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# Political Culture, Values and Economic Utility: A Different Perspective on Norwegian Party-based Euroscepticism

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## Abstract

Drawing on a content analysis of party manifestos and a survey of Norwegian MPs, this article examines the nuances in, and the causality of, the different Norwegian parties' Euroscepticism. The study of the comparative party politics of Euroscepticism, which focuses on ideology and strategy, falls short of accounting for the Norwegian case, where, unlike other European countries, the parties' Euroscepticism is exceptionally stable and appears across the political spectrum. Therefore, the article tests an alternative set of theories, drawn from the literature on opinion formation on European integration, to find a more suitable framework for analysing and explaining the motivation of Norwegian Euroscepticism. The analysis shows that Norwegian party-based Euroscepticism can be divided into three types when it comes to its strength and policy opposition, with the Centre Party and the Socialist Left Party on the 'hardest' end of the Euroscepticism scale, followed by the Christian Democratic Party and the Liberal Party, and finally, the Labour Party and the Progress Party. Furthermore, the analysis indicates that Norwegian Eurosceptic party stances on Europe are primarily driven by political values and political culture concerns, except for the Progress Party, which base its Eurosceptic motivation on economic utilitarianism and political culture.

## Keywords

Euroscepticism; Norway; Political parties

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IN RECENT YEARS, A BURGEONING LITERATURE ON THE TOPIC OF Euroscepticism has emerged. It is widely agreed that this is a result of the changes brought about by the 1992 Maastricht Treaty, which implemented the Single Market, introduced Economic and Monetary Union (EMU) and ventured into new areas of European Union (EU) level cooperation, and as a corollary prompted more widespread criticism of the European project, both on the public and party levels. The diversified nature and acceleration of European integration post-Maastricht have made European citizens more interested in and critical of EU developments and the workings of the decision-making processes in Brussels (Down and Wilson 2008; Norris 1997). As many European political parties have incorporated elements of Euroscepticism into their political platforms, reflecting the concerns of their constituencies, questions of what drives the politics of Euroscepticism have frequently been posed in what has become a growing literature on the topic.

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Because the EU's existence and individual countries' participation in the project rely on popular support, and the progress and development of EU policy rely on national governments' impetus, there is no doubt that it is important to understand the nature of party-based Euroscepticism, what it is and why it arises. Political parties play a central role in relation to public attitude formation and the shaping of European integration, but not only are they cue givers and agenda-setters, they are also 'gatekeepers' between their political system and the European Union when in government (Zaller 1992; Hoffmann 1966). This equally applies to non-member states where the question of EU membership is subject to a popular referendum and participation in various EU policy areas is determined by the government and/or parliament.

In Norway, the population has blocked EU entry twice through referenda in 1972 and 1994 and opinion polls have, with few exceptions, shown 'no' majorities in the last fifty years. Therefore, it is important to understand the nature of the Euroscepticism that is manifest in the Norwegian party system, what it is and what causes it. Norwegian Euroscepticism makes an intriguing research puzzle for a number of reasons. Firstly, Norway is the only country where political elites have struggled to convince their population of the desirability and benefits of EC/EU membership for almost fifty years. This suggests that, contrary to most other European countries, which have experienced Euroscepticism as a post-Maastricht phenomenon<sup>1</sup>, Norwegian Euroscepticism can be traced back to the 1960s, and among the elites perhaps even further (see Pharo 1986). A second curious element of the case is that the official positions of the four parties that adopted anti-membership stances in the 1960s and 1970s, the Socialist Left Party (*Sosialistisk Venstreparti*, SLP), Centre Party (*Senterpartiet*, CP), Christian Democratic Party (*Kristelig Folkeparti*, CDP) and the Liberal Party (*Venstre*, LP), have remained the same ever since. Third, there are significant Eurosceptic factions also in the two largest parties in the national Parliament (the *Storting*), namely the Labour Party (*Arbeiderpartiet*) and the Progress Party (*Fremskrittspartiet*, PP), making the Conservative Party (*Høyre*) the only unrestrained pro-European force in the Norwegian party system. All these elements make Norway a deviant case in the comparative study of party-based Euroscepticism, where Euroscepticism is only expected to be used by parties on the flanks of the party system, as a means of distancing themselves from the party mainstream (Taggart 1998).

This article aims to achieve a better understanding of party-based Euroscepticism in Norway, in other words, the extent to which the different parties oppose European integration and how it can be explained. The article is structured as follows. First, it reviews the trends in the literature on party-based Euroscepticism and presents the theories from the literature on opinion formation on the EU that will be used in the analysis of the case. Secondly, it outlines the focus of the research and the data and methods used. The third and fourth sections present the findings of the study. The article concludes with a discussion of the findings.

### **Euroscepticism: definitions and causality**

Hitherto, the academic debate on party-based Euroscepticism has most commonly revolved around questions of definition, measurement and causality, in other words what Euroscepticism is, how it can be measured and whether ideological or strategic matters have primacy when parties adopt Euroscepticism (e.g. Taggart 1998; Taggart and Szczerbiak 2001, 2003; Kopecky and Mudde 2002; Hix 2005; Sitter 2001; Hooghe *et al.* 2004; Crum 2007; Szczerbiak and Taggart, 2008). Since Maastricht and the creation of the European

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<sup>1</sup> Even fellow 'reluctant Europeans', Sweden and Switzerland, did not witness deep domestic conflicts over the European issue until the 1990s, because of the incompatibility of their neutrality policies with membership of the EC during the Cold War.

Union, 'Euroscepticism' has been increasingly used as a broad term in both the press and political debates to denote negative attitudes towards European integration and/or the EU. It is "the idea of contingent or qualified opposition, as well as incorporating outright and unqualified opposition to the process of European integration" (Taggart 1998: 366). Taggart and Szczerbiak (2001) provide a useful tool when examining different varieties of Euroscepticism. Their hard/soft dichotomy distinguishes between rejection or opposition to European integration in principle ("hard") and qualified opposition to the EU, such as objection to a single EU policy ("soft"). Although this conceptualisation has attracted criticism for being too broad and over-inclusive<sup>2</sup>, it will be adopted for the purposes of the article. This is because more complex typologies (e.g. Kopecky and Mudde 2002; Flood 2002; Vasilopoulou 2009) are arguably of limited value when evaluating Norwegian party-based Euroscepticism, which is predominantly cast as opposition to membership of the EU and would thus qualify for a *rejectionist* position in most cases. Therefore, in this case, it is arguably more useful to use the simple distinction between 'harder' and 'softer' types of Euroscepticism.

In European party systems, Euroscepticism is most commonly cast as a "touchstone of dissent" (Taggart 1998) or the "politics of opposition" (Sitter 2001) and, with the exception of 'soft' Eurosceptic rhetoric or factions, is not expected to appear in the party mainstream or governing parties. As mentioned above, in Norway, in contrast, Euroscepticism features in six out of the seven parties represented in the *Storting*: as the official party stance in four of the parties, and as factions in two. Furthermore, in Norway, every government since 1997 have comprised of at least two officially Eurosceptic parties. For example, the two most ardent opponents of European integration in the *Storting*, the SLP and the CP, were re-elected in 2009 for a second term in office with the pro-European Labour Party. In other words, Norwegian Euroscepticism is highly ideologically diverse and is *not* used merely as a means of opposing the mainstream, as the Eurosceptic parties themselves are established governing parties<sup>3</sup>. Moreover, the stability of Norwegian party-based Euroscepticism gives further testament to the contention that it cannot be put down to short-term, strategic considerations. Thus, the existing explanatory theories, which focus on the interplay between ideology, strategy and party system centrality, fall short of accounting for the occurrence and persistence of Norwegian party-based opposition to the EU. Therefore, this article considers the literature on opinion formation on European integration to find an alternative theoretical framework for the study.

Early work on EU opinion formation revolved mainly around Ronald Inglehart's (1977) theories of the "Silent Revolution", that is, post-materialist values and high cognitive skills as predictors for support for European institutions and governance. Early studies also theorised the impact the length of membership of one's country has on support levels (e.g. Hewstone 1986; Bosch and Newton 1995). After the Maastricht referenda, however, much focus was shifted to the unpopularity of national governments as determinants of popular Eurosceptic sentiment and the use of proxies in attitude formation (e.g. Franklin *et al.* 1994; Anderson 1998) as well as evaluative/utilitarian economic cost/benefit theories (e.g. Bosch and Newton 1995; Anderson and Reichert 1996; Gabel 1998). More recent research has moved onto issues of identity (e.g. McLaren 2002; Carey 2002), and is very often coupled with one or several of the traditional explanations to account for variations in support for European integration, most commonly the economic interest thesis (e.g. Hooghe and Marks 2005; McLaren 2007)<sup>4</sup>.

<sup>2</sup> For more comprehensive critiques of the hard/soft conceptualisation and its rivaling typologies, see for example Kopecky and Mudde (2002), Szczerbiak and Taggart (2008) and Vasilopoulou (2009).

<sup>3</sup> With the exception of the SLP, which entered office for the first time in 2005, with the CP and the Labour Party.

<sup>4</sup> It is beyond the scope of this article to look at all of these theories in detail; only the three theories which are incorporated in the analytical framework of the study will be outlined below.

