



journal of
contemporary
european research

Spring 2010
volume 6 issue 1
general issue

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Migration and Development? An Assessment of Recent EU Policy Initiatives

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Abstract

The idea that migration policy and development policy are interrelated and influence each other has gained ground over the past few years. The EU has been keen to link migration policy to development policy in several of its policy initiatives. Based on a discussion of the notion of 'migration and development', this article identifies four policy dilemmas facing policy-makers who aim to link migration policy and development policy. It then goes on to examine four EU policy initiatives (the Global Approach to Migration; the Policy Plan on Legal Migration; the thematic programme for the cooperation with third countries in the areas of migration and asylum; and the Mobility Partnerships) to determine how these initiatives aim to link migration policy and development policy. It finds that none of the policy initiatives adequately address the policy dilemmas. Only the two most recent initiatives (the thematic programme and the Mobility Partnerships) address the broad range of suggested policies which link migration policy and development policy. Generally, it is clear from the initiatives that the EU prioritises the reduction of illegal immigration to its territory. Inconsistencies between the EU's various policies, as well as between its different institutional actors, are problematic for attempts to achieve a 'comprehensive' policy in the area of migration and development.

Keywords

Migration; Development; Mobility Partnerships

DURING THE PAST FEW YEARS, THE NOTION OF 'MIGRATION AND DEVELOPMENT' has gained ground in the academic literature. In essence, this notion implies that migration and development are interrelated, and one therefore influences the other. The European Union (EU) has been particularly concerned to link migration policy and development policy. Since migration and asylum became an EU competence under the Treaty of Amsterdam (1997), and the Tampere European Council (1999) called for the establishment of a common EU migration and asylum policy, there have been several Communications issued in this area. These have often emphasised the need to manage migration, and particularly to reduce illegal immigration (Roig and Huddleston 2007: 368). Already in 1994 the Commission called for "action on controlling migration flows" (Commission 1994: 3) and in its 2000 Communication it mentioned the "fight against illegal immigration" as part of a coherent immigration policy (Commission 2000). However, policy documents have also highlighted the need for cooperation with third countries. In 2001, for example, the Commission stated

This article won the *JCER-UACES Student Forum Annual Research Article Competition 2009*. An earlier version was presented at the UACES Student Forum 10th Annual Conference held on 27-28 April 2009 at the University of Salford, United Kingdom. The author is grateful to Maarten Vink and the anonymous reviewer of *JCER* for valuable comments on an earlier version.

<p>Reslow, N. (2010). 'Migration and Development? An Assessment of Recent EU Initiatives', <i>Journal of Contemporary European Research</i>. Volume 6, Issue 1, pp. 3-21. Available at: http://www.jcer.net/ojs/index.php/jcer/article/view/197/189</p>

that “migration issues should be integrated in the existing partnerships, which are the general framework of our relations with third countries” (Commission 2001: 8). In 2002, the Commission issued the Communication on ‘Integrating migration issues in the European Union’s relations with third countries’, in which it established a link between migration policy and development policy, stating that “to maximise the potential positive effects of migration on development, and to reduce the negative ones, migration issues ought to be part and parcel of Community development policy” (Commission 2002a: 13). The Council endorsed this Communication in its 2003 Conclusions on migration and development, and stated that “the long-term objective of the Community should be to continue to address the root causes of migration, in partnership with third countries, in due recognition of the effect of long-term development programmes on migratory flows” (Council 2003: 6) implying that increased levels of development will reduce migratory flows. The Hague Programme, agreed by the European Council in 2004, stated that “policies which link migration, development cooperation and humanitarian assistance should be coherent and be developed in partnership and dialogue with countries and regions of origin” (Council 2004: 22). In 2005 the Commission issued the Communication ‘Migration and Development: some concrete orientations’ (Commission 2005a). In this document, the Commission stated that it “believes that the links between migration and development offer a significant potential for furthering development goals” (*ibid.*: 2) and identified the policy areas which can improve the impact of migration on development, namely remittances; diasporas; circular migration and brain circulation; and mitigating the adverse effect of brain drain.

In the past there has been fierce criticism in the academic literature of the EU’s migration policies, with some authors arguing that development interests are secondary to security and migration concerns. In particular, migration management and combating illegal migration (which are in the interest of the EU) are more prominent policy goals than fostering legal migration from developing countries to the EU (Bendel 2005; Chou 2006).

The question raised, therefore, is: to what extent have EU policy initiatives linked migration policy and development policy? This article will examine the linkages between migration and development as they have evolved in EU policy since the Commission Communication on migration and development in 2005. In particular, it focuses on the following initiatives: the Global Approach to Migration; the Policy Plan on Legal Migration; the thematic programme for the cooperation with third countries in the areas of migration and asylum; and the Mobility Partnerships.

The article is structured as follows. The first section introduces the discussion on the notion of ‘migration and development’ and the assumptions associated with it. On this basis, the article shows that there are four policy dilemmas that actors seeking to link migration and development policy invariably have to face. This discussion on migration and development will then be applied to the concrete policy initiatives by the EU in order to determine how these policies aim to deal with the migration and development policy dilemmas.

Migration and development

Which types of policies could be pursued if migration and development are to be addressed simultaneously? In the context of this paper, it is the international migration of citizens from developing countries to developed countries which is of interest. Naturally, this is a simplified view of international migration since many authors point to the importance of migration between developing countries, and this has been recognised also by the Commission (2005a: 11). However, for the purposes of examining EU policy, this distinction between developing and developed countries is appropriate. Development refers particularly to the development situation of the country of origin of migrants, where development is understood

in broad terms, including not only simple economic measures such as GDP but also overall welfare, security, rights etc. As this article is concerned mainly with the design of policy initiatives, the term 'development' will not be specifically operationalised here.

Migration, particularly from developing to developed countries, is often a very sensitive political issue, perceived as a threat to the sovereignty and cultural integrity of the receiving country and therefore undesirable (Skeldon 1997: 22; Hammar and Tamas 1997: 1). However, it is generally agreed that it is impossible to halt migration (de Haas 2005: 1280). With reference to Europe, Lucas (2005: 303) contends that "the long eastern border and Mediterranean coastline are almost impossible to seal" and Wets (2004: 22) points to the sizeable population growth in developing countries as a factor that will continue to cause mass migration. Lucas therefore argues that "an inability to control migration has focused attention on migration management, including the role of economic development at origin as a device for reducing migration pressures" (2005: 3; emphasis added). This is reflected in attempts by policy-makers to link migration policy to development policy (see for example Martin *et al.* 2007, on the UN's High-Level Dialogue on International Migration and Development).

However, the notion that development in the countries of origin can reduce migratory pressures, in a process that is beneficial for both receiving countries and countries of origin, is simplistic. Instead, the "ambivalent" view that "the migration-development relationship is complicated, unresolved, unsettled, uncertain, critical, even unexplored (!), or both positive and negative for emigrant as well as for immigrant countries" has gained ground (Hermele 1997: 134). In the discussion on migration and development, it is therefore important to distinguish between two separate assumptions: First, migration can impact on development (both positively and negatively); and second, development can impact on migration (cf. Fischer *et al.* 1997: 92; Lucas 2005: 3). The next section will outline the nature of these presumed effects.

Presumed positive effects of migration on development

There are three main benefits of migration for development that are mentioned in the literature: remittances; the role of diasporas; and the return of migrants. Remittances (by migrants to their families or communities in the country of origin) can form a significant financial inflow for countries of origin. In 2003, remittance flows to developing countries amounted to \$142 billion, up from \$18.4 billion in 1980 (Ghosh 2006: 7). For some countries, remittances are worth more than official development assistance (ODA) (Wets, 2004: 26) and in 1994 the value of remittances to Cape Verde exceeded exports by 16 to 1 (Taylor 1999: 68). Comparing remittances to aid flows, de Haas (2005: 1277) comments that "this 'private' foreign aid seems to flow directly to the people who really need it, does not require a costly bureaucracy on the sending side, and far less of it is likely to be siphoned off into the pockets of corrupt government officials". Hermele (1997: 139) gives examples of the evidence of remittances being put to productive uses – for example being invested in education and agricultural equipment in South Africa. Remittances may also have a job-creating effect: remittances sent to the country of origin stimulate demand which is met by domestic production (Portes 2009: 7). Hermele (1997: 139) estimates that 570,000 jobs have been created in Bangladesh either directly or indirectly as a result of the remittances sent by the 200,000 migrants abroad. Remittances may even prevent further emigration from developing countries, by providing an important social safety net for families in difficult times (Newland 2003).

Migrants are often said to have a broader role in the development of their country of origin than simply remitting money to families and communities. The diaspora of a country can be

seen as “potential ‘ambassadors’ or lobbyists in defence of national interests abroad” (Nyberg-Sørensen *et al.* 2002: 15; emphasis in original). Emigration is therefore not necessarily a net loss for the country of origin, as “through international migration, important transnational networks are being developed, which can act as agents to facilitate cultural, political and economic exchanges and ensure sustainable links between countries of origin and destination” (IOM 2004: 6; cf. Lucas 2005: 11). This also gives countries of origin access to knowledge, new technologies and new markets (IOM 2004: 9). In addition, the diaspora’s continued engagement in the country of origin may lead them to establish institutes of higher education there (Portes 2009: 16) or to promote trade with the receiving country (Lucas 2005: 293).

Migrants returning to the country of origin bring with them several benefits that can positively impact on development, such as “their superior training and skills, management experience, their ties to foreign institutions and networking capacity acquired while abroad” (IOM 2004: 9-10; cf. Portes 2009: 8). These factors can then be invested in the country of origin, contributing to its development. It is often argued that the intention to return home is crucial for the diaspora to remain engaged in the country of origin and share the benefits of migration with those left behind – otherwise the positive role that they can play, as described above, will eventually fade, leaving no positive impact of migration on the development of the country of origin (Lucas 2005: 299).

In addition to these main positive effects of migration on development, other effects are also mentioned in the literature. Portes (2009: 5) points out that emigration can provide a “safety valve to poverty and unemployment”. The assumption is that developing countries have a surplus of labour, so that the departure of some can lead to employment opportunities and higher wages for those left behind (Lucas 2005: 290). Success stories of previous migrants may encourage others in the country of origin to attempt to follow in their footsteps, for example by pursuing higher education. However only a few of those who increase their human or social capital actually leave, which provides a net gain for the country of origin (Wets 2004: 25).

Presumed negative effects of migration on development

There are, however, several potential negative effects of migration on development, most of which can be derived simply by viewing the potential positive effects in a different light (Hermele 1997: 138). Probably the most-cited negative impact of migration is the so-called ‘brain drain’, which is defined as the permanent emigration of highly-skilled labour, causing developing countries to lose their “most active and innovative citizens” (Skeldon 1997: 3). While developed countries have tended to increase the barriers to immigration for semi-skilled and low-skilled migrants, high-skilled migrants are in demand (Hugo 2003). Commander *et al.* (2002: 2) point out that “there are a significant number of small countries – principally in the Caribbean, Central America and Africa – with very high skilled migration rates” and in developing countries the highest emigration rates are to be found among university graduates (Olesen 2002: 136). The costs associated with this are the lost benefits usually associated with a highly-skilled workforce (such as higher productivity); lost tax revenue that would have been gained if highly-skilled migrants had stayed in the country of origin (Lucas 2005: 9); and the “loss of return on the investment made by the country of origin towards the training and education of its nationals” (IOM 2004: 9).

It is also possible to criticise the ability of remittances to impact on development in the country of origin. In particular, developing countries “may easily become dependent on this source of income, which is overall vulnerable to changes in the economic, political and social evolutions in the migrant receiving countries” (Wets 2004: 27). Dependence on remittances

reduces the incentive in the country of origin to generate jobs (Lucas 2005: 295) and the costs involved in remitting money can be substantial (*ibid.*: 298). Remittances also tend to be used for consumptive purposes (such as housing, land purchase, transport, repayment of debts) rather than productive purposes (which will contribute to the structural development and economic growth of the country of origin) (Hermele 1997: 136), and do not flow to the poorest members of society (de Haas 2005: 1278). As de Haas (*ibid.*: 1275) points out, “general development constraints – such as bad infrastructure, corruption, red tape, a lack of macroeconomic stability, the absence of appropriate public policies (schooling, health care, land reform, etc.), market failures, difficult access to international markets because of trade barriers, a lack of legal security and a lack of trust in government institutions – are all likely to play a constraining role in remittance transfers”, and arguably these are problems present in all countries usually defined as ‘developing’. In addition, as well as having no measurable impact on development, there is a chance that remittances can have an outright negative impact on the country of origin, for example by causing an inflation in real estate prices, increased unemployment, or the concentration of land ownership in the hands of a few families (Nyberg-Sørensen *et al.* 2002: 21). Kapur and McHale (2003: 49) argue that remittances have helped finance internal conflicts and sustain developing countries’ belligerent foreign policies.

Portes (2009: 11) criticises the assumed ability of diasporas to contribute to the development of their country of origin. He argues that migrants are only able to make modest contributions to developmental projects, as their income in the receiving country tends to be low, and that diaspora involvement is a “one-generation phenomenon”, with the second generation being more orientated towards the receiving country.

Although it is assumed that developing countries benefit from migrants returning after stays abroad, the reality of return may not be so positive. Nyberg-Sørensen *et al.* (2002: 12) argue that most migrants do not acquire skills abroad that are useful in the country of origin (cf. Di Maria and Strykowski 2009: 307). Olesen (2002: 137) lists four reasons for migrants to return: failure (not being able to find a job in order to survive and send back remittances); conservatism (not being able to thrive away from friends and family); retirement (having earned enough money to want to retire comfortably in the country of origin); and innovation. Of these, only migrants in the last group will definitely contribute to the development of their country of origin; those in the ‘retirement’ group may contribute depending on what they spend their money on; and those in the first two groups (i.e. ‘failed’ migrants) are unlikely to contribute to the development of the country of origin (cf. Nyberg-Sørensen *et al.* 2002: 22-23). As Commander *et al.* (2002: 20) argue: “the best migrants tend to stay”.

Presumed effects of development on migration

Development is also presumed to have an effect on migration, though there is disagreement as to the nature of this effect. There are two main arguments made here. The first states that development in the country of origin will lead to fewer people wanting to migrate (cf. Lucas 2005: 295) since migration is assumed to occur because of differences in the development levels of countries of origin and receiving countries (Nyberg-Sørensen *et al.* 2002: 11). As a result, migrants move in order to improve their employment opportunities and general welfare, but given the choice they would prefer to stay in the country of origin. Migration is therefore “to a substantial extent, a reflection of the failure of migrants’ countries of origin to create jobs and prevent violence” (Lucas 2005: 289) and one way to reduce migration from developing countries is therefore to encourage their development. Olesen (2002: 141) estimates that the level of development needed in order to reduce emigration is an income of more than \$8,000 per capita.

However, as Hermele (1997: 141) argues, the assumption that underdevelopment stimulates migration is far from certain and it is simplistic to assume that development can reduce migration. The second argument maintains that development will actually lead to more migration, initially at least (Massey 1988). Generally, migrants do not come from the very poorest sectors of society, as the costs involved in migrating are considerable and migrants may have to pay for obtaining a visa, for the services of recruitment companies, or for undocumented entry assisted by traffickers and smugglers (Lucas 2005: 276-281). Making the poorest richer (through development of the country of origin) will therefore provide them with the means to migrate (Nyberg-Sørensen *et al.* 2002: 10). Both Massey (1988: 387) and Skeldon (1997: 6) point out that the arrival of industrialisation in Europe coincided with increased emigration. There are two possible outcomes of this argument. The first is that there is a 'migration hump', where a certain level of development of countries of origin must be reached before people are encouraged to stay put (Nyberg-Sørensen *et al.* 2002: 10). Below this level, development is assumed to increase migration, but beyond it migration will gradually decrease. However, Massey (1988) provides the second possible outcome, arguing that migration becomes a self-perpetuating process, increasingly unrelated to the economic and social conditions which originally caused it. Networks of migrants abroad provide potential migrants with valuable resources and contacts, reducing the risks associated with moving and thus making migration more likely (Nyberg-Sørensen 2002: 11; Massey 1988: 397). In other words, migration leads to more migration.

Policy options which can be distilled from the debate on 'migration and development'

Given the above discussion, which policy options can be formulated to address the various assumptions? Migration and development policies may actually have conflicting objectives (Nyberg-Sørensen *et al.* 2002: 17). It is therefore important for such policies to achieve coherence and consistency – a “comprehensive approach” (IOM 2004: 18). This section will highlight some policy suggestions based on the above discussion and will, on this basis, identify four policy dilemmas facing decision-makers who attempt to link migration policy and development policy.

If migration is assumed to have an effect on development, then policy options that can be derived from the above discussion relate to: remittances; the role of the diaspora; the return of migrants; and counteracting the 'brain drain'. The International Organization for Migration suggests several ways in which developed countries can aim to make remittances more effective in contributing to development (IOM 2004: 12-13). For example, the transfer of remittances could be made cheaper (the average cost of remitting is 13% of the amount remitted) and the use of reliable channels to remit could be promoted. Developed countries could also consider exempting remittances from taxation or encouraging the establishment of foreign bank branches on their territory (de Haas 2005: 1279). Offering legal status to migrants will allow them to earn more, and therefore remit more to families or communities in the country of origin (Newland 2003).

To encourage diasporas to maintain close links with their communities in the countries of origin, receiving countries could promote the creation of migrant associations on their territory (IOM 2004: 11). However, developed countries' integration policies provide a first policy dilemma. Although such integration policies might help migrants to settle in a new society, they are likely to hamper migrants' attempts to maintain links with their country of origin (Newland 2003). Integration policies should therefore not focus exclusively on assimilation into the receiving country as this may break transnational ties.

The twin goals of encouraging the return of migrants to their country of origin and counteracting the brain drain are closely related in that both aim to avoid permanent or

damaging emigration of workers from developing countries. There are several possible policy options that could encourage the return of migrants to their country of origin. Many of these are policies that need to be enacted by the developing country concerned, such as providing reintegration assistance to returning migrants, involving them actively in policy-making, or offering incentives such as tax exemptions to encourage return (IOM 2004: 13-14). However, developed countries also have a role to play, particularly by encouraging circular or return migration. The concepts of circular and return migration are closely related since both imply that migration to developed countries should be temporary. However, where return migration implies a permanent return to the country of origin (after a period of time spent in the receiving country), circular migration specifically implies repeated migration between the receiving country and the country of origin (see Cremona 2008: 1; de Haas 2005: 1282). Return migration could be encouraged by, for example, offering more student scholarships with conditions attached for return (IOM 2004: 11) or financing return programmes for highly-skilled migrants (Hermele 1997: 154). Olesen (2002: 139) argues that developed countries need to untie the aid given to developing countries. Instead of, for example, hiring a European for a development project in Mozambique, it would be better to hire an equally qualified member of the Mozambican diaspora living in Europe, thus fostering return migration. In order to encourage return or circular migration, de Haas (2005: 1282) suggests improving the legal situation of migrants. Developed countries could make pensions built up by migrants in the receiving country transferable, encouraging return migration after retirement (Newland 2003). For circular migration to take place, it is important that developed countries provide migrants with the genuine right to migrate again, after a period of return to the country of origin (de Haas 2005: 1282), for example by easing the availability of re-entry visas (Hugo 2003; Weil 2002: 49). However, restrictive migration policies by developed countries provide a second policy dilemma, as they make return or circular migration less likely as migrants fear that visiting their country of origin means it will be impossible for them to return again to the receiving country where they have been living (de Haas 2005: 1278; Newland 2003; Weil 2002: 47).

A further policy dilemma is the tension between, on the one hand, attempts by developed countries to attract highly-skilled migrants and, on the other, the need to counteract the brain drain. The IOM therefore points out that some developed countries have adopted guidelines for the recruitment of workers from developing countries, including a list of countries that are vulnerable to the loss of skilled workers and that should therefore not be targeted (IOM 2004: 10). Developed countries could also fund “stay-at-home packages” for potential highly-skilled emigrants (Hermele 1997: 154), or mitigate recruitment policies by supporting education and training in the countries of origin (Newland 2003).

It should be noted that these policy options all assume that possibilities for migration from developing to developed countries exist since allowing some form of migration is clearly the most important element of a policy that assumes that migration impacts on development. Equally, the opposite can also be assumed in that development impacts on migration. The above discussion highlights that the most likely effect is that development increases migration, at least in the short run. These observations produce a significant policy dilemma for decision-makers in developed countries as they are committed (for example through the Millennium Development Goals) to encouraging the development of poorer countries. However they also have a tendency to try and restrict immigration. Massey (1988: 385), with reference to Mexican migration to the United States, argues that “if the United States seeks to promote economic development in Mexico and eliminate the incentives for migration in the long run, probably the most effective policy it can adopt in the short run is to set generous quotas for the legal entry of Mexican immigrants”. This is, however, politically unpopular, given that immigration is often seen as undesirable, or even an issue of security (see above). Indeed, there is a prevalent discourse in many developed countries focused on the need to ‘fight’ illegal immigration. However, Lucas (2005: 284) argues that the negative

views surrounding immigration in the receiving country, such as the concern that immigration may decrease wages or place a strain on the fiscal system, may not be justified because on average, immigration leads to a gain for citizens of the receiving country. As a consequence, a policy option might therefore be to change the discourse surrounding immigration. Bhagwati (2003: 99) agrees, arguing that “there must be a seismic shift in the way migration is addressed”. Indeed, Bendel (2007: 45) points out that providing legal migration opportunities to EU territory would actually provide member states with more control over illegal migration.

Finally, Weil (2002: 41) suggests that a policy of ‘co-development’, consisting of sustained cooperation between receiving countries and countries of origin to solve the problems they face, can bring major benefits to all. Such cooperation should include a commitment by developing countries to repatriate their nationals if they are found to be residing illegally in the receiving country (*ibid.*: 52).

Migration and development in EU Policy

To what extent have the above policy options been reflected in EU policy initiatives, and how have the policy dilemmas been addressed? In the academic literature there has been much criticism of the EU’s migration policies towards third countries. Chou (2006: 2) has characterised the EU’s approach as ‘coercive’, as it “uses development aid or related incentives in exchange for third countries’ cooperation in achieving EU migration objectives, such as the tackling of irregular migration”. The Commission itself has acknowledged that readmission agreements, in particular, “work mainly in the interest of the Community, [so] third-countries are naturally very reluctant to accept such agreements. Their successful conclusion, therefore, depends very much on the positive incentives (‘leverage’) at the Commission’s disposal” (Commission 2002b: 24). This leverage often comes in the form of a visa facilitation agreement (Trauner and Kruse 2008). Castles (2006: 759) has argued with regard to the Commission’s Policy Plan on Legal Migration that ‘win-win’ outcomes for countries of origin and receiving countries “look very much like an afterthought”. Sterkx (2008: 134-135) identifies a process of ‘externalisation’ in EU migration policy (exemplified by the extraterritorial control of migration flows), which he argues “narrows down the comprehensive approach”. Bouteillet-Paquet (2003: 360) agrees, stating that “partnership with countries of origin is a euphemism for a policy that has so far produced little more than extended the control driven policy, while very few progress [sic] has been made in the field of economic development and root causes prevention”.

How might these tendencies in EU policy be explained? Lavenex and Kunz (2008: 452-454) argue that the focus of EU initiatives on immigration control with only vague, non-committal mentions of development interests, can be attributed to the dominance of Justice and Home Affairs (JHA) ministers meeting in the Council; the understaffing of Directorate-General (DG) Justice, Freedom and Security; and the strategic importance of immigration openings and visa facilitation in the EU’s external relations. Boswell (2003: 626) also identifies institutional problems in this policy field, arguing that there is a difference between JHA officials in the Council (who are concerned with migration management) and development and external relations officials in the Commission, who seek to avoid the use of development policy and funding to prevent migration flows. Indeed, within the Commission, DGs Justice, Freedom and Security (JLS), External Relations (Relex) and Development have responded in very different ways to the requirement to integrate migration policies into the EU’s external relations (Boswell 2008), with DG JLS embracing the new agenda immediately, and DGs Relex and Development being much more sceptical. Such incoherence will undoubtedly hamper efforts to combine migration policy and development policy in a comprehensive approach. Haddad (2008: 196) argues that the control-oriented approach of the EU in the

external dimension of migration and asylum policies results from a perceived need to reinforce the external border of the EU (after the abolition of internal borders under the Schengen agreement) and a perceived need to control the new external borders of the EU (after the eastern enlargements).

As outlined earlier, this article will examine the linkages between migration policy and development policy (based on the above discussion) in the Global Approach to Migration; the Policy Plan on Legal Migration; the thematic programme for the cooperation with third countries in the areas of migration and asylum; and the Mobility Partnerships.

In December 2005, the European Council adopted the Global Approach to Migration, based on an agreed need to “ensure that migration works to the benefit of all countries concerned” (Council 2005: 7). Priority actions were to be focussed on Africa and the Mediterranean based on an integrated approach. This was followed only a few weeks later by the Commission’s Policy Plan on Legal Migration (Commission 2005b). The policy plan was a response by the Commission to a request by the European Council to define a road map for the Hague Programme, and in it the Commission proposes directives on the conditions of entry and residence of four types of migrants: highly skilled workers; seasonal workers; intra-corporate transferees; and remunerated trainees. In 2006, a Commission Communication outlined a thematic programme for the cooperation with third countries in the areas of migration and asylum (Commission 2006). Such a thematic approach, the Commission argued, “responds to the need for integrating migration and asylum issues into the Community policies of cooperation and development, whereas, at the same time, it may contribute to better match the Community’s own interests in the fields concerned, while responding to the call for improved policy coherence” (*ibid.*: 7). More recently, in 2007, the EU launched the Mobility Partnerships. These Partnerships are to be agreed with individual third countries, and EU member states sign up to participate on an opt-in basis. The Communication from the Commission on the Mobility Partnerships made it clear that they should have development-related aims in terms of “exploiting potential positive impacts of migration on development and responding to the needs of countries of origin in terms of skill transfers and of mitigating the impact of brain drain” (Commission 2007: 2). However, the Communication also emphasises that the partnerships have migration-related aims, namely “to identify novel approaches to improve the management of legal movements of people between the EU and third countries ready to make significant efforts to fight illegal migration” (*ibid.*).

Global Approach to Migration (GAM)

In terms of linking migration policy and development policy, the GAM is rather vague. This is particularly surprising given that it was adopted only three months after the Commission Communication on migration and development; the GAM, however, does not make any mention of the Communication. This is a serious flaw in terms of the EU trying to achieve a ‘comprehensive’ approach with migration policies and development policies aligned, particularly given that the Global Approach was extended to cover the eastern and south-eastern neighbouring regions in 2007 (Council 2007).

The GAM calls for initiatives to be launched “to promote cheaper and more easily available remittance services” (*ibid.*: 9), without, however, providing any detailed indications of what such initiatives might include (one example mentioned above was encouraging the establishment of foreign bank branches on EU territory, which will make it easier for migrants to send remittances and thus contribute to the development of their country of origin). Other proposals are equally vague: the EU will “consider supporting efforts of African states to facilitate members of diasporas to contribute to their home countries” and “explore options to

mitigate the impact of skill losses in vulnerable sectors” (*ibid.*; emphasis added). As outlined above, integration policies affect migrants’ attempts to maintain links with their countries of origin, and migrant recruitment policies of developed countries contribute to skills losses. However, these links are not made in the GAM which does not deal with these policy dilemmas.

In addition, the GAM does not mention circular or return migration at all. There is no specific focus on legal migration (although, as outlined above, the linkages between migration policy and development policy assume that legal migration is a possibility). Although the GAM states that “[a]ction must be taken to reduce illegal migration flows and the loss of lives, ensure safe return of illegal migrants, strengthen durable solutions for refugees, and build capacity to better manage migration, including through maximising the benefits to all partners of legal migration” (Council 2005: 9; emphasis added), there is no indication that legal migration will be fostered as such (for example by increasing migration opportunities for third-country nationals to the EU). Indeed, it is noted that “action must be taken to reduce illegal migration flows” (*ibid.*: 7). In other words, there is no attempt to change the discourse surrounding immigration – instead, the notion of ‘risk’ is explicitly associated with migration, in that Frontex is asked to present a risk analysis report on Africa.

The principle of cooperation with third countries seems to form an important element of the GAM; indeed, two of the three pillars of the Approach are ‘Dialogue and cooperation with Africa’ and ‘Work with neighbouring countries’ (the final one being ‘Increasing operational cooperation between member states’). Several proposals for such cooperation are outlined (*ibid.*: 9). For instance, the EU will implement projects to combat trafficking in cooperation with Morocco. The GAM highlights that these proposals “form part of a broader agenda for developing the EU’s relationship with Africa and the Mediterranean” (*ibid.*: 7). However, the extent of input by the third countries mentioned in defining the projects to be pursued might be questioned; the country-specific Action Plans prepared by the High-Level Working Group on Asylum and Migration, for example, did not include any input from partner countries, leading to an angry reaction from Morocco (Chou 2006: 18). As the Commission has acknowledged that third countries are reluctant to accept readmission agreements (see above), and as the GAM outlines readmission agreements as an important element of cooperation with both Morocco and Algeria, it can be presumed that the input of these countries in determining the agenda outlined by the GAM has been minimal. This is therefore not an instance of co-development as defined by Weil (2002; see above).

Policy Plan on Legal Migration

Although the Policy Plan proposes directives on the conditions of entry of certain types of migrants into the EU, it does not deal with the issue of remittances or the role of diasporas in contributing to the development of their country of origin at all. Indeed, the Commission stresses the importance of the integration of migrants into EU societies, for example through information packages on arrival and language and civic orientation courses (Commission 2005b: 9), without any mention of the impact this can have on migrants’ ties with their countries of origin. Securing an improved legal status for migrants is addressed. For instance, the proposed directive on conditions of entry for seasonal workers states that the aim should be to “provide the necessary manpower in the Member States while at the same time granting a secure legal status and regular work prospective to the immigrants concerned” (*ibid.*: 7). As explained above, a secure legal status will allow migrants to earn more, and therefore remit more to their families/communities in the country of origin, thus increasing the developmental impact of migration. However, at the same time a focus on integration of migrants into the receiving country can be detrimental to links with

families/communities in the country of origin. The Policy Plan leaves this dilemma unresolved.

The Plan further states that “ethical recruitment should be considered for sectors particularly vulnerable to brain drain” (*ibid.*: 7), which may help developing countries to hold onto their most innovative citizens. However, the very first proposal in the Policy Plan is for a directive on the conditions of entry of highly skilled workers, which is at odds with the stated need to ensure ethical recruitment. The Commission emphasises that most highly skilled migrants currently reside in the US and Canada, and that Europe needs to attract more of them (*ibid.*). This illustrates the dilemma between development concerns and EU member states’ wishes to increase the number of highly skilled workers in their labour markets – in this case, development concerns are clearly secondary. As Chou (2006: 13) argues, “an immigration policy privileging those with high skills... [is] an illustration of how the EU does not take into consideration the impact that EU migration policies... have on the development in the developing/sending countries”.

The proposed directive on conditions of entry for seasonal workers specifically envisages repeat circular migration: “the scheme will propose a residence/work permit allowing the third-country national to work for a certain number of months per year for 4-5 years” (Commission 2005b: 7). The Policy Plan states (in line with the discussion above) that such a regular work perspective for migrants can contribute to the development of the country of origin. This section of the Plan prioritises the need for circular migration over a desire for restrictive immigration policies.

Already at the outset, the Policy Plan emphasises that legal migration to the EU will become necessary, given demographic trends and the aim of fulfilling the Lisbon Strategy for Growth and Jobs. As the Policy Plan highlights, some member states already experience labour and skills shortages, both in unskilled and highly-skilled sectors (*ibid.*: 4). However, at the same time, “immigration does not provide in itself a long-term solution to falling birth rates and an ageing population” (*ibid.*: 5) – instead, priority should be given to attracting more EU citizens and legally resident migrants into the labour market. Indeed, combating illegal migration remains a priority: “Admission of economic immigrants is as inseparable from measures on integration on the one hand, as it is from the fight against illegal immigration... on the other” (*ibid.*: 4). Therefore, there is some incoherence in the plan. Although it does contribute to the gradual change in the discourse surrounding immigration (by emphasising that immigration is a positive phenomenon that will become necessary for the EU), the Commission is equally quick to point out that this will not be the main priority in EU policy and that the focus on reducing illegal immigration will remain central. As outlined above, the possibility of legal migration needs to exist in order for migration and development to work together. However, the Policy Plan will not create more migration opportunities for citizens of non-EU countries. Instead, the aim of the plan is “to guarantee a common framework of rights to all third-country nationals in legal employment already admitted in a member state, but not yet entitled to long-term residence status” (*ibid.*: 6).

The final section of the Policy Plan highlights the need for enhanced collaboration with third countries on economic migration (*ibid.*: 10). Specific proposals are suggested such as monitoring the migration of skilled workers from developing countries in order to identify sectors vulnerable to brain drain. However, these proposals outline action to be taken by the EU, and it is not clear what the role of third countries will be. It is therefore not clear whether the EU here envisages a real policy of co-development with equal input from partner countries.

As outlined above, to achieve a ‘comprehensive’ approach allowing migration and development to work together, migration policies should be aligned with development

policies. However, in addition to the need for policy coherence, the institutional framework of the EU requires coherence between several different actors (in particular the Commission and the 27 member states) in order for policies to be truly comprehensive. In the Policy Plan, the Commission recognises that this may be problematic: the contributions by the various actors to the Policy Plan “showed a general support for a common EU policy for economic immigration, albeit with important differences in the approaches to be followed and in the expected end result” (*ibid.*: 3). If there are such differences in the expectations that various actors have of migration policy, it will be difficult to achieve a comprehensive approach between migration policy and development policy.

Thematic programme for the cooperation with third countries in the areas of migration and asylum

The thematic programme identifies five strands to be addressed: fostering the links between migration and development; promoting well-managed labour migration; fighting illegal immigration and facilitating the readmission of illegal immigrants; protecting migrants against exploitation and exclusion; and promoting asylum and international protection (Commission 2006: 9). It therefore seems that fostering legal migration of third-country nationals to the EU will form an important element. The communication seeks to move beyond a focus on fighting illegal immigration. While managing migration is acknowledged as a valid goal, “the additional challenge today lies in the development of policies which recognise the need for migrant workers to make our economies function in those sectors where the EU is facing labour and skills shortages” (*ibid.*: 9). This, it is stated, “presupposes an approach which goes beyond the questions of border control and fight against illegal immigration, to incorporate other dimensions of the migratory phenomenon” (*ibid.*). The Communication further specifies that “it is necessary to move from a ‘more development for less migration’ approach to one of ‘better managing migration for more development’” (*ibid.*: 10).

However, the specific aims identified deal with the dissemination of information about migrants’ rights and obligations in the EU and the implementation of legislative frameworks for migrant workers (*ibid.*: 11), rather than promoting opportunities for legal migration. In addition, this section of the programme is immediately followed by that on ‘fighting illegal immigration and facilitating the readmission of illegal immigrants’, which begins by emphasising that “preventing the unauthorised entry of migrants remains essential” (*ibid.*). The thematic programme therefore does not substantially contribute to shifting the discourse surrounding immigration to the EU.

As the Communication notes, “migration is... part of developing countries’ modernisation process and an intensive debate is currently ongoing on the question of how migration can better contribute to development” (*ibid.*: 4). Reference is specifically made to the 2005 Communication on migration and development and the thematic programme “should support the implementation of the measures identified on this occasion” (*ibid.*: 10). The proposed measures cover the main elements identified in the discussion above on migration and development, though in some cases they could be more detailed. For instance, encouraging diasporas to contribute to the socio-economic development of their country of origin is listed as a priority, but no details are given as to the types of projects which might achieve this (one example identified above would be the promotion of migrants’ associations). However, other proposals do identify the means for achieving the stated goals – remittances, for example, should be facilitated, among others by reducing the cost of such transfers. The Communication further states that the effect of the brain drain should be mitigated, and here reference is made to a 2005 Communication by the Commission that recognised the potential negative impact of highly-skilled emigration on developing countries, particularly in the healthcare sector (Commission 2005c). Furthermore, the voluntary return of

professionals should be supported, including through assistance with social security schemes. Although this last point is not clearly specified, this might imply making social security benefits transferable, which was identified as a policy option promoting return migration. The thematic programme does, therefore, “[respond] to the need for integrating migration and asylum issues into the Community policies of cooperation and development, whereas, at the same time, it may contribute to better match the Community’s own interests in the fields concerned, while responding to the call for improved policy coherence” (*ibid.*: 7).

In terms of achieving a ‘comprehensive’ approach, the thematic programme acknowledges that “actions under the budget heading B7-667 have sometimes resulted in the financing of operations isolated from the existing programming” (*ibid.*: 6), implying an incoherent approach to cooperation with third countries in the area of migration and asylum. The thematic programme will therefore provide a community framework for cooperation between EU member states and third countries and “facilitate the creation of synergies between the Community and member states approaches in this field” (*ibid.*: 7). This should ensure a comprehensive approach in terms of EU and member state actions.

The thematic programme also recognises that cooperation with third countries is required for policies to be effective and efficient (*ibid.*: 4). However, this is not framed first and foremost in terms of migration and development. Rather, the association is made between the migratory pressure from developing countries and the lack of institutional capacity in these countries for dealing with migration, as a result of which “illegal immigration constitutes an increasingly widespread phenomenon”. It is therefore questionable to which extent policies developed on this basis would be genuine examples of co-development, rather than attempts by the EU to persuade third countries to help reduce illegal migration to the EU.

The Mobility Partnerships

It was outlined above that the notion of migration and development presumes that some migration is possible, and that if developed countries want to promote circular and return migration in particular it is important to ease restrictions on immigration. The Commission Communication does foresee that Mobility Partnerships will provide opportunities for migration from the partner countries to the EU (Commission 2007: 5) and the texts of the two existing Mobility Partnerships both state as the first goal of the agreements the facilitation of legal migration (Council 2008b: 2; Council 2008c: 2). This is a particularly innovative aspect of the Mobility Partnerships and suggests a different view on migration than the notion of ‘combating’ illegal migration.

However, the Communication also states that such legal migration possibilities will depend on the labour market needs of member states and must respect the principle of Community preference for EU citizens (*ibid.*). Third countries’ cooperation on combating illegal immigration into the EU is a precondition for a Mobility Partnership (Commission 2007: 2) and the language of the partnerships still emphasises the “fight” against illegal migration. The Select Committee on European Scrutiny of the House of Commons has stated that “the UK believes that mobility partnerships... should not be unduly focussed on legal migration” (2009), suggesting that illegal migration is still a priority concern for the member states. A real shift in the discourse surrounding immigration can therefore not be discerned. This is reflected in the projects proposed. For instance, of the 64 projects proposed under the agreement with Moldova, only seven relate to labour migration schemes, and of these only two projects propose new possibilities for labour migration (the others dealing instead with, for example, bilateral agreements on local border traffic or the dissemination of information in Moldova on EU labour market regulations). The Mobility Partnership with Cape Verde consists of 31 proposed projects – 10 projects relate to the facilitation of labour migration

more generally, but of these only three propose to create new possibilities for labour migration (again, the rest relate instead to providing information to Cape Verdeans wishing to migrate or proposals to strengthen the integration of Cape Verdeans living or working in the EU). Measures relating to the management of migration seem to feature much more prominently in both agreements. In the Mobility Partnership with Moldova, there are 17 proposals relating to border control (including document security and combating illegal migration and the trafficking of human beings), and five proposals relating to monitoring migration flows (including capacity-building). The Mobility Partnership with Cape Verde contains seven proposals relating to border control and four relating to monitoring migration flows.

The Commission's Communication on Mobility Partnerships refers to facilitating remittances (Commission 2007: 6), though it is listed as a measure which could be included in the agreements, and no specific details are given as to how this should be achieved. While the agreement with Moldova contains three projects related specifically to the role of remittances and elaborated in more detail (for example, Romania and Italy propose to "design a Financial Instrument for Self-Employment and Small Business Development with a view to encouraging migrants to invest remittances, particularly in local communities"; Council 2008b: 13), the agreement with Cape Verde contains only one proposal by France to enhance the role of remittances, for example by reducing the cost of money transfers, but no specific details are given as to how this should be achieved (Council 2008c: 12).

