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journal of contemporary european research

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Co-decision in the European Parliament: Comparing Rationalist and Constructivist Explanations of the *Returns* Directive

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Abstract

This study uses rationalist and constructivist explanations of co-decision in the European Parliament (EP). It seeks to understand the change in the policy preferences of the EP during negotiations on the 'Returns' directive – dealing with the voluntary or compulsory return of irregular immigrants. This article shows that the introduction of co-decision contributed considerably to the EP's change of stance on immigration policies. A long-standing advocate of civil liberties in the Area of Freedom, Security and Justice (AFSJ), the EP was expected to raise the standards of protection for third-country nationals. In view of the inability of the EP to construct a more liberal policy, the study uses two institutionalist approaches to understand why the EP was unsuccessful in raising the standards. Therefore, the approaches aim at identifying the logics and layers of change. The empirical application of the models highlights the necessity to integrate rationalist and constructivist understandings of co-decision in order to understand motivations for policy change. Synergies in the direction of change also point to the importance of institutional motivations, in order to understand major changes in the policy preferences of the EP.

Keywords

Co-decision; European Parliament; Returns directive; Rationalism; Constructivism; Justice and Home Affairs; Irregular migration

IN 2008, THE AGREEMENT ON THE *RETURNS* DIRECTIVE (EUROPEAN PARLIAMENT and Council of the European Union 2008) caused scandal both inside and outside the EU (Acosta 2009a). The directive seeks to harmonise the conditions determining the voluntary or compulsory return of third-country nationals (TCNs) staying irregularly on the territory of Member States. The final text was seen by many human rights advocates and third countries as a restrictive alternative to facilitating expulsions (Amnesty International 2008; ECRE 2008). The outcome was especially surprising because it was the first text on irregular immigration decided under the co-decision procedure – giving equal powers to the

European Parliament (EP) to amend and decide legislation. Given that the EP had, until that point, portrayed itself as a clear advocate of human rights and civil liberties (Papagianni 2006: 249), such an outcome was seen as a major U-turn in the position of the EP, particularly for its Committee on Civil Liberties and Justice and Home Affairs (LIBE).

Indeed, until 2005, there had been a clear opposition between the EP and the Council of the European Union (Council) in policy matters (Maurer and Parkes 2005). The Council had adopted a restrictive view on internal policies, especially since the terrorist attacks of 11 September 2001 (Geddes 2003; Kostakopoulou 2000; Uçarer 2001). The EP, on the other hand, had maintained more liberal views on the Area of Freedom, Security and Justice (AFSJ), persistently requesting higher civil rights standards (Guiraudon 2000; Maurer and Parkes 2005). There was therefore an expectation that, under co-decision, the EP would strive for a more liberal understanding of migration issues at EU level. However, the *Returns* directive confounded such expectations, because of its restrictive nature and the wide room for manoeuvre left to Member States (Baldaccini 2009; Acosta 2009b).

In view of the change in the policy preferences of the EP, the article examines the impact of co-decision on the formulation of such preferences. In this sense, the *Returns* directive offers a good starting point to analyse the impact of co-decision, because it was among the first directives to be negotiated just after the change in the decision-making rules. The AFSJ has evolved from a purely intergovernmental policy area under the Treaty of Maastricht (in the form of the third pillar) into a progressively *communitarised* area. The Treaty of Amsterdam provided for the partial transfer of internal policies to the first pillar (excepting police and judicial cooperation in criminal matters). However, this process of *communitarisation* was subject to a transitional period where the old intergovernmental decision-making rules applied. Therefore, it was not until 2005 that most first pillar issues (family law and regular immigration excluded) were effectively decided by co-decision with the EP and qualified majority voting (QMV) in the Council. It should also be noted that, since the change of procedure occurred during the same parliamentary term, the members of the LIBE Committee remained the same. Thus, it is an ideal occasion to bracket off the change of individual preferences and focus on the impact of co-decision alone.

The article aims to examine different logics of change, namely to maximise the number of explanations that can help us understand how and why the EP agreed to a text that was apparently opposed to its traditional policy preferences. In order to tease out these different logics of change, the article engages with two theoretical models – rationalist and constructivist approaches to new institutionalism. The two models seek to explore a maximum number of explanations in order to identify the different layers and mechanisms of change in the EP's policy preferences (Rittberger 2003: 12).

Bringing different approaches to new institutionalism can present serious ontological and epistemological challenges. However, the need for empirical research that transcends abstract theoretical debates has been underlined by proponents of both approaches (Checkel and Moravcsik 2001; Jupille *et al.* 2003: 16). Thus, this article attempts to investigate the assumptions and propositions of both approaches in order to explain the impact of decision-making rules on policy preferences. Such an enterprise can bring to light different mechanisms of change operating at different layers. Adding a constructivist approach to the more traditional rational-choice understanding of co-decision reveals tensions and synergies between mechanisms and provides a more complete understanding of the motivations guiding actors during processes of institutional change.

In this sense, although reference is made to these issues, the study does not seek to explain the final text, namely why the directive was closer to the Council's preferences than to the EP's, or the content of the preferences. It is an attempt to examine the impact

of co-decision on the policy preferences of the EP. In order to show the different motivations for change and conceptualise its layers and mechanisms, the first section of the article introduces the two theoretical models. Then, it proceeds to describe what happened during the negotiations. Finally, it applies the two models to the case study in order to explain how and why change occurred. The models show that, while rationalist approaches explain how change occurs, constructivist approaches identify more fully the motivations driving the change.

Co-decision in theories

Co-decision has engendered an increasing amount of academic attention in the last decade, but the volume of research has not always brought more clarity. The way co-decision is examined varies greatly, not only between different theoretical perspectives, but also among authors using the same theoretical approach. Due to its formal structure, decision-making has been studied mostly from a rational-choice perspective. Most authors have examined the legislative side of co-decision – especially inter-institutional relations – through formal models, often using game theory (*e.g.* Tsebelis and Garrett 2000; for a review, see Dowding 2000). However, these models have often been criticised for their lack of empirical resonance (Aspinwall and Schneider 2000; Crombez *et al.* 2000; Jupille *et al.* 2003; Judge and Earnshaw 2008). Other legislative studies examining the internal politics of the EP have focused on voting behaviour, mostly using roll-call votes and thus focusing on the EP plenary as their object of analysis (*e.g.* Hix *et al.* 2009; Thomassen *et al.* 2004).

Given the diversity and variations in focus of existing research, it is difficult to choose one specific theoretical model to explain decisions made under co-decision, be it rationalist or constructivist. Most authors attempting to contrast or compare institutionalist approaches have opted for adapting their respective assumptions to their dependent variables (Kreppel and Hix 2003; Lewis 2003). Similarly, two models of co-decision have been developed here, based on rational-choice and constructivist assumptions that can explain why the EP modified its policy preferences. Like Kreppel and Hix (2003), the article will only draw on very schematic assumptions of each theoretical perspective in order to simplify the explanations and use the comparison heuristically.[1] However, in order to understand the alteration in EP preferences, the models of co-decision used in this study look at both inter-institutional relations and internal EP politics. Also, given the importance of committees in the functioning of the EP (Neuhold 2001; McElroy 2006; Bowler and Farrell 1995; Burns 2006; Settembri and Neuhold 2009a; Whitaker 2001; Yordanova 2009), committees – and not individual Members of European Parliament (MEPs) – are the unit of analysis, with a foray into political groups' behaviour when necessary to understand how and why change occurred.

Rational-choice institutionalism: a bargaining model

Rational-choice assumes that co-decision is a formal procedure where rational actors calculate the costs and benefits offered by the formal rules of the game in order to maximise their preferences (Häge and Kaeding 2007: 346). Whether actors are individuals or institutions treated as a whole, there is an underlying individualist ontology, whereby the agent is the centre of attention and drives the political process. Therefore, actors follow a logic of consequentiality, where their actions are guided by a rational evaluation of future consequences.

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[1] More complex models may be found for instance in Napel and Widgrén (2006) or Rittberger (2000). However, their understanding of preferences and behaviour are less clear-cut and become closer to constructivist premises (Kreppel and Hix 2003: 79).

Table 1: Rationalist model of co-decision

	Rationalist model of co-decision
Ontology	Individualism: agent-centred
Logic of action	Logic of consequentiality: cost-benefits analysis; maximisation of preferences
Preference formation	Exogenous: re-election as the main objective
Nature of institutions	Constraining effects; emphasis on formal rules
Mechanism	Bargaining: formation of winning coalitions

Source: author's own elaboration.

In order to simplify the model, it is assumed that actors have exogenous preferences – *i.e.* their preferences are formed outside the EU institutions – and that these preferences do not change substantially during negotiations.[2] Since the main objective of political actors is re-election, it can be assumed that their preferences and interests depend on the national political arena, rather than on their success inside EU institutions. Thus, the preferences of Member States are formed at the national level and then uploaded in the Council (Moravcsik 1993). In the case of the EP, given the second order nature of EP elections, it can be assumed that MEPs will ultimately depend on re-election at the national level. In consequence, it is assumed that MEPs will be first and foremost concerned with maximising their policy preferences, rather than looking for a collective gain in the form of institutional power. Under co-decision in particular, where the EP enjoys as much influence as the Council in inter-institutional negotiations, there is no need to push for more institutional preferences, and actors can focus on policy objectives instead.

Institutions constrain the actions of individuals and change their cost-benefit calculations, but do not influence how they perceive the world or their underlying values and ideas. In consequence, rational-choice looks at co-decision as a game through which the EP tries to maximise its preferences. The final veto power and the chances to amend legislation given to the EP – all with different voting majorities – will shape the opportunities offered to the EP when attempting to maximise its preferences during negotiations.

However, the rules are modelled in slightly different ways. Some, like Napel and Widgrén (2006: 132), assume that it is not rational for actors to accept a sub-optimal agreement before they have exhausted the three rounds of negotiation. Others point at the conciliation procedure as an *ex post* veto that casts a shadow over the whole procedure. Hence, the EP can maximise its preferences without the need to exhaust the three readings; the shadow of conciliation – where positions are entrenched and failure close at hand – give the EP an opportunity to set the agenda at earlier stages of the process (Shackleton 2000; Shepsle and Weingast 1987). However, given that the EP is historically more integrationist than the Council, the model also assumes that the EP will prefer a sub-optimal outcome to no agreement at all (Kreppel and Hix 2003: 81).

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[2] For a more complex understanding of endogenous institutional change from a rational perspective, see Greif and Laitin 2004.

Preferences are maximised by bargaining in order to form winning coalitions. Given the individualist ontology of rational-choice, the model treats the Council and the EP as individual actors when they negotiate with each other. However, given that the objective of the study is to explain the change of policy preferences in the EP, the article disaggregates the position of the EP and analyses bargaining in committee. In this sense, it is assumed that MEPs sharing similar preferences and objectives aggregate interests by organising themselves in political groups (Kreppel and Hix 2003: 80). These groups represent the Left/Right ideological spectrum, rather than national interests (Hix 2001).[3] Consequently, rational-choice looks specifically at the policy preferences of political groups in EP committees – while taking the Council's preferences into account, in order to understand why a specific set of policy preferences was chosen. In this sense, it emphasises strategies of bargaining and formal rules, such as voting majorities, as a mechanism for change in the policy preferences of the EP.

Constructivism: an institutional misfit model

If it is difficult to find a rational-choice model explaining day-to-day inter-institutional decision-making, it is even more complicated to build on specific constructivist literature in order to offer an understanding of co-decision. Constructivist studies have mostly focused on the formation of ideas and norms, rather than policy-making. However, we can draw on some studies dealing with the Council and the Commission (*e.g.* Lewis 2003, 2005; Fouilleux *et al.* 2005; From 2002), as well as work done on Europeanisation (Börzel and Risse 2003) in order to conceptualise decision-making and policy change. Also, some authors have studied specific aspects of co-decision and the EP, and put an emphasis on the norms of behaviour and informal institutions (Shackleton 2000; Shackleton and Raunio 2003; Judge and Earnshaw 2008).

Table 2: Constructivist model of co-decision

	Constructivist model of co-decision
Ontology	Holistic: mutual constitution of agents and structures
Logic of action	Logic of appropriateness: norm-observance and self-restraint
Preference formation	Endogenous: influenced and changed in relation to social and institutional context
Nature of institutions	Constitutive effects; formal and informal norms of behaviour
Mechanism	Discursive entrepreneurship: misfit between institutional and policy paradigms

Source: author's own elaboration.

Constructivism makes the study of decision-making more complex. Its understanding of rules and actors renders it less adequate for formal models of decision-making. First of all, actors and structures are not fixed elements, but interact with each other; that is, actors

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[3] MEPs might dissent from the group line if they consider that an issue has direct implications for their constituency or if they receive pressure from their national party or government.

exist in a social context that gives sense to their behaviour and actions, but at the same time social actors can change the meaning and functioning of structures (Wendt 1987). Consequently, individuals cannot be analysed as independent actors aiming to achieve their own interests, but have to be considered as part of a larger structure. In this sense, it is possible to include more complex understandings of institutions in analyses of decision-making, namely not as individual units, but as holistic structures showing some collective rationality (Lewis 2003: 106). As a result, actors do not aim at maximising their own preferences by calculating costs and benefits and evaluating the possible consequences of their actions, but behave in a normative context that shapes their behaviour by indicating what is considered appropriate. The logic of appropriateness (March and Olsen 1989) renders some actions that might be considered rational unacceptable for the given normative context, thus not feasible in practice.

In co-decision, the principal norm of behaviour is consensus, both inter- and intra-institutionally (Shackleton 2000: 326). Inside the EP, the high majorities required both in committees and plenary, especially if Council and Parliament do not reach an agreement during the first reading[4], have been essential in internalising the need for consensus inside the EP. This has in turn developed into a greater use of informal channels for inter-institutional negotiations. Informal trilogues bringing a small number of actors together – usually rapporteurs, shadow rapporteurs, Commission and Council officials, plus the Presidency – are now formed at the very beginning of the procedure (Settembri and Neuhold 2009b: 144). In addition, they often seek to find an agreement at the earliest possible stage (Farrell and Héritier 2004; Rasmussen 2007). Therefore, actors might prefer to achieve a sub-optimal result, rather than breaking the norm of consensus and end up with no result at all.

The internalisation of the norm is deep, since during the last parliamentary term (2004-2009), 72 per cent of co-decision procedures were agreed at first reading, while only five per cent reached the third reading (conciliation) and none failed, a steep increase compared to 28 per cent of first readings and 22 per cent of conciliations during the previous term (1999-2004) (European Parliament 2009: 14). There is therefore a clear preference for avoiding conciliation, which is seen as a failure of the trust created by the "rules of engagement" developed under co-decision (Shackleton 2000; Shackleton and Raunio 2003). In this institutional framework, actors develop preferences that are not just given by exogenous interests, but respond to the social context in which they are embedded. In this sense, endogenous preferences can be affected by wider norms of behaviour that enhance or foreclose certain actions or strategies. Institutional norms can act as cognitive and strategic guides of behaviour by highlighting the relevant elements when making a decision and providing legitimacy to political action (Dimitrakopoulos 2005: 678). Constructivism also foresees the possibility of understanding preferences beyond the purely individual interest level. In this sense, it envisages the formation of collective purposes (Ruggie 1998: 33). This is particularly important in the case of the EP, where collective institutional preferences can be distinguished from those of specific MEPs or political groups. As Priestley (2008) shows, the EP has strived over the years to achieve more power and enlarge its prerogatives in the EU institutional framework. This overall objective is at the core of the institutional preferences of the EP and thus works as the normative point of reference. Obviously, policy preferences vary depending on the policy area and the saliency of the issue; however, in general, they will have fewer chances to succeed if they contradict this primary institutional interest.

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[4] During the first reading, amendments are accepted by a simple majority, while, during the second reading, an absolute majority of its constitutive members is necessary. After the conciliation committee, the agreement has to be approved by the majority of the votes cast in the EP. Also, there is no time limit to reach an agreement during the first reading, while the second reading is restricted to three months (although this may be extended to four months)

However, the institutional paradigm is not homogeneous. It takes different shapes under each decision-making procedure. For instance, under consultation, the EP has almost no power, since it can only provide the Council with an opinion; therefore, the main interest for the EP is to lobby or pressure for an extension of its powers. Under co-decision, this preference is translated differently, since the EP is already acknowledged as a co-legislator. There, the main aim is to behave *responsibly* in order to match the norm of consensus prevailing in co-decision. In this sense, the EP perceives the pursuit of inter-institutional consensus as the appropriate behaviour in order to make full use of its powers. Thus, it prioritises in its discourse and actions the necessity to behave in a *responsible* way towards the Council, even if this contradicts other forms of responsibility, such as the necessity to respond to and represent the citizens. As will be shown later, this notion of *responsibility,* equating to institutional maturity and norm-compliance, has been deeply internalised into the discourse of the EP and illustrates the importance and preponderance of a collective institutional preference.

Therefore, in those cases where the traditional policy preferences do not match the institutional paradigm, specific actors might seek to close the misfit. As a result, they try to minimise the differences between policy and institutional interests. By entering into a process of discursive entrepreneurship, they try to convince those who promote a policy option opposed to the institutional framework of the necessity to change their policy preferences. In consequence, specific actors – usually MEPs, speaking generally through political groups – use discourse to present an alternative policy option as a more legitimate solution, by underlining its resonance with the norms and values of the broader institutional context (Schmidt and Radaelli 2004).

A constructivist model of co-decision proposes a different understanding of policy preference change. Concentrating on misfits between the current policy framework and the wider institutional normative context, it examines processes of discursive entrepreneurship aiming at replacing the traditional policy preferences with an alternative solution that fits better within the predominant institutional norms.

The following section will draw a descriptive explanation of the *Returns* directive in order to situate it in time and explain how inter-institutional negotiations and debates inside the EP occurred.

The *Returns* directive

The *Returns* directive is one of the essential instruments in the construction of an EU immigration policy. Based on Article 63.3.b of the Treaty on European Community (TEC) (now Article 79.2.c. of the Treaty on the Functioning of the European Union (TFEU)), the directive is framed as an instrument to deal with the after-effects of irregular immigration. Its main objective is the harmonisation of conditions determining the voluntary or compulsory return of TCNs staying irregularly on the territory of Member States, including the return of rejected asylum-seekers. In this sense, a common returns policy is a very sensitive issue for Member States, since it affects their capacity to decide who enters and leaves the territory.

The sensitivity of the subject largely explains the slow progress of the negotiations. Although its origins can be traced back to the Tampere Programme in 1999 (European Council 1999: 26), its objectives were not fully defined until 2002 (European Commission 2002; Council of the European Union 2002). In spite of several attempts to put the matter on the Council table, the necessity to find unanimity made negotiations very difficult and proposals were watered down to a form of soft operational cooperation. Therefore, it was not until 2005 that the issue was proposed again.

On 1 September 2005, the Commission presented a *Proposal for a Directive of the European Parliament and of the Council on common standards and procedures in Member States for returning illegally staying third-country nationals* (European Commission 2005). Since it came after January 2005, the proposal was among the first to be discussed under co-decision. The proposal was more moderate than the previous Council proposals, but contained some controversial points, namely the *scope* of the directive (*i.e.* whether it should apply to individuals in transit zones or arrested at the border); the conditions for *voluntary departure*; the length and conditions of *re-entry bans* (forbidding the entrance of returned TCNs into Schengen territory); the extent of *legal aid* and the type of *remedies* (administrative or judicial); the possibility to *detain* TCNs during preparations for their removal from the territory and the length of detention; and finally the conditions determining the detention and expulsion of *unaccompanied minors*.

The EP appointed Manfred Weber (EPP-DE (European People's Party-European Democrats); centre-right) as rapporteur and designated the LIBE committee as the responsible committee. Due to the difficulty in reaching an agreement inside the Council, the dossier was shared by six different presidencies[5], which affected negotiations with the EP. For instance, the Finnish presidency (second half of 2006) was the first to present a compromise solution, but it was rejected by those Member States that wanted more flexibility in the rules (Council of the European Union 2007a). Finland was followed by Germany, which had no interest in a *Returns* directive and tried to dilute the agreement. The German proposal stalled negotiations, both inside the Council (Council of the European Union 2007b) and with the EP. It was therefore not until the Portuguese (second half of 2007) and Slovenian (first half of 2008) presidencies that some constructive negotiations took place.

Since the goal was to reach a first-reading agreement, the Portuguese and Slovenian presidencies used both technical and highly political trilogues to achieve several compromise proposals (Council of the European Union 2008a, 2008b, 2008c, 2008d, 2007c). The policy positions of these compromises varied widely: while the agreements discussed in February allowed for substantial concessions to the EP, the text drafted in March changed track and headed back towards a more restrictive position and offered fewer concessions to the EP (Peers 2008). A political agreement was eventually reached during April 2008, yet almost broken again in May, when the Council attempted to draft a new compromise to include more Member States in the agreement (Council of the European Union 2008e). Eventually, the political agreement was submitted as an EPP-ED amendment for the plenary vote that took place on 18 June 2008. The report was adopted as amended with 367 votes in favour (composed mostly by EPP-ED, ALDE (Alliance of Liberals and Democrats for Europe), and UEN (Union for a Europe of Nations; right-wing), 206 against (Greens, radical Left and part of the socialist group) and 109 abstentions (mostly delegations from the socialist group) (European Parliament 2008b) and ratified by the Council on 9 December 2008 with only an abstention from Belgium[6] (Council of the European Union 2008f).

The final text depicts a bittersweet picture for the EP. Out of the six issues that were intensively debated, four were closer to the position of the Council, while only in two cases was the EP partially successful in raising standards of protection for TCNs (Acosta 2009b). The first issue decided in favour of the Council concerned the *scope* of the directive – which does not offer any protection to those TCNs apprehended shortly after their irregular entry or who are refused admission at the border (Article 2). Although this

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[5] The United Kingdom during the second half of 2005, Austria and Finland in 2006, Germany and Portugal during 2007 and Slovenia in the first half of 2008.
[6] Denmark, Ireland and the United Kingdom did not participate in the vote due to their opt-outs from Schengen.

outcome clearly favours the preferences of Member States, it was also shared by the rapporteur (Interview 8).

Second, the Council was also successful in downgrading the option of *voluntary return*, since TCNs may end up having a very short time (or no time at all) to decide whether to opt for voluntary return. In addition, TCNs may be sent back not only to their countries of origin, but also to countries of transit (Articles 3§3 and 7§4). Third, member states are obliged to introduce a *re-entry ban* of up to five years (or longer if the person is considered a public danger) for those subjected to a forced departure; bans may also be issued to those who decide to return voluntarily (Article 11). Therefore, the incentives to choose voluntary return are very much reduced, while re-entry bans might reinforce irregular immigration (Baldaccini 2009: 9).

Finally, the EP was also unable to change the modalities of *detention*. Although the Commission proposal was more restrictive – since immigrants awaiting removal would have to be detained (European Commission 2007b, Article 14) – the current text still contains the possibility to detain individuals for up to 18 months, for which an administrative decision is sufficient (Article 15). Allegedly, the harmonisation of the detention period aimed at decreasing the length of detention foreseen in national legislation in some cases. However, in practice, the directive offers more chances to increase the length of detention than to shorten it (Acosta 2009b; Baldaccini 2009).

The EP was able to raise standards in two cases. The most successful modification provided for access to education and suitable institutions for *unaccompanied minors* (Article 17). Without the pressure of the EP, Member States would certainly not have included such provisions (Acosta 2009b: 35). In the second case – *procedural safeguards* – the success of the EP was more moderate. It introduced new provisions on free legal assistance, but these provisions depend on national conditions for legal aid. Additionally, the final version does not envisage an automatic *suspensive* effect during appeals. As a result, the decision to return an individual is not put on hold whilst it is reviewed and remedies are not necessarily provided by judicial bodies (Article 13).

In short, after a very long negotiation, the achievements of the EP were limited, especially in its attempts to raise protection standards. The directive is characterised by a high level of flexibility and discretion left to Member States. Thus, it is far from the traditional EP preferences, which originally aimed at raising protection standards.

Constructing coalitions or closing the misfit?

This section will build upon the previous outline of the directive in order to explain the change in the EP policy preferences using the two institutionalist models. By explaining the change using rational-choice assumptions first and constructivist ones later, this section aims to determine the layers and mechanisms of change, as well as the points of friction and synergy between them.

Rational-choice: constructing successful coalitions

As seen above, rational-choice institutionalism assumes that change occurs because EP political groups bargain in order to find a majority that will allow them to reach a compromise with the Council. It is also assumed that it is beneficial to the EP to maximise its interests in each reading by appealing to its *ex post* veto (the power to reject after conciliation). Therefore, the model needs to answer two questions regarding the case study. First, why did the EP accept a first-reading compromise; and second, why was there

a change in the EP winning coalition that ultimately produced a change in its policy preferences?

In order to answer these questions, it is first necessary to look at the traditional policy preferences of the EP in the area of migration before the change to co-decision. For this purpose, Hix and Noury's study (2007) analysing roll-call votes of legislation passed during the fifth EP term (1999-2004) on migration and integration issues is used to determine the position of the different groups. The study shows that positions were determined by political motivations (that is, liberal vs. restrictive outlooks towards migrants) rather than economic interests, which look at labour market competition in national constituencies. Besides, the political conflicts were situated in a Left-Right dimension, with left-wing groups being more liberal in migration issues while right-wing groups tended to be more restrictive. This can be translated into a distributional line showing the migration scores calculated by Hix and Noury (see figure 1).

Figure 1: Traditional policy preferences of the LIBE Committee in the area of migration
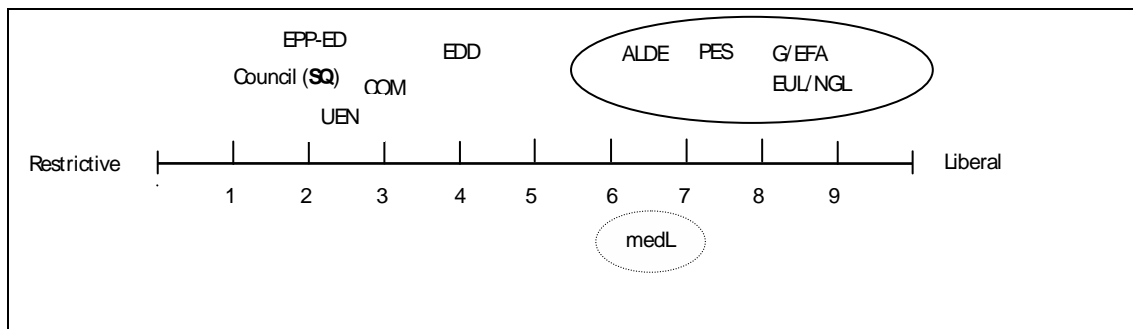
Source: figure based on Hix and Noury (2007: 192)

Abbreviations:

EPP-ED: European People's Party-European Democrats (Christian-democrats/conservative)
UEN: Union for a Europe of Nations (national-conservative)
COM: European Commission
EDD: Europe of Democracies and Diversities (anti-European)
ALDE: Alliance of Liberals and Democrats for Europe (liberals)
PES: Party of European Socialists (socialists)
G/EFA: Greens-European Free Alliance (green/regionalist)
EUL/NGL: European United Left-Nordic Green Left (radical Left)
medL: median legislator[7]
SQ: Status Quo

As the figure shows, the long-term coalition on migration issues was clearly left-wing (Hix and Noury 2007: 199). In the LIBE Committee, the left-wing coalition was even more pronounced, because right-wing groups such as UEN were almost absent. Therefore, it

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[7] The median legislator has been calculated with the migration score given by Hix and Noury, but with the members of the sixth parliamentary term in the LIBE Committee, since it is there that coalitions were formed. Non-attached members (three out of 59) have been left out of the calculation because they do not form a group with a coherent policy position.

could be said that the traditional policy preferences of the EP were clearly liberal on migration issues, with ALDE usually voting together with PES and the Greens.

As regards the Council, literature on the policy preferences of the Council on immigration shows a long-standing preference for restrictive measures (Samers 2004; Cholewinski 2000). Also, the initial proposals made by the Council on *Returns* exemplify the preference of the Council for minimal legislation, wide margins of manoeuvre for Member States, and a restrictive stance on irregular immigration (Council of the European Union 2002).

Under consultation, the Commission had to take into account the position of the Council rather than the EP's preferences, since it was up to Member States to find agreement. In this sense, under consultation, the Commission might have tried to insert some of the EP's preferences (Varela 2009: 10), but ultimately it had to propose a text that could be accepted by the Council (Schain 2009; Acosta 2009b). If one looks at the first proposal issued by the Commission on *Returns*, it is close to the preferences expected from the Council on irregular immigration (European Commission 2002).

Assuming that these preferences did not change with the end of the transitional period in 2005, we need to find an explanation for the results of negotiations on the *Returns* directive. The positions during negotiations can be illustrated as follows:

Figure 2: Policy preferences and EP coalitions in the *Returns* directive
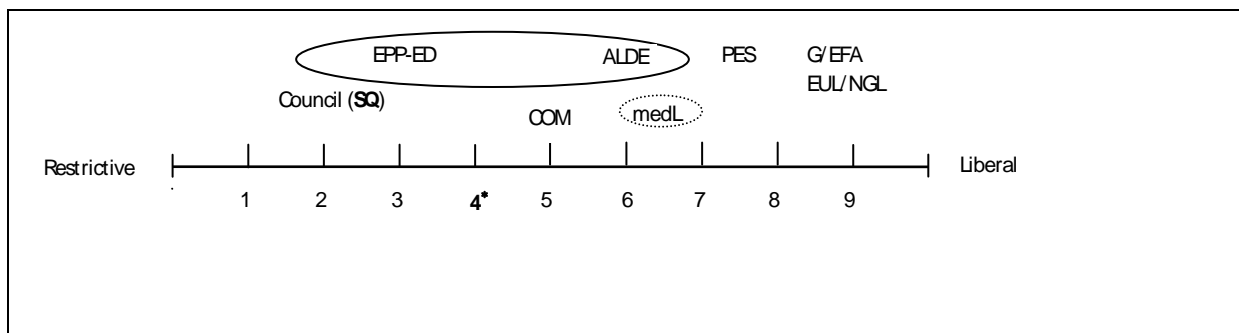
Source: Author's own elaboration

As explained above, the Council was very reluctant to have a *Returns* directive. Most Member States wanted as much flexibility as possible, and few were keen to extend the scope of the directive. The Commission took on a middle-ground position between the Council and the expected left-wing coalition inside the EP. In this sense, the Commission's proposal was clearly more liberal and offered more rights to third-country nationals than the final outcome (indicated with an asterisk in the graph (*)). During the negotiations, the EPP-ED took positions that were very close to the Council's, although it backed issues important to other groups in the EP, such as legal aid and the protection of minors (Interview 9). The position of ALDE was expected to be quite liberal. However, since the shadow rapporteur was on the right of the liberal group (Interviews 5 & 7), it may be assumed that her position shifted the overall group's policy slightly towards the (Council's) *status quo*. PES and Greens both shared a negative opinion of the directive, considering that TCNs should not be returned (Interviews 5, 7, 8 & 9).

In view of these results, it is important to explain why the EP did not push for a second or third reading (conciliation). Further negotiations might have given it further chances to

maximise its liberal preferences. It is also important to understand why a coalition between EPP-ED and ALDE was formed.

As seen above, the limitation to a first-reading agreement could be explained by the pro-integrationist stance of the EP. In this sense, although it might be a sacrifice for their policy preferences, groups in the EP might have preferred to achieve a sub-optimal result, rather than end up with no legislation at all. Using a more sophisticated model proposed by Rittberger (2000), it could be argued that the Council was more patient than the EP, thus pushing it to find an agreement before the end of the procedure. This is reinforced by the fact that, during the last stages of the first reading procedure, MEPs realised that the Council, and especially the incoming French presidency, might actually prefer not to reach any agreement and continue with the *status quo* (*i.e.* national legislation regulating expulsion practices), which convinced the EP of the necessity to accept a first-reading agreement (Interviews 1 & 8).

The reluctance of the Council and the lack of cohesion inside the EP can also explain the final outcome, much closer to the *status quo* and the Council's position than to the traditional EP preferences (König *et al.* 2007). In a split EP, the EPP-ED rapporteur used the threat of the French presidency to bargain for a winning coalition at first reading. In this sense, the EPP-ED can be seen as the agent of policy change, since it was not happy with the traditional preferences of the EP, too far away from its own preferred policy options. By using the pro-integrationist bias of the EP, the EPP-ED was successful in bringing the preferences of the EP closer to its ideal policy position.

The central position given to the EPP-ED via the role of the rapporteur was a key factor in its ability to build a winning coalition with the liberals. However, ALDE's inclusion in the coalition and the subsequent change of policy preferences opens up a new puzzle: what motivated ALDE to abandon a left-wing coalition that would have been strong enough to force a second reading? If one understands co-decision not just as a one-shot game, but as an iterative game, then ALDE's behaviour can be seen as a strategy to be included in future games. ALDE, being a smaller political group, was afraid of being left out from future coalitions in the AFSJ (Interviews 1 & 6).

Therefore, the rational-choice model emphasises formal motivations for the change in policy preferences. The threat from the Council not to continue negotiations if a first reading failed, combined with the pressure to form long-term winning coalitions in an iterative game, explains the mechanisms behind the U-turn in its liberal preferences.

Constructivism: closing a misfit between institutional and policy preferences

In contrast to rationalism, the constructivist model looks at how the policy preferences pushed forward by the majority of the EP resonate with a wider institutional framework. The long-standing fight of the EP for more powers and full inclusion in decision-making has been transformed into an institutional paradigm that regulates the success of other preferences inside the EP. When a misfit appears between the institutional paradigm (that is, institutional power as the primordial interest of the EP) and a specific policy preference, then the necessary conditions (Börzel and Risse 2003) appear. They open a door for policy entrepreneurs to enter into a discursive practice that will seek to convince others of the necessity to change the policy preferences of the EP.

As it has been explained previously, the EP institutional paradigm can take different forms depending, for instance, on the decision-making procedure. In the case of co-decision, the willingness to expand the influence of the EP translates into a promotion of institutional *responsibility* or obligation, since it fosters a feeling among MEPs that they have to behave

responsibly (or be *mature*) in order to be effective in inter-institutional negotiations. Indeed, such a perception resonates with the discourse used by actors involved in the *Returns* directive.

Being among the first to be decided under co-decision after the end of the transitional period in 2005, there was a general impression that the EP had to behave *responsibly* in order to be taken seriously by the Council (Angenendt and Parkes 2009; Parkes 2009). This was even more the case in the LIBE Committee, since under consultation inter-institutional relations had been conflictive and neither side was used to working together (Interviews 2, 5 & 6). Although it was acknowledged that both institutions would have to adapt to the new situation, the LIBE Committee entered very quickly into a co-decision mode by developing early informal contacts and imitating the instruments, such as trilogues, developed by other legislative committees (Interview 3). These practices were easy to import, since most MEPs sit in different committees and are therefore used to working with them in other policy fields, such as environment or industry.

However, the willingness to fit into the institutional paradigm – requiring *responsibility* and consensus in order to be fully effective under co-decision – uncovered a misfit between the required institutional behaviour and the policy positions of the EP on migration issues. The liberal positions of the LIBE Committee had previously never been a problem because they did not have an impact on the actual decision-making process. Since EP opinions were often disregarded (Kostakopoulou 2000: 498; Peers 2006: 26), the promotion of liberal positions did not contradict the institutional attempt to obtain more powers by extending the use of co-decision to the whole AFSJ. On the contrary, the liberal views held by the EP on AFSJ issues gave it a good reputation and a positive external image (Acosta 2009b).

Under consultation, the liberal views of the LIBE Committee were too far apart from the Council and did not help to create points of agreement. Also, the misfit did not only underline the distance between the policy positions of the Council and the EP, but also the need to adapt the behaviour that accompanied such positions. Opinions drafted under the consultation procedure were considered by some (especially those not sharing the position taken in the opinions) as "Christmas wish lists" (European People's Party 2009). LIBE opinions tended to adopt rather extreme positions and were especially critical of Member States' actions. On the contrary, under co-decision, the norms of behaviour and the formal structure of the procedure necessitated more moderate positions from all sides, tending towards the centre of the policy spectrum (Kreppel and Tsebelis 1999).

Therefore, with the change to co-decision, there was a misfit between the consensual behaviour that was required by the norms of co-decision, perceived by the EP as essential to consolidate its powers, and the confrontational policy positions characteristic of the LIBE Committee. This misfit was used by those groups that had been excluded from policy-making under consultation to change the policy position of the committee. The EPP-ED group principally entered into a process of discursive entrepreneurship where, by invoking the necessity to be *responsible* (namely, in order to be fully effective under co-decision), it convinced the other groups of the need to change their behaviour.

Even those further apart from the policy positions of the EPP-ED – such as the Greens – became engaged in negotiations (Interview 5). They left aside the old confrontational behaviour and tried to fit in with the behaviour that was expected from them. Those (such as the PES) that did not manage to change their behaviour, or those (such as the radical Left) that were unwilling to do so, were perceived as outsiders of the process and as *irresponsible* actors. The liberal shadow rapporteur, for instance, considered that the socialists pushed themselves out of the negotiations (Interview 6): the socialist shadow rapporteur would come back time and again with the same proposals, seen as unrealistic

by most and not suitable to achieve an inter-institutional compromise (Interview 5). Such a move was seen as a failure to adapt to the norms of co-decision, even inside the socialist group. For instance, a PES political advisor still regards the directive as a negative experience for the socialist group, unable to convince the other groups to include any of its amendments in the EP report (Interview 7). Indeed, the group even failed to find a common position inside the group, and a majority of socialist MEPs opted for abstaining during the final vote.

The use of discourse to legitimise the change of policy positions is especially relevant for ALDE's decision to form a coalition with the EPP-ED. Liberal MEP Alexander Alvaro (Interview 1) acknowledged that the directive was not completely to their liking, but it seems that the group saw the need to reach an agreement as a priority. It wanted to show that it could behave '*responsibly*' (Interview 6), even if it came at the expense of their policy preferences. There, the size of the group seems to have helped in convincing its members of the necessity to adapt. As mentioned above, the fear of being left out by the larger groups made its members more receptive. It convinced them of the necessity to change their position in order to fully participate in the negotiations. This unease resonated with previous co-decision negotiations in LIBE, where first-reading agreements had been encouraged by leaders of the larger political groups and had, as a result, marginalised ALDE in negotiations. For instance, the *Data retention* directive (European Parliament and Council of the European Union 2006) had been an institutional and policy learning curve, since the opinion drafted by the ALDE rapporteur, anchored in the traditional EP policy preferences, had been by-passed by the EPP-ED and PES political leaders. The latter considered that the LIBE position was too extreme and did not fit in with the image of *responsibility* they wanted to portray after the change to co-decision (Interview 4).

The Council also used the same discourse to try to change the behaviour of the LIBE Committee. Using the reticence of Member States towards the directive, they insisted that the EP had to show *responsible* behaviour and be a committed and serious partner in order to work towards a common agreement (Dragutin Mate in European Parliament, 2008b). Such discourses of the Council were in turn used by the rapporteur to convince the rest of the committee of the necessity to accept the first-reading agreement reached with the Council, even if it was far away from the EP's traditional policy preferences.

Therefore, the necessity to close the misfit offered a chance to those actors that had been previously marginalised from decision-making in the AFSJ to engage in a strategy of discursive entrepreneurship. By using discourses that resonated with the wider institutional preferences, they legitimated the policy change. ALDE being a comparatively smaller group was concerned about losing its voice under co-decision and therefore accepted the rules of the game more quickly, even if it came at the expense of its policy preferences. Those, such as the PES or the radical Left, which did not adapt their policy positions in order to fit in with the institutional paradigm, became outsiders in the process. Their behaviour was deemed to be unsuitable for the new rules of the game.

Conclusion

What does the *Returns* directive tell us about change in the policy preferences of the EP? First, it shows that, contrary to the period when consultation was the main decision-making procedure, the EP cannot be taken any longer for granted as an unconditional advocate of civil liberties and human rights. Certainly, outcomes are now less restrictive than when they depended only on a Council decision. However, they do not fit either with the liberal image portrayed by the EP and especially by the LIBE Committee under consultation.

The case study also highlights different layers of, and motivations for, change that respond to various theoretical approaches. The use of models helps in making explanations parsimonious. At the same time, they identify frictions and synergies between the different theoretical explanations. The empirical application of the models has maximised the number of explanations and in turn pointed at two important elements. First, the analysis identifies two different layers of institutional change: a formal layer derived from the textual application of decision-making rules and an informal layer appealing to broader norms of behaviour. Second, the models point at synergies between the layers. Formal and informal explanations reinforce the directionality of change, which renders the change in policy preferences easier and more legitimate.

In this sense, the rational-choice model has shown how the formal aspects of co-decision can explain the reasons behind the EP´s preference for a first-reading agreement, instead of pushing negotiations until conciliation. The fear of ending up with no text at all was powerful enough to prefer a sub-optimal outcome. Although it did not reflect the main preferences of the EP, it still managed to raise the standards vis-à-vis the *status quo*. It also shows that the role of the rapporteur was a key factor in building winning coalitions that ultimately favoured the position of the EPP-ED, much closer to the Council's *status quo* than the EP's traditional preferences.

On the other hand, the constructivist model offers an additional explanation, not only of how change in the policy preferences happened, but also of why it was so readily accepted by most political groups. It underlines the necessity to frame policy change in a broader institutional context filled with specific understandings and norms of behaviour. Only when policy preferences resonate and fit into this broader institutional context will they be seen as legitimate enough to become the mainstream preference of the institution. Therefore, once the liberal position of the EP on immigration issues began to create frictions with the prevailing norm of consensus, the liberal paradigm lost the legitimacy that it had enjoyed previously and started being seen as an obstacle. At that point, it was easy for actors willing to downplay the liberal tone of the EP to use institutional arguments in order to change the EP's position. They called for a more *responsible* and *pragmatic* behaviour that could ensure the trust of the Council and argued that only with more *"mature"* [*sic*] behaviour would the EP succeed in participating fully in those AFSJ issues subject to co-decision.

