

**REGIONALISATION IN THE CZECH AND SLOVAK REPUBLICS:
COMPARING THE INFLUENCE OF THE EUROPEAN UNION**

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Introduction¹

This chapter studies how the European Union has influenced the re-creation of regions and regional self-governments in the Czech and Slovak Republics. It focuses on this particular aspect of the enlargement and accession process because regional government will play an important role in the EU's cohesion policy after accession and regions in Western Europe have been affected by the process of European integration. The EU cohesion policy or, more specifically, the management of structural funds, envisages the participation of regional authorities, but it does not regulate their constitutional status in EU member states (Hooghe 1996; Jones and Keating 1995). EU member states agree in considering the status of subnational government as part of their sovereignty, and this basic legal understanding applies to the accession countries as well. However, EU institutions have a much more powerful position vis-à-vis accession countries than in their relations with EU member states. In addition, regional government or, more precisely, regional administration has been subject to fundamental change in the accession countries, and its constitutional status is less consolidated than in member states.

The chapter asks whether and how these different conditions cause a substantial, formative impact of the EU on the process, politics and institutional outcomes of the reform of regional-level administration in the Czech Republic and Slovakia. Since the focus of the paper is on regional government, less attention is paid to the construction of regional development policy frameworks at the central and regional level (on these frameworks, cf. Brusis 2001). The policy ambiguities and shifts observable in EU Commission statements and documents are neither studied in detail (cf. Keating and Hughes/Gordon/Sasse in this volume).

Comparing the Czech and Slovak country cases is analytically promising, since they have inherited most similar systems of state administration from their common history in Czechoslovakia, reaching back to state socialist and pre-war times. In both republics, regional bodies of state administration were dissolved in 1990. Thus, reformers in both countries faced similar tasks of re-building the regional level in the context of the reform of public administration, and. As a part of this "regionalisation", the Czech Republic and Slovakia established the legal foundations of regional self-governments in 2000 and 2001, respectively. Both countries have to meet largely similar requirements of EU accession and implementing the *acquis*. In contrast with the Czech Republic, Slovakia was strongly criticised by the EU due to the undemocratic style of Vladimír Mečiar's government (1994-1998) and, in 1997, it was classified by the EU as the only accession country not fulfilling the accession criterion of democratic stability. Both countries differ significantly in the constellations of political actors that have emerged since the democratic transition.

The chapter starts by comparing the political constellations and reform outcomes in the Czech and Slovak Republics. The second section evaluates whether the EU has changed the political process and its outcomes in both countries. Finally, conclusions are drawn with respect to the broader debate on Europeanisation.

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I. The re-creation of regions in the Czech Republic and Slovakia

The Czech Republic and Slovakia introduced regions and regional self-governments as missing links between central and local government on the one hand, between state administration and self-government on the other. In the wake of the democratic transition in Czechoslovakia, the national committees ceased to function as organs of Communist party rule on the regional and local level. Whereas democratic local self-government was established already in 1990, the new democratic elites did not create institutions of general territorial administration on the regional level (Illner 1998). This was mainly due to the complexity of administrative reform and the lack of political consensus over the constitutional status of regions, the need for regional self-government and the administrative division of the territory. In the early nineties, governments were preoccupied with reorganising and dissolving the Czechoslovak federation as well as with economic reforms to create a market economy. The resolve to introduce “higher territorial (self-administrative) units” was declared in both constitutions of the new republics emerging in 1993, but attempts to realise these units failed until 1996/97.

In both countries, the laws on regional self-government were preceded by laws that defined the new territorial-administrative division. In March 1996, Slovakia’s parliament adopted a law dividing the country into eight regions (*kraje*), following a proposal of the Meciar government. The parliament also created regional offices of state administration as bodies of general territorial state administration and attached several deconcentrated units of sectoral state administration to these new “integrated” offices (Niznansky and Knazko 2001). In the Czech Republic, the constitutional law on the creation of 14 regions (*kraje*) was adopted between October and December 1997, during the government of Václav Klaus and the caretaker government appointed after Klaus’ resignation. The self-governing institutions, their competences and resources and their relations with local self-government and state administration were codified by the successors of Klaus and Meciar: the social democrat minority government of Milos Zeman in the Czech Republic and the government of Miklos Dzurinda formed by the four-party coalition that had won the 1998 elections against Meciar in Slovakia.

