The Role of Local Government in Shaping and Influencing International Policy Frameworks

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Abstract

This thesis explores the capacity of local government to influence intergovernmental organizations' policy frameworks during the formulation and implementation of their instruments and policies. It provides empirical insights into the decision making and implementation of international policy regimes, specifically within a European context, and contributes to the broader theoretical understanding of these regimes through the development of multi-level governance as a framework of analysis.

The thesis extends multi-level governance as a theoretical framework in two ways. First, it does so by going beyond its usual development and application within the European Union. The role of local government is examined in the pan-European political context shaped by the Council of Europe. Second, it pays special attention to the upstream link between local authorities and international actors in the context of multi-level governance settings. To date, most research on local government in multi-level governance settings has focused on the new challenges brought by extended multiple tiers of jurisdictions and how local government has been affected by the internationally shaped political arrangements. Little attention has been placed on the upward flow of interaction of local authorities or their capacity to influence international decision making and policy implementation.

Empirical research in this thesis has focused on the capacity of local government to share the meta-steering role with the multi-level governance framework. The potential of local government to influence the international policy frameworks has been investigated based on its unique value in enhancing good governance in line with international norms and principles. At the theoretical level, the research argues multi-level governance reflects not simply the redistribution of power resources among various actors, but also the process of reshaping understanding and preferences through direct communication between actors at different territorial levels. It suggests that local political preferences can be shaped and reframed by broader values and consequently generates significant influence on higher level policy outcomes. However, despite the existence of specific constitutional devices for involving local development in the legislative processes of the Council of Europe, empirical evidence shows local authorities have largely failed to take up this opportunity, and their influence remains limited. Implications hence can be drawn for wider utilization of local engagement in intergovernmental organizations; for example, within the context the Committee of the Regions of the Europe Union.

Contents

List of Diagrams

List of Abbreviations

AS/ENA	Committee on the Environment, Agriculture and Local and Regional Affairs
CDLR	Steering Committee on Local and Regional Democracy
CELGR	Centre of Expertise for Local Government Reform
CLRAE	Congress of Local and Regional Authorities
CM	Committee of Ministers
CoE	Council of Europe
CoR	Committee of the Regions
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
ECLSG	European Charter of Local Self-Government
ECRML	European Charter for Regional or Minority Languages
ECSC	European Coal and Steel Community
EEC	European Economic Communities
EP	European Parliament
EU	European Union
Euratom	European Atomic and Energy Community
IGO	Intergovernmental organization

ISAI	International Subnational-Authority Institution
LG	Local Government
MLG	Multi-level governance
NATO	North Atlantic Treaty Organization
NPM	New Public Management
OECD	Organization for Economic Cooperation and Development
PACE	Parliamentary Assembly of the Council of Europe
RF	Russian Federation
SCLRA	Standing Conference of Local and Regional Authorities
SFs	Structural Funds
TEU	Treaty on European Union (‘Maastricht Treaty’)
ToA	Treaty of Amsterdam
ToL	Treaty of Lisbon
UIA	Union of International Associations
UK	United Kingdom
UN	United Nations
USA	United States of America
WTO	World Trade Organization

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Chapter 1 Introduction

The nature, role and organization of local government have been subject to a considerable body of detailed, intensive discussion and investigation for over centuries. However, with the process of internationalization and the changing governance pattern in the last few decades in particular, local government has been given greater scope to play an important role, especially with the development of multi-level governance (MLG) framework. Local government's activities are no longer limited in the nation states but go beyond its traditional boundaries and directly link with international actors. Hence, it is necessary to investigate a deceptively simple but nonetheless significant question: what role can local government play in the wider political context and to what extent it can shape and influence the international policy frameworks? Intergovernmental organizations (IGOs) such as the Council of Europe (CoE) are of great relevance to local government because international policies and instruments can have significant practical implications at the local level. Likewise, local government is important to IGOs because a large amount of international policies need to be implemented at the local level. Although these policies are normally mediated through national governments, it is local government that has the discretion and decision making power to determine how international policies are incorporated into the local political system and the extent to which they are implemented. Hence, the commitment of local government is particularly crucial in terms of ensuring successful international policy implementation. For this reason, it is not only the national governments, but also the local authorities that should be concerned in the development of international policies so as to take into account their political considerations and develop commonly agreed policy objectives.

Given the potential significance of local government to the successful implementation of IGO policies and instruments, it is surprising that relatively little attention has been given to the ways in which local government influences international policies. At the theoretical level, local government is largely ignored in the studies relating to IGOs and their influence in domestic politics. The discussions of IGOs and their policy implementation mainly focus

on the relationship between IGOs and member states, and the way in which international policies are transposed into domestic political practices (Joachim *et al.* 2008c; Brummer 2010). Where theories of multi-level governance recognize the significance of local government and its relations with the supranational level, emphasis is usually given to the variations of influence between policy sectors and their implementation, as well as the scope for local autonomy (see, for example, Marks 1993; Benz and Eberlein 1999; Marshall 2005; Milio 2013). For those who have focused on subnational movements and their implications to international policy frameworks, attention is mainly placed on regional authorities and rarely goes beyond this level to reach local actors (see for example, Hooghe and Marks 1996; John 2000; Murphy 2011). Hence, the role of local government is largely neglected as these theories leave relatively little scope for the possibility that local government may have a role to play in shaping and developing international policies in certain areas.

In practical terms, it also raises a question about the extent to which local government is represented at the international level and its ability to influence the international policy framework. In the context of a traditional political system, local government only exercises its power within the domestic environment which is considered as completely separate from the international political context. However, with the development of multi-level governance, local authorities have been provided with greater opportunities to be involved in the international political arena. One example of this is through official institutional channels such as the European Congress of Local and Regional Authorities (CLRAE) of the Council of Europe. This research specifically analyses this state of affairs through an investigation in to the CoE and in particular the CLRAE. The past few decades have witnessed the increasing movement of local and regional mobilization that challenges the traditional political boundaries and directly connects with international governance bodies (Marks 1996b; Jeffery 2000; Donas and Beyers 2013). This suggests there is the potential for local government to play a role in influencing and shaping the international policy frameworks. However, it is still unclear to what extent local government can really influence international policy making and implementation.

Given this problematic, this research explores the capacity of local government to influence intergovernmental organizations' policy frameworks during the formulation and

implementation of their instruments and policies. The research aims to provide empirical insights into the decision making and implementation of international policy regimes, specifically within a European context, and contribute to the broader theoretical understanding of these regimes through the development of multi-level governance as a framework of analysis. In doing so, the role of local government is examined in the pan-European political context as shaped by the Council of Europe, which extends the theoretical framework of multi-level governance by going beyond its usual development and application in the European Union (EU). In adopting this approach, particular emphasis is given to the upstream link between local government and international actors so as to investigate the nature and extent of local government's influence on international policy frameworks.

Drawing these points together, the central hypothesis of this thesis comprises three core propositions. Firstly, multi-level governance theory suggests there is the potential for local government to develop additional value to the existing political system beyond its traditional roles. Secondly, the possibility of local government to mobilize across traditional centre-periphery boundaries within the multi-level governance setting creates opportunities for local government to have its input and demonstrate its unique value for international policy making. Thirdly, the existence of an upstream link between local government and supranational actors is at the core of local government's capacity to shaping and influencing international policy frameworks.

The assumptions and arguments in relation to these propositions will be developed and analysed in detail in the chapters that follow. Prior to further investigations, it is necessary to set out the context of these propositions. The remainder of this chapter looks at the changing context of governance before proceeding to an examination of the impact of IGOs on domestic politics and the significance of local government especially in relation to international policy implementation. The third section defines local government as the key focus of the thesis and clarifies the scope of the analysis. The final section outlines the structure of the thesis.

1 The Changing Context of Governance

Internationalization greatly changes the pattern of governance and the intergovernmental relations in the political world. In a traditional political sense, states are the dominate actor of governance and, more specifically, it is the national government that has the steering capacity of the society as always considered to be appropriate, legitimate and unchallengeable (Pierre & Peters 2000). With the rapid social, economic and technological development in the last century, enormous changes have been brought to the political sphere. This has included privatization, institutional reform, marketization and globalization, to name but a few. Hence, numerous new actors have been inevitably involved in governance and as the consequence it witnesses the transformation of governance models and the subsequent change of intergovernmental relations.

The traditional hierarchic governance model is mainly based on Weberian bureaucracy theory[1], which has been seen as the placebo for governments to solve all sorts of problems appeared since the time of the industrial revolution (Rowat 1967). A most distinctive feature of bureaucracy is the hierarchic authority structure that shapes intergovernmental relations. Strict hierarchic structure requires unity of command and high obedience, which distinguishes the system of supervision and subordination. It also requires detailed functional specification that the role of each unit is elaborately defined to cover every detail of competence, obligations, responsibilities, as well as the scope of authority. A stable and comprehensive system of rules and principles hence becomes particularly crucial for effective compliance in the bureaucratic structure, as it ensures that decision making is legitimate and can be predicted and monitored.

However, Weber's bureaucracy is only ideal in a hypothetical sense as it experiences major functional deficit in practical terms, which has great impact on local government's capacity and performance. On the one hand, the restricted hierarchic system with distinctive graded structure tends to build highly centralized authority. Hence, governments from the lowest level are constrained from being effective and efficient due to insufficient autonomy and competence. Given that local government is the closest to the public and

[1] See Max Weber (1947) The theory of social economic organization, translated by A.M. Henderson &. Talcott Parsons, the Free Press.; David Beetham (1974) Max Weber and the Theory of Modern Politics; David Beetham (1987) Bureaucracy, Milton Keynes: The Open University; and Clegg, S. (1990) Modern Organizations, Beverly Hills, Ca: Sage.

best manages community needs, limited autonomy and competence can lead to irresponsive and ineffective governance in response to local demands. On the other hand, intricately defined functional specialization requires a large number of units and divisions to undertake different responsibilities. This causes radical increase of the government size which turns the state into a massive bureaucratic machine with remarkable budget and relatively unequal output. As a result it leads to greatly increased complexity in governmental operations, due to which local compliance of rules and principles become more complicated and raise questions of both efficiency and accountability.

Whereas the traditional hierarchic model was seriously questioned for its capacity of providing effective, efficient and economic public services, several administrative 'megatrends' emerged in the public sphere which have provided a fertile ground for the rise of 'new public management' (NPM) (Hood 1991). Firstly, there were attempts to 'slow down or reverse government growth' so as to diminish the input for the massive bureaucratic state machine and increase the output in a more effective and economy manner (Ibid:17). Secondly, the redress of 'subsidiarity' in service provision that emphasizes the direct connection to the resources has shifted the public service from core government institutions towards 'privatization and quasi-privatization' (see Hood and Schuppert 1988; Dunleavy 1989; Hood 1991). Thirdly, there has been tremendous development of automation, mostly in information technology, which demands a particular efficient and responsive governance model in the public sphere. Finally, the rapid increase of international cooperation, either financially or politically, has stressed the need to change the traditional bureaucratic model within the context of a new globalized environment.

Developing upon two main strands of NPM, managerialism and the new institutional economics, the notion that governance is about 'steering' rather than 'rowing' has been widely advocated (Osborne and Gaebler 1992). The emphasis of a more 'steering' style suggests the need of bringing private and other societal actors into the public sphere and the reinforcement of managerial and enabling role of government (Rhodes 1996). This has special implications for local government in terms of strengthening its 'enabling' capacity in a strategic style to manage and coordinate numerous interests in the spatial local territory (Stewart and Clarke 1988; Brooke 1989; Leach *et al.* 1994). Hence, local government has

been given a more significant role in domestic politics so as to achieve improved outcomes of local governance. It also leads to the demand of greater autonomy for local level as there is the need of strengthened macro control to enhance coordination and management in localities.

Networks are then shifted as a model of 'new governance' as in contrast to NPM, which emphasizes inter-organizational coordination that contains key elements such as interdependence, interactions, trust and reciprocity principles, and autonomy (Rhodes 2000). It advocates a high degree of involvement of actors from different sectors and different levels. Joined-up governance, as the major approach of networks, emphasizes coordination among the network members not only horizontally but also vertically. In order to ease the pressure of decentralization and fragmentation from the earlier managerial reforms, closer coordination and more systematic regulating are necessary for public administration. Governance arrangements such as partnerships are formed between public institutions and non-governmental actors, as well as between different tiers of governments or different state agencies (Bevir 2007). This provides local government with a wider scope of functioning beyond the traditional boundary and seeking greater political influences in the broader context.

Network governance places special emphasis on shaping common objectives towards effective implementation based on shared preferences and mutual interests of all actors concerned. Given that the involvement of numerous actors conceives different goals and perceptions, the need of integration and coordination becomes particularly essential for the implementation of public policies (Löffler 2003). There are two core elements of network management: "direct management of interactions within networks" and "influencing the institutional arrangements in order to improve conditions for cooperation indirectly" (Kickert and Koppenjan 1997:60). The former emphasizes the process of seeking opportunities for goal convergence by identifying similarities and differences in participants' perceptions, whereas the latter focuses on long-term strategies such as promoting engagement in political activities so as to reshape actors' perceptions, or reconstituting a network and bringing in new actors (Löffler 2003). In this case, local government undertakes a crucial role that not only requires the capacity to incorporate a variety of political preferences within the localities but also needs to represent the col+lective local interests in the wider

political context. The relations between local government and other key players hence develop a multiple dimensional nature that varies in different network arrangements.

With the radical development of internationalization and the widespread institutional change in Europe in particular, multi-level governance appears as a different mode of governance arrangement and has drawn great attention of scholars in various fields (see Marks 1993; Pierre and Stoker 2000; Hooghe and Marks 2003; Bache and Flinders 2004c; Stephenson 2013). The notion of multi-level governance was initially developed to understand the regional integration process in Europe. Special attention was given to the distinct feature of such governance arrangement that "supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks" (1993:393). Multi-level governance was defined by Gary Marks (1993:392) as a system that "characterized by co-decision-making across several nested tiers of government, ill-defined and shifting spheres of competence (creating a consequential potential for conflicts about competences), and an ongoing search for principles of decisional distribution that might be applied to this emerging polity". The notion delivers two subsets of meanings that, 'multi-level' implies interdependence and interactions among different levels of participants, whereas 'governance' refers to close coordination between actors from different sectors at various territorial levels (Bache and Flinders 2004c). A further benchmarking clarification of the substance of multi-level governance distinguishes two different types of governance arrangements that respectively focus on the vertical and horizontal dimensions (Hooghe and Marks 2003).

A number of major tendencies can be seen with the development of multi-level governance. Firstly, the state no longer monopolizes decision making in the public sphere. This can be reflected by the growing influence of international rules and policies in domestic politics as well as the increasing involvement of local and regional actors in the international political arena. Secondly, the distinct territorial boundaries between international and domestic politics have gradually been blurred (Knodt 2004). The rise of intergovernmental organizations not only brings great impact to the domestic political environment but also fosters a variety of territorial cooperation between actors at different governmental levels. Moreover, there is the increasing awareness of the significance of a 'third level', that is, the regional level (see, for example, Christiansen 1995; Jones and

Keating 1995; Keating and Hooghe 1996; Jeffery 1997). The changing governance arrangements and intergovernmental relations triggered a boost of subnational mobilization particularly to the international level either through formal international institutions or informal lobbying activities (Marks 1996b; Jeffery 2000; Murphy 2011). Subnational actors hence have been provided numerous opportunities to make their voice heard at international level and influence international policy making.

The development of multi-level governance has greatly changed the domestic political context and intergovernmental relations between actors at different territorial levels. It particularly offers greater scope for local government to play a more significant role in multiple dimensions. The relaxed political structures allow local actors to mobilize across the traditional boundary that set by national government, which not only provides alternative access for them to seek additional resources, but also offers more opportunities for local government to have greater influence in the wider political context (Rowe 2011; Zerbinati 2012). Hence, local government is not merely the subordinate mechanism to the higher level authorities and functions under their supervision, in fact, it plays an important role that not only has significant implications on domestic politics, but can also shape and influence the international policy frameworks. Given that there is the potential for local government to develop additional value to the existing political system beyond its traditional roles, it is therefore necessary to investigate further in subsequent chapters on the extent to which local government can influence international policy frameworks and its implications to the development of multi-level governance.

2 The Significance of IGOs and Local Implementation

The development of internationalization sees the rise of intergovernmental organizations as an important player in a broad range of areas such as political, economic and cultural issues that have significant impact on domestic politics (Robertson 1992; Waters 1995; Stiglitz 2002). On the one hand, the growing influence of intergovernmental organizations promotes the development of multi-level governance, which can be reflected from the radical change of political structure and intergovernmental relations. In this context nation states can no longer monopolize the political world but share the steering power with

international actors in certain policy areas. This can particularly be seen from the case of the European integration process. The increasing influence of IGOs in the European arena with delegated power from nation states challenges the traditional state-centric governance model and provides greater scope for actors at other territorial levels to be involved and influence the wider political environment. Intergovernmental relations hence conceives a more complex nature due to the involvement of IGOs in the political system which creates a variety of additional resources to domestic public actors that challenges the exclusive central control.

On the other hand, the increasing influence of intergovernmental organizations has particular implications to local government and its role in the multi-level governance framework. International policy regimes change the political context at a local level which requires local government to reinforce its decision making power in managing strategically by taking account of both international requirements and local circumstances. This accordingly emphasizes the significance of local government in ensuring and contributing to successful international policy implementation by pursuing its decision making role. Simultaneously, international norms and values that have been incorporated along with international polices can gradually reshape and influence the political preferences of the local level. The advanced international standard, as reflected by principles such as good governance and democracy, has great impact on the tradition of domestic political system and affects local government's administrative activities. Moreover, the existence of official communication channels such as the Congress of Local and Regional Authorities in the Council of Europe, provides great opportunities for local government to have its voice heard at the international decision making process. This also encourages local government to mobilize across the traditional political boundaries to seek additional resources and support from international actors to achieve greater interests of local communities.

Whereas intergovernmental organizations have growing influence within the multi-level governance framework, they also experience significant implementation challenges that severely affect their policy outcomes (Joachim *et al.* 2008b; Brummer 2010). IGOs do not have inherent competence that can ensure the supremacy and authority over member states; in fact, the competence is delegated by and relies on the national governments

(Hooghe and Marks 2013). Whilst the traditional rationalist and constructivist approaches favour enforcement and managerial instruments for IGOs to ensure compliance, the normative approach, as Barnett and Finnermore (1999) suggested, emphasizes the power of IGOs that derives from two sources: specialized information and expertise on the one hand, the rational and impartial standing on the other. IGOs can offer member states with advanced resources such as specialized technical knowledge and experience particularly on their less well-informed issues so as to facilitate them to achieve the objectives more efficiently (Joachim *et al.* 2008b). The neutral standing also allows IGOs to build up reasonable arguments which can be persuasive for nation states to reach an agreement and commit to comply with (Risse 2000). March and Olsen (1989) also addressed that whether the recognition of international norms *de facto* follows a logic of appropriateness will affect the implementation of such norms. Hence, commonly accepted policy objectives based upon shared interests can be crucial to achieve the members' commitment in implementation and ensure effective policy outcomes. This suggests the importance of close coordination with key actors that are influential in implementation during the development of IGOs' policies, the policy making process in particular.

Given that a large number of international policies need to be implemented and acted upon at the local level, local government has a particular important role in terms of improving the effectiveness of international policy implementation. Even though international policies and instruments are normally mediated through national governments, it is the local government that *de facto* determines the way in which these policies are implemented and the actual extent of their implementation. From environmental policy to instruments designed to enhance democratic practice and good governance, local government plays a crucial role to ensure the achievement of successful policy outcomes. The importance of local government's role in implementation is mainly rooted in three sources: the decision making power in local politics, the democratic value, and the capacity of ensuring good local governance.

First of all, the role of local government in decision making has significant implications on the outcome of international policies in terms of how they are incorporated into the local political framework and how they are implemented at the local level. Local government has the capacity to act upon its own discretion in response to international policy requirements

that it can choose “to do not only different things but also the same thing differently” (Clegg 1990:151). Given that the local political context is shaped not only by international policies but also national and regional political arrangements, and most importantly, the local circumstances, it is the local government that has been given the power to influence the way in which external requirements and internal conditions are integrated into the local policy frameworks. To achieve a successful implementation, it also relies on the degree of local institutional commitment in incorporating and mediating the influence of rules and policies from intergovernmental organizations (Lowndes and Leach 2004). Hence, local government is crucial for IGOs in relation to its decision making power in ensuring the effectiveness of their policy outcome at the local level.

Secondly, local government is significant for IGOs in terms of its unique value in safeguarding and promoting democracy in localities. Local government is the democratically constituted public body that is normally directly elected or accountable to a directly elected assembly. The democratic nature suggests that local government plays a crucial role in ensuring local representativeness and participatory democracy. On the one hand, democracy is the fundamental principle of most IGOs, such as the Council of Europe, which gives local government a particular significant institutional value in promoting such international norms. On the other hand, the close link with citizens and local communities ensures the effective promotion of international norms and values to the public. Given that the democratic nature of local government encourages public participation in political activities, this enhances the accessibility and publicity of international norms and principles and facilitates the integration of advanced international values into local culture and traditions.

Moreover, the role of local government in promoting good governance has significant implications for IGOs. In localities, local government is the key player to pursue a strategic managerial role in the public sphere so as to ensure effectiveness and efficiency in the service delivery. This reflects the basic requirement of good governance, which is a fundamental principle of most IGOs, as well as the need of strengthening the capacity of local government in improving its performance. Under the multi-level governance arrangements, local government undertakes a more crucial role in promoting good governance due to the increasing involvement of private and societal sectors in the public

sphere. There is also the growing influence of policies from the international level which sets out a variety of political requirements in accordance with advanced international standards. Hence, the capacity of local government becomes particularly important in terms of ensuring these international standards are met and reflected by local government's administrative activities in managing local issues. Its capacity in promoting good governance can also contribute to the outcome of international policies and instruments by enhancing the effectiveness and efficiency of local implementation.

Given that, on the one hand, IGOs have significant implications on the local political context particularly with the growing influence of international policies and instruments, and on the other hand, local government has distinct value in terms of ensuring the successfulness of international policy implementation, it is clear that local and international levels are closely linked together under the multi-level governance arrangements. Theory on the normative approach of international policy implementation suggests that it is important for IGOs to build the policy frameworks around persuasion and incentives and to foster multilateral dialogue between all participants including local government, so as to encourage the commitment of policy implementation (Manners 2011). The significance of local government also suggests there is the need for IGOs to take into consideration local political preferences during the development of their policy frameworks, so as to achieve successful policy outcomes upon effective support and coordination of their local allies. Hence, this thesis focuses on the specific link between local government and IGOs in the European context, as well as the way through which local government can shape and influence the international policy frameworks.

3 Defining Local Government and the Scope of Analysis

The above discussion suggests there is the close relevance of local government to the international policy implementation and there is also the potential for local government to influence the policy framework during its decision making process. However, before further investigations can be effectively undertaken on this subject, it is necessary to clarify the key concept of this research, local government and its fundamental characteristics, and to identify the boundaries and scope of this research. Such clarifications are useful, not only

to offer clarity to the discussion, but also to further emphasize the significance of local government as the key focus of the research.

3.1 Defining local government

The existence of local government, as the fundamental unit of every political system, appears as a phenomena almost beyond question, since it has the "position as an almost primordial feature of the political landscape" (Sharpe 1970:154). Whilst its construction and form can vary in different countries and territories, local governments in every political system share some common features that distinguish them from other types of public agencies. Among others, Marshall (1965:8) identified three essential characteristics of local government that have captured the most distinctive features of this particular political entity, which include "operation in a restricted geographical area within a nation or state; local election or selection; and the enjoyment of a measure of autonomy, including the power of taxation". In this thesis, the term of local government, or local authority used as a synonym, refers to the most fundamental political unit characterized by the above three key features.

Local government is the basic unit of a political system and operates in a restricted geographical territory which has direct relevance to the citizens and local communities. The institutional position of local government suggests that it should not be regarded as merely a subordinate agent of higher level authorities but a governmental body with significant implications to both central government and local communities. Local government has the functional capacity to undertake administrative roles of managing local affairs that are not able to or suitable to operate by higher level authorities. More importantly, as Allen (1990:23) addressed:

> "Local government is not looked upon as just a mechanism. Rather, it is seen as the organic self-expression of the people themselves, whose powers are not yielded to the centre, but retained by the citizens of each community in the country to provide necessary local services for themselves."

This is not only because of the deeply embedded democratic value of local government, but also based on its knowledge value that local government has the unique and effective

access to obtain sufficient knowledge of variant conditions of each locality. Such knowledge value allows local government to manage local issues more efficiently and effectively as it is the closest to the citizens and communities. Hence, the functional capacity and its expertise on local conditions provide local government with unique institutional value that differentiates it from other tiers of public bodies and have significant implications on the wider political environment.

In most politics, local government is either directly elected or accountable to a directly elected assembly. It is the institutional embodiment of local democracy and undertakes the role of safeguarding democratic standards and promoting the value of democracy to citizens and communities. The democratic mandate forms an important feature of local government which allows it to act as a legitimate agency of local collective interests and undertake the role of determining and providing services towards the common good (Chandler 2008). As a democratically constituted authority, local government can not only promote the fundamental political value of local representativeness but also facilitate and enhance participatory democracy. Local government is the closest public body to the community, which ensures its accessibility and responsiveness in managing local affairs and encourages citizen participation. The democratic nature also suggests that local government needs to be accountable to higher level authorities on the one hand, and to the citizens and communities it represents on the other hand. This ensures that the functioning of local government is for the best of local interests and its performance meets the basic requirement of good governance as delivering effective, efficient and economy public services.

Local government has delegated powers to function its decision making and administrative role in the localities. In accordance with the European Charter of Local Self-Government[2], the scope of powers of local government is articulated as:

> "The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute; Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded

[2] Article 4.1, 4.2 and 4.4 of the European Charter of Local Self-Government, ETS No.122.

from their competence nor assigned to any other authority; … Powers given to local authorities shall normally be full and exclusive; …"

This sets out a number of basic principles in relations to local government's competence and responsibilities. Firstly, the powers that local government exercises need to be sufficiently rooted in legislation. This gives local government the legitimate functional basis in dealing with local issues for the interests of both clarity and legal certainty. Secondly, local government has the competence to function with its own discretion in exercising responsibilities on local matters. The decision making role of local government hence becomes particular important in terms of incorporating higher level policies into the local political system and ensuring compliance by taking account of local circumstances. Thirdly, there is a clear distinction between local government's responsibilities and those of higher level public authorities. Whereas a public matter has direct impact on local communities and only relevant to the specific locality, it is the local government that exercises full and exclusive powers without the intervention by central or regional authorities, the only exception of which is when there is the need of complementary action by other tiers of authority as stipulated by clear legislative provisions.

To summarize, local government is the basic political unit that operates in a specific geographical territory and is subordinate to higher tiers of public authorities; it is directly elected or accountable to a directly elected assembly and is the closest governmental body to the public and communities; it exercises local administrative role and decision making power with partial autonomy and undertakes a broad range of functions in dealing with issues have direct relevance to localities. These characteristics will serve as a reference point to identify local government as a particular type of political entity for the remainder chapters of the thesis.

3.2 The scope of the analysis

To understand the focuses of this research, it is important to clarify the scope of the analysis. There are two factors that draw the boundaries of the analysis: the focus on local

government as distinct from other types of subnational authorities and the concentration upon its influence specifically on international policy frameworks.

On the one hand, it is necessary to make a clear distinction between local government, which is the key focus of this research, and other types of subnational authorities. Local government, as the fundamental public body being the closest to the community, has distinct features that differentiate it from other types of subnational actors, regional authorities in particular. These features, such as being the closest to communities, have significant implications on its roles and influence in the international policy frameworks, as well as its relations with intergovernmental organizations based on its unique value. However, in the studies especially concerning to the relationship between international institutions and domestic governmental bodies, 'subnational actor' is normally employed as a collective term that represents non-state public bodies at all levels. The distinctiveness of local government is hence undermined and its unique value and contribution are usually marginalized. Hence, it is necessary to emphasize the specific focus of this research so as to identify the distinct value of local government in relation to influencing and contributing to the international policy frameworks. For this reason, local government is identified as the closest governmental body to the citizens and communities, which reflects its unique value of promoting local democracy as well as decision making that has direct relevance to the localities.

On the other hand, this research focuses on one specific aspect of local government's role and influence within the multi-level governance framework, that is, its upward influence on international policy frameworks. Multi-level governance arrangements entail a very complex nature of intergovernmental relations and interacting patterns between actors concerned. For every actor involved in the multi-level governance framework, including local government, it functions in a multi-dimensional political space and undertakes multi-functional responsibilities in different contexts. Local government is undoubtedly an important actor in domestic politics which is closely linked to private and societal sectors and pursues the role of managing local public issues strategically based on coordination with these non-governmental actors. It also functions as the traditional subordinate mechanism to higher level authorities and acts under their supervision to ensure governance activities are effectively conducted. However, this research does not focus on

these aspects in terms of local government's role in the multi-level governance framework, neither does it undermine the influence of local government in these dimensions. The emphasis of this research has been given to the relations between local and international level and the way through which local government can shape and influence international policy frameworks. In doing so, the research explores the most neglected area of multi-level governance theorization, that is, the upward link between local and supranational levels, which contributes to both the theoretical development and empirical applications of this particular area. More specifically, the core argument of the research identifies the existence of an upstream influence of local government on intergovernmental organization's policy making and implementation, which has the potential to reshape international political considerations towards local preferences and genuine community interests.

4 Outline of the Thesis

The remainder of the thesis is structured as follows. Chapter 2 explains the role of local government and its potential of functioning with increased influence in a wider political context under the transformed governance arrangements. A normative analysis is conducted to clarify the role of local government in the traditional governance framework by undertaking administrative functions in the locality, which include safeguarding local democracy, decision making, and public service delivery. The capacity of undertaking these roles forms the basis of local government's distinct value in contributing to the wider policy frameworks, those of intergovernmental organizations in particular. This chapter then explores the challenges as well as opportunities that have been brought to local government in the changing political context, with special focus given to influences from the international level. Among others, impact from three phenomenon are most noteworthy, that is, international policy frameworks, international value and principles, and the institutional restructuring. Opportunities for local government to play more important role in the changing political context and its potential to undertake such roles are hence analyzed in detail.

Chapter 3 explains the concept of multi-level governance and sets out the analytical framework guiding the subsequent chapters. It traces the historical development of multi-level governance with special emphasis given to the challenges confront the conventional governance system. New players involved as a result of these challenges are examined respectively in relation to the traditional state-centric governance framework and government-orientated political system. The concept of multi-level governance is then clarified by looking into its main uses in different research areas, which leads to the highlight of Gary Marks's(1993) benchmarking definition and the subsequent conceptual development of Type I and Type II multi-level governance (Hooghe and Marks 2003). It moves on to the theoretical development of multi-level governance, which offers a novel approach differentiated from the traditional understanding of regional integration in Europe by neofunctionalism and intergovernmentalism. Instead, multi-level governance theory explains not only the transformation of governance arrangements with numerous actors involved, but also the way of how this system functions with nested and overlapping relations among them. This is followed with generating theoretical propositions of multi-level governance in relation to the role that local government plays within this framework, which guides through the empirical investigations in the later chapters. Drawing upon the distinct value of local government and its potential influence, as well as the fact that it is a much neglected actor in the development of multi-level governance theorization, research questions are clarified as the core of the thesis.

Chapter 4 discusses the research methodology adopted to undertake the empirical investigation. The ontological and epistemological position is addressed to clarify the general context that this research is based upon. By adopting the critical realist approach, a discussion follows to outline the phases of how the research is conducted and explain the rationale of selecting case studies as the research strategy. It then develops a further clarification of the criteria of choosing the Council of Europe as the instance of the case study approach. Research methods adopted for empirical investigation are discussed in detail, which include interview, observation, black-letter research and a complementary method of questionnaire. This chapter also addresses the significance of ethical issues in relation to this research as well as the basic principles and requirements that guide through the empirical investigations.

Chapter 5 sets out the institutional framework of the Council of Europe, based on which the role of local government in shaping and influencing the international policy frameworks is explored. Emphasis is given to how local authorities have been involved in the international policy framework and how they have influenced the policy making and implementation process. Based on the empirical evidence provided by the CoE practice, multi-level governance theory is adapted to explain the involvement of local government at international level and the pattern of how it relates and interacts with other key actors in the CoE political context. The nature and extent of the upward influence from local to international level have been given special attention in this chapter, which is drawn upon empirical evidences of the relations between local government and the Congress of Local and Regional Authorities, as well as the contributions that local government has made in shaping and influencing the CoE's policy frameworks. The chapter ends by clarifying the distinct value and potential influence of local government within the multi-level governance framework, which emphasizes the importance of effective involvement of local authorities in international policy making and implementation.

Chapter 6 explores the extent to which the value of local government in a multi-level governance framework is utilized in practical terms, which is mainly reflected by the degree of how local government is de facto involved in the international policy making and implementation process. Given that local government's value lies in its knowledge and expertise of localities and its cooperation and support for local compliance, it is important to ensure that local interests and community demands are taken into consideration during the international policy process. Hence ensuring effective involvement of local government is important in terms of utilizing its value in contributing to successful implementation of international policies. Emphasis is then given to the CoE's policy regime of local democracy, based on which a further investigation of the extent to which local government is really engaged in the CoE's policy framework and the degree of its value that is actually reflected through this institutional mechanism. Empirical evidence suggests there is the divergence of political considerations and policy priorities between the Committee of Ministers and the Congress. It also shows there is considerable low degree of engagement of local authorities in the Congress' activities. In order to understand how the system functions as well as different approaches adopted by the CM and the Congress, rationalist, constructivist and normative interpretations are employed in relation to their implications

on the Congress' influence in encouraging local government's engagement to ensure local compliance. The normative approach that focuses on shaping common political preferences based upon shared objectives and mutual interests of all parties involved is identified as central for intergovernmental organizations to ensure the successfulness of policy implementation, due to which the role of international institutions representing local authorities becomes particularly crucial.

Chapter 7 investigates the role of the International Subnational-Authority Institutions (ISAIs) in promoting the upstream link between local and international levels so as to ensure the utilization of the distinct value of local government in international policy frameworks. In doing so, a parallel empirical analysis is conducted based on the institutional settings and functional capacity of the Congress and the Committee of the Regions, which provides additional evidence from different political contexts so as to draw implications for ISAIs in general. Emphasis is given to the upstream interaction between local authorities and the Congress and the CoR, which suggests there is a substantial mismatch between ISAIs' policy input and output. The chapter then moves on to identify the embedded obstacles that constrain the system from functioning as it is supposed to and explains the substance of these barriers that lead to the policy input and output mismatch. It ends with an analysis that examining the scope more generally for local authorities to have their influence within the multi-level governance framework and draw implications for the ISAIs as institutions representing local authorities at the supranational level.

Finally, chapter 8 concludes the thesis by considering the significance of shaping common political preferences between international and local levels, as well as the implications of the International Subnational-Authority Institutions in improving the outcomes of international policy frameworks. It examines the theoretical basis of IGOs to adopt different approaches, during which specific focus has been given to the normative explanations as shaping common political preferences of all parties concerned. An analysis based on respective governance model in relation to the political structure and power dependency relations is established so as to understand the different approaches of IGOs in promoting effective implementation. This is followed by an investigation of the process that how local political belief is transformed towards shared value and common preferences. The importance of thick learning is examined in detail as it clarifies the myths of the mismatch

between local input and international policy output. Focusing on the empirical contributions of the thesis, this chapter explains the distinct value of ISAIs and its implications for the improvement of international policy implementation. It concludes by reviewing the main contributions of the thesis and considering the implications and reflections in relation to future research.

Chapter 2 The Role of Local Government

1 Introduction

Despite the variety of structure and role of local government, it is nonetheless the case that it has a broad and enduring existence which can be seen in almost every political system. In the European context, countries with considerably small territories such as Luxembourg and Malta do not necessarily have regional authorities, but they all have local governments. The existence of local government as a key structure of society has for one academic taken on its 'position as an almost primordial feature of the political landscape'(Sharpe 1970:154). Moreover, Laski goes further by arguing that 'the case ... for a strong system of local government in any state is clear almost beyond the needs of discussion'(1949:411). These statements emphasize the importance and necessity of local government in all political systems. As Sharpe(1970) identified, the most plausible and unambiguous explanation of the definite need of a local level would be the one made by John Stuart Mill (1912:368), that

> 'The very object of having local representation, is in order that those who have an interest in common which they do not share with the general body of their countrymen may manage that joint interest by themselves'.

Despite that the statement was made more than a hundred years ago, the underlying message remains true today by affirming the necessity of local government as a political form. Moreover, Mill's argument elaborates the most fundamental fact that national government would be neither willing to nor able to deal with everything within its territory. In other words, the functions of central government, on the one hand, do not necessarily have to cover every issue especially those that are only relevant to limited number of localities, as it is also impossible to operate in practical terms. On the other hand, central government is not able to cope with a large variety of local issues which require profound knowledge and expertise to meet the specific needs of each locality (Smith 1851). The

values of local government therefore can be seen at two levels: the functional value and the knowledge value. Local government has the capacity to perform functions that political bodies at other governmental levels would not be able to undertake or operate properly. Local government also has unique and effective access to obtain sufficient knowledge to grasp variant conditions of each locality. These capacities allow local government to be able to fill in the gap between the central level and local communities, which is caused by the incompetence of central government in managing vast and heterogeneous local issues in detail. In practice, the values of local government are mainly reflected through, yet not limited at, its fundamental roles as local democracy, decision-making, and public service delivery.

However, with the development of multi-level governance framework, numerous changes have inevitably produced a huge impact on the domestic political arena, which certainly affects the local level. It can therefore be seen that local government no longer exists in a sealed bottle of a purely domestic environment that is shaped by the national political system alone; neither is it able to undertake local managerial function, such as public service delivery, in a continuing monopoly style. In order to understand the values of local government in a changing multi-level governance context, it is important to examine in detail the role of local government and whether it has the potential to cope with various challenges brought by the new governance style. Hence, this chapter conducts a normative analysis on the role and value of local government in the traditional political system and investigates whether there is scope for local government to function beyond its traditional role in the changing internationalized political context. By doing this, the chapter argues that it is necessary to investigate further on local government's value as there is potential for local government to have more important role in the new political context, that is, multi-level governance framework..

In the following sections, the research first of all stresses the traditional roles of local government and its capacity to undertake these functions. The analysis focuses on the three key roles of local government including local democracy, decision making, and public services delivery. A detailed investigation of the impacts brought by the changing multi-level governance framework is made in the second section so as to build up the general context for further analysis. This is conducted from three different aspects, that is,

international policy framework, international values and principles, and the institutional restructuring. Finally, the chapter is concluded by emphasizing the potential of local government to cope with challenges within the new political context and its implications for international actors in particular.

2 The Role and Value of Local government – A Normative Analysis

This section conducts a normative analysis on the basic functions and the fundamental value of local government, which forms the basis of further exploration in the following chapters on local government's contribution in the broader international political context, such as, multi-level governance framework. The analysis mainly focuses on the three key functions of the local government, that is, local democracy, decision making and public services delivery.

2.1 Local democracy

Local government, as the institutional embodiment of local democracy, stands at the forefront of safeguarding democratic standards and promoting the value of democracy to communities. The role of democracy derives from the moral justification of local government based on the liberty of the community which advocates the fundamental freedom of local individuals in collective self-regarding issues (Chandler 2010). It can be traced back to the 19th century when Joshua Toulmin Smith argued against the central control over the autonomy of local government in certain policy areas, inter alia, sanitation policy. Smith (1851) developed his argument on the basis of liberal principles that individual groups have the right and duty to know and understand all matters concerning to themselves and have the collective freedom to discuss and make decisions upon such issues. However, liberty as a principle alone does not provide substantial justification to support the role of local government in safeguarding local democracy. Instead, the ability of local government based on its advantageous position in managing self-regarded issues, together with the liberal principle, form the foundation of the value of local democracy in protecting local interests against central control.

The role of local government in safeguarding democracy is mainly reflected on three aspects. First of all, the democratic structure gives local government the institutional basis to undertake the role of ensuring democracy at the local level. In most politics, local authorities are either directly elected or accountable to a directly elected assembly, which forms the foundation of their democratic nature. The close link to local communities enables local government to meet the basic criteria of representative democracy as being 'popularly authorised, accountable, responsive and representative', which were set out by Beetham (1996:32). The democratic structure of local government ensures the local representativeness by providing a diffusion of power within the community through the decision making process, as understood from the pluralists' perspectives (Hill 1974; Phillips 1996). It also facilitates the incorporation of central policies to fit into the local circumstances without disregarding the diversity and variations of localities (Jones and Stewart 1983). In relation to the local communities, the representative democratic nature enables local government to undertake the role as the legitimate agency of their collective interests, so as to determine and provide services towards the common good (Chandler 2008). Hence, in comparison with other tiers of government, local authorities are required to place more emphases on the details of local circumstances and the urgent needs in accordance with common community interests, which is reflected in its role of securing local democracy.

Secondly, local government has the capacity to facilitate and enhance participatory democracy. With increased importance in recent years, participatory democracy has become an essential form of local democracy alongside the traditional representative form (Sweeting and Copus 2013). Among all governmental bodies, local government is the closest to local communities, which allows it to be more accessible and available to citizens (Pratchett 1999; Stoker 2004). The accessibility of local government provides greater opportunities for citizens to engage in political issues that have close relevance to their immediate social and economic environment. Enhancing participatory democracy at the local level is not only about encouraging participation in elections, but also various forms of engagement in local administrative activities. The opportunities of having their say in local decision-making stimulate stronger interests of citizens to engage proactively in political participation. The closeness to the citizens urges local government to be more responsive of its administrative decisions and public service deliveries. The political

accessibility, responsiveness and availability of local government are all crucial factors that can boost citizens' trust of government at the local level as in contrast to central government in particular, which contributes to the enhancement of wider participatory democracy (Pattie *et al.* 2004). Local government also plays an important role as political educator through the means of encouraging democratic participation of citizens (Sharpe 1970). By providing opportunities of developing democratic values and skills, local government 'reinforces notions of participatory citizenship' and builds 'the foundation for strong national democratic institutions and practices' (Pratchett 2004:361). The role of local government, therefore, is not only limited in enhancing participatory democracy at the local level, but also can contribute to build up strong democratic culture in much wider political context.

The third aspect of the role of local government in securing local democracy is the dual model of accountability embedded in its institutional structure. Unlike authorities at other tiers, local government is required to be simultaneously accountable to the upward national governmental bodies and to the downward public service end users, that is, the local communities. Despite the fact that there are practical limitations of the traditional pyramid structure of upwards accountability due to the 'multitude of decisions taken in hundreds of different localities' and 'the conceptual limits to a model of downward accountability based upon individual redress alone' (Beetham 1996:40), the elected local government based on democratic structure certainly has the capacity to strengthen the ground of being accountable and responsive for its administrative activities. Based on the democratic arrangements such as representative government and participatory democracy, local communities are capable of ensuring local government to be held accountable through multiple channels. Hence, local government is pressured to be more responsible for its decision making and managerial activities under such dual accountability model. This, as a result, encourages communities' involvement particularly on the issues that have direct and immediate impact on their daily activities. It also enhances the quality of government operations and public services as in response to the request of local communities through democratic accountability.

Several strands of change in local governance over the last few decades reemphasis the importance of local authorities' role in delivering democracy, *inter alia*, network governance

and local leadership reform. The notion of network governance has developed upon the flourishing movement of new public management since 1980s and opened a new era of managerial focused governance with the highlight on economic efficiency and customer orientation (Pollitt and Bouckaert 2004). Whilst network governance contributes greatly to the quality of public administration towards better governance, it has simultaneously drawn a large amount of attention to its implications on local democracy (see Rhodes 1996; Lowndes and Skelcher 1998; Bogason and Musso 2006; Mathur and Skelcher 2007). There are serious concerns of the democratic functioning of networks in local governance which raises issues regarding to equality, accountability, and democratic legitimacy (Nyholm and Haveri 2009). In particular, the non-elected nature of actors from the private sector involved in the public sphere challenges the value of representative democracy and broaches the question of responsiveness and accountability in terms of safeguarding the real public good. Hence, with increasing cross-sectoral and civil society involvement in the governance framework, the value of local government becomes even more substantial in relation to its capacity to develop and reinforce local democracy.

There is the recent trend of local political leadership reform with a move towards direct election of local political leaders in most western democracies (Larsen 2002; Wollmann 2008). This movement has significant implications to local democracy in terms of its impact on political legitimacy and accountability of the local leadership. As Copus (2006:15) noted, 'the shift from indirectly to directly elected leaders coincides with a shift from notions of local government to local governance, as well as with a move from hierarchical and closed government networks and a routinized policy structure to a more fragmented and decentralised set of local political networks, coupled with experiments in new forms of democracy' (also see John 2001). Being directly elected by the public, local political leaders are required to be more responsive and accountable to the community represented and governed, as a result of which the party dominance of local politics is spontaneously challenged by shifting policy priorities towards public needs rather than narrow party-based preferences (Copus 2004). Therefore, directly elected local political leadership represents a 'potential to change the dynamics of party politics and, more widely, the conduct and inclusivity of local politics and democracy' (Ibid:588). With the introduction of a new style and dynamic in local political leadership, local government has

been given an even more important function in delivering local democracy based upon a broader ground of strengthened representative governance model.

Whereas democratic deficit and performance deficit have caused serious concerns of local political practice (Wollmann 2008), issues as such do not necessarily undermine the value of local government in safeguarding local democracy but rather trigger the political reforms to reinforce its democratic function. With the capacity of strengthening representative democracy, encouraging local political participation, as well as fortifying effective accountability of local political leadership, local government has great potential to enhance democracy not only within the local political system but it can also build up the firm ground for a wider national, or even international democratic culture.

2.2 Decision making

Local government's role in decision making has not been given sufficient credit in the traditional understanding of a central dominated political system. Even with the recognition of its special capacity of securing administrative efficiency by managing in detail, local government is still considered as mainly undertaking the function of implementing policies under the instructions given by central authorities (Mill 1975). However, the role of local government in decision making is far more complicated than simply incorporating rules and policies from the wider institutional environment into the local political framework. As a matter of fact, local politics, according to Lowndes and Leach (2004:562), is 'influenced by the rules and conventions that characterize regional, national, European and even global governance arrangements'. These rules and policies from different institutional levels are combined in a nested fashion and unlikely to formulate a clear policy framework automatically to impose a straightforward influence on local politics. On the other hand, local government has the competence to act upon its own discretion as a response to the requirement of higher level policies that it can choose 'to do not only different things but also the same things differently' (Clegg 1990:151) due to the constraints and opportunities provided within the specific local contexts. Local political arrangements are shaped by the way that external institutional influences and internal political contexts interact together and it relies on the degree of local institutional commitment in incorporating and mediating

the influence of rules and policies from higher level institutions (Lowndes and Leach 2004; Hughes 2013). Hence, the role of local government in decision-making has significant implications on not only the way of how they shape and interpret the local political framework but also the outcomes of national or international policies being incorporated and implemented at local level.

