From Preference Formation at Home to Preference Promotion Abroad: The Role of Czech Intrastate Actors[1]

Senka Neuman-Stanivuković and Marek Neuman

Abstract: *Building on the governance turn in EU studies, this work examines the emergence of polycentric interest structures among new member states and looks at the extent EU governance structures contribute to decentralisation and deconcentration of power with the state eventually losing its traditional monopoly over decision-making vis-à-vis EU processes. The analysis is based on an empirical study of decision-making processes in the Czech Republic contrasted to EU regional and foreign policy. In particular, an empirical assessment of the behavioural patterns of Czech sub-national and non-state actors within domestic and EU structures is provided. The study argues that EU governance, by offering decision-making access points to Czech intrastate actors in the post-accession context, contributes to the pluralisation of domestic interests though this does not lead to the emergence of polycentrism as the relationship with Brussels in general, and the decision-making vis-à-vis EU processes in particular, continues to be centrally coordinated and scrutinised.*

Introduction

The accession of the Czech Republic to the European Union (EU) concluded the negotiations of the conditions of the country's entry to the Union. Whereas one of the prerequisites for the accession was to demonstrate a consolidated, pluralist democracy, rather paradoxically, the accession negotiations firmly rested in the hands of the Czech government. Whereas the Czech Republic

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[1] This paper was presented at the Fifth Pan-European Conference on EU Politics, held on 23–26 June 2010 at the University of Oporto and the University Fernando Pessoa in Porto, Portugal.

internally underwent significant democratic transformation, encouraging the participation of sub-state and non-state actors in decision-making and decentralisation of interests and opinions, this pluralism was nowhere to be seen vis-à-vis the relations with the European Commission (EC) during the accession negotiations. Rather, the central government acted as a gatekeeper and the only access point for channelling and communicating various domestic interests to the relevant supranational decision-makers. However, as the EU increasingly is described as a multi-level governance system with multiple centres of legislative initiative and decision-making along vertical lines, it soon became clear that once the Czech Republic joined the EU, such centrism would be in conflict with basic EU principles of multilateralism. Therefore, this paper sets as its goal to analyse whether increased pluralisation of domestic actors was followed by deconcentration and denationalisation of domestic interests vis-à-vis the EU.

The analysis itself focuses on two distinct policy areas; regional and foreign policy. The benefit of comparing these two policy-areas is twofold. First, both policies tackle upon the core of state sovereignty. As regionalisation can lead to deconcentration of power and the creation of multiple preference and decision-making centres, it is seen as to potentially impact national identity or even result in segmentation of statehood. Foreign policy, on the other hand, is concerned with matters of national security, and therefore participation of sub-state and non-state actors is observed with great mistrust. Seeing that both areas are considered to be of primary importance to the unity of a state, in the Czech Republic, where we encounter significant centralised traditions, deconcentration of power was a difficult and long-lasting process. This comparison allows us to scrutinise developments related to state sovereignty and consequently evaluate to what extent domestic traditions are a variable in denationalisation of interests vis-à-vis the EU. However, there is also a significant degree of dissimilarity between regional and foreign policy matters. In particular, this regards the accessibility of channels of representation on the EU level. Concerning EU policy-making, EU regional policy is firmly institutionally anchored in the EU's multi-level structure, providing institutionalised fora for the participation of sub-state actors. In contrast, EU foreign policy-making is strongly intergovernmental with very limited means and channels for sub-state and non-state actors to have any real impact on foreign policy preference formation, let alone implementation. Thus, by placing both regional and foreign policy on one axis, with regional policy standing at the one end with multiple access points enabling a variety of actors to participate in policy-making, and foreign policy at the other end with the sole institutional access point being the national government, we create a framework within which to analyse the role of sub-state and non-state actors in EU policy-making. This should permit for more general conclusions about the accessibility of EU channels of representation as a variable in denationalisation of decision-making. Consequently, the above-presented comparison allows us to scrutinise not only the impact of the

domestic setting on the degree of pluralisation, but also the role of EU institutions on this very process.

The article is organised as follows. In the first section, we discuss the topic at hand from a theoretical and methodological perspective. What follows is an empirical analysis of regional actors and their ability to formulate regional policy preferences independently of the government. In the following – third – section, we assess the extent to which non-state actors concerned with foreign policy matters, such as think-tanks and non-governmental organisations, participate in foreign preference formation at the national level and whether they appeal directly to Brussels to impact EU foreign policy-making. In the concluding part, we link multi-level governance, as a theoretical approach, to the capacity of Czech sub-state and non-state actors to participate in EU policy-making, drawing some more general conclusions as to the state-centrism vs. polycentrism dichotomy.

Multi-Level Governance and Deconc Entration of Interest Formation in EU Member States

In response to multi-level and multi-actor complexities of EU decision-making, the traditional dichotomy between an anarchical international structure and a hierarchical domestic level is losing strength to capture an emerging *heterarchical* political system, which subsumes the supranational, national, and intra-national level.[2] This system is neither decentralised nor centralised as various actors share and execute governance simultaneously. Thus, to account for causal complexities of EU decision-making, our theoretical lenses need to be perceptive of both system level and domestic level interactions. Under the assumption that EU and domestic processes are inherently interlinked and mutually constitutive, there is growing necessity for a cross-level analysis model embedded in an interdisciplinary theoretical framework.

