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Empowering the Regional Level?

- A power analysis of the law on structural funding partnerships in Sweden

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Abstract

The regional level in Sweden has traditionally been characterized as extremely weak in comparison to the more powerful national and local levels. Some scholars even go so far as to say that the regional level in Sweden is merely a tool of the government. When the law on structural funding partnerships was established it hence seemed as if something new had been established on the Swedish political scene. The law on structural funding partnerships establishes regional partnerships that are to prioritize among the applications for structural funds in Sweden. These partnerships are composed of local, regional and public actors and represent the first use of the partnership method of making politics where the decisions taken by the established partnerships are to be binding for the managing authority. The Swedish national level had in the EC negotiations preceding the latest reform of the regulation setting the conditions for the distribution of structural funds fought for more self-determination in the delegation of structural funding. It was hence surprising that, when it had succeeded in getting this it decided to delegate it anyway.

This is a study of the power effects of the law on Structural funding partnerships. The conclusions that are reached establish that there has in fact been a transfer of power to the structural funding partnerships but at the same time the state level has, through implicit methods of control, tried to influence the decisions made by these partnerships.

A central part of the thesis has also been the development of a methodological tool that can be used when analyzing similar cases.

Key Words: governmentality, multilevel governance, regional influence, lag om strukturfondspartnerskap, Process Tracing

Words:10 378

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1 Introduction

...The consensus- and efficiency-seeking frame often found in EU documents has to be supplemented by an interest in the power aspect of European transformations. (Olsen 2002:926)

In light of recent commitments made by the government to establish grand regions in Sweden (Dagens Nyheter 090128) one can draw the conclusion that the present coalition looks favourably upon a power-distribution that implies three basic levels; the municipal, the regional and the national ones. This brings the expression *a Europe of the Regions* to mind. Behind this rather vague expression lies the assumption that sub-national entities little by little will erode the powers of the national level and that they therefore are bound to become the new administrative unit (Borrás-Alomar et al. 1994:27-28).

Some maintain that this “rise of the regions” would be much due to the regional policy in which the supranational level had made sure to expand the powers of both itself and the regions (Hix, 2005:305). Within the structural funding system there have been provisions that condition the receiving of funding on the inclusion of local and regional actors. In *Council Regulation (EC) No 1083/2006*, that lays down the general provisions for the European structural funding for the period between 2007 and 2013 these conditions were relaxed and the state level was left to regulate structural funding more freely (Bachtler and Mendez 2007:545). This was in part a concession to, among others, the Swedish government who advocated for a renationalization of the structural funding in non-cohesion countries (Bachtler and Mendez 2007:545). This indicates a will from the Swedish governmental level to have more freedom in administering the funds.

It was hence surprising when the Swedish government, on the 15th of March 2007, delivered proposition 2006/07:92 to the Riksdag¹. This proposition named *Law on Structural Funding Partnerships*² establishes just that; formal partnerships between regional, local and societal actors that will decide on what projects shall be prioritized. That non-government partnerships are allowed to make decisions that will be binding for the bureaucracy is something new in the implementation of structural funding in Sweden. As this is a reform that seemingly increases the power of the regional level, it made me ask why the national level first would strive for more independence in the distribution of structural funds and then

¹ The Swedish legislative body

² Structural funding partnerships will further on in the text be referred to as SFP:s

delegate the responsibility anyway. What I want to establish through this thesis is in short this; *what formal power redistribution effects has the law on SFP led to?*

To find the answer to this question I have devised an analytical three-step rocket where the first step is to establish the origin of the law. This is important as one can better establish the intentions of instating the law when one knows its origins.

The second step is an analysis of the actual law. Here I will compare the law to an ideal typical democratic governance network in order to distinguish the power effects of the law. In this analysis one end of the spectrum is that this is just a cosmetic law with no real effects on the methods used in distinguishing the recipients of structural funding. The other end of the spectrum is that this is the establishment of an actual democratic governance network. With the implications this has for power redistribution.

In the third step of the analysis I will look underneath the surface of the reform through the post-structural glasses of governmentality theory. Here I will try to establish whether the state level is trying to control the structural funding through means of subjecting the regional level to implicit methods of manipulation.

2 Method

2.1 Case Study Design

Case studies, according to George and Bennett, allow for conceptual refinements with a higher level of validity over a small number of cases (George and Bennett 2005:19). Doing a case study you also increase the “conceptual validity” (George and Bennett 2005:19) of the study. This in essence means that you are able to scrutinize the facts more intimately and have a bigger consideration of contextual factors in comparison to a statistical study when doing a case study (Ibid.). As the subject of this study is a limited phenomenon, I found the case study design most appropriate.

A case study research design can be compared to a blueprint (Merriam 1988:21). The more detailed and explicit the blueprint is, the better the construction will be and the less the risk is of making a mistake, if one were to redo the case study on the same material. A good research design increases the intersubjectivity of the project (Lundqvist 1993:52). As this is a reflexive and interpretive study (see section 2.3), the importance of intersubjectivity increases to an even higher degree. As there are no numbers to point to, the reader has to be constantly aware of what methodological and theoretical choices the assumptions are based on. Two things that are essential in the research design are (1) what data is relevant and (2) how the results should be interpreted (Yin 2003:39). This will be established in the operationalization of the theories.

This particular study is theory consuming and theory developing. Theory consuming as I will try and explain with existing theories what has happened in this particular case (Esaiasson et al. 2007:42) and theory developing as I will try and formulate the idiosyncratic aspects of the explanation in terms of general variables. I agree with Verba in his statement that “unique historical events cannot be ignored but it must be considered as one class of events even if it only happened once” (quoted in George and Bennett 2005:114). There is in this study no opposition between the theories. I see the theories as complementing and possibly they can explain different parts of the processes. I will in line with Esaiasson et al. claim that this is a typical case (2007:187) and that it potentially has explanatory value for the implementation of this reform in other European states.

The unit of analysis (Esaiasson et al. 2007:51) will be the SFP:s. The study is thus actor centered rather than idea centered in its approach (Esaiasson et al. 2007:246).

2.2 Problem and Research Objective

The use of governance methods is increasing worldwide but it is often taken as a political given. There is thus a need for an analysis of what implications the use of governance methods will have for the distribution of power in a society. The purpose of this study is to analyze the power effects of *the law on SFP:s* but also to develop a methodological tool that can be used on other cases. I see no problem in using the framework developed in this thesis on firstly other instances of SFP:s but also on the broader use of partnership methods worldwide. The class of events (George and Bennett 2007:69) that will be studied is hence “government’s use of governance methods” and the sub-class that this particular case represents is “the government’s use of structural-funding partnerships.