In consequence, rationalism and constructivism both have a place in studies of co-decision and more broadly in analyses of EU legislative politics. This article also shows that each theory might be more adequate for highlighting different logics and layers of change. While rational-choice institutionalism might be able to explain bargaining and coalition formation, as well as individual decisions, constructivist explanations might give us a better understanding of what makes certain choices acceptable or why specific coalitions and outcomes do not occur. In this sense, constructivism might provide the context and the depth that some rational-choice models lack, thereby complementing and challenging our acquired knowledge of EU institutions.

In terms of directionality, ALDE's behaviour exemplifies how rational-choice and constructivist explanations can reinforce each other by highlighting both formal and informal motivations for change. The fact that both layers point in the same direction (*i.e.* towards change in policy preferences) helps to understand why a U-turn in ALDE's priorities was possible and quickly achieved. It also explains why such a move was hardly contested inside the political group or by former coalition partners. In this sense, ALDE's willingness to be part of the winning coalition can be explained as a rational calculation in an iterative game; namely, since co-decision was the new rule of decision-making in the AFSJ, an early exclusion from bargaining could have had long-term consequences. The

change, however, could only be accepted and consolidated because it resonated with the new institutional norms of behaviour.

The fact that rational-choice and constructivist explanations move in the same direction highlight synergies with broader consequences. The primacy of institutional elements (both formal and informal) identified by both models has further implications for our broader understanding of EU decision-making and the role of the EP in it. Indeed, the empirical analysis confirms that institutional motivations are seen as more important by political groups than policy issues: when tensions between institutions and policies arise, the former take primacy. In consequence, frictions between institutional and policy preferences may have a substantial effect on policy outcomes. The need to push for more institutional power might come at the expense of full-fledged policy changes, which might have direct implications for the rights of those living in the EU.

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List of interviews

(1) Interview with A. Alvaro, MEP, January 2009.

(2) Interview with a European Commission official, March 2010.

(3) Interview with a European Parliament official, January 2009.

(4) Interview with a European Parliament official, March 2010.

(5) Interview with an MEP Assistant, March 2010.

(6) Interview with J. Hennis-Plasschaert, MEP, March 2010.

(7) Interview with A. Lemarchal, PES Political Advisor, March 2010.

(8) Interview with M. Speiser, EPP-ED Political Advisor, January 2009.

(9) Interview with M. Weber, MEP, December 2009.

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Anything But Arms? Perceptions, the European Union and the Arms Embargo on China

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Abstract

This article examines the debate that emerged in the European Union (EU) in late 2003 and ran to mid-2005 on the possibility of lifting the arms embargo imposed on the People's Republic of China (PRC) since June 1989. It seeks to offer a more nuanced explanation of the developments in the EU's arms embargo policy towards China than has been put forward in the existing literature to date, which makes assumptions about the motivations of certain actors. To do so, it examines how the perceptions of key policymakers in the EU and two of its Member States – France and the United Kingdom (UK) – influenced their positions in the debate. The article argues that an account focusing on the variation in perceptions between actors and consequently divergent policy preferences through close process-tracing of the development of the policy facilitates a more nuanced explanation of the proceedings of the debate.

Keywords

EU foreign policy; China; Arms embargo; Perceptions

THIS ARTICLE EXAMINES THE CASE OF THE ARMS EMBARGO IMPOSED ON THE People's Republic of China by the European Union (EU) since the Tiananmen massacre in June 1989. The debate that emerged in the EU between 2003 and 2005 signalled a divergence in policy preferences among Member States and also a divergence between the EU and the United States (US) on this issue. On one side were those who favoured lifting the embargo as a means to improving relations with China, while on the other side were those who retained concerns over China's behaviour domestically and internationally and wanted the embargo to remain. The announcement of the review was followed by a lengthy debate and, although consensus to lift was very nearly reached[1] (Barsych *et al.* 2005: 61), the attempt was eventually abandoned due to a variety of factors. The purpose here is to examine whether the perceptions of key actors influenced preferences on this issue and how the debate unfolded. By focussing on two Member States – France and the United Kingdom (UK) – that had the same starting position on the policy and espoused the same reasons for the ban in the first instance, but eventually

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[1] Author's interview with an EU policy official, Brussels, 28.05.2010.

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ended up on different sides of the debate, it will be possible to determine the impact of subjective perceptions on the evolution of policy preferences over time when faced with the same "objective" reality.

The case of the arms embargo is particularly interesting on two main fronts: as an example that highlights the complexity and difficulty of "EU" foreign policy-making and as an issue in the development of EU-China relations in the post-Cold War environment. Although there is now a small but growing body of literature on the arms embargo debate, this is still relatively limited. Within this, there has been little real consideration of the importance of perceptions - the study of which is already fairly well established in other areas of International Relations (IR) and its sub-discipline Foreign Policy Analysis. May-Britt Stumbaum presents perhaps the most in-depth analysis of the arms embargo debate to date, focusing on four independent variables: national parliaments, media and public opinion, business lobbies and external actors (Stumbaum 2009: 165). Arguably however, Stumbaum's emphasis on these actors to a certain extent masks the importance of the perceptions of key policy-makers (a factor which is implicitly hinted at throughout). Nicola Casarini (2009) provides another quality contribution on the embargo by examining the impact on EU-China relations, but again perceptions are not prominent in this work. This article seeks to demonstrate that the impact of perceptions on policy was substantial and deserves greater consideration.

France and the UK are particularly appropriate Member States to focus on in relation to this issue. In their own right, they arguably remain important international actors as permanent members of the United Nations Security Council (UNSC), as nuclear and economic powers, and as key players within the EU, particularly in the development of foreign policy. Both were quick to criticise the Tiananmen crackdown and supported the imposition of sanctions, but later diverged on their policy towards the embargo. Significantly, both have established defence industries with noteworthy international contracts and thus potentially stood to gain from lifting the embargo. France was the strongest supporter of the move and maintained its position throughout (and also after) the debate, whilst the UK was more hesitant in its support and eventually opposed the change of policy. Thus, the two represent the "rival" positions among Member States on the embargo. In the context of this article, these are appropriate selections: whilst France and the UK were faced with the same "objective" reality, the policy preference of the latter changed over time, whereas that of the former did not. This sets up an opportunity to explore the extent to which perceptions of external reality played a role in determining their respective positions. Although the article focuses on these two actors, considerations of others will be incorporated where conducive to furthering the analysis.

The article develops as follows. The next section outlines how "perceptions" are defined and operationalised within the rest of the article. The third section examines the background of the embargo and its development over time in order to facilitate an understanding of the developing context of the policy between 1989 and 2003. The article then traces the evolution of EU-China relations to determine why lifting the embargo became a priority in 2003. Subsequently, an examination of the progression of the debate highlights the issues at play and the content of arguments, which reveal which perceptions were most salient in policy preferences. The penultimate section seeks to explain the divergence in perceptions and policies. The final section returns to the central arguments of the article: even with the eventual "non-decision" – whereby the EU and its Member States avoided making a decision, instead opting to continue working towards lifting (Stumbaum 2009: 182) – the debate itself is of significance because it indicates that divergent perceptions of China and the utility or purpose of the embargo influenced Member States' policy directions. As such, the debate on the embargo can best be understood by highlighting the importance of the subjective perceptions held by key

players. The article also attempts to offer some insights into why the debate unfolded as it did since the existing literature addresses the content of the debate, but less so its origins.

Perceptions

Understanding how "perception" is conceptualised and utilised is necessary before any assessment of the embargo debate can be conducted. This section also explicates the concept of "perception" as an intervening variable by outlining the interaction with the independent variables and impact on the dependent variable (policy). Robert Jervis (1976: 7) argues in his seminal text *Perceptions and Misperceptions in International Politics* that the comparison of different actors' perceptions of another actor is linked to their different "ways of processing […] information, differences in pre-existing images of others or general views of the world, or differences in specific experiences". However, Jervis does not articulate a specific definition of "perception" within his work, thus it is necessary to turn elsewhere.

Richard Herrmann defines perceptions as cognitive manifestations (interpretations) of external reality, which guide the thoughts and actions of individuals within foreign policy-making structures (Herrmann 1986: 843) - a useful basis for a definition of "perception". However, the work of Rubén Herrero de Castro offers greater clarity in relation to how perceptions are formulated when he describes the perception process as "an integrative process whereby inputs/stimuli from operational reality are interpreted by actors as a result of the integration of those inputs and stimuli with the previous knowledge and ideas of the actor" (Herrero de Castro 2009: 26). This definition is useful as it places emphasis on the process of actors deriving information from their external reality and the fact that interpretation is filtered through a lens coloured by their prior experiences.

Based on these definitions, considerations of identity (self and others), interests, the condition of the external environment, and threat, are all rooted in actors' subjective perceptions. Perceptions are thus distinguishable from interests and preferences as the latter are shaped and developed by continual interpretations of the external reality; in other words, they are the product of perceptions. The importance of perceptions is often taken for granted in considerations of policy-making, largely due to the dominance of "rationalist" approaches in IR, which assume a tendency for the objective, accurate formation of perceptions. Yet differing perceptions held by actors in policy-making processes are potentially influential in decisions made. It should be acknowledged that other actors – such as the public, the media, lobby groups and external actors (*e.g.* other countries) – undoubtedly have a role to play in influencing the perceptions held by key decision-makers. However, the focus here is on how the perceptions of external reality that are held influence policy outcomes - and consequently whether shifting perceptions precipitate change in policy output -, not where these perceptions originate.

Perceptions of the external reality can be considered an intervening variable that influences the direction and shape of policies. At this point, it is useful to identify the independent variables that were critical in determining the policy of the actors (*i.e.* the dependent variable). The argument is that there were two "sets" of perceptions relevant to this debate, namely the perceptions of China and the perceptions of the US, whilst policy preferences were formed as a result of calculations based on the actors' contemporaneous perceptions within these two sets. In relation to China, this article concentrates on four main variables, which represent the issues at the heart of the debate: level of military threat (to EU or others); economic opportunity (for the Member State or the EU); importance of the EU's relationship with China; and human rights performance (internal threat). It is conducive to explore what is meant by each of these variables in more depth to facilitate understanding of how they are examined.

The concept of military threat is straightforward: policy-makers assess the extent to which China poses a threat either to the EU, its allies or general regional/global stability. If perceptions are rationally determined, perceptions of threat could be expected to be consistent among the similarly-positioned Member States. Given that the proposal was to remove an arms embargo, if actors perceived sufficient threat (whatever they understand that to be), then supporting policy change would be unlikely. The perceived extent of economic opportunity relates to benefits to be gained from lifting the embargo, although divergence is dependent on the relative economic standings of Member States. The overall importance of the EU-China relationship may not be shared by all Member States, particularly, as will be shown, when the EU-US relationship was put under strain as a result of the debate. Human rights performance is a key variable in relation to the debate as it was human rights violations that led to the imposition of the embargo. If China's performance was perceived to have remained static or deteriorated, it would be expected that there would be little support among those holding this perception for lifting the embargo.

EU perceptions of the US are of a different nature to those of China. The US is historically a close ally of the EU. Robert Jervis (2009: 5) observes that there is a general supposition that allies understand each other well and, therefore, perceptions of the other are accurate. He goes on to argue, however, that this does not hold up to scrutiny, and misperceptions are frequent. Evidence from the embargo debate supports Jervis' argument, as France and the UK seem to have failed to perceive the potential response from the US, and how intense this would be. In relation to the first variable identified above, namely the likely political reaction to the proposal, close allies should be able to make reliable predictions about political reaction, especially when they are of democratic nature (Jervis 2009: 5). Once the debate was under way, the US expounded its opposition to the proposal. The US became involved in the debate and relayed information to its European allies regarding its position. Thus, the EU should have been able to perceive with a certain degree of accuracy the level of political opposition in the US.

The importance of these variables to each actor is subjective; there is no pre-determined hierarchy. Actors attempt to process information derived from the external environment to adapt their perceptions to match changes in this environment, but their pre-existing expectations bias this process (Jervis 1976: 145). Thus, perceptions do not always match reality. The amount of information available in a complex world also means that the capacity of actors to formulate accurate perceptions is limited, since no actor or group of actors can ever absorb all the relevant information to form perceptions that completely reflect external reality. Finally, actors do not examine variables in isolation from one another. Instead, their overall perception of the other actor's character is informed by the constellation of variables identified. This article employs three methods of acquiring data relating to perceptions: interviews with policymakers/observers/academics; discourse analysis of government documents, speeches, reports, etc.; and analysis of secondary sources, predominantly academic literature. This enables the "triangulation" of information to increase the accuracy of inferences made concerning specific perceptions.

Historical background of the embargo

Examining the events that resulted in the imposition of the embargo will provide a basis for analysing policy development and why divergence eventually transpired. The protests in Beijing in the spring of 1989 culminated in the PRC making the decision to send in the military to disperse the protesters. This decision resulted in the deaths of hundreds, if not

thousands, of unarmed protesters on 4 June 1989.[2] These actions were swiftly condemned by the international community. Among the fiercest critics of the massacre were the Member States of the EU[3] and the US which moved quickly to impose sanctions on China and repudiate its behaviour. The EU announced its decision to impose sanctions at the European Council meeting in Madrid shortly after the Tiananmen repression (26-27 June 1989). The Council released a Declaration that condemned the killings and called on China to respect (implicitly, the Western conceptualisation of) human rights (European Council 1989).

The Declaration listed the responses to be adopted by the EU, which included promoting human rights issues through discussion with China, the suspension of high-level contacts, the postponement of cooperative projects, the reduction of cultural, technological and scientific cooperation programmes, the extension of Chinese students' visas, and the "interruption by the Member States […] of military cooperation and *an embargo on trade in arms with China*" (European Council 1989 [emphasis added]). The statement refrained from outlining what arms or related materials are subject to the embargo, or at what level it would be enforced, leaving leeway for Member State interpretation. Nevertheless, the link between human/democratic rights concerns and the imposition of the embargo was clearly established through this declaration. It is worth noting that the embargo was not reinforced as a "Common Position" under the Common Foreign and Security Policy (CFSP, established in 1993). This would have in effect shifted the embargo from a political to a legal commitment and reduced the scope for Member State interpretations (Kreutz 2004: 46).

France was one of the strongest critics of the Tiananmen massacre, as it stirred up "collective memories of the French revolutionary past and the student demonstrations in 1968" (Stumbaum 2009: 86). Indeed, the arms embargo was added to the list of sanctions at the insistence of France (Wong 2006: 82). The UK sided with France in the condemnation of the repression at Tiananmen Square - the "handover" of Hong Kong due within a decade generated concern amongst policy-makers for the future protection of human rights once the PRC regained governing authority (Baker 2002: 48). While the two states shared similar views on the implications of Tiananmen, the significance was enhanced by different experiences. Whereas history influenced the French position, the UK's contemporary regional interests were the pressing concern. One former UK policy official indicated that Prime Minister Margaret Thatcher's perceptions of the "Communists" in China, the potential implications for Hong Kong and the reaction of the British media and public strongly shaped the UK's response to the killings.[4]

France's overt concern for human rights was apparently short-lived, as it breached some sanctions within six months of their imposition. Additionally, the common European position towards China lasted only approximately ten months, when many of the sanctions were lifted (Wellons 1994: 342). The apparent common perception was that these sanctions were of limited use in effecting change within China and that progress would only be made through engagement (Wellons 1994: 343). This was much in line with the argument presented later by Clinton in the "delinkage" of human rights from China's Most Favoured Nation status in 1994. The "linkage" was itself a reaction to the Tiananmen massacre and thus the "delinkage" arguably represents a change in perceptions of the necessity of such a measure or even the current level of threat China posed to its citizens at that time. The EU's decision to lift most of the sanctions in October 1990 was apparently

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[2] The exact number is unknown and estimates are often quite varied. The Chinese Red Cross put the death toll at an estimated 2,600 (Lui 2000: 144).
[3] It is worth noting that, at this time, the EU (or rather EC) had a membership of 12. This means that, at the time of the debate in the EU, more than half the members were not present at the time of the original declaration. However, after acceding in 2004, the newest Member States played only a small role in the debate.
[4] Author's interview with a former British policy official, London, 07.05.2010.

assisted by assurances from the PRC about future treatment of human rights, together with China's constructive role in the Gulf Crisis and in handling Cambodia (Baker 2002: 50), potentially facilitating shifts in perceptions of China's overall character.

The Member States did not immediately clarify their interpretations of the arms embargo, at least publicly. As a political declaration, there was no particular requirement for clarification, and most Member States had pre-existing national arms export controls in place. The implication was that an actual "embargo" was not imposed following Tiananmen, but rather a new political declaration on arms sales to China. In April 1997, French Defence Minister Charles Millon stated that "there is no question of going back on the decision about the arms trade" (cited in SIPRI 2004a). When Millon raised the prospects of greater cooperation with China, he was careful to note that future "cooperation will be conducted within the framework of our European and international commitments" (cited in SIPRI 2004b), which implicitly includes the arms embargo. Of note, in the Stockholm International Peace Research Institute (SIPRI)'s evaluation, this is the clearest indication of France's interpretation of the embargo. The language, however, is arguably vague, noting that France will adhere to the (non-binding) EU embargo in its dealings with China.

The UK's position on the EU arms embargo was expounded most clearly (again, according to SIPRI) in response to a question raised in the House of Commons in March 1995 (SIPRI 2004c). This was directed at then Minister of State for Foreign and Commonwealth Affairs, Alastair Goodlad. The response emphasised that the UK prohibited weapons that could be used for "internal repression" (such as that witnessed in 1989) and that any applications for transfers were to be considered on a case-by-case basis (Hansard 1995: Col. 842-843). At this time, a brief overview was given of what items were prohibited from export to China. Notably, no references were made to dual-use technologies – that is, items with potential civilian or military application that are not much use for internal repression, but facilitate the development of high technological warfare capabilities. The significance is that it reveals that the UK was not concerned, at least at that time, about the potential implications that such technologies may have for China's military strength. In other words, there was apparently no perception of China presenting a military threat.

Although Member States would be reluctant to go against the embargo as a political commitment (Archick *et al.* 2005: 5), it was not impossible for them to do so, depending on their national arms export controls. In fact, arms transfers from France and the UK continued despite the embargo (see below). A differentiation can thus be made between the embargo as an actual barrier to arms transfers and its status as a commitment to EU norms and as a "message" to the PRC. From the interviews conducted in London, Paris and Brussels, there was overwhelming agreement that the significance of the embargo laid in its status as a symbolic reminder to China of the legacy of the Tiananmen massacre. However, the symbolic significance of the evidence was evidently waning among certain Member States prior to the emergence of the debate.

In this context, the move to lift the embargo was predicated on changing the expression of the EU's approach towards China, rather than Member States necessarily seeking to increase their arms exports. This would suggest that perceptions of the opportunities closer relations with China would offer had increased, rather than perceptions of the need to sell arms to China. At the time of its imposition, the arms sanction was seen as a necessity. The liberal democratic nations could not justify allowing weapons exports to a state which they perceived as liable to use these weapons against its own citizens. However, despite the lack of a comparable incident since then, the perception of China as a violent and oppressive regime became commonplace within Western political discourse, impacting the full spectrum of relations with China thereafter. Notwithstanding the fact that some actors seemed willing to compromise on some areas of their beliefs for the sake

of economic gains, the arms embargo remained for some time the one area that was ostensibly non-negotiable in relations with China.

The context of developing relations

Understanding how the evolution of EU-China relations led to the consideration of the lifting of the embargo is an important step if an assessment is to be made of how perceptions influenced policy. Rather than covering the development of relations in minute detail, a brief overview illustrates the context that facilitated an environment in which the prospect of lifting the embargo could materialise. The scope of the article limits the depth of this analysis, but the European Commission Communications (of 1995, 1998, 2001 and 2003) on China help illustrate the development of the EU's attitude. Notably, only the 1995 Communication makes reference to the Tiananmen massacre and the existence of the arms embargo (European Commission 1995). The subsequent Communications do note that human rights in China are still an area of concern (see in particular European Commission 2001). Nevertheless, overall, the issue is given less attention than other issues, such as the EU and China's growing importance as global actors with an emphasis on the need for greater cooperation, as well as the importance of economic issues, such as trade and investment.

The general trend in these documents was to note areas where China's human rights records had made (mostly marginal) progress and emphasise what its "next steps" should be, rather than focussing too strongly on criticising continued failings. Clearly, the issue of human rights in China did not disappear, but it can be argued that it became a less prominent aspect for the EU's focus as time passed. Several interviewees indicated that, whilst China's human rights performance remains a concern, there has been a growing recognition that other aspects of the relationship cannot be neglected, particularly as China continues to grow in political and economic weight.[5] An apparent turning point was France's decision not to co-sponsor a resolution on China at the UN Commission on Human Rights as had been the norm (Baker 2002: 55-56), which was indicative of President Jacques Chirac's attempt at accommodating China.[6] On the embargo specifically, one French policy official stated that, even before the debate emerged, the embargo offered little in the way of leverage on human rights issues.[7]

China's 2003 paper on its policy towards the EU, the first of its kind, helped foster better relations. The document ended by stating that "[t]he EU should lift its ban on arms sales to China at an early date so as to remove barriers to greater bilateral cooperation on defence industry and technologies" (MoFA 2003). Thus, those seeking stronger ties with China may have argued that maintaining the embargo had significant costs. From the EU's policy papers and continued engagement with China, it is evident that deeper relations were of a high priority for many European elites. The end to the embargo would be the price that the EU had to pay for increased cooperation irrespective of human rights concerns, which the Chinese leadership regarded as interference in the sovereign affairs of the PRC. Subsequent to the publication of this document, China intensified its attempts to persuade the EU to lift the embargo. At the October 2003 EU-China summit, participants

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[5] Author's interviews with a French policy official, Paris, 19.05.2010; a Spanish policy official, Brussels, 31.05.2010; an EU policy official, Brussels, 01.06.2010.
[6] Author's interview with François Godement (European Council on Foreign Relations), Paris, 20.05.2010.
[7] Author's interview with a French policy official, Paris, 19.05.2010.

acknowledged that discussion of the issue had occurred, but the published conclusions made no reference to the issue (Kreutz 2004: 49).[8]

Economic interest as a potential motivation for ending the embargo requires consideration. As noted above, the non-binding embargo allowed some Member States to continue with arms exports and as such may have been expected to favour removing the ban. France, despite being one of the fiercest critics of the Tiananmen massacre, never fully ceased to export arms to China. Data presented by SIPRI on French and British arms trade with China indicates that France's exports to China have consistently been the largest. In 1989, French arms exports to China were valued at US$ 74M (3.7 per cent of France's annual total), compared to the UK's US$ 10M (0.3 per cent). Jumping forward to 2004 – when the debate was under way – French exports stood at US$ 88M (3.9 per cent) and the UK's had also grown to US$ 30M (2.5 per cent) (SIPRI 2009). This suggests that the Chinese market was of comparatively less value to the UK, which transferred no arms to China between 1990 and 1997. However, transfers resumed as of 1997 under the New Labour government. Even when the UK reversed its support for the lifting of the embargo during the debate, this did not spell an end to its sales to China (SIPRI 2009).

This raises a question about the reason behind the debate, given that the embargo had actually not influenced the flow of arms from certain states to China. Further, the EU as a whole "almost doubled its arms export licences approved for China between 2002 and 2003" (Kogan 2005: 9). However, European states have avoided selling China major weapons platforms. Most of the sales have consisted of dual-use technologies with civilian or non-lethal end-use purposes (Wezeman and Bromley 2005: 440). Although China argued that trade in other areas would benefit from the lifting of the embargo (which in itself could be construed as either an incentive or a threat, if not both), its continued existence has not prevented trade in non-weapons areas from flourishing. Consequently, these factors are indicative of economic interest as a rather weak motivation for lifting the embargo, as there were relatively low levels of perceived economic opportunity, at least in relation to arms sales.

Perhaps unsurprisingly, there were never public declarations of support for lifting the embargo on the basis that it would open up a market with significant potential for European defence companies due to the ethical arguments of the anti-lifting camp (including the US). In fact, the argument pushed was that the lifting of the arms embargo was not for the purpose of increasing arms exports, a point which was put across in March 2004 debate by the High Representative for CFSP, Javier Solana (*Agence Europe*, 18.03.2004). The absence of such reasoning suggests that actors may be sensitive to the perceptions of China or even of themselves held by others. The sale of French weapons to China on the basis of economic interests may have precipitated a perception of France as failing to live up to the standards expected from responsible international players. Arguably, this could have been detrimental to France's self-identity and also the current government.

However, arguments that increased arms exports were not a motivating factor were undermined by certain actors. French Defence Minister Michèle Alliot-Marie stated in February 2005 that maintaining the embargo would lead China to develop its indigenous defence industry rapidly (Shambaugh 2005: 5), an argument which was echoed by Austria's Defence Minister Günther Platter in January 2006 (*Agence Europe*, 26.01.2006). These statements not only indicate that those opposed to lifting the embargo were perhaps justified in their concerns about the motivations of supporters, but they are

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[8] After the following EU-China Summit (December 2004), the Joint Statement made reference to the EU's "political will" to continue towards the lifting of the embargo, a signal which the Chinese welcomed (Council of the European Union 2004: 2).

arguably doubly problematic on the basis that China's indigenous defence industry is regarded as somewhere between ten and twenty years behind those in Europe and the US (Shambaugh 2005: 5). Therefore, technological transfers could expedite the narrowing of the relative capability gap. This is mostly a problem for actors who perceive China's attempts to acquire certain technologies as indicative of threatening intentions: a perception which was evidently absent for some, if not most, European actors, but particularly present amongst those in the US.

In light of the above evidence, economic interests might not have been fundamental to policy preferences. The gains from lifting the embargo were relatively slim. As was suggested in one interview, in terms of arms sales there were other clients and more lucrative markets that the Member States could have opted for, such as Taiwan[9], which would have been politically less controversial. EU companies would also struggle to compete with the prices offered by Russian rivals who have the distinct advantage that China's existing capabilities are largely of Soviet/Russian origin[10] (Casarini 2007: 378). Nicola Casarini suggests that China's lobbying of the EU to lift the embargo was not predicated on the sole desire to access EU technology, but rather "European arms producers would mainly provide the PLA [People's Liberation Army] with competing bids in order to extract better deals from Moscow" (Casarini 2007: 378). US critics argued that the EU could offer superior high-end technology compared to Russia, creating the opportunity for China to accelerate its military modernisation. Nevertheless, removing the embargo would not necessarily have entailed an open season on arms transfers - a point many interviewees were keen to make. Instead, the embargo would be replaced by the Code of Conduct on Arms Exports. However, this came under constant criticism for its non-binding nature and insufficient clarity (*Agence Europe*, 19.11.2004).

EU-China relations apparently overcame the obstacle of Tiananmen relatively quickly. The rise of China – which the EU has sought to influence in a positive direction – coincided with the EU's evolving international role, an analysis of which is beyond the scope of this article. From the policy documentation, it is apparent that, within the EU, there was a desire for the EU to be more proactive in its engagement with China, which would serve to underpin the EU's new international role. It would seem that the case for lifting the embargo was a consequence of not only developments in EU-China relations – arguably at their best since the Tiananmen killings – but also China's growing influence in international affairs, the perceived importance of China by the EU collectively, and the importance ascribed to recognition as a credible international actor by the EU. The embargo stood as an obstacle to fostering closer relations through the new strategic partnership (Stumbaum 2009: 171). Further, lifting the embargo would indicate an independent European foreign policy, which was not informed by the preferences of the US (Casarini 2007: 385) - an objective consistent with the tone of the European Commission Communications.

The debate opens up

The move to lift the embargo was initiated by France and Germany[11] at the General Affairs and External Relations Council (GAERC) meeting on 12 December 2003. Foreign Affairs ministers were explicitly instructed by the Council to review the embargo (Austin 2005: 11). The issue was high on the agenda for the EU throughout 2004 – the will to lift the embargo was reaffirmed in December in the Presidency Conclusions – and into 2005, but

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[9] Author's interview with François Godement, Paris, 20.05.2010.
[10] Technologies provided by the EU would require significant alterations to, and modernisation of, China's existing military technology, incurring significant costs for the People's Liberation Army (PLA).
[11] Austria, Italy, Spain and Greece also supported ending the embargo (*Agence Europe*, 27.01.2004), with Finland and the Netherlands joining this group later (Casarini 2009: 124).

failed to reach a resolution. It is still effectively hanging in limbo as a promise was made to continue working towards lifting (GAERC 2006: 9). Following the Council meeting in December 2003, Italian Prime Minister Silvio Berlusconi – then Council President – justified the move on the grounds of "the will, apparently sincere of the new Chinese political class to make progress on economic issues and political rights" (cited in *Agence Europe* 13.12.2003) Thus, in light of the contemporary setting of the relationship, the embargo was the only remaining obstacle to closer relations; maintaining an arms ban on a "strategic partner" does not represent a great deal of trust. While France was the first to propose lifting the embargo, others such as Germany also favoured the move. The UK also came round to support the idea in May 2004 as confirmed by then Foreign Minister Jack Straw (Casarini 2006: 31).

President Chirac at the time stated that France "shall try to obtain the swiftest possible lifting […] of this embargo, which is of another time, and no longer corresponds to today's realities" (cited in *The Economist* 2010). It indicates not only the President's willingness to support lifting the embargo, but also the fact that he perceived the conditions under which the embargo was imposed to have changed. France's political system affords the President considerable autonomy in foreign policy-making (Risse-Kappen 1991: 487), which elevates the importance of their personal perceptions. Chirac was the key proponent of lifting the embargo in France, but was also strongly supported by Defence Minister Alliot-Marie. Internally, the Defence ministry was not united on the issue[12], but the President's prerogative effectively meant that divergent perceptions at lower levels of government were inconsequential. According to Jean-Pierre Cabestan (2007: 138), the national governments of both France and Germany perceived sufficient improvements in China's human rights record to render ostracising China along with the likes of Burma and Zimbabwe inappropriate due to its increasing international importance. This suggests that the perceptions of China's human rights performance held by some actors had changed, which would lead to new perceptions regarding the importance of maintaining an embargo.

The origin of the embargo as a European Council Conclusion meant that unanimity between the Member States would be required to change the policy. Throughout the debate, the Council Secretariat and the Commission - including Directorate-Generals Trade and External Relations (Relex) whose involvement may have been anticipated given that the issue was relevant to their competences - played only minor roles. The divisions between Member States on the "appropriate" policy made involvement trickier for these institutions that were concerned about wandering into the fray. The European Parliament did attempt to make its voice heard (Stumbaum 2009: 167) despite lacking direct input in foreign policy decision-making. A vote on maintaining the embargo in December 2003 very clearly revealed the perceptions held by the majority of Members of the European Parliament (MEPs): 373 to 32 (29 abstentions) opposed the move (Kreutz 2004: 50). Ultimately however, despite the Parliament's vociferous protestations, the debate continued as it was the Member States that would decide the outcome.

The available evidence suggests that the positions of Member States in the debate were predicated on two distinct avenues of thought. Firstly, those who supported lifting the ban were arguably driven by perceptions of interest vis-à-vis China and subsequent interpretations of the "appropriate" approach to EU-China relations. In terms of "interests", there was recognition that ending the embargo was necessary to facilitate deeper EU-China relations (Archick *et al.* 2005: 18) and, as mentioned above, had indeed been pushed by China in its policy paper on the EU. In terms of economic considerations, the increased trade with China in certain technologies was potentially lucrative, despite protestations to the contrary. From another perspective, the UK was argued to have initially favoured lifting

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[12] Author's interview with François Godement, Paris, 20.05.2010.

the ban on the grounds that it stood to lose out in other areas of trade with China if it took an adversarial stance on the issue (Stumbaum 2009: 172). Thus, the economic factor was not restricted to the one dimension of the EU-China trade relationship. Outside of Council meetings, little reference was made to human rights conditions in China, implications for regional stability or cross-Strait relations, at least in the early stages of the debate[13], which were picked up on by those who favoured retaining the ban.

The second avenue of thought – espoused by those who opposed the lifting of the embargo – tended to focus on the threat China posed to the human rights of its own citizens (Glen and Murgo 2007: 338), indicating different perceptions of the situation in China to those supporting the lifting of the embargo. The issues of Taiwan's security and regional stability tended to be concerns of the US (Archick *et al.* 2005: 31) rather than EU states. This was perhaps predictable because the EU had no comparable regional role as the US. However, US critics were apparently surprised that their European allies would fail to recognise the problems that lifting the embargo would cause. Additionally, the original arguments that China may yet use European weapons technologies to further oppress its own citizens were often cited by US critics. The Taiwan Strait crisis in the mid-1990s had arguably reinforced the necessity of the embargo in the US by demonstrating how China was increasing its ability to project its power across the Strait. The EU's non-involvement meant that the crisis did not reinforce such perceptions amongst its Member States. These concerns informed responses to the Anti-Secession Law (see below) in the spring of 2005 as the debate rumbled on.

As noted above, the issue of regional stability featured in the debate: allowing China access to technologies that would expedite force modernisation could potentially lead to a destabilising arms race in the region involving the likes of Japan, South Korea and Taiwan. However, it was proclaimed that the embargo would not increase China's military capability. Javier Solana argued in January 2005 that the lifting of the embargo was

> more a political decision than a military one [...] it simply involves putting a stop to a political decision made at a specific time in the history of China, rather than a modification of military relations between the EU and China. It does not mean increasing arms exports (cited in Archick *et al.* 2005: 19).

The adoption of the Anti-Secession Law (ASL) by the PRC in March 2005 came at a somewhat inconvenient time for supporters of lifting the embargo. The law – which affirmed that "[t]he state shall never allow the 'Taiwan independence' secessionist forces to make Taiwan secede from China under any name or by any means" (*China Daily* 2005) – was perceived by some in the EU and US as evidence of China's hostile intentions towards Taiwan. The basis for this was the inclusion in the law of an assertion that the PRC would "employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity" (*China Daily* 2005). The law emphasises that peaceful means must be exhausted or independence declared by secessionist forces before such recourse - language which, Austin (2005: 16) states, has never before been officially adopted with respect to Taiwan. However, the mere inclusion of the force provision reinforced existing perceptions of the threatening nature of China.

The ASL effectively ended the chances of the EU being able to take a decision by June 2005. The EU had dispatched a delegation to Washington headed by Annalisa Giannella – selected by Javier Solana – in a bid to persuade the US to drop its opposition. Their arrival coincided with the introduction of the ASL, and the delegation found itself on the defensive in what became an embarrassing situation for the EU.[14] Consequently, the EU's

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[13] As the debate progressed, there were more frequent calls for China to give a "positive signal" on human rights that would ease the lifting of the embargo, although formal conditionality was not implemented.
[14] Author's interview with an EU policy official, Brussels, 28.05.2010.

arguments were not taken into account by policy-makers in the US, for whom the issue - as actors in the EU saw it - became intensely emotional.[15] Giving Beijing the answer it wanted would be untenable in the political climate at the time, yet proponents did not want to damage relations with China by taking it off the table altogether. Thus, the "non-decision" was presented - the EU would continue to work towards lifting the embargo at some unspecified time in the future. Developments in the EU-China relationship had created a permissive environment allowing for consideration of lifting the embargo by some actors. However, this evaporated when the US disapproval and China's actions (passage of the ASL) led to a shift in considerations of the "appropriateness" of lifting the embargo at that time.

Explaining policy divergence

This section identifies the key factors that, in the first instance, led to policy divergence within the EU and explain why ultimately no firm decision was taken. It is important to stress that, since the embargo remained, this section is focused on how perceptions led policy preferences to shift over time and on what role they played in determining the course of the debate itself. This section also examines to what extent the French and British policy-makers' perceptions of the independent variables influenced their policy preferences and the direction of the debate. The argument presented is that, although the actors were faced with the same "objective" reality, their subjective perceptions led them to different priorities and policy preferences. Furthermore, their perceptions of the US position on the issue contributed to the protracted debate.

It is apparent that there was little real concern for either the UK or France regarding the potential military threat posed by China, as both had been selling arms to China prior to the announcement of the review of the embargo. The arguments presented in relation to this are that the lifting of the embargo would not lead to China developing its military capabilities any quicker than when the embargo was in place. The US emphasised the potential threat to regional stability if the embargo was removed, but evidently failed to convince either the UK or France of this. That is not to say that the EU actors disregarded the US arguments over China's future intentions, but rather the implications of removing the embargo. The introduction of the ASL could be argued to have shifted perceptions on this matter somewhat. However, the evidence suggests that, instead, it merely shifted perceptions of the political opposition in the US, and the Member States recognised that further attempts to lift the embargo would be futile.

Of greater relevance for both France and the UK was the perceived economic opportunities presented by lifting the embargo for their own national interests and the EU as a whole. However, the perceived advantage was not from potential arms sales to China, but rather the benefits that closer relations (which China had made contingent on the removal of the arms embargo) would bring. The perception of future economic opportunity was more evident in France; in particular, Chirac's personal position exemplified this. In the UK, the concern was that failure to support removing the embargo would lead to the UK missing out on those opportunities. The absence of a perception of threat - noted above - meant that the perceptions of economic opportunity had a greater role in the formation of policy preferences.

China had become a much more important economic partner for the EU throughout the 1990s. Over time, perceptions in France and the UK came to reflect this. In France, the influence of Chirac's perceptions on the shape of policy was evident: his pro-China stance contributed to France pursuing the lifting of the embargo. In the UK, the change of

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[15] Author's interview with an EU policy official, Brussels, 04.06.2010.

government in 1997 seems to have prompted a reassessment of the appropriateness of the embargo, not least since arms sales to China resumed in this year Alternatively, it could be construed that the cost of maintaining the embargo had changed for Member States: economic interests (greater trade and investment opportunities) may outweigh the benefits of maintaining the embargo (China's military is expanding anyway; little improvement in the area of human rights). Given that increasing interdependence with China has affected the whole of the EU, it may be expected that policy preferences would change in the same direction if actors are pursuing economic interests in a rational manner, even when they do not stand to gain by the same amount. Further, economic relations with China – including arms sales – have not evidently suffered as a result of the embargo remaining in place. While there was undoubtedly an element of economic interest at work in the debate, the perceptions of other factors in combination resulted in divergent preferences on the issue.

Since France was responsible for the imposition of the arms embargo, it is arguable that there was a perception that France should take on the responsibility of reversing the policy to promote closer EU-China relations. Alternatively, this approach could be considered the "rational" approach given that it may potentially diffuse costs and reduce the risk (*e.g.* being chastised by other actors) by "sharing the burden" with other actors (Wong 2006: 9). It is evident that France only achieved this to a certain extent in respect to its arms embargo policy, thus perhaps raising questions about France's ability to influence EU foreign policy (a discussion which is beyond the scope of this article), particularly when the other states usually considered key in EU foreign policy matters – Germany and the UK – were also supportive of France's position prior to the UK reversing its position. One reason suggested by both an interviewee[16] and Rath (2006: 51) for Blair's pursuit of lifting the embargo was that the idea of being on the "losing side" of the EU3 in the relations with China would be damaging not just for economic interests, but also for the UK's self-perceived identity as an important actor in Europe and a partner of China. The adoption of the ASL appears to have shifted Blair's perception of China and the implications that continued support would have, particularly for transatlantic relations. The UK would assume the Presidency of the Council in July 2005, and Blair would not want to pursue lifting under such circumstances.

The extent to which China's human rights performance was perceived as an important issue was of critical importance to the debate. As the embargo was a response to perceptions of human rights performance in the wake of the Tiananmen killings, it could be expected that this would indeed feature in discussions. However, the evidence suggests that perceptions of human rights performance mattered little to France and the UK compared to the perceptions of economic opportunities and the importance of developing relations with China. While France perceived some marginal improvement in China's human rights performance, thus opening up potential for a reassessment of the necessity of the embargo, the importance of human rights to the UK's policy preference was essentially non-existent (Rath 2006: 56), as the perceived importance of other factors outweighed any such concerns substantially. However, understandings of the EU's interests in relation to China were evidently not shared by all Member States, some of which saw promoting human rights and in some cases maintaining strong links with the US as more important.

Critics of the proposed lifting argued that there had been little improvement on human rights performance, noting that some Tiananmen demonstrators remained incarcerated. Those supporting the end of the embargo argued that its symbolic component was now largely irrelevant: the eradication of all other sanctions and the apparent failure to actually affect change in China's human rights practices had eroded the rationale for maintaining

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[16] Author's interview with François Godement, Paris, 20.05.2010.

the embargo. Critics stressed the importance of retaining the embargo to remind China of the implications of Tiananmen and also to limit China's access to technologies that would enhance its ability to oppress citizens. There were frequent references to the dangers to Chinese citizens, indicating that critics did not accept arguments that lifting the embargo would not result in more weapons sales to China.

As stated previously, perceptions of the US as a critic of the proposal also influenced the debate. One interviewee indicated that, at the time, Chirac perceived the US as a "weakened" international actor as consequence of the disputes surrounding the invasion of Iraq. This created an environment in which discussing this move was feasible.[17] The weakened US would be unlikely to strongly oppose the move. However, this was a misperception of the situation. The UK, having sided with the US in relation to Iraq, did not share this perception, which contributed to the hesitancy of the UK to support the lifting of the embargo. However, other pressures, including the economic opportunities (or lack thereof in case it did not support the lifting), were eventually perceived as a more important issue for the UK.

When the first steps were taken towards reviewing the embargo, there was no attempt by the EU to inform the US. Although there was by no means any requirement to do so, given the turbulent nature of US-China relations, such a move may have curtailed the public debate. There were no arrangements for such dialogue to take place at the time, such as an EU-US strategic dialogue on Asia. Those were subsequently established as a consequence of the embargo debate (Pangratis 2006), although they are now practically defunct. The lack of such interaction at the time meant that the perceptions held by key actors in the EU regarding the US position were not the result of processing information provided by their ally, but were rather based on their own estimations of the potential responses of US policymakers. Even in the absence of these structures, the fact that EU actors did not make moves to inform the US is indicative that they did not correctly perceive the likely response of the US.