The governance turn sets out some groundbreaking work in terms of conceptualising the interdependency and multi-facetedness of EU/member state interactions. In contrast to a traditional understanding of EU integration as competition for authority between supranational and national institutions, governance scholarship views EU processes in terms of cooperation, collective decision-making and compromises: 'We look at the European Union as a political system comprising both EU institutions and the Member States acting together.'[3] Policy-making negotiations in Brussels trigger horizontal distributions of political action and consequently create novel institutional and

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2   Neyer, Jürgen, 'Discourse and Order in the EU: A Deliberative Approach to European Governance,' *EUI Working Papers*, no. 57 (2002): 8.

3   Jachtenfuchs, Markus and Beate Kohler-Koch, 'The Transformation of Governance in the European Union,' (hertie-school.org, 1995): 2.

ad-hoc access points for sub-state and non-state actors. Moreover, integration shifts certain competences to the supranational level, resulting in a distortion of established patterns of domestic preference formation. The participation of intrastate actors in EU decision-making produces significant changes in both EU and domestic governance. It not only reinforces heterarchical and multi-actor EU governance, but it also encourages significant alterations in domestic policy-making and political culture. By giving new momentum to actors with limited access to national decision-making, the EU supports a movement away from statecentric policy-making and it changes the traditional role of a national government as a gatekeeper vis-à-vis EU topics.

Kohler-Koch's work on European governance and system integration offers insightful theoretical conceptualisation of how Europeanisation impacts national governance. She argues that by providing actors with alternative political and/or financial resources, EU governance challenges the ability of a nation state to accommodate a variety of competing interests within its own borders, which results in denationalisation of political structuring.[4] However, the presence of intrastate actors in Brussels does not need to trigger decentralisation and deconcentration of power on the state level nor does it suggest pluralisation of opinions at any cost. EU integration can cause either the strengthening or weakening of a national government, but it may also cause the strengthening of a state in some areas while simultaneously causing a weakening in others. In other words, when looking at domestic interest formation vis-à-vis the EU, the state acts either as a gatekeeper, a partner, or is being transcended by intrastate actors coming to Brussels. Kohler-Koch assigns diversity in the degree of denationalisation of governance to both the nature of a particular segment of EU governance and the nature of domestic structures.[5] Hence, whether and to what extent EU policy-making disrupts domestic consolidation of power by promoting pluralisation of interests and access points to decision-making depends on the attractiveness and accessibility of access to Brussels. However, it is also conditioned by domestic political culture and institutional setting.

Accordingly, one wonders to what extent the 2004/2007 Enlargement has changed governance processes in Central and Eastern European countries (CEECs) and whether this change is reflected in the diversification of post-Enlargement EU governance. Goetz warns us that not only is the story of Europeanisation in Eastern Europe different from Europeanisation in Western Europe, but also the practices of EU integration in the East are distinct from those in the West.[6] In view of the specificity of historic path-dependencies,

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4   Kohler-Koch, Beate, 'European Governance and System Integration,' *The European Governance Papers (EUROGOV)*, no. C-05-01 (2005): 7.

5   Ibid.: 8.

6   Goetz, Klaus H., 'The New Member States and the EU: Responding to Europe,' in *Member States and the European Union*, ed. Simon Bulmer and Christian Lequesne (Oxford: Oxford University Press, 2005): 268.

principally unitary political cultures, and a predominantly state-centric mode of negotiations in the Enlargement context, the following question arises: to what extent can one account for consolidation of polycentrism in the new member states which would enable sub-state and non-state actors from these countries to explore the structural possibility of interest mobilisation within EU institutions independently from central authorities? While taking the concept of multi-level Europe as given, we aim to see if intrastate actors from CEECs possess cognitive and institutional capacity to participate in the patchwork of the EU's decision-making. Whereas EU scholarship has accumulated an impressive degree of knowledge on the effects of EU accession on institutional changes in CEECs, the question of whether EU governance by providing novel access points to the decision-making processes is a shift-producing variable in decentralisation and deconcentration of power in new member states remains under-researched. Consequently, the aim of this paper is to see to what extent EU governance has contributed to the consolidation of polycentrism as opposed to state-centrism in the Czech Republic and to what extent this translates in the domain of post-accession regional and foreign policy-making in the Czech Republic vis-à-vis the EU. This question is tackled in comparative, cross-policy case studies. Methodologically, this article relies on elite interviews. The interviews are complemented by a textual analysis of primary sources, if they have been made available to the authors. As not all these sources are publicly available, an analysis of secondary sources was inevitable.

Decentralisation of Czech Territorial Administration and the EU

The introduction of regional self-governance in the Czech Republic not only occurred out of practical necessity to add a missing link to the existing territorial administration, but also because decentralisation along territorial lines was strongly promoted by the Commission during negotiations for EU accession. Whereas demands arising from the *acquis* provided the Commission with limited leverage over decentralisation reforms, progress reports disclose the EU's preference for the creation of political over administrative regional bodies with a relatively high degree of financial and legislative autonomy and directly elected regional governments.[7] The idea behind this was to promote regions into partners (together with national governments) in the implementation and formulation of EU policies. This proved to be only semi-successful. Efforts for regionalisation collided with unfavourable circumstances in both domestic and supranational politics. In the absence of firm constitutional support, both

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[7] 'Regular Report on the Czech Republic's Progress towards Accession SEC (2001) 1746,' (Brussels: European Commission, 2001): 80-83.
'Regular Report on Czech Republic's Progress towards Accession SEC (2002) 1402,' (Brussels: European Commission, 2002): 101-03.

the Commission and applicants applied their targets loosely.[8] Consequently, although decentralisation was implemented in a legislative sense, there was only limited empowerment of the sub-national actors. Moreover, reforms failed to meet the specificities of Czech territorial and political traditions. This reflected negatively on the position of regional authorities in Czech politics and consequently their capacity to act autonomously in EU politics. Additionally, despite various programs aiming to prepare regions for post-accession presence in the EU, negotiations surrounding Czech regional administration were state-centric. Seeing that negotiations for the accession were formulated in intergovernmental terms, with Prague as the gatekeeper, sub-national actors were excluded from the participation in policy-formulation and from any form of elite interactions which would trigger social learning or lesson-drawing mechanisms. The lack of communication with Brussels provoked significant scepticism about the reforms among regional bodies. Moreover, it made these bodies unaware of the political climate in the EU and consequently unprepared to enter the system of multi-level governance.