Three of the theories from this body of literature are chosen to form part of the analytical framework for this study. The reason for their selection is that they all fulfil three separate criteria: first, they are all theoretically relevant to Norway (as a non-member state); second, they are established in the literature; and third, they have not already been empirically tested on the Norwegian case. The first theory is that of post-materialism (Inglehart 1977), which suggests that people with post-materialist values are more likely to support European integration than those who have materialist-based value systems. This is due to the expectation that the ideal of supranational governance has a stronger appeal among post-materialists than materialists. Conversely, Gabel (1998) finds the reverse relationship between post-materialist values and support for integration, and Inglehart (1977) also finds that this is the case in Denmark. Because of this, it is here assumed that in Scandinavia, it is post-materialist values rather than materialist values that are related to Euroscepticism. Therefore, the study tests the *reverse* post-materialist thesis. Second, the economic interest (or 'utilitarian') thesis holds that Euroscepticism is a product of egocentric and sociotropic utilitarian considerations and that people form negative attitudes towards the EU if it is seen as a threat to personal and national economic interest (Bosch and Newton 1995; Anderson and Reichert 1996; Gabel 1998; Hooghe and Marks 2005). A third theoretical family promotes the issue of national identity as a predictor of support for the EU, and contends that those who are particularly concerned about threats to the nation-state and thus national integrity are more likely to harbour Eurosceptic attitudes than those who are not (Carey 2002; McLaren 2002, 2007; Hooghe and Marks 2005).

In addition, there are three theories from the Norwegian literature which could have significant explanatory power when it comes to the motivation of the different parties' Euroscepticism. Firstly, it is widely argued that the reason for which the territorial cleavages identified by Rokkan (1967), which were reactivated during both battles over membership, have been so central in the referenda is the historical struggle of the peripheries for independence and representative democracy, and the country's short history of independence (e.g. Bjørklund 1997; Gstöhl 2002). The second theory holds that Norwegian Euroscepticism feeds off Scandinavian (or Nordic) exceptionalism. As Wæver (1992: 84) puts it, this exceptionalism implies "being part of Europe, but being a little *better off* than the rest. In what respects? In being more peaceful than Europe and in having more social and global solidarity". In other words, EU membership is seen as a negative external impulse that should be avoided, as "it would accelerate the erosion of a superior form of society" (Lawler 1997: 566; see also Ingebritsen and Larson 1997). Finally, the centrality of agriculture (and fisheries) in the Norwegian debates on the EU has posed the question of why the primary sector managed to rally so many voters to its cause, despite its small and shrinking economic significance. This could be explained by the rural identity thesis, which holds that ingrained in the Norwegian identity is a romanticised identification with the countryside and peasants' culture, which is irreconcilable with EU membership because of the inevitable damage it would cause to Norwegian agriculture and small-scale fisheries (Gstöhl 1996; Neumann 2002).<sup>5</sup>

Although the above six theories are widely cited as possible explanations for opposition to European integration, they have not, with few exceptions, been subjected to empirical testing on Norway before. In order to illustrate the potential of this body of literature to provide explanations for Norwegian party-based Euroscepticism *contra* the party-based Euroscepticism literature, these theories are incorporated into a coding framework for analysing the Norwegian Eurosceptic parties' manifestos.

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<sup>5</sup> Contending with a short growing season and extreme weather conditions, Norwegian farmers are quoted as the most subsidised in the world (Bjørklund 1997). In effect, EU membership would effectively mean large cuts in subsidies for farmers and the demise of the agricultural sector in Norway.

## Research design

The article poses two central research questions. Firstly, is there a Norwegian party-based Euroscepticism, or are there essentially several different types of Eurosceptic positions in the *Storting*? And secondly, what drives Euroscepticism in the Norwegian parties?

In order to answer the first question, descriptive statistics from an elite survey conducted by the author in the *Storting* in 2006 is used. Questionnaires consisting of nine closed-end questions and one open-ended question were distributed to all of the 169 Members of Parliament (MPs) in the *Storting*. They questioned the individuals' attitudes towards EU membership, various EU initiatives, arguments for and against Norwegian EU membership, and European integration in general. The questionnaires were returned by post over a period of two months, and the response rate to the survey was 52.7 percent.<sup>6</sup> The survey items chosen for the analysis are concerned with support for EU initiatives and arguments against membership.<sup>7</sup> Additionally, data on MPs' attitudes towards EU membership, collected by the *ad hoc* organisation 'No to the EU' (*Nei til EU*) and compiled by Hobøl (2009), is used. The response rate for this survey was 87.6 percent.

To address the second research question, a content analysis of party manifestos, based on six theories from the comparative and Norwegian literature on opinion formation on the EU, is used. In this part of the research, the Conservative and Labour parties are left out because of their official pro-European stance on EU membership; only the manifestos of the four officially Eurosceptic parties<sup>8</sup> in the *Storting* (the CP, the SLP, the CDP and the LP) and the PP<sup>8</sup> are included in the analysis.

As the rationale behind the second part of the study is to illustrate that alternative debates to that of ideology *versus* strategy must be promoted in order to explain Norwegian party-based Euroscepticism, manifestos arguably provide an adequate basis to conduct this experiment. One of the benefits of using party manifestos is that they provide consistent expressions of formal positions through time and are carefully thought-out products of democratic processes within each of the parties. Additionally, there are no gaps in the data for any of the parties studied, as all the parties produce manifestos ahead of every election. If one was to include, for example, political speeches in the research, this would inevitably create an imbalance in the material analysed, as speeches made by CDP and LP politicians on the issue of the EU are very difficult to come by. Although the Norwegian *Storting* parties' manifestos vary significantly from year to year, particularly with regard to size, this does not have significant implications for the research. What is important is that the data material in each year is comparable across the parties; as all the parties at all times are influenced by the same external factors at any given time, the domestic situation and the salience and visibility of the EU question, the manifestos provide a good basis for comparison across parties. The manifestos from 1989 onwards include quite expansive sections on European integration, and thus proffer an adequate basis for testing the chosen set of explanatory theories. However, it should be noted that the CDP and LP's sections on Europe are more limited than those of the CP and SLP. In effect, items coded from the latter's manifestos are

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<sup>6</sup> Although the survey produced an overall good response rate, it should be noted that the response rates for the various parties differ somewhat, and that for some of the parties, the smaller parties in particular, the response limits the extent to which inferences about the whole party can be made. Within the parties, the response rates were: 44% for Labour; 65% for the Conservatives; 63% for Progress; 55% for the Christian Democrats; 30% for the Liberals; 73% for the Centre party; and 40% for the Socialist Left.

<sup>7</sup> The arguments listed in the question were arguments commonly used in the 1994 campaign (Sciarini and Listhaug 1997: 429), as well as direct costs of membership and Norwegian internationalism.

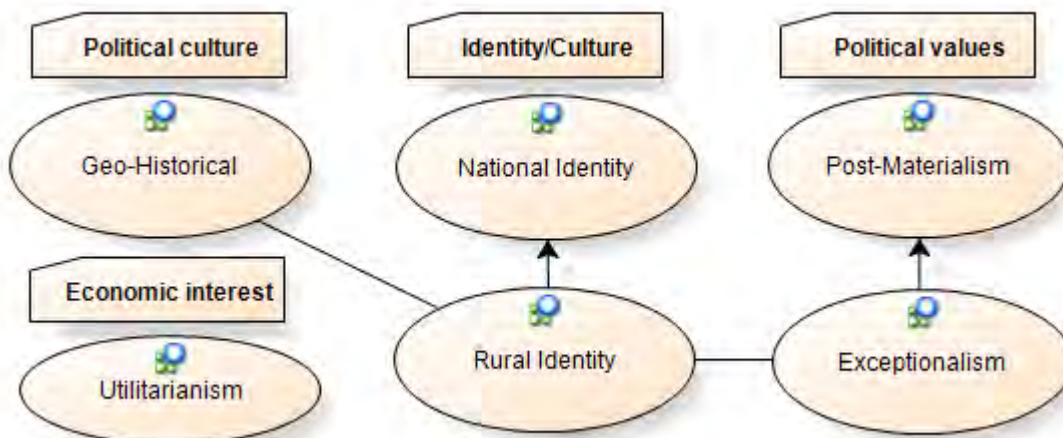
<sup>8</sup> The PP is included despite its earlier pro-membership stance and current non-stance because some of its manifestos reflect clear reservations about the EU, most conspicuously, the 1993 manifesto. It should be noted, however, that due to the limited number of manifestos directing any criticism (or praise) at the EU, the results on the PP are somewhat limited.



more plentiful than those from the former's. Therefore, the analysis considers coding category percentages per party to be able to compare across parties.

In essence, the manifesto study assesses the extent to which the Norwegian Eurosceptic parties' Euroscepticism touches on issues related to post-materialism, economic interest, national identity, geo-historical issues, Nordic exceptionalism and rural identity. The coding strategy used is directed content analysis, whereby the initial coding starts with a theoretical framework, but new codes are allowed to emerge during the analysis, as the categories are not expected to be exhaustive. They are not expected to be mutually exclusive either; therefore, any unit of analysis<sup>9</sup> can be assigned to more than one category. The coding model used is illustrated in Figure 1 below. 'Economic interest' and 'geo-historical' factors stand alone as separate categories; 'rural identity' and 'national identity' are coupled under an 'identity/culture' heading; and the 'exceptionalism' and 'post-materialism' factors are grouped into a 'political values' category.

**Figure 1:** The pre-defined coding categories



The 'political culture' category is based on the theory that Norway's short history as an independent country and the periphery's strong political tradition are central to Norwegian opposition to EC/EU membership. The code encompasses argumentation that casts opposition to the European project as a furthering of the Norwegian struggle for democracy and independence, which started in the nineteenth century. It holds that *folkestyre* (participatory democracy) and independence are closely interlinked and extremely central to Norwegian political culture; the ruling view is that the people (*folket*) should rule, not elites in a distant centre.

