SCORE

Enclaves inside the State

The Internationalisation of the Swedish public administration

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Abstract

As states are becoming more embedded in complex structures of international and transnational governance tangible effects are being seen in terms of the adjustment of the national administrations coping with international decision making processes. The national adjustment can be seen, not only in terms of formal regulation being made outside the state, which has been the focus of most studies of Europeanization and internationalisation, but also in terms of changed practices among the state actors. This paper focuses on the demands placed on national administrations while participating in international decision making.

The paper defines the concept of enclaves as more theoretically founded and empirically adequate than common concepts of networks and policy communities often used to describe international cooperation. Parts of the national administration become embedded in transnational context and follow the rules and working procedures seen as legitimate there. The closest colleagues are those from other member states and international organisations. At the same time they get partly detached from the national level and become enclaves in the national administration. The paper investigates the case of the Swedish public administration and its participation in negotiations: on climate change (UN), employment policy (EU) and trade facilitation (WTO). A theoretical framework, combining theories of governance with more explanatory theories on decision making, is applied to the three empirical cases. The second aim of the study concerning democratic legitimacy is carried out through a number of indicators derived from the deliberative and the representative models of democracy.

The National Administration and International Regulation

The number of attempts to regulate transnational phenomena such as migration, climate change and acid rain has increased through the processes we most commonly refer to as globalisation and internationalisation (Beck 1998; Held 1999). These rules in the form of binding agreements, conventions or standards are often negotiated and created within various international and European organisations. In these rule-making processes politicians, civil servants from the national level as well as from international organisations take part together with members of NGO's, companies and other actors (Barnett & Finnemore 2004). Theories of governance describe a development as one where state competencies have been dispersed upward to international organisations, downward to sub-national entities, and outward to private organisations (Kettl; 2000; Kooiman 1993; Heclo & Wildawsky 1974; Pierre & Peters 2000). Arguably, this has led to a situation where new demands are placed on states as this type of decision-making contributes to making states fragmented, or divided into different parts that are horizontally co-ordinated rather than governed through traditional hierarchical relations (Pierre & Peters 2000). This article is thus concerned with the upward transfer and examines the adjustment of the national administration, using the empirical case of Sweden. At national level, civil servants at various levels are often core participants and represent their member states in negotiating agreements, and as the national administration is central to a democratic political system, the impacts of internationalization on its organisation needs to be further investigated (Jacobsson, Laegreid & Pedersen 2004; Larue 2006; Trondal & Veggeland 2003). The overarching purpose is to answer the question of how the national administration is organized in order to cope with complex international decision-making process.

Studies of Europeanization[2] tend to look mainly at the impact on various policies in the member states, a growing body of studies have been carried out in the field of how national administrations have been affected so far (Beyers & Dierickx, 1998, Bulmer & Burch 1998 ; Hanf & Soetendorp 1998; Harmsen 1999; Esmark 2008; Kassim et al 2000). And a handful of contributions also focus on the effects on the Swedish public administration more specifically (Britz 2004; Ekengren 1998; Jacobsson 2002; Jacobsson, Laegreid & Pedersen 2004; Larue 2006; Vifell 2002, 2006). This article aims at contributing to this body of literature. However, given that negotiations within the UN-system (United Nations) and the WTO (World Trade Organization) and other such international organizations also contribute to making state administrations embedded in international processes of decision-making, the europeanisation approach seem somewhat narrow, and there are reasons for discussing participation in EU-processes as one type of international complex decision making among others.