Both the agreement with Moldova and that with Cape Verde contain proposals to strengthen the role of the diasporas. For instance, both Spain and Portugal propose to support the work of *Instituto das Comunidades*, a diaspora organisation for Cape Verdeans (*ibid.*: 11). However, one policy dilemma highlighted above is between the role of diasporas in their country of origin, and the integration policies of the receiving country of migrants. This is an issue not addressed by the Mobility Partnerships.

Both Mobility Partnerships state that temporary or permanent return policies can help to mitigate the effects of emigration of the highly-skilled. The Mobility Partnership with Moldova contains a proposal by the Czech Republic and Cyprus to offer circular migration projects including support for the reintegration of returning migrants (Council 2008b: 11), though no specific details are given as to the form of these projects. In terms of encouraging circular (i.e. repeated) migration, the Commission recognises that offering some permanent form of privileged mobility to the EU will help to encourage migrants to return to their country of origin (Commission 2007: 9) and argues that greater flexibility should be introduced by member states' consulates, so that multiple-entry visas can be issued and visa application fees waived in certain cases (*ibid.*: 7). There are some signs of member states moving towards less restrictive migration policies in order to foster circular migration – for example, in the Mobility Partnership with Moldova, Germany proposes to allow Moldovans who legally reside in Germany the possibility to leave for extended periods of time without losing their residence rights (Council 2008b: 13). The Commission has suggested changes to the long-term residents' directing to allow migrants to leave the receiving country for two or three years without losing resident rights (Commission 2007: 10).

The Communication on Mobility Partnerships refers to the need to avoid a 'brain drain' (*ibid.*: 7), suggesting also how this could be achieved (for example by excluding from the Mobility Partnership migration from sectors that are under strain in the partner country). The chapter on circular migration further proposes that member states could commit to not recruiting in sectors affected by brain drain; that mechanisms should be implemented to make it easier for migrants to divide their lives between the EU and the country of origin; and that the EU should support developing countries in creating attractive professional opportunities (*ibid.*: 12). However, the Commission's proposed legislation, which accompanies the

Communication, might increase the risk of brain drain from partner countries – proposals include the admission of highly-skilled migrants, seasonal migrants, and remunerated trainees (*ibid.*: 10), though so far a legislative proposal has only been put forward for a ‘Blue Card’ scheme for highly-skilled migrants. This is hardly surprising given the international competition to attract highly-skilled migrants, who are seen as more desirable for the receiving country than low- or unskilled migrants (Castles 2006). However, it is in direct conflict with actions to counteract brain drain.

In terms of a ‘comprehensive’ approach by the EU, the Commission recognises the importance of coherence and consistency not only of EU migration and development policies (see for example Commission 2005a: 11), but also of action at the Community and member state levels (Commission 2007: 14). The Mobility Partnerships with Moldova and Cape Verde specifically state that the signatories are acting within the existing framework of cooperation. For Moldova, this is the European Neighbourhood Policy (Council 2008b: 1), and for Cape Verde this is the Cotonou Agreement (Council 2008c: 1). It is, however, beyond the scope of this paper to assess whether the provisions of the Mobility Partnerships are really consistent with existing agreements and this will have to be addressed in future research. More generally, there is a problem of consistency in EU action as not all member states are taking part in the partnerships (15 member states take part in the agreement with Moldova; only five take part in the agreement with Cape Verde). The Commission (2007: 3) itself recognises that Mobility Partnerships have a complex legal nature, as some of the issues they address are Community competences and others are member state competences.

One recommendation outlined above was that cooperation is needed between developing and developed countries if migration and development are to work together – an agreement should therefore not be one-sided. This is true of the Communication on Mobility Partnerships, which also lists the commitments expected from partner countries, which include, as suggested above, “a commitment effectively to readmit [their] own nationals and to cooperate fully in identifying them” (*ibid.*: 4). The Commission emphasises that dialogue and cooperation between the EU and partner countries is essential (*ibid.*: 12), and both Mobility Partnerships contain projects proposed by the partner countries. For example, Moldova proposes to “consider strengthening the activities of the Information Centres for the Moldovan migrants in the Moldovan diplomatic missions” (Council 2008b: 13). As the Mobility Partnerships are such new instruments, little is yet known about how the agreements were prepared and negotiated and further research is therefore needed to establish whether the partnerships truly reflect cooperation between the EU and the third countries concerned.

Conclusion

This article has provided an assessment of the linkages between migration policy and development policy in EU policy initiatives since 2005, particularly in terms of the four policy dilemmas identified: the desire to integrate migrants into receiving countries through integration policies versus the need for migrants to maintain links to their country of origin in order to contribute to its development; the restrictive immigration policies by developed countries versus the developmental benefits of circular and return migration; the desire of developed countries to attract highly-skilled migrants versus the need to prevent a brain drain for developing countries; and the need to foster development by allowing legal migration or accepting increased immigration as a result of development versus the prevalent discourse in many developed countries on illegal immigration as a ‘threat’ to be combated.

Overall, the initiatives all address at least some of the issues identified in the discussion on migration and development, such as remittances, the role of diasporas and counteracting brain drain. There seems also to be a development over time, with the later initiatives (the thematic programme and the Mobility Partnerships) incorporating more of the suggested policy options derived above. However, the fact that the idea of 'migration and development' is not fully and consistently incorporated into all Communications, despite the priorities identified in the Commission's 2005 Communication on migration and development and the requirement in the Communication on 'Policy Coherence for Development' that "non-development policies [including migration] should respect development policy objectives" (Commission 2005d: 3), suggests that EU policies on migration and development are incoherent. Indeed, the Mobility Partnerships (due to their complicated legal nature) risk inconsistency between EU and member state actions. This hampers the EU's attempts to achieve a 'comprehensive' approach in this policy area.

This inconsistency also means that the policy dilemmas are in several cases simply not dealt with – for instance, the GAM makes no mention of circular or return migration at all, and therefore it cannot begin to address the tension between circular or return migration on the one hand, and member states' restrictive immigration policies on the other. None of the policy initiatives identify the tension between integration policies and the role of diasporas in contributing to the development of their country of origin. Some policy initiatives are outright contradictory due to their failure to address adequately the policy dilemmas identified above. The Policy Plan on Legal Migration, for example, recognises that brain drain is problematic for developing countries, but also emphasises that the EU needs to attract more highly-skilled migrants. The same is true of the Commission Communication on the Mobility Partnerships, which also proposes legislation on the admission of highly-skilled workers. All the policy initiatives contain attempts at changing the discourse surrounding immigration by highlighting the necessity or desirability of immigration. Ultimately, however, they still emphasise the 'fight' against illegal immigration, leaving this policy dilemma unresolved. In addition, 'legal migration' in these policy initiatives more often than not refers to projects such as capacity-building activities to improve partner countries' abilities to deal with migratory flows or disseminating information amongst the citizens of partner countries about the legal migration channels to the EU; 'legal migration' does therefore not refer to increasing the number of opportunities for legal migration to the EU or fostering such movements. This confirms the criticism in the academic literature that EU policy prioritises migration management and attempts to reduce illegal immigration over attempts to foster legal migration. This observation is problematic for migration and development as the existence of legal migration opportunities is essential to positive linkages between migration and development.

The article has addressed the design of EU policy initiatives in relation to the discussion on migration and development; future research should therefore address the implementation of the initiatives. This is particularly relevant for the Mobility Partnerships: as the most recent of the initiatives examined, not much research has yet been conducted on the partnerships. However, the Commission indicated in 2008 that Mobility Partnerships will form an important part of the 'Mobility and Security Pacts' to be offered to third countries in the Eastern Partnership (Commission 2008: 6). As the partnerships become more widely used in the EU's relations with third countries, an understanding of their impact on the linkages between migration policy and development policy becomes ever more important. In addition, future research could also address the institutional dynamics involved both in policy-making and implementation in the case of migration and development – several authors (e.g. Boswell 2008) argue that the various actors at EU level have different approaches to this policy field, which could be expected to influence policy outcomes.

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How to Assess the European Union's Influence in International Affairs: Addressing a Major Conceptual Challenge for EU Foreign Policy Analysis

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Abstract

In the discipline of European Union foreign policy analysis, quite a number of debates have focussed on determining what type of actor the EU is in international affairs (e.g. a normative power). While intellectually stimulating, these debates have regularly been held at too high a level of aggregation. Breaking the question about the EU's clout in international affairs down to the micro-level, this contribution takes up a conceptual and methodological challenge that is currently unaddressed in the discipline: developing a method suited for studying the EU's concrete foreign policy activities and their effects so as to assess its actual influence on global politics. Importing insights on the concept of influence from public policy analysis, it designs an analytical framework that allows for statements about whether, how, to what extent and - ultimately - under what conditions the EU exerts influence in one important arena of international affairs, namely international regimes.

Keywords

European Union foreign policy; Influence analysis; International regime

ORIGINALLY A PREDOMINANTLY INWARD-LOOKING REGIONAL INTEGRATION project, the European Union (EU) has gradually developed an impressive array of external activities. This evolution becomes strikingly apparent if a broad notion of EU foreign policy takes precedence over a definition solely in terms of its Common Foreign and Security Policy (CFSP). From this perspective, the EU has come to substitute or actively supplement the foreign policies of the member states, not only in the domain of external trade, where it enjoys exclusive competences, but also in such areas as development, human rights or environmental policy, where it shares competences with its members (Keukeleire and MacNaughtan 2008).

This remarkable development has not gone unnoticed, since research activity on the broader theme of "the EU in the world" is booming (Jørgensen 2007). To date, the EU foreign policy analysis literature has, however, remained in many ways, incoherent, "pre-theoretical", and inconclusive (Øhrgaard 2004: 42; Carlsnaes 2007). This observation appears to be particularly accurate when considering the not so banal question of what

<p>Schunz, S. (2010). 'How to Assess the European Union's Influence in International Affairs: Addressing a Major Conceptual Challenge for EU Foreign Policy Analysis', <i>Journal of Contemporary European Research</i>. Volume 6, Issue 1, pp. 22-42. Available at: http://www.jcer.net/ojs/index.php/jcer/article/view/223/190</p>
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impact the external activities of this new foreign policy actor actually yield on the global stage. Very little effort has been spent on thinking about methods for empirically assessing the EU's external effectiveness and efficiency in international politics (Ginsberg 2001; Jørgensen 2007). The absence of sound conceptual and methodological reasoning about the Union's impact in international affairs stands in stark contrast to the plentiful scholarly attempts at identifying what kind of power the EU can be or already is in the global arena. The desire of giving the Union some kind of a label has found its expression, *inter alia*, in the revival of the classical controversy about whether the EU is (or should be) a civilian or a military power (Duchêne 1972; Bull 1982; Orbie 2008), and in the emergence of concepts such as "normative power Europe" (Manners 2002) or "European superpower" (McCormick 2007). A major problem common to these power debates is the high level of aggregation at which they are held. Since affirmations about the EU being this or that type of power regularly tend to be insufficiently grounded in empirical findings, much of the Union's actual external activities is left unexamined.

In a highly inspirational speech about the challenges contemporary EU foreign policy analysis is facing, Karen Smith acuminates this critical observation and formulates a desideratum (2007: 13): "Debates about whether the EU is or is not a civilian power, a normative power, a superpower and so on, are not really leading us anywhere right now. (...) We should instead engage in a debate about what the EU does and why it does it and with what effect, rather than what it is." Consequently, she proposes that:

[m]uch more research needs to be done on the EU's influence in the wider world, and particularly on the EU's impact on the international system (...) Too often, we lapse into assertions that the EU has either considerable or little influence, without the backing of clear, substantial evidence for such influence. 'Proving' the EU has influence (or not, and what sort and why) requires considerable empirical research (...) - but unless we try to get to the bottom of this, we are left with unsubstantiated assertions about the EU's place/role/influence" - and, one needs to add, "power" - in the world (Smith 2007: 12-13).

This article engages in such an endeavour by proposing a method designed to assess the EU's *influence* in international affairs. More precisely, it strives to develop a comprehensive analytical framework that allows for carrying out the "extensive empirical research" thought necessary by Smith in order to ultimately answer the questions of whether (did the EU exert influence?), how (by which foreign policy tools did it exert influence?) and why (under which conditions did it exert influence?) the EU influences global politics. Conducting such rich empirical research is a very time-consuming task, which may be one of the reasons why researchers have, so far, shied away from it. What may have been even more discouraging, however, is the noticeable absence of readily available conceptual and methodological bases for influence analysis. Taking up the major challenge of assessing EU influence in international affairs requires, first and foremost, such basic operations as concept development (what is influence?) and the design of an appropriate method. Another key reason for why this sort of analysis has to-date not been carried out may lie in the way research results are currently predominantly published: explaining the development of a method, virtually from scratch, *and* applying it to a case is hardly manageable within the length constraints of a journal contribution, certainly if there is to be a balance between methodological and empirical sections. For that reason, the present contribution deliberately focuses on developing, step by step, one possible way of assessing EU influence. In doing so, it strives to stimulate a debate on this methodological challenge. To compensate for the absence of detailed empirical application of the

proposed method, examples from the field of EU engagement in the United Nations (UN) climate change regime illustrate how the method could be employed.¹

Designing an analytical framework will require multiple choices to reduce the complexity of the social instances analysed. One such choice pertains to the global arena. Contemporary global politics takes innumerable forms, ranging from loose bilateral coordination over more institutionalised multilateral regimes to genuine global institutions. The contribution focuses on international regimes, defined here, in short, as a form of “collective self-regulation by states” (plus, increasingly, non-state actors) on issues that transcend national boundaries (Mayer *et al.* 1993: 402). The EU is involved in a range of regimes, *inter alia* in such areas as trade, security, development, and environment.

The design of the influence analysis method proceeds in several steps. Firstly, the concept of influence itself is specified through a cross-fertilization of concepts and methods designed by public policy analysts with regard to interest group influence in national, European and global contexts (Huberts and Kleinnijenhuis 1994; Dür 2008; Dür and de Bièvre 2007; Betsill and Corell 2007; Arts and Verschuren 1999) and concepts used in (EU) foreign policy analysis and International Relations (IR). In linking the findings of these research areas, the logic that foreign policy is the exercise of influence in international relations is thought all the way through (Hudson and Vore 1995: 215). Secondly, these considerations will be embedded into a case study design relying on process-tracing and reputational analysis as primary research methods. To reduce the complexity of the analysis, the conceptual foundations will then be concretely applied to the potential influence-wielder (the EU) and its target (an international regime). In a further step, variables will be isolated that can eventually be used to explain EU influence on an international regime. All components will be recomposed to design a five-step analytical framework whose usability is illustrated with the help of empirical examples. The virtues and limits of the framework will be discussed in a brief conclusion.

The concept of influence and its analysis

Influence represents one of the core concepts of political science.² Despite its non-negligible centrality to their discipline, policy analysts regularly lament the “absence of standard terminology” (Dahl and Stinebrickner 2003: 12): substantial definitions of the concept are still frequently avoided (Betsil and Corell 2007: 7; Michalowitz 2007).

Without standardised terminology, influence demands thorough concept formation. According to Goertz, the social sciences mostly deal with complex, “three-level concepts” (2006: 6). Initially, a concept needs to be defined at the “basic level”, delimiting it from neighbouring concepts (Goertz 2006: 30-35). This is usually done by way of sampling and typologising existing definitions (Gerring and Barresi 2003: 205). At the “secondary level”, the “preliminary idea (...) formed (...) at the basic level” has to be expanded via the inclusion of ontological and causal components, making for the “constitutive dimensions” of the concept (Goertz 2006: 6, 35-39). Regularly, this is achieved through the identification of the necessary and sufficient conditions a concept comprises. At a third “operationalisation level”, the concept needs to be dissected further into sub-categories and embedded into methodological considerations to allow for data collection and categorization (Goertz 2006: 39-46). Following this reasoning, influence will now

¹ Obviously, limiting the contribution to a methodological discussion without sufficiently demonstrating how this method has been applied to a case can easily expose the piece to criticism. Acknowledging this limitation of present account, the author considers this type of criticism as desirable, since it marks the beginning of a debate on a topic considered, from both an academic and a policy-making viewpoint, highly significant.

² Some go even as far as claiming that “all politics is the exercise of influence” (Dahl and Stinebrickner 2003: 34).

successively be defined, delimited and operationalised for usage in a foreign policy analysis context.

Defining and systematising the concept of influence in a foreign policy analysis context

The concept of influence has originally, but not exclusively, been employed by public policy analysts. Typical definitions see influence as an interaction between an influence-wielder and an influence target, during which both change into the same direction (Braam 1975, see Huberts 1994), as "control over outcomes" (Dür and de Bièvre 2007), as "mind change" of the influenced (Michalowitz 2007), or as "one actor intentionally communicat[ing] to another so as to alter the latter's behaviour from what would have occurred otherwise" (Betsill and Correll 2007: 24). Employing such short-hand formulas, these definitions often remain basic, typically focussing on specific elements of what appears to be a much more complex causal relationship. Further, they often come quite close to the classical definition of relational power as "getting another actor to do what it would otherwise not do" (Dahl 1957).

This amalgamation of influence and power can equally be found back in early attempts to conceptualize influence in the discipline of International Relations (see Betsill and Corell 2007: 21-22). Two scientific concepts (ideally) do not refer to the same social phenomena, though, and a clear distinction between power and influence can indeed be made. Without going into the details of the vast literature on this concept (see Baldwin 2002), power has commonly been defined as "the *ability* to influence the behaviour of others in a manner not of their choosing" (Heywood 2000: 35, emphasis added; Handy 1993; for French and Raven 1968: 152, "power is potential influence"). As an ability or "capacity to exert influence", power is based on (material) resources and (non-material) capabilities and implies a notion of "can (or could) be done" (Kuypers 1973: 87, 84). By contrast, influence implies activity and is an "actuality" - the actual "modification of one actor's behaviour by that of another" for the purpose of reaching the latter actor's aims (Cox and Jacobson 1973: 3; Lukes 2005: 69). An actor's power "may be converted into influence", but might not be "converted at all or to its full extent" (Cox and Jacobson 1973: 3).

In essence, all definitions emphasize thus that influence presupposes - in contrast to power - an *activity* involving an influence-wielder and a target (another actor) which the influence-wielder affects in order to attain its preferences or goals. The effect on the influenced takes the form of a modification of behaviour (Cox and Jacobson 1973: 3) or mind change (Michalowitz 2007). Re-composing these elements, and elaborating on Cox and Jacobson (1973: 3), a new definition of influence - at the basic level - emerges. Influence must then be defined as *the modification of one or several actors' behaviour, beliefs or preferences by acts of another actor exerted for the purpose of reaching the latter actor's aims*.

Dissecting this definition into its components allows for identifying five constitutive dimensions at the secondary level of the concept.

1. INTERACTION: Influence is a (causal) relationship between an influence-wielder and one or, as frequently the case in a multilateral foreign policy context, several influence targets (Dahl and Stinebrickner 2003; Cox and Jacobson 1973).
2. PURPOSIVE BEHAVIOUR: The influence-wielder "wants to affect" the influence target in some way (Carlsnaes 2002: 333; Cox and Jacobson 1973).

3. TEMPORAL SEQUENCE: Actions by the influence-wielder precede any type of change in the influenced (Michalowitz 2007; Braam 1975; Cox and Jacobson 1973).

4. GOAL ATTAINMENT: Change need not be restricted to a modification of behaviour or preferences (Cox and Jacobson 1973), but can also take the form of a "mind change" regarding the beliefs - *i.e.* the acceptance of and conviction in the truth, actuality, or validity of something (Free Dictionary 2008) - of the influenced (Michalowitz 2007). It must go "in a direction consistent with (...) the wants, preferences or intentions of the influence-wielders" (Dahl and Stinebrickner 2003: 17). In other words, the goal-oriented behaviour of the influence-wielder must be successful: its goal must be attained. On this point, it has to be borne in mind that influence is a continuous, not a dichotomous concept (see Goertz 2006: 34). Partial goal attainment by the influence-wielder does not rule out that this actor has exerted influence.

With this, the "positive pole" of the concept (what is influence?) has been determined (see Goertz 2006: 30-35). Examining also the "negative pole" (when is what we observe not influence any more?), a fifth dimension comes into play:

5. ABSENCE OF AUTO-CAUSATION: Logically, what is observed qualifies only as influence if the mind or behavioural change can be - at least in part - attributed to the activity of the influence-wielder and not exclusively to some other reason *inherent* to the influence target (Braam 1975; Huberts 1994).

All five components of the concept ought to be regarded as necessary conditions. Together, they are sufficient to determine influence. An influence analysis method must allow for performing the causal conditional analysis needed to determine whether influence has been exerted in a given context.

Employing influence in a foreign policy context necessitates one further adaptation to the concept. Generally, the discipline of foreign policy analysis holds influence central to its research, as expressed, for instance, in the definition of foreign policy as the "area of politics which is directed at the external environment with the objective of influencing that environment and the behaviour of other actors within it, in order to pursue interests, values and goals" (Keukeleire and MacNaughtan 2008: 19; see also: Hudson and Vore 1995: 215; Manners and Whitman 2000: 2).³ In classical foreign policy analysis, activities aimed at influencing the external environment are referred to as "foreign policy implementation", which is the stage in the policy process following "foreign policy making", *i.e.* an actor's internal formulation of foreign policy aims (Webber and Smith 2002: 79-104). Foreign policy implementation, however, does not systematically result in influence. The possibility that the actions of a foreign policy player yield no effects is not accounted for by the concept of influence. Yet, assessing influence without examining what will be defined here as "influence attempts" would omit the complete picture of the activities, successful or not, of a foreign policy actor (see Baldwin 1985).⁴

Influence attempts can be defined, at the basic level, as *acts by an actor exerted with the purpose of bringing about change in the beliefs, preferences or behaviour of other actors in order to attain its aims*. They are analytically distinct from, but conceptually complement influence. An actor's influence is, in this view, the product of a successful exercise of an

³ Despite this centrality of influence, virtually no attempts have been made in this discipline to specify what influence means and how to assess it (with the partial exception of Ginsberg 2001, who employs the term "impact").

⁴ In his discussion of foreign economic policy, Baldwin uses the term "statecraft" instead of foreign policy implementation, which he defines as "governmental influence attempts" (1985: 9).

influence attempt. At the secondary level, the constitutive dimensions of the concept "influence attempts" overlap with the first two of the concept of influence: interaction and purposive, goal-oriented behaviour. It is reasonable to assume that, in the realm of international relations, influence attempts of states or the EU take the form of foreign policy acts such as economic and diplomatic instruments (Brigh and Hill 2008: 131-132; Webber and Smith 2002: 87-90; Baldwin 1985: 13-14).

A mixed method for analyzing the influence of a foreign policy actor: combining narrative process-tracing with reputation analysis

Determining the influence of an actor in a complex international context requires the design of a method capable of establishing whether the necessary conditions identified at the secondary level of the concept are actually fulfilled in a given situation. To-date, a "surprising lack of specification about (...) how to identify (...) influence in any given political arena" exists, which is not exclusive to EU foreign policy analysis (Betsill and Corell 2007: 7; Michalowitz 2007; Smith 2007). Paradoxically, the study of foreign policy implementation quite regularly stops - at best⁵ - with the consideration of the instruments through which an actor attempts to exert influence, while "the effect of the foreign policy tool used has been a neglected area of research" (McGowan and Shapiro 1973: 193; Callahan, Brady and Hermann 1982: 257; Webber and Smith 2002: chapter 4).

Turning once again to public policy analysis for inspiration, "three classical approaches" to influence analysis have been identified: positional, reputation and process analysis (Arts and Verschuren 1999: 414; Huberts and Kleinnijenhuis 1994; Dahl 1961). Positional methods aim at determining the (in)formal position of an actor in a given context and deduce its influence from it (Schendelen 1981: 118-119). Reputation-based methods strive to determine influence on the basis of an investigation of how an actor is perceived by others (Arts 1998). Finally, process methods examine, on the basis of previously established criteria, political decision-making processes over time to see how actors attempt to impact on these and with what success (Braam 1975; Huberts 1994; Bos and Geurts 1994). The first two methods have received much criticism for failing to investigate into an actor's concrete influencing activities and for black-boxing interaction processes (see Bos and Geurts 1994: 61-62; Dür 2008: 568). By contrast, process-based influence analyses have generally been advocated as more useful for the study of influence of single actors in national and international decision-making contexts (Huberts and Kleinnijenhuis 1994; Betsill and Correll 2007).

Arguably the most advanced attempt at developing an instrument suited for the assessment of political influence (of non-governmental actors) in complex international negotiation contexts is the "EAR instrument", developed by Arts and Verschuren (1999, also Arts 1998). The key to this approach is the idea that triangulation, *i.e.* the use of multiple points of view in data collection and analysis, can enhance the validity of findings. The instrument combines process and reputational methods through the use of three perspectives (Arts and Verschuren 1999: 416-419): (i) the **Ego**-perspective, *i.e.* the self-perception of the influence-wielder E about its impact (or lack thereof); (ii) the **Alter**-perspective, which covers the view that other key players have of the performance of E; and (iii) the **Researcher's** analysis, which allows through the study of E's goal achievement for correcting potential misperceptions of both the ego and the alter. Central to applying the method is the choice of key respondents, key topics and key levels of decision-making in order to reduce the complexity of the analysed processes (Arts and Verschuren 1999: 422).

⁵ A significant number of analyses, especially in EU foreign policy studies, actually stop already with the consideration of an actor's foreign policy-making.

For the purpose of studying an actor's influence in international affairs, the core principle of the EAR instrument will be reproduced: the combination of process and reputational analyses allows for crucial triangulation. The logic of the instrument will, however, be fully reversed. The analytical framework outlined here holds the researcher's (process) analysis central by advancing a more detailed narrative process-tracing approach, and uses the perceptions of the studied (in this case: representatives of the EU) and others (non-EU negotiators, observers) to validate its findings.

Process-based influence analysis methods advocate a thorough reconstruction of negotiation processes by way of a case study (Huberts 1994: 57; Arts and Verschuren 1999). More recently, social science methodologists have discussed this technique under the term "process-tracing" (Gerring 2007). Different interpretations of this research tool appear to co-exist. In a positivist tradition, process-tracing has been employed to test hypotheses about causal mechanisms and the scope conditions under which these are triggered (Checkel 2005). Accordingly, positivist process-tracers operate with "covering laws" and *ceteris paribus* conditions, aiming at reconstructing all the (micro-)steps in a process leading from previously specified independent variables to outcomes (Checkel 2005: 5; Bennett and Elman 2006).

For the analysis of complex and lengthy international regime negotiation processes, such an amalgamation between covering laws and causal mechanisms seems inappropriate because,

a law does not exhibit a cause. How do we exhibit a cause? We tell a story, a causal narrative about the causal pathways by which one class of events is actually affected by another. Since food has calories, and calories are energy, when we reduce our intake then the body has less energy to draw from external sources so it has to turn to internal sources of energy (...) and the body uses up fat when it draws that energy (...) Along the way we may use general laws but they are not in themselves explanations for why and how, when we eat less, we lose weight (Somers 1998: 770).

In such an interpretive reading, process-tracing becomes thus narration in search for patterns (Gysen *et al.* 2006). Narratives, defined as a discourse "with a clear sequential order that connect events in a meaningful way" (Hinchman and Hinchman 1997: xvi), not only provide a concise account of social events as they unfolded, but are also deeply causal in nature because "any explanation resides in its accounting for temporality and sequence" (Somers 1998: 771). Practically, interpretive process-tracers confront social reality thus openly by making numerous loose assumptions about "how the world works", and "rightly focus[ing their] attention on those links in the causal chain that are (a) the weakest and (b) the most crucial for the overall argument. (...) There is no point in investigating the obvious" (Gerring 2007: 178, 184). Ultimately, they produce sense through ordering, categorizing - in short "narrativising" - social facts (Gerring 2007: 180).

Narrative process-tracing requires thorough pre-framing. It is most persuasive if first, theoretical and methodological choices are made explicit prior to and during the research; second, the boundaries of the study are clearly circumscribed; third, each step in the process is explained, abstaining from disruptions and shifts of focus; and fourth, enough detailed evidence has been presented (Bennett and Elman 2006: 459-460). The outcome of narrative process-tracing efforts has been referred to as "a 'probable causal explanatory modus'" (Gysen *et al.* 2006: 108), producing in the first instance idiosyncratic explanations (Elliott 2005: 98).

This approach to process analysis lies at the heart of the analytical framework developed here. It allows for analysing a foreign policy actor's influence attempts and their effects over time, embedded in a broader narrative of how a concrete international outcome has

taken shape (e.g. a regime has been created or reformed). It requires the conception of a thoroughly pre-framed case study. Framing becomes necessary not only with regard to the time period, but also concerning the targets of influence attempts and the issues within a regime that an influence-wielder wants to impact on (see Arts and Verschuren 1999: 422). The necessary choices can be made on the basis of conceptual and theoretical considerations, as detailed in the following section. Other than reducing the complexity of the analysis, such considerations also provide ideas on how influence may ultimately be explained.

To further strengthen the validity of the entire influence study, a reputational variant of influence analysis is added to the process-trace. Both the perceptions of the ego (EU foreign policy-makers) and of others (negotiators from outside the EU, observers) about the EU's influence on the selected regime will be used to validate the results of the process analysis. The integration of a reputational component into the analysis of EU influence also allows for exploiting synergies with two thriving research areas within EU foreign policy studies, one on the Union's roles in international affairs, including its self-perceptions (see Elgström and Smith 2006), and the other on "how others perceive the EU" (e.g. Lucarelli 2007).

In terms of concrete research techniques, a combination of three instruments for data collection has been suggested as most useful for a case study based on process and reputation analysis (see Huberts 1994: 52): document analysis, semi-structured interviews, and direct or participant observation. Data analysis becomes possible through narrativisation, but also through explanation-building (see Huberman and Miles 1994).

Refining the analytical framework: injecting insights from EU foreign policy analysis and regime theory

With the general contours of an influence analysis method for foreign policy contexts spelled out, concrete choices with regard to both the subject (the EU) and object (an international regime) of the intended analysis allow for the necessary reduction of complexity. For framing purposes, successive looks will be taken into concepts developed in EU foreign policy analysis and into regime theory.

The perspective of the subject: specifying the notion of EU influence attempts

Insights from the discipline of EU foreign policy analysis can help to specify how the EU implements its foreign policy to exert influence. EU foreign policy does not differ from foreign policy as it has been defined in general terms above - in short, an "area of politics which is directed at the external environment with the objective of influencing that environment" (Keukeleire and MacNaughtan 2008: 19) - with regard to the overall logic and aims, but certainly with regard to who designs and conducts it. One can speak of *European Union* foreign policy whenever genuine EU actors (the European Commission, the Council Presidency, etc.) or EU member states act explicitly on behalf of or in line with EU values, interests and goals. Its implementation presupposes the existence of foreign policy tools suited for exerting influence.

A detailed elaboration on the EU's foreign policy instruments has been suggested by Smith (2003: 52-68, see also Ginsberg 2001: 49-50). Her approach concentrates on two types of instruments: economic and diplomatic.⁶ In the *economic* sphere, she

⁶ The discussion of a third category of foreign policy instruments - military means - would go beyond the scope of this contribution and will therefore not be pursued.

distinguishes between positive (carrots) and negative (sticks) measures (Smith 2003: 60; Ginsberg 2001: 50). The EU can exert influence positively by, inter alia, concluding trade, cooperation or association agreements, reducing tariffs or providing aid. On the negative side, the EU can impose embargos or boycotts, delay or suspend agreements, increase tariffs etc. Smith refers to these latter tools also as “coercion” (2003: 22). In the *diplomatic* sphere, she identifies a range of EU instruments for influencing others: issuing demarches or declarations, visiting other countries, imposing diplomatic sanctions, granting diplomatic recognition, opening dialogues, offering EU membership, and so on (Smith 2003: 61).

Smith’s catalogues provide useful bases for specifying EU influence attempts. Two clarifications seem, however, in order. Her discussion of negative economic measures omits the fact that such instruments cannot only be employed coercively, *i.e.* actually be used to the detriment of the EU’s interlocutors, but can also have the status of threats. In the latter case, e.g. if sanctions are only invoked as a possibility, this activity belongs to a different sphere of interaction than coercion: together with all positive economic measures, it falls under the broader category of “bargaining”, *i.e.* a form of negotiation between two or more parties that is characterized by strategic interaction and the exchange of promises and threats (Holzinger 2004). Secondly, diplomatic tools, as specified by Smith, cannot only be used in a bargaining context, but also as a means of “persuasion”. Table one takes these clarifications into account by classifying EU foreign policy acts into three major categories (see Dahl and Stinebrickner 2003): persuasion, bargaining and coercion.

Table 1: EU influence attempts as concrete foreign policy acts

Categories of influence techniques (see Dahl and Stinebrickner 2003)	EU foreign policy instruments (adapted from Smith 2003)
PERSUASION	Issue demarches, declarations, statements Visit Make proposals Initiate political dialogue Send envoys, experts Sponsor conferences Support action
BARGAINING	Offer diplomatic recognition Offer membership Offer trade, cooperation or association agreement Reduce tariffs Increase quota Grant inclusion in the general system of preferential treatment Provide aid Extend loans Threaten with embargo (ban on exports) or boycott (ban on imports)
	Grant diplomatic recognition Grant membership Conclude trade, cooperation or association agreement Reduce tariffs Increase quota Grant inclusion in the GSP Provide aid Extend loans
	Threaten diplomatic sanction Threaten to refuse recognition Threaten with embargo (ban on exports) or boycott (ban on imports) Threaten to... ... increase tariffs, ... decrease quota ... withdraw GSP ... reduce or suspend aid ... delay conclusion of agreements ... suspend or denounce agreements
COERCION	Impose diplomatic sanction Deny recognition Increase tariffs Decrease quota Withdraw GSP Reduce or suspend aid Delay conclusion of agreements Suspend or denounce agreements

The differentiation between types of foreign policy acts helps to examine the EU's influencing strategy by guiding data collection and analysis. All acts qualify as influence attempts.

The perspective of the object: limiting the actor-specific, thematic and temporal scope of the influence analysis

International regimes constitute significant objects of EU influence (attempts), but they can take numerous, at times very complex, forms. To deal with this complexity, insights derived from regime theory can make the influence analysis study more manageable by specifying the targets of EU influence attempts, its ultimate objectives and its temporal

scope. For illustrative purposes, examples of how to make these choices have been selected for the UN climate change regime.

The oft-employed “consensus definition” of a regime (Hasenclever *et al.* 1996: 179) stems from Krasner (1983: 2):

implicit or explicit principles, norms, rules, and decision-making procedures around which actors’ expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of [behaviour] defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-making procedures are prevailing practices for making and implementing collective action.

It has proven helpful “as a guide for empirical studies” in dissecting regimes into their constitutive components (Hasenclever *et al.* 1996: 179-180). Aggarwal further increased the usability of the definition by introducing a distinction between the rules and decision-making procedures on the one hand and the political gist of any regime, *i.e.* “the principles and norms underlying the development of a regime [which] can be termed a ‘meta-regime’”, on the other (Aggarwal 1985: 18). Taking Krasner’s or Aggarwal’s definition as starting points, one can assume that influence on a regime passes - per definition - by the modification of one or several actors’ behaviour, beliefs or preferences with regard to the four (or two) core constituents of this regime. For the purposes of this analytical framework, this observation implies that focussing an analysis of EU influence on its attempts to impact on these issues and on the actual effects of these influence attempts allows for an assessment of its influence on this regime in its entirety. In a study of any given regime, it should be possible to select core constituents, thus limiting the thematic scope of the analysis.

To give an example, in the global climate change meta-regime, two issues have continuously been of central importance. The core *norm* of the regime is, firstly, without doubt its ultimate objective and *raison d’être*: the obligation to reduce greenhouse gas (GHG) emissions. In the founding document of the regime, the UN Framework Convention on Climate Change (UNFCCC) of 1992, this is vaguely embodied in the objective of Article 2 (“achieve (...) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system”). Filling this norm with meaning necessitates a definition of the emissions limit needed to attain this aim. Secondly, arguably the key principle of the climate regime is the *principle of common but differentiated responsibilities* (Article 3 UNFCCC). A contested, but often referenced principle in international environmental law, it represents a true “belief of rectitude” because it comprises a notion of how the burdens for abiding by the core norm should be divided, namely according to a *common* responsibility of all states, but taking into account *differences* in both past and present contributions to the environmental degradation and in the capacities to deal with environmental problems (Rajamani 2000). In regime negotiations, it becomes necessary to fill this principle with concrete meaning, answering the question “who does what?” in the combat against climate change. Focussing the analysis of an actor’s influence on these two core components of the climate meta-regime allows for broader inferences regarding its influence on the regime as such. Similarly, key pillars of other regimes could be carefully selected to determine the EU’s influence in those domains.

Further insights from regime analysis permit two additional choices. Regime creation and development “usually result from multilateral negotiations” (Hasenclever *et al.* 1996: 186), which are typically complex, multi-party, multi-issue, and multi-role settings requiring consensual decision-making (Zartman 1994a: 3-4). In such a context, the “prime imperative of practitioner and analyst alike is thus to decomplexify” (Zartman 1994b: 219). In practice,

this is regularly done by applying two techniques: sequencing and coalition-building (Zartman 1994a: 4-7). Both can help to limit the scope of the study.

On the one hand, the number of actors whose behaviour, preferences or beliefs need to be changed to exert influence can be considerably restricted. Since states regularly organize themselves by forming coalitions in regime negotiations, it is often essential for an actor to exert influence on the leader(s) of this coalition rather than on each of the countries that forms part of the group. When designing an influence analysis, core actors in a regime can thus be pre-selected. In a climate regime context, for instance, there have been various negotiation coalitions throughout different phases of the regime. During the negotiations on the Kyoto Protocol, the EU(-15) was, by and large, confronted to a group operating under the acronym JUSSCANNZ (Japan, the US, Switzerland, Canada, Australia, Norway, New Zealand, Iceland), often led by the US, the coalition of economies in transition, led by Russia, and the G-77/China block of over 130 developing countries, often led by China and India. An influence analysis can usefully focus on examining the subject's interactions (here, the EU) with such leading players, which exist in all regimes.

On the other hand, the idea of sequencing can be further exploited. Negotiations for the creation or development of a regime go through various phases, not all of which are of equal importance. For assessing an actor's influence, a limited time period can be chosen, e.g. the negotiations on a treaty. For the climate change regime this could, for example, be the negotiations on the UNFCCC, which were formally started in early 1991 and concluded in the summer of 1992. Once the temporal boundaries of the process to be analysed have been clarified, further steps can be taken to dissect this process into phases and identify crucial turning points in the negotiations. Turning points can usually be detected at the transition between phases within a closed negotiation process. In her "phased process analysis" approach, Chasek suggests that regime negotiations can be broken down "to a more manageable level" by distinguishing between six such phases: a pre-negotiation phase, a problem diagnosis/issue definition phase, a phase during which initial positions are stated, a formula-building phase, a detailing phase, and a ratification/implementation phase (2001: 35; 44-49; 150). The transitions between phases/turning points are usually marked by a minimum of one of the following three events: First, several actors change their behaviour, converging at least to some extent into one direction; second, proposals are eliminated; and/or third, only one or a combination of several options is maintained as basis for further negotiations (see Chasek 2001: 151-55; Huberts 1994). By focussing the process analysis on what happens at these turning points, the influence of key actors involved in the negotiations can be assessed, as illustrated below.

In synthesis, if prior knowledge about the regime is available, insights from regime analysis concerning the core constituents, actors, phases and turning points in a regime negotiation process can help to make informed choices in order to considerably reduce the task of the influence analyst.