The reason why this case is especially interesting is that the latest reform *Council Regulation (EC) No 1083/2006*, according to some scholars, increased the discretion for nation states when it comes to designating the structural funds (Bachtler and Mendez 2007:545). Why would the national level increase the regional influence when there was less pressure to do so and when they have fought to have this increased discretion in the negotiations leading up to the new treaty? Does this represent a step towards an empowered regional level in Sweden, something that has been blatantly lacking in earlier periods (Hudson 2005:316)? There is hence something counter-intuitive over this reform and this is what I aim to investigate. The SFP:s are to take the form of multi-actor partnerships. This is what is generally considered as a governance method of making politics (Stoker 1998:22). I have thus deemed it most relevant to use governance theories in the analysis of the power effects of the *law on SFP:s*.

In this study I have developed a series of questions that aim to pinpoint the important features of the problem. The main research question of this thesis is; *what formal power redistribution effects has the law on SFP led to?* In each section of the analysis one main question will be answered often through the use of sub-questions. The first step of the analysis is to establish the origin of the law. This is important as, if you have done this, it is possible to draw conclusions on what has been excluded from the agenda. The research question is thus *what level did the law on structural funding emanate from?*

The second step of the analysis is to decide how this reform has affected the regional level concerning decision-making power. To do so I will analyze the governance methods that have been used by the government in the establishment of this law. The research question that will be put to this section is inspired by Adsheed (2002:5) and reads; *is decision-making increasingly shared by actors on different levels as an effect of this reform?*

The third step of the analysis is to find out whether the law can be seen as an attempt by the state level to, in a manner, regain control over the structural funds. In conclusion, the research question is the following; *has the state level tried to subjectify the SFP:s through various technologies of performance?*

2.3 Scientific Value Ground

Ontologically it is important to understand that interpretation is central to any scientific study. I am of the opinion that basically all studies of political phenomena should carry two main basic elements; interpretation and reflection (Alvesson and Sköldbberg 1994:12). This implies that all references made to the empirical facts are results of an interpretation (Ibid.). The focus here is thus not only on the empirical material but also on the political and cultural context that constitute the background to the interpretations (Alvesson and Sköldbberg 1994:13). This is important in this context as I will not assume that all documents are to be taken at face value. In an analysis it is important to ask oneself why a particular document was written (Hill 2005:107).

2.4 Methodological Choices

In this study I will primarily be using the method of structured, focused comparison (George and Bennett 2005:67). The analysis is structured in the sense that I will ask a set of standardized, general questions to the case. It is essential that these questions are carefully developed to reflect the research objective and theoretical focus of the inquiry. (George and Bennett 2005:69). I agree with Esaiasson et al. in their opinion that the specifying questions that are posed to the text are the building blocks that constitute the analytical tool of the study (Esaiasson et al. 2007:244). The method is focused in the sense that it deals only with certain aspects of the historical cases examined (George and Bennett 2005:67). It is hence undertaken with a certain research objective in mind. A single case study cannot possibly address all interesting aspects of a historical event (George and Bennett 2005:70). It is a comparison in two senses (1) there will be a temporal comparison with the situation before the implementation of the reform (Esaiasson et al. 2007:121) and (2) I will develop a schematic that is possible to use on other cases where this type of reform has been carried out (George and Bennett 2005:67).

The secondary method that will be used is process tracing. The basic features of this method is that you examine histories, documents and other sources to see whether the causal process a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variables in that case (George and Bennett 2005:6). In the type of process-tracing I use, the objective is to find a “general explanation” (George and Bennett 2005:211). This is done because not that much historical material is present as this reform is quite recent. The process tracing will therefore focus mainly on legal documents and I will establish the legal passage ways of *the law on SFP:s*. In this type of process tracing no detailed analysis of the causal process is necessary (Ibid.). This method has advantages and disadvantages; as no interviews are available there is no way

of being certain that the logic you have designated is in fact the way the decision-makers reasoned when making the decisions. The advantage of this critical method of interpreting the legislative effects of the law you can reach conclusions that would not be provided by interviewees as there might be things that would not be readily discussed. In a concrete manner the process-tracing will be the gathering of most relevant material through searches off of the internet and by tracing material through the sources referred to in other scientific texts concerning the subject. The concrete analysis will be done by conducting several intense readings of the texts (Esaiasson et al. 2007:237).

2.5 Delimitations

To satisfy the demand for external validity, it is necessary to delimit the area on which it is possible to generalize the results of the study (Yin 2003:54). This study makes a structured, focused comparison (George and Bennett 2005:68) and it should be possible to redo this study on another context. I am hence maintaining that the same effects found in this thesis might be present in other countries that create SFP:s. I am also claiming that this analysis schematic can be used whenever partnerships have been instituted to ascertain the government's intentions with such reforms. As earlier mentioned the class of events (George and Bennett 2007:69) of this case is "the government's use of partnership methods" and the sub-class is "the government's instating of structural-funding partnerships".

This thesis studies power effects of the law on SFP:s. One however has to keep in mind that this merely is an analysis of what should happen as an effect of this law. When implemented there might be policy drifts that cannot be discerned when doing this type of analysis. This will of course have implications on what conclusions that one can draw from this thesis. Ideally a follow-up study should be performed where the real effects of this law is studied. But whereas I study the concept from an aggregated level there are possibilities to analyze the intentions of the legislators when deciding upon this law.

2.6 Material

The material will consist of the law on SFP:s, the other laws regulating the structural funds in Sweden, past and present, the EU regulations on structural funding, the comments on the law on SFP:s from the affected departments

(mainly the ESF council³ and NUTEK⁴) and the policy document; *A National Strategy for Regional Competitiveness, Entrepreneurship and Employment 2007-2013* (Näringsdepartementet 2007) emitted by the Ministry for Enterprise, Energy and Communications in 2007. I have tried to include all material that touches upon the subject of structural funding partnerships as this is preferable according to Esaiasson et al. (2007:249). As this is a quite new concept it has been possible to do so whereas there are a quite limited number of texts written on the subject. The unit of analysis is as earlier mentioned the state so particular attention will be put on the documents emanating from that level.