In May 1999, the Zeman government submitted a concept on the reform of public administration to parliament. The concept envisaged not only the creation of regional self-government, but entailed also reforms of central government, the civil service, territorial state administration and public finances (Vidláková 2001). The majority of the Czech parliament endorsed the concept but induced the government to opt for an integration of regional self-government and state administration, contrary to the initial plan of the reformers in the Ministry of Interior. On the basis of the revised concept, the Czech parliament adopted the laws on regional self-governments and regional elections in March/April 2000. The Civic Democratic Party of Václav Klaus (ODS), which used to support the minority government in parliament, rejected the laws, but the so-called Quad coalition of centre-right parties voted together with the social democrats. In the following months, the parliament adopted further laws that regulated the relations with local self-governments, the status of the district offices, the competences, property, budgetary organisation and revenues of regions and the state support of regional development. Regional self-governments were first elected in November 2000. Since the reform envisaged the phased dissolution of district offices at the end of 2002, a second package of new laws and amendments was needed to transfer their functions to the municipalities and regions. These laws were adopted by the Chamber of Deputies in March 2002.

In Slovakia, the Dzurinda government adopted a concept on the decentralisation and modernisation of public administration in April 2000, but did not submit the concept to parliament. One reason was that the parties of the governing coalition could not agree on the number of regions and regional self-governments. While the centre-left parties SDL’ and SOP wanted to retain the eight regions created by the Meciar government, the centre-right SDK and the eth-

nic Hungarian party SMK intended to replace this division by twelve regions. Another conflict emerged over the creation of a region comprising the largest ethnic Hungarian settlement area around Komárno in south-western Slovakia, which was demanded by SMK but opposed by the other three governing parties. Despite these protracted disputes, the coalition parties managed to amend the constitution in February 2001 and to achieve a cabinet agreement about the bills on regional self-governments and regional elections in April 2001. The constitutional amendment gave regional self-governments a stronger legal status, similar to municipal self-governments. Although the bills adopted by the cabinet envisaged twelve regions and reflected a consensus in the governing coalition, it did not pass through parliament. When the laws were adopted by parliament in July 2001, SDL' and some SOP deputies together with the opposition supported an amendment that maintained the eight regions created by the Mečiar government (Niznansky and Kling 2002). The first elections of regional self-governments were held in December 2001 (cf. Bucek in this volume). The following table lists the most important laws adopted in both countries, providing an idea of the complexity of the reforms:

Table 1: Major laws related to the regionalisation

Czech Republic	Slovak Republic
creation of higher territorial self-administrative units and amendment of the Constitution (347/1997, amended by Law No. 176/2001)	territorial-administrative division (221/1996) amendment of the Constitution (90/2001)
regional self-government (129/2000, amended, i.a., by Law No. 231/2002)	regional self-government (302/2001)
elections to the assemblies of regions (130/2000)	elections to self-government of regions (303/2001)
amendment of sectoral legislation to transfer competences (132/2000)	amendment of sectoral legislation to transfer competences (416/2001)
new municipal statutory law (128/2000)	amendment of the municipal statutory law (453/2001)
district offices (147/2000)	regional and district offices (222/1996)
transfer of state property to regions (219/2000)	property of regions (446/2001)
budgetary rules of territorial budgets (250/2000)	amendment of the budgetary rules law (445/2001)
support of regional development (248/2000)	support of regional development (503/2001)
assignment of tax revenues to territorial self-administrative units (483/2001)	envisaged
capital of Prague (131/2000)	envisaged
transfer of competences related to the dissolution of district offices (envisaged)	
municipalities with extended delegated competencies (envisaged)	

Brackets: no. and year of the Collections of Laws and Regulations

A comparison of the sequencing of reforms in both countries shows that Slovakia established the new territorial units and the regional offices of state administration five years prior to the creation of regional self-government. The Czech Republic adopted the law on the territorial units 19 months later than Slovakia, but created regional self-governments after three years, one year earlier than Slovakia. The Slovak reform has not yet addressed the role of district offices of state administration, the revenues of regional self-governments and the status of the capital – issues that have already been codified in laws in the Czech Republic.

