

**Tracing the Regional Voice: Evaluating the
Effectiveness of Routes for Multilevel Policy-Making**

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In a comparative study of different regions within the framework of the European Union, an in-depth examination of the ways in which these regions pursue their interests at varying levels of governance becomes essential. As the power and influence of the EU increases at the regional, national and supranational level, it becomes more important to evaluate the effectiveness of multi-level governance in addressing the varied interests involved. Providing a clear picture of why regional actors elect one path over another – choosing national policy-making channels instead of supranational ones or vice versa, for example – aids in a better understanding of a much greater issue: the European Union's effectiveness in voicing the interests of the citizenry.

The study described in this paper is an example of such an examination of subnational policy-making options across regions in Europe. By explaining the routes a region takes to influence the policy-making process, one can gauge the effectiveness of different approaches. This crucial relationship, in an ideal world, would be one in which the EU existed in a system of multi-level governance: a Europe of the regions, where each regional voice on the European stage would have its interests equally gauged against all others under the watchful democratic eye of the Union.

However, reality is very different. Some claim that the European Union suffers from a “democratic deficit.” Despite the opinions of many who believe that a system of multi-level governance is possible and likely in Europe, the current state of the EU – in which all official bodies are composed of state-appointed representatives and regions lack formal legislative power – seems to point in the opposite direction. This raises questions as to the direction Europe is headed in. Will it one day become a Europe of the regions, or simply a Europe with distinct regions?

This study aims to tackle these complex issues by analyzing how vocal regions currently go about exerting political influence in the post-Maastricht treaty era; the paths they choose in turn reflect the institutional channels and the level of confidence regional governments have in a multi-level governmental structure. By examining two cases with exceptional individuality – Bavaria in Germany and Catalonia in Spain – this research paper will attempt to gauge how regions approach multi-level governance in the context of an increasingly influential European Union. In doing so, one can begin to piece together the puzzle of the extent to which a “Europe of Regions” exists.

The key research question posed by this study is: how do different levels of regional political autonomy affect the utilization of a multi-level governance system? This question is important because it examines the competence and legitimacy of the European Union in the eyes of the member communities. In studying this puzzle, a policy issue that was important to both regions was chosen in order gauge how the same concept is dealt with in the different cases. Immigration law at the supranational level is in development at the moment, and states’ individual policies remain intergovernmental (Hooghe and Marks, 2001: 23). An investigation of how this issue is approached in a multi-level governance structure is revealing of the possibilities of influencing legislation from within different federalist contexts.

Literature Review

The current debate on multi-level governance represents a divergence from the traditional, state centric approach that focused on the nation-state as the only significant actor at the EU level. The multi-level governance approach considers the interaction between various levels of government, characterized by overlapping competencies, as an integral part of the policy-making process in the European Union (Marks et al., 1996: 41). While most scholars

currently acknowledge the presence of diverse actors at the EU level, the debate has evolved to focus more specifically on the extent to which multi-level governance exists, and how much the traditional state centrist approach to European politics must actually be altered. Does multi-level governance have the same meaning across and within nations, and, if not, why?

Hooghe and Marks (2001) explore the different avenues of sub-national representation at the EU level. While they support the idea of the national government as both a gatekeeper to the EU and as the most important and effective arena for the sub-national level to influence policy, they argue that this role is less dominant than in previous years. Sub-national governments, due to efforts by both the EU and the regions, are no longer nested exclusively within the nation states, a transformation that has not been completely equal across regions. Hooghe and Marks outline the limitations of institutional channels such as the Committee of Regions, regional offices in Brussels, and transnational networks. They contend that multi-level governance is altering the European political stage but not directly challenging the sovereignty of states. Their conclusion on the existence of varying channels and degrees of multi-level governance provides the foundation for this research investigation.

Keating and Hooghe (1996) come to similar conclusions that the European Union has opened up a new arena for regions' political concerns to be expressed through various means. The avenues of influence through the national government vary in function and effectiveness depending on the political institutional structure and partisan links within the country. This paper will investigate the former. While direct regional action at the EU level is increasingly common, Keating and Hooghe conclude that the nation state remains the key policy actor at the EU level.