A key issue that inevitably needs to be addressed regarding to the decision making role of local government is the relationship between central government and local authorities. The degree of local government's power in self-governing has close relevance to the competence distribution between the central and local levels, which sits at the root of debates particularly in relation to local government autonomy (see Sharpe 1970; Jones and Stewart 1983; Rhodes 1999; Jones and Stewart 2012). However, intergovernmental relations must not be considered as simply about the 'central encroachment on local autonomy', as Laffin (2009:35) addressed based on his research of central-local relations in England, but should rather be understood within a wider historical context. According to his findings, the central government certainly remains the preeminent position over other governmental bodies and for different period the means of such domination has different implications for local government. Concurrently, with the changes from 'government' to 'governance', and to the even more sophisticated multi-level governance, the political environment that local government situates in has undertaken a 'shift away from a once highly institutionalised national local government system, dominated by service-based policy communities, towards more fluid national-level policy processes involving more diverse types of actors and in which service-based boundaries have declined in significance' (Ibid.). The relatively relaxed governance arrangements create greater space for local government to engage in varying policy processes and negotiate towards local preference by circumventing the formal central-local government channels. Whereas alternative opportunities are available and additional resources are offered, the decision making power allows local government to shape and build up a localized political framework with other partners based on their common objectives.

The local discretion in decision making is considerably influential in terms of the way local government interprets higher level rules and policies and its response to the wider political arrangements. The power of local government to shape policy frameworks towards local

preferences by defending its own discretion is largely undermined. Whilst Stewart (2000) observed the continuous passivity and resistance of British local government towards central policy initiatives, Martin and Bovaird (2005) also noted that local actors seem to have no strong motivations but only follow the central government's lead. However, question remains in relation to the actual outcome of central initiated policies due to the passive style in local implementation. Even though very few evidence shows that local authorities actually intend to challenge central government apart from the partisan reason (Lansley *et al.* 1989), passivity does not necessarily secure the effectiveness and efficiency in policy implementation at local level. Local authorities can easily determine the weight of specific policy initiatives on the list of their political agenda in accordance with local preferences upon their own discretion. Given that higher level policies can be possibly interpreted into a locally differentiated version upon local government's discretion and objectives and hence be implemented differently, the reason of passivity should also be understood as central instructions being unable to impose tight control and severely affect locally modified policy frameworks. Accordingly, Laffin (2008:117) emphasized the crucial role of local government in achieving better policy outcomes, that 'the capacity of the centre to implement policies require, as necessary and sufficient conditions, the support of local allies plus an enforcement mechanism'. Take into consideration that local political system is not just shaped by the specific political and organizational context within the locality but also largely affected by the wider externally-driven political agenda (Lowndes and Leach 2004; Kübler and Pagano 2012), the decision making role of local government has significant impact on both national and international policy regimes in terms of the way they are incorporated and implemented at localities. This therefore reaffirms the value of local government in securing the effectiveness of higher level policy outcomes as well as enhancing compliance towards designated policy objectives.

Nevertheless, the role of local government in decision making is not just about how it can interpret and influence the rules and policies from the higher governmental levels. Instead, equal emphasis must be given to its capacity in delivering more plausible decisions for the locality. This can be originated from the conventional justifications for local autonomy, which is based on 'the contribution local government can bring to good government' (Widdicombe 1986:46) and its role of 'secure[ing] administrative efficiency' (Chandler 2008:7). A subsequent notable approach that emphasizes local authorities' self-managing

capacity is the development of the notion of a more strategic 'enabling role' of local government (see Leach *et al.* 1994; Stewart and Stoker 1995; King and Stoker 1996; Wilson and Game 1998). The enabling role requires a strengthened capacity of local government to manage, in a narrow sense, those newly involved in public sphere, the private sector in particular; and in a wider sense, every needs of those whose interests can be affected by decisions made in the spatial local territory (Stewart and Clarke 1988; Brooke 1989; Stewart and Clarke 1989). With the development of governance networks over the last few decades, actors involved in the local political system have remarkably increased and include both regional, national and international bodies as well as, to list a few, private, voluntary, and other societal sectors. Hence, the role of local government to strategically manage tangled, if not conflict, interests of disparate actors becomes even more crucial. As Nyholm and Haveri (2009:116) noted that 'lack of democratic control and coordination mechanisms between different levels of governance', 'differentiated interests of actors', and 'unclear roles of different network actors' can all impose vital challenges on local governance. Notwithstanding the complexity brought by multiple actors and their disparate steering mechanisms which make the local political network extremely complicated, there is certainly potential for local government to tackle these problems and ensure the administrative efficiency by reinforcing its strategic managerial role. Based on their studies on the Finnish practice, Nyholm and Haveri (2009) suggested the importance of building up effective reconciliation mechanisms, which allow network actors to be closely connected and able to interact upon, and negotiate towards their common interests. Take into consideration that 'those elected to national eminence are too far removed from local understanding and sympathy with any specific community to make effective decisions for a community' (see Smith 1851; cited by Chandler 2008:8), the role of local government in decision making is irreplaceable by other tiers of government in terms of achieving the objectives of good governance and ensuring administrative efficiency.

2.3 Public services delivery

The value of local government in public service delivery originally lies in its capacity of ensuring efficiency. The emphases on the significance of efficient services can be traced back to the utilitarian and romantic traditions of Chadwick and Toulmin-Smith in the

nineteenth century (Hill 1974). John Stuart Mill (1975) developed a stronger justification by arguing that local government had the role of securing administrative efficiency not only because it was most competent in dealing with details concerning to locality but also because central government lacked the capacity to cope with all issues of the public business of a country. While confronting with numerous diversified localities, according to Sharpe (1970), local authorities have obvious advantages over the central government in demonstrating its substantial functional value. As he continued, local government is 'more likely to know the inimitable characteristics of each locality and adjust the administration of the service accordingly' (ibid: 166). This statement, albeit plain and simple, well captures the most fundamental element of local government's service delivery function from the roots, which provides explanatory basis for justifying both the value and strength of local government in public service delivery.

The capacity of local government to deliver efficient public services is based on its close connection with citizens and local communities. The closeness enables local government to access sufficient information which is essential for administrative activities but may not be practically obtainable for the central government. A satisfying level of knowledge of each locality requires a thorough understanding of the local situation, such as the common interests of local communities and problems being confronted with collectively. It also requires profound knowledge of local variations which refer to the embedded differentiations and conflicts of interests within the communities. Comprehensive knowledge and expertise on specific locality form the basis of local government's capacity in public service delivery. According to an ethical justification derives from Mill's (1975) argument on liberty, there needs to be a collective body founded jointly on mutual agreement to regulate issues only regarding to the specific locality but not to harm the external group's interests. Hence, it is the local government that has the democratic standing and capacity to undertake the role as "the agency that ought to reconcile the interests and determine and implement the common services required by its inhabitants and those with a substantial interest in its area that do not infringe the interests of others outside its boundaries" (Chandler 2010:9). Here, the emphasis of this justification does not fall into the debatable competence and local autonomy issues since the boundary of 'strictly local-relevant interest' for self-managing are rather ambiguous especially in the modern globalized world and it should be elaborated in the field of central-local power

distribution. In essence, the emphasis lies in the capacity of local government which drives from its democratic justification and the subsequent expertise and knowledge on the specific locality as these are essential for dealing with locally related issues.

To ensure the public service delivery effectively meets the communities' collective needs, the capacity of local government in pursuing this function is expected at two levels. Firstly, there is the need of coordination of multiple services in the specific local area. For each locality, local government has the multi-functional role to provide a broad range of services, such as education, housing, sewage management, none of which can be isolated from one another. These services are inter-related together and have equal importance to the entire local community. Therefore, the ability for self-managing requires the service provider has the capacity to deliver a wide range of differentiated services in a coordinated manner, which also explains the transformation of the role of local government from the monopoly service provider to a more strategic managerial enabling role since early 1990s (Clarke and Stewart 1991). The second level of capacity rests with the local government's democratic legitimacy that the collective needs genuinely represent the communities' interests and accommodate disparate local opinions. The democratic structure of the local political system allows a comprehensive evaluation of diversified local preferences which form the basis of local government's knowledge and expertise on specific localities. To ensure an effective and efficient service delivery, local government therefore needs to adopt its managerial role to prioritize those are considered to be of most urgent needs and those have more significant implications to the entire communities.

The value of local government is not only limited to its capacity of providing services in accordance with the collective needs of the community, but more importantly, it is reflected in the advanced value that local government can bring to the localities. The capacity of local government to ensure the effectiveness and efficiency in public service delivery forms its distinctive contribution that cannot be achieved by any higher tiers of government alone (see Bentham 1973; Mill 1975). The closeness to the community allows local government to be responsive and efficient as the end line manager of public service particularly in the case of any urgent demand. Likewise, it is able to notice any immediate change of local circumstances and accordingly adjust the priorities among a wide range of services in a short time scale. As being directly responsible and accountable to citizens, local

government is required to focus on the quality of the services and ensure an effective delivery to meet the localities' needs. The managerial enabling role also emphasizes its responsibility to ensure a full coverage of public services upon local demands and avoid any service falling in danger of being neglected due to its non-profit feature, otherwise, it is the local government that has the responsibility to make sure an alternative has been provided. Therefore, the value of local government does not just lie in its ability as contributing to better governance of the nation as a whole, as Chandler (2008) argued, but rather focuses more on its capacity of ensuring better quality of well being with genuine local interests. In this sense, the justification for local government is not simply expediential as for the national government's benefit, but *de facto* based on the significant value it can contribute to the entire communities.

With its traditional role of commanding resources, local government has the responsibility to seek every available resource to undertake its administrative functions and provide quality services. This includes the most fundamental role as to generate financial resources, which is mainly conducted through local taxation, rents, and other charges of services such as passenger transport and car parks. In order to cover its revenue budget for all services that local government shall provide, external resources are inevitably necessary and form a crucial part of the entire local spending. As Wilson and Game (1998) observed that there was a huge imbalance between the national and local funding of local budget in England with a rate of approximately 75:25 in early nineties. Whilst local authorities have to expect external financial support from, say, central government, they need to prepare for a insidious growth of central control on the funded service since 'national acquired resources' will come with the implication that 'the provision of that service clearly ceases to be wholly group-regarding' (Chandler 2008:14). In this case, there is the possibility that local authorities would have stronger preferences over alternative external resources which do not come with strict constraints and obligations that may greatly affect their own competence and discretion. Considering that there are increasing trends of international actors creating various soft measures particularly facilitated with financial assistance to promote international norms and values at the local level, it is therefore noteworthy to investigate further how local authorities respond to such opportunities and how this can affect traditional political frameworks such as triggering cross-boundary mobilizations.

There is the long-term recognition of local government's value in public service delivery, which is not only based on its unique capacity in providing and managing services in accordance with the genuine locality needs, more importantly, it is grounded upon the irreplaceable contributions that local government can make to ensure the efficient delivery of public services, which is essential for good governance (see, for example, Sharpe 1970; Bentham 1973; Mill 1975; King and Stoker 1996; Chandler 2008; McWilliams 2013). With such *sui generis* value in ensuring efficient services and good governance, the role of local government will certainly not be diminished or jeopardized but rather attract greater attention of those at international level in particular for its potential to achieve common objectives as improving qualities of well beings and promoting good governance.

3 Local Government in the Changing Internationalized Political Context

With the changing pattern in governance system that multiple jurisdictions coordinate and interact in a way of crossing the existing boundaries, great impact has been created on the political context shaped by the traditional hierarchic system and the relations between different tiers of government. Local authorities can no longer remain in a sealed domestic political environment but need to confront with various external influences particularly those from the international level. The international norms and policies have brought numerous challenges as well as opportunities which largely affect local government in pursuing its traditional administrative functions. The remaining sections of this chapter examine the new challenges and opportunities brought by intergovernmental organizations which have great implications for the role of local government in multi-level governance context.

3.1 International policy framework

Over the last few decades, international policy frameworks have put direct impact on local authorities, particularly those built up by intergovernmental organizations (IGO) with powerful political influences. IGOs such as the European Union(EU) have been granted strong competence to ensure their policies being incorporated effectively into the domestic

policy frameworks by their member states. The legal effect of international policies either derives from the delegation of member's sovereignty in specific policy areas, or is based on the ratification of international conventions or agreements by nation states. This forms the basis of member state's obligation in terms of ensuring domestic compliance of international policies, which reflects the rationalist approach that explains how IGOs influence the member states and ensure the transportation of international agreements (Checkel 2001b; Joachim *et al.* 2008a). With the competence delegated by the member states, rationalists such as Checkel (2001b) believed IGOs ensure enforcement by monitoring member state's activities and impose sanctions for non-compliance. In this sense, international agreements stipulated by IGOs with strong competence can be particularly effective as their member states are obliged to ensure the transposition of international policies at the domestic level. These international rules and regulations hence become a part of the domestic policy frameworks which can be influential to local authorities and have great impact on the local political context.

The extended policy frameworks can have considerable influence on local government's administrative activities, particularly of its decision making. Once international rules have been incorporated into the domestic policy framework, local authorities are obliged to ensure the compliance in the same way as they enforce policies from the central government. Hence the policy requirements from the international level forms an integral part of local government's political considerations and affects the focus of its daily operations. Responsibilities brought by international policies for local government are not only limited in redistributing the existing resources in accordance with international requirement, but also a readjustment of policy priority through its decision making role. Take environmental interests that have been given considerable weight by IGOs as an example, local government needs to prioritize environmental objectives to meet the required standards so as to achieve additional support from the international level (Stigt *et al.* 2013). With its power in local decision making, local government can be influential in terms of determining how these international rules can fit into the existing local policy frameworks and whether they can be successfully implemented (Lowndes and Leach 2004; Silver *et al.* 2010). Whereas it is a mismatch between the international policy priorities and local preferences, local government may lose incentives and become resistant to ensure

the implementation to reach the required standard. The conflict of political priorities will then become a potential issue which may affect the outcome of international policies.

Financial challenges are certainly another important factor that affects local government's administrative activities. Extra cost on a particular international policy area can place additional pressure on local government budget especially when the policy requirement does not appear in line with the most urgent needs of the locality at the time. In this case, local government undertakes a crucial role in managing issues with limited financial resources at its own disposal, which need to spontaneously meet the requirements of international policies as well as the common interests of local communities. A good example of such additional financial challenge is the EU *acquis communautaire* on environmental issues, which has numerous legislative output since the 1970s and forms a broad policy area covering all European localities (Jordan *et al.* 1999; Knill and Liefferink 2007). It imposes huge impact on local authorities, as Callanan (2011:19-20) clarifies, there are 'significant administrative and financial implications ... both in terms of the cost of implementing EU directives and the availability of financial assistance from the EU budget'.

Opportunities, in financial terms, have also been provided to local government which come along with international policies as a means of financial assistance for effective local implementation. Intergovernmental organizations usually allocate funds that have specific policy programmes to cover the implementation costs at the local level so as to ensure the policy outcome. The additional financial resources encourage local government to put effort on the enforcement of international policies without causing conflict with its existing policy priorities which is the foci of local spending. The availability of international financial assistance stimulates local actors to mobilize across the traditional territorial boundaries with the purpose of seeking additional resources from the international level. Such opportunities closely connect the local authorities with intergovernmental organizations, which allow both levels to work together on projects that meet their common desires and shared interests. The achievement of the EU structural funds clearly shows the influence of international policies on domestic politics, at the local and regional levels in particular. As an important turning point of its development, the 1988 reform of the structural funds introduced the partnership principle, which means, for the first time, the European Commission and local authorities become formal partners in the project selection process.

This reflects not only how international policies can influence local government through a variety of measures, but also the significance of local preferences that need to be taken into consideration.

To summarize, international policy frameworks greatly affect the local government in terms of its decision making and administrative operations, as well as its relations with other tiers of government. As Bache (2003:13-14) addressed based on the EU practice, 'principles of EU regional funding challenged domestic control over both public expenditure limits and public expenditure priorities' and 'the policy networks approach highlights interdependence between actors involved in EU policy-making'. This suggests that international actors do not necessarily have to rely on the national government completely to ensure the successful compliance of international policies. As an alternative, under the multi-level governance arrangements, international policy frameworks function beyond the traditional political boundaries and promote effective implementation through direct interactions between international and local levels. The additional resources of financial support offered by intergovernmental organizations create a different stimulus for local authorities to engage in the extended policy frameworks. Simultaneously, taking into account local priorities becomes another crucial political consideration of international policy making so as to ensure local compliance. In this case, the local political context is greatly influenced by the international rules and principles on one hand, and international policy frameworks are gradually shaped towards local preferences on the other.

3.2 International values and principles

Apart from the formal international policy frameworks, international norms and values are also of equal importance in terms of their influence on the local political system. For most intergovernmental organizations, strong competence based on partly delegated sovereignty is not practically available and can remains in dispute among member states. As a consequence, it is a common issue for most IGOs that there is the lack of a powerful enforcement mechanism to facilitate the compliance of international agreements. Hence, the majority of IGOs focus on promoting their international values and principles through soft instruments, as understood from a constructivist perspective (Checkel 2001b; Joachim

et al. 2008a). These international instruments, as Finnemore and Sikkink (1998) argued, can be more effective by improving the capacity of member states in implementation and by influencing their political preferences to be more in line with international standards. Therefore, through a broad range of soft measures, international values and principles, such as good governance and democracy, are gradually built into the tradition of domestic political system and affect local government's administrative activities.

One of the most commonly seen instruments is the programmes offered by intergovernmental organizations with their strategic managerial roles to promote international values and principles. A majority of these programmes focus on facilitating the member states, usually country or region specific, in their democratic or constitutional reform as well as capacity building. Due to the thematic and region-specific features of the programmes, these international managerial approaches directly influence the local government's capacity and managerial style. For example, the Joint Programmes developed by the Council of Europe (CoE) and the European Union have established close networks between international organizations and subnational actors on the basis of international values particularly in promoting local democracy. Since 1989, there have been approximately 180 CoE/EU joint programmes operated around countries and regions covering the Pan-European territory. Direct funding and material support as well as capacity building programmes are offered straight to regional and local authorities in pursuit of training activities, expert advice to governments, conferences and workshops. The effective outcome of the joint CoE/EU programmes proves that international values such as democracy, human rights, and the rule of law can be strengthened at subnational level through facilitation and intervention by soft measures from higher level[3]. As a result, these international values and principles have been gradually built into the tradition of local governance and hence influenced the style of their administrative activities.

A range of international values and principles have dramatically changed the relation and role of local authorities in the multi-level governance framework, *inter alia*, the doctrine of subsidiarity. In the European context, the subsidiarity principle was first laid out in the 1993 Maastricht Treaty on European Union as one of the primary doctrines to avoid the member states' resistance of delegating competences to the EU (Estella 2002). Subnational

[3] See CoE website: http://www.jp.coe.int/default.asp (retrieved on 20/02/2013).

authorities have not been included in the doctrine at this stage while the negotiation of power distribution was still a main issue that only related to the Community and central governments of the member states. With the rapid enlargement process in the years that followed, the significance of local and regional authorities has gradually been acknowledged particularly of their unique value in policy implementation. Hence, the doctrine of subsidiarity became not simply a tool for the member states to retain competences against the EU, but rather as an effective instrument that strengthens democratic legitimacy, transparency, and efficiency[4]. The Lisbon Treaty reassures the retainment of competence at subnational level whenever objectives can be *de facto* better achieved at the local and regional level[5] (Loisen and Ville 2011). In such case, the principle of subsidiarity creates a wider space for local authorities to have the capacity to participate in the expanded international political arena.

3.3 Institutional restructuring

The restructuring of international institutions has equally brought numerous opportunities for local authorities to engage closely in the international policy frameworks. There are a number of intergovernmental organizations which have established a particular organ to accommodate local and regional authorities within the organization's decision-making process. Even though the degree of subnational involvement in the IGO institutions varies from one to the other, the channel for local authorities to have direct link with international level is available based on these international platforms.

The Council of Europe is at the forefront of such movement since it is the first intergovernmental organization that established a formal institution with legitimate status to

[4] Opinion of the Committee of the Regions on the Revision of the Treaty on European Union and of the Treaty establishing the European Community, Brussels, 21 April 1995, rapporteur: Mr Pujol I Soley.

[5] Article 5 of the Treaties amended by the Treaty of Lisbon: 3. Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. The institutions of the Union shall apply the principle of subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol.

enclose local and regional authorities at the international level. This can be traced back to 1957 when the Standing Conference of Local and Regional Authorities of Europe, the predecessor of the Congress of Local and Regional Authorities of Europe (CLRAE), was established. With a rather strong institutional status, the CLRAE, as one of the three core organs in the CoE, offers local authorities a direct channel to engage in international decision making process. Based on this official platform, local authorities have been given opportunities to provide opinions as performing the Congress' consultative function, and are able to initiate proposals for serious consideration in relation to the local preferences. The achievement of the European Charter of Local Self-Government suggests that these international platforms have significant values for local government in terms of protecting the community interests and influencing international policy frameworks towards the local political preferences.

Institutions with less advantageous organizational status, such as the Committee of the Regions of the EU (CoR), have as well pursued a non-negligible role in involving local actors in the international policy making process. As the same as the CLRAE, the Committee of the Regions forms another official channel for local and regional authorities to communicate directly with the European level institutions. However, as one of the many consultation bodies within the European Union, the CoR only undertakes an advisory role whenever issues have direct concerns to subnational levels are considered. Even though the marginal institutional status and limited advisory function restrain the influence that the CoR can have within the very broad EU policy frameworks, the opinions given by local and regional authorities have formed an important part of decision-making of the European regional policies.

In spite of the varying degrees of involvement that subnational actors are offered through these venues to communicate with international levels, the opportunities of participating closely in the international policy framework have been placed in front of the local authorities. The prior achievements greatly encourage local government to mobilize across the traditional political boundaries and engage in the European level activities. It also stimulates local government to seek further opportunities in shaping and influencing the international policies based on local interests and community needs.

4 Typology of the European Local Government System

To investigate further how local government can perform an advanced role in the extended international political context, it is useful to adopt an appropriate typology of local government system in conducting this research. The typology used in the thesis is selected based on careful consideration of the research settings and the case study instance as well as the suitability of existing well-established typologies in the academic literatures.

With the main purpose of exploring the role of local government in shaping and influencing international policies in the multi-level governance framework, this research selects the original habitat of multi-level governance theory, the pan European regions, as the general research settings. Heterogeneity is an important nature of countries and their subnational governments composes this region that it derives from, for example, the distinctions between levels of competence and size, as well as the differences of party political lines (Christiansen and Lintner 2004). Variations that affect each country's political preference can also be seen from the conflicts between left-wing and right-wing parties, and between national delegations within this political context (Brunazzo and Domorenok 2008:438). Down to the community level, differences in terms of "ecology, demography, social stratification, power structures, governmental structures, and political processes" are likewise influential in relation to local government's policy priorities and the performance of local government's role (Williams 1961). Considering the heterogeneous nature of countries as well as their local government in this research setting, it is necessary to analyze the role of local government beyond the state level rather extended to a broader context such as international political environment.

In order to applying the research findings in a wider or different research setting, it is useful to clarify the general context that this research is undertaken. The Council of Europe is selected as an appropriate instance of the case study in order to exploring the role of local government within the multi-level governance framework. The membership of the Council of Europe has a broad coverage of different type of democracies that have great variations in but not limited to political, economic, societal, cultural and geographical dimensions. In order to avoid the limitations of research findings that only applicable to particular circumstances and ensuring wider application, it is necessary to provide a clear

classification of local government system to guide the empirical investigations which can ensure not only the richness of the data but also the in-depth of the subsequent analysis.

In relation to the European local government system, there are a number of widely adopted typologies developed upon empirical evidences. These include Page and Goldsmith's (1987) categorization that based on a research of central-local relations between Southern and Northern European systems. They developed a typology distinguishes three main dimensions of local democracies, that is, allocation of functions, local autonomy, and the local access to the central political level. Page and Goldsmith's typology offered a useful framework for analysing how local government performs its role within the domestic political environment, however, when it is extended to a more complex international setting, variations in other dimensions can as well be substantial and need to be taken into account. Hesse and Sharpe (1991) also developed a three-model typology of local government systems in Europe. These models are categorized as the Napoleonic tradition of Southern Europe, the Anglo-Saxon model, and the Middle and Northern Europe model. By adapting Hesse and Sharpe's categorization as the vertical dimension, Heinelt and Hlepas (2006) presented a two-dimension typology of the European local government systems that including both horizontal and vertical power relations. They also expanded the classification by taking into account of three Eastern European countries, that is, Czech Republic, Hungary and Poland. With Heinelt and Hlepas' typology on the European local government system, special focus has been given to the position of the mayor, as in the vertical dimension, and the leadership styles, as in the horizontal dimension (Swianiewicz 2014).

Given that this research mainly explores the role of local government in shaping and influencing international policy frameworks, the investigation hence focuses more on the relations and interactions between the local and international level. Variations such as the constitutional competence of local government and the level of local discretion are of greater importance when setting up the research context. It is also importance to take into account the geographic coverage by including most Eastern European countries and some of the Eurasian countries since the research is undertaken within the pan-European settings. Therefore, a typology of local government systems developed based on

Loughlin's (2003; 2010) classification models is adopted during the empirical investigation and extended to cover all member states of the Council of Europe.

Loughlin's typology of the European local government systems is based on the analysis of a group of variables, which include "the constitution position of local governments, state-society relations, the basis of policy style, the form of decentralisation, and the dominant approach to discipline of public administration" (Loughlin 2003:5). Four models are classified in Loughlin's typology, which are the Franco model of Southern Europe, the Anglo-Saxon model, the Germanic model of Central Europe and the Scandinavian model (Loughlin 2003; Loughlin *et al.* 2010). Based upon Loughlin's classification, together with a further complement of Eastern European countries categorized as the New Democracies, and the Russian Federation as a special type due to its special country nature, the typology of local government systems adopted in the thesis covering all member states of the Council of Europe is as follows:

1. the Anglo-Saxon model: United Kingdom, Ireland;

2. the Germanic model of Central Europe: Belgium, Netherlands, Luxembourg, Germany, Austria, Switzerland, Liechtenstein;

3. the Scandinavian States: Denmark, Finland, Sweden, Norway, Iceland;

4. the Franco model of Southern European States: France, Italy, Spain, Portugal, Greece, Cyprus, Malta, San Marino, Andorra, Monaco;

5. the New Democracies: Poland, Czech Republic, Hungary, Slovakia, Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania, Moldova, Ukraine, FYROM, Bosnia and Herzegovina, Serbia, Montenegro;

6. the Eurasia countries: Turkey, Albania, Croatia, Georgia, Armenia, Azerbaijan;

7. Other: Russia

This typology provides the general context when analyzing the role of local government in the pan Europe setting. It is also used as main references when conducting the empirical investigation and data analysis. This is particularly important while identifying the most

suitable interviewees and analyzing the interview responses as ensuring the adequate coverage of interviewee's background from different local government systems is essential so as to ensure wider applications of the research findings.

5 Conclusion

For local authorities, changes, either opportunities or challenges, brought by international actors are certainly not only limited to those listed in the last section. Likewise, factors influencing the traditional governance activities at a local level are not only limited to those come from the intergovernmental organizations. As a matter of fact, the role of local government in the internationalized political system has been affected and gradually altered with the development of multi-level governance framework. Such changes extend the scope of local government's traditional functioning and allow it to play a more important role in this new context, which also bring significant implications to other actors involved in the multi-level governance framework.

With international actors' influence and other non-governmental sectors' involvement in the local political system, local government's role in safeguarding local democracy can be more important yet more challenging. Promoting democracy is usually one of the key objectives of most international organizations, as it is the case of the CoE and the EU. Local government therefore undertakes a crucial role in satisfying the international standard of local democracy and incorporating these international values into local practice. This also implies that local government's decision-making role can become more complicated since the local policy framework includes not only domestic legislations and polices but also international regulations and principles in relations to specific localities. It hence raises the question that in this new political context how local government performs its role and whether local government can have more important influence by extending the role beyond its traditional boundaries.

As for other actors, especially those at the international level, how local government performs its role in the multi-level governance context also has significant implications. International policies and regulations that have close relevance to local communities and

citizen life are usually implemented at the local level, for instance, policies on environmental issues and public housing. When these international legal documents being ratified and accepted by an IGO's member states, it is normally the local government that manages the implementation process. Hence, how local government plays its role in this policy area can have great implications to IGOs as this can directly influence the international policy outcomes. The extended political boundary within the multi-level governance framework also provides opportunities for international actors and local government to interact with each other. IGOs encourage the local authorities to participate at the international level as it can be seen from the establishment of the CLRAE and the CoR, whilst the local actors are actively seeking additional resources from the international level to address the growing needs and demand for good services at the local level (Gustafsson *et al.* 2002; Dellmuth and Stoffel 2012). Therefore, research on the way that how international and local levels would interact and the incentives behind it can have significant empirical implications for the improvement of international policy outcome in particular.

In order to understand how local government plays its role and how it relates to other actors within the multi-level governance framework, it is necessary to investigate in detail the local government's reactions in response to the changing political context. The following chapter hence focuses on the distinctive features of multi-level governance framework and the development of multi-level governance theory. This provides profound theoretical basis to investigate the scope that how local government extends its traditional role to have greater influence in the changing political context, which will contribute to the understanding of interrelations of multi-level governance framework as well as the recent emerging phenomena such as increasing upward mobilization of subnational authorities particularly in the European context.

Chapter 3 Multi-level Governance

1 Introduction

The concept of multi-level governance has developed rapidly over the last few decades, not least because of the institutional changes that have taken place within the European arena which has significantly shaped the traditional structures of political system (see Hooghe and Marks 2003; Olsson 2003; Bache and Flinders 2004c). In this context, the notion of multi-level governance has been particularly applied to enhance the understanding of the regional integration process in Europe. Gary Marks (1993:392) was one of the first academics to analyze the concept of multi-level governance, which he described as a system that is "characterized by co-decision-making across several nested tiers of government, ill-defined and shifting spheres of competence (creating a consequential potential for conflicts about competences), and an ongoing search for principles of decisional distribution that might be applied to this emerging polity". The key feature that differentiates multi-level governance settings from the traditional governance system is that "supranational, national, regional, and local governments are enmeshed in territorially overarching policy networks" (Marks 1993:393). It was developed as an alternative theoretical approach of traditional hierarchical governance and was adopted by a number of scholars as a analytical framework on the European practice in particular (Bevir 2007; Stephenson 2013). 'Multi-level' implies interdependence and interactions among different levels of participants, while 'governance' refers to close coordination between actors from different sectors at various territorial levels (Bache and Flinders 2004c). The development of multi-level governance hence extends the boundary of traditional governance theories and delivers two related aspects of meanings which cover both vertical and horizontal dimensions.

However, it is nevertheless the case that the expanded political system with an increased number of actors complicates the governance settings and creates additional complexity to institutional relations at all levels. Research on governance in the multi-level context needs

to take into consideration the involvement of actors from every territorial levels, as well as the interactions and movements across existing boundaries, which can be either vertical or horizontal, unidirectional or multidirectional (Rosenau 2004). Therefore, examining the pattern of how each actor relates to the other, and the model of how they mobilize across existing jurisdictional boundaries can be the core of multi-level governance theorization. To advance the understanding of multi-level governance in the contemporary political system, emphasis also needs to be given to those being largely neglected albeit certainly functioning as a part of the multi-level settings and interacting closely with other key actors. Among others, local government can be particularly vulnerable in terms of the underestimated value of its role within the multi-level governance framework due to its limited competence and the specific structural location, although these do not necessarily constrain its influence in the wider political context. Whilst considerable interests can be seen on subnational actors from scholars of various research areas, it is normally regional actors that have caught most attention and dominated research in this field (see, for example, Hooghe and Marks 1996; John 2000; Bache 2008). It rarely goes beyond that and reaches the local level, apart from a few exceptions which lightly touched on the impact on local practices in confrontation with radically increased international influences (Marshall 2005; Bache and Flinders 2004c). Hence, the emphasis of this research will be given to local government and its much neglected role in shaping and influencing international policies within the multi-level governance framework.

In the following sections, the historical development of multi-level governance will be examined first with special focus on the challenges confronted by the traditional federal political system which triggered the subsequent multi-level and multi-actor mobilization. A systematic review of existing research on multi-level governance is conducted in both conceptual and theoretical terms. These combined together aim at building up a comprehensive analytical basis for the theorization of multi-level governance. Attention is then given to the distinctive features of multi-level governance, which forms the foundation of the further exploration of the theoretical value of MLG and as the guidelines of the rest of the research. Based on this, the necessity and the value of conducting the research on local government's potential contribution to international policy frameworks in the multi-level governance setting are analyzed and the research questions of the thesis are clarified in the last section.

2 The Emergence of Multi-level Governance – the Historical Development

Analyzing the historical development of multi-level governance provides a platform to understand the changes that have taken place in the traditional political system, especially those in relation to the new roles of local government in a more complex governance context. The development of multi-level governance as an arena of academic investigation was primarily shaped by the advances in European integration that took hold from the mid 1990s onwards, which in turn brought about changed relations among all actors that were involved (Peters and Pierre 2001). This included governments at different territorial levels as well as various non-governmental actors. To understand the emergence and development of multi-level governance, it is necessary to take into account the political and institutional changes in the European territories over the last few decades. These changes derived from the challenges that nation states were confronted with and their subsequent reactions to these challenges. As Piatonni (2009:172) described, "from the realization of the inability of national states to prevent wars and reap profits supposedly comes their resolution to equip themselves with supranational structures of government". The creation of a supranational power in Europe became the first step which brought about a series of changes in political structures and policy-making processes. Hence, to understand the emergence of multi-level governance and its historical development, it is necessary to examine in detail the challenges to the conventional governance system as well as the subsequent changes, the focus of which will be given to newly involved actors in particular.

2.1 Challenges to the conventional governance system

The conventional governance framework has confronted continuous challenges over the last few decades. The changing political and institutional context triggered by these challenges calls for a more up-to-date governance theory which could accurately explain those rapidly increased cross-boundary movements and structural changes especially at the local and regional level. According to Peters and Pierre (2001), multi-level governance emerges in such circumstances with traditional governance systems being dramatically challenged by over-decades fiscal crisis, emergence of transnational organizations,

changes in intergovernmental relations, administrative reform, and the changing nature of policy desires. In the following paragraphs, the impact of these factors on the existing political order is examined in detail. Special attention is then given to new actors that have emerged in the traditional state-centric and government-orientated governance system.

First of all, the fiscal stress and crisis that characterized the political economy of western democracies in the 1970s and 1980s, have greatly affected the states' control and influence over their subnational governments. As Peters and Pierre (2001:132) commented, "[t]his crisis has impacted differently on different levels of government and on the relationship between these levels". Financial instruments are usually one of the most effective policy tools for the central government to monitor and steer regional and local governments. However, such power of central government has been greatly weakened through the fiscal crisis. For example, unable to provide continuing financial incentives and sufficient grants to local government by the Swedish central government has gradually changed the financial relations between central and local level in Sweden as well as the local government's behaviour in seeking other possible resources (Gustafsson *et al.* 2002). Limited financial resources not only affected central government, but also reduced the amount of revenue grants that used to be available to local and regional levels. Since the central government had difficulties to continue providing such financial incentives, subnational government gradually moved towards other possible resources, such as private sectors and transnational institutions, and as a result develop more inclusive governance models (Peters and Pierre 2001). Through these mechanisms subnational government started to break the boundary of traditional intergovernmental relations and seek additional resources in a wider political context.

Secondly, the rapid emergence of international organizations over the last century has challenged the nation state's sole control on a variety of issues in both transnational and domestical dynamics. The practice of European integration can be seen as a good example in this case. The European Union and its member states have shared competence in a broad range of policy areas, whereas in certain subject matter areas the EU enjoys exclusive competence delegated by member states, such as those of the common commercial policy (in part) and fisheries conservation. The exclusivity indicates that the member states would no longer have the power to take actions whenever the EU

functions to employ a common policy in such area[6]. This inevitably creates opportunities for the European level policies to have direct impact at the domestic political environment. More explicitly, international organizations encourage the subnational governments to be "more assertive in an effort to expand their economic base" (Peters and Pierre 2001:132). On the one hand, the reinforcement of international organization's competence threatens the authoritative power of national government which has led to a long-going debate on 'by-pass nation-state' and 'Europe of the Regions' in the 1990s (see Anderson 1991; Christiansen 1995; Jeffery 1997; Keating and Hooghe 1996). On the other hand, it has offered alternative resources to subnational authorities and non-governmental actors which encouraged them to reorient to the new institutional centre and take the opportunity to influence international policies towards their political preferences (Hooghe and Keating 1994; Jones and Keating 1995; Marks and McAdam 1996).

Thirdly, the changing intergovernmental relations indicates the gradual move from the traditional legalistic hierarchical institutional relationships to a more flexible and negotiated governance arrangement (Peters and Pierre 2001). Over the last few decades devolution and decentralization has become a trend that appeared across the Western Europe and put enormous pressures to the existing political order. This can particularly be seen from the rise of demand of subnational authorities for larger devolutionary powers and the redistribution of regional autonomy (Jeffery 1997; Jones and Keating 1995; Bourne 2003). The emergence of various informal models of governance at subnational level such as managerial and corporatist governance has created greater space for local and regional governments seeking for support and cooperation beyond the traditional institutional arrangements (Pierre 1999).

Moreover, the subsequent administrative reform introduced tremendous changes to the intergovernmental relationships. On the one hand, 'new public management' appeared as a response to the redress of 'subsidiarity' in service provision, which emphasized the direct connection to the resources, has shifted the public service from core government institutions towards 'privatization and quasi-privatization' (Hood 1991). This reflects the demand of close cooperation between the public and private sector, as well as the need of

[6] See [EU] Case 22/70, Commission v. Council [1971] ECR 263.

introducing principles and techniques from the private sector to the traditional governance system. On the other hand, more managerial approach is widely advocated that the state should be 'steering' rather than 'rowing' so as to be more effective and efficient in public service delivery (Osborne and Gaebler 1992; Pierre and Peters 2000). The 'steering' role implies the shift from previous 'command and control' nature to a more 'enabling' type of intergovernmental relationships (Peters and Pierre 2001). The administrative reform hence created greater scope for local authorities to play a more active role and gradually changed the traditional central-local relations.

Finally, alongside the administrative reforms, a range of novel values has been brought into the traditional bureaucratic system, especially the doctrines of three Es, namely: economy, efficiency and effectiveness (Rhodes 1997). These notions redirected the main drives of the traditional governance arrangements to be more practical and more effective through the way of being orientated by the incentives of performance and the demand of community needs. The reformed public service delivery based on customer-orientation and performance management arrived with improved governance efficiency and was widely advocated by the public and politicians. Such approaches have made public services become less state-centred and open for "new patterns of interaction between authorities at different tiers of government and key actors in their external environment"(Peters and Pierre 2001:133).

To sum up, these challenges have brought great impact on the traditional political system and created considerable opportunities and scope for new players, especially local and regional governments, to play a more important role in the changing governance system. The following sections examine in detail how new players have been involved in the traditional political system and the scope that created for local government to function beyond its traditional governing role.

2.2 New players in the state-centric governance system

There has been two major tendencies that appeared along with the development of multi-level governance (Knodt 2004). In the first place, the distinct territorial boundaries between

national and international politics have gradually been blurred, which raises the question of the functional capacity of the nation state. The subsequent trend of increased number of channels for subnational actors to be involved in these policy processes has raised the awareness of an important 'third level', namely, the regional level. The EU's regional policy in the context of the Structural Funds has particularly become a subject of contestation between different territorial levels (Hooghe and Keating 1994). The notable influence of new players that challenges the traditional state-centric political order characterizes the multi-level governance approach, as Michèle Knodt (2004:703) described, "the very nature of the European multi-level system – comprising supranational institutions, member states, subnational and private actors – engenders a different kind of governing".

The traditional state-centric theories, such as liberal intergovernmentalism, favour the nation state level as always having the most enduring significance within the governance system (Moravcsik 1993). In the liberal intergovernmentalists' point of view, the state sits right at the centre of the entire governance system and directs the mediation channels between various interest groups, and it is the central government which plays the dominant role in such a system (Ibid.). Unlike the traditional state-centric theories, multi-level governance advocates a more pluralistic approach whilst along with the state, both the supranational and subnational level actors play an equally important steering role (Jordan 2001). As Gary Marks (1993:392) reflects on the European practice, "the result of a broad process of institutional creation and decisional reallocation" is having created "a system of continuous negotiation among nested governments at several territorial tiers – supranational, national, regional and local."

This context of supranational organizations contesting with state authorities can already be seen across continents and territories, such as between the European Union and the World Trade Organization (WTO). The continuing pace of globalization urges the nation states seeking effective solutions for common problems that cannot be solved individually, hence, international organizations established with such purpose have been delegated certain degrees of competence in the related policy areas. The influence of new supranational actors can be increasingly seen on different political dynamics, which is not only limited in the international arena but also in the domestic political environment. This can particularly be seen on policies that have direct impact at the local level as

international organizations usually tend to establish close link with local authorities to ensure effective policy implementation. There are major achievements made in the policy areas with less controversial political interests such as international trade and environmental policies, which particularly is the case of the EU and the WTO. Even though the rise of supranational powers raises concerns that the nation states has confronted with the danger of being hollowed out (Rhodes 1997), international actors have inevitably become an important part of the political arena and had increasing influence in the domestic environment of their member states.

Alongside the upward movement of the state authority to the supranational level, the power of central government is simultaneously moving down to the subnational actors (Rosenau 1992). The changing nature of the state governing from 'command and control' to a more enabling type through 'dialogue and negotiation', indicates that there is increased concerns of genuine community needs, which should be met by the policy objectives and by utilizing every resources that are available (Pierre and Peters 2000). Governing through 'dialogue and negotiation' also emphasizes the new channels opened for actors at regional and local level to be directly linked to the centre of decision making and share the opportunities to influence policy frameworks (Peters and Pierre 2001). Just as Le Galès and Harding concluded after researching on the European practices, "the withdrawal, albeit relative, of the state, opens up new opportunities for cities" (1998:142).

2.3 New players in the government-orientated governance system

Government has always been regarded as the dominant player in the conventional governance system. However, Kooiman (1993:4) argued that "governance is … a pattern or structure that emerges in socio-political systems as a 'common' result or outcome of the interacting intervention efforts of all the involved actor", which means "this pattern cannot be reduced to one actor or group of actors in particular". This is due to the complex, dynamic and diversified nature of the governance mechanism and the problems embedded in such a system, which cannot be monitored or solved effectively by a sole actor with its capacity unable to cover all knowledge and unable to apply every sufficient instruments (Ibid.). Therefore, an effective governance framework cannot merely rely on

the government by its own, but have to include “all those activities of social, political and administrative actors” which can also “guide, steer, control or manage society” (Kooiman 1993:2).

Within the multi-level governance framework, the involvement of non-governmental actors can be seen in a variety of jurisdictions at almost every territorial levels, for instance, there are private sector and voluntary groups at the local and regional level, and non-governmental organizations at the international level. The key drivers of governance have focused on the policy outcome and whether it meets the common interests of all parties involved. As Peters and Pierre (2001:131) addressed, “political power and institutional capability is less and less derived from formal constitutional powers accorded the state but more from a capacity to wield and coordinate resources from public and private actors and interests”. The involvement of non-governmental actors has brought additional resources and expertise which enable the governance system to function more effectively and efficiently. This also influences local government The role of government has gradually transformed to the more strategic managerial approach as ‘steering’ (Osborne and Gaebler 1992). Non-governmental actors hence exist paralleling with the governmental institutions which create intersecting and polycentric relations at numerous scale of structural levels.

The traditional state-dominated and government-orientated governance system has been greatly challenged and influenced by the increasing involvement of a variety of new actors. The emergence of new influences does not only come from actors from the vertical dimensions such as the supranational and subnational levels, but also from the horizontally dimensions such as private sectors and societal actors. The involvement of these actors has brought great impact on the traditional governance system and hence provided rich sources for analyzing the changing mode that political systems are governed and organized. As Pierre (2000) summarized, a new state model which encompasses complex patterns of contingencies and dependencies on external actors has gradually replaced the traditional mode in which the state is directed by a liberal-democratic perspective. In this case, with the involvement of various unconventional actors, multi-level governance has become a ubiquitous phenomenon widespread most political system and influenced the existing intergovernmental relationships.

3 Multi-level Governance – A Conceptual Analysis

The concept of multi-level governance has been described, albeit in different terms and phrases, in a number of separate academic disciplines or sub-disciplines across political science over the last few decades (Hooghe and Marks 2003; also see Marin and Mayntz 1991; Nicolaidis and Howse 2001; Kahler and Lake 2003). Multi-tiered governance system and multiple actors involved are the common features characterized by scholars from various fields of research, which include European Union studies, international relations, federalism, local government, and public policy.

The application and maturity of multi-level governance in the area of European Union studies is considered to be the most advanced in comparison to other field of studies, especially when taking account of its origins that it was developed with the European integration process (Bache and Flinders 2004a). The concept of multi-level governance, which was initially brought out by Gary Marks (1993) to describe the negotiated and non-hierarchical nature of governmental relations between different territorial tiers, has been adapted by the EU as policy frameworks in various dimensions. As the European Commission President Romano Prodi (2001) noted in his speech on 19 January 2001 in Berlin on the Future Strategy for Europe as a Whole, that “more effective multi-level governance in Europe… [is] … the way to achieve real dynamism, creativity and democratic legitimacy in the European Union …[by]… free[ing] the potential that exists in multi-layered levels of governance”. However, there have been different views that questioning multi-level governance as an alternative governance model to conventional hierarchies, instead they argued multi-level governance should be considered as an informal policy network which coexists and overlaps with the formal government system (Kohler-Koch and Eising 1999; also see Ansell 2000; Rhodes 2000; Peters and Pierre 2001).

As for the scholars of international relations, multilateral cooperation and global governance has been favoured to explain the conditions that international regimes are created by national governments (Hooghe and Marks 2003). The more recent approaches in this field have focused on how globalization enhances the diffusion of political authority to international and subnational levels (see Nye and Donahue 2000; Kahler and Lake 2003; McNutt and Rayner 2012). As with the perspective of federalism, it has provided the

theoretical basis to understand the institutional structure of the multi-tiered government system and the interaction between actors at different territorial levels (Hooghe and Marks 2003). Although a wide range of terms have been used by the federalists, such as multiple jurisdictions, multicentered governance, matrix of decision-making (see Tullock 1969; Elazar 1987; Nicolaidis and Howse 2001), they simultaneously capture the distinctive feature of multi-level governance as there are a number of jurisdictions involved. In addition, in the field of local government studies, since the changing institutional relationships has gradually complicated the feature of governance at local and regional level, the emphasis of research in this area has been given to the overlapping polycentric jurisdictions and flexible local governance arrangements which can lead to efficient public service delivery through competition (see Tiebout 1956; Ostrom *et al.* 1988). Finally, as for public policy scholars, network governance has drawn great attention as characterized by flexible, self-organizing and loosely coupled (Marin and Mayntz 1991).