The political constellation differed in three respects: First, the Czech regionalisation was an integral part of a comprehensive reform of public administration that was mainly driven by government experts and may be described as 'the state coming closer to the citizens'. On the

whole, those political actors who were interested in maintaining universal administrative standards throughout the territory and a smooth co-operation between state administration and elected regional bodies proved stronger than actors who attempted to transfer more powers from state administration to self-government. In contrast, regionalisation in Slovakia was a political project in its own right. It was advocated by the mobilised civil society that had backed the campaign against Meciar, and it originated in the experience of the centralisation and abuse of power that characterised the Meciar period. Local self-government experts were the main proponents of the reform, and the political thrust of their efforts was 'expanding democracy vis-à-vis the state'. The different structures of Czech and Slovak regions (see below) can be attributed to these contrasting political logics underlying the reform projects.

Second, the Czech Republic succeeded in solving the problem of the territorial-administrative division prior to the problems of institutional arrangement. The constitutional law of December 1997 fixed the number and location of regions and enabled the incoming Zeman government to focus on their institutional set-up. Although ODS opposed the creation of regions more fundamentally than the major veto actors in Slovakia, the 1997 law became irreversible mainly due to the three-fifths majority threshold required to repeal the law together with the tight majority relations in the Chamber of Deputies. In Slovakia, the number and boundaries of regions set by Meciar's law of March 1996 remained contested throughout the reform and dominated the debate on the institutional set-up of the regional self-government. Modifying the 1996 law was easier than in the Czech Republic since it required only an absolute majority in parliament. The major Slovak opposition party, the HZDS led by Meciar, did not reject regionalisation in principle and the SDL was not principally against a model with 12 regions. However, the heterogeneity of the Dzurinda government together with the instable party system necessitated lengthy negotiation processes and impeded political agreement.

Third, the presence of ethnic Hungarian parties in Slovakia added an ethnopolitical dimension to the reform that did not exist in the Czech Republic, despite the emergence of Moravian regionalism after the political transition (cf. also Bucek in this volume). Slovakia's political actors perceived the creation of regional self-government through the lense given by the ethnic cleavage and actively related the issues to this cleavage. In contrast, the Moravian-Silesian regionalist party was successfully marginalised by Czech parties with a country-wide constituency in 1996, and regional differences in electoral behaviour declined between 1992 and 1998 (Kostecky 2001).

The new institutional arrangements on the regional level display several major differences: The relationship between state administration and self-government differs in so far as the Czech Republic set up an integrated model, involving the assembly and the board into the work of the regional office, while Slovakia established a fairly strict institutional separation between the regional assembly and the regional office. This difference between an integrated and a separated model is anticipated on the district level where local self-government participation has been institutionalised in the Czech Republic, contrary to the loose and informal involvement of local self-governments in Slovakia.

Whereas the Czech Republic opted for a collegiate executive of the regional self-government (*rada kraje*), Slovakia introduced a directly elected head of the region (*predseda kraja*). This difference is related to the different municipal constitutions of the two countries which correspond to the different models of local government prevailing in the Czech and Slovak Republic as well as in Northern and Southern Europe, respectively (Page 1991). Czech regional assemblies have the constitutional right to submit bills to parliament which constitutes an institutional trace of a federalist model that is also reflected in the existence of a second chamber of parliament.

Local and regional self-governments in both countries perform tasks on behalf of the state administration and tasks belonging into their own, independent competence. While not attempting to disentangle the relative weight of independent and transferred competences, the following table gives an overview on the competences of the new regions.