Accounting for EU influence: potential explanatory factors at multiple levels of analysis

As Dahl and Stinebrickner (2003: 38) note, the modalities of, and reasons for, the exercise of influence are "immaterial to the question of whether influence has occurred." The concept itself, therefore, provides little if no explanations of an actor's influence. It can be assumed that the explanatory factors for the EU's influence on an international regime must be searched for at both the international level of analysis (exogenous factors) and the actor-specific level of analysis (endogenous factors). To tentatively pre-specify explanatory variables, recourse can once again be made to EU foreign policy analysis and regime theory. In the first instance, explanations of why influence has been exerted in a given

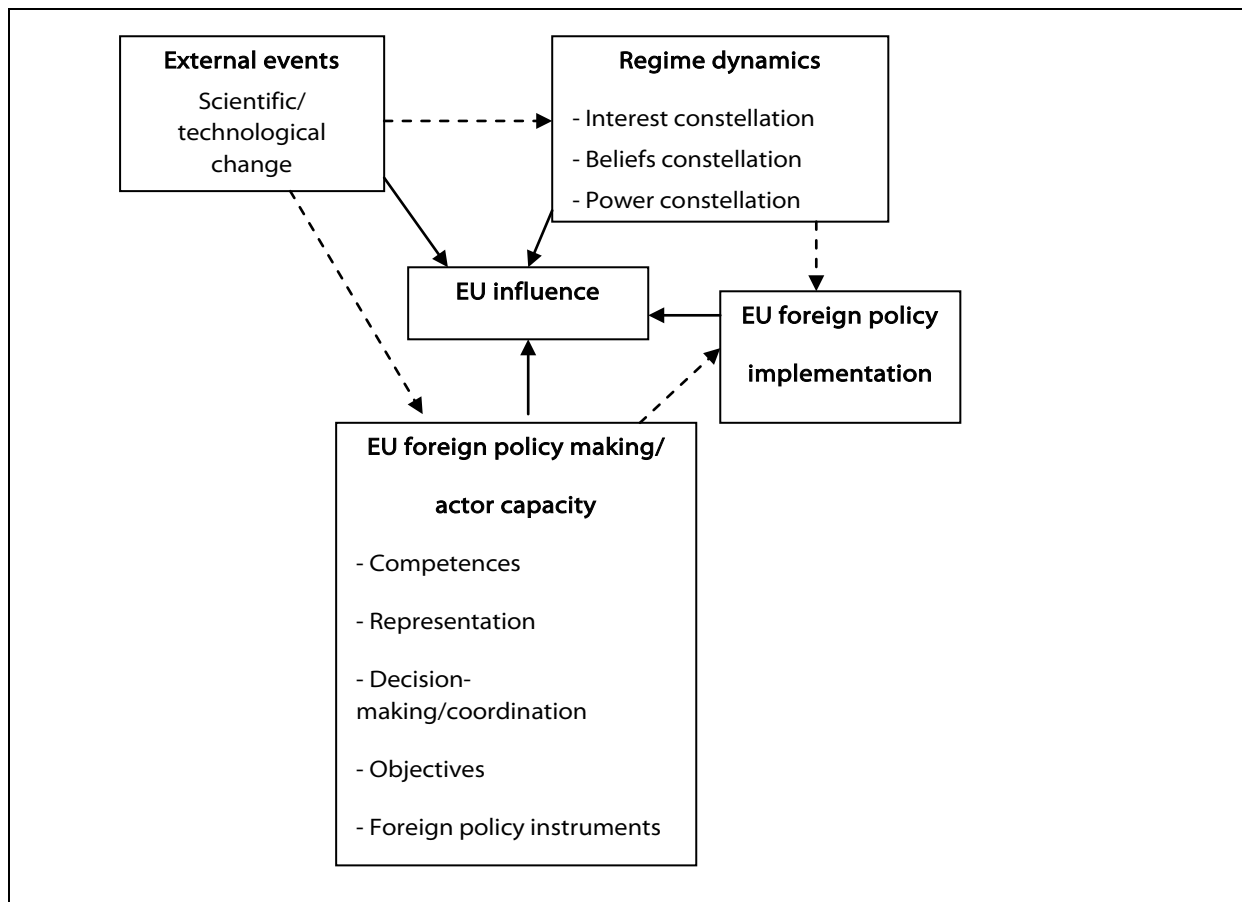
regime context will always be idiosyncratic and take the form of plausibility rather than probabilistic statements (Huberts 1994: 39).

Turning to the *exogenous factors* first, it is obvious that regimes are not usually created or developed as the result of the influence of a single actor or hegemon, but as the product of a multiplicity of factors including the activities of other actors, the issue(s) the regime deals with (e.g. new scientific insights or technological advances may increase or decrease the urgency with which a topic has to be treated), and the political, economic or social context the regime is embedded into (Young 1989: 95-96). All these factors can also determine a single actor's influence on others in this regime by either opening windows of opportunities for impact or constraining its influence (attempts). It is above all the patterns of interaction between actors in regime negotiations that will co-determine the influence of a single actor. Interactions can be structured according to different logics, corresponding to the three main strands of regime theory (power, interests, ideas) (Hasenclever *et al.* 1996). Power asymmetries can play a role, as changes in the capacities of actors may alter the way they interact (Krasner 1991). Further, divergences of preferences leading to strategic interaction between actors can dominate regime dynamics (Keohane 1989). Finally, exchanges on the basis of shared or differing ideas can determine the shape of a regime (Goldstein and Keohane 1993). The beliefs, interests and power constellations in a regime are thus potentially significant factors for explaining an actor's influence (or its absence) in a regime. To uncover those constellations, it is necessary to discuss in some depth the beliefs, interests and capacities of the key actors in this regime.

One of the players who determine the inner dynamics of a regime is self-evidently the analysed actor itself: *endogenous determinants* of EU influence are its capacity and activity. Without a doubt, as an economic heavyweight, the EU possesses supreme material capacities, which "can generate expectations that it will exercise political influence" (Smith 2003: 7). Furthermore, it is assumed here that the EU generally possesses the capacity *to be* a foreign policy actor. But the singular nature of the EU raises nonetheless the question to what extent it disposes of the non-material capacities (institutional set-up, foreign policy tool-kit) necessary for it to exert influence. The EU's actor capacity depends on the existence of legal competences to act, procedures for internal (foreign policy) decision-making and coordination and external representation, treaty and strategic objectives for external action and the necessary foreign policy tools to become active on the world stage (Wouters *et al.* 2009). The degree to which the EU possesses all these elements may vary over time and across policy domains. Being more or less capable of making foreign policy (competences, coordination) and implementing it (representation, instruments) can have major repercussions for the Union's exercise of influence. Furthermore, the way the EU actually employs its instruments in practice in order to exert influence, in other words its foreign policy implementation, is crucial.

To sum up these considerations, figure one provides a tentative model incorporating the range of variables that may determine EU influence on an international regime. It also indicates how the various factors that determine EU influence (black arrows) can co-determine each other (dashed arrows).

Figure 1: Key variables for explaining EU influence on international regimes



Attempting to account for EU influence necessarily adds to the considerable descriptive effort required for the analysis. It is assumed, however, that gathering data on the different variables ultimately allows for explanation-building on the Union's influence on the analysed international regime.

Assessing the EU's influence on international regimes: a five-step analytical process

Bringing the threads of above general considerations on influence, its analysis, and the specific application to the case of EU activity in international regimes together, an analytical framework can be designed for a step-by-step assessment of EU influence. Its usability will be illustrated with the help of examples chosen from the EU's activities during the negotiations on the creation of the UN climate regime.

Step 1: screening the general context

Both the context into which the international regime is embedded and developments concerning the issue under discussion can play a major role in explaining the way actors interact and decisions are taken within that regime. A brief screening of the context for (i) major scientific and technological advances influencing the perception of the issue; and (ii) important events outside the regime arena is therefore needed in order to present what may be called the "background narrative", which may prove essential for explaining EU influence.

In a global climate policy context, major new findings of climatologists, but also climate change-induced natural disasters could provide a favourable context for an EU desiring to promote ambitious climate policies. Conversely, a major financial crisis might detract attention from climate change, and thus render EU influence on the climate regime less probable.

Step 2: identifying the EU's and other key actors' beliefs, preferences and positions

The players within the regime and their interaction have been considered as central to any influence analysis. Accordingly, any investigation needs to start with a sound overview of the beliefs, preferences and negotiation positions of the key actors in the regime, as they were at the outset of the studied time period with regard to the issues selected for in-depth study. This enables a mapping of the evolution of these parameters over the course of the studied process. Obviously, the EU's actor capacity should occupy a central place in the analysis at this point, as it may prove crucial for accounting for its influence.

A brief illustration of how this analytical step could be carried out in practice focuses exclusively on the positions (omitting beliefs, preferences) of the main actors on one of the key components of the climate regime identified above, namely the level of ambition of emission reductions. At the outset of the negotiations on the UN Framework Convention in 1991, the positions of the two major coalitions in the emerging regime - the industrialized countries and the G-77/China - were fairly clear: the latter wanted the industrialized countries to adopt an ambitious emissions reductions target (without citing a number), while the vast majority of the former considered a stabilization of GHG emissions at 1990 levels by the year 2000 as necessary (see Bodansky 1993). The EU itself, although at the time with a limited foreign policy capacity,⁷ had advocated this target already in 1990. The big exception within the industrialized world was the US, which was strongly opposed to any binding target.

Step 3: telling the general story - the evolution of international regime negotiations and the EU's influence attempts

To understand the interactions between regime participants and assess EU influence, it is necessary to trace a clearly delimited regime negotiation process. The narrative process-trace should focus first specifically on the EU's foreign policy implementation to see how and at what points in time this actor attempted to exert influence on other key actors; second, the overall regime dynamics, *i.e.* the interaction between key actors on main events; and third, all this with particular attention to the key issues selected. EU influence attempts can ultimately be identified and typologised on the basis of the conceptual considerations detailed earlier, allowing for the extraction of patterns in the EU's foreign policy behaviour.

The story of the negotiations leading up to the Rio Earth Summit in June 1992 has been constructed in detailed fashion elsewhere (Bodansky 1993; Mintzer and Leonard 1994). It highlights the role of the EU as an antagonist to the US with its minimal "no target" position. After unsuccessfully attempting to "persuade the US of the political feasibility of committing itself" to the EU's stabilization target during the first year of the negotiations (Germanwatch 1991: 4-5), the Union changed course to break the gridlock the talks were caught up in. Engaging in bilateral bargaining with the US, the EU helped to craft formulas that would later make it virtually unchanged into Articles 4.2(a) and (b) of the UNFCCC

⁷ Despite limited formal actor capacity, "member states and the Community were intertwined in such a way that the EC could be seen as a unitary actor using multilateral diplomatic channels" during this negotiation episode (Sbragia 1998: 298-299).

(Bodansky 1993: 491). Apart from Article 2 with its opaque stabilization objective cited earlier, the EU obtained that industrialized countries should provide “detailed information on its policies and measures (...) *with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases*” (Art. 4.2(b) UNFCCC, emphasis added). While this “aim” remained vague and not legally binding, the Convention did stipulate a review of the adequacy of the substantial provisions of this paragraph (Art. 4.2(d) UNFCCC), laying the foundations for future negotiations that would end in the adoption of the Kyoto Protocol. Step 4 will determine the share of EU influence on this key outcome of the negotiations.

Step 4: detailing the narrative analysis - determining the EU's influence

This step represents really the heart of the influence analysis exercise. Establishing EU influence necessitates, firstly, the identification of turning points in the regime negotiation process and, secondly, the telling of an in-depth narrative and a causal conditional analysis of what occurred at these points and whether this can be interpreted as EU influence.

The identification of turning points can be steered by regime analysis (see part 3.2; Chasek 2001: 44-49; 150; Huberts 1994). Once turning points have been identified for the studied issues, it becomes possible to eliminate actors that can logically not have been influential by monitoring the evolution of their positions and activities: only if their previous position was completely or partially in concordance with the decision taken at a turning point, they can have logically been partially influential (Huberts 1994: 41-43; 57-59). If the EU remains among those that may have been influential, it can be determined whether it has actually exerted influence or not by utilizing the constitutive dimensions of the concept of influence for a causal conditional analysis (Has there been an interaction with other(s) in which the EU approached the other(s) first with the purpose of altering their behaviour (*interaction, temporal sequence, purposive behaviour*)? Has the EU *attained its goals* (at least partially) (Huberts 1994), *i.e.* have others changed behaviour, preferences or beliefs in the direction of the EU and/or does the overall outcome reflect EU aims? Can the change be attributed to the EU, *i.e.* was it *not* the result of *auto-causation* in the other actors or of another factor that has to be considered more important than the Union's intervention?). Answering these questions requires triangulation in data collection and thorough data analysis based not only on narrativization of the information, but also on counterfactual reasoning to check the “negative pole” of the concept of influence and explore whether no alternative explanations of the outcome exist (Goertz 2006). The researcher's analysis is, at this point, supplemented with the insights gained through reputational analysis, *i.e.* data gathered from interviews with EU representatives and external observers about their perceptions of whether the EU has been influential or not, particularly at the chosen turning points.

Without going into detail, a brief reconsideration of the process, as sketched out in the previous step, and of its outcome can help to assess EU influence. The major turning point in this negotiation process occurred at the transition between the formula-building and the decision-taking phase: where all options had remained on the table until then, the EU-US deal on what would become the key paragraphs of the UNFCCC would, in retrospect, open the way for an agreement. Up to this major turning point, the EU's position had remained fully on the table. Therefore, the Union was influential. Its activities fulfilled all the necessary conditions/constitutive components of influence: the Union stated its position early in the process (1990), and was among the agenda-setters for this item (temporal sequence); it interacted closely with other major players, notably the US (interaction), and with a clear intention of impacting on this actor to alter the final outcome of negotiations (purposive behaviour); further, it partially attained objective of having a target mentioned in the treaty (goal attainment). Finally, the slight adaptation of position by the US during the final stages in the negotiations was the result of other parties' pressure, first and foremost the

EU's, more than of internal developments in Washington (absence of auto-causation). While it is thus possible to establish *that* the EU exerted influence on the final conclusion of this item, the determination of its share of influence demands further counterfactual arguments. On the one hand, even if the EU was certainly not the only actor that demanded a change in position from the US, it was without doubt the most fervent defender of the 2000 stabilization target among the industrialized players. Arguably, "despite its non-binding character, Article 4 (2) of the Convention would certainly have been much weaker without the EC's prior position" (Haigh 1996: 162). On the other hand, "had the U.S. not taken such a hard line on commitments, the Convention would no doubt have been stronger" (Hunter *et al.* 2002: 618). Weighing both parties' concessions against each other, the EU's and the US shares of influence on the final outcome regarding this agenda item were thus of comparable magnitude. These observations derived from the narrative are confirmed by reputational analysis (see, e.g., the testimonies of EU and non-EU negotiators in Mintzer and Leonard 1994).

Step 5: explaining EU influence on the analysed regime

Once EU influence has been established, tentative explanations of the Union's influence become possible. Relying on the previously identified potential explanatory factors of EU influence (see figure 1), patterns can be extracted and hypotheses brought forth on the conditions that enable (or constrict) EU influence. Further explanatory factors may be brought into the picture to give a coherent account of why the EU exerted influence on this regime in the studied time period.

Obviously, the examples provided here do not make for a coherent narrative process analysis and can therefore not serve as a basis for explaining EU behaviour. Based on the model provided in the previous section, several factors nonetheless suggest themselves even from the limited empirical bits and pieces presented here: factors that enabled EU exercise of influence were its fairly coherent position and the ability to advance this position through a variety of channels and to engage in bargaining as major influence attempt when this was needed. Constraining factors were both domestic and external in nature: internally, the EU did not yet possess the indispensable tool-kit to build enough momentum among industrialised countries to convince the US. The major external factor limiting EU influence in these negotiations was the overall importance and difficult bargaining position of the largest emitter US.

Conclusion: grounding European Union power debates in thorough influence analyses

This contribution parted from the assumption that the evaluation of the European Union's increasing foreign policy activity could benefit from empirically grounded statements about its actual influence in international affairs. Pinpointing and explaining the Union's influence constitutes a considerable methodological challenge EU foreign policy analysts have not sufficiently addressed. The influence analysis method advanced in this contribution represents an initial attempt at filling this void by importing insights from other disciplines (public policy analysis, IR). In doing so, it intends to stimulate a debate. Deliberately, the proposed method has not been fully applied to a case in this contribution. Ongoing research by the author⁸ suggests, however, that assessing influence by way of this method is possible, albeit at the expense of considerable data collection efforts and of decreased internal validity: the method may not - and can never - qualify as

⁸ In a multi-year research project, the author uses this method to analyse the EU's foreign policy activities and assess its influence in the UN climate change regime over time.

"exact science", since inferences made from the narrative process-trace of complex negotiations are always plausibility rather than probability statements (Huberts 1994: 39). These limits should not stand in the way of addressing this methodological gap, however, as the expected benefits outweigh the costs: the method helps laying the necessary empirical foundations for debates about the EU's power and for improving EU foreign policy performance.

Arguably, the most interesting question with regard to studies of EU influence in international regimes is why the EU sometimes successfully converts its potential into actual impact, and fails to do so at other times. To answer this question, and in doing so make more general assumptions about the Union's performance across regimes, the idiosyncratic explanations inherent in the narrative about a specific instance of EU activity in a regime can be upgraded through what has been referred to as "theory-carried generalization", *i.e.* the act of generalising from empirical findings to "phenomena, cases (...) that belong to the scope or the domain of the theory involved" (Smaling 2003: 27). The most obvious assumption would be that analogies exist between regimes in the same policy field (e.g. in the environmental domain: UNFCCC regime and biodiversity regime).

Transcending the discussion of EU activity in international regimes, the analytical framework could also be adapted and applied to other global policy contexts in order to test, e.g., the EU's influence on policies in a specific region (e.g. the Middle East), country (e.g. Russia) or institution (e.g. the Food and Agriculture Organization) within a given time frame. To do so, thorough pre-framing would have to be achieved through theoretical lenses appropriate for the given international constellation. A wider empirical application and further development of methods like the one proposed here would not only improve the understanding of EU foreign policy strategies, (types of) effects and performance, but also help to refine the analytical tool-box of the discipline of EU foreign policy analysis.

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What Contributes to Change and Stability in Individual-level Attitudes towards Britain's Membership of the EU? An Analysis of the British Election Panel Studies, 1987-1992 and 1992-1997

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Abstract

The sources of support for the European Union amongst individuals have been studied exhaustively in recent years, but those factors which contribute to stable and unstable opinions have received less scholarly attention. This article uses the best available panel data to assess which factors contributed to both stable and unstable opinion on the European issue in Britain during a period when the major parties were in the process of revising their positions and we might also expect individuals to change their views. Analysis of the British Election Study Panel Studies shows that there is apparently significant individual-level change between 1987-1992 and 1992-1997. Using multinomial logistic regression estimation, this article then assesses which particular sociological and psychological factors are associated with stable and unstable views between 1987-1992 and 1992-1997. It shows that particular individual-level characteristics are related to stable and unstable opinions in the two periods examined here. The paper represents a contribution to the fuller understanding of the social and psychological underpinnings to individual-level attitudes on the European issue.

Keywords

Panel studies; Britain and the European Union; Changing attitudes; Manifesto data

CROSS-SECTIONAL SURVEYS PROVIDE A GREAT DEAL OF USEFUL EVIDENCE AS TO whether aggregate political preferences have changed and which individuals (or social groups) have supported (or opposed) the process of European integration in recent years. The same sort of evidence provides little or no indication, however, as to the stability of those individual preferences over time.¹ Alker discussed the notion of a “cross-sectional

¹ One exception, however, is a study of public opinion in Poland towards EU membership (prior to its accession in May 2004) undertaken using both cross-sectional surveys from 1995 and 1998 - to test the determinants of public sentiment on this issue, and a three-wave panel study (1995-1997-1999) - to investigate what impacts upon the stability of pro- and anti-EU views, with a strong focus on the role of values in determining opinion change (Slomczynski and Shabad 2003). Even when sociological and political controls are included, the

fallacy”, whereby inferences based upon observations from a single time-point are generalised to other time points (1969: 69-86). In order to assess the stability of preferences, the total (or gross) change in opinion over time, it is necessary to consult panel data, which is based on repeated measurement of individual characteristics (Weisberg *et al.* 1996: 163; Markus 1979: 7). This article builds upon existing studies in the direction of opinion on the European issue and examines what factors contribute to the stability and instability of European opinions over time.

The foundations of individual opinions on the European Union (or individual support for European institutions) have been studied exhaustively in recent years (Hooghe and Marks 2005; Eichenberg and Dalton 1993; Gabel 1998). Scholars have established that a wide range of social and psychological factors are associated with positive or negative responses to a wide range of questions related to the EU, its various institutions, or associated policies, such as the Common Agricultural Policy and the Single Currency (Karp and Bowler 2006; Gabel and Hix 2005; Banducci *et al.* 2003; Karp *et al.* 2003; Kaltenthaler and Anderson 2001). It has been established, for example, that age, social class, education and values are all associated with opinions on the EU (McLaren 2004; De Master and Le Roy 2000; Deflem and Pampel 1996; Janssen 1991; Inglehart 1971, 1970). It has also been demonstrated that variations in economic conditions influence support for the EU (Gabel 1998; Duch and Taylor 1997; Gabel and Whitten 1997; Anderson 1995; Inglehart and Rabier 1978). Furthermore, more recent studies have revealed that particular psychological states, such as national identities, a xenophobic disposition or illiberal views on immigration, are related to attitudes towards the integration process (de Vreese and Boomgaarden 2005; Luedtke 2005; McLaren 2001, 2002). In general terms, this research has produced a familiar portrait of the typical “Europhile” on the one hand (young, well-educated and cosmopolitan) and typical “Eurosceptic” (old, less educated and parochial) on the other.²

The cumulative literature on public support for the EU is impressive, but has one clear limitation. Studies have tended to rely on evidence from a single cross-sectional survey. As such, these “snapshots” of opinion lack any temporal dimension (Bartels 2000; Finkel 1995; Markus 1982). It is therefore not possible to assess the dynamics of opinion formation or recognise that opinions are sensitive to measurement error. Furthermore, while some of these studies have indeed examined attitudes over time they have usually relied upon analysing data from a series of cross-sectional studies, with freshly-drawn samples, such as Eurobarometer. Moreover, while aggregate time-series studies have provided additional evidence, they have suffered from the general limitations associated with such studies (such as ecological fallacy, failure to offer precise causal mechanisms, and lack of appropriate controls) (Weisberg *et al.* 1996: 19). As a result, few studies have examined in any detail the stability or strength of individual opinions towards the EU.

This article provides a partial correction to the literature on opinions towards the European Union. It uses panel data that provides a direct measure of the stability and instability of opinions over time (Bartels 2000; Finkel 1995). It analyses two panel studies which together cover a period in the British political landscape when the two main parties – Conservative

researchers find a “strong impact of democratic and capitalist values on individual-level stability and change in attitudes towards Poland joining the EU” (Słomczynski and Shabad 2003: 531). It should be noted, however, that the sample size for the panel study analysis is $n=81$.

² Other studies have used the British Election Panel Survey (BEPS) to investigate a range of questions regarding changing patterns of public opinion and voting behaviour, attempting to determine what particular factors have affected vote choice over the entire electoral cycle or during an individual election campaign (Andersen *et al.* 2005; Andersen 2003; Evans 1999), what underpins feelings of national sentiment or identity (Heath *et al.* 1999), and how partisanship mediates economic perceptions (Evans and Andersen, 2006). It is also worth noting that various waves of the British Household Panel Study have also carried questions relating to aspects of the European issue, and presents another rich survey resource for analysing opinion-change on a range of social and political issues.

and Labour - altered course on the European issue - between 1987 and 1997. Similar models are estimated in order to see which sociological and psychological characteristics are related to opinion change and stability during these periods. The models specifications are guided, firstly, by well-established findings from the existing literature on cross-national support for the EU and, secondly, by well-documented features of the changing British political landscape in this period.

The structure of the article is as follows. The first section provides an overview of the party political context for the period covered here, analysing the relevant manifestos to show how the two main parties revised their positions towards Europe. In particular, it uses manifesto data to underline this positional change. The second section then focuses upon grassroots opinion on the European issue in relation to sociological characteristics, psychological factors and policy preferences. Based upon this, a series of hypotheses are specified, setting out which particular factors are expected to be related to stable or unstable opinions on the European issue. Next, descriptive statistics are presented, in the form of "turnover" tables, for the dependent variable of interest from each panel study in order to show the "flow of opinion" between 1987-1992 and 1992-1997. Next, the analytical procedures and the data source used for the analysis are discussed. Then, the models estimations are presented and the results discussed. Finally, some concluding remarks are provided.

The party political context, 1987-1997

It is useful here to provide a general overview of party positions during the period under examination in this article. This can be done by using evidence obtained from the manifestos of the parties. Specifically, data from the Comparative Manifestos Project (CMP) can be used which systematically measures the negative or positive positions of the parties on the European issue between 1983 and 1997. This evidence can be buttressed with selected extracts from individual manifestos to show in more detail the changing emphases in language that reflect the shifting concerns and priorities of the parties on the European issue.

It is important to acknowledge, though, that formal statements of party positions are not drawn up in a political vacuum and that the pressures of internal debates, electoral competition and rival party policy positions are all relevant factors to take into account (Pennings 2006: 265-7). Manifesto contents reflect "a compromise between different viewpoints in the party and convey an impression of unity" (emphasis added) (1981: 10). That said, however, election manifestos are clearly important documents on two counts:

It is the only official statement of policy made by the parties. In contrast, leaders' speeches are to considerable extent expressions of opinion, which are not necessarily binding in government. Second, although not read directly by many electors, the manifesto is designed to pre-empt and direct media discussion. It thus helps set the agenda to an extent not equalled by any other document or pronouncement (Bara and Budge 2001: 591).

This discussion of party manifestos focuses on the period between 1983 and 1997, when the Conservatives were in office and Labour confined to opposition. During this period, the two parties changed course on the European issue. Two noteworthy features are worth remarking upon before analysing the manifestos of the parties in turn. Firstly, these extracts give a clear indication of the polarised positions of the parties on the European issue in 1983. Secondly, they show how these earlier positions subsequently underwent considerable adjustment in the period leading up to the 1997 General Election.

As a starting point, the 1983 Labour Party manifesto emphatically declared that “British withdrawal from the Community is the right policy for Britain - to be completed well within the lifetime of the parliament” (Dale 2000b: 280). The long-standing left-wing antagonism within the party to what the Common Market represented, both in terms of its underlying economic basis and the necessary pooling of national sovereignty, was captured in the statement declaring: “We are seeking to extricate ourselves from the Treaty of Rome and other Community treaties which place political burdens on Britain” (Dale 2000b: 281). Under the steadying influence provided by Neil Kinnock’s leadership and more moderate opinion after the 1983 election debacle, however, “The 1987 manifesto was agreed with little fuss and marked a step back to the middle ground” (Kavanagh 2000: 5). By 1992, after a wide-ranging policy review had been undertaken within the party, the Labour manifesto was more enthusiastic, albeit cautiously so, as to what the positive aspects of the EU were for Britain and what the priorities of a Labour government would be on this issue:

The Labour government will promote Britain out of the European second division into which our country has been relegated by the Tories ... We shall use that presidency [the British presidency, starting on 1 July 1992] to end the Tories opt-out from the Social Chapter, so that the British people can benefit from European safeguards. We will also use our presidency to help ensure that poorer countries are not disadvantaged as a result of the Single Market. We shall play an active part in negotiations on Economic and Monetary Union. We shall fight for Britain’s interests, working for Europe-wide policies to fight unemployment and to enhance regional and structural industrial policy (Dale 2000b: 341).

By 1997, the European conversion of the Labour Party was largely complete, with the manifesto containing “a detailed agenda for reform”, enabling a Labour government to lead “from the front during the UK presidency in the first half of 1998” (Dale 2000b: 379). On the Euro, the Labour manifesto was balanced and cautious, adamant that entry could only be “determined by a hard-headed assessment of Britain’s economic interests. Only Labour can be trusted to do this: the Tories are riven by faction” (Dale 2000b: 380).

In contrast, comparing the manifestos of the Conservative Party between 1983 and 1997 offers an insight into the party’s growing criticism of developments within the integration process from the late 1980s onwards. This was above all demonstrated in strong opposition towards the emergence of a “social dimension” to the EU. In 1983, however, the Conservative election manifesto claimed that the party possessed the middle-ground on this issue and, thereby, had the most pragmatic approach towards the EEC:

We came to office determined to make a success of British membership of the Community. This we have done ... The Labour Party wants Britain to withdraw from the Community, because it fears that Britain cannot compete inside and that it would be easier to build a Socialist siege economy if we withdrew. The Liberals and the SDP appear to want Britain to stay in but never to upset our partners by speaking up forcefully. The Conservatives reject both extreme views (Dale 2000a: 308).

The 1987 manifesto was broadly positive in its statements on the EC, though, unlike 1983, it did not make any critical remarks on the policies held by the other parties. It stressed the success of the Conservative government in realising the goal of a single market within the EC with the signing of the 1986 Single European Act, an objective very much in keeping with Thatcherite economic policies. It declared that “Britain has led the way in establishing a genuine common market, with more trade and services moving freely across national boundaries” (Dale 2000a: 349). The 1992 Conservative manifesto, meanwhile, clearly reflected the growing concern of the party about the need to protect the Thatcherite settlement on economic, social and labour market policy built during the 1980s:

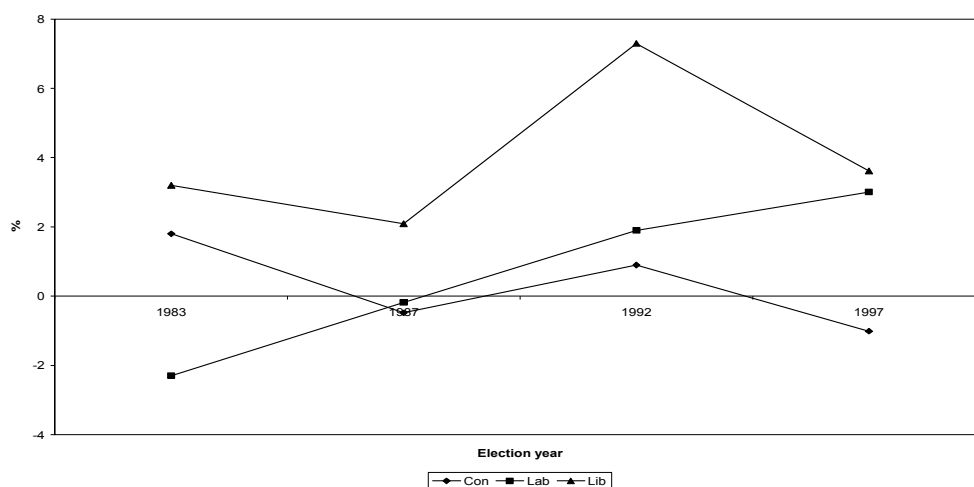
Britain refused to accept the damaging Social Chapter proposed by other Europeans, and it was excluded from the Maastricht Treaty ... We will continue to resist changes to the Treaty of Rome that would damage British business ... We will insist on more effective control over Community spending and will resist pressure to extend Community competence to new areas (Dale 2000a: 360).

The 1997 manifesto, in distinct contrast to the position of the Labour Party on this issue, reiterated the strong opposition of the Conservative Party to the social dimension of the EU. It also emphasised the party's concern at the prospects of further extensions of EU competence, with Britain's economic flexibility being impeded by regulations imposed from Brussels:

The European social model is not social and not a model for us to follow. But if Britain signed up to the Social Chapter it would be used to impose that model on us – destroying British jobs. No Conservative government will sign up to the Social Chapter or introduce a national minimum wage ... We will resist the imposition of other social burdens on the work place through a new European employment chapter (Dale 2000a: 426).

Thus, the 1983 and 1997 party manifestos both contained statements of policy on Europe that offered clearer differences in position, whilst this was less so in the 1987 and 1992 documents. In 1983, the principal dividing line between the two main parties was their opposing viewpoints on the economic basis on which the EEC operated. By 1997, and this is also somewhat evident in 1992, the social dimension of the EU was the major point of contention in references to the European issue. As well as highlighting selected Labour and Conservative manifesto statements on European policy for particular elections, it is also useful to visually track the change of direction of the main parties. To this end, Figure 1 provides an overview of how the two major parties, Conservative and Labour, shifted their stance towards the integration process between 1983 and 1997. It provides a summary indicator of the direction of opinion towards Europe by subtracting the number of negative references to this issue contained in each party manifesto from the number of positive references. As a result, scores above zero indicate an overall positive stance and minus scores denote an overall negative position.

Figure 1: Changing party positions towards European integration, 1983-1997



Source: Data taken from the *Comparative Manifestos Project* (Budge and Klingemann 2001).

Next, in response to the shifting positions of the parties on European policy, it is useful to provide some evidence bearing upon the views of the public on the European issue over a similar period.

The British electorate: Evidence from cross-sectional studies, 1987-1997

As the previous section documented, the two main parties – Labour and Conservative – considerably revised their positions on the European issue during this period. It is important, therefore, to explore whether the relationships between individual characteristics and opinions have also shifted over time. Here, opinions are displayed on the European issue, specifically in relation to membership of the EU, with respect to three sets of factors for the period 1987-1997 - sociological characteristics, political and psychological variables, and policy preferences. In the 1987, 1992 and 1997 BES surveys the same dichotomous question was used for the European issue – should Britain withdraw from the EU or should its membership of the EU continue?

Table 1: Sociological characteristics and opinion towards EU membership, 1987-1997

Variable	1987		1992		1997	
	Continue	Withdraw	Continue	Withdraw	Continue	Withdraw
Gender						
Male	68.0	29.1	75.0	21.5	63.7	30.0
Female	64.1	29.5	70.7	20.6	52.1	28.7
Age cohort						
18-24	75.9	17.2	81.0	13.6	65.4	21.7
25-34	69.6	26.3	76.8	16.0	60.1	25.1
35-44	68.2	28.0	72.7	21.7	58.7	27.9
45-54	64.8	32.3	75.3	20.3	63.1	27.9
55-64	61.5	34.5	69.4	25.2	55.4	32.0
Over 65*	58.3	35.2	65.0	27.4	50.9	36.3
Age left full-time education						
15 or younger	56.2	38.7	64.0	28.3	46.3	37.4
16 yrs	70.3	24.0	74.6	18.6	50.9	32.2
17 yrs	74.8	21.6	78.2	17.2	68.7	24.2
18 yrs	80.7	15.9	77.4	18.9	70.7	20.3
19 or older	81.5	16.2	90.7	7.2	82.5	13.6
Social class						
Salariat	82.0	16.0	85.3	12.3	72.3	20.1

Routine non-man.	69.2	26.8	75.1	18.0	56.0	29.7
Petty bourgeoisie	65.0	31.5	69.4	25.2	57.1	31.6
Supervisory	55.7	39.4	73.7	22.2	56.9	34.7
Working class	54.4	39.3	63.2	28.4	45.9	37.0

Source: *BESIS*, at www.besis.org, and *BES surveys*, 1987, 1992 and 1997.

"Don't know" responses not shown; weighted percentages.

* For the BES 1997 only those cases within the age range of 65-74 are included.

Table one displays several interesting shifts and continuities in opinion. The continuities tend to reaffirm what has long been known about the relationship between social characteristics and support for the EU. The salariat (professionals) are, for example, much more in favour of membership than the lower social grades. The same pattern also applies to education (measured here in less than ideal terms as the age an individual completed full-time education). Men are also consistently more positive about Europe than women, though the difference is greatest in 1997. The patterns for age cohorts again largely confirm prior research. The oldest cohort, those age 65 or older, are most likely to support withdrawal while those in the 18-24 and 25-34 categories are more in favour of continued EU membership.

Table two cross-tabulates opinion towards the EU with two indicators of party support: vote choice and party identification. Noticeable changes occur within both vote choice and partisanship. The shifts that occur are complementary. Both Labour voters and identifiers become more favourable to membership of the EU while, conversely, those supporting and identifying with the Conservative Party become more Eurosceptic in their views. For Labour identifiers, an important shift in the changing direction of opinion occurred between 1983 and 1987 (not shown here), which is confirmed by the annual data available from the British Social Attitudes (BSA) series on opinions towards the EU by partisan attachment. This evidence suggests that there are two instances in which year-on-year opinion swung strongly in a pro-EU direction – between 1984 and 1985 and 1987 and 1989 (no BSA survey was conducted in 1988). This provides some support for the social-psychological proposition that those who "identify" with a party are inclined to follow its lead on policy, particularly on less salient issues.

The shift in opinion for Conservative identifiers took place between 1992 and 1997. Again, the yearly data from the BSA series provides further evidence of this major shift in opinion. From 1994 to 1995 and 1995 to 1996, Conservative identifiers become emphatically more Eurosceptic (though this trend is based on a differently worded question regarding Britain's EU membership).³ Yet it is also clear that opinion as a whole becomes somewhat more Eurosceptic during this period. For instance, the combined proportion of the entire electorate choosing the options "leave the EU" or "stay in the EU and try to reduce its powers" were: 1994 - 36.4 per cent; 1995 - 36.9 per cent; 1996 - 58.2 per cent. The equivalent figures for Conservative Party identifiers are: 1994 - 45 per cent; 1995 - 53.2 per cent; and 1996 - 70.9

³ The wording for the first BSA EU membership question, asked between 1983 and 1991, is: "Do you think that Britain should continue to be a member of the EEC or should it withdraw?" The second, amended question, with a revised five-item response format, has been asked since 1993 and is worded: "Do you think the Britain's long term policy should be ... to leave the Europe Union, to stay in the EU and try to reduce the EU's powers, to leave things as they are, to stay in the EU and try to increase the EU's powers, or, to work for the formation of a single European government?" The BSA datasets on which this evidence is based were obtained from the UK Data Archive, University of Essex.

per cent. It is clear then, that both Conservative partisans and public opinion as a whole moved in a more Eurosceptic direction, with this shift most evident between 1995 and 1996.

Table 2: Party support and opinion towards EU membership, 1987-1997

Variable	1987		1992		1997	
	Continue	Withdraw	Continue	Withdraw	Continue	Withdraw
Vote choice						
Con	73.8	22.6	76.3	20.0	55.2	36.1
Lab	55.5	39.5	70.0	22.3	61.5	24.8
Lib Dem	68.6	27.9	77.3	16.8	61.2	27.7
Party identification						
Con	72.7	24.1	74.5	22.4	55.8	36.5
Lab	56.0	39.1	66.9	25.1	61.1	25.7
Lib Dem	70.6	25.9	70.9	20.9	64.9	26.3
Tabloid	64.0	32.7	66.5	27.3	53.8	35.1
Broadsheet	84.8	13.5	88.3	9.6	77.4	18.4

Source: *BES surveys, 1987, 1992 and 1997.*

"Don't know" responses not shown; weighted percentages.

Table three completes the profile of public opinion towards the EU. It consists of a series of policy questions which have been asked in four BES surveys used in this article. The policy questions included here tap into both traditional left-right issues, such as the appropriate role of government and matters of social morality. On the whole, the non-economic issue preferences display consistent relationships over time with opinion towards the EU. These include views on the death penalty, abortion and equal opportunities for ethnic minorities. On questions concerning economic redistribution and the appropriate role of the state, however, there are clear shifts in direction between 1987 and 1997. For instance, while right-wing preferences on the redistribution of income, the role of the government in directly creating employment and the abolition of private education are clearly associated with pro-EU views in the 1980s, by 1997 this pattern no longer holds true.

Table 3: Policy preferences and opinion towards EU membership, 1987-1997

Variable	1987		1992		1997	
	Continue	Withdraw	Continue	Withdraw	Continue	Withdraw
Government should spend more money to create jobs						
Should	65.2	30.4	70.6	22.6	56.4	32.4
Should not	71.1	26.2	78.3	16.1	65.0	27.3
Government should redistribute wealth and income						
Agree	62.0	33.9	68.0	24.3	57.1	30.7
Disagree	74.6	21.8	77.6	18.5	63.5	29.2
Government should abolish private education						
Should	55.8	39.5	67.4	26.2	63.5	25.2
Should not	71.7	25.0	74.6	20.3	60.6	30.4
Britain should bring back the death penalty						
Agree	64.6	31.6	62.9	30.3	48.1	40.7
Disagree	78.6	19.4	82.0	13.3	76.9	14.3
Abortion has gone too far on the NHS						
Agree	61.9	32.9	61.8	29.6	51.8	36.4
Disagree	62.1	34.9	69.2	26.1	58.7	28.8
Equal opportunities for Blacks and Asians have gone too far						
Too far	57.3	38.1	60.3	33.6	45.8	42.1
Not far enough	73.9	22.3	80.8	15.0	70.3	21.4

Source: BES surveys, 1987, 1992 and 1997.