Borzel (2001) further explores the use of extra-state channels and discusses the transformation of the state that has resulted from the emergence of multi-level governance. Agreeing with most scholars, Borzel asserts that Europeanization affects regions differently and has transformed existing political relationships within the nation state. The extent of this transformation depends on the “goodness of fit” between EU directives and domestic institutions. What Borzel classifies as a situation of “institutional misfit” creates challenges such as the “say and pay” conflict in which regions are increasingly accountable for the costs of implementing EU directives without corresponding influence in the decision-making process. According to Borzel, the way regions attempt to resolve this power distribution disparity is based on the institutional culture, namely what is deemed appropriate paths of action in that nation-state of which they are a part. The main distinction she makes addresses relations between regions and political culture, which she classifies as either cooperative or combative forms of federalism. While interesting, these dynamics are beyond the scope of this study. The main difference between our argument and that of Borzel is that she focuses on institutional culture, while we explore the effects of institutional structure.

Anderson takes a slightly more pessimistic view on the existence of multi-level governance. He argues that regions are still embedded in domestic policy networks as they have always been, and they can respond to EU initiatives in this way. In most cases, he argues that national power has increased vis-à-vis the regions as a result of European integration, and, thus, the regions view the EU as only another institutional constraint on their competencies in many cases. In this investigation, we found evidence of regional action outside these domestic policy networks, contradicting Anderson’s argument. This paper seeks to explain this difference.

Finally, Marks, et al. (1996) examine the role of regional actors at the EU level. Their work offers five hypotheses as to why certain regions have regional offices in Brussels. This differs from our research question, as we are looking at the behavior of representation, rather than just presence in the dependent variable. These hypotheses fall under two main headings: resources and political relationships. The resource hypotheses are classified as either push, or pull, which are both discounted by their study. We also attempted to control for the resource variable by choosing two regions that lack constraints on available resources to a great extent and do not receive structural funds. Marks, et al. classify political relationships into two independent variables: political autonomy, which links the representation of a region to its political competencies, and regional distinctiveness, which refers to the friction between the regions and the central government that drive regional mobilization at the EU level. Both were found to have a direct effect on the level of regional representation. Marks, et al. conclude that regional mobilization results from “overlapping competencies, tensions, and conflicts between levels of government.” These differences and friction cause regions to utilize whatever channels or “cracks” they can, which they argue has resulted in the creation of a Europe with differing regions. In our study we concentrate on the first independent variable, political autonomy.

Main Argument

We argue that a region’s level of political autonomy affects its utilization of the multi-level governance system. Specifically, we contend that greater regional political autonomy leads to a focus of regional efforts at the national level. In contrast, regions with less political autonomy will re-route their focus to the supranational and regional levels.

The dependent variable of this study is regional utilization of the multi-level governance system. This refers to the patterns of behavior employed by a region in order to pursue its

regional policy interests across levels of government. These patterns vary depending on the tendencies of regional governments to place emphasis on certain channels of influence. That is, a region may choose to stress networking with other regions in other states, develop competencies already held by the region, focus efforts at the national level, or bypass these levels to work directly on the supranational stage. We have identified a variety of indicators in order to examine the channels a region uses within the policy-making process: the presence and duties of regional offices in Brussels¹, evidence in policy of the effectiveness of a region in attaining its interests through the national government, and the region's use either regional or supranational channels to promote its interests without approaching the state. In combination, these indicators reveal patterns in regional behavior.

Our independent variable is that of regional political autonomy, defined as a region's scope of competencies and the channels it has to exert influence at the national level. This varies according to the level of decentralization present in a given state. The operationalization is mainly based on an observation of the political structure in each case. In order to give a more concrete measure, we refer to the index used by Marks, et al. that assigns values for the level of federalism within the state, in addition to quantifying the role of the region in the central government (Marks et al, 1996: 51). The reliability of this indicator is supported by the use of this index by multiple scholars.²

Methods

The case studies of Bavaria and Catalonia fit the variable parameters outlined above and serve as valid comparisons for a number of reasons. The two cases are regions in federalist states that use different channels within the multi-level governance system. Bavaria and Catalonia are both distinct regions within their respective states that have distinct policy objectives which they

attempt to actualize at different levels of government. The political-institutional structures of Germany and Spain differ, placing each of these regions in a different context for influencing policy. This creates an opportunity for examination of the paths each region takes to actualize its policies.

The different policy approaches can be isolated because of regional similarities such as regional distinctiveness, economic wealth, and physical location. The historic and linguistic characteristics of these two regions make them distinct from the rest of their countries. This regional distinctiveness allows us to study cases where regional policy objectives may differ from general national policy objectives.

In this study we examine the issue of immigration in order to illustrate the channels used by each of these regions within the multi-level governance system. The location of Bavaria and Catalonia on the periphery of the European Union makes this a salient issue in both cases.