Table 2: Issue areas belonging to the competencies of regional self-governments

Czech Republic	Slovak Republic
development programme of the region	regional development
transport infrastructure maintenance	transport and communication infrastructure planning
adoption and preparation of territorial planning documents (larger regions only)	preparation and adoption of territorial planning documents
economic management	economic management
secondary schools, special primary schools, educational consulting and training for teachers	secondary schools, vocational schools, sport, culture
preservation of historic and cultural monuments	regional museums and galleries, cultural activities, libraries
creation, maintenance and development of regional institutions of social care	creation, maintenance and development of social care and social services
creation, maintenance and development of in-patient health care institutions; protection against drugs	creation, maintenance and development of in-patient health care institutions; control and co-ordination of pharmacies
planning of waste management policy	
participation in environmental impact assessment, strategies of conservation of nature, climate, collection of, access to information on the environment	
civil protection, emergency situations	civil protection

Source: Czech Republic: (Koudelka 2001); Slovak Republic: Laws No. 302 and 416/2001

The size of the new units is roughly equal since Slovak regions have on average 672000 inhabitants and a territory of 6129 km² while Czech regions comprise 737000 inhabitants and 5633 km². Prior to the reforms, local administration in both the Czech and Slovak Republics was characterised by a low degree of fiscal decentralisation: in 1998, the share of local government expenditure in general government expenditure amounted to 8 percent in Slovakia (municipalities only) and to 21 percent (municipalities + district offices) in the Czech Republic.² While Slovak regions in 2002 still depended on allocations from the state budget, the revenue basis of Czech regions was strengthened in 2002, inasmuch as they were granted 3.1 per cent of the VAT, personal and corporate income tax revenues.

II. Mapping the impact of the European Union

This section studies the influence of EU governance on the re-creation of regions in the Czech Republic and Slovakia. It is asked whether the EU has induced a substantial change in the policies of domestic political actors and a harmonisation of the institutional outcomes of the reforms.

² IMF Government Finance Statistics Yearbook 2001.

1. Requirements of EU accession

The EU has classified the set of rules for the management of structural funds as a necessary precondition for accession and has linked access to the structural funds with the appropriate rules being in effect (cf. Keating in this volume). This combination of conditionality and reward has generated a strong formal impact, as is documented by the adoption of legislation in both countries and by the ‘progress’ monitored in the regular reports of the EU Commission. Conformity with EU rules is most evident in the Czech and Slovak laws on the support of regional development which set up the management framework for the structural funds (cf. also Brusis 2001). Compliance was facilitated by the fact that both the Zeman government in the Czech Republic and the Dzurinda government in Slovakia were highly receptive to expectations voiced by EU actors and considered EU accession as a top political priority. Both governments strove to benefit from EU acknowledgements against their main political opponents, the parties of Klaus and Meciar, the former with its more critical policy towards ‘Brussels’ and the latter having been identified by EU officials as an obstacle to Slovakia’s accession.

The pace and scheduling of legislation in both countries have been affected by the EU (cf. also Hughes, Gordon and Sasse in this volume), though it has also been influenced by domestic factors. Critique voiced by EU institutions in July and October 1997 induced the Czech Parliament to quickly adopt the constitutional law on the creation of regions in December 1997 (Vidláková 2001).³ The critical statements were made by the Commission in its first opinion concerning the Czech Republic’s capability to meet the criteria of EU accession, and by the Association Council, the ministerial-level steering body of the Europe Agreement between the EU and the Czech Republic. Both institutions criticized the deficits of the reform of public administration, and in particular of the decentralized level. While the parliament would probably have not adopted this law at that time if there had not been an EU critique, the timing of the laws passed in 2000 has been due to the domestic policy process rather than to specific EU pressures.