Decision-making as rule following

Previous studies of international decision making suggest that viewing states as unitary actors strategically trying to maximise their clearly predefined interests, is a problematic vantage point. What actors want in a particular negotiation is something that is learnt through taking part in the

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[2] The definition of europeanization applied here is one that is commonly used to define internationalisation and could be delineated as: the process which means that communication, transaction and organisation increasingly happens between on the one hand national administrations and on the other hand other member states and European administrative, political and private bodies. (Cf. Hanson, & Stenelo 1990.) This means that adjustment of national political systems, as well as resistance to integration, are to be looked upon as europeanization. This definition also implies that transnational relations may be important to political processes and outcomes. (Risse-Kappen 1995)

process, and not something that is completely prenegotiated and brought in the suitcase to Brussels or Washington (Finnemore 1996; Marcussen & Ronit 2003; O'Riordan & Jäger 1996; Schneider; Gerald & Aspinwall 2001). This notion also sits well with fundamental ideas within the governance theories that generally question such points of departure (Börzel 1998:266). The largely descriptive governance theories mentioned above may fruitfully be combined with such explanatory frameworks linked to features of actors, in order to help grasp what happens in the national administration (Blom-Hansen 1995; Kjaer 2004). Norms and rules of behaviour in the organizational environment can, without formally containing any such regulative powers, determine how the participating organisations act. This happens since institutions supply the organisations with normative scripts on how to act in a given situation. The states' strategies can thus be shaped, limited and expanded due to institutional factors in the international environment in which it resides and where various international organisations play an important role in defining and shaping the reality (Meyer, Boli, Thomas, & Ramirez 1997; Finnemore 1996; Miller 2007). Understanding the international negotiations as complex decision-making processes (March 1994a, b) in general helps characterise them and explain their impact on the national administration. Hence, this article intend to use Marchs' theory on complex decision making as a way to understand the impact of international and European decision making.

In those terms Europeanization or internationalization may be understood as sources of institutional change. Through the study of empirical examples of situations where the national administration acts embedded in international context, it is possible to get an understanding of what types of demands that are seen as important to respond to. Established rules of procedures or informal norms may be conducive to or obstruct mechanisms for democratic accountability or the inclusion of relevant stakeholders. This needs to be ascertained through the study of how decision making processes within international organisations shape the day-to-day practices of national administrations. Through a close study of the Swedish attempts to influence the outcome of international decision making processes, the demands on how to act and work are mapped out. The following section introduces the empirical material and methods for data collection before moving on to the results.

The Swedish Case

Three case studies of international decision-making or rule-making processes where the Swedish public administration took part were undertaken (Jacobsson & Vifell 2005, 2007a, b; Vifell 2002; 2006). Specifically, the studies concerned 1) The negotiations that preceded the signing of the Kyoto protocol within the UN convention on climate change, 2) the new guide-lines for the European Employment Strategy (EES) and 3) WTO-negotiations on trade facilitation. The climate change negotiations were studied during the negotiations leading up to the signing of the so-called Marrakesh accords in 2002. That agreement provided the Kyotoprotocol with substantial targets and made it ready for ratification and concerns limiting the emissions of six green house gases (Gupta & Grubb 2000; Jordan 2002; Vifell 2006). It is also the first environmental convention to be attached to a system of sanctions. The EES was launched during the late 90's as a tool to help member states improve the performance of employment policies. As part of the open method of co-ordination it builds on guidelines agreed upon in the council (De la Porte & Pochet 2002; Jacobsson 2004). The studied process was one of writing new guidelines to be agreed upon during 2003. The guidelines are voluntary for the member states to abide to. Nevertheless, participating in peer review and monitoring of national action plans in relation to the implementation of the guidelines is compulsory. Finally, negotiations on trade facilitation were studied during the Doha round launched in 2001. The studied negotiations took place during 2005 up until the Hong Kong-ministerial in December the same year. Trade facilitation relates to barriers to trade that are not tariffs or quotas but instead concern

procedures related to information flows, customs procedures or the publication of trade rules. The issue was negotiated in the committee for trade facilitation within the WTO. The case studies were chosen to represent examples of international decision-making processes. They include both hard and soft law-measures, technically complicated issues and issues closely related to core values of the welfare state. They also vary as regards to whether they are handled at the EU level or at a global level. Having said that, it is also important to point out that, although the focus is on decision-making processes, it is not a contribution to the debate on how efficient different member states are in influencing international decisions. By studying participation in decision making processes it is possible to understand how member states are shaped when trying to influence decisions. The national administrations act in response to the way the decision-making processes are perceived and may significantly adjust their behaviour to fit into the international context. Using Sweden as an example gives an illustration to the situation facing modern democracies in Europe today and gives indications as to what we may expect in other EU-member states acting under similar conditions.