The apparent explanation for Blair's initial alignment with the pro-lifters was a result of a misperception of just how strong US opposition, particularly in Congress, really was. The initiation of the East Asian Security Act – a bill which would impose economic sanctions on European firms from countries that supported lifting the embargo – was a clear indication of the resolve amongst US policy-makers. Ultimately, the Act did not garner sufficient votes as a consequence of successful lobbying on the part of American businesses concerned about the potential for the Europeans to take reciprocal action (*Agence Europe* 16.07.2005). Even so, the mere attempt to pass such an act seems to have been influential. Interviewees indicated that, before the Act failed, there was acceptance amongst European policy-makers that the attempt to lift the embargo was dead in the water.[18]

The complication of the US vociferous opposition was compounded by China's passage of the ASL, which served to reinforce the arguments of opponents of lifting the embargo. Given the UK's impending assumption of the Presidency of the European Council in July 2005, it was apparent that the UK – particularly Blair – would not be prepared to continue the attempt to lift the embargo in the face of such strong opposition. In the case of the UK, it is worth considering the importance of the issue in the first place. If the issue was not perceived as highly important (as suggested by the time it took for the UK to voice support), then the perceptions and, subsequently, the preferences in relation to the embargo were more susceptible to external influence, particularly when other interests (perceived to be more important, such as relations with the US) became entangled with the issue. The passage of the ASL and other European actors recognising the futility of

[17] Author's interview with an EU policy official, Brussels, 01.06.2010.
[18] Author's interview with François Godement, Paris, 20.05.2010.

pursuing the issue further at that stage offered the UK a way to limit damage in both its relations with the US (by no longer angering policy-makers there) and the EU (by avoiding breaking consensus or appearing too Atlanticist).

The UK's policy position is interesting as it essentially varied twice over the course of the debate. Although New Labour had resumed the export of certain arms technologies to China, this did not precipitate automatic support for an end to the embargo. Indeed, the UK took its time before openly supporting the end to the embargo. Then, in March 2005, the UK switched to opposition. This article argues that the UK's reluctance to support the embargo was not simply deference to the US position, which had been explicated prior to the UK announcing that it would support lifting the embargo. The US made it clear to the UK that it wanted it to oppose the move, which initially the UK refused to do (*Agence Europe* 21.01.2005). Kayte Rath (2006: 54) argues that the UK had resisted US pressure and attempted to act as a bridge between the US and the EU until the passage of the ASL, which made this untenable and offered a way out for the UK.

The non-decision of the EU can be viewed to have been consequential of the perceived importance of a variety of factors. While the divergence in French and British policies has been examined so far in this section, other factors were also present as can be seen from previous sections: the fact that other Member States perceived some level of potential "threat", the requirement for intergovernmental consensus on lifting the embargo, the benefits of maintaining the embargo over costs, and normative considerations of the EU's role as an international actor. Another compounding factor was the recent rejection of the EU's Constitutional Treaty referendum in late May 2005 by the French public. Following this, French officials accepted that they had lost the ability to influence EU policy at that time and were in "defensive mode" in Europe.[19] The complexity of the combination of these factors, in addition to divergent perceptions of the key issues, made reaching a decision particularly difficult.

The policy divergence between 1989 and 2003 in relation to the arms embargo can be seen as having significant implications in terms of the content of the debate that unfolded. The existing literature has tended to take the reasons why the debate emerged in the first place for granted, an issue which this article has attempted to redress. Divergence in perceptions amongst key actors in the EU's policy-making process has been argued to constitute a key intervening variable in terms of shaping national conceptualisations of the impact of the embargo on security, economic and human rights issues in the EU's relationship with China. Further, there were evidently misperceptions of the US position on the embargo, which led to the drawn-out nature of the debate. These conclusions reinforce the point of treating perceptions as subjective phenomena. On the basis of rationalist expectations of perception formulation, these divergences would not be anticipated, given that the actors involved were faced with the same "reality" of China.

Conclusion

The foregoing analysis has indicated that perceptions mattered to the arms embargo debate on several fronts. At the national level, particularly in the case of France, the positive perception of China held by Chirac seems to have been particularly important in changing the position of the country on the embargo, leading to the debate in 2003 onwards. In the UK, there was a weaker emphasis on the importance of the relationship with China, but support for the embargo was determined by a lack of concern over human rights. The eventual reversal of support for the embargo was partly influenced by the US opposition, but also by perceptions of China itself shifting relatively quickly following the

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[19] Author's interview with François Godement, Paris, 20.05.2010.

passage of the ASL. The debate at the EU level amongst Member States demonstrated divergent perceptions of China and subsequent understandings of national and European priorities vis-à-vis China and the appropriateness of maintaining the arms embargo. Additionally, the misperception of the US position on the issue for an extended period of time contributed to the duration and content of the transatlantic debate.

The subjectivity of perceptions evident even within a single state or policy-making institution suggests that whose perceptions change, in what direction, and why, matter for policy outcomes. Additionally, if the person occupying a position of considerable influence changes, then the perceptions of the new incumbent will not necessarily be the same as their predecessor's. This opens up the possibility of divergence in policy as their perceptions informed their interests and policy preferences in relation to other actors. While the existing literature on the debate – such as Stumbaum (2009) and Casarini (2006, 2007, 2009) – has analysed the dynamics of the debate from various perspectives, they have generally taken 2003-2004 as their starting point and not looked back to examine the origins of policy divergence. The analysis in this article has demonstrated the importance of perceptions to the emergence and development of the debate.

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Taking Stock of EU Military Conflict Management

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Abstract

Over the last decade, the EU has established itself as a player in the international field of conflict management. Both its civilian missions and military operations have played a significant part in this development. This article takes a closer look at the EU's military endeavours in conflict management. It presents a theoretically grounded definition and a corresponding set of criteria for success in military conflict management and evaluates the operations accordingly. The article provides a comprehensive review of all the EU military conflict management operations to date. The analysis is structured and focused around the criteria for success, which provides a more nuanced picture of the Union's operational achievements throughout its first decade in military conflict management.

Keywords

CFSP; ESDP; CSDP; Military operations; Conflict management; Violent armed conflict

SINCE THE EUROPEAN UNION (EU) LAUNCHED ITS FIRST MILITARY OPERATION WITHIN the framework of the European Security and Defence Policy (ESDP) in 2003, its endeavours in military conflict management have rapidly developed. By 2010, the EU had engaged militarily to contribute to the management of conflicts in Macedonia, Bosnia-Herzegovina (BiH), the Democratic Republic of Congo (DRC), Chad and the Central African Republic (CAR). Five operations into the EU's experience as a military conflict manager, it is time to take stock of its success so far. This article evaluates each of the five operations and comparatively assesses the EU's performance in military conflict management from 2003 to 2010.

Defining success

In order to evaluate the success of EU military conflict management operations, the term 'success' must first be defined. The definition of success is crucial to the evaluation of military conflict management operations, yet it is hardly discussed in the ESDP literature. The scholarly tradition varies considerably with regard to its definitions of success, which are often implicit rather than explicit. This article develops a definition and a theoretical framework for the systematic evaluation of success in EU military conflict management operations. This facilitates an evaluation, which takes into account both actor- and target-specific perspectives on success. It is important to include both internal EU-specific and external conflict-specific perspectives in the evaluation of success in EU military conflict management operations. The internal perspective allows for an analysis of whether an operation successfully achieved its purpose for the EU, whilst the external perspective assesses the operation according to the purpose of conflict management, that is, to manage the violent aspect of the conflict. Internal success thus refers to an operation that

is successful from the point of view of the EU, whereas external success indicates a positive impact on the conflict situation on the ground. Both of these aspects of success are necessary for an operation to be an overall success. Moreover, it is important to consider not only what an operation has achieved, but also how it achieved it. Internal and external success can both be divided into two key success criteria, the first of which evaluates whether the operation achieved its purpose (goal attainment) and the second of which examines the way in which the operation sought to achieve this purpose (appropriateness). Success in EU military conflict management operations will thus be evaluated according to four criteria: internal goal attainment, internal appropriateness, external goal attainment and external appropriateness. Examining success according to these four criteria will allow for a more nuanced analysis of the level and nature of success in each operation and for a focused and systematic comparison of success in different operations. To this end, a set of indicators are identified for each of the four success criteria. Internal goal attainment will be evaluated according to whether the key objectives in each operation's mandate were achieved. Internal appropriateness will be assessed according to the timeliness, efficiency and cost-effectiveness of its implementation. External goal attainment will be evaluated according to whether continuation, diffusion, escalation and intensification of violence are prevented.[1] Finally, external appropriateness will be evaluated according to whether the application of force was discriminatory with regard to combatants and non-combatants and proportional in its military response to the challenge at hand. An operation is only a complete success if these indicators are met and all four success criteria are fulfilled. This is illustrated in Figure 1 below.

Figure 1: Success in military conflict management operations

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[1] Once a conflict has turned violent, violence may develop in a variety of different ways. Naturally, conflicts do not necessarily develop in a linear fashion and may move back and forth between different stages of violence and non-violence. If, however, a conflict becomes more violent, there are four different processes by which this may take place: namely, through (1) continuation, (2) diffusion, (3) escalation and (4) intensification of violence. *Continuation* is when the violent aspect of a conflict continues over time. *Diffusion* occurs when violent conflict in one geographic area generates violence in another area. *Escalation* is when new actors become involved in an existing conflict. *Intensification* is when the violence increases either in the number or nature of violent incidents (Gelditsch 2007; Lobell and Mauceri 2004: 1-10).

EU military conflict management operations

According to the definition developed above, a military conflict management operation is a success when its purpose has been achieved and implemented in an appropriate manner from both internal and external perspectives. This section will examine the success of the five EU military conflict management operations launched from 2003 to 2010.

Operation Concordia

Macedonia's stability has repeatedly been threatened by animosity between its ethnic Macedonian and Albanian communities. The Albanian minority, which made up 25 per cent of the population, suffered discrimination under the Yugoslav regime in the 1970s and 1980s. Following the country's independence in 1991, ethnic Albanians remained under-represented in state institutions and many feared that discriminations against them would become embedded in the new Macedonian state (Glenny 2001; ICG 2005a). On the flip-side, many ethnic Macedonians suspected that the Albanian community had a separatist agenda (Mace 2004). In January 2001, the inter-ethnic conflict turned violent as the Albanian National Liberation Army (NLA) and Macedonian state forces clashed in Tetovo (Mace 2004). Observers at the time feared that a fully-fledged civil war might break out and potentially destabilise the southern Balkan region once again (Glenny 2001). To avoid this, the EU and NATO pushed hard for a negotiated settlement. An agreement was finally reached in Ohrid in August 2001. The Framework Agreement ended the violent conflict and NATO forces were deployed to keep the peace (Mace 2004). On 31 March 2003, as NATO terminated its deployment in Macedonia, the EU launched its first ever military operation in its place. The EU operation, code-named 'Concordia', was authorised by United Nations Security Council Resolution (UNSCR) 1371 (2001). The Berlin Plus arrangements, which were completed just two weeks before, allowed Concordia to use NATO assets.[2] The operation comprised 350 staff and was initially mandated for six months. Upon request from the Macedonian president, it was extended until 15 December 2003 (Council Joint Action 2003/92/CFSP 27/1/2003; Council of the EU 2009a).

Concordia was mandated to contribute to a stable and secure environment to allow the Macedonian government to implement the Framework Agreement. The United Nations (UN) mandate, which the operation inherited from NATO, endorsed three main objectives: to support the implementation of the Framework Agreement, to contribute to the security of its observers and to secure the environment for its implementation. All three objectives were achieved and Concordia's internal goal attainment was a success (Augustin 2005; ICG 2005a: 48-49). The absence of violent conflict throughout the deployment demonstrated a great improvement in the security situation since 2001. Minor civil unrest occurred in northern Macedonia in September 2003, which EUFOR supported the Macedonian security forces in defusing, but a fully-fledged civil war never materialised. Although fully implementing the final aspects of the Framework Agreement remains a political challenge for the country, the environment in which it is attempting to do so is now secure (Howorth 2007: 231-241).

With regard to the internal appropriateness of its implementation, Concordia experienced minor problems. A senior diplomat based in Skopje at the time confirmed that some EU officers engaged in criminal activity in Macedonia. On at least one occasion, EU officers deliberately misinformed the EUFOR command. This caused COMEUFOR to make an

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[2] EU High Representative Solana and NATO Secretary General Robertson concluded the Berlin Plus arrangements for strategic partnership between the two organisations in crisis management in March 2003. These arrangements allow the EU to make use of NATO assets and capabilities in such operations (NATO 2006).

unsubstantiated public accusation of excessive use of government force in confrontation with a criminal group. Other operational problems resulted from political turf battles concerning security clearance for non-NATO EU Member States, the place of NATO's regional command in Naples in Concordia's chain of command and how long command arrangements should stay in place after the end of the operation. These challenges were all of relatively minor character and resolved on a case-by-case basis (ISIS 2003; Mace 2004). Despite these minor limitations to its efficiency, the operation did successfully achieve its internal goals in a timely and cost-effective manner. From the EU perspective, Concordia was a relative success. The fact that the operation was a military success contributed to its political-strategic success. It demonstrated that the EU was capable of conducting a small-scale military operation. It also illustrated that the Berlin Plus arrangements worked relatively well in practice. Concordia set a precedent, however small, for subsequent operations. It added to the EU's comprehensive approach towards Macedonia and to the Union's quest for political leadership in the country and the region (Cascone 2008; Dobbins *et al.* 2008; Mace 2004). Overall, the operation was politically beneficial to the EU at a comparatively low cost. It added a military dimension not only to the EU's role in Macedonia and the Western Balkans, but to the ESDP as a whole. In other words, Concordia was a significant internal success.

From a conflict perspective, the absence of sustained violent conflict in Macedonia during and after Concordia demonstrates that the violent conflict has been successfully managed. A continuation, diffusion, escalation or intensification of violence did not occur after the crisis in 2001. The question is to what extent these positive developments are attributable to Concordia. Macedonia was relatively stable by the time EUFOR deployed and it is often stressed that it was NATO, not the EU, which stepped in militarily to manage the 2001 crisis (Cascone 2008). So was it NATO, rather than the EU, which successfully managed the Macedonian conflict?

The stability in Macedonia today is the joint achievement of its political leadership, civil society and population (both Albanian and Macedonian) on the one hand, and the international community, on the other hand. The EU's engagement, of which Concordia was a component, has played a crucial part in this process. The EU and the US worked with ethnic Macedonian and Albanian political leaders to reach a conflict settlement and prevent more violence. Together they managed to facilitate the signing of the Framework Agreement in 2001. Thereafter, NATO completed three military conflict management operations in the country before handing over its responsibilities to the EU in 2003 (Mace 2004; Ludlow 2003; Robertson 2003). From 2001 to 2003, NATO was thus the international provider of military security in the country, but since the Ohrid Agreement the EU has taken the political lead in the international effort in Macedonia. Under the joint leadership of the EU Special Representative (EUSR) and European Commission (EC) delegation, the EU, through a combination of political, financial, technical, military (Concordia) and police assistance, has played a crucial part not only in the securitisation, but also the stabilisation and normalisation of the conflict. The EU's multifaceted approach towards Macedonia incorporated military conflict management within the wider European integration process. This was framed within the Stabilisation and Association Process (SAP), which aims at eventual EU membership for the country. Although the US and the local authorities must be commended for their efforts, it is the EU that has taken the lead (Mace 2004). Whilst NATO handled the military aspect of the 2001 crisis, the EU has led the political conflict management since then. With the launch of Concordia, the EU took over the military conflict management effort as well. Although the security situation in the country was more stable in 2003 than when NATO engaged in 2001, the security challenges it faced must not be underestimated. Tensions still existed and there was a perception among international representatives on the ground at the time that violent conflict could resume. The fact that the UNSC deemed it appropriate to authorise an EU follow-up operation to

the NATO deployment is an indicator of the international community's security concerns at the time. As one aspect of a wider EU (and international) approach towards the management of the conflict, Concordia played an important part in providing a secure environment in which the implementation of the Framework Agreement and the SAP could take place. By guaranteeing the military management of the conflict, it facilitated its political management. In this way, the operation successfully facilitated the management of the conflict and contributed to the prevention of more violence during and after its deployment. As such, Concordia's external goal attainment was successful.

EUFOR never applied force in Macedonia. Observers disagree on whether it should have been more forceful in its approach and doubts have sometimes been expressed as to whether EUFOR would have been willing and able to manage the situation if hostilities had recommenced (ICG 2005b; Howorth 2007). However, the evaluation of an operation must be based on actual events rather than hypothetical scenarios. The fact that the conflict did not return to sustained violence illustrates that it was possible to manage the security situation in the country without the application of force. Thus, EUFOR's non-application of force was proportionate to the challenge at hand. As it did not use force, EUFOR also ensured that it did not harm civilians. Concordia was therefore successful in its external appropriateness. It is important to recognise that other actors helped to ensure that the situation did not deteriorate and in this way added to Concordia's success. This serves as a reminder that a successful operation cannot necessarily be accredited to the EU alone, but it does not detract from the success of the operation overall.

Operation Artemis

Since the mid-1990s, the DRC has been engulfed in a myriad of intertwined conflicts. At the sub-state level, there are violent competitions for land, power and resources. These conflicts, which have been particularly fierce in the east of the country, have often assumed an ethnic dimension. At the state level, belligerent parties have struggled for control of the state apparatus and, at the regional level, the DRC is involved in a regional conflict formation, which has affected much of central and southern Africa. Regional actors, in particular Rwanda and Uganda, have also engaged in the fighting within the DRC (Prunier 2009; Tull 2009). In 1999, the Lusaka Ceasefire Agreement made way for the authorisation of the United Nations Organisation Mission in DRC (MONUC). In late 2002, an agreement was reached on the withdrawal of 23,000 Rwandan soldiers and most of the 10,000 Ugandan soldiers from the DRC, but militias supported by both governments remained active in the country. The Sun City Agreement ushered in a transitional government in 2003, in which President Kabila would share power with four vice-presidents, including former rebel leaders Bemba and Ruberwa. The war officially ended in 2004, but the violence continued and the security situation in Ituri, the Kivus and Katanga remained volatile (ICG 2008d; Prunier 2009; Tull 2009).

The violence in Ituri became the focus of Operation Artemis, the first of two EU military conflict management operations in the DRC. From 1999 to 2003, factional fighting in Ituri killed an estimated 50,000 people and caused an additional 500,000 people to flee the district (Homan 2007). At the time of the Artemis deployment, Ituri and its district capital, Bunia, were engulfed in crisis following the withdrawal of the Ugandan People's Defence Force subsequent to the Luanda Agreement between Uganda and the DRC in September 2002. Ethnic Lendu militias and the ethnic Hema Union of Congolese Patriots were fighting for the control of Bunia. In search of safety thousands of civilians gathered around the MONUC Headquarters, where a 700-strong Uruguayan battalion struggled to cope. Belligerents inflicted large-scale atrocities upon the civilian population and observers warned of another potential genocide in the Great Lakes region. The crisis undermined the

Sun City Agreement and risked re-engaging Uganda and Rwanda in the conflict. The UN called for urgent help from the international community (Tull 2009).

The EU, on French initiative, responded positively to the UN request, and in June 2003 the EU agreed to deploy its first military conflict management operation in Africa. Operation Artemis was designed as a stop-gap measure to fill the security vacuum in Bunia pending MONUC reinforcements. EUFOR's mandate was set out in UNSCR 1484 (2003). At its peak the operation comprised 2,200 troops. The operation officially ended when it handed over its responsibilities to the reinforced UN mission in September 2003 (Council Joint Action 2003/423/CFSP 5/6/2003; Howorth 2007: 231-241).

Artemis' mandated purpose was to contribute to the stabilisation of the security conditions and the humanitarian situation in Bunia pending MONUC reinforcements. The operation had three key objectives: to ensure the protection of displaced persons, civilians, the UN and humanitarian agencies in Bunia, to ensure the protection of the airport and to give impetus to the peace process in the DRC and the Great Lakes region (Ulriksen *et al.* 2004; Council Joint Action 2003/423/CFSP 5/6/2003). During its deployment, EUFOR prohibited the open bearing of arms in Bunia and established check-points to the entrances of the city. It secured the airport and the refugee camps in its area of operations. Several militia groups were contained, some were disarmed and the supply chains of several groups were disrupted. An important element of the operation was its presence and show-of-force missions carried out by ground forces patrolling throughout Bunia. This enabled humanitarian organisations to travel to areas that they had previously been unable to reach. It allowed a daily influx of 1,000-1,500 refugees into the city and made it possible for the Ituri Interim Administration to resume activities. The operation re-established basic order in Bunia and filled the security gap until MONUC reinforcements arrived. This had a positive effect on the peace process. In terms of its internally defined purpose, the operation was undeniably a success (Gegout 2005; ICG 2005b: 46-49; Ulriksen *et al.* 2004).

EU soldiers were on the ground within seven days of the official decision to deploy. The rapid force projection was an internal achievement for the EU, although France had undertaken much of the planning prior to the official EU decision to undertake the operation (ICG 2005b: 46-49; Howorth 2007: 231-241; Ulriksen *et al.* 2004). Nonetheless, significant logistical challenges were overcome. The local infrastructure was wholly inadequate and the operation revealed a general EU shortage in strategic lift capacity. Artemis overcame these problems through a concerted effort by its engineers, charter arrangements and strategic lift support from Canada and Brazil (Giegerich 2008; Homan 2007; Ulriksen *et al.* 2004). These issues illustrated potential challenges for future, more ambitious operations, but for its internally defined purpose Artemis was able to quickly and efficiently overcome them. From an internal EU perspective, Artemis was both a military-strategic and political-strategic success. It demonstrated that the Union could successfully undertake military operations on a significant scale, on its own and outside of Europe. It bridged the political divide on security and defence policy matters within the EU at the time and added a military dimension to the Union's engagement in Africa (Hadden 2009: 1-21; Homan 2007; Ulriksen *et al.* 2004). However, the involvement of EU soldiers in the torture of a Congolese civilian hampered the operation's internal appropriateness and threw a shadow over the operation's otherwise stellar internal success (*Deutsche Welle* 2008; SVT 2008).

From an external conflict perspective, Artemis' track record was also mixed. Upon its deployment, EUFOR had alleviated the Ituri crisis. It regained control in its area of operations and prevented what was otherwise expected to be a serious deterioration of the security situation in Bunia. A common criticism of Artemis is that it was too limited in the time, scope and geographical area of its operation (Homan 2007). Artemis restored

stability in Bunia only temporarily, and because it did this mainly by driving the militia out of its area of operations, it allowed them to continue to operate elsewhere (Giegerich 2008). Like the wider international effort in the DRC, Artemis left much to be desired in terms of managing the violent conflict in the country. The positive impact that the operation did have on the Ituri conflict, however, must not be underestimated. It is important to recall that over 50,000 people had been killed in Ituri between 1999 and 2003. At the time of the Artemis deployment the crisis was spiralling out of control and no other international security actor was willing and able to provide even a short-term stabilisation of the situation. The effect that this operation had on the ground was significant both in terms of its direct limitation of human rights abuses and indirectly as the lull in violence allowed access to humanitarian aid, refugee movement and resumption of political negotiations in Kinshasa (Howorth 2007: 231-241; Keukeleire and MacNaughtan 2008: 174-198; Tull 2009). These were significant achievements. However, as with any military conflict management operation, and in particular one as limited as Artemis, there was a danger that the violent conflict would recommence after the soldiers withdrew. The geographical, temporal and functional constraints of Artemis' mandate compromised the sustainability of its positive impact on the conflict. Shortly after Artemis handed over its responsibilities to MONUC, the security situation in Ituri deteriorated once again. Renewed massacres in October 2003, just a month after the EUFOR withdrawal, added to the enormous suffering already sustained by the civilian population. The atrocities took place despite continued peacekeeping efforts in the region. However, even with its reinforced mandate, MONUC had lesser capabilities in Ituri than Artemis. In effect, it failed to sustain the positive momentum and prevent more violence (Giegerich 2008).

Although Artemis made significant improvements in Bunia throughout its deployment, the broader international strategy of securing peace and stability in Ituri, let alone the DRC and the Great Lakes, was only temporarily advanced by its deployment (Giegerich 2008; Homan 2007). Since then, there has been another upsurge in violence (UNSG 2009). Not even in the specific area in which the EU force was deployed did the operation have sustainable success in preventing more violence. After Artemis' withdrawal, the violent conflict in Ituri continued and intensified. The deterioration in the security situation was in part due to the limitations to Artemis' mandate and MONUC's failure to sustain EUFOR's achievements. The EU force was successful in its external goal attainment during the deployment, but the international conflict management effort, of which Artemis was part, failed to prevent the continuation and intensification of violence after the withdrawal of the EU troops. Albeit significant in the short term, the positive impact of the operation on the violent conflict proved short-lived and unsustainable in the longer term. This is not to blame EU soldiers for the actions of belligerent parties or the failures of the UN, but rather to reflect that, as part of the wider international conflict management effort, Artemis did not succeed in preventing more violence in Bunia, in Ituri or in the DRC. In effect, it was only a partial success in its external goal attainment.

Operation Artemis was the first EU military conflict management operation that came under direct attack. Its ground forces were caught up in violent confrontations with local militias on several occasions. EUFOR killed more than 20 militiamen during its deployment, but the armed confrontations were localised and of short duration (Giegerich 2008). Considering the precarious security situation in which the troops operated, the specificities of the armed confrontations and their positive impact overall on the security situation in Bunia at the time, the use of force was proportionate to the challenge at hand. However, French soldiers tortured a Congolese civilian during the operation (*Deutsche Welle* 2008; SVT 2008). Swedish soldiers filed complaints regarding this incident with their operational chief in the field and to their superiors upon return to Sweden. The Swedish armed forces subsequently undertook an official investigation, which concluded that torture had taken place. The Swedish report was sent to the French defence department,

which undertook its own investigation and concluded that no offence had been committed (SVT 2008). However, the accounts by the Swedish soldiers, the Swedish Army's official report and an independent investigation by the Swedish National Television all conclude that this was indeed a disproportionate and indiscriminate use of force. The operation was thus only a partial success in its external appropriateness. The torture of a civilian during an otherwise successfully conducted operation demonstrates why it is important to evaluate not only the achievements, but also the conduct of EU forces.

Operation Althea

The violent conflict in BiH started in April 1992. Over the next three and a half years, the war, which was fought mainly between factions of ethnic Serbs, Croats and Muslims, claimed 97,207 lives (Research and Documentation Centre Sarajevo 2007). The violent conflict ended when the US forced through a settlement in November 1995 in Dayton (Chandler 2000; Glenny 2001; Silber and Little 1996). The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP) and the constitutional structures it put in place ended the war, but have since been criticised for not ensuring a sustainable peace in the country (Chandler 2000). The GFAP authorised an international High Representative (HR) to facilitate, mobilise and coordinate the civilian aspects of the peace implementation process. The UN endorsed the establishment of a multinational NATO Implementation Force (IFOR) to undertake the military aspects of the GFAP and assume the authority transferred from the UN Protection Force (UNPROFOR) in the country. After the 1996 elections, IFOR was replaced by the smaller NATO Stabilisation Force (SFOR) (NATO 2005).

When NATO decided to withdraw, UNSCR 1551 (2004) endorsed the launch of an EU military conflict management operation in its place. The idea that the EU might take over from NATO in BiH had first been aired at the European Council in Copenhagen in 2002. However, the handover was not officially approved until the Berlin Plus arrangements had been tested in Macedonia (Cascone 2008; ICG 2005b: 49-51). In December 2004, the EU's Operation Althea took over military conflict management in BiH. The EU initially deployed 7,000 troops to the country under a Chapter VII mandate. The force has since been reduced to 2,200 troops (backed by over-the-horizon reserves). The EU is currently preparing Althea's evolution into a non-executive, capacity-building operation, but an official decision on the transition is still outstanding (Council of the EU 2009b; Howorth 2007; Solana 2009).

Althea's operational purpose is to provide a military presence in order to contribute to a safe and secure environment in BiH. It is mandated to deny conditions for a resumption of violence, to manage any residual military aspect of the GFAP and, thus, to allow EU and international actors to carry out their responsibilities in the country. The operation is explicitly framed as part of the EU's comprehensive approach, which also comprises political, economic, social and policing instruments intended to support conflict management and European integration in BiH. These efforts are framed within the Stabilisation and Association Process. In October 2006, the Council changed Althea's mandate from a military conflict management mandate to a military policing mandate, but its operational focus remains the maintenance of a safe and secure environment, ensuring compliance with the GFAP and supporting the joint offices of the HR/EUSR (Council Joint Action 2004/570/CFSP 12/07/2004; Council of the EU 2009b; Howorth 2007).

As the operation is still ongoing, it is too early to undertake a conclusive evaluation of its success, but some preliminary observations can be made. From an internal military-strategic perspective, Althea has been a success so far. It has provided a military presence contributing to a safe and secure environment in BiH. It has successfully denied conditions

for a resumption of violence. It has managed the military aspects of the GFAP and allowed the EU and other international actors to carry out their responsibilities in the country.

Althea has been timely, efficient and cost-effective in its implementation to date. This initially was helped by the fact that the EU operation was taking over responsibilities from NATO. SFOR had been a largely European undertaking and many of the former NATO troops remained in the country under the EUFOR command. Much of the EUFOR mandate and operation plan also mirrored previous SFOR commitments. The handover and successful implementation of the operation was further facilitated by the Berlin Plus arrangements between NATO and the EU and their joint experience in Macedonia (ICG 2005b: 49-51). Detailed joint planning and preparation helped the two organisations avoid misunderstandings and overlap at the practical level and facilitated an internally successful implementation of Althea so far. Although there have been political disagreements between the two organisations, these were resolved by commanders on the ground and did not detract from the positive achievements and implementation of the EUFOR operation (Cascone 2008). Overall, Althea has been an internal success so far.

Sustained violent conflict has been kept at bay throughout EUFOR's deployment in BiH and the return of violence remains, at worst, a threat rather than a reality - a threat, the seriousness of which is much disputed. Policy-makers and analysts disagree whether the country is at real risk of more violence. Ethno-political tensions remain high and, in March 2009, the Peace Implementation Council (PIC) announced that the Office of the High Representative (OHR) will remain open and active until the current political deadlock is resolved. Alongside the appointment of yet another last High Representative in March 2009, the open-ended mandates of both OHR and EUFOR illustrate that PIC does not perceive the situation in BiH to be stable enough for the international community to disengage and EU troops to leave. PIC, which comprises 55 countries and agencies, insists that EUFOR remains crucial to the maintenance of a safe and secure environment in the country (PIC 2009a, 2009b and 2009c).

Operation Althea has been, and still is, perceived to play a significant deterrent role in BiH. Like in the Macedonian case, the security situation in BiH had much improved since NATO's engagement immediately after the peace agreement, but an authoritative international presence, both military and civilian, was still considered essential upon NATO's withdrawal (ICG 2004). Throughout the operation, the principal challengers to security have been organised criminals, so one might ask whether Althea is really a conflict management operation. EUFOR was, and still is, deployed in BiH in case the security situation deteriorates. When Althea was launched, it was widely believed to be a necessity for the national security and territorial integrity of BiH that the EU troops provide a credible military and political deterrent in the country. This was a similar line of thinking as in Macedonia, although the threat there was perceived to be less perilous. In BiH, the return to war was understood as a real threat both by many Bosnians and international observers at the time (Black 2003; Harton 2004; ICG 2004). Nevertheless, the security situation in BiH has remained stable and the country's territorial integrity has not been challenged militarily since the Dayton agreement. This is attributable in part to EUFOR's presence. National events, such as the ten-year commemoration of the Srebrenica massacre, which divided the population and was widely perceived as a threat to national security, have taken place without major disturbances. So have regional events such as the Kosovo declaration of independence, which, it was feared, might provoke a deterioration of the security situation in BiH. It had a destabilising effect politically, but BiH has remained secure militarily (ICG 2004, 2008e). These are indicators that EUFOR, which has principal authority for military conflict management in the country, is doing its job well.

EUFOR is only one aspect of a mammoth effort to consolidate peace in BiH. The EU provides the political backbone of this international engagement in the country. Like in Macedonia, the EU has combined its integration process and made conditional its enlargement on conflict management in BiH. EUFOR contributes to this wider effort by guaranteeing a secure environment, in which the SAP can progress, should the political leadership in BiH want it to (Cameron 2006; OHR 2009). Whether Althea will continue to successfully manage the security aspects of this process and the GFAP remains to be seen. However, as part of the wider EU and international community approach, the operation has thus far succeeded in preventing more violence. In other words, Althea is a preliminary success in terms of its external goal attainment.

Althea has only applied force on one occasion. This was a shooting incident involving Italian officers seeking to arrest a person indicted for war crimes. The officers came under fire and one person was killed in the exchange. It is important to recognise that the EUFOR soldiers opened fire only once they had been fired upon. The person who was killed in the confrontation was carrying an automatic weapon at the time (Bassuener and Ferhatvic 2008). Therefore, despite its unfortunate outcome, this incident does not compromise the external appropriateness of the operation. Althea meets this criterion both with regard to the proportion and discrimination of its use of force.

EUFOR DR Congo

In June 2006, the EU launched its second military operation in the DRC. This operation, codenamed EUFOR DR Congo, was deployed to support the UN mission in the country, MONUC, during the period encompassing the DRC elections in July 2006. The mandate was set out in UNSCR 1671 (2006). EUFOR DRC deployed 400 military personnel in an advance element to Kinshasa and a battalion-sized over-the-horizon force on stand-by in neighbouring Gabon. At peak strength in mid-August 2006, EUFOR DRC had 2,466 troops in the field, but a maximum of 1,000 were deployed in the DRC at any one time. The operation was concluded in November 2006 (Council Joint Action 2006/319/CFSP 27/4/2006; Council of the EU 2006).

EUFOR DRC's operational purpose was to support MONUC during the elections. To this end, the mandate singled out four key objectives: to support MONUC in its efforts to stabilise the security situation in its area of deployment, to contribute to the protection of civilians under imminent threat of physical violence, to contribute to the protection of Kinshasa airport and to execute limited operations to extract individuals in danger (Council of the EU 2006). Election observers confirm that the election went relatively smoothly, but scholars question the extent to which this can be attributed to the EU operation (Gegout 2007; Giegerich 2008; Howorth 2007: 231-241). In terms of its internally defined operational objectives, the operation was a success. When fighting broke out between supporters of the two presidential candidates in Kinshasa in August 2006, EUFOR supported MONUC in managing the disturbances. It helped separate the fighting factions and re-establish order. It assisted in the recovery of diplomats trapped by the violence and mediated between the belligerent parties. EUFOR also airlifted weapons out of areas occupied by groups of demobilised soldiers and participated in humanitarian initiatives (Gegout 2007; Giegerich 2008).

With regard to the timeliness of its deployment, the operation experienced significant problems. As the EU did not have permanent planning and control capacities, EU-level operational planning could not start until Operational Headquarters had been designated. No Member State was keen to adopt the framework responsibilities and the force generation for EUFOR DRC was slow and cumbersome. In effect, the deployment was continuously delayed (Giegerich 2008). It took the EU almost three months to respond

affirmatively to the UN's request and six months until the force was operational in the field. This was a significant difference from the rapid Artemis response three years earlier. The delay was partly due to UK and German reluctance towards the operation and their hesitance to deploy troops. The UK ruled out participation, given its military commitments in Iraq and Afghanistan. Germany was eventually convinced on the condition that only 100 of its 780 troops would be deployed in Kinshasa, while the rest would remain as part of the reserve in Gabon (Howorth 2007: 231-241). Once the force was deployed, the operation was efficiently implemented. Militarily the operation was a relative success, although this was in large part been due to its very limited mandate (Gegout 2007; Giegerich 2008; Howorth 2007: 231-241). It is important, however, not to underestimate the internal political-strategic significance of the operation for the EU. Politically, EUFOR DRC confirmed the EU's capacity for autonomous military action outside of Europe. It demonstrated once again that the EU could serve as a partner for the UN in difficult situations (Hadden 2009; Rye Olsen 2009). It also added another dimension to the Union's emerging approach to the DRC (Dobbins *et al.* 2008). Overall, the operation was an internal success, albeit limited by the narrow scope of its mandate and the delay in its deployment.

From an external conflict management perspective, the success of the operation was even more limited. Although it successfully provided support to MONUC in Kinshasa, it contributed little to the management of the violence in other parts of the country at the time. When the EU launched EUFOR DRC, the security situation in the country was still dire. The International Rescue Committee estimated that 1,200 people, half of them children, died daily as a consequence of the conflict (UNICEF 2006). The security situation in the east of the country was particularly unstable. In July alone, while EUFOR DRC was being deployed to Kinshasa, 17,000 people fled renewed fighting in Ituri. Despite the increased violence and the need for further international assistance in eastern DRC, EUFOR was confined to the capital and much of the force remained in reserve in Gabon. Although the operation successfully supported MONUC in handling disturbances in Kinshasa, EUFOR's achievements with regard to the management of the conflict as a whole did not constitute an external success (Gegout 2007). At its launch, Haine and Giegerich (2006: 1) warned that the operation would be "limited, brief, risk-averse and ultimately ineffective". In terms of its contribution towards the management of the DRC conflict, EUFOR DRC was exactly that. It did not successfully prevent more violence. On the contrary, the violent conflict continued and intensified in the east of the country. In terms of its external goal attainment, the operation was therefore only a partial success. With regard to its external appropriateness, the operation was successful, however, as it did not use force.

The security situation in the DRC is still volatile and the humanitarian situation is desperate. Neither Operation Artemis nor EUFOR DRC facilitated an end to the violent conflict. These two operations, however, unlike Concordia and Althea, were not mandated, equipped or intended to operate throughout the country or indeed to manage the DRC conflict as a whole. In both cases, the EU forces were intended to support MONUC in the DRC only for a few months at a time. Unlike in the Balkans, where the EU had a lead role in international conflict management during operations Concordia and Althea, the EU and its military conflict management operations played only a marginal supporting role to the much larger UN operation in the DRC. MONUC is the backbone of the international attempt to manage the violent conflict in the DRC. It is important to keep this in mind, when considering the limitations to the external success of the two EU operations.

EUFOR CHAD/CAR

The EU's most recent military conflict management endeavour was a joint operation in Chad and CAR. A complex conflict formation exists within and between Chad, CAR and neighbouring Sudan. The alarming security situation in the region is a consequence of

sub-state, state, regional and international conflict dynamics. Both Chad and CAR were experiencing domestic conflicts of their own before the 2003 Darfur conflict erupted in Sudan (Berg 2008). Despite the domestic problems in Chad and CAR, however, EUFOR Chad/CAR was intended to alleviate the consequences of the Darfur crisis on the security situation in the refugee camps in eastern Chad and north eastern CAR. The operation was authorised by UNSCR 1778 (2007) and was launched in January 2008. The mandate authorised an operation of one year's duration from the date upon which it reached Initial Operating Capability (IOC). It reached IOC in March and Full Operating Capability in September 2008. The fully deployed force consisted of 3,400 troops. The deployment comprised Rear Headquarters at N'Djamena, Force Headquarters at Abeche and three multinational battalions stationed in the eastern parts of Chad at Iriba, Forchana and Goz Beïda with a detachment at Birao (CAR) (Council Joint Action 2007/677/CFSP 15/10/2007; Council of the EU 2009c).

EUFOR Chad/CAR was a bridging operation intended to support the civilian United Nations Mission in the Central African Republic and Chad (MINURCAT), while the UN prepared its military component to this mission. The mandated purpose of EUFOR Chad/CAR was to contribute to the improvement of security in eastern Chad and north eastern CAR. EUFOR had three key objectives: to protect civilians in danger, particularly refugees and displaced persons, to facilitate delivery of humanitarian aid and free movement of humanitarian personnel by helping to improve security in the area of operations and to contribute to protecting UN personnel, facilities, installations and equipment (Council of the EU 2009c; Hadden 2009: 5-21).

Due to EU resource shortfalls and instabilities in the Chadian capital at the time, there were initial delays to the launch of the operation (Ehrhart 2008). Once the force was on the ground, it constituted the largest and most multinational military operation that the Union has launched in Africa. EUFOR Chad/CAR was undertaken in a vast, remote and inhospitable area of operations and its deployment alone represented an unprecedented logistical challenge for the EU. The construction of the operational infrastructure from brown-field sites to finished camps involved a massive building effort. EUFOR completed six camps of up to 2,000 people capacity and undertook major work on N'djamena and Abeche airports to facilitate the deployment and the sustainability of the operation (Council of the EU 2009c; Nash 2008). Considering the delicate security situation, the vast area of operations, the logistical circumstances on the ground and the Union's relative inexperience in military conflict management, the deployment represented a great challenge, and upon its completion, a great achievement for the EU. Once the bases had been constructed, the airports developed and the troops and equipment had safely arrived, EUFOR established a robust military presence on the ground. The presence of the troops, their regular patrols and targeted operations had a significant deterrence effect, which quickly helped increase security in their area of operations. EUFOR helped protect civilians and facilitated the delivery of humanitarian aid in the time and space that the troops were operating. With regard to its operational objective to protect the UN presence, the operation did not fail either, although it took months before EUFOR could assist the UN, because the deployment of the civilian UN component of MINURCAT was continuously delayed (Ehrhart 2008; Oxfam 2008; Pop 2009).

With regard to its implementation, EUFOR Chad/CAR had mixed results. The initial delays to the deployment hindered a timely execution of the mandate in the first half of the operation. EUFOR Chad/CAR was launched in January 2008, but did not reach Full Operating Capability until September 2008. The first part of the operation was focused on deployment, building and engineering tasks. The operation ran into significant problems in acquiring the necessary troops and equipment from the EU Member States. France, which was the main instigator of the operation, eventually announced that it would fill the

gaps. Once the necessary troops and equipment were deployed, EUFOR Chad/CAR was both efficient and cost-effective in achieving its objectives in the field. From a political-strategic perspective, the operation had significant value for the EU. It enhanced the operational experience of the ESDP. It was another autonomous operation in Africa conducted without the help of the US, and it enhanced the Union's credibility as a military actor. It also increased the EU's involvement and influence in Africa (Mattelaer 2008; Rye Olsen 2009). This all added to the cost-effectiveness of the operation. EUFOR was only partially successful with regard to its internal appropriateness, however, due to the delays in the deployment and the limited capability of the operation during the first half of the mandate. Moreover, the internal appropriateness of the operation was compromised when two EUFOR soldiers crossed into Sudanese territory. One was killed and the other wounded. This was a high cost for the EU, which had never previously lost a soldier in combat (BBC 2008; Pineau 2008). Consequently, the operation was only a partial internal success overall.