Because morality is one of the underlying features of post-materialist values, and all of the ideals connected to exceptionalism or the Nordic "superior form of society" are rooted in solidarity and equality (Lawler 1997: 556; Dahl 1984), and thus, morality, 'exceptionalism' is treated as a sub-category of 'post-materialism'. Argumentation which could be classified as ideologically left-wing is also treated under this heading, because, as Dahl (1984: 97, 106) observes, "the appeal of social justice and equality in party politics" is no Social Democratic

<sup>9</sup> A text chunk of any size, representative of a single theme.

or socialist invention, but “goes back to at least the 1890s [...] when] it was propelled into the bodies politic by the Liberals” and has since then been pursued by all the traditional parties, from the left to the right.

In the academic literature on Norway, much emphasis has been put on the ability of the primary sector to rally sympathisers to its cause, a phenomenon which can be explained by the concept of a rural identity: Norwegians’ attachment to nature, the countryside and peasant culture (Gstöhl 1996; Neumann 2002). With two identity theories to be tested, ‘rural identity’ is treated as a part of the ‘national identity’, as the concept is not tied to specific territories within Norway, rather to the *idea* of a rural or peripheral location (Aarebrot 1982), in principle shared by the urban and rural populations in Norway alike. Rural culture and values are also linked to political values because the notion of ‘leftish-ness’, as associated with post-materialist values, is “a cluster of values that [speaks] to the ideals of nearly all rural factions” (Dahl 1984: 98). Additionally, the territorial and cultural dimensions of the identity grouping make it necessary to indicate a link to the ‘geo-historical’ category.

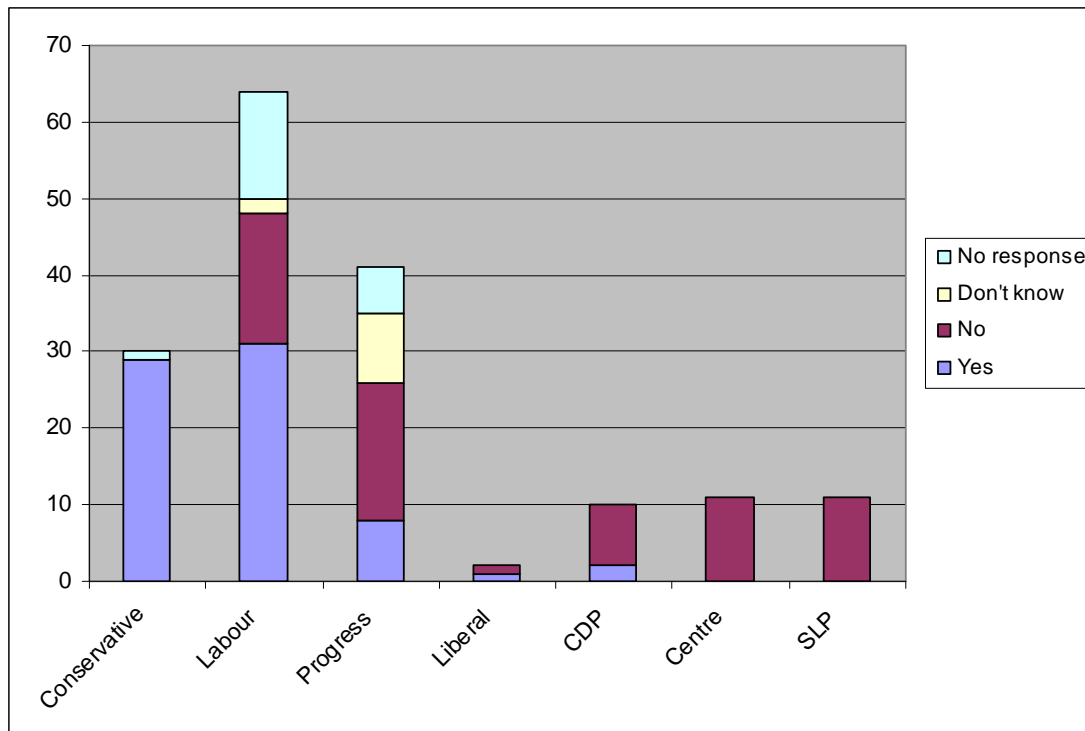
The final category, ‘economic interest’, covers economic and material concerns. The utilitarian thesis holds that people who believe that they personally or the country as a whole will lose out economically due to European integration are more likely to oppose EC/EU membership. Therefore, Eurosceptic argumentation centring on economic and/or material utility is coded to this category. Additionally, during the coding, another theme emerged: that of economic liberalist sentiments. This is treated as a separate category, but can be linked to economic interest, because the focus on economic matters implies a preoccupation with economic growth.

The following section reports on the findings of the elite survey and discusses the similarities and differences between the Euroscepticism of the different parties in the *Storting*, whereas the subsequent section deals with the results of the content analysis.

### Findings of the elite survey

Hobøl’s (2009) report shows that there is still a majority of MPs in favour of EU membership, but, as can be seen in Figure 2 below, the difference between the ‘yes’ and ‘no’ camps in the *Storting* is decreasing. To the question ‘do you think that Norway should become a member of the EU?’, 69 MPs said ‘yes’, 67 said ‘no’, and 11 opted for ‘don’t know’. The elite survey shows that the MPs’ positions on EU membership have remained very stable between 1994 and 2006 in all of the parties, except the PP, where the proportion of pro-European MPs has declined significantly. Indeed the PP’s increasing electoral success in the last decade and its MPs’ swing towards Euroscepticism can account for much of the change in support for EU membership in the *Storting*. Whereas in 1993 the party only held ten of the 165 seats in the *Storting*, it currently holds 41 (out of 169), and 18 of these are decisively against membership of the EU (while eight are for, nine are undecided and six did not participate in the survey).

On the level of internal divisions, the Conservative Party reveals no signs of Eurosceptic factionalism, and on the other side of the scale, the CP and the SLP are united in their ‘hard’ Euroscepticism, with all their MPs rejecting EU membership. The LP, on the other hand, literally has two feet in each camp; its two MPs have different preferences on the issue of membership. In the Labour Party, the anti-membership faction comprises around a third of the party’s MPs, while in the CDP, the pro-membership MPs are in minority. Only two of the CDP’s ten MPs are supportive of membership.

**Figure 2:** MPs' opinion on EU membership according to party, 2009


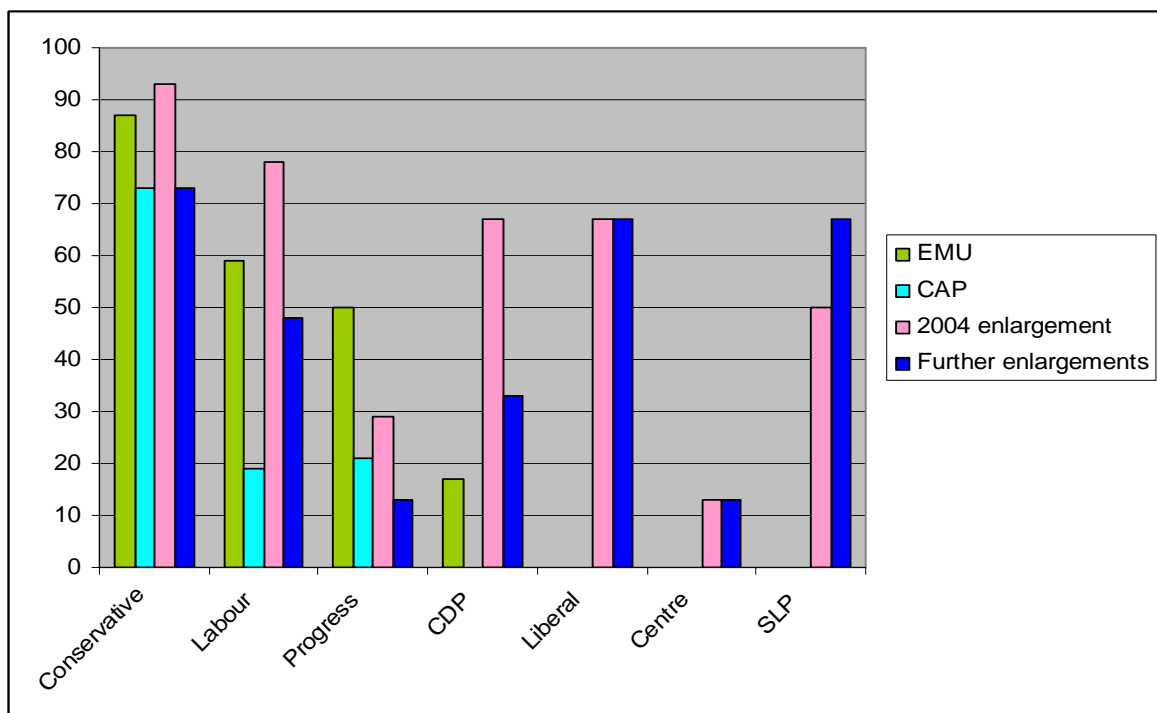
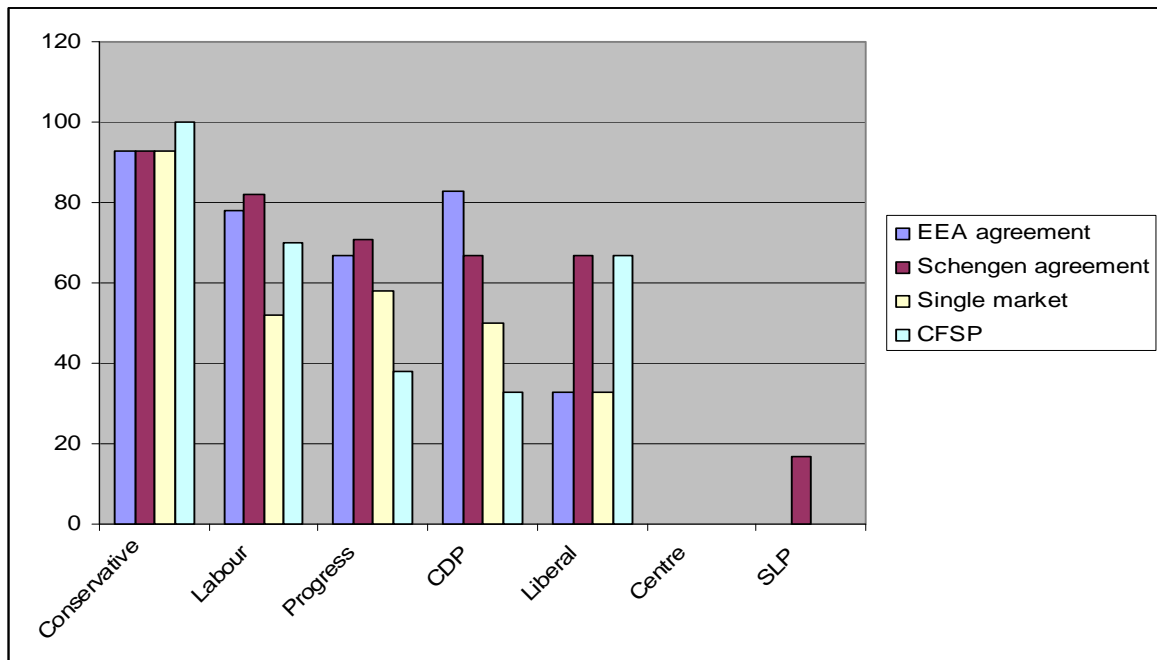
Source: adapted from Hobøl (2009: 3)

