<sup>18</sup> The administration acts embedded in international decision making processes and the demands of this part of their environments can contribute to the understanding of the organization of work activities and procedures. As the national context also asks the administration to abide to formal modes of political steering, activities are decoupled to satisfy these otherwise incompatible demands.

## Democracy and internationalisation

Up until now we have discussed the demands that the environment of the international context may place on the Swedish public administration, but there are also democratic demands on how the administration as part of a political system should act. These may or may not be experienced as putting pressure or demanding compliance on the units studied - this is an empirical question. But in order to fulfil the administration's part in the democratic system of the Swedish state certain requirements have to be fulfilled. However, studies like these show that other demands seem more urgent to respond to in the everyday work with EU or internationally related issues.

The role of the public administration in the representative model is one where, ideally, there is a clear division of tasks between politics and administration. The criteria for the democratic assessment derived from the representative model were *control, equal representation and responsiveness*. In short, the blurring of responsibilities, the lack of transparency and the barriers for entrance into the enclaves made the organisational forms of the administration seem very problematic in relation to these demands. Especially as the citizen's had small means to see how the political control of the administration was achieved, as formal structures were bypassed and decoupled from the everyday practices. For the deliberative model the criteria of *arguing instead of bargaining, openness, respected principle of equality and connection between elite deliberation and a public sphere* were defined. The analysis showed that the deliberative model also faced some challenges through the internationalisation, especially in terms of openness and inclusion of all relevant stake holders. On the other hand, the working procedures of the enclaves also seemed to provide good grounds for a more communicative logic of action to prevail. The

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<sup>17</sup> March, James G 1994.

<sup>18</sup> Scott, Richard W. 1998, *Organizations. Rational, Natural and Open Systems*, Upper Saddle River, New Jersey: Prentice Hall.

stable membership and everlasting processes, as well as the common language and intense networking, created trust, understanding and more well-founded arguments. This in turn contributed to the formation of common frames of references, redefined preferences and ideas. Still, as long as actors are excluded and the public debate is absent or not connected to the elite forums, the ideal is far from fully achieved.

In addition the lack of a well defined administrative policy seemed to contribute to the organisational form of enclaves, as well as to its consequences both in terms of democratic legitimacy and efficiency. The administration did not experience any clear political directives of how it should act when taking part in these complex processes over which Sweden had very limited control. Instead the demands stemming from the international environment were those most urgent to respond to. The learning-by-doing approach led to a situation of tightly knit groups that limited the possibility of learning and development of Swedish strategies to cope with these types of processes in the future and in new policy areas. The study contributed to the understanding of the role of the administration when states become embedded in international decision-making processes. It also underlines the importance of empirically investigating and understanding the democratic limitations and possibilities that follow in the wake of more internationalised decision-making.

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