The conflict context in which EUFOR Chad/CAR engaged was difficult. Just 24 hours after the operation had been launched, its deployment was interrupted by a major rebel offensive on Chad's capital, N'djamena. Sources suggest that the rebel alliance consciously decided to storm the city in anticipation of the EU deployment (Fletcher 2008). Both EUFOR Chad/CAR and MINURCAT were initially delayed. EUFOR managed to restart its deployment with relative speed, but the problems facing the MINURCAT deployment directly affected EUFOR, which was dependent on effective cooperation with the UN mission. EUFOR's presence, its regular patrolling and targeted operations, nonetheless, contributed to an increased sense of security in its area of operations (Oxfam 2008). EUFOR had a positive, albeit limited, impact on security in both CAR and Chad, but in both countries its achievements risked being compromised, if the UN follow-up mission did not successfully manage to sustain them. At the time observers questioned whether MINURCAT was up to the challenge (Ehrhart 2008; ICG 2009a). When EUFOR handed over responsibility to MINURCAT in March 2009, the situation in the area was still precarious. The operation, which was specifically mandated to protect refugees from the conflict in Darfur, withdrew amid rising tensions resulting from the international arrest warrant issued against Sudanese President al-Bashir. Sudan responded to the indictment by expelling thirteen humanitarian agencies from Darfur. UN Secretary-General Ban Ki-moon and President Obama warned that the situation may deteriorate even further (Pop 2009). This instability illustrates that EUFOR Chad/CAR did not facilitate an end to violent conflict in the region (ICG 2008b; ICG 2008c).

Like Artemis in the DRC, EUFOR Chad/CAR did have some success in temporarily alleviating the violence in its area of operations pending UN reinforcements (Mattelaer 2008; Oxfam 2008). However, unlike Artemis, which was deployed with remarkable speed, EUFOR Chad/CAR, had less impact than its mandate allowed, because of the delays to its own and MINURCAT's deployment (Ehrhart 2008). Moreover, the EU soldiers were not authorised to provide security within the refugee camps. This was intended to be provided by Chadian police officers trained by MINURCAT. However, the Chadian police and MINURCAT did not fulfil this role and a security vacuum left the refugee camps unprotected against local bandits and militias (Mattelaer 2006; Oxfam 2008). As aid workers in the area were increasingly threatened, humanitarian efforts were also down-scaled. This negatively affected EUFOR's ability to support the delivery of humanitarian aid. Likewise, Chadian and Sudanese objections to an EU deployment directly on the border between the two countries limited the success of the operation in managing the regional aspect of the conflict. Consequently, the proxy war between Sudan and Chad continued while EU troops were deployed in the region. As EUFOR was not operating in the border area, the operation also had little impact on the humanitarian consequences of conflict in these areas (Ehrhart 2008; Ladzic 2008).

This operation, like the two operations in the DRC, was not mandated, equipped or intended to operate throughout these three countries. With significant limitations to its mandate, EUFOR was not able to successfully manage the violent conflict in the region. It did not succeed in preventing more violence; however, the troops did help improve the situation in their area of operations. From a conflict management perspective, the operation was therefore a partial success. Once it was deployed and where this took place, EUFOR did deter violence and significantly improved the security situation. However, the contribution of the operation to the international efforts to manage the conflict was limited by a lack of support from domestic, regional, European and international actors involved both in the conflict and its management.

EUFOR Chad/CAR repeatedly came under fire and on three occasions its soldiers fired back. Two of these incidents were confrontations with local armed groups in Chad and the third incident occurred when a EUFOR vehicle strayed into Sudan. In Chad, both attacks on EUFOR were conducted by unidentified armed groups. EUFOR sustained no serious casualties and there are no reports of the insurgent groups suffering fatalities. In both incidents, EUFOR opened fire only after they were fired upon and on both occasions civilians were helped from the scene by EUFOR soldiers. In the third incident, where the EU vehicle crossed into Sudan, both the Sudanese authorities and EUFOR claim to have fired in self-defence and both reported casualties. France officially criticised the Sudanese army for its disproportional response, but the incident could have been avoided if the EU troops had not strayed into Sudanese territory (EUFOR Chad/CAR 2008a, 2008b, 2008c; Pineau 2008). The EUFOR soldiers' use of force, however, was proportionate to the armed opposition they met in Sudan and discriminatory in the sense that it did not target civilians. Consequently, despite this incident, the operation was externally appropriate.

Conclusion

The EU launched five military conflict management operations between 2003 and 2010. Concordia, Althea, Artemis, EUFOR DRC and EUFOR Chad/CAR were intended to help manage conflicts in Macedonia, BiH, DRC, Chad and CAR. This article set out to examine their success. According to the definition developed above, an operation is a success when its purpose has been achieved and implemented in an appropriate manner from both an internal perspective and an external perspective. To evaluate the success of the EU operations accordingly, the definition was broken down into four success criteria. The internal goal attainment criterion evaluated whether the operations successfully fulfilled their mandates and key operational objectives. The internal appropriateness criterion assessed their implementation with regard to timeliness, efficiency and cost-effectiveness. The external goal attainment criterion examined the contribution that each operation made to the management of the violent conflict. Finally, the external appropriateness criterion assessed the appropriateness of the use of force in terms of discrimination between combatants and non-combatants and the proportionality of the military response. The definition and criteria for success allowed for an assessment of success in EU military conflict management operations, which took into account both an internal EU-specific perspective and an external conflict-specific perspective on success. A break-down of the success of the five operations is provided in Table 2 below.

Table 2: Success in EU military conflict management operations: 2003-2010

	Internal goal attainment	Internal appropriateness	External goal attainment	External appropriateness
Operation Concordia	Success	Partial success	Success	Success
Operation Artemis	Success	Partial success	Partial success	Partial success
Operation Althea	Preliminary success	Preliminary success	Preliminary success	Preliminary success
EUFOR DRC	Success	Partial success	Partial success	Success
EUFOR Chad/CAR	Success	Partial success	Partial success	Success

The different degrees of success illustrate why it is important to include both goal attainment and appropriateness criteria for success and why it is necessary to evaluate these from both internal and external perspectives. It also demonstrates why it is useful to evaluate success comparatively and to undertake this comparison in a structured and focused way to get a more nuanced picture of EU military conflict management. In terms of its overall performance as a military conflict manager, the EU has so far had unlimited success in achieving its self-defined operational objectives. It has also been relatively successful in implementing these objectives, although delays in force generation and deployment and misconduct by individual soldiers have at times limited the Union's achievements in this regard. From an external perspective, the Union's track record is much less consistent. The EU has contributed a great deal to conflict management in the Western Balkans, albeit chiefly in the post-violent phase of the conflicts. In Central Africa, the Union's military conflict management achievements have been much more modest. Here, the EU has provided temporary relief and supplement to UN-led conflict management efforts, rather than the other way around. Finally, all five operations have been discriminatory and proportional in their application of force with the exception of an isolated torture incident during Operation Artemis. Overall, the five EU operations constitute a relative success from the point of view of the EU. With regard to the management of the conflicts in which it engaged, however, the EU's success is much more modest. This illustrates why it is important to include both perspectives when assessing the EU's success as a military conflict manager.

<p style="text-align:center">***</p>

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Poland and its Eastern Neighbours: Foreign Policy Principles

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Abstract

This article examines the main principles that underpin Polish foreign policy towards its Eastern neighbours, focusing on the attributes of Poland's latest contribution to the European Union's (EU) policies – the Eastern Partnership (EaP). The article argues that the main attributes of the EaP are not only the outcome of Polish security concerns, but are also deeply rooted in Polish national identity. After years of communist rule, Polish national identity has been in a process of reconstruction, not only through the "return to Europe", but also through the re-establishment of closer bonds with its Eastern neighbours. At the same time, the Eastern Partnership provides the means for Poland to redefine its role in the political landscape of the EU and to infiltrate its national identity and ideals into the EU's political reality.

Keywords

Polish national identity; Eastern Partnership; Polish foreign policy

POLISH FOREIGN POLICY, PARTICULARLY WITH REGARD TO WESTERN INTEGRATION and its relations with its Eastern neighbours, has been characterised by wide political consensus and continuity (Cordell 2000; Borkowski 2006; Jasina *et al.* 2007). It is argued here, however, that, since Poland joined the European Union (EU), it has been in the process of redefining its role in Europe. Poland has been described as a "middle power" (Spero 2004), hegemon (Stemplowski 2004) or the American "Trojan horse" (Economist 2005) in the EU. The politics of the Kaczyński brothers, in particular, was criticised for its attachment to the defence of national sovereignty and their historical tone of political discourse, but, as William Wallace (1991) explains, such behaviour might reflect an underlying crisis of national identity.

This article examines Poland's latest contribution to the EU's policies towards its Eastern neighbours – the Eastern Partnership (EaP). The EaP is a significant initiative in the way it reinvigorates the European Neighbourhood Policy (ENP) by sending a positive signal to three Eastern European countries – Ukraine, Moldova and Belarus – and three countries from the South Caucasus – Georgia, Armenia and Azerbaijan. At the same time, the EaP provides the means for redefining Poland's role in the political landscape of the EU and to infiltrate its national identity and ideals into the EU's political reality. Furthermore, such an anchoring within the EU may provide Poland with a renewed identity and restore its sense of belonging as there has been a growing need among young Poles "to live in an ordinary country which is not a dike, bastion, barbican or antemurale" (Janion 2004). To explore if and how the approach to Polish foreign policy has been transformed, this article incorporates interviews with six high-level representatives of the Polish governing elite,

including the former Polish Foreign Affairs Minister Adam Daniel Rotfeld and two Undersecretaries of the State at the Polish Ministry of Foreign Affairs (MFA). These interviews provide insights into the changing nature of Polish decision-makers' experiences, practices, values and attitudes towards the Eastern neighbours and Poland's role in the EU.

The democratisation of Poland's immediate neighbours has been the priority of its security policy. According to the National Security Strategy of Poland (2007), the strengthening of democratic aspirations in Ukraine, Moldova and the South Caucasus, and the democratisation of Belarus would reinforce Poland's security. Undoubtedly, this objective played an important role in prompting Poland's latest contribution to the EU's policy towards its Eastern neighbours. Nevertheless, this article argues that the main attributes of the EaP are not only the outcome of Polish security concerns, but are also deeply rooted in Polish national identity. Since the eighteenth century, Poland's politics has been pursued by adhering to one of the opposing paradigms: political realism or political idealism (Bromke 1967). Political realists have adopted a pragmatic approach to Poland's politics, focusing on increasing its internal strength and advocating a *modus vivendi* with their more powerful neighbours. On the other hand, the idealists acted on the basis of the moralistic view that Poland has its rightful place in Europe and its existence is indispensable for upholding a moral order in international politics, including bringing freedom to its Eastern neighbours. They considered Poland's freedom the highest virtue; therefore, they were willing to sacrifice themselves to achieve this. This article examines the main "ideational" principles that underpin Polish policy towards the East that have motivated the EaP, such as the principle of differentiation, the principle of European Standards and the principle of increased regional cooperation.

Theoretical background

The 1989 peaceful revolutions resulted in transformations of the borders of Europe, as well as changes in the value-system with which people had identified (Sztompka 2004: 4). The absence of independent statehood and freedom during the period of communist rule in Central and Eastern European states resulted in the need for identification, confirmation or creation of a national identity and a sense of belonging.

In general terms, the notion of national identity derives from a common language, religion, geographic location, collective memory and cultural practices (Prizel 1998: 16). These components comprise two categories of determinants: the individual's motivations, convictions and beliefs; and the cultural, economic, legal and geopolitical institutional structures in which the individuals are involved (Sztompka 2004: 4). These combined components create a sense of "we" and "them", which results in forging bonds or constructing boundaries.

The sense of nation and national identity plays a vital role in forming a society's perception of its environment and significantly influences the objectives of national foreign policy (Sztompka 2004: 14). In elaborating on the importance of national identity and foreign policy, Ilja Prizel (2004: 19) writes:

> National identity serves not only as the primary link between the individual and society, but between a society and the world. Foreign policy, with its role as protector and the anchor of national identity, provides the political elite with a ready tool for mass mobilization and political cohesion.

A collapse of communism and the 2004 enlargement of the EU lie at the heart of the transformation of the national identities of Central and Eastern European countries, and

also offer the means to erase "peculiar and crippled East-European identity" (Sztompka 2004: 4). The popular notion of a "return to Europe" encompassed not only the idea of joining the European structures, but also reaffirmed the European identity of Central Europe. Nevertheless, new EU members have their own visions, programs and policies grounded in their national identities. Therefore, as Peter Katzenstein and Jeffrey Checkel (2009: 214) note, the contested politics of European identity might spill over into many policy domains that will require the adjustment of the old West, and of Brussels, in particular.

Over the years, the EU has been described as a civilian power, a soft power and more recently as a normative power in international relations (Nye 2004; Sjursen 2006; Manners 2009). The EU has profiled itself as a qualitatively different international actor seeking to promote a rule-based international order, instead of traditional modes of power politics. The Treaty of Amsterdam explicitly mentions human rights protection, democracy and the rule of law as the fundamental pillars of EU cooperation.

With regard to the policies towards the EU neighbours, the most effective instrument of the EU's common foreign policy has been the promise of enlargement, conditional on the acceptance by applicant states of the political and economic criteria set out by the EU. The ability of the EU to influence neighbouring states that are not considered EU candidates in the near future has been widely debated as the EU is not able to disconnect from their problems. As William Wallace (2003) noted, "the choice for the EU is therefore whether to export security and stability to these new neighbours, or risk importing instability from them". It is widely acknowledged that stability can be achieved by an export of the norms that the EU promotes such as democratic culture, human rights and the rule of law. Nevertheless, the EU's norm "export" to its neighbourhood through the means of the European Neighbourhood Policy (ENP) to date has been ineffective. The ENP has been criticised for adopting many of the pre-accession mechanisms without the explicit aim of membership for those states participating in the project (Cremona and Hillion 2006). Therefore, without the so-called "carrot", the democratic transformations triggered by the ENP have been slow or non-existent.

The notion of the EU's normative power relates to the norms promoted by supranational institutions, but, first and foremost, it relates to the promotion of norms by the EU members themselves. If the member states also act as "norm advocates" and comply with the norms they propagate, then the EU's norm promotion becomes more convincing (Finnemore and Sikkink 1998). As Martha Finnemore and Kathryn Sikkink (1998) explain, many international norms began as domestic norms and became international through the efforts of entrepreneurs of various kinds. It is argued that militarily weak and economically dependent small states in particular play a significant role in strengthening global codes of appropriate behaviour by acting as "norm entrepreneurs" in the international community (Ingebritsen 2002).

Poland presents itself as a normative actor with a commitment to spreading European norms to the East, as pointed out by Foreign Affairs Minister Radosław Sikorski (2008):

> Protecting human rights as well as the rule of law and democracy have become a Polish passion (…). We would like to make sure that such promotion of democracy is more closely tied to development aid, addressed to countries close to us. This conviction results from the belief that our particular experience in the creation of democratic institutions and economic transformation can be translated into effective support of similar processes in other countries.

Central and Eastern European countries' experiences of communism, their role in peaceful revolutions and transformations toward democracy and a market economy influence their

appreciation of values. Poland's national identity may have a significant impact on the development of EU common policies. It is interesting, therefore, to analyse if and how Poland's national values were incorporated into the EaP.

Poland's national identity

Poles have developed a very strong national identity, despite the fact that Poland, as a state, did not exist for 123 years. Polish national identity has been strongly shaped by its history, geopolitical location, bitter experiences of years of lost sovereignty, as well as its strong Catholicism and specific perception of nationhood. Poland's geopolitical position between two cultural and religious civilisations of East and West, together with nineteenth century anti-Russian uprisings, created a myth that Poland is a gatekeeper of Western values and defender of Western civilisation. This reinforces three important issues. First, Poles regard themselves as belonging to a Western European tradition. Zdzisław Mach (2000: 1) points out that the nineteenth century spiritual and political national elites considered Poland as the "eastern flank of Western Europe". Second, the years of the Iron Curtain divide created an idealised image of Europe among Poles. Third, the nineteenth century Polish national-liberation traditions, based on the belief that each nation has a special universal task to fulfil (the national mission), served as a vehicle for Poland's mission to resist the invasions of Europe and help the Eastern neighbours in "the struggle for freedom and international justice" (Walicki 1982: 78-79).

Nevertheless, since Poland regained its independence in 1989, its national identity and its foreign policy have been in a process of transformation. The 2004 enlargement not only connected West and East, but also created new divisions, particularly between the more developed Central Europe and those lagging behind. The years of totalitarian regime caused the ongoing crisis of a sense of cultural identity in Central and Eastern Europe (Najder 2005). However, in Poland the crisis arose from the termination of long-lasting multinational cultural ties that have been further undermined by its inclusion into the EU. Poland's sense of belonging in the EU and the restitution of its national identity are closely linked with its partnership with the Eastern neighbours that are not part of the EU.

There is another aspect of Polish contemporary national identity. As Maria Janion (2004), a prominent Polish scholar points out, the process of EU accession coincided with the process of a momentous change in consciousness, especially in the minds of young Poles. In Janion's opinion, they are now torn: "They belong neither to the East nor to the West, but are suspended in an ambiguous environment" (*ibid*.). Janion emphasises that this suspension between West and East is also characterised by a sense of exclusion and dispossession. The crisis noted by Janion leads to the reformulation of the Polish identity, belonging and sense of Polishness in the way in which the new intellectual elite deconstructs the romantic-messianistic myth of Polish culture. According to Janion, young Poles currently identify with the words of Polish poet, Antoni Słonimski: "We want to live in an ordinary country which is not a dike, bastion, barbican or *antemurale*. We do not want the historical mission, or leadership, or great power imperialism". The Romantic stereotypes of Polish Catholics and messianistic martyrdom, which dominated the national consciousness, have become obsolete. Patriotism is seen as an obstacle towards the adaptation to the current globalised ("normal") world. Janion's claims are clearly supported by the current governing elite. Polish Foreign Affairs Minister Radosław Sikorski's statements (2009b) explain that Poland is fundamentally different from its previous historical incarnations. According to Sikorski, its present growth potential does not depend on the status of "Jagiellonian" regional power. He appeals to Poles to "descend from a martyr pedestal and remove the crown of thorns" (Sikorski 2009b). Sikorski addresses the matters concerned with Poland's role in the region not by viewing Poland as a regional power, but rather aligned with the EU's most influential members and

focused on cooperation. Although Sikorski's approach was criticised for its "political minimalism" (Cichocki 2009), it illustrates the new and more cautious approach to Poland's position, confirming Janion's (2004) suggestions that Poles are deconstructing the romantic-messianistic myths that, up until now, have motivated Polish foreign policy.

Hence, we arrive at two important issues. The first regards the matter of a Polish sense of suspension, between West and East, and the degree to which it contributes to the formulation of EU common policies. These sentiments are reflected in comments made by Juliusz Mieroszewski, one of the major contributors to *Kultura*: "We will be worth as much in the West as we are in the East" (Jasina *et al.* 2007: 57). It is closely connected with the second issue that identifies the crisis of Polish national identity in terms of wanting to ensure the well-being of Eastern European nations at the same time as it requires the reaffirmation of its Western European credentials.

Poland's role in Europe: elite perceptions of Poland's potential

According to a majority of the representatives of the Polish political elite interviewed for this article, Poland is big and influential. For example, acting Political Director in Ministry of Foreign Affairs, Witold Sobków, is convinced that Poland is currently a regional leader and an expert in Eastern European politics in the EU (Interview 1). Sobków's opinion that Poland is an influential player in the EU is shared by Jarosław Bratkiewicz, the Director of the Eastern Policy Department of MFA (Interview 2). He notes that Poland's potential comes from its firm politics and its strong national identity, which are different from those of Western Europe. However, there is another aspect to these opinions. Bratkiewicz points out that, although Poland is big and influential, it has to adjust its national interest to that of the whole Union. Both Bratkiewicz and Sobków emphasise the importance of Poland's role as a human rights supporter and active participant in international peace-missions, which contribute to Poland's strong normative character. The values promoted by the European Union are fundamental for Poland's security, in the view of former Foreign Affairs Minister Adam D. Rotfeld (Interview 3). He argues that the answer to Poland's security dilemma should come from close international multilateral cooperation and a promotion of international law, particularly in the East. In Rotfeld's view, the EU is not an economic union but first and foremost a union of norms, ideals and democratic values, which need to be "explained" and "exported" to the East by Poland.

According to the Undersecretary of State at the MFA, Przemysław Grudziński, Poland is currently in the process of establishing itself as a middle-range European player, still clarifying realistic ambitions relative to its potential (Interview 4). Grudziński emphasises that, until now, Polish foreign policy has been based on obsolete Westphalian assumptions about world politics, with too great attention being paid to geopolitics. Grudziński suggests that Poland has the potential to play the role of an "intelligent agent". The foreign policy of an intelligent agent would be to align its own objectives with the objectives of other players. It would formulate and share concepts and ideas, inspire others to act and would join innovative projects, particularly in the areas beyond its immediate interests. Furthermore, in Grudziński's opinion, reformulating Poland's foreign policy and becoming an intelligent agent would endorse Poland's place in Europe as a middle-man between the West and the East.

A view that might complement Grudziński's considerations is presented by another MFA official, Michał Łabenda (Interview 5). He emphasises that the EU's policy-making processes are difficult to understand, even by its own members; hence, they are even more problematic for its non-members, particularly for countries further to the East, such as Georgia. Therefore, Poland should focus on bringing the Eastern neighbours closer to the EU by introducing them to other EU members, and also interpreting the European

Union's "way of doing things" to the Eastern partners. The EaP may be regarded as an instrument that may help Poland to develop this natural potential, and at the same time define Poland's foreign policy objectives.

After five years of EU membership, Poland is still in the process of establishing itself within the EU. The Polish governing elite abandoned the mentality of being a "centre of civilisation" and *antemurale* of Europe and replaced it with the recognition of its place in the world as a mid-size European state. Nevertheless, the Polish governing elite would like to see Poland as a big and influential EU member. Poland's attempt to reconstruct and consolidate its place in Europe after the collapse of communism plays a significant role in formulating its policies towards its Eastern neighbours and its preferences for EU policies towards its Eastern neighbours. Polish decision-makers clearly see Poland's role in the East as a promoter of the EU's norms, translator of the EU's law and an "intelligent agent". The EaP, therefore, serves as a continuation of foreign policy which ensures that Poland is "part of a democratic continuum" (Prizel 1998: 151). It also provides the means for Poland to become an active contributor to EU policies, facilitating the EU's vision of cooperation with the EU's Eastern neighbours on the basis of a normative approach to bilateral and multilateral relations.

The Eastern Partnership

Poland's willingness to actively contribute to the formulation of the EU's Eastern policy has been clearly declared since negotiations regarding Poland's entry into the EU first started in 1998. This is when Minister of Foreign Affairs Bronisław Geremek (1998) emphasised:

> Poland's participation in the Common Foreign and Security Policy, (…) will enhance the EU policy towards its Eastern neighbours, contributing to the development of open and partner-like relations with countries remaining outside the enlarged Union.

In early 2003, shortly after the conclusion of the accession negotiations at the Copenhagen Summit, Minister of Foreign Affairs Włodzimierz Cimoszewicz put forward a proposal to create the Eastern Dimension (Non-paper, 2002). The "non-paper" was aimed primarily at Poland's direct neighbours, Ukraine, Belarus and Moldova, clearly demonstrating Poland's advocacy for their future membership of the EU. The proposal, however, had little impact on Brussels' policies; yet, some Polish suggestions, especially with regard to Ukraine, were included in the framework of the European Neighborhood Policy (Natorski 2007:14). Since the 2003 "non-paper", subsequent Polish governments, regardless of political preference, have attempted to develop the EU policy towards the Eastern neighbours, which would be more flexible than the ENP and adjusted to the specific needs of the Eastern neighbours. Poland particularly emphasised the importance of the "open door" policy towards its Eastern neighbours.

The EaP was first presented at the General Affairs and External Relations Council (GAERC) meeting in Brussels on 26 May 2008. It was officially accepted at the European Council meeting in June 2008 and included in the European Council Conclusions, which set out the task for the European Commission to prepare the project in more detail (Council of the EU 2008:19). The Communication from the Commission (2008) to the European Parliament and the Council was presented in December 2008. The EaP was officially launched during a special summit under the Czech Presidency in spring 2009 (Council of the EU 2009).

The EaP constitutes a new initiative within the ENP, aiming to strengthen the EU's policies towards its Eastern neighbours. It is grounded in the ENP's principle to promote stability and prosperity beyond the EU's borders. The Commission's Communication on the Eastern

Partnership (2008) refers to the ideational justification of the EU's engagement in the Eastern neighbourhood:

> The EaP will be based on mutual commitments to the rule of law, good governance, respect for human rights, respect for and protection of minorities, and the principles of the market economy and sustainable development. The level of ambition of the EU's relationship with the Eastern Partners will take into account the extent to which these values are reflected in national practices and policy implementation (European Commission 2008: 3).

Furthermore, since Poland's membership of the EU, one of its priorities has been to ensure that no new division lines emerge along the Polish and EU Eastern borders (Cimoszewicz 2003). Nevertheless, the Schengen enlargement in December 2007 imposed a number of restrictions on the Eastern neighbours, including a visa fee and new, much longer and more complicated procedures. This resulted in long lines in front of the Polish consulates (especially in Western Ukraine) and growing frustration and disillusionment particularly among Ukrainians (Piekło 2008). Therefore, the liberalisation of the Schengen visa regime and the future visa-free agreement for the citizens of Ukraine became paramount issues in the Polish strategy towards its Eastern neighbours.

The EaP is an attempt to make up for the shortcomings of the ENP, which was criticised for its faulty design and which adopted many of the pre-accession mechanisms without including the explicit aim of membership for those states participating in the project (Cremona and Hillion 2006). It was also an attempt to eliminate any new divisions between the EU and its Eastern neighbours. According to the draft proposal submitted by Poland and Sweden in May 2008, the EaP aims to complement the ENP in the area of bilateral cooperation, but primarily facilitates multilateral cooperation (Polish-Swedish Proposal 2008). On the bilateral level, it establishes a clear relationship based on joint ownership of responsibilities, including the upgrading of contractual relations towards Association Agreements. On the multilateral level, it provides EU expertise and financial support, which particularly results in meeting the political and security objectives of the cooperation.

According to a Polish MFA official from the Department of the European Union, negotiations to put in place deep and comprehensive free trade areas, progressive visa liberalisation and the enhancement of cooperation in the areas of security and energy security remain the most important objectives of the EaP (Interview 6). Furthermore, the official added that, during the negotiations with the Commission over the EaP, Poland emphasised the importance of the EU's financial support for infrastructure development. The Poles argued that there was a need for tangible signs of cooperation with the EU before the Eastern partners could commit to the reforms.

The EaP does not provide a clear promise of membership, but it might be perceived as an accession track. As pointed out by Polish Foreign Affairs Minister Radek Sikorski, "we all know the EU has enlargement fatigue. We have to use this time to prepare as much as possible so that when the fatigue passes, membership becomes something natural" (EUobserver 2008a). The Poles express their willingness to support the Eastern neighbours' political and economic transitions through the framework of the EaP, which is designed to stimulate initiative and action from the Eastern partners. Adam Daniel Rotfeld emphasises that the EaP, through the export of policies and rules targeting corruption, for example, provides the means for better transparency (Interview 3). In his opinion, the lack of a strong financial contribution to the EaP by the EU members, which has been perceived as an impediment for the successful development of the policy (Cameron 2009), is not seen as a disadvantage because it provides a stronger motivation for the Eastern partners to take the initiative. Rotfeld explains that flooding these regions with EU money would not

resolve their problems; the EaP, on the other hand, allows for the stimulation of action and initiative.

The Polish government promotes the EaP as a very dynamic and active policy. One month after launching the EaP, it organised the first multilateral platform meeting with the representatives of all partnering countries including the EU member states, the Council Secretariat, and the European Parliament, chaired by the Commission (European Dialogue 2009). The meeting set detailed work plans and timeframes for implementing the EaP initiatives within the four thematic platforms. Andrzej Cieszkowski, from the Polish MFA, explains that these plans are concrete; therefore, their successful realisation is more likely (*Gazeta Wyborcza* 2010). For example, the Integrated Border Management Programme targets not only the borders with the EU, but, first and foremost, the infrastructure development of the Ukraine-Moldova border and the Ukraine-Russia border (*ibid.*). This initiative has been provided with a specific budget. Cieszkowski claims that these activities not only intend to improve border management, but in fact aim to engage the EU in the region and bring these countries closer to the EU's standards. Such an approach illustrates Poland's clear vision of the implementation of the EaP. Poland has been motivated by rational objectives in promoting the EaP, but there are also some "ideational" principles underlying this policy.

There are three elements of the EaP that may be characterised as "ideational" principles underlying Poland's foreign policy objectives: first, the principle of differentiation, which refers to the importance of the recognition of the Eastern neighbourhood as an independent region, different from the Southern neighbourhood and characterised by Western European values; second, the implementation of foreign policies based on "European standards"; third, based on Poland's own transformation experiences and its successful integration with Western structures, Poland's encouragement of the development of strong multilateral ties among the Eastern partners, facilitating the building of new economic, political and social connections. Each of these principles will be analysed in more detail below.

The principle of differentiation

The need to differentiate between the South and the East was included in the Polish-Swedish proposal on the Eastern Partnership (2008) and was later incorporated by the European Commission into the policy itself. According to the Communication (European Commission 2008), the principle of differentiation lies at the heart of the policy and will be taken into account in the context of bilateral relations in line with partners' objectives and capabilities. This approach is important because it will permit the design of individually tailored Association Agreements and further documents accommodating milestones and benchmarks appropriate to the specific circumstances of each country. According to the Communication, the principle of differentiation will also be used in region-specific projects in the case of multilateral cooperation. This has merit, particularly in the implementation of the flagship initiatives concerning energy and infrastructure that will need to consider the geographic location of the Eastern partners, differentiating between Eastern Europe and the South Caucasus.

Furthermore, the EU's initiative directed specifically at Eastern European countries and the South Caucasus offers a "commitment from the EU to accompany more intensively partners' individual reform efforts" (European Commission 2008: 3) and empowers them as individual, independent partners, not parts of a Russian sphere of influence. As Christophe Hillion and Alan Mayhew (2009: 7) point out, these countries are prepared to commit to EU norms and fulfill the expectation of fully integrating into the EU internal market. It derives

from their motivation to complete the transformations begun after the collapse of the Soviet Union.

The importance of this particular approach for Poland was emphasised by Polish Foreign Affairs Minister Radosław Sikorski, who pointed out, "To the South, we have neighbours of Europe. To the East, we have European neighbours [...]. They all have the right one day to apply [for EU membership]" (EUobserver 2008a). The minister's statement highlighted the need to differentiate the EU's approach to its Eastern neighbours from those in the South, such as Morocco, resulting not only from their geographical proximity, but first and foremost "because their citizens consider themselves European by virtue of common experience and culture" (Sikorski 2009a).

Although Poland's objectives regarding the EaP were strongly influenced by Poland's discontent with the ENP and its advocacy for the "open door policy" towards the Eastern neighbours, it may be argued that the principle of differentiation underlying the EaP also derives from Poland's own struggle for differentiation from the post-Soviet monolith in the 1990s and its effort to return to Europe. From Poland's point of view, the disappearance of the West-East division enabled Poland to re-establish itself as a Central European country. It is important to note that the term "Central Europe", referring to Poland, Hungary and Czechoslovakia, had already been coined in 1950 by Oskar Halecki (1950), yet this region was commonly perceived in the West as a Soviet sphere of influence and an ideological and political monolith. Thus, for the newly independent states of Central Europe, it was important to differentiate their separate character and status in relation to Eastern Europe. As Roman Kuźniar (2001: 28) points out, even several years after the fall of communism, there was a tendency in the West to describe the Central and Eastern European groups of countries collectively as Eastern Europe. The need to be perceived as Central Europe, characterised by Western values, is still very strong among Poles. Historical experiences and the process of transformation also legitimate the Polish political elite's demand for the commitment of all EU members in the form of the EaP. The "principle of differentiation" included in the EaP provides some new credibility for the EU to act as a normative player, which understands the individual needs of its Eastern neighbours and takes into account their different strategies in adjusting to the EU's requirements.

The principle of differentiation aims at more focused, regionalised financial EU support and also re-focuses the EU's attention towards these particular neighbours in a political sense. This has twofold importance for Poland. First, it increases Poland's role in the EU as the leader and designer of the policy and the "specialist" of the Eastern neighbourhood. Second, it provides deeper engagement by the EU in the East, which may result in faster and deeper reforms, leading one day to EU membership.

The principle of "European standards"

The principles that inspired the creation of the EU are the cornerstone of its policies. However, it is worth mentioning that, although Poland was excluded from the process of building the European Union after 1945, these values and norms had been at the root of Polish culture and remain an important part of Polish European heritage. The Polish school of law dating back to the beginning of the fifteenth century has been rooted in basic values characteristic of the European cultural heritage. Furthermore, Poland's Constitution of 3 May 1791 is generally regarded as Europe's first, and the world's second, modern codified national constitution, following the 1788 ratification of the United States Constitution.

With regard to the Eastern neighbours, Polish Foreign Affairs Minister Krzysztof Skubiszewski, in the early 1990s, defined and introduced "European standards" in bilateral

relations with the Eastern neighbours (Snyder 2003: 257-258). Skubiszewski was determined to balance bilateral relations with the Soviet Union (later Russia) with the recognition of the independence of post-Soviet republics. Timothy Snyder (2003: 257) points out that this policy contributed to the creation of nation states in Eastern Europe. Snyder argues that Poland was not only introducing European norms in Central and Eastern Europe, but also defining them. The introduction and definition of norms applied particularly to minority rights and territorial integrity, which, as Snyder (2003: 258) explains, were still contested in the EU. The policy of "European standards" comprised the introduction and consolidation of European norms as guiding principles in building new, independent states in Eastern Europe (*ibid.*). The "European standards" policy has also been utilised in current Polish foreign policy by Sikorski who, in his 2008 policy statement, emphasised that protecting human rights, as well as the rule of law and democracy, have become a Polish passion (Sikorski 2008).

Although norms and values existed in the Central and Eastern European countries before the Association Agreements with the EU, European conditionality prompted a further massive transfer of rules and practices from the EU to the candidate states. Nevertheless, the EU's promotion of "European standards" in its current Eastern neighbourhood has been contested as EU-centred, demanding compliance without any "hard" incentives (Emerson *et al.* 2005). Furthermore, the EU has been criticised for its "contemporary western European pragmatism", which has prioritised good relations with Russia while pursuing a "disillusioned" policy towards the post-Soviet states without any motivation for the nations struggling to find the turning point in their new political existence (Riabczuk 2007: 365). Democracy building is not a natural and spontaneous concept, but rather an historical process involving institution building in symbiosis with society (Rieu and Duprat 1995). Such a process needs to be underpinned by European moral values (Riabczuk 2007: 365). Such moral values may come from experience with transformations and the specific national identities of Poland and other Central and Eastern European countries, which would strengthen the EU's democratic culture and its approach towards "European standards". Poland and other new EU member states have successfully brought to the EU's attention its role in the neighbourhood, increasing the political actions of the European Parliament, the European Commission and the Council, as displayed, for example, during the 'colour revolutions' in Ukraine and Georgia (see also Killingsworth *et al.* 2010; Pisarska 2008). The role of Central and Eastern European countries in peaceful revolutions and transformations toward democracy and a market economy influence their appreciation of values in the design of foreign policies. Additionally, one of the essential parts of successful democracy promotion is understanding the particular conditions of the country to which they wish to export it. Poland's location and historical links are adequate to assume that it is the most suitable to design the democracy model that the EU wants to promote there.

Poland's normative justification of the EaP particularly applies to Poland's way of promoting the EaP in an alliance with Sweden. For Poland, which claims that the protection of human rights, the rule of law and democracy have become a Polish passion, Sweden was a first-class partner that also promoted a normative approach to foreign policy. In the opinion of one Polish Foreign Affairs Ministry official (Interview 6), Sweden's reputation as a "moral superpower" at a time when a value-based foreign policy merits attention increased the status of the EaP and simplified the process of obtaining support for the policy among all EU members. Sweden presents itself as a supporter of a soft power approach towards the Eastern neighbourhood. The then Swedish Minister for EU Affairs Cecilia Malmström (2008) emphasised the Swedish appreciation of the EU's soft power standing for the EU's ability to shape the world on the basis of its ideas and values. With regard to the countries included in the ENP and in the absence of the promise of membership, the Swedish Minister believed that engaging in political work adapted to

each individual country, cultural exchange, and a more liberal visa policy, among other things, would stimulate democratic and economic change.

It is noteworthy that Poland's idea to promote the EaP in partnership with Sweden was a great tactical move, as Sweden had more experience in dealing with the EU system and was perceived as an established EU member. Sweden thus ensured that the project met all the EU's formal and informal requirements, which Poland, as fairly new to the system, might not have been aware of. Furthermore, the EaP proposal presented together with Sweden avoided the assumption that it was directed against Russia - Sweden had no historical burden in relation to Russia and has an independent energy sector.

Nevertheless, the soft power approach, based on the application of European norms involving EU principles, has become the cornerstone of the EaP. This normative justification of the EaP provides the basis for bilateral and multilateral relations between the EU and the Eastern partners. It also delivers a powerful political message by showing partner countries attractive development prospects and by treating them as "independent entities and not pawns that are organically linked to Russia" (Sikorski 2009a). Furthermore, the EaP creates the possibility for Russia to participate in local projects, especially in the Kaliningrad region. Russia has rejected a previous form of the ENP, but there is no such attitude towards the idea of the EaP (OSW 2009). Furthermore, according to the Director of the Eastern Policy Department in MFA, Jarosław Bratkiewicz (Interview 2), Russian officials from the Kaliningrad region have been very interested in establishing closer cooperation. Similar reactions have been observed among Belarusian officials (Interview 6). Should both Russia and Belarus want to join initiatives under the EaP, they would be required to comply with the "European standards" included in the formal contracts (Bernatowicz 2009: 9).

Increased regional cooperation

According to the draft proposal submitted by Poland and Sweden in May 2008, the EaP aims to complement the ENP in the area of bilateral cooperation. Also, more importantly, it facilitates multilateral cooperation. To deepen bilateral cooperation, the project proposed developing a road map towards a visa-free regime and the signing of a series of deep and comprehensive free-trade agreements leading to the creation of a Free Trade Area (FTA). The proposal also suggested launching bilateral projects in economic, environmental and social areas, including smaller projects on student exchange and the supply of energy (EUobserver 2008b).

With regard to multilateral cooperation, the proposal suggested not only fostering regional links by encouraging regional cooperation between the EU member states and the six EaP partners, but also fostering links among the Eastern partners themselves. This cooperation would be based on the implementation of concrete projects (flagship initiatives) on a voluntary basis by each interested country. As one of the officials from the Polish MFA pointed out, the main idea behind each project is to design a road map with realistic implementation schedules providing each partner with clear steps to achieve a specific goal; this goal would be set individually for each country involved (Interview 6). According to Michał Łabenda, the Deputy Director of the Department for the Eastern Policy, attached to the Polish Ministry of Foreign Affairs, the flagship initiatives may be initiated by the partnering countries (Interview 5). In this respect, the EaP differs from the ENP framework, where the initiative lies only with the European Commission. It is an important step forward in relations with the EU, as it enables Eastern partners to bring to the attention of the EU matters that are the most important for them.

The Polish-Swedish proposal placed special emphasis on the development of multilateral relations, not only between the EU members and the Eastern partners, but also among the

partners themselves. It was also included in the final Communication on the EaP by the Commission:

> [The EaP] will provide a forum to share information and experience on partners' steps towards transition, reform and modernisation and give the EU an additional instrument to accompany these processes. It will facilitate the development of common positions and joint activities. The multilateral framework will foster links among the partners themselves and will be a natural forum for discussion on further developments of the EaP (European Commission 2008: 8).

Poland's support for the development and strengthening of regional connections between the Eastern partners derives once again from Skubiszewski's success in building effective regional links in the 1990s. Since 1989, Poland has become an active initiator and participant in regional cooperation. Such cooperation helps build new economic, political and social connections, and also helps to lessen burdens of the past through dialogue on different levels. It helped Poland avoid isolation and undermined the creation of divisions in Central Europe. While Poland in the 1990s was focused on building close relations with the West and also recognising its independent Eastern neighbours, Skubiszewski's "dual-track policy" ensured the establishment of constructive relations with Russia. It was based on ideas from *Kultura*, grounded in a belief that the traditional Polish geopolitical dilemma resulting from its location between Germany and Russia might be overcome by promoting non-threatening behaviour and democratic values, while also having a close relationship with all its neighbours. Skubiszewski's policies contributed to building a new security architecture in Central-Eastern Europe and strengthened stabilisation across the region. This, in turn, helped Central European states integrate into NATO and the EU. The multilateral framework of the EaP presents similar potential to solve regional problems and prepare the Eastern partners to join Western structures.

Conclusion

Poland's geopolitical location and its historical experiences constitute a very influential part of Polish national identity. After years of communist rule, Polish national identity has been in a process of reconstruction not only through the "return to Europe", but also through the re-establishment of closer bonds with its Eastern neighbours. Re-anchoring with Europe, re-establishing national identity and pride, and a new patriotism have also been important elements of balance in a globalised world (Wolf-Powęska 2007: 10).

Poland is still in a process of establishing itself within the EU. Poland's attempt to reconstruct and consolidate its place in Europe after the collapse of communism plays a significant role in formulating its policies towards its Eastern neighbours and its preferences for EU policies towards its Eastern neighbours. Polish decision-makers clearly see Poland's role in the East as a promoter of the EU's norms, translator of the EU's law and an "intelligent agent".

The EaP initiative constitutes an important part of Poland's attempt to re-establish itself firmly in Europe through positioning itself as the lynchpin between the West and the East in both a normative sense (the promotion of values) and institutionally (establishing policies). For most Poles, a truly integrated Europe can only be achieved when Pope John Paul II's message that Europe has two lungs and that it will never breathe easily unless it uses both of them is fulfilled (Pope John Paul II 1988). Removing the division line between the EU and its Eastern neighbourhood and ensuring the well-being of Poland's Eastern neighbours is part of Poland's national identity. The EaP, therefore, creates an opportunity for Poland to determine the EU's common policy drawing from Poland's "ideational" foreign policy principles. But, contemporary Poland also seeks to combine its national

identity and ideals with political reality. Poland's membership in the EU has had a profound impact on Poland's politics. Poland's decision-makers realised that becoming a big and influential EU member is possible through negotiation and understanding of the EU's policy-making processes. This contends that the consensus between political realism and idealism in Poland's foreign policy may be possible to achieve through the advancement of European norms and values in Polish foreign policy.