To determine the policy actualizing paths taken by each of these regions, we conducted a variety of interviews including academics in each of the regions, policy researchers, policy makers, regional representation offices active at the EU level, and immigration specialists. We also used secondary research to complement our findings.

Catalonia

The issue of regional political autonomy has long been of vital importance to both Catalonia and Spain as a whole. The relationship and power struggle between the two, has been evolving for centuries, and continues to evolve today in the context of multi-level governance in the European Union. In the late nineteenth and early twentieth centuries Catalonia gained regional autonomy within Spain. These gains were to be short-lived; the dictatorship of Franco

from 1939-1975 restricted any real regional autonomy, and attempted to suppress all expression of unique culture and language across Spain (Generalitat de Catalunya).

After Franco's death, in attempting to write the Spanish Constitution and establish a viable Spanish democracy, the question of regional autonomy was at the center of debate. The semi-federal system came out of a compromise that took into account many factors unique to the time and place in which the Constitution was being written. Catalonia was granted the right to limited self-governance, but only within the context of simultaneous integration within Spain (Gibbons, 1999: 16-17).

Level of Regional Political Autonomy of Catalonia within the Spanish State:

While still characterized as decentralized, the Spanish system provides regions with a low level of regional political autonomy compared with more federalized systems such as the German one.³ Spanish regions' scope of competencies is limited and significant political decisions are made at the central level in Madrid. Catalonia's competencies include education, culture, and other social services and administrative duties, none of which grant regions notable political autonomy outside of the central system (Morata 1993). The legal provision that assigns competencies based on shared, concurrent, and exclusive powers is very ambiguous, and has resulted in numerous conflicts between political levels in the Spanish Constitutional Court. Spanish autonomous communities have become increasingly responsible for the bulk of implementing both national and EU legislation, but lack the ability to influence policymaking (Aragall, 14.05.02).

Regions have few institutionalized channels through which to advocate their unique interests at the national level, and those that they do have are largely ineffective and symbolic. One of these is the upper chamber – the Senate - which is intended to represent regional interests

but is clearly dominated by national parties (Cendón, 1999). Additionally, sectoral conferences bring together regional leaders to voice their interests, but occur infrequently and are purely informational. In the international arena, the Spanish constitution clearly describes the state as sovereign in the area of international relations. Spain has used this provision to justify its refusal to provide an institutionalized means for regional representation within the EU (Gibbons, 1999). Just as Marks, et al. predict, these strained political relationships have intensified regions' incentives to pursue alternative avenues of representation or "exploit the cracks" of multi-level governance (1996).

Catalonia's Use of the Multi-level Governance System:

The "institutional misfit" between Catalonia and the central state has caused Catalonia and other regions to mobilize on multiple levels (Borzel, 2001). Lobbying at the EU level is a political strategy many regions implement to increase their representation with regards to relevant EU policy. The annual Interministerial Conference on European Affairs is held to coordinate regional and national interests on EU issues, but serves only advisory and informational functions. There is also a provision that allows a regional committee to send an "observer" and "extra observer" to the European Community's committees and working groups to represent regional interests, but like many others the state has employed, this effort to increase representation is also largely symbolic (Morata, 1995: 121).

Due to the extremely limited level of representation of regions within these channels, they largely pursue informal means of lobbying at the EU level. The Catalanian delegation in Brussels, the Patronat Català Pro Europa, is a public consortium lobbying group dedicated to integrating Catalonia's interests into the European agenda. In addition to the Pro Europa office, the Catalan government maintains an office in Brussels to lobby and obtain information at the

EU level. A recent example of Catalonia's attempts to go straight to the EU is the Catalan Convention called by the Generalitat to "promote the participation of the citizens of Catalonia in defining the Europe of the future through specific proposals"(Patronat Català Pro Europa). Another strategy commonly employed by Catalonia, which sees itself as the most "European savvy" region in Spain is the formation of cooperative alliances with other regions with similar interests. Some of these groups include the Four Motors of Europe, the Alliance of Constitutional regions with legislative power, and the transpyrenean Euro-region project, all of which frequently make recommendations and declarations to the EU level, but are extremely limited in influence at the European level (Morata, 1995: 131; Miralles, 13.05.02).