2.7 Potential Methodological Problems

2.7.1 Risk of over-intellectualizing the policy process

When trying to analyze a political process there is always the risk of over-intellectualizing the way that politicians and policy-makers think when taking decisions (as exemplified in George and Bennett 2005:98-99). In this study however I am not maintaining that the policy makers had these exact trains of thought while making the decision. What I do claim is that their intentions were in line with the general schools of thought. In this study I focus on the implicit intentions of policy-makers while implementing a policy.

2.7.2 Unitary actors

To simplify things I generally refer to the main actor, the state, as a unitary actor. This is of course a simplification and individuals within the national context will of course play a role. The defence of this choice is that the theoretical complexity in distinguishing all individuals as actors in this type of analysis would be insurmountable with the material available. What has relevance is also to establish the general intentions of the state level and the general level of power that has been redistributed through this reform. Specific actors and individuals thus carry less importance.

³ The council for the distribution of the European Social Fund in Sweden

⁴ The Swedish Agency for Economic and Regional Growth

3 Theory

I agree with Stoker in the notion that “a good theory selects out certain factors as the most important or relevant in providing an explanation” (Gerry Stoker quoted in Bulmer 2007:46). In this theoretical chapter I will briefly describe the theories that will be used and how I define certain key concepts. In section 3.5 I will develop the operationalization of these theories as they will be used in this thesis.

3.1 Definitions

3.1.1 Multilevel governance

Multilevel governance-theorists point to EU politics as “an activity that engages a multiplicity of politically independent but also interdependent actors at different levels in more or less continuous deliberation” (Debardeleben and Hurrelman 2007:3). The theories of multilevel governance will in this study mainly be used as an illustration of this phenomenon. I will thus, in the tradition of Alex Warleigh, use the multilevel governance approach mainly as an empirical distinction that point to the fact that there *are* several layers of governance (Warleigh 2006:79). Hence, the degree as to which level carries prime importance will be distinguished by using other theories that I see more fit. The effect of this is that multilevel governance-like reasoning of eventual type I or type II multilevel governance is not relevant.

3.1.2 Power

When studying power, it is necessary to define it. One simple definition is the ability of A to make decisions that affects B (Lukes 2005:20). This, decision-making power, will be referred to as the first view of power. The second view of power deals with agenda-setting. If a specific actor has the possibility to set the agenda he/she can also decide what is to be kept *off* the agenda. By narrowing the agenda the choices open for discussion are also narrowed and you have per definition executed power. Or in the words of Steven Lukes; “Non-decision-making is a means by which demands for change in the existing allocation of benefits is suffocated before they are even voiced” (Lukes 2005:22). A third view of power will also be used in this thesis; the ability to, with non-coercive means affect the actions of another actor. The definition is here the possibility to, by

establishing social conventions, influence the actors to make decisions that are in line with the views of the power-holder. It is thus not the devising of laws and decrees that characterize this view of power but rather the ability of the power-holder to “name and shame” the actors that are not in accordance with the earlier established social conventions (Sørensen and Torfing 2007:179). These views will be used in the analysis of what amount of power that has been redistributed to the regional level through this reform.

3.2 Theories on Governance

The concept of governance is growing in importance in both politics and political science. It has been argued that “governance” is replacing “government” as governing principle (Hudson 2005:318). But there is a general confusion as to what the governance perspective represents. The broad definition that will be used in this thesis is “the conceptual coordination of social systems” (Pierre 2000:3). What is often seen as governance, and what will also be central in this thesis is “new” modes of governing. Most governance scholars are of the opinion that an increased complexity in the system of government has occurred (Stoker 1998:21). Instead of the state governing by decrees or laws, the society is to some extent run by partnerships and networks. This raises the question of power; is the state’s use of governance methods a novel way for the state to decentralize powers and reap the gains off of that or is it just a new way for the state to control its surroundings? There are several theories that aim to explain this, but many current governance theories are just collections of empirical observations (Pierre and Peters 2000:7). In the analysis of the Swedish SFP:s I have thus chosen to use the simplifying theoretical framework established in *Theories of Democratic Network Governance* (2007) edited by Eva Sørensen and Jacob Torfing. They create a general framework distinguishing democratic governance networks and they also devise a theory that distinguishes the power effects of governance methods. These two concepts will be further elaborated in section 3.2.1 and 3.2.2.

3.2.1 Democratic governance networks

Sørensen and Torfing establish five definitions of a democratic governance network. A governance network is according to them:

1. a relatively stable horizontal articulation of interdependent but, operationally autonomous actors;
 2. who interact through negotiations;
 3. which take place within a regulative, normative cognitive and imaginary framework;
 4. that is self regulating within limits set by external agencies; and
 5. which contributes to the production of public purpose
- (Sørensen and Torfing 2007:9)

To be able to characterize a network as a democratic governance network most of these criteria have to be reasonably satisfied (Sørensen and Torfing 2007:11). This means a transfer of power down to these networks. With this definition I aim to determine whether it is possible to typify this partnership as such a network.

3.2.2 Governmentality theory

Poststructuralist institutionalism seeks to offer a problematization of the institutions of governance by means of revealing their power effects (Sørensen and Torfing 2007:38). This is the basis for what Sørensen and Torfing characterize as Governmentality theory. Governmentality theory conceives governance networks as an attempt of the state to mobilize and shape the free actions of self-governing actors. The state wants, by using governance methods, to shift the burden of government to local networks but at the same time give it a particular direction as to ensure conformity in the decisions (Sørensen and Torfing 2007:19). This is in other words an instrumentalization of the regional level to the means of the state (Pierre and Peters 2000:73-74). This is referred to as “metagovernance” (Sørensen and Torfing 2007:7) from the part of the state. This means establishing networks in a way as to control the setting and sometimes even the outcomes of the networks (O’Toole 2007:224). The concrete manner through which this is done is referred to as a simultaneous subjection and subjectification of the self-regulating actors (Sørensen and Torfing 2007:178). On the one hand, the state establishes partnerships through metagovernance, (subjectification) and on the other hand, the state constructs norms, standards, benchmarks, and performance indicators and various hierarchical instruction and control mechanisms which in sum make it possible to measure, evaluate and sanction the self-regulating actors (subjection). (Sørensen and Torfing 2007:178). By setting specific rules and institutional barriers for the involved actors the national level can “name and shame” the actors that do not conform (Sørensen and Torfing 2007:179). It is the reputation of the actors that is on the line.