Thus, after a lengthy and rather turbulent transition, regionalisation was consolidated by a set of reforms from 2000,[9] whereas full transposition of this legislation into practice was completed only in 2003. Even though reforms provided the fourteen newly created units (thirteen regions and the City of Prague) with a significant degree of administrative and legislative autonomy, many of these powers remained hypothetical either due to a lack of administrative capacity to take advantage of the newly gained competences or due to financial dependency on resources redistributed by Prague. Overall, the Czech Republic maintained a unitary tradition where regions either exercised limited self-governance in certain areas such as education, transport, culture and others or implemented centrally made decisions. Moreover, due to a lack of regional identity, the electorate failed to identify with regional governments, which has diminished the legitimacy of their activities. Hence, since the very beginning of their existence, regions entered an ongoing and difficult struggle to profile themselves within the Czech political system. Nowadays, due to an increase in public interest for regional questions[10] and due to a change in the attitude of political parties about regionalisation of governance in general

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[8]   Baun, Michael and Dan Marek, 'Redressing the Regional Deficit? Regionalization in the Czech Republic with Respect to EU Accession,' *International Relations* 41, no. 1 (2006): 49.

[9]   'Constitutional Act No. 347/1997 about establishment of the higher-level territorial self-governing units, entered force in January 2000.'
'Municipalities Act 128/2000 from 2000.'

[10] Statistical analyses mark a steady increase in both public identification with regions and in the voting turnout for the election of regional assemblies.
'Volby do zastupitelstev krajů konané dne 12.11.2000' (Prague: Český statistický úřad, 2000): 1.
'Volby do zastupitelstev krajů konané dne 17.–18.10.2008' (Prague: Český statistický úřad, 2008): 1.

and *regionalisation* of party politics in particular, regions are gaining more power within their institutionally determined competences. Furthermore, joint regional action through the Association of Regions of the Czech Republic (AKCZ), which, as a private interest group, coordinates and promotes their common interests, significantly adds to the proliferation of regional politics within Czech governance. Hence, in the future we can expect further consolidation of regional self-governance and consequent decentralisation of authority in accordance with institutionally set marks.

However, this seems not to be the case vis-à-vis EU-related matters. Baun and Marek, in their study of negotiations over regional policy planning, portray difficulties in the regional struggle for competences in the administration and management of the EU's Structural Funds. Here, the position of regions vis-à-vis the Ministry for Regional Development (MMR) remains secondary due to a maintained dependency of sub-national actors on centrally outsourced finances, which prevents them to act as a full partner in realising EU programs.[11] The ministry maintains its gate-keeping role vis-à-vis sub-national actors in communication and coordination of policies from Brussels. Thus, whereas Brussels did play a role of a catalyst in the establishment of regional self-governance during the accession, it had only minimal impact on deconcentration of interests in post-accession Czech Republic. Although regions are starting to profile themselves in domestic politics, Prague remains to act as a gatekeeper vis-à-vis the implementation of the EU agenda. We proceed with the analysis of the bottom-up aspects of this relationship. In other words, the following is examined; whether and to what extent Czech regions are utilising the possibility of interest mobilisation in Brussels independently from national authorities and to what extent this is reflected in deconcentration of interests on the domestic level.

The literature on sub-national presence in the EU discloses not only a high degree of diversity among and within member states, but it also points to a correlation between the domestic institutional context and supranational performance.[12] Regions with substantial legislative powers establish direct ties with Brussels to exert political leverage and/or to enhance their bargaining position vis-à-vis the national government. In contrast, administrative regions refrain from political lobbying seeing that the central government monopolises communication with Brussels. In the absence of legislative powers to be advanced

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'Vznik krajů lidé hodnotí obecně pozitivně, každý druhý si ho spojuje se zvětšením možnosti občanů rozhodovat o regionálních záležitostech' (Prague: Středisko empirických výzkumů 2008): 1.

[11] Baun, Michael and Dan Marek, 'Regional Policy and Decentralization in the Czech Republic,' *Regional and Federal Studies* 16, no. 4 (2006): 421–24.

[12] Hooghe, Liesbet, 'Subnational Mobilisation in the European Union,' in *The Crisis of Representation in Europe*, ed. Jack Hayward (London: Frank Cass, 1995).
Hooghe, Liesbet and Gary Marks, ''Europe of the Regions': Channels of Regional Representation in the European Union,' *Journal of Federalism*, no. 26 (1996).

or defended at the supranational level, these regions focus on funding opportunities and promotional tasks. Consequently, the institutional opportunities for regional participation in supranational decision-making seem to empower only already strong actors. Nevertheless, the above-stated hypotheses have been drawn and tested on Western European examples. It remains to be seen whether EU governance, by providing access points for articulation of regional interests, confirms or disrupts the unitary character of the Czech political culture and institutional setting. Consequently, the question whether Czech regions act in the EU autonomously, in partnership with other domestic actors, or via the central state, arises. If these activities are independent and uncoordinated by central authorities in Prague, we may conclude that our empirical results support the hypothesis of European integration contributing to deconcentration of national interests.