The Polish political and intellectual elites have attempted to reconcile their perception of Poland as a big and important state with the realistic objective of implementing their national objectives in the EU. By pursuing foreign policy based on normative objectives and on the active promotion and implementation of normative principles through multilateral means, Poland may become a normative middle-size state and a norm entrepreneur in Eastern Europe, which, in turn, might strengthen the EU as a normative foreign policy actor.

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Interviews

(1) Interview with Witod Sobków, Acting Political Director in the Ministry of Foreign Affairs, Warsaw, 24 October 2008.

(2) Interview with Jarosław Bratkiewicz, Director of the Department for the Eastern Policy of the Ministry of Foreign Affairs, Warsaw, 23 September 2008.

(3) Interview with Adam Daniel Rotfeld, Melbourne, 5 October 2009.

(4) Interview with Przemysław Grudziński, Undersecretary of State in the Polish Ministry of Foreign Affairs, Warsaw, 29 October 2008.

(5) Interview with Michał Łabenda, Deputy Director of the Department for the Eastern Policy of the Ministry of Foreign Affairs, Warsaw, 24 October 2008.

(6) Interview with a representative of the Department of European Union (DUE) of the Ministry of Foreign Affairs, Warsaw, 6 October 2008.

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National Coordination of EU Policy: A Comparative Study of the Twelve "New" Member States

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Abstract

European Union policy-making requires Member States to determine national positions by means of national coordination in order to defend their preferences. This article analyses the coordination systems of the twelve "new" Member States in the middle of 2009 and compares them along the two major lines of divergence in coordination systems: their centralisation and their coordination ambition. In so doing, it ties in with a framework developed by Kassim (2003) and plots the new Member States in a diagram which is compatible with that of Kassim, including thirteen old Member States. A pronounced diversity of coordination systems in the new Member States is found. At the aggregate level, the systems are relatively decentralised. Four countries even combine this with a selective coordination ambition. The article suggests that this can be explained by a lack of resources and proposes avenues for further research.

Keywords

EU policy coordination; Europeanisation; New Member States; Central and Eastern Europe; Executive

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PARTICIPATION IN EUROPEAN UNION (EU) DECISION-MAKING CONFRONTS MEMBER States with the challenge to coordinate their national positions in order to ensure effective representation of their interests and efficient EU policy-making. How has this had an impact on the organisation of the executive in the new Member States? Setting up a national coordination system amounts to a re-allocation of resources in the executive.

Thus, analysing coordination regimes sheds light on the domestic power distribution in the individual states. The coordination of horizontal issues, issue-linkage and prioritisation demand centralisation. Moreover, legitimisation may require an involvement of the political level. However, this has to be reconciled with the need for specific expertise and delegation of tasks in order to avoid an overload of the centre. In addition, the participation in EU decision-making can re-shuffle the domestic horizontal distribution of power between executive, legislative and third-party actors (sub-state level, stakeholders). Empirical information on national coordination systems is a first step towards assessing their attributes and rationales, such as inclusiveness, for choosing one regime over the other. Hence, we require knowledge of the institutions and dynamics of national coordination.

This article presents a first systematic overview of national coordination systems in the twelve "new" Member States which have joined the Union in the 2004/2007 enlargements. It seeks to satisfy two research interests: first, a practical interest in understanding which coordination systems are in operation in the individual states; second, a theoretical and scientific interest in the Europeanisation of the central executives of the new Member States. In other words, this relates to the effect of European integration on domestic institutions. However, institutional reforms in the states may evidently be informed by motivations that are not solely attributable to Europeanisation (Goetz 2000). Research on national coordination of old Member States (Kassim *et al.* 2000, 2001) has revealed divergence of coordination systems along their degree of centralisation and their coordinating ambition. This study is linked to this in scrutinising these two dimensions for the twelve new Member States in order to achieve a plotted figure, classifying the Member States as comprehensive or selective (de-)centralisers. It is argued here that these basic underlying dimensions capturing the differences are empirically and theoretically most relevant. The article draws on a three-staged process of literature and document research, consultation of country experts and interviews with practitioners, intended to reflect the *status quo* of the middle of 2009. Tying in with Kassim's (2003) framework allows combining his and our classifications, so that a systematic overview of the national coordination systems of 25 Member States emerges. Hence, the article contributes to our cumulative understanding of national coordination and makes it an accessible point of departure for future research that can draw on this classification to inform case selection and in-depth studies.

Studying national coordination in the new Member States from a comparative perspective seems particularly worthwhile since it has, thus far, remained relatively neglected. Therefore, our knowledge is very limited when contrasted with the body of individual country studies (*e.g.* Lequesne 1993), small-n (*e.g.* Harmsen 1999; Johansson and Raunio 2010) and large-n comparative studies of national coordination in old Member States (Metcalfe 1994; Kassim *et al.* 2000, 2001) in both New Public Management and Europeanisation contexts. First, this is due to a bias towards case studies of old Member States and "usual suspects" such as Germany, France, or the United Kingdom. Second, post-enlargement studies of EU decision-making have often focussed on the efficiency and functioning of the EU institutions and processes (Best *et al.* 2008; Dehousse *et al.* 2006). Some studies are concerned with the administrative capacity of coordination systems in the (new) Member States, primarily in the run-up to accession and its immediate aftermath. OECD/Sigma reports assessed administrative readiness of the Central and Eastern European Countries (CEECs). They highlight the challenges to organising coordination for accession and participation in EU decision-making both in terms of institutions and public administration (OECD 1998a, 1998b). The OEUE project analyses and compares three CEECs and three old Member States. This research has contributed to our understanding of the arrangements in place, the actors involved and the "menu" from which choices have had to be made (Laffan 2003). A study by the World

Bank assesses the administrative performance in EU affairs looking at the role of "policy, people and systems" (World Bank 2006: V). The study takes the form of an evaluation report and makes use of Metcalfe's (1994) scale described below. It focuses not purely on the coordination of EU affairs in the core executive, but also on management issues, for example concerning the role of e-government, and on sectoral policies, such as programming and absorption of EU Structural Funds. These reports conducted or contracted by international organisations give hands-on policy advice in assessing the administrative capacity of coordination systems. In contrast, this article seeks to analyse and categorise the formal structures and the actual functioning of the coordination systems across twelve new Member States in order to capture the differences in the systems more comprehensively along two dimensions. Therefore, this study seeks to address a lacuna in our understanding of EU multi-level policy-making.

The extant comparative studies of national coordination in the new Member States after enlargement have either been limited by narrowed down foci or their small scale. Fink-Hafner (2007) compares Europeanisation of national coordination in Estonia, Hungary and Slovenia with a particular focus on administrative traditions and party systems. Her work confirms Kassim's (2003) contention that political and administrative opportunity structures account for the divergence across systems. Dimitrova and Toshkov (2007) provide an instructive overview of coordination councils, officials and locations of main coordination units in all ten CEECs. They focus on change of formal institutions, thus leaving their functioning and inter-institutional dynamics largely aside. They suggest a "politics of institutional choice" approach according to which the relative political benefits of actors account for the choice of individual systems. We seek to contribute to this debate by providing empirical information on the actual functioning and informal procedures of coordination systems. In a recent contribution, Dimitrova and Toshkov (2009) focus on the effects of different coordination systems on compliance with and transposition of EU directives. Thus, they draw on the coordination systems as the independent variable. The authors base their assessment of the coordination strength of the respective systems on the World Bank study mentioned above. They find that a centralised coordination system is a necessary, but not a sufficient condition for a high level of compliance, with the degree of politicisation in a given policy area also playing an important role (2009: 12). Panke (2010) focuses on the effects of national coordination systems on quality and timeliness of policy outcomes in small states. In her study on nineteen small Member States, she places special emphasis on the involvement of Permanent Representations, the autonomy of line ministries and inter-ministerial coordination (2010: 773). Thus, the studies do not include all new Member States and do not provide a comprehensive categorisation of different approaches to coordination.

This article leaves the effects of coordination systems on both compliance and policy outcomes aside and instead focuses on a detailed comparison of the internal mechanisms of the coordination systems in the twelve new Member States. In so doing, a classification of the coordination systems in these countries is provided, based on data derived from official documents, personal interviews and secondary literature. This increases our understanding of national coordination systems and provides a basis for future research.

A pronounced diversity of coordination systems in the new Member States is found. At the aggregate level, it seems that the systems are relatively decentralised. Four countries even combine a decentralised approach with a selective coordination ambition. It is suggested here that future research applying historical institutionalism in conjunction with a focus on resources seems promising in order to investigate the divergence of the coordination systems. This article continues with a section dealing with the commonalities and specifics of the new Member States and the CEECs in particular. Subsequently, it presents Kassim's

typology of coordination systems and analyses, as well as categorises, the coordination systems of the twelve new Member States. The last section concludes the article.

The challenges of national coordination: historical legacies and policy choices

This section seeks to highlight the challenges that the new Member States are facing in their quest for efficient and effective coordination of EU policy. It will first give a short account of the basic coordination challenges in new and old Member States alike. These are common issues involving the domestic organisation of public administration and the "nature of the beast" EU. Second, it discusses several particularities of the administrations of the new Member States, their administrative culture and the political context they are situated in. Thus, it identifies challenges that all Member States have in common, whilst others contrast old and new Member States or cross-cutting subsets of them. Third, this section traces the gradual administrative institutional adjustments of the then candidate countries in the run-up to accession. Fourth, it elaborates on the relationship between administrative efficiency and political effectiveness.

Coordination of EU policy requires a regime that is capable of horizontal and vertical coordination in the national executive (Kassim, Peters and Wright 2000: 6). Divisions between departmental preferences need to be overcome at the domestic political and administrative levels. Reconciliation of the "desirable" and the "feasible" has to be achieved through feedback from the European level (Kassim 2003: 88). Thus, the "coordination chain" (Wright 1996: 149) has to link different levels and domestic actors. At the same time, it has to overcome differences between the domestic and European policy-making arenas by streamlining and adapting national action to the sectoral divisions and the "rhythm" of the EU policy process (Kassim 2003: 102; Goetz 2009; Ekengren 1996, 2002). Hence, the coordination systems of all Member States are functionally equivalent as regards their "output" and the participation in EU policy-making. *Prima facie*, this suggests an adaptive pressure on the administrations to institutionalise similar solutions to the common challenge.

However, the new Member States, especially the CEECs, face a number of particular domestic challenges that impede efficient coordination and effective participation in the policy-making process. This might set them apart from the older Member States. Firstly, the majority of the countries that joined the Union in the 2004 and 2007 enlargements face a relative shortage of resources (Christiansen *et al.* 2008: 248) and expertise relating to EU affairs. Besides financial constraints and limited capacity, the lack of specific skills among civil servants has frequently been emphasised (*e.g.* Schimmelfennig and Sedelmeier 2005: 24.). Two important factors in this respect are insufficient knowledge of the formal and informal working mechanisms and rules of EU policy-making, as well as a lack of language skills (Poole 2003: 63; Christiansen *et al.* 2008: 248), the latter being particularly relevant in comitology with its restricted language regime (Alfé *et al.* 2008).

Secondly and closely connected to the first point, the communist past of the CEECs in many ways still influences the public administration in these countries (Dimitrova 2002: 180; Berglund *et al.* 2004: 2). Most problematic in this respect is the continuing politicisation of the bureaucracies, as a result of the inability of the public administrations to function independently after the separation of party and state at the end of the communist era (Dimitrova 2002: 180). Although this problem has been identified predominately for its domestic consequences, it is highly likely that the involvement of party politics in the civil service can have negative effects on the internal coordination of policies towards the EU in those countries. An interesting question in this regard is the extent to which the different versions of communism in the respective countries have influenced the current structures (Berglund *et al.* 2004: 2, Ekiert *et al.* 2004: 14). For

example, Kischelt (2001: 35) claims that the particular type of communist regime influences the degree of clientelism in the present political system of Eastern European countries. This might also explain why some new Member States are more successful than others in effectively coordinating their policy towards the EU. Nevertheless, some degree of clientelism and rent-seeking behaviour of elite groups trying to hinder further reform and peculating public funds are problems common to all CEECs and most transitional societies, as Noutcheva and Bechev have found (2008: 115).

Thirdly, governments and coalitions change frequently in the CEECs. High electoral volatility and less settled party systems are the main reasons for this instability compared with the old Member States (Berglund *et al.* 2004: 46). Tavits (2005: 1) states that high electoral volatility is a strong indicator for cabinet instability, which "[affects] not only the quality of representation but also the quality, stability and predictability of policies". Moreover, he also argues that high electoral volatility in Eastern Europe is the consequence of inconstant elite behaviour resulting in frequent party schisms. Consequently, the voters are presented with different choices in every election (Tavits 2008: 541). Unstable party systems might be an impediment for an effective internal coordination of EU policy. This becomes particularly evident when scrutinising the changes in the institutions involved in coordination. These have incited Dimitrova and Toshkov (2007: 964) to suggest an actor-centred "politics of institutional choice" according to which changes have been motivated by "relative advantages […] to the politicians in power". The problem might remain salient, since electoral volatility is even rising in some countries in the region, most notably in Poland and Romania (Tavits 2005: 284).

Finally, the relative geographical remoteness of capitals of the new Member States from Brussels might be both financially and organisationally challenging. Despite new telecommunication technologies, it is still necessary and important for national experts and officials to be present in person in Brussels. This is of course much more costly and time-consuming for a Cypriot expert from Nicosia than, for example, a Dutch or French official. Even though this does especially apply to the two Mediterranean island nations, Eastern European officials might also be confronted with this problem.

This overview has revealed that the new Member States face a number of organisational and practical problems which complicate the establishment of an effective and coherent system of EU policy coordination, albeit to varying degrees. Tackling these deficits has been high on the agenda of both the candidate countries and the European Commission long before accession (Lippert *et al.* 2001: 991). Unlike in earlier rounds of enlargement, the "administrative capacity" or "bureaucracy criterion" was made one of the central conditions for accession by the Madrid European Council in 1995. Moreover, the details of the reforms were further specified in the course of the accession negotiations (Dimitrova 2002: 178-179). Already before entering the EU, the then candidate countries were thus subject to Europeanisation, as evident from the adaptation to EU conditionality. In most CEECs, civil service laws have moreover been adopted after accession in order to improve the performance of the public administration (Goetz 2004: 272). However, problems with regard to the capabilities of the civil service continue to persist especially in the CEECs.

The reforms required for accession and the actual negotiations resulted in structures and coordination bodies that have partly continued to exist after enlargement, albeit with somewhat different roles. In general, the prospect and, after accession, the requirements of EU membership have been decisive factors in shaping the political institutions of the new Member States. Since accession was largely an "asymmetric process", the new Member States had little influence in determining its conditions, but had to react and adapt their institutions and practices to the detailed requirements of the EU, which differentiates the 2004/2007 rounds from earlier enlargements (Dimitrova 2002: 172-175;

Goetz 2004: 256). However, the EU did not provide a precise model by which to build the coordination system. This was not possible, taking into account the huge variety among the respective systems of the old Member States (Lippert *et al.* 2001: 980). Nevertheless, dynamics of administrative adjustments during the accession negotiations need to be discussed to establish the common ground of the new Member States. Whilst the pace of progress individually varied, all candidate countries had to undergo the accession process.

The first step towards an institutionalised contact between the EU and the CEECs was taken with the so-called "Europe agreements" in 1991 (Lippert *et al.* 2001: 987). These agreements set up joint bodies consisting of both EU officials and representatives of the candidate countries, most notably the Associated Council at the ministerial level and the Associated Committee consisting of high-ranking civil servants from member, as well as candidate countries (*ibid.*). The participation in these committees made it necessary for the CEECs to determine responsible actors in the ministerial structure who specialised in contact with the EU institutions (Lippert *et al.* 2001: 989). In 1993, the Copenhagen Criteria were agreed upon, which determined the broad requirements concerning economic and societal conditions the candidate countries had to meet (Goetz 2004: 256). Additionally, in 1995, a White Paper was published that further specified the obligations of the CEECs regarding their integration in the Common Market. Requiring coordination and collection of information on various aspects of the political and social situations, its implementation provided an incentive for the states to establish special bodies and joint committees to coordinate all EU-related matters. Closely connected to public administration reform, this was seen as necessary preconditions to guarantee the full implementation of the acquis communautaire and thus the success of the accession negotiations with the EU (Lippert *et al.* 2001: 989).

The outcome of the processes was the development of central coordination structures in virtually each of the ten countries in the mid-1990s, shortly before the CEECs formally applied for accession. They consisted of committees at ministerial and junior ministerial level, usually assisted by a coordination body or secretariat. These bodies played a key role during accession and had close contact with the plenipotentiaries of the respective countries in their work (Lippert *et al.* 2001: 989-991). For the majority of candidate states, negotiations started in March 1998 and were completed by April 2003[1] (Goetz 2004: 255). In addition, the coordination bodies were intended to facilitate contact between different EU units or secretariats in the various line ministries (see Lippert *et al.* 2001: 992, Figure 2). In the majority of countries, the coordination bodies were directly subordinated to the Head of Government and situated in the Prime Minister's (PM) Office or were part of the Ministry of Foreign Affairs (MFA) (Lippert *et al.* 2001: 992). This illustrates a strengthening of the core executive, which is frequently described as a consequence of interaction with the EU (Goetz 2004: 272).

In general, the central structures and coordination bodies remained in place after the CEECs and the two Mediterranean island nations joined the EU. They continue to be important for EU policy coordination, albeit with different competencies and tasks. In this respect, the developments in the new Member States mirror those in countries that joined in earlier rounds of enlargement, such as the United Kingdom or Portugal (Kassim 2000: 23; Magone 2000: 143). However, the degree to which the central coordination body remains actually superior to the corresponding units in the respective line ministries varies significantly from country to country. Whereas in some countries a strengthening of the central coordination bodies could be observed, the line ministries regained power in the post-accession period in other cases.

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[1] The negotiations with Latvia, Lithuania, Malta, Slovakia, Romania and Bulgaria began in February 2000. However, negotiations with Romania and Bulgaria were not concluded until April 2005 (Noutcheva and Bechev 2008: 124).

Some studies argue that a centralised coordination system will necessarily increase the possibilities for a country to foster its position in the European arena (*e.g.* Metcalfe 1994). Metcalfe has developed a scale measuring effectiveness at the EU level as a function of the efficiency of coordination systems, *i.e.* their centralisation, ranging from (1) independent organisational decision-making to (9) overall governmental strategy (1994: 281). He claims that "poor internal coordination not only compromises national interests; it also adversely affects the performance of the system as a whole" (1994: 276). However, Kassim argues that an important distinction has to be made between administrative efficiency and political effectiveness (2001: 70). Sepos points out that, whereas a centralised coordination system is administratively more efficient in terms of producing one coherent position at the domestic level, this does not necessarily lead to more desirable policy outcomes at the EU level (2005: 186). As a classical example to illustrate this, he cites the coordination systems of the UK and Germany (2005: 173). The former is commonly regarded as administratively very efficient because of its high degree of centralisation, but much less effective in influencing policy outcomes in Brussels (Kassim 2001: 70). The latter is frequently cited as being very effective, but from an administrative point of view rather inefficient, with frequent quarrels between departments (Sepos 2005: 173). Thus, studies on the old Member States suggest that it is not possible to state that an "ideal coordination model" producing the best policy outcomes exists (2005: 187). Other factors, such as the size of a Member State, the position of the Member State on a given issue vis-à-vis the Commission and other Member States, as well as the mobilisation of interest groups, are also of prime importance (*ibid.*).

Therefore, it is important to bear in mind that the formal coordination system of a Member State does not necessarily allow judgements concerning the possibility of a country to negotiate successfully in Brussels. New Member States can choose from a variety of coordination systems depending on domestic arrangements and historical legacies, without one being necessarily superior to the other in terms of political effectiveness. However, the particularities mentioned above suggest that certain coordination models might be structurally more suitable for the particular situation of the new Member States than others. These countries have to be effective in influencing policy outcomes with the highest possible degree of efficiency in the absence of ample financial and personal resources (Christiansen *et al.* 2008: 248). Therefore, it might be advisable for new Member States to concentrate their coordination ambition in areas of particular importance to them. In particular, small Member States might not have a strong interest in some policy areas, whereas others might be of particular importance to them (Nugent 2006; Panke 2010).

Research design

This section pursues two objectives in revealing the research design of our study. Firstly, it explains why Kassim's typology (2003) was chosen, rather than other comparative frameworks, in order to make sense of the differences in coordination systems in the new Member States. Secondly, it highlights the methodology applied for categorising the countries.

Choosing a comparative perspective

Several studies have put national coordination systems in a comparative perspective. The research presented here ties in with a typology developed by Kassim (2003) based on a research project that resulted in two volumes of insightful country reports (Kassim *et al.* 2000, 2001). These studies arguably constitute the most comprehensive and sophisticated analysis of national coordination systems in the EU. The dimensions capturing the

differences, namely centralisation and coordinating ambition, stand apart from other attempts at comparing national coordination as they were conceived of inductively. Other studies have put coordination systems in a comparative perspective by assessing them along *a priori* determined criteria, such as stability (Dimitrova and Toshkov 2007) or centralisation (Metcalfe 1994), or have focused on functional criteria such as speed of coordination and quality of positions (Panke 2010). In contrast, Kassim's typology captures the root of differences between coordination systems and is, therefore, theoretically more relevant than measures of efficiency *per se*. If we considered a different – or only one – dimension, the observed differences or similarities might be caused or distorted by the underlying variation in the dimensions that are now scrutinised. Empirically, moreover, a measure of efficiency is only instructive when controlling for the scope of coordination. Therefore, Kassim's basic typology is considered more "genuine", comprehensive, and ambitious for our purpose than other extant or conceivable (single) dimensions capturing the differences between coordination systems.

The added value of analysing the new Member States according to this existing typology can be appreciated when considering this article as a piece of cumulative research. Rather than adding yet another set of criteria for comparing a sub-set of coordination systems along an allegedly innovative dimension, it seeks to contribute towards a classification of the coordination systems of all Member States according to a unifying, comprehensive typology. Given the daunting task of capturing the differences of national coordination systems across the whole EU, and given the central importance of understanding the link and the interaction between the national and European layers of governance, cumulative research is imperative. Classifying the coordination systems can, in turn, inform future research and might provide a basis for case selection and in-depth studies.

Kassim's (2003: 91-2) typology classifies the various systems along two dimensions. The first dimension concerns the degree of centralisation of the system. In centralised systems, specialised authoritative institutions at the centre of government are responsible for overall coordination. In particular, in the case of conflicts arising between different ministries or departments, the coordination body comes into action by eventually taking the decision or forcing reconciliation. A further aspect of centralisation is the ambition to "speak with one voice", implying a coherent representation by all national officials. Decentralised systems, by contrast, lack a central coordination body with considerable authority. Whilst bodies facilitating inter-ministerial coordination may exist, the respective individual actors remain relatively independent. In order to establish the degree of centralisation of a coordination system, the strength of the central coordination unit vis-à-vis the individual ministries is decisive. Furthermore, the room for manoeuvre of civil servants, as well as the relation between the capital and the Permanent Representation in Brussels, feeds into the analysis.

The second dimension takes into account the coordination ambition of a country. Some Member States have comprehensive systems that attempt to agree on a position on virtually every EU issue. Stakeholders, such as private interest groups, social partners and sub-state governments are usually involved in formulating the mandate. Moreover, they often proactively intervene at an early stage of the policy cycle. In contrast to such comprehensive ambitions, the scope of selective systems is rather modest. The emphasis lies on particular, salient issues and the government is the principal actor in deciding a position. In addition, the focus is put on the decision-making phase in the Council where national officials defend the position of their country.

In order to systematically depict the differences between the systems of 13 old Member States, Kassim plotted the countries in a figure producing four basic coordination types: comprehensive centralisers, selective centralisers, comprehensive decentralisers, selective decentralisers (see Figure 1).

Figure 1: Kassim's (2003) typology of national coordination systems
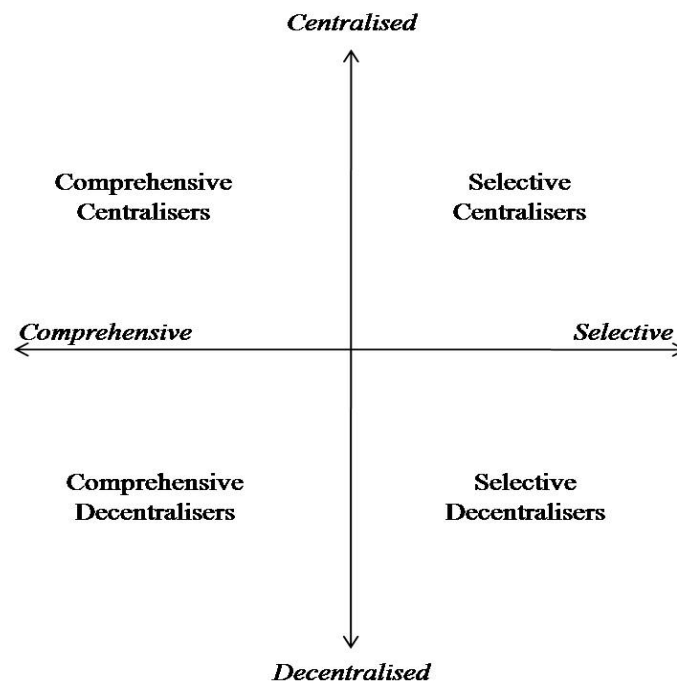
Source: figure based on Kassim (2003).

The following section presents the methodology applied. The validity of the classification is thereby demonstrated and the research design is made replicable. This might encourage tests of robustness of our classifications and future research on the same or other Member States.

Methodology

This section explains the methodology used here for classifying the coordination systems along the two dimensions of Kassim's framework, in order to bolster the internal validity of the positioning and guarantee the replicability of the research design. First, it explains the factors that are considered in order to locate the coordination systems on the respective dimensions, *i.e.* how to determine the position of a given coordination system. Second, it reveals and justifies the data drawn upon in order to classify the countries. Thereby, it aims to make transparent the process leading to the positioning of the coordination systems. This replicability may encourage others to test the robustness of our findings during the period that is focussed on here, or in longitudinal research designs tracing the changes in the relative positions.

For each of the two dimensions, a series of questions are considered. In order to place Member States on the centralisation dimension, the following three questions guided the analysis. Firstly, is there a formalised organisational entity or a forum for coordination between ministries? If so, does this serve for mutual updating, opinion exchange, or decision-taking? In case of disagreement, is there an arbitration mechanism in place, or is a particular actor authorised to decide? Secondly, how is the relation between the capital and the Permanent Representation structured? Does the Permanent Representation

communicate with the ministries, or is there a central entity interposed between them? Do line ministries send mandates directly, or does this happen through the central body? Thirdly, how much room for manoeuvre do individual civil servants have in formulating mandates and negotiating in Brussels? In aggregating and weighing the answers to these questions, the countries are divided into centralised and decentralised coordination systems.

With regard to differentiating between comprehensive and selective coordination ambition, the research considered three questions, the first of which trumped the others in case of contradiction. Firstly, are coordination and EU-level activity concentrated in few policy areas of particular national interest? Secondly, does coordination take place for issues clearly falling into the realm of one ministry? Thirdly, are stakeholders – private interest groups, social partners, sub-state government – consulted? Drawing on the first question in particular for positioning the country as comprehensive or selective coordinators, the additional two questions are intended to provide a fuller picture of coordinating ambition beyond sectoral differentiation. This is how the classification of the countries in the four categories was reached (see Figure 1). On this basis, the research compared the characteristics of the systems first within and then across the categories to locate the relative positions of the Member States (see below).

From the questions pursued, it is evident that the categorisation builds upon formal organisational structures and the informal politics of coordination. The research not only investigated whether a central coordinating body existed in a country and whether it was attached to, for instance, the Prime Minister's Office, a Government Office or a line ministry, but went further by looking into the actual practices in the countries. Given the scope of the research project and the expectation that practices vary starkly across sectors, it was decided to avoid particularistic process-tracing of the coordination of individual acts in a particular sector and to opt instead for a more universalistic approach. Thus, the assessment here builds on the analysis of formal organisational structures and informal practices. For this purpose, literature, government documentation and data from interviews with practitioners and country experts were consulted in order to triangulate data.

Obviously, the study is not built on a project as comprehensive as that of Kassim *et al.* (2000, 2001) and remains to be corroborated by future in-depth research. However, having revealed the questions guiding our analysis and the procedure of positioning the countries vis-à-vis each other, the study becomes replicable for others using different data in order to test the robustness of its assessments or focussing on a different timespan in order to trace changes over time.

National coordination in the new Member States

The following section presents empirical findings on the coordination systems in the twelve new Member States in order to categorise them according to their degree of centralisation and coordination ambition. This reflects the situation in the middle of 2009. Mapping the systemic configurations in Figure 2 visualises the stark differences substantiated in the individual country portraits below and reflected upon in the concluding section.

Figure 2: Patterns of national coordination in the new Member States
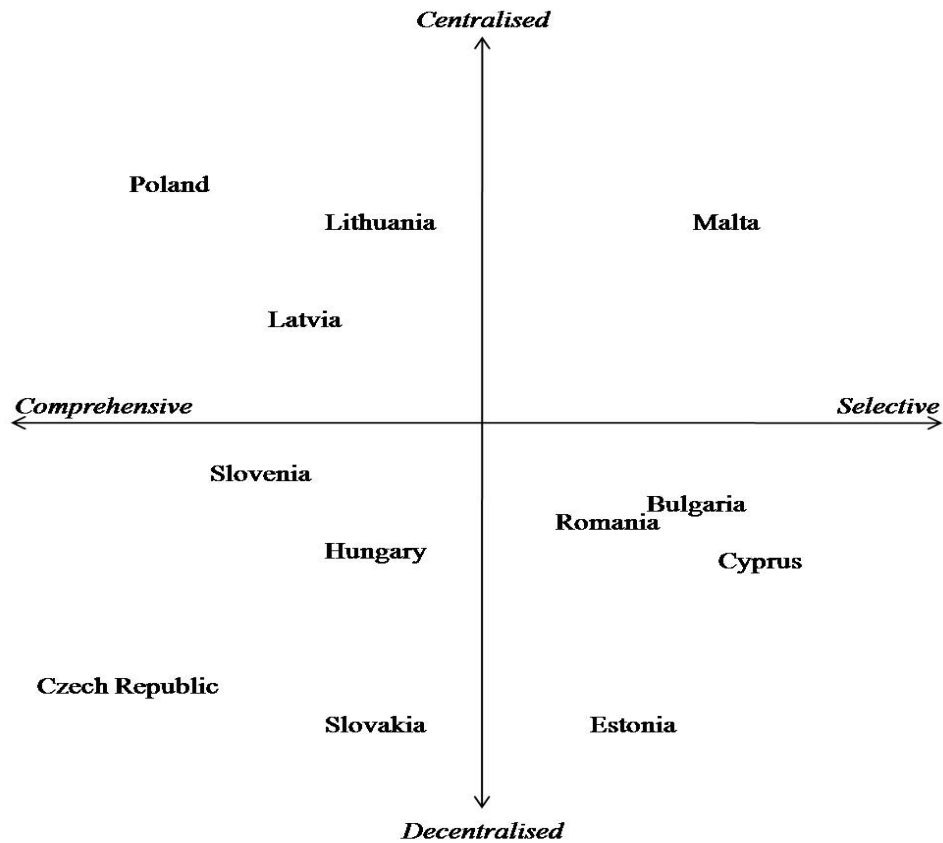
Source: figure based on authors' own data.

Comprehensive centralisers: Poland, Lithuania, Latvia

The Polish EU policy coordination is highly centralised, but at the same time very complex and frequently changing (Nowak-Far 2005: 12). At the heart of the system is the European Committee of the Council of Ministers (ECCM). This body scrutinises all negotiation positions for the Polish representatives at the ministerial and COREPER levels. Instructions for working group members are given by the respective line ministries. At the request of the ministries, such as in the case of strategic or highly politicised topics, mandates for working group members can also be adopted by the ECCM, which is chaired by the Head of the Office of the Committee on European Integration (UKIE). The UKIE is also the central coordination body that actually sends the mandates to the Permanent Representation, and has to clear all negotiation positions suggested by line ministries beforehand. In addition, UKIE serves as a mediator in case of diverging opinions of two or more involved ministries. If no agreement can be reached in the ECCM, the matter has to be referred to the Committee on European Integration at the ministerial level (KIE), in which the PM has the decisive vote (Nowak-Far 2005: 12). This is a sign of concentration of power in the hands of the core executive (Zubek 2005: 593).

The Polish system can generally be described as very ambitious and comprehensive. It aims to represent Poland's interest in every policy field. Naturally, there are some areas that are "traditional" interests of Poland and to which special importance is attributed, most notably cohesion and regional policy, agriculture and the Eastern neighbourhood policy (interview, UKIE, May 2009). However, regional bodies or social partners are not directly involved in the coordination process, even though they contribute in an advisory capacity (Nowak-Far 2005: 17). The *Seijm* and the Senate have to be informed of Poland's participation in the Council (Act on Cooperation 2004: 1). However, in practice the Parliament is weak in controlling and scrutinising national coordination of EU policies, as its recommendations are not binding (Nowak-Far 2005: 17). In general, Poland can be classified as a comprehensive centraliser.

In Lithuania, the main responsibilities lie with two departments located in the Government Office. The first is the Department of EU Policy Analysis and Inter-institutional Coordination, which is tasked with formulating Lithuanian positions and drafting legal acts. The second body, the Department of Coordination and Monitoring of European Law Implementation, focuses on the processes of transposition and implementation of EU law. This coordination unit is also responsible for dispute settlement, if two or more state institutions fail to reach an agreement. By inviting the relevant actors and representatives of the MFA and the European Law Department, an attempt is made to resolve conflicts. Despite the important role of the Government Office, the MFA also plays a key role and works closely together with the EU departments. In particular, it is responsible for the preparation of the COREPER II meetings and the representation of Lithuania in Brussels. For inter-institutional coordination, there are specialised working groups, broadly called "Working Groups on European Union Affairs" consisting of experts from the ministries, other state institutions and agencies, social-economic partners, as well as interest groups. Their tasks are to assist those in charge of EU policies and to coordinate works related to Lithuania's membership of the EU if competences of two or more state institutions and agencies are affected. In case of conflicts arising between two or more departments, they equally function as a problem solver (personal communication, Permanent Representation of Lithuania, June 2009).

With regard to the comprehensiveness of the system, the role of the parliament (the *Seimas*) appears to be significant. Before a mandate is sent to Brussels, it has to pass the *Seimas*, which can formulate an opinion on it and can issue amendments. However, the government is free not to consider these amendments. The computer system LINESIS of the Government Office forms the core of Lithuania's coordination. It ensures the communication and exchange of relevant documents between the institutions that are involved. Furthermore, it makes the system relatively transparent and controllable (personal communication, Permanent Representation of Lithuania, Brussels, June 2009). Lithuania's coordination system can be identified as centralised and comprehensive.

Latvia can equally be classified as a comprehensive centraliser. In 2004, the European Affairs Bureau migrated from the PM to the MFA. Thus, the ministry was charged with the main responsibility for coordination (Dimitrova and Toshkov 2007: 974) and has been given the right to make final changes before instructions are sent to the Permanent Representation (Panke 2010: 777). The European Affairs Bureau fulfils the function of a secretariat for two further institutions: the Council of Senior Officials at the administrative level, which is an important trouble-shooter in case of conflicts, and the European Integration Council at the political level. Rollis (2005: 102) argues that Latvia still faces major challenges in providing an effective coordination system. Much depends on the political actors in office and not so much on professional experts. Furthermore, the administration is still not strong enough. Latvia lacks both financial and human resources to facilitate the effective work of the civil service by increasing the coordination capacities.

Latvia attempts to let stakeholders participate in the process of EU policy-making. Already during the accession process, the country was eager to listen to interest groups. In order to overcome obstacles such as insufficient language skills and lack of knowledge of the working mechanisms of EU institutions, the government offers seminars to the non-governmental sector and publishes relevant documents on its websites. Nevertheless, measures to attain this goal still have to be improved, since only a limited amount of information is made available (Rollis 2005: 106).

Comprehensive decentralisers: Slovenia, Hungary, Czech Republic, Slovakia

In the first half of 2008, Slovenia was the first of the new Member State to hold the Council Presidency and thus pass what could be considered a "stress test for national coordination". The State Secretary-led Government Office for European Affairs (GOEA) is charged with coordination (except for CFSP matters, which remain with the MFA), in which an online "EU portal" plays an important role. In late 2008, the GOEA and the Government Office for Growth were merged as a Minister-led Government Office for Development and European Affairs (GODEA). The GODEA assigns one or several ministries to a dossier and coordination then takes place on-line. A ministerial position on the EU portal can automatically become the national position if there is no objection to the lead ministry by a fixed deadline (interview, GOEA, November 2008). While there are 35 working groups, physical meetings at the GODEA are summoned in case of important horizontal dossiers only, which is the case about once every two weeks. There is a weekly Working Group on EU Affairs at civil servant level chaired by the State Secretary and, recently, a monthly meeting at State Secretary level has been introduced to discuss strategic issues. The GODEA tries to assert itself as a coordinator and supervisor suggesting solutions in case of conflict while sometimes, albeit decreasingly, being perceived as an "intruder" by the line ministries (interview, GODEA, May 2009). Against the odds of a "lack both of co-ordination and teamwork culture" in the administration (Fink-Hafner 2007: 15), the GODEA is judged to be "very well established, stable, and influential" (Dimitrova and Toshkov 2007: 975) and learning from the Presidency experience might further smoothen the coordination process (Kajnč and Svetličič 2008). Given the continued importance of line ministries, Slovenia is still classified as decentralised.

Slovenia has a relatively comprehensive coordinating ambition. Every issue running through the EU portal can be formally considered to have undergone coordination. Nevertheless, there are attempts to prioritise by a regular *Declaration on activities of the Republic of Slovenia in the EU institutions* (Kajnč and Svetličič 2008). Yet, its impact in practice is negligible. However, the Presidency lessons might provide a basis for a move from passiveness to more proactive coordination in at least some policy fields. As regards inclusion of third parties, it has to be noted that the lead ministry or working groups may consult stakeholders, in particular the social partners (interview, GOEA, November 2008). Nevertheless, coordination is understood as a governmental task (interview, GODEA, May 2009). Dossiers falling under the National Assembly's competence are forwarded and discussed in the Committee on EU or Foreign Affairs in order to confirm mandates before a Council meeting (interview, GOEA, November 2008). Slovenia, therefore, can be classified as a comprehensive decentraliser.

Hungary looks back on a change of its coordination unit from a State Secretariat for Integration and External Relations in the MFA to the Office of European Affairs (OEA) at the PM's Office, and back to the MFA within few years after its accession. However, the position of a Minister without portfolio responsible for European Affairs has survived the institutional turmoil. There are 48 inter-ministerial working groups under fixed chairmanship, each targeting a specific EU policy field. Based on a proposal prepared by the chairing ministry, they define the negotiating positions. Next to the chair and other

concerned line ministries, representatives of the Permanent Representation, MFA, Justice, Finance and Interior are permanent members. This usually suffices for decision-making, but in case of disagreements the dossiers are passed on to the Inter-ministerial Committee for European Affairs (interview, country expert, May 2009). This is located at the administrative level (Dimitrova and Toshkov 2007), but chaired by the Minister without portfolio. Convening on a weekly basis, the committee prepares COREPER (as far as necessary) and Council meetings. Moreover, it is briefed on recent Council meetings. If disagreement persists, matters are referred to the Conference of State Secretaries and, ultimately, the Cabinet of the Government for European Affairs, again chaired by the Minister without portfolio. The existence of this position means that there is a certain degree of centralisation. Moreover, Fink-Hafner (2007: 19) has highlighted the deep integration of political leadership with a highly politicised civil service, in which one may expect the ministerial cabinets to keep an eye on national coordination.

Hungary pursues a relatively comprehensive coordinating ambition as regards the number of policy fields covered. However, despite the existence of consultative bodies, stakeholder inclusion in the coordination is rather casual and does not trigger substantial input. The parliament, in contrast, is in a powerful position, particularly as regards monitoring. Its European Affairs Committee can start a coordination procedure in the process of which a position is adopted. However, the government under certain circumstances is not bound to it (interview, country expert, May 2009).

The Coordination system of the Czech Republic can be described as relatively decentralised. However, a coordination body exists at the ministerial level (V-EU) and at the level of under-secretaries from all ministries (V-EU at working level). They are assisted by the European Policies Coordination Department (OKE), which also sends the agreed mandates to the Permanent Representation. V-EU at working level serves as a forum for discussion of mandates at the COREPER level. If no agreement can be reached, the matter is referred to the V-EU, which however only meets once a month. It is chaired by the PM and approves positions to be taken in the Council of Ministers. At the working group level, responsibility lies solely with the line ministries, indicating a low degree of centralisation. In addition to the OKE, the Permanent Representation has equally regular and intensive contacts with the line ministries (interview, Permanent Representation of the Czech Republic, June 2009).

The Czech system is highly comprehensive, regarding both the inclusion of stakeholders in the process and the resources attributed to EU coordination. This has been a side effect of the preparation of the 2009 Presidency, which has been a key priority of the Czech Republic in the last years. A specific feature of the Czech system is the high number of different actors involved in the coordination process. Even though they attend the meetings only in an advisory capacity, their involvement is a sign of the comprehensiveness of the Czech system. The Parliament is effectively weak in scrutinising EU policy coordination, even though the Permanent Representation keeps "close contact" with the respective committees in both chambers (*idem*). The Czech Republic can be classified as a comprehensive decentraliser.