By means of semi structured in-dept interviews and participant observations a thick description of the Swedish representatives' behaviour was attained. The interviewees were civil servants and politicians at national level involved in the studied processes. This meant for example members of the national parliament, civil servants within the ministries of Environment, Foreign Affairs, Industry Employment and Communication and Finance, and within executive agencies such as the National Labour Market Board, The National Board for Development Cooperation, The National Board of Trade and The Environmental Protection Agency. Also local actors such as the Swedish association for regions and municipalities and non public organizations such as the social partner organizations, the Swedish society for nature conservation and other NGOs were included. In addition, persons working in the international or EU-organisations with an overview of the processes were interviewed. These were mainly civil servants form the European commission, the WTO-secretariat, and representatives from NGOs and other member states. The goal was to understand – through the interviewees' own descriptions of their actual doings (what did they do, in what way and with whom?) – what shaped the organization of activities in the international environment. This meant having them describe the situation they participated in and the rules – both formal and informal, they believed important to abide to. Altogether approximately 75 interviews were conducted and transcribed. The respondents subsequently had a chance to read the empirical descriptions and confirm the content. The observations complementing the interviews were done during national co-ordination, EU-coordination, international negotiation meetings and during work-shops and side events of such activities. In the WTO-case I was allowed to take part as a member of the Swedish delegation during the EU-coordination as well as the meetings within the negotiating committee in the WTO. This also meant having lunch and dinner with the Swedish delegation as well as taking part in informal contacts during and in relation to meetings. All in all this provided thorough knowledge of the working procedures of the administration in terms of their contacts, routines, habits, perceived demands and competences.

Complex Decisions and National Coordination

The international decision-making processes studied were intense and placed high demands on their participants. In that way they came to shape the every day actions of the national administrations working on the issues and provide these actors with normative frames for correct behaviour and appropriate actions. But let us look more closely at some characteristics of the processes that seemed to contribute more specifically to the organisational form of enclaves that arguably best describe the organisation of the internationalised Swedish administration. The following traits can be found in many studies of international processes, but the empirical data of the Swedish case help categorize the traits of complexity in such a way that their impact on the organization of the administration becomes particularly clear.

First of all in terms of complexity, just like most international decision making, the processes contained much technical information, but even more apparent was the bureaucratic complexity in that the formal proceedings and informal practices were complex, lacked transparency and predictability. In the EES-case the final decision got postponed due to a matter of principal not really relating to the matter at hand, raised by the Parliament. The trade facilitation negotiations were in turn affected by the overshadowing issue of agriculture and in addition certain issues moved between the studied committee and the committee for NAMA (non-agricultural market access) in a not foreseen way. This gave the participants of the processes a specific type of expertise – an administrative one not shared by policy makers and civil servants working on the topic at national level. It is often stressed in the literature on negotiations that it is important to provide scientifically founded arguments and that scientific knowledge and expertise are highly valued resources, but the empirical evidence here suggest that another type of expertise is just as important. Secondly, the processes can be described as *fragmented* in the sense that they contained multiple types of actors notably state representatives such as politicians, civil servants, NGO representatives (the environmental movement in the Kyoto-case, organised interest such as the social partners in the EES-case), lobby organisations, other international organisations notably the OECD (Organization for Economic Cooperation and Development), the World Bank and UNCTAD (United Nations Conference for Trade and Development) in the trade facilitation case, and the EU in the Kyoto-case. The national representatives were forced to coordinate their actions, discuss and relate to different types of actors that were present and all struggled for a say in the process. The decisions were also made on different arenas which were parallel with one another – yet were not always connected. These arenas were both the central and formally important forums such as the council committees within the EU, meetings in the negotiation committee within the WTO or the COP (Conference of Parties) within the UN climate change negotiations. But they were also informal meetings, like minded-lunches, parliamentary committees within the European parliament, related negotiation committees, and meetings within other international organisations in which the same member states took part. As one interviewee put it "There are expert groups and informal expert groups – it is just packed with council working groups and what have you" (Interview national civil servant, agency level).