Although regional actors generally highlight their autonomous presence in multi-level structures of the Union, further analysis points to a high degree of domestic coordination and institutional and financial dependency on central authorities. Consequently, we witness a paradoxical relationship where central authorities develop a framework of regional supranational activities independently from the regions and then regions manoeuvre within this framework independently from the government. This means that the domestic setting constrains rather than enhances regional involvement in multi-level processes and although there might be plurality of interests, when it comes down to their realisation, we encounter centralised and top-down rather than consensus-based governance. In addition, finances and a high level of unawareness about supranational developments also contribute to the problems. Sub-national authorities base their approaches on pragmatism and do not act in conflict with centrally made programs.[13] Building upon a study conducted by Hooghe and Marks, where they name five direct and indirect channels of regional representation, we proceed with the analysis of Czech presence in the Committee of the Regions (CoR) and of the activities of regional representation offices in Brussels.[14] We opt for the above-stated channels as they offer space for comparison of an institutional with an informal access point to EU decision-making.[15]

Regarding the capacity of the CoR to unify and enhance the visibility of the sub-national actors in Brussels, authors predicted rather limp prospects of this

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[13] Drulák, Petr, Petr Kratochvíl, and Lucie Königová, 'Podíl obecních a krajských samospráv na zahraniční politice ČR,' (Prague: Ústav mezinárodních vztahů, 2004): 19.

[14] Hooghe and Marks, ''Europe of the Regions': Channels of Regional Representation in the European Union.'

[15] For a broader overview of the activities of new regions from CEECs in Brussels, see: Scherpereel, John A., 'Sub-National Authorities in the EU's Post-Socialist States: Joining the Multi-Level Policy?' *European Integration* 29, no. 1 (2007).
Moor, Carolyn, 'Beyond Conditionality? Regions from the New EU Member States and their Activities in Brussels,' *Comparative European Politics* 6, no. 2 (2008).

institution developing into a key promoter of regional interests.[16] Today, the Committee has managed to only partially distance itself from the common perception of it being a minor player in EU decision-making despite of a gradual enhancement in its institutional and ad-hoc competences. The Committee's influence relies on the ability of its officers to lobby for the interests of regional authorities, while it remains to be seen to what extent the newly gained role of a subsidiary watchdog will enhance the Committee's profile in the EU. Although one should not neglect the work that has been done in the promotion of regional interests within other EU institutions, the Committee's Brussels-based activities continue to outweigh its ability to relate to its key beneficiaries.[17] The inescapable heterogeneity of the members disrupts cohesion and disables the Committee's capacity to mediate diverse interests. This consequently deprives this institution from an opportunity to develop into a full-fledged actor in the EU. The institution's structure supports national over regional cohesion as it sees states as solid units and the sub-national level as its inseparable component. As such, it determines, rather unintentionally, interest formation along national and not regional or trans-regional lines. Consequently, the degree of regional involvement in the work of the Committee relates to the domestic territorial structure; the strongest territorial units are better represented but less interested.

On the other hand, an extensive effort has been made to integrate sub-national actors from CEECs into the Committee's structure. In addition to a number of twinning projects, the Committee opened itself to observer-based participation of delegates from CEECs: '... observers from the accession states began to participate (on a regular basis) in CoR plenaries, commission sessions […] and party group meetings.'[18] While these practices were beneficial in helping the Committee to deal with the institutional shock of accommodating a large number of rather diverse new members, the impact was modest in terms of enhancing regional autonomous bottom-up participation. The unitary character of the Czech territorial structure in conjunction with institutional and operational limitations of the Committee offer limited space for independent regional mobilisation. Thus, the impact of Czech regional presence in the Committee should be evaluated in terms of national coalition building and information gathering rather than in terms of bypassing the central government. The Committee offers networking and social-learning possibilities to weaker regions. In line with the above, from an institutional point of view, the position of the Czech delegation within the Committee reflects the centralised

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[16] Christiansen, Thomas, 'Second Thoughts on Europe's ''Third Level': The European Union's Committee of the Regions,' *The Journal of Federalism* 1, no. 26 (1996).
Hooghe and Marks, ''Europe of the Regions': Channels of Regional Representation in the European Union.'

[17] Warleigh, Alexander, 'A Committee of No Importance? Assessing the Relevance of the Committee of the Regions,' *Politics* (1997): 102-04.

[18] Scherpereel, 'Sub-National Authorities in the EU's Post-Socialist States: Joining the Multi-Level Policy?,' 28.

political culture of the Czech Republic. The procedure for the allocation of available seats is decided by member states; the MMR in consultation with the sub-national level elects twelve delegates balancing between regional representatives, local representatives, and changes in preferences of the electorate. Although the four-year mandate may be extended providing for a continuity of the delegation's voice, the composition of Czech representatives has changed substantially since 2004. Thus, those who participated in the pre-accession preparations are no longer in office. The instability of the mandate in addition to high responsiveness of delegates to party politics circumvents the articulation of regional preference and makes the Czech delegation more receptive to national affairs than to their sub-national constituency. Besides having extensive discretion in seat allocation, the MMR sets and coordinates the activities of the delegation, which are consequently uniform rather than region-based. Thus, the mandate of the Czech delegation is relatively weak and subject to domestic political changes. The credibility of the mandate is further destabilised by the unfavourable demographic and financial composition of the Czech regional level. However, although legal-constitutional factors determine the limited interest of Czech regions to participate in decision-making debates at the EU level, the Committee enables them to penetrate the EU's day-to-day politics via social learning and networking prospects. Although these interests are nationalised and mostly concerned with EU funding opportunities, they should not be disregarded. Thus, although regional actors remain doubtful about the significance of this body in EU decision-making, they do see the Committee as the most important access mechanism to the EU.[19] They favour and take advantage of the opportunity of formalised cooperation with other delegations that provides for information flow and social learning.