Finally, regions may pursue strategies of attempting to magnify their own regional power. Although this strategy is somewhat abstract, it is used when regions feel the other avenues of governance will not be effective. Regions have been known to pass legislation on matters over which they have no real competencies, but wish to make their difference of opinion from the national stance known. As most scholars acknowledge, these extra-state means are largely ineffective and have resulted in only short-term agreements to more significant, long-term problems of democratic legitimacy.

Immigration Policy:

The path of immigration policy can be looked at to see how Catalonia functions within the multi-level governance system. Spanish law grants most of the competencies related to immigration to the national government, as is the case in most nations. The competencies of the Spanish state revolve around entrance policies, which include border controls, work permits, and visas⁴ (Institut Català de la Mediterrània, 2001: 5; Torres, 2000: 12). Catalonia, along with the other regions, has policy competency only in areas relating to integration, including health, social

services, labor market, education, culture, housing and urbanism (Institut Català de la Mediterrània, 2001: 5). This is a prime example of Borzel's "say and pay" conflict (Borzel, 2001); as integration policy bears the brunt of the political, social and material costs of immigration, without any influence over the type or amount of immigration (Moya, 22.05.02).

Catalonia is pushing for an increased competency in the area of immigration because it is a salient issue in the region,⁵ and it has interests that diverge from the Spanish national policy. They drafted their own interdepartmental plan, which differs strongly from the policy of the Spanish government.⁶ While it has little real influence, it is important to note as it shows Catalonia's distinct interests and inability to get them expressed in national policy. In addition to being more open to immigration than the rest of Spain, Catalonia also believes that illegal immigrants have the right to basic social services (Garcia, 21.05.02). This is counter to the goals of the national government, which would prefer a less welcoming environment for illegal immigrants.⁷

The national government has created some channels through which the regions' may voice their opinions on the issue of immigration, such as the Immigration Policy Council and the Forum for the Social Integration of Immigrants. However, these bodies are limited to a consultative and informative position, playing little role in policy development (Institut Català de la Mediterrània, 2001: 8). They have repeatedly lobbied the national government for the right to have offices in other countries, which they would use to distribute work permits before entry into Spain. This was completely refused with the response that such duties are "only the unique responsibility of the federal government (Garcia, 21.05.02)."

As a result of their ineffectiveness at the national level, Catalonia has been forced to turn to other channels to promote its interests on immigration. At the regional level, a Catalan

Secretary for Immigration was created in 2001 in order to refine the region's own interdepartmental approach to immigration and integration. Working to find a better way to attain regional interests on the issue, their main achievement is the Interdepartmental Plan of Catalonia for 2001-2004⁸ (Aragall, 14.05.02). There is a similar plan on the national level, GRECO,⁹ but the Secretariat criticizes this plan as ignoring the region's point of view (Garcia, 21.05.02). This detailed regional plan demonstrates the region's difficulties with national representation, but the actual effectiveness of the office has been questioned (Heichlinger, 22.05.02).

Toughening of EU immigration policy has been a focus of the Spanish presidency, directly showing the lack of influence Catalonia has over policy pursuits of the national government at the EU level. Thus, Catalonia has also made "jumps" directly to the supranational level on immigration, though there is limited evidence of this (most likely a result of the EU's limited competence in this policy area). There was a seminar in Barcelona, co-sponsored by EIPA and the Catalan Institute of the Mediterranean, which attempted to present a perspective on how the region's voices could be integrated into EU policy on immigration (EIPA, 2001). An examination of immigration shows both Catalonia's distinct political identity, and its inability to pursue these interests effectively in the domestic policy process. Thus, it is forced to turn to both subnational and supranational channels of influence.

Bavaria

To begin understanding the German system of governance it is necessary to understand the origins of the institutions that exist today. The influence of the western allies, especially the United States, combined with a desire to repair the weaknesses of the last democratic regime and

move in the opposite direction from the National Socialist Regime, led West Germany to ratify a constitution that established a strongly federal state.

Level of Regional Political Autonomy in Bavaria

Along with the other 15 regions, or Länder, in Germany, Bavaria is constitutionally guaranteed a collection of legislative, executive, financial and judicial competencies. All federal regions have their own regional parliament based on universal suffrage through which to deal with the policy-making responsibilities handed to them (Haibach & Serong, 1999: 74). The federal government has explicit control over legal powers, and federal regions are not allowed to legislate unless a federal law guides them to do so. While the federal government has control over issues of national importance, legislation does occur concurrently between the state and the local government in a number of other policy areas.¹⁰ These concurrent competencies are, but are not limited to, civil law, criminal law, social welfare and labor law (Haibach & Serong, 1999: 76-77). In terms of exclusive control of the federal regions over certain legislation, only topics concerning regional culture are entirely legislated at the regional level.