In Slovakia, reformers perceived the critique of the EU Commission in its 2000 progress report as a “warning”.⁴ In its annual evaluation of Slovakia’s preparation for EU accession, the Commission had noted that the Slovak government would fail to meet the short-term priority of the Accession Partnership, the guidelines set by the EU for accession preparation. EU pressures contributed to the government’s decision to submit the regional self-government and regional election laws to parliament despite the absence of an agreement on the number of regions within the governing coalition. The two laws were adopted in July in order to be taken into account in the 2001 progress report published in November 2001. The importance of EU expectations was emphasized by the plenipotentiary responsible for the reform of public administration in Slovakia. When his reform concept of twelve regions had been thwarted by parts of the governing coalition and the opposition in parliament, he conceded that “[t]his is a good settlement mainly for the EU, and thus also for Slovakia.”⁵ However, EU appeals did not prevent the Slovak government from postponing several important parts of the reform legislation.

The EU did not have a tangible impact on the decisions about the number, size and location of regions in the Czech Republic and Slovakia. The EU expected the accession countries to set

³ This was also observed by Milan Hort, Deputy Chairman of the Public Administration Committee of the Slovak parliament, *Verejná Správa* 24/99 of 26/11/99

⁴ Interview with the former government plenipotentiary for the reform of public administration, Bratislava, 13 February 2002.

⁵ SME, 5 July 01.

up regions corresponding to the Nomenclature of Territorial Statistics (NUTS). However, this requirement did not induce the Czech and Slovak governments to establish *administrative* units of a size corresponding to NUTS-2 regions in the EU (800,000 - 3 m inhabitants) although they could have done so by re-establishing the larger, pre-1990 regions.

In the Czech Republic, the EU Commission had working contacts mainly with the Ministry for Local Development and thus was, in an environment of rigidly segmented bureaucracies, excluded from the preparation of the new territorial-administrative division that was guided by the Ministry of Interior.⁶ The Czech government agreed with the statistical office of the European Communities to establish eight NUTS-2 regions. The 14 new administrative regions are represented in eight regional councils at the level of these “cohesion regions”. In Slovakia, the reformers’ firm intention was to create administrative units of a smaller scale. As in the Czech Republic, they decided to set up joint representations of their eight administrative regions at the four regions envisaged as NUTS-2.

Critics of the reforms from SDL’ in Slovakia and ODS in the Czech Republic referred to the EU requirement of establishing sufficiently big NUTS-2 regions, but did not find support.⁷ Domestic political actors and experts knew that “from the viewpoint of the EU, it does not matter whether we will have eight or twelve self-administered regions. The EU will be satisfied if we have undertaken this step.”⁸

The EU has neither taken a position on the choice for an institutional integration or separation of state administration and self-government in regions, nor has it suggested anything on the mode of electing regional representatives. The Czech decision for an integrated model and against the initial government concept seems to be mainly caused by the country’s local level administrative tradition on the one hand, the etatist reform approach and the domestic political constellation on the other (Samalík 1994). Analogically, the Slovak decision for a separated model resulted from the tradition of an institutional separation on the local level and from the civil-society driven reform approach. The difference between an executive board chairing the regional assembly in Czech regions and a directly elected head of region in Slovakia can even better be explained as path-dependent choices, rooted in the different local government models (Brusis 2002; Illner 1998).

2. Public discourse

In the public debate on administrative reform, both governments associated their reform projects with the EU when they explained the necessity of re-establishing regions. To justify the need for decentralisation, the Slovak government’s plenipotentiary resorted to the “subsidiarity principle of the EU”, interpreting it as a decisive criterion for the accession negotiations with the EU and, thus, as a principle to structure Slovakia’s domestic administrative setup.⁹ The Czech Prime Minister emphasized that “the principle of subsidiarity is one of the most important principles of the European Union.”¹⁰ The reform of public administration “should be based on the unification of state administration and self-administration which will practi-

⁶ Interview with Interior Ministry officials, 26/4/02.

⁷ Interviews with SDL’ and ODS deputies, 15/2/02, 26/4/02.

⁸ Interview with the Slovak government plenipotentiary, SME, 5 July 01.

⁹ Government Office of the Slovak Republic 2000, 4.