Hence, the Czech example shows that the Committee produces more top-down outcomes than bottom-up possibilities for interest mobilisation. This surely stems from financial rather than political motives behind regional presence in Brussels. With limited legislative autonomy, they also have a limited political agenda to promote. Whereas competition for funding opportunities remains the main engine of interactions with Brussels, the political agenda is channelled, or better said, set via/in Prague. Hence, these bottom-up effects are rather procedural and although they might play a role in the pluralisation of interests they do not determine deconcentration and denationalisation of governance in the Czech Republic.

The hypothesis that legislative regions with extensive financial autonomy participate more in supranational processes whereas administrative regions rely on the national government to act as a gatekeeper in communication with Brussels is also confirmed by the study of the behaviour of regional office

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[19] Drulák, Kratochvíl, and Königová, 'Podíl obecních a krajských samospráv na zahraniční politice ČR,': 58.

representations. Also here, we see little evidence of regional mobilisation which would signal decentralisation of domestic interest formation vis-à-vis Brussels. Increased competition for EU funding and penetration of EU regulation into the sub-national sphere of influence necessitated intensified regional involvement in EU governance. Consequently, the establishment of regional offices became a prerogative for many regional governments. Also the post-Enlargement period witnessed a proliferation of regions from CEECs although some of them were present in Brussels even before the accession. Nonetheless, the extent of the representation's political leverage depends on the political, administrative, and financial capacity of the home region. Offices representing less autonomous regions develop objectives in line with centrally outlined strategies and often pursue those objectives in tandem with other regions from the same country. The centralised administrative culture in the Czech Republic leaves little space for independent action of regional governments. Czech regional policy is formulated at the national level, causing regions to act in a uniform way and shape their preferences within the framework set by Prague. Out of fourteen Czech regional administrative units, twelve have established regional offices. The density of Czech representations is exceptional considering the unitary character of the Czech territorial structure. Nonetheless, although the extensiveness of the agenda varies depending on the financial capacity and size of a particular region, the generic rationale behind these representations is funding-driven and not policy-driven. As the region with the best access to financial instruments, the City of Prague has the strongest representation. The Prague House assumes the task of information gathering, networking, and name promotion. Acting as an intermediary between its constituency and Brussels, the representation has developed an effective early warning system based on successful networking to keep Prague familiar with EU developments. The bulk of information gathering concerns financial and funding opportunities. However, in terms of policy-driven activities, Prague opts for political initiative at the national level or joint action in cooperation with other Czech regions. Taking into account the fact that the interests of this region differ from those of other Czech regions (while the City of Prague cooperates with the EU on infrastructure development and ecological awareness building, other regions due to their economic struggles focus mainly on unemployment reduction and industry restructuring), it is striking that the Prague House aligns itself with other Czech political subjects. Even though the representation has the financial capacity to appear as a more prominent actor, it is primarily concerned with cultural diplomacy and information gathering. The lack of political involvement in EU processes stems from already mentioned institutional, rather than political, loyalty towards the national government that prevents Czech regions from conducting independent lobbying at EU institutions for interests that may contradict national ones.

Deconcentration of National Interest Formation in Foreign Policy vis-à-vis the EU

During the Czech Republic's accession negotiations, the country did not experience any difficulties with regard to closing Chapter 27 on Common Foreign and Security Policy (CFSP), nor Chapter 26 on External Relations. Due to the predominantly intergovernmental character of EU foreign policy-making, the accession negotiations concerning these two chapters firmly rested in the hands of the Czech government, without any involvement of intrastate actors. What remains to be seen, however, is whether the Czech Republic has managed to maintain its gatekeeper role regarding foreign policy-making at the EU level, or whether we can observe substantial foreign policy input of intrastate players that do not shy away from appealing directly to EU institutions, contributing to polycentrism. This part of the analysis focuses on the role of non-state actors – particularly think-tanks and non-governmental organisations (NGOs) – in both domestic foreign policy preference formation and preference promotion at the EU level.[20] The goal of this section is to establish whether these actors pursue their preferences by appealing to one decision-making centre (Prague) or to multiple decision-making centres (Prague, European Commission, individual EU Commissioners, the European Parliament (EP), or individual members of the EP) and to what extent this reflects on deconcentration of the national interest vis-à-vis the EU's foreign policy.

Czech foreign policy formation remains firmly embedded in the Ministry of Foreign Affairs (MFA). While essentially all Czech think-tanks and NGOs claim to be interested in advocacy, one certainly cannot speak of Czech foreign policy preference formation as highly institutionalised.[21] As a representative of

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[20]   The most prominent Czech think-tanks concerned with foreign policy are the Association of International Affairs (AMO), EUROPEUM, Forum2000, the Institute of International Relations (IIR), and the Prague Security Studies Institute (PSSI). Amongst the NGOs, organisations such as Civic Belarus and People in Need (PiN) are the one with the greatest outreach. Besides these two NGOs, this paper also studies the impact of the NGO platform – the Association for Democracy Assistance and Human Rights (DEMAS) – on foreign policy preference formation and policy implementation, as DEMAS increasingly acts as a unitary actor on both the national and supranational level.