"Don't know" responses not shown; weighted percentages.

As a "first cut", the evidence presented here suggests a shift in the left-right policy alignments underpinning opinions towards the EU during the 1980s and 1990s. This shift in left-right issue preferences appears to broadly parallel the changes in the basis of partisan support for the EU. There is, from the evidence examined in this section, much continuity evident in terms of anti-EU views being rooted in socially conservative beliefs and parochial sentiment. Previous research showed that opposition to the Common Market was related to low occupational status and to ethnocentrism (Nias, 1973: 255). While it became harder to distinguish support and opposition to the EU by left-right policy preferences, clearly questions of social morality were still a powerful discriminator of views on the European issue. The next section sets out the hypotheses to be tested, drawing upon general insights from existing studies on public opinion towards the EU in its member states and from the review of party movements and public opinion trends discussed above.

Hypothesis specification

The hypotheses to be tested here concern both sociological and psychological variables, including those which are, on the one hand, more long-term and enduring and those which, on the other, are more short-term and responsive to other factors. Standard social controls in the models are also included, namely age and gender. Firstly, the sociological variables are as follows:

- Education: better educated voters tend to have more relevant knowledge and organise that information in a structured and accessible way (Bartle, 2000; Converse, 1964). They are arguably less vulnerable to question order and question wording effects or guessing at random.⁴
- Social class: aside from the pervasive interest in the effect of class on British politics (Heath *et al.* 2001, 1991), there are specific reasons for believing that opinion stability varies with social class. Salaried employees are far more likely than the working class to come into contact with European issues (directives, regulations) in their everyday lives and be exposed to relevant information. They are far more likely, therefore, to form consistent positive or negative impressions of the EU and this is likely to be reflected in their opinions.

Secondly, the expectations regarding the psychological and politico-economic variables are as follows:

- Partisanship: partisan voters are often supposed to follow the cues provided by the parties (Bartels 2002; Green *et al.* 2002; Miller and Shanks, 1996; Butler and Stokes, 1974). If party positions on the EU are stable, then partisans should be more stable than non-partisan voters. Since the parties did shift their positions on the EU over both periods (the Conservative Party became more Eurosceptic and Labour more supportive in both periods under consideration), there are reasons for suggesting that opinion change and stability might differ between the parties' supporters. As a result, it is expected that Conservative identifiers will be more likely to have unstable opinions between 1992 and 1997, specifically in relation to moving from a positive to a negative stance. Conversely, it is expected that Labour identifiers will demonstrate the opposite shift during the same period (more likely to move from a negative to a positive position).
- Ideological positions: ideology may also have an effect on opinion stability. Those citizens with strong images of the good society (Downs 1957) may have more consistent attitudes that push them towards certain policy preferences. The two ideological predispositions used here are the left-right and liberal-authoritarian scales. Firstly, as a result of the changing context documented above, it is expected that those respondents advocating right-wing positions will be more likely to be consistently supportive of EU membership between 1987 and 1992 and the economically liberal Single Market programme, although the EU's promotion of a "social dimension" in the late-1980s onwards is noted here. Secondly, and building upon from previous findings on the relationship between authoritarian sentiments and positions on the European Union, it is expected that those respondents with generally

⁴ It is also plausible to argue that that more highly-educated individuals, those with university degrees for instance, could be prone to greater levels of instability, due to their being more likely to alter their political opinions on receiving and thinking about, new information and evidence. Suffice to say, the findings given later in this chapter with regard to the measures of education should hopefully shed some new light, in the British context, on the interrelationships between respondents' levels of education and opinion stability.

authoritarian positions will be more likely to be consistently opposed to Britain's EU membership than liberals over both five-year periods covered here.

- Economic evaluations: here, findings from previous studies are followed, which found that positive economic evaluations tend to be associated with pro-European views. Therefore, it is expected that positive appraisals of both indicators of economic performance used here – prices and unemployment – will be positively related to stable pro-European views in both panel studies.⁵
- Policy preferences on immigration/minority rights: as previous studies have demonstrated, hard-line opinions on questions relating to immigration and minority rights often correlate with opposition to the integration process in EU member states, perhaps reflecting an underlying nationalistic or xenophobic disposition. It is expected, therefore, that individuals holding illiberal views on immigration are more likely to hold stable anti-EU opinions during both periods in question (1987-1992 and 1992-1997).
- Political attention: the more likely individuals are to pay attention to news in the mass media, the more knowledgeable they are about politics and less likely to change opinions (Zaller 1992). This is in part because each additional piece of information represents a smaller proportion of total knowledge and thus can exert a weaker influence on attitudes (Fiorina 1981). It may also be in part because knowledge is indicative of sophistication and this reduces temporal and contemporary contradictions (Luskin 1990, 1987). As a result, it is anticipated that those individuals who report paying more attention to news and current affairs will be more consistent in their views on EU membership and, since previous studies have shown that greater information leads to more positive views, this is expected to particularly apply to holding stable pro-European positions.

With the hypotheses outlined, the next section discusses the “turnover” in opinion on the European issue in the two panel studies, presenting the necessary descriptive statistics before reporting the multivariate analysis.

The flow of opinion on the European issue, 1987-1992 and 1992-1997

A clear indication that opinion on British membership of the EU is unstable in the period under investigation is provided by individual-level evidence from the panel studies. The “turnover” tables four and five together show the “flow of opinion” on EU membership for the 1987-1992 and 1992-1997 British Election Panel Studies (BEPS). In the first study, covering 1987-1992, some 72.7 per cent of the sample expressed fully consistent opinions over the space of five years. In the second study for 1992-1997, 65.3 per cent expressed the same opinions five years apart. In both panel studies a significant minority crossed over from “continue” to “withdraw” (5 per cent in 1987-1992 and 10.9 per cent in 1992-1997). Equally, significant minorities crossed from “withdraw” to “continue” (16.3 per cent in 1987-1992 and 6.5 per cent in 1992-1997). The net flows of +11 points net support for the EU (between 1987 and 1992) and -4 points net support (between 1992 and 1997) reflect the changes in the aggregate-level evidence from MORI polls for the same periods (net flows of +9 points net support between 1987 and 1992 and -17 points net support between 1992 and 1997).⁶ In

⁵ A recent study has levelled serious criticisms at the applicability of utilitarian approaches to explaining public support for the EU (see Duch and Palmer, 2006).

⁶ These figures were taken from the trend data on EU membership available at <http://www.ipsos-mori.com/europe/membership.shtml>.

both cases significant portions also move to and from registering no opinion (5.6 per cent in 1987-1992 and 17.5 per cent in 1992-1997, including don't knows and non-responses).

Table 4: Flow of opinion on Britain's membership of the EU, 1987 by 1992 (per cent totals in cells)

%	1987			
1992	Continue	Withdraw	Don't know	Not answered
Continue	63.1	5.0	0.7	0.6
Withdraw	16.3	9.6	1.0	0.2
Don't know	2.4	0.5	0.3	
Not answered	0.1	0.1		

Source: BEPS 1987-92

Table 5: Flow of opinion on Britain's membership of the EU, 1992 by 1997 (per cent totals in cells)

%	1992			
1997	Continue	Withdraw	Don't know	Not answered
Continue	53.7	10.9	2.0	7.8
Withdraw	6.5	10.7	0.7	2.5
Don't know	1.3	1.1	0.8	1.4
Not answered	0.4	0.3	0.0	0.1

Source: BEPS 1992-97

Taken together, tables four and five provide evidence of substantial temporal variation in responses to the same survey question across both panel studies. This further suggests that analysis of panel study data might provide a useful supplement to those studies that have examined opinions at one point in time or analysed opinions over time using cross-sectional surveys. The next section outlines the analytical procedures used in this analysis.

Analytical procedures

For the three panel surveys, the question asking directly about respondents' preferences on Britain's EU membership is available on two waves (1987 and 1992; 1992 and 1997). Reflecting the nature of the dependent variable, the estimation technique used is multinomial logistic regression. Before presenting and discussing the results, it is worth reviewing the data and methods in more detail.

Data source

This analysis uses data drawn from the best available source: the British Election Panel Studies (BEPS). These comprise a series of stratified random sample surveys with repeated interviewing of the same set of respondents.⁷ The 1987-1992 study only interviewed respondents in 1987 and 1992, though the latter component consisted of five separate stages. The 1992-1997 panel study, on the other hand, conducted in total five waves of interviews with the same set of respondents, but in separate years (1992, 1994, 1995, 1996 and 1997).⁸ The BEPS contains an extensive and continuous range of measures on topical political issues, along with a wide range of other variables.

Dependent variable

For the first study, the EU opinion variable was asked in 1987 and in the post-election face-to-face stage of the 1992 component. For the second study, the standard EU question used here was only asked on the first and last waves (1992 and 1997). The question asked on the issue of EU membership in both studies was: "Do you think Britain should continue to be a member of the European Community (European Union) or should it withdraw? (1) Continue, (2) Withdraw, (3) Don't know, (4) Not answered".

As a simple dichotomous measure could potentially hide much of the detail within a multivariate analysis, the dependent variable used here is a multinomial, non-interval level measure. For this analysis, respondents are classified into one of four categories: (1) stable pro-European, (2) stable anti-European, (3) unstable pro- to anti-European and (4) unstable anti- to pro-European. Accordingly, those respondents who reported "don't know" across both waves, or who moved from "don't know" to a clear position or vice versa, have been excluded from this analysis.⁹ The next section briefly discusses the explanatory variables used in the analysis.

Independent variables

As the section outlining the hypotheses section made clear, the analysis explores the role of both sociological and psychological variables. Full details of how the sociological and psychological variables used in this analysis are coded are provided in the appendix. Opinions are rooted in sociology and so is opinion stability. Both are also influenced by psychological factors that are more difficult to measure. It is therefore important to try and

⁷ The BEPS surveys have all been weighted and those cases with missing data have been excluded from the analysis conducted here. The survey data were taken from the UK Data Archive, University of Essex.

⁸ Between 1992 and 1995, then six-monthly interviewing began in the period leading up to the 1997 General Election. "A sample of people drawn from the electoral register of those eligible to vote on April 9 1992 who were initially surveyed in Spring 1992 and who agreed to take part in further surveys."

⁹ The sample sizes for the 1987-92 study are N=3,826 for Wave 1 (1987 cross-section) and N=1,608 for Wave 4 (1992 face-to-face stage).⁹ There is, however, some missing data in response to the question on the EU (1604 responses were coded for this variable on each of the two waves). The number of respondents who were interviewed and gave responses to the question on both occasions was N=1508 (94 per cent of the total sample). Therefore, 96 respondents either expressed "don't know" or didn't provide a response on both waves or, alternatively, moved from a clear preference to no preference or vice versa. For 1992-97 the sample size is N=2855 for the first wave (1992) and N=1573 (1997) for the fifth wave. Yet again, not all respondents gave responses to the question and the number offering a response on both waves is N=1287 (81.8 per cent of the sample). The total number of respondents offering non-responses on both waves, including "don't knows" and those supplying no answer, or switching from a clear preferences to a non-response or vice versa, is N=288.

assess the relationship between changing and unchanging opinions on the European issue and psychological variables.¹⁰

Social and demographic characteristics tend to be fixed throughout the lifetime of these studies and are, therefore, usually measured on only the first wave. Psychological characteristics, such as party identification, ideological positions, political interest and knowledge are usually measured on both waves. For the sake of consistency and in order to reduce criticisms about causal order, political and psychological measures are used from the first wave of both panel studies where available. With the explanatory variables outlined, the next section presents the results of the analysis and discusses the main findings.

Results

Multinomial logistic regression estimates the impact of a range of sociological and psychological factors upon the four-category dependent variable. This section discusses the main findings from the models for 1987-1992 and 1992-1997, looking at the separate estimations for the categories of the dependent variable in turn. The results reported here show the parameter estimates – specifically the B coefficients, level of statistical significance, standard errors and the odds ratios for the explanatory variables (displayed in table six - 1987-1992 and table seven - 1992-1997).

Table 6: Estimation results from multinomial logistic regression for opinion change and stability on the European issue, 1987-1992

	Parameter estimates			
	Variable	B	Std. Error	Exp(B)
Stable continue	Intercept	3.94	0.94	-
	Gender	0.36	0.24	1.44
	Aged 25 to 34	-0.73	0.46	0.48
	Aged 35 to 44	-0.76*	0.45	0.47
	Aged 45 to 54	-0.75	0.46	0.47
	Aged 55 to 64	-0.53*	0.47	0.59
	Aged 65 and over	0.19	0.57	1.21
	Left education at 16	0.51*	0.29	1.66
	Left education at 17	0.49	0.41	1.63
	Left education at 18	0.70	0.49	2.02
	Left education at 19 and over	0.56	0.41	1.74
	Salariat	0.79***	0.32	2.20

¹⁰ Unfortunately, variables measuring an individual's sense of national identity are not available for the 1987-92 study and, in order to maintain a consistent model specification, those available in the 1992-97 BEPS are omitted from the analysis.

	Routine non-manual	0.17	0.28	1.19
	Petty bourgeoisie	-0.02	0.43	0.98
	Con ID	-0.66	0.50	0.51
	Lab ID	-0.99*	0.50	0.37
	Lib ID	-0.60	0.52	0.55
	Other ID	-1.33	0.79	0.27
	Left-right scale	1.37	0.77	3.92
	Liberal-authoritarian scale	-2.48***	0.77	0.08
	Immigration	-1.56***	0.58	0.21
	Prices	1.23	0.69	3.42
	Unemployment	-0.52	0.38	0.59
	Watch PEBs	0.74***	0.29	2.10
	Read news during campaign	0.18	0.24	1.20
Withdraw to continue	Intercept	3.11	1.05	-
	Gender	0.04	0.27	1.04
	Aged 25 to 34	-0.29	0.51	0.75
	Aged 35 to 44	-0.48	0.50	0.62
	Aged 45 to 54	-0.66	0.52	0.52
	Aged 55 to 64	-0.25	0.53	0.78
	Aged 65 and over	0.44	0.63	1.55
	Left education at 16	0.36	0.34	1.43
	Left education at 17	0.28	0.48	1.32
	Left education at 18	-0.60	0.67	0.55
	Left education at 19 and over	0.49	0.47	1.64
	Salariat	-0.06	0.38	0.94
	Routine non-manual	-0.20	0.32	0.82
	Petty bourgeoisie	0.24	0.48	1.27
	Con ID	-0.74	0.54	0.48
	Lab ID	-1.10**	0.53	0.33

	Lib ID	-0.95**	0.57	0.39
	Other ID	-1.10	0.86	0.33
	Left-right scale	-1.16	0.89	0.31
	Liberal-authoritarian scale	-2.06**	0.86	0.13
	Immigration	-0.02	0.68	0.98
	Prices	0.51	0.80	1.67
	Unemployment	-0.40	0.45	0.67
	Watch PEBs	0.36	0.33	1.43
	Read news during campaign	0.11	0.28	1.12
Continue to withdraw	Intercept	1.03	1.35	-
	Gender	-0.03	0.36	0.97
	Aged 25 to 34	-0.90	0.62	0.40
	Aged 35 to 44	-1.08*	0.61	0.34
	Aged 45 to 54	-1.12*	0.64	0.33
	Aged 55 to 64	-0.97	0.66	0.38
	Aged 65 and over	-0.12	0.76	0.89
	Left education at 16	0.19	0.44	1.21
	Left education at 17	0.02	0.62	1.02
	Left education at 18	0.55	0.67	1.73
	Left education at 19 and over	0.30	0.59	1.35
	Salariat	0.15	0.49	1.16
	Routine non-manual	0.01	0.42	1.01
	Petty bourgeoisie	0.63	0.58	1.88
	Con ID	-0.08	0.71	0.92
	Lab ID	-0.72	0.72	0.49
	Lib ID	-0.39	0.75	0.68
	Other ID	-1.22	1.40	0.29
	Left-right scale	0.86	1.13	2.37
	Liberal-authoritarian scale	-0.20	1.16	0.82

	Immigration	-1.03	0.86	0.36
	Prices	-0.09	1.06	0.91
	Unemployment	-0.89	0.59	0.41
	Watch PEBs	0.06	0.42	1.06
	Read news during election	0.23	0.37	1.26

*p≤.10, **p≤.05, ***p≤.01; N=1140

The reference category is stable withdraw. Base categories: those aged 18 to 24; those who finished education aged 15 and younger; working class; non-identifiers.

Table 7: Estimation results from multinomial logistic regression for opinion change and stability on the European issue, 1992-1997

	Parameter estimates			
	Variable	B	Std. Error	Exp(B)
Stable continue	Intercept	2.23	0.85	-
	Gender	-0.12	0.24	0.88
	Aged 25 to 34	-0.36	0.49	0.70
	Aged 35 to 44	-0.03	0.51	0.97
	Aged 45 to 54	-0.13	0.51	0.88
	Aged 55 to 64	0.14	0.55	1.15
	Aged 65 and over	-0.77	0.54	0.46
	Left education at 16	0.14	0.28	1.15
	Left education at 17	0.52	0.44	1.69
	Left education at 18	0.22	0.47	1.24
	Left education at 19 and over	1.29***	0.47	3.62
	Salariat	0.70**	0.33	2.01
	Routine non-manual	0.50	0.32	1.65
	Petty bourgeoisie	-0.20	0.40	0.82
	Supervisory	0.43	0.46	1.54
	Con ID	0.76**	0.38	2.14
	Lab ID	0.67	0.41	1.94

	Lib ID	0.98**	0.51	2.67
	Other ID	1.44	0.97	4.23
	Left-right scale	0.17	0.88	1.18
	Liberal-authoritarian scale	-2.42***	0.95	0.09
	Equal opps for minorities	-1.80***	0.49	0.17
	Prices	0.52	0.77	1.68
	Unemployment	-0.99	0.63	0.37
	Attention to news on TV	0.88**	0.41	2.40
	Attention to news in press	0.22	0.48	1.24
Withdraw to continue	Intercept	-1.76	1.23	-
	Gender	-0.27	0.34	0.77
	Aged 25 to 34	-0.15	0.63	0.86
	Aged 35 to 44	-0.58	0.67	0.56
	Aged 45 to 54	-1.26*	0.71	0.28
	Aged 55 to 64	-1.15	0.78	0.32
	Aged 65 and over	-1.06	0.72	0.35
	Left education at 16	-0.09	0.42	0.91
	Left education at 17	0.75	0.57	2.11
	Left education at 18	0.83	0.60	2.29
	Left education at 19 and over	0.24	0.68	1.27
	Salariat	0.46	0.46	1.58
	Routine non-manual	0.22	0.45	1.25
	Petty bourgeoisie	-0.14	0.59	0.87
	Supervisory	0.32	0.67	1.38
	Con ID	0.81	0.64	2.26
	Lab ID	0.76	0.68	2.15
	Lib ID	1.61**	0.75	4.98
	Other ID	1.98	1.22	7.25
	Left-right scale	0.12	1.27	1.12

Individual-level Attitudes towards Britain's Membership of the EU

	Liberal-authoritarian scale	1.09	1.34	2.98
	Equal opps for minorities	-0.04	0.69	0.96
	Prices	0.38	1.05	1.46
	Unemployment	-0.42	0.87	0.66
	Attention to news on TV	-0.13	0.58	0.88
	Attention to news in press	0.77	0.70	2.16
Continue to withdraw	Intercept	0.31	1.03	-
	Gender	-0.34	0.30	0.71
	Aged 25 to 34	-0.07	0.62	0.93
	Aged 35 to 44	0.18	0.63	1.20
	Aged 45 to 54	0.20	0.63	1.22
	Aged 55 to 64	0.16	0.68	1.17
	Aged 65 and over	-0.09	0.66	0.92
	Left education at 16	0.15	0.34	1.16
	Left education at 17	0.36	0.52	1.43
	Left education at 18	-0.10	0.58	0.90
	Left education at 19 and over	0.13	0.59	1.14
	Salariat	0.23	0.40	1.26
	Routine non-manual	0.34	0.38	1.41
	Petty bourgeoisie	-0.14	0.48	0.87
	Supervisory	0.01	0.61	1.01
	Con ID	0.96**	0.48	2.61
	Lab ID	0.17	0.54	1.19
	Lib ID	0.85	0.63	2.33
	Other ID	0.85	1.21	2.35
	Left-right scale	0.09	1.05	1.10
	Liberal-authoritarian scale	-1.09	1.14	0.33
	Equal opps for minorities	-0.84	0.59	0.43
	Prices	0.73	0.91	2.07

	Unemployment	-0.32	0.73	0.73
	Attention to news on TV	0.14	0.49	1.15
	Attention to news in press	-0.16	0.58	0.85

* $p \leq .10$, ** $p \leq .05$, *** $p \leq .01$; $N=904$

The reference category is stable withdraw. Base categories: those aged 18 to 24; those who finished education aged 15 and younger; working class; non-identifiers.

Stable continue versus stable withdraw

With regard to the first comparison, it is clear that the members of the salariat are more likely to hold stable pro-European opinions compared to the working class, the base category, both between 1987-1992 and 1992-1997, though the effect is slightly larger in the earlier period ($B=0.79$, $p \leq 0.01$; $B=0.70$, $p \leq 0.05$). This confirms the hypothesis that the higher social grades should be continually supportive of the integration process as it progressed with the Single Market programme. Previous research has clearly demonstrated that members of higher social grades (the professional and managerial classes) are more likely to hold favourable attitudes towards the EU (Gabel 1998), and the opportunities afforded by the ongoing single market programme during this period, combined with greater economic liberalisation, may have helped to cement their consistent support for the integration process. Also, leaving education at aged 19 or over is also related to holding consistently pro-European views compared to the base category comprising those with no qualifications, although it is only statistically significant in the later study, between 1992-1997 ($B=1.29$, $p \leq 0.01$). Beyond that, however, none of the other sociological characteristics reach a relatively demanding level of statistical significance in either panel study model.

In terms of the political and psychological variables, what is most striking is the strong and negative impact that holding authoritarian views (on both the general scale and in relation to the specific items on immigration and equal opportunities for ethnic minorities) has on holding stable pro-European views, with the former variable having the strongest effect of any explanatory factor in this comparison (1987-1992 – $B=-2.48$, $p \leq 0.01$; 1992-1997 – $B=-2.42$, $p \leq 0.01$). Again, this confirms the hypothesis that individuals holding more illiberal or socially-conservative positions on non-economic issues would be more likely to be consistently opposed to Britain's EU membership during this period.

In the model for 1992-1997, moreover, both Conservative and Labour identifiers are more likely to have consistently pro-European views compared to the base category, comprising those with no partisan identity (Con – $B=0.76$, $p \leq 0.05$; Lab – $B=.98$, $p \leq 0.05$). Interestingly, this reverses the direction of the relationship for both sets of identifiers evident in the results for 1987-1992 (although not reaching statistical significance) and could be expected for Labour identifiers as their party cemented its pro-European credentials in this later period. Also, in either model, one of the political attention measures has a positive impact upon holding consistently pro-European views: watching party-election broadcasts in the case of 1987-1992 ($B=0.74$, $p \leq 0.01$) and watching news on television for 1992-1997 ($B=0.88$, $p \leq 0.05$). This perhaps indicates that respondents who are more likely to consume news and current affairs via the mass media receive information which reinforces their existing position – and perhaps filtering out discordant or contradictory information – on the European issue, and in this case sticking to their pro-European views over the period in question. More generally, this underlines previous findings that the most politically engaged individuals are more likely to have consistent and crystallised opinions. It may be that, just as Zaller (1992)

suggests, political awareness may increase the strength of predispositions and exposure to political information. The relationship between such variables and opinion stability may be altogether more complex than simple theories might suggest. Still, these analyses point the way for further research.

Withdraw to continue versus stable withdraw

For the next two comparisons, however, it is immediately evident that there is less going on in the MNL estimates, as fewer variables – either sociological or psychological – appear to have a statistically significant impact upon the dependent variable. It is worth noting here that the two categories comprising respondents moving from withdraw to continue and vice-versa were considerably smaller than the two groups representing those with either consistently pro- or consistently anti-views. There are some interesting findings worth reporting. While none of the sociological variables reach relatively demanding levels of statistical significance, some of the political and psychological variables do. During the earlier period, between 1987 and 1992, both Labour and Liberal identifiers are less likely to move from withdraw to continue while, conversely, between 1992 and 1997 the direction of the relationship reverses, although it is only statistically significant for Lib Dem identifiers ($B=1.61$, $p\leq 0.05$). Also, in line with the hypothesis about those individuals holding authoritarian or illiberal views, such respondents were much less likely to move between these two positions than those expressing more liberal opinions ($B=-2.06$, $p\leq 0.05$).

Continue to withdraw versus stable withdraw

With regard to the final comparison, the empirical findings are pretty meagre (and, once again, the concern about smaller numbers in this group applies). The interesting, and expected, finding is the coefficient for Conservative identifiers in the second panel study. Compared to the base category – those with no partisan identity – Conservative partisans are more likely to hold unstable views and change from supporting continue membership to believing that Britain should withdraw from the EU ($B=0.96$, $p\leq 0.05$). There is some suggestion, therefore, that during this period, supporting the Conservative Party predisposed individuals to change their view on the European question, perhaps reflecting at the grassroots level the increasing Euroscepticism evident in the parliamentary Conservative Party during John Major's administration (Turner 2000; Norton 1998; Baker 1998).

Conclusion

This article has investigated which sociological and psychological factors are related to consistent pro-European views amongst the British public. It goes beyond cross-sectional analyses that examine the underpinnings of the direction of opinion – for or against EU membership – and has looked at which factors drive opinion change and which help reinforce opinion stability over two waves of a panel survey. It has analysed two panel studies based on the best available evidence, which together encompass a period (1987-1997) when the two major parties, Labour and Conservative, had revised their stance on the EU in significant ways. Moreover, as was documented earlier, public opinion had shifted to the extent that left-right opinions especially, no longer discriminated between positions on the European issue so neatly as in previous years (during the 1970s and early 1980s).

The most interesting results were obtained for the comparison between the two groups with stable views over time – those consistently supportive and those consistently opposed to Britain's membership of the EU. The results from the models demonstrate that those individuals with a higher status in society, and who would expect to be more secure in their

materialist circumstances, are generally more likely to be consistently pro-European over both waves of the panel study. Therefore, in sociological terms, those positioned higher up in the social strata, in terms of social class and level of education, have more stable opinions (at least as far as pro-European views are concerned).

Turning to the political and psychological variables, the performance of partisanship in the models was somewhat patchy, especially in relation to Labour or Conservative identifiers, although the latter variable was statistically significant and in the expected direction between 1992-97, the period when the Eurosceptic messages from the party leaders and MPs both increased and hardened (particularly so from the latter group). Also of note were the findings for individuals with authoritarian sentiments on non-economic issues. Underlining the results from previous studies of public opinion towards the EU, holding socially-conservative views was clearly a factor in maintaining stable anti-European opinions between 1987-1992 and 1992-1997. This holds for both the general liberal-authoritarian scale and specific policy preferences on immigration and equal opportunities for ethnic minorities. Evidently, this finding also supports insights from earlier research into the psychological dispositions underpinning opposition to Britain's membership of the EU (Nias 1973).

Evidently, the results reported here invite further empirical analyses of which sociological and psychological factors contribute to stable or unstable opinions on the European issue in EU member states – not just in Britain – and, of course, studies of referendum campaigns offer opportunities to do this over a shorter period of time. It is also important, moreover, to examine the grassroots responses to major parties which revise their positions on European policy in significant ways over a longer period, with a particular focus upon the partisans, ideologues and social-reference groups who have traditionally been a core part of their electoral base. Also, the availability of other panel data sources in Britain, such as the BHPS, means that subsequent analyses could also examine whether, on particular issues, public opinion shifts considerably – and why - even if the leading parties have not embarked upon a clear change of course.

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Appendix: Coding of independent variables

- *Age*: age is scored to represent membership of a series of cohorts (18-24, 25-34, 35-44, 45-54, 55-64, and 65 plus, with 18-24 being the base category).
- *Gender*: gender is scored as a dichotomous variable (1 if male, 0 otherwise).
- *Education*: education is represented by a series of dummy variables representing the age at which a respondent finished their full-time education (the base category being those individuals who finished at age 15 or under).
- *Social class*: social class is measured by a series of dummy variables (salaried, routine non-manual, petty bourgeoisie, manual foremen and supervisors, and working-class), using the Goldthorpe-Heath five-category schema (Heath et al., 1991). The working-class group constitutes the base category.
- *Partisanship*: this analysis uses answers to the traditional British Election Study (BES) question on party identification ("Generally speaking, do you think of yourself as Conservative, Labour, Liberal Democrat or what?"). This is scored as a dummy variable for the three main parties and for the other smaller parties – those who report no partisan identity form the reference category.
- *Ideological positions*: measures of an individual's position on both the left-right scale and liberal-authoritarian scale are available - two important dimensions of enduring conflict within society. Each scale is constructed from a battery of six separate statements with which respondents are asked to register their agreement or disagreement. The items are scored so that higher values represent more right-wing and authoritarian positions.
- *Policy preferences towards immigration/minority rights*: for the 1987-92 study, the question used here asks whether immigration has gone too far – higher scores represent views in agreement with this statement; that is more illiberal views. For 1992-97, however, no equivalent item on immigration is available; instead a question asking respondents whether equal opportunities for ethnic minorities have gone too far is used. Again, higher scores represent agreement with this statement.

- *Economic evaluations*: separate variables are included for respondents' evaluations of prices and unemployment, scored on a scale from 0 to 1 so that higher values represent more positive assessments (i.e. falling prices and lower unemployment).
- *Political interest*: the analysis controls for level of interest by using two measures of attention: to news on the TV and in the newspapers. For the 1992-1997 survey, the measures use a scale format and they are scored: none (0); a little (0.25); some (0.5); quite a bit (0.75); a great deal (1). In the 1987-1992 survey, however, these scale items were not included. Instead, dummy variables are created from two items probing whether respondents watched/listened to media election broadcasts and whether they read news articles about the election in that year (scored 1 if yes, 0 if no).

The Link between National Foreign Policy and the Performance of a Country in the European Union: The Polish Case

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Abstract

This article examines the link between the adaptation of national executives and diplomats to the EU and the capacity of a state to influence EU foreign policy outcomes. It argues that, in the case of Poland, the politicization of the domestic administrative structures before 2004 constrained the ability of the state to impact on the EU's external agenda after the enlargement. It also claims that a rapid adaptation to the EU occurred only after the Polish accession to the EU, as the will to influence the EU's policy towards Eastern Europe was a main driver for changes in the national diplomacy.

Keywords

Poland; Polish foreign policy; Eastern Partnership; CFSP; European Neighbourhood Policy

THE PERSPECTIVE OF EU MEMBERSHIP HAD A CRUCIAL IMPACT ON institutional changes and policy-making styles within different administrative and political bodies in the Central and Eastern European states (CEEs). The accession of a large group of states in 2004 also significantly affected the European Union's external relations, as new members brought not only new interests to the EU table, but also the 'communist legacies', which has had an impact on the EU's relations with its Eastern neighbours. This article examines the capacity of the new EU member states to participate in the EU external relations, in particular their ability to influence EU foreign policy outcomes. It specifically investigates the effects of domestic institutions on the EU Common Foreign and Security Policy (CFSP) making, testing a hypothesis on the link between the europeanisation of national executives and the capacity to influence EU foreign policy outcomes. The article mainly analyses the changes in coordination mechanisms and working procedures in the Polish Foreign Ministry, the Polish Permanent Representation in Brussels and the Office for European Integration that occurred as a result of the EU pressure to adapt between 2000 and 2009.

I would like to thank Jan-Hinrik Meyer-Sahling, Alister Miskimmon, Radek Zubek and two anonymous referees for comments on earlier drafts of this article.

Kaminska, J. (2010) 'The Link between National Foreign Policy and the Performance of a Country in the European Union: The Polish Case', *Journal of Contemporary European Research*. Volume 6, Issue 1, pp. 69-84.

Available at: <http://www.jcer.net/ojs/index.php/jcer/article/view/187/197>

The article explores several arguments. First, due to the participation in the CFSP, the Polish Ministry of Foreign Affairs (MFA) has gained more power in European politics, thereby marginalising the Office for European Integration (UKIE) responsible for the coordination and the definition of the Polish stance on European affairs. Between 2004 and 2009, the management of EU affairs in Poland was 'two-headed', with the additional participation of the sectoral ministries. Until 2009, the Office remained the main coordinating body, but its competences became increasingly 'blurred' as sectoral ministries also directly 'communicated with Europe'. This also posed a challenge to the MFA, as its newly acquired powers had to be shared with other domestic ministries and institutions, as well as sub-regional actors, as a result of the 'domesticisation' of European issues or, in other words, the 'blurring of boundaries' between domestic and foreign policies (Hockings and Spence 2005). The multiplicity of bodies responsible for European affairs in Poland and their overlapping competences also led to the perception in the EU that Polish administration was very "confusing".¹ However, this situation changed in 2010, when the MFA and the UKIE were merged, thereby leaving the MFA with all the coordination and policy-making powers concerning EU affairs. Secondly, the administrative machinery, although it is EU-focused, is still europeanised only to a limited extent, as a 'communist logic' still remains visible, mainly in the top managerial positions, where the generation gap has not been closed yet. Nevertheless, the 2010 merger of the MFA with UKIE highlights the existence of a fast-paced europeanisation process, which is taking place in preparation for the Polish Council Presidency in 2011.

Thirdly, as Epstein and Sedelmeier (2008) have noted, the lack of incentives after the accession to the EU has limited the extent of reforms, as shown in the example of the Polish civil service. The reform of the public administration and the creation of a neutral and depoliticised administration still remain key problems in Poland (Heywood and Meyer-Sahling 2008). The politicisation and the lack of proper coordination or efficient policy-making procedures, as the chosen case studies show, remain an obstacle to achieving influence in the EU. The coordination mechanisms and the definition of the roles of different actors still need certain improvements, as the undefined hierarchy of institutions and the unspecified model of cooperation in foreign policy have continued to cause several deadlocks in EU-Polish relations, especially between 2004 and 2009. The upgrade of the EU core executive in 2010 has, however, contributed towards significant changes with regard to coordination mechanisms. Still, the pressure to be a frontrunner has motivated the growth of EU-focused institutions, but has not significantly altered the way people work. Finally, the EU has had an impact on the establishment of a large EU-focused machinery before the enlargement. However, day-to-day cooperation after 2004 has tested its effectiveness, imposing the need for rapid decision-making, well-qualified staff and experts, as well as better coordination.

In the academic literature on national influence on EU foreign policy, mainly on the decisions of the Council, there are two major lines of analysis (Hayer-Renshaw, Van Aken and Wallace 2006): one qualitative (Shapley and Shubik 1954; Napel and Widgren 2004; Kauppi and Widgren 2007) and the other mainly quantitative (Lewis 2003; Tallberg 2004). This article is based on the understanding that the main factors influencing decision-making outcomes in the Council are a member state's "stake in the issue under discussion" (Hayer-Renshaw, Van Aken and Wallace 2006) and its ability to recognise and play in the informal bargaining, rather than the procedural setting. The ability to recognise and shape the EU decision-making process according to national interests is argued to be significantly connected with the efficiency of the executive and national diplomats, as well as a high degree of adaptation to the EU at the level of national institutions. The questions of how a national government organises the coordination and preparation concerning EU and CFSP

¹ Author's interview with a European Commission official (DG RELEX), Brussels, June 2008.

issues is relevant for this article, as these matters have a direct impact on the effectiveness of a member state in Brussels. This research does not claim, however, that effective coordination within the national executive is the sole factor influencing the successful uploading capacity of a state. Certainly, the importance of the GDP, the size of the state and therefore its voting powers, as well as its contribution to the EU budget, also have to be taken into consideration. It has already been noted in the literature, however, that the majority of the decisions in the Council take place on lower rather than ministerial level, as an effect of bargaining between different actors (Hayer-Renshaw, Van Aken and Wallace 2006). This provides national diplomats and officials with opportunities to influence final policy outcomes. This article therefore puts forward the view that the influence on the EU external agenda lies to a significant extent within the executive and administrative capacity of EU member states. Even though there has been a large scholarly contribution to research on foreign policies of the EU member states, this article aims to fill the gap in the literature on the member states that have joined the EU in 2004. It is an explorative case study (Lijphart 1971) and relies on documents and a large number of interviews conducted in the Council, the Commission and the Polish Ministry of Foreign Affairs in 2007 and 2008.

Also, as each national case is different due to the fact that different internal and external factors have had an impact on changes that occurred across the region of Central and Eastern Europe, this study focuses on Poland. As the largest of the 2004 new entrants, it had a developed agenda concerning EU external relations and was also considered a frontrunner in adapting to the EU (Grabbe 2001, Schimmelfening and Sedelmeier 2004). The article argues that, indeed, the EU has hit home in different ways in the post-communist states and has caused visible changes in the institutional order. However, the “distinct pattern of the post-communist-governance” (Meyer-Sahling 2008) and communist heritage in the public administration proved to be a constraint to further alignment towards Europe and the ability to influence its external agenda. First, the nature of the EU multi-governance structure requires clear patterns of coordination and cooperation at home in order to establish an effective informal mechanism at the EU level. Any country that fails to respond to this request will not be able to shape the outcome of the process according to its interests. This puts additional adaptation pressures for rapid learning on the new EU member states, which have been able to participate in the formulation of the EU foreign policy only since 2004. Second, as is was demonstrated by the case of the Polish veto on the Partnership and Cooperation Agreement, negotiations with Russia under the Law and Justice government, the high politicisation of public administration, the lack of effective communication with the diplomats in Brussels combined with limited or no expertise in the EU area (Bil and Szczerbiak 2007) resulted in lowering Poland’s effectiveness and ability to actively shape the EU decision-making process. The professionalisation of the policy-making process, as well as the decentralisation of powers generally, together with the centralisation of the EU core, has already resulted in some success during the Tusk Government, even as bargaining was occurring over the Eastern Partnership.

The europeanisation of domestic foreign policy-making

The impact of European integration on domestic transformations and reforms in EU member states has gained much attention in recent years. Traditional approaches to the europeanisation of domestic policies have focused on policy areas that are part of the competences of the European Community or have aimed to analyse the changes in the administrative structures of the CEE states (Agh 1999; Lippert *et al.* 2001). Some scholars have already noted that the EU has made an impact on the executives (Goetz and Wollmann 2001; Meyer-Sahling 2001, 2004, 2008; Zubek 2001, 2005), the administrative structures (Goetz 2001; Jablonski 2000; Jakubek 2006) and the governance (Lippert *et al.*

2001) of the new EU member states. Much of the literature has focused on the europeanisation of the EU member states (Bulmer and Lequesne 2005; Bulmer and Burch 2005; Cowles, Caporaso and Risse 2001; Ladrech 1994; Radaelli and Featherstone, 2001; Knill and Lemkhul 1999, Kassim *et al.* 2001), whilst a growing amount of work has analysed the impact of EU conditionality on the governance and policies of the CEE states (Grabbe 2001; Schimmelfennig and Sedelmeier 2005; Agh 1999; Lippert *et al.* 2001; Goetz 2001). However, the question of the europeanisation of foreign policies in CEE countries has gained little attention so far (Pomorska 2007; Kaminska 2007).