According to the survey results displayed in Figure 3 below, the CP can clearly be located on the 'hardest' end of the Euroscepticism scale. Not only do all of the party's MPs oppose membership, all the respondents in the survey also reject the European Economic Area (EEA) and Schengen agreements, the Single Market, the Common Foreign Security Policy (CFSP), EMU and the Common Agricultural Policy (CAP). Only one of the eight CP respondents supports any of the EU policies listed, and that is enlargement.

The SLP is not much 'softer' in its Euroscepticism. With the exception that one of the six respondents supports the Schengen agreement, the SLP MPs mirrors the CP MPs' opposition; support for the EU initiatives is limited to EU enlargement. However, here, there is a significant difference in that SLP support for enlargement is much more widespread: half of the party's MPs are supportive of the 2004 enlargement and two-thirds are in favour of further enlargement. This is possibly due to support for solidarity with the less developed parts of Europe.<sup>10</sup>

<sup>10</sup> As indicated by the response to another survey item, which asked whether the respondents thought that joining the EU would show Norwegian solidarity with the less developed parts of Europe. Whereas three of the six SLP respondents replied 'yes' to this statement, only one of the eight CP MPs did.

**Figure 3:** MPs' support for EU policy initiatives (percentage of party's respondents<sup>11</sup>)



Source: author's (2006) elite survey

<sup>11</sup> Percentages are used for purposes of cross-party comparisons.

Two of the three LP respondents are also, despite their opposition to EU membership<sup>12</sup>, supportive of the enlargement. Equally, two-thirds of the CDP respondents are positive towards the 2004 enlargement, but only two of the six CDP MPs are in favour of further enlargements. A possible explanation for this is that the Christian Democrats could have reservations about the negative impact a prospective membership of Turkey, with its considerable Muslim population, could have on the Christian values that the party champions. Moreover, the support levels for Schengen and the Single Market are relatively similar in both parties, but seem to be higher for the EEA and lower for the CFSP in the CDP compared to the LP. However, because of the limited number of respondents from both parties, it is doubtful whether these differences are of any particular significance. Nevertheless, it is curious that only one of the three LP respondents expresses support for the EEA agreement, considering the party's official pro-EEA stance.

Among the PP MPs, the elements of opposition are quite different to the rest of the parties. It seems that the PP's attitudes toward EU policies are the complete opposite of the two hardest Eurosceptic parties, as the initiatives receiving (most) support from the SLP and CP MPs are those which receive the least support from the PP; enlargements to the east are not very popular with the PP MPs. This could be a reflection of the party's negative attitudes generally to redistribution and foreign aid, or alternatively, the party's desire to restrict immigration to Norway. Otherwise, the PP's policy support is relatively similar to that of the Labour MPs: participation in Schengen and economic integration, the Single Market, the EEA and to some extent even the EMU, receive overall high support, but there are more reservations about the CAP in both parties.

When it comes to policy opposition, what seems to unite all the Eurosceptics in the *Storting* is opposition to the CAP. Moreover, Norwegian Eurosceptic MPs are, the PP excepted, positive towards enlargement despite their rejection of membership.

Considering support for Eurosceptic arguments, out of the eight arguments listed in the questionnaire (see Table 1 below), the argument most MPs identify with is criticism of EU bureaucracy, with 72 percent of all the respondents supporting it. This is hardly surprising, considering Norwegian traditions of people democracy (*folkestyre*) and transparent, accountable government, elements that are central to the geo-historical thesis. The primary sector argument is the second most prevalent, supported by all Liberal, Centre and SLP MPs and a majority of CDP and Labour MPs. This is the argument that is most prominent among Labour respondents, but it is not very significant for the PP MPs, with only 17 percent backing it. This reflects the fact that the PP is the only party in the party system which favours significant cuts in state subsidies to Norwegian farmers. Among PP MPs, of the arguments listed<sup>13</sup>, sovereignty and the cost of membership get the most support. The latter is a particularly striking finding, as the high support for this item is something unique to the PP: 11 of the 24 PP respondents are concerned about the economic cost of EU membership, but only three of the 65 participants from the other parties are. The high support for the cost argument and the low support for eastward enlargement suggest that issues of economic utility, as well as sovereignty, are central to the PP's Euroscepticism.

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<sup>12</sup> All the LP MPs who participated in the survey declared themselves to be against EU membership.

<sup>13</sup> Disregarding the bureaucracy argument, which featured highest among all parties, except Labour, where the argument about the primary sector ranked marginally higher.

**Table 1:** MPs' attitudes towards traditional 'no'-arguments

<i>Which of the following arguments against Norwegian EU membership do you support?</i>							
	Party						
<i>EU membership would...</i>	CoP	Lab	PP	CDP	LP	CP	SLP
<i>... add unnecessary bureaucracy</i>	7 47%	14 52%	20 83%	6 100%	3 100%	8 100%	6 100%
<i>... damage the agricultural and fisheries sectors</i>	3 20%	15 56%	4 17%	4 67%	3 100%	8 100%	6 100%
<i>... threaten national sovereignty</i>	0	8 30%	13 54%	2 33%	2 67%	8 100%	4 67%
<i>... rob Norway of its current influential position in foreign affairs</i>	0	4 15%	5 21%	3 50%	1 33%	6 75%	4 67%
<i>... threaten Norwegian districts policy and municipalities</i>	0	2 7%	1 4%	2 33%	3 100%	6 75%	3 50%
<i>... be too expensive</i>	0	0 0%	11 46%	1 17%	0	1 13%	1 17%
<i>... threaten the Norwegian welfare state</i>	0	6 22%	1 4%	0	1 33%	4 50%	3 50%
<i>... threaten Norwegian culture and heritage</i>	0	2 7%	3 13%	1 17%	0	2 25%	1 17%

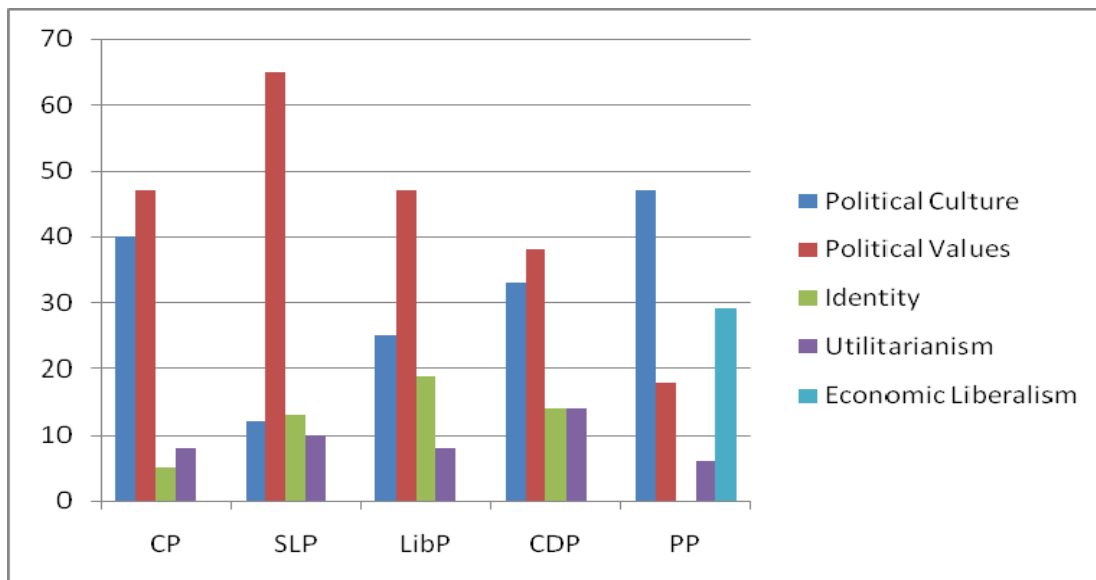
Source: author's (2006) elite survey

National sovereignty is obviously at the core of the CP's Euroscepticism, and is also central to most of the SLP and LP MPs. In the CDP, however, the arguments seem primarily to revolve around bureaucracy and the primary industries. Protection of the municipalities and districts policy is key to the CP and LP, but the SLP and CDP MPs are not mobilised to the same extent here. Also the argument of safeguarding 'Norway's influential position in foreign affairs', an argument with strong exceptionalist connotations, was met with support in the officially Eurosceptic parties, especially the CP, SLP and the CDP. However, the cultural threat thesis is not backed up by the survey data, as a mere ten percent of respondents thought EU membership would have a negative impact on Norwegian culture and heritage.