[21]   The possibility of Czech think-tanks and NGOs concerned with foreign policy entering the process of Czech foreign policy formation and subsequent promotion of their interests directly in Brussels is not to be confused with the maturity of the legal framework within the Czech Republic that either enables or precludes their functioning as part of the Czech civil society. According to the 2008 NGO Sustainability Index, the Czech Republic's non-profit sector scored a 2.7 on a scale of 1 (the most consolidated non-profit sector) to 7 (a non-profit sector that is in its initial stage of development). In none of the seven areas assessed (legal environment; organisational capacity; financial viability; advocacy; service provision; infrastructure; public image) did the Czech NGO sector score worse than a 3.0. For more detailed information, please refer to '2008 NGO Sustainability Index for Central and Eastern Europe and Eurasia,' (USAID, June 2009): 92–99.

the IIR put it, 'Czech foreign policy-making lacks consistency, is irrational, and chaotic.'[22] In essence, until a concrete conceptual document on Czech foreign policy is produced, the space for non-governmental actors' input is limited due to the inexistence of a permanent *chair* for their representatives within the individual MFA working groups.[23] Therefore, except for the grant scheme to carry out research on topics identified by the MFA, the involvement of think-tanks and NGOs is predominantly based on ad-hoc mechanisms. However, in the period preceding the Czech EU Presidency, which claimed unprecedented deployment of human forces, one observes semi-institutionalisation of the nation-state/non-state actor relationship. The MFA's official policy-making channels were complemented by the ideas, analyses, and arguments think-tanks and NGOs brought to the table. Then Minister for European Affairs, Alexandr Vondra, created a semi-institutionalised forum that included representatives of both think-tanks and NGOs. These working groups met during *working breakfasts*, with their purpose being to brainstorm ideas that could form the substance of Czech proposals and would gain support from other EU partners. Nevertheless, these actors had no direct causal power on policy-making as their function was advisory at best.

When assessing EU foreign policy-making, non-state actors also lack formal access. While the EU recognises the role of think-tanks and NGOs (subsuming these under the heading of Civil Society Organisations – CSOs) within the policy consultation process, their participation in foreign policy-making is not institutionalised, but rather indirect.[24] Whether Czech CSOs still find ways of impacting both Czech and EU foreign policy-making, will be tested on two case studies; the Eastern Partnership initiative and external EU energy policy/security. Each of these will first assess the role of Czech CSOs in formulating the policy on the national level and will then proceed to discuss whether these actors turned for support to the national authorities, or directly to EU institutions, or to both.

Whereas in the pre-accession phase, the Czech Republic's foreign policy goals can be subsumed under the motto 'a return to Europe,'[25] resulting in the country's intentional delimitation from the Eastern part of Europe, post-accession Czech Republic decided to re-establish its focus on the EU's Eastern neighbourhood. Czech think-tanks increasingly grew vary of the growing

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[22] 'Interview R,' (Institute of International Relations, 19 May 2010): 2.

[23] Whereas some think-tank and NGO representatives expressed interest in such a *chair* being created, others maintain that such a step would lead to excessive bureaucratisation, limiting the currently existing flexibility. Found in Ibid. and 'Interview Q,' (DEMAS Association for Democracy Assistance and Human Rights, 16 April 2010): 1.

[24] 'General Principles and Minimum Standards for Consultation of Interested Parties by the Commission,' (European Commission, 2002).

[25] Votápek, Vladimír, 'Česká východní politika,' in *Zahraniční politika České republiky 1993-2004: Úspěchy, problémy a perspektivy*, ed. Otto Pick and Vladimír Handl (Prague: Ústav mezinárodních vztahů, 2004): 100.

influence of the Russian Federation in the former Soviet republics, pointing to the urgent need to re-evaluate the Czech Republic's position to the EU's Eastern neighbours.[26] Yet, in terms of advocacy at the national administration, the impact of their policy papers and analytical outputs was indirect. However, with the approaching EU Presidency, Czech CSOs employed all viable means of influencing Czech civil servants. Therefore, they participated in the previously mentioned *working breakfasts*, jointly setting the agenda for the Eastern Partnership that would be launched in Prague on May 7, 2009. During these meetings, CSOs focused on the civilian aspect of EU cooperation with the six partner countries, and on the *problematique* surrounding the EU's visa policy. However, the greatest success of Czech think-tanks vis-à-vis the Eastern Partnership was the organisation of a large international conference, entitled *Eastern Partnership: towards Civil Society Forum*, two days before the Prague Summit, organised under the auspices of AMO in cooperation with other organisations. This conference was meant to enhance the people-to-people contacts between the signing countries, and, although the MFA first was hesitant, AMO, by employing argumentative persuasion, succeeded to gain not only the MFA's, but also the EC's and EP's support. The impact of this conference was far-reaching as it produced numerous policy-recommendations that were included in the dossiers of all the participants to the Prague Summit the next day, and were later on used by the MFA during consecutive negotiations in Brussels.[27]