In the Kyoto case the intense negotiations during the negotiations in Marrakesh also lead to a break down in the GSM-net which caused some trouble for the thousands of meetings to be held ad hoc in various meeting rooms and corridors as the larger document was broken down in paragraphs that were negotiated separately. One of the interviewees referred to 'slot times' where different groups negotiating certain paragraphs had trouble finding a time and a place to meet and where it was crucial to be online and get the information on the location and time of the event. (Interviews national civil servants ministry and agency level) It was hence difficult for someone not participating on a daily basis and being at the core of the process, to know where and by whom decisions were being shaped.

Thirdly, another closely related observation concerns what could be referred to as *a path dependence linked to the historical development of the process*. This boundedness seemed to consist mainly of issue specific language and the need to be in possession of knowledge about the history of the process in terms of earlier agreements, formulations and statements rather than an expert knowledge on issue specific technological aspects. In order to be perceived as a sincere and legitimate actor, the representatives needed to be on top of the right terminology and know the previous compromises in order to avoid stirring up conflicts and disagreements that had been cleared out and could risk hampering the progress of the process. It was also important to present arguments in a correct manner according to the established jargon.

Another fourth important trait was the fact that *policy was created throughout the course of the processes* (cf. Finnemore 1996). The actors were well aware of the fact that they had to consult other participants and representatives before constructing and presenting a standpoint or a proposal. As one of the interviewees expressed it: "No one presents a contribution without

discussing it with the other member states. You have to write something you are sure of 'can actually fly'" (Interview national civil servant, ministry level, June 2005). The national standpoints were thus to a large extent created through the co-ordination with other actors in the process with which the national representatives cooperated closely. Most of the respondents working hours were spent networking and discussing contributions and positions with other participants in the international processes. The interaction was to a large extent informal since the participants had come to know each other well during the many meetings, but also as a response to the short time frames and complex processes that required quick networking to cope with fragmentation and unexpected turns of the issue as the interviewees described it.

Fifth, the studied processes also seemed *to lack an ending*. From an analytical point of view it is often helpful to think of decision making as a sequential activity that ends with a formal decision being made and the actors moving on to new tasks. However, the case studies as well as earlier studies within the chosen theoretical tradition give a different account of the situation. When a negotiation ended in a decision, it then resumed with negotiations on implementation or expansion of the agreement. For example the EES-guide lines were revised the year after, the Kyoto protocol only contained quantitative targets for a limited time period and the WTO-rounds are always followed by new ones. This led to a situation where the participants spent over a hundred days travelling a year and getting to know their counterparts from other member states and organisations very well. One of the interviewees described the negotiations on climate change as a travelling circus where the same people kept meeting all over the world year after years (Interview national civil servant, ministry level, April 2000).

Finally, it was clear that although the cases were chosen in order to enable comparisons with EU-level processes and global ones, the EU was important to relate to at all times. Partly because Sweden most often negotiates as part of an EU-delegation that to varying degrees allows for separate national standpoints, but mainly because the issues tended to get interlinked as the same member states also met in other organisations such as the EU, the UN, the OECD or the WTO. For instance, the choosing of a chairman to a committee in the EES-case was closely related to the choosing of chairman in an OECD-committee within a completely different policy area and issue linkages and horse trading across policy settings were common. A survey also shows that only a marginal number of units within the administration works with international organisations but not with EU-related matters (Jacobsson & Sundström 2006).