As listed above, there are high levels of variation among the emphasis of studies in different fields of political science, however, the phenomenon brought about by multi-level governance, such as the changing institutional relations and structural reform, have simultaneously caught their attention. Research on these novel changes from different perspectives provides flourishing theoretical basis for the further development of multi-level governance. Different perspectives determine that these will lead to large deviations in terms of research approaches and empirical dimensions between different schools when developing the understanding and applications of multi-level governance framework. However, the concept of multi-level governance has been generally agreed based on two distinct features: multiple tiers and overlapping interactions (Marks 1993; Nicolaidis and Howse 2001; Kahler and Lake 2003; Bache and Flinders 2004c), which characterize multi-level governance from other governance models and form an important basis of research in this area.

3.1 Gary Marks' Type I and Type II Multi-level Governance

Of the work that has been undertaken in the field of multi-level governance, Gary Marks' (1993:392) elaboration based on the European practices became the benchmark of

conceptual clarification of multi-level governance, whereby he defined the process as “a system of continuous negotiation among nested governments at several territorial tiers – supranational, national, regional, and local – as the result of a broad process of institutional creation and decisional reallocation”. The following studies from different policy dimensions reiteratively emphasize the two key features of multi-level governance: on the one hand, there are negotiated, non-hierarchical exchanges between different institutional levels; while on the other hand, there are vertical tiers including supranational, national, regional and local levels (see Jachtenfuchs 1995; Smith 1997; Hix 1998; Pierre and Stoker 2000). The subsequent clarification of the negotiated, non-hierarchical relationships between institutions from multiple layers has been made by Liesbet Hooghe (1996:18) through her research on cohesion policy in Europe that, “the relations are characterized by mutual interdependence on each others’ resources, not by competition for scarce resources”.

In order to clarify the concept towards the complex nature of multi-level governance and answer the question on how multi-level governance is structured, Hooghe and Marks (2003) distinguished between two types of multi-level governance: Type I MLG conceives of dispersion of authority with general-purpose, nonintersecting, and durable jurisdictions, whilst Type II MLG conceives of task-specific, intersecting, and flexible jurisdictions. There are distinctive features differentiate these two types of governance within different scales of context. However, both of them have developed upon the increasing involvement of actors from various territorial and jurisdictional levels, which characterizes multi-level governance in comparison with conventional governance arrangements.

According to Hooghe and Marks’ (2003) research, the Type I multi-level governance is structured on the basis of the traditional federalism governance model, which is mainly concerned with the relationship between the central government and the very few subnational governments that operate in the vertical dimension. Type I governance develops the concept beyond the domestic boundary and extends to a larger scale which also includes international actors. Jurisdictions in this type normally exercise their competence with a general purpose rather than focus on specific policy issues. The memberships of the Type I jurisdictions are based on territorial structures and rarely intersect across different levels. The number of jurisdiction levels is limited and varies

according to each individual nation state's structural arrangements, which usually compose of super-national, national, and a few subnational levels. There is a clear vertical structure between different jurisdiction levels, which appears as paralleling the political arrangement of territories. Type I multi-level governance normally adopts more systemwide, durable institutional architecture such as the *trias politicas* structure with an elected legislature, an executive, and a court system, which leave it with some common features of hierarchies.

Alternatively, the concept of Type II multi-level governance is predominant by neoclassical political economists and public choice theorists, in which the emphasis has been laid on the flexible feature of numerous jurisdictions (Hooghe and Marks 2003). The main distinction between different jurisdictions in Type II MLG is that their policy focuses are placed on different political objectives or functions. This type of governance system is particularly widespread at local level where the public services are more directly dealt with and need to be more responsive to the local community demands. The main feature of Type II MLG is its intersecting memberships, which means, different jurisdictions are nested in the system, overlapping and even competing with one the other. Unlike Type I MLG, the jurisdictions in Type II are found to be more complex and have a large number of levels. Task-orientated jurisdictions are more capable "to respond flexibly to changing citizen preferences and functional requirements", which makes the Type II MLG be highly advocated by international regimes in particular (Hooghe and Marks 2003:238).

Whilst being categorized with specific features, multi-level governance has been examined in special contexts as it can be identified by different 'ideal types' (Marks and Hooghe 2004). In reality, Type I and Type II governance coexist in the same system and function as complementary of each other in the multi-level governance framework. Despite the variations in their policy objectives, numbers of jurisdiction levels, nature of memberships and so on, both types of governance share one crucial feature that "they are radical departures from the centralized state" (Hooghe and Marks 2003:241). Type I and Type II governance spontaneously reflect the essence of multi-level governance, that is, authority diffusion, although the former focuses specifically on shedding authority from state to supranational and subnational institutions, whereas the latter focuses on sharing the authoritative power of government with external actors from, for example, private sectors.

Hooghe and Marks' typology provides an important foundation for the conceptual development of multi-level governance, which has not only clarified the myths embedded in the nested institutional relations and overlapping jurisdictional arrangements, but also drawn great attention to the influences that various actors can impose to the wider political context. Even though the reality is far more complicated than an 'ideal type', the general frameworks of the changing governance model have been elaborated by the conceptualization of multi-level governance. Questions raised with the unconventional movement of actors and the intersecting relations between different territorial or jurisdictional levels have opened up a range of new dynamics of research for the further development of multi-level governance theorization.

4 Multi-level Governance – the Theoretical Development

Among all schools of political science, scholars of European Studies have offered the most profound theoretical basis of the development of multi-level governance. This is because the changes that have gradually reshaped the traditional governance structure mainly appeared with the European integration process. Neofunctionalism and intergovernmentalism are two dominant theories which have been widely accepted of their explanation of regional integration in Europe during the postwar period. Both theories developed upon 'a prior and simpler theory', functionalism, which believes that 'the sheer existence of a mismatch between the territorial scale of human problems and of political authority generates pressures for jurisdictional reform' (Hooghe and Marks 2008:3). However, it is yet unclear how jurisdictional reform took place radically among nation states and why states should delegate authority to an institution at the supranational level. Although it had dominated almost the entire first half of last century, the conventional understanding of functionality of nation state and its political structure can only provide a vague picture of the newly emerged regional integration process in Europe. It then broke down in the 1960s when its automatic road to European integration ran into the buffers because of the nationalist backlash (Haas 1997). Functionalism failed to offer an elaborate explanation on the creation of supranational organizations by national states as well as the increasing mobilizations of transnational and subnational actors.

Developed upon functionalism, neofunctionalists and intergovernmentalists offered different explanations to clarify the integration process and interactions among actors in Europe. Neofunctionalists argued that transnational mobilization, supranational activism and policy spill-over are the core elements of the European integration (Rosamond 2000). Transnational mobilization is considered to occur where pressure has constructed during the process of transnational interest groups seeking for external resources outside the national governments. This subsequently triggered supranational organizations to demand more authority from nation states, which in turn provoked more rapid transnational mobilization as well as functional and political spill-over. On the other hand, intergovernmentalists have a different view on the driving force and how it is proceed as an alternative approach while reasoning the regional integration of Europe. Unlike the neofunctionalist, they argue it is purely the decision of national states to create a supranational organization with collective powers as the means to compensate their incapacity to prevent external threats and generate profits by any individual state (Moravcsik 1993; Moravcsik 1998). The international regime based on collective powers is believed to be more powerful in terms of providing functional benefit through collaborative decision-making upon mutual interests (Keolane 1982).

Both neofunctionalism and intergovernmentalism have tried to explain the emergence of a collective power at supranational level and the functioning of this multiple-tiered governance system. Neofunctionalism focuses on the economic gain that is considered to be the driving force for transnational interest groups and supranational actors to perform, which subsequently propels the entire system to function. The intergovernmentalists, as always, favour the state-centric powers in which they believe is the real force that shapes and drives the European political framework. According to Gary Marks (1993), both theories have lost full sight of all real life actors involved, but instead, they focus on one or part of the facets and employ them to explain how the system works. The neofunctionalist's approaches put too much weight on the power of economic and social force of the market but neglect the interactions between actors as well as the influences come from other forces, whilst intergovernmentalism over-evaluates the national state's driving power and disregards the pressure from non-state actors' demand which may also shape the European policy framework.

As an alternative, Marks (1993; 1996a) introduced the concept of multi-level governance as a more actor-centred theoretical paradigm to explain not only the formation of multi-tiered governance framework in Europe, but also the way how it functions in relation to the overlapping interactions between various actors involved. The actor-centreness indicates the new characteristic of governance as operating through multiple jurisdictions, which ensure the scale of governance to cover a variety of policy externalities within its territorial reach (Marks and Hooghe 2000). To explain the emergence of new pattern of governance and the increasing cross-boundary mobilizations, Marks and Hooghe (2004:16) argued that, multi-jurisdictional governance can be more efficient and have higher merit than central state monopoly, because it is able to 'internalize externalities', 'facilitate credible policy commitments', 'allow for jurisdictional competition', and 'facilitate innovation and experimentation' (also see Gray 1973; Weingast 1995; Pollack 1997; Majone 1998; Frey and Eichenberger 1999).

In order to propose a more systematic elaboration on multi-level governance theory, particularly about which actors should mobilize and why, Marks and Hooghe further developed their two well-known ideal-type of multi-level governance[7]. They theorize different types of mobilization with a linkage to either Type I or Type II multi-level governance mode. As for the case of regional integration in Europe, Type I MLG provides the logic of emergence of a supranational collective power as well as the simultaneous empowerment of subnational level (Marks and Hooghe 2004). This mainly focuses on the vertical mobilization of authority and policy-making influence, which disperse from national government, as understood by traditional federalism, to both supranational and subnational institutions. By contrast, Type II MLG locates in transnational spill-over, cross-border cooperation, and public-private partnerships at local level in particular. As Marks and Hooghe (2004:24,29) understand, Type II MLG is 'embedded in legal frameworks determined by Type I jurisdictions', and due to the distinctive virtues they have respectively, 'Type I and Type II multi-level governance are complementary'. Even though Type I and Type II MLG can be located to different types of mobilization in accordance with their contrasting ways of delivering scale flexibility, the boundary of each ideal-type of

[7] See, for example, Hooghe, L. and Marks, G. (2003) Unraveling the central state, but how? Types of Multi-level Governance, *American Political Science Review* **97**(2): 233-243., Marks, G. and Hooghe, L. (2004) Contrasting Visions of Multi-level Governance, in I. Bache and M. Flinders(eds.), *Multi-level Governance*, Oxford: Oxford University Press, **pp**15-30., etc.

jurisdiction is blurred in real life politics and the situation that how they coexist largely lies upon a negotiated order (Pierre and Peters 2000). Further explanation is still needed to elaborate how exactly the ideal Type I and Type II multi-level governance coexist and associate in a real life sense.

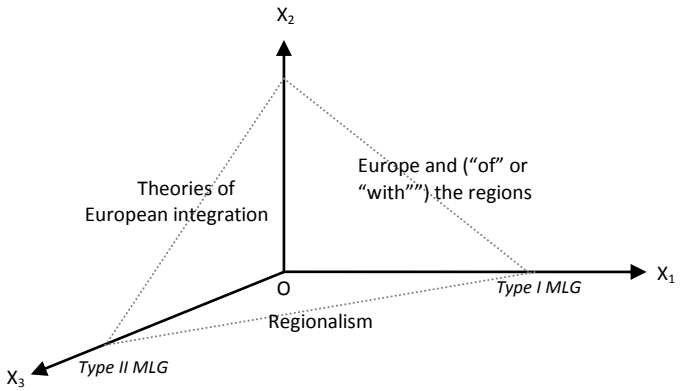
From a different perspective, Chris Skelcher (2005:89) raises the question about jurisdictional integrity, which he defines as 'the political and legal competence of a unit of government to operate within a spatial and functional realm'. He believes the dispersal of political authority cross nested and overlapping jurisdictions can be problematic for the institutional design of democratic governance. Polycentrism, as employed by Skelcher as an equivalence of multi-level governance, creates challenge 'to enable subtle but effective processes for collective action that also recognize the integrity of jurisdictions and maintain the principle of segmental autonomy(subsidiarity) whether this is expressed in terms of spatial or policy boundary conditions, or both'(2005:106). Skelcher's observation of how actors are motivated to cross the margin of their jurisdictions and challenge the existing governmental authority boundaries explains the intersecting and overlapping feature of the coexistence of Type I and Type II MLG arrangements. Jurisdictional integrity hence raise the issue particularly with the Type II governance to meet the basic requirement of democratic anchorage while structuring and regulating a variety of jurisdictions from both superior and subordinate levels, and from different sectors at the same territorial level. Take into consideration the complexity and overarching jurisdictions embedded in the polycentric system, Skelcher's approach offers valuable insight from a different perspective for the structuring of multi-level governance framework, that is, the need to accommodate the tension between appropriateness and consequentiality, which are the logics orient the Type I and Type II multi-level governance respectively.

For further clarification, Simona Piattoni (2010) noted that multi-level governance indeed has a far more fruitful meaning, hence the theorization of which should not be restricted in certain analytical spheres, such as by polity restructuring alone. Alternatively, she suggests, to strengthen the explanatory power of multi-level governance theory, it should be examined simultaneously in politics, policy and polity terms. This reflects three analytical planes that multi-level governance theory applies, which include, political mobilization, policy-making, and state restructuring. During the early stage of MLG

development, majority of attention has been drawn to the unconventional mobilization which challenges the traditional understanding of federalism, such as the emergence of the “Europe of the Regions” conception. Another strand of interests can be seen from scholars who focus more on how authoritative decisions have been produced within the multi-level and multi-actor political context, that is, the policy-making level. As for Marks and Hooghe’s most well-known typology of multi-level governance, it falls into the realm of state-restructuring, which is mainly analyzed in polity terms. However, it is noteworthy that an innovative approach conducted by Piattoni has developed “a multidimensional framework of analysis of multi-level governance theorization” (Pan 2012a:297). According to Piattoni (2009), the value of multi-level governance theory lies in, but shall not limited to, its ability to capture the complexity through all different analytical planes. \

More importantly, multi-level governance interprets all three analytical planes through different theoretical dynamics, which are, centre-periphery, domestic-international, and state-society dynamics (see Diagram 3.1). As Piattoni (2010:252) argued, other governance theories normally focus more on one or another dynamic, but ‘it is MLG that

Diagram 3.1 MLG’s analytical space



Notes: X_1 = center-periphery dimension; X_2 = domestic-international dimension;
X_3 = state-society dimension; O = the sovereign state.
Source: Diagram adapted from Piattoni,S. (2010) The theory of multi-level governance: Conceptual, empirical, and normative challenges, Oxford: OUP, p27.

theorizes the simultaneous movements on all these planes'. Challenges imposed to traditional governance system by various actors' mobilizations usually appear at two or more dynamics. Subnational mobilization shows that local and regional actors travel across the traditional territorial boundaries which simultaneously alter the existing political orders on centre-periphery and domestic-international dynamics (as planeX_1OX_2 in Diagram 3.1). The emergence and empowerment of transnational organizations reflect increasing influence of international values and principles in the domestic environment, the impact of which can be seen on both domestic-international and state-society dynamics (as planeX_2OX_3 in Diagram 3.1). Challenges such as regional devolution and the involvement of non-governmental actors link different sectors together and cross large scales of territorial levels, which at the same time appear on the state-society and centre periphery dynamics (as planeX_1OX_3 in Diagram 3.1). It is multi-level governance that simultaneously captures the mobilization of all actors involved as well as their interactions at different analytical level across different dynamics. Therefore, the power of multi-level governance theory does not only simply lie on its ability to analyze new governance phenomenon at different theoretical planes within one dynamic, but also to clarify how it links and crosses different dynamics. In essence, Piattoni (2010:252) believes, "what characterizes MLG vis-à-vis other governance and state transformation theories…is that it posits a connection between the blurring of the centre-periphery divide, the trespassing of the state-society boundaries, and the overcoming of the domestic-international distinction".

The value of multi-level governance as a theory is that it captures almost every movement of actors involved in the new emerged governance system and also offers the possibility to elaborate the complexity among overlapping interactions and intricate relationships. Indeed, the theorization of multi-level governance goes beyond the simple generating of phenomenon and has the potential to provide rational presumptions for advanced understanding of governance in a more internationalized context. As Rapoport stated, the explanatory power of theory in social science lies not only in its concept-generating ability but also its integrative potential, that is, 'the extent to which many apparently unrelated events are seen in the light of the theory to be related'(1972:324). However, there are myths yet need to be clarified for further development of multi-level governance, such as the role of those at the very bottom level, i.e., local government, which is largely neglected by various studies; and the contextual dependency of most MLG researches, which mainly

focus on the EU practice. This thesis aims at exploring the explanatory power of multi-level governance theory in a broader context which goes beyond the EU practices and its usual applications. Hence, in the following section, attention is given to the distinctive features of multi-level governance and the relevant issues are examined in details.

5 Multi-level Governance – Propositions

Considering that multi-level governance is primarily developed with the integration process of the European Union, it is useful to extend its application beyond such contexts so as to explore its distinctive theoretical value for wider practices. In doing this, this research explores the distinctive features of multi-level governance in a broader context, the special focus of which is moved from the EU to the pan-European context, that is, the political framework of the Council of Europe, and from its usual applications of regional level to the extend local level. Hence, it is necessary to adapt multi-level governance theory to take into account the different governance framework of various IGOs to understand the variations of political practices. It is also necessary to take into account how different governance frameworks lead to different institutional practices of multi-level governance. This research, therefore, focuses on local authorities, which is a much neglected but potentially an equally important component of the multi-level governance framework, with specific emphasis to conceptualize further the role of local government in the multi-level governance framework. As the fundamental theoretical framework of further exploration, multi-level governance suggests the following general propositions:

(i) MLG indicates non-hierarchical relations between the hierarchically structured levels of government;

One of the distinctive features of multi-level governance is the combination of hierarchically structured Type I MLG arrangement and the intersecting Type II MLG memberships. These two types of multi-level governance do not appear exclusively from one the other, but co-exist and operate interrelatedly within the general political framework. The hierarchical Type I MLG structures the fundamental frame of the multi-tiered governance system, where governmental actors at all territorial levels function in

accordance with the basic political rules and principles. Non-hierarchical Type II MLG arrangements operate on top of the structured framework with intersecting memberships across large scales of territorial levels. The coexistence of both relations differentiates multi-level governance framework from other conventional governance model. However, it can be seen that in a smaller territorial scale or a specific policy area, a particular type of governance arrangement usually appears to dominate and shape the framework as well as the relations between actors involved.

There are different roles played by each actor and changing relations between them in accordance with the context shaped by different types of governance frameworks. Multi-level governance suggests that actors can mobilize across the boundary of structured political territories and across different jurisdiction levels. Direct link has been established between international and subnational levels within the multi-level governance framework without necessarily depending on the involvement of central government. At local level, governance is no longer entirely an issue of local government's decision-making power but can be influenced by various interest groups related. Among others, international political preferences also have their influence to shape and affect the local policy framework. Likewise, at other territorial levels, both governmental and non-governmental actors can be seen interact in a way that is not formulated by traditional hierarchical rules. Relations between actors are gradually changing with the mobilization of actors across existing political boundaries in both vertical and horizontal dimensions. The distinction between Type I and Type II multi-level governance hence can be blurred, in a sense that being able to demonstrate that the relations between actors involved are complex and transformable within different context. It is therefore necessary to take into consideration the wider political settings in the process of investigating the role and influence of a particular actor in the multi-level governance framework.

(ii) Actors at different structural levels can have an influence on the development of policy, either through implementation success (and failures), or work directly through asserting influences during policy making;

Multi-level governance suggests extensive involvement of actors from different territorial levels and various interest groups. This includes increased number of participants from all levels and backgrounds within the international policy frameworks. The decision making of

international policies no longer completely depends on the political wills and powers of international organizations and central governments. Actors from other structural levels have also been involved in the international policy process and can interact directly with international levels. The involvement of subnational levels, for instance, can be seen during the entire international policy cycle including policy making and implementation processes (Silver *et al.* 2010). This creates increasing opportunities for local actors to have their voice heard at international level and have their specific contributions to the international policy framework.

In comparison with the traditional governance model, local government has been given additional channels under the multi-level governance arrangement to have its input in the international policy process. The way of local government to be involved in international policy frameworks has been extended from only through policy implementation to the entire policy cycle, which includes the earlier decision making stage. This increases the opportunities of local government to influence the shaping of policy frameworks as well as how these policies are implemented. Because of the increased number of stake holders, international actors need to take into consideration all interests concerned. The international policy making and implementation become a process of negotiating and balancing between different powers and interests, which is crucial for the policy to achieve its designated outcomes. Hence, the degree of local actors' influence can also be enhanced within multi-level governance framework, particularly when the policy has special concerns to the interests of localities.

(iii) High levels of variation in terms of autonomy and practice between policy areas;

Multi-level governance implies intersecting task-orientated jurisdictions exist at a large scale of structural levels, which is the distinctive feature of Type II multi-level governance. Task-orientated jurisdictions can be more capable and flexible in terms of responding to citizen's changing demands and different organizations' functional requirements (Hooghe and Marks 2003). Such governance arrangement can particularly be seen in certain policy areas such as local and regional development with the aims of enhancing transnational cooperation (Perkmann 1999; Weyand 1999; Dowd *et al.* 2013). A particular policy regime can be fundamentally distinct from others in terms of its operating context and the specific targeted interest groups. This can largely affect the strategic selection between possible

approaches and methods in consideration of effectiveness and appropriateness of the policies adopted. As a matter of fact, it is the special focuses on community needs and localities that differentiate local and regional policies other policy areas since lack of awareness of local circumstances can be critical for the policy regime to function properly.

It is particularly common with international regimes since Type II multi-level governance arrangement is considered to be an effective method as the completion for the lack of authoritative coordination (Hooghe and Marks 2003). Different international policy regimes form with varying component of memberships and operate at large territorial scales. This requires different policy approaches targeting at specific policy objectives and functional requirements. The relations between actors are shaped in accordance with the formulation of memberships and power dependence among them. Therefore, high levels of variation can be seen between policy areas in terms of autonomy and practices. Especially in the case of local and regional policy regimes, it is necessary to take into consideration local circumstances and influences of local actors during the entire policy process, since the policy outcomes can not only impose great impact at localities but also be affected largely by local practices. Hence, it is useful to investigate whether there is an effective implementation mechanism that can enhance international policy outcomes in a specific policy area, for instance, local and regional policy regimes. Research as such will contribute to international organizations' practice in terms of improving their policy implementation at the local and regional level.

In sum, studies on multi-level governance framework raise questions about the changing relations and roles of actors involved due to its distinctive features that differentiate it from the traditional governance arrangement. In particular, local government has been much neglected albeit can have the potential to share equal importance with other key actors and influence the multi-level governance policy frameworks. For this reason, the research focuses on the unique role of local government in shaping and influencing the international governance framework. In the following section, emphasis will be given to the existing studies in relation to local actors within the multi-level governance framework, based on which, the gap in the previous researches is explored and the research questions are clarified.

6 Research Questions: Local Government in the Multi-level Governance Framework

With radical changes in the internationalized political system, there are increasing amounts of coordination between actors from various backgrounds which have created complex and overlapping relationships in each spatial political territory. The development of multi-level governance has a specific focus on the actor-centric approach, which can be seen from Marks'(1993) critique on traditional governance theory as lacking attention of flesh-and-blood actors, as well as Skelcher's (2005:96) study on jurisdictional integrity, which is challenged by "the boundary spanning behaviour of individuals operating at the margins of their jurisdictions". Piattoni's (2009) combination of three theoretical planes cross three analytical spaces likewise affirms MLG is not only multi-level but also multi-actor, and the simultaneous capturing of all types of interaction through different dynamics is at the core of multi-level governance theorization. Multi-level governance theory emphasizes the involvement of various actors from different levels, as well as the interaction structures and processes among them, which can be either vertical or horizontal, unidirectional or multidirectional (Rosenau 2004). Among all actors activate the multi-level governance system, subnational actors have drawn increasing attention of scholars from all related fields (see, for example, Hooghe and Marks 1996; John 2000; Bache 2008).

However, the majority of studies on subnational movement limited their interests on regional actors and rarely reached below the regional level. In particular, with the rise and fall of the concept of a 'Europe of Regions' in the last few decades, regional actor caught enormous attention and almost became an equivalent concept of subnational actor which fully represents all sub-state levels. Local authorities, by contrast, have largely been neglected in the area of multi-level governance studies and hidden in the shadow of regional actors. However, as the basic governmental level that directly connects to local communities, local government certainly forms an important part of the subnational level and indeed the most basic layer of the multi-level political structure. In comparison to the vast amount of research relating to regional actors, from their symbolic role of the MLG framework to their influence on supranational policy-making, what can be seen in relation

to local authorities is the occasional light touch on their coordination with societal actors or cross-border cooperation.

Given that local government has significant value in performing the role of democracy, decision making and public service delivery, the closeness to communities gives it a particular advantageous position of ensuring effective governance in the multi-level governance framework. The unique value of local government lies in its knowledge and expertise of genuine local needs and community interests, which is of great importance to the international policy making and implementation. With the increasing international influence at the domestic political environment, local government is confronted with numerous challenges and opportunities, which have largely changed its relations with other governmental levels. Local government has been closely involved in the international policy process and played an important role in ensuring effective implementation. It has also been actively seeking various additional resources from international level in particular to safeguarding the interests of local communities. However, as one of the key players within the multi-level governance framework, the role of local government and its influence on the international policies is still unclear.

There have been a few research briefly touch on local authorities when investigating the influence of subnatoinal actors in general within the multi-level governance framework. The critique brought up is that the autonomy of subnational actors has been greatly overstated by the multi-level governance theories. As for the influence of local authorities, the argument is that it should not be regarded as of equal importance as the state in shaping the post-decisional politics and monitoring the governance mechanisms (See Pollack 1995; Bache 1999; Jordan 2001). Benz and Ebelein (1999) showed their support by evidencing with the problematic performance of the local authorities at the implementation stage of the post-1988 reform of the structural funds. In addition, Jordan pointed out that “just because subnational actors bypass states and operate independently in Europe does not necessarily imply that they have the power to shape outcomes” (2001:201). As Jeffery (2000) argued, the capacity for local authorities to exchange with other levels does not necessarily demonstrate that local level has the sufficient power to influence the policy cycle dramatically.

On the other hand, it has also been noted that subnational actors are intended to and have made their effort to formulate and mediate their specific interests with other tiers of government (Benz and Eberlein 1999; Murphy 2011). Particularly in improving relations with supranational level and convincing the higher level policies to be more specific to the local community needs, subnational actors have sought for various sources to increasing their influences, such as participating in supranational decision-making and lobbying at the European level to defend their interests (Hooghe 1995; Kohler-Koch 1997; Donas and Beyers 2013). Therefore, questions have been raised about the limited influence of local government that whether it is because local government does not have the capacity to be more influential, or because its capacity has been greatly underestimated due to lacking enough attention in comparison to other more dominant actors.

There are existing literatures specifically focusing on local government in relation to the development of multi-level governance framework. For instance, a number of studies drew attention to the local empowerment during decentralization process which has widely spread from northern Europe to quite a few southern European countries (Page and Goldsmith 1987; John 2001). Most attention on the local level has been put onto its coordination with non-governmental actors, which is one of the key focuses of Marks and Hooghe's (2004) Type II multi-level governance. It appears that local government becomes observable merely because the widespread growth of partnerships and network in the multi-level governance framework. However, neither of these provides a clear picture of how local authorities function in the multi-level governance framework, and how they interact with other actors, or have they been given sufficient resources or competence to show their value.

There are several reasons which possibly caused the underestimate of local government's value in the multi-level governance framework. First of all, even though subnational actors have been fighting through or bypassing the national levels to safeguard their interests, the existing multi-level governance theories favours, albeit implicitly, a more top-down and one-way direction perspective of the relations between the supranational and subnational level (Jeffery 2000). Local authorities hence mainly are considered as the policy implementer at the lowest level which is only supposed to obey the command and control. Secondly, according to Jordan (2001), the power from the local level can also be

underestimated by merely focusing on the governmental institution on its own rather than be more inclusive to take account of the other subnational actors. This indicates the need to reemphasize the democratic value of local government in particular, as it represents the interests of the entire local communities. More importantly, there are serious concerns about the risks of overload for the multi-level governance framework, which caused by the problem of complexity and problems of institutional diversity when dramatically increasing participation of the local level in the supranational policy cycle (Benz and Eberlein 1999).

Therefore, the key issue relating to the role of local authorities in the multi-level governance framework is the additional value that they can bring. Certainly, compared to other tiers of governmental actors, local authorities are characterized as being the closest to the community and having direct control over the final distribution of resources. They have usually been regarded as taking the role of implementing policies from higher tiers of the government according to 'command and control' in a traditional federal system. However, in the multi-level governance setting, is there any potential for local government to bring extra value on top of its implementing role? This also raise the question that how local government associates with other actors in the multi-level governance framework. Does local government have the capacity to mobilize across the traditional centre-periphery dynamics and interact with actors at higher levels, for instance, the supranational actors? To clarify, the role of local government in the multi-level governance framework is investigated based on the following research questions:

- The potential for local government to develop additional value to existing political system beyond its traditional roles as suggested by multi-level governance theory.
- The possibility of local government to mobilize across traditional centre-periphery boundaries within the multi-level governance setting creates opportunities for local government to have its input and demonstrate its unique value for international policy making.
- The existence of an upstream link between local government and supranational actors is at the core of local government's capacity to shaping and influencing international policy frameworks.

Empirical studies in the following chapters will be conducted according to the above research questions, which focus on the potential of local authorities to share the steering role with the other actors, supranational institutions in particular, and their unique value and input in shaping and influencing international policy regimes within the multi-level governance context.

Chapter 4 Developing the Methodological Framework – A Case Study Approach

This chapter addresses the methodological issues of the research including the selection of research strategy and how it guided the empirical studies, the methods adopted to collect and analysis the research data, as well as the ontological and epistemological position of the research. With the aim of analyzing the role of local government in shaping and influencing international policy regimes, the research was set out within the context of multi-level governance. Taking into consideration the specific features of multi-level governance, such as the large number of actors concerned and the complexity of nested relationships, a case study approach was selected as the research strategy so as to ensure the intensity and accuracy of the research findings. For the purpose of achieving the richness of empirical data, multiple methods were employed including interview, black-letter research, observation, as well as a supplementary method of questionnaire.

In the following sections, the phases of research are outlined first to clarify the process of how the empirical investigation was conducted. The second section explains the rationale of selecting case studies as the research strategy. It also analyzes the criteria of choosing the Council of Europe as the instance of case study approach. Research methods, including interview, black-letter research, observation and questionnaire, are then examined in turn to clarify how the data was collected and used in the subsequent analytical chapters. This is followed by a discussion on the research ethics and addresses issues relating to the methodology adopted in this research. The final section focuses on the ontological and epistemological position so as to clarify the context that the research was based on.

1 Ontological and Epistemological Considerations

The researcher's ontological and epistemological position has significant implications for the selection of research methodology. It not only shapes the researcher's understanding

of the context in which the research is based but also affects the choice of methods employed to explain various social phenomena. In order to understand how the research was conducted and how the key issue that the role of local government within the multi-level governance framework was explored, it is important to clarify the ontological and epistemology position as the basis of this research. Therefore, three mainstream ontological and epistemological positions, positivism, interpretivism and critical realism, were examined in detail in relation to the focus of the research.

The positivist approach is based on the foundationalist ontological position, which affirms the objectivity of both natural world and human society (see Guba and Lincoln 1998; Grix 2004). It can be traced back to the Aristotle era and has been developed by numerous scholars, such as Francis Bacon, René Descartes, Auguste Comte, Thomas Hobbes, David Hume, John Stuart Mill and Émile Durkheim (Hughes and Sharrock 1997). In the positivists' point of view, the world exists independently of our knowledge and would not be influenced by the way how people understand it. Positivism emphasizes the importance of imitating the research perspectives of natural sciences (Bryman and Bell 2003). As Denscombe (2010b:120) noted, a positivist position is based on the belief that "there are patterns and regularities, causes and consequences, in the social world just as there are in the natural world". Hence, great emphasis has been laid on causality, which is considered as the most crucial explanatory factor in the social research as it does in the natural sciences. In order to clarify the causal links between facts, positivists believe the methodological procedures of natural science can be generated as a unitary method to apply to the social sciences (Walliman 2005). Social phenomena can thereby be analyzed and interpreted by scientific approach based on testable and verifiable data through mathematical models and quantitative methods (Cohen and Manion 1994).

In relation to the social phenomena shaped by multi-level governance arrangements, positivist explanations are not able to fully take into consideration every impact of various structural constraints, which mainly relate to resources distribution, culturally based value system, and unpredictability of external factors (Marks *et al.* 1996a). The positivist perspectives consider the effect from individual choices as an important factor of how the system is structured. However, such a approach neglects the impact of institutional frameworks in shaping and influencing decision making through formal and informal rules

and their value system (Marsh and Furlong 2002). To explore the role of local government within the complex multi-level governance context, it is crucial to reach the essence of various influences that implicitly exist and affect the relationship between each actors and how they interact with the other. For this reason, contextualized understanding of social phenomena is of particular significance as it can simultaneously capture the integral elements as well as factors associated with external environment which together shape and structure the multi-level governance framework. In this sense, while focusing on the causality that influences the relationship between various actors, a positivist approach inevitably put insufficient weight on the comprehensiveness of the general context as well as the factors that inexplicitly interfere with the actors' behaviours.

In contrast to the positivist paradigm, intepretivism is based on the anti-foundationalist ontology, which believes the social reality is subjective and is constructed and interpreted by people (Denscombe 2010b). There are a number of different approaches categorized under the heading of interpretivism, such as Max Weber's *Verstehen* approach, hermeneutic-phenomenological approach, and symbolic interactionism (see Bryman and Bell 2003; Grix 2004). Interpretivists emphasize the distinctiveness of social phenomena as opposed to natural sciences, due to which causal explanation is considered as insufficient to understand the complexity of social world. Interpretivist approach stresses the interference to social reality by the researchers' own perspective and value as well as its impact on their understanding of the social phenonmena, which can even lead to "the possibility of contradictions and internal inconsistencies arising as part of the explanations that interpretivists produce" (Denscombe 2010b:123). Hence, in-depth analytical tools are essential as there is the need of delving into the phenomena to explore the substance of social reality. Methods with such functions are favoured by interpretivists with particular focus on "the representation of reality for purpose of comparison and analysis of language and meaning" (Cohen and Manion 1994:206).

However, the interpretivist assumption overestimates the interference to social reality by the research activities and denies the possibility to uncover the real objective nature of the social world (McAnulla 2006; Primus 2009). In this sense, the objectivity of multi-level governance is questioned from a interpretivist's perspective and it would not be understood as a set of independently existed phenomena, but rather "a normative

framework which is itself part of the political conflict between the interests associated with neo-liberal economic restructuring and those seeking a more social democratic accommodation with technological change" (Marsh and Furlong 2002:40). The over-estimation of the complexity of the research objects could create unnecessary amount of workload while conducting empirical investigation, and more importantly, it could endanger the research of being driven away from the substance of key findings.

Given that this research focuses on exploring the influence of local government within multi-level governance framework, the interactions between actors and subsequent impact on the relations among them are particularly important. A positivistic position based on causal explanation cannot fully capture the comprehensiveness of multiple influences from various forces, hence it will limit the understanding of the complexity of relations between the key actors. Likewise, the interpretivistic position overstates the interference of research activity to the reality, due to which the objectivity of the social phenomena is not acknowledged. As an alternative approach, critical realism, well captures the complexity of the research context and is able to enhance the understanding of integral relations between key actors within the multi-level governance framework.

The critical realist approach is firstly adopted by the philosopher Roy Bhaskar as "an alternative to the dichotomous argument of positivism versus interpretivism by taking a more inclusive and systematic view of the relationships between the natural and social sciences" (Walliman 2005:208). As it shares the foundationalist ontology with positivism, critical realism is regarded as 'post-positivism' (see Bryman and Bell 2003; Grix 2004; Walliman 2005). Critical realists believe the objectivity of the world and emphasize the need of adopting interpretive methods as well as causal explanation (Sayer 2000). This approach advocates the in-depth understanding of the complex social world, thus requires a 'depth ontology' which can provide a systematic and inclusive basis for the social science research. However, it also differs from the positivists approach that critical realist paradigm believes not only the independently pre-existing structures of the social world, but also the influences from actors' interactions, as Hay (1995:200) stated, "all human agency occurs and acquires meaning only in relation to already preconstituted, and deeply structured, settings". Hence, to explore the role of local government within the multi-level governance framework, critical realist approach reflects an appropriate ontological and

epistemological position that can simultaneously take into count the objectivity of the general context as well as the interference between the actors and the external influences.

The critical realist approach acknowledges both the causal links between various social issues and the interactions between individuals and social phenomena. An intensive understanding of the reality is necessary since it is concealed by "the immediately perceived characteristics of objects, events, or social relations" (Neuman 2000:77). According to Bhaskar (1975:28), the nature is stratified that "each layer using the previous one as a foundation and a basis for greater complexity". In this sense, an individual social phenomenon is not able to be isolated from the complex environment and needs to be analyzed and understood within the general context. Therefore, merely focusing on the observable causal links on the surface is not sufficient enough to reveal the fact and value of the social phenomena. With critical realist approach, methodology of natural sciences can be applied to explore the causality between different phenomena, whilst interpretive approach also needs to be employed to address the details to ensure intensity. Hence, both qualitative and quantitative strategies can be adopted by critical realists through multiple sources and methods.

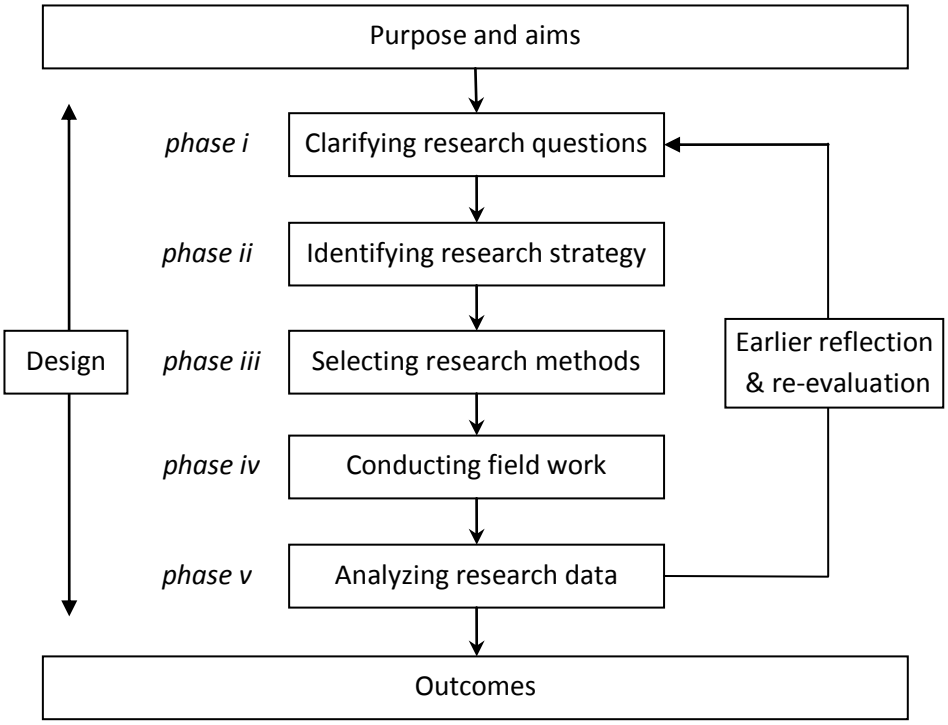
As the focus of the research, multi-level governance provides the fundamental theoretical framework for analysis, within which relations between local authorities and international organizations are investigated and explored in depth. From a critical realist's perspective, to understand the social reality shaped under such arrangements, emphasis needs to be placed on the way of how actors interact with each other and how relations are structured among them. In line with the requirement of conceptualized understanding of social phenomena, multi-level governance not only captures different governance arrangements structured in multiple dimensions but also emphasizes the influence created by various form of interactions that affect the relations between key actors. The complexity of multi-level governance framework determines that an intensive analytical methodology is essential for the purpose of revealing the reality behind overarchingly structured social phenomena. Under this criteria, the specific feature of case studies has been given careful consideration as it is "an empirical inquiry that investigates a contemporary phenomenon in depth and within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident" (Yin 2009:18). This properly fits into the

paradigm of critical realism of this research as to understand the real-life phenomena with taking into consideration of the general contextual conditions. Hence, guided by the case study approach, multiple sources and multiple methods are adopted as the basis of research strategy so as to ensure the intensity and comprehensiveness of the investigation.

2 The Phases of Research

The research was conducted in a five-phase process, which included clarifying research questions, identifying research strategy, selecting research methods, conducting field work, and analyzing research data. In the following, the detail of each phase is discussed in turn.

Diagram 4.1 Research design and the process of enquiry



Phase i: Research question

Clarification of research questions built up the foundation of the empirical studies. This was the first phase of the research that was developed based on intensive literature reviews. Research questions were drawn from existing research in the area of multi-level governance, and employed as guidelines to identify the focus of investigation and the research methodology. The phase of clarifying research questions was crucial since it could help the researcher to set out the general framework of the research and select an appropriate research strategy to ensure the key issues were "observed, measured and interrogated" in a proper manner (Denscombe 2010b:15). As the role of local government in the multi-level governance framework was identified as the key issue of this research (see Chapter 3 Section 6: research questions), the requirement of a particular research strategy which could ensure intensity and comprehensiveness during investigation has become straightforward.

Phase ii: Research strategy

A case study approach was then selected as the research strategy based upon the specific features of the research context. This was clarified at the early stage of the research during the period of literature review. The selection of research strategy gave special consideration to the complexity of multi-level governance framework and high levels of variation of local authorities. This suggested that the methods adopted needed to meet the requirement of ensuring not only that a sufficient amount of data could be collected but also a feasible process could be conducted within an efficient period. Hence the strategy of a case study approach was selected as it could provide clear guidelines during the field work in terms of employing most effective research methods and focusing on particular aspects for in-depth investigation. Detailed analysis of the case study rationale and case selection will be considered in the later part of the chapter.

Phase iii: Research methods

The third phase of research is to identify proper research methods to undertake the empirical investigations. Once the case study approach was identified as the research strategy and the Council of Europe was selected as the instance of case study, the criteria of suitable methods mainly lay on their ability to provide sufficient and sophisticated data

for in-depth analysis. The selection of research methods was based on the account of the heterogeneous nature of memberships of the Council of Europe, as well as basic principles such as data validity to ensuring effective empirical investigations. With careful consideration, multiple methods were employed to ensure the comprehensiveness and accuracy of the research data which can be complemented and double-checked via multiple sources. These methods include interviews, observations, black-letter research, and a complementary method, questionnaires.

Phase iv: Field work

Field work included two main research visits to the headquarters of the Council of Europe in Strasbourg, France, as well as continuing subsequent email and telephone correspondence for further clarifications (see Diagram 4.2). The first research visit was made in March 2009, with the main purpose of clarifying the general institutional framework of the CoE as the basis of this research and identifying potential research issues for further in-depth investigation. Hence, data collected during the first field work was primarily based on interviews and black-letter research. The composition of interview

Diagram 4.2 Details of the field work

<table>
<tr><th></th><th>Methods</th><th>Details</th><th>Informant background</th><th>Data sources</th></tr>
<tr><td rowspan="4">Research Visit I</td><td rowspan="4">Interview</td><td rowspan="4">13 interviews with 14 CoE officials</td><td>CLRAE officials</td><td rowspan="9">59 interviews</td></tr>
<tr><td>CDLR(CoM) officials</td></tr>
<tr><td>PACE officials</td></tr>
<tr><td>Other</td></tr>
<tr><td rowspan="6">Research Visit II</td><td rowspan="5">Interview</td><td rowspan="2">3 interviews with CoE officials</td><td>CLRAE officials</td></tr>
<tr><td>CDLR(CoM) officials</td></tr>
<tr><td rowspan="3">43 interviews with Local & Regional government officials</td><td>Local government officials</td></tr>
<tr><td>Regional government officials</td></tr>
<tr><td>Local Government Association officials</td></tr>
<tr><td>Questionnaire</td><td>34 responses</td><td>Local government officials</td><td>34 question-naires</td></tr>
<tr><td>Observation</td><td colspan="3">Meeting attended including the full session of 17th Plenary Session of CLRAE and a few internal committee meetings.</td></tr>
</table>

informants covered officials from different sectors and levels of the CoE. For instance, interviewees included the Secretary General at the time when field work was conducted, as well as officials who were mainly responsible for specific programmes linking directly with local authorities. Thirteen interviews were completed during the first visit, including twelve individual interviews and one small group interview. Another task of this visit is trying to collect all available documents related to the research question for a comprehensive black-letter research. This task was carried out with particular focus on those which were not available from external sources, such as meeting minutes, unpublished documents, and attendance records. All data collected from the first field work builds up a firm ground for further investigations.

The second research visit was conducted during October 2009 when the 17th Plenary Meetings of the Congress of Local and Regional Authorities took place. With the main purpose of examining opinions of local authority officials and exploring hidden embedded issues within this institutional framework, information sources moved from the CoE officials to local and regional authority representatives during the second visit. Interview was the primary method for this investigation, whilst a complementary method, questionnaire, was also employed to ensure the accuracy and validity of data collected. There were forty five interviews conducted, all semi-structured, and the length of which varies from 15 minutes to about one hour. Most informants had strong background of working as local government officials and directly deal with issues relating to various localities. A few of them also had experiences of working at regional level and as special experts in international organizations. Observations were made during all major meetings concerning to local authorities. Phenomena observed helped the researcher to identify potential issues for further investigation and double-check possible conflict points existed in the data collected. Considering the advantageous nature of questionnaire which can reach larger informant groups within a short period, as well as the need of utilizing the opportunity of direct contact with local authority representatives from all through the Europe, a small questionnaire was employed as the complementary method to facilitate the primary data collection method, interviews.

Along with these two research visits to the CoE, there were continuing subsequent correspondence with key contacts via email and telephone. These happened due to either

the need for further clarifications or enquiries on a new issue or information. Further contacts for additional information has been made continuously during the data analysis stage as well as writing up stage when it is necessary.

Phase v: Data analysis

Data analysis started once the first research visit was completed. The analytical process was conducted with the main purpose of investigating four types of questions: contextual, diagnostic, evaluative and strategic, which were identified as the key objectives of qualitative data analysis methods by Ritchie and Spencer (1994). The early stage data analysis mainly aimed at clarifying basic institutional frameworks and identifying potential problems in relation to the research questions. This approach allowed the researcher to understand the general context and the internal structure of the research and hence be able to identify the problems and inconsistencies that exist. The first set of research findings were also used as guidelines for the following empirical studies, such as designing the interview questions of the second visit. Once both research visits were completed, data analysis was conducted in a more systematic fashion so as to providing evaluative results of the existing framework and indentifying new strategic contributions. This approach started with interpretation, which investigated the key research issues embedded in the multi-level governance framework; then followed by problematization, which was carried out with intensive exploratory manner to build up the firmness and validity of research findings; and finally, implication, which aimed at exploring the theoretical and empirical value of this research.