Besides advocating for closer cooperation with the EU's Eastern neighbourhood at the domestic level, several Czech think-tanks joined forces with think-tanks from other member states actively lobbying in Brussels or even appealed directly to European decision-makers. Thus, EUROPEUM actively cooperates with the Centre for European Policy Studies (CEPS), located in Brussels. They also became a member of networks such as the European Policy Institutes Network (EPIN). Through these, they were dispersing their policy analyses to relevant EU decision makers.[28] Similarly, the PSSI together with several European partners carried out a three-year project entitled *Strengthening Central European Contribution to the Eastern Dimension of EU's CFSP*. Consequently, it organised a series of conferences and workshops held mainly in Brussels, meant to boost interest in such a policy among a larger number of supranational actors.[29]

[26] Král, David, 'The Czech Republic and the Eastern Partnership - From a By-Product to a Beloved Child?,' in *The Eastern Partnership in the Context of the European Neighbourhood Policy*, ed. Izabela Albrycht (Krakov and Brussels: The Kosciuszko Institute): 8–9.
Kratochvíl, Petr and Elsa Tulmets, 'Úloha České republiky v evropském sousedství,' (Prague: Ústav mezinárodních vztahů, February 2007).

[27] 'Interview N,' (AMO Association for International Affairs, 9 April 2010): 1.

[28] 'Interview M,' (EUROPEUM Institute for European Policy, 7 April 2010): 3.

[29] 'Interview J,' (Prague Security Studies Institute, 29 March 2010): 4.

Although few (semi-)institutionalised possibilities existed for Czech non-state actors to actively shape the Czech Republic's foreign policy towards the EU's Eastern neighbourhood, these actors employed numerous ad-hoc mechanisms at hand to communicate their interests to relevant parties. Thus, they activated their personal connections with relevant decision-makers, distributed their analyses among these, and organised conferences and workshops to familiarise the broader public with their agenda. Although they did so predominantly at the domestic level, first turning to the MFA, they eventually also ventured into appealing directly to Brussels. However, due to the existing broad consensus among CSOs and the national administration as to the character of the policy towards the EU's Eastern neighbourhood, the direct appeal to supranational institutions was both fully supported by and coordinated with the MFA, and therefore one can argue that the plea to Brussels was nothing but a non-governmental track for pursuing the same policy as via the national government, hence acting as partners.

Similar argumentation can be made about energy policy. After decades of dependence on Soviet energy resources, the Czech Republic, as the only former Soviet satellite country, already in 1996 connected its pipeline grid to the German one, allowing for oil deliveries from the West. Nevertheless this, both the EU and the Czech Republic have realised the potential threat of being highly dependant on, particularly, Russian gas.[30] Hence, the Czech Republic, together with its European partners, wants to further diversify not only in terms of energy resources, but also in terms of energy routes. Therefore, the Czech Republic actively promotes the Nabucco pipeline project, the Southern Gas Corridor, and is one of the strongest supporters of increased utilisation of nuclear energy in the EU's energy mix. Czech CSOs have long advocated a greater diversification of Czech energy resources, calling for a more nuanced approach towards the Russian Federation and a new debate on the benefits of more nuclear energy, which they see as a way towards energy independence.[31] Their analytical outputs and recommendations are being distributed among relevant MFA officials and as one of them testified, 'I do not know of anyone who would not read their outputs and would not consider these when

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[30]   As former Czech Minister for European Affairs, Vondra, expressed it, '[u]njust manipulation or interruption of energy supplies is as much a security threat as is military action. Post-soviet countries have been experiencing that on a daily basis, as Russia's appetite for using energy as a political tool is growing.' Found in Vondra, Alexandr, 'Solidarity As a Cornerstone of the EU Energy Policy,' in *Vilnius Energy Security Conference 2007* (Vilnius: 11 Oct 2007): 1.

[31]   Lang, Petr, Andrej Nosko, and Jiří Schneider, 'Energetická bezpečnost a Státní energetická koncepce,' (Prague: Prague Security Studies Institute, 30 August 2009).
Řiháčková, Věra, 'Czech Republic: The EU New Member States as Agenda Setters in the Enlarged European Union,' in *Not Your Grandfather's Eastern Bloc: The EU New Member States as Agenda Setters in the Enlarged European Union*, ed. Marin Lessenski (Sofia: Open Society Institute, April 2009): 21.

making a decision.'[32] At the national level, Czech non-state actors indirectly, but strongly, affected the energy agenda of the Czech Republic with the *Energy and Security: Global Challenges – Regional Perspectives* conference, held in Prague between October 19-21, 2004, organised jointly by PSSI and AMO. The conference was organised by Alexandr Vondra, then active in the PSSI, with its goal being to set the agenda for discussion in the area of foreign policy-making vis-à-vis Czech (and European) energy security. The conference produced the *Prague Principles for Energy Security*, which was a list of steps and recommendations that were later directly translated into the MFA's energy agenda under Vondra, this time in his capacity as Minister for European Affairs.[33] Among others, the conference called '… nuclear power […] an important source of energy [that] could contribute further to alleviating energy security and environmental problems.'[34] This was subsequently reflected in the new *Energy Conception of the Czech Republic*, which, at the time of writing, is under review by the Office of the Government. Finally, the embrace of nuclear energy led to the establishment of the European Nuclear Energy Forum (co-hosted with Slovakia), which is meant to foster debate on the feasibility of nuclear energy in the European energy mix, providing an arena for discussion for representatives of national, supranational, and non-state actors. Furthermore, the conference's call for 'leadership at the highest level of government'[35] was met with the appointment of Václav Bartuška as Special Envoy for Energy Security. Besides advocacy at the national level, Czech think-tanks and NGOs concerned with energy security have been actively searching for venues at the EU level to disseminate their preferences. Therefore, organisations such as PSSI have been applying for EC-funded projects, and have organised several international conferences with both speakers and guests from EU institutions.[36]