All in all this contributed to the embeddeness of the administration working on international issues and to a distance to the national level as policy development was created outside the national sphere for policy making. All in all the situation did according to the participants place high demands on national co-ordination in order to be able to follow already agreed upon rules in terms of jargon, procedural arrangements, meeting and interaction modes and to provide articulations of a national point of view. It was seen as necessary to respond to such demands in order to fit in and gain legitimacy as an actor that should have an influence within the processes. The formal model for administrative steering and instructions was not considered accurate for coping with the situations in the international processes. Notably written instructions were seen as too slow and government approval documents too blunt as to be helpful in issue specific negotiations. Politicians also seldom gave concrete signals to the administration in specific issues and had few opportunities and chances to do so given the distance to the processes, their complexity and the jargon used. The importance of abiding to the demands from the international level also meant for instance, that representatives took part in meetings where they were not allowed to speak as the European commission spoke on their behalf - in order to show that they prioritized the issue. Another example was the importance of a learning phase for new colleagues in order for them to get an understanding of working procedures, something that made more senior representatives bring a long lower level civil servants that were not expected to contribute particularly to the meetings. (Interviews national civil servant, Ministry level) In that sense the theories of decision-making that focus on rule -

following and symbolic reasons for participation seemed to improve the understanding of the administrations' actions. The response to this situation facing the internationalised national administration was an organisational form – enclaves.

Enclaves inside the Swedish State

The Swedish administration working in international decision-making processes is highly embedded in international contexts with close contacts, stable and numerous relations with actors within the international, European and transnational environment. A context-bound language and alliance-making are important components of day-to-day routine activities. Although the cases were chosen to capture different types of features in decision processes, the three of them were very similar and contained apparent common characteristics. First of all the three cases all show that only a small number of individuals at national level handled and took active part in the processes, and these groups tend to work outside formal means for governing the administration such as instructions, government approval documents and circular letters at national level. But also outside the formal structures in terms of the groups encompassing civil servants from both ministry and agency level working together in informal ways transcending the drawn up boundary between political and administrative tasks. The groups working on each issue were small and consisted of for instance civil servants from both ministry and agency level.

However, the established concept of networks seemed misleading since it might be conceived as something open and loosely structured with fluctuating membership, while these groups were well co-ordinated, stable, and fairly closed for other actors outside the core group, and as was shown in the study the groups were clearly defined and their borders seldom breached. The concept of policy communities found at the other end of the spectrum of non hierarchical relations described by Marsh and Rhodes also lead astray since it contains assumptions on a balance of resources and common ideological standpoints which was not the case here (Haas 1992, Rhodes 1997). These groups can instead best be described as *enclaves*.

A first distinguishing feature is that they were *new organisations* that were *partly separated from the national organisational units the members formally belonged to*, and instead took part in European and international processes together with actors from other organisations with which they had close relations. The Swedish standpoints were to a great extent created in interaction with other member states representatives, IGO-actors, NGO's etc. The enclaves had clear boundaries to actors on the outside and the common language and history that were necessary to incorporate in contacts in the international processes became a hindrance for entrance to the enclaves. The cognitive frames supplied by the international processes made ideas presented in other ways, and in other vocabulary irrelevant to the groups. The results showed that the organisation needed to be well co-ordinated in order to "speak with one voice" in different committees and at different levels in the policy process. This meant informal contacts and networking outside the formally established organisational structures since short time limits and European networking were prevailing. The short time frames also caused a closer co-ordination between civil servants at various levels and thus blurred the division between politics and administration. This in turn blurred the borders between the participants' 'home' organisations. Sometimes politicians were part of the groups but most often not, but an important conclusion is that civil servants also become politicians as the surrounding actors demand political statements to be delivered. Other participants expected even technical experts to deliver politically defined standpoints and this rule of conduct seemed much important to follow in order to be viewed as a legitimate actor. Together with the general close coordination, this contributed to makes the separation between politics and administration, in Sweden embodied in the organisational separation between ministries and executive agencies, less important. This first feature of the enclaves can thus be defined as a **physical separation** from their "home organisations". This was true because the

participants spent a lot of their time abroad in international negotiations and because they were obliged to work according to others norms and rules than those at home. Since their working methods were more informal they were also partly disconnected from the formal steering of the administration back home. The instruments for regulating the civil servants' actions that were emphasised at national level as the most important were seen as too blunt and inflexible.