3.3 Operationalization

The theoretical discussion above leads us to the next step in sharpening our analytical tools for this thesis; the devising of the three steps of the analysis and the operationalization of the theories.

3.3.1 Establishing the Origin of the Law

There is one main reason as to why one would want to establish the origins of a law. If you find the origin of the reform it is possible in the further analysis to find out what has been kept off the agenda by comparing the origin of the law to the

actual law. Documents preceding the decision on the law on SFP:s will be read and analyzed to find signs of the traits in this law. The research question is; *what level did the law on structural funding emanate from?*

3.3.2 A Democratic Governance Network?

In the second step of the analysis I will try to establish whether what has been established can be characterized as democratic governance networks and what formal powers these partnerships have over structural funding. The general question that will be asked to the texts under this heading is; *is decision-making increasingly shared by actors on different levels as an effect of this reform?*

To establish this I will compare the legislated partnerships to the earlier mentioned definitions by Sørensen and Torfing. I have converted the five definitions into four sub-questions as to establish the power effects of the reform:

1. Are the actors interdependent and operationally autonomous?
2. Do the actors interact through negotiations?
3. Are the partnerships self-regulating with limits set by external agencies?
4. Do the partnerships contribute to the production of public purpose?

(Sørensen and Torfing 2007:9)

One more definition is part of the set;”which takes place within a regulative, normative, cognitive and imaginary framework”. But as this definition is not in my view possible to operationalize in concrete terms it will be excluded.

Here the basis for analysis is that according to Sørensen and Torfing the construction of well-functioning governance networks will depend on the creation of institutional rules, norms and incentive structures that will favour games that build relations of trust and cooperation rather than distrust and competition (Sørensen and Torfing 2007:34). These four criteria establish whether the partnership has the potential to become such a governance network and while asking the questions it is also possible to discern what amount of formal power that has been delegated. The significance of each criterion will be established under each question in the analysis.

3.3.3 An Instrumentalization of Governance Methods?

Governmentality theory postulates that the state wants to use governance methods but is at the same time unwilling to surrender too much power. It hence decides to create partnerships that are similar to democratic governance networks but which are not sincere in their intentions. The networks are handed some power but as the state level is the one that institutionalizes the changes it can also set the frames for the network and in a sense control its actions. To ascertain whether this reform is a case of metagovernance in the governmentality sense it is necessary to look for signs of the government trying to restrict the power of the partnerships in a negative way. Of course there has to be some restrictions but the types of

restrictions that need to be found, to be able to say that the government is tending to this form of metagovernance, are “technologies of performance” (Sørensen and Torfing 2007:179). This is manifested by the construction norms, standards, benchmarks, and performance indicators and various hierarchical instruction and control mechanisms. I will, in other words, look for signs of subjection (Sørensen and Torfing 2007:178). The general question that will be asked of the text is; *has the state level tried to subjectify the SFP:s through various technologies of performance?* and the sub-questions this has been operationalized into are; *have national instructions and norms been established that restrict the work in the SFP:s?*; and *are there control mechanisms as to ascertain that the SFP:s are following these instructions and norms?*

4 Structural Funding in Sweden

The level of power allocated to the separate levels of government differs from country to country within the European Union. Sweden has strong central and local levels of government but a regional level that traditionally has been weak, fragmented and dominated by the state (Hudson 2005:316 and Pettersson 2005:72). When distinguishing the Swedish regional level, Olsson and Åström even goes as far as to say that it has traditionally operated as “a state instrument of control and administration” (Olsson and Åström quoted in Bache 2008:67).

The Swedish regional level is very complex as it contains many different components. The main actors are the county councils that are responsible for service provision, mainly health care, ‘cooperation bodies responsible for planning, infrastructure and development and finally the state field administration in the form of the County Administrative Boards⁵ (CAB:s). (Larsson and Bäck 2008:212). The many actors on the regional level have left the regional administrative level with unclear jurisdictional borders (McCallion 2008:580).

Traditionally, when it comes to regional development, it has been the responsibility of the CAB:s (Hudson 2005:316). These are not democratically elected and work as the prolonged arm of central government (Larsson and Bäck 2008:212). The structural funding in Sweden has hence ever since the reform that developed the structural funds in their present form in 1988 been characterized by a high degree of state interference in regional policy matters (Ibid.).

The period from 2000 to 2006 Sweden had access to so called objective 1, 2 and 3 funds (Website 1). The managing authorities⁶ for the objective 1 funds were the CAB:s of Jämtland and Norrbotten, managing authorities for the objective 2 funds were the CAB:s in Jönköping, Örebro and Gävleborg (SFS 1999:1424 6 §) whereas the ESF council was managing authority for objective 3 (SFS 2000:1212 1 §). The managing authorities decided on what projects would be funded and also made sure that the execution of the projects was made efficiently and correctly (SFS 1999:1424 3 §). After the implementation of *Council Regulation (EC) No 1083/2006* the objectives of the funds were reduced into two: *Regional competitiveness and employment* and *territorial cooperation* (website 2). The regional competitiveness and employment objective is administered through two funds; the European Social Fund (ESF) and the European Regional Development Fund (ERDF). The Swedish level interpreted the European objective in the *Regulation on the administration of the EC:s structural funds* (SFS 2007:14). There it was established that the Swedish Agency for Economic and Regional

⁵ Länsstyrelser

⁶ Förvaltande myndighet

Growth (NUTEK) was to become the managing authority for the ERDF and that the European Social Fund Council (ESF-Council) was to continue to be the managing authority for the ESF (SFS 2007:14 4 § and 5 §). The basis for the new Swedish program is hence two managing authorities, eight structural funding partnerships and three surveillance committees (Näringsdepartementet 2006:3)

Four regions were during the 1990s selected to have increased responsibilities in regional development and regional planning. These tasks were devolved from the CAB:s (Larsson and Bäck 2008:211). The Regional Pilot Program, as it was called, contained the regions of Kalmar, Gotland, Skåne and Västra Götaland. For the structural funding this meant different things for the separate regions. The regions of Skåne and Västra Götaland were given more extensive responsibilities whereas the regions of Kalmar and Gotland were accorded a bit less (Pettersson 2005:77). On the 28th of January 2009 the government made clear that the regional pilot program in Västra Götaland and Skåne are to become permanent. It was also decided that the Halland and Gotland regions were to be allowed to become regions (Dagens Nyheter 090128). It is not yet decided what amount of power should be ascribed to these regions but it is probable that it will be a replica of the models that have been used in Skåne and Västra Götaland (Ibid.). This does however, at the moment, not affect the law on SFP:s and it shall for the time being be the main principle in the distribution of regional funding in Sweden.