Czech non-state actors are using various channels to get their interests reflected in the Czech Republic's energy policy. Whereas the majority of these channels is not institutionalised (besides the semi-institutionalised working group on energy security established before the Czech EU Presidency), through activating ad-hoc mechanisms, such as personal contacts, organising workshops, seminars, and conferences, CSOs play a role in both Czech and EU foreign policy preference formation and its subsequent promotion. Nonetheless, the view on Czech energy security is rather uniform, i.e. ruptures between representatives of public administration and non-state actors are almost non-existent, which is reflected in a certain society-wide consensus on the required

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[32] 'Interview D,' (Ministry of Foreign Affairs, 24 March 2010): 6.
[33] 'Interview J,': 2–3.
[34] 'Conference Conclusions,' in *Energy and Security: Global Challenges - Regional Perspectives* (Prague: Program of Atlantic Security Studies, Prague Security Studies Institute, 2004): 1.
[35] 'Conference Conclusions,': 2.
[36] 'Interview J,': 5.

policies, which they then promote in tandem at both the national and supranational level.

Conclusion

In the above-presented analysis of participation of Czech intrastate actors in EU multi-level processes, we examine the extent to which EU-integration contributes to an alteration of governance in the Czech Republic. Although the nature of the analysis is empirical, it has broader implications on how we should look at consolidation of pluralism in former communist states vis-à-vis the EU and what this means for the overall complexity of the Union's governance. By providing a new platform for the articulation of interests, the EU encroaches upon the traditional monopoly of a state over national decision-making. This is ever more relevant when focusing on countries from Central and Eastern Europe, where pluralism is a rather novel phenomenon. Hence, while analysing trends in deconcentration and denationalisation of interests in the Czech Republic vis-à-vis the EU, we aim to contribute to the debate on whether Enlargement adds to the diversity within the EU and consequently creates a multi-tracked rather than two-tracked Europe. We opt for two diverse policy areas; regional policy, which implies vertical decentralisation and foreign policy, which implies horizontal decentralisation. This provides us with an opportunity to compare and contrast actors with a diverse standing in domestic politics, but also actors for whom Brussels is differently accessible. Whereas regions have rather easy access to decision-making processes in the EU, CSOs face a lack of institutionalised representation and thus resort to informal networking and lobbying. On the other hand, both territorial organisation and foreign policy go into the core of the notion of statehood. This means that even though competences of regions and their participation in national decision-making is constitutionally/legislatively protected, they have to fight the same barriers caused by centralised traditions and a unitary political culture as non-state actors whose ties are strictly informal.

Hence, going back to Kohler-Koch's argument that changes in domestic governance in response to EU integration are conditioned by the quality of EU access points on the one hand and domestic politics on the other, our empirical findings point to the domestic political culture and institutional setting as a greater variable. Both sub-national and non-state actors face the same barrier of the government wanting to protect its gate-keeping role in dealings with Brussels. Yet, a diverse standing in domestic and supranational politics explains a divergence in *usage* of the EU by sub-state and non-state actors in domestic politics. Whereas for regions the EU and the EU's favourable stance on regionalisation serves as a platform and a bargaining chip in positioning themselves vis-à-vis Prague, CSOs approach the government as a strategic partner in domestic and international relations. Despite, or because, of their only

informal connections, the non-state/state relationship vis-à-vis the EU is more harmonious in comparison to the sub-state/state relationship. Whereas regions would like to achieve greater presence in Brussels independently from the government but fail to do so as they are constrained by the domestic political framework, CSOs' activities are largely developed and implemented in unison with the Ministry of Foreign Affairs.

Hence, this study has confirmed the following. First, EU governance, by offering decision-making access points to Czech intrastate actors in the post-accession context, has contributed to the pluralisation of domestic interests. However, this impact is conditioned by domestic institutions and political culture and hence varies across policy areas. Second, although we observe decentralisation of opinions and interests along vertical and horizontal lines, when it comes down to decision-making, the Czech Republic remains *a winner takes it all* country. The lack of a consensus-based approach to governance is well reflected in the top-down and highly hierarchical ties between the central government and the intrastate actors. Democratic culture has not yet matured to an extent that would allow for a polycentric organisation of governance. In the post-accession period, the EU has served as a legitimising factor in decen-tralisation of interests along domestic lines. On the one hand, the Commis-sion's positive stance on regionalisation helped regions to profile themselves within domestic politics. On the other hand, this support had a modest impact on regional activities in Brussels. Despite of proliferation of diverse interests within regional and foreign policy formation, Czech communication with Brus-sels is mainly uniform and centrally coordinated. Third, the limited ability of Czech intrastate actors to articulate interests in the EU independently from the central government has implications on EU governance overall. The hypothesis that connects Europeanisation to denationalisation of domestic governance and consequently to furthering of the EU's heterarchical structure only partly grasps policy formation processes in the Czech Republic. The analysis outlines both successes and inadequacies. Although roots to Brussels were established rather quickly, what is missing is consolidation of polycentrism, which would highlight the presence of the Czech intrastate sector in the Union. While we agree that social learning and networking opportunities in Brussels may foster denationalisation of interests, we also must point to the decisive role of the domestic setting; institutional memory and political culture in particular.

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