### Findings of the content analysis

According to the findings of the documentary analysis, displayed in Figure 4 below, the CP, SLP, LP, CDP's Euroscepticism seem to be primarily driven by political values (post-materialism/exceptionalism), in other words, values that are seen as different or superior to those championed by the EU and are viewed as irreconcilable with EU membership. Examples of these values are morality, redistribution and equality, environmentalism, international solidarity and focus on peace-keeping efforts and Norway's role in the world (internationalism). In the centre parties, the CP, the CDP and the LP, this is closely followed by political culture elements, such as democracy and sovereignty. That exceptionalist values and democracy should be the dominant catalysts of Euroscepticism in the three centre parties is not surprising considering that, traditionally, they draw their electoral support from the peripheral and rural inhabitants, who have historically been the defenders of the unique Norwegian democracy, culture and values against forces of centralisation, urbanisation and Europeanisation (Rokkan 1967).

**Figure 4:** Distribution of codes



*Source: author's manifesto study*

In the anti-capitalist SLP, however, the contrasts between the category that ranks in first place and the others are much more marked. Not only is the percentage of the party's references to political values much higher than in the other parties, there are no significant differences between the number of references to the other three pre-defined categories. This suggests that the left-wing opposition in Norway is primarily driven by post-materialist or exceptionalist concerns, whereas among the centre parties, issues of political culture are almost equally important motivators for their Euroscepticism.

The PP, on the other hand, is different altogether. Political values are not very central to the party's Euroscepticism; instead, political culture elements and economic liberalist concerns are mobilised in opposition to the EU in the PP. The PP is the only party to criticise EU policies for being too 'socialist' and it is also the party with the highest proportion of its Eurosceptic arguments being linked to democratic concerns and sovereignty.

The remaining pre-defined categories, identity and utilitarianism, generate the least results for all parties.<sup>14</sup> This indicates that the identity (rural/national) and utilitarian theses have limited explanatory power when it comes to Norwegian party-based Euroscepticism. However, in the PP's case, it could be argued that its economic liberalist Euroscepticism is driven by economic utilitarianism, due to its inherent focus on economic growth. Moreover, if one looks to the survey data, then it does seem that the PP MPs' EU attitudes are, to a large extent, motivated by economic concerns.

When it comes to the rural identity category, which is based on the notion that Euroscepticism is a product of people's concern for the countryside and the rural/periphery element of the national identity, there is strikingly little reference to this category in the manifestos of any of the parties. Furthermore, in addition to the PP, whose Euroscepticism lacks concern for the primary sector and the periphery's interests completely, the agrarian CP is the party with the least reference to the primary sector and districts policy as a proportion of its arguments. This contrasts with the results of the elite survey, where the argument on the primary sector attracted the strongest support. A possible explanation for this could be issue priorities in the manifestos; if the party has "issue ownership" of an issue (Budge and Farlie 1983), like the CP does with the primary sector and peripheries' interests, they might not feel that it is necessary to mention that issue as often to the voters. Nevertheless, it appears that, to the Eurosceptic parties to the left of the PP, *exceptionalist* values are more central to the case against EU membership than *rural* values, although it should be noted that these could overlap somewhat, as Dahl (1984) highlights. This is also illustrated in Figure 1 above.

## Discussion and conclusion

When considering different types of Euroscepticism in the Norwegian party system, complex typologies are arguably of limited usefulness. This is because it is, as a rule, cast as opposition to membership of the EU, and except for the hard/soft typology developed by Taggart and Szczerbiak (2001), no conceptualisation accounts for nuances in 'rejecting'-Euroscepticism.

The evidence presented above shows that, of the Norwegian parties, the CP is 'hardest' in its Euroscepticism, but that there is very little that separates the CP from the SLP. Both parties are united in their rejection of membership of both the EU and the EEA and the vast majority of EU initiatives, eastward enlargement excepted. The CDP and the LP clearly represent a 'softer' type of Euroscepticism than the above-mentioned parties. Not only are there pro-European MPs within the party, they are broadly in favour of Norway's participation in the EEA and a number of other policy areas, such as Schengen, the Single Market and the CFSP. Nevertheless, there are elements that unite the four officially Eurosceptic parties, other than their opposition to membership, namely their overall positive attitudes towards (eastward) enlargements, their joint concern for Norwegian democracy, sovereignty, the primary industries, and the districts.

Conversely, the PP diverges from the Euroscepticism of the other parties in nearly all aspects. It is the party with the largest number of undecided MPs (nine of the 35 respondents in the 2009 survey); it is the party with the absolute greatest mobility between the 'yes', 'no' and 'don't know' camps; and it displays a right-wing Euroscepticism, unique in the Norwegian party system. The only element that the PP's Euroscepticism shares with the other parties is the concern for sovereignty and democracy; otherwise, its arguments are

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<sup>14</sup> Only the LP had comparatively more of its items coded to the identity variable than the other parties, but as with the CDP, this variation is not likely to be of any statistical significance. This is because of the limited sample: the total number of coded units of analysis for the two parties were 37 for the LP and 24 for the CDP.



very different to the other parties'. Whereas 91 percent of the officially Eurosceptic parties' MPs are worried about the primary sector, only 17 percent of the PP MPs are. The PP MPs are also the odd ones out when it comes to utilitarian considerations: only 13 percent of the CDP, LP, CP and SLP MPs care about the cost of membership, but almost half of the PP MPs note cost as an important 'no' argument. Furthermore, the eastward enlargements are the most supported EU initiatives by the Eurosceptics from the other parties, but in the PP, the enlargements get the least support of all policy areas. However, it is not clear whether it is economic considerations in connection to financial transfers or resistance to increased immigration from Eastern European countries that drives this opposition.

An analysis of party manifestos was conducted in order to test an alternative theoretical framework to explain the motivation of Eurosceptic positions in Norwegian parties. This is because the strategy model which has been advanced in the literature on party-based Euroscepticism is of limited applicability to the Norwegian case, where, with the exception of the PP, party stances have remained stable over the last 50 years. Although the data coded was somewhat limited for some of the parties, the analysis provided some interesting findings. Besides, the fact that the findings from the manifesto study overall are consistent with the survey results adds to the validity of the findings.

First, when it comes to the motivation behind the different parties' Euroscepticism, the national identity theory can immediately be discounted for all parties. Very few items were coded to this category in the manifesto study, and only nine of the 89 participants in the 2006 survey agreed with the cultural threat argument in connection to EU membership. However, although the content analysis reflected less concern about the primary industries than expected, the survey showed that the districts and primary sector elements of Norwegian opposition to EU membership are still very prominent in the centre and left-wing parties. Nevertheless, no evidence was found to support the idea that this is linked to the protection of a rural identity. It should also be noted that although support for the CAP is low in all parties, there is an important difference in the PP's and the other parties' motivation behind this opposition. The PP is not opposed to the CAP because of the detrimental effects it would have on the Norwegian agricultural sector, but because it is a barrier to free trade.

Second, utilitarianism cannot explain the occurrence of Euroscepticism in the SLP and centre parties, but this explanation could go some way to explain the PP's opposition towards EU membership. In the manifesto study, economic liberalist argumentation came up as the second most frequent category in the PP, and the cost/benefit tendencies which shone through in responses from PP MPs further support this contention. However, economic calculus cannot alone account for the PP's Euroscepticism; both the content analysis and the survey results show that elements of political culture such as sovereignty and democracy are just as important.

In the other four parties, the documentary analysis suggests that there is a difference between the motivation of the SLP on the one hand, and the centre parties on the other. Although all four parties' Euroscepticism seems to be primarily driven by political values (exceptionalism/post-materialism), in the centre parties, political culture is almost equally important. In SLP manifestos, however, political culture forms a much smaller part of the party's argumentation. Considering that post-materialism is a phenomenon most commonly associated with the political left, it does make sense that post-materialist sentiments are stronger in the SLP. Besides, as the SLP has stated that the party is not principally against supranationalism, it is to be expected that resistance to giving up national sovereignty make up a smaller part of the party's anti-EU argumentation. Also, the survey indicates that the SLP MPs are less tied to the sovereignty principle than CP MPs.

**Table 2:** Explaining Euroscepticism in Norwegian political parties

	<i>Political values</i>	<i>Political culture</i>	<i>Identity</i>	<i>Utilitarianism</i>
PP		X		X
CDP	X	X		
LP	X	X		
CP	X	X		
SLP		X		

Table 2 above provides a summary of how the different Norwegian parties' Euroscepticism can best be explained, according to the research carried out in this article. However, as the documentary data analysed was quite limited, for future research it would be appropriate to apply the analytical framework used to a larger sample in order to verify these findings. It would be particularly interesting to see if the primary sector and the issue of rural values and traditions are more pertinent to Euroscepticism in the centre and left-wing parties than was found in this study, as the survey points to the primary sector as one of the most important arguments against EU membership.