Alongside this legislative competence, one of the most important tools of the German regions is the use of the Bundesrat, the federal house of parliament consisting of regional representatives. These representatives are responsible for the approval or veto of the majority of legislation proposed by the federal government; so, in actuality, most German legislation cannot be passed by the state without the express approval of the majority of the sub-national governments. This is a vital power of the regions at the national level, for if the federal regions wish to further extend their own competencies, coalitions can be formed within the parliament to push through certain agendas (Haibach & Serong, 1999: 78-79).

Bavaria's Use of the Multi-Level Governance System

The expansion of tasks and competencies at the European Union level has affected the influence of the federal regions in several ways, mostly pertaining to shifts of their policy responsibilities to the supranational level. In response to this and other actions considered by the federal regions to be infringements upon their highly independent nature, every one of the 16 German regions has opened “informational” offices in Brussels, the purpose of which is to serve as listening posts, or emissaries to the EU. They serve the function of gathering information about European Union activities for the regions as well as providing legislative branches in Brussels with valuable information concerning regional standpoints in Germany (Jeffery, 1997: 62-63).

By taking this proactive, albeit observational approach to EU interaction, the German Länder have made themselves known at the EU level quite successfully. The Committee of the Regions itself was started by the Bavarian regional government; in fact, a group of select Länder went so far as to threaten to block the Maastricht treaty within the Bundesrat if implementations like the Committee were not put in place to increase regional influence (Borzel, 2001: 146-148). This resulted in the 1992 amendment to Article 23 of the German Basic Law, stating that regions have the constitutional right to be represented at the EU level through policy-making co-decision between the supranational level and the Bundesrat. So, although Germany has methods to influence the policy-making process at the regional, national and supranational levels, efforts tend to be directed towards the national level (Haibach & Serong, 1999: 92). As Dieter Leiß, assistant to the Bavarian Minister for Federal and European Affairs, summarizes, “our first interest is to influence German policy” (Leiß, 24.5.02).

Immigration Policy:

Once again, immigration can be looked at to trace Bavaria's role in the multi-level governance system. Traditionally, the integration of foreigners, as part of the regions' social and cultural competencies, has been the responsibility of the regions, whereas immigration has been under the jurisdiction of the federal government (Bosswick, 23.05.02). The federal government sets the policies that allow foreigners into Germany and determines how they can attain German citizenship. The current government is interested in bringing more foreigners to Germany to prepare for an anticipated labor shortage (Dettke, 2001: 4-6). The governor of Bavaria, Edmund Stoiber, opposes the national government's plan, stating that Germany and Bavaria cannot afford to expand immigration, that they first need to integrate the foreign nationals currently living in Germany ("Germany in Uproar..." BBC, 2002). Because of Bavaria's opposition to the government's plan and the power of the regions in the Bundesrat, changes will have to be made to incorporate Bavaria's policy objectives.

Bavaria has a history of successfully influencing immigration policy on national and EU levels. It succeeded in having a "transitional measure"¹¹ attached to the Accession Treaty for the expansion of the European Union eastwards. Bavaria identified that the effect of expansion would be particularly strong on the regions bordering the new member states.¹² Bavaria then gathered the support of other border regions within Germany and demanded that a "transitional measure" stipulation be attached to the Treaty (Gerstbrein, 24.05.02). Because all treaties must be approved by both the Bundestag and the Bundesrat, where Bavaria gathered a majority to its cause, it was able to threaten defeat of the Treaty if its demands were not included.

The case of this transitional measure clearly illustrates how Bavaria pushes its policy across the levels of multi-level governance. It identified a policy objective on the regional level, organized support within Germany, used the region's influence in the federal system to shape the

national government's preferences and had its policy objective included in a European Union wide treaty.

Conclusion

In this study we have argued that greater levels of regional political autonomy result in a greater focus on influencing policy on the national level of government, whereas lower political autonomy forces regions to pursue a more intergovernmental approach. Catalonia, as part of a weak federal system, has been forced to pursue their interests on the EU and regional level because the intermediate level of national government is largely ineffective. Meanwhile, Bavaria exists within the context of a strongly federal German state and is able achieve greater representation for its interests on the EU level indirectly through powerful channels to the national level. These cases expand on the research done by Hooghe and Marks by showing how the channels of influence they defined are actually used by the regions within the multi-level government context. These cases also support the hypothesis that the state is still the main player within the different tiers of government.