4.1 The law on Structural Funding Partnerships

The law on SFP:s (SFS 2007:459) came into effect on the 7th of July 2007 and it establishes that “within the framework of distribution of the EU structural funds, structural funding partnerships shall be established”⁷ (SFS 2007:459 1 §). It furthermore states that:

The structural funding partnership shall amongst applications approved by the managing authority for the structural funding program in question state which applications that shall be prioritized. The statements made by the structural funding partnerships will be binding for the managing authority in the continued handling of the application (Ibid.)

The participants of the SFP:s shall be drawn from:

1. Elected representatives from the municipal and county council levels
2. Representatives from the social partners (labour market organizations)
3. Representatives from concerned CAB:s, County Labour Boards, interest organizations and societies.

(SFS 2007:459 3 §)

⁷ Whenever there are quotations from Swedish sources, it is the author’s translation

As earlier mentioned, the situation before was that the managing authorities were the CAB:s of a limited number of counties and the ESF council. After this reform the managing authorities are instead NUTEK and the ESF council (2000/1212 2 §).

5 Analysis of the Law on Structural Funding Partnerships

In this section the analysis of the texts will be carried out. This will in practical terms be done through asking questions to the texts and replying to them as is the practice in structured, focused comparison (George and Bennett 2005:69).

5.1 Establishing the Origin of the Law

The first step of the analysis is to ascertain from what level the law on SFP:s emanates. The question that I ask of the texts is; *what level did the law on structural funding emanate from?* This has implications for the further analysis of the reform as, if the origin of the law is found it is possible to compare the original document to the actual law and through that establish whether the national level is trying to keep something off the agenda. This is particularly true if the origin of the law is the European level.

5.1.1 What level did the law on structural funding emanate from?

When analyzing policy documents and websites belonging to the regional level no mention is made of the structural funding partnerships before the implementation of this reform. It is relatively safe to conclude that the regional level is not the basis for this reform in the light of the findings that have been made in the documents concerning the supranational level. When analyzing the older national documents concerning structural funding there is mention of something that resembles partnerships. In the proposition *Regional Growth – for Employment and Welfare* (Prop. 1997/98:62) the CAB:s were invited to initiate Regional Development Partnerships (Hudson 2005:312). These partnerships were however somewhat ad hoc and the cooperation within them was not as institutionalized as in the SFP:s (Prop. 1997/98:62:166). Their only function was to produce growth agreements for their respective regions (Prop. 1997/98:62:197). These partnerships can hence be seen as a predecessor to the SFP:s but the similarities are not so compelling that you can say that they are the basis of the present day SFP:s.

The final process tracing step in analyzing the origin of this law was the intense reading of documents emanating from the European level that have to do with structural funding. When reading *Council Regulation (EC) No 1083/2006 I*

found that it does make mention of something that is extremely similar to the partnerships now established in Sweden. Article 11 states that a partnership shall be organized, where appropriate and that it shall incorporate bodies such as:

- (a) the competent regional, local, urban and other public authorities;
 - (b) the economic and social partners;
 - (c) any other appropriate body representing civil society, environmental partners, non-governmental organizations, and bodies responsible for promoting equality between men and women.
- (EC 2006/1083:39)

As one can clearly see, the similarities with the SFP:s are striking (see section 4.1 for a comparison). One can hence draw the conclusion that the idea to instate SFP:s emanated from the European level. The design of the law and the article is so similar that I deem it to be an improbable scenario that this law was instated such a short period of time after the supranational level had encouraged the national level to do so. The specific design of the partnership in Sweden is however not identical and there are some important differences. The implications of this will be discussed in section 5.3.

As established in this section the origin of the law is the supranational level. This does however not reply to the question as to why the Swedish national level decided to establish SFP:s when it is clearly stated in the EC regulation that partnerships shall be established “only if appropriate” (EC 1083/2006:39) and when it strived for more autonomy in the negotiations that led up to the decision to implement *Council Regulation (EC) No 1083/2006* (Bachtler and Mendez 2007:545)? As stated by among others Alex Warleigh; if governments are to move towards multilevel governance they often see something to gain from it themselves (Warleigh 2006:79-81). I will hence investigate whether there are any hidden power-effects of this reform. But first of all it is necessary to determine what formal effects the law has had on decision-making in Sweden; this is what will be done in the following section.

5.2 A Democratic Governance Network?

What I will try to establish under this heading is the formal effects of the law on SFP:s. To find this out I will compare the legislative effects of this law to the criteria set up for *democratic governance networks* by Sørensen and Torfing. In concrete terms I will ask four questions to the texts based on the earlier mentioned criteria (Sørensen and Torfing 2007:9). To reconnect to the power discussion, I will, through this, also be able to establish how much decision-making power that (Lukes 2005:20) has been delegated to the SFP:s. The research question for this section is: *is decision-making increasingly shared by actors on different levels as an effect of this reform?* To be able to reply to this question the sub-questions developed in section 3.3.2 will be used.

5.2.1 Are the actors in the network interdependent and operationally autonomous?

To have an open dialogue amongst the participants of the network it is important that they are not dependent on any outside actor (Sørensen and Torfing 2007:10). What is most important in the network is that the network actors are horizontally rather than vertically connected (Ibid.). To establish if this is the case it is necessary to look at what actors that are invited to participate. In the partnership there shall be elected representatives from the municipal and county council levels, representatives from the social partners, representatives from concerned CAB:s, County Labour Boards, interest organizations and societies (SFS 2007:459 3 §). On top of this, “the chairman will appoint the rest of the members according to a nominating procedure established by the government” (Ibid.) Thus, the actors are operationally autonomous in the meaning that they are appointed from different segments of society, they represent different sectors and they are not formally bound to one another. They are also interdependent in the way that they all have an interest in redistributing the structural funds to projects that aim to enhance the region that they all act within. There are however two problems: firstly, there is the problem of the CAB:s. As they are basically the prolonged arm of the government (Larsson and Bäck 2008:212) they might be seen as representing another logic than the rest of the actors. Seen from a hierarchical viewpoint the state level will always be above the regional level and as the CAB:s are present in the partnerships an element of hierarchy has been introduced into the partnerships.