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# The Europeanisation of Domestic Opportunities for Movements: The Influence of NATURA 2000 on Anti-incinerator Campaigns in France

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## Abstract

Europeanisation research into social movements has focused on the emergence of political opportunity structures at the supranational level. This paper examines how movement actors are exploiting shifts in domestic opportunity structures caused by EU policy. Empirical evidence is drawn from qualitative interview data and document analysis on high profile anti-incinerator campaigns in France. Surprisingly, European legislation on waste incineration has not significantly influenced domestic opportunities. It is, however, revealed that EU policy on biodiversity proved decisive for understanding shifts in opportunity structures, and ultimately their role in contributing to movement campaigns in France. Several important lessons are discussed for future Europeanisation research into social movements.

## Keywords

Europeanisation; Social movements; Political opportunity structures; French politics; Waste infrastructure; Biodiversity

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THE EUROPEAN UNION (EU) HAS MULTIPLIED BOTH RESTRICTIONS AND opportunities for various social movements. Research into the Europeanisation of social movements has concentrated too heavily on exploring how movements are (not) exploiting new political opportunity structures at the supranational (Brussels, Luxembourg or Strasbourg) or transnational (cross-border actions) level (Marks and McAdam 1996; Tarrow 1995, 2001). In support of Rootes, it is, however, underlined that social mobilisation “occurs *overwhelmingly* within nation-states” (2002: 418). By adopting new trends in Europeanisation research (Saurugger 2007; Vink and Graziano 2008), it is argued that we must equally seek to understand the influence of the EU on *shifting* political opportunities at the *domestic* level for social movements. This article reveals that opportunity structures intrinsically linked with the EU’s biodiversity program have proved crucial in anti-incinerator movement campaigns in France.

Researchers on Europeanisation criticise the basic top-down approach for inherently displaying problems of causality. Throughout a given period, it is relatively easy to expose a variety of changes in Member States. However, it is more difficult to deduce the most appropriate cause from a list of competing theories. Many authors have commented on this problem through underlining the wide variety of global and domestic institutions and actors

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that influence Member State policy-making in addition to the EU (Bugdahn 2005; Olsen 2002). National politics and policies are expected to adapt, while Europeanisation is suggested to be the cause. The “only way” to circumnavigate this problem “has been to resort to thorough and detailed empirical research (...) focused on one or a limited number of Member States” (Jordan and Liefferink 2002: 3).

EU influence is, therefore, only one variable among several (resources, framing processes, social networks or alternative social psychological accounts) that could explain the activities of a movement’s campaign. The conceptual framework developed in this paper is restricted to literature on Political Opportunity Structures (POS) and Europeanisation. Political opportunities are essentially prompts that signal non-state actors toward possible venues for action. Collective action involves, therefore, rational actors who attempt to realise certain objectives within an ever-changing larger political apparatus (Kriesi 2004). Opportunities at an international or European level can be so distant to groups that they find them difficult to interpret and exploit (Warleigh 2001). The influence of EU politics, policies and institutions can also represent an intervening variable in shifting domestic political opportunity models. A conceptual framework is developed below for exploring EU influence on four intervening variables in the two case studies: splits among the political elites, allies in the political system, legal access, and political culture.

Supranational policies (and associated legislative bodies) have emerged in the areas of both waste and biodiversity from policy-making structures in the EU (Jordan and Liefferink 2004). It is revealed below that incineration plants have seriously conflicted with the management of nearby zones of special protection (ZSPs) established under strict criteria in the EU’s policy on biodiversity NATURA 2000 (N2000). An assessment of the extent to which the ‘steering committee’ of these sites played a role in two regional anti-incinerator campaigns in North-West and Central France is indicated below. In contrast, it is equally argued that legislation on waste incineration proved ineffective for both anti-incinerator campaigns. This article relies, first, upon data from interviews conducted with both state actors and activists throughout France (and Brussels). A second data collection method is in-depth document analysis from newspaper reports<sup>1</sup>, personal communiqués, letters and policy reports collected onsite from state institutions and civil society associations.

### **Social movements and the French state**

A social movement is defined as a “collective challenge by groups with purposes and solidarity in sustained and mainly contentious interaction with elites, opponents and authorities” (Tarrow 1995). Movements are essentially fluid, proactive and independent challenges to perceived social injustices. Social movements have been structured according to the traditions of individual nation-states (Dryzek *et al.* 2003). With regard to specific civil society relations, France is essentially classified as a *strong* and *passively exclusive* state. A *strong* state makes important political decisions without much recourse to various interests, with little regard to variation between policy areas. As a result, national policy styles continue to dominate the entire political system (in terms of institutions and processes) (Kriesi 1995: 164-176). As *passively exclusive*, movements are excluded from traditionally corporatist forms of national policy-making. Corporatism is defined as a policy process restricted to a normally tripartite *concertation* between the executive, business and labour federations. The exclusion is termed as passive because the state does nothing to undermine ‘outside’ movements, interests or associations (Dryzek *et al.* 2003: 1-20).

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<sup>1</sup> Newspaper articles are often cited as a major resource for research on social movement mobilisation and environmental activism. This paper attempts to avoid ‘newspaper bias’ through multiplying the sources of the articles used (Fillieule and Ferrier 1999).

Social movements in France are often associated with direct action campaigns against nuclear power in the 1970s or more recently anti-globalization protests (Prendiville 1994). As is common throughout Europe, French social movements find their origins mainly (though not exclusively) in the New Social Movements (NSMs) of the 1970s. However, they have been largely forced into relations with state actors based on pre-emption, incorporation, contestation and direct action. In this way, state-group accounts have traditionally positioned French social movements in a largely subordinate role *vis-à-vis* governmental actors. As an idea that can be traced back as far as Jean-Jacques Rousseau, non-state pressure more broadly is historically considered as being illegitimate (Cohen-Tanugi 1991). However, the traditional *Jacobin* distaste for interest representation is only partly relevant for contemporary state-group relations.

There are three important reasons for this change. Firstly, a transformation has occurred mainly through the loosening of state control over civil society (linked to a broader process of decentralisation). Secondly, there has been a modernisation of public administration that has ensured freedoms of access to information (Cole 2005). Thirdly, the more recently multi-faceted influence of the EU has been accredited with this change (Smith 2006). Although French pressure group activity would appear to be weaker in France than in the North-European democracies, the traditional image of France as a state that pays no attention to associational life is becoming increasingly irrelevant to understanding the reality of French politics (Waters 2003).

With regard to conceptualising a relevant theoretical model, this mixture of a traditionally exclusive and an increasingly open state has reinforced the 'exceptional' status of French state-group relations. The model of French 'exceptionalism' may be defined as the situation where the policy-making style in France is different from the equivalent style in any other country. As such, this model might equally be known as the model of French specificity, or the model of French distinctiveness (Elgie and Griggs 2000). Numerous authors (Bell 2001; Knapp and Wright 2006; Szarka 2002; Wilson 1987) have applied a variety of models to the French case: the domination-crisis model, the endemic and open conflict model, the Marxist approach, (neo/meso-) corporatism, (neo/meso-) pluralism, the protest model and policy networks. However, there is no predominant model of state-group relations.

Within this context of a France in transition, social movements have become increasingly innovative in their strategies against perceived injustice. They no longer focus uniquely on mass protests (Appleton 2000: 62). Festivals, petitions, civil disobedience, and other media-directed events are tools that are being increasingly employed on a national and local scale within the French context (Hayes 2002). They now bring together a large number of associations and individuals on an *ad hoc* basis, operating within a fragmented system of alliances without the domination of one single group (Waters 1998). The article reveals below how movement actors have exploited political opportunity structures created by EU legislation in biodiversity in anti-incinerator campaigns.

### **Social movements, europeanisation and shifting domestic opportunities**

Europeanisation is defined in this article as a top-down pressure originating from EU legislation upon national and local political opportunity structures that are seized upon by national actors (Börzel and Risse 2003). Often termed "Europeanisation as domestic adaptation", the research focus is centred on understanding how implementation processes influence domestic politics (Vink and Graziano 2008). From this perspective, it is argued that legislative pressure is one important variable for understanding the tactics employed by anti-incinerator campaigns in France (Hilson 2002). EU waste legislation has raised a cautious opposition to the activity of incineration as potentially harmful for environmental protection in

the Waste Incineration (WI) Directive 2000/76/EC and the Waste Framework (WF) Directive 2006/76/EC. As a result, Member States must adhere to more stringent operational conditions and technical requirements through setting emission limit values for waste incineration. European legislation in this area does *not*, however, translate into any suspension or moratorium on incineration as a practice. It is only concerned with imposing lower emission rates and technological advancement in this area (Burton 2006).

The European legislative program for biodiversity protection N2000 (a combination of the Habitats and Birds Directives) is, however, more influential in anti-incinerator campaigns in France. As demonstrated below, there are several instances where existing or proposed incineration plants are located near zones for special protection (ZSPs) under the EU N2000 program. Of course, these areas of natural beauty existed before the establishment of any European program. The unique aspect attributable to the EU N2000 program was the necessity to introduce new decision-making structures and processes at each ZSP. Article 6 (1) of the Habitats Directive 92/43/EEC states that “(f)or special areas of conservation, Member States shall establish appropriate management plans specifically designed for the sites and appropriate statutory, administrative or contractual measures”. Moreover, it is revealed below how the European Court of Justice (ECJ) has shaped the French interpretation of these decision-making structures.