The intergovernmental and multifaceted character of cooperation in foreign policy makes it difficult to apply the traditional approach of europeanisation to this policy field, especially regarding EU candidate countries, as they were not able to participate fully in the formulation of the CFSP before 2004. It is clear, however, that the EU affects its member states in different fashions, including in the foreign policy domain as various research projects have demonstrated (Allen and Olivier 2004; Barbe 1995; Bulmer and Lequesne 2005; Hill 1996; Hocking and Spence 2005; Ladreach 1994; Miskimmon and Paterson 2003; Torreblanca 2001; Tonra 2001; Pomorska 2007; Sjursen and White 2004; Wong 2005). In the case of the new EU member states, the research on their ability to participate and influence the CFSP is limited due to time constraints. The adaptation to the EU in the area of the CFSP has been mainly connected with the alignment of the CEE states with EU positions or changes in institutional settings within the bodies concerned with dealing with EU issues and foreign policies. The participation in political dialogue has provided a good forum for the socialisation of elites (Smith 2004; Pomorska 2007). Nevertheless, the convergence of preferences between the EU and the CEEs, as in the case of Poland for example, has been rather 'shallow', specifically before 2004, and has resulted more from the pressure to be a frontrunner amongst the CEE states than from a deep support for EU positions. In addition, Poland did not visibly expose its national interests in the EU arena, mainly focusing on the implementation of *acquis* and bilateral relations with the EU, rather than EU foreign policy. This also stemmed from the limited knowledge on wider CFSP-related issues concerning the areas that Poland 'has never been interested in'² and its limited ability to participate actively in the CFSP working groups (Pomorska 2007). The lack of participation in decision-making and even limited activity concerning the insights into the EU decision-making process constrained the ability to upload national preferences onto the EU level, and left the candidates as mainly downloaders of EU institutions and policies (Goetz 2002). Change at a slow pace began to occur after the enlargement, especially in new and evolving EU policies, such as the European Neighbourhood Policy (ENP), which Poland was able to shape almost from the beginning.

The europeanisation of foreign policy is clearly connected to the process of change at the level of institutions participating in policy-making. National foreign ministries and core executives, together with the bureaucratic machinery implementing the decisions and the main political forces, all give input into the foreign policy-making process. Europeanisation can be observed not only at the level of institutions, but also includes the level of national elites, public opinion, as well as changes in national legislation (Smith 2000, Miskimmon and Paterson 2003).

The concept of 'europeanisation' is understood here as a reciprocal process, in which states are active in projecting their preferences, policy ideas and models to the EU, as only active projection allows for the preservation of national interests in the EU arena and increases international influence (Wong 2005). The reception and therefore the domestic adaptation to the EU, is seen here as 'the form of institutional, procedural or policy change' in the EU

² Interview with a Polish diplomat in Warsaw, quoted in Pomorska (2007).

member states or in a candidate country (Beyers and Trondal 2004), which occurred as a result of balancing the needs of a country and external demands.

Adaptation pressures in the CEE states have evolved over time and have changed in particular after the enlargement. As Epstein and Sedelmeier (2008) already noted, after winning the 'top prize' - i.e. the accession -, there are only limited incentives to reform, especially in areas where adaptation is costly. Even though the alignment with the CFSP is mainly voluntary (excluding here the public administration reform followed and reported by the EU in Progress Reports), the CEE member states adapted to the EU in some fields as they wished to be frontrunners amongst the EU candidates. The political declaration of support for the CFSP objectives was low in cost, but provided additional confirmation of their commitment to the EU. The adaptation to the CFSP before the enlargement was limited and was rather part of the strategy played by the CEE states in order to 'gain additional points in the accession race'. Also, due to the lack of active participation in the decision-making process, the adaptation to the EU in the CFSP field can be mainly investigated at the level of administration (procedures, structures, actors' behaviours), regulations, and to a limited extent at the level of changes in policy or in the perceptions of the elites and public opinion. The latter two will be, to a more significant extent, applicable after the 2004 enlargement.

This study draws upon Michael E. Smith's indicators of downloading within the domestic arena (2000). These include: elite socialisation, bureaucratic restructuring, constitutional changes, and changes in public perception concerning political cooperation. Adaptation, that is, changes in policies, procedures, institutions, structures or actors' behaviours, resulting in a bigger convergence and consistency with the EU, has occurred both before and after the enlargement. The institutional or legal reforms began to be visible before the accession, as did some socialisation or changes in the public opinion's approach, but as the majority of policy or institutional reforms occurred after 2004, this time period will be the major focus of this article. Policy adaptation added to this model is understood here as the "change of the existing position or creating a new position on an unsettled policy problem, thanks to a participation in the CFSP" (Smith 2004) and is investigated in the case studies.

A clear formulation of foreign policy objectives followed by a successful coordination of national policy is the key to achieving foreign policy goals. The nature of the EU makes it increasingly difficult to achieve these goals, as a variety of institutions and bodies might be confusing for a young democracy. Poland has observed the EU's structure and method of cooperation since the formative years of its independence, because major Polish decision-makers and diplomats participated in the political and structural dialogue offered by the EU through the Association Agreement (Starzyk 2003; Kuzniar and Szczepanik 2002; Kuzniar 2008; Pomorska 2007). The prospect of integration into the EU influenced the Polish bureaucratic structure and enforced the creation of many new administrative bodies for better coordination of European policies (Jakubek 2007; Pomorska 2007; Kuzniar 2008). However, it was not only the institutional setting that required a major re-evaluation for better coordination of Polish policies at the domestic and EU levels, but also a change in approach or way of thinking and 'doing things' for the political elites and the administration. The increased number of national institutions focusing on EU issues did not cause any immediate psychological change amongst political elites. The Soviet legacy clashed at various levels with newly adopted European mechanisms concerning foreign policy-making and policy coordination. The clash between 'old' and 'new' was also reflected in the generation gap, which, as one of the officials interviewed by Pomorska argued, "was almost impossible to close" (Pomorska 2007). The lack of information-sharing and coordination procedures between different ministries or even units within ministries caused a duplication of work and slowed down the process of effective decision-making.³ Nepotism, corruption,

³ Author's interviews with two Polish diplomats, July 2008, Brussels.

patronage and opaque recruitment procedures in the public administration in the 1990s were a visible part of the bureaucratic scenery (Heywood and Meyer-Sahling 2008; regular reports from the European Commission on Poland's progress towards accession 1998-2003; Anti-Corruption Program of Batory Foundation 2001-2004). Enlarged cabinets and numerous political advisors trying to gain power and influence in the process of policy-making caused new barriers in decisional mechanisms. High rotation of top management elites resulted in a lack of continuity in key-areas of policy-making and constrained the implementation of bigger reforms and projects (Raciborski 2006). Under pressure from having to respond quickly to the EU's everyday communication, ministries started to absorb young professionals, with the necessary linguistic and technical knowledge. However, as public administration was under-financed and did not offer perspectives for rapid career development for those with no political affiliation, a brain drain to the private sector and abroad was observed after the 2004 enlargement (Murphy 2008). The lack of strongly rooted and established civil servants in the institutional structure of the diplomatic and civil services proved to be one of the major constraints in uploading the Polish national interests onto the EU level. The absence of a professional civil service with an awareness of EU procedures, the long decisional processes within ministries, and coordination deadlocks have resulted in many missed opportunities at the EU level.

The conditionality applied by the EU in the administrative sector did not manage to impose change at all levels. Political management remained politicised after the enlargement, with a high fluctuation of top administrations at the level of State Secretaries, but also Undersecretaries and Heads of Departments (Heywood and Meyer-Sahling 2008). Kwiatkowska shows in her research on the Polish government elites that, between 1996 and 2004, less than 20% of top managers remained in office for less than two years (2006). Also 'post-accession compliance with costly pre-accession demands of international institutions' deteriorated (Epstein and Sedelmeier 2008), which resulted in the lack of adoption of legislation improving a depoliticised and effective civil service. A significant improvement occurred after the launch of the Diplomatic Academy in 2003, the training program for talented graduates wishing to join the Polish diplomacy. The two-year program was modeled on the National School of Public Administration established in 1991 for the creation of a professional and independent civil service, but with a specific focus on external relations and diplomacy. Those young graduates began to change the ministries from within. However, due to the lack of encouragement from the top administration and several internal constraints, change was limited. The major determinant of change was the preparation for effective policy projection on the EU level after the 2004 enlargement. Effective 'uploading' in foreign policy, that is, shaping the EU external agenda according to Polish preferences, was necessary to preserve the national interests and fulfill the expectations of public opinion. In areas where the opportunity structures within the EU were recognised and the mechanisms of uploading had been learnt, change started occurring in a more visible manner, such as the Polish MFA being able to adapt to delivering speedy responses, meeting deadlines and using new technologies in order to work with the EU. The recognition of the necessity to share information, build coalitions and compromise produced results only recently with the first positive steps taken towards projecting national preferences with regard to Eastern Europe, manifesting itself in the establishment of the Eastern Dimension within the EU's Neighbourhood Policy (ENP).

The national administrations of the 2004 new entrants engaged with the EU in different ways. There is no single model or pattern of europeanisation, even amongst CEE EU members, as Europe hits home in different manners. Most of the CEE states had a common starting point, in which a strong politicisation of public administration (Kolarska-Bobinska 2003) and a '*nomenklatura*' system (Goetz and Wollman 2001; Murphy 2008) inherited from the communist period had to be transformed into a professional and modern civil service with an institutionalised executive and efficient policy-making mechanisms. The rapid

transformation that took place at many levels of the public administration in the 1990s was often shallow and aimed to prove to external agents that Poland was achieving EU standards. The communist legacies survived, which included a lack of established successor elites, an inability to compromise, patronage in public administration, a passive public, survival of communist institutions and a centralised state (Crawford and Lijphart 1995) that seemed to slowly disappear, as new bodies were established and new laws adopted. In reality, institutions received a new look, but the same procedures and often the same people remained. They adopted new laws, as was the case of the law on civil service, but those were implemented only partially or not applied in practice. The European Commission in its regular report on Poland's progress in 2002 noted that the suspension of the Civil Service Act of 1998 allowed "the Prime Minister and the directors-general in state institutions to fill the most senior administrative posts with people from outside the Civil Service, who as candidates are no longer required to pass a competition".⁴ The problem of politicisation concerning high-level officials remained visible after the 2004 enlargement, and reached its peak during the coalition government of Law and Justice, Self-Defence and League of Polish Families when issues of nepotism, political appointees in key positions and corruption dominated internal debates. The 2006 reform on the staffing pool legitimised the status quo (Heywood and Meyer-Sahling 2008). Not all ministries experienced the high fluctuation of cadres and increases in political nominations in the same manner. For example, the UKIE remained relatively stable (Heywood and Meyer-Sahling 2008), but the MFA and the Interior ministry experienced many changes with regard to high-level officials (*Gazeta Wyborcza* 28.12.2006).

Research on the public administration in CEE countries has shown that political instability and high politicisation at the level of executives occurs in the majority of the CEE states (Goetz and Wollmann 2001; Meyer-Sahling 2008; Goetz 2002) and hampers institutional reforms in those countries (Goetz 2001; Zubek 2001). This 'communist legacy' present in administrative structures was one of the "key challenges to be addressed in post-communist administrative development" as Goetz has argued (Goetz 2001) and remains one of the major constraints to the involvement of the CEE states in the post-enlargement EU setting. The recruitment mechanisms concerning the senior positions in the government remain under the strong political pressure of party politics and internal bargaining. As Raciborski highlights, and many senior officials from the public administration second this opinion⁵, "the Council of Ministers is not a team, as in its origins there is strong sectorization" (2006). The institutionalisation of the public administration is therefore not fully completed; a neutral, qualified and competent bureaucracy is not fully developed (Raciborski 2006). This constrains the effective management and coordination of the policy as the new coming manager has no loyal administrative support from his own subordinates, which motivates him to establish his own cabinet with political advisers loyal to him (Raciborski 2006). The system of bringing 'one's own people' is practised in many Western countries, but in Poland the changes and rotations are reaching even the lowest levels of public administration, unlike in most developed democracies.

The politicisation of public administration, together with the lack of clearly established coordinating institutions in the CFSP area and the lack of transparent competence division between major decision-makers in Poland, limited the europeanisation process in those areas. Even with external and internal pressures to adapt to the EU before 2004, the changes that occurred were not profound enough to establish an effective policy-making process within the EU's multi-level structure after the enlargement. Filtered through the national traditions of work and policy-making procedures, new institutions proved to be not effective enough to fulfil the objectives established by the decision-makers. Change has

⁴ Regular Report on Poland's Progress towards accession, European Commission, 10.09.2002.

⁵ Author's interview with senior officials, UKIE and MFA, October and November 2009, Warsaw, Poland.

slowly begun only recently, as the EU day-to-day procedures have imposed several reforms, such as the establishment of the European Committee of the Council of Ministers (KERM) or lower level inter-ministerial working groups.

Goetz argues that the europeanisation of domestic institutions in the CEE states might have been provisional as new reforms were expected after full integration with the EU (2002). In the case of the professional civil service, this could be observed with the example of political appointments of 'acting managers' instead of professional civil servants in top managerial positions (Heywood and Meyer-Sahling 2008). The strong legacy of politically subordinate top members of the civil service and the continuous promotion of such behaviours prove how difficult it has been to eliminate these Soviet legacies.

From the source of systemic crisis to the lesson learned: the Polish veto

As mentioned before, the ability to influence EU external relations seems to be much more complicated than having an impact on any other sectoral policy, even though final decisions are taken in domestic arenas. It is the ability to influence the EU's institutional processes and mechanisms that provides the power of having a visible impact on the EU's agenda. The size of the country and its voting powers or the contribution given to the EU budget seem to be less important when compared to skilful entrepreneurship, the ability to shape and influence the policy-making process within the EU, the skills to build coalitions, networking and cooperation with other EU states, as well as EU partners and the ability to recognise good timing for a proposal. Only states that know how to use those tools are able to influence the EU external relations. The knowledge on how to use these instruments is an important part of the Europeanisation process.

Poland's efforts to project its national interests regarding Eastern Europe date back to the period preceding the enlargement, whilst the focus on the East has been the main Polish priority for the EU external affairs agenda. The Polish eastward focus, however, has traditionally excluded Russia and has instead focused on democracy promotion in post-Soviet states. The Polish-Russian relationship experienced many crisis situations in the early 1990s, after Poland took a pro-Western direction and applied for membership of both the EU and NATO, which met with strong Russian criticism. Tensions grew after Poland's involvement in the Orange Revolution in Ukraine and Polish promotion of the EU's engagement in the EU-Russia 'shared neighbourhood' (Pisarska 2008). For observers of Polish foreign policy, it was clear that Poland would promote a tougher EU policy towards Russia and would highlight issues concerning the energy security of the CEE EU member states. The EU enlargement has certainly made the EU-Russia relations more difficult and dense, as many of the CEE EU member states have brought to the EU negative perception of Russia and a high perception of threat that might occur from the Russian Federation.

The new Partnership and Cooperation Agreement (PCA) became an important issue on the agendas of the CEE states, especially as they could not participate fully in the Energy Dialogue or in the negotiations over the PCA with Russia in 1997, owing to them not being EU members at the time. The new framework agreement negotiations were therefore the first opportunity for the new EU member states to shape EU relations with Russia. It was also a key issue for the CEE states because of the special ties and experiences connected with the Russian Federation, which have distinguished them from the 'old member states'. As the Russian embargo on Polish products was launched in October 2005 (Ebhardt 2009), Poland also had relatively little time to learn the multilayered and complicated negotiation games of Brussels' corridors. One of the key issues was to understand the interplay of different actors in the EU, mainly the Commission, the Council and the member states. This, however, was significantly constrained by internal changes in Poland, the parliamentary and

presidential elections in 2005 and 2006 and the ensuing lack of domestic stability. The new government was in the state of making and finding new coalition partners, which limited the coherence of its stance in foreign policy.

Poland, similarly to other new member states, was aware of the need for a new framework agreement between the EU and Russia, but also wished to see its main fears addressed by the new agreement. The Russian embargo seemed to be a good opportunity to focus the attention of the EU partners on the demands of the new member states in relation to the new PCA with Russia. The issue of the Polish veto being applied as a result of the Russian embargo was understood in Brussels, but the fact that it was brought together with the energy security concerns confused European partners (Podolski 2006, Eberhardt 2007).⁶ For Poland, the security of energy supplies confirmation, reflected in the future PCA agreement with Russia and Russian agreement to the ratification of the Energy Treaty Charter, as well as the signature of the Transit Protocol were key-priorities that were linked to lifting the Polish veto on the negotiation mandate (Banat-Adamiuk 2007).

Poland wished to have both issues, the lift of the Russian embargo on Polish meat and the ratification of the Energy Charter by Russia, incorporated into the European negotiation mandate (Eberhardt 2007),⁷ even though the second request was evidently unlikely to receive the support of other EU member states, as the decision of leaving this condition out of the negotiation mandate was agreed by all states at the Lahti summit (*Gazeta Wyborcza* 2006). The Polish Minister of Foreign Affairs Anna Fotyga argued, however, that “it was an informal summit, and we have our own interpretation of its results” (*Gazeta Wyborcza* 14.11.2006). The European Commission was not aware that Poland might want to use its veto, as Poland did not previously inform them that such an option was being considered.⁸ It needs to be highlighted that there was no ‘veto strategy’, but that the veto was applied at the ministerial level (Banat-Adamiuk 2007), as an ‘*ad hoc*’ decision of the Polish Minister of Foreign Affairs.⁹ Even though the Polish Prime Minister argued that the European ambassadors and Russian representatives were aware of the possibility of the Polish veto¹⁰, not only European (Banat-Adamiuk 2007), but also Polish diplomats seemed to be surprised by it.¹¹ In the words of a Polish diplomat, “the veto was a random choice, it was not consulted as it was not planned”.¹² Polish diplomats in Brussels were not aware that the veto had been decided and the Polish Representation in Brussels, although it was included in the information-sharing and coordination throughout the veto negotiations, was not able to convince the capital to change the chosen strategy.¹³ Also, the Law and Justice government, which was in power at the time, brought its own people to ministries and in top negotiation positions, choosing not to engage actively the civil servants and diplomats in place.¹⁴ Since the negotiations were conducted mainly at the ministerial level, with the personal and direct involvement of the Polish Minister of Foreign Affairs Anna Fotyga and of the President of the Republic of Poland Lech Kaczynski, and as the veto was applied in the General Affairs and External Relations Council (GAERC) (Banat-Adamiuk 2007), the working level of diplomatic services was not engaged in this process. The fact that the veto was applied at ministerial

⁶ Author's interview with a European Commission official (DG RELEX), April 2008, Brussels.

⁷ “We wish to see those two things written down in the EU mandate”, interview with Polish diplomat, in ‘*Polska wstrzymuje Unie w drodze do Moskwy*’, *Gazeta Wyborcza*, 14.11.2006; author's interview with a Polish diplomat, Polish Foreign Ministry, Warsaw, February 2007.

⁸ Author's interview with a European Commission official (DG RELEX), Brussels, June 2008.

⁹ Author's interview with a Polish diplomat, February 2007, Warsaw.

¹⁰ Statement of the Prime Minister Lech Kaczynski, *Kancelaria Prezesa Rady Ministrów*, Press Release, ‘*Polska nie godzi sie aby traktowana ja jako kraj spoza UE*’, 24.11.2006, Warszawa.

¹¹ Author's interviews with Polish diplomats and European senior officials, European Commission, Brussels, May and June 2008.

¹² Author's interview with a Polish diplomat, Brussels, June 2008.

¹³ Authors' interview with Polish diplomats, Brussels, April 2008.

¹⁴ Author's interview with a Polish diplomat, Brussels, June 2008.

level had already excluded the possibility of a solution at the lower level and had put strong political pressure on both the Presidency and the Commission to make all possible efforts to solve the veto problem. The centralisation of power in the Prime Minister's Office, the lack of decision-making strength of the Minister of Foreign Affairs Fotyga, and the sudden engagement of the President caused miscommunication at both the national and EU levels, which was reinforced by the lack of a Polish EU Ambassador in Brussels (*Gazeta Wyborcza* 20/21.01.2007 and *Gazeta Wyborcza* 28.12.2006). Civil servants in Brussels were sometimes informed at the last moment of the Polish position and were not fully consulted.¹⁵ At the time, political appointees and the main decision-makers from the Law and Justice Party were reluctant to share information with professional civil servants. As the decision on the veto was announced suddenly, there was no strategy on how to approach the matter.¹⁶ The government, in the words of one of the former MFA director "was not taking into consideration the EU decision-making process itself, but only preparing for the summits."¹⁷ Both the lack of flexibility and ability to compromise and the lack of a prepared strategy made it difficult for other states to cooperate with Poland.¹⁸ The 'informal' competence division, giving the Prime Minister Jaroslaw Kaczynski the priority in domestic politics, whilst the President had priority in foreign policy, resulted in confusion in both the Commission and the Council.¹⁹ During this time, the Law and Justice Party started its reform of the diplomatic services by removing a high number of diplomatic staff from the ministries and replacing them in many cases by political appointees with strong party commitment, but no background in foreign policy (*Gazeta Wyborcza* 04.08.2007; 28.10.2006; 10.07.2006). The lack of cohesion of the ruling coalition of Law and Justice, Samoobrona and the League of the Polish Families and the division of different ministers amongst the coalition partners according to party allegiance contributed towards internal difficulties in forming a common negotiation position. It also needs to be mentioned that all parties in government were strongly eurosceptic and had little experience in government formation, which had limited their ability to benefit from previously established networks and play an important role in policy formation at the EU level.

However, after some time, this political inexperience in Brussels met with strong opposition from public opinion and resulted in much media criticism, which presented the Polish failures in the EU as an outcome of the politicisation (*Gazeta Wyborcza* 29.09.2007; 22.08.2007 and 07-08.07.2007). The internal criticisms, the EU pressure to adapt, as well as the lack of ability to project the objectives of the government onto the EU level have resulted in a change of approach and the search for experts that would support the stance of the government in the EU.

Negotiations between the EU and Russia were dominated by the mediation between the EU and Poland, with the Finnish Presidency and the President of the European Commission attempting to arbitrate. The members of the European institutions had highlighted the isolation of Poland many times and the fact that the Polish government did not understand how the EU decision-making process worked. The EU Commissioner for External Relations and the European Neighbourhood Policy, Benita Ferrero-Waldner said that "we all called on Poland many times to change its position" (*Gazeta Wyborcza*, 14.11.2006). Other states criticised Poland for not using all negotiation options within the Council and the Commission. German Deputy Foreign Minister, for example, declared that "the Warsaw government is not doing itself any favours with this veto (...). It is isolating Poland within the European Union" (*Deutsche Welle* 24.11.2006).

¹⁵ Author's interview with a Polish diplomat, Brussels, July 2008.

¹⁶ Author's interview with a Polish diplomat, Brussels, July 2008.

¹⁷ Author's interview with a former Polish senior diplomat, Warsaw, October 2009.

¹⁸ Author's interview with an EU civil servant, European Commission (DG RELEX), May 2008.

¹⁹ Author's interview with a European Commission official (DG RELEX), Brussels June 2008.

Strong pressure came from the EU to enlarge the negotiation margin by the Poles, especially after the EU called on Russia to lift the embargo, and also to leave the issues concerning the ratification of the Energy Charter and the Transit Protocol out of the veto question. A slow change in the Polish position began after much criticism not only from the EU, but also from domestic actors and the media (*Gazeta Wyborcza* 30.03.2007). The lifting of the veto was, however, applied only after the change from the Kaczynski government, when the Civic Platform took a constructive approach in the relations with Russia, and lobbied for the issues concerning energy security in the lower EU fora, leaving the lobbying to Polish diplomats in Brussels and Warsaw.

Even though the Polish veto did not get any formal support from any other EU member state, due to the lack of a clear argument from the Polish side, EU support was expressed by the Commission. The lifting of the embargo and EU solidarity were, however, not due to Polish lobbying or the existence of a well planned strategy, but rather a willingness to compromise from the EU side. Poland, after achieving the solidarity declaration, dropped the clauses concerning energy security in the PCA, but still developed an image of an “awkward partner” or “isolated and lonely player”, whose “confusing administration, lack of strategies and lack of ability to articulate what Poland wants”²⁰ limited the ability to provide constructive input concerning the EU relations with Eastern Europe. The lack of a clear and established communication channel between the EU and Poland was exposed, and strong dependence on the will of political party leaders and their nominees was made visible. The institutional bodies created during the pre-accession period proved to be inefficient as they did not receive information from the top of the administration, having been excluded in the process due to party politics.

A first success in projecting national interests: the Eastern Partnership

The negative image of the Law and Justice government amongst EU diplomats provided the Tusk government with many credits from the start.²¹ The Eastern Partnership and the establishment of regular and institutionalised cooperation with the EU's Eastern neighbours became one of the key priorities of Tusk and his Foreign Minister Radoslaw Sikorski. The Minister of Foreign Affairs rapidly recognised the need for developing professional and effective diplomatic services. Increasing wages and the inflow of young professionals were defined as key-objectives during his office.²² He clearly identified Poland's need for a professional diplomatic service in order to be effective in the EU.²³ Also, at the EU working level, the Poles proved to work more effectively as there was a strong understanding that the Eastern Dimension needed to finally find its place in the EU policy.

Meetings between European and Polish diplomats were conducted at different levels, starting with the working groups, senior officials, ambassadors, and included the Polish Minister of Foreign Affairs, Radoslaw Sikorski.²⁴ Poles very quickly learned that a constructive approach brings profits and took on board all the comments from the side of the Commission and the Council when trying to build a wider consensus for the requirement of special relations with the EU's Eastern neighbours. Polish diplomats consulted the Commission on all phases of the Eastern Partnership Communication, drafting and incorporated all suggestions and comments, and at the same time showing a pro-active and

²⁰ Interviews by the author with EU officials, European Commission, Brussels, March-July 2008.

²¹ This a view expressed by many European Commission and European Council officials, Brussels, May 2008.

²² Sikorski's declaration at the European Policy Centre, Brussels, 26.05.2008. See also 'Expose Ministra Spraw Zagranicznych Radoslaw Sikorskiego in 2008', available at <http://www.msz.gov.pl/Expose,2008,27479.html>, last accessed on 20.05.2009.

²³ Sikorski's declaration at the European Policy Centre in Brussels, 26.05.2008.

²⁴ *Ibid.*

constructive engagement in all initiatives concerning the relations with the Eastern Partners.²⁵ The final text of the Communication on the Eastern Partnership excluded even the key promise of the future European Perspective for Ukraine, which throughout the years had been a major issue for Poland. The EU partners did not wish to accept it and in order to push the Communication through, Poland agreed.²⁶ The proposals were accompanied by a series of events and meetings on the need to strengthen relations with the Eastern Partners and not only involved the government, but also Polish Members of the European Parliament, NGOs, and think tanks that contributed to the promotion of the subject.²⁷ The Polish Minister of Foreign Affairs made it clear that the strengthening of the Eastern Partnership would be a major priority in the coming years and during the Polish Presidency in 2011.²⁸

Good coordination of all the efforts in Brussels, and Warsaw and consultations conducted in the European capitals by Polish diplomats started to bear fruit, as the Polish proposal gained support of all the Visegrad Group members, the Baltic States and Scandinavian countries due to the Polish and Swedish lobbying, creating a strong group in support of the Eastern Partnership. The coalition of those ten states could not be ignored. Even the usual competition between Poles and Czechs on the leadership in Eastern issues was by now constructive and joint efforts were made in order to give life to the Eastern Partnership. European officials highlighted that “getting Swedes was very clever, as the more experienced country helped to find the way in the Brussels corridors.”²⁹

The impact of the EU during the Civic Platform Government appeared through changes in the negotiations tactics and the understanding of the ‘*communautaire* language’ (Jordan 2003). For the Tusk government, the EU was perceived as a ‘force of good’, providing Poland with opportunities for upgrading its position in the international system. Also, the EU has allowed the MFA to crystallize an approach concerning its role in the shaping of EU external relations and has created pressure to deliver when there was a strong momentum.

It has to be admitted that the idea of the ‘Union for the Mediterranean’ proposed by French President Sarkozy, the events in Georgia, as well as the Slovenian Presidency - the first new EU Member State to hold the presidency -, have created a momentum for the Communication and made Polish ideas possible. However, it needs to be highlighted that the Polish government recognised the opportunity to bargain Polish support for the Southern Dimension in exchange for French support for the Eastern Partnership. The need for a strong coalition was also recognised, and Sweden provided help with negotiations and document drafting, in addition to demonstrating how to navigate the Brussels corridors. Sweden with its experience, and skilful, renowned and efficient diplomacy, managed to give the support in all those fields that Poland needed, starting with good drafting, through to getting in touch with the right people in the institutions, and finishing with bargaining and top level negotiating. Poland has, however, also mobilised different institutions and Polish and international experts to show the degree of preparation for the negotiations. Still, not all channels of influence were explored and not all informal mechanisms applied. Nevertheless, the outcome in the form of the European Council Conclusions in June 2008 and the Commission Communication on the Eastern Partnership proved that adapting to the EU game brings benefits and that Poland has begun to recognise this.

²⁵ Author's interview with a senior official, European Commission (DG RELEX), May 2008.

²⁶ Communication from the Commission to the European Parliament and the Council on the ‘Eastern Partnership’, COM (2008) 823 final, Brussels, 03.12.2008.

²⁷ Minister Sikorski's speech at the European Policy Centre, Brussels, 26.05.2008 on Poland's New Foreign Policy; Conference organised by the Polish MEPs in June 2008 at the European Parliament on the Relations with Eastern neighbours and the European Neighbourhood Policy in the East; Polish Institute of International Affairs (PISM) Conference on Building a Common Eastern Policy of the EU in July 2008; Co-organised Conference on the Role of the Visegrad Group in Creating the Eastern Policy of the EU in December 2007.

²⁸ Minister Sikorski's speech at the European Policy Centre, Brussels, 26.05.2008.

²⁹ Author's interview with an EU senior official, European Commission (DG RELEX), May 2008.

Conclusion

Since the early 1990s, the Polish administration has been subjected to strong adaptation pressures from the EU in order to align itself with the EU administration standards and to establish a modern, professional and neutral civil service. The creation of new institutional bodies, such as the UKIE and the KERM and the launch of many EU-focused committees and departments in the Polish public administration structures are examples of europeanisation. However, the europeanisation of institutional structures was not profound enough to affect people that worked in them, as the lack of 'generational change' after 1990 resulted in many civil servants keeping their posts with low salaries and failing to encourage young professionals to join. The administrative reforms initiated in the pre-accession period were also not fully implemented or were even stopped after the enlargement, as in the case of the Civil Service Act in Poland. The centralisation of power in foreign policy and decentralisation in other policy areas caused changes in the EU coordination process, resulting in the marginalisation of the UKIE between 2004 and 2009 and a struggle for domination over the realm of foreign affairs between the Prime Minister, the President and the Ministry of Foreign Affairs. A rapid adaptation at the institutional level only started to occur under the Civic Platform government, which, having ambitious priorities in the area of EU external relations, was able to understand the need for change and reform in order to succeed in this field. Also, after five years of EU membership, Poland started to feel 'more at home in the Brussels setting and managed to create the EU elites amongst the national civil service, the elite aware of the national interests and the road map how to use tools such as consultation or good preparation in order to achieve the defined objective'.³⁰ The confusing hierarchy of different institutional actors in European policy-making, which has been reduced by the MFA-UKIE merger in 2010, might not be a major constraint to EU policy-making if there is a defined and clear working practice. Better information-sharing, cooperation with the Poles working for the EU institutions, clarification of the work responsibilities and promotion of young professionals would improve the working styles and ability to make a wider impact within the EU. Nevertheless, the Ministry of Foreign Affairs still has to adapt to dealing with a wider spectrum of actors in external relations.

The lack of clear coordination mechanisms and a high dependence on party coalitions and politics have resulted in communication deadlocks between the EU and Poland. The politicisation of the civil service (Murphy 2008) caused the brain drain of young and talented people and deteriorated the level of Polish diplomacy. The ability to project national interests is largely dependent on the existence of a skillful and professional diplomatic service, able to find its way in the Commission and Council corridors. Information-sharing and trust amongst decision-makers and their subordinates, together with good planning and strategies, can win more than any veto, but this needs to be acknowledged and implemented. The Polish aspirations of being a power, a part of the EU's '*directoire*' (Barbe 2000) will not be possible without investing in human resources that can and want to effectively promote the interests of the state in the EU arena. Undeniably, success in Brussels is dependent to a large extent on the 'human factor', including the existence of wide networks of contacts and skilled diplomats and officials. Those however need to be given strong support from the political top in Poland. The growing investment in the diplomatic corps and the restructuring of the Ministry of Foreign Affairs, as well as the use of top experts in order to achieve the planned projects, show that the Tusk-Sikorski tandem is aware of these needs. At the same time, all these recent changes show that the europeanisation of Polish foreign policy has only begun to occur in recent years.

³⁰ Author's interview with a former senior diplomat, October 2009, Warsaw, Poland.

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From Civil Dialogue to Participatory Democracy: The Role of Civil Society Organisations in Shaping the Agenda in the Debates on the European Constitution

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Abstract

This article, based on ongoing research, explores the role of civil society organisations in the debate about participatory democracy in the European Constitution (TCE). The findings are based on the qualitative analysis of position papers and interviews in order to determine the ways in which civil society organisations contributed to shaping the model of participatory democracy (article 47 TCE). The article focuses on the debate on the role of civil society for democracy in the EU (Greenwood 2007b; Kohler-Koch 2007; Maloney and Van Deth 2008), by addressing its ability in fostering citizens' participation. It considers firstly the place of civil society in the European public sphere. It then presents the role of civil society in shaping the agenda on participatory democracy before the debate on the European constitution. It particularly investigates the formation of coalitions of organisations which aimed to include these debates in the Convention's agenda. It considers that although the Convention's structure could have been appropriate for coalitions to voice demands from the general public, which is one of the expected functions for coalitions in the literature (Mahoney 2007: 375), this was not the case both because of the inability of European civil society organisations to mobilise the public and the high efficiency of insider strategies.

Keywords

Civil society; Participatory democracy; European Convention; European Constitution; Public sphere

EUROPEAN INSTITUTIONS ARE INCREASINGLY ACTIVE TO PROMOTE A EUROPEAN public sphere.¹ This interest is linked to the path towards politicisation that the EU is following (Hooghe and Marks 2009). The turning point in this tendency is the year 1999: the debate about the democratic deficit of the Union, which arose around the Treaty of

¹ In this sense, see the Commission's plan D (European Commission 2005) or the Parliament's Citizens' Agoras.

I am grateful to Professors Justin Greenwood and Peter McLaverty for their support while I was preparing this article. I would like to express my gratitude to the two anonymous reviewers of the JCER for their constructive comments and to Eamonn Butler for his patience.

Maastricht, takes form and visibility in the resignation of the Santer Commission, conveniently relayed by the media (Bastin 2002; Georgakakis 2004). Whereas the scholarly debate about the democratic deficit is far from being over (Follesdal and Hix 2006; Moravcsik 2006), EU institutions² and Member States now consider it necessary to involve their citizens closer with the European integration process. This point is made in the Laeken declaration (European Council 2001) and is a relevant theme in the debates on the European Convention that met in 2002 and 2003 and proposed the Constitutional Treaty. EU institutions seek to “close the gap” with citizens through two strategies. Strengthening representative democracy is considered the first objective. However, its shortcomings in some aspects at EU level have led the Commission to consider complementary models of direct and participatory democracy (European Commission 2001). Since 1999 a number of initiatives have been taken to promote the existing mechanisms for the consultation of civil society into complementary models and practices of democracy in the EU. Perhaps unsurprisingly, the institutions have sought to use these mechanisms not only to foster participation but also deliberation on the future of EU³ (European Commission 2005). The plea for a European public space has a legitimising potential, although this claim has to be balanced by considering the importance of specialised publics relative to general publics in the European public space (Eriksen 2007: 38).

The literature on European civil society and interest groups is rich and burgeoning (Greenwood 2007b; Kendall, Will and Brandsen 2009). However, Maloney and van Deth (2008: 4) point out that little is still known about the actual links between the organisation of European civil society and the functioning of the EU as a democratic polity. The existence of civil society can be considered a prerequisite for democracy in a Toquevillean sense. In addition, civil society is expected to contribute to the consolidation of the public sphere, another prerequisite of democracy, in a “reflexive democratisation process” (Eder and Trenz 2007: 178-179).

The aim of this article is to examine the potential of civil society organisations in the promotion of participation and deliberation by European citizens. In order to do so, it analyses the involvement of these organisations in the development of a scheme for participatory democracy in the EU during the European Convention (2002-2003). The primary objective is to analyse the ways in which civil society organisations shaped the European Convention’s agenda on participatory democracy. This analysis is carried out by focusing on two independent variables. The first concerns civil society organisations’ access to the agenda. The second is the coalition building strategies in which these actors engaged. These two variables need to be linked in order to contribute to Maloney and van Deth’s (2008: 4) call to know more about the role of civil society in the functioning of the EU as a democratic polity. On the one hand, the study of agenda setting must pay attention to issue framing, and thus to the role of civil society in the emergence of debates about the EU. On the other hand, it is necessary to study whether these organisations have the potential to make citizens take part in European debates. In this sense, the choice of collective action registers is a key variable: do these groups tend to influence the agenda by contacting officials and members of the European Parliament or do they on the contrary, try to mobilise supporters and the media to create a pressure on decision makers?

The article is divided in three sections. The first section discusses the role of civil society for the legitimacy of the EU. It presents the burgeoning academic debate and the importance of this issue for policy makers and interest representatives. This section addresses more in

² The endorsement of this question by the EU institutional system has been incremental but sustained, as initiatives such as the White Paper on governance (2000), the Laeken declaration (2001), the convention on the future of Europe (2002-2003) and plan D (2005) *inter alia* attest.

³ In particular, the Commission strategy after the 2005 ‘no’ votes was to extend consultations beyond Brussels into the national arenas as a way to foster the interest of citizens at large and the media.

detail the contribution of civil society to one of the dimensions of European democracy, the emergence of a public sphere. The second section analyses how civil society organisations have been involved in a policy setting process concerning the mechanisms of participatory democracy for years before the Convention and which collective action registers were used to bring these ideas into the Convention. The last section addresses the question of how effective civil society collective action was in providing European citizens with the chance to participate in the Convention.

The interest of studying the debates on the Constitution for Europe could be contested by arguing that its rejection during the ratification process clearly demonstrates its failure to foster an EU public sphere (Habermas 2005). However, it remains a unique experience, and thus an excellent analysis opportunity of the participation of civil society in a large pan-European debate on the future of Europe. Available literature (Will *et al.* 2005: 12-13; Pérez Solórzano 2007: 174-175; Lombardo 2007: 158-162; Kvaerk 2007: 185) has pointed out the role that civil society organisations played in the debates about democracy during the Convention. However, these studies do not consider the ways in which civil society contributed to framing the issue before the Convention. Moreover, little research exists on the role of these organisations in the communication between different publics in the segmented European public sphere.

The Convention can be considered an example of participatory democracy in the EU (Rio Villar 2004). Civil society organisations were short of being members of the Convention as some of them expected. However, the Convention provided several different access and influence possibilities for civil society organisations, including contributions to an online forum which received over 700 contributions (Kvaerk 2007: 203-213). Regular meetings with civil society organisations were held at the European Economic and Social Committee under the supervision of Jean-Luc Dehaene, a member of the Presidium. Moreover, the Convention established eight working groups where civil society organisations and Convention members worked together for a few months and which prepared a public hearing where civil society organisations representatives from the eight groups, chosen by the civil society organisations themselves were invited to present their views (European Convention 2002:2). Many civil society organisations did as well engage in informal lobbying.⁴

As agenda setting happens across a relatively long period of time, the method applied in this article consists in analysing the role of the organisations that were active in the European debates on participatory democracy that preceded the Convention. The organisations whose role is studied here are those which contributed to the Convention forum and at least two of the previous consultations related to participatory democracy.⁵ This criterion allows a focus on those organisations that followed the debate closely and had more opportunity to influence the agenda. The role of groups which were involved only in the Convention is considered at a second step as a way of controlling whether long term involvement is a decisive factor or not. The Convention moment in section 4 demonstrates the advantages and weaknesses of this approach.

The analysis is carried out via a qualitative textual examination of the positions of civil society organisations about participatory democracy as it appears in 70 contributions submitted to the Convention (called position papers thereafter).⁶ The choice to analyse

⁴ Interview with a member of the Secretariat of the Convention, Brussels, 10 April 2009.