The coordination system of Slovakia differs on many points from that of the other new Member States. Most importantly, a special coordination body for EU affairs does not exist. Instead, the MFA plays a key role (interview, Permanent Representation of Slovakia, June 2009). Only the MFA is entitled to send instructions to the Permanent Representation from the COREPER level onwards. At working group level, the experts receive instructions solely from the line ministries, which are decided on by Ministerial Coordination Groups (MCG) chaired by the respective State Secretary. The Committees for EU Affairs I and II within the MFA decide on instructions for COREPER I and II respectively. They consist of experts of each ministry and are chaired by a State Secretary from the MFA. At the ministerial level,

coordination takes place at the Ministerial Council for EU Affairs (MCEUA). However, the latter meets only four times per year, thus indicating a rather weak control from the core. The coordination system of Slovakia was created in its present form in 2004, underwent minor reform in 2007 and again in 2009. The practical application of the theoretical structure seems to be a big problem, and officials have yet to become familiar with the special mechanisms of EU policy-making (interview, Permanent Representation of Slovakia, June 2009).

The Slovak system has to be described as rather comprehensive. Nevertheless, because of limited resources and expertise, the country cannot cover all policy fields equally. Special importance is therefore attributed to the fields of energy and employment, as well as social issues (interview, Permanent Representation of Slovakia, June 2009). A notable characteristic of the Slovak System is the strong role of the Parliament (Denca 2009: 348). The Committee on EU affairs of the National Council of the Slovak Republic has significant powers at all levels. Mandates for working groups, COREPER, and ministers have to be approved by the Committee (interview, Permanent Representation of Slovakia, June 2009). It has the right to intervene at any stage in the process to amend or change mandates. This is a notable exception among the new Member States. The Slovak system can be described as comprehensive, but decentralised.

Selective centralisers: Malta

The most important factor influencing the Maltese EU policy coordination system is the small size of the country. The result is a relatively centralised coordination system. Its main coordination forum is the Inter-Ministerial Committee for EU Affairs (IMC) (Maltese Ministry for Social Policy 2008: 26). It is assisted in its work by the EU Secretariat in the Office of the PM. The Secretariat clears all the proposals and opinions coming from the line ministries for distribution in the IMC. In certain cases, the matter is referred to the Cabinet Committee on EU Affairs (CCEA). The latter consists solely of the PM, the Foreign Affairs Minister and the Finance Minister. The Cabinet Committee clears all position papers before they are adopted by the whole cabinet (Caruana 2007: 270). The EU Secretariat also channels the final positions of the line ministries adopted by the IMC and CCEA and sends them to the Permanent Representation (Office of the Prime Minister of Malta: 2009). However, the line ministries have somewhat more discretion regarding technical issues.

A special feature of the Maltese coordination system is the comparably strong involvement of stakeholders and social partners. They are represented in the Malta-EU Steering and Action Committee (MEUSAC) (Caruana 2007: 272-273). However, MEUSAC can only make recommendations to the CCEA and does not have the power to make binding decisions. The Maltese parliament has to be informed of the position of the Maltese officials in Brussels, but in fact has no power to actually influence the process. In general, it can be said that the Maltese system is selective rather than comprehensive in its ambition. Thus, Malta can be classified as a selective centraliser.

Selective decentralisers: Estonia, Bulgaria, Romania, Cyprus

Estonia is a selective decentraliser. Formerly, the tasks of coordination had been divided between the PM and the MFA. In 2002, the coordination unit, the Office of European Integration, was moved from the MFA to the PM in order to avoid conflicts between the two. Nonetheless, the MFA maintains some responsibility with regard to the coordination of COREPER II. The high degree of decentralisation in Estonia manifests itself in the latitude of the individual ministries, which are able to act relatively independently in formulating their positions and are also responsible for the negotiations (Panke 2010: 777; Fink-Hafner

2007: 817). In addition, the individual ministries are all represented in the Permanent Representation in Brussels and have their own attachés there. Officials working for a ministry directly receive their mandates from there. Furthermore, they are tasked with reporting on the negotiations to the Cabinet (Drechsler *et al.* 2003; Viks 2002). These characteristics make Estonia's coordination system one of the most decentralised among the CEECs.

Estonia's coordinating ambition is marked by a low involvement of other stakeholders. An attempt to rectify this by establishing a consultative committee comprising government and social actors was rather unsuccessful. The role of the parliament also reflects this picture. The Committee on European Affairs is not directly involved in coordination, as positions adopted in the Cabinet do not have to be sent to the Parliament (Viks 2002).

Bulgaria can equally be described as a selective decentraliser. The system was reformed in 2007 by Decree 85/2007 of the Council of Ministers on the organisation and coordination of EU matters. As a consequence of this decree, two central coordination directorates located at the government office (EU affairs coordination directorate at the Council of Ministers) and at the MFA (EU affairs department) were charged with overall coordination. However, the final decision lies with the Council of Ministers, which has to take into account the work of two lower levels: firstly, 31 working/sector groups on which representatives of the ministries sit; secondly, the EU Affairs Council (CEA), which meets weekly in order to discuss and decide on the proposals made by the working groups. It is headed by the Minister for EU Affairs. However, this office does not make the system more centralised, since it is only a political appointment that lacks its own ministry (personal communication, country expert, June 2009).

The degree of involvement of stakeholders in Bulgaria is difficult to define. They are invited to the working groups and, depending on the Foreign Affairs Minister, they can be invited to the CEA. However, it is not formally regulated whether they are only observing the discussions or taking part in the actual decision-making process. Moreover, it is not clear whether the working groups and the CEA have to respect the opinion of the stakeholders in formulating positions. The biggest problem in Bulgaria seems to be the identification of the relevant stakeholders. Bulgaria appears to be selective in its approach by concentrating efforts on several policy domains, such as agriculture, food and nuclear energy. Yet, the country suffers a deficit in its institutional capacity for public policy-making. Priorities are mostly formulated by the political cabinets of the ministers and do not necessarily reflect the public interest. As regards the timing of the involvement in Brussels, Bulgaria can be described as rather reactive, focusing on the decision-making phase in the Council of Ministers (personal communication, country expert, June 2009).

National coordination in Cyprus is organised in a decentralised fashion resulting from the "only gradual appreciation of the importance of central coordination in the capital" (Nugent 2006: 60) combined with battles about leadership. The Presidential Palace's Diplomatic Office is limited to informing the President, rather than actively engaging in the coordination between MFA, the Planning Bureau, the Law Office of the Republic and the line ministries with their EU units of two to three officials (Sepos 2008). The MFA is only the "de facto – but not official [i.e. designated] – central coordination authority" (*ibid*.: 52) as it supervises foreign policy in general. Despite centralisation tendencies at the MFA, the Planning Bureau also has specific subjects under its mandate (such as research, for example) (interview, Permanent Representation of Cyprus, July 2009). Moreover, the MFA seems to be a weak coordinator. While Sepos reports that it hosts and chairs coordination meetings (Sepos 2008: 52), the dilute and weak responsibilities provide a breeding ground for decentralised coordination by line ministries and the Permanent Representation. It usually depends on the person or service in charge of a dossier, often at the Permanent Representation, to coordinate with domestic officials and between ministries. The lack of

an institutionalised forum to discuss positions reinforces the weakness of the MFA in coordination and explains why officials do not distinguish the lead voice in the capital when it comes to dealing with EU issues. With the key role of officials in line ministries and the PR in particular comes significant room for manoeuvre (interview, Permanent Representation of Cyprus, July 2009).

As Nugent (2006: 59-65) has pointed out, the lack of resources requires Cyprus to adopt a rather modest, selective coordinating ambition and to "concentrate its attention on issues where it has a specific interest at stake. It does attempt to monitor all general developments and to attend as many meetings as possible, but not at all to the same extent as large states". These fields include the Cyprus problem, neighbourhood issues, the financial perspective, corporate law and taxation, the services industry and maritime transport. The small size of the country entails a lack of resources reflected in limited participation in working groups and higher workload for individual officials. Yet, this is partly offset by recourse to networks providing a certain degree of informality and flexibility. As regards the position of the executive vis-à-vis parliament and stakeholders, Sepos (2008: 50-51, n. 17) highlights that the House of Representatives has established a Committee for European Affairs, meeting four to five times per presidency, which is supported by a EU directorate of specialists supporting their work. However, influence can be exerted by discussion in the plenary only and is not binding. Stakeholders are consulted by the ministries as deemed necessary on a case-by-case basis. While limited resources complicate early, proactive coordination (Nugent 2006: 66), this may still be sought in some cases (interview, Permanent Representation of Cyprus, July 2009).

Romania provides an example of coexisting administrative and political coordination (Dimitrova and Toshkov 2007: 971). Working groups composed of officials of ministries and agencies assess and discuss positions elaborated by the lead ministry, and thus prepare and subsequently monitor the activity in the Council Working Groups. At this level, the Department for European Affairs (DAE) is only informed, but it becomes more involved as a dossier climbs the hierarchy. Nevertheless, the Permanent Representation and line ministries are in immediate contact unfettered by the DAE. Instructions for Council and COREPER are agreed in the weekly meetings of the Coordination Committee of European Affairs at Secretary of State-level, chaired by the Head of the DAE (co-chaired by MFA). It is here in particular that the DAE acts as an arbitrator in being able to propose, but not impose, solutions. Such issues would be resolved in the ministerial-level Council of European Affairs (meeting monthly or when necessary), which also sets general priorities and is chaired by the PM. The role of the DAE generally consists of providing information, overseeing coordination and checking compatibility of positions. In general, this is reported to function smoothly, with officials granted room for manoeuvre in writing mandates, allowing timely receipt of the instructions in Brussels. The interpretation of these tasks can differ depending on the department's leadership (interview, country expert, April 2009).

The reported smooth functioning of national coordination has to be considered in the light of a selective coordination ambition. Romania focuses on certain major national priorities, such as agriculture, energy, environment and regional policy. In general, its strategy is rather passive or reactive, "following the crowd" and getting involved, if at all, at later stages. While under the former leadership of the DAE stakeholders have rather been neglected, the introduction of a more systematic inclusion has been planned. Likewise, the Parliamentary Committee on EU affairs is only informed and has thus not enjoyed true direct influence on the positions of the executive in the Council (*ibid.*). Thus, Romania is currently classified as a selective decentraliser.

The diversity of national coordination systems

When taking a step back from the individual country information in order to grasp the broader picture, what is striking is what we do *not* see. First, there is no dominant pattern discernible among the coordination systems set up by the new Member States. All four ideal types are filled. Second, the coordination systems are less centralised than expected. In the analysis presented here, the degree of centralisation denotes the position on the continuum with a unitary, independent coordination unit equipped with decision-making authority at the one end and departmental autonomy at the other. Hence, the relatively decentralised coordination approaches in many of the new Member States reveal that the alleged emergence of powerful core executives should be treated with caution. Even if there are central units attached to the PMs' Offices, those are often weak. The diagnosis of strong core executives may thus result from a tautological definition in parts of the literature. If the "core executive" comprises "all those organisations, structures and roles that serve to integrate the work of governments in relation to Europe" (Laffan 2006: 690), its strengthening through Europeanisation is self-evident and analytically misleading. Instead of a unitary core, we find much fuzzier, complex, *ad hoc* solutions in which officials in line ministries and the Permanent Representation take on a decisive role.

Including the thirteen old Member States in the picture (see figure 3), it becomes clear that there is no dividing line between new and old Member States.[2] However, the previously blank category of selective decentralisers is filled by four new Member States. Tentatively, the status of Cyprus, Estonia, Romania and Bulgaria can be explained by limited resources demanding a selective approach. The existence of states with decentralised, selective coordination is noteworthy and, in fact, raises questions worth exploring in-depth. Faced with constraints in resources, the adoption of a selective approach may be inevitable. Nevertheless, pairing this with a central coordinator setting the priorities appears more intuitive. In the four countries, in contrast, informal networks seem to contribute to coordination outside formal institutions. This suggests a partial explanation of the coordinating-ambition dimension. Adding to Kassim's (2003) analysis that a centralised, proactive approach often results from Euroscepticism, while more integration-prone countries take a more decentralised approach, the findings here suggest that, in many cases, a selective approach results from limited resources and expertise.

This brings to the fore the question of how to account for the variation across countries. Institutional divergence can be explained by historical institutionalism, in which Hall and Taylor (1996: 939) distinguish between a calculus approach and a cultural approach. The former emphasises strategy and utility maximisation, albeit influenced by and accommodating extant institutions. In the latter, rationality is not bounded by the institutional context only, but routines and norms act as additional "filters for interpretation" (*ibid.*). Kassim, Peters and Wright (2000: 13-18) have argued that political and administrative opportunity structures, as well as national policy styles, have this effect. Accordingly, extant institutions influence reforms, leading to path dependent, divergent institutional outcomes across countries. Dimitrova and Toshkov (2007), in contrast, have rejected this historical institutionalist explanation by pointing to the absence of "institutional lock-in". Instead, they suggest a rational choice-based account of politics of institutional choice accommodating the volatility in coordination systems.

While the debate is beyond the scope of this article, the findings here can provide some impetus in suggesting reasons for the observed heterogeneity. The diversity that is found

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[2] The coordination systems in the old Member States may have been subject to changes since Kassim's analysis in 2003. Borrás and Peters (2009: 4) for instance suggest that national coordination systems have generally been subject to centralisation. The combined figure should therefore be read with cautiousness.

can be considered grist to mill of those who have criticised the tendency of lumping together the CEECs as an allegedly unitary post-communist group. It is suggested here that this account might be too simplistic (cf. the differentiated presentation in section II). However, if one was to retain the assumption of the common communist heritage as a predominant characteristic determining administrative culture and traditions to the present day, the diversity would disconfirm historical institutionalist accounts pointing to path dependence and institutional stickiness. Likewise, given that the countries joined the Union within a period of two years only, it seems that the functional requirements of taking part in EU business and the roughly parallel process of preparing for accession under constant progress evaluation by the EU do not go a long way in explaining the coordination arrangements. Other factors seem to be more pertinent in shaping the coordination systems.

Factors determining coordination systems largely seem to overlap between old and new Member States, which points towards more generic aspects determining the coordination systems in place. This suggests that, in order to explain the development of coordination systems, future research should investigate more explicitly why and in which way political and administrative opportunity structures influence the development of coordination systems. It should refrain from over-emphasising the communist legacy of the countries and instead focus on issues such as party systems, logistical considerations arising from geographical locations, and administrative culture, which do not *a priori* inherently discriminate between old and new Member States. One explanation suggested for the adoption of selective, decentralised approaches is the lack of resources or the lack of willingness to invest them. As the development of the coordination systems was not traced through time, a comprehensive longitudinal analysis (see Dimitrova and Toshkov 2007) of the institutional development of the coordination systems after the "critical juncture" of accession remains to be undertaken. Thus, future research will have to explicitly engage with the fact that the communist heritage seems either to be (a) too differentiated or (b) too weak to exhibit a long-term impact towards convergence and to examine which aspects actually determine the coordination system adopted.

Some stimuli for the debate can thus be derived. First, decisions on the reform of coordination systems do not amount to "free choice". Instead, politicians are restrained by the resources at their disposal. Second, in order to refute a historical institutionalist argument, institutional change has to be sustainable. The case of Hungary seems to provide an example of a reversal of institutional change after it proved out-of-step with national administrative requirements. Third, while institutional change at the "critical juncture" of accession should not be too surprising, the findings here reveal that the working groups dealing with the chapters during the accession negotiations have often lived on. This might contribute to explaining the relatively decentralised coordination systems and the pronounced division of tasks. Thus, the findings suggest that a historical institutionalist theorisation of the Europeanisation of the executives, allowing for resources as an intervening variable, might provide a promising avenue for further research.

Figure 3: Patterns of national coordination in 25 Member States
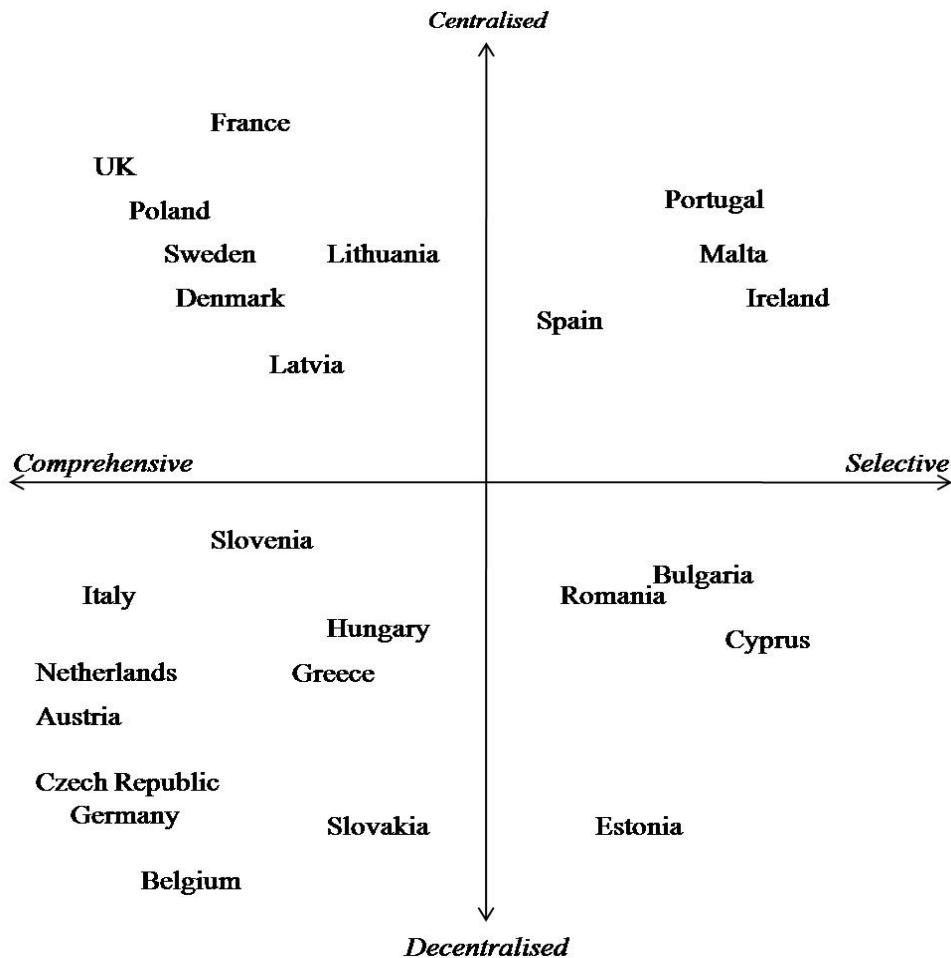
Source: the figure is based on the authors' own data and on Kassim (2003: 93-94), with the position of France being adapted according to the in-text description.

Conclusion

This article has sought to provide a systematic comparison of national coordination systems in the twelve new Member States in the middle of 2009. Drawing on Kassim (2003), the research presented here has classified the countries in a typology of comprehensive or selective (de-)centralisers. They were then mapped (Figure 2), combining the findings of this article with those of Kassim in a single figure and thereby putting the coordination systems of 25 member states in comparative perspective (Figure 3). The only exceptions are Luxemburg and Finland (however, for these countries, see Panke 2010; Johansson and Raunio 2010).

The research reveals great variety among the new countries, thus confirming earlier smaller-scale studies (Dimitrova and Toshkov 2007; Fink-Hafner 2007) across the population of new Member States. When putting this into perspective by adding 13 old Member States to the map, it becomes evident that four new Member States fall under

selective decentralisers, a category not filled before. In total, five Member States are classified as selective coordinators, three of which belong to the smallest EU Member States and two of which are the recent newcomers Romania and Bulgaria. Other states have found technological solutions to address the problem. Slovenia, for instance, uses an online "EU portal" for coordination and thereby seems to avoid costly meetings, while ensuring the distribution of information. The findings therefore suggest that the attributes and rationales of coordination systems cannot be analysed without taking into account the limits to the resources at the disposal of the executive, such as money, time, appropriate language skills, expertise and personnel.

Furthermore, the empirical data suggests that the coordination systems are less centralised than expected. Only one third of the countries are classified as centralised coordinators. This can be explained as a corollary of the accession negotiations, in which usually multiple working groups were in charge of the individual, technical chapters. These working groups consisting of officials from the line ministries have accumulated expertise and persisted contributing in a meaningful way to the coordination of EU policy. Depending on the definition of "core executive", this suggests that: if understood as the PM and his office, the strengthening of the core executive may be weaker than expected; if understood as all actors involved in EU policy coordination, its strengthening amounts to a tautological observation. In practice, this denotes that, unless there are open inter-departmental conflicts resulting in resolution at the political level, administrative actors seem to bear the brunt of responsibility. Combined with the *de facto* weak role of parliaments, with the notable exception of Slovakia, it seems worthwhile to scrutinise the legitimisation of decisions in future research by testing the regimes from a more normative angle regarding their accountability structures.

Based on this analysis of EU policy coordination, it is suggested that in-depth research is necessary in order to reveal causal links of pre-existing political and administrative opportunity structures and national policy styles (Kassim 2003) with differences in coordination systems in the new Member States. In particular, the diversity revealed across old and new Member States speaks to the fact that this analysis should refrain from the thus far often overstated homogeneity or "otherness" of the CEECs. Different institutional arrangements and practices should be explained by general variables applicable throughout the EU. By analysing and categorising the coordination systems, this article intends to provide a starting point for such studies. In particular, it has revealed the methodology guiding the analysis so that future research can test these categorisations, trace the developments in the Member States or complement the findings. As for explaining variation, explicitly including resources in explanatory frameworks seems to contribute to explaining the variation, even though this comes at the price of some vagueness. Hence, the analysis suggests that national coordination systems in the new Member States remain an interesting laboratory for Europeanisation studies.

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The National Parliamentary Arena and Methods of Open Coordination: Explaining the Frequency of OMC-related Executive-legislative Interactions

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Abstract

This article tests the importance of different factors for the frequency with which information from open methods of coordination (OMCs) is used in parliamentary debates. Previous research has shown that OMCs provide the executive and the legislature with information on best and worst national policy practices, enabling them to adopt different strategies. First, a national government can fame its own policies with the use of information from OMCs. Second, information from OMCs can be used by parliamentarians of opposition parties to shame the policies of the incumbent government. A study of Dutch parliamentary debates indicates that the Dutch government uses more information from OMCs to fame its own policies when OMCs have a developed infrastructure and/or a treaty base. Parliamentarians from opposition parties use more information from OMCs adopted for policy areas in which there was already EU-level activity prior to the OMC, and the government provided information on the substance of OMCs to members of national parliaments.

ALTHOUGH REGULATIONS AND DIRECTIVES REMAIN THE MAIN OUTPUT OF European integration, there has been in the last decade a sharp increase in the use of new modes of governance at the EU level. One of the most prominent examples is the Open Method of Coordination (OMC). Through this soft law instrument, governments can gain insights into the performance of their national policies vis-à-vis those of other Member States. Scholars by and large agree that the OMC can have an effect on national policy-making processes through the identification of the underperformance of national policies and by offering policy solutions that have worked in other EU Member States for similar problems (López-Santana 2006; Heidenreich and Bischoff 2008; Natali 2009). The impact of OMCs on national policies is well studied, but scholars have paid relatively little attention to the effect of OMCs on executive-legislature interactions in Member States. Scholars that have focused on these interactions focused their attention on explaining the low involvement of parliamentarians (Duina and Raunio 2007: 298-299; Raunio 2006) and the informational advantage of members of government over parliamentarians with regard to the content of OMC reports (Jacobbson 2005; Visser 2005; Benz 2007; Tsakatika 2007). However, there have been no systematic studies comparing different OMCs.

It is important that more research is conducted on the domestic parliamentary treatment of OMC processes because it can tell us more about the potential impact of the OMC on national policy-making. Through its guidelines, the OMC can highlight a policy situation at

the national level as problematic and persuade domestic policy-makers, such as parliamentarians, to construct their proposals for new policies within the framework set by the OMC (López-Santana 2006). Moreover, a study on the involvement of parliamentary actors in OMCs contributes to the broader debate on the changing approach of national parliaments to European integration. The scrutiny of EU legislation by national parliaments is well studied, but many questions remain unaddressed with regard to new EU-level institutions, such as OMCs and the subsidiarity checks introduced by the Lisbon Treaty.

The goal of this article is threefold. First, this study aims to describe how information on best and worst policy practices generated by OMCs in six policy areas is present in debates between the executive and the legislature in the national parliamentary arena. The OMCs studied in this article have been adopted for the following policy areas: employment, social inclusion, pensions, education, research and development (R&D) and internet policy. Second, it aims to test and compare the importance of different factors for the frequency with which information from six OMCs is used by the government and by parliamentarians of opposition parties. Several basic hypotheses are tested through a quantitative analysis of statements related to OMCs in Dutch parliamentary debates during the period 1996/1999-2009. Third, this article aims to make an innovative methodological contribution. Whereas previously, most scholars have used a variety of qualitative methods to conduct research on OMCs, this study uses regression analysis in order to shed light on dynamics at the national level caused by OMCs adopted at the EU level.

The article is structured as follows. In the next section, the main characteristics of OMCs are discussed. Subsequently, hypotheses are formulated regarding the variation between OMCs in terms of the use of information from OMCs by the executive and the legislature. In the third section, information is provided on data collection and analysis, as well as the selection of cases. Fourth, empirical evidence is presented on the reports published in the context of OMCs on Dutch policies and on the use of information from OMCs by the Dutch government and parliament. The concluding section discusses the potential policy impact of the executive-legislature interactions with regard to OMCs, and the role of national parliaments in a multi-level EU governance structure, in which soft law instruments are increasingly used.

The open method of coordination: origin, functioning and national parliaments

The Heads of State and Government of the EU Member States codified the OMC in 2000 by including four elements in the Lisbon Presidency Conclusions, together forming the institutional infrastructure of an OMC[1] (Council of the European Union 2000). The complete infrastructure of the OMC consists of guidelines or objectives, indicators and benchmarks, reporting via National Action Plans (NAPs), and peer review. In subsequent years, these four elements came to function as a template for implementing the OMC in the policy areas of education, R&D, e-Europe (internet), social inclusion, and pensions. As a result of this template, national governments play the central role in the OMC. They approve by qualified majority in the Council the guidelines, indicators and benchmarks on which different national policies are scored, and formulate NAPs that specify how they plan to improve their policies. The respective European Commission Directorates General (DGs) and experts of national ministries identify the factors that cause a national policy to perform best and review the NAPs and policies of the Member States in peer-learning groups. The Commission and the Council draw up a joint report summarising the progress made in each Member State toward meeting the objectives.

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[1] This OMC template was strongly inspired by the Luxembourg process, designed in 1997 to establish the European Employment Strategy (EES). This strategy is referred to in this article as the OMC on employment.

The guidelines or objectives adopted in the various OMCs included in this study give an indication of the policies the OMCs touch upon. The guidelines adopted in the context of the OMC on employment emphasise several goals to be reached at the national level, such as full employment, ensuring inclusive labour markets, and promoting flexibility combined with employment security. The objectives of the OMC on social inclusion aim at the eradication of poverty and social exclusion through promoting participation in the labour market and guaranteeing access for all to the basic resources, rights and social services required for inclusion in society. The OMC on pensions promotes the objective of providing adequate and sustainable pensions. In this context, attention is paid to the solidarity between and within generations, access to pensions, supporting longer working lives and active ageing, and promoting the affordability of funded and private pension schemes. The objectives of the OMC on education touch upon participation of the adult population in lifelong learning programmes, the number of early school leavers, low-achieving pupils on literacy indicators, and the number of university graduates in mathematics, science and technology. The main objective in the OMC on R&D is to raise overall R&D investment to three per cent of GDP by 2010. To reach this aim, attention is paid to fiscal measures and policy mixes to boost public research spending, internationalisation of R&D, and the promotion of research-intensive small- and medium-sized enterprises. The main priority of the OMC on e-Europe/i2010 is to create a single inclusive European Information Space through offering affordable and secure high broadband communications, rich and diverse content, and digital services.

Although the specified guidelines are non-binding, OMCs can have an indirect effect on national policy-making processes in Member States. Through its guidelines, an OMC can highlight a policy situation at the national level as problematic, and persuade domestic policy-makers to construct their proposals for new policies within the framework set by the OMC (López-Santana 2006). According to various scholars, this framework affects policies often before discussions took place with stakeholders at the national level (Tsakatika 2007: 550; Kröger 2007: 658; Buchs 2008a; Buchs 2008b; Heidenreich and Bischoff 2008).

Despite indications that stakeholders – *e.g.* parliamentarians – are not fully involved in OMCs, there are several reasons why it is necessary to encourage their participation, especially that of members of national parliaments. First, openness was made one of the defining characteristics of the method and, accordingly, led to the inclusion of the promise in the institutional design of the OMC to involve national parliaments (Buchs 2008b; Smismans 2008; Zeitlin 2008). Second, the OMC can only be an effective method when governments are held to account for the under-performance of national policies in OMC policy comparisons. Without the use by parliamentarians of information from OMCs to assess national policies, there are no actors that can formally hold the executive accountable at the national level for the under-performance of national policies with regard to OMCs. Third, OMCs can provide parliamentarians with information about the relative performance of national policies of the incumbent government.[2] By using information from OMCs on the performance of policies of the incumbent government, parliamentarians can exercise a more informed control over the policy choices of the government against reduced costs of information collection.

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[2] The number of parliamentarians that can potentially make use of the OMC is limited. In practice, political parties assign one or a few parliamentarians to a policy dossier to focus on in their scrutiny of the activities of members of government. These parliamentarians are members of specialised parliamentary committees and are important players in their party for determining what the strategy of the entire party will be in its interaction with the government, and ultimately, how to vote on proposals for legislation.

Scholars considering the practical involvement of national parliaments in OMCs claim that, first, parliamentarians are not interested in following OMC processes because they view their impact on the national policy-making process as marginal (Duina and Raunio 2007: 298-299). Second, they argue that parliamentarians are not able to scrutinise OMCs. Unlike normal EU legislation, the OMC does not have a clear beginning or end, or rules to guide the behaviour of actors. This makes the OMC hard to follow for parliamentarians at the national level (Raunio 2006). The third claim is that, because representatives of national governments are involved in drawing up NAPs and joint reports and participate in OMC peer-learning groups at the EU level, information on the performance of policies in the OMC policy comparisons becomes concentrated in the executive branch, outside the control of the legislature (Jacobsson 2005: 123; Visser 2005: 199-200; Raunio 2006; Benz 2007; Tsakatika 2007). In sum, scholars have assessed the involvement of parliamentarians in OMCs rather negatively. However, these assessments are primarily based on the study of the OMC on employment. Hence, there is a need for a comparative study of OMCs with regard to the use of information from these methods by governments and parliamentarians. Such a study is even more necessary when one considers that the variation between OMCs in terms of the related executive-legislature interactions can have consequences for the policy impact of OMCs at the national level.

Executive-legislature interactions and OMCs

The need identified in the previous section for an empirical study of the frequency with which information from OMCs is used in parliamentary debates is addressed in this article by focusing on two strategies: i) the faming by members of government of the performance of their own policies with the use of information on best policy practices generated by OMCs, and ii) the shaming by parliamentarians from opposition parties of the performance of policies of the incumbent government with the use of information on worst policy practices generated by OMCs.

The choice to focus on these two strategies is based on previous research, indicating that, although one can think of other uses in the national parliamentary arena of the information generated by OMCs, faming by the government and shaming by parliamentarians in opposition parties are most prominent at the national level (de Ruiter 2010). An explorative study of the use of information from OMCs adopted for the education, R&D and internet policy areas showed that members of the incumbent government in the UK and the Netherlands did not make use of information from OMCs on worst policy practices to legitimise changes in national policies. In other words, shaming by the incumbent government of national policies does not occur. Moreover, parliamentarians from government parties did not systematically use information from OMCs to praise or criticise the performance of the policies of the government in which their party is participating. Even in the case of the Netherlands with its coalition governments – where it cannot be expected that the government and parliamentarians of government parties are always pursuing the same goals –, the use of a shaming strategy by parliamentarians of government parties could not be detected (de Ruiter 2010).

It is claimed in this article that the extent to which faming or shaming strategies are used by governments or parliamentarians of opposition parties is related to variables that influence the visibility of OMCs for actors at the national level. This rather straightforward claim is the starting point for formulating hypotheses with regard to the dependent variables, *i.e.* the number of faming or shaming statements in parliamentary debates by, respectively, the government or parliamentarians of opposition parties. These hypotheses are tested through the estimation of regression models. Because of the lack of quantitative empirical studies on the variation between OMCs with regard to the related executive-legislature interactions, the aim of this study is limited to exploration. However, the

rejection or confirmation of the basic "visibility" hypotheses formulated in this section can be a stepping-stone toward the testing of more complex hypotheses in future studies.

First, it can be expected that OMCs adopted in highly salient policy areas receive more attention from actors at the national level than do those adopted in low salience policy areas. Governments and parliamentarians are likely to be more interested in following the performance of national policies in OMCs that touch upon the main concerns of their electorate, *e.g.* issues related to employment, social and education policies. This reasoning leads to the following hypotheses:

> *1a. A government uses more information from an OMC to fame the performance of its own policies in parliamentary debates when an OMC touches upon a highly salient policy area rather than a low salience policy area.*

> *1b. Parliamentarians of opposition parties use more information from an OMC to shame the performance of policies of the incumbent government in parliamentary debates when an OMC touches upon a highly salient policy area rather than a low salience policy area.*

Second, the presence in OMCs of NAPs, joint reports, benchmarks and rankings of the policy performance of Member States allows actors at the national level to acquire information through OMCs on the performance of policies (Duina and Oliver 2005: 498; Benz 2007: 518). In practice, these components were not present from the start of all the OMC processes and even took a couple of years to develop in some OMCs. Hence, it can be expected that the possibilities for governments and parliamentarians to use information from OMCs will increase when reporting on national policy practices in an OMC is introduced and benchmarks and rankings are developed at the EU level. In other words, when the infrastructure of an OMC is developed, it can generate information on best and worst policy practices, which gives the government and parliamentarians more opportunities to use information from OMCs to, respectively, fame or shame the performance of national policies. On this basis, the following hypotheses can be formulated:

> *2a. The more developed the infrastructure of an OMC is, the more a government uses information from an OMC to fame the performance of its own policies in parliamentary debates.*

> *2b. The more developed the infrastructure of an OMC is, the more parliamentarians of opposition parties use information from an OMC to shame the performance of policies of the incumbent government in parliamentary debates.*

Third, several OMCs are adopted for policy areas in which there was already activity at the EU level before the launch of the OMC. Examples are the Framework Programmes for the R&D area, the Erasmus programme for the education area, and provisions with regard to working conditions for the employment area. When an OMC is adopted for a policy area in which there was already EU level activity, parliamentarians are likely to gain knowledge on the existence and functioning of related OMCs through scrutinising the existing EU level activities. Also, members of government are likely to focus on OMCs adopted for policy areas in which they are used to cooperating with other Member States in the EU context. This is expected to have a positive effect on the use of information from OMCs by the government and parliamentarians to, respectively, fame or shame the performance of national policies. This reasoning is summarised in the following two hypotheses:

> *3a. A government uses more information from an OMC adopted for a policy area in which there was already activity at the EU level to fame the performance of its own*

policies in parliamentary debates, than from an OMC adopted for a policy area in which there was no previous activity at the EU level.

3b. Parliamentarians of opposition parties use more information from an OMC adopted for a policy area in which there was already activity at the EU level to shame the performance of policies of the incumbent government in parliamentary debates, than from an OMC adopted for a policy area in which there was no previous activity at the EU level.

Fourth, the legal foundation for EU level activities lies in the EU treaties, which form part of the basis for members of government and parliament to judge whether EU level action is legitimate. Because of this important role of the EU treaties at the national level, and the fact that there is variation between OMCs with regard to their EU treaty base, it can be expected that an OMC with an explicit reference in one of the EU treaties (*i.e.* the OMC on employment) is more visible at the national level for both members of government and parliamentarians. This line of reasoning leads to the following hypotheses:

4a. A government uses more information from an OMC with a treaty base to fame the performance of its own policies in parliamentary debates than from an OMC without a treaty base.

4b. Parliamentarians of opposition parties use more information from an OMC with a treaty base to shame the performance of policies of the incumbent government in parliamentary debates than from an OMC without a treaty base.

Finally, it is claimed that information on the performance of policies in the OMC policy comparisons becomes concentrated in the executive branch because of the involvement of government representatives in drawing up NAPs and joint reports, and their participation in peer-learning groups at the EU level (Raunio 2006; Benz 2007; Natali 2009). Hence, it can be expected that parliamentarians of opposition parties can only use information from OMCs to shame the performance of policies of the incumbent government when the government provides information to parliamentarians on the substance of OMCs. This leads to a fifth hypothesis on the shaming of national policies by parliamentarians of opposition parties:

5. The more information the government provides on the substance of an OMC, the more parliamentarians of opposition parties make use in parliamentary debates of information from this OMC to shame the policies of the incumbent government.

Data collection and analysis

The OMCs studied in this article are explicitly labelled as such by the European Commission and the Council. Multilateral surveillance tools adopted at the EU level that were in practice never developed as OMCs or were only very recently introduced were not included in the analysis. These criteria resulted in the selection of the following OMCs: employment, social inclusion, pensions, education, R&D, and e-Europe/i2010 (internet policy). The period under study for the OMC on employment runs from 1996 to 2009. Because of the later starting date for the other five OMCs, the time period studied for these OMCs runs from 1999 to 2009.

The selection of these full-fledged, long running OMC processes increases the likelihood that there is something to observe in terms of OMC-related parliamentary activity. However, the findings on these six OMCs cannot be easily generalised to all OMC(-like) processes aimed at fostering mutual learning between EU member states. The OMCs

selected in this study are more important than other OMCs because many OMCs are still in development and have few indicators, no EU-level reporting and no meetings in which exchanges of best and worst practices take place in order to increase mutual learning. Examples of such OMCs "under construction" are the OMC on health care and the OMC on culture. In the case of these OMCs, one can expect that, due to an under-developed infrastructure, less information on the relative performance of national policies of EU Member States is published or produced at the EU level. This results in fewer possibilities for the government to use information from OMCs to fame the performance of its own policies, and for parliamentarians of the opposition to use information from OMCs to shame the performance of national policies of the incumbent government. In sum, the results of this study likely speak more to "pure" OMCs and less to the OMC(-like) processes that do not yet have a developed infrastructure.

Because of the lack of quantitative studies on OMCs, many research questions are still unaddressed. This article takes up one of these research questions and aims to explain variation *between* OMCs with regard to the related interactions between the executive and the legislature. Such a study requires that country differences are held constant. Hence, a within country comparison of the influence of six OMCs on executive-legislature interactions is conducted. It is worth noting that the choice of a single country study does not mean that it is assumed that variation between Member States is unlikely to occur. However, adding country variables to the analysis in order to test country differences in executive-legislature interactions is beyond the scope of this explorative quantitative study.

The Netherlands has been chosen as a country study through which to test the basic hypotheses of this pioneering study. The Netherlands is a medium-sized Member State with a non-federal government structure, and has a tradition of coalition governments. These characteristics make straightforward generalisations to other EU Member States difficult. However, it is still possible to indicate how empirical findings on the Netherlands are expected to play out in EU Member States with different characteristics (see conclusion). In short, this explorative study on the Netherlands contributes to the formulation of more complex hypotheses on the influence of OMCs on executive-legislature interactions to be tested in future studies.

The use of information from OMCs by the government and parliamentarians is measured through coding official parliamentary documents, such as letters of ministers to parliament, minutes of plenary debates and public committee meetings, and questions and answers from parliamentarians and ministers, respectively. Documents for coding were selected through the use of search strings consisting of references to the EU, the policy area for which the OMC is adopted and the OMC as such. The documents were obtained from the *Parlando* database (parlando.sdu.nl/cgi/login/anonymous), which provides access to all documents related to the plenary and committee debates of the Dutch Upper and Lower Houses.

The parliamentary documents were analysed in detail and subsequently coded along the lines of three categories, *i.e.* i) the information provision of the government on the substance of OMCs to parliamentarians (hypothesis 5), ii) the faming by the government of its own policies with the use of information from OMCs and iii) the shaming by parliamentarians of opposition parties of policies of the incumbent government with the use of information from OMCs. Each category is measured by the number of statements made per six months (January-June; July-December) by members of the government or parliamentarians of opposition parties with regard to each of the six OMCs. The coding results were used to construct a pooled time-series dataset with the six OMCs as the units. The length of the time-period (six months) was chosen in order to increase the number of

cases, while still ensuring the occurrence of variation of faming/shaming statements in each time period. See table 1 for an overview of the aggregate coding results.

Table 1: Statements made in the Dutch Upper and Lower Houses

	Faming by government			Shaming by parliamentarians		
	Faming statements (absolute numbers)	Total statements on policy area in EU context (faming statements as % of total)	Total statements on policy area in general (faming statements as % of total)	Shaming statements (absolute numbers)	Total statements on policy area in EU context (shaming statements as % of total)	Total statements on policy area in general (shaming statements as % of total)
OMC employment	42	600 (7.0%)	2361 (1.78%)	57	600 (9.50%)	2361 (2.16%)
OMC social inclusion	17	708 (2.4%)	1659 (1.03%)	11	708 (1.55%)	1659 (.66%)
OMC pensions	25	446 (5.6%)	3840 (.65%)	10	446 (2.24%)	3840 (.26%)
OMC education	29	414 (7.0%)	12220 (.24%)	43	414 (10.40%)	12220 (.35%)
OMC e-Europe/i2010	25	275 (9.1%)	1783 (1.4%)	10	275 (3.64%)	1783 (.56%)
OMC R&D	36	263 (13.7%)	1234 (2.92%)	72	263 (26.37%)	1234 (5.83%)

Source: author's own calculations based on data retrieved from the Parlando database (http://www.parlando.sdu.nl/cgi/login/anonymous).

Through the study of Commission and Council documents and the National Action Plans drawn up by the Dutch government, as well as interviewing[3] European Commission officials closely involved in the development and functioning of OMCs, insights are obtained on the infrastructural development of OMCs (hypotheses 2a and 2b), the treaty base of OMCs (hypotheses 4a and 4b) and the EU level-activity previous to the adoption of OMCs (hypotheses 3a and 3b). The development of the infrastructure of OMCs is measured through assigning a point for each half year in which guidelines, indicators and benchmarks, reporting requirements, or peer-learning activities were adopted in an OMC at the EU level. Dummy variables are created to measure the presence (1) or absence (0) of a treaty base for an OMC, and previous EU level activity on a policy area. Eurobarometer data on the most important issues in the eyes of the Dutch public is used to measure the saliency of policy areas (hypotheses 1a and 1b) (Eurobarometer 59-67). Issues mentioned by Dutch respondents as important were assigned a 1, and all other policy areas a 0. Table 2 presents how the various OMCs score on the main independent variables. Two time points were chosen; one at the beginning of the OMC processes, and one at a later stage of development.