A second trait is that in contrast to networks and policy communities, the groups were **not self-organising** but instead appeared due to the functioning of the international processes. They had a membership connected to hierarchical positions in the state administration defined by the issues at stake in the international process. The entrance into the enclaves was to a great extent controlled by the state actors. The state representatives could then include other stakeholders such as the environmental movement or the social partners. However this was done in a rather selective way and most often to gain legitimacy at the international level, rather than to incorporate the views of these organisations. An example where it was considered beneficial to include non-state actors was during the climate change negotiations as it gave credibility to statements in favour of stronger regulation. In the EES-case the social partners and NGOs were included as a consequence of pressure from the European Commission.

Thirdly, the **membership in the groups was stable over time,** as the processes seemed to lack an ending, leaving the participants embedded in international environments for long periods of time. This also contributed to the open relations and high level of confidence within the groups. In effect, these enclaves were new organisations of their own that cut across formal organisational boundaries as well as that of public and private. The word network is easily associated with openness, blurry boundaries and relations that are most often not formalised. And if the structures for interaction are formalised, the members need not be the same (Rhodes 1997:43ff), however this did not seem to be the case with the Swedish administration.

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

To sum up the traits of the processes contributed to the embededness of the administration working on international issues and to a distance to the national level as policy development and national standpoints were being made together with international peers outside the national sphere for policy making. These closely co-ordinated groups had limited contacts with other parts of the Swedish administration and can be characterised as enclaves in the Swedish state. Within the enclaves different working procedures, as have been shown here, prevailed and the formal procedures of the Swedish administration were by-passed. Arguably, the concepts of hierarchy, networks and policy communities are insufficient in order to understand the internationalised public administration. First of all because they do not provide an empirically accurate picture of the actions and functioning of the administration. Second, the two latter concepts are not enough theoretically founded in order to help us understand and explain what we see (Dowding 1995). The concept of enclaves is founded in assumptions of actors as effected and steered by established norms and ideas of how to behave in a given context (March 1994a). As they exist outside of their home organisations their behaviour is not steered by the formal structures and rules at national level. Strategies are seen as developed within cognitive, normative and regulative structures (Scott 1998). Actors' behaviour can to a large extent be understood as rule-following rather than strategic action. The administration acts embedded in international decision-making processes and act according to certain established rules which become important determinants of everyday work. The demands of this part of their environment are perceived as important and sensible. But as the national context also asks the administration to abide to

formal modes of political steering, activities are decoupled to satisfy these otherwise incompatible demands, leaving the rest of the administration following other rules (cf. Meyer & Rowan 1991). This means that government approval documents, formal instructions and other strategies coupled to the system of accountability in place are upheld and fulfilled – but are not used in practice. Instead the international processes shape the action of the administration, and make informal contacts and coordination the only possibility for political steering of the internationalised administration.

The structures provided by the international processes held the enclaves together and placed tangible demands on the administration on how to behave in order to be able to influence the international regulation being created. Ideas on appropriate behaviour in order to be perceived as legitimate and institutionalised working methods and procedures explained the occurrence and stability of the groups. The concept contains descriptions and assumptions of relations to the 'home' organisations to which the members of the enclaves formally belong. Their immediate environment however is rather the international context with its actors, arenas and complex constitution forcing their participants into informal modes of interaction.

The concept of enclaves is thus more empirically accurate in terms of describing the organisation of the administration in international negotiations and EU-affairs, compared to the concept of network as enclaves also contain a description of the relations to the home organisation as well as to actors in the international context. Furthermore, understanding the complex organisations as shaping and defining appropriate and effective behaviour also enhances the understanding of how these groups come about and persist. The idea of enclaves builds on the notion that the groups of mainly civil servants but also at times politicians working on international and EU-issues tend to be embedded in the international context. This happens since they are occupied with close contacts with international counterparts and a lot of their everyday activities are linked to travelling, international networking and coordination. This makes the groups closely coordinated and informal as a response to the demands from the international processes. Close coordination and informal working methods are seen as the most efficient way to cope with highly fragmented, historically bound processes that also go on for long periods in time. All in all this contributes to create closely coordinated groups that were part of the international context. Rather than being created through a common interest in an issue that the members of a certain network or group wants to peruse, they are created by the international processes and the national response to the perceived demands of those processes.