3 Research Strategy – The Case Study Approach

With careful consideration of the nature of this research, a case study approach was selected as the research strategy to guide the empirical investigation process. Given that the research was conducted on the basis of the theoretical framework of multilevel governance, it has a nature of complexity due to nested institutional structures with overlapping relations between actors, as well as numerous modes of interactions among various stakeholders. Such nature determines that the research requires a small scale, in-depth interpretive research strategy which can provide comprehensive supporting

evidences by multiple sources and methods. Case study approach was considered as an appropriate method which can meet this desire and contribute to the research by offering rich empirical data through intensive investigations.

3.1 Case studies rationale

Case studies have been widely adopted particularly in social research (Gerring 2004; Hartley 2004; Robson 2011). It is considered as advantageous in this area because it can guide research on complex human society by offering diversified methods through multiple sources. This research examines the role of local government within the multi-level governance context, which requires sufficient data to provide profound insight while analyzing the complex relations among actors at different political levels. Case study approach can meet such purpose as it is characterized by its intensiveness of investigation and the richness of empirical data (see Feagin *et al.* 1991; Yin 2009; Denscombe 2010a; Yin 2012). Such technical characteristics are defined by Robert Yin (2009:18) as follows:

> "The case study inquiry copes with the technically distinctive situation in which there will be many more variables of interest than data points; and as one result, relies on multiple sources of evidence, with data needing to converge in a triangulating fashion; and as another result, benefits from the prior development of theoretical propositions to guide data collection and analysis."

The rationale of selecting case study approach as the research strategy is mainly based on the following criteria: complexity of the research context, intensity of investigation and comprehensiveness through multiple methods.

***Complexity of research context**:* The key issue of this research, the role of local government, is explored in the context of multi-level governance, which has a distinct feature of complexity. Multi-level governance is characterized by overlapping jurisdictions and nested relations with a large number of actors involved from different territorial levels. It also involves various mobilizations of actors across traditional territorial and jurisdictional boundaries, which suggests the complex relationships between different actors in different contexts. In addition, the research is conducted within the Great European setting, which

has a highly diverse nature of culture background and local variations across different territories. Hence, the research questions need to be dealt with in the specific context, which requires comprehensive investigation and analysis by taking into consideration all issues related. For this reason, methods adopted in the research need to meet such requirement and can handle the complexity in this particular context. Since case studies "tend to be 'holistic' rather than deal with 'isolated factors' ", it is the most appropriate approach to "understand interconnected and interrelated relationships and processes … because it offers more chance than the survey approach of going into sufficient detail to unravel the complexities of a given situation" (Denscombe 2010a:36).

Intensity of investigation*:* Instead of simultaneously examining a number of instances, case study approach favours in-depth investigations on one careful selected case. The logic behind concentrating efforts on one case is that "there may be insights to be gained from looking at the individual case that can have wider implications and, importantly, that would not have come to light through the use of a research strategy that tried to cover a large number of instances" (Ibid.). With the aim of exploring the potential of local government to influence the international policy making and implementation, it is necessary to conduct an intensive scrutiny on the inherent issues embedded in the institutional framework of the CoE which can affect the role of local government. There is also the need to investigate the substance of political interests and policy considerations of various actors involved, which may only be implied from their behaviours. In this case, an in-depth research focus on one instance is appropriate as it can provide essential evidence and sufficient data so as to clarify the research questions and achieve the research objectives.

Comprehensiveness through multiple methods*:* Case studies have the strength of allowing the investigation to use "a variety of sources, a variety of types of data and a variety of research methods" (Denscombe 2010a:37), which to some extent reduces research risks of difficulties in data collection. A range of research methods can be adopted along with case study approach, such as interview, observation, black-letter research. Interview is an effective research method particularly in terms of collecting intensive empirical evidence that may not possibly be obtained by other means. It also allows the researcher to probe further on new issues appeared during the investigation.

Observation can be used to facilitate the investigation alongside other methods to build up the general context of the research as well as identify potential problems. Black-letter research provides important information of the institutional settings and the policy framework that the research is based. Questionnaire, as a complementary method, ensures the validity of interview data by double checking, and to discover any hidden issues being neglected. The combination of these methods allows the researcher to adopt a comprehensive investigation and improves the accuracy and validity of empirical data. It is important to employ multiple methods so as to avoid the weakness of a particular method and reduce the risk of reaching false conclusion to the minimum.

To summarize, case study approach was appropriate for the purpose of this research in terms of its ability to guide a comprehensive scrutiny of real essence from the complexity of social phenomena. A small scale and in-depth case study approach was hence adopted as the research strategy with different sources and multiple methods.

3.2 Case study selection: the Council of Europe

When selecting the instance of case study approach, considerations were mainly given to two factors: value for research and the practical feasibility. The value of a proper selected instance was reflected on its suitability in investigating the research problems and its capacity for generalization, whereas the practical feasibility requires particular cautions towards any risk factors during empirical research. These criteria ensured that the research can be pursued on the basis of a rationally selected instance, which offered valuable empirical evidence and necessary credibility to the research findings. Based on these considerations, the Council of Europe was selected as the instance of case study approach, which fit into the criteria of suitability, generalization, and practical feasibility.

In order to select an appropriate instance as the object of the case study, careful examination was made on the specific feature of selected instance that whether it can satisfy the basic requirement of suitability. Such feature can appear as typical instance, extreme instance, test-site for theory, or least likely instance (Denscombe 2010a). The case selected must have at least one of these features so as to build the creditability of the

research in relation to its contribution to either the related theories or empirical experiences. For this reason, the CoE was selected as the instance of case study due to its 'typical' feature. According to Archer's (2001:33) study on international organizations and its sub-classification, intergovernmental organization (IGO) can be defined as "a formal, continuous structure established by agreement between [governmental] members from two or more sovereign states with the aim of pursuing the common interest of the membership". As a medium-sized international organization, the CoE has typical features of an IGO, which can be seen from its memberships, aims and structure. The CoE has forty-seven member countries up to date, all of which are sovereign states in the Greater European dimension. Its organizational objectives explicitly aim at achieving the common interest of all members by ensuring the fundamental values such as human rights and democracy, strengthening the development of cultural identity, and solving problems challenging the entire European society (CoE 1949). There is a clear institutional structure of the CoE that composes the Committee of Ministers, the Parliamentary Assembly, the Congress of Local and regional Authorities, and the 1800-strong secretariat recruited from member states, headed by a Secretary General.

The logic of selecting a typical instance is that there are similarities of distinct features between the CoE and other IGOs, and the findings are hence able to apply elsewhere. According to the statistics of the Union of International Associations (2006), among all conventional IGOs, the CoE belongs to the type of *Regional oriented membership organizations*, which cover 72.36% of the group by 2004. This indicates that the CoE can represent more than two thirds of all conventional IGOs. Whilst examining the memberships of CoE, it is noteworthy that its forty-seven members compose almost one third of the sovereign states all over the world. This makes diversity an inherent feature of the CoE, which is also a typical and common situation in most IGOs. Diversity of the CoE memberships can be seen in several dimensions, which cover a wide range of different country types. As for the political systems, according to Blondel (1995)'s classification, there are member states of liberal democratic political systems, such as the Western European countries, and also egalitarian-authoritarian political systems, such as the formal communist countries in transition. Concerning to the economic development level, there are both developed and developing countries among the CoE member states, the economic level between which are considerably unbalanced. In addition, culture diversity

forms one of the most well known features of the CoE since its memberships cover tremendous territories and nations. These features make the CoE a typical case that is suitable for the research to explore the relations between IGOs and local authorities.

A case study's capacity for generalization normally can be seen at three levels: research findings from the instance for general applications, theoretical concerned development, and implications transferred from the instance to another case (Kennedy 1976; Yin 2009; Bryman 2012). In this research, the selection criterion of the case study on the CoE lies in its contribution to the theoretical development of multi-level governance. With the aim of generalizing to theoretical propositions, this case study undertakes the mode of "analytic generalization, in which a previously developed theory is used as a template with which to compare the empirical results of the case study" (Yin 2009:38). Given that multi-level governance mainly develops alongside the European integration process, the case study focuses on a different and broader context covered by the CoE territories. By exploring the multi-level governance arrangements within the CoE context, the research findings can be generalized to test the applicability of multi-level governance theory beyond its usual habitat. Investigation on different political structure and intergovernmental relations can also contribute to develop specific theoretical propositions of multi-level governance in relation to the influence of local government on international policy making and implementation. In this sense, case studies on the CoE meet the purpose of generalization as it has strong relevance to the development of multi-level governance theory.

In addition, practical considerations also help to build up a firm ground to justify the Council of Europe as the most appropriate instance for the case study approach. The practical feasibility is an important factor of selected instance which can have crucial impact on the process of empirical research. The case selection of the CoE has taken into account the fact that there are existing contacts with higher level officials in the organization who can facilitate the researcher to gain access for empirical investigation. The use of these existing contacts reduces potential difficulties of seeking access to available research data, which could have been a vital issue to prevent the research to continue. The quality of existing contacts also allows the researcher to receive great support from all key informants as planned, which to a great extent ensures the intensity and comprehensiveness of empirical research. The availability of sufficient amount of data

collected within a reasonable timescale is another important factor needs to be taken into consideration in practical terms. The CLRAE holds Plenary Sessions twice a year, during which opportunities are provided for local government representatives to meet in Strasbourg, the headquarters of the CoE. These sessions become advantageous occasions for the researcher to collect sufficient amount of data within a short period, which avoid the need of making continuous travels that incur large budget and longer timescale. The practical feasibility of selecting the CoE as the case contributes greatly to the empirical study of this research in terms of accessibility and sufficiency of data in particular.

To summarize, based on the criteria of value for research and practical feasibility, the Council of Europe was selected as the most appropriate instance for a case study approach. As a typical intergovernmental organization, the CoE can provide valuable empirical evidence that was suitable for the research purpose. The research findings were able to be generalized to theoretical propositions in relation to the development of multi-level governance theory. Practical issues have also been taken into consideration during the case selection stage. Hence, based on the above criteria altogether, the CoE was considered to be the most appropriate case for this research.

3.3 Conducting case study research

Conducting the case study in a proper manner is of great significance for the research finding in terms of its validity and accuracy. In order to ensure that the outcome of case studies meets the designated objectives, a number of techniques and principles have been adopted throughout the entire process. These techniques and principles included ensuring the continuation of investigation to achieve the intensity of data; capturing every important detail for further clarification; being open-minded and welcome for new results; avoiding any potential bias (see Yin 2009; Denscombe 2010b; Silverman 2013). Based on these guidelines, the case study research was conducted in the following four steps: developing the case study protocol, conducting pilot case study, collecting the evidence, and analyzing the research data.

3.3.1 Case study protocol

As the first step, an overview of the case study project and the procedure of conducting the empirical research were planned to guide the subsequent data collection and analytical reflection. The design of the case study protocol aimed at increasing the reliability of empirical research and providing a clear guide for carrying out the practical investigations. The case studies questions were outlined in detail so as to ensure the empirical research was conducted with consistent focus and managed strategically. A detailed plan of field procedures was also included which clarified the specific objectives and major informants in two separate research visits. Potential risk factors were considered of each visit and prior solutions were planned in advance. With the guide of case study protocol, the empirical research has been carried out smoothly and kept in track with research design and required timeframe.

3.3.2 Pilot case study

The phase of pilot study is very important because it can reassure the case study design to be practical and applicable. By conducting a pilot case study, the data collection plans can be refined particularly in terms of the content of the data and the following procedures (Yin 2009; Yin 2012). The pilot case studies were conducted with the main purpose as testing the interview questions. This basically aims at finding out whether the designated interview questions are explicit and unambiguous for informants to understand and provide response; whether the interview questions are sufficient and effective to collect adequate amount of data during the investigation; and whether the interview questions are the right set of questions which can assist to clarify and demonstrate the research propositions. After piloting the case studies, a number of changes were made to the interview questions to improve the validity of empirical data.

3.3.3 Case study methods

One of the main advantages of the case study approach lies in employing multiple methods. As Denscombe (2010a:45) noted, “the case study approach fosters the use of *multiple sources* of data. This, in turn, facilitates the validation of data through *triangulation*” (emphasis added by the original author). Triangulation provides the solid foundation for the

later data analysis phase, and simultaneously offers comprehensive evidences for supporting the research findings (Denzin 1970; Hartley 2004; Silverman 2011). Hence, a number of methods were adopted to conduct the case studies: interview, observation and black-letter research were the primary methods used, whereas questionnaire was also employed as a complementary method for the richness of research data.

First and foremost, interviews were the most important method adopted that it aimed at collecting substantial information for in-depth analysis. The use of interviews was highly valuable since the perceptions and perspectives can be seen directly from the individuals while conducting case studies. It also allowed intensive examination of the understandings of the context by studying informant's personal opinions as from an insider's view. Semi-structured interview was conducted with the officials of the CoE as well as the representatives from the member countries. Second, as the most fundamental method, black-letter research provides basic information of the international policy regimes and was conducted in both descriptive and analytic manners. This was mostly based on legal documents which include international agreements, recommendations, directives, as well as monitoring reports, meeting minutes, conference reports, and the explanatory memorandums. Black-letter research was not merely focus on the international level, whenever necessary, relevant documents of national governments and their local authorities were also closely scrutinized. Furthermore, observation was adopted with particular purpose of improving the overall understanding of the general research context. It was also used as a complementary method alongside others to double check the validity of empirical data. The most notable advantage of observation is that it allows the case studies being conducted in natural settings, hence data can be collected in real life situations and with substantial amount in a short time span (Denscombe 2010a; Bryman 2012). Observation was mostly scheduled when the Congress' plenary sessions or meetings take place.

3.3.4 Case study analysis

The case study analysis was the core of the empirical investigation, through which the research findings were generated and in turn formed the basis of the conclusions. According to Yin (2009:126), the data analysis phase "consists of examining, categorizing,

tabulating, or otherwise recombining the evidence, to draw empirically based conclusions". A general analytical strategy builds up the basic framework of the data analysis phase and leads the empirical research towards valid research findings. In this research, developing investigations based on the theoretical propositions was the fundamental analytic strategy. The propositions reflected the main purpose of the research and clarified the substance of research problems. Simultaneously, the propositions shaped the empirical research design by formulating the research questions and guiding the data analysis. In terms of analyzing the interview data, an assumption of the objectivity of information provided by the interviewees formed the basis of empirical studies. Hence, analysis focused on the factual data revealed during the interviews without giving additional considerations on interviewee's reaction and its impact through in-depth scrutiny. However, any data disclosed particular information, which was distinct from general themes revealed from the interviews and also reflected specific individual interaction, has been taken into consideration to a certain extent.

4 Interviews

As the most important method of this research, interviews were conducted with the aim of clarifying the structure and relations of the general framework of the research, as well as identifying preliminary issues that linked to the substance of research questions. In order to achieve such purpose, interviews were pursued in two phases: firstly, focusing on general institutional settings of the Council of Europe and the relations between key institutions and local authorities; secondly, focusing on practical evidences of whether or not local authorities can have influence at international level, as well as disclosing any problematic issues in substance so as to advance the understanding of how the system actually works and it is supposed to be. The earlier phase aimed at building up the fundamental structure of the multi-level governance arrangements as the general context that the research was based on, which helped to identify the potential role that local authorities can play within this institutional framework. The second phase took a further step to investigate in depth of the actual activities and influences of local authorities at the international level, as well as any embedded relations and issues that have crucial impact on the framework which may affect its performance. Taking into account the complexity of

the general frameworks and the overlapping relations among various stakeholders, the second phase was conducted from two different perspectives with interviewees from different background, that is, the CoE officials work at international level and officials represent local authorities.

Interviews were mainly conducted in April and October 2009 in Strasbourg, the headquarters of the Council of Europe. Some subsequent follow-up discussions were made through email correspondence due to the need of further clarifications during data analysis stage. Interviews conducted in April were prior appointed interviews with the CoE officials and on average lasted one hour in duration. Interviewees were selected based on the criteria of different level of positions and varying institutional backgrounds. This allowed the investigation to cover a complete range of different perspectives so as to understand the internal relations within the organization and identify any potential issues that can only be observed from a specific position. Given that the key research issue focused on the role of local government at the international level, special emphases were hence given to the officials of the Congress of Local and Regional Authorities and the Steering Committee on Local and Regional Democracy (CDLR) in particular, which have most relevance to the issues regarding to local level.

Interviews conducted with local authority representatives had different arrangements. It took place during the 17th plenary session of the CLRAE in October 2009, when local officials from all forty seven member states met in the headquarters of the CoE. Given that the targeted interviewee group was the local government officers, this occasion provided the best opportunity to arrange interviews with a large number of informants within a short time scale. Interviewees were selected based on the classification of different models of local government system within the Council of Europe member states which intended to have a widest coverage of every type of democracies (see Diagram 4.3). Special attention was given to their country background while selecting interviewees so as to ensure the data source included different types of countries and covered different areas of the Europe (see Diagram 4.4 and 4.5). The variation of experiences based on daily practice in different localities ensured a wide representation of views covering local authorities from most European territories. The comprehensiveness of views that represented different

Diagram 4.3 Interviewees from diffferent local government systems

category	countries included	c.n.	i.n.
Anglo-Saxon model	United Kingdom, Ireland	2	9
Germanic model of Central Europe	Belgium, Netherlands, Luxembourg, Germany, Austria, Switzerland, Liechtenstein	3	6
Scandinavian States	Denmark, Finland, Sweden, Norway, Iceland	4	5
Franco model of Southern European States	France, Italy, Spain, Portugal, Greece, Cyprus, Malta, San Marino, Andorra, Monaco	6	10
New Democracies	Poland, Czech Republic, Hungary, Slovakia, Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania, Moldova, Ukraine, FYROM, Bosnia and Herzegovina, Serbia, Montenegro	6	7
Eurasian States	Turkey, Albania, Croatia, Georgia, Armenia, Azerbaijan,	2	5
Other	Russia	1	1
sum		**24**	**43**

* The categorization was made based on the typology developed upon Loughlin's (2003; 2010) classification of the local government systems in Europe (See Chapter 2).
** c.n. represents the number of countries in the category whose representatives were interviewed.
*** i.n. represents the number of interviewees in the category.

Diagram 4.4 Country coverage of interviewees from local and regional authorities

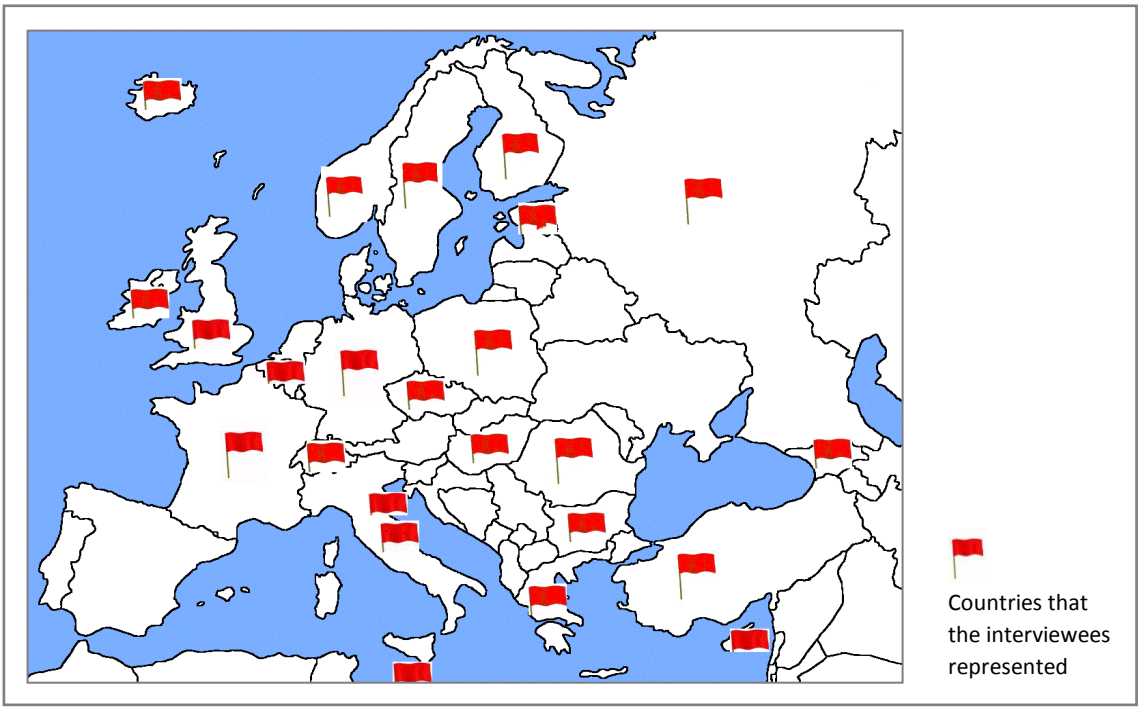


Diagram 4.5 Country background of interviewees from local and regional authorities

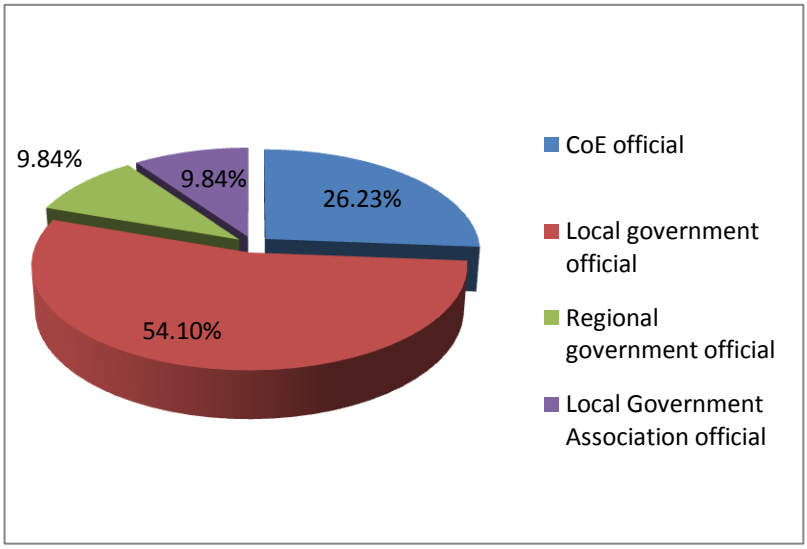
Location			Area(sq km)			Population(July 2009 est.)*		
category	c.n.**	i.n.***	category	c.n.	i.n.	category	c.n.	i.n.
Northern Europe	4	5	≤ 10,000	3	6	≤1,000,000	4	7
Eastern Europe	4	7	10,001 - 100,000	7	9	1,000,001 - 10,000,000	9	12
South-eastern Europe	3	5	100,001 - 500,000	11	23	10,000,001 - 50,000,000	5	6
Southern Europe	4	6	500,001 - 1,000,000	2	4	50,000,001 - 100,000,000	5	17
Western Europe	4	12	≥ 1,000,001	1	1	≥100,000,001	1	1
Central Europe	5	8						
sum	**24**	**43**		**24**	**43**		**24**	**43**

* The categorization was made based on statistic data derived from [www.cia.gov] on 21/10/2009.
** c.n. represents the number of countries in the category whose representatives were interviewed.
*** i.n. represents the number of interviewees in the category.

regions both geographically and politically, thereby helped to reduce the risk of fragmentation of information and improve the accuracy and validity of data collected. The technique used to select informants was primarily a combination of targeted selection based on a prior research on informants' background and random sampling among other meeting attendees. The time scale of interviews with local authority representatives was from 15 minutes to 45 minutes, depending on the quality of information and informants' availability.

In addition, a small number of interviews were undertaken with respondents from a different background who offered valuable information that helped to contextualize the research process. For instance, an interview conducted with a regional authority representative provided additional information to understand the domestic relations between different tiers of government and the limitations on local authorities' influence on higher governmental levels. Diagram 4.5 shows the general composition of all interviewees. Given that interview data needed to be collected during a limited number of research visits and within the time-frame of the research process, it was necessary to have

Diagram 4.6 The institutional background of all interview informants



every stage of the interviews well planned to ensure the quality of field work investigation. A number of factors that could improve the outcomes of interview investigations were given careful consideration as follows with the aim of ensuring sufficient amount of data being collected as well as the validity and reliability of the research data.

Interview topics and questions: Interview topics and questions are the core components of this research method. Interview topics identify the major issues and general topical area of the investigation, which provide clear focus to guide the discussions. Clarification of the interview topics took place in the pre-interview stage while contacting potential informants to schedule the interviews. This earlier stage clarification was necessary that it provided sufficient information for informants to understand the purpose of the following interviews and have the opportunity to gather their thorough thoughts. With this prior communication to help with interviewee's understanding, it was easier for the researcher to control the direction of interviews and avoid large amount of irrelevant discussions especially in a tight time span. However, it has been noted that the amount of details given to the interviewee in advance was crucial: insufficient amount can cause ethical problems (Gillham 2005) whereas too much information can lead to over-considered response and affect the accuracy of the data. Particular attention was hence paid to the extent to which interview

topics should be clarified to informants during early correspondence, so as to reduce the unnecessary impact to the minimum degrees.

The design and use of interview questions were considered to be particularly important and had been given thorough consideration. The manner by which interviewees understand the questions is crucial in terms of its impact on the quality and amount of data being disclosed through discussion. Hence, special attention was given to a range of matters that included avoiding sensitive or ambiguous expressions, employing various techniques to ensure accurate interpretation, and building up relaxed atmosphere to encourage genuine communication. While clarifying interview questions to the informants may appear a straightforward matter, it is nonetheless critical to the success of the research process. The relevance of this state of affairs is highlighted by the fact that different individuals can see things in completely different ways due to such factors as their knowledge background, existing experience, and political standing. Thus, it is crucial to ensure that interviewees are able to understand the correct meaning of the questions that they have been set. For this reason, further explanations have been made to avoid inaccurate assumptions and clarify informant's misunderstandings of the interview questions.

During the interview process there were several occasions that the interviewee raised some undisclosed issues or gave a response not really being expected. In these cases, probing techniques were employed to intensify the scrutiny and capture every valuable insight to advance the understanding of all relevant issues. Following up questions were used to encourage interviewees to delve deeper into these points and allow them think through the issues thoroughly. However, probing techniques were only used with caution, given that such a strategy may result in interviews being less willing to cooperate.

Interview atmosphere arrangement: The interviews were managed to ensure that they took place in a comfortable atmosphere so as to enable investigations to be pursued smoothly. This was crucial because individuals are more likely to open up when they feel comfortable, which can because of the environment of discussion or the person they are communicate with (Robson 2011; Rubin and Rubin 2012). Hence special efforts were made to create a relaxed atmosphere such as selecting interviewee's own office or a café as the interview location whenever possible. The natural setting that makes both

interviewer and interviewee ‘be themselves’ can build up trusting environment and ease the atmosphere. Gillham (2005) emphasized the importance of ‘being oneself’ for researchers to conduct a successful interview. Likewise, ‘being oneself’ is of equal importance for interviewees to be able to provide sufficient data based on their genuine opinions on the given topic.

Therefore, the start of a conversation is important since it can set the tone of the entire interview. Keats (2000:23) addresses the necessity to develop a good rapport with the interviewee at the beginning stage, which can build “comfortable, cooperative relationship between two people in which there are maintained both feelings of satisfaction and an empathetic understanding of each other’s position”. There were a couple of techniques that have been used to develop a good rapport, such as using simple opening questions that interviewee is interested or familiar and comfortable with; proper seating arrangements which can avoid “the confrontational feeling arising from sitting opposite the other person” (Denscombe 2010a:190); and constant encouragement, friendly and engaging eye contact, etc. Hence, in order to build up a comfortable atmosphere, interviews always started with the questions of asking about interviewee’s working background, years of experience, and so on. These were proved to be effective since in most occasions interviewees became relaxed and engaged in the following interviews.

Interactions: During interviews, interactions between the researcher and the informant can be of great significance as it can affect the outcome of interview. Positive interaction effect improves the research outcome by allowing sufficient amount of data and valuable information to be collected. Lacking proper interaction or making negative interaction results in research failure as there will not be sufficient data to support or demonstrate the research propositions. Effective interaction between the interviewer and interviewee helps building up comfortable and friendly atmosphere, encouraging highly engaging communications, and improving the reliability of information disclosed during the interview.

A range of techniques were used to ensure effective interaction during the interviews. First of all, the researcher showed sincere appreciation and understanding of the interviewee’s efforts, opinions and considerations in his or her working activities. Such behaviour of seeking common standing can improve the interview results by making the interviewee feel more comfortable and ease the atmosphere (Gillham 2005; Silverman 2013). During

the investigations, the feeling of recognition has clearly encouraged the interviewees to open up and be willing to share their thoughts with the researcher who showed appreciation and understanding. Second, using probes at proper occasions allowed both interviewer and interviewee engaging intensively and being active to explore the topical issues in more details (Rubin and Rubin 2012). With semi-structured interview questions, the researcher prepared a set of related probing questions and left sufficient scope for using probes for close scrutiny. Moreover, similar to probing which allowed of in-depth investigation, asking for examples was also employed so as to advance the understanding of a specific statement of the interviewee and seek further clarification of any insight. All these techniques were used regularly during interviews with the aims of improving the richness of data to ensure a comprehensive understanding of research findings.

Considerations have also been given to other related issues prior to the interviews which may help with effective interaction. According to the nature of this research and the requirement of information source, most interviewees have profound experiences and knowledge in this topical area, and a number of them work in very senior positions. Hence, well presenting the credibility of research topic and achieving informants' recognition of the value of research are essential, as these can draw great interest and obtain sufficient support from interviewees (Yin 2012). The response and attitude of interviewees can be influential in terms of achieving designated interview outcomes. For instance, the degree of interviewee's recognition and anxiety on the topic has considerable impact on the amount of information provided during interviews, as well as the depth and accuracy of the data. This normally happens because the interviewee also has expectations to achieve valuable feedback and inspirations for his or her own work through the discussion.

Likewise, building up a relationship of trust between the interviewer and the interviewee is important throughout the entire interview process. Based on trust, comfortable interview atmosphere can easily be created and the interviewee is normally more willing to open up and be frank. Efforts were made to pass on information to interviewees to enhance the feeling of trust. For instance, great interest and appreciation were shown to interviewees for what they have been done and the effort they have made, which helps establishing a closer feeling of connection. Recognition from the researcher forms the basis of achieving a trust relation with interviewees and ensuring the effectiveness of research outcome.

Time management: The pre-appointed interviews with the CoE officials were mostly arranged around 45 minutes whereas interviews with local government representatives were from 15 minutes to 1 hour according to the interviewee's availability and intensity of conversation. Given that the interviews need to be conducted in a set time span, time management is an important issue and can have negative impact if not being handled well. Effective control of the length of each question ensures sufficient amount of data being collected during the interview. Otherwise, the purpose of interview cannot be achieved if the coverage of questions is problematic due to lack of time control. However, in certain cases, an intense discussion of one particular question provides valuable insights of the research, which is worthy to readjust the interview plan and focus on this specific topic. It is also noted that the researcher needs to lead the discussion from one topic to another properly and using right opportunities without intrusion. Being aware of all above issues, the researcher was able to control the progress of interviews in a right pace and ensure all topics to be covered effectively.

Closure phase: The closure of interview has an equal importance of the starting phase. In a number of occasions, interviewees raised some particular issues toward the end of interviews which have special implications regarding to the research topic. It was hence necessary to ask for further clarifications and future opportunities for following up investigation. Interviewees' additional comments were also encouraged at the closure phase of interviews so as to avoid any missing point. During this phase, interviewees have been asked to provide other contacts for future research if possible. This was an important source to obtain information for contacting other valuable interviewees.

*A**ccuracy of the data:*** The accuracy of data collected is certainly an important factor which can affect the outcome of research. Efforts have been made to ensure that empirical data is collected in a proper manner without falsely intruding on the reality throughout the entire fieldwork. As for data obtained through interviews, accuracy can be a crucial matter of the research findings' validity since the data is based on interviewee's personal experiences, feelings and emotions, which can be easily affected by various situations during the interview (Rubin and Rubin 2012). It is necessary to justify whether the data is able to reflect the genuine thoughts of interviewees, which improves the reliability of the

data collected as well as the research outcome. Therefore, several methods have been employed to detect false statements so as to ensure the validity of interview data.

First of all, multiple methods were used to improve the validity of data, through which opportunities were created for a double check of accuracy on information obtained from multiple sources. Both observation and black-letter research were alternative sources to provide additional information to examine the accuracy of prior collected interview data. Through the approach of triangulation, data validity was largely increased with the adoption of multiple methods (Denzin 1970; Silverman 2011). Secondly, the accuracy of data was also checked by allowing interviewees to review and confirm the content of interview transcript. This was the second chance for the interviewees to reassure that the statement they made during the interviews was what they really meant. Moreover, the plausibility of information provided showed how accurate the interview data can be and to what extent it can be trusted. As Denscombe (2010a:201) emphasized, "when assessing the credibility of information contained in an interview, the researcher needs to gauge how far an informant might be expected to be in possession of the facts and to know about the topic being discussed". Finally, the accuracy of data was checked by comparing information gathered during different interviews. Any thoughts or opinions which were shared by a number of interviewees have been considered to have more credibility than those merely mentioned by a single interviewee (Ibid.).

5 Black-letter Research

Black-letter research derives from the phrase, black letter law, which firstly appeared in judicial reviews in the American legal system[8]. It refers to the qualitative research method that is mainly based on primary source materials such as constitutions, legislations and documentations. Black-letter research not only requires identifying and collecting adequate research data but, as distinct from other conventional methods that demand great effort in

[8] See the Pennsylvania Supreme Court case *Naglee v. Ingersoll,* 7 Pa. 185 (1847), and the U.S. Supreme Court Case *Jackson ex dem Bradford v. Huntington*, 30 U.S. 402, 432 (1831).

field work research, attaches greater weight on the process of analytical investigations. Hence it is widely used in the area of legal research as it can provide profound insight through analyzing the substance of the legal texts and the practical cases. Due to its specific emphasis on legislative documentation and the adoption of a legal perspective, black-letter research as a method differs from documentary analysis in pure social science research although they do share certain degree of similarities. In this research, to understand the influence of local government and how it is functioning, emphasis needs to be given to the legal and political context shaped by the multi-level governance framework. Black-letter research can well provide adequate sources for in-depth investigation and facilitate systematic analysis of the inherent institutional relations. Therefore black-letter approach is employed in this research to understand the institutional structures and the functional competence of the CoE, as well as the relations between different bodies within the organization and between the CoE institutions and local authorities.

Black-letter research was adopted as one of the principle methods of this research as it was considered that it could provide valuable information to guide the direction of the research as well as clarify the objects of subsequent empirical investigations. The main purpose of black-letter approach was to understand the institutional structure of the CoE and its functional competence in relation to the member states. Emphasis was also given to the relations between the CoE and different level of sub-national governments that explicitly regulated by legislations, policy *acquis*, and related official documents. Hence, the general framework that the research based on was build up so as to provide ground for further in-depth investigations. Black-letter research was employed also due to the consideration that it could improve the understanding of the process that how the linkage between local government and international organizations has gradually developed. This can be reflected from the CoE's official documents and legal texts made during the past few decades. A third consideration of adopting black-letter approach was that it helped to identify valuable issues such as the conflict between the designated institutional objectives and the practical outcome of the Council's policy implementation. Such information can be critical as it formed the basis for the researcher to develop the empirical contribution of this research.

The source of black-letter research covered a wide range of primary materials including legislations, policy *acquis* and various related official documents. These sources can be categorized into three main groups that respectively meet different purposes. The CoE conventions, charters, and those with statute status were the primary sources to build up the general institutional framework of the CoE, for example, the Statute of the Council of Europe[9] and the European Charter of Local Self-Government[10]. These sources were usually open to the public and easy to obtain from the CoE's official website. The second group of sources included explanatory reports of the key *acquis*, its main institutions' recommendations and resolutions, and other official reports. This type of documents was of particular importance as they provided rich data for close scrutiny and in-depth analysis. Good examples were those reports and resolutions in relation to the founding texts of the CLRAE. These helped to clarify the development of the CoE policies that have direct impact at local level as well as the process that how local government can have its influence in international decision-making. The third group of sources mainly included meeting minutes, expert reports, and other official publications, such as the meeting minutes and attendance records of the 17th Plenary Session of the CLRAE. Documents as such primarily contributed to analyze the internal institutional relations and identify practical implementation issues.

The black-letter approach has been conducted during a long time-frame including: prior field work stage, on-site research visits, and data analysis stage. During the early preparation stage of empirical research, the researcher focused on the fundamental texts of the CoE, such as statutes, conventions, and charters. Special attention has been given to those closely related to the involvement of local level. For instance, the founding documents of the Congress of Local and Regional Authorities, as well as the CoE acquis on developing local democracy. Research on these fundamental documents has built up a general institutional framework of the CoE, which provides firm ground for further in-depth investigation to demystify the nested and overarching relationships within the organization from its inherent complexity.

The data of black-letter research was also collected while conducting the research visits to the CoE's headquarters. Extended sources were employed hence sufficient data can be

[9] CETS No. 001, 03/08/1949.
[10] ETS No. 122, open to signature on 15/10/1985, entry into force on 01/09/1988.

obtained to portray a finer picture of multi-level governance framework through the CoE practice. The focus has been moved from fundamental legal texts to more practical documents, which include explanatory report of statutes or conventions, unpublished recommendations, meeting minutes and experts' report. Research on these related documents facilitates the explanation of embedded tensions between various actors and advances the understanding of complex relationships existing in this multi-tiered and multi-centered system.

In comparison to other research methods, black-letter approach provided a considerable amount of data with easier access, most of which can be found on the targeted institutions' official websites. For those had certain degree of confidentiality, information were obtained with prior consent of the CoE officials and handled with special care. The sources of research data ensured the accuracy and validity of the information obtained. The richness of the data also allowed the researcher to conduct the analytical investigation based on information of a long time scale and covering broad areas. Hence, it helped to improve the intensiveness of research findings. However, the researcher was also aware of the limitations of data obtained from black-letter research that it might only reflect certain aspects of the organization's political objectives and policy making, whereas it could not disclose other inherent issues such as those affected the policy implementation. Therefore, the data collected by black-letter research were analyzed along with information obtained from other methods so as to ensure the comprehensiveness of research findings.

6 Observation

Observation was employed alongside interview and black-letter research for two major reasons. First, observation provided good opportunities for the researcher to explore potential valuable issues by observing informants' behaviour and attitude in a specific occasion. Second, reflected upon empirical data obtained from interviews and black-letter approach, the researcher was able to double-check the validity of information and identify any inherent conflict with what has already been said. Observation as a method has the advantages of maintaining the nature settings and limiting interference by research activities to the reality, which to some extent improves the reliability of data collected

(Denscombe 2010a; Bryman 2012). This also allows the researcher to be able to understand the substance of social phenomena from a perspective that is mostly close to an insider's point of view. However, it was noted that due to the limitations of this method, data collected can be insufficient in terms of its representativeness and intensity. For this reason, observation was only used as an exploratory tool to identify issues that need to be investigated further through other analytical methods.

The observation activities were mainly carried out during the 17th Plenary Session of the CLRAE in September 2009. The researcher attended the full session as a participant including the pre-session committee meetings and the plenary meetings. The focus of observation was given to how decisions were made and discussed, as well as participants' behaviours and attitudes. During these meetings, issues such as high variations on participant's engagement level were noted as the potential research problem needed for further investigation. Given that diversity is the distinct feature of local representation at the CoE that leads to different engaging behaviours, data obtained through observation reaffirmed the importance of this factor and contributed to the research findings with its exploratory function.

7 Questionnaire

A questionnaire approach was adopted as a complementary source to assist other main methods to improve the richness of empirical data. Small questionnaires with only a few succinct questions were used to help clarifying general situations and identifying potential topical issues for further in-depth interviews. Due to practical considerations, questionnaire was regarded as an effective method to maximum the value of fieldwork. First of all, as a special occasion to gather local government representatives from all through the Europe, the Congress' Plenary Session is the most convenient and advantageous opportunity to collect large amount of empirical data. Given that the session is only held during a three-day period, it is necessary to utilize all possible measures to maximum the value of each fieldwork. Considering interviews can only reach a limited number of informants due to its intensity, the ability of questionnaires to collect data from much larger number of informants becomes an effective method to extent the coverage of information sources. In

addition, language is always an issue in the European regions due to its highly diverse culture and society. Local government representatives do not necessarily speak fluent English, which may cause difficulties for communication if interview is used as the only research method. As an alternative, questionnaire can be more straightforward and easier to respond especially for the informants who only have limited knowledge of English.

The informants of questionnaires were targeted at local government representatives who attended the 17th Plenary Session of the CLRAE in October 2009 in Strasbourg. In order to ensure a full coverage of informants, questionnaires were delivered through multiple means. With the assistance of meeting organizer, most questionnaires were handed out at the registration desk where local government representatives need to sign the attendance record. This process was repeated before several meetings in different times and days so as to ensure the largest coverage of attendees. During the entire session, questionnaires were also placed in the information office where attendees needed to collect meeting schedules and documents. Given that there were possibilities for meeting attendees to miss or ignore the questionnaires, the researcher made the presence in the information office during arrival period when most attendees appeared to collect documents. Likewise, the questionnaire collection boxes were placed in several obvious and important spots to encourage response and remind returning, including information office, registration desk, etc.

The questionnaire was designed to be simple and precise since it aimed at collecting general background information and providing complementary data (See Appendix I for details). The nature of targeted informant group, mainly politicians, also formed part of the reason to use straightforward, easy reading, one-page questionnaires. Encouraging higher response rate was the main rationale for how the layout and wording of the questionnaire were designed. The questionnaire started with brief introduction on the aims of research, the influence of local authorities at the European level, which was simultaneously trying to imply the value of research to informants and thus gain their support. Appreciation was shown both at the beginning and the end of the questionnaires. Welcome for further interests and contact details were included in the questionnaire as well.

The questionnaire mainly consisted of closed single or multiple choices questions which allowed informants to answer within few minutes. Questions focused on two issues: how

do local authorities understand the value provided by the special institutional framework of the CoE; and how do they evaluate the actual performance of the framework. Piloting and discussions were made in advance with some experts who had working experiences as officials for both the CoE and local authorities. The discussions were aiming at reducing the improperness of any questions and options as well as exhaust all possible answers and provided them as options. The Likert Scale type of questions was used for those with evaluation purposes. Choice of answering as an open question was also provided for certain questions.

According to the attendance records of the Congress' Plenary Session, the number of targeted informant group was from 113 to 134, the inexactness of which was due to the change of individual's schedules. The number of questionnaires returned was 34, which gave a response rate from about 25.37% to 30.09%. Local authorities represented by the respondents covered 55.32% of the CoE's member states (see Diagram 4.7), which

Diagram 4.7 The country coverage of questionnaire informants

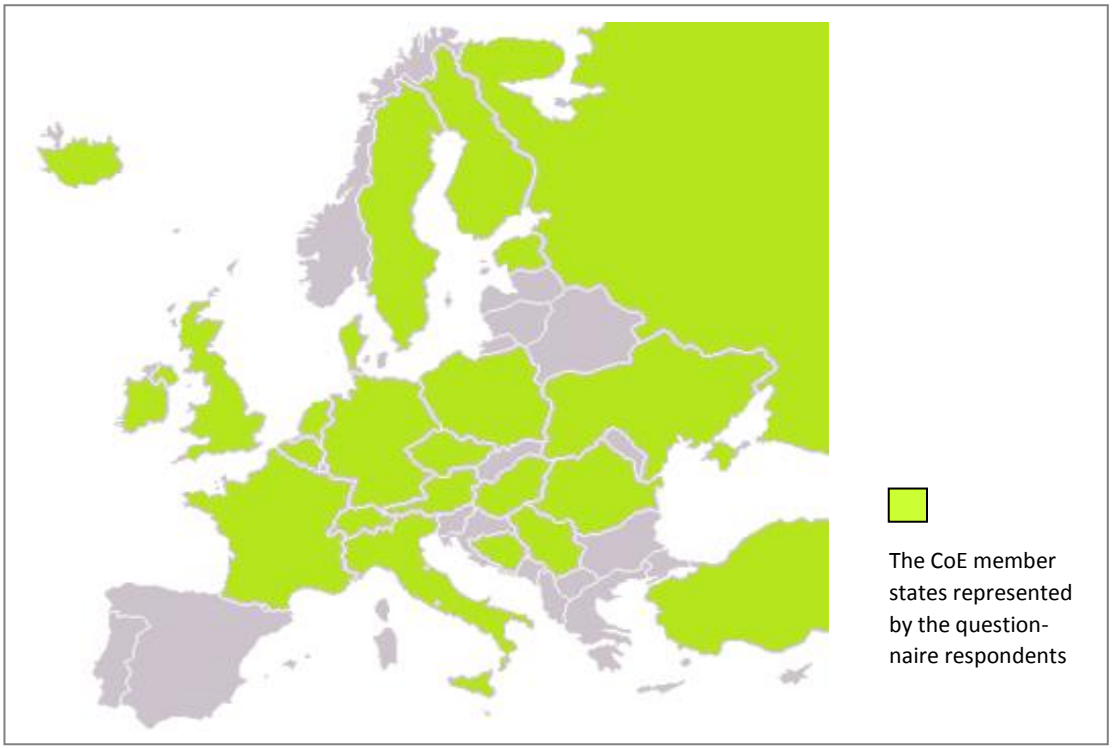


Diagram 4.8 The country background of questionnaire informants

Location			**Area(sq km)**			**Population(July 2009 est.)***		
category	c.n.**	i.n.***	category	c.n.	i.n.	category	c.n.	i.n.
Northern Europe	4	4	≤ 10,000	2	3	≤1,000,000	3	4
Eastern Europe	5	5	10,001 - 100,000	12	14	1,000,001 - 10,000,000	12	13
South-eastern Europe	4	5	100,001 - 500,000	8	14	10,000,001 - 50,000,000	5	8
Southern Europe	3	4	500,001 - 1,000,000	2	2	50,000,001 - 100,000,000	4	8
Western Europe	4	8	≥ 1,000,001	1	1	≥100,000,001	1	1
Central Europe	5	8						
sum	**25**	**34**		**25**	**34**		**25**	**34**

* The categorization was made based on statistic data derived from [www.cia.gov] on 21/10/2009 when the fieldwork took place.

** c.n. represents the number of countries in the category whose representatives responded to the questionnaire.

*** i.n. represents the number of questionnaire informants in the category.

Diagram 4.9 The questionnaire informants from different local government systems

category	countries included	c.n.	i.n.
Anglo-Saxon model	United Kingdom, Ireland	2	5
Germanic model of Central Europe	Belgium, Netherlands, Luxembourg, Germany, Austria, Switzerland, Liechtenstein	5	7
Scandinavian States	Denmark, Finland, Sweden, Norway, Iceland	4	4
Franco model of Southern European States	France, Italy, Spain, Portugal, Greece, Cyprus, Malta, San Marino, Andorra, Monaco	3	4
New Democracies	Poland, Czech Republic, Hungary, Slovakia, Estonia, Latvia, Lithuania, Slovenia, Bulgaria, Romania, Moldova, Ukraine, FYROM, Bosnia and Herzegovina, Serbia, Montenegro	7	10
Eurasian States	Turkey, Albania, Croatia, Georgia, Armenia, Azerbaijan,	3	3
Other	Russia	1	1
sum		**25**	**34**

* The categorization was made based on the typology developed upon Loughlin's (2003; 2010) classification of the local government systems in Europe (See Chapter 2).