N2000 resulted in the establishment of regional level contracts alongside a powerful financial instrument called LIFE-Nature (McCauley 2008). New forms of local-level institutionalised interaction between local stakeholders (so-called ‘steering committees’ - *comités de pilotage*) are integral components in a contractually agreed set of objectives - *document d’objectifs* (‘Docob’) (Le Grand 2004). These steering committees became involved in disputes over planned waste incinerators near the relevant ZSP. Indeed, the Habitats Directive 92/43/EEC in Article 6 (3) states that “any plan or project not directly connected with the management of the site but likely to have a significant effect thereon shall be subject to appropriate assessment of its implications for the site”. Different ways in which steering committees at ZSPs in close proximity to proposed incineration plants have shifted opportunity structures for campaigns shall be explored.

The definition of a shift in POS is normally “any event or broad social process that serves to undermine the calculations and assumptions on which the political establishment is structured” (McAdam 1997: 176). There has nevertheless been little agreement on what causes (and even what constitutes) a shift in POS. For the purposes of this study, the EU is presented as a legislative pressure that has resulted in the emergence of a new opportunity structure in the form of steering committees attached to ZSPs (and to a lesser extent European legislation on waste incineration). Four intervening variables are selected in light of the relevant literature as measurements for how much the steering committees and waste legislation have shifted opportunities for anti-incinerator campaigns: splits among political elites (Fischer and Boehnke 2004), the number of allies in the political system (Giugni 2001; Tarrow 1998), variation in legal access (Hilson 2002) and political culture (Kriesi 2004). The chosen variables therefore allow for an examination of EU pressure on political opportunities for anti-incinerator campaigns in France.

### **Anti-incinerator campaigns in France**

There are currently 129 active waste incineration plants in France (more than in any other European country). Their location is notably concentrated in urban centres, especially in and around Paris, Bordeaux, Marseille, Lyon and Lille (accounting for 56 in total). The three most active localities (measured by emission levels) in France mirror urbanisation patterns as representing Paris, Seine-Saint-Denis and Rhône. However, the majority of active



incineration plants are located outside these urban areas (73 in total). Additionally, 68 of the 81 decommissioned incinerators are situated outside the urban centres of Paris, Bordeaux, Marseille, Lyon and Lille (MEDD 2008a: 4-9). All 12 incinerators currently under proposal are also found in small towns or rural areas (MEDD 2008b: 3). As a result, this paper concentrates on proposed waste incineration plants in rural or semi-rural France.

There is insufficient data to map all the anti-incinerator campaigns on a national scale. The research focus in this article is, therefore, centred on the most high-profile campaigns in terms of media coverage.<sup>2</sup> Since 2001, there have been eight high-profile campaigns spread throughout France (see table 1). Protesters succeeded in the South of France to prevent the establishment of an incinerator in the small Mediterranean town of Vias near Montpellier in 2005 (Martin and Olivier 29/10/2005). In the North-East, a local association called '*Vigilance Projet Incinérateur Gueugnon*', through their charismatic leader Alain Rault, was at the heart of local efforts to reject an incinerator at Gueugnon in 2003 (Jacques 13/05/2003). In the West, four proposed incineration plants (St. Capraise, Izon, Grosbreuil and Angers) were officially abandoned between February 2002 and December 2006 as a result of local campaigns from a range of both institutional and non-institutional actors (MEDD 2008a: 10).

**Table 1:** Anti-incinerator campaigns and N2000 sites

Town/City	Region	Date Proposed	Date Abandoned	<50km from a ZSP?
Angers	Pays de la Loire	2004	2009	No
Clermont-Ferrand	Auvergne	2001	On-going	Yes
Coulon	Poitou-Charentes	2003	2006	Yes
Grosbreuil	Pays de la Loire	2000	2006	No
Gueugnon	Bourgogne	2001	2003	No
Izon	Aquitaine	2001	2003	No
St. Capraise d'Eymet	Aquitaine	2002	2004	No
Vias	Languedoc Roussillon	2004	2005	No

Sources: MEDD (2008a; 2008b)

Here, the article focuses on two campaigns in Poitou-Charentes (North-West France) and Auvergne (central France). Interest was derived from the close proximity of planned incinerators to national ZSPs under the European N2000 project.<sup>3</sup> The other six anti-incinerator campaigns were not located close to any N2000 ZSPs (see table 1). The

<sup>2</sup> High-profile media campaigns are defined as instances of oppositional activity that were reported in national newspapers. Once identified, such activity was analysed in a variety of national, regional and local newspapers. This strategy developed as a result of the lack of quantitative data on anti-incinerator campaigns in France.

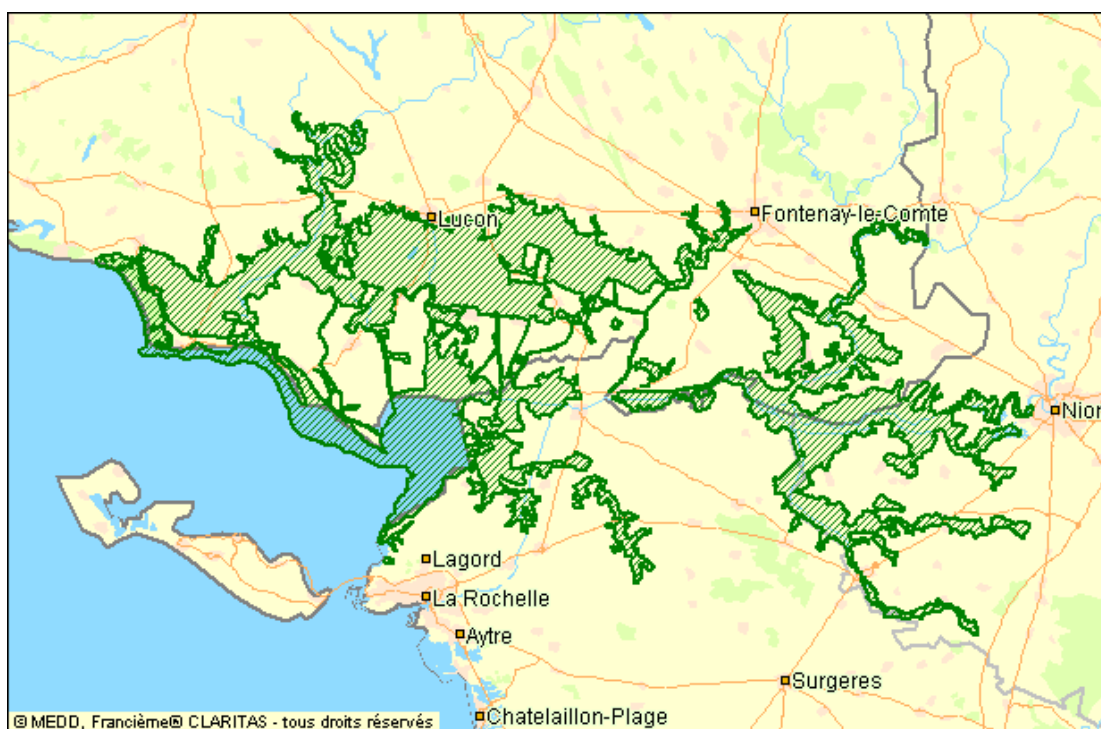
<sup>3</sup> I encourage future quantitative based research into how close N2000 ZSPs are located to existing or proposed incinerators.

prominence of N2000 as a campaign issue is the primary reason for case selection. A major national park (the *Parc du Marais Poitevin*) would have been on the doorstep of an incinerator at Coulon (North-West France). At Clermont-Ferrand (central France), the proposed incinerator could threaten natural habitats found within three ZSPs. As a result, both campaigns offer significant potential for exploring European influence on social mobilisation. The campaign is briefly investigated below with reference to the participating actors, major debates and events.

### *Anti-incinerator campaigns in North-West France*

The small town of Coulon (the Capital of 'Green Venice'), with 2,174 inhabitants, West of Niort, became a regional hotbed for anti-incinerator protests between 2003 and 2006 (see map 1). The main institutional actor involved in promoting the idea of an incinerator at Coulon was called the *Communauté d'Agglomération de Niort* (CAN). CAN was first established in 1999 to represent the locality surrounding the main city of Niort. This publicly elected body is chiefly responsible for land and services (including waste) management in its represented localities (Moinet 2007: 3-5). In September 2003, it commissioned a report on the future of waste management in Niort and its surrounding areas. Accepting its proposals, the CAN announced in December 2004 its preference for incineration instead of landfills (with the precise location left undecided at this point) (Lyvinec 10/12/2004).

**Map 1:** N2000 and North-West France



Source: European Commission, N2000 sites in France.

A campaign to avoid the construction of an incinerator in the Niort area emerged in early 2005. Its participants included *Les Verts* (the Green Party) and the '*Deux-Sèvres Nature Environnement*' local environmental association (a constituent part of the national federation '*France Nature Environnement*'). Most notably, the leader of the campaign (Patrick Morin)

described himself as an “unaffiliated ordinary citizen” (Martin 22/01/2005). They gathered together a petition with initially 400 signatures against the proposed incinerator. By March 2005 this number rose to 8000. The main argument of the campaign focused on the need to advance recycling techniques in favour of a dangerous and expensive incinerator. As the location emerged, the most significant demonstration gathered together 1,500 activists in Coulon with placards carrying “Dioxin City” (Biard 31/01/2005). The newly formed anti-incinerator committee of Coulon<sup>4</sup> organised another protest with demonstrators draped in orange<sup>5</sup> two months later (Baroux 20/03/2005). As serious splits emerged between political actors (as explored later), the project to build an incinerator at Coulon was officially abandoned in January 2006.