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[3] In November 2005, 11 semi-structured interviews were conducted with officials of the European Commission involved in the development of OMCs.

Table 2: Six OMCs and their visibility at the national level at two points in time

	OMC employment (EES)		OMC social inclusion		OMC pensions		OMC education		OMC R&D		OMC e-Europe/i2010	
Time period	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009
Saliency policy domain	High (1)	High (1)	High (1)	High (1)	High (1)	High (1)	High (1)	High (1)	Low (0)	Low (0)	Low (0)	Low (0)
Infrastructural development	Guidelines; indicators/benchmarks; reporting; peer learning activities (4)	Guidelines; indicators/benchmarks; reporting+; peer learning activities (4)	Objectives; indicators/benchmarks; reporting; peer learning activities (4)	Objectives; indicators/benchmarks; reporting++; peer -learning activities (4)	Objectives; indicators/benchmarks (2)	Objectives; indicators/benchmarks; reporting++; peer -learning activities (4)	Objectives (1)	Objectives; indicators/benchmarks; reporting+++; peer -learning activities (4)	Objectives (1)	Objectives; indicators/benchmarks; reporting++++; peer learning activities (4)	Objectives; indicators (2)	Objectives, indicators, some reporting++++ (3)
Treaty base	Yes (1)	Yes (1)	No (0)	No (0)	No (0)	No (0)	No (0)	No (0)	No (0)	No (0)	No (0)	No (0)
EU level activity	Yes (1)	Yes (1)	No (0)	No (0)	No (0)	No (0)	Yes (1)	Yes (1)	Yes (1)	Yes (1)	No (0)	No (0)

	OMC employment (EES)		OMC social inclusion		OMC pensions		OMC education		OMC R&D		OMC e-Europe/i2010	
Time period	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009	January-June 2002	July-Dec. 2009
Information provision on substance OMC (in statements by govern-ment)	8	8	5	3	10	4	2	15	2	7	13	5

+ In 2005, the national governments of the Member States decided to restructure the reporting in the OMC employment. Reporting continued after 2005 but was integrated in the general reports based on the National Reform Programmes.

++ In 2005, the national governments of the Member States decided to streamline the reporting in the OMC social inclusion and the OMC pensions. Reporting continued after 2005 in a less elaborate way through the Social Protection reports.

 +++ The restructuring of reporting in 2005 did not have an effect on the independent reporting in the context of the OMC education.

++++ Through the introduction in 2005 of National Reform Programmes, reporting was introduced for the OMC R&D and, to a lesser extent, the OMC e-Europe/i2010.

Five control variables are included in the analysis. First, the political orientation of the minister responsible for the policy area for which an OMC is adopted (0 = left (PvdA); 1 = centre (CDA, D'66); 2 = right (VVD))[4] is included in the analysis. A second control variable measures the change in government in a six-month period (0 = no change; 1 = change). Third, other period effects were controlled for by including a dummy variable for the publication by the Commission and the Council of joint reports. Moreover, the total number of statements on a policy area for which an OMC is adopted for each six-month period is included in the analysis. This is done to control for fluctuations in the attention by governments and parliamentarians to a policy area for which an OMC is adopted that cannot be attributed to the OMC. Fifth, the dependent variable with a time-lag of half a year is included in the analysis in order to control for the series' past. Panel corrected standard errors were calculated in order to account for the problem of autocorrelation and heteroscedasticity (Beck and Katz 1995).

Results

The performance of Dutch policies received attention at the EU level in all OMCs under study in this article, in both positive and negative ways. Positive aspects of Dutch employment policies mentioned by the Commission and the Council in the context of the OMC on employment were the high overall employment rate, the high participation of the population in the labour market (measured in persons), and the strategies to fight youth unemployment and reduce gender gaps in the labour market. Negative points mentioned by the Commission and the Council were the lower participation rates by women measured in hours, partially ineffective back-to-work schemes, differences in earning power between men and women, and higher unemployment rates among ethnic minorities. In the context of the OMC on social inclusion, the Commission and the Council famed the Netherlands with regard to the low risk on poverty and cheap housing available. Critical remarks were made with regard to inefficient integration courses for ethnic minorities, insufficient attention to gender imbalances in anti-poverty measures, and shortages in childcare. After 2005, the social inclusion agenda was discussed together with country-specific reporting in the OMC on pensions through joint reports on social protection. In these reports, the Netherlands was famed by the Commission and the Council for the adequacy of the Dutch pension system and the strategies to prevent early retirement.

In the context of the OMC on education, the Commission and the Council are positive about the Dutch national education policies because of the high literacy scores of Dutch 15-year olds and the high participation rates of the Dutch population in life-long learning programmes. The joint reports are more critical with regard to the percentage of early school leavers, and the number of women studying mathematics, science and technology. In the context of the OMC on R&D, criticism is voiced at the EU level regarding the low public and private investment in R&D policies in the Netherlands and the low number of public-private partnerships. Positive aspects are the R&D voucher scheme for companies and the Dutch innovation platform. The Commission reports positively in the context of the OMC on e-Europe/i2010 on the high number of low-cost, high-speed broadband connections in the Netherlands. However, the Commission indicates that Dutch government services only recently became available online, which results in a low use of these online-services by the Dutch population.

In sum, the OMC reports published at the EU level contain information that can be used at the national level to fame or shame Dutch policies. The next two sections assess whether

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[4] The reason for adopting a simple left-centre-right scale is that the OMCs all touch upon socio-economic issues, on which it can be expected that ministers position themselves along this scale.

this information from OMCs was used in this way by, respectively, the Dutch government and parliamentarians of opposition parties.

Faming

The Dutch government uses information from the OMC on employment to fame its own policies with regard to the low unemployment rate and the high participation in the labour market (measured in persons). In the context of the OMC on social inclusion, the Dutch government refers to the positive comments of the Commission and the Council on Dutch policies to get people out of social exclusion and into work. With regard to the OMC on pensions, positive remarks are made by the Dutch government in terms of the prevention of early retirement of the older workforce and the financially sound basis for the Dutch pension system. However, the number of faming statements by the Dutch government on social inclusion and pension policies declined rapidly after 2005. This decline is probably related to a restructuring of the reporting in the related OMCs (see table 2) in order to lower the reporting burden for Member States, which also resulted in less country-specific information in joint reports. This decrease in country-specific information reduced the opportunities for the government to use information from the OMCs on social inclusion and pensions to fame its own policies.

The Dutch government also paid attention to the excellent performance of Dutch education policies on the benchmark for lifelong learning in the OMC on education. The Dutch innovation platform and innovation vouchers for companies are referred to by Dutch governments as international best practices in the OMC on R&D policy comparisons. With the use of information from the OMC on e-Europe/i2010, statements are made by the Dutch government in parliamentary debates on the high quality ICT infrastructure of the Netherlands relative to other EU Member States.

Table 3: Explaining faming strategies by the incumbent government

	Model I	Model II
Saliency policy area	-1.462***	-1.475***
	(.394)	(.349)
Development infrastructure OMC	.333***	.462***
	(.127)	(.069)
Treaty base for OMC	.864*	.722**
	(.491)	(.362)
EU level activity	-.034	
	(.313)	
Left political orientation	.877**	1.078***
	(.385)	(.351)
Right political orientation	-.563	
	(.494)	
Change of government	.177	
	(.251)	
Lagged variable faming	.074	
	(.104)	
Publication joint report	-.284	
	(.275)	
Total statements on policy area	.003***	.003***
	(.000)	(.000)
Constant	.585	.151
	(.462)	(.269)
N	132	138
F-test	5.633***	12.335***
Adjusted R-squared	.261	.293

*p<0.10, **p<0.05; ***p<0.01. OLS-regression models. Panel Corrected Standard Errors are shown in parentheses.*

The results of the estimated regression model (see table 3) indicate that governments use less information from OMCs that are adopted for highly salient policy areas to fame the performance of their own policies, than from OMCs that are adopted for low salience policy areas. This finding contradicts hypothesis 1A. Governments voice on average 1.5 less faming statements per six months in the context of OMCs adopted for salient policy areas than for non-salient policy areas. The explanation for this counter-intuitive finding is twofold. First, the faming that took place with the use of information from the OMC on R&D – touching upon issues that are low in salience in the eyes of the Dutch public – has increased over the period studied, reaching peaks higher than any other OMC under study in this article. These high scores are related to the 3 per cent R&D investment target of the OMC on R&D, which was highly visible in EU reports and easy to identify and interpret by national governments.[5] Second, the OMC on pensions and the OMC on social inclusion – touching upon policy areas that are highly salient – have decreasing faming scores through time due to the restructuring of reporting (see table 2). This led to fewer opportunities for the government to fame its own policies through the use of information from these OMC reports.

The other main explanatory variables that reach significance have positive coefficients. The empirical findings indicate that, first, the more developed the infrastructure of an OMC is, the more a government uses information from the OMC to fame the performance of its own policies. When one element of the OMC template (*i.e.* guidelines, indicators or benchmarks, reporting, peer review) is developed in practice in an OMC, this leads to an increase of almost half a faming statement by the government every six months. Second, members of government use more information from an OMC with a treaty base to fame their own policies than from OMCs without a treaty base. Governments voice on average .7 more faming statements per six months with the use of information from an OMC with a treaty base than from OMCs without a treaty base.

Shaming

Parliamentarians of opposition parties hardly make any use of information from the OMCs on social inclusion, pensions and e-Europe/i2010. Before 2005, the OMC on employment was the most frequently used OMC by parliamentarians to obtain information on the performance of Dutch policies. The information from the OMC on employment is primarily used by (centre) left-wing opposition parties (PvdA, SP, Groen Links) in parliamentary committee debates. The topics on which the Dutch governments were shamed by these parties were low participation in the labour market (measured in hours), inefficient back-to-work schemes, and differences in earning power between men and women.

The shaming scores for the OMC on education and the OMC on R&D are on the rise from 2007 onwards. Information from the OMC on education is used by parliamentarians of opposition parties to emphasise the poor performance of Dutch policies with regard to the benchmark for early school leavers and the low number of students in technical studies. In the context of the OMC on R&D, parliamentarians of opposition parties – from left to right – use information from reports to criticise the low private investments in R&D in the Netherlands relative to other EU Member States.

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[5] Also, in the OMC on employment and the OMC on education, both touching upon highly salient policy areas, such clear targets exist. This leads to high faming scores in these OMCs.

Table 4: Explaining shaming strategies by parliamentarians in opposition

	Model I	Model II
Saliency policy area	-.797***	-.677***
	(.303)	(.234)
Information provision on OMC by government	.212***	.203***
	(.032)	(.029)
Development infrastructure OMC	.163	
	(.127)	
Treaty base for OMC	-.458	
	(.567)	
EU level activity	1.619***	1.721***
	(.347)	(.231)
Left political orientation	-.820*	-.875***
	(.423)	(.313)
Right political orientation	-1.365***	-1.657***
	(.478)	(.330)
Change of government	-.109	
	(.320)	
Lagged variable shaming	.072	
	(.089)	
Publication Joint Reports	-.207	
	(.273)	
Total statements on policy area	.001	
	(.000)	
Constant	-.360	.284
	(.439)	(.274)
N	132	138
F-test	15.262***	31.486***
Adjusted R-squared	.545	.527

*$p<0.10$, **$p<0.05$; ***$p<0.01$. OLS-regression models. Panel Corrected Standard Errors are shown in parentheses.*

As it becomes clear from table 4, the saliency of the policy domain for which an OMC is adopted is negatively related in a significant way to the use of information from OMCs by parliamentarians in opposition parties. This finding contradicts hypothesis 1b. Parliamentarians from opposition parties use less information from OMCs adopted in highly salient policy areas to shame the performance of government policies than from OMCs adopted in low salience policy areas. Parliamentarians from opposition parties voice on average .7 less shaming statements per six months in the context of OMCs adopted in salient policy areas than non-salient policy areas.

The other main explanatory factors that reach significance are positively related to the shaming of national policies by parliamentarians in opposition parties. The results of the estimated regression model indicate that, first, the more information the government provides to parliament on the substance of an OMC, the more parliamentarians of opposition parties make use of information from this OMC to criticise the policies of the incumbent government. One statement more every six months by the government on the substance of an OMC leads to an increase of .2 shaming statements by parliamentarians of opposition parties. Second, parliamentarians in opposition parties use more information from an OMC adopted for a policy area in which there was already policy activity at the EU level. Parliamentarians make on average almost two shaming statements per six months more with the use of information from OMCs that are adopted in policy areas with EU level activity before the adoption of an OMC, than from OMCs that are adopted in policy areas without previous EU level activity.

Discussion

The empirical results presented in this article show that there are differences and similarities between strategies of governments and parliamentarians. First, the infrastructure of OMCs, rather than the substance of the policy dossier on which an OMC touches (*i.e.* the saliency) determines the extent to which the incumbent government and parliamentarians of opposition parties use faming or shaming strategies. An OMC in a low salience policy area that has clear indicators, benchmarks, targets and extensive reporting through action plans and joint reports (*e.g.* the OMC R&D), is more likely to be used by members of national government and parliament than an OMC adopted for a highly salient policy area that lacks these elements (*e.g.* the OMC on social inclusion and the OMC on pensions) (see hypotheses 1a, 1b and 2a). This finding suggests that the government and parliamentarians are not primarily concerned with being responsive to the electorate and addressing their main concerns. Politicians use information from OMCs when these processes produce easily understandable reports, because of clear indicators, benchmarks and objectives, regardless of the salience of the policy area.

Second, the legislature is more receptive towards OMCs when these instruments are adopted in policy areas over which its members already exercise parliamentary scrutiny (see hypothesis 3b). In other words, parliamentarians do not use OMCs to their own advantage in policy areas not yet exposed to EU level activity. Members of national governments are more aware of the specific characteristics at the EU level of the various OMCs, regardless of previous EU level activity. This becomes clear from the increased use of information by the government from OMCs with a developed infrastructure and/or a treaty base (see hypothesis 2a and 4a).

Third, when the government provides more information on the substance of OMCs, parliamentarians use more information from these methods to criticise the policies of the incumbent government (see hypothesis 5). This leads to a trade-off. When members of national governments provide information to parliamentarians on the policy substance of OMCs, they respect criteria for democratic governance, but are at the same time fuelling

criticism of their policies by parliamentarians from opposition parties. However, in practice the Dutch government continues to provide information on the OMCs to parliamentarians. Hence, the Dutch executive contributes to fulfilling the promise included in the institutional design of the OMC to involve parliamentarians at the national level.

Conclusion

The lack of quantitative empirical studies on the variation between OMCs restricted the analysis undertaken to exploring the variation between six OMCs for a single country. Despite this limitation due to the pioneering nature of this study, it can be hypothesised that there are several structural differences between the Netherlands and other EU Member States that lead to more or less use of information from OMCs by executives and legislatures. First, the central government and parliament in Member States with a division of competences between federal and sub-national levels are likely to use less information from OMCs to fame or shame the performance of national policies than the government and parliament in the non-federal Netherlands. This effect is expected to occur because the competences with regard to the policy areas OMCs touch upon are often allocated to the sub-national level in federal states, restricting the involvement of the executive and the legislature at the central level in these policy areas. Second, in Member States with an EU affairs parliamentary committee with more scrutiny rights than in the Netherlands, it is likely that parliamentarians from opposition parties make more use of information from OMCs to shame the policy performance of the incumbent government. Because of a stronger EU affairs committee, it can be hypothesised that members of these national parliaments are better informed on the substance of OMCs and are more aware of the presence of EU level activity prior to the adoption of an OMC in a policy area. Third, in contrast to the Dutch consensus parliamentary system with its coalition governments, a government in a majoritarian system has an assured majority among parliamentarians, consists in general of one party and can rely on getting all of its legislation passed (Lijphart 1999). The Dutch case showed that the executive plays a crucial role in ensuring the use of information from OMCs by parliamentarians through providing them with information on the substance of OMCs. Because of the rather unresponsive attitude of the executive to the legislature in a majoritarian system, it is highly unlikely that parliamentarians in a majoritarian system would be sufficiently informed of the OMC to be able to use its information as much as in the Dutch consensus democratic system.

To assess whether there is a causal link between the executive-legislature interactions related to OMCs and policy change at the national level is a complex task, because of the large amount of variables that need to be controlled for. Hence, a thorough study of the policy impact of the OMC-related executive-legislature interactions would go beyond the scope of this article. One of the first steps in such a study would be to assess whether the faming/shaming strategies reflect what happens outside of parliament in relation to policy-making. Related to a focus on the correlation between the content of faming/shaming strategies and actual policy change, it would be interesting to see whether a policy effect occurs via media coverage and/or is reflected in exchanges between EU and government officials, and members of different governments within the EU.

However, the empirical findings of this study do shed light on the potential policy impact of these interactions. The policy impact of OMCs as a result of faming strategies by the incumbent government is likely to be rather small. The faming by the government is focused on the performance of its own policies that are already in place. This strategy creates obstacles to policy change because it strengthens the standard argument of the incumbent government that its policies are achieving the goals set (López-Santana 2006).

The government simply mentions information from the OMC to justify decisions that it has already taken. The aggregate coding results in table 1 do indicate that the shaming statements by the parliament as a percentage of the total number of statements in parliamentary debates regarding policy areas on which OMCs touch, is low in the case of the OMCs on social inclusion, pensions, education and e-Europe/i2010 – ranging between .26 per cent and .66 per cent. Only in the case of the OMC on employment (2.16 per cent) and – especially – the OMC on R&D (5.83 per cent) can a more substantial percentage of shaming statements be observed. These findings indicate that, when an OMC has simple and focused objectives, indicators and benchmarks, and/or is adopted for a policy area with restricted scope, the shaming strategies by parliamentarians in opposition parties with the use of information from OMCs are likely to gain a stronger presence in broader parliamentary debates. This increased presence makes it more likely that the shaming strategies of parliamentarians have a policy impact.

On the basis of this explorative study it can be concluded that the role of national parliaments in a multi-level EU governance structure, in which soft law instruments are increasingly used, is largely determined by the willingness of the incumbent government to inform parliamentarians on the substance of OMCs. Moreover, parliamentarians of opposition parties restrict their attention to OMCs adopted for policy areas in which they are used to scrutinising EU level activities. National governments do not need to use such a standard-operating procedure because they are pivotal actors in OMCs at both the EU and national levels. In sum, also in a multi-level EU governance structure in which soft law instruments are increasingly used, national governments are better equipped to play the two-level game.

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Commentary

Outcomes, Not Process: Towards a New Model for European Funding in an Age of Austerity

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Abstract

In October 2010, the European Commission presented its initial results of the four year-long EU Budget Review. This came as all levels of government from the local up over, attempted to address shared challenges with static or decreasing resources as a result of the economic crisis. This commentary explores how Social Impact Bonds can potentially lead to greater impact for EU funds at the local level, meaning substantial financial savings in the future due to decreased draws on public services.

Keywords

European Union; Budget; Funding; Local government; Innovation; Social

EUROPE FACES A SERIES OF CHALLENGES THAT ARE SHARED VERTICALLY BETWEEN governance levels, and horizontally across geographical boundaries. "Regions 2020 – An Assessment of Future Challenges for EU Regions" (European Commission 2008) first provided a long term vision of these issues. It argued that globalisation, climate change, demographic change and energy would be the key strategic challenges facing the European Union (EU) in the next 10-15 years. Failure to adequately address these could have severe social, economic and financial implications for the EU.

These issues are not cheap to address, nor will they be overcome through unilateral action. The capacity of many individual Member States to intervene alone is reduced by budget cuts linked to the global economic crisis (*e.g.* HM Treasury 2010). Similarly, many local authorities relying on national grants and local tax receipts for income have reported substantial reductions in their budgets, undermining their capacity to drive change (Eurocities 2010). Given these fiscal restraints and the interdependent nature of key societal challenges, a pan-European approach seems a logical approach, with the European Commission coordinating efforts where possible.

In 2009, President Barroso indicated that this was the objective, declaring that the European Commission would be "leading on climate change, developing new sources of sustainable growth and social cohesion, [and] advancing a people's Europe" (Barroso 2009: 17). This was followed by the Europe 2020 Strategy, replacing the economic-centric Lisbon Strategy with a broader, cross-thematic approach to growth (European Commission 2010a). This provides the core of Europe's policy focus, indicating where the Commission will focus future financial support post-2013 (European Commission 2010a: 20). Focusing on smart, sustainable and inclusive growth, it represents an integrated approach to European politics.

The European Commission's EU Budget Review report confirmed and reinforced the centrality of Europe 2020, arguing that the entire post-2014 EU budget "should be designed as one of the most important instruments to help deliver the Europe 2020 Strategy" (European Commission 2010d: 5). EU funding will support the delivery of five headline targets that set the benchmark for all Member States, with seven Flagship Initiatives covering policy and interventions in areas from digital technology to social inclusion.[1] These five targets are fixed at the EU level, but are adaptable at the national level to reflect different starting points:

- Raising the employment rate of the population aged 20-64 from 69 per cent to 75 per cent;

- Raising research and development (R&D) investment to 3 per cent of the EU's gross domestic product (GDP);

- Meeting the EU's "20/20/20" objectives on greenhouse gas emission reduction and renewable energies;

- Reducing the share of early school leavers from 15 per cent to under 10 per cent and making sure that at least 40 per cent of youngsters have a degree or diploma;

- Reducing the number of Europeans living below the poverty line by 25 per cent.

How to pay for success: outcome vs. process

The broad nature of these objectives presents a challenge to the EU, however. In the wake of the recession, how can it continue to meaningfully support such diverse thematic activities without substantial increases to funding levels? As far back as 2006, it was recognised that the EU budget was stretched and lacked focus. The EU budget review was launched to determine "how the budget can already be shaped to serve EU policies and to meet the challenges of the decades ahead" (European Commission 2007: 2). The results of this process were released in October 2010, at a time when "the global economic crisis […] put public spending at the heart of political debate in European countries" (European Commission 2010d: 2). As all levels of government negotiate spending cuts across the EU, there is little prospect of future additional resources for the European budget, regardless of the pressing nature of shared challenges. As a result, "prioritisation, added value and high quality of spending" (European Commission 2010d: 2) must be the basis for effective activities.

The challenge of stable (instead of increasing) budgets is compounded by criticism over the effectiveness of EU spending in the past. Although interventions are most often

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[1] The Flagship Initiatives were delivered on a staggered timescale: Digital Agenda in early summer 2010, Youth on the Move and Innovation Union in late Summer 2020, followed by New Industrial Policy, New Skills and Jobs, and Platform Against Poverty late 2010, and finally Resource Efficiency early 2011.

delivered by local authorities with excellent knowledge on true local need and opportunity, process has often been prioritised over outcomes. "Controls have […] had a tendency to assess programmes on the basis of inputs rather than performance, reducing the incentives for effective results" (European Commission 2010d: 4). As a result, local authorities have emphasised management procedures and outputs, as opposed to innovation and outcomes when delivering projects aimed at common challenges. For example, local projects aimed at improving labour market conditions are more likely to measure outputs such as the number of people put in training, rather than outcomes such as the number of people in sustainable employment six months after training.[2]

This is replicated in many transnational funds as diverse as the 7th Framework Programme and the Lifelong Learning Programme, as well as finance mechanisms such as JESSICA and JEREMIE. Indeed, around 90 individual budgets and budget lines distribute EU monies to local interventions (European Commission 2009a), with many having no real requirement to link funding with measurable outcomes. This benefits neither local authority end-recipients nor the European Commission. In such a process-driven system, the former have no pressing driver to achieve excellent outcomes through innovative interventions, and may instead rely on models of intervention that have delivered in the past.[3] This subsequently means that the European Commission fails to maximise the impact of its finite financial resources. If projects produce only average or even poor outcomes despite meeting process targets, the challenges they seek to address will continue to increase in intensity at a time when available funding is not able to rise.

If challenges are to be addressed in a long term context of financial uncertainty, there is a need for a new approach. The local level must remain at the centre of EU activity, intervening in ways that support the public good, informed by local knowledge and capacity (Santos and Neheider 2009: 4). But outcomes and impacts must be the focus, and not process and management. The European Commission has acknowledged this, raising the prospect of "payment on the basis of results" (European Commission 2010: 5) post-2014. As a principle, this shows a willingness to use EU funds in a targeted, proactive fashion. Yet a shift towards outcome-based funding will not be simple, and will go against a generation's worth of process-focused thinking. This challenge is highlighted in the 2010's Fifth Cohesion Report, which emphasises the need to link funding with strategic policy objectives, yet discusses outcome measurement as a means to evaluate programmes rather than determine financial support (European Commission 2010f).

Social Impact Bonds and outcome-based EU funding

Europe has a history of pilot programmes, encapsulated in Urban and Urban II that looked at local development. This approach of testing new approaches within the limits of major EU funding programmes may be suitable to testing new outcome-based approaches top financing interventions. One potential model to test is Social Impact Bonds (SIBs), developed in the UK. These are tools to support innovative responses to key challenges, using outcome-based payments and outsourced intervention delivery to promote maximum impact. Sitting within an "invest-to-save" methodology, the model lends itself to funding preventative measures that will lessen the need for future public expenditure (Freud 2007) and provide benefit for society (Young Foundation 2010: 5).

The core of the model is that the public sector identifies a challenge that could be addressed through proactive, preventative measures. The public sector is traditionally poor at developing such interventions (Social Finance 2010), so a call is opened for an

[2] Senior EU Programme Officer, Newcastle City Council, October 2010.
[3] Senior Policy Officer, London Borough of Haringey, October 2010.

external organisation to develop and implement a new project or set of projects instead. The activities of the organisation are paid for by monies placed in a bond by investors. If the intervention meets pre-set outcome targets, then there will be immediate and long-term societal improvements, and a reduced drain on future public sector services and budgets.

A proportion of these public sector budget savings are then used to provide bond investors with a dividend as a reward for their financial backing, and also to provide a financial bonus to the delivery organisation as a reward. If the targets are missed by any amount, no reward payments are made to either the investors or delivery organisation (Social Finance 2010: 47). A key benefit for the public sector commissioner is the elimination of financial risk, as it does not issue payments for either the intervention or unsuccessful projects. The approach creates an incentive structure for long-term preventative and proactive government expenditure. Rather than reacting to the consequences and costs of poor public service provision, an outcome-driven payment system fosters a "race to the top" ensuring that the most effective service providers win out (Social Finance 2009: 11).

Rolling out the SIB model across European funding streams would undoubtedly prove difficult. Yet there is particular potential for their effective use in urban areas where "some of Europe's greatest assets lie" (Hahn 2010), but where even city representatives recognise that "the side effects of social and economic concentration […] require management" (Eurocities 2009: 4). By promoting preventative interventions in these areas of greatest concentration, significant progress could be made in achieving both savings and shared objectives.

A European Social Impact Bond model

A first step would be for linkages to be reinforced between funding programmes, overarching Europe 2020 targets, and Flagship Initiative targets. This process is kicked off in 2010's Budget Review documentation, where an emphasis is placed on "the effective targeting of policy priorities" (European Commission 2010d: 5) with European funding. Indeed, taking inspiration from Lisbon Strategy earmarking for 2007-2013 cohesion spending, the Commission argues that "the Europe 2020 strategy provides both a clear set of common priorities, and a clear framework for identification of funding priorities" (European Commission 2010d: 12). In practice, this could see each funding programme explicitly linked to specific headline targets, for example, the European Social Fund (ESF) tied to poverty, education and employment targets, as well as sub-targets within the European Platform for Poverty. Therefore any ESF-funded projects would have to demonstrate an outcome linked to these targets before receiving funding.

The next challenge is to determine specific issues that SIBs would have most impact on. Using the UK model as a basis, a series of requirements must be met (Social Finance 2010: 54), including the identification of:

- A robust outcome metric;

- A clearly defined target group;

- Evidence-based interventions;

- Clarity on the intervention costing less than the savings through lower long-term public sector interventions.

This will require a step change in the way that all levels of government think when addressing strategic targets, for example, "Reducing the share of early school leavers from 15 per cent to under 10 per cent and making sure that at least 40 per cent of youngsters have a degree or diploma". An SIB approach could be to reject a traditional emphasis on creating costly new courses or vocational programmes, and instead work with children from an early age to change perceptions of education. If over a period of time this approach reduced the number of early school leavers, it would have been a success, contributing to strategic targets and reducing public sector costs in the long term. Close analysis by the European Commission, Member States and local authorities would allow the identification of target areas where this shift towards preventative actions would be viable.

This process would mirror the development of a menu of thematic priorities envisaged by the EU Budget Review to link future cohesion funds and Europe 2020 (European Commission 2010d). Each major EU funding programme would then have a portion of its financial resource ring-fenced to fund SIBs in these "ideal-type" issue areas. Calls for proposals would ultimately invite local authorities to tender for an SIB, on the basis that they can demonstrate clear potential for a localised intervention that would fulfil necessary criteria. The Commission has already pointed to the possibility of "ring-fencing expenditure for […] experimental approaches" (European Commission 2010f: 4) in the Fifth Cohesion Report, demonstrating a willingness to support the use of EU funds in new ways such as this.

Implementing an SIB

In those instances where a clear link can be drawn between potential local outcomes and EU targets, the Commission could agree to support an SIB. There are two main potential models. First, an *ex-ante* funded SIB, and second, an *ex-post* funded SIB. Both see EU and local indicators used as a starting point to agree a detailed "challenge" in the form of an outcome target to be achieved. This challenge would then be laid out in the form of a local tender to deliver interventions, with any organisation free to bid. Applications would have to demonstrate how their intervention or interventions would meet the specified outcome target, and what reduction in public service need this would lead to in the future. This would form the basis of the outcome contract between the EU, local authority and delivery agent.

In the *ex-ante* model, the SIB pot fund could comprise European monies from the appropriate EU programme, as well as local authority match funding. This would be used to pay for the costs incurred by the delivery agent(s) for carrying out the agreed intervention(s). If the intervention is successful and the agreed outcome is achieved, then the Commission could present both the local authority and delivery organisation with a reward grant. This would be a proportion of the savings calculated to be a local, national and EU consequence of the successful actions paid for by the SIB. If outcomes are not achieved in this model, there is no real impact on the local authority as they will simply have followed a traditional match funding approach to local projects. The emphasis is therefore on the public sector to value potential financial reward enough to drive forward excellence in local activity.

The *ex-post* funding model removes this reliance on "additionality" and moves funding more directly to "conditionality", with all EU funds withheld until results are measured, with local authorities solely responsible for the interim funding of the SIB. Local administrations could be free to attract finance from any source, and all funding parties would enter into an outcome-based contract with the EU Commission. If the intervention achieved set outcome targets, the EU Commission would reimburse the SIB funders

whatever money they invested in the SIB, and could pay an additional reward depending on the levels of future savings brought about. This model strongly emphasises outcomes as the basis for any EU funding, and in turn presents local authorities with a risk-reward calculation - if innovative, successful interventions are delivered, they receive substantial EU funding, yet if average or poor interventions are put in place, they receive no financial support at all.

The benefits of an EU-Local SIB

There are several interrelated drivers and benefits for an SIB that links European policy and funding with local level outcomes. At the European level, there is the need to use funds in as focused a manner as possible, supporting excellent interventions that tangibly contribute to the strategic targets laid down as the future focus for the EU. In many areas such as public health, employment or social inclusion, the vast majority of public funds at all levels support interventions that merely cope with problems, instead of attempting to prevent future problems (Social Finance 2009: 2). A well-designed SIB will have outcomes leading not only to immediate and long-term societal benefits, but also a reduction in future public sector expenditure.

An SIB model could also help tackle problems associated with match funding EU programmes. The global recession has placed national and in turn local government in dire financial straits, with many city administrations reporting real budget cuts that would affect the ground activities (Eurocities 2010). In an era where such cuts will have a long-term effect on the financial capabilities of many local authorities, it is possible that some would struggle to provide traditional match funding for EU projects. Indeed, this has already been reported as an issue for some local authorities (LGA 2009). An SIB that provides local authorities with the potential for financial reward subject to outcome attainment may provide a risk-reward ratio that local government will find tempting.

The organisations acting as end delivery agents would also benefit from SIBs. These could be private or third sector organisations, such as community groups or small businesses. Again, these have been and will continue to be affected by a dramatically altered economic landscape. Many small businesses must restructure and refocus if they are to keep pace in the modern economy, yet financial support is often hard to come by (European Commission 2010e). The opportunity to act as a delivery agent in major projects would provide sustainable incomes and allow their market repositioning. Similarly, many charities and other third sector organisations have been in receipt of public funding that is threatened due to public sector cuts (Cook 2010). SIB funding can provide these organisations with a lifeline and the opportunity to potentially develop new business models.

SIBs and local innovation

Another important potential benefit of outcome-based funding through SIBs could be increased support for innovation, one of the Commission's strategic objectives. Market-type innovation with its emphasis on R&D, the private sector and universities, has long been understood and supported by the EU. Yet a focus on profit and economic growth is unlikely to foster the innovations needed to achieve Europe 2020 targets such as increasing education levels or tackling poverty. EU supported interventions must therefore be based on different types of innovation that have the potential to provide real societal benefits.

Public innovation is one model of innovation that SIBs could promote. This can be understood as "new ideas that work at creating public value" (Mulgan 2007: 6). The public sector, comprising large organisations with substantial human, physical and economic resources, is a key actor in this element of innovation. Cities, regions and other forms of government or public sector organisation are constantly innovating in order that they can provide better services, achieve targets across all policy areas, tackle challenges and take advantage of opportunities in areas as diverse as child poverty and climate change adaptation.

Although there are numerous examples of successful public innovation, such as the UK's National Health Service, or road charging policies, there are still barriers. Local authorities face a dichotomy between short-term targets and long-term objectives that inhibits risk taking. Ambitious attempts to achieve long-term goals may lead to fears that "standard", immediate services are somehow ignored. Other hurdles include public sector organisational cultures that shun innovation as being a private sector concern, or lack of experience in learning from outside organisations (Mulgan 2007). If the key challenges facing the EU are to be addressed, such obstacles must be negotiated, as "innovation is as important to the delivery of healthcare and education as it is to industries such as manufacturing, retail and the creative economy" (DIUS 2008: 4).

In its Innovation Union Flagship Initiative, the Commission has committed to developing a benchmark for public innovation across the EU (European Commission 2010c: 21), yet measurement will not be enough. By actively incentivising the achievement of high outcomes through SIBs, the Commission would in turn promote local authorities to support new and untried approaches delivered by external agencies that could lead to valuable public innovations.

Another aspect of innovation that SIBs could support locally is social innovation. Put simply, this refers to "new ideas, institutions or ways of working that aim to fulfil unmet social needs or tackle social problems" (Young Foundation/NESTA 2007: 6). Whereas market innovation relies on research institutes, universities and private enterprise, social innovation is "predominantly developed and diffused through organisations whose primary purposes are social" (Mulgan *et al.* 2008: 8).

By using SIBs to actively support the actions of the third sector as delivery agents, EU-Local SIBs would act as catalysts for this social innovation. Innovation Union does bring social innovation into the EU's policy lexicon for the first time, with the promise of a research programme to explore the issue (European Commission 2010c: 8). Yet exploration will not deliver tangible changes at the local level where new interventions can have most impact, so SIBs could prove valuable catalysts for growing this area of innovation across the EU.

Conclusion

2010 saw the beginning of "real" discussions over the future shape of the European budget and its associated funding programmes. In an era of economic uncertainty and growing austerity, the Commission has committed to linking EU funds to the objectives outlined in Europe 2020. Importantly, there has also been an acknowledgement that if funds are to be used in the most effective and efficient manner, the future emphasis should be on outcomes (as opposed to processes) and outputs.

This presents a major challenge to decision-makers overseeing complex budgetary and policy processes, yet the overall framework of the EU budget does not need to be entirely rejected. A clear linking of specific funding programmes with strategic EU targets will provide the basis for outcome-based funding as the objectives of EU support are made

clearer than ever before. The Fifth Cohesion Report provides an insight into the thoughts of at least DG Regio, which seems to embrace an outcome-based approach. Yet, its suggestion to use outcome indicators as a tool for evaluating programmes would do little to guarantee high-quality results from supported interventions.

Social Impact Bonds present a workable model for actually basing the allocation and award of EU funding on agreed outcome targets. This mechanism would involve the agreement of local outcomes, which would form the basis of an open tender for delivery interventions. If outcomes are achieved, local authorities and delivery organisations receive EU funding and financial reward, yet if interventions fail to achieve success, EU funding is withheld.

The potential value of such a model at the European level is substantial, and extends far beyond that of merely a financial mechanism. First, by emphasising preventative rather than reactive interventions, SIB-related activity could lead to significant future savings for the public sector, as well as more immediate impacts on shared challenges. Second, by moving the delivery of interventions out of the public sector's control, SIBs could support a variety of organisations that are currently threatened by the impacts of the recession. And finally, by incentivising outcomes and promoting the use of divergent delivery organisations, the Commission could drive forward social and public innovation for the first time.

There is little doubt that this is an approach that challenges the norms of European policy and funding. Yet given the Commission's repeated commitment to changing existing ways of working, it presents a viable approach that can be applied in all geographical areas of the EU, across all policies and funding programmes.

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Review Commentary

The State of the Art in the EU Democracy Promotion Literature

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Abstract

The literature on EU democracy promotion is fragmented into a number of sub-literatures, and this makes it difficult to gain a comprehensive understanding of this area of EU activity. Surveying these literatures and their various strengths and weaknesses is a necessary first step to a fuller understanding of what makes EU democracy promotion work most effectively, a task that is all the more vital given the increasingly challenging global environment that democracy promotion now faces.

THE LITERATURE ON EUROPEAN UNION (EU) DEMOCRACY PROMOTION IS FRAGMENTED into a number of sub-literatures. This commentary offers a review of four such sub-literatures in which findings of relevance to EU democracy promotion may be found. It argues that this fragmentation of the EU democracy promotion literature serves to demonstrate that the EU itself has an uncoordinated approach to democracy promotion. This review will firstly offer an overview of some of the main themes that have emerged in four of these literatures: the promotion of human rights, Common Foreign and Security Policy (CFSP), the EU's use of conditionality, and activities to promote democracy in existing EU Member States. Whilst there is a general consensus that domestic factors are uppermost in explaining long-term prospects of democratisation, the role of international organisations and transnational actors in democratisation has been paid increasing attention (Burnell and Youngs 2010). Indeed, the international system has been described as the "missing variable" in democratisation studies (McFaul 2010) and the EU as a major transnational actor has been the subject of much attention. However, despite this increased attention, what has been missing in the literature is an attempt to judge between the various mechanisms used or to integrate them into a coherent framework (Levitsky and Way 2010). Surveying the relevant literatures is a necessary first step for such an attempt.

EU promotion of human rights

The literature on the promotion of human rights by the EU tends to focus on two areas: the use of legal clauses in EU agreements, and the funding of small-scale projects by civil society organisations (CSOs). This reflects the way that EU activity in this area has

developed, *i.e.* through legalistic means and through piecemeal and often uncoordinated methods of funding. The strength in this literature is that it covers EU human rights activity in a huge variety of countries, from Central and Eastern Europe, to Africa and the Caribbean, and the Middle East. The EU approach to the promotion of human rights varies substantially across these different regions and countries, and it generally prefers a positive approach through providing aid for human rights work, conditionality and critical diplomacy, rather than taking punitive action (Youngs 2001). The main weakness in the literature, however, is a proper examination of which instruments work under what conditions.

The 'human rights clause' was established in 1995 for use in all EU co-operation and association agreements with third countries (Youngs 2001; Smith 2008), allowing the operation of conditionality through the threat of suspension of the agreement if human rights are breached. The use of such a clause to promote human rights has been hailed as a way of backing the EU's words with actions, and has even been lauded as being conducive to world peace (Horng 2003). Whilst this is important, it is clearly not sufficient on its own to do the work that the EU wants to do in promoting human rights.

Funding for human rights work is another method used by the EU. The European Instrument for Democracy and Human Rights (EIDHR) was created by an initiative of the European Parliament in 1994, but became an "instrument" in 2007 rather than an "initiative", a significant change of emphasis. The EIDHR funds small-scale projects run by CSOs in non-EU Member States and relies on the target government's co-operation in order to function, and so those states in most need cannot benefit (Keukeleire and MacNaughtan 2008: 227; Smith 2008: 133). The EIDHR has a budget of €1.1 billion for the period 2007-2013, a relatively small sum, which is massively oversubscribed by applications to it, and ten times less than the budget for projects in the EU's close neighbouring countries (see ENPI below). The operation of the EIDHR has recently become more focused, having previously been considered to be poorly co-ordinated and inflexible (Youngs 2001: 32) or even working in a way that unintentionally undermined the EU's own policy goals (Bicchi 2010).

It is important to note that approaches to civil society have also been the source of disagreement in the literature. The role of CSOs has mostly been seen as positive and necessary in terms of aiding the democratisation process. CSOs have also been viewed as being able to use the EU accession process as leverage to pursue their domestic aims (Parau 2009). There are some critics, however, who point out that CSOs are not always progressive in this way (Kopecky and Mudde 2003) and may actually act as a brake on democratisation, or play an "ambiguous or even malign role" (Schmitter 2010: 24). Civil society has sometimes been presented as having a "magical power", embodied in such leading members of civil society as Michnik in Poland and Havel in Czechoslovakia (Grugel 1999: 18). Nevertheless, it is important to bear in mind that CSOs should not be assumed to necessarily be working in ways that further democratisation or look to transnational organisations or networks to help them domestically. In that respect, the literature has developed from a sometimes rather blind faith in the power of civil society towards a more nuanced understanding of the role of CSOs.

In terms of human rights within the EU, the EU Agency for Fundamental Rights (FRA) was established in 2007, having previously been known as the European Monitoring Centre on Racism and Xenophobia (EUMC). It provides "assistance and expertise" for the EU's Member States and institutions and can conduct investigations. For example, the European Parliament requested a comparative legal analysis on discrimination on the basis of sexual orientation in the EU from the FRA. Many human rights NGOs put the charge of double standards against the EU in terms of its concern for human rights in non-Member States compared with those in existing Member States, in which issues such as

homophobia, discrimination (*e.g.* against Roma groups), and dubious anti-terrorism practices are all argued to impact on human rights within the EU.