¹⁰ Interview with Milos Zeman, Verejná Správa 1/99 of 30/12/98.

cally mean a strengthening of decentralisation and of the principle of subsidiarity well-known and proven in the European Union.”¹¹

These ways of claiming the subsidiarity principle are particularly interesting because subsidiarity in its EU treaty meaning is exclusively about the relation between the EU and the nation states. Furthermore, subsidiarity has, in West European public discourses on the EU, acquired the euroskeptic meaning of protecting the nation state and its regions against EU interventions. In the Czech Republic and Slovakia, subsidiarity in the sense of strengthening the regional and local level in relation to the centre has frequently been perceived as a condition for EU accession. This has been an unintended effect of the vague and ambiguous Commission communications. In an internal document resuming the experiences of twinning projects in the field of cohesion policy, the Commission noted this effect by pointing to the wide-spread misunderstanding in the accession countries according to which the eligibility for structural funds would depend on a decentralisation of political and administrative structures (European Commission 2001).

Similar to the term “subsidiarity”, the term “public administration” became a positively connotated label symbolising a modern, European-standard administration. The Czechoslovak legal tradition is rooted in the dualism of state administration (*státní správa*) and self-administration (*samospráva*). The term public administration (*verejná správa*) has not been an established legal concept but was imported by politicians and experts from the West European and Angloamerican legal worlds.¹² In the Czech Republic, the term has frequently been used to express the integration of state and self-administration.

Another frequently used argumentation in favour of regionalisation has been the comparing of the Czech/Slovak situation with other European countries (cf. eg. Pithart 1996). For example, the Czech Prime Minister pointed out that “(...) except from the miniature states, we are practically the only country in Europe which does not have a developed regional self-administration (...)”¹³ The Slovak plenipotentiary for public administration reform argued: “One has to emphasize that similar reform and modernisation processes occur also in the neighbouring countries, in Poland, in the Czech Republic, but also in other countries of the European Union. (...) we must respect the direction of development in Europe and should not undertake reform steps which would be in contradiction with what is happening in other European countries.”¹⁴

This formulation alludes to Slovakia’s deviation from the normality of an EU accession country during the Meciar period and warns that it might be repeated if reforms were not undertaken. Public rhetoric on decentralisation and regional self-government has been more emphatic in Slovakia than in the Czech Republic, linking decentralisation more closely to democratisation. This corresponds to the stronger rootedness of the reforms in mobilised civil society and the idea of regionalisation as ‘expanding democracy vis-à-vis the state’. The domestic ‘mission’ of the Dzurinda government has been closely related to fulfilling EU expectations largely unchallenged in public, whereas the Czech government has been more concerned with dispelling suspicions that its reform has been forced by Brussels (see II.4). In this respect, the communicative impact of the EU has been deeper in Slovakia than in the Czech Republic. The high acceptance of EU policies and ideas in Slovak public discourse corre-

¹¹ Interview with Milos Zeman, *Verejná Správa* 35/99 of 26/8/99.

¹² This insight is owed to O. Vidláková, public administration expert and former advisor to the Deputy Minister of Interior responsible for public administration reform, interview, 26/04/02.

¹³ Milos Zeman, *Verejná Správa* 1/99 of 30/12/98.

¹⁴ *Verejná Správa* 11/99 of 21/5/99, p.1-2.

sponds to a higher degree of public acceptance of the EU by citizens in Slovakia, perhaps mutually reinforcing each other.