Due to time restriction this study was limited in its scope and we were unable to incorporate Borzel's variables of institutional culture and regional distinctiveness into our study on the utilization of multi-level governance. Another variable that we were unable to account for was the influence of regionally based political parties. The change of leadership roles from one political party to another may have an impact on a region's ability and success in influencing different levels of government, and should be studied in future research on this topic. It would also be valuable to explore the way in which non-governmental organizations were utilized by regions as opposed to governmental channels.

As the EU moves forward in the process of drafting a European constitution, our research question regarding regional power within other non-federal state systems will have to take into account the different domestic contexts and political relationships of regions in order to adequately represent their interests.

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Notes

¹ This follows from the work of Hooghe and Marks (2001), who explain that regional representation in Brussels can play two different roles; it can either work to influence policy at the EU level, or simply to gather and transmit information.

² The index used by Marks et al is a "revised and expanded version" of Jan-Erik Lane and Svante Ersson's (1991) index of institutional autonomy. We use the measures for federalism and the strength of the region's role in the federal government, but leave out the third variable of special territorial autonomy within the state, which is unnecessary in our comparison of only two regions. The values used to rank federalism range from zero to four, and those to quantify the role of the regions range from zero to two.

³ The index used by Marks, et al. gives Spain a federalism ranking of 3 and one of 0 for the role of regions in the central governments (Marks, et al., 1996: 51).

⁴ It was not until the 1970's, following the death of Franco and changes in the Spanish economy, the net flow of Spain's migration was reversed; immigrants began arriving in Spain, rather than leaving for the more prosperous countries in Northern Europe. It was not until 1985 Law of Rights and Liberties for Foreigners that the state even began developing an immigration policy. This law, which limited both the rights of immigrants and their number, was too elementary to even mention Spain's current hot issue: illegal immigration. This is one of the major flaws in Spanish immigration policy, though they have attempted to resolve it over time.

⁵ Almost 25% of the immigrant population of Spain lives and works in Catalonia.

⁶ This proposal revolves around issues of employment and the management of illegal immigrants, in general proposing an expansion of the region's competencies in these areas (Source A).

⁷ One weakness of Spanish immigration law is a cycle of what is known as "regularization" which was first put into legislation in 1991. In this process, which has taken place about every four years, illegal inhabitants of Spain (those without residence permits are given legal status (Law Institute 22.05.02). Spain's prime minister, Jose Maria Aznar, believes that Spain's lenient policy is the reason behind the increase in the state's immigration rate. His goal is not only to toughen Spain's immigration policy, but also to work towards a strict policy for the EU as whole (Source B). A new law passed in February 2001 as part of the national government's fight against illegal immigration was met with hostility in Barcelona, where thousands of people marched in protest.

⁸ The first Interdepartmental Plan (PII) was passed by the regional government in 1993. This was the beginning of a coordinated global policy across government agencies regarding the integration of immigrants into Catalanian society. "The PII has the following goals: promoting a global policy of integration for immigrants, establishing and carrying out a series of projects for resources and services aimed at the full personal and social development of immigrants in the national construction of Catalonia, taking into account their contribution to the national and local identity and the collective heritage therein, and promoting information and awareness about immigration and Catalonia among the general population and professionals" (Torres 13).

⁹ The Global Program for the Regularization and Coordination of Foreigners and Immigration (GRECO) was intended to establish an interdepartmental approach to immigrants and integration. Although it supposedly came into force for a four-year period beginning in 2001, it has not been fully implemented. Instead, the focus has lain almost entirely on border controls and police power, with little or no attention being paid to the social aspects of the plan.

¹⁰ The index used by Marks, et al gives Germany a rating of 4 for federalism, and 2 for role in the central government (Marks, et al., 1991, 51).

¹¹ This “transitional measure” stipulates that national governments will be able to apply their own measures with regard to immigration of citizens of new member states for a period after EU eastward expansion. The situation is to be evaluated after two years and again after another three to determine if it still needed. It is not anticipated that the transitional period will be needed after five years, but may continue for a maximum of seven years. When it is determined that the “transitional measure” is no longer needed, the stipulations of the Schengen Treaty will be observed among all member states. (Chapter 2-Freedom of Movements for persons, Commission).

¹²This was based on reports done on the German national level by DIW, German Institute for Economic Research, Berlin and on the Bavarian level by IFO Institute for Economic Research, Munich. (Heike Gerstbrein, 24.05.02).