Secondly, there is the problem of the chairman. For logistical purposes it is often preferable to have chairmen in partnerships such as these but once again an element of hierarchy is introduced. And as he/she (1) is appointed by the government and (2) has the right to appoint members to the partnerships his/her voice in the negotiations is probable to carry more weight. In this respect it is of less importance that the nomination of the chairman is done on the regional level (Näringsdepartementet 2007:36). In conclusion, the actors are interdependent but the operational autonomy of the actors can be questioned.

5.2.2 Do the actors interact through negotiations?

In an ideal typical democratic governance network it is essential that the members interact through negotiations that combine elements of bargaining with elements of deliberation. Facilitating learning and common understanding is, according to its advocates, the main reasons to why one should use governance methods (Sørensen and Torfing 2007:10). The work method that will be used by the SFP:s is not specified in neither *the law on SFP:s* nor in the *National Strategy for Regional Competitiveness, Entrepreneurship and Employment 2007-2013* (Näringsdepartementet 2007) but as their main objective is to state which of the structural funding applications that shall be prioritized (SFS 2007:459 1 §) it is safe to presume that some negotiation will be conducted. There are however some

limits on these negotiations but this is on the other hand necessary in any partnership. In conclusion, even though the agenda has been somewhat narrowed by the national level, the decisions are not made as a result of decrees carried out by individual bureaucrats but rather conclusions are reached collaboratively amongst relatively equal partners. This does introduce a new element to the distribution of structural funding in Sweden.

5.2.3 Are the partnerships self-regulating with limits set by external agencies?

The significance of this question is in essence that the networks are self-regulating as they are not part of a hierarchical chain of command. Their aim should ideally be to regulate a particular policy field on the basis of their own ideas (Sørensen and Torfing 2007:10). The SFP:s will be self-regulating inasmuch as they will take decisions which are binding for the managing authority (SFS 2007:459 1 §). The key word in *the law on SFP:s* is 'binding'. As indicated by the comments on the law supplied by both the managing authorities this is something that they were opposed to (NUTEK 2006 and ESF-rådet 2007). In NUTEK:s comment to the government bill on SFP:s they clearly state that:

NUTEK agrees with the government's view on the importance of regional influence. NUTEK is however of the opinion that this not shall be done by handing over parts of the exercise of authority to an organ outside of the managing authority. (NUTEK 2006:1).

This indicates that the partnerships in fact are going to be self-regulating in their exercise of authority. Seen as the CAB:s and the ESF Council were the managing authorities for the structural funds before the implementation of this reform it is clear that there has been a shift in power from the CAB:s to the SFP:s and to the new managing authorities (the ESF council and NUTEK).

The outer limits of the partnerships are set by the regional development plans that they have helped establish and the national strategy set up by the government (Näringsdepartementet 2007:5). What might be seen as imposing on the self-regulation of the partnerships is that they have to consult the regional office or CAB to make sure that the projects are in accordance with the regional development plan of the region in question (SFS 2007:459 2 §). In conclusion one has to say that the partnerships are relatively self-regulating in their operation and their limits are set by external agencies.

5.2.4 Do the partnerships contribute to the production of public purpose?

The definition of "the production of public purpose" is whether the partnership has a purpose beyond serving the personal benefit of the individual members, i.e.

policies, plans and regulations that are valid for and directed towards the general public (Sørensen and Torfing 2007:10). As the purpose of the partnerships is to prioritize amongst the applications for structural funding (SFS 2007:459 1 §) and the aim of the structural funds is to “reduc[e] disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands...” (EC 1083/2006:25) one can conclude that the answer to this question is yes.

5.2.5 Concluding remarks

In conclusion it is clear that a type of democratic governance network *has* been established. There has been a shift in formal power from an actor who is closely tied to the government (the CAB:s), to the SFP:s. New forms of governing has also been used where a collaborative ideal seems to be prevalent rather than the strict implementation of government policy. As have also been established there are some problems with the governance networks when compared to the ideal established by Sørensen and Torfing. The law on SFP:s show some signs of the state level trying to control the work in the partnerships. This is what will be systematically analyzed in section 5.3.

5.3 An Instrumentalization of Governance Methods?

Under this heading I will try to discern whether the national level has been using this reform to ascertain that it maintains implicit control over the decisions made in the SFP:s. The question that I will try to respond to is; *has the state level tried to subjectify the SFP:s through various technologies of performance?* In doing this it is necessary to look at factors that seem to subject the regional level in line with governmentality theory. What I will look for are signs of norms, standards, benchmarks, and performance indicators and various hierarchical instruction and control mechanisms that make it possible to measure, evaluate and sanction the self-regulating actors (Sørensen and Torfing 2007:178). The questions that will be put to the texts is: *Have national instructions and norms been established that restrict the work in the SFP:s? And if so are there control mechanisms as to ascertain that the SFP:s are following these instructions and norms?*

5.3.1 Have national instructions and norms been established that restrict the work in the SFP:s?

One national program will be devised for the distribution of the European Social Fund and eight regional programs are to be developed for the distribution of the European Regional Development Fund (Näringsdepartementet 2007:32). The

national program, is as always have been the case, developed by the government (Ibid.) and the regional programs are to be developed by the SFP:s. In the development of the regional program the government stresses the importance of including the authorities on an early stage (Ibid.). These two plans will then be used by the SFP:s in their main task; prioritizing amongst the applications for funding (Näringsdepartementet 2007:35). It is stated that the SFP:s are to maintain independence, but in other sections of the texts it is declared that sector coordination is necessary. It is furthermore declared that the national strategy will represent an overall view for regional competitiveness, entrepreneurship and employment (Näringsdepartementet 2007:28). Thus, independence is to be maintained as long as it is coordinated with national policies.

It is furthermore stated that a “clear concentration of efforts in the structural funding programs is needed. Within every prioritization a number of guidelines for the programs have been identified” (Näringsdepartementet 2007:11):

The guidelines composes the framework for the implementation of the structural policy and offers a menu, from which a selection shall be made in the devising of the eight regional structural funding programs for regional competitiveness and employment.