It is argued that the proximity of the ‘*Parc Marais Poitevin*’ as a ZSP influenced the success of the anti-incinerator campaign. As the biggest site in Western France, the scale of the park covers 68,023 hectares (ha) to the West of Niort. The small town of Coulon is effectively surrounded by parkland. The anti-incinerator campaign focused, therefore, on the potential threat of dangerous emissions for wildlife and disruption for local habitats found in the park (CIMES 21/02/2005). France communicated to the European Commission its willingness to include the ‘*Marais Poitevin*’ as a ZSP in 1996. A steering committee was eventually formed in 2001 in order to prepare for its status as a ZSP. Its official establishment coincided with the first CAN report into the possibility of an incinerator in Coulon. In 2003, the committee became one of the first fully operational in France with agreement upon its structure and primary objectives over the next six years (Docob) (DIREN 2003).

The following case study on *Clermont-Ferrand* offers a contrasting (in scale, duration and level of success) anti-incinerator campaign. It is also argued that the proximity of three ZSPs offered (ultimately unfulfilled) potential to influence the development of the campaign through shifting POSs.

#### *Anti-incinerator campaigns in central France*

With over 140,000 inhabitants and representing the capital of the Auvergne region, Clermont-Ferrand sits on the plain of Limagne in the Massif Central (see map 2). The main actor involved in the promotion of an incinerator was a publicly elected body known as VALTOM (‘*Valorisation et Traitement des Ordures Ménagères*’). Representing 654,000 inhabitants, its membership includes 9 trade unions<sup>6</sup> and 24 delegates as political representatives<sup>7</sup> such as local mayors and civil servants. In late 2001 and 2002, VALTOM conducted research into constructing an incinerator in Clermont-Ferrand, Riom or Lezoux. During this time, local environmental groups (‘*Vélo Environnement Santé*’ and the ‘*Association des Riverains de Beaulieu*’) wrote a series of letters in protest to the local authority (Sigot 01/03/2002). In January 2003, VALTOM officially announced that an incinerator would be completed on the Clermont-Ferrand site within three years. An 800 strong demonstration at the city hall marked the founding of the main protest confederation,

<sup>4</sup> This committee included ‘*Deux-Sèvres Nature Environnement*’, the Green Party, Patrick Morin, as well as new participant ‘*Citoyens pour l’Information dans le Mellois sur l’Environnement et la Santé*’ (CIMES).

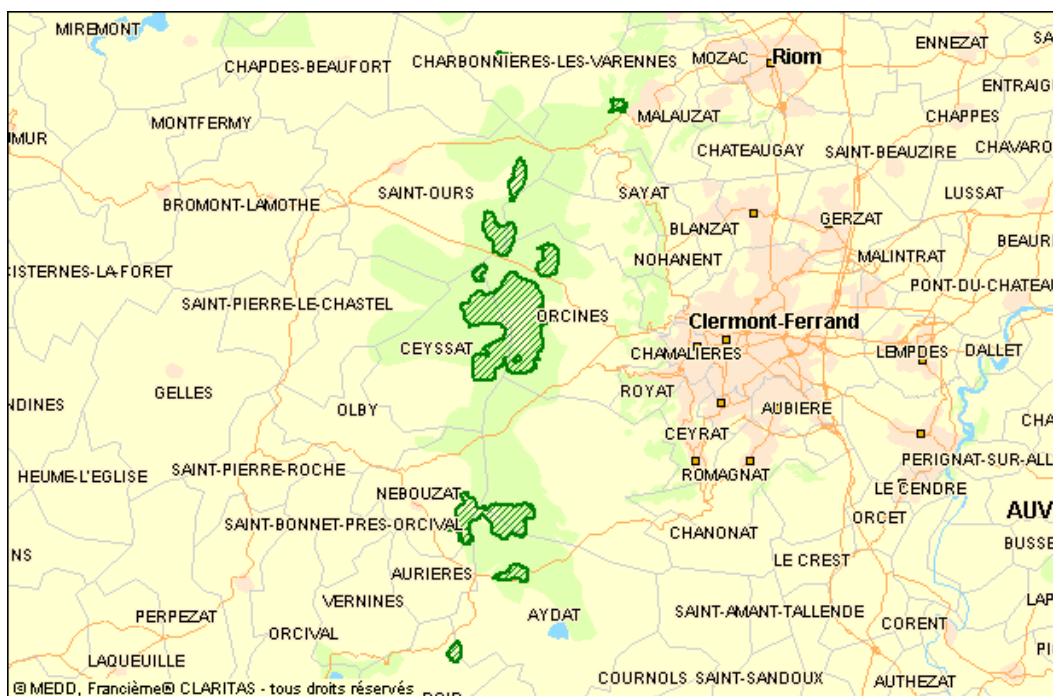
<sup>5</sup> The decision to wear orange was inspired by the pacifist march in the Ukraine in December 2004.

<sup>6</sup> Clermont Communauté, SICTOM des Combrailles, Syndicat du Bois de l’Aumône, SICTOM de la Haute Dordogne, SICTOM Pontaurum/Pontgibaud, SICTOM des Couzes, SICTOM Issoire/Brioude, SIVOM d’Ambert, SIVOM du canton de Châteldon.

<sup>7</sup> Didier Laville (Mayor of Aulnat), Hervé Pronounce (Mayor of Cendre), Louis Virgoulay, Alain Bardot, Danielle Auroi, Claire Lemperueur (Mayor of Montaigut-en-Combrailles), Brigitte Arnaud, Marie Gabrielle Gagnadre (Mayor of Lezoux), Michel Gadet, Roger Gardes, Jean Claude Jacob, Daniel Bellaigue (Mayor of St Julien Puy Laveze), Fernand Urlande, Daniel Labiaule (Mayor of Fernoel), Claude Vidal, André Gay (Mayor of Besse), François Marion (Mayor of St Donat), Gabriel Gay, Jean Paul Bacquet (Mayor of Coudes), Nicolas Di Giambattista (Mayor of Josat), Henri Rigal, Michel Dajoux, David Plaza, Tony Bernard (Mayor of Châteldon).

the 'Collectif Contre l'Implémentation à Proximité de l'Agglomération Clermontoise' (CCIPAC).<sup>8</sup> Campaigners highlighted the hypocrisy in establishing an incinerator in a protected valley surrounded by sites of European heritage (see below) (Desplos 12/03/2003).

**Map 2:** N2000 and central France



Source: European Commission, N2000 sites in France.

A public consultation took place three months later in the neighbouring small town of Lempdes. 96% voted in opposition in a city-wide referendum on the incinerator at Clermont-Ferrand (with a turnout of 41.2%) (CCIPAC 19/06/2003). In 2004, a government-commissioned report provided a negative opinion on the intentions of VALTOM to establish the Clermont-Ferrand incinerator. It focused on the high level of concern held by local people regarding potential health threats (MEDD 2004).<sup>9</sup> However, a year later, the highest administrative court (*Conseil d'Etat*) reversed the finding of the 2004 report<sup>10</sup> (Conseil d'Etat 2006: 46). From this point, the anti-incinerator campaign was reformed under a protest confederation known as P.R.O.P.R.E.<sup>11</sup> of public figures (mayors and civil servants) and the associations of CCIPAC. Between 1,500 and 2,500 demonstrators filled the streets of Clermont-Ferrand in March and November, while a further 30 campaigners emptied their bins in front of the city hall in August (Robert 13/03/2006). The result of these demonstrations was another public inquiry in late 2006 that resulted in the temporary

<sup>8</sup> ACIIPAC ('Association Contre l'Implémentation de l'Incinerateur à Proximité de l'Agglomération Clermontoise'), ADEC ('Association de Défense de l'Environnement de Châteldon'), ADEL ('Association de Défense de l'Environnement de Lempdes'), 'Maison des Associations', ARMURE (Vertaizon), 'Bien être à Aulnat', 'Brigades Vertes', 'Comité d'Aménagement de Clermont-Est', FCPE Lempdes ('Fédération des Parents d'Elèves de Lempdes'), ARB ('Association des Riverains de Beaulieu'), Gerzat Environnement, VELOS ('Vélo Environnement Santé'), LAVE ('Lempdes Association Vie Environnement').

<sup>9</sup> "Les motifs de rejet les plus nombreux se rapportent aux soucis de la population concernant la santé" (MEDD 2004: 22)

<sup>10</sup> The Court found that the NOVERGIE company had provided sufficient evidence against the potential harmful effects of an incinerator (Conseil d'Etat 2006: 46).

<sup>11</sup> It stands for the 'Collectif Pour Repenser l'Organisation et le Plan de Recyclage et d'Élimination des déchets'.

suspension of the project for three months in 2007. However, the proposed incinerator still remains as a viable option as talks continue (current data applicable until end of May 2008).

In contrast to the Coulon anti-incinerator campaign, it is argued that the three recently established ZSPs at Clermont-Ferrand applied comparatively *less* influence on the development of its anti-incinerator campaign. The proposed site would have been located deep within a valley, a designated ZSP itself. The valley protects a wide range of rare species and habitats over a relatively small area (231 ha) (European Commission 2006b). Immediately south of Clermont-Ferrand, the second ZPS is a much larger area (51,853 ha) with protected riverland, forest and associated habitats (European Commission 2006a). Both achieved full status under the European N2000 program in early 2006. The third ZPS represents the most famous (and controversial in anti-incinerator demonstrations) site, namely the *Chaine des Puys*. Directly West of the city (see shaded area on map 2) and the proposed incinerator (see black circle on map 2 below) lies the most expansive volcanic range in Europe, home to the *Puy de Dôme* volcano. It achieved full recognition under N2000 in 2005 (European Commission 2005a). However, the steering committees in all three cases are yet to become fully operational.

### The N2000 'steering committee' as an opportunity structure

The steering committee emerged directly from EU legislation on biodiversity (Article 6 (1) of the Habitats Directive 92/43/EEC as explored above). Rulings from the ECJ were