This perception of an EU double standard is also argued to exist in EU candidate countries - a perception that served to weaken compliance with standards on minority protection (Hughes and Sasse 2003: 13). As well as this internal-external gap, there is also a gap between EU rhetoric and practice due to the inconsistent application of possible measures to protect human rights. The differences in the EU's human rights practices internally and externally have been argued to imbue EU human rights with a sense of irony, in that they differ in all the three crucial aspects of human rights: their definition and scope; the methods of scrutiny employed; and the enforcement measures the EU uses (Williams 2005).

The use of the law to promote human rights also takes place of course within the EU's own court. Two classic studies traced how key European Court of Justice (ECJ) decisions established a constitutional framework for Europe (Stein 1981) and made it harder for Member States to avoid their legal obligations (Weiler 1991). The ECJ, as one such multilateral institution, clearly has an important role to play in safeguarding democracy in the EU. Private individuals and pressure groups have used victories in the ECJ to force governments to alter domestic policy and it is this aspect of the ECJ that has been the focus of the comparative politics literature (Alter 2010: 34-35). Judicial reform is also frequently an area of criticism in the EU's annual Progress Reports on countries aiming for EU membership.

I would argue three points. Firstly, that the literature on human rights promotion is overly legalistic and lacking in a proper examination of which EU activities in this area work most effectively and under what conditions. If legislation alone was the path to universal and secure human rights, then the EU would by now be the utopia that it blatantly is not. Secondly, that there needs to be a re-emphasis on the "human" part of human rights through a study of peoples' perceptions both within the EU and beyond. Thirdly, that the piecemeal nature of the EU's funding for human rights work makes it difficult to evaluate the overall effectiveness or otherwise of the EU's work in this area at a strategic level. What is needed is a synthesis of the human rights promotion literature with that in other relevant areas.

EU Common Foreign and Security Policy (CFSP)

The literature on CFSP focuses mainly on the high-level geopolitical considerations that have shaped its development and the nature of the perceived threats to the EU. The literature is strong on the co-operation between EU Member States on foreign policy, its development over time, and the way policy-making in this area is dominated by "intensive transgovernmentalism" (Giegerich and Wallace 2010: 454). What the literature is less strong on is how CFSP relates to other areas of EU activity and any assessment of what is actually working.

The inability of the EU to deal effectively with the break-up of Yugoslavia and the resulting wars of the early 1990s caused much hand-wringing and eventually some reform of European foreign policy. The oft cited "capability-expectations gap" (Hill 1993) was argued to have developed and the ineffectiveness of CFSP was blamed on the intergovernmental nature of foreign policy-making (Wagner 2003). The EU was seen as unable to reach collective foreign policy decisions, let alone have an impact on events on the ground, and this found common expression in the infamous "when I want to call Europe, who do I call?" question attributed to Henry Kissinger.

As in many other issue areas, both rationalist and constructivist (see Glarbo 1999) approaches have been taken to the study of CFSP, as well as the more nuanced view in which the two approaches are taken as being complementary rather than incompatible (see Smith 2004). While rationalist approaches view the foreign policy preferences of Member States as fixed, constructivist approaches focus on the convergence of national foreign policies and the formation of a community of norms and values around foreign policy at the European level. If CFSP has become more supranational in some ways, there is still plenty of evidence that, in foreign policy, it is hard-nosed *Realpolitik* based on the interests of the nation-states that rule the game, rather than shared values and norms. Within the EU, whilst there is much agreement in the CFSP arena, it is far from saying that all Member States share the same views on foreign policy issues. For example, in August 2008, the leaders of Poland, Latvia, Lithuania and Estonia (as well as Ukraine) visited the Georgian capital Tbilisi in a show of solidarity with President Saakashvili after the Russian invasion. They saw Russia's action in more threatening terms perhaps than their fellow EU leaders.

In keeping with the overall aim of aiding the understanding of EU democracy promotion, I am less interested in differing explanations of the development of CFSP and much more interested in how we might assess its success, or otherwise, in delivering what the EU's members want to achieve. In other words, regardless of whether CFSP seeks to promote democracy because EU members share strong democratic norms and values or just because it is in their individual national interests to do so, or both, what is the level and nature of the EU's real power in promoting democracy? Doubts about this can be seen in a recent edited collection on EU foreign policy from an American perspective which has a concluding chapter entitled "EU Foreign Policy: Myth or Reality?" (Bindi 2010). EU foreign policy is certainly more than a myth; the more important question is "is it effective?"

Promoting human rights, democracy and the rule of law is one of the major objectives of CFSP in the interest of increasing security. In the post-9/11 global context, the European Security Strategy of 2003 took a threat-driven approach and made it an objective to build security in the EU's neighbourhood - a neighbourhood that now included new problematic states such as Belarus, Ukraine and Moldova (Keukeleire and MacNaughtan 2008: 59). This new context prompted the launch of the European Neighbourhood Policy (ENP) in 2003-04 as an instrument to promote security. The ENP deals with neighbouring countries, but without offering the prospect of membership. Indeed, this recognition of permanent non-members and the structured nature of the relationship with the EU's neighbourhood have been argued to represent the "coming of age" of the EU (Whitman and Wolff 2010). I do not agree; it represents rather the first faltering steps, with associated teething problems.

The ENP also includes a significant amount of financial aid to support democracy in the form of the European Neighbourhood and Partnership Instrument (ENPI). This has a budget of just over €11 billion for the period 2007-2013, which funds civil society projects in Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, the Palestinian Authority, Russia, Syria, Tunisia and Ukraine, with CSOs required to submit tenders. The main focus of the ENPI is on supporting "political, governance, economic and social reform programmes" and is mainly provided to fund the implementation of ENP Action Plans. These countries are also eligible for loan funding from the European Investment Bank of up to a total of €12.4 billion for the same time period, as highlighted by the website on ENPI programming. Political developments in early 2011 in some of these North African countries will no doubt necessitate some fairly major rethinking of the operation of the ENP in these cases, as the EU will want to catch up with events and be seen to be supporting democratic development. The case of Egypt in particular threw into rather stark relief the contrast and contradiction between EU policy

and individual Member States' historic legacies and geopolitical interests, not least the fear of some Southern EU Member States of waves of migrants reaching their shores.

Yet another part of CFSP is the Eastern Partnership between the EU and seven of its Eastern neighbours, which was launched in 2009. This policy does not hold the promise of EU membership, but rather "issue-specific rewards" such as visa-free travel for progress in key areas including human trafficking and illegal immigration (Sedelmeier 2010: 426). In what sense this might be a "partnership" in any meaningful sense of the word remains unclear.

The EU's recognition of its need to be better coordinated in its foreign policy informed the Lisbon Treaty's provisions for the European External Action Service (EEAS) and the creation of a High Representative (partly as an answer to the American "who do I call?" question). As the EEAS starts operating fully from the beginning of 2011, its actions must become a key area of study for those interested in EU democracy promotion. As both the Eastern Partnership and the EEAS are both relatively new, the academic literature has not yet developed, although some initial work has appeared (*e.g.* Duke 2010; Korosteleva-Polglase 2010). The CFSP literature is shifting then from examining how policy is formed to an overdue look at what actually works.

I would argue that the CFSP literature, when faced with the difficult question of which policy instruments are actually effective, retreats upwards into high-level politics and away from details and evidence. Once we get beyond the acronyms, we are left with many questions, such as: does grouping Ukraine with such permanent non-EU members as Egypt not seriously hinder efforts at EU promotion of democracy in Ukraine? How do the EU's rule of law missions, for example in Kosovo, relate to other EU democracy promotion instruments? How should the new EEAS ensure that it uses the various EU democracy promotion instruments in a more coherent, consistent and effective way? Again, what is required is for this literature to be related more closely to that in other relevant areas if we are going to get to grips properly with EU democracy promotion more broadly.

EU use of conditionality

Democratic conditionality has emerged as a major area of research within EU enlargement studies and in democratisation studies generally. Democratic conditionality is the strategy used to induce candidate states to comply with the EU's democratic standards (Schimmelfennig *et al.* 2003). As one of the major international organisations (IOs) that play a role in democratisation, the EU has been a prime focus of attention in the existing research on conditionality as it has, since the enlargements in the 1980s, developed a much more "extensive and systematic" conditionality approach than other international organisations (Pridham 2008). Studies on the role of international organisations and the EU in particular (Whitehead 2001; Linden 2002; Kubicek 2003; Pevehouse 2005) are useful in examining theoretical approaches to the role of IOs but most appeared too early to fully capture what was taking place in terms of the EU's application of democratic conditionality to the Central and Eastern European states that joined in 2004.

Conditionality refers to the logic of consequentiality ("do X to get Y") as opposed to the logic of appropriateness ("good people do X") in terms of the mechanisms by which IOs have a domestic impact (Schimmelfennig and Sedelmeier 2002; Kubicek 2003). It is not only the EU that uses a conditionality approach, but the EU accession process has developed into one that is "extensive and systematic" and that has shown both change and continuity in the ways in which it is applied (Pridham 2007a, 2008). The process of refining the conditionality approach is likely to continue, and it has already changed in light of lessons learned after the 2004 enlargement (Grabbe 2007: 116). In terms of the

effectiveness of conditionality, a good summary statement is as follows: "conditionality appears to be far less effective with countries that are either not willing or not capable of adopting European ideas because they do not resonate with domestic structures and identities or they lack the necessary capacities to introduce required changes" (Börzel and Risse 2009: 10).

The end of communism in Eastern Europe represented both a huge challenge and a huge opportunity for the transition to democracy and for its consolidation. Transnational actors have been the "dark matter that held the various aspects of post-Communist transition together" (Orenstein *et al.* 2008). Within that, the EU has been argued to be the "causal behemoth" of transnational influence on Central and Eastern Europe (Vachudova 2008). This influence has been most visible in the process of EU enlargement, which, it is argued, is best understood as being driven by the long-term economic and geopolitical interests of current EU Member States (Moravcsik 1998; Moravcsik and Vachudova 2003) in the "liberal intergovernmentalist" approach. With EU applicant states similarly making rational calculations to bring themselves into line with the conditions of EU membership, such interstate bargaining can be said to reflect "asymmetrical interdependence" (Keohane and Nye 1977). This reciprocal influence between domestic and international affairs in which governing political elites seek to negotiate at an international level at the same time as securing their domestic position has been described as a "two-level game" (Putnam 1988). For those studying this area, this implies a need to take account of the entanglements between international relations and comparative politics (Putnam 1988: 459).

Other models of the operation of conditionality have recently been tested through empirical research in a number of case studies. Magen and Morlino (2008) have developed the "EU Cycles and Layers of International Democratic Anchoring" (EUCLIDA) model and applied it to Romania, Turkey, Serbia and Ukraine. They concluded that the "external-internal nexus" is characterised by "a chain of anchoring" in which continuous conditionality actions create opportunities for elites to act, the weakening of veto players, and shifts in the cost-benefit balance of rule adoption. In summary, they state that "[c]onditionality may be weak and at the end may even fail [...]', but that "empirically, conditionality remains the main mechanism of influence" (Magen and Morlino 2008: 255-256).

A number of key themes have emerged in the academic literature on democratic conditionality, and three of these are detailed below:

(1) Full membership of the EU has such a powerful attraction that it provides "passive" leverage on potential applicant states and "active" leverage over candidate states. The concept of "active" and "passive" leverage that the EU can exercise was introduced by Vachudova in *Europe Undivided: Democracy, Leverage & integration after* Communism (2005). The attraction of the prospect of membership of the EU is argued to provide "passive" leverage on potential Member States, and this becomes "active" leverage when accession negotiations begin. In these two ways, the EU has great power as a transnational actor.

(2) The EU has been argued to have a "transformative power" over potential applicant states by Grabbe in *The EU's Transformative Power: Europeanization through Conditionality in Central and Eastern Europe* (2006) and has been the "causal behemoth" of transnational influence on the democratisation of Central and Eastern Europe (Vachudova 2008). The EU had enormous influence on potential Member States in Central and Eastern Europe (CEE) after 1989, and there was a strongly asymmetrical interdependence between the EU and candidate countries. Adapting to the EU had become embedded in CEE policy-making long before accession, and for this reason domestic politics matter hugely in understanding how EU conditionality worked.

(3) The evidence favours rationalist explanations (conditionality) over convergence ones (the internalisation of norms through socialisation) (Schimmelfennig and Sedelmeier 2005; Kubicek 2003; Linden 2002). Rationalist versus constructivist approaches have been tested, notably in *The Europeanization of Central and Eastern Europe* by Schimmelfennig and Sedelmeier (2005), and the evidence has been found to favour rationalist bargaining models. In other words, the impact of the EU as a transnational actor on domestic politics in potential Member States is to do with elites in those states making rational, cost-benefit decisions and through reacting to the use of "carrots and sticks" by the EU. Pridham, most notably in *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe* (2005), has traced the development of what is now an "extensive and systematic" conditionality approach (Pridham 2008). In this process, the role of elites is a crucial explanatory factor (Pridham 2007b), and this is why the research methods used have most frequently focused on elite views of the process gained through elite interviews.

There is widespread agreement in the literature on conditionality that its effectiveness relies on a credible offer of full EU membership and favourable domestic conditions. In the "rational bargaining model" that was favoured in Schimmelfennig and Sedelmeier's 2005 study, the concern is with the cost-benefit calculations that are made and with the impact of "carrots and sticks" on the behaviour of states seeking membership. In this process, there is agreement in the literature that it is only the credible prospect of full EU membership that provides an effective incentive for domestic political elites to make legislative and other changes.

There is disagreement in the literature over the question of when the EU ever really had "transformative power", for example, whether EU democratic conditionality really played a role in the case of the ousting of the Meciar government in Slovakia in 1998. Haughton (2007) argues that EU leverage had little effect in this case, although it is often used as an example of the success of democratic conditionality (*e.g.* Glenn 2003). Much of the literature accepts that EU democratic conditionality is effective without offering detailed enough evidence to really support this claim. Some argue that in some cases focusing on conditionality may undervalue democratisation processes that are already taking place (Ulusoy 2007: 472).

I would argue that the conditionality literature is strong as far as it goes, *i.e.* in explaining Central and Eastern Europe in the 1990s. Nevertheless, it is not generalisable to the present day when the EU is facing much more difficult cases in much more difficult conditions. Its focus on the considerations of political elites also misses too many domestic nuances, and its lack of hard evidence makes the apparent consensus look rather flimsy. A whole generation has grown up since 1989 which sees the transition of the CEE countries from communism to democratic EU members for what it is – history – and our research needs to reflect that. Although the literature has shifted from fairly simple "carrot and stick" explanations to more developed ones, it has not made the necessary shift to seeking to explain the more difficult cases.

EU promotion of democracy in its existing Member States

There is only a small amount of literature on how the EU promotes democracy amongst its own members, and this is its main weakness. The studies that do exist are good on explaining the specific actions that have been taken in specific cases and about the differing interests and processes that were involved, but this area remains under-researched. One specific area of the literature that has developed is that on the "democratic deficit" within the EU itself, which has had to reflect changes in the institutional balance of power as the European Parliament has gained powers.

The concern about the EU's ability to promote democracy in its own Member States applies to both "new" Member States (those who joined in the 2004 and 2007 enlargements) and "old" Member States. The concern over issues of democracy in new EU Member States and the ability of the EU to promote democracy in them relates to how the EU can do this once they have joined and the leverage over their membership is gone. Specifically, there have been fears of a populist backlash once EU membership has been secured (Rupnik 2007).

In Poland, the government from 2005 to 2007 caused particular concern as it included the Law & Justice Party in coalition with the populist Self-Defence and the nationalist League of Polish Families. Similar concerns over extreme nationalist parties potentially coming into government have emerged in Slovakia and Hungary. In Romania and Bulgaria, which both joined the EU in 2007, a post-accession Cooperation and Verification Mechanism was put in place by the Commission to assess their progress against benchmarks relating to judicial reform, and the fight against corruption and organised crime. Initially for three years, it has since then been extended indefinitely as progress has been slow. This mechanism reflects a new emphasis on the issue of corruption that was not present in earlier enlargement rounds.

So again, there is the charge of double standards against the EU in that it does not practise what it preaches. Existing Member States, whether new or old, are arguably not subject to anything like the same level of monitoring or enforcement of democratic standards that potential members or states with which the EU has dealings are. The democratic credentials of existing Member States have at times therefore been placed in doubt (Berg-Schlosser 2004: 28). In 2010, in the Netherlands, the far right Freedom Party of Geert Wilders made strong electoral gains and became a key player in coalition negotiations, raising concerns that his anti-Islam policies such as banning the Koran and his extreme immigration policies would be put into practice. This case has echoes of a decade ago, in 2000, when the domestic politics of Austria caused widespread concern and led to the unprecedented step of 14 EU members imposing bilateral sanctions on Austria due to the presence of Jörg Haider's extreme right Freedom Party and the fear that this threatened the human rights of immigrants and asylum-seekers (Smith 2008: 114). Although these sanctions only remained in place for seven months, the action did point towards the development of a human rights and democratic norm, although it is very important to note that this was not an EU action, but rather one taken bilaterally by Member States (Merlingen *et al.* 2001: 59-60).

This example has been contrasted with that of concerns about the effect of the concentration of media ownership in Italy under Berlusconi. In this case, there were no sanctions imposed and an initiative from the European Parliament in 2004 seeking legislation on media ownership went nowhere. Why action is taken in some cases, but not in others, has been explained in terms of the interests of regional leading powers and external pressure - in the case of Austria, international pressure from the US combined with German and French insistence on taking action. In the case of Italy, there was no such external pressure or support for action from regional leading powers (Van Der Vleuten and Hoffmann 2010: 742-746). If this explanation is accepted, it says little for the EU's capacity or willingness to act as a true promoter of democracy amongst its own Member States. Another study found that enforcement of democratic norms in regional intergovernmental organisations was less likely in countries of high geopolitical importance (Donno 2010). In other words, geopolitical interests trump upholding democratic standards; hardly a surprising finding.

Other more recent examples suggest perhaps that the EU is becoming more likely to take action against its own members in this area. In August and September of 2010, the expulsion of over 1,000 ethnic Roma immigrants from France caused widespread criticism

and raised the possibility of legal action by the Commission for breach of the fundamental principle of free movement of people within the EU. France had to take legislative steps to avoid the threatened legal action. Hungary was also threatened with legal action by the Commission over its new media law in 2010-2011. These cases are summarised in Table 1 below.

Table 1: Action taken regarding democracy in existing Member States

Action	Taken by	Against
Bilateral Sanctions	14 Member States	Austria, 2000
Threat of legal action	EU Commission	France, 2010 Hungary, 2010-2011
Cooperation and Verification Mechanism	EU Commission	Romania, Bulgaria 2007 - ongoing
No Action		Netherlands, 2010 Poland, 2005-2007 Italy, 2004

Source: author's own elaboration

What is important here is not so much the rights and wrongs of the specific cases, but that the EU has become more proactive in taking Member States to task, and a recognition that accession to the EU is not the end of the democratisation story. When aspiring EU members are to be held to high standards of tolerance and "democracy", then existing Member States must also be held to account for their actions. Therefore, for those studying democracy in Europe, perhaps the lens of enquiry needs to be refocused to ensure we do not miss what is going on close to home.

Within the EU then, there are concerns about the state of democracy in Member States, both new and old. Perhaps more fundamentally to the EU itself, there is also the frequent charge that the EU itself suffers from a "democratic deficit". This debate has been the subject of argument in the literature, with some arguing that the EU does not suffer from such a deficit (Moravcsik 2002) and some that it does (Follesdal and Hix 2006). As the European Parliament has gained powers, this area of the literature has had to develop to take account of this. Declining turnouts in the European Parliament elections are one piece of evidence for the argument that EU citizens are not motivated to participate as part of a European polity, although surveys show that the public has not lost faith in democracy itself, but have become disenchanted with the political elite that emerged from the transition from communism post-1989 (Mungiu-Pippidi 2007: 12).

I would argue that at a time when citizens across the EU are facing a very severe economic outlook and the associated austerity plans, there is a real danger that issues of democracy both at home and abroad might slip down the agenda, or fall off it completely. The examples given above may seem wide-ranging and somewhat unconnected, but they serve to make the point that problems with democracy persist across the EU, not just in the "new" Member States. In addition, they are in fact more closely connected than they might first appear, and just as important for us to study if we are interested in the promotion of democracy. Nor is this just of academic interest; a justified perception that the EU is not internally democratic must surely detract from its effectiveness in promoting democracy externally. Better connections need to be made in the academic literature

between the so-called "democratic deficit" within the EU, problems of democracy within existing EU Member States, and the problems of democracy promotion in the EU's neighbourhood, and indeed the wider world.

Conclusion

Given the rather pessimistic consensus over how effective the EU is in promoting democracy, and the general agreement that the EU needs to adapt its previous approaches in order to be more effective, what can the various different literatures that have been reviewed in this article tell us about the effectiveness of EU democracy promotion and how it might be improved? There are clearly many new challenges to democratisation (Burnell and Youngs 2010) and with regard to the EU, the gravitational pull of enlargement is weakening, the scale of European democracy assistance remains extremely limited, and EU Member States and the Commission have not developed a common approach. More fundamentally, questions remain as to what the EU is actually trying to achieve in its democracy promotion activities, and there is a need to support grassroots democratic capacity, rather than focusing on political elites. Some now argue that democratic conditionality has been "superseded and undermined" by short-term security goals and that the EU is failing to meet the challenges of a more complex international environment (Youngs 2008a, b, c; 2009a, b; 2010a, b, c).

Table 2 below offers a summary of the strengths and weaknesses of each of the four areas of literature that have been surveyed, and also indicates what a successful synthesis of these literatures would offer, namely that it would seek to explain under what conditions and through which mechanisms EU democracy promotion works most effectively. Despite the pessimism referred to earlier, the survey of these literatures does point to a way forward for research into EU democracy promotion.

Table 2: Comparing the literatures relating to EU democracy promotion

	Human rights	CFSP	Conditionality	Existing Member States
Focus on	Legal clauses Small-scale project funding	High-level geopolitical considerations Perceived threats to the EU	Cost / benefit calculations by political elites	Actions taken in specific cases
Strengths	Many studies covering EU activity across the world	Inter-governmental development of CFSP is understood	Consensus over EU's power in CEE cases in 1990s	Clear about political interests and processes involved
Weaknesses	Which instruments work under what conditions?	How does CFSP relate to other areas of EU activity?	Lack of sufficient evidence Not fully generalisable to other cases / other times	Under-researched / small body of studies
Synthesis would explain	Under what <u>conditions</u> and through which <u>mechanisms</u> does EU democracy promotion work most effectively?			

Source: author's own elaboration

It is clear from this review of the literature that the EU has developed a wide array of instruments that have a role in democracy promotion, but it is also widely acknowledged that the EU does not use them in a sufficiently strategic way. I would argue that in order to make EU democracy promotion more effective, we need to understand much more fully under what conditions and through which mechanisms EU democracy promotion is most effective. To do this, we need to investigate how political elites and civil society actors in non-Member States perceive the EU's various democracy promotion activities and compare this across cases and time, and also with perceptions within the various institutions of the EU. In addition, making more of a connection between safeguarding democracy within the EU and promoting democracy outside of the EU, and seeking to close the gap between rhetoric and reality, would aid our understanding of what really works.

To recap, my main criticism therefore of the literature on EU democracy promotion is that it is fragmented and that this very fragmentation hinders the development of both our theoretical understanding of democratisation processes and specific EU policies that really work. Given that, between 2000 and 2010, the EU twice took in new members, the literature on EU democracy promotion had an understandable focus on enlargement and the operation of democratic conditionality. This has now shifted, however, towards a more nuanced examination of what instruments the EU has in its toolkit for promoting democracy and human rights, both in the more difficult cases it now faces, and in the cases where EU membership is never going to be on offer.

As the EU's institutional structure has undergone a major change with the Lisbon Treaty and the creation of the EEAS, this also has provided newly emerging areas for the focus of study. However, so far there have not been sufficient attempts to really examine how the various EU instruments of democracy promotion may work in their interaction with the domestic politics of target states. Comparative research designs have been recommended in the existing literature as a promising way forward for further study in this area. Indeed, the state of the current literature affords considerable unfilled scope for more comparative analysis, and there is acknowledgement that we do not know enough about what works and why (Burnell 2008: 424-431). Given the increasingly challenging global environment for democracy promotion, and the problematic cases that the EU is now dealing with, this task of understanding how the various instruments of EU democracy promotion work together and under what conditions they are most effective is all the more pressing for all those concerned about democracy promotion, and it should be an increasing focus of our research.

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Book Review

Maurice Roche (2010)
Exploring the Sociology of Europe: An Analysis of the European Social Complex
London: Sage

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For many decades, there has been an evident need of the exploration of the sociology of Europe. This book constitutes therefore a timely intervention and identifies exactly what many authors and scholars have avoided exploring: the contemporary society of Europe, the understanding of the welfare state and its capitalist approach and the role, existence and function of nation-state societies in Europe. The main aim of the book is to examine the influence of modernisation and globalisation on European social formations, while at the same time exploring their importance for further understanding European nation-states and social formation. Roche's aim in doing so is to reveal a Europe of differences and commonalities as transitional societies and as a transitional social formation as a whole (p. 12). In doing so, Roche bridges the social aspect of Europe with contemporary international and European relations in order to bring a complex perspective on a renewal agenda.

Roche's book is divided into three main parts, each providing an overview of different aspects of the complexity of Europe. While the first part introduces us to the history of the development of the European social complex, the second part uncovers the differences of Europe. The third part reveals the concern of Europe with its welfare development. Prior to discussing these three parts, Roche engages in two introductory chapters, discussing the historical and contemporary aspects of the European social complex and the sociology of Europe. Each section explores questions about Europe and considers the relevancy of factors, such as war, globalisation and the normative theme. As a result, Roche's book makes for excellent reading alongside established literature on Europe and its society.

The wide-ranging scope of this book will leave some readers seeking more detail on specific cases or processes. Two particular areas could have received further attention. Firstly, the author could have discussed more the factors and changes at the global level that affect Europe. This could have included responses to the next century's global questions and perhaps could have revealed further questions about globalisation. Roche, however, did explore to a certain degree the "international" view of newcomers to the EU, such as the impact of Turkey and Ukraine. Secondly, the book could have included a more detailed engagement with the identity-building process that underpins the foundations of Europe. But in attending to these potential additions, the author has provided comprehensive references to a wider literature and list of scholars, keen on exploring the theoretical implications of different arguments and who are aware of the fragility of

Europe. This suggests that we need to clearly recognise the importance of the sociological and normative perspectives on Europe, which Roche clearly explores in his book.

One of the main strengths of the book is that it does raise questions throughout and encourages readers to question many points, such as the differences amongst European nation-state societies and the impact that these different views have on European Studies scholars and their theoretical approaches. As Roche also acknowledges, these kind of questions will improve the understanding and further research of the sociology of Europe and the EU, while establish this subject as a field in its own right.

Stylistically, Roche's book boasts a large and useful bibliography of recent works and uses those works well in reviewing and contributing with alternative views of Europe.

This interesting book is well-researched and written in an accessible manner. In this respect, it will serve as a valuable companion edition to some of the more detailed accounts of specific examples of Europe. The book is highly recommended for students of comparative politics, International Relations and European Union studies. Consequently, this text stands as an essential guide for scholars, students and practitioners interested in sociological questions and European Studies.

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Book Review

Chris Rumford, ed. (2009)
The SAGE Handbook of European Studies
London: Sage

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Chris Rumford's edited *SAGE Handbook of European Studies* offers an impressive account of the state of the art of the study of contemporary Europe. This new text of European Studies is a follow-up to the *Handbook of European Union Politics* published in 2007 by the same publisher, under the editorial direction of Knud E. Jørgensen, Mark A. Pollack and Ben Rosamond. It is no accident that the first of the two handbooks was that on "European Union Politics". As justified from the outset, European Studies have been overshadowed for too long by the study of European Union (EU) and European integration, thus suffering from a sort of "invisibility" (p. 1). Hence, the major task of the project is to (re-)place European studies into the academic spotlight as a preliminary and necessary step to the achievement of proper academic recognition. Specifically, the handbook has three core aims: to examine the transformation characterising contemporary Europe, to examine the best ways of studying Europe and how key-resources in European studies can be best mobilised in view of future research. Accordingly, the book is about contemporary Europe and the study of European integration is situated in the context of Europe's transformation, being therefore seen as a constituent part, albeit a substantial one, of the story, but not the entire story.

In terms of structure, the handbook has four major sections and 35 chapters produced by some of the most important scholars in the field. The first section examines the context of Europe's transformation by looking at the role of the past and memory, culture and identity, as well as geography and politics as shapers of contemporary Europe. It is worth highlighting the critical discussion on European heritage by George Delanty, as well as the inclusion of the chapter on "Postcolonial Europe…" by Gurminder K. Bhambra, usually absent from mainstream textbooks, including for instance, the previous *Handbook of European Union Politics* (Manners 2007: 76). This first part also includes two other excellent chapters on "Europe Transformed, 1945-2000" by the late Charles Tilly and "Europe beyond East and West" by William Outhwaite. The second section moves on to polity-building, institutionalisation, governance and europeanisation. Unsurprisingly, the role of supranational institutions and integration is more salient than in the first section and this is especially visible with regard to the chapters on "Supranational Governance" (Ben Rosamond), "Institutionalizing Democracy…" (Dimitris N. Chryssochoou), "Competing Visions…" (Craig Parsons), and "Enlargement" (John McCormick), but less in the chapters on "National Interest" (Jeffrey Lewis), "Markets" (Michelle Egan) and "Law and Justice" (Lisa Conant).

The third section, bringing together a wide variety of themes and issues, is the largest one, making up about half of the book. The section is introduced by a discussion on the "Uses and Abuses of the Concept of Integration". Philomena Murray argues that the term "integration" is becoming increasingly redundant (counter-intuitively so, perhaps, given the ever growing academic production in this field), while EU studies are becoming broader and more interdisciplinary (p. 241). It is not clear whether the subsequent chapters confirm this assessment, although the topical issues are definitely analysed in a broader manner than an exclusive focus on the EU and European integration would have allowed. However, as the reader is made aware from the outset (p. 2), even if the handbook is not about the EU, the topic is certainly well represented throughout. The topics and issues approached in the third section are certainly relevant to contemporary Europe. Several chapters analyse regulatory and redistributive policy areas at the national, trans-national and/or supranational levels, such as economic growth (Amy Verdun), agriculture (Wyn Grant), welfare state (Susanne Fuchs and Claus Offe), mobility and space in European education (Martin Lawn) and the information society (Barrie Axford). Other chapters look at the dynamic of freedom and security in Europe (John Agnew), borders (William Walters), migration, minorities and marginal groups (Franck Düvell), social movements (Donatella della Porta), as well as the role of Europe in global governance (Jose M. Magone). Given the historically important role of cities and regions in Europe, the chapters on urban governance (Neil Brenner) and regional dynamics (Anssi Paasi) are two welcome additions. Even more important perhaps, given the hot debates on the role of religion and secularism, is the chapter on religion in a post-secular Europe of Effie Fokas, which is preceded by Nick Stevenson's critical essay on multiculturalism. The tension between nationalism and Transnationalism in contemporary Europe is also examined by Victor Roudometof, as well as the shapes of democracy, citizenship and public sphere in Europe by John E. Fossum.

The last section turns to discuss future directions of research in European studies. As such, it takes in general a normative stance. Francis McGowan returns to the disciplinary tension between European studies and the study of EU politics. While the latter is usually rooted into mainstream political science and International Relations, being considered part of "normal science", the field of European studies is pluralist and multidisciplinary, drawing from a range of approaches from history, law, economy, sociology, cultural studies, or humanities (see also Rosamond 2007). The diversity of disciplinary angles gives the field breadth, but at the same time it weakens its internal consistency and coherence as an academic discipline. The solution to this apparent tension is not for one approach to displace the other, but an effective synthesis of the two in addressing the nature of contemporary Europe (p. 537). Furthermore, Ian Manners, drawing on a "normative power Europe" view, suggests a trans-disciplinary approach to understanding why and how different ideas of common good constitute, motivate and shape Europe (p. 580). On a similar normative stance, Ulrich Beck contends that the solutions to nowadays Europe are even greater integration and a more cosmopolitan Europe (p. 602). The two essays of Stjepan Mestrovic on "Europe as a Postemotional Idea…" and Faisal Devji on Global Islam sit uneasily amongst their normative companions in this section of the text. Instead of laying down future avenues of research, they rather plead for open dialogue between Europe and itself and Europe and the (Muslim) Other. In the last essay, Craig Calhoun surveys the field of European studies in a true *tour de force*, concluding in a rather upbeat tone that Europe is one of the best natural laboratories in studying cosmopolitanism, as well as the challenge of nationalism, which makes European studies likely to thrive in the long run.

The major aim of the handbook of giving more visibility to European studies has been certainly achieved. Even if there is an inherent tension between European Studies, as the archetypal model of area studies (Calhoun 2003: 5), and EU studies which is visible

throughout the handbook, the overall endeavour leads towards synthesis and mutual complementarity, rather than exclusion. Overall, this is an outstanding work and a definite companion to all those interested in contemporary Europe.

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Book Review

Josef Blahož *et al.* (2009)
Democracy and Issues of Legal Policy in Fighting Terrorism: A Comparison
Prague: Wolters Kluwer

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The topic of this monograph is of international importance and provokes broader discussion about the issue. It is therefore encouraging that the authors succeeded in avoiding a one-sided perspective and fittingly chose a multidisciplinary investigation into the phenomenon of terrorism and the legal politics of fighting it from the viewpoints of constitutional, international and European law. Criminal law issues were also considered, as well as basic premises of legal theory and the economic, political and sociological aspects of the war on terrorism in a globalised world. The monograph is "not just practical research into the best methods of physically annihilating terrorists and their organizations, but primarily looks into how social environments give rise to terrorism, and what social environment we should create or participate in creating in order to prevent the formation of terrorism" (J. Blahož). Geographically, the study focuses on the *ratione loci* and social environment of Euro-American civilisation, which in this context includes the USA, Canada, the EU, Israel, Australia and New Zealand.

The monograph begins with a study by the editor and the leader of the project, Josef Blahož. The opening chapter of the monograph, titled "Democracy and Theoretical Issues of Legal Politics in Fighting Terrorism", sets the tone for the whole volume, posing a series of key questions to grasp the whole field and defining basic terms. Blahož makes a strong argument about the choice of name for this phenomenon: global political terrorism. He tries not to identify this term with those used in international instruments and scientific literature, such as international terrorism or terrorism containing an international element (p. 25).

The parts devoted to the author's reflections on the future development of global political terrorism and on the causes of this serious political phenomenon are especially valuable and exceed the framework of a strictly juristic study. Along these lines, Blahož successfully expands on the theory of comparative researcher and political scientist Johan Galtung and arrives at some convincing conclusions about the reasons for global terrorism (p. 47). As for the legal tools and procedures in the fight against global terrorism, Blahož differentiates between those adopted and implemented in accordance with the constitution and the legal order (without resorting to a declaration of a state of emergency), and those adopted as a result of the declaration of an emergency, under which certain constitutional provisions are suspended. Blahož handles these parts of the study masterfully. He emphasises that even under limited constitutional effectiveness, the principle of human and civil rights or the principle of fundamental rights and their guarantees are different from other constitutional principles. This is due to the variability

of the category of human and civil rights influenced by current threats to civilisation. The author believes that the relationship between the legal politics of the fight against global terrorism and certain individual rights (which form the core of human rights, *e.g.* the right to life, personal integrity, etc.) requires that the principle of proportionality be upheld.

The following chapter by Jan Večeř focuses in a well-researched and in-depth way on the economic and financial aspects of the fight against terrorism in a globalised world ("Economic and Financial Aspects of the Fight against Terrorism in a Globalized Society"). The concept of this part of the monograph is extremely interesting and original. It builds on the notion that modern terrorism develops from a particular economic background, while the current scientific and technical revolution is based on booms in the following five sciences: particle physics, chemistry, biology, cybernetics and cosmology. Each of these disciplines brings information that can be used in the fight against terrorism, but many of these technical and technological advances (such as biological weapons, mobile phones, and night vision equipment, etc.) can also be used by terrorists.

The third chapter, titled "Democratic Constitutionality and Anti-Terrorist Measures", by Karel Klíma who has focused on a comparative analysis of constitutional law. In this chapter, the author compares the constitutions of several countries (Spain, France, Germany, USA, Italy and Poland) and ends with general conclusions. Tomáš Pezl's contribution, "Anti-Terrorist Measures and Democratic Constitutionality in Israel", offers valuable insight into that country's democratic institutions, as well as the legislative measures necessary for an effective fight against terrorism. He also offers general conclusions that are beneficial to other countries. This study offers an intriguing view of the problem, using the knowledge and experience of a country that is among the most practised in combating terrorism.

In the first subchapter titled "Universal Standard of International Law and Legal Politics of the Fight against Terrorism", Dr. Josef Mrázek discusses the instruments of international law for combating international terrorism that the events of September 11, 2001 led to more, as well as the more frequent deliberations on the relationship between terrorism and war. "It is not only about a declared war on terrorism, but also the conception of terrorism as a form of war." Mrázek further emphasises the necessity of resolving certain problems *de lege ferenda*. Dr. Vladimír Balaš contributed the next subchapter titled "International Criminal Court and Prosecution of Crimes of Terrorism". The author addresses the key question of whether the attacks of September 11, 2001 can still be considered simply as terrorism or whether they constitute an act of war. Balaš concludes unequivocally that "a terrorist act or, more accurately, the terrorist acts which we have, particularly during the last decade, witnessed, may be without hesitation considered armed conflict on an international scale. This only differs from the generally accepted view on war by the fact that one of the belligerents does not follow any rules, including rules of a mandatory nature."

The chapter ends with an interesting and valuable contribution by Magdalena Ličková, "Articulation of Legal Mechanism in the Fight against Terrorism as Developed within the United Nations Organization and the European Union." The author focuses on the theoretical premises pertaining to the legal force of international treatises in the legal framework of the European Community. The next subchapter titled "Non-Derogatable Human Rights and Terrorism" by Vladimír Baláš offers interesting insights into the subject. The author considers the legal, ethical and philosophical ramifications of the problem. He interprets Christopher Blakeley's statement of "whether we let our fear of terrorism corrupt our sense of lawfulness and morality" from a broader point of view. Together with other authors, he views the state-sanctioned torture of suspected terrorists as moral nihilism leading to the abandonment of the fundamental principles of democracy. It therefore constitutes a capitulation to the goals of terrorism.

Overall, the authors have created an important monograph that examines the phenomenon of terrorism and the policies of the battle against it using a multidisciplinary approach that enables them to tackle the problem as a complex whole. The concept, thoughtful analyses, logical reasoning and the comparative method, as well as the fact that the monograph is published in English, makes it attractive not just for readers in the Czech Republic, but for readers all around the world. I believe that this monograph will become a sought-after source of information for scientific and teaching purposes and will serve to promote Czech legal science around the world.

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Book Review

Maria João Rodrigues, ed. (2009)
Europe, Globalization and the Lisbon Agenda
Cheltenham: Edward Elgar

Giulia Pietrangeli

The Lisbon Agenda represents Europe's most ambitious attempt to address the challenges of globalisation and to respond to these challenges in a distinctively European way. Despite this, the Lisbon Agenda has received limited attention amongst EU scholars and even less attention has been paid to its wide ranging interactions with the process of European integration. For this reason, this edited volume by Maria João Rodrigues is a welcome addition to the existing body of literature on the European Union (EU). The book focuses on the implementation of the Lisbon Agenda and its implications for European internal policies, for EU external actions and for the EU governance system.

The volume is organised in four distinctive parts, each one of them being introduced by a "key-issues" chapter followed by some "replies" prepared by renowned academics. Each part is closed by a concluding chapter presenting policy options for the future. The first part, entitled "Developing the Lisbon Agenda at the European level", focuses on some of the key priorities of the Lisbon strategy: knowledge and innovation, macroeconomic policies and social policies. Part two, "The European Lisbon Agenda and national diversity", provides an analysis on how the strategy has been translated into national reform programmes by the EU Member States. Part three, "The external dimension of the Lisbon agenda", deals with the implications of the Lisbon Agenda for EU external actions. Part four, "The Lisbon Agenda and the European governance", investigates the implications of the Agenda for the European governance system. The introduction to the volume offers a narrative history of the development of the Lisbon Agenda and its key-features, whilst the conclusion examines its future prospects.

All the four constituent parts are organised as independent sections. The lack of a central argument compromises the analytical coherence of the volume, as well as the readability of the whole. However, these weaknesses are compensated by the fact that the volume provides a uniquely broad and empirically nuanced account of the intellectual elaboration of the Lisbon Agenda prepared by renowned scholars, who have also been major sources of inspiration for the Lisbon Agenda. For this reason, *Europe, Globalization and the Lisbon Agenda* remains valuable reading.

In the reviewer's opinion, part three is the most original section of the volume. This is not so much for its analytical value, but rather for the fact that hardly any studies exist on the implications of the Lisbon Agenda for the EU's external actions. The section raises a number of questions – including which lesson could be drawn from the implementation of the Lisbon Strategy that could be used in the strategic dialogue between the EU and its partners within the framework of either strategic partnerships or partnerships for

cooperation and development. This could provide a valuable contribution to the current debates on the redefinition of the EU's external relations, notably in the framework of the Lisbon Treaty.

Taking stock of the implementation of the Lisbon Strategy, the concluding chapter by Rodrigues proposes a series of policy options to strengthen Europe's approach to globalisation and make the Lisbon Agenda priorities more relevant in today's world. These policy options include improving the implementation of the Agenda and horizontal coordination focusing on new issues (*e.g.* climate change, sustainable energy and environment, improving social policies etc.), but also developing the Agenda's implementation at the international level, as well as improving its governance system.

It remains to be seen whether EU decision-makers will be able to "renew" the Lisbon Agenda and implement the proactive approach that is suggested in this book by Rodrigues and others, especially in consideration of the new major challenges that Europe and the world are facing today. For this reason, the book, while useful for anyone who wants to read a general overview of the Lisbon Agenda and its political significance, is also highly recommended to policy-makers and practitioners interested in evaluating the achievements of the Agenda to date and analysing possible options for the future.

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