(Näringsdepartementet 2007:11)

These guidelines are in line with the strategic guidelines established by the European Union (EC 2006:702) but some small differences between the documents can still be discerned. As the national level chooses to prioritize certain key areas that are also of priority to the EU it also deprioritizes other areas by taking them off the agenda in line with the second view of power (Lukes 2005:22).

In analyzing what has been kept off the agenda, the significance of section 5.1 can be discerned. By knowing what document *the law on SFP:s* is actually based on, one can in an ingenious way see what is being dropped from the original document. When comparing article 11 of *Council Regulation (EC) No 1083/2006 to the law on SFP:s* one important difference is established. If one compares the types of actors that are to be present in the networks there are two specified actors that are not present in the law when it has been transferred to the Swedish level. These actors are “bodies responsible for promoting equality between men and women” and “environmental partners”. In *the law on SFP:s*, interest organisations and societies are explicitly mentioned (SFS 2007:459 3 §) but there has been a clear exclusion of the earlier mentioned actors. An obvious conclusion that one can draw of this is that the Swedish level to an even higher degree wants to apply an entrepreneurial perspective in its devising of partnerships. This is also confirmed in the national strategy (Näringsdepartementet 2007:37). By specifically not excluding but not either specifically mentioning these actors, their chance of having a natural position in the partnerships is lessened and therefore the composure of the partnerships changes. By changing the composure of the partnerships it is possible to change the agenda and the equilibrium in the partnerships.

In conclusion one can say that there *are* signs of the national level trying to coordinate the structural funding with the other national policies and hence controlling the agenda of the SFP:s. The establishment of national standards and strategies are signs of the use of technologies of performance. All this is not out of line considering what is prescribed in *Council Regulation (EC) No 1083/2006* (EC 1083/2006:27). *The law on SFP:s* is after all very similar to the one established on the supranational level but in the policy documents accompanying the law there are restrictions that are not included in the EC regulation. The national level has hence, without breaking the rules of the EU level transformed the SFP:s into a somewhat more restricting policy instrument than what probably was intended from the European level.

5.3.2 Are there control mechanisms as to ascertain that the SFP:s are following the instructions and norms set by the national level?

To be able to establish a further control over the partnerships it does not suffice to have a national policy according to governmentality theory. It is in addition to this necessary for the state level to have control mechanisms that act to make sure that the national policy is implemented. These control mechanism do not, according to governmentality theory, act through imposing neither legal sanctions nor financial loss upon the actors. It is instead their possibility to “name and shame” actors that are out of line with the goals that have been established, in this case the regional strategies that in turn are based on the national strategy (Sørensen and Torfing 2007:179). It is thus the reputation of the actors that is on the line.

In the texts I have found five prime instances of this type of control mechanisms; Firstly, there is the earlier mentioned presence of CAB:s in the partnerships (SFS 2007:459 3 §) that can be seen as a sort of control mechanisms for the partnerships. As they are first and foremost the state’s representative in the regions (Larsson and Bäck 2008:212) their presence can limit the dialogue and be a manner to ascertain that the partnerships stay in line with the national strategy, hence a further subjection of the regional level. Also the presence of a chairman who is appointed by the government can act as a controlling factor on the partnership.

Secondly, there shall be an alignment with other plans and programs on a national and European level (Näringsdepartementet 2007:38). This includes further national strategies such as the *National strategy and program for rural development* (Näringsdepartementet 2007:39). It is stated that “it is important that the efforts from the respective areas of politics are coordinated both in planning and in implementation” (Ibid.). This is another instance where the state level has the possibility to control whether the goals set up by the regional level is in line with the national strategy and moreover establish new goals for the SFP:s.

Thirdly, the government wants to instate a national forum for regional competitiveness, entrepreneurship and employment (Näringsdepartementet 2007:45). This may be seen as something positive with an increased dialogue between the regional and the national levels but considering that the national

strategy shall be the basis for the development of regional plans this might be another instance of control and subjection. With another direct touching point with the government the possibility to formulate policy that is out of line with the national policy is additionally circumscribed.

Fourthly, surveillance committees have been established as to ascertain that the implementation of the programs is done efficiently and with a satisfactory quality. It is furthermore stated that the plans established by the regional development partnerships for the ESF-fund shall be cleared with the surveillance committee (Näringsdepartementet 2007:32). This is clearly in line with *Council Regulation (EC) No 1083/2006* in which article 63 states that a surveillance committee shall be established. In the Swedish case however, the chairman is elected by the government and the councilmen are elected by the government offices (2007:14 8 §). They can hence also act as an instrument of subjection for the national level.

Fifthly and finally, there are the follow-ups and evaluations that have been established by the government. In the national strategy it is stated that “a deepened reconciliation shall be done 2009 and 2012 regarding the national strategy and the regional development strategies and structural funding programs” (Näringsdepartementet 2007:46). This will possibly lead to a change in the programs, the national as well as the regional ones. It is moreover declared that the government needs to be able to follow up the territorial development more systematically (Näringsdepartementet 2007:47). The fact that the work of the SFP:s is being constantly evaluated can act as a control mechanism over the regional level.

The sheer number of instances that in accordance with governmentality theory aim to supervise and monitor the work in the SFP:s point to a clear will of the government level to control it, especially in combination with the national policy that has been established.

5.3.3 Concluding remarks

The government level has, through tending to subjection, established rules to the negotiating game that are in its favour. As stated by O’Toole, “the opportunity to set the policy game in motion gives public authorities a considerable channel of influence” (O’Toole 2007:224). What has been established in this section is that the national level has used this in opportunity. By using these measures the government is narrowing the agenda and does seem to want to control the decisions taken in the partnerships. It seems that this reform has less to do with deregulation and more to do with the re-regulation of the relations between public and private organizations (Sørensen and Torfing 2007:187).

6 Conclusion

What I have tried to establish in this thesis is basically if this reform is a step towards more multilevel governance in Sweden. The question that hence will be responded to in this conclusion is thus; *what formal power redistribution effects has the law on SFP led to?*

As have been seen in this study there is no simple answer to this question. To establish what capabilities that were accorded to the regional level through this reform I compared it to the conditions that ideally should be present in a democratic governance network according to Sørensen and Torfing. There it was made clear that there were most definitely elements of a new type of governing. Even though partnerships have been used in the distribution of structural funding before (see for example Hudson 2005), this is the first time that such partnerships have the capacity to take decisions that are binding for the managing authorities. The strict, traditional exercise of public authority that was present when the funds were completely in the hands of the managing authorities was replaced by a decision-making that was made through negotiations amongst relatively equal partners that were fetched from many different organizations. Of course there are defects with the partnerships. As have been established, the potential of governance methods in accordance with Sørensen and Torfing have not been used in full. In this case it is clear that efforts have been made to use these methods but their use has been quite traditional in its scope and the role of the state in the partnerships is still rather prevalent. But one can still clearly say that there has been a case of, what one in governance terms would call subjectification.