** c.n. represents the number of countries in the category whose representatives responded to the questionnaire.

*** i.n. represents the number of questionnaire informants in the category.

included different types of countries and different local government systems (see Diagram 4.8 and 4.9). Since the main purpose of the questionnaire was to draw a general background picture to double check the interview findings and identify any hidden issues for further investigation through interviews, the relatively small number of data did not affect the expected aims to be achieved. On the contrary, it did provide valuable information to identify important issues to comprehensive the research findings. However, the limitation of small number of data has been aware of. Hence, the analysis of data was made with cautious to avoid using methods based on pure quantitative approach which is supposed to use large amount of data. There were mainly interpretivist approaches that adopted to understand the fact reflected by the questionnaires for data validity reasons.

8 Research Ethics

Research ethics is an important issue not only for the benefit of the research itself, but more crucially, for the benefit of all participants involved in this research. The empirical investigation of this research requires close contact with considerable amount of individuals, as well as close examination of official documentation at certain confidential level, both of which particularly emphasize the significance of ethical conduct of this research. There are two levels of the meaning of ethics, “the duties and responsibilities of individuals” and “broader systems of moral principles and rules of conduct” (Denscombe 2010b:60). Basic requirements as what need to be done and what must not be done set out the general guidance for individual’s behaviour. The broader system of moral principles reflects the morality awareness of the society and provides criteria for individuals to judge their actions in certain culture and social contexts. After extending its meaning from the philosophical perspective, ethics started to impose its influence in medical research in the 1970s, and then rapidly developed in the biomedical and genetic technologies in the 1980s, as well as in the social sciences and humanities as in nowadays (Gunning and Holm 2005). Research ethics has become the fundamental requirement and common standards that researchers in all disciplines need to comply with.

The research was conducted following the rules of the Social Research Association Ethical Guidelines and the Guidelines for Good Professional Conduct by Political Studies Association. Conducting research in an ethical manner reduces the risk as harming participants and protects the interest of individuals, communities and environments (Israel and Hay 2006). Since all social research aims at contributing to the existing world and minimizing the negative influence to the society, long-term systematic harm should be avoided to be done to the individuals, communities and environments (Diener and Crandall 1978; Peach 1995). Besides, ethical behaviour helps the researcher gain trust from the participants and ensures a friendly atmosphere for conducting the research. As Israel and Hay (2006:3) illustrated, "if we act honestly and honourably, people may rely on us to recognize their needs and sensitivities and consequently may be more willing to contribute openly and fully to the work we undertake". Moreover, conducting research based on ethical considerations ensures the research integrity. Each individual research forms part of the value system of the societies and collaborates with each other, any misleading results or deceptive findings may lead to unbearable consequences and collapse the interconnected networks (Denscombe 2012).

Therefore, ensuring compliance with the fundamental ethical requirements is significant especially for research concerning individuals. Given that the methods used for data collection such as interviews and surveys involved close contact with considerable amount of individuals, ethical considerations became a primary concern of the researcher throughout the empirical investigation.

In order to ensure research integrity and protect the interest of all participants, a number of basic principles and rules need to be complied throughout the research. These include ethical approval, informed consent, credentials of the researcher, confidentiality, anonymity, security of the data, and no intrusion of privacy. Particular attention has been paid to all these issues to ensure that the research was conducted ethically and did no harm to any participants and the communities.

Ethical approval*:* This research employs interview and observation as the main venues to collect research data. Since both of these methods have close concern to individuals, it is possible that researcher's inappropriate behaviour may do harm to participant's feelings or their normal life. In order to protect the interest of all participants, formal approval from the

research ethics committee need to be gained before the research was started. According to the Code of Practices 2007 of De Montfort University, research approval was obtained from the University Ethical Review Committee and the University Human Research Ethics Committee in November 2007.

***Informed consent**:* Informed consent is one of the basic principles for ethical conduct of social research and was complied strictly during the field work. It shows the fundamental requirement of the respect of human rights, which was embedded in the Nuremberg Code of 1946. According to Homan (1991:71), 'informed' requires "all pertinent aspects of what is to occur" and "what might occur are disclosed to the subject"; whereas 'consent' requires "the subject is competent to make a rational and mature judgment" and "the agreement to participate should be voluntary, and free from coercion and undue influence". Therefore, formal written consent forms were sent to the participants either by post or email before the interviews took place. Information provided in the forms includes a brief statement about the research, such as the purpose, and those what is expected for the participants to do for the research (see Appendix II). For all interviews, signed consent forms were received before the investigations took place.

***Credentials of the researcher**:* The matter of the researcher's credentials is of particular importance to ensure the integrity of the research. The participants, especially those as interviewees, will expect the researchers to identify themselves as who they really are and where they are from. Fail to show the true identity to the participants can raise the issue of morality of deception (Gillham 2005). In this research, a clear statement indicating the researcher's identity, role and how the credentials can be checked was enclosed in the information pack, and was sent to the participants with the consent forms.

***Confidentiality**:* Confidentiality is the basic requirement for the researcher to keep all information gathered from the investigation as confidential. This also means researchers should not disclose these information to anyone who does not have the legal right to access the information and should prevent the information provider from being traced back by the disclosed information (Silverman 2013). Confidentiality helps the researcher gain participants' trust and cooperation throughout the investigation. As for interviews in particular, informants normally feel more comfortable to speak frankly and be willing to provide more information (Keats 2000). The promise of confidentiality was made explicitly

to the participants during the earlier contacting stage before the investigation started in Strasbourg.

***Anonymity**:* The promise of anonymity is another way to encourage participants to be cooperative and be honest, especially when the issues concerned in the research are rather sensitive or private. In these cases, disclosure of participants' name and identity may do harm to their privacy or causes unexpected consequences such as being blamed by other interest parties. Therefore, the participants' names and identities have been kept anonymous throughout the research in order to protect their own interest. Simultaneously, pseudonyms have also been used to protect participants' identity in certain cases. As Denscombe (2010b:65) explained, "…publish[ing] details about their[researchers'] methods of data collection…is fundamental to the notion of 'research' because, without such details, others in the research community would be unable to evaluate the work or do anything to check the validity of the findings". Using pseudonyms can to some extend avoid such downsides as keeping complete anonymous.

***Data security**:* The security of data is not only an ethical issue, but also a legal obligation. According to the UK Data Protection Act 1998 and the EC Data Protection Directive (95/46/EC), any information especially those personal data concerns to individuals is under strict protection. Hence, particular attention has been paid to the principle of security of the data all through the research. The researcher has made it clear that the research data can be securely kept and only used for the purpose originally designated. While scheduling the fieldwork, interviews in particular, formal notifications were made to the participants in written about the way that how their information would be treated and what the purpose was for collecting research data. This information has been clarified in the Interview Consent Form (see Appendix III) which was shown to the informants and signed in prior to the interviews.

***Privacy**:* Whilst scheduling the fieldwork, the researcher was cautious of not invading other individual's privacy. Otherwise, it may cause participants' concern of privacy and safety issues which could affect their engagement of the investigation. For instance, interviews take place at out-of-office time or at some unsuitable places can be viewed as disregard of other's privacy. Intrusion of privacy can also happen when researchers ask improper questions during the interviews, especially those about rather personal and

embarrassing topics. In relation to this research, proper arrangements of time and locations for the interviews are more relevant to avoid undue intrusion. Hence, all interviews were conducted during the office hours and took place in the headquarters' offices of the CoE. At the same time, this also ensures the safety of both interviewees and the researcher.

To sum up, the compliance of basic principle and rules of research ethics allowed the researcher to conduct the field work in an ethical manner and hence build up trustful and friendly atmosphere during investigations. This not only ensured the empirical investigation to be completed as it was planned but also improved the accuracy and reliability of the research data collected through such ethical practice.

9 Conclusion

In developing a methodological framework for analyzing the role of local government within the multi-level governance context, this chapter has provided the basis for testing and evaluating the theoretical propositions developed in the earlier chapters. With the clarification process of research strategy and methods selection, it also provides clear guidelines for empirical investigation to be conducted strategically and effectively. A multiple method approach, therefore, was adopted which combined interview as an in-depth investigation tool, black-letter research that built up the general political framework, observation with its exploratory function, and questionnaire that allowed close scrutiny on specific issues. The methodological framework developed in this chapter enables the key research question, that is, the role of local government within the multi-level governance framework, to be investigated and analyzed through different approaches and based on data obtained from different perspectives. It simultaneously improves the validity of the research data by cross-testing from multiple sources and ensures the research findings to be concluded through reliable empirical investigation approach. In the following chapters, the empirical evidences collected through the application of this methodological framework will be analyzed in details so as to allow the significance and influence of local government to be assessed within the multi-level governance framework.

Chapter 5 Local Government in the Multi-level Governance Framework

1 Introduction

As a counterview with state-centrism, multi-level governance theory suggests that the state no longer monopolizes the international political arena and actors that operate in different territorial levels are inevitably connected interdependently and mobilize across the traditional political boundaries (Hooghe and Marks 2001). In particular, intergovernmental organizations (IGOs) and local government are closely linked together under the inclusive political context based upon their respective values and roles that can contribute to the general policy framework. IGOs such as the Council of Europe (CoE) are important to local government because the policies and instruments produced at the supranational level often have important practical implications at the local level. Equally, local government is of relevance to IGOs because it is at the local and regional level that much policy is acted upon and implemented. Although their instruments are normally mediated through national governments, IGOs are dependent upon the complicity and enthusiasm of local authorities for effective implementation of many of their directives. From environmental policy through to instruments designed to enhance democratic practice and good governance, local governments are critical to their successful implementation. It follows, therefore, that IGOs should be concerned not only with involving national governments in the development of policy but also the local authorities that are the ultimate target of many of their instruments.

Given the potential significance of local government to the successful implementation of IGO policies and instruments, it is surprising that relatively little attention has been given to the ways in which local government influences IGO policy. At a theoretical level local government is largely ignored in the discussion of IGOs and the way in which they influence policy among members. Rationalist and constructivist theories of IGO/member relations focus upon the relationship between supranational governance bodies and member states (Joachim *et al.* 2008a), offering competing explanations for how IGO

instruments are transposed into national practices. Theories of multi-level governance do recognise the importance of the relationship between the local and the supra-national level (Bache and Flinders 2004b; Marshall 2005). However, they tend to focus much more on how the influence of IGOs varies between policy sectors, and the scope for local autonomy and variation in the implementation of different instruments (see, for example, Marks 1993; Benz and Eberlein 1999; Bache and Chapman 2008). These theories leave relatively little scope for the possibility that local government may have a role to play in shaping and developing IGO policy in certain areas.

In practice, local authorities have rarely been recognised formally as stakeholders in most IGOs. In relation to the scope that local interests are represented at the international level, it normally works through the delegations of nation states and relies on the central government's discretion. In this case, local authorities mainly function within the domestic political system, which have been given a major task of ensuring the implementation of policies and principles incorporated from the international level to the nation states. The conventional governance framework interprets such relations as two separate and independent relations: one exists between IGOs and nation states, normally represented by the central government; the other exists between central government and local authorities, which is regarded as pure domestic relations. Local authorities rarely appear as one of the actors in their own right at the international level.

One exception is the Council of Europe, which established a unique formal institutional framework to include local authorities in its decision making process. Unlike other IGOs, the Council of Europe officially acknowledges local authorities as one of the key stakeholders and provides an institutional device for them to exercise and influence through the Congress of Local and Regional Authorities of Europe (CLRAE, from hereafter also known as the Congress). The Congress is one of the three principal policy making pillars of the Council and provides the official platform for local and regional authorities throughout all forty-seven member states to have their voice heard in this international arena. The existence of such a formal process for influencing policy provides a valuable focus for examining whether there really is scope for local authorities, not only to negotiate local variations in the implementation of supra-national policies (as is argued by the theories of multi-level governance), but also to have a substantive influence on the making

of that policy. In other words, the focus of this research is, given the existence of this structure, are local authorities able to have influence at supranational level? In order to answer this question, this chapter aims at clarifying the institutional framework of the Council of Europe that has close concern to local level and based on which developing a theoretical model of how local authorities relate to the other actors and have their influence on international policy frameworks. Through empirical investigation, the chapter explores the value of local government under close scrutiny in the multi-level governance framework and argues that the involvement of local actors is significant to IGOs as the existence of a direct link between local and international level allows local government influence international policy making and implementation in a more positive way.

The rest of this chapter explores the opportunities for local government to have its influence on international policy frameworks through an empirical study of the Council of Europe. The first section following this introduction sets out the general policy and decision-making structure of the Council of Europe, with special attention given to the Congress of Local and Regional Authorities. The second section examines the official channels through which local authorities are able to have their voice heard at the European level, which particularly focuses on the functions and activities of the Congress. The third section adapts the multi-level governance theory to explain how local government involves and relates to other actors in the CoE political context. The specific relation between local government and the CoE institutions is analyzed in the forth section, which specifically emphasizes the nature and extent of the upward influence from local to the international level. The final section draws upon evidences from the CoE practice so as to understand the real value of the upward link between local government and international actors within the multi-level governance framework.

2 Local Government within the Institutional Framework of the Council of Europe

The Council of Europe is the older but far less well-known intergovernmental organization in the European territory especially in relation to the European Union (EU). Although it has more limited economic and political influence in comparison to the EU, it has produced some important institutions that are of vital importance to contemporary Europe. The

European Charter on Human Rights, and the European Court of Human Rights, are probably its most well-known and influential products. The Council also provides a forum for the development of a range of policy issues which are beyond the scope of the EU. It has been the champion of democracy across Europe, especially in relation to the democratisation of Central and Eastern Europe and boasts a membership far wider than EU, encompassing countries such as Russia as well as the established democracies of Western Europe. The European Charter on Local Self-Government is its most important instrument in relation to local government, enshrining principles of subsidiarity with its *acquis*.

The Council of Europe was established in 1949, with the aim of achieving 'a greater unity between its members for the purpose of safeguarding and realizing the ideals and

Diagram 5.1 Membership of the Council of Europe

	Member States	since		Member States	since		Member States	since
1	Belgium	1949	17	Switzerland	1963	33	Andorra	1994
2	Denmark	1949	18	Malta	1965	34	Latvia	1995
3	France	1949	19	Portugal	1976	35	Albania	1995
4	Ireland	1949	20	Spain	1977	36	Moldova	1995
5	Italy	1949	21	Liechtenstein	1978	37	Ukraine	1995
6	Luxembourg	1949	22	San Marino	1988	38	''The former Yugoslav Republic of Macedonia''	1995
7	Netherlands	1949	23	Finland	1989	39	Russian Federation	1996
8	Norway	1949	24	Hungary	1990	40	Croatia	1996
9	Sweden	1949	25	Poland	1991	41	Georgia	1999
10	United Kingdom	1949	26	Bulgaria	1992	42	Armenia	2001
11	Greece	1949	27	Estonia	1993	43	Azerbaijan	2001
12	Turkey	1949	28	Lithuania	1993	44	Bosnia and Herzegovina	2002
13	Iceland	1950	29	Slovenia	1993	45	Serbia	2003
14	Germany	1950	30	Czech Republic	1993	46	Monaco	2004
15	Austria	1956	31	Slovakia	1993	47	Montenegro	2007
16	Cyprus	1961	32	Romania	1993			

Source: Data collected from the Council of Europe website (www.coe.int) in March 2014.

principles which are their common heritage and facilitating their economic and social progress' (CoE 1949). Human rights, democracy, and the rule of law constitute its fundamental values, based on which the Council of Europe embodies the shared commitment of its forty-seven member states covering around 800 million European citizens (see Diagram 5.1). To date, of all countries on the European continent, only Belorussia is not a member of the Council of Europe.

The Council operates through three primary pillars: the Committee of Ministers (CM), the Parliamentary Assembly (PACE), and the Congress of Local and Regional Authorities of the Council of Europe (CLRAE). The CM undertakes the decision-making role of the Council of Europe and comprises of the foreign ministers or their permanent representatives of all forty-seven member states. The PACE is the deliberative body of the organization with 318 members and 318 substitutes appointed by national parliaments. The CLRAE represents local and regional authorities and is a consultative body of the Council of Europe. Hence, the three pillar institutional model builds up a unique framework for co-operation within the Council of Europe; that is, the CM, the PACE, and the CLRAE respectively represents governments of the member states, national parliaments, and local and regional authorities. As Siegel (2007:2) observes, the CoE has established "a unique system of institutions and a sophisticated arsenal of conventions and benchmarks, monitoring mechanisms and targeted assistance measures".

As the only formal international forum provided for local and regional authorities that has a statutory recognition status within an intergovernmental organization, the CLRAE established the first institutionalised system to enable authorities at the subnational level to gain direct access to the supranational decision making process. The CLRAE was established in 1994, as the successor of the Standing Conference of Local and Regional Authorities of Europe.[11] It aims to bring together representatives of local and regional authorities who can genuinely stand for the interest of sub-national governments and communities across Europe. The Council of Europe's recognition of the importance of local authorities can be traced back to 1957, when the Standing Conference was founded in order to create a representative body for local authorities at European level. The CLRAE comprises two chambers: the Chamber of Local Authorities and the Chamber of

[11] From hereafter the CLRAE will refer to both the Standing Conference from 1957 to 1994, and the Congress since 1994.

Regions, which respectively represents the authorities from local level and the authorities between state and local level.

According to its Charter, recommendations and opinions are adopted by the Congress at its plenary sessions or by its Standing Committee[12]. The plenary session, where representatives of local and regional authorities are able to participate and express their concerns, are held at least once a year at the Council's headquarters[13]. Between plenary sessions, the Standing Committee, which consists of two representatives from each national delegation, acts on behalf of the Congress[14]. According to the Committee of Ministers' Statutory Resolution relating to the CLRAE, the Congress shall submit proposals to the Committee of Ministers in order to promote local and regional democracy[15]. After the formal legislative process, the CM adopts conventions or recommendations with either binding or advisory effect to the member states to be legally implemented. Although the Congress can produce a range of recommendations, resolutions and opinions which can be directed at national and local governments, it is dependent upon the action of the Committee of Ministers for any instrument to have a legal effect.

Recognising that 'local authorities are one of the main foundations of any democratic regime' and that it is at local level that this right (the right of citizens to participate in the conduct of public affairs) 'can be most directly exercised', and 'the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen'[16], the Council of Europe has been working on local democracy through a series of organs. All three of the pillars offer some engagement with local government. As well as having the opportunity to act as representatives at the Congress, local authorities have been provided opportunities to join various empowerment programmes, as well as obtaining supervisory assistance from inter-territorial co-operation projects provided by the Committee of Minister's body, the European Committee on Local and Regional Democracy (CDLR). At the same time, the Committee on the Environment, Agriculture and Local and Regional Affairs (AS/ENA) of the PACE works on issues relating to local authorities such as local democracy, and selects the candidates for, and the

[12] Article 11 of the Charter of CLRAE.
[13] Article 6 of the Charter of CLRAE.
[14] Article 8 of the Charter of CLRAE.
[15] Article 2 of CM/Res(2007)6.
[16] Preamble of the Charter of LSG.

winners of, the Europe Prize and other awards for local authorities. However, within the institutional framework of the Council of Europe, the most effective and direct source for local authorities to participate at supranational level is to work through the Congress, which has legitimately been given statutory status in the CoE as one of the three main pillars. This channel provides opportunities and legal measures for local authorities to have their say rather than passively comply with policies from top down. In the following section, the formal route through which local opinions can be heard at European level will be examined through the activities of the Congress.

3 Local Government's Input in the CoE Policy Process

In performing its consultative functions, the Congress submits recommendations and gives opinions to the Committee of Ministers and the Parliamentary Assembly, as well as other European or international organizations[17]. Hence, through the Chamber of Local Authorities of the Congress, the representatives of local authorities can have their opinion

Diagram 5.2 Local government's involvement in the CoE policy process

Policy Process	***Local government's activities through the Congress***	***Examples***
Initiation	initiating proposals in forms of CLRAE recommendations	European Charter of Local Self-Government (1985)
Treaty preparation	drafting legal documentations and providing opinions in response to the request of CM and PACE	European Charter for Regional or Minority Languages (1992)
Implementation	supervising members' implementation and offering feedback for treaty amendment when necessary	European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities (1980)
Monitoring	ensuring local compliance and producing recommendations for further improvement	European Charter of Local Self-Government (1985)

[17] Article 2 of Statutory Resolution CM/Res(2007)6 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto.

expressed at the European level. These activities can be carried out during different phases of the Council of Europe's policy-making and policy implementing process (see Diagram 5.2).

3.1 Initiation stage

Through the Congress, local authorities can be involved in the initiation stage of international legislation in relation to issues promoting local democracy and co-operation between local authorities. According to the Statutory Resolution of the Committee of Ministers relating to the CLRAE, the Congress shall submit proposals to the Committee of Ministers and Parliamentary Assembly, mainly in forms of recommendations or opinions, as part of its consultative function[18]. The major achievement of the Congress in initiating legislations is the adoption of the European Charter of Local Self-Government[19] in 1985. The very first initiative was proposed by the CLRAE in its Resolution 64(1968), Declaration of Principles on Local Autonomy, which was then supported by the Consultative Assembly. The resolution advocated the significance of the protection and strengthening of local autonomy and the necessity of adopting a formal instrument which may be implemented by all democratic states of Europe. In 1981, with a more flexible approach, a draft Charter of Local Self-Government was submitted to the Committee of Ministers in CLRAE Resolution 126(1981). The Charter was then promulgated by the Council of Europe in 1985 and entered into force in 1988. By the date of 29th October 2013, all forty-seven member states have signed this treaty and completed the ratification process[20], which makes the Charter of Local Self-Government one of the most important achievements of the Congress. The case of European Charter of Local Self-Government shows that local demands can be heard through local government representation at international level and their opinion can successfully influence the CoE's policy making via the Congress.

3.2 Treaty preparation stage

[18] Article 2. CM/Res(2007)6.
[19] ETS No. 122 European Charter of Local Self-Government, open to signature on 15/10/1985, entry into force on 01/09/1988.
[20] Data source: Treaty Office of the Council of Europe on: http://conventions.coe.int

As the consultative body of the Council of Europe, the Congress has to be consulted by the Committee of Ministers and the Parliamentary Assembly on "issues which are likely to affect the responsibilities and essential interests of the local and/or regional authorities which the Congress represents"[21]. Opinions covering a variety of issues in relation to local and regional level have been given by the Congress including drafting texts of conventions and opinions on modification of existing conventions. Being aware of the significance of safeguarding the rights of minorities from discrimination, the CLRAE undertook the preparation of a European Charter for regional or minority languages based on a series of recommendations of the Parliamentary Assembly[22]. Realising that the role local and regional authorities 'must be expected to play in relation to languages and cultures at local and regional level', a public hearing was held by the CLRAE in 1984 with around two hundred and fifty attendees representing over forty languages[23]. The drafted charter submitted in the CLRAE Resolution 192(1988) was then adopted as a convention by the Committee of Ministers and opened for signature in 1992 and entered into force in 1998[24]. Obviously, these consultative opinions, which should be adopted by the Congress' Plenary Sessions or its Standing Committee, directly reflect the local concerns as the Congress representatives are composed of local and regional government officials whose main tasks are to voice local demands and protect local interest.

3.3 Implementation stage

The CLRAE has also been actively involved in the implementation process of Council policies by proposing opinions on issues regarding to policy application based on the outcome of local practice in member states. These opinions are given in forms of recommendations and resolutions. The former are addressed to the Committee of Ministers, including suggestions for further amendment, while the latter embodies advice to local and regional authorities and their associations for improving the understanding and

[21] Article 2. CM/Res(2007)6.

[22] See Parliamentary Assembly Resolution 136 (1957) Position of National Minorities in Europe (29/Oct/1957); Parliamentary Assembly Recommendation 285 (1961) Rights of National Minorities (28/Apr/1961) ; and Parliamentary Assembly Recommendation 928 (1981) Educational and cultural problems of minority languages and dialects in Europe (7/Oct/1981).

[23] Explanatory Report of the European Charter for Regional or Minority Languages (ETS No.148).

[24] Data source: Treaty Office of the Council of Europe on: http://conventions.coe.int

supervising implementation of the Council instruments. For example, in order to promote co-operation between local and regional authorities at frontiers, the European Outline Convention on Trans-frontier Co-operation between Territorial Communities or Authorities was adopted in 1980 and came into force in 1981. The CLRAE observed the implementation of the Outline Convention in member states and pointed out the major obstacles to the effective application of the convention in its Resolution 227. Based on this CLRAE resolution, the Committee of Ministers then drew up an additional Protocol to the Outline Convention which aimed at removing some legal obstacles from strengthening trans-frontier co-operation between local and regional authorities. This case reflects local authorities' contribution to international policy implementation in this subject area. Local authorities have the best knowledge of local community needs and how international policies can fit into local political framework (Lowndes and Leach 2004). Hence, taking into account of local authorities' opinions are important for IGOs in terms of improving the effectiveness of policy implementation.

3.4 Monitoring machinery

Alongside its consultative function, the Congress undertakes the role of monitoring local democracy in all member states based on the European Charter of Local Self-Government. The Charter itself does not set up any institutionalised system to control its application although such consideration was given to the necessity of a supervisory machinery. Given that the Congress 'with direct access to the Committee of Ministers would ensure adequate political control of compliance by the parties with the requirements of the Charter', the Charter prescribed the Congress' status as providing monitoring machinery to report and control its implementation in all member states[25]. Since 1992, different types of monitoring reports have therefore been produced by the Congress to assess the extent to which the Charter is being implemented. The legal basis of the monitoring function of the Congress was also stipulated in Statutory Resolution CM/Res(2007)6:

> "[t]he Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states and in states which

[25] Explanatory Report of the European Charter of Local Self-Government.

have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented."[26]

Hence, monitoring local democracy became one of the most important day-to-day functions fulfilled by the Congress. These country reports formed the basis of CLRAE Resolutions which were delivered to each member state to use as guidelines on their local democratic practice.

To sum up, the formal status of the Congress suggests that this institutional mechanism ensures that local authorities' voices can be heard in policy making at different points in the process. There is also some evidence to suggest that the Congress has some significant influence over key instruments produced by the Council of Europe, as outlined above. However, this evidence is largely circumstantial in its nature. It is not clear how much influence the Congress has really exercised relative to the other two pillars, which will be investigated further in the next chapter. To understand the potential of local government in the international policy framework, multi-level governance theory is adapted to develop a theoretical basis of local government involvement in the flowing section.

4 The Role of Local Government in the Multi-level Governance Framework

Considering that multi-level governance offers a comprehensive theoretical framework to understand the increasingly complex multi-tiered and multi-sectoral political system with the Europeanization process (Stephenson 2013), it is useful to adapt this theory to explain the political framework created by the Council of Europe in the wider Pan-European context. The adaptation of multi-level governance theory in a different political context can provide empirical evidences to test the theory for a wider application as well as advance the undeveloped part of the theoretical framework. With such purpose, special attention has been given to the theoretical value of multi-level governance in explaining the role of local government and its influence on international policy frameworks. To understand better the nature of the role that local government plays in the multilevel governance framework, a close investigation needs to be made with specific focus on how local authorities are positioned in such complex system and how they interact with other players.

[26] Article 2 of CM/Res(2007)6.

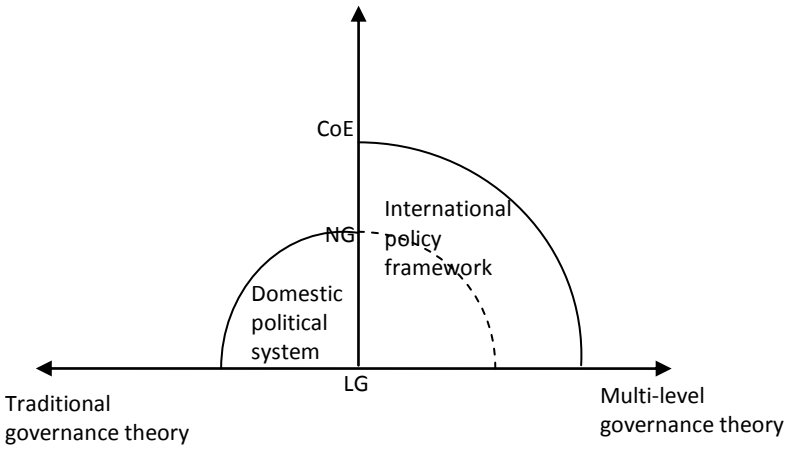
Based on the case study of the Council of Europe, the way local authorities relate to other actors and how they function under the multi-level governance arrangements are analyzed in vertical and horizontal dimensions.

Multi-level governance has developed with specific focus on the actor-centric approach, which forms the foundation of its main critiques of what has been understated in the traditional governance theories (see Marks 1993; Rosenau 2004; Skelcher 2005). Multi-level governance approach draws a valuable distinction between institutions and actors, which offers the theoretical ground to explain the increasing mobilizations across the traditional political boundaries. Hooghe and Marks (2001) addressed that when there is a tension between the actors' preferences and the structure and allocation of authority shaped by political institutions, it can become incentives for the actors to introduce changes to the general context they belong. This explains the increasing amount of unconventional interactions between indirectly related actors and the variations of movements which exceeds existing political boundaries. Hence, the preferences of actors and relations between them are the crucial elements for an advanced understanding of the political system in the multi-level governance context. As local government is at the centre of where this research focuses, attention will be given to the increasingly complex vertical and horizontal relations between local government and other actors in the following analysis.

The vertical relations refer to the link between local authorities and other higher level governmental actors, which resembles Hooghe and Marks' (2003) ideal type I multi-level governance. The type I model develops upon the traditional governance arrangements of federalism but goes beyond the domestic territorial limits. Memberships within the type I multi-level governance framework are expanded from national states, regional, and local governments, to a simultaneous inclusion of intergovernmental organizations. This provides a profound theoretical basis for the political environment shaped by the Council of Europe in the pan-European context. The policy frameworks built up by the CoE produce political implications on all forty-seven member states, which include their central governments, as well as the regional and local authorities. Within this multi-tiered political system, key features of type I MLG model can be clearly seen from its systematic institutional structure with nonintersecting general-purpose jurisdictions at limited political

levels. Unlike the traditional federal system, local authorities' administrative activities are not only shaped by rules and policies from the central government, but also greatly influenced by those coming from the international level. Despite the actual degree of power that the CoE enjoys with its competence, its international policies such as human rights and democracy certainly impose considerable impact on the local political environment. Hence, while undertaking its role such as decision making and public service delivery, local government needs to take into account of the political context required by the international norms and values. In other terms, along with the central influence from national governments, local political systems are spontaneously shaped by wider policy frameworks created by actors at the international level (see Diagram 5.3).

Diagram 5.3 Vertical relations of local government within the CoE policy framework



Multi-level governance theory also explains the extended policy cycle which exceeds the traditional political boundary that is always limited in the domestic environment. Policy making and implementation are no longer merely domestic issues but rather extended to, upwards, the international level, and downwards, the local level. International rules and policies can be integrated into the domestic political system although with different degree of formats, which are categorized by Börzel and Risse (2003) as transformation, accommodation and absorption. The *acquis* of the Council of Europe especially those on human rights and democracy has added a considerable degree of impact on its member

states' domestic policy frameworks and has specific implications to local authorities. For instance, the European Charter of Local Self-Government has brought remarkable influence in advocating local autonomy in Europe since the 1980s (Pratchett and Lowndes 2004). A national legislation on local self-government was promulgated by the Polish government in March 1990 which granted local authorities new responsibilities such as those regarding to primary schools (CoE 2007). It is also under the light of the Charter that the Polish local elected representatives presented several cases to the court to defend their rights in relation to the funding of local authorities (Ibid.). The development of the Council's *acquis* clearly shows that, the extended policy cycle within the multi-level governance context has a direct impact at local level, and local authorities have been given an important role as ensuring implementation of these international *acquis* specifically regarding to localities.

In relation to the vertical influences imposed from international level to local actors, the political system shaped by the Council of Europe has to some extent strengthened the informational, political, and financial resources of local actors. The institutional setting of the CLRAE has brought additional information channel to local authorities through its decision-making process and regular communication routes. Politically, the Council's *acquis* in local democracy has strengthened the legitimate status of local authorities especially in the countries lacking traditional political basis of local autonomy. There have also been a range of facilitation programmes offered with financial assistance aiming at empowering local authorities in terms of their administrative and representative capacities, such as the capacity building programmes offered by the Centre of Expertise for Local Government Reform. Even though there is no clear evidence that such strengthened resources leads to power redistribution to the local level or political structural reform, the international rules and principles of the CoE has been assimilated into the domestic political system through 'thick learning', which involves 'a modification of actors' values and thus a reshaping of their preferences and goals' (Bache 2008:5). The Council of Europe places specific emphasis of its political agenda on promoting the fundamental norms and values such as democracy through soft instruments, which can have significant impact in influencing and educating its members' understandings towards these advanced international principles. The degree of thick learning has great relevance to 'the way in which the system of institutional interaction is shaped, on the adequacy of information and

communication flows, and on the presence of forums for dialogue among the actors' (Paraskevopoulos 2001:254). As a matter of fact, the institutional framework of the Council of Europe builds up a firm ground to encourage the formation of shared norms and values, which is the core of encouraging coordination and interaction between the MLG actors.

Relations between actors and how they interact with each other are the key elements for us to understand the multi-level governance frameworks shaped by the Council of Europe. Based on Bache's (2008) argument while distinguishing multi-level governance from multi-level participation or mobilization, actors in the multi-level governance frameworks should not be regarded as simply interconnected but interdependent. The degree of interdependence of actors 'explain the extent and nature of interaction between state and non-state actors at different territorial levels' (Bache 2008:23). The Council of Europe and local authorities has built up a shared value in line with the CoE's fundamental value as promoting democracy, the convergence of international preference and local actors forms the basis of interaction between the CoE and local actors. In this case, the CoE can rely on local authorities as their local allies to promote its international value, whilst local actors are able to employ the Council's institutional device to safeguarding local autonomy. The shared values and preferences tighten the relations between the CoE institutions and local actors, which also promotes the development of multi-level governance and explains the increasing collaborations between actors at different territorial levels.

The horizontal dimension of relations regarding to local authorities shaped by the CoE policy framework has a less distinctive feature than it is in the vertical dimension. This can be drawn from Bache's (2008) distinction between weak and strong multi-level governance: whilst the former shows a relatively lower degree of interdependence between actors in either vertical or horizontal dimension, the latter has high interdependence in both dimensions. There is no direct evidence especially at local level that shows strong interactions between local government and non-state actors which specifically shaped by the CoE policy frameworks. This, on the one hand, is due to the limitation of its competence that constraint it from adopting powerful instruments to formulate a strong policy framework, on the other hand, it is also because of the difficulties to distinguish the CoE influences from other international factors. The political context shaped by the CoE policy frameworks is more distinct on its vertical dimension, that is, interactions between

actors at different governmental levels are more pronounced. Considering that 'weak multi-level governance can be important in generating change in policy outcomes through learning' (Bache 2008:24), such feature again explains that the most successful instruments adopted by the Council of Europe are those based on the shared values and norms with local actors such as promoting democracy.

However, even though the degree of interdependence implies that there is a two way relation between the CoE institutions and local authorities, it is not clear about the nature and extent of upward influence coming from the local actors. Existing multi-level governance theory places most emphasis on how international actors influence and reshape the domestic political environment, and in terms of subnational actors, it simply focuses on the factors that cause increasing subnational mobilization as well as how the changing environment affects their political activities. It provides a grounded theoretical basis to explain the top-down process of interactions between the CoE and the local level, but only limited to how local actors respond to the extended international policy frameworks. Local authorities, although with acknowledged status as one of the players involved in the multi-level governance framework, have not been given enough attention on its influence on the wider policy frameworks. Therefore, how local government influences the international policy framework is analyzed in detail in the next section.

5 The Nature of Upstream Link of the Local-International Relations

In order to clarify the nature and process of upward influence from local authorities to the international level, it is necessary to investigate further the actual input that local actors add to the CoE policy frameworks. The most remarkable change that the CoE introduced to the multi-tiered political system is the new features reflected by the establishment of a direct channel of communication between local authorities and the organization itself at the European level. The CLRAE, as one of the three pillars of the organization, is composed of representatives who are elected officials of local authorities across Europe and have a genuine representation of local needs and interests of the communities. Through the official channel provided by the CLRAE, local authorities are given the opportunities to communicate, not necessarily via national government, but directly with the organization at

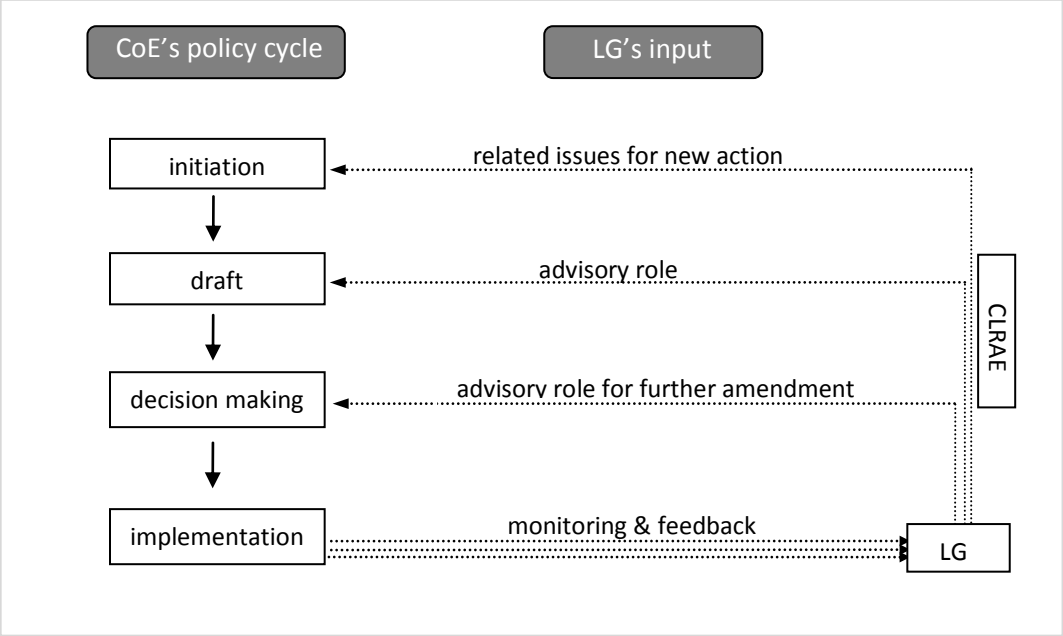
the European level. The upward interactions between local authorities and the CoE are mainly seen taking place through this official channel. For further clarification, the nature and process of this upward interaction are examined at two different analytical levels, policy making and political mobilization.

5.1 Policy making

For intergovernmental organizations, the key added value of local government has always been their role as local allies to ensure implementation of international policies. Based on the CoE practice, local government has far more to offer than simply making beneficiary decisions towards international preferences while incorporating international rules and policies into local political system. Its capacity in decision making is not only reflected at the local territorial level, but can also be extended to the policy making process at the international level. In other words, local authorities are certainly the key actors to monitor local implementation of international policies, but they can spontaneously play an important part in the international policy making process through their activities in the CLRAE. The latter has more significant implications to the CoE in terms of its value to improve effectiveness of policy implementation since the international policies are shaped upon common understanding and shared preferences of both international and local actors. The convergence of values and interests can build up an alliance towards the objectives of the international policies and to some extent wipe away particularly local obstacles during the implementation stage. The CoE regulations and policies seem to be better known and advocated by officials working at the local level if there have been contributions by local authorities during the policy making process. A clear example is the awareness of local government officials on the Charter of Local Self-Government and the Valencia Declaration on Good Governance[27], both of which have close concern to local authorities while the former has much higher recognition level due to the involvement of local government during its policy making stage[28].

[27] Valencia Declaration [MCL-15(2007)5], Conference of European ministers responsible for local and regional government: "Good local and regional governance – the European challenge", 15th Session, Valencia, 15-16 October 2007.
[28] Interviews conducted on 10-15 October 2009.

Diagram 5.4 LG's involvement in the CoE's policy cycle



Through the channel provided by the CLRAE to be involved in the CoE policy making, local authorities have been given opportunities to make intensive contributions all through the entire policy cycles (see Diagram 5.4). As stated in the earlier section, local authorities have been seen participating in almost every stage of the CoE's policy cycles, including initiation, drafting, decision making, and implementation. Taking the European Charter of Local Self-Government as an example, it is the CLRAE, on behalf of local authorities, which proposed a declaration in 1968 calling for formal action to promote local autonomy, which is the origin of the Charter of LSG. The Congress also undertook the drafting role of the Charter and contributed to a jointly drafted recommendation with the Consultative Assembly in 1970[29] and then a second draft in form of the CLRAE Resolution in 1981[30]. After the Charter was formally promulgated and implemented, local authorities provided constructive opinions based on their local practices, which led to further amendment process for improvement. The success also forms the basis of another initiative which triggers a new policy process for an international agreement on regional self-government.

[29] PACE Recommendation 615(1970).
[30] CLRAE Resolution 126(1981).

The involvement of local authorities in the international policy-making process suggests two types of policy input by local actors at different levels, the initial input and the reflective input. The initial policy input refers to those based on local authorities' existing knowledge and expertise from local practice, which particularly can be seen at the earlier stages of a policy cycle. Its value lies in achieving common understanding and agreement through informative and negotiating process as well as tackling neglected issues which are not practical for and observable from the international level. The reflective input has more relevance to the outcome of policy implementation since opinions are formulated upon the local practice. Hence, the reflective input in forms of feedbacks of initial policies can have more significant implications for the Council of Europe, because this type of input enables the Council to tackle problems more specifically and ensure the effectiveness of measures adopted in terms of improving the practicality of its policies for better implementation. The development of the CoE instruments in the field of transfrontier and interterritorial co-operation between local authorities witnesses a series of approaches based on local actors' reflective input. Implementation of the initial European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities[31] has revealed serious problems that affected the instrument to reach its designated results, as observed by the CLRAE that 'the major obstacle to the effective application of the convention is that the acts accomplished in this way by local and regional authorities have no legal value within their respective States'[32]. In responding to this situation, a sequence of protocols has been drawn up upon the CLRAE recommendations to remove the obstacles affecting proper implementation and expand the instrument to cover co-operation between non-adjacent local and regional authorities[33]. In this case, the formal communication channel provided by the CLRAE becomes crucial for local opinions to reach the legislative body of the organization and hence allows of following up actions to improve the practicality of policy implementation.

[31] CETS No.106, the treaty was adopted on 21 May 1980 and came into force on 22 December 1981.
[32] The CLRAE Resolution 227 (1991).
[33] See ETS No. 159 : Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities; ETS No. 169: Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation; and CETS No. 206: Protocol No.3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings(ECGs).

Furthermore, the policy input communication channel provided by the CLRAE can be triggered through a dual-process system, that is, either as a response to the Committee of Ministers' enquiry or fully based on local authorities' own initiatives. This dual-process differentiates local authorities' involvement in policy making through this formal CoE communication channel from other informal mobilizations. According to Hooghe and Marks (1996), a major source for subnational actors to ensure their voice heard at international level is through lobbying and setting regional offices at the headquarters of intergovernmental organizations. Such communication channel is unable to ensure the effectiveness of information flow due to its informal and unsustainable nature. By contrast, the institutional device provided by the CoE obliges its institutions to take serious consideration of local opinions, and simultaneously allows local government to directly involve in the international policy making process.

5.2 Political mobilization

Political mobilization, according to Piattoni (2010), offers another important analytical plane to understand the interactions between actors within the multi-level governance framework. While analyzing the 'multi-level' nature of MLG, Marks, Hooghe and Blank (1996b) note the capacity of non-central state authorities to challenge central states' gate-keeping role as mobilizing across the traditional central-periphery and domestic-international boundaries. Reflecting on the political system shaped by the CoE policies and institutional settings, the interactions between local authorities and the CoE institutions clearly shows spontaneous local mobilization on both dynamics.

The communication channel through the CLRAE sets out a direct route for local authorities to reach institutions at the international level. Whilst the traditional state-centric governance model favours the absolute authority of the central state over all domestic issues, the official CLRAE route allows local authorities to be able to communicate directly with international actors without necessarily working through their national governments. This communication channel bridges local authorities and international institutions together where common objectives are formulated based on shared values in relation to local communities. This is especially the case while safeguarding the democratic nature of local election is in line with the fundamental value of the CoE in promoting democracy at all

territorial levels. With such shared interests in enhancing local democracy the organization and local authorities coordinate closely via the direct communication channel provided by the CLRAE. This route also leads to a more efficient governance arrangement in terms of leaving aside unnecessary bureaucratic processes where local circumstances need to be taken into consideration during international policy making. More importantly, whereas local demands are incompatible with central government's national agenda, the availability of this direct communication route can still make sure that local opinions are heard at the international level and local interests are considered during international policy making. The direct link between international actors and local authorities relaxes the dependency of local authorities on central government to act on their behalf in the international political environment and allows more efficient international reactions in response to local level's requests.

The interaction between local authorities and the CoE differentiates from other types of communication route of subnational mobilization as it has a formal and durable nature. With international rules and policies becoming more and more influential in the daily local decision making activities, local authorities need to change their conventional lobbying style. Instead of expressing opinions to national government, local government need to make their voice heard by the international decision makers at a much earlier stage. In order to influence international decisions, the most commonly seen method being used by subnational government is through lobbying national delegations or parliamentary members, as it is the case in the European Union, or setting regional offices at the capital of decision making (Donas and Beyers 2013). The CLRAE, as an alternative device, provides a formal official channel for communication and information exchange between local and international levels. The formal institutional setting eases the barriers for local authorities to obtain access for information and have their voice heard at international level. It therefore reduces the difficulties for local authorities to understand the international political preferences and provides opportunities for them to influence the policy making which can has direct impact on their governance activities. The official status of the CLRAE also brings a durable structure of such a communication model, that any issues raised or decisions being made can be followed via the systematic procedures. This encourages the consistency of decisions and ensures positive outcome of implementation which allows sequential activities to follow up the original initiatives and decisions.