3. EU pressures on potential veto actors

The EU has refrained from addressing partisan political actors openly, explicitly and directly. The Commission or other EU actors have neither, at least not in public, asked Slovakia's left-wing coalition party SDL', nor the Czech conservative-liberal party ODS to stop delaying the reform. The SDL' could have abandoned its support for the laws on regions and regional elections in cabinet and in parliament in April and July 2001. The decision not to obstruct the reform seems to have been less motivated by the potential damage a failure of the laws could cause for Slovakia's accession prospects than by short-term interests in capitalising on the domestic political constellation. In principle, the ODS could have opted out of the Opposition Agreement, the contractual basis of its parliamentary support for the social democrat minority government in order to stop the crucial reform laws in April 2000. Such a step would have enabled it to initiate a motion of non confidence and probably to oust the Zeman government. The party leadership opted for the less radical variant of voting against the laws mainly because it valued the benefits of the Agreement higher than the costs of accepting regions. Prospective financial benefits from the structural funds seem to have mattered less.¹⁵

The most visible example of an EU intervention is related to the ethnic cleavage and the government crisis over the regional government law in Slovakia. The EU commissioner for enlargement intervened when the ethnic Hungarian party threatened to leave the government after the parliamentary adoption of the model with eight regions. Some days prior to the meeting of the SMK Republican Council that should decide on leaving or remaining in the governing coalition, Verheugen highlighted the importance of a stable government including the representatives of the ethnic Hungarian minority (Meseznikov 2002, 52). His appeal certainly contributed to the SMK decision of staying in government without a reversal of the amendments to the government bills. However, the decision was also motivated by the calculation of other domestic costs and benefits, such as the loss of influence over crucial policy areas (eg. education) SMK would have incurred if it had left the government.

4. Non-EU factors explaining regionalisation

The impact of the EU with regard to the major aims the Zeman and Dzurinda governments pursued with the reforms is difficult to measure since these aims coincided with EU aims. Irrespective of this methodological problem, it is argued here that both the Czech Republic and Slovakia would have re-established the regional level, created regional self-governments and decentralised competences even if the EU had not exerted an influence.¹⁶

First, both constitutions envisage the creation of higher territorial self-administrative units. While the respective constitutional provisions document a broad general consensus over the necessity of these units among political actors in Slovakia, they indicate a compromise or bargaining result in the Czech Republic that was acceptable also to the ODS which opposed the creation of regions. This common understanding, which comprised widely diverging reform approaches, existed already long before the EU had devoted its attention to the regional level.

¹⁵ Interview with an ODS deputy, 26/04/02.

¹⁶ Such counterfactual thought experiments have been suggested by Schimmelfennig (2002) to clarify the causal impact of the EU in relation to other explanatory factors.

Second, there has been a general expert consensus on the functional necessity of a missing link between central and local government on the one hand, general and sectoral state administration and self-government on the other. The reform of the regional level was considered an unfinished but necessary task of state reform posed by the political transition. To the extent that political parties were participating in expert debates, politicians accepted this functional line of reasoning.

Third, the orientation towards European and other foreign country examples prevailing in the public debate illustrates that political actors perceived administrative regionalisation as part of broader international trends. Regionalisation in the Czech Republic and Slovakia has been seen and explained as a response to global economic developments, changes in the role of the nation state and the general modernisation of the public sector in Western societies (cf. eg. Government Office... 2000; Vidláková 2001).

Fourth, other external pressures militated for the introduction of regions (cf. also Keating in this volume). In the Czech case for example, the government's explanatory report attached to the 1997 constitutional law refers to requirements of the Council of Europe, in particular to the Charter of Local Self-Government (Vajdová 2001, 10-11). In addition, the explanation considers regions necessary to enable cross-border co-operation with subnational governments of neighbouring states.

Fifth, crucial political actors in both countries knew that the EU wanted to have regions, but that regional *self*-government and the decentralisation of competences were not mandatory requirements. In the Czech Republic, ODS politicians criticised the government by claiming that regionalisation did not constitute a precondition for benefitting from the structural funds or for EU accession.¹⁷ The social democrat government in its public rhetoric indeed conveyed the impression that its reform would meet EU expectations. It explained, for example, its bill of the law on regional self-governments (129/2000) by stating that "the existence and the factual activity of regions is an important precondition for creating regional policy and for the entry of the Czech Republic into the European Union."¹⁸ However, the Minister of Interior also tried to avoid the impression of merely executing Brussels' instructions: "If we did the reform of public administration only because the EU wanted this from us, (...) this would be very poor and would not fulfill what we must consider a priority and what I have mentioned when I spoke about what democratisation means."¹⁹