⁵ There were four consultations on topics relevant for the setup of a model of civil dialogue between 1997 and 2001 on the role of voluntary organisations, on partnerships with NGOs, the White Paper on European Governance and the definition of consultations standards (European Commission 1997, 2000, 2001 and 2002).

⁶ Additionally, where position papers were not available, information on the positions of civil society groups was obtained via minutes diffused by institutions like the European Economic and Social Council or the European

these documents is justified by the importance of position papers for organisations. Drafting them implies devoting different kind of resources to an activity which will not be decisive in terms of policy influence. These documents provide evidence of the interest of being involved in the ongoing debate. Moreover, as they are publicly available, organisations tend to support their views with arguments and try to refute opposing viewpoints. This analytical approach allows for a detailed study of the framing process followed by civil society groups and the reflection of these in the Convention debates. Moreover, this approach offers a systematic way of looking for convergences and divergences in the positions and frames adopted by these groups and thus to grasp the eventual existence of coalitions or other forms of collective action. Systematic analysis of minutes from meetings and about 30 in-depth interviews conducted with civil society organisation representatives, and members of the Convention and officials are used as sources of information on the strategies followed by the groups. These are preliminary results of ongoing research, and will be completed at a later stage by a study of the coalition making process via network analysis.

Civil society organisations within the European public sphere

European institutions and academics have devoted much attention and optimism to European civil society as a promoter of democracy in the EU. They expect that encouraging the participation of civil society organisations in policy making will contribute to bridging the gap between the EU and its citizens (European Commission 2001, 2002, 2005; Rio Villar 2004; Eder and Trenz 2007). This section proposes to critically appraise the contribution of civil society to the democratisation of the EU by assessing its role in the emergence of a European public sphere. It does this by first analysing concurrent definitions of civil society and their different implications for the legitimacy of the EU and for the organisation of collective action. Second, it analyses the critical position of these groups in the public space at the crossroads between institutions, experts, and the general public (Eriksen 2007: 33-34) where they can play a key role in linking these arenas, on the proviso that they effectively inform and involve their members and the public.

EU civil society and the legitimacy of the EU

Civil society is a concept that has been present in the history of political thought for centuries although it is far from being consensual. Smismans (2004: 48) points out that the notion has had completely opposing meanings, from Aristotle's conception of civil society as the political community resulting of mankind's nature as a "*zoon politikon*" down to Hegelian inspired conceptions of civil society as the non-political sphere of public life. By extending this view, much understanding is not uncommon where civil society comes to mean the entire social body. This article by contrast considers civil society as the groups created by citizens on a voluntary basis to defend a cause or interests in the public space (Smismans 2004: 48) rather than citizenry as a whole.

However, this definition is impartial regarding the question of what the boundaries of civil society are. This question implies not only an important conceptual debate, but is in itself an important practical issue in EU policy making: interest groups differ as to whether economic actors, as much EU interest groups can be considered, are part of civil society. One concept is that civil society comprises only non state actors engaging in public activities and operating at the crossroads between the state, the market and individual citizens (Smismans 2004: 48; Fazi and Smith 2006:15-16). This concept encompasses civil society as a third sector or space between public and private. A good example of how citizen interests groups

Convention itself after public hearings with civil society or directly from organisations via semi-focused in depth interviews.

uphold this position is a study commissioned by the Civil Society Contact Group which excludes “profit optimising actors” from the definition of civil society (Fazi and Smith 2006:16).

Nevertheless, the Commission follows a second conception of the boundaries of civil society, where: “[...]‘civil society organisations’ are the principal structures of society outside of government and public administration, including economic operators not generally considered to be “third sector” or NGOs.” (European Commission 2002: 6). In addition, the Commission does not only hold a very broad conception of what civil society is, but refuses to stick to a definition: “It should be noted that in its policy of consultation the Commission does not make a distinction between civil society organisations or other forms of interest groups. The Commission consults **‘interested parties’**, which comprises all those who wish to participate in consultations run by the Commission.”⁷

Moreover, part of the literature is critical of European civil society. These authors point out that the boundaries between associations, characterised by a strong participation of members and thus being “schools of democracy”, and interest groups is increasingly blurred by the strong emergence of Non Governmental Organisations (NGOs) which results in “the formation of a ‘lobby-cracy’ consisting of ‘merchants of influence’ offering a mixture of conventional lobbying and more up-to-date forms of politicking” (Maloney and Van Deth 2008: 6-7). The inability and even lack of interest of NGOs in mobilising membership at the European level pointed out by Sudbery (2003: 87-93) is a further reason for Maloney’s and Van Deth’s (2008) scepticism. This aspect will be considered in the last part of this article. Considering that the definition and the boundaries are amongst the issues of contention between the actors considered here and the blurring of boundaries, the article will use the rather general definition outlined at the beginning of this section.

Despite this, the participation of civil society has emerged as one of the elements of the debate on the legitimacy of European policy-making (Smismans 2003; Rio Villar 2004). The White Paper on European Governance (European Commission 2001) can be considered as a turning point in the relations between the European Commission and organised civil society (Smismans 2003; Greenwood 2007b; Maloney and Van Deth 2008). According to Kohler-Koch (2007: 257), before the publication of the White Paper, the relations with interest groups were considered helpful to legitimise the EU not through a discourse on participation of civil society but rather as a contribution to what Scharpf (1999) calls output legitimacy, which is the contribution to efficient policy making thanks to expertise and the support of stakeholders. By contrast, since the publication of the White Paper the Commission expects positive effects in terms of input legitimacy increases from its relations with civil society organisations. A noticeable evolution in the discourse of the Commission after the White Paper (European Commission 2002, 2005) is the transformation of interest groups into “civil society organisations” (Armstrong 2002; Michel 2007; Saurugger 2007; Kohler-Koch 2007).

Greenwood (2007b: 343-345) points out that the White Paper is a landmark in the strategy of the Commission to induce a neo-pluralist regime in its relations with civil society and to institutionalise them. Smismans (2004: 40-41) analyses the potential contribution of these relations to input legitimacy by using the concept of structured relations. Structured relations are mediated by rules about transparency, fairness and balance in access to the institutions. Consequently, EU institutions can claim legitimacy for policy proposals thanks to previous consultations in public and transparent arenas with the organised civil society. Initiatives seeking to create a “civil dialogue” (European Commission 2000; Alhadeff and Wilson 2002;

⁷ Emphasis added in the original in the website “The European Commission and Civil Society”, section “Definition of civil society” http://ec.europa.eu/civil_society/apgen_en.htm, last accessed on 06 April 2010.

Fazi and Smith: 2006) between the Commission and civil society, like the setting of consultation standards (European Commission 2002) and the transparency initiative (European Commission 2006), are examples of the development of structured relations between the Commission and civil society groups. This article argues that the calls to structure the relations of the institutions with civil society found an echo in the Convention on the future of Europe (2002-2003).

Whereas structured relations may have a potential to encourage debates (European Commission 2002 and 2005, Fazi and Smith 2006, Kohler-Koch 2007), it must be analysed whether they do so among publics large enough to contribute to the democratisation of EU politics and involve the wider public.

Specialised EU publics

Interest groups represented in Brussels are frequently portrayed as lobbies whose main objective is to influence the EU policy making process behind closed doors. However deliberativist authors (Joerges 2002) have found that in some cases this provides a communicative and argumentative dimension. Additionally, although massive transnational campaigns and demonstrations are rare given their relative inefficiency in influencing EU politics compared to the difficulties to build them up (Imig and Tarrow 2002: 203, 211-213), in some cases interest and civil society groups engage in forms of advocacy that seek to influence policies through collective action. Advocacy about participatory democracy by civil society groups during the Convention shows that these actors' contributions and demands are formed following a specific logic of exchange with other actors.

Spatial models explaining the behaviour of social actors according to their positions in relation to others in a social field (Martin 2003) will be useful for analysing this phenomenon. Contributions to the Convention on participatory democracy express a form of contention between various groups for the definition of issues of common interest. These debates create an autonomous social field which bears resemblance with Eriksen's notion of a specialised public within a segmented European public sphere (Eriksen 2007: 33-34). This space consists of skilled actors active in the European policy making process which participate in debates in order to promote institutional change (Stone Sweet, Fligstein and Sandholtz 2001:11). Conceiving civil society groups as actors of a segmented public space has the additional advantage of placing these groups between institutional and general public debates. This position is relevant for the agenda setting process, as the literature points out that one of the strategies available to actors wishing to influence agendas is to include issues in larger frames within general publics (Muller 2008: 58-61). It is thus necessary to analyse not only the dynamics of this segmented space, but also its connection to national spaces during the Convention.

When analysing whether and how civil society organisations influenced the EU constitutional agenda on democracy through expertise and collective action, one can refer to theoretical and empirical contributions on the role of ideas and technical knowledge for policy analysis in the EU (Chalmers 2003). However, the advocacy coalition framework (Sabatier 1998; Engel 2007) or epistemic communities (Zito 2001) are not particularly useful in this case because of the relatively small number of actors and the low degree of technical complexity. It is instead more interesting to use the simpler framework of issue coalitions as defined by Hula (1999). Mahoney (2007: 368) argues that coalitions anticipate, albeit imperfectly (Hula 1999: 49), the electoral costs and benefits of policy decisions among large constituencies to decision makers. Thus, articulating general public demands in front of institutions could be one of the reasons for the formation of coalitions of civil society organisations during the Convention. Although Mahoney's (2007: 377) own findings that the EU's democratic deficit

hinders the efficiency of issue coalitions in the EU, as well as Sudbery's (2003: 87-93) on the disconnection between EU civil society organisations and their grassroots members do not support this hypothesis, it is worth considering the Convention as a new venue where different dynamics may have operated.

The fragmented nature of the EU public space and the apparent disconnection between its different publics are a strong reminder that the link between the public space and democracy is not direct. Such a fragmented public space is not likely to produce a new "European demos" (Eriksen 2007: 40-41) but public deliberation on EU affairs can at least contribute to the appropriation of the EU by citizens through a democratic functionalism (Eder and Trenz 2007: 178-179). Understanding the mechanisms by which EU specialised publics influence debates by general publics can contribute to understanding the actual democratising potential of the participation of civil society groups in these debates.

This section has argued that European civil society organisations are active within specialised public spheres. Their involvement can contribute to the enlargement of policy deliberation to the general public and thus make the EU more legitimate. However, it is not the mere participation of organisations in policy debates that will cause an increased interest in the public. The following section analyses the strategies that these groups used to promote their positions on participatory democracy. The last section considers whether and how these strategies contributed to attracting the interest of the general public for the issue.

The role of civil society organisations in the construction of model of participatory democracy in the EU: from Amsterdam to the Convention

By stating that "The institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society" (article 47 TCE) today article 11 of the consolidated version of the Treaty on the European Union as modified by the Lisbon Treaty, inscribes the principle of "civil dialogue" in the primary law of the EU.

This section analyses how the aspects of a model of participatory democracy were developed in debates between the Commission and civil society groups before the Convention and presents the coalitions and strategies used by civil society groups to promote it during the European Convention. It argues that the inclusion of this point in the agenda has been the consequence of the struggle by the Commission to reinforce its legitimacy and of a strategy of some civil society groups to obtain rules on the access by interest groups to the decision making process. This section first analyses how the Commission, and in general the EU's discourse about its relations with civil society, has been framed in different moments according to the context and the position of the actors in the field. The main aim of the section consists of analysing the influence of civil society organisations in shaping this discourse, by pointing to the emergence of a constituency of actors interested in this policy, and analysing in detail the different positions existing in this field, and how these gave birth to different coalitions.

The EU and civil society: from civil dialogue to participatory democracy

The reflection of the European Commission about its relations with interest groups, which started in 1992 with a communication which considers the need to create rules for these contacts (European Commission 1992). Further reflection to the 1992 communication involved the organisation of a European Social Policy Forum with civil society organisations in 1996, followed up by a Communication analysing how to promote the role of associations and foundations (European Commission 1997). Civil dialogue is not yet the main aim of these contacts, which seek to define European civil society, including its legal status

(European association status) and issues about funding. However, the 1997 communication was preceded and followed by intense consultation with experts, national and regional institutions and civil society organisations. Unsurprisingly, the concept of civil dialogue appears in the follow up documents (European Parliament 1998: 9).

Interpreting debates on participatory democracy as the final point of the policy debate on civil dialogue would be an inexact and teleological interpretation. In fact, it appears that when the Commission refers to participatory democracy (European Commission 2000; 2005), it does not seek to address the public at large in the first instance, but the specialised groups, which are its “natural constituency” (Greenwood, 2007a: 343). Additionally, the debate is not closed as more discussions over the regulation of these principles will follow the ratification of the Lisbon Treaty.

However, the constitutional debate and the structure of the Convention can be considered an opportunity window used by organisations to raise the profile of the civil dialogue debate. It is telling that it is only during the Convention that a majority of organisations involved in the debate, although not all of them, linked civil dialogue to participatory democracy. Of course, most of these groups were equally or primarily interested in other issues “of substance”, but the Convention opened a new access opportunity to influence the text of the Treaty on civil dialogue, particularly because the Convention’s mandate focused on matters of procedure rather than on the negotiation of new policy areas.

It could be argued that advocacy for civil dialogue does not correspond to a promotion of participatory democracy (Smismans 2003: 502). Article 47 has two main dimensions in providing a legal base for two different kinds of inputs by citizens. One is the participation via organised civil society (47.1, 2 and 3). The second is the direct attribution to one million citizens the right to ask the Commission to initiate a legislative proposal (47.4). It appears that the second dimension is completely new in EU politics and that it was advocated by a coalition different from that advocating the first one (see below). Moreover, participation via organisations one implies only an indirect participation, as the citizens are *represented* in policy by the organisations to which they belong. This notion of representation is a rather conflictive issue for organisations as it will be seen, and somehow contradicts the notion of participatory democracy.

However, the promotion of civil dialogue can be linked to the development of a model of participatory democracy in the EU in that it develops new possibilities of input legitimacy (Zimmer and Freise 2008: 32-33). These belong to a democratic model based on structured relations between the institutions (the principle will apply to all the institutions) and civil society. The proposals made by organisations in this respect are relevant for the functioning of the EU as a democratic polity and not only for providing opportunities for better policy-making. In this respect it is interesting that European institutions seem to have been more active in the promotion of this agenda, and that organisations start framing their proposals for civil dialogue under the banner of participatory democracy as a reaction to the proposals by the Institutions. It must however be understood that participatory democracy is conceived as a complementary model and not as a replacement (Smismans 2003: 487). Thus, it provides opportunities to participate in the policy discussions, although decision making power remains in the hands of the institutions.

Whereas this principle can certainly promote more structured participation, it remains unclear whether this participation can serve to attract the attention of the European public (Kohler-Koch 2007: 262) or to produce a reflexive democratisation as expected by Eder and Trenz (2007: 178-179).

History of the discussions between the Commission and civil society on their relations

After having presented the institutional agenda and the different meanings attached to the notion of participatory democracy, this sub-section considers how the demands from civil society organisations were advanced in the agenda.

Advocacy from civil society organisations on civil dialogue is a form of policy entrepreneurship (Kingdon 2003) in that their activity consisted in the investment of significant organisational resources for the emergence of a new agenda item, in the expectation of a future return for the organisations influence capacity. Such entrepreneurship can be clearly divided in two periods, before and after the fall of the Santer Commission. Between 1997 and 2000, the main feature is the persistency of the organisations to raise a point to the agenda, as the objective to provide a legal basis for civil dialogue in the Amsterdam Treaty is not achieved and there is no visible progress despite the “Red Card” mobilisation.⁸ The most active organisation in this period is the Social Platform. It is during these years that the Commission comes to be interested in civil dialogue for legitimacy purposes, after suffering a “Red Card” campaign and especially the resignation of the Santer Commission. This is translated into an increase of the “political dimension” of the issue as the follow up is assumed by the Secretariat general of the Commission.⁹ This increased interest for the question results in the communication on “Building a stronger partnership” (European Commission 2000).

The apparent conflict between civil society organisations and the Commission services makes it tempting to present the history of civil dialogue as a conquest from civil society over the Commission (Alhadeff and Wilson 2002). However, structured communication between civil society organisation and the Commission continues during this period, as evidenced by the Commission’s new discussion paper in 2000. Despite civil society organisations’ criticism for its “low profile” (Alhadeff and Wilson 2002), this document follows up the main issue for civil society organisations concerning dialogue, that is, the adoption of a legal basis for civil dialogue. It also reflects some of the main positions of civil society organisations, such as their role in representing categories of people and causes, as promoters of participatory democracy in Europe and the need to create clear and transparent rules on consultation. The clearest evidence of the engagement from organisations is their contributions in the form of position papers, which need a non negligible investment of resources for small organisation. Thus, 2000 can be considered a turning point for entrepreneurs on civil dialogue, as the Commission sees a convergence between the issue and its new approach to the legitimacy question. Kingdon (2003) considered that successful policy entrepreneurship requires a window of opportunity, but in this case this only opened after three years of persistent agenda setting work. The opening of this window of opportunity goes together with a strong increase in the number of actors seeking to influence the policy.

The moment where this issue is clearly turned into an important point in the agenda is 2001 with the White Paper on Governance (European Commission 2001). Although the document does not include many new ideas on civil dialogue compared to the 2000 discussion article, the profile of civil dialogue is clearly raised and included in a reflection on the new modes of governance in the EU. Not only is this new mode of governance a salient issue for the Commission, it resonates in the call for a Convention in the Laeken declaration. This new structure is an opportunity for civil society organisations to advocate the inclusion of civil dialogue in the Treaty. In 2002, the Commission put forward a proposal on the minimum

⁸ Civil society organisations showed their dissatisfaction for the cancellation by the European Court of Justice of a funding programme to the president of the Commission during a public hearing (Alhadeff and Wilson 2002).

⁹ Interview with a Commission official, 17 February 2009, Brussels.

standards for consultation with civil society organisations, which is a way to define the practicalities of civil dialogue.

Thus, the history of civil dialogue is that of the convergence of agendas between the Commission and civil society organisations, both through mobilisations and advocacy and coalition building. The next section examines in more detail which coalitions were formed during this period and their contribution to the inclusion of the issue in the Convention's agenda.

Civil society organisations positions on participatory democracy: 1997-2003

A quantitative analysis shows that the landscape of organisations interested in civil dialogue strongly increases as the issue gains more relevance. 19 EU level organisations or umbrella organisations which sent in contributions on civil dialogue to the forum of the Convention had previously contributed to policy consultations on this topic between 1996 and the Convention (2002-2003).¹⁰ The increase in interest over time is confirmed by the increased involvement of these organisations in the subsequent consultations: 4 in 1997, 12 in 2000, 15 in 2001 and 13 in 2002.

A qualitative analysis of the contributions by civil society and the Commission's proposals supports the hypothesis that a small number of policy entrepreneurs shaped the agenda when the Commission opened up the debate (1996-1997). The main objective of the policy dialogue was defined at this moment: the creation of a structure for dialogue between civil society and the EU institutions (European Commission 1997: 8; Alhadeff and Wilson 2002: 6). During this period, a shared understanding and expertise is generated in discussions by civil society and the Commission. The organisations entering the debate subsequently have to assume this expertise on the policy proposal and can try to influence the details of the civil dialogue, but each new consultation document narrows down the agenda.

An analysis of the debates between 1996 and 2003 clearly shows the importance of early involvement: the Commission states that it will endeavour to include a legal basis for civil dialogue in the Treaty, as a consequence of the demands from civil society organisations expressed in the 1996 European Social Policy Forum (European Commission 1997:7-8). The most active policy entrepreneur of this moment is the Platform of European Social NGOs (Social Platform), who was involved in the 1996 Social Policy Forum and advocates the need for a legal basis in the Treaty in its opinions in the follow up consultations to the 1997 communication.¹¹ Three other organisations, the European Foundation Centre, CEDAG and the European Volunteer Centre are active in advocacy for civil dialogue in this context¹² and remain strongly involved in the subsequent consultations (see infra). Interestingly enough, the social partners are informed of the ongoing discussions¹³, but their involvement in the issue will remain relatively small.

Relevant "expertise" on civil dialogue is created between 1996 and 2000 in the subsequent discussions between the Commission and civil society groups. The most relevant aspects of the discussion are the definition of civil society, the principles and mechanisms of consultation of organisations, the kind of organisations that should take part in consultations, the selection mode, including the eventual creation of an accreditation system and the specificity of dialogue in each policy sector.

¹⁰ See the list of organisations whose contributions are analysed in the appendix.

¹¹ Interview with a Commission official, 17 February 2009.

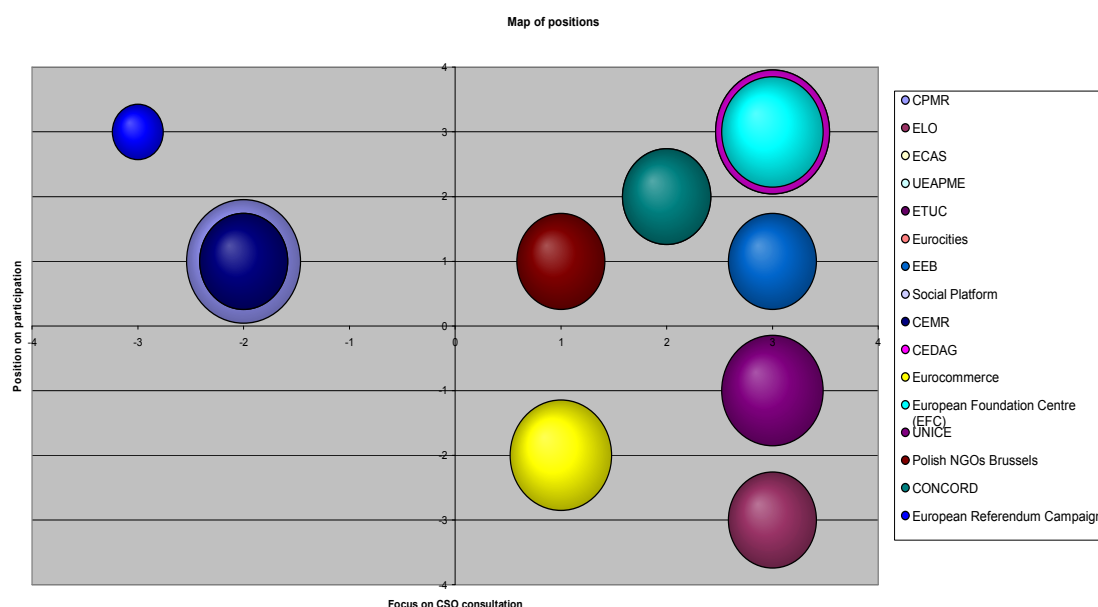
¹² And are kept informed by the institutions of the ongoing discussions, as evidenced by the fact that the Parliament sends them the Report (EP 1998:9, 226.444/fin) and their involvement in the follow up consultation (Interview with a Commission official on 17 February 2009).

¹³ (EP 1998:9, 226.444/fin).

Civil society organisations record of participation in the consultations on civil dialogue can be classified according to their positioning along three variables: the number of participations in consultations on civil society, the degree of focusing on civil dialogue expressed by these contributions (either total or negligible) and the positioning on the issue of the legal regulation of civil dialogue.

The combination of these variables results in the identification of three kinds of organisations: advocates of civil dialogue, sceptical or opposed organisations and those contributing to the debates (even quite frequently) whose main concern is not civil dialogue but a different kind of process. This typology of positions on civil dialogue is not yet one of coalitions, which are presented below.

Figure 1: Map of the positions of civil society groups on participatory democracy



Source: own elaboration based on the above-mentioned data

The formation and activity of coalitions

The group of organisations advocating civil dialogue is the largest and most active: 12 of the 19 organisations intensely involved in civil dialogue show a degree of support for it. Relevant features of this group include its organisations showing the earliest and more intense involvement, which is coherent with the agenda of the Commission since 1996. There are some differences between the organisations advocating for civil dialogue, particularly concerning the need for organisations participating in dialogue to be representative and on the mode of selection of these.

However, this seems not to have been an obstacle to the formation of a coalition advocating civil dialogue, whose organisational manifestation is the Civil Society Contact Group (CSCG). Eight of the organisations advocating civil dialogue joined the CSCG (as five of these organisations are members of the Social Platform, itself member of the CSCG with the European Environment Bureau and Concord). Although this group was not created with the single purpose of including civil dialogue in the Treaty, it is a major platform for presenting a common front of civil society organisations for achieving several of their objectives. The

organisations joining the CSCG have a well defined conception of civil dialogue: it must include all EU institutions (not only the Commission), the European Social and Economic Committee cannot as such be the forum for civil dialogue, the representativeness of the organisations should not be the main issue but rather their track record of expertise and ability to raise important causes and a position in favour of a transparent accreditation system. That said, this coalition may not have been entirely homogenous as some of the members of the social platform have slightly differing views on the mode of selection of organisations to be consulted at the European level. The European Trade Union Confederation, a social partner at EU level, supported this coalition, as a way to further promote the social agenda in the Constitution. It supported civil dialogue, but its understanding of it is different to that of the three main organisations: it clearly marks out that civil dialogue should not undermine social dialogue, and that the representativeness of the civil partners is essential.

Data from primary¹⁴ and secondary sources (Will *et al.* 2005: 27-28) confirms that the organisations involved in the CSCG consider that the inclusion of civil dialogue in the European constitution (article 47) was obtained as result of their advocacy. In this sense, early involvement and coalition making for strong advocacy seem to have paid off.

A smaller group is constituted by a number of organisations that are sceptical on civil dialogue as it is being presented by the Commission in its documents. In this sense, few of their contributions ever argue against civil dialogue, but question its ability to bring citizens closer to the EU or fear that it may introduce a risk of more regulation or imbalance social dialogue. A relevant number of organisations in this group are representative of business interest.

This group is not involved from the beginning. Moreover, its members contribute far less than the other groups, and there are no signs of the existence of a coherent coalition, in that the organisations and their arguments are quite different. In this sense, the available data does not support the existence of a coalition opposed to the groups advocating for civil dialogue. However, the fact that some of these organisations take time to send contributions to the consultation fora and that two of them are recognised social partners (UNICE and UEAPME) indicate that their position may have influenced the wording of article 47 of the European constitution. This article refers to “representative associations and civil society”. The issue of representativeness is essential for social partners, who can themselves claim to be representative (Michel 2007), whereas the coalition advocating for civil dialogue rejects this principle.

The third group consists of organisations that contributed to debates related to civil dialogue before the Convention, but for whom the main focus is not civil dialogue, but rather alternative proposals on how to bridge the gap with citizens. Most salient among this group are three organisations representing local and regional authorities. Their contributions say little about their positioning on civil dialogue, although they tend to consider it as a side issue which cannot replace the importance of multilevel governance. In this sense, these organisations try to promote an alternative agenda as more important for democracy than civil dialogue, yet without taking position against it, which demonstrates a lack of interest for this issue. Their contributions are based on strong expertise in the domain of the multilevel governance and the modes to ensure the respect for the subsidiarity principle.

A coalition of actors stands out of this group, the European Referendum Campaign (ERC). The essential contribution of this group is further discussed in the next section. None of the members of this coalition took part in the four consultation rounds preceding the Convention,

¹⁴Two interviews with members of Convention Secretariat, with Mr Lamassoure (18 March 2009), a member of the Social Platform and a personal communication with a member of the Convention.

this forum being their first access point to the debate. This group, as decisive as their contribution was for the final wording of article 47, has little interest in the definition of civil dialogue, its focus being the citizens' right of initiative.

What does this typology and the move from entrepreneurship to an extended involvement of civil society organisations in the constitutional debate tell us about the dynamics of the specialised EU publics? The debates that shaped article 47 of the European Constitution can be fruitfully examined as a social field. In this sense, a group of differentiated social actors managed to include the topic in the agenda, and this provoked the involvement of a larger number of organisations who set up alternative coalitions. This is followed by a formalisation of the debate into policy options.

The implication for organisations in debates and informal coalitions can be explained in rational terms, in that they devote some resources to this activity in the hope to influence the final policy. These resources are both internal to the organisations and those created by policy networks to which they belong. This was clear in the organisation of the CSCG, as one of the entry requirements was the ability to devote resources to the common cause. However, advocacy is subject to the effect of the social field in that it creates social pressure for organisations to comply with requirements by other actors. An example is the Commission's expectation that main actors in any field will take part in policy consultations (Michel 2007).

This section has pointed out that participatory democracy has been the object of intense and divergent advocacy by civil society organisations. The common feature to these activities is that they essentially targeted EU decision makers. The following section examines whether the Convention as a new policy-making venue influenced the strategies and frames used by these coalitions before the Convention, and particularly, whether these favoured the effective participation of citizens as expected by the theories on civil society involvement. The role played for the inclusion of the provisions on participatory democracy in the Constitution by the ERC, a coalition of organisations which did not participate in the debates previously mentioned is a key factor for this analysis.

Civil society organisations in the debates about democracy in the Convention and beyond

This section points out that despite its novelty as a venue, the Convention did not essentially transform the ways in which the different coalitions of civil society organisations sought to influence the Convention's decision about participatory democracy and reflects on how these coalitions had difficulty to translate input from general publics into the Convention, which may have influenced the emergence of new influential actors at the national and European level.

On the influence of different kinds of coalitions in the Convention

As mentioned above, civil society organisations were at the heart of most proposals concerning participatory democracy (article 47), whether taken by the Presidium or by Convention members. This article was created in two successive phases, with a different theme being included each time. The three first sections of article 47 including civil dialogue in the Treaty were included in the first draft of the text by the Presidium, (European Convention 2003: 5). The CSCG considers that this principle corresponds to their demands to Convention.¹⁵ These paragraphs will be discussed in relation to the need for civil society organisations to be representative.¹⁶

According to members of the Convention, the right of one million citizens to ask the Commission to introduce a legislative proposal (art.47.4) was a “last minute goal” (Lamassoure 2004: 423-425), as it was introduced in the last week of the Convention, following a proposal by a high number of Convention members headed by Jürgen Meyer. The wide support to this proposal by Convention members is a consequence of strong lobbying by the European Referendum Campaign, who brought together some 100 NGOs involved in the promotion of direct democracy or citizenship rights (IRI Handbook 2004). The importance of this campaign for the inclusion of the citizens’ initiative in the Treaty is evidenced by the failure of similar proposals presented earlier by Convention members (amendments by Einem and Borrell¹⁷).

Interestingly, this issue had never surfaced in the debates about civil dialogue, except perhaps in general reflections from the Active Citizenship Network. This organisation is the only one of the 19 organisations identified for their early interest in civil dialogue to have been involved shortly in the ERC. Moreover, none of the organisations involved in the ERC campaign in June 2003, when the citizens’ initiative was included in the draft Treaty, had taken part in the previous discussions.

This data provides evidence of a strong cleavage between, on the one hand organisations using insider strategies for whom the Convention provided an opportunity to raise the profile of their issues and, on the other hand, those organisations for whom involvement in the Convention was the first contact with EU affairs. The first typology applies to the 19 organisations mentioned in the previous section, which had a strong knowledge of the EU machinery, preferred to directly access the policy makers and developed strategies to encompass their positions to the agenda of the institutions. In this sense, early involvement, close contact with Commission services and coalition making on the wake of an important opportunity window appear as the strategy used for influence by these organisations during the Convention. On the other hand, the ERC consists almost entirely of outsider organisations, which seldom engage in structured policy dialogue with the EU institutions and were not particularly interested in civil dialogue. However their condition of “outsiders” did not prevent the ERC from influencing the Treaty.

¹⁵ Interview with a member of the Social Platform, 06 March 2009, Brussels, and interview with a member of the Civil Society Contact Group, 29 July 2009, Brussels.

¹⁶ Interview with Mr Dehaene, Brussels, 10 February 2009, and with a member of the Social Platform, 06 March 2009.

¹⁷ Available from the Convention’s website: <http://european-convention.eu.int/amendments.asp?content=34&lang=EN>.

Engaging national publics, the weak side of coalitions of European civil society organisations

Following Princen's (2009) model for agenda setting at the EU level, it could be questioned whether the novelty of the Convention as a policy making venue, characterised by new rules and the presence of new actors such as national parliamentarians, created a new opportunity structure more encouraging for campaigns mobilising new kinds of coalitions of national and outsider groups, such as ERC's one (IRI Handbook 2004). As a consequence of non-involvement in previous debates, organisations active in the ERC had a far larger range of possible positions in the upcoming debates. For instance, a significant number of associations in the ERC were involved in the "no" campaigns in the national debates, such as ATTAC in France. This contrasts with the unanimously favourable position, yet not very active, of the organisations that advocated for the inclusion of article 47.

Some studies (Feron 2006; Akrigoliansky 2007) have pointed out that engaging in European debates has been an opportunity for organisations advocating "another Europe" to raise their profile in national arenas well beyond their usual relevance during the debates on the ratification of the Convention. In this sense, one could question along with Will *et al.* (2005), whether the Convention was a moment of Europeanisation from below for civil society organisations at national level who had not been involved with the EU before.

However, the analysis of the forms of collective action of civil society organisations during the Convention, and particularly coalition making, provides little support for this hypothesis. Firstly, the ERC may have been a coalition of outsiders at the EU level; it nevertheless used the more effective insider register of lobbying Convention members. Its degree of mobilisation and collective action at the national level was small. In fact, the coalition seems to fit well with Hula's (1999: 39-48) coalition model, with a strong core made of two European organisations and a number of groups at national level who just "lend" their names to the coalition.

Concerning the coalition of the "usual suspects", the results are much clearer. Primary data from interviews tend to confirm Sudbery's (2003) results: EU level organisations found it either challenging or not very useful to mobilise their member organisations at the national level. Concerning their eventual participation in the upcoming debates, these groups found themselves either powerless or uninterested in public debates, considering that this was a campaign for national parties to carry out.

By reference to Mahoney's (2007) findings, it appears that in this case the main motivation to engage in coalitions was not so much the ability of European civil society to anticipate the pressure of European public opinion to decision makers, but their ability to mobilise a number of important resources at European level. In this sense, two interviewees from the Social Platform and the Civil Society Contact Group said that the Convention included the principle in the Treaty after almost every organisation in the room had asked for it. If this demand had been irresistible, it is because these organisations' input was necessary in many other aspects.

Thus, civil society organisations played an important role in setting up a model for participatory democracy during the Convention. Their role in the creation of a democratic participation instruments must be acknowledged. However, they could not or did not want to foster debates in the wider public. Having in mind the lively debates that took place in France, and the number of contributions received from national organisations, the argument that general publics were not interested does not explain the phenomenon. It is worth asking why civil society organisations do not try to mobilise their members when access strategies proved to be so useful.

Therefore, this may have been a consequence of the way in which the agenda was made: article 47 TCE (currently 11 in the TEU) already includes a certain number of consensuses of what is acceptable by the institutions and the different actors and possible under EU law. Finding these compromises requires a degree of expertise and inter-organisational bargaining that have to be carried out for some years before the Convention. However, the inclusion of the citizen's initiative under the pressure of a coalition, not involved previously, confirms that there was room for innovation. Its preference for lobbying as a form of collective action confirms that this register was efficient for including points in the agenda of the Convention.

Conclusion

This article has argued that the discussions on the regulation of a model for participatory democracy between civil society organisations, as well as between them and the Convention, constituted a segmented public space. This space is characterised by the fact that it is constituted by groups operating as policy networks and coalitions rather than individuals. In the medium term, involvement in this space proved an appropriate way to build a coalition able to influence the EU agenda when the window of opportunity of the Convention opened.

The analysis has shown how the agenda of the Convention on participatory democracy built strongly on the advocacy by an emergent coalition of civil society organisations between 1997 and 2002. The advocacy by some of these actors, particularly the Social Platform, to obtain a structured mechanism for dialogue with the Commission is assumed in further reflections on democracy in the EU. This caused more organisations to become interested in the issue, be it in favour or against, both for rational calculation or as a result of a social pressure. The Convention moment, with its high profile, openness and explicit Treaty making purposes was an excellent window of opportunity for these groups to engage in a more formalised coalition seeking to include this principle in the treaty. That said, this agenda setting process could also open a window of opportunity for a policy innovation in this field. This is the origin of the citizens' initiative right, which was mainly included as the result of the campaign of a set of previously un-involved organisations, the European Referendum Campaign.

Although these debates were public and the Convention did explicitly target dialogue with citizens, there is no evidence for an eventual "spill over" of these discussions from segmented into general publics following democratic functionalist mechanisms as expected by Eder and Trenz (2007). The legitimising effect of this public space is slightly paradoxical. On the one hand, rules on transparency and the higher profile of the Convention played in favour of the setup of a participatory democracy model, and this is despite the emergence, albeit far less organised, of opposing organisation. On the other hand, there was a very limited use of collective action registers where general publics play a decisive role: media strategies and mobilisation. In line with Eder and Trenz's (2007) expectations, one could argue that the Convention's ability to attract contributions by a number of organisations seeking "another Europe" under the banner of the ERC demonstrated is a sign that, indeed, deliberation on democracy by specialists could attract the interest of other actors, including protesters. However, it appears that their role was rather small. Secondly, this involvement does not seem to have been considered relevant by the organisation when addressing the general public in the referendum campaign.

The analysis of the contribution of civil society organisations to debates on democracy in the European Constitution reflects that social actors retain a key role in the creation and enlargement of European public spaces. Thus, it can be said that if civil society

organisations did not play a decisive role in associating the general public to this reflection, this is because it was not necessary or efficient. The efficiency of other strategies of influence seems to be an obvious reason. The second reason concerns the particularities of agenda setting in the EU, where an important degree of expertise seems to be necessary for influencing policy: this seems to impair the capabilities to listen to voices coming from outside the segmented public space.

As it has already been mentioned, this is work in progress. In line with the conclusion above, it appears necessary to analyse in more detail the role of national organisations in the Convention. Even though European coalitions were relatively uninterested in gathering national members, a number of national groups may have had an opportunity to influence the Convention. It would be useful to determine if their ability to represent a voice “from outside” the field could have a weight in different circumstances.

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Appendix: List of the organisations and their contributions that have been analysed in this paper

Organisation	Contributions to
Cittadinanza Attiva - ACN	The Commission and NGOS, 2000 White Paper on European Governance, 2001 Convention, 2002-2003

CEMR	White paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
CPMR	White paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
CEDAG	Promoting the Role of Associations and Foundations, 1997 The Commission and NGOS, 2000 White paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
European Landowners Organisation (ELO)	The Commission and NGOS, 2000 White Paper on European Governance, 2001 Convention, 2002-2003
Eurocommerce	The Commission and NGOS, 2000 White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
ECAS	White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
European Foundation Centre (EFC)	Promoting the Role of Associations and Foundations, 1997 The Commission and NGOS, 2000 White Paper on European Governance, 2001 Convention, 2002-2003
UEAPME	The Commission and NGOS, 2000 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
UNICE	The Commission and NGOS, 2000 White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
ETUC	The Commission and NGOS, 2000 Convention, 2002-2003
Polish NGOs Brussels	White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
Eurocities	White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002

	Convention, 2002-2003
Eurodiaconia - Caritas	White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
EEB	White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
CONCORD	The Commission and NGOS, 2000 White Paper on European Governance, 2001 Convention, 2002-2003
Social Platform	Promoting the Role of Associations and Foundations, 1997 The Commission and NGOS, 2000 White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
COFACE	The Commission and NGOS, 2000 White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
European Referendum Campaign	Promoting the Role of Associations and Foundations, 1997 The Commission and NGOS, 2000 White Paper on European Governance, 2001 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003
Centre Européen du Volontariat	Promoting the Role of Associations and Foundations, 1997 Towards a Culture of Consultation and Dialogue, 2002 Convention, 2002-2003

The EU and Enlargement Fatigue: Why has the European Union not been able to counter enlargement fatigue?