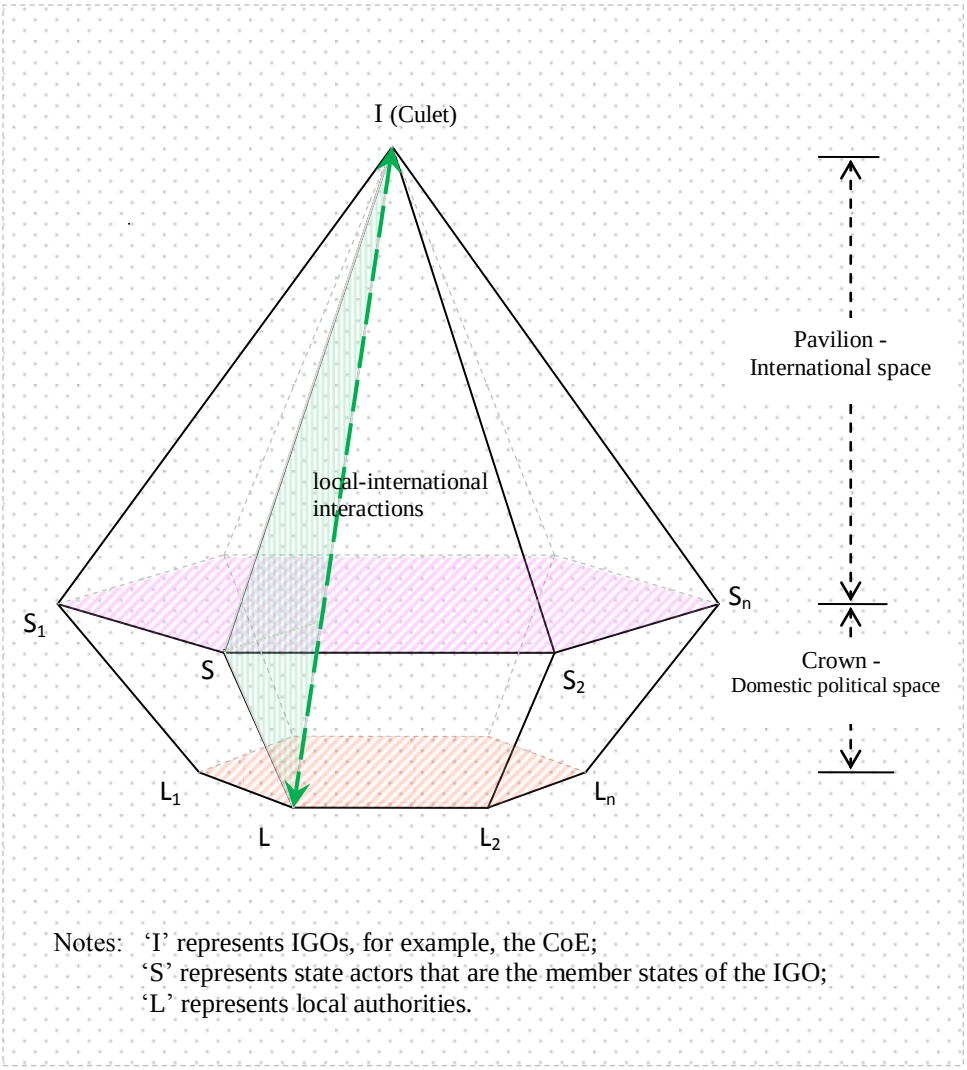
Moreover, the information flow of such political mobilization suggests a two-way interaction which spontaneously travels upwards and downwards. The key drive that encourages local authorities to mobilize across the existing central-periphery and domestic-international boundaries is either to utilize all available information sources regarding to international policies that have close concern to localities, or maximize the opportunities to influence international decision making by taking account into local considerations. The latter has more significant value for local authorities in relation to their governance activities under the local political environment shaped by different higher level policy frameworks. The upward information flow directly moves from the local level to international decision makers can enhance the understanding of local circumstances and ensure international policies being made in accordance with the genuine local interests. Based on the formal direct communication channel, local interests can be represented and considered during the international level policy making, which reflect the core essence of democratic governance arrangement. Being able to have their opinion heard and taken into consideration, the process of upward opinion delivery allows international actors identify the key element of political understanding based on the shared value and interest of local authorities, which encourages local compliance and leads to more effective outcomes of international policy implementation.

6 The Value of Local Government in the Multi-level Governance Framework

In order to understand the value of the upward link between local government and international actors in practical terms, it needs to be placed back to the context and examined in a complete context of the multi-level governance framework. Take into consideration all real life actors involved in the political system formulated by the Council of Europe, a multi-dimensional diagram can be drawn to elaborate the relations among actors within the system (see Diagram 5.5). To simplify the complex overlapped relation networks, the examination is undertaken in an ideal mode which primarily focuses on the inward relations of the CoE political system with external collaborations and influences, especially those from other international actors, being left aside and excluded from the analysis. With the CoE sitting at the culet, state actors together form a lower plane as marked with Ss, which together shapes a domestic-international space. The state level

plane can be extended further until reach the bottom plane of local authorities, with a few tiers of other subnational actors in between. The space around each set of SL resembles the traditional hierarchical system in the domestic political environment. Hence, two sets of space can be seen as the spaces shaped by the pavilion and the crown, which respectively represents the domestic-international and central-periphery political space. All together, the diamond shaped multi-dimensional diagram resembles the major relation networks within the CoE political system.

Diagram 5.5 The CoE multi-level governance framework – the Diamond-Model



Notes: 'I' represents IGOs, for example, the CoE;
'S' represents state actors that are the member states of the IGO;
'L' represents local authorities.

With the CoE as the culet, together with the S-plane shaped by state actors included, a pavilion space is presented which portrays the international environment of the system. There are two sets of relations dominate the external relations of each state actor, that is, an interconnection with the CoE, which is seen as the SL link, and a multilateral connection among member states, as mirrored by the S-plane. The CoE institutions work directly with the central level of each state to promote its international rules and principles to the members. The horizontal S-plane encloses state-level political networks which appear as bilateral or multilateral relations that are mostly common seen in the international political arenas. Most international relation theories can be fit into the pavilion space, whereas in the European context, it mainly represents the school of European integration.

Between the S-plane and L-plane, the domestic political space within the CoE context is shaped by the surrounded SL links which forms the crown area of the diagram. The link connecting S and L plane resembles each individual national hierarchic system, which is the basis of traditional domestic political environment. For each state, there are different number of tiers of subnational government sitting between the central and local government which form part of the hierarchy. The domestic central-periphery space enclosed by the crown also includes various non-governmental actors which can be placed on each horizontal cross-section plane, such as the L-plane for local societal actors. Schools such as central-local relations, regionalism, and network governance primarily focus on issues within the crown space shaped as the realm of domestic politics.

The conventional framework interprets the political system as two separate and independent relations that whereas one exists between the IGOs and nation states, and is normally represented by the central government; the other exists between central and peripheral governments, with this being regarded as purely domestic relations. State actors have always been considered as the controlling power of both the domestic political environment and international relations. As the mainstream theoretical explanation, state-centrism stresses the gate-keeping power of state actors of these two sets of relations albeit numerous critiques have been provoked over decades. A key argument in relation to the state's power as the gatekeeper of the international and domestic environment can be seen from what Piattoni (2010:18) summarized of the intergovernmental state-centrism:

> "There were three main contentions of liberal intergovernmentalism: (1) that governments could effectively control the center-periphery gates (thus deciding which subnational formations could be given the right to represent themselves in the political process as carriers of legitimately distinct interests); (2) that they could control the state-society gates (thus retaining the power to select and prioritize societal demands into a "national interest"; and (3) that they could keep the domestic-foreign gates (thus functioning as the sole legitimate representatives of domestic interests, whatever their level and nature)."

According to the state-centrist approach, domestic non-state actors are refrained from having direct contact with the broader international political influence, with state actors performing as the sole intermediate but extremely powerful and in ultimate control. The only international influence placed on the domestic political environment would be the central-transformed policies with certain degree of inhabited international principles and values. From state-centrists' point of view, the state actors, as appeared in the diagram as the girdle S-plane, divide the CoE context into two separate and independent spaces.

However, multi-level governance theory challenges the gate-keeping role of the state actors and connects the international and domestic political spaces together. Extended vertical relations including international actors and all peripheral governments form the basic political structure as labelled type I multi-level governance by Hooghe and Marks (2003). The international and domestic spaces have no longer been seen as separate and independent to one and the other but rather interconnected and form a unified political space. At each territorial level, the horizontal sphere represents networks with non-governmental sectors and collaboration across jurisdiction levels, the relations of which have been captured as in type II multi-level governance (Hooghe and Marks 2003).

As mentioned in Chapter 2, Piattoni (2010) developed a three-dimensional analytical model to clarify how state actors' gate-keeping role has been challenged under the multi-level governance framework. The three analytical spaces shaped by three dimensions, i.e., centre-periphery, domestic-international, and state-society, which are also reflected in Diagram 5.5 as the planes extended from each nation state represented as Ss. Piattoni's analytical space model is shaped around the state actor, which can be extended to the entire system to clarify how actors relate and interact with each other. While the movement

of non-state actors in all spaces shows a tendency of travelling away from the central government's gate keeping capacity, the interconnections between respective actors can be also seen in different planes.

With regard to local government, its relation with international actors is shown on the cross section formed between the central-periphery and domestic-international planes while adapting Piattoni's three-dimensional analytical model. This direct formalized link between local government and the CoE clearly shows the existence of local mobilization that cut across the boundary setting by the central government. Even though the fundamental hierarchical structure still dominates the system, local government is able to communicate with international actors without necessarily travelling through the state actors. It is also the case when local government collaborates with non-governmental actors at the same territorial level, and builds up cross-territorial and intermunicipal cooperation with subnational governments in other member states since such frameworks have been provided based upon various international agreements by IGOs.

Developed from its conventional role in the domestic political environment as safeguarding democracy, decision making and public service delivery, local government advances its unique value to a more significant level within the extended multi-level governance context. A key component of its relation with international actors is the information flow that is not only moving from the international level top-down but also travelling upwards from the level of local community. This information flow does not simply refer to making known of international rules or policies, or feedbacks of local practices, but rather more profound essence as exchanging opinions and understandings and seeking mutual interests. In other words, it is a process of finding common ground of shared value and building up mutual political preferences through communication, which involves learning and negotiation process. As for the international actors, information consisted of genuine local needs and practical obstacles provides valuable knowledge and expertise for IGOs to formulate policy frameworks in more plausible manner which can tackle real problems effectively and adjust any unfeasible instruments that are not practically suitable in local circumstances. Local government, on the other side, through negotiation and learning process, gradually incorporates international standard values and principles into its daily practices, hence, modified local political preferences has been shaped towards the mutual

understanding between local and international levels. In practical terms, international policies built upon shared value and common understanding of international and local actors can form an alliance of both parties which ensures the instrument being implemented more efficiently and improves the effectiveness of policy outcomes.

7 Conclusion

To summarize, the value of local government within the multi-level governance framework can be drawn hypothetically upon the evidence provided by the CoE political context. First of all, a direct link between local government and international actor exists and can be formalized through the establishment of an international level agency such as the CLRAE. This link shows a two-way movement which means the power does not only travel downwards but the influence can also move upwards. The involvement of central government is not necessarily seen in such direct link which shall be understood as a cut-off of repetitive bureaucratic process rather than power bypass. Secondly, the key component of the local-international relations is the movement of information flow which allows a gradual change of preferences towards mutual understanding through learning and negotiation processes. The value of direct communication channel between local and international actors lies in its credit to enable easier access of regular information exchange. The possibility of influencing the international-level policy making and financially assisted policy guidelines educates and motivates local government to shape their political preferences towards international standard values and principles. Vice versa, information and opinion based on local practice and expertise reach the international level more efficiently and enables the IGOs to adjust their policies in accordance with local circumstances. Finally, as international decision making involves all interest groups concerned and is based upon shared value and common interest, particularly those represent genuine needs of local community, the outcome of international policies can be improved as it provides incentives for the local allies to be more cooperative and implement effectively.

While the value of local government within the multi-level governance framework suggests hypothetical its positive contribution to outcomes of international policies, question remains

such as how such value is reflected and utilized within the international policy framework in practical terms. A few more questions need to be investigated in the further empirical research that, to what extent the unique value of local government has been aware of and utilized at international level, how practically accessible is the communication channel provided for local government in terms of having their say in international policy making, and to what level common political preferences are shaped based on shared value and how effective it is in relation to improve the outcome of internal policies. In the following chapter, an in-depth investigation drawn upon empirical evidences is conducted in response to these questions.

Chapter 6 Local Government's Involvement and International Policy Regime[34]

1 Introduction

The institutional setting of the Council of Europe provides empirical evidence of the role that local government plays in the European multi-level governance framework. The close interaction between the CoE institutions and local authorities demonstrates that local government has been acknowledged as one of the key actors within this framework which has similar status as national government and the European institutions. Even though sitting at the bottom level of the political pyramid, local authority has the capacity that not simply implements the higher level policies, but can also interpret the policies based on its own discretion. The existence of the Congress of Local and Regional Authorities of Europe builds up a direct channel for local authorities to raise their concerns and have their voice heard at the European level. The initiatives of encouraging this bottom-up approach are based upon the need of taking into account local authority's knowledge and expertise of the genuine community interests and local circumstances. Identifying the genuine interests of citizens and local communities is critical for organizations at the European level to adequately target their policies at those *de facto* in need, and as a return, to ensure the policies being implemented effectively.

The formal status of the CLRAE suggests, through this institutional mechanism, local authorities' voices are heard in policy making at different stages in the CoE's policy process. There is also some evidence which suggests local government has had some significant influence through the CLRAE over key instruments produced by the CoE, for instance, the European Charter of Local Self-Government. However, this evidence is

[34] Findings of this chapter were presented on the Public Administration Committee Conference 2009: New Perspectives on Central-Local Relations on 7-9 September 2009 at Glamorgan, UK; and on the Fifth International Conference on the European Union on 20-21 March 2010 at Pittsburgh University, USA.

largely circumstantial in its nature. It is not clear that to what extent local government can really influence the international policy framework especially in comparison to its potential based on the unique value in international policy making and implementation. Therefore, in order to understand the influence of local government in practical terms, a close investigation on the extent to which the value of local government is reflected in the international policy process is necessary. Considering that the CLRAE is an important institutional device for local government to be involved in the international policy framework, particular emphasis is given to how it encourages local government to participate and contribute to the improvement of international policy outcomes.

In the following sections, the significance of local government's involvement in international policy process is discussed first based on its distinct value in contributing to successful implementation under the multi-level governance arrangements. The policy regime of local democracy of the Council of Europe is then examined so as to clarify the political context that local government is involved. This is followed by a practical investigation of the extent to which local government is really engaged in the CoE's policy framework and the degree of its value that is actually reflected through this institutional mechanism. In order to understand how this system functions in practical terms, theories that explain intergovernmental organization's implementation measures are employed to analysis different approaches adopted by the Congress and the Committee of Ministers. Rational, constructive, and normative interpretations are hence employed respectively in relation to their implications on the CLRAE's influence in encouraging local government's engagement to ensure local compliance. Finally, conclusions are drawn upon the empirical evidences and theoretical analysis to clarify the influence of the CLRAE and institutions alike in improving the effectiveness of international policy implementation.

2 The Significance of Local Government's Involvement

This section considers the significance of local government's involvement in the international policy processes. The development of multi-level governance has great impact on intergovernmental organizations in terms of their political influence and the way of operation. The policy making and implementation of international regimes have also

been affected due to alternated relations between international actors and other governmental levels within the multi-level governance framework. Given that the majority of international policies have great political implications to citizens and local communities, the policy cycle is extended to include not only the national government, but also lower tiers of government at the local and regional levels. Hence, ensuring effective involvement of local government is crucial for international policy regimes as this is the basis for the utilization of local government's unique value in decision making and implementation processes.

On the one hand, international policy making is no longer a process only relevant to IGOs and the national governments of their members. Local government has also been involved in the policy making process through a variety of channels. It either participates in international decision making through the official platform provided by IGOs, such as the CLRAE of the Council of Europe, or seeks opportunities to have local demand considered at the international level by lobbying and setting offices at the centre of decision making, as can be seen from the explosion of regional offices in the headquarters of the EU (Hooghe and Marks 1996; Murphy 2011). The mobilization of local government across the traditional territorial boundary forms an additional source for IGOs to obtain information that genuinely represents local interests and reflects the local circumstances. In relation to policy regimes relevant to local level, such information is particular essential in terms of ensuring international policy making to adequately identify the community needs and meet local interests so as to achieve local support in the later implementation stage.

On the other hand, local government becomes one of the most crucial actors that directly affect the outcome of international policy implementation. Within the multi-level governance framework, the implementation process of international regimes is not simply limited to the transposition into domestic political system by national government, but extended with an important phase of local compliance. As considerable amount of international policies need to be implemented at the local level, ensuring compliance in localities is particularly important for achieving effective outcome of international regimes. Local government has the decision making power to influence the international policy implementation in a way of how it is implemented and to what extent it is implemented (Clegg 1990). As Lowndes and Leach (2004) suggested, it is the local institutional

commitment that determines and mediates the influence of rules and policies from higher level institutions. Hence, the degree of local government's engagement in implementing international policies has significant implications for the successfulness of outcome of international regimes.

Taking into consideration the distinct value of local government involvement, it is important for IGOs to ensure such value has not been underestimated and restrained from functioning properly. As analyzed based on the CoE practice in Chapter 5, the direct link between the local and international levels is the core of local government's value for IGOs within the multi-level governance framework. The upstream information flow is particular important as it ensures genuine community interests to be reflected in the international rules and policies. To which extent local interests have been considered and reflected in the international policy regimes can have great impact on the degree of local government's engagement in international policy making and implementation.

Therefore, in order to improve the policy outcome of international regimes, the engagement of local government needs to be stimulated by reflecting their interests in both policy making and implementation. During the policy making process, it is important that local demand and community interests have been taken into consideration, which requires IGOs to ensure the free upstream flow of information from local level. It also requires that the objectives of international policies are able to reflect the local political preferences, which is essential in encouraging local government's engagement in the international policy making. Likewise, in relation to the local engagement in implementation, an influential factor is whether the local interests can be magnified along with the achievement of international policy outcomes. International policy regime that has explicitly addressed local interests in its political goals can be more effective in stimulating local government to commit to improve local compliance.

The CoE evidence shows that the CLRAE is established with the aims of promoting local government's involvement at the international level. To understand how this institutional device can be utilized to advance the value of local government in improving the outcome of international policies, it is necessary to investigate its functioning in practical terms, which will be discussed in detail in the following sections.

3 The CoE Policy Regime of Local Democracy

The policy regime of the Council of Europe on local democracy is of particular importance in this specific area, as the principles of which form the foundations of international charters of other key IGOs, inter alia, the United Nations (Pratchett and Lowndes 2004). It refers to a range of instruments aimed at promoting local democracy and strengthening local government's capacity in undertaking such functions.

The Council's Statute[35] and the European Convention on Human Rights[36] provide the treaty base of promoting local democracy in the member states of the CoE. It is explicitly stipulated in these treaties that democracy is the fundamental right and freedom of citizens and is the basic principle of every governmental body's constitutional structure and practices. The European Charter of Local Self-Government[37] and its protocols are the key *acquis* of the CoE policy regime on local democracy. It acknowledges the significant value of local government in international policy implementation and emphasizes the need of ensuring local representation in the CoE's policy process. It also stresses the importance of empowering local government of its capacity in promoting local democracy and good governance. The Charter of Local Self-Government forms the fundamental legislative basis of the CoE policy regime on local democracy.

In addition, a series of legal texts are adopted with the aims of strengthening the democratic culture and ensuring wider public participation within the Council of Europe's territory. This includes the European Urban Charter[38], which advocates the importance of participation that needs to be considered as a fundamental component of life within the cities in Europe. The Charter on the Participation of Young People in Municipal and Regional Life[39] specifically focuses on encouraging young people to participate in decision

[35] Statute of the Council of Europe (1949) ETS No.001

[36] Convention for the Protection of Human Rights and Fundamental Freedoms (1950) ETS No.005

[37] European Charter of Local Self-Government (1985) ETS N0.122

[38] Congress of Local and Regional Authorities of Europe: European Urban Charter (1992); European Urban Charter II (2008)

[39] Congress of Local and Regional Authorities of Europe: Charter on the Participation of Young People in Municipal and Regional Life (1992)

making and social activities that has close relevance to them. Likewise, the Convention on the Participation of Foreigners in Public Life at Local Level[40] was adopted in 1992, which sets out clear guidelines to ensure the political participation of foreign citizens in localities. These legal documents reiterate the significant value of promoting democracy at the local level, and altogether, build up the Council of Europe's policy framework of local democracy.

The Congress of Local and Regional Authorities undertakes a crucial role in promoting the democratic value at local level and ensuring the implementation of the CoE's *acquis* on local democracy. The Congress provides a direct communication channel for local authorities to participate in the CoE's policy process, through which local demands can be heard at the international level. It functions as an institutional device to ensure effective local representation within the CoE as well as the democratic construction of local and regional authorities in its member states. It is the Congress that undertakes the role of monitoring implementation of the European Charter of Local Self-Government and producing resolutions to its member states for further improvement of local democracy. Hence, the institutional influence of the Congress and its functional capacity can have significant implications in relation to the outcomes of the CoE policy regime of local democracy.

4 Utilization of Local Value in the CoE Policy Regime of Local Democracy

The CoE policy regime on local democracy is of close relevance to localities and its institutional framework provides numerous opportunities for local government to be involved in the international policy process. To understand the potential of local government in shaping and influencing international policy frameworks in practical terms, it is necessary to take into consideration the factors related to the functioning of local government's value and the degree of its actual engagement. Based on the CoE practice, investigations on the extent to which local government is involved and contribute to its policy making and implementation can draw implications for the utilization of local government's value in international regimes.

[40] Convention on the Participation of Foreigners in Public Life at Local Level (1992) CETS No.:144

4.1 Divergence of political considerations between the CM and the CLRAE

Empirical evidence shows there is a substantial divergence of understanding between the Committee of Ministers and the Congress of Local and Regional Authorities in relation to the value and role of local government. Limited degree of coordination can be seen between these two key institutions which greatly affects the performance of local government in improving the outcome of international policies. This forms a crucial factor that prevents the utilization of local government's value in the CoE's policy regime on promoting local democracy.

There are a number of differences between the CM and the CLRAE in terms of their institutional composition and the foci of political preferences. The CM comprises the Ministers of Foreign Affairs of the Council's member states and their permanent diplomatic representatives. Hence, it works closely with the central government of each state and promotes the fundamental values of the CoE mainly through institutions at the national level. On the contrary, the CLRAE comprises the representatives of local and regional authorities all over the Europe and undertakes the major function of representing interests of subnational levels. Hence, the focus of each institution's policy priority respectively reflects the preferences of central government and those of local authorities, as they inevitably take different perspectives due to different institutional backgrounds. The way that the CM and the CLRAE understand the role of local government and the value of its involvement also varies based on their differentiated perspectives.

Such divergence can be seen between the CM and CLRAE from the focus of their functions and the way how they operate particularly in relation to promoting local democracy. The CM favours issues that have general implications for the nation states and primarily concentrates on central government's role to pursue the policy goals. In contrast, the CLRAE brings a distinctive focus on issues of locality as well as representing the interests of local government and voicing community demands. Divergence of policy priorities causes tension between the two institutions when dealing with issues related to local level. Officials from both the CM and CLRAE were aware of such situation and commented that, "in fact, there is a natural degree of tension" and "there is a natural

antagonism which everyone is accepted [and it] has been a natural, even a necessary antagonism"[41].

The tension between the CM and the CLRAE derives from the divergence of political considerations and policy priorities between the central and local government they respectively represent. An obvious impact can be seen as the limited degree of coordination and support between these two institutions. The communication between the CM and CLRAE is rather problematic that the quality of their dialogue was considered as "very very very poor" by a senior member of the CDLR secretariat [42]. Apart from the formal exchange of official documents such as recommendations, there is considerable low degree of interactions between the institutions, for instance, attending the other party's meetings and discussions. This hence results in "the lack of a common agenda with a clear focus"[43] that both institutions can work cooperatively based on agreed common objectives. Empirical evidence shows that divergence of policy priorities largely limits the effectiveness of the CLRAE instruments, that "many recommendations [from the Congress] simply do not have much of anything that the Committee of Ministers can deal with".

Within the CoE, it is the CM that undertakes the legislative function to promulgate conventions and recommendations that have binding or supervisory effect on nation states, whereas the CLRAE mainly plays a consultative role with limited competence in initiating legislative proposals. Given that the CM has the legislative power to grant legal effect to the CLRAE's recommendations, the divergence between their political considerations and policy priorities becomes crucial in relation to the output of the Congress' instruments based on local initiatives. Among all of the182 Council of Europe treaties having legally binding effect on the member states since 1957 (the year when the CLRAE started to function), there are only two of them initiated or co-initiated by the Congress[44], five treaties that are drafted by the Congress[45], and only a very limited number of treaties has formally

[41] Interviews conducted on 9-10 April 2009.

[42] Interview conducted on 9 April 2009.

[43] Interview conducted with a CDLR secretariat official on 8 April 2009.

[44] ETS No. 122 and ETS No. 144.

[45] ETS No. 106, 122, 144, 159 and 169.

sought the opinion of the Congress before their promulgation[46]. Despite the large amount of recommendations made by the CLRAE to the CM[47], the number of those being given serious considerations and being adopted as legislative measures is relatively small.

As a matter of fact, the influence of local opinions is greatly constrained due to the limited output of the CLRAE recommendations. Considering that the CLRAE is established as an official channel for local government to have its voice heard at the international level, the extent to which local considerations are *de facto* reflected in the CoE policies is important in terms of encouraging local government to participate and contribute to the international policy making. However, due to the divergence of political considerations and policy priorities between the CM and the CLRAE, there is great impact on the output of the Congress' instruments. This prevents the CoE policy making from effectively reflecting the local interests and utilizing the value of local government of its knowledge and expertise on localities. As a result, there can be conflicts between the international policy priorities and local political preferences which will largely affect the local government's engagement in promoting successful implementation.

4.2 Low degree of local engagement

Empirical evidence also shows there is a relatively low degree of local government engagement in the CoE policy process, which appears as another important factor that largely affects the potential of local government in contributing to the international policy regime. The extent to which local government has been involved in the international policy process can be reflected from the interactions between the CLRAE and local actors, as well as the way that the CLRAE functions in promoting democracy at the local level.

First of all, there is poor public awareness of the existence of not only the Congress but also the Council of Europe in general. A number of local government officials frankly admitted that they have never heard of the Congress until they need to join the national

[46] Statistics mainly are based on the Explanatory Report of each treaty.

[47] From the period of 1994 to 2009, the CLRAE has made 269 recommendations to the Committee of Ministers regarding to a variety of issues.

delegations[48]. Mistaken understandings of the CoE also exist especially with the confusion of the European Council in the EU, as a local representative from an East European country mentioned: "My colleagues always thought I attended meetings in Brussels rather than Strasbourg…they have absolutely no idea of what the Council of Europe is."[49] The poor awareness of the CLRAE as well as the CoE not simply reveals the problematic relations between the institutions and local authorities, but also implies the negative attitude of local actors towards engaging in the international policy framework. As the official channel to bridge the international and local levels, it is evident that the Congress has not been able to successfully broadcast its value in terms of providing opportunities for local government to influence international policy making towards local preferences. Given that a large variety of measures have been employed by the CLRAE to communicate with local level, including newssheets distributed periodically to local authorities, the poor public awareness suggests there is no substantial incentive provided by the CLRAE to draw enough attention and encourage local engagement.

Second, the communication between the CLRAE and local authorities is problematic as both in quality and quantity terms. On the one hand, ineffective communications leads to underestimation of the Congress' functional capacity and its institutional values for local government while seeking resources at international level to safeguard local interests. Empirical evidence shows there is a gap exists between local government's assumptions of the major functions of the CLRAE and its designated role in promoting local democracy. Based on the survey data, a majority of local officials understood the value of CLRAE as simply an international platform to build up networks between different localities in Europe, whereas the main purpose of the CLRAE is to ensure democratic representation of local and regional levels in the international policy framework[50]. This suggests that local authorities are not aware of the opportunities by employing this official channel to protect their interests and advocate local needs. It could either because the value of the CLRAE has not been well broadcasted during communications, or because local authorities are

[48] Interviews conducted on 10-15 October 2009.

[49] Interview conducted on 14 October 2009.

[50] Article 2.1 of the Statutory Resolution (94) 3 relating to the setting up of the Congress of Local and Regional Authorities of Europe.

yet uncertain of their capacities to function through this channel in the broader European political context.

On the other hand, there is insufficient degree of communication between the CLRAE and local authorities. The Congress' plenary sessions are the major opportunities for local authorities to directly interact with the international level. However, due to limited resources allocated to the Congress, such sessions are usually organized once each year, and only until 2008, it has increased to twice a year. For the same reason of limited budget and personnel, opportunities provided for local government to directly communicate with the Congress is largely constrained, even though a variety of measures have been adopted to ensure frequent correspondence. Considering that the number of local authorities covered in the CoE territory is vast, limited degree of communications cannot sufficiently promote the value of CLRAE as an effective channel for local authorities to have their say. In this case, It can be difficult for the Congress to encourage local government to engage in the Council's policy making and implementation.

Third, the Congress' activities usually appear to be more effective whilst local government is involved in a passive mode. This reflects the limited degree of local authorities' engagement and their negative attitude towards participating in the international policy process. Empirical evidence shows that the most effective activity of the CLRAE is the onsite monitor of local democracy. To undertake such activity, the Congress officials need to go to each member state and observe local elections in accordance with the requirements set out by the Charter of Local Self-Government. Compare to participate in the international policy making process, monitoring local democracy only requires a basic level of engagement and cooperation from local authorities. Such activities are mainly based on the CLRAE's initiatives whereas others need to rely on local authorities' active engagement. Hence, the degree to which local authorities are willing to participate and have their say in the CoE's policy process largely affects the effectiveness of the Congress' instruments and activities.

Finally, there are issues about the accessibility and efficiency of this channel provided by the CoE which can have negative impact on local government's engagement. For local government officials who are aware of the opportunities provided by the CLRAE to raise issues regarding to local interest, problems exist as there seems to be a considerable

lengthy process. From the day one that local authorities start the process of raising an issue to the Congress, till the final decision is made and implemented, it could take years or even seems in indefinite terms. For instance, a local authority representative described his experience of raising an issue which aims at increasing financial competence for local government in his home country[51]. As the first step, the case needs to be accepted as an itemized issue on the CLRAE plenary session agenda. This requires a number of formal correspondences between the local authority and the CLRAE officials, which has already taken several months. Should the issue be accepted and listed in the meeting agenda, there would be an open discussion by the Congress members on whether a formal procedure needs to be initiated to carry out an investigation. The subsequent procedure includes the CLRAE reporteurs return with their opinions and possible solutions, while in some cases, further investigations need to follow. Only when the solutions are approved with majority voting by the Congress members, a recommendation or resolution can be made and submitted to the Committee of Ministers. However, passing on to the CM could mean the start of another lengthy process with endless negotiations and waiting period, especially when the issue concerns to the relations and competences between the national government and local authorities. It is hence reasonable for local government representatives to question about the efficiency and effectiveness of the channel provided by the CLRAE. Concerns regarding to the output of the Congress policies can more or less explain why there is no strong interest and problematic engagement of local government in participating in the CoE's policy processes.

To summarize, the low degree of local government's engagement shows there are insufficient presentation of the value of CLRAE as an effective channel for local interests to be considered in the CoE. It also reflects that local government is unaware of its capacity in influencing the international policy frameworks through such communication channel. In addition, there are operational issues that prevent the CLRAE from effectively representing and safeguarding local interests in practical terms. Hence, the engagement of local government is only limited to a considerable low degree due to insufficient incentives presented, which are unable to stimulate local actors to actively participate and contribute to international policy making and implementation.

[51] Interview conducted on 12 October 2009.

5 Rationalist and Constructivist Explanations

The CLRAE, as an institutional device, undertakes a significant role in promoting the involvement of local government in the CoE policy making and implementation. However, empirical evidence shows that the Congress only has limited influence within the organization, which can be seen from its divergent policy priorities with the CM as well as the limited degree of local government's engagement. To understand why it is that the Congress exercises such limited power over the development and implementation of Council of Europe instruments, despite its supposed institutional status, it is useful to turn to existing theories on how IGOs do their work. Building from a debate between rationalist and constructivist ontology, two broad approaches dominate discussions of how IGOs influence the activities of member states and pursue compliance (Checkel 2001b; Joachim *et al.* 2008c; Adler 2013). Rationalist approaches focus on aspects of enforcement and emphasise the capacity of IGOs to monitor member-states' activities and impose sanctions for non-compliance with particular instruments (Checkel 2001b; Donno 2010; Snidal 2013). Constructivist approaches, by contrast, focus on the building of capacity among countries and emphasise the ability of IGOs to change the political preferences of countries to be more in line with international standards (Finnemore and Sikkink 1998; Zuern and Checkel 2005). In this section, emphasis is given to the strengths and limitations of each of these approaches and their relevance to the Council of Europe case.

Rationalist approaches have their roots in 'methodological individualism and consequentialist choice mechanisms' (Checkel 2001b:555). They privilege coercion as a means of securing compliance and hold that enforcement of international standards is achieved through the monitoring of member-states' activities and the application of penalties or sanctions. The logic of this approach is one in which 'states are rational actors that weigh the costs and benefits of entering into an international agreement, adhering to it and taking action in accordance with it' (Joachim *et al.* 2008c:8).

For rationalists, therefore, compliance is achieved through a process of monitoring compliance and structuring incentives and penalties. In effect, IGOs need to monitor compliance with their standards, either through a direct process of inspection and

measurement (country visits, reports and quantitative measures) or indirectly through third party reports (e.g. the media, NGOs), or complaint mechanisms (such as appeals to the European Court of Human Rights). One of the assumptions that such rationalist approaches lead to is that IGOs such as the EU, with stronger and more nuanced sanctions, will be better able to enforce standards than those with less direct means at their disposal (Downs *et al.* 1996). However, more recent evidence suggests that the correlation between effective sanctions and compliance is not as strong as rationalist theories would suggest. Tallberg's (2002) analysis of the EU, for example, concludes that countries respond in different ways to the threat of sanctions and many are inclined to follow standards long before penalties are threatened or imposed. States take different routes to compliance, much of it being voluntary. Donno (2010:593) also identifies two major obstacles to IGO enforcement, that is, "the presence of competing geopolitical interests and uncertainty about the nature and scope of norm violations". This suggests that the threat of sanctions does not necessarily lead to effective compliance. For the Council of Europe, an organisation with only limited sanctions at its disposal, therefore, the prospects of compliance are higher than might at first be expected.

From a rationalist perspective, the activities of the Congress are clearly subordinate to that of the Committee of Ministers. While the Congress has a role to play in monitoring elections, local democracy and so on, it is the Committee of Ministers which is concerned with structuring incentives and penalties. It is only the CM which has a direct relationship with member states and which can shame or suspend members for non-compliance. A rationalist analysis of the Council of Europe, therefore, automatically privileges the CM as the most important body to promote its fundamental principles through national governments. In this case, the Committee of Ministers spontaneously shares a perspective that resembles national governments' political considerations and underestimates the influence and contributions from local authorities.

In contrast to the instrumental and behaviouralist underpinnings of rationalist approaches, the constructivist turn of recent years focuses upon the difficulties that states may have in complying with international standards, and argues that 'state compliance results from social learning and deliberation that lead to preference change' (Checkel 2001b:560). Constructivism has not always rejected the instrumental role of states. As Checkel

observes, many constructivist accounts still rely upon instrumental and consequentialist logics in developing a process of 'strategic social construction':

> "…constructivist accounts incorporate the individualist ontologies and consequential choice mechanisms central to much social movements scholarship… much of the behavioural logic in recent constructivist/social movement scholarship is consistent with thin rationalism, where agents may pursue nonmaterial goals (normative values, say), but consequentialism – means and ends calculations – underlies these choices." (Checkel 2001b:558)

More recent constructivist approaches, however, generally play down the role of coercion and instrumental choice among individual states in favour of an emphasis upon norms that are inculcated through sustained interactions, learning and persuasion between recalcitrant countries and IGOs.

For constructivists, compliance is contingent upon at least three factors (Joachim *et al.* 2008c). First, the ambiguous and imprecise nature of treaties is often problematic for states. Translation problems, combined with different legal and political cultures, mean that there is often scope for varying interpretations of how individual treaties should be implemented. Second, wider social and economic changes may affect the way in which a treaty is perceived and implemented, especially where implementation occurs at different temporal points in various countries. In the context of the Council of Europe's *acquis*, such observations are particularly pertinent, given that its 47 countries have come to democracy at different historical points, bringing with them very different socio-political and economic legacies. Third, states often have very limited resources and capacity to make sense of, let alone implement, complex treaties. In the case of the Council of Europe's *acquis,* many of the political institutions that mature democracies take for granted were entirely absent in the new democracies that acceded to the Council in the early 1990s (Galbreath 2008).

The constructivist approach, therefore, places much greater emphasis upon 'managerial' processes in which there is co-operation between IGOs and member states to overcome these problems. Rather than states behaving instrumentally to maximise their utility in relation to international treaties, nations are seen to engage with the substance of an *acquis* over time. The role of IGOs, in this context, is to build capacity within states through

processes of persuasion and learning. One of the conclusions that this more managerial approach reaches is that an absence of coercive sanctions is not necessarily a hindrance to the effective promotion of international norms and standards. Indeed, some go as far as to argue that those IGOs which lack severe penalties may struggle initially with the transposition of directives into domestic law but, in the long term, have more success in establishing institutions and encouraging the take-up of policies. As Joachim et al conclude:

> "First, lacking enforcement power, IOs may turn what could be viewed as a shortcoming into a strength. Short of other options, they may devote a great deal of effort on finessing and honing their managerial skills. Second, IOs that do not possess coercive power may be more accepted among states because they provide financial or technical assistance without any strings attached." (Joachim *et al.* 2008a:183)

A constructivist analysis of the Council of Europe allows for a much more significant role to be played by the Congress. Far from being a subsidiary institution to the Committee of Ministers, its role is one of making real the aspirations of member states. Its monitoring and training activities, and the exchange of information that it makes available through bringing local governments together, facilitates the development of shared international norms around local democracy and local governance. In this sense, the development of international treaties is the superficial rhetoric which is underpinned by the real practice. Such an analysis privileges the activities of the Congress over those of the Committee of Ministers.

By reflecting upon these approaches, it is possible to understand the different and complementary roles played by the different pillars, as well as the divergence between their political considerations and policy priorities. Much of the criticism offered about the Congress, and its limited effectiveness, adopts a rationalist approach and assumes that local government is playing only a very limited role in relation to the development of formal instruments. However, once a constructivist analysis is adopted, it is also possible to understand the potential of the Congress to deliver in ways which the Committee of Minsters, with its focus on member states, can never achieve. Indeed, these two approaches suggest different functions for the pillars. While the Committee of Minsters must assume an instrumental mentality among its members states and seek compliance

through incentives and sanctions, the Congress can adopt a much more managerial and supportive approach to building norms and practices across its members. Although not conceived in this way, there is a real potential for the Council of Europe, and other IGOs, to learn from this difference and develop more effective relations with local government.

6 Practical Deficit and the Normative Approach

Whereas empirical evidence shows the Congress only exercises with limited influence within the CoE's policy frameworks, it is clear that the Congress has not performed as a fully functioning machinery as it is supposed to be. The formal status of the Congress suggests that this institutional mechanism ensures that local authorities' voices are heard in policy making at different points in the process. There is also some evidence to suggest that the Congress has had some significant influence over key instruments produced by the Council of Europe, as outlined in Chapter 5. However, due to the different approaches adopted by the CM and CLRAE, the capacity of this unique institutional framework has not been fully acknowledged and employed. Its potential of safeguarding local interests through this direct link between local and European level has not been well utilized by local authorities.

Given that the involvement of local government has a distinct value for the international policy making and implementation, the cause of such practical deficit of the Congress' performance is mainly rooted in two issues. On the one hand, the Committee of Ministers adopts a rationalist approach that favours more powerful enforcement instruments such as coercive measures that rely on the national government's willingness and cooperation to ensure compliance. It hence automatically shares a perspective that is closer to the political considerations of national government. Due to the natural antagonism between the central and local levels, the local interests and community needs can be largely neglected in the CoE's policy making. Whereas local political preferences are not sufficiently reflected in the international policy regimes, it is unable for the Congress to encourage local authorities to engage and contribute to the CoE's policy making and implementation process.

On the other hand, the Congress focuses on a constructivist approach that mainly working through soft managerial instruments to empower the local government in international policy implementation. The institutional constraints of its competence and influence within the organization determine that the Congress performs more effectively in ensuring compliance through the empowerment of local government rather than influencing international policy making towards local preferences. It is hence unable to provide sufficient incentives for local government to be supportive while implementing international policies. Considering that it is local government's own discretion determines how higher level policies can be implemented in localities, its decision making role has significant impact on the outcome of international policy implementation (Clegg 1990). Providing substantial incentives, therefore, is essential for the Congress to encourage local government's participation and achieve its local allies' cooperation in promoting international values and principles.

For this reason, a different approach to ensure international policy implementation is needed. Unlike the enforcement and managerial approaches, the recent developed normative perspective stresses the authority and legitimate power of intergovernmental organizations which focuses on building up persuasive arguments to convince member states to meet their commitments (Risse 2000; Manners 2011). Two distinct features form the primary sources of intergovernmental organization's normative power, that is, the "control over information and expertise" and a "rational and impartial" perception (Joachim *et al.* 2008c:11; also see Barnett and Finnemore 1999; Boli 1999). These features build up the normative justification of intergovernmental organizations and strengthen their normative power through identification and legitimation (Manners 2009; Martin 2011). Specialized technical knowledge and expertise, as well as advanced international norms and values, give IGOs additional resources to persuade their members to commit in complying with international principles and policies. The rational and impartial perception allows IGOs to present their rules and policies with legitimate standing which ensures an equal representation of interests of all parties concerned.

Hence, the normative approach emphasizes the need of building up incentives to motivate compliance and cooperative reactions, as well as the advantageous value of knowledge and expertise to strengthen the member's capacity during implementation. As Joachim et

al.(2008a) stressed, the normative power of IGO, as rooted in its authority and legitimacy, requires shared understanding developed upon the perceptions and interests of all parties involved. Therefore, it is important for IGOs to employ persuasive arguments to convince their members of the value of international rules and principles, the objectives of which need to substantially reflect their shared preferences and common belief. The capacity of IGOs to ensure their control over information and expertise, as well as the rational and impartial perceptions, hence becomes particularly important. This forms the key resources for IGOs to influencing other parties' political preferences towards shared policy objectives based upon common interests, so as to achieve cooperation and support from their members during the policy implementation.

Take into consideration the value that local government can bring to both international policy making and implementation, its involvement at the international level strengthens the normative power of IGOs in terms of authority and legitimacy. Local government's experience and knowledge on localities can contribute to IGO's authority on its expertise over specialized local issues, whereas demands based on genuine local interests allow IGOs to build up their international policy regimes with impartial perceptions. Given that the Congress is established as an institutional device to ensure free information flow between the local and international levels, it has great potential to improve the outcome of the CoE policies based on the normative approach. The Congress' desire of bring local authorities to the international level policy-making is located at maximizing the utilization of local experience and expertise, as well as creating a platform among local authorities to encourage learning from advanced experiences. Simultaneously, by incorporating local authorities' knowledge and expertise into its early stage policy making, the Congress is given the potential to initiate proposals that are closer to the genuine community needs and can avoid practical barriers during local implementation. Hence, in order to achieve successful implementation, the Congress needs to focus on its normative power based on effective communications between local and international levels, so as to influence both parties towards shared political preferences and common policy objectives.

Considering that the Committee of Ministers undertakes a dominant role that largely undermines the Congress' influence within the organization, the implementation of the CoE's policies mainly adopts an enforcement approach by relying on the national

governments of its members. However, there are a variety of constraints that undermine the effectiveness of the Council's enforcement power. First, the political will of its members is more influential than the organization's enforcement capacity as the former *de facto* determines the initiation of a coercive procedure (Hartlapp 2008; Donno 2010). Second, the enforcement power can be impaired due to concerns of potential negative consequences on its member states' reaction (Joachim *et al.* 2008c). The possibility of curtailing competence delegation may threat the organization to refrain from employing harsh enforcement mechanism freely. Third, lack of resources can as well limited the enforcement power due to "the shortage of administrative personnel available to systematically and comparatively conduct assessments of the implementation situation in member states and unfamiliarity with national implementation styles or administrative cultures"(Joachim *et al.* 2008a:182; also see Hartlapp 2008; Versluis 2008).

Therefore, taking into consideration the constraints of enforcement measures, the CoE needs to place more emphases on the Congress and its managerial and normative powers so as to ensure successful implementation. This does not mean any of these implementation measures is exclusive of the others, on the contrary, a combination of these approaches is proved to be more effective. Tallberg (2002)'s research on the European Commission provides empirical evidences that by associating soft implementation instruments with stronger enforcement measures, the Commission can achieve greater effectiveness in policy implementation by giving member states more attractive options to follow upon. Despite various barriers confronted by the CLRAE in practice, the institutional framework that it is based on creates great potential to utilize varying resources to ensure the effectiveness of implementation by adopting different measures conjunctively. Therefore, the CLRAE, with the capacity to impose both managerial and normative power, need to play a more important role in influencing the international policy framework as well as local actor's political preferences towards their common objectives and shared interests through effective communications.

7 Conclusion

Being the closest to the public, local government has a distinct value for the improvement of international policy outcomes. This value lies in its specialized expertise and experience

based on local practice, as well as the knowledge of genuine local interests and community needs. Considering that the traditional political boundaries have been challenged by various actors under the multi-level governance arrangements, local government also mobilizes beyond national government and seek for additional resources from the international level to safeguard local interests. Based on its administrative power in localities, local government simultaneously undertakes a significant role in implementing international policies at the local level. Therefore, effectively engaging local government in the international policy making and implementation is particular important for IGOs to ensure successful outcome of international policy regimes.

As an institutional device established with the purpose of utilizing the particular value of local government to contribute to international policy frameworks, the CLRAE undertakes an important role to ensuring local government's participation in the international policy process. However, empirical evidence shows that the influence of CLRAE is largely undermined whilst performing such functions. There is the divergence of political considerations and policy priorities between the Committee of Ministers and the Congress, which has great impact on its functional capacity. Local interests and community demands hence are not able to be substantially reflected in the CoE policies. It is also evident that only limited degree of engagement can be seen from local authorities in the Congress' activities, which shows there are insufficient incentives to encourage local government to participate and contribute to the international policy process.

Based on the IGOs' implementation theory, the rationalist and constructivist perspectives can explain the different approaches of the CM and the CLRAE, as well as the limited influence of the latter within the organization. However, neither of these approaches can offer sufficient incentives to encourage local government's participation and utilize its unique value in improving international policy implementation. As an alternative approach, the normative power based on the authority and legitimacy allows the CLRAE to shape local political preference in line with its international norms and values through effective communication. On the other hand, it ensures local interests and community needs can be reflected in the international policy framework, which is essential for encouraging local government's engagement at the international level. In this case, the CLRAE plays an important role in influencing both the international policy priorities and local political

preferences towards common objectives based on the shared understanding and mutual interests.