Politics and Administration

What are striking about the three cases are the similarities in terms of organisation at the national level. They were primarily singled out in order to facilitate comparisons from a number of parameters concerning technical complexity, soft and hard law, new and old issues on the international level and EU and other international organisations. Starting with the role of technical complexity, it was easy to envision that the role of experts within the bureaucracy would become important and risk giving the administration an even larger advantage in terms of information asymmetry in relation to the politicians. The climate issue compared to employment issues would intuitively yield the largest difference. As have been shown in many studies over the years the emphasis on scientifically based arguments and expert knowledge is great in international negotiations. The cases studied here are no exception. Sweden being a small country without much political leverage, the importance might even be enhanced, and is also well acknowledged and outspoken among the interviewed participants. However, to nuance the idea of the role of expertise, it is most often an expertise based on experience that is used. This may be presented through statistics on the success of a certain type of regulation suggested for the international level that has been used nationally such as the CO_2-tax in the climate change case or on gender related policies within the employment case. The common feature of historical

boundedness in the processes rather demanded an administrative expertise in relation to the issue then a purely technical one.

However, the notion of politics becoming dominated by experts providing expert knowledge of different kinds, be it scientific expertise or statistical data, is not the whole story. The development also seems to be parallel to the opposite tendency. To a large extent the role of independent experts in negotiations is not a legitimate one – instead civil servants have to provide expert views that are politically coordinated at national level. There were narratives going around in the administration of Swedish civil servants new to the EU-work having been sent to Brussels and there stated that they did not represent the Swedish viewpoint but rather their personal opinion as an expert. This was subject to much amusement as the declaration was considered to display ignorance in relation to the fact that everything you said always was interpreted as a national standpoint and therefore as something politically sanctioned. (Interviews Ministry and executive agency level, interviews at the European commission)

The soft-hard law distinction did not seem to affect the appearance of enclaves but clearly their composition as it provided the participants with more room for manoeuvring in terms of choosing whom to include. The EES was by the government seen as something that would not affect Swedish employment policy and hence required no attention from AMS (National labour market board) an executive agency central to national policy making, and the social partners (Interview Ministry Level). Hence AMS was not part of the group handling the issue and was not consulted on a regular basis although having expressed discontent on this matter (Interviews social partners; c. f. Jacobsson & Schmid 2002). The social partners were included in the coordination of employment policy within the EES as they were according to the European commission to be consulted in each member state. The Swedish social partners however expressed discontent in relation to their lack of inclusion into earlier phases of the process where they would have been more likely to have an impact on the Swedish position (Vifell 2006; 2002, Jacobsson & Vifell 2007a,b, Interviews social partners, National labour market board). The EES-case was the policy area, which had most recently gained a European dimension, and this also contributed to the small number of involved participants and the low awareness within the rest of the administration and social partner organisations of what the EES actually was. This meant that the work of the enclave was even more non-transparent and less scrutinized by a wider set of stakeholders. Looking more generally at the composition of the enclaves it varied whether or not the political level, ideally those governing the actions of the group were represented or not. In the case of climate change, the enclave consisted of representatives from the Ministry for environment who at the time headed the delegation to the COP-meetings as well as the interministerial working group, from the Ministry for Industry, the Foreign Ministry, the National Board for Nature Protection, SIDA (Swedish International Development Cooperation Agency), the Swedish Energy Agency, as well as representatives from the environmental movement. Part of the group was also, in contrast to the other cases, the minister for environment. But when a new minister for environment was appointed it became clear that there were no structures in place for ensuring political anchorage of the enclave, but rather this had been due to the personal interest and commitment of the prior ministers as concerns international negotiations (Inteviews national level). The employment case displayed the smallest enclave with a handful of civil servants from the Ministry for Industry and the Ministry for Finance sharing the responsibility. As for the political level the interest was low and the media attention on the issues non-existing. The parliamentary committee looking into the matter often had comments on the EES in general but when it came to the writing of new guidelines, this was considered a too technical and bureaucratic of a process (Interview MP; Interview ministry level). In the study of trade facilitation there were instead two enclaves, one working on the central coordination of Swedish trade policy and containing participants from the Foreign Ministry in Stockholm and the permanent representations in Brussels and Geneva. The other group