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Abstract

This article provides an up-to-date overview of the problems connected with European integration. It focuses on the phenomenon of 'enlargement fatigue' and examines its meaning as utilised by the media, EU officials and academics. The article argues that enlargement fatigue is not a new concept since the EU has witnessed many 'symptoms' of fatigue at multiple times in its history. The two main arguments that are often presented in order to explain why the EU has not been able to counter enlargement fatigue, namely the insufficiently tight conditionality applied to prospective members and the EU's crisis of confidence and accountability after the failed attempt to introduce the Constitutional Treaty and prolonged Lisbon Treaty ratification process, are insufficient to explain why fatigue has been so persistent a phenomenon. This article argues that the EU's failure to develop a new vision of the organisation and adjust its structural design accordingly is a reason why the Union has not dealt successfully with fatigue. Such a vision would encompass notions of "variable geometry", "avant-garde groups" and make European borders flexible and fuzzy.

Keywords

EU enlargement; enlargement fatigue; European integration; differentiated integration

ONE CONCEPT HAS DOMINATED THE DISCOURSE IN ALL MAJOR FIELDS OF EUROPEAN Union (EU) activity today. 'Enlargement fatigue' has been invoked as a reason for slowing down the enlargement process and it has forced policy-makers within the EU to seek alternatives to offering full membership to those states with candidate or potential candidate status. Fatigue means simply unwillingness to grant the EU membership to new states. The idea has also underpinned appeals for a grand institutional reform of the EU in the form of the (failed) Constitutional Treaty, a modified version of which (the Lisbon Treaty) is expected to be ratified by all member-states before the end of 2009, now that final ratification by the Czech Republic is achieved. Finally, enlargement fatigue has brought the role of domestic factors in the European arena back to the fore. Although it may be felt more strongly than about forty or fifty years ago, the phenomenon itself is not new. The Communities have witnessed earlier periods of the fatigue beginning with de Gaulle's two

vetoed against the UK's membership in the 1960s.

This article will examine why the EU has not been able to counter enlargement fatigue. In particular, it attempts to find the most appropriate definition of the concept and to analyse the two main reasons that are often given to explain why there is enlargement fatigue: (1) the insufficiently tight conditionality applied to prospective EU members in the pre-accession stage and, (2) the EU's crisis of confidence and apparent legitimacy and accountability problems connected mainly with the failed attempt to introduce the Constitutional Treaty following the French and Dutch referenda in 2005, as well as the lack of institutional capacity to admit new members. This article will then point to important weaknesses in those arguments and counter them using facts as well as theoretical approaches in order to illustrate that they are irrelevant or insufficient to explain why the EU has not been able to counter enlargement fatigue. Specifically, the EU has not dealt with fatigue because it has failed to develop a new vision of the organisation and entrench this vision in a changed structural design of Union institutions and policies, which would encompass notions of "variable geometry", "avant-garde groups", flexibility, *Europe à la carte* etc.

Enlargement fatigue – what does it mean?

The meaning of enlargement fatigue has been widely popularised through the media. It was defined simply as a reason for the unwillingness of some of the Union members to admit new countries or as a symptom that the willingness was fading. Whatever other economic, political, cultural and psychological factors may have interfered in the EU's attitudes, enlargement fatigue has always been the basic point of reference to which other reasons were attributed. The concept has been understood to refer to prospective enlargements of the EU as well as the outcomes of the two past accessions of altogether twelve new countries. The uncertain future of the former and appeals to slow down the expansion of the Union have been explained by the shortcomings of the latter.¹ The common understanding of the concept in the European media, regardless of its range or place of origin, conformed to the results of the Eurobarometer opinion polls which showed that in 2007, 49 percent of EU citizens were in favour of further enlargement while 39 percent of them were against it² (European Commission 2007). Hence, enlargement seems to be one of the most divisive issues in the contemporary European debate.

Messages from Europe's political players have been somewhat more nuanced and diverse. Although there are still clear differences between members that back the continuation of the enlargement process ('wideners') and those that prefer to invent alternatives to it and pursue a deeper integration instead ('deepeners'), which was evident at the 2008 NATO summit in Bucharest, their approaches to enlargement fatigue are mixed. In particular, new medium-size and small members may lament the fatigue because it could, most likely, pertain to the reduced inner cohesion and inability to achieve consensus in the EU reducing the chances of those countries to pursue a successful campaign for giving more weight to voluntarism and unanimity as the guiding principles of the Union (Zahrádil 2006). To Poland, as the

1 The French regional paper, *La Montagne*, wrote in December 2006 that admitting new states before introducing reforms that would enable the EU to operate harmoniously constitutes a "big risk" and may further facilitate the paralysis to which the Communities are now close (BBC News 2006). The UK daily national paper, *The Guardian*, adopted a similar opinion to that of the French paper, by publishing an article saying that "the enlargement fatigue that has set in since the "big bang" (...) is no empty phrase" as the EU has now nearly 500 million people, "of whom many are confused about what their club is for" (*The Guardian* 2006).

2 Significantly, five out of the six founding members fell below the support average (with the Netherlands scoring only one percent above it). The countries most supportive of the continuing of enlargement were Poland, Lithuania, Romania and Slovenia where 67-76 percent declared that they favoured future accessions (European Commission 2007).

biggest new member, the enlargement fatigue is, paradoxically, the greatest chance to rise as an important player in the EU politics. The Polish government may find itself fighting on both fronts for the further enlargement, especially for the membership of Ukraine, and for a deeper integration as envisaged in the institutional reform of the Union which by giving more influence to the bigger states, could upgrade Warsaw to the role of regional leader. It may be expected that, if the Union succeeds in either of these two projects, Poland will gain a seat at the table of countries that have so far led the European integration. This is, however, to some extent dependent on whether Poland manages to maintain strong economic growth (4.8% volume GDP growth in 2008) and decreasing rates of unemployment (7.1% in 2008) (World Bank 2009). Furthermore, it is extremely important as to whether the governing coalition succeeds in persuading the recalcitrant opposition (mainly the conservative Law and Justice Party) to change the constitution, which is necessary before the introduction of the single European currency in Poland. These tasks seem all the more difficult as the current economic crisis unfolds and is increasingly felt by the Polish population.

The older members may perceive the enlargement fatigue as a chance to revitalise the original spirit of the Communities as a solely and somehow civilised European project evoking the importance of factors that led to the creation of the ECSC, namely geopolitical and strategic interests connected with the presumption of the unique and common European identity, first 'discovered' in the *Pan Europa* of 1923. The French President, Nicolas Sarkozy, who held the post of French Interior Minister in 2005, seemed to support this view when he famously announced that "Europe must have borders" (Browne 2005). The reluctant attitude to the 'widening' process coincides also with some strategic interests of the incumbent members, such as decent relations with Moscow and creating a counterweight to American influence in the world. Yet, these interests do not need to trigger any automatic and easily foreseen actions. They do not appear in vacuum but are influenced by and sometimes even subjected to the outcomes of the interplay of complex domestic factors and influences. The primary example of this is a draft law amending the French Constitution which, if it had been adopted in July 2008,³ would have abolished the requirement to organise referenda linked to future EU enlargement as introduced by Chirac in 2005 (introduced so as to reassure voters in France that they will be consulted on the Turkish accession) (EurActiv 2008). Eventually, however, the requirement to hold a referendum before a new country can join the Union contained in article 88-5 of the French Constitution remained in its place but was supplemented with a provision that the President is able to order a parliamentary instead of a popular vote (provided he achieves the required support in the Senate and the National Assembly) (Constitution of France 2008).

The most peculiar, however, is the definition of the fatigue as expressed by the Commission officials. The Commissioner for Enlargement, Olli Rehn, acknowledges the traditional divide between 'wideners' and 'deepeners' in the Union (Lobjakas 2007), but in all his speeches he has made a lot of effort to present enlargement as a success story and placed the responsibility for the current deadlock on the domestic politics of the members, particularly the drawbacks of unemployment and social insecurity (European Commission 2006). He insisted that 'myths' and 'misperceptions' must be dealt with since "[t]he enlargement blues could equally be called the unemployment blues, the globalisation blues, or the welfare state blues" (Rehn 2006a).

Indeed, the economy seems to be the main factor influencing enlargement fatigue – support for enlargement peaked in 2001 when the EU still enjoyed a relatively high economic growth. Simultaneously, people began to express their concerns about 'unfair' competition and the influx of cheap labour force which could hinder the EU's development after 2004. Sweden,

³ This is aimed primarily to allow Croatia to join in 2009 but it also paves the way for a swifter accession of Turkey.

Ireland and the UK opened their borders immediately to workers from Eastern Europe mostly for rather 'egoistic' reasons. In the UK, it was aimed to attract workers for usually low-paid jobs and treated as part of the British managed migration agenda. At the beginning, the government considered a large influx of workers unlikely. It was mistaken and its subsequent actions and responses failed to deal successfully with the growing popular discontent that 'foreigners were taking our jobs'. Some member-states expected such outcomes and, consequently, were inclined to introduce barriers to the employment of citizens of new members by 2011 (Barysch 2006a). Indeed, even the UK became reluctant to open its borders further new members and introduced restrictions to workers from Bulgaria and Romania following their accession to the EU in 2007.

Moreover, the manifestation of enlargement fatigue in the rejection of the Constitutional Treaty in France and the Netherlands in 2005 was to a great extent impacted by the unpopularity of national governments in these countries as well as the perception that they were increasingly impotent to tackle the pressures that arise from globalisation (Palmer 2005). Many analysts have also pointed to the perception of the EU as undemocratic and fear of further migration as reasons for the failure of the two referenda. The issue of EU enlargement to Turkey further strengthened the fears about whether the social welfare systems and employment rates in the EU's most affluent countries would survive potential strains following the Union's expansion. The French also feared that with the support of the 'atlanticist' countries in Central Europe, the EU would adopt a policy to pursue a more Anglo-Saxon vision of the free market.

The EU Commission President, José Manuel Barroso, seems to echo the wide-spread concerns about the institutional design of the EU which does not suit the requirements of the new enlarged Union attempting to shake off the yoke of the 'democratic deficit' by giving citizens a say on how they wish the EU looked and whom they want in and out. "Enlargement cannot proceed bureaucratically, or not even diplomatically", reads Barroso's statement, "[i]t has to be done democratically. And we have to win the confidence of the public opinion in Europe" (Lobjakas 2007). This statement addresses another aspect of the fatigue, namely that EU officials tend to take advantage of the plausible claim that the existing 'democratic deficit' in the EU should be eliminated and call for a popular debate about the nature of the Union (meaning – what its boundaries and religious character should be) (Rehn 2005). The end result is, however, that they enter "into an age of populism" (Grant 2006: 24). EU leaders exacerbate the already existing tensions between the somehow ideological views of citizens as to what constitutes Europe and fail to attend to the basic psychological factors such as the tendency to look backward rather than forward and the fear of change and evolving globalisation that are always at play during an enlargement process (*The Economist* 2006, May 13). A reason why there is virtually no popular debate about the benefits from the possible future Turkish accession is that, unlike the advantages, the disadvantages following from the enlargement are immediate and personal, like facing unemployment or erosion of national culture and identity. The benefits are long-term and only implicit, like future economic growth connected with the perspective of the fast-growing and young Turkish population, a stronger EU foreign policy and energy security as well as establishing a good example of cooperation with a democratic country with a Muslim population (Barysch 2007). The discussion about the Turkish accession is, therefore, frequently a proxy for debating about internal European problems.

Academics, however, seem to embrace the general view that the EU is nowadays "exhausted, leaderless and somewhat unwelcoming" (Barysch 2006b: 119), and that these are the syndromes of the enlargement fatigue. The exhaustion is a consequence of accommodating the two last enlargements, an indifferent or opposing public opinion which paired with other external challenges supposedly piles up to an unmanageable amount of work for the organisation (Barysch 2006b). Doubts are also expressed about whether the EU

can expand indefinitely, which raises debates about 'what is Europe' and creates a bipolarity within the Union between those who support versus those who oppose further enlargement (Baun 2000). Others define the phenomenon not by the tension between the 'widening' and 'deepening' camps in the EU, but by the tight link between them since it is agreed that further enlargement would weaken the Union's institutions and the solidarity among Europeans, unless the process is both preceded and followed by initiatives aimed at creating a more politically coherent and integrated Europe (Grant 2005).

More theoretical explanations presume that enlargement fatigue as contrasted with the 'enlargement rejection' is an outgrowth of the 'rhetorical entrapment' of the EU. The argument holds that the EU risks violating its own rules and ideals by refusing to admit new states into the Communities if their administrations succeed in introducing reforms that will draw their countries closer to common European standards (Hansen 2006). The entrapment is a result of the EU 'self-understanding' as an actor committed to constitutive norms and values which it has to diffuse internationally by admitting new members (O'Brennan 2006), although for material reasons it may prefer to do otherwise. The hesitance to admit new states can be then understood as a period of reflection necessary to weigh the realist and normative pros and cons of further expansion.

There is also a more concrete side of this entrapment, illustrated by three paradoxes. The "Schengen paradox" makes a close involvement of third countries in the face of deepening European integration very difficult and implies that commitment to its values accompanied by a tighter integration should necessarily be followed by future enlargements. The "insider/outsider paradox" corresponds to the intrinsically problematic position of an outsider (here related primarily to countries on the Eastern outskirts of the EU) that is *not* a part of the Union, but nevertheless undergoes effects of European integration and to a certain extent also Europeanisation (Casier 2007). The third paradox pertaining to the fatigue is that if the organisation consists of units that share its values and the possibility of admitting new members depends on the degree to which those third-parties identify with these values (Schimmelfennig and Sedelmeier 2005), then the commitment of Turks or Moroccans to the integration could be interpreted in such a way as to imply that they identify with those norms more than their German, Austrian or Dutch counterparts (Lobjakas 2007).

All in all, enlargement fatigue can therefore be defined as hesitance or unwillingness to grant the EU membership to new states as expressed in the interplay of 'wideners' and 'deepeners' in the context of an upcoming or just finalised enlargement round. The relation is, however, complicated by the fact that the phenomenon presents diverse opportunities for different member-states; it may reflect domestic rather than European considerations and on the more theoretical level, it provokes a potential conflict between strategic and value-based considerations about the enlargement.

A short history of enlargement fatigue

There is nothing in the above definition that would make the concept of enlargement fatigue an essentially time-specific notion. The link between the 'widening' and 'deepening' camps was addressed by the institutional changes entrenched in the Single European Act (SEA) of 1986 that was partly driven by the accession of Greece, Spain and Portugal. The changes to the EU pillar structure introduced by the Amsterdam Treaty were a response to the fears that the 1995 enlargement would lead to the institutional malfunction of the EU, especially in the area of the foreign affairs and defence policy. The Intergovernmental Conference (IGC) paving the way for the Nice Treaty in 2000 was to address the approaching institutional challenges of the eastern enlargement (Wallace 2007). The most recent Lisbon Treaty, and the Constitutional Treaty before it, constitutes a 'natural' follow-up of the 2004 and 2007

enlargements. It was said that the admission of twelve new members had strained the institutional capacities and the possibility of any 'real' discussion in the Union. One may go as far as to speculate that the "period of reflection" following the three failed referenda in France, the Netherlands and Ireland and which is expected to terminate when the Lisbon Treaty is ratified by all EU members, is a comfortable temporary pseudo-substitute for enlargement fatigue. It allows EU officials to postpone any questions of further enlargements until there is an agreement about how the Union is to function in the coming years. The view that it is obvious that the Communities would not be able to function *properly* without the Lisbon Treaty is treated as unquestionable. Few, however, challenge this opinion on the ground that perhaps the Treaty is not the only way to make the EU be run smoothly and democratically so as to remain open to potential new members. Sometimes it even seems that such a mode of functioning of the Union is not what 'properly' means to a great majority of its officials.

Member-states' hesitance or open hostility to enlargement are not unheard of in the history of the EU either. De Gaulle vetoed the UK's entrance twice in 1963 and 1967 as he saw it as a threat to the French leading position in the Union as well as to the mode of operation of the entire organisation due to Britain's imperial trade links and its close transatlantic relations with the USA. In 1977, François Mitterrand explicitly expressed his reluctance towards the prospects of Greek and Spanish membership and said that "[a]ccession is neither in their interest nor is it in our interest. Interim steps are desirable" (ESI 2006). In fact, today's cries of the structural incapacity to admit new members and forecasts that a further enlargement would lead to a major economic or other catastrophe inside the Union, repeat what had been said by many analysts in the mid-1990s (ESI 2006).

The conflict between strategic and value-based considerations has been so far always resolved through the 'logic of appropriateness' (Casier 2007) and a mixture of voluntary convergence and conditionality. It has always been difficult to marry realist and normative perspectives on the EU expansion but a differentiated approach to prospective members during the negotiations period has never been the case in the history of European integration. Conversely, states were grouped into sets, within which they shared similar characteristics. Romania and Bulgaria were both post-communist countries with a strategic geopolitical location in South-East Europe. With the exception of Cyprus and Malta, countries that joined in 2004 were all post-communist and experienced a triple (economic, social and political) transition. In 1995, Austria, Finland and Sweden were all relatively prosperous; in 1981 and 1986 Greece, Spain and Portugal had a legacy of right-wing dictatorships and in 1973, Ireland and Denmark joined together with the UK, since, at that time, Irish and Danish economies were more closely tied to the British market (Barnes and Barnes 2007). The only fact that could make the current period of enlargement fatigue unique is the fact that, for the first time, the EU is facing such a diversity of countries that have a potential membership prospect. From Turkey through Ukraine (although officially it is only a partner in the European Neighbourhood Policy [ENP]) to Serbia and Kosovo – all present a completely different set of challenges. Importantly, however, this factor is exogenous to European integration. The EU always seems to find a way to deal with such a large quantity of qualitative differences and chooses to deal with prospective new member countries either separately or in small groups. The uniqueness of the current period is therefore maximally reduced. This is possible thanks to various procedures and instruments of conditionality that the EU applies to prospective members.

The causes and consequences of EU conditionality

By describing different fears of member-states about further enlargements, the capacity of the EU to successfully cope with additional enlargement has been questioned on the

grounds of insufficient economic or 'ideological' (in terms of sharing European values) preparedness of candidates and pertains to the continuing inability of the Union to deal with enlargement fatigue. Such a conclusion becomes evident only if one manages to cut through the diplomatic rhetoric of the EU officials and national leaders. Having accepted the accession of a given country to the Union, they cannot 'officially' state that the given country and the organisation are unprepared for enlargement after all the transformation measures that both have gone through. Conversely, the European and domestic debates that accompany the process, but take place outside of the immediate circles of people directly involved, not only can, and often do, question the preparedness of the EU and its aspiring members, but also necessarily imply that conditionality is not sufficient to successfully eliminate the fears of enlargement. The context of this is usually diverse, includes many psychological factors and is often an automatic by-product of many political debates at the domestic level.

The main rationale behind conditionality is that the EU uses it 'as a means to export its economic and political models to volatile regions, such as the Western Balkans. The result is evident in the tremendous reforms that have been carried out in Turkey, Croatia and the rest of the Western Balkans. As European citizens, all of us benefit from having neighbours that are stable democracies and prosperous market economies' (Rehn 2007: 1).

However, in the context of enlargement fatigue, the meaning of conditionality is presented as a device, the rigorous application of which ensures that enlargement "remains a success story" (Rehn 2006b). It has focused on the preparedness of the candidates to join the EU so that the Union's smooth operation is not impeded; the Copenhagen criteria, Agenda 2000 and the *acquis* were the main reference points in this area. More frequently, however, the failures of conditionality have reverberated in broader contexts. Bulgaria is an example of this. Although fighting corruption was a pre-condition for membership, in 2008 three streams of funding were suspended because of alleged fraud and the EU's investigating agency is also considering forty five cases of alleged malpractice on the books (Miller 2008). Earlier entrants, such as Poland and Hungary, also provide examples of the failure of conditionality to be applied because although there may have been a legal harmonisation as a precondition for membership, actual implementation of parts the EU's *acquis* is often lagging; for example the requirement of the European Social Dialogue that governments should "conduct meaningful consultation with socioeconomic stakeholders" has not been adhered to (Sissenich 2007: 4). The broader contexts in response to these examples include a necessity, on the part of recent entrants and prospective members, to prove that they are worth the trust that was laid upon them by the incumbent EU member states who offered them membership, or the prospect of membership, despite the reality of enlargement fatigue fuelled by the potential improper use of EU funds or the imperfect implementation of policies which could compromise the common values and norms to which newcomers were to subscribe wholeheartedly to as a justification for their joining of the EU. If money is wasted and rules are not obeyed, it would betray the efforts that the incumbent members made in order to make enlargement possible and spread discontent about the drawbacks that further enlargement would likely create. This, in turn, could encourage a Europe-wide revival of nationalism and protectionism and make the ideal of European integration redundant. This negative scenario has not as yet materialised and it is unlikely that it will because the EU has been tightening its instruments of conditionality. Significantly, all mechanisms of conditionality from the ENP that is often treated as an instrument for pre-accession (Hayoz, Kehl and Kuster 2005), to the actual accession negotiations lean towards open-ended processes of closer integration with the Union.

Furthermore, the major development of conditionality measures give lie to the argument that the Union has not been able to counter enlargement fatigue because the conditionality

applied to candidates was too lenient to assure the harmonious operation of the EU after enlargement. The process began by the development, in 1993, of a set of requirements in the form of the Copenhagen Criteria, which proved to be much stricter than the requirements for the applicants in earlier enlargements. The EU's interpretation of the fourth criterion about the adoption of the *acquis* is a clear example of the evolving conditionality. The point stated that candidates should (theoretically) be able to accept the obligations of membership prior to their actual accession. The subsequent progress reports produced by the Commission, however, adopted a position which emphasised the fact that candidates should actually have taken over the entire *acquis* before the accession; this is more than a slight difference in interpretation (Maniokas 2004).

The need to fulfil the political criteria before negotiations start is not an empty requirement, and has been exemplified by the cases of Slovakia in 1997 and Croatia in 2005 when the EU decided not to open negotiations with them. Slovakia was excluded because of the behaviour of the government of Vladimír Mečiar, whereas, according to some EU members, the Croatian government failed to cooperate fully with the demands of the International Criminal Tribunal for the former Yugoslavia in pursuing the suspected war criminal General Ante Gotovina (Phinnemore 2006). Further developments included an option of suspending negotiations if a candidate breached basic principles of liberty, democracy, human rights and the rule of law (Pridham 2007). The number of *acquis* chapters also increased from 31 to 35 for the negotiations with Croatia and Turkey. The range of the negotiations criteria has grown as well, particularly in response to the prospects of the membership of the Western Balkan countries. Thus, they have to be committed to regional cooperation. It was also explicitly stated that they have to implement existing contractual obligations to the EU such as Stabilisation and Association Agreements and Customs Union agreement (in the case of Turkey). Additionally, the Union tends to redefine what it means to meet the criteria with the understanding that more emphasis is now put on the actual implementation of the *acquis*. Hence, the EU did not hesitate to send 'warning letters' to the governments of Bulgaria and Romania when it was dissatisfied with their implementation of judicial reforms (Phinnemore 2006).

Naturally, the stricter requirements of conditionality reduces the possibility that it may be the decisive reason why the EU has not been able to counter enlargement fatigue, but, by no means, does it eliminates such a possibility completely. In order to treat insufficient conditionality as an important reason for the failure of the EU to deal with the fatigue, it would have to be the dominant determinant of Putnam's two-level games that European politicians play in the negotiations process. *Per contra*, here the political rhetoric and high politics predominate, because the character of bargaining at the EU level is still more diplomatic than political (Leonard 2006). Candidates' talk about 'moving targets' and 'double standards' applied by the EU and member-states' preoccupation with the maintenance of the smooth operation of the Union reflects the conclusion that Heather Grabbe once made about how "the actual influence on any given policy area [in candidate countries] is often exaggerated" because the EU and candidate-state policy-makers "have a vested interest in doing so" (Wolczuk 2004: 19). Additionally, high politics and geopolitical considerations present another argument in favour of the opinion that insufficient conditionality is of minor importance as a factor of enlargement fatigue. The most famous examples of such behaviour are the EU's decision at the Helsinki summit in 1999 to invite Bulgaria and Romania to the negotiations table from early 2000 and the potential member status for Kosovo (Pridham 2007), even before the country announced independence. These explanations prove that states do not take the alleged 'shortcomings' of conditionality very seriously when they discuss enlargement. This should not be surprising since it would be illogical to present insufficient conditionality as the main reason of the fatigue, fighting something that was the own creation of these politicians.

The problem of the absorption capacity and the attempts to introduce a 'New' Treaty

Insufficient conditionality is very often presented as a part of the EU's absorption capacity together with the development of the institution's structures and policies (European Commission 2006). The two matters have been intertwined since the 2005 Enlargement Strategy Paper, in which the Union invited the Commission to cover the capacity of the EU to function effectively as well as European citizens' views on further enlargement in its special report at the same time when it produces its annual progress reports on enlargement and pre-accession process (Vakalis 2006). The EU's inability to counter enlargement fatigue is supposed to reflect two main issues of the capacity question – the EU's capacity to function after successive enlargements and the 'democratic deficit', both of which were supposedly questioned by the French, Dutch and Irish publics via their rejection of the Constitutional and the Lisbon Treaty, respectively. The failure of the first two referenda was depicted as a protest vote against the EU as an elite-led project in which there is virtually no space for public leverage on the future direction of the Union. As such, this vote contradicted some potential positive developments included in the document that could counter the pre-Lisbon Treaty absorption capacity problems that stems mainly from such institutional arrangements as: the six month rotating presidency, too many Commissioners, the unfair and complicated voting system introduced at Nice and the overlapping responsibilities of the High Representative for the Common Foreign and Security Policy and the Commissioner for External Affairs. In their first referendum in June 2008, the Irish rejected the Lisbon Treaty, which was often perceived as a reactionary vote of more conservative forces within Ireland (Sinnott 2008) or elements which had been apparently under substantial American influence. Many other sources, however, pointed to the results of the referendum as an outcome of a class vote (Lane 2008). Under the growing pressure from the other EU members as well as the Union's institutions, the people in Ireland were forced to vote again. If this fact is analysed alongside of the Lisbon developments in the area of countering democratic deficit, it illustrates Union's 'split personality'. The democratic processes in France and the Netherlands were circumvented and the democratic decision in Ireland was undermined. It is more than paradoxical that all of this happened in the name of the document which is meant to introduce more democracy in the Union and be more responsive to the concerns of its citizens (EUROPA 2009). Perhaps this should also have discouraged potential future members from joining the institution which demands from its members a disciplined and uniform action. This is arguably the direction in which the Lisbon Treaty is going. A more centralised Union with the post of the President of the European Council who will act as an external and 'one-bodied' representation of the EU does not represent any kind of 'new thinking' but an answer to the old dilemma of a 'single phone number' in the EU. The increased role of national parliaments in responding to new applications for membership would have been an important step on the way towards decentralisation had it not been aimed against further expansion of the EU. Moreover, the Lisbon Treaty allows national parliaments to participate in the democratic processes in the EU by acting as 'watchdogs' of the principle of subsidiarity. This could have ensured the democratisation of the workings of the Union if the subsidiarity principle had been a new invention of the Treaty. Since it is not, one can expect that if the function of the 'watchdog' is now clearly ascribed to a particular institution (national parliament), everybody else (including citizens, civil organisations and governments) will be silenced when they would like to begin a discussion as to what competences should be the sole responsibility of the EU (which would further centralise the Union) and which should be retained by states or shared between the members and the EU. If the above can discourage potential members, which plays well into enlargement fatigue, the Lisbon Treaty has also prepared a device that may have a dangerous impact on all EU members in case the Union continues becoming more and more centralised. This is the 'exit clause' which by providing an opportunity to secede from the Union shows the direction of action to all those who for various reasons fail to accommodate.

The frustration with the Union's inability to tackle its institutional problems in the context of enlargement fatigue has led some to assert that the EU uses the capacity argument as a loophole to deny or indefinitely postpone enlargement (O'Brien 2006), thus contributing to, rather than countering the fatigue. This view cannot be neglected but it is obviously one-sided and hence, not very reliable. One must try to assess whether the institutional reform of the EU as laid down in the Constitutional Treaty was likely to counter enlargement fatigue and whether the cry that such a reform is truly essential to prevent a major deadlock in the functioning of the Communities is justified. This latter question will be examined by analysing the effects of past enlargements.

An extensive study of the effects of enlargement by Helen Wallace (2006) supports the view that 'business as usual' is a more probable scenario than an institutional 'gridlock'. She concludes explicitly that the impact of enlargements (even big ones like the round in 2004) does not automatically mean slowing down policy implementation. To mention only two examples: the 'productivity' of the work of the European Court of Justice (ECJ) has not declined and there has been only a modest reduction in the number of legislative acts adopted by the Communities after 2004. Even in the sensitive areas of decision-making where the enlargement's influence is most visible, namely foreign policy and the Common Agricultural Policy (CAP) etc., it has to be remembered that other variables are at play as well. The speed of decision-making depends also on the overall political climate in the Union and the quality of leadership that is a function of the rotating presidency, national governments and the Commission's leadership (Grant 2006). It means that, in reality, new members are quite well-adapted to enter the Union and that institutions can cope with many strains that are put on them. Would the Constitution, then, have been of any help to counter enlargement fatigue?

The answer is somehow complicated because the 'project of the Constitution' was closely tied to the (separate) project of the adoption of the Communities to the challenges and effects of enlargements. And this link was not a creation of Eurosceptics or populists but of the very drafters of the Constitution. Giscard d'Estaing famously referred to the EU being at the crossroads in a way similar to those faced by the Founding Fathers of the United States in 1787 (2003). Significantly, in his speech he depicted a triple challenge at those crossroads. The first was the upcoming enlargement and the third was a reform of decision-making which "has, over the last decade, become too much complex and obscure" (Giscard d'Estaing 2003). Potentially, there was nothing surprising in this speech since it reflected the 'realities' of the situation in which the EU found itself in 2003. Nevertheless, by combining the needs to accommodate enlargements with institutional reform, the participants of the Convention on the Future of Europe tilted the ground for more pronounced and specific arguments made by national politicians. In the history of the European integration, this has always been the case, as was demonstrated above – 'widening' and 'deepening' processes proceeded together and this has been considered a virtue and a pride of the organisation of the integration process. It is difficult to judge to what extent a change in the rhetoric of policy-makers would have helped in countering enlargement fatigue but it would have certainly been the first step in the right direction. Justifying institutional reforms by basing them on an agreed vision of the Union and its policies and not on the need to accommodate enlargements would have been helpful to counter enlargement fatigue.

Such an approach could also help reduce the 'democratic deficit'. Although, as Zielonka (2006) predicts, more enlargements on the strategic goals are likely to follow, in the "age of referendums" the shift from diplomatic to political mode of addressing differences in outlooks inside the EU should take place (Leonard 2006). This would allow the 'externalisation' of some of the political conflicts confined so far to the domestic realms of members, which is, sooner or later, expected anyway as a result of globalisation (Gnesotto and Grevi 2006). It may also add salience to the issues discussed in the European arena so that EU citizens

could see that they have their personal stakes in the ongoing debates, which would further necessitate changes in the representation at the European level.⁴ All in all, “[p]oliticians and commentators should ... learn to see political conflict within the EU as normal, and avoid the over-blown talk of profound crisis that followed the French and Dutch Noes” (Leonard 2006: 5).

A new vision and structure of the EU can counter fatigue

It would not be an easy task to change the mode from diplomacy to politics and the emphasis from enlargement as the driving force of the Union to the pursuit of a concrete vision and function of EU's policies, but it would help counter enlargement fatigue. Christopher Preston's (1997) insightful comment helps explain why the EU has not been able to successfully deal with the fatigue. His third principle of enlargement states that “[t]he problems arising from the increased diversity of an enlarged Community are addressed by creating new policy instruments overlaid on existing ones, rather than by fundamental reform of the latter's inadequacies” (Preston 1997: 229). Significantly, Preston (1997) notices that this well-entrenched practice is an unintended consequence of the overemphasis that is put on the first two of his principles, namely that applicants must accept the *acquis* in full and that negotiations focus on the practical side of the applicant taking on the *acquis*.

The EU has not tackled enlargement fatigue because it has failed to challenge these principles. Although such initiatives as the ENP or the Schengen area exist, the main question that has determined relations between the EU and a third country is whether a given state can or cannot become a full-fledged member of the Union. The main rationale behind this approach was the will on the part of third-countries to have a say in the decision-making process that affects the functioning of these projects. This shows that as long as a strong differentiation between members and non-members exists, the EU will not be able to counter enlargement fatigue. Therefore, the Union should allow more 'variable geometry' between itself and countries from the outside of the Communities *as well as* among its members. Membership could mean a different mode and a degree of engagement for different countries. The borders in Europe could then become fuzzy and flexible. 'Avant-garde groups' in the EU will pursue the 'deepening process', certain EU countries will abstain from it, while a number of states from outside of the formal Union structures will participate in particular policy initiatives (Grant 2006).

Some analysts stress the utility of such an approach as it ensures that all strategic interests of the EU countries are assured (Brady 2005); some EU officials perceive the role of 'avant-garde groups' as pioneers that “maintain the momentum of building Europe” (Delors 2000) as a federation of nation-states. However, the main objective of allowing more flexibility in the Union would be to eliminate tensions between those who see their stakes involved in different areas than other members and they have the abilities to mobilise a necessary support to pursue their policies. This would not entail unilateralism or building of the 'coalitions of the willing' because the goals of the projects conducted by a Europe with fuzzy and flexible borders would not be a diplomatic but a political undertaking. The involvement of states would hinge more on the function that the project is to fulfil, their will and abilities to participate in it than diplomatic declarations following from the need to prove that a participant is worthy of their membership in an organisation. The vision retains some of the prepositions of the 'democratic functionalism' (Leonard 2006). The loosening of the bonds between the EU members and the emergence of many, interlinked and overlapping 'avant-garde groups' could ease future enlargements because of the flexible and malleable character of the partnership between states in the Union of a new vision (Grant 2006).

4 A response to the argument made by Moravcsik (2002).

Has the EU not provided for flexibility in the operation of its structures and thus failed to counter enlargement fatigue? The answer to this question is a partial no. Such instruments of flexibility as 'enabling clauses' (enabling willing and able members to pursue further integration), the 'case-by-case' flexibility (abstaining from voting on a decision and letting other states decide and apply the policies only to themselves) and the 'pre-defined' flexibility (mode of integration pre-defined in all its elements – usually established in IGC) began to be articulated in the early 1990s and were developed more fully with the Treaties of Amsterdam and Nice and the Constitution (Stubbs 2002). The first big initiative that applied the 'flexibility clauses' was the Economic and Monetary Union (EMU), through which a 'multi-speed' Europe materialised since countries could enter the EMU if they fulfilled five criteria laid down in the Maastricht Treaty. More recently, the 'open method of coordination' (OMC) presents another challenge to the traditional, rigid method of integration (Junge 2007). The OMC is an intergovernmental method, dependent on 'peer pressure' from other member states; the Commission's role is fairly limited and the European Parliament and the Court of Justice play virtually no part in the process. Member states' policies are coordinated in areas such as education, youth, employment and social protection, i.e. areas of members' national competence. The method differs from 'soft law' in a number of respects; for instance, it is more explicit than 'soft law' in seeking the participation of social actors and involves systematic linking across policy areas. The OMC can be seen as a non-hierarchical and non-coercive mode of policy-making (Borrás and Jacobsson 2004). This design, however, presents both opportunities and challenges. It may lead to greater and tighter integration in areas to which 'usual bureaucratic channels' in the EU have a very restricted access, provided there is political will to proceed with cooperation. It may also undermine such efforts if member states choose to ignore or delay the meeting of targets. Additionally, the demarcation between decision-making and implementation is not clear, so the OMC can potentially cause problems of judicial and political accountability (Borrás and Jacobsson 2004).

On the other hand, although the 'flexibility clauses' could "become a constitutional device" (Stubbs 2002: 164) in the long term, the problem regarding the countering of enlargement fatigue is that flexibility is hardly a guiding principle in negotiations with prospective members. Transition periods could be perceived by some applicants as a mere compensation for the tightening of conditionality. Yet, flexibility has to be an important device both in integration inside the EU, as well as outside of it. Developing only one dimension of it would preclude the further enlargement of the Union and lead to permanent enlargement fatigue. The definition of EU membership needs to be changed in order to counter the fatigue. As for today, there has to be a more significant gradation of 'integration levels' among the EU members to match the Union's increasing number and scope of initiatives developed in partnerships with third states. The Mediterranean Union initiative can serve as an example that the organisation is not yet ready for such a step. The original idea was to hold an international forum of states with a Mediterranean coastline. Through discussions at the EU level, it was degraded to "a mere regular summit of EU and Mediterranean countries" with a small secretariat instead of nine new agencies and a bank. Apparently, as German Chancellor Merkel admitted, it was feared that some members would protest spending common funds on projects, from which only a few could benefit (Melander 2008).

Conclusion

The EU may not be able to deal with the fatigue for years to come because all signs show that the former has not yet developed a new vision of the organisation. It has failed to contest the paradoxes and real nature and essence of the problems connected with enlargement that were determined in this article. Finally, Brussels has not acknowledged a need for more flexibility in its operation, especially in its 'internal' and 'enlargement

dimensions'. Consequently, the Union has not entrenched this vision in its institutional design. Tight conditionality and attending to the Union's absorption capacity are not sufficient to deal with enlargement fatigue, much of which was associated with cultural, economic and psychological reasons only remotely connected with the European Union. As was demonstrated above, some of the provisions of the Constitution and the Lisbon Treaty pose a serious threat of progressive centralisation of the Union and enhancing rather than countering the democratic deficit. The chance to minimise the popular fears connected with further enlargements was wasted in the two failed referenda because policy-makers too easily associated the real and possible shortcomings of enlargement with the structural overhaul. Countering of enlargement fatigue would be a challenging task and although the full story about EU enlargements is still to be told, the Union has proved in the past that for an organisation with such historical variability and so many chronic imperfections, it is still able to achieve its most important goals.

Acknowledgement

The author would like to thank Taras Kuzio and Eamonn Butler for their insights and comments on the earlier drafts and two anonymous reviewers for their useful remarks. Special thanks are extended to Stephen Hoselton who was often the first reader of my papers during the year I spent in Canada. All responsibility for shortcomings rests with the author.

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Review Commentary

Towards a Deeper Understanding of ‘European Citizenship’

Willem Maas (2007)

Creating European Citizens

Lanham, MD: Rowman & Littlefield

Jo Shaw (2007)

The Transformation of Citizenship in the European Union

Cambridge: Cambridge University Press

Dora Kostakopoulou (2008)

The Future Governance of Citizenship

Cambridge: Cambridge University Press

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Since European Union (EU) citizenship was created by the Maastricht Treaty in 1993, debates about citizenship have been firmly established within the EU studies community. This commentary discusses three recent contributions, which demonstrate that this dynamic topic still contains many open questions but also that our understanding of citizenship in the context of European integration has become historically, analytically and normatively much more sophisticated and nuanced. In addition to highly relevant insights into the current state of citizenship and of European integration in general, these books demonstrate – sometimes in an impressive manner – the richness and the potential of a citizenship perspective, which combines the investigation of diverse empirical data, rich conceptual frameworks and normative-critical reflection.

In his *Creating European Citizens*, Willem Maas provides a concise political history of the institution of citizenship within the EU. Since citizenship rights had always been closely connected to processes of state formation, sovereignty and territoriality, his main question refers to the conditions supporting the emergence of citizenship beyond the state. The author further assumes that grand theories of European integration, in particular neo-functionalism and intergovernmentalism, are problematic for a number of reasons and cannot explain the complex evolution of citizenship in the EU. Therefore, he opts for a historical and much more contextualised analysis which allows tracing the contested development of citizenship from the very beginning of European economic and political integration, long before a citizenship of the Union was formally introduced by the Maastricht Treaty. Conceptualising citizenship mainly in terms of rights, he focuses on the provision of freedom of movement for persons as “the bedrock upon which the entire construction of European rights has been built” (Maas 2007: 5). In fact, Maas finds that proposals for certain limited rights connected with the free movement of “market citizens” had been discussed even before the signing of the Rome Treaties.