Given that common policy objectives can be influential in terms of ensuring local compliance and coordination between different levels, the normative power of IGOs hence is of particular importance so as to achieve successful implementation. The case of the CLRAE indicates that a well functioned international subnational-authority institution (ISAI) can provide alternative instrumental solutions to compensate the lack of effective enforcement measures by developing IGOs' normative power through coordination with local authorities. Contribution of local authorities through the ISAI during the earlier stage of policy making enables IGOs to identify genuine public interests and target on the most urgent community needs. The extent to which local interests are reflected in the international policies can largely influence the commitment of local government in ensuring local compliance. Hence, in the next chapter, the research will continue examining the pitfalls of current ISAI mechanism and exploring the potential for ISAIs to develop its capacity in utilizing the value of local government in improving international policy outcomes.

Chapter 7 International Subnational-Authority Institutions[52]

1 Introduction

The development of multi-level governance in the European region fosters the increasing movement of local government crossing the traditional territorial boundaries. The creation of the Congress of Local and Regional Authorities (CLRAE) by the Council of Europe (CoE) promotes such movement by offering an official channel for local government to participate in the European level decision making. With its ultimate goal of promoting local democracy, the CLRAE has made great achievements in the last half century by providing opportunities to encourage direct dialogue between local governments and the European level institutions. Such achievements can be particularly reflected in the local contribution to the development of the European Charter of Local Self-Government and other related international agreements. These international legal texts made with special concern of local demands indicate that there can be an upstream influence of local authorities affecting the CoE policy making through the communication channel provided by the CLRAE. As a distinct feature of multi-level governance, the relatively relaxed governance structure and policy making process stimulate such cross-boundary movements and provide numerous opportunities for local actors to utilize every possible resources to maximize local interests.

However, in practical terms, the evidence of local influence at international decision making process appears largely circumstantial in its nature and the official channel between local and international levels does not always function as it is supposed to be. As it is shown in Chapter VI, investigations reveal that such practical failure is primarily caused by deeply embedded institutional barriers and operational incompetent, which to

[52] Part of an earlier version of this chapter was presented in *International Conference on the Europeanization of Local Government* on 29 and 30 April 2010 in Ghent, Belgium. It was also published as a book chapter in Bever, E.V., Reynaert, H. and Steyvers, K. (eds.) (2011) *The Road to Europe: Main Street or Backward Alley for Local Governments in Europe?* Brugge: Vanden Broele, pp165-188.

some extent explains the rather limited influence of local government in the CoE's policy framework. Whilst hypothetically there is still great potential for local government to contribute to international policy making and implementation, as analyzed in Chapter V, it is particularly important to ensure its influence not being undermined due to any institutional constraints. Therefore, this chapter focuses on the International Subnational-Authority Institutions (ISAIs) that set up by international organizations to provide communication channels for local governments to have their voice heard at international level. It argues that the ISAIs have the capacity to bridge local authorities with international organizations and thus can ensure effective communication between different territorial levels. Therefore, the investigation was mainly made to explore the potential of ISAIs in contributing to promote local influence at international policy making and implementation process.

In order to understand the potential capacity of ISAIs in bridging local government with international organizations, it is necessary to investigate the implications of practical failure of the CLRAE, especially in terms of its impact on the empirical significance of ISAIs in general. Hence, this thesis argues that, emphasis needs to be placed on issues such as whether the institutional constraint is the common feature of ISAIs and exists elsewhere, to what extent that it can lead to functional incapability of ISAIs, and in what way such limitations can be reduced to the minimum and enhance the role of ISAI in relation to its contribution to the international policy frameworks. For this reason, the Committee of the Regions (CoR) is employed in the research in order to explore the potential of ISAIs in a different setting. Considering that the European Union (EU) has considerable influence in this region, and the CoR plays a special role in fostering local and regional participation in the EU policy frameworks, investigation on a different yet another typical type of ISAI alongside the CLRAE is able to provide valuable empirical evidence for this purpose.

The EU, particularly with its integration process, is the primary empirical ground where multi-level governance theory has developed. Special attention has been given to different levels of policy-making within the EU political system, based on which Gary Marks(1993) first brought out the concept of multi-level governance and re-examined the role played by actors from different political levels. For the same reason of the CoE, the EU also found the subnational government a crucial supporter in fostering the integration process and set

up the CoR in order to better frame its regional policy regime[53]. In order to explore the potential of ISAI in relation to its role of representing the local interests and promoting multi-level governance, it is necessary to take into account the implications of the CoR practice and the EU influence in general. Although the memberships of the EU and the CoE, as well as their political territorial coverage, overlap to some extent, there are high levels of variations between these two organizations in various aspects. For instance, there are differences between their competence and political influence, and variations in the legal effect of their instruments, all of which can provide informative insights to understand the institutional constraints in different context. These factors, as well as the institutional relations and operating strategies, are considered altogether in this chapter so as to draw a full picture to explore the ISAIs' functional capacity. Representing different types of ISAIs, investigations on the potential role of the CoR and the CLARE in promoting the upstream link between local government and IGOs can draw valuable implications for the ISAIs to contribute to the multi-level governance framework.

This chapter firstly examines how the CoR performs its role in promoting local involvement at the European policy making process. A parallel empirical analysis is then conducted based on institutional settings of the CLRAE and the CoR, with special attention being given to the upstream interaction between these supranational institutions and local authorities throughout the Europe. This is followed by a section which draws upon empirical evidences from the Council of Europe to analyze how the system really performs as well as any obstacles that restrain its functioning. It identifies a series of problems through which we try to understand the embedded obstacles that lead to the institutions' policy input and output mismatch. Finally, a concluding section will examine the scope more generally for local authorities to have their influence within the multi-level governance framework and draw implications for the ISAIs as institutions representing local authorities at the supranational level.

[53] The Treaty of Maastricht (1992), Art 198.

2 The Committee of the Regions (EU) – Another Typical ISAI in Europe

The Committee of the Regions (CoR) has played an important role in bridging the local actors with the EU decision making bodies. To understand how it builds up channels for local voice to be heard at the European level and how local involvement can contribute to the European policy making and implementation process, it is necessary to examine closely the historical development of the CoR, as well as its composition and legislative competence set out by the EU law. The CoR was established based on the Maastricht Treaty[54] in 1992 and held its first constituent meeting in Brussels in March 1994. It is the successor organ of the Consultative Council of Regional and Local Authorities, which was set up by the European Commission in 1988. The Consultative Council was created with the purpose of involving local and regional authorities more closely in shaping the European Economic Community regional policy and acted purely as an advisory body[55]. Based on the request by the European Parliament of making the relations between the Commission and subnational authorities official[56], the CoR was set up and inherits the consultative function over the formulation and implementation of regional policies, with an expansion of the membership and covering five basic policy areas[57] that have close concern to local areas. In 1999, the Amsterdam Treaty once again expanded the scope of the CoR's activities which enables the CoR to exercise its function over even broader policy areas[58]. Thereafter, along with other EU organs, the CoR has equally played an important advisory role that covers most EU policy areas.

The creation of an official body directly representing local and regional authorities at the European level derives from the reiterated call for a Committee of the Regions by the European Parliament and subnational authorities[59]. The main initiative for the

[54] Art 189a,189b and 189c. (1992)

[55] EEC Commission Decision 88/487/EEC (24 June 1988).

[56] European Parliament, Resolution on the role of the regions in the construction of a democratic Europe and the outcome of the Conference of the Regions (13 April 1984), in Official Journal of the European Communities (OJEC). 14.05.1984, No C 127, p. 240. "13. Notes that the European Community needs an accredited body, which is in a position to speak on behalf of the local and regional authorities, to consult on a permanent basis in the field of Community regional policy;"

[57] The EC Treaty: Art 149 on education; Art 151 on culture; Art 152 on public health; Art 156 on trans-European networks; and Art 159,161 and 162 on economic and social cohesion.

[58] The EC Treaty: Art 71 on transport; Art 128, 129 on employment; Art 137 on social policy; Art 148 on European Social Fund; Art 150 on education, vocational training and youth; and Art 175 on environment.

[59] See European Parliament, Resolution on the role of the regions in the construction of a democratic Europe and the

establishment of the CoR is based upon, on the one hand, the acknowledgement of significant role that subnational level plays during the implementation process of EU policies, and on the other hand, the concerns that the public needs to be involved in a closer manner along with the EU integration process[60]. With around 70 to 80 percent EU policies being implemented at local or regional level up to 2009[61], it can be advantageous to take into account local and regional interests in the EU policy making and provide an official platform for subnational representatives to express their concerns. In addition, local and regional authorities, being the closest to the citizens, have the capacity and expertise to meet the purpose of such platforms which can involve citizens more closely with the development of European policy framework (Sharpe 1970; Wilson and Game 2011).

Under the light of the EU fundamental objectives of "creating an ever closer union among the peoples of Europe"[62], the CoR exercises its functions on the basis of three preliminary principles: subsidiarity, proximity and partnership[63]. The principle of subsidiarity, on the one hand, indicates that all institutions of the EU shall function towards the best outcome for the interest of citizens; and on the other hand, stipulates a guideline for competence division among the Union, member states, as well as their regional and local authorities (Cass 1992; Estella 2002). The Proximity principle confirms the need of being close to the citizens, which also ensures the appliance of subsidiarity. Transparency is a basic requirement deriving from proximity, which provides the access for citizens to have their voice heard and to know how to do so. The principle of partnership explicitly clarifies how the EU operates to achieve its fundamental objectives, which requires that, the European,

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outcome of the Conference of the Regions (13 April 1984), in Official Journal of the European Communities (OJEC). 14.05.1984, No C 127, p. 240; European Parliament, Resolution on Community regional policy and the role of the regions (18 November 1988): A2-218/88, in Official Journal of the European Communities (OJEC). 19.12.1988, No C 326, p. 289; European Parliament, Resolution on the Committee of the Regions (23 April 1993): B3-0516/93, in Official Journal of the European Communities (OJEC). 31.05.1993, No C 150, p. 329.

[60] Preamble to the TEU.

[61] Statistic source: Dexia figures – http://www.dexia.be/fr/particulier/press/pressrelease20090205-localauthorities.htm . Information obtained from Note 3 of The Committee of the Regions' White Paper on Multilevel Governance, CdR 89/2009 fin FR/EXT/RS/GW/ym/ms, p3.

[62] Preamble to the TEU.

[63] Art 1 and Art 5 of the TEU, also see "Protocol (No 30) on the application of the principles of subsidiarity and proportionality", in "Treaty of Amsterdam: Declaration n°31 relating to the Council Decision of 13 July 1987 (2 October 1997)", in Official Journal of the European Communities (OJEC), 10.11.1997, No C 340: pp. 105; and European Commission - Committee of the Regions. Cooperation agreement between the European Commission and the Committee of the Regions signed on 20 September 2001 - Joint declaration and protocol, DI CdR 81/2001 rev. 2 FR/OU/ss. Brussels: [s.d.], pp. 1-4.

national, regional and local government need to work together, throughout the decision making process in particular.

As of 2013, the CoR consists of 344 members and an equal number of alternate members who can act on behalf of formal members in their absence, both of which are representatives of regional and local authorities from all EU member states. In order to ensure a genuine democratic representation which reflects the real interests of all European citizens, the selected members of the Committee shall "either hold a local or regional electoral mandate or be politically accountable to an elected assembly"[64]. According to the Treaty of Lisbon[65], the distribution of seats for each member state needs to be determined by the European Council acting unanimously whilst the selection of representatives is down to the member states. Although the criteria of selection process vary from country to country, factors such as political balance, geographical and territorial balance, and gender balance will normally be taken into account by its member states[66].

The CoR is composed of the Plenary Assembly, the President, the Bureau and the commissions. The plenary Assembly is the primary constituent body of the CoR, through which the representatives of regional and local bodies from all EU member states can meet and have their say at the European level. The representatives are required to be 'completely independent in the performance of their duties in the Union's general interest' and their selection should fully reflect the requirement of democratic legitimacy[67]. The Plenary Assembly is convened by the President at least once every three months. Extra-ordinary Plenary Sessions can take place upon the written request of at least one quarter of the members to discuss a particular subject issue. In accordance with the principle of majority voting, opinions, reports and resolutions can be made and approved by the Plenary Assembly. The Bureau mainly undertakes the administrative role of the Committee.

[64] Art 300 (4), Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2008/C 115/177.

[65] Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Commission, 2007/c 306/01, signed at Lisbon, 13 Dec 2007.

[66] Committee of the Regions, The selection process for Committee of the Regions members: Procedures in the Member States. European Communities, 2009.// Committee of the Regions. The Selection Process of COR Members: Procedures in the Member States, COR - STUDIES I - 3/97. Brussels: 1997, pp. 3-25; 29.

[67] Art 300 (3) (4), Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2008/C 115/177.

Alongside this main function, it is also responsible for promoting the Committee's opinions, reports and resolutions, as well as monitoring its policy programmes and producing reports on the implementation. The main task for the President is to direct the work of the CoR, whilst the Commissions are set up to carry out tasks on specific policy areas.

The EU Treaties have provided a solid legal basis for the CoR to play a role alongside other EU institutions, albeit such functioning derives from a mostly advisory basis, rather than co-decision powers. The European Commission and the European Council are obliged to consult the CoR on issues which fall into the policy areas having direct or indirect effect to the regional or local level. The CoR may also be consulted by the Commission, the Council and the European Parliament on certain issues which are not included in the stipulated policy areas but still seem to have implications to the subnational level. However, this optional consultative role is based on the discretion of other key legislative bodies rather than the CoR's own initiatives. The only exception is when a CoR initiative can be acknowledged as having significant implications on the IGO's general policies, which requires a common understanding based on shared interests of both local and international levels. Obviously, the overall influence of the CoR is very limited within the EU since the exercise of its advisory function is primarily based on a responsive mode.

The CoR's legislative competence covers a broad range of policy areas. When it was established in 1994, the CoR's consultation role mainly focused on the policy areas of economic and social cohesion; trans-European networks in the field of transport, energy and telecommunications; public health; education and youth; and culture. A few years later, the Amsterdam Treaty extended its competence with a further five policy areas: employment, social policy, environment, vocational training, and transport. The consultative role of the CoR in these specific policy areas are obligatory, which means, the Commission, the Council, and the European Parliament are obliged to consult the CoR whenever a new proposal falls into such policy areas and has important impact at local or regional level[68]. Hence, the Treaties have granted the CoR a strong legitimate position to be directly involved in these policy processes. Its consultative role also covers a broad range of EU activities, all of which have great relevance to the subnational level. However,

[68] Art 307, Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2008/C 115/177.

as ‘advisory’ is the main feature of its functions, the extent to which the CoR’s consultative opinions can de facto influence the EU policy making still remains in question.

To summarize, the existence of CoR represents an important approach of the EU in promoting local and regional involvement at the international level. As a formal communication channel, the CoR offers increasing opportunities and open access for subnational authorities to ensure their interests being taken into consideration during the European policy making process. Whilst its position as a consultative body has steadily improved in recent years, the CoR’s influence in relation to the Commission and the Parliament did not show an equal increase (Goldsmith 2012). Similar to the CLRAE, it has a special value for local authorities as an international institution exercising the function of representing local interests. With its achievement particularly in the EU regional policies over the last two decades, the CoR practice can draw significant implications for ISAIs to contribute to the international policy frameworks.

3 Polity Dimension

With the same purpose of providing an official communication channel for subnational authorities to be involved in the international policy frameworks, the CLRAE and the CoR have played an important role in bridging local and international actors and gradually changed the relations between these territorial levels. Considering that there are high levels of variations between the two institutions, such as organizational background and institutional status, investigations on their practice can offer significant implications to all ISAIs in terms of their potential contributions to the improvement of international policy frameworks. For this reason, the following sections will explore the distinct value of ISAIs by analyzing the polity and political dimensions of the CLRAE and the CoR.

3.1 Constitutional value

Empirical research on the Council of Europe in Chapter 5 shows that the importance of local authorities to be involved in the supranational policy making and implementation

process has already become a common understanding by, not only the CLRAE, which represents the interest of subnational level, but also the Committee of Ministers, which represents central governments of the member states. As confirmed by the former Secretary General of the CoE, Mr. Terry Davis,

> "I believe very strongly … in the value and importance of local government, because in local government you are closer to the people you present, you are elected in a smaller area than a member of the Parliament that it is possible for you to know almost everybody in the area that you represent, and you are much closer to the problems…"[69]

The closeness to local community is an important asset for higher level policy making to meet the local interest and subsequently ensure its implementation at local level. During the process of European integration, the need and importance of involving local authorities has also been acknowledged by the European Union. It is addressed in one of its official declarations, that "there are many goals which we cannot achieve on our own, but only in concert. Tasks are shared between the European Union, the Member States and their regions and local authorities."[70] While examine the founding documentations of the CLRAE and the CoR, these legal texts from the CoE and the EU spontaneously confirm their official acknowledgement of the value of local government in terms of its contribution in promoting international norms and principles. The need to closely involve local government in the international policy processes is reflected in the organizations' rhetorical commitment which forms the legitimacy basis of ISAIs as an effective institutional tool to improve policy outcomes.

A direct result from the acknowledgement of local contribution is the establishment of ISAIs to represent local and regional authorities, i.e., the CLRAE and the CoR, which are shown as the institutional commitment of the CoE and the EU respectively. Despite their different institutional status, the CLRAE and the CoR both exercise the consultative functions within the organizations. According to its Statutory Resolution[71], the CLRAE submits proposals to the Committee of Ministers, which is the legislative organ of the CoE,

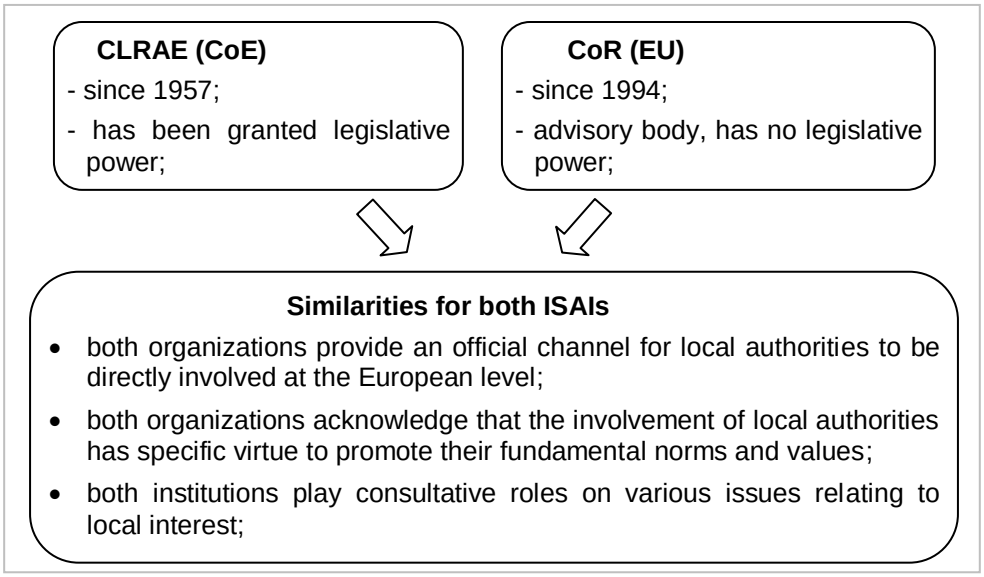
[69] Interview conducted on 8 April 2009.

[70] Declaration on the occasion of the fiftieth anniversary of the signature of the Treaties of Rome, Berlin, 25 March 2007.

[71] Article 2 of CM/Res(2007)6.

on issues that promote local and regional democracy. After the formal legislative process, the CoM then adopts conventions or recommendations with either binding or advisory effect to the member states to be legally implemented. The CLRAE may also adopt recommendations and opinions on its own initiatives if necessary and approved by its plenary sessions. Likewise, based on a functional analysis, the CoR has been provided sufficient constitutional basis to play meaningful advisory and representational role (Carroll 2011). The CoR performs its consultative function by giving official opinion to the European Council, the European Commission, and the European Parliament, "where the Treaties so provide and in all other cases, in particular those which concern cross-border cooperation, in which one of these institutions considers it appropriate"[72]. The CoR may also issue an opinion based on its own initiative "in case in which it considers such action appropriate"[73]. In general, both institutions has been granted the competence to play the consultative role by issuing opinions upon request of other core organs or, sometimes, on its own initiative. These functions are the basis of ISAIs to act on behalf of local authorities and shape the international policy framework towards local preferences.

Diagram 7.1 Polity dimension – constitutional value

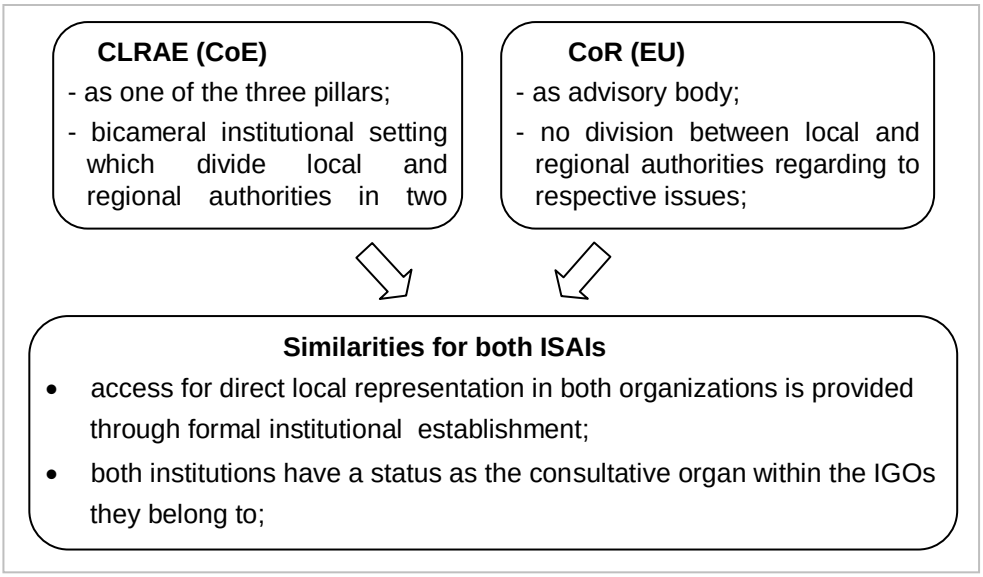


[72] Article 307, The Treaty of Lisbon.
[73] Ibid.

3.2 Institutional structure

Even though the CLRAE and the CoR are both formal organs in supranational organizations, they have considerably different institutional status. The CLRAE, as one of the three founding pillars of the Council of Europe, has relatively more significant position in terms of its influence in the organization's policy process. It has an equal status along with the Committee of Ministers, and the Parliamentary Assembly. As for the EU, the core institutions with legitimate status are the European Council, the European Commission, and the European Parliament. The CoR is an advisory body and was set up only in the last decade due to increasing recognition of the importance of subnational level during the European integration process. Clearly, the CLRAE enjoys considerably more significant institutional status within the organization compare to the CoR. In this case, there are issues need to be investigated further such as whether a different status within the organization can lead to an obvious variation on policy output, which will be examined in the later section on output dimension of ISAIs.

Diagram 7.2 Polity dimension: institutional structure



Another distinction between the CLRAE and the CoR is the internal institutional settings. The CLRAE divides regional and local authorities into two chambers, which respectively focuses on the interest of different territorial levels. The Chamber of Local Authorities and the Chamber of Regions have equal importance within the institution and each of them can initiate proposals individually on issues relating to its specific interests. The former appears to be more successful particularly with its achievements of the Charter of Local Self-Government, whereas the latter still endeavours to push the CoE to adopt a similar charter for regional government. Unlike the institutional setting of the CLRAE, there is no clear divide between the local and regional authorities within the CoR. They together form the Plenary Assembly and work along each other. However, for federal countries or those with strong regions, such as Germany, the national delegations are mainly composed of regional representatives, whereas local authorities are only marginally represented. By contrast, delegations from countries with weaker regional systems constitute more or mostly local authorities, for instance, Sweden and Portugal(Anonym 2009). Due to the cleavage between local and regional interests, the opinions and political preferences are largely divided among ISAI members from different territorial levels. Such internal division, inevitably, constrains the Committee's influence by causing difficulties to reach agreement in its policy making (Hooghe and Marks 1996). This indicates the importance of institutional setting of ISAI which can have great impact on its operational efficiency.

4 Political Dimension – Policy Making Process

4.1 Input dimension

Acknowledging the value of local government, the CoE and the EU respectively established an ISAI to provide the official platform bridging local authorities with the international level. Through this channel, local authorities are given formal access to have their input to the international policy making process. The CLRAE operates through the Chamber of Regions and the Chamber of Local Authorities, both of which provide opportunities for subnational representatives to meet in Strasbourg and have their voice heard by the CoE. Likewise, the CoR has its plenary sessions organized in Brussels at least four times a year. There are notable variations between the CLRAE and the CoR,

which include the degrees of competence granted, legal effect of the instruments, and in particular, the different institutional status. In spite of these differences, there appears to be great similarities in the format of the policy input between these two institutions, that is, either through advisory function, or by voicing the local demands.

Offering advisory opinions is one of the most important functions of the Congress to ensure local interests are considered during the policy making process. This obliges the Committee of Ministers and the Parliamentary Assembly to consult the Congress "on issues which are likely to affect the responsibilities and essential interests of the local and/or regional authorities which the Congress represents"[74]. The Congress' input on these policies mainly appears in the way of supporting the legislative bodies by offering knowledge and expertise based on local practices. Its opinions on the consulted issues can be addressed either through formal Recommendations or in a form of CLRAE Opinions. Both of these shall be adopted during the Plenary Sessions, or by the CLRAE Bureau between the Plenary Sessions if necessary.

Another important yet less effective function for the Congress is to voice the local demand, which is an alternative format of its policy input. The Congress can submit proposals on its own initiatives to the Committee of Ministers and the Parliamentary Assembly, mainly in forms of recommendations and opinions[75]. Such proposed issues are usually raised by one or a few members of the Congress in the first place, which then put into formal plenary meeting agenda if being broadly advocated. Once approved by majority voting, recommendations or opinions will be adopted to the CoM or the PA as formal initiatives from the Congress. In the past few decades, the Congress has proactively performed such initiative role to voice the local demand at the international level. A well known achievement, *inter alia*, is the enforcement of the European Charter of Local Self-Government in 1988, whilst the very first initiative of it could be traced back till 1960s[76].

Despite the distinctiveness of their institutional status and granted competences, the policy input of the CoR more or less shares the same model as the CLRAE. As an advisory body,

[74] Art 2 of Statutory Resolution CM/Res(2007)6 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto.

[75] Ibid.

[76] CLRAE Resolution 64(1968) Declaration of Principles on Local Autonomy.

the preliminary function of the CoR is to offer knowledge based support to institutions with legislative powers. The Treaties have provided solid legal basis for the CoR to perform its advisory function[77]. Under the light of the EU legislations, the European Commission and the European Council are obliged to consult the CoR on issues which fall into the policy areas having direct or indirect effect to the regional or local level. The CoR may also be consulted by the Commission, Council and the European Parliament on certain issue which is not included in the stipulated policy areas albeit still seem to have implications on subnational level. Nonetheless, this optional consultative role is based on the discretionary of the Commission, Council and the European Parliament rather than the CoR's own initiative, which largely limits the influence of its consultative role (Hönnige and Panke 2013).

However, the CoR has also been granted power to draw up opinions based on its own initiatives which can be included in the EU agenda as long as the itemized issue has been given sufficient recognition by the main organs of the EU. This is where the CoR may proceed with the local demand to the European decision making panel, even though it is only briefly mentioned in one line, "[t]he Committee shall adopt its opinions … (b) on its own initiative when it considers it appropriate"[78]. The instrument that the CoR may adopt to initiate proposals is through opinions, which mainly addressed to the three key institutions. Due to its institutional status that the CoR is merely an advisory body within the EU, the opinions based on its self-initiatives do not enjoy as much as serious considerations in comparison with its consultation opinions requested by the Council, the Commission, or the European Parliament. Consequently, whether or not the local demand addressed at the European level through the CoR will have *de facto* impact on the member states is not clear, and the actual influence of the CoR' initiatives on the European level policy making still remains in question.

To summarize, the official platforms set in both the CoE and the EU give local authorities good opportunities to express their concern on issues that have direct or indirect impact on local communities. Despite that the institutional settings and competences they have are of

[77] Art 307, Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2008/C 115/177.

[78] Rule 39 (b), L6/14 on Rules of Procedure of the Committee of the Regions, Official Journal of the European Union, 09.01.2010.

distinct difference within the organizations respectively, the CLRAE and the CoR to some extent share the same model to have their input to the European level policy making process. This is either in the format of advisory role, through which they can offer consultative support to legislative bodies with their knowledge and expertise of local practices, or based on their own initiatives to voice local demands which can represent genuine interests from the lower level. The establishment of official channel undoubtedly enhances the communication across territorial levels and reduces difficulties for local authorities to have their input to the international policy making. However, the degree of simplicity of gaining access to reach final decision-making does not necessarily in line with the degree of successfulness of their policy output. As discussed in the previous chapter, the empirical research on the CoE practice shows a variety of factors, such as internal institutional relations and operational inefficiency, can be considerably influential in terms of their impact on the implementation of international policies at local level.

4.2 Output dimension

While examining the policy output of the CLRAE and the CoR, it is not difficult to notice that there is obvious divergence between their policy priorities. The CLRAE usually focuses on the fundamental values such as democracy that have close concern to local communities whilst the CoR put more weight on economic development of local and regional areas. Two major reasons may explain such distinctiveness. First, the CoE and the EU are set up with different objectives. For example, the CoE aims at promoting three fundamental principles, that is, democracy, human rights, and the rule of law; whereas the EU, as the successor of the European Economic Community, also the European Coal and Steel Community (ECSC) and the European Atomic and Energy Community (Euratom) from the very beginning, plays an more important role in enhancing economic development in Europe. Different objectives determine that the two organizations operate more actively in certain policy areas and with different emphasis[79]. Second, the competences of the CoE and the EU vary to a great extent and consequently their influences on member states are largely dissimilar. The main impact of such variation can

[79] As for the CoE, see Statute of the Council of Europe, CETS/001, 03/08/1949; as for the EU, see Consolidated version of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2008/C 115/177.

be seen from the financial resources the organizations gain from the member states. Undoubtedly, the EU has considerably abundant financial resources in comparison with the CoE. Therefore, the CoR is able to benefit from these financial resources since they appear as effective incentives to stimulate the actors involved to achieve better outcomes of the EU policy. This can be seen from the achievement of EU structural funds and the CoR's contribution in this policy area (McCarthy 1997). The CLRAE, without sufficient financial stimulation, has to put more attention on other incentives which may occur as a trigger to gain its members' advocates. In such case, democracy, human rights, and the rule of law, as three fundamental principles, are employed as the main stimuli by the CLRAE to draw its members' attention as these principles are in line with their own interests.

However, the divergence between the policy priorities does not lead to huge differences of policy output between the two institutions in terms of the most successful instruments and activities. These mainly appear as promoting cooperation and partnerships between different subnational territories, which always has relatively better results and become the main policy priorities. Achievement has been made on inter-municipal cooperation among local and regional authorities of the CoE member states (Perkmann 2003). The CoR has also put particular attention on cross-border and inter-municipal cooperation as it is explicitly stated in the Lisbon Treaty[80]. Compare to other activities, promoting cooperation between local and regional authorities usually complete with more effective outcomes and meet the designated objectives. Empirical evidence based on the interviews of local government representatives of the CLRAE shows, for local authorities, promoting networks among different localities is the most impressive activities carry out by the CoE, and it is also the most well-known function of this official platform provided by supranational organizations.

Whilst the overall policy output of the ISAIs remains in question, the limited number of their effective instruments and activities is clear. It is undeniable there are difficulties to measure the actual output of their policies, some argue this is due to the enormous diverse feature across European regions and communities(Farrows and McCarthy 1997). However, from the fact that there are increasing movements of the regions to set representative

[80] Article 307.

offices in Brussels to seek direct communication channels with the EU decision making bodies, it suggests that the actual role played by the CoR is not as satisfactory as expected by the subnational levels and its influence is limited (Moore 2008; Studinger and M.W.Bauer 2012). A consequence of this trend is that the CoR could face a severe situation where it will be greatly marginalized if the communication channel through regional offices in Brussels appears to be more effective than through the CoR. Therefore, it is not surprising that the CoR, even with a stronger organizational background and relatively abundant financial resources, experiences same problems as the CLRAE in terms of its political influence and policy output. This suggests that limited policy output appears to be a common feature shared by ISAIs in spite of their organizational background or institutional status. Considering that both the CLRAE and the CoR function are only granted consultative power, lacking legislative power can be hypothesized as the potential key factor causing the ineffectiveness of ISAI's policy output, which is noteworthy for future exploration.

Taking these points together, it is evident that research on the polity and political dimensions of both organizations clearly shows there are common understandings of the value of local government in contributing to the international policy frameworks. The knowledge and expertise on localities are the unique resources that local government has achieved through practice, which can be of great significance for the improvement of international policy making and implementation. With the membership composes of representatives directly come from local authorities, ISAI can be influential by utilizing such unique resources to contribute to the international policy frameworks. The constitutional value and institutional structure allow both ISAIs to strengthen their policy input through providing consultative opinions and advocating local demands. However, there are spontaneous constraints on the policy output of the CLRAE and the CoR, which leaves them with the situation of being largely marginalized within the organization. In order to understand why there is the mismatch between their policy input and output, and what exactly happened in the black box, in the next section, barriers preventing the ISAI from fully functioning as it is supposed to will be examined based on the empirical findings.

5 The Congress in Practice

Empirical evidence shows the CLRAE is set up in recognition of the value of local authorities, for which there are high expectations of their ability to add specific value to the Council's policy making and implementation processes. However, when interviewees were pushed a little further, problems embedded in the contemporary institutional framework came to light. Despite the features that greatly differentiate the CoE and the EU, such as delegated competence and political priorities in particular, there is the same policy output problem that experienced by the CLRAE and the CoR representing local interests. Based on the CoE practice, internal bureaucratic negotiation failure and external information exchange barrier are the most notable issues, which best address the major problems that prevent the system from being able to function as it is supposed to. The causes of these problems are not unique to the CLRAE but can also explain the functional incapacity of the CoR. This suggests that functional incapacity is deeply rooted in the constitutional value and institutional structure of both ISAIs. In the following sections, these issues will be examined in detail so as to explain why there is mismatch between the policy input and policy output of international institutions representing the local level.

5.1 Bureaucratic negotiation failure

To ensure the organizational objectives are achieved effectively, three pillars of the Council of Europe are required to coordinate closely in the promotion of its fundamental principles of human rights, democracy and the rule of law. In relation to the CoE's local policies, effective cooperation between the CLRAE and the Committee of Ministers, which is represented by the CDLR in this policy area, becomes particularly important. However, in practical terms, communication between the CLRAE and the CoM appears to be rather problematic. This can be seen from three aspects, the commitment of cooperation, divergence in policy priory, and the legal effect of instrument.

Cooperation between the key institutions is mainly evident by the joint decisions and opinions adopted by the CLRAE and the CoM. To reach agreement on these proposals, an effective measure to enhance communication and understanding between institutions is to invite representatives of the Congress to participate in the sessions of the CDLR as observers, and *vice versa*. However, due to a range of reasons admittedly such as lack of

enough personnel and huge amount of workload, representatives of the Congress and the CDLR have not usually been seen in the other's meeting sessions. From discussions with members of the Secretariat in the CDLR, the picture obtained is a considerably low level of engagement and very limited participation, that "the Congress members indeed attend one day out of three at most ... usually for a specific topic on the agenda", "for subcommittees it is even less...only low level secretariat that does not speak, or no presence at all"[81]. Members of the Congress have also explicitly expressed their concern regarding to the lack of effective and sufficient communication between these two organs. For instance, as observed by the researcher during the Congress' 17th plenary session in October 2009, no engagement can be seen from the CDLR during the entire event. Although attending the other party's meetings is not the only method to enhance communication and understanding between the CLRAE and the CoM, it can be very effective in terms of exchanging opinions in prior of further actions. More importantly, lack of interest in such engagement indicates insufficient level of commitment in promoting effective cooperation between the institutions. Such communication problems hence can lead to various internal institutional conflicts in relation to policy priority, operational strategy, and the focus of policy implementation.

At the same time, ineffective communication simultaneously makes it harder to find a common ground which could reflect the interests of stakeholders they represent respectively. Divergence can be seen between the CLRAE and the CDLR when they try to identify the most urgent needs of local communities and set up policy priorities in accordance. For this reason, it is not surprising that an official of the CDLR criticized the Congress for its approaches on issues such as climate change, which was considered as being of great irrelevance to local authorities, "who cares about climate change?"[82] By contrast, interviews with representatives of local authorities ascertain completely opposite views, that "issues on climate change are very important and relevant to our people and our daily work"[83]. Hence, lack of communication has become a catalyst of increasing divergence of policy focus between the CLRAE and the CoM, which worsens the problem

[81] Interviews conducted on 9, 10 April 2009.

[82] Interview conducted on 8 April 2009.

[83] Interview conducted on 14 October 2009.

of inefficiency of the CLRAE recommendations and affects implementation of the CoE policies at the local level.

Moreover, issues relating to the legal effect of instrument reflect serious communication problems between the CLRAE and the CoM. The CLRAE recommendations submitted to the CoM do not automatically obtain binding legal effect on the member states. Only if issues addressed in these recommendations are agreed by the CoM and adopted as conventions or CoM recommendations, will they have a statutory recognized legal effect and require transposition by Member States. Obtaining the CoM's agreement on these recommendations hence becomes particularly important for the Congress to pursue its responsibility of voicing local demands. However, due to their conflict views in policy priorities, only limited amount of the CLRAE recommendations have been agreed. Majority proposed issues are not advocated by the CoM and left with unresponsiveness. The CoM officials repeatedly questioned the value of numerous recommendations produced by the Congress. As one of the senior CoM staff asked, "... in the name of and for the sake of local authorities of Europe, the Congress adopts endless texts, recommendations, etc, but what happens after that? Is this advocacy effective?" [84]. Similar concerns were raised in other interviews as well. A member of the CDLR secretariat offered an honest evaluation that "...unfortunately, the vast majority of these recommendations have just ended up at the garbage bin, nobody really bothered to look at them" [85]. Consequently, in comparison with the large amount of recommendations which have been proposed by the Congress[86], the number of those being given serious consideration and finally adopted with binding legal effect is relatively small. According to a CoM official's point of view[87], the small number of effective recommendations makes the Congress unable to do anything other than produce more recommendations with the expectation to improve the output. If this is the case, it then falls into a vicious circle that the more recommendations are proposed by the Congress, the larger number of them are likely to be ignored by the CoM.

[84] Interview conducted on 10 April 2009.

[85] Interview conducted on 8 April 2009.

[86] From the period of 1994 to 2009, the CLRAE has made 269 recommendations to the Committee of Ministers regarding to a variety of issues.

[87] Interview conducted on 9 April 2009.

Empirical evidence shows it is the ineffective communication between the CLRAE and the CoM that lies in the centre of the problems causing low level of commitment in institutional cooperation, divergence in policy priority, and limitations in legal effect of instruments. This leads to internal bureaucratic negotiation failure within the CoE, which is one of the main factors affect the policy output of the CLRAE. While examining the substance of bureaucratic negotiation failure, it is not unique to the CLRAE, but also appears as a distinctive feature of the CoR practice. There are two misunderstandings that sit at the heart of internal bureaucratic negotiation failure of both ISAIs.

On the one hand, there is misunderstanding on the value of ISAIs in terms of their capacity in representing genuine local interests. Even though the CLRAE was established as an official communication channel to ensure local demands being heard at the European level, doubts still exist as to what extent the CLRAE can actually represent local interests. Empirical evidence clearly shows that there are skeptical views about the capacity of the Congress to accurately voice local demand and hence the value of an official channel in promoting local involvement at the European level. Questions relating to such issues were constantly raised during the interviews, especially by those who have more concerns on national governments' interests, "to what extend is the Congress really the voice of local government", "does it [what the Congress says] really reflect their [local authorities'] views, is it really what local authorities want"?[88] This reflects the constraints that the Congress is experiencing in relation to its limited power and lack of support from within the organization. Hence there is the need to reassuring stakeholders at both European and national level of the constitutional value of local involvement and seeking support to performing its preliminary function of advocating local interests.

Likewise, research conducted by Hönnige and Kaiser (2003) on decision making process of the CoR suggests the necessity for institutions representing local interests to supportively demonstrate their values of existence. The study points out that the CoR opinions adopted by unanimity are usually given more serious considerations by other EU institutions. This is not merely a methodological problem, but *de facto* reflects the skepticism on the capacity of the CoR to advocate the genuine local needs. Hence, it is important for the CoR to gain more weight for its important added value in the European

[88] Interview conducted on 9-10 April 2009.

policy framework and to successfully present such unique value to other stakeholders with common interests.

On the other hand, there is misunderstanding of the implications on central-local relations by direct involvement of local government at the international level. Take into consideration that there are always integral tensions between national government and subnational actors in terms of distribution of powers, local representation at the European level, to some extent, creates pressure to the central government and affects its support on such approach. In particular, the concept of a 'Europe of the Regions' has been broadly advocated since the late 1980s and understood by some scholars as an approach towards a federal Europe with a powerful regional level (Loughlin 1996; Anderson 1991; Christiansen 1995; Jeffery 1997; Tatham 2010). The mobilization of subnational actors to different territorial levels has lead to certain degrees of polity restructuring in Europe. However, local or regional representation at the European level does not aim at, or necessarily lead to the result of bypassing the nation-state. As Michael Keating (2008:633) identifies, the purpose of these political movements is "seek[ing] to capture at the new territorial levels those competences and capacities that have been lost at the level of the state". It is also evidenced by the launch of the EU regional policy on Structural Funds in 1988, which led to long-term academic debate of its impact on central-local relations (Bachtler and Michie 1995; Smyrl 1997; Bache 1999; Bache and Jones 2000). Keating(2008) points out that the expression of 'regional' has misled and entrapped scholars in the policy rhetoric of the European Commission while devolution or bypassing the nation-state is seem to be in great favour. In essence, the policy has a sort of anti-disparity nature which aims at stimulating the single market function more efficiently (Hooghe and Keating 1994). In 2004, the Structural Funds was subsequently used by the Commission as an instrument to reinforce centralization of regional policy with its enlargement process. Hence, due to the misunderstanding of implications of local representation at the European level, negotiation failure exists between institutions representing national government and subnational authorities, which increases difficulties for both the CLRAE and CoR to produce more effective policy output.

These misunderstandings can also explain why, for both ISAIs, more weight has usually been placed on their supportive role as the main policy input rather than on those self-

initiated proposals demanding actions by the organization. According to Rittberger and Zangl (2006), within international organizations, actors normally have their policy input through two modes: demand and support. The former refers to the specific demands made by the actors based on the resources at their disposal, whilst the latter indicates the necessary support they provided for international organizations. When examining different modes of policy input of the CLRAE, the relative policy output between demand and support can be of considerable imbalance. Among all conventions relating to local issue which involves the CLRAE's contribution during their policy-making process, the CLRAE's contribution has mostly been made in forms of providing support. Such support mainly appears as information-based consultative opinions. Relatively, only one of the conventions is based on the demand of local authorities' specific interests, that is, the Charter of Local Self-Government. Likewise, the most plausible achievement for the CoR is its contribution in the Structural Funds and the EU regional Policy, which mainly based on their knowledge and expertise as the policy input through support rather than demand. Whilst there is high level of imbalance in the policy output in relation to different input modes of demand and support, implications can be drawn that the functional incapacity of ISAI has considerable relevance to its dependence on the advisory role rather than proper legislative power.

5.2 External information exchange barrier

Internal institutional barrier is not the only reason that causes mismatch between the policy input and output of lSAIs. The mismatch, in essence, reflects the limitation of this communication channel in terms of encouraging local involvement to maximize its value in contributing to the international policy making and implementation. The problematic engagement of local government derives from the incompetence of ISAIs in exercising the function of enhancing external information exchange. As seen from the CLRAE practice, problems are shown as poor awareness of the existence of communication channel, confusions on its institutional functions, and different attitudes towards local engagement.

Empirical evidence shows there are rather poor awareness of the existence of the CLRAE, or in general, of the CoE. Due to their similar territorial coverage yet considerable varied

political influence, the CoE operates in the shadow of the EU and its influence sometimes is inevitably marginalized. From interviews conducted with selected CoE officials[89], quite a few of them are conscious of the fact that in most countries the awareness of the Congress is very poor, "...if you have people representing local governments, but majority of local authorities do not know the institution exists, do not know who the representatives are, do not know what issues have been discussed...then what impact can you actually hope to have?"[90] This is also ascertained by the CLRAE representatives who work as local government officials and clearly know the situation in local communities. A majority of local representatives expressed their concerns about the public awareness of the CLRAE, since they personally would not know the existence of the Congress at all if not because of this representation role[91]. Apparently, poor awareness creates a fundamental barrier for the CLRAE to encourage local involvement at the European level and promote its values and norms to local communities. The function of this communication channel between local and international levels is greatly undermined.

Therefore, it is not surprising that the research findings suggest the understanding of the functions of CLRAE is also problematic. This can be seen from the result of the questionnaire research which was conducted during the 17th Plenary Session of the CLRAE in October 2009 (see Appendix I). It aims at investigating the attitude and opinions of local government representatives towards the CLRAE as a European level institution but represents local interests. In this questionnaire, a multiple-choice question was asked specifically about their understanding of the purpose of attending the CLRAE plenary sessions as local representatives. Among all responses, which are given by local officials representing more than half of the CoE member states and territories, there are 73.53% marked "knowing new policies of the Council of Europe" [option a], which is the most chosen answer (see Diagram 7.3). In the second place is "an opportunity to meet with colleagues working in other local authorities" [option d], followed by "report recent achievement of my authority or local authorities in my country" [option c]. Both of these options were selected by over half of the total respondents, with respective percentages of 64.71% and 55.88%. Apart from a single response on option e as "not quite sure", the

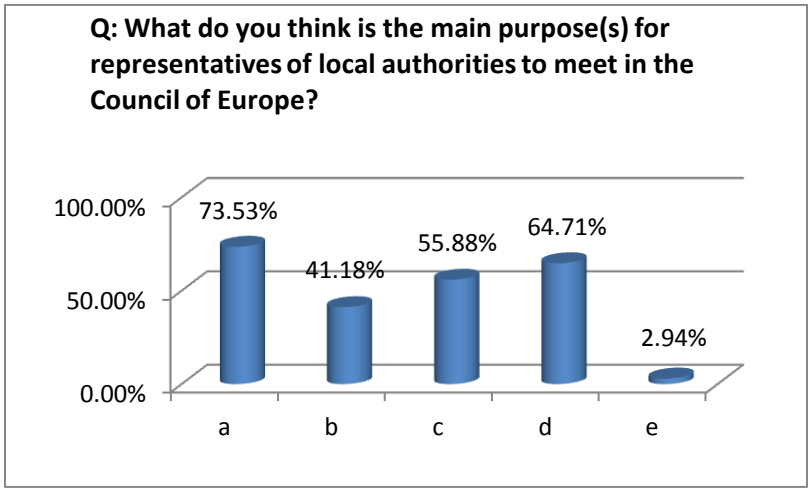
[89] Interviews conducted during 8-10 April 2009 and 12-15 October 2009.