Conclusions and implications

This chapter has found a strong EU impact as far as (1) mandatory legislation and (2) the general orientation, receptiveness towards the EU/Europe in public discourse is concerned. While the EU has effected an institutional harmonisation where mandatory rules exist, the Union has hitherto not induced changes that made Czech and Slovak regional administration more similar than before. This finding corresponds with the lack of policy convergence observed by Hughes, Gordon and Sasse in this volume. EU impact has been modest with respect to the sequencing of legislation and the changes of behaviour of political actors in crucial moments of the reforms. Despite its considerable impact on the public discourse, the EU has not substantially changed the behaviour of political actors who have retained their main objectives

¹⁷ See, for example, the statement by ODS deputy Jan Zahradil, parliamentary debate on the public administration reform concept, 19/5/99, <http://www.psp.cz/docs/>.

¹⁸ Vládní návrh zákona o zřízení kraje, duvodová správa, <http://www.psp.cz/docs/>.

¹⁹ Statement by Václav Grulich, Minister of Interior, parliamentary debate on the public administration reform concept, 19.5.99, <http://www.psp.cz/docs/>.

and have taken into account the EU only as an additional component of their wider assessment of the political constellation. Major aims of the reforms of public administration - decentralisation, regional self-government and a new territorial-administrative division – were not suggested or altered by the EU.

What do these results imply for the diffusion and transfer of EU norms or policies into member states, i.e. the processes studied and debated as “Europeanisation”? To answer this question, it is useful to recall the major similarities and differences between accession countries and EU member states. On the one hand, the accession countries are faced with the same requirements as EU members since the set of mandatory EU rules to be transferred and implemented is identical. The EU has committed itself to the principle according to which accession countries have to adopt the entire *acquis communautaire* until the moment of their accession, including all rights and obligations (Grabbe 2001; Lippert and Becker 1998; Lippert, Umbach, and Wessels 2001). On the other hand, the EU has a particularly strong bargaining position in the accession process, since the accession countries are more interested in joining the EU than vice versa (Grabbe 2001; Hughes, Sasse, and Gordon 2001). Thus, the EU is able to shape the procedures and norms of this process unilaterally. Furthermore, EU accession preparation in many accession countries coincides with the shaping of regions and their roles inside the state framework and political system.

The powerful position of the EU in the accession constellation and the unconsolidated status of regional government in the accession countries are two distinctive factors that raise doubts as to whether concepts from the debate on the Europeanisation of EU member states can simply be extended. Due to the power asymmetry between the EU and the applicants, the main mode of EU governance has been the imposition of EU rules, and domestic actors complied with these rules. Compliance has been more faithful, if rules have been more specific, and implementation deficits have resulted from a lack of capacity, not of will. It is problematic to base the analysis of national adaptation patterns on an assessment of the “goodness of fit”, i.e. the degree of compatibility between European and domestic institutions (Green Cowles, Caporaso, and Risse 2001; Knill and Lehmkuhl 1999), since accession countries are still in a process of building and consolidating their states and institutions.

This paper has analysed Europeanisation patterns that may be termed as compliance, endogeneity and creative adaptation. Compliance has characterised the transfer of rules for managing structural funds into national institutional arrangements. These rules are highly specified in EU legislation, and few domestic institutions existed prior to the accession preparation phase. An endogenous development pattern is reflected in the institutional choices with respect to the mode of electing regional representatives or the relationship between state administration and self-government on the regional level. These choices have been oriented by the institutional set-up of local self-government in both countries, as the EU did not provide advice, rules or examples to adopt. Finally, creative adaptation could be observed in how Czech and Slovak governments creatively and selectively adapted general EU ideas, such as “subsidiarity”, in order to promote their particular reform project. This pattern of Europeanisation has been induced by the EU whose policies regarding regional *self*-government and the extent of decentralising competences have been ambiguous and indeterminate.

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