Maas argues that the emergence of EU citizenship is best explained by the political will of the key players to establish free movement in the common market in terms of individual rights. Moreover, he claims that a shared "European idea" was the central driving force behind this determination. In other words, throughout the history of European integration, European leaders across the political spectrum have shared a belief in transforming a divided Europe of nation-states into a unified and novel political entity (though sometimes drawing on diverse additional motivations and goals). The author even claims that already by "the mid-1960s, the idea of a common European citizenship had thus been firmly entrenched in the imaginations of Europe's political leaders" (Maas 2007: 21-22). This ideal became manifest in successive treaty amendments, in particular the constitutional moment of the Maastricht Treaty. As a consequence, the introduction of individual rights also implied the political creation of European citizens as new subjects participating in and shaping European integration. Yet, despite this emphasis on the (largely intergovernmental) high politics of constructing individual rights at the EU level through leaders sharing some European idea, Maas concedes that this crystallisation of transnational citizenship could not be fully understood without reference to the (supranational) 'low politics' between the major turning points. The latter phases are particularly crucial for specifying the exact contents and meanings of European citizenship rights as well as for setting the agenda for the respective next steps. Yet, his careful long-term analysis of successful and unsuccessful proposals also shows that the development of citizenship is always fragmented and volatile.

This is a very compact monograph grasping the development of citizenship and the creation of European citizens over a long historical period and covering a broad number of events. At the same time, thanks to Maas' perspective on the contested and reversible nature of citizenship, his concise account does not lend itself to theoretical over-generalisations of the messy world we are living in. His main achievement lies in utilising the citizenship perspective to gain more fundamental insights into European integration beyond historical explanations of European citizenship itself. According to this study, the historical search for citizenship reflects the political quest for and the shaping of a transnational political community beyond an integrated economy. Thereby, it also shows how this endeavour is neither entirely determined by the market nor completely detached from the latter. Rather, the history of individual rights and the creation of a nascent European political community of citizens can only be fully understood against the background of increasing market integration as the most crucial opportunity structure within which the quest for the European citizen is embedded.

However, the brevity of this volume also implies that some issues remain unaddressed. For example, the book pays only little attention to 'less central' developments beyond free movement, such as the (limited) voting rights for EU citizens residing within another member state, anti-discrimination rights granted by Article 13 EC Treaty, or the adoption of gender mainstreaming in Article 3(2) EC Treaty as key constitutional principles. Nevertheless, this would hardly change the direction of the main narrative about individual rights and free movement. However, and more importantly, this book could have established much stronger connections with the thriving citizenship debates that can be found beyond the narrow focus on citizens' rights within the EU. Lacking this broader context, a thorough evaluation of this historical development remains difficult. The emergence of citizenship within the EU might be remarkable from an analytical point of view, but what is its true value for the citizens (and non-citizens) of an integrated Europe?

Jo Shaw's *The Transformation of Citizenship in the European Union: Electoral Rights and the Restructuring of Political Space* takes a different route. Not seeking an explanatory account of the political innovation of EU citizenship, she adopts a "constitutional ethnography", which aims at comprehending how the constitutional norms of a polity intersect with the lived politico-legal experience in specific sites. Questions about how

national polities are nested in and linked to the legal and political context of European integration are of central importance in this context. Shaw generally aims at exploring "some of the relationships between the contested concepts and practices of citizenship and membership, of nation and nationality, and of states and 'state-like' polities, such as the European Union" (Shaw 2007: 3). Such an approach requires, but also allows for, a substantially very rich and comprehensive notion of citizenship, which exceeds traditional (liberal) notions of citizenship in terms of individual rights only. In contrast, the author conceptualises citizenship as both a formal legal status and as all issues of practical access to the benefits of membership. Since the former does not simply imply the latter, this more sophisticated concept also provides perspectives on the exclusionary elements of citizenship. In general, citizenship is not only about individual rights but about "the distribution of life opportunities" (Shaw 2007: 19), which differ significantly even among formally equal citizens. Moreover, moving beyond mobility rights, Shaw takes electoral rights for non-nationals as the empirical lens through which those issues are investigated.

One of the key puzzles behind the focus on electoral rights for non-nationals consists in the paradox that these entitlements constitute key-preconditions for political participation which are very closely connected to nationality (the access to which mostly remains strictly limited). However, the populations of today's polities are increasingly composed of mixed nationalities. In fact, this development leaves people living and often born within a state unable to participate in its democratic government. Against this background, Shaw's monograph particularly focuses on the limited provisions of Article 19 EC Treaty which grants the right to vote and stand in local elections and elections to the European Parliament in their state of residence to EU citizens, but not to third country nationals. However, since every interference in the boundaries of the suffrage, in the practices and definitions of political membership provokes contestations and since European law always operates in interconnection with national laws, Shaw also devotes a substantive part of her study to developments at the level of the member states.

Although Article 19 excludes third country nationals, Shaw finds that the boundaries of suffrage have become fuzzier and that the limits of the electoral rights conferred upon EU citizens and, therefore the limits of EU citizenship, are potentially elastic. In theory, the latter could even be extended towards greater political inclusion of third country nationals. This claim is based on the careful analysis of the most important political initiatives, legal provisions and judgements of the European Court of Justice. In practice, however, electoral rights are meeting a wide array of contestations in the different member states. Interestingly, in addition to conflicts between the EU and member state governments, conflicts about extending the suffrage to non-nationals are also visible within member states, for example, between regional governments, central governments and constitutional courts. Moreover, some member states already grant electoral rights to all third country nationals, some only to certain groups and some strictly reserve electoral rights to nationals and EU citizens. In general, not only against the background of the hesitant implementation of EU electoral rights, Shaw demonstrates that incremental institutional changes and the diverse debates and contestations of polity membership are of much higher relevance for understanding the meanings and developments of (EU) citizenship than the major political junctures.

It is extremely difficult to do full justice to the richness and detail of this volume and it is impossible to condense all arguments and findings within this very limited space. The book provides significant and illuminating insights about EU citizenship as a set of institutions, practices and concepts. Thereby, the fragile and gradually developing entity of EU citizenship perfectly reflects the political dynamic of European integration as a whole. Moreover, its approach goes a long way beyond purely explanatory research interests and therefore allows for a whole set of contributions to different debates concerning citizenship. For example, it can provide new and original knowledge about more general transformations

of today's political community in relation to connected processes and concepts, such as migration, nationality, community, stateness or globalisation. In this context, especially the careful consideration of actual institutional and discursive changes guided by the orientation towards a constitutional ethnography is a key strength. This detailed account of political and legal practice clearly distinguishes the study from arguments of a stronger normative nature or operating at a level of more aggregated data and fewer conceptual parameters. Finally, and this is particularly interesting, this exceptionally thoughtful survey fully grasps the ambivalent nature of citizenship – national, European or post-national in general. Shaw teases out different exclusionary patterns in a very nuanced manner beyond the fundamental separation of members from non-members. She also shows that citizenship can contain contradictory dynamics that include and exclude at the same time (for example, discourses about extending electoral rights and increasing use of citizenship tests). Against this background, all developments of citizenship of the Union have to be evaluated against the ambivalent link of citizenship with nationality and the increasing diversity of populations. Does this new form of transnational membership interfere with this connection and, if yes, in what way? Yet, despite the many empirical and conceptual issues illuminated by Shaw, her book refrains from far-reaching political or normative claims for the future (except from proposals to make the European Parliament elections more inclusive). Yet, this is the central aim of the next book to be discussed.

The *Future Governance of Citizenship* by Dora Kostakopoulou departs from the main themes of the present discussion in two ways: first, looking beyond the specific institution of citizenship of the Union, it primarily addresses the tension arising from the close coupling of citizenship with nationality. Secondly, the enquiry adopts a much stronger normative tone. Like Shaw, Kostakopoulou departs from the problem that the close connection between citizenship and nationality constitutes a major source of undemocratic exclusion. In this context, the emergence of new post-national elements of citizenship in the course of European integration reflects an ongoing and fundamental transformation of citizenship and the unsettling of a notion of political membership which was strictly based on ideas of nationality combined with territorial sovereignty. At the same time, EU citizenship constitutes a crucial conceptual and institutional challenge to this conventional notion of national citizenship. Hence, the former could provide openings to promote institutional alternatives.

Following a sophisticated analysis which leads Kostakopoulou to dismiss the close link between citizenship and nationality as a main source of exclusion and the key problem to be overcome by redefined notions and practices of citizenship, she goes on to survey two groups of responses to this challenge. She finds that arguments reformulating patriotism as constitutional, 'rooted' or republican patriotism, as well as attempts to redefine citizenship as post-national, transnational or multicultural, are still tied much too closely to the concepts of nationality and the nation and cannot overcome the basic problem of exclusion. Neither can provide reliable and sustainable institutional innovations meeting the challenges of today's culturally pluralist and highly mobile societies. Therefore, Kostakopoulou develops an alternative civic registration model which would confer citizenship on the basis of domicile (i.e. residence combined with the intention to reside within a state for an indefinite period) rather than nationality. She further elaborates this idea by outlining its conceptual building blocks, demonstrating that citizenship has always been differentiated and never truly homogenous, providing concrete policy proposals that should foster inclusion and by anticipating potential criticisms.

Overall, this volume convinces by the detail and the accuracy of its theoretical discussion. Moreover, the author manages to outline a normative vision of citizenship which is nevertheless oriented towards the opportunity structures, the practices and discourses of today's politics and contains very concrete institutional proposals. This well thought-out and excellently presented study therefore complements the two books discussed above with

indispensable and valuable normative reflections and proposals for institutional innovation. Although its arguments are formulated more broadly and primarily seek alternatives to the nationality model of citizenship and although the interest is to a lesser extent on understanding EU citizenship as a specific institution, the latter is put in the context of ongoing large-scale transformations of citizenship and the search for alternative meanings and practices of political membership which could help to eliminate exclusion.

Each of the discussed volumes can be recommended to a specific readership among all students of citizenship – Maas' as a concise historical overview, Kostakopoulou's as a broader legal-normative discussion, while Shaw's should provide food for thought for nearly everyone. Moreover, while Maas might rather appeal to students of European integration only, Shaw and especially Kostakopoulou also contribute significant insights to debates about migration, constitutionalism, cultural diversity, democracy or additional aspects of citizenship. Even more importantly, however, the combined discussion of those monographs provides vital insights about the potential richness of citizenship studies as a comprehensive perspective on socio-political relationships between citizens and a specific polity, as well as among citizens themselves (the situation of resident non-citizens is a further aspect of crucial importance). Therefore, it has become clear that studies of citizenship in the context of European integration need – and indeed should – not be only about explaining specific institutional changes. In most cases, they also facilitate a deeper understanding of the dynamics of European integration in general. European integration represents a massive challenge to traditional notions of sovereignty, territoriality, nationality and membership. Studies on 'European' citizenship help to understand the essentially contested and open-ended character of this dynamic process. Moreover, they facilitate locating the individual citizens and non-citizens within this broader context. On this basis, citizenship studies can eventually provide new perspectives for normative-critical evaluations of European integration and its interplay with the conditions of political community. For this purpose, however, it is necessary to exploit all analytical and normative opportunities of a citizenship perspective and to connect them with two further issues: first, with current broader transformations of political membership including their empirical manifestations, normative challenges and institutional implications; secondly, including the exclusionary elements of citizenship in the analysis allows for locating the individual within this broader context and, therefore, for normative reflections based on sound empirical evidence. In other words, due to its thick relational perspective, a mature citizenship approach facilitates the analysis of complex political developments in relation to broader questions about the conditions of today's political communities, on the one hand. On the other hand, it allows for critical accounts of the actual situation of the individual in this context in terms of inclusion and exclusion from rights and from practical access to the benefits of membership.

All in all, the richness of the field of citizenship studies is not based on an unconnected plurality of parallel lines of enquiry, but results from a dense web of interdependent and interconnected empirical, analytical and normative problems and discourses. Therefore, embedding specific accounts of citizenship more deeply in the discursive space spanned by citizenship studies seems vital for evaluating particular historical citizenship formations. At the same time, the latter can only become fully understandable within the broader context of current concepts and practices of political membership. All monographs discussed in this review make clear that citizenship in the EU is neither a merely symbolic act nor a revolutionary change, whereas this polarisation was especially characteristic of earlier assessments. In contrast, it is a new opportunity that has constantly to be filled with meaning, put into practice and developed further. However, there is no inherent logic beyond its conflictive nature and its open-endedness.

On a final note, while Maas remains closer to conventional comparative political science, the monographs by Shaw and Kostakopoulou stand out since their comprehensive citizenship

perspectives are additionally supported by truly interdisciplinary approaches. Those often take a legal view, but are instructive and comprehensible for all students of (European) citizenship from a wide range of disciplines and perspectives.

Book Review

Michele Chang (2009)

Monetary Integration in the European Union

Basingstoke: Palgrave Macmillan

Nikos Koutsarias

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Monetary unification has been the most fascinating aspect of European integration, both in view of its huge consequences for the political economy and the social landscape of Europe and because of its impact on the global monetary arrangements. Unsurprisingly, then, the tenth anniversary of the European Monetary Union (EMU) has been marked by a flurry of publishing activity, entailing books, special issues in academic journals, studies and reports. Michele Chang's book on European monetary integration has obviously been an entry in that long list of publications on EMU; yet, this book may hardly deserve a place bordering the high quality segment of the list.

The main thesis of this book, developed in nine chapters and summed up in the conclusion, is that European monetary integration has been a major political project, which has aimed to enhance political cooperation at the level of the European Union and amongst its member states, strengthening the influence of Europe in international monetary and financial affairs and, not least, increasing economic growth across the eurozone. It is maintained that the euro has so far amounted to no less than a remarkable achievement, but, largely owing to its politically negotiated institutional design, the efficacy and legitimacy of the EMU have largely been called into question – and may not readily be improved in the foreseeable future. However, this rather widespread view has unevenly and, sometimes, inadequately been argued, whilst lacking a coherent theoretical foundation. As a matter of fact, the so-called theoretical considerations, entailing a discussion of ideas, interests and institutions, allegedly explaining the political economy of European monetary unification across its various policy and institutional aspects and accordingly allocated in the nine chapters of the book, have not really managed to serve the purpose of theorising. Moreover, those very concepts, that is, ideas, interests and institutions, have not been employed consistently, let alone in a theoretically informed fashion. Unnecessary repetitions and unforgivable mistakes, most probably resulting from careless writing and/or editing, have further undermined the quality of this book, notwithstanding its fairly informative content and its sporadic analytically strong points.

Thus, the origins of European monetary integration (from the Bretton Woods system to the 1989 Delors Report) are dealt with in the second chapter of the book, where it is argued that, sometimes by virtue and other times by necessity, exchange rate stability has historically been factored in European integration strategies. However, the favourable effects of exchange rate stability on intra-Community trade and its positive implications for domestic macroeconomic credibility were, within the European Monetary System (EMS) context, in particular, being brought about asymmetrically across the member states, thereby leading to

demands for a re-equilibrated system in the form of a monetary union. Nevertheless, this discussion has heavily relied on much earlier academic work and has, therefore, largely neglected the recent, partly revisionist literature associated with the so-called bipolar view and the political economy approach to exchange rate arrangements – and the section on ideas (pp. 37-38) has practically remained an empty cell.

The birth of the eurozone is examined in the third chapter, the main themes being the resilience of the monetary unification plans in the face of setbacks like the 1992-1993 Exchange Rate Mechanism (ERM) crisis, the successful launch of the monetary union, following the fulfilment of the Maastricht convergence criteria by eleven member states and, finally, the economic disappointment during the early days of the EMU, linked to a weakening euro, sluggish growth in the larger economies and a reform fatigue in member states, *inter alia* spelling troubles for the implementation of the Stability and Growth Pact (SGP). Although the chapter has few analytical ambitions, the reader might likely have expected some discussion of the rationale of the convergence criteria and might, in any case, have wanted a better and, at least, updated account of the optimum currency areas theory. The reader might, also, not have assumed that the supposedly theoretical section on institutions (pp. 68-69) would merely amount to summarising the discussion of the preceding sections. Finally, the reader might have demanded the precise formal definition of the convergence criteria (in p. 49, the price stability criterion is wrongly defined), a more careful handling of information (in p. 56, Portugal is set to have fulfilled all the criteria in 1997 and, then, again, in 1998) and, certainly, adequately justified arguments (on p. 62, the rejection of the Lithuanian application is, from the legal point of view, inappropriately contrasted with the approval of the Belgian and Italian applications when the EMU was launched).

The discussion of the institutions and decision-making processes of the EMU should preferably have been incorporated in the chapters dealing with the workings and policies of the eurozone, instead of having been attempted, yet satisfactorily, in a separate chapter (the fourth one), albeit at the cost of subsequent repetitions or, sometimes, omissions. As a matter of fact, the fifth chapter, on monetary policy and the European Central Bank (ECB), would have considerably been improved, had the issues of ECB independence, transparency and accountability been treated within a broader context, featuring the role of the Eurogroup/ECOFIN and, thus, raising the issue of coordinating monetary policy with fiscal and economic policy. As it stands, the chapter on monetary policy is conspicuously underdeveloped, also lacking a proper framework for evaluating monetary policy (strategy) and the ECB, whilst little accounting for the existent, allegedly sub-optimal institutional equilibrium – an interest-based explanation, or, even, part of the explanation, is only nominally present (pp.120-121).

However, the reader might find the chapter on economic policy coordination (the sixth one) informative, clear and, in part, good enough analytically. In fact, the literature on the SGP has been surveyed adequately and the major issues in the academic and political debate have broadly been identified, whilst a comparison of the initial and the reformed SGP has provided for a convenient background to – and framework for – the analysis. On the other hand, the discussion of the soft (or open) coordination dimension of economic governance, including the Broad Economic Policy Guidelines, the European Employment Strategy and the Lisbon Strategy, has mostly been descriptive rather than analytical. Thus, the issues of whether and what form of policy coordination is really needed have virtually been left untouched, whereas the “theoretical” part has almost exclusively dealt with the institutions, the sections on ideas and interests having been misleadingly separated.

Once again, a misleading separation of theoretical considerations with regard to ideas, interests and institutions is found in the seventh chapter, which deals with non-membership of the EMU and the enlargement of the eurozone. In fact, there has been little purely

theoretical input in that part of the chapter and, certainly, there has been much less content on institutions, as conventionally conceptualised (for example, commitment to the sound money paradigm and its implications for trade and investment is a matter of economics and politics, not an institutional factor, p. 188). Nevertheless, the discussion of the politics and, to a lesser extent, of the economics pertaining to the opting-out of the UK and Denmark and the staying-out of Sweden has been quite satisfactory. The same roughly applies to the discussion of the convergence strategies of the new member states. Yet, the issue of whether a fast-track EMU entry, maybe associated with a relaxed interpretation of the convergence criteria, would in their case be desirable has not been assessed. Finally, to the reader's annoyance, the Maastricht convergence criteria are presented in this chapter for a second time and the price stability criterion is once again wrongly defined (p. 162), alas, not consistently so (also see p. 49).

A fair account of the international role of the euro is provided in the eighth chapter, running through the themes of the euro's share in international transactions, the external representation of the eurozone and its exchange rate policy. It is argued, adequately, that as a result of divergent national policy preferences and its complex governance structure, the eurozone will not be able to exercise strong leadership in the foreseeable future, nor will the euro challenge the dollar's status as an international anchor currency. However, the reader might be surprised to read that, with regard to the issue of the current global imbalances, the Asian economies are reluctant to allow their currencies to depreciate against the dollar, or that a rising dollar would make European exports less competitive, or that weakening Asian currencies are critical to dealing with global imbalances (p. 217). Once again, one might wonder about the meaning of the theoretical considerations in this chapter, particularly the section on institutions.

The final chapter, providing an initial balance sheet for the eurozone, is probably the best one. The discussion is focused on the effects of the EMU on trade, public finances, reform and convergence and an emphasis is placed on future policy and political challenges, whilst an optimistic verdict is broadly reached. Yet, had the *ex post* evaluation of the monetary policy been taken into account, as documented in the vast literature, the balance sheet would have been almost complete, whilst better informed conclusions in regard to the efficacy and the output legitimacy of the ECB and, ultimately, the sustainability of the EMU would certainly have been produced.

Book Review

Myrto Tsakatika (2008)

Political Responsibility and the European Union

Manchester: Manchester University Press

Patrick Bijsmans
Maastricht University

The European Union's (EU) democratic deficit has been a prominent issue of political and scholarly debate for some decades. This widespread attention has resulted in evermore detailed accounts of its causes, features and potential solutions. Myrto Tsakatika's *Political Responsibility and the European Union* is a recent contribution to this debate. Tsakatika argues that the Union's present *responsibility* deficit – in her view a core element of the wider democratic deficit – can be explained by looking at the way in which ideas, norms and values have developed within the EU. In this respect, Jean Monnet's conception of technocratic European governance has been influential throughout the course of European integration and partly explains current problems. Based on the ideas of the Scottish communitarian theorist Alasdair MacIntyre, Tsakatika argues that Europe's responsibility deficit is the result of a lack of a sense of moral community and of shortcomings in the institutional requirements for responsible governance. According to Tsakatika, governance is a practice which, like any other practice, has its own internal goods, namely predictability, order and stability. A sense of moral community is required for people to accept and evaluate governance practices. She argues that moral communities are not fixed and do not require a pre-existing sense of community. They can evolve over time, exist at different levels and to different degrees. They may interact with each other, the result of which may bring change. A European sense of community could therefore also evolve, be it as the result of a bottom-up process nourished by smaller communities. In this respect, Tsakatika refers to, for example, the increased emphasis on transparency, influenced by the Scandinavian countries, and the evolvment of stronger environmental norms, mostly inspired by Northern European countries. By developing such a constructivist approach towards community, she avoids one of the main criticisms of communitarianism, namely that it tends to be conservative by emphasising existing arrangements.

Because Tsakatika believes a European sense of community is still in the making, whereas institutional changes are constantly discussed, the main focus of her book is on the institutional requirements for legitimate European governance. One of the main conceptions of legitimate governance is that it should be responsible. A responsible actor should be reliable, trustworthy, consistent and prudent, but to act responsibly the right institutional requirements should be in place. According to Tsakatika, these are accountability, identifiability and openness. Accountability refers to the need for clear 'checks' on single institutional acts and the importance of 'forum', meaning the prospect of public scrutiny of actors' overall performance, which is crucial for setting the standards for political conduct and for rewarding or punishing actors. Identifiability is concerned with the ability to determine who should be praised or criticised for policy outcomes (sometimes we will not be able to

exactly pinpoint who was responsible, so we act as if someone can be held responsible, which those involved accept). Openness refers to the availability of information and the need for an open conduct of governance. Secrecy may be defensible in cases where openness would impinge on political judgement or endanger the operation of the system of governance and the existence of the political community. Yet in such cases any decision should be based on the judgement of citizens.

Tsakatika correctly states that the EU system of governance shows important limitations regarding all three aforementioned requirements. It is characterised by horizontal and vertical complexity, networks and bargaining behind closed doors. The current system of checks within the EU is quite dense and the technical nature of many issues and the various complex decision-making procedures still conceal much of what is going on. These trademarks, Tsakatika argues, can be traced back to the views propagated by Jean Monnet. Monnet wanted to avoid political squabbling and opted for technocratic governance as a legitimate means to yield efficient, independently formulated policies based on expertise and merits.

Identifiability and forum are the most problematic aspects of European governance. It is often difficult to determine who is involved in policy-making and how. Furthermore, actors do not always accept responsibility for their functioning at the European level. The European forum is weakly developed and lacks common standards and intermediate structures. National forums do not represent a solution as they are bound by national perspectives, which is problematic in terms of European issues. According to Tsakatika, the result of recent treaty changes has been mixed in terms of improving this situation. While on the one hand attempts have been made to simplify procedures, clarify competences and improve checks, novelties such as a semi-permanent European Council President and a double-hatted High Representative will increase complexity.

While Tsakatika's assessment of the problems of European governance is quite accurate, there are a few shortcomings that should be mentioned. For one, the reader never gets a proper insight into what a European moral community might look like. The aforementioned references to transparency and environmental norms only paint an incomplete picture and although the institutional requirements outlined above can apparently help to stimulate the advance of such a community, it remains unclear to what extent. Furthermore, more examples from the practice of European governance rather than the process of treaty revision might have better illustrated the challenges facing the EU and the possible options for dealing with them. Also, it does not become clear how trade-offs between the different conceptions of legitimate governance come about. For example, how does an increase in responsibility – and, in essence, more citizen involvement – correspond to efficiency?

Overall, *Political Responsibility and the European Union* presents the reader with a new and essentially interesting analysis of part of the Union's democratic deficit. One drawback is that it is packed with various concepts and ideas which sometimes reduce the readability of the text. The book may be aimed at 'specialists and postgraduate students', but they too may lose track of the argument now and then. On the other hand, chapters three to five present an overview of some of the main obstacles of legitimate European governance and of the attempts to overcome them which is accessible to a much wider audience. All in all, Tsakatika shows that the important debate about the EU's democratic credentials is still very much alive and continues to deserve the attention of scholars and politicians alike.

Book Review

Timothy Lyons (2008)

***EC Customs Law*, 2nd edition**

Oxford: Oxford University Press

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This is a well-documented law book. As a reference work to be consulted for specific issues, it will be of interest to all those concerned with trade law and with the operation of the customs union. The author does not try to evaluate the customs regime of the EC, but to explain its various elements from a legal point of view.

The book has 14 chapters. In the first three chapters, the author highlights the interaction between EC customs law and both international law and EC law. In relation to international law, he argues that the ever-expanding international agreements must always be borne in mind in considering both the validity and the interpretation of EC customs law. Most of these agreements, however, do not have direct effect in the EU. In relation to EC law, the author ascertains, through a detailed legal analysis, that the EU sets the laws of trade, and customs duty in particular, in a broad social and economic context. The fourth chapter is devoted to the legislation and administration of the EC customs union. The author explains the amendments to the Customs Community Code and the Implementing Regulation since their introduction in the early 1990s. As both national customs authorities and the Commission play an important role in the customs duty regime, he stresses the need to ensure that the different customs administrations of the EC work as one.

The next nine chapters each concentrate on the study of one of the most important issues in customs law: the common customs tariff; international arrangements and agreements; the origin of goods; the valuation of goods; customs entry and declaration; customs procedures and approved uses and treatments; inward and outward processing; customs debt and reliefs from duty; and repayment, remission, and appeals. In each of the chapters, the author gives a definition of the elements involved and explains how they are dealt with in the EU. The definitions always take into account not only EC customs law, but also the related international agreements. In explaining how it is dealt with, the author always distinguishes between the role played by national customs authorities and the Commission, and describes the cooperation mechanisms that have been established between these actors. All the chapters are precise and well documented. There is no attempt to analyse the costs and benefits of each procedure or to compare the different procedures, and there are hardly any examples.

The last chapter, entitled “Planning the Future”, highlights that EC customs law development will continue. The author bases his conclusion on the Commission’s action programmes on customs and the changes and challenges that e-commerce and the introduction of new high-technology goods may represent. This chapter is very short: one would have appreciated an attempt to give a summarised picture of the customs regime linking the different issues treated in the previous chapters.

The main message of the book is the importance of EC customs law to ensure that the customs union, established ahead of schedule in 1968, is fully effective. At a time when lower tariff levels are reducing the significance of customs authorities as collectors of duty, their role as overseers of the Community's international trade acquires a new importance. EC customs law has had to adapt to new demands at both ends of the custom trade-off between trade facilitation and security. Much work has been done on developments such as "centralised clearance", "single window", "the one-stop-shop", the authorised economic operator and on entry and summary declarations. Yet safety and security concerns such as the fight against counterfeit goods, money-laundering and drugs, the application of sanitary, health, environmental and consumer protection measures have meant that the activities of customs administrations have by no means decreased in spite of the reduction of duty rates.

Like its first edition, Lyons' work is a welcome contribution to the body of literature on EC law. It is well researched and is the most comprehensive and updated book on EC customs law available. However, do not expect an easy read: this is a legal book that can only be used as a reference book by non-lawyers. I do not share the expectation of the General Editor, Professor F. G. Jacobs, that this book will appeal to a wider readership. To appeal to all those concerned with trade, the book should have aimed to be more pedagogic. For example, a conclusion at the end of each chapter and real case examples of customs union procedures in the EC, linking the concepts presented in the various chapters, is sorely missed. To appeal to political scientists, a chapter on the relationships between national and European administrations would have been helpful. It is true that the author stresses the need to ensure that the different customs administrations of the EC work as one, and describes the cooperation mechanisms that have been established between these actors. However, he does so in a rather piecemeal way and there is no analysis of how the relations work in practice.

Last but not least, this book, like its first edition, lacks a common line of argumentation. Although the editor praises the author for his efforts to place customs law in its broader context while never losing sight of the wood for the trees, one cannot find an analytical line of reasoning underpinning the different chapters of the book. This is the main reason why this book can be better catalogued as descriptive rather than analytical as far as non-lawyers are concerned.

Book Review

Niamh Moloney (2008)

***EC Securities Regulation*, 2nd edition**

Oxford: Oxford University Press

Željko Šević

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The volume published in a highly acclaimed *Oxford EC Law Library* is certainly a comprehensive and authoritative source for the study of EU securitisation law and regulation. The book focuses not only on the most important EU regulations in the area of securities and security industry, *i.e.* financial services, but also on the less known sources and interpretations, including the positive practices. It presents in a highly comprehensive manner the 2003 *Prospectus Directive*, 2003 *Market Abuse Directive*, 2004 *Transparency Directive*, and 2004 *Markets in Financial Instruments Directive*, as the main legal sources, but also looks at the far-reaching and, at the time of its launch, somewhat radical EU Financial Services Action Plan.

The volume is organised in eight parts focusing on: Capital-raising, Collective-investment schemes, EC investment services regime, Trading markets, Market abuse and the Institutional structure of EC securities regulation. These eight parts comprise 14 chapters, most of which make the part on 'EC Investment-services regime'. The book begins with a very well written and extremely useful introductory chapter outlining in a very simple manner the nature and development of EC, *i.e.* EU, securities regulation. Like in all texts in good Anglo-Saxon tradition, a list of cases is prepared, and in this case a fairly good list covering the judiciary practice at European level. As the EU legal system is largely a hybrid model, it will prove useful to legal practitioners and scholars hailing not only from the Common Law countries, but also those who were educated and/or practised in Civil Law countries.

In the introductory part, the reader will find a very good and informative discussion of harmonisation aspects of EU securities legislation and to what extent it can really be a common weal within the EU economic space. The important Lamfalussy Report is also discussed, but within the larger framework of the Financial Services Action Plan (FSAP). It is emphasised, rightly, that EU/EC securities regulation should provide some harmonisation, but not necessarily hamper regulatory competition. Harmonisation should also lead to better regulatory cooperation and ensure that the risk challenges of modern times are met by the EU regulators. Better regulation is a must, and also a major challenge in implementing the post-FSAP agenda.

The focus of the volume is, as its very title says, the EC securities regulation, but the author goes, in our view, well beyond the classical coverage and discusses, fairly successfully (for a lawyer) the issues of financial reporting and the EU-wide adoption of International Financial Reporting Standards (which are replacing the International Accounting Standards) by the EU from 2005. The cover of accounting aspects is not very detailed, but it is presented in the chapter focussing on the 2004 Transparency Directive, and the dichotomy offered: periodical reporting and *ad hoc* disclosure. The author also offers an extensive study of the 1985

Undertakings for Collective Investment in Transferable Security (UCITS) Directive, giving a good background to the EC regulatory capture in the area and main reasons behind the Commission actions. The author rightly focuses on the current shortcomings of the older directive and emphasises that many of the regulatory requirements may not survive the test of the risk-based regulatory approach that has been enforced in most recent times. In the same part, the author also touches upon the prudential regulation of investment services, and also later the protective regulation and the role of gatekeepers.

The author also looks at the settlement systems, which has been labelled in the EU securities legislation as 'post-trading systems'. Any post-trading (securities-settlement) system is designed to transfer ownership over the security from a seller to the buyer in return for payment. The transfer has to be economical (controllable and acceptable transaction costs) and also trusted (or trustworthy) in its social reputation. The author claims that the settlement risks call for closer supervision, as clearing and settlement risks are vulnerable to systemic risk and are subject to supervision in the form of risk-management controls designed to ensure their stability and integrity and shore up confidence in the market-place (p. 861). The author in this matter goes somewhat beyond the study of EC regulation and looks at the national structure and national practices of Central Securities Depositories (CSDs), which play a second-to-none role in the settlement of securities transaction. This extension is also followed by *stricto sensu*, not a legal but public policy discussion of policy development in this area. The story begins with the Pre-FSAP 1998 Communication on Financial Services, and finishes with the current deliberations on regulatory capture by the EC in this rather important area of economic life. The Giovannini Barriers (*i.e.* Giovannini Reports) and the Parliament's 2005 Van den Burg Resolution have also been presented and used for explanations in issue building in the EU public policy process. In this context, the author also looks at the current policy tensions and for instance, the development of the 2006 Industry Code of Conduct and the 2004 ESCB-CESR Standards, developed by the European System of Central Banks and the Committee of European Security Regulators.

The book also considers the 2004 Market Abuse Directive (MAD), which is a key FSAP measure and was one of the first bigger successes of FSAP. The author rightly focuses on the issues of market abuse, as this is one of the issues that are very topical for the very essence of the existence of the EU, as a community promoting free movement of people, goods (and services) and capital amongst the member countries. The abuse of markets creates a systemic inefficiency and, in a longer run, leads to (systematic) market failure. Again, the very analysis of the MAD is comprehensive: it starts with the initial deliberations in the preparation process and finishes with the analysis of the future development in this area, in the times of Post-FSAP.

Whilst parts 2 to 6 are most likely to be of benefit to legal scholars and practitioners, parts 1 and 7 (the introduction and the last part of the book) will certainly attract the attention of those readers who may come from other backgrounds, but are interested in particular aspects of EC security regulation: practising and academic accountants, financial services specialist and academics, (economic) regulators, etc. Part 7 discusses in great detail the rule-making structure within the EU, and what may be (or rather is) the inter-relation between the EU bodies and the corresponding bodies in the member states. Focusing on an important Lamfalussy report, the chapter offers a good overview of the development of and practices of EU regulatory institutions.

This is an exceptionally well-written book that will not only satisfy the expectations of even the most requiring (legal) practitioner and/or scholar, but will also be well-received by students and those from non-legal backgrounds who may be interested in financial services and particularly in EU securities regulation. The book has been written with the rigour of a (research) monograph, but is also a very good compendium of EC securities regulation that

would find its place on the practitioners' desks and academics' bookshelves. Certainly, this is a book that one would expect to be widely used. It is likely to have many future editions, especially when considering that the EC/EU is widening its regulatory capture. This book captures incredibly well the past, present and future of EC/EU securities regulation, a feature that very few texts may boast of.

Book Review

Stephen Wall (2008)

A Stranger in Europe: Britain and the EU from Thatcher to Blair

Oxford: Oxford University Press

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Beginning in 1982 with arguments over the British contribution to the EC budget and ending in 2004 with the negotiation of the EU constitutional Treaty, *A Stranger in Europe* describes and analyses the substantive and political problems in 'wrestling' with the institutional changes implied by Treaty Reform from the Single European Act (SEA) onwards. It seeks to 'paint a picture' of the issues affecting UK prime ministers and their French or German counterparts and, subsequently, account for why they took certain decisions. In the preface, Wall states clearly what the book is not: an extensive political history, an exhaustive story of civil service life, or a juicy blow-by-blow account as others have dared write. Despite some of the constraints imposed by the Official Secrets Act, the book is, nonetheless, a highly personal, 'worm's eye view' of politics, negotiation and decision-making inside government, drawing on 35 years inside the British Diplomatic Service.

There can be few more qualified to trace the development of the UK's position in Europe, for Wall is certainly no stranger to it. From 1983 onwards, he filled numerous posts, including five years at the European Communities Department of the Foreign Office and five years as the UK's Permanent Representative to the EU, interspersed with roles as private secretary to several foreign secretaries (Howe, Major, Hurd) and ambassador to Portugal. Overall, Wall spent 10 years as Private Secretary. Until 2004 he headed up the European Secretariat of the Cabinet Office, acting as Tony Blair's senior adviser on the EU.

Wall was encouraged to write the book by Professor Anand Menon of the University of Birmingham, and given access by the Foreign and Commonwealth Office to documents of the period. The title mirrors *A Stranger in Spain*, written in the 1950s by H. V. Morton. The chapter titles, from 'The Start of a Trouble Relationship' (chapter 1) to 'Success Turned Sour' (chapter 7), give a clue that things might not bode well. If the first eight chapters offer a more or less linear trajectory, with five chapters on Thatcher, two on Major and one on New Labour (perhaps the least interesting pages), then chapters 9 and 10 offer a more critical reflection on how the British government's European policy is actually made, and how the term 'Stranger in Europe' can best be understood historically.

Chapter 9 is highly informative in explaining the complex Whitehall set-up, explaining the functions of Private Secretary, Private Office and the European Secretariat in the Cabinet Office. In Wall's experience, while the textbooks may describe policy-making as ordered, logical, rational and predictable, it is actually extraordinarily, complex, changing and reflective, taking place against an inherited view of 'the national interest'. Here, Wall discusses the distinctive features of the British civil service – its apolitical nature, passion to

share information and coordination among officials and ministers. Structures have changed since the 1980s: the elaborate system of official-level committees meeting regularly under the chairmanship of the European Secretariat is no longer hierarchical, while British embassies in EU countries, foreign ministers meeting as the General Affairs Council, and ambassadors within COREPER all perform a diminished role. Though the Foreign Office and Ministry of Agriculture are supposedly pro-European, “no unless” is the common response from Whitehall departments to any proposed EU legislation, compared to the “yes if” response of many EU partners – because suspicion does not need to be taught: ‘it is rooted in our national psyche, the psyche of an island nation which has lived by resisting Continental encroachment’ (p 200).

Wall is convinced that Britain should play a positive role in Europe, but flags up the seriousness with which it has long taken its EU obligation – into the 1990s, with Denmark it had the best record of faithful implementation, and remains rigorous in transposition. Influence may be less about institutional structures, however, and more down to personalities and their ability to calculate what is best for Britain. In this regard, the book is alone worth reading for the portrait painted of Thatcher: she is highly colourful, expressionistic, stubborn, bloody-minded, unsympathetic, domineering, finger-pointing, whisky-swilling, rumbustious, uninvincible, tactical, sceptical, immoral and blame-seeking. Yet she is also trident, instinctive, tough, pragmatic, ideological, emotional, ferociously energetic and intransigent, a believer and, importantly, a self-believer. She is capable of being condescending (towards Delors’ predecessor, Gaston Thorn), admiring but sceptical (of Mitterrand and not of Kohl), fearful and hostile (of German resurgence), myopic (concerning the greater forces favouring unification), ill-judging (of the potential for EMU) and deeply mistrusting (of the Foreign Office as well as the whole Brussels machinery). In the final years, she is running out of rope, capable of tears of rage and humiliation, reckless, isolated, alienating, unreasonable, irritating, prejudiced, but always resilient. In short, she was a highly-skilled politician. Notably, the Thatcher Foundation did not object to the book’s publication.

Wall offers political scientists a fascinating and subtle insight into the art of negotiation, by meticulously recounting the skilled gamesmanship of Britain’s PMs when confronted with dead-ends, red lights and *impasses*, and illustrating their ability to manoeuvre when the odds are against them (Major on the social protocol), or seizing the moment and deciding to settle (Thatcher on the budget). The chapters build up a narrative that snakes through Fontainebleau, Bruges, Milan, Maastricht, Amsterdam and Nice, taking in the CAP debate, 1984 budget rebate and 1988 fateful speech, the supposed ‘game, set and match’ of Maastricht and subsequent political peddling. The book gets under the prime ministerial skin, with invaluable anecdotes and titbits about the trials and tribulations, strategies and struggles of respective leaderships - essential reading for those hooked on the long-running political soap opera that is Britain’s membership of the EU. Hugely valuable in an academic sense, it is also entertaining in its character studies. In terms of intelligent and revealing insight into Britain’s (little) evolving position on Europe, if *Yes Minister* provided slices of comedic bread, *A Stranger in Europe* serves up copious dollops of academically-nutritious filling.