[90] Interview conducted on 10 April 2009.

[91] Interviews conducted on 12-15 October 2009.

least chosen purpose is to “raise any issue I (local representatives) think should be considered at European level” [option b]. Statistics clearly shows that, for most officials representing local interests, the communication channel provided by the CoE merely appears as new opportunities to obtain basic information of the European policies, rather than a tool for them to express local concerns that can be of great relevance to localities. This reflects the conventional understanding of the top-down relations between international organizations and local governments. For this reason, the upstream link between local and international level is largely ignored and the local influence in the international policy framework is greatly undermined due to widely existed confusions on the value and function of ISAIs.

Diagram 7.3 Statistic of Questionnaire Question 3



Research findings also show that there are high levels of variation in terms of local engagement between local authorities from different territories in Europe. The distinctions can be seen mainly between the developed Western European countries and those new democracies in the East and Southeast Europe. While being asked about their expectations of achievements through the CLRAE’s activities, contrasting reactions were seen between local officials representing different regions. For those who come from more developed countries with much stronger influence in the European politics, it seems to be

difficult to answer since there is no obvious benefit from such activities in their point of view. With strong hesitation, a municipality executive from a well developed Western democracies replied, "achievement? ...we probably have more to offer than to achieve anything [from the CLRAE]"[92]. On the contrary, for those from new Eastern democracies and less developed countries in particular, there are high level of expectations on these activities, although mostly are placed on obtaining additional financial resources.

Problems such as poor awareness of the existence of the CLRAE, confusions on its institutional functions, and different attitudes towards local engagement, seem to only exist in the CLRAE due to the limited political influence of the CoE in general. However, problematic practice in communicating through this channel, which de facto leads to various confusions on its real value, is not unique to the CLRAE. In fact, ineffective communication between local and international levels derives from embedded institutional constraints of ISAIs that can be seen from both the CLRAE and the CoR.

First of all, there are limited resources of both ISAIs in relation to promoting local and international communications. Even with a stronger institutional status, the Congress is only allocated rather limited resources of budget and personnel especially in comparison to other key organs of the CoE. For example, with purpose of completing the mission of promoting democracy, the total budget of the Congress is 6,996, 900 Euros in 2012 and 6,947,200 Euros in 2013, whilst that of the Parliamentary Assembly is 16,406,800 Euros in 2012 and 16,439,700 Euros in 2013[93]. The personnel of the Parliamentary Assembly are also double the number of that of the Congress in these two years, as the former has 88 posts and the latter has 41 posts[94]. Such limitation on resources largely restrains the Congress from providing sufficient opportunities for representatives from local government to participate in the international policy making process. As an effective means for local representatives to communicate directly with international levels, the CLRAE plenary session is organized once a year, and only until recently, it is increased to twice every year. A senior official in the CLRAE stresses the difficult situation this institution is confronted with, "…the Congress is not only … 50 years of local and regional democracy, but it is also

[92] Interview conducted on 13 October 2009.

[93] Council of Europe – Programme and Budget 2012-2013, CM(2012)1E, 19 December 2011.

[94] *Ibid*.

50 years of fight since its establishment... We decide just from this year to have two sessions of Congress. Till now, we had only one session, one session per year. It means that local authorities are able to meet in Strasbourg *only one time a year!* "(emphasis was added by the interviewee)[95]. Considering other means of communication can be as well costly and time consuming due to the large number of local authorities as the CLRAE members, it is unsurprising that only limited opportunities can be provided in this case. As an advisory body, the CoR experiences the same problem of obtaining sufficient resources to promote local and international communications. The insufficiency of resources hence appears as a common feature of both ISAIs that is deeply rooted in their institutional constraints. The vast amount of local authorities in all territories determines that the only feasible method for ISAIs to ensure effective communication with local level is through democratic representation. Although there are various challenges that prevent the representative mechanism from working properly, as discussed below, democratic representation can to some extent ease the impact of insufficient resources of ISAIs.

Secondly, the inconsistency of the representative mechanism also explains the lack of substantial information exchange between ISAIs and local authorities. In order to ensure a well represented democracy, the CLRAE and the CoR both require that the seats of representatives need to be distributed within each member state's territory based on the rules of equitable representation and balance geographical distribution for a certain period of years. Regular changes of representatives from different regions and communities cause difficulties in terms of ensuring the consistency of policies due to diversified nature of localities. In addition, as an interviewee addressed, inconsistent political approaches can be even more difficult to avoid since sometimes "the composition must meet certain criteria such as from a ruling party or an opposition party"[96]. This indicates that radical changes of political views can happen simply because of a redistribution of government seats. As a result, it becomes problematic for ISAIs to adopt consistent policy approaches due to frequent changes of local representation. Without sufficient number of strategically developed policy frameworks, ISAIs surely have difficulties in presenting the unique value of this communication channel to vast amount of local authorities in their territories.

[95] Interview conducted on13 October 2009.

[96] Interview conducted on 14 October 2009.

Moreover, the membership of ISAIs is usually vast and heterogeneous, which creates an influential and sometimes vital impact on the institution's policy output (see Christiansen and Lintner 2004). Largely diversified interests indicate that it can be difficult to reach unanimity whenever required and considerable lengthy debates are likely to be involved before reach any agreement. Although majority voting can be adopted as an alternative method of decision making, problems still remain in relation to ensuring democratic legitimacy by preventing the domination of a few more powerful parties during decision making process. Since 1994, with a significant institutional reform to include regional representatives, the membership of CLRAE has greatly extended with a considerable heterogeneous nature. Whilst the CLRAE's bicameral institutional setting to some extent eases the conflict between the divergent interests of local and regional authorities, there are clearly high levels of variation among local authorities. Likewise, diversity is an integral part of the CoR's nature and is considered to have a critical impact on its policy output (Brunazzo and Domorenok 2008; John 2000; Farrows and McCarthy 1997). There is no clear divide between local and regional authorities in the CoR according to the views that "classifying regional and local levels is a complicated and deceptive venture"(Van der Knapp 1994:92). Without a bicameral institutional structure, the tension between various interests it represents can be even more severe due to direct confrontation of local and regional conflicts within the institution. For both ISAIs, the heterogeneity of their memberships can derive from the distinctions between levels of competence and size, as well as the differences of party political lines (Christiansen and Lintner 2004). Among others, conflicts between left-wing and right-wing parties, and between national delegations, are identified as "major and persistent"(Brunazzo and Domorenok 2008:438). Clearly, the heterogeneous nature of its memberships creates a variety of obstacles to prevent ISAI from functioning effectively as it is supposed to. (Domorenok 2009).

It is therefore evident that a combination of limited resources and support, inconsistency of local representation, and the heterogeneous memberships, create major barriers that have embedded in the institutional structure of ISAIs, which prevent effective communications between local and international levels. The failure of information exchange with local government fundamentally weakens ISAI's role in representing local interests at the international level. Without local government's acknowledgement of its unique value in safeguarding local interests, it is problematic for ISAIs to encourage local authorities'

engagement and cooperation. Hence, ISAI's functional capacity has been continuously questioned in terms of its value in contributing to international policy frameworks on behalf of the local level.

6 Conclusion

Take into consideration the unique value of local government in international policy making and implementation, it is important for IGOs to ensure that an effective communication channel exists between local and international levels. For this reason, ISAIs are established with the purpose of bridging these two territorial levels to encourage free flow of information. There are different directions of information flow travelling in such communication channel: upwards and downwards. The upward information flow presents IGOs with genuine interests and demands from the local communities, as well as local government's knowledge and expertise on specific localities that can be crucial for international policy making. The downward information flow functions as an important instrument to promote international norms and values to local communities.

Empirical research on the CLRAE and the CoR shows that the constitutional value of ISAI acknowledges its great potential in contributing to international policy frameworks by representing local authorities. Despite the differences of their institutional status and the internal structure, both ISAIs have been granted advisory role to provide consultative opinions to the legislative organs in the organization. With the memberships directly composed of representatives working as local officials, these institutions are supposed to be influential based on their capacity in representing genuine local interests and act on local government's behalf. However, the influence of both the CLRAE and the CoR is rather limited, which causes serious concerns on the functional capacity of ISAIs.

There is apparent mismatch between ISAIs' policy input and policy output, which draws attention to the internal bureaucratic negotiation failure and the external information exchange barrier. The bureaucratic negotiation failure mainly derives from the internal tension between IGO institutions which respectively represent the interests of local and central levels. The tension can be reflected by various skeptical views on ISAI's capacity

and limited support within the organization. The barrier of external information exchange is deeply embedded in the institutional constraints in ISAIs, such as insufficient resources, inconsistent representation, and heterogeneous memberships. Whilst its functional capacity is largely undermined by these barriers and continuously questioned by various stakeholders, it becomes particularly important for the ISAI to refocus on its unique value, that is, an effective communication channel directly bridging the local and international levels. As John (2000:889) suggests based on his studies on the CoR, that "while the CoR's formal impact on EU policy outputs has been minimal, its value lies in its unique resources that could have potentially important implications for both the subnational and supranational level" (also see McCarthy 1997).

As the communication channel directly links local and international levels, the value of ISAI lies in the dual nature of its roles presented in different contexts. The roles that ISAI undertakes need to focus on different purposes which are in line with its primary function to ensure the free information flow in two different directions. As an institution set by IGOs, the most notable function of ISAI is to promote international norms and values through downward information flow to the local level. In such circumstances, ISAI represents international organizations and there is a clear hierarchical relation between the ISAI and local authorities. This relation is presented with distinctive features of Type I multi-level governance, which has significant implications in enhancing the efficiency and effectiveness of governance arrangements. Direct communication between international and local levels reduces unnecessary coordination costs between vertical governmental tiers and avoids bureaucratic inefficiency that can be caused by administrative and institutional barriers. International policies made through negotiations can be more effective by taking into account genuine community needs and local circumstances with the facilitation of ISAIs. The transparent and accessible policy making process enhances local understanding of international principles and norms, which can contribute to the shape of common political preferences between international and local levels. Therefore, efficiency and effectiveness are the fundamental values that can be brought by the ISAI as a key player under the Type I multi-level governance arrangements.

Another focus of the role of ISAI is to promote upward information flow whilst it is being placed in a different context as representing local authorities within IGOs. In this case, the

ISAI functions in a way that features the activities of interest groups seeking opportunities to influence international policy frameworks as being seen in the Type II multi-level governance. Hence, the role of ISAI is transformed as acting on behalf of local authorities to safeguard localities' interests particularly when confronting legislative bodies within the IGO. The representation of local interests by ISAIs at international level, to a great extent, strengthens the democratic legitimacy of international policies. The special institutional status allows ISAIs to provide consultative opinions based on genuine local needs, and such opinions can directly reach the steering of international policies. The negotiation process between the ISAI and other legislative bodies creates opportunities of shaping and influencing international policy frameworks towards local political preferences. A policy regime based on common objectives and shared interests can encourage support and cooperation at both international and local levels during its implementation. Obviously, the value of ISAI under the Type II multi-level governance arrangement primarily lies in the democratic nature of its function, which not only reassures the legitimacy and authority of IGOs but also provides strong normative basis of international policy regime for improving local compliance.

Given that the unique value of ISAI is based upon the dual nature of its functions, it becomes particularly important in terms of the capacity of ISAI in bridging local authorities with IGOs and ensuring effective communication between territorial levels. As it is shown from the empirical evidences of the CLRAE and the CoR, the capacity of ISAI in undertaking such role is largely undermined due to skepticism on its institutional value and confusions on the real focus of its functions. This suggests that it is necessary for ISAI to adopt a strategic readjustment of its functioning focuses, which can have significant implications for both IGOs and local authorities in terms of shaping international policy frameworks towards their common political preferences and shared interests.

Chapter 8 Conclusion

1 Introduction

This thesis has explored the capacity of local government to influence intergovernmental organizations' policy frameworks during the formulation and implementation of their instruments and policies. The research has been conducted with the purpose of investigating whether local authorities are able to share the steering role with other key actors during the international policy making process and hence shape the policy frameworks towards local preferences. It has also examined whether international policy outcomes can be influenced with intensive involvement of local government where local interest has been given serious consideration. In doing this, the investigation was conducted in the pan-European context shaped by the Council of Europe and the distinctiveness of local government's input within its policy framework is analyzed in detail. Whereas empirical evidence witnessed the distinct value of local government in contributing to the international policy frameworks, further investigations also showed that the achievement based on local input has been largely circumstantial. The research suggested that insufficient incentives have greatly constrained the utilization of local government's unique value in international policy processes which was rooted in the divergence of political considerations between the Committee of Ministers and the Congress of Local and Regional Authorities as well as the limited engagement of local authorities. Hence, it argued that the normative approach can be particularly important for IGOs which ensures the formulation of common political preferences of local and international levels through thick learning process. It also examined the significance of ISAIs and identified that internal bureaucratic barriers and external negotiation failure have been the main causes of preventing the system from functioning as it is supposed to. Reflecting on these findings, this chapter emphasizes the significance of shaping common political preferences between international and local levels and the implications of the International Subnational-Authority Institutions (ISAIs) in improving the outcomes of international policy frameworks.

The structure of the chapter is as follows: the first section focuses on the conclusions in relation to IGOs and international policy implementation, the emphasis of which has been given to the normative explanation as shaping common political preferences of parties concerned. An analysis based on respective governance mode in relation to its political structure and power dependency relations is established to understand the different approaches of IGOs in managing implementation. Conclusions in section two focus on the process that how local political belief is transformed towards shared value and common preferences. The importance of thick learning is considered in detail as it clarifies the myths of the mismatch between local input and international policy output. The third section concludes by emphasizing the distinct value of ISAIs and its implications for the improvement of international policy implementation. The final section summarizes the contributions of this research in both theoretical and empirical dimensions and draws implications for further investigations.

2 Shaping Common Political Preferences – the Normative Power of the IGOs

To investigate the role of local government in the international policy frameworks, it is important to understand local government's unique value and potential capacity in relation to how it can contribute to the policy outcomes. Empirical evidence from the policy frameworks of the Council of Europe affirmed that additional input can be added to the international level policy making by local authorities based on their expertise and practical experiences on localities (Chapter 5). The role of local government in implementing policies is as well crucial not only because considerable amount of international policies have direct relevance to local communities and are implemented at the local level, but also because of local government's influential decision making power based on its own discretion (Chapter 3). The local input is proved to be the key contribution which can lead to the success of international policy as witnessed by the achievement of the European Convention of Local Self-Government. However, this evidence is largely circumstantial in its nature. In most cases, the value of local government has not been given sufficient attention and their input has been limited to a minimum level (Chapter 6). The influence of local government on international policy frameworks are hence greatly constrained due to internal bureaucratic negotiation failure and external information exchange barrier, and

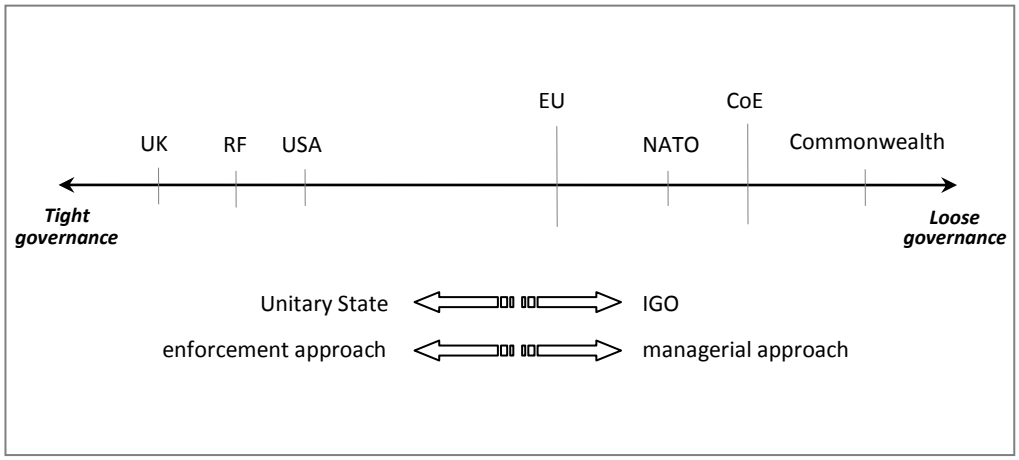
such constraints are not only limited to the CoE but rather a common issue for other IGOs (Chapters 7).

Research findings in Chapter 5 based on the CoE practice showed that the potential value of local government has been acknowledged in terms of its contribution to international policy frameworks. This can be seen not only rhetorically but also from the institutional setting of the CLRAE. Local government's value for IGOs is rooted in its conventional governing roles in localities including promoting local democracy, decision making and public service delivery. With its fundamental value of safeguarding democracy, local government has developed as the key player in securing the democratic legitimacy of international policy frameworks. Representation of genuine interests of people and communities forms the primary resources of IGOs' authority and allows international policies to be presented with impartial perspectives. The conventional decision-making role of local government has spontaneously become critical for the transformation of international policies into a micro-setting within the local context. Local government, as the decision maker, has the power to influence the degree and measure that international rules being incorporated into a specific locality. The implementation process, likewise, largely depends on the local circumstances as well as local policy makers' discretion and cooperation, which will create huge impact on the effectiveness of policy outcomes. Therefore, in the multi-level governance context, the value of local government should not be undermined due to increased tiers of political power and jurisdictions; on the contrary, it becomes more important for the IGOs in particular, with its special role as local allies and its unique contribution for the improvement of international policy outcomes.

In order to understand the way IGOs interact with local actors and different instruments employed to ensure local implementation, it is useful to consider how these approaches link to the governance mode that shapes the relations between actors concerned. As discussed in Chapter 3, multi-level governance allows greater scope for various actors to participate and influence the political framework, which loosens the monopolistic control of the central state. There are clearly variations between multi-level governance and other governance arrangements in terms of the degree of interdependence of actors involved and the authority of decision making level that is in control of the policy frameworks. Such variations are influential in relation to the measures adopted by the decision making centre

to ensure effective policy implementation at the local level. Whilst distinguishing each governance framework based on the criteria of the degree of interdependence of actors involved and the authority of decision making, the nature of governance in respective political context can be modelled precisely as an axis travelling between tight governance and loose governance, as it is shown in Diagram 8.1. The position of each polity on the loose-tight governance axis shows its level of the nature of governance in relation to the other political entities. For example, the Council of Europe adopts a relatively more relaxed governance mode in comparison to the European Union, though it has stronger control over its member states than the Commonwealth by employing a tighter mode of governance. Tight governance is identified by strong central control and intransigent hierarchic relations between different tiers of public bodies, as it is particularly distinct in a unitary state. The existence of a powerful implementation mechanism appears as an inherent nature in the tight governance context that facilitates the strong central control and successful local compliance of higher level polices. By contrast, loose governance refers to the governance framework in which relations between different tiers are more relaxed and policy making is shaped and influenced by a variety of actors, which is best featured by the multi-level governance framework. In this case, policy implementation normally relies on soft measures such as managerial instruments and normative approach.

Diagram 8.1 The mode of governance



Based on such criteria, each individual polity can be placed at a relative location on the axis in accordance with the nature of the governance mode and the political framework shaped by its policy implementation mechanism. For instance, the governance framework shaped by the CoE has the nature towards the loose governance mode due to relaxed relations between its members and lack of enforcement mechanism, whereas the EU adopts a relatively tighter governance mode based on the delegation of sovereignty by the member states. In comparison, federal states such as the United States and Russian Federation locate towards the other end of the axis with its centralized political hierarchy and powerful domestic enforcement mechanism. This distinguishes different implementation approaches in relation to the governance mode of each polity and the political environment it shaped. The political environment shaped around the IGOs has a relatively lower degree of interdependence among actors, and the authority of international level is normally constrained at lower governmental actors due to various factors. Their implementation mechanism is mainly based on soft instruments and managerial measures to ensure the policy objectives being reached at member states' domestic environment. On the other side, tight governance mode shows strong ties between political levels and the policy setting level has considerably powerful control over its policy frameworks. A well developed enforcement mechanism can usually be seen within such system and provides strong control over the implementation process of its policies.

Taking into consideration the nature of different governance mode and relations shaped within the political system, the implementation mechanism and instruments adopted have significant implications for IGOs to achieve successful policy outcomes and effective local compliance. As discussed in Chapter 6, from a rationalist perspective, policy outcomes need to be achieved through a process of monitoring compliance and structuring incentives and penalties(Checkel 2001a; Simmons 2009; Snidal 2013). Therefore, the capacity of IGOs to monitor member states' implementation and impose sanctions for non-compliance is considered to primarily rely on a powerful enforcement mechanism. Constructive approaches, as a counterview, emphasise managerial roles of the IGOs and place special focus on strategies such as problem solving, capacity building, rule interpretation and transparency (Chayes and Chayes 1995; Zehfuss 2002; Adler 2013). According to the constructivist perspective, compliance cannot be easily achieved by most IGOs through coercive enforcement measures, not only because they normally lack such

power, but also because of the ambiguous and imprecise nature of treaties, the resource and capacity constraints of states, and unpredictable social and economic changes (Weiss and Jacobson 1998). Instead of struggling with a coercive enforcement mechanism that actually in absence, IGOs are suggested to focus more on managerial instruments through providing technical or financial assistance to encourage compliance (Zuern and Checkel 2005; Reus-Smit 2008).

In practice, enforcement measures have not been commonly used to ensure local compliance by IGOs, either because of the absence of an effective sanctioning mechanism or because of their reluctance to adopt such powerful measures. Managerial approaches hence become the most widely employed measures with the aims of providing additional resources to the assistance of local authorities towards better implementation. The Council of Europe has offered a large number of capacity-building programmes to help local authorities improve their institutional capacity and performance in exercising authority and delivering services. Likewise, the European Union has provided considerable amount of financial assistance to subnational authorities to enhance their strategic management role for better local practices. However, there are apparent limitations of these managerial measures that, on one hand, the number of target groups who can receive such assistance is limited due to practical difficulties; on the other hand, resources, especially in financial terms, are normally scarce as it is the case for most IGOs.

As an alternative, the normative approach emphasizes the legitimacy and authority of IGOs, which is considered as the core of ensuring successful implementation of international policies. Unlike rationalist and constructive approaches that focus on the controlling capacity of IGOs on the implementation process, the normative perspective stresses the need of building up incentives to motivate the other parties concerned so as to encourage cooperative reactions and contribute towards common objectives (Manners 2009; Manners 2011; Whitman 2011). According to Joachim et al.(2008b), the normative power of IGOs is rooted in their legitimacy and authority and has the nature of intersubjective, which requires shared understanding developed upon the perceptions and common interests of all actors involved. In order to establish agreed objectives built upon common belief, it is important for IGOs to employ persuasive arguments to convince their members of the value of international rules and principles. Such value reflects the key

resources of the IGOs' authority which is based on their control over information and expertise, as well as rational and impartial perspectives (Boli 1999). By influencing other parties' political preferences so as to incorporate international values and norms into their own belief system, normative approach focuses on cooperation and support from various actors to achieve better policy implementation.

Considering that the governance framework shaped by IGOs does not entail strong central control through powerful enforcement mechanism, the normative approach therefore becomes more important by influencing local authorities' political preferences through building up persuasive motivations to alternate their perceptions towards successful implementation. The willingness of local authorities for effective compliance determines the degree of commitment they devote on such activity and the way of how they interpret and implement the policy. Shared political preferences developed upon common interests and mutual understanding touches the root of problems that usually occur during the international policy implementation process. Whereas local authorities and intergovernmental organizations are able to establish agreed objectives in relation to a specific policy, the implementation process will be understood as managing outcomes as shared results. With local authorities act as close alliances in controlling and monitoring the implementation process, international policies are more likely to achieve better outcomes. Such normative approach can also combine with enforcement measures and managerial instruments, in which case it strengthens the basis of rational explanation for the former and facilitates as stimuli for the latter. With special emphasis on the approach(es) that mostly in line with a specific IGO's strength, these measures altogether can build up an effective implementation mechanism for international policy frameworks.

3 Shaping Common Political Preferences – Local Government's Input

Given that local government is influential in international policy implementation and the local political preference can have great impact on policy outcomes, it is necessary to consider in detail the process of how local political belief can be transformed towards shared value and common objectives. Managing implementation of international policies hence becomes more an issue of influencing actors' political behaviour through the

process of reshaping their belief system and seeking common preferences. Radaelli (2003) identified such transformation process as thick learning and distinguished it from absorption that actors simply cope with the mechanism and adjust strategies to meet the same objectives. As a much more comprehensive process, thick learning refers to intensified incorporation and reflection while transforming international policies into micro-settings and "implies a modification of belief systems, preferences and values" (Radaelli 2003:38; also see Bache 2008). The key incentive which can trigger such transformation is that parties concerned are persuaded of repayable benefits in future outweigh the cost of adjusted political preferences (Paraskevopoulos 2001). Interactions and communications between parties therefore become the crucial elements of the international policy implementation process.

To understand the process of thick learning, emphasis should not simply be placed on how IGOs change the political preferences of local actors, as it undermines the distinctive nature of thick learning as a dual-process. In substance, thick learning does not merely involve the transformation of local preferences by adapting international values and norms into their political belief system; more importantly, it is also a process of international actors readjusting their rules and principles to meet the genuine interests and demands from localities. Hence, thick learning reflects a two-way flow of information and communication which aims at identifying mutual interests and building up shared objectives. Local government's contribution is the core that forms the basis for IGOs to reshape their international policy priorities and ensures the following transformation of local political preferences towards the common policy objectives. This process is not able to be completed without local authorities' input and international actors' subsequent readjustment on their policy settings. The parties concerned would have difficulties to reach an agreed policy outcome if it is not based on genuine mutual interests. As the basis of its legitimacy, intergovernmental organization needs to present an impartial perspective by taking local interests into serious consideration. Local input to the international policy framework hence becomes an essential element and should not be neglected. The international policy making process needs to proceed as co-production between international and local actors, which ensures decisions being made upon mutual understanding. Therefore, whilst common preferences have been shaped based on shared interests, the process of managing implementation transforms into political

cooperation between different territorial levels towards common outcomes and shared results.

In relation to local government's influence in international policy frameworks, the upstream information flow is the core as it ensures the spontaneous activation of both processes of thick learning at the international and local levels. Two types of information are particularly important that travel from the local level bottom-up: local interest and international policy misfit. Information on local interest can facilitate IGOs to identify the real problems localities are facing and the genuine concurrent needs of local communities. It also helps to clarify the background scene, that is, the local circumstances, in which international policies will be complied. Based on such information, IGOs are able to readjust priorities on their political agenda so as to meet the most urgent needs of the localities. Instruments can be selected upon thorough consideration by taking account of any potential obstacles with a well presented local context. The information flow on local interest mainly connects to the policy making process, which provides important knowledge base for IGOs to reshape their policy framework at the early stage. On the other side, information on international policy misfit should return to IGOs as a feedback loop during the implementation process. It primarily refers to the practical incapacity of specific international instruments in the local context. Policy misfit may occur due to a variety of reasons, such as the ambiguousness of the instrument, cost-inefficiency of implementing activities, and incapacity of local authorities, etc. Information based on empirical reflection allows IGOs to reflect on periodic results and spontaneously readjust the instrument for its feasibility of future local practices.

The transformation of political preferences, in other words, the process of thick learning needs to pass through three phases: exchange information, negotiation, and education. Phase one only involves basic level of communication which mainly aims at informing the other party of different approaches and indentifying the disparity between them. Phase two requires more intensive interaction that both parties need to work closely to build up common political preferences based on shared value and mutual interests. The negotiation process can be problematic due to lack of support of the party at a relative subordinate status or scarce of resources to ensure a sufficient level of communication. Phase three is a self-reflection process during which all parties concerned readjust their policy settings

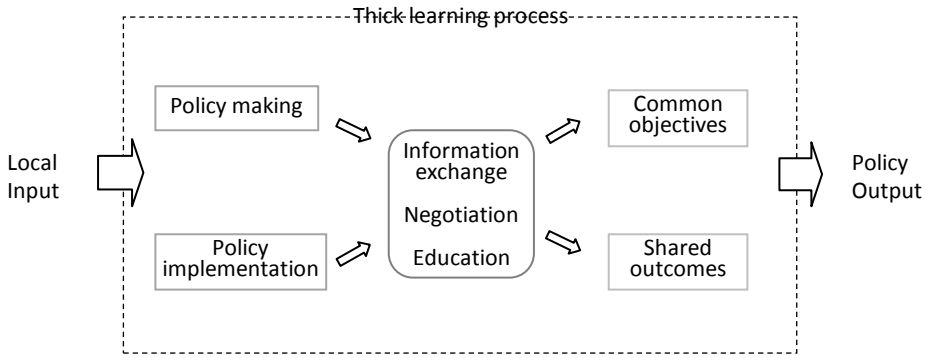
and political agenda in accordance with the agreed common preferences wherever necessary and cooperate towards share results. These three phases altogether form an ongoing cycle which reflects a continuous developing process of international policy framework. Empirical evidence shows the CoE has successfully achieved the phase one through the communication channel provided by its unique institutional setting (Chapter 5). The CLRAE has played a significant role in facilitating effective information exchange between the local and international levels. However, there appear to be serious institutional issues which have prevented the common political preferences to be shaped through further negotiation. The undervaluation of local government's potential value in international policy framework directly causes the implementation failure, which also leads to a problematic phase three of the final transformation (Chapter 6 and 7).

Therefore, reflecting on the thick learning process, an alternative approach can be proposed to clear the myths of the black box in policy cycle and prevent the mismatch between local authorities' input and international policy output, as answering to the question raised in chapter 7. Empirical evidence from the CoE practice shows that the internal bureaucratic negotiation failure and external information exchange barrier are the main causes that prevent the system from functioning as it is supposed to be. The interaction between local and international levels is problematic because such communication channel has not been utilized to the full functioning mode and dialogues have been terminated at certain intermediate stages for various reasons. The thick learning process, which primarily depends on effective interaction and communication between local authorities and international actors, hence becomes of great importance in controlling and monitoring the outcome of international policies (see Diagram 8.2).

The process that connecting local government's input towards the common policy objectives needs to place particular emphasis on interactions and communications between local and international levels. The three phases of interaction forms a continuous upward spiralling process which leads to the transformation of political preferences of parties concerned. Divergent perspectives and differentiated political priorities are gradually integrated towards common goals during the ongoing development of shared understanding. Whilst common objectives are agreed through information exchange and negotiation, the subsequent reshaping of both parties' political behaviour will take place to

complete the learning process. IGOs need to readjust their policy priority to meet the concurrent local demands and select the instrument that best suits the circumstances in localities. Authorities at local level hence can be motivated to manage implementation towards shared objectives whereas international policies *de facto* tackle the real problems in localities and practically effective. In this regard, international policy making is a process of co-production which involves not only IGOs' but also local authorities' contribution. Such collaboration is essential as it prevents local resistance in the case of unwanted international policy proposals and provides rational incentives to complement the absence of effective enforcement measure. Based on co-produced policy decisions, managing implementation requires input from all parties concerned during which continuous monitoring feedback flows upwards to the steering of the policy where strategies can be adjusted to reassure the shared outcome to be achieved.

Diagram 8.2 The process of thick learning



In summary, the added value of intensive local involvement in the international policy cycle is that it triggers the transformation process towards common political preferences based on shared value and mutual interests of parties concerned. The role of local government should not be understood as simply implementing the international policies but also influencing the steering and reshaping of the policy frameworks. The thick learning process that contributes greatly to international policy implementation can be achieved

through direct interaction and effective communication between international and local levels. Common objectives are generated through the co-production process and international policy implementation is managed as collaboration towards common outcomes and shared results.

4 Shaping Common Political Preferences – the Role of ISAIs

Given that interaction and communication between international and local levels have a distinct value in shaping common political preferences, it is important for IGOs to provide an effective channel to ensure the free flow of information. This requires a well-established institutional setting that is simultaneous an open platform for actors concerned to contribute and collect essential information, and a dominant player to control and monitor the interaction process towards common goals. The International Subnational-Authorities Institutions (ISAIs) are designated with such functions which are based on their special status within the intergovernmental organizations and their close relations with local and regional authorities. ISAIs, which situate at the international level yet represent localities' interest, have great potential to bridge these two territorial levels over shared value and common goals. Empirical evidence such as the CLRAE of the CoE demonstrates the positive outcomes of international policies are largely based on co-produced policy making process (Chapter 5). The case of the CoR, likewise, indicates the necessity of local involvement at international level which made considerable contributions to the EU's regional policies (Chapter 7). While these achievements may be considered as circumstantial, it is necessary to analyze the role of ISAIs systematically in relation to the broader context of the multi-level governance framework.

With its special functions that link to actors at different territorial levels, the ISAI plays different roles regarding to the specific context it situates in and the representation of particular interests it associates with. For this reason, ISAIs simultaneously function within the context of type I and type II multi-level governance frameworks. With the status of international institution, the ISAI interacts and communicates with local authorities on behalf of the IGO it belongs to. This is where it performs as an open platform for information to flow freely upwards and downwards. Effective communication across

territorial levels strengthens the relations between tiers of the type I MLG. On the other hand, within the intergovernmental organization, the ISAI presents as the delegate of local authorities and acts in favour of localities' interest. The role of ISAIs hence transforms as representing a specific interest group at international level in which case the type II MLG relations are formulated. To fully perform its designated functions, the ISAI needs to associate its dual-role with different context so as to achieve its institutional value.

The role of ISAI played in different type of multi-level governance frameworks generates specific values in accordance with the broader context. Type I MLG emphasizes the clearly defined institutional structure with limited number of jurisdictions whereas type II MLG describes task-specific, overlapping jurisdiction with flexible governing arrangements. As Piattoni (2010) identified, the features that differentiate type I and type II multi-level governance can be formulated in accordance with Scharpf's (1988:239) argument on "optimal scale of government", that,

> "The same logic of effectiveness would justify enlarging the scale of government whenever the achievement of goals, or the degree against threat, would be aided by the larger action space and resources of larger units. The countervailing logic of democratic legitimacy, however, would favours smaller units of government in which a greater homogeneity of preferences would allow collective choices to approximate aggregate individual choices."

Type I MLG creates effective governance arrangement by limiting the number of jurisdictions and managing through a hierarchical authority structure, where the coordination cost are minimized. In contrast, type II MLG features task-driven jurisdictions with low barriers to entry and exist which "create a market for the production and consumption of a public good" (Hooghe and Marks 2003:240). Its problem-solving desire requires collective decision making by taking into account the demands of all parties concerned.

While the ISAI undertakes intermediate role to communicate directly with local authorities on behalf of the IGO, it clearly strengthens the hierarchical authority structure under the type I MLG arrangements. The vertical governmental tiers are limited and unnecessary coordination cost is reduced to a minimum level. Information travels directly between the

international level and local authorities via the platform provided by the ISAIs. Sufficient feeds on local demands and practical obstacles allow the policy framework to be adjusted to ensure the effectiveness of the policy regime (Pan 2012b). Decisions are made through negotiations and agreements where the trans-territorial externalities of the policies can be considered and handled with the facilitation of ISAIs (Piattoni 2010). Bureaucratic inefficiency can be avoided by reducing the courses of administration and institutional barriers. Transparency and accessibility of international policy making enhance the local understanding and learning process which contribute to the transformation of common political preferences between local authorities and international actors. Under the type I MLG arrangement, the ISAI have distinct value for IGOs as it bridges over territorial levels and facilitates effective interactions with its local alliance, which is crucial for the improvement of international policy outcomes.

On the other hand, the role that ISAIs play within the intergovernmental organizations has an alternated focus under the type II MLG arrangement. It, instead, represents the interests of local and regional authorities while confronting with legislative bodies within the IGOs. To certain extent, the representation by ISAIs at international level strengthens the democratic legitimacy of international policies. The way that ISAI represents local interest features the activities that interest groups seek to influence higher level policy outcomes. ISAIs undertake such roles by providing consultative opinions and recommendations during the decision making process. Its particular institutional status ensures local demands directly reach the steering of international policy where community interests are taken into consideration as an essential part of common public goods. Negotiating for local interests also constitutes one of the key institutional functions of the ISAI as during the process of which international political preferences have been reshaped towards common objectives. The democratic value of ISAIs is significant because it not only reassures the legitimacy and authority of IGOs within the multi-level governance framework but also builds up strong normative basis for local compliance of international policy regimes.

Take into consideration of the dual-function that ISAIs have under different context, the extent that ISAIs achieve their institutional value is of great importance for IGOs. In empirical terms, ISAIs have usually been given marginalized status within the organizations, as it is the case for the CLRAE in the Council of Europe and the CoR in the

European Union. Hence it is necessary for IGOs to adopt strategic adjustments in relation to the functions and performance of the ISAIs. Ensuring effective interactions and communications between international and local levels is essential for the ISAI to achieve its institutional value as double representation, whereas common political preferences can be shaped with ISAIs' monitoring and facilitation.

5 Contributions and Implications of the Research

This thesis has explored the role of local government in shaping and interpreting international policy frameworks. Special emphasis has been given to the capacity of local government to influence intergovernmental organizations during the formulation and implementation of their instruments and policies. It has provided empirical insights into the decision making and implementation of international policy regimes, particularly within the European context, and contributed to the broader theoretical understanding of these regimes through the development of multi-level governance as a framework of analysis. More specifically, the contribution of this research is mainly reflected on the theoretical development of multi-level governance and its empirical implications for IGOs as follows.

At the theoretical level, this research has developed multi-level governance with special focus on the role of local government in relation to its influence on international policy frameworks. The role of local government has been largely neglected in the existing researches on multi-level governance theorization, due to which its influence on international policy frameworks is usually undermined. For this reason, this research has specially focused on local government and its upstream influence under the multi-level governance arrangements. Based on the CoE practice, the research demonstrated that local government can be influential in terms of shaping and contributing to the international policy making and implementation process. It also suggested that the role of local government should not be underestimated since it has great potential in influencing the effectiveness of international policy outcomes as other key actors within the multi-level governance framework.

This research has specifically explored the upstream link between local government and international actors under the multi-level governance arrangements. It clarified the nature of relations between local and international levels and elaborated this upstream influence that is crucial to understand how local government functions and interacts with other key actors in multi-level governance. It also identified the distinct value of local government in relations to its contribution to the international policy making and implementation which has normally been underestimated in researches of this area. As the basis of utilization of local government's unique value, the clarification of upstream link between local government and international actors contributes to the theoretical development of multi-level governance by advancing the understanding of relations between these two levels and hence draws empirical implications for IGOs to improve their policy outcomes.

Moreover, this research argued that multi-level governance reflects not simply the redistribution of power resources among various actors, but also the process of reshaping understanding and preferences through thick learning between actors at different territorial levels. It emphasized the significance of thick learning process between local government and international actors in particular. Direct communication that ensures free information flow is the core of such process since it allows international policy priorities to be reshaped in accordance with genuine community interests and local demands, and spontaneously ensures advanced international values and standards can be built into local political system and influence the local preferences towards the common policy outcomes. Thick learning process hence need to be considered as an important feature of multi-level governance and has significant implications for the improvement of international policy outcomes.

Furthermore, the research has developed multi-level governance theorization by extending its usual application of the European Union to the pan-European political context, that is, the political framework shaped by the Council of Europe. There are two significant implications of this extended application. On the one hand, by developing multi-level governance theory beyond its conventional home of the EU, it offered the opportunity to test its principles in an environment where there is less awareness of the IGO and also less direct coercion from it. Hence, the research was able to develop insights and adaptations to the multi-level governance framework which are not apparent when focused

exclusively on the EU. On the other hand, the detailed case study of the CoE has offered additional value to understand the role of local government in multi-level governance since it has built in such influence into its institutional structure. It allowed this research to contribute to multi-level governance theorization with intensive empirical evidences and more general application.

Based upon multi-level governance as the framework of analysis, and the empirical evidences of the case of the Council of Europe, this research have drawn empirical implications for IGOs in improving their international policy outcomes and for the development of the role of International Subnational-Authority Institutions.

The research has explored the unique value of local government in international policy frameworks and suggested the significance of normative approach for IGOs to achieve the successfulness of policy outcomes. Normative approach emphasizes the value of advanced international norms and principles which is essential for IGOs to develop persuasive incentives to encourage local government's engagement in international policy processes and influence local political activities towards international standard. It also stresses the importance of effective communication between local government and IGOs as it is crucial for both parties to develop the common political goals based on shared interests and mutual understanding. The formulation of common political preferences through the process of thick learning hence has significant implications for IGOs to ensure effective policy implementation at the local level.

Empirical implications have also been drawn particularly for ISAIs in terms of their important role in ensuring the formulation of common political preferences between local and international levels so as to achieve successful policy outcomes. This research argued that the role of ISAIs can be transformed and interchangeable under different types of multi-level governance arrangements. On the one hand, ISAIs need to ensure effective communications between international and local levels and their relations with other key actors are shaped in accordance with the type I multi-level governance arrangement. On the other hand, these institutions represent local authorities within the intergovernmental organizations and undertake the role of safeguarding local interests, which functions in the way that resembles interests groups under type II multi-level governance arrangement. This suggests the significance of ISAIs and their potential in shaping common political

preferences between international and local levels that is essential for the improvement of international policy outcomes.

Despite the above theoretical contributions to the development of multi-level governance and empirical implications for IGOs, it is also noted there is still scope for further development in the future research. Firstly, the thesis has explored the significance of shaping common political preferences through thick learning, however, the process of how local preferences transformation can take place is yet need to be explored in detail. Intensive country-based studies can be particularly useful for the clarification of thick learning process at localities and the way in which it influences local government's performance in international policy implementation. Secondly, the empirical investigation of this research was conducted in the pan-European context which extends the conventional application of multi-level governance. Whereas empirical evidence in the European context has provided rich empirical data for the development of multi-level governance theory, it is still necessary to investigate further in a completely different political context which can contribute to the general application of multi-level governance in a wider scope. Finally, while it has been outside the remit of this thesis, any future research on local government in the European context will inevitably have to take into consideration the implications of the austerity programmes that have gripped nations since the onset of the financial crisis in 2008. Among other developments, this has witnessed a decline in public expenditure and has led to discussions and debate about the role of government at the local, national and supranational level.

Appendices

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Research on the Role of Local Authorities in the Council of Europe

Dear Congress members:

This research aims at analysing the influence of local authorities on policymaking and policy implementation at the European level. The following survey includes 7 questions which could offer valuable input to this research based on your expertise and experiences. Your contribution is greatly appreciated if you would take a few seconds to complete the survey. Thank you very much for your support and I look forward for your response.

1) Where are you from?

Country: _____ Local Authority: _____

2) Are you an elected official or appointed official?

- elected
- appointed

3) What do you think is the main purpose(s) for representatives of local authorities to meet in the Council of Europe? *[please mark all that apply]*

- knowing new policies of the Council of Europe
- report recent achievements of my local authority or local authorities in my country
- raise any issue I think should be considered at European level
- an opportunity to meet with colleagues working in other local authorities
- not quite sure

4) Whose interests do you think you mainly represent?

- the local authority I work for
- local authorities in my country
- local authorities similar to my own
- all local authorities in Europe

5) Do you find that getting your voice heard in the Council of Europe:

• easy • manageable • difficult • impossible • not necessary

6) Do you think policies from the European level normally meet with your local policy priorities?

• always • sometimes • rarely • not at all • never think about this

7) How do you feel about the platform provided by the Congress to meet and express your concerns at the European level? *[please mark all that apply]*

• effective • ineffective • useful • not useful • or: _____

Thank you very much for your contribution. Please return the survey to the information desk where you picked it from. If you have any other comments, please write overleaf. Further interest about the research, please feel free to contact me or leave your email below:

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Doctoral Research: *The Role of Local Government in Shaping and Implementing International Frameworks for Good Governance*

Jing Pan, De Montfort University, UK

Research Summary

Research Purpose

The purpose of this research is to analyse the role of local government in shaping and implementing international frameworks, specifically the policy regime of good governance and anticorruption of the Council of Europe. The capacity of local government to share the meta-steering role within the multi-level governance context is explored in the Greater European setting. The Council of Europe is used as a case study for investigating the capacity of local government to shape and interpret policy frameworks, with special attention being given to the extent to which the Council implicitly or explicitly takes local government into account when designing or implementing policies. The research focuses on the Council's good governance and anticorruption policies, through which the potential channel for local authorities to influence the international frameworks is explored and evaluated. The findings of this research are expected to make contribution to the policy making and policy implementation of international frameworks at local level, within the European context in particular.

Interview Contents

The interview will mainly cover the following five dimensions: a) capacity building for local authorities to be involved in the Council's policy making and implementation process; b) access provided for local authorities to participate at the supranational level; c) evaluation for the local authority participation; d) interaction between different committees within the

CoE regarding good governance policy at local level; and e) availability for local authorities to share the steering role with the national government in the multi-level governance framework.

Code of Conduct

The interview will be conducted strictly following the instructions of the *Social Research Association' s Ethical Guidelines* (www.the-sra.org.uk/ethical.htm) and the *Market Research Society' s Code of Conduct* (www.mrs.org.uk/standards/codeconduct.htm). Every attempt will be made to respect the respondents' confidentiality and protect their interests both during and after the interview. In accord with these codes of conduct, the Consent Form is also provided for your information. This form will be signed and collected during the interview with your agreement.

About the Researcher

This project is part of the doctorate research programme conducted by Miss Jing Pan from the Local Governance research Unit, the Department of Public Policy, De Montfort University (UK). Previously, she had her first degree in International Legal Studies in the China University of Political Science and Law (Beijing), and the LL.M. in European Legal Studies in the University of Durham (UK). Her research expertise focuses on public administration, good governance, local governance, international organizations, European legal studies and international business law.

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INTERVIEW CONSENT FORM

The Role of Local Authorities in Shaping and Implementing International Frameworks for Good Governance

This interview is part of the doctoral research programme of the Local Governance Research Unit, Department of Public Policy, at the De Montfort University (UK). The research aims at examining the role of local authorities in shaping and implementing the international policy frameworks for good governance. The information gained in this interview will be used, alongside other sources of data, to explore the extent to which local authorities have been and should be involved in the international decision making and implementation process. The information will be used exclusively for the purpose of academic research, as the empirical basis of the PhD thesis as well as academic articles or conference papers.

Each interview will be recorded (subject to consent) and a summary of the discussion will be made based on the notes taken during or immediately after the interview. A written form of the transcription will be provided to the interviewees upon request. The record of the interview will be destroyed after the completion of the thesis. If any information obtained from the interview will appear in a publication, interviewee will be able to review the edited use of quotations and associated commentary before publishing.

All interviews will be treated in the strictest confidence. Information will not be passed on between interviewees or to any third party. In publishing findings from the research, every attempt will be made to ensure the anonymity of respondents.

CONSENT:

I consent to be interviewed as part of this project and for my responses to be recorded and used in accordance with the framework set out above.

Name: _____

Signature: _____

Date: _____

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