This leads us to the next step of the analysis; to establish whether the state has tended to subjection of these partnerships. In other words that they have circumscribed the freedom of action of the SFP:s so much that they feel compelled to follow national policies. While analyzing the texts, signs were found that this was actually the case. A national strategy had been established and various control mechanisms has been instated as to control that the decisions made by the SFP:s are in accordance with this strategy. The government explicitly states that it strives for more coordination among national, regional and supranational projects, it does however not discuss the effects that this will have on the autonomy of the SFP:s. The national policy was found to be so intertwined into the partnerships that it was hard to assess what was to be part of the regional development policy and the national development policy. Both documents were also to be the basis for the decisions made by the SFP:s through the fact that a national policy had been devised for the ESF and regional policies had been devised for the ERDF. By establishing the origin of the reform it was also made possible to distinguish two things, the environmental question and the equality question, that were literally kept off the agenda. This was done through the

exclusion of the actors involved in these questions from the partnerships. This shows upon a will to frame the work in the partnerships and to conform it into an entrepreneurial logic which was also confirmed in the national strategy. The fact that the government made sure to have representatives present in the partnerships and subject them to exposure from other programs that were even more controlled by the government points to a will to be able to “name and shame” the partners into making the decisions that are in line with government policy, without having to supervise them constantly. It is hard to measure the gravity of subjection mechanisms as there is no point for comparison but the many examples that were found however point in the direction of an attempt to control structural policy. Or as stated by Foucault;

The state is not one among many power holders, but the instance that all exercise of power must relate to, not in the sense that all exercise of power derives from the state, but in the sense that over time, more and more instances of power are controlled by the state. With reference to the narrow meaning of the word government as state, one can say that the many forms of power that are exercised in society have become governmentalized.

(Foucault recited in Sørensen and Torfing 2007:179)

In sum, what has been established in this thesis is that the government has instituted partnerships that represent a shift in decision-making power from the quasi-national level (CAB:s) to the regional level (SFP:s). But by using methods of subjection one can distinguish that the state is using manipulative power as to control the direction of the distribution of structural policy.

In line with Verba I have also chosen to formulate the conclusions of this thesis in general terms; “The use of governance methods as a means of delegation can represent something else than a clean transfer of power. Whereas decision-making power is delegated, implicit means of control may also be inserted into the provisions that aim to control the partnership instated”.

6.1 A Tentative Explanation

As this has been a study of the state as a unitary actor the conclusions one can draw on the individual actors within the present government is very tentative. This is however not a reason not to do it. Out of the four governing parties, only one is openly opposed to increased regional influence, the Swedish conservative party (Moderaterna). The other three coalition partners have explicitly stated that they want more power to the regional level (Eriksson 2009). This does however not contradict the goal of wanting more control over the general distribution of regional policy. One possible reason for this might be that the state level wants to maintain some influence over regional policy in a situation of a lost election. As the national policy has been intertwined with the regional policies it is hard to change the direction of the structural funding in a so institutionalized setting.

There is also the question of the Regional Pilot Program; in recent years the regions of Skåne and Västra Götaland have grown quite strong and independent (see for example Gren 2002). Through the establishment of this reform the state level has, as have been shown regained some control that was earlier delegated to them.

If one were to redistribute too much power to the regional level the political landscape in Sweden would, as Tobias Krantz points out in his thesis on the regional politics in Sweden (Krantz 2002:235) be changed drastically. This might not be something that the state level is interested in attempting.

6.2 Further Research

This study has been made solely on the basis of what *should* happen when this law was adopted in 2007. An interesting study would be to see what really did happen at the implementation level. As the agents, in this case the regional partnerships, implement a policy there is sometimes a tendency to adjust it as to maximize one's own personal benefit, be it in increased power or prestige. It is also hard for the national level to regulate this as the agent has an informational advantage (North 1990:31). There is also the possibility developed by Bache that; "the regular interaction promoted by the partnership principle can generate trust through socialization that promotes a problem solving rather than bargaining as the decision-making style" (Bache 2008:13). Both these theories carry a bearing on the hands-on implementation of the law on SFP. One interesting study would thus be to analyze how the law has been implemented in practice.

But the main area where it would be interesting to develop the conclusions reached in this study is the application of the schematic developed in this thesis on another case. One of the reasons as to why this study was conducted was the development of this schematic and as has been stated earlier, I presume that this case is typical for the implementation of SFP:s in Europe. In order to facilitate such a study I have in appendix A devised a guide as how to use this schematic on other cases.

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8 Appendix A

Step 1: Establish origin of the law. This is important as by knowing the origin of the law one can distinguish if something is literally kept off the agenda in the implementation of the law at a national level.

Step 2: Establish the similarities between the partnership established and a democratic governance network. This is done to see how much power has been delegated down to the regional level and to see whether new methods of governance is being used. The importance of this is that you have to establish that there has been a real transfer of power from the national to the regional level.

Step 3: Ascertain whether the national level has used technologies of performance in the implementation of this law. What you are looking for is firstly a closing of the agenda in the form of national guidelines that the regional level has to relate to and secondly if there are control mechanisms that ascertain that the regional level act in line with these guidelines.

Using this analysis it is in accordance with this thesis possible to discern the formal power distribution as an effect of a governance reform.

Structured questions and sub-questions that need to be asked of the texts:

1. What level did the law on structural funding emanate from?
2. Is decision-making increasingly shared by actors on different levels as an effect of this reform?
 - a. Are the actors interdependent and operationally autonomous?
 - b. Do the actors interact through negotiations?
 - c. Are the partnerships self-regulating with limits set by external agencies?
 - d. Do the partnerships contribute to the production of public purpose?
3. Has the state level tried to subjectify the SFP:s through various technologies of performance?
 - a. Have national instructions and norms been established that restrict the work in the SFP:s?
 - b. Are there control mechanisms as to ascertain that the SFP:s are following these instructions and norms?