consisted of civil servants from the Foreign Ministry, the National Board of Trade and the permanent representation in Geneva working on the issue of trade facilitation. These two groups were in contact with each other, but when it came to the involvement and attempts to influence the EU-coordination or the WTO-negotiations the permanent representations were considered a detour rather than an access point for networking in the international environment. The minister for trade working in the Ministry for Industry – not in the Foreign Ministry was seldom involved in the specific issue on trade facilitation but in statements often stipulated that this was an important issue for Sweden. This was also by the civil servants working on the topic perceived as something reinforcing their mandate to pursue the issue and prioritise this work, although it had not been intended as a political signal to the administration.

Given that enclaves exist in the national administration coping with international negotiations, it is time to return to the second purpose of the article to discuss the consequences of this organizational form for the democratic legitimacy of the administration. Until now the demands that the environment of the international context places on the Swedish public administration has been in focus, but there are also formal democratic demands on how the administration as part of a political system should act. The steering of the administration is mainly thought to be conducted through the means of the regime of 'governance by objectives' (Sundström 2006; Lindvert 2006) where the government approval documents and written instructions play a central role in assigning tasks to the administration. This study has nevertheless shown that other demands seem more urgent to respond to in the everyday work with international or EU related issues. The organizational form of enclaves can furthermore be seen as closed in three ways, and as such indicating problems in realising any democratic ideal. First of all since the number of participants is limited, second because most of the work is being done behind closed doors, at a distance from citizens, media, researchers and citizens more in general, little of the activities are also documented. Thirdly, the jargon and issue specific vocabulary related to the history of each process made the processes non-transparent and difficult for those outside the enclaves to understand and participate in. This has effects for determining which governance structures that become established. It also illustrates the importance of relating empirical studies to more normative approaches in order to enhance the understanding of the challenges that modern democracies face (Chambers 2005).

Conclusions

In summary, three cases of Swedish participation in international decision making processes have suggested that organizational configurations that developed is not adequately described as networks or policy communities but rather as enclaves. This type of organization is characterized by small, stable and tightly coordinated and informal groups with members from different national organizations such as ministries, agencies and sometimes NGOs. The groups are highly embedded in an international and European context with international peers and tend to work partly detached from the national organizations to which they formally belong. The lack of an administrative policy geared towards coping with the demands of the international processes also contributed to the distance to the national administrative system for ensuring accountability and transparency in the administration. The changed practices of the internationalized administration were thus not followed by any changes in the formal structures, leading to a number of implications that risk limiting the democratic legitimacy of the administration. Relating the concept of enclaves to other governance-oriented concepts such as networks and policy communities, a more comprehensible analysis can be made of the challenges facing national administrations in light of increased internationalization of decision-making and regulation.

The study contributed to the understanding of the role of the administration when states become embedded in international decision-making processes. It also underlines the importance of empirically investigating and understanding the democratic limitations and possibilities that follow in the wake of more internationalised decision-making. As states are becoming more embedded in complex structures of international and transnational governance, tangible effects are being seen in terms of the adjustment of working methods and behaviour. The national adjustment can be understood, not only in terms of formal regulation being made outside the state effecting national policies, which has been the focus of most studies of Europeanization and internationalisation, but also in terms of changed practices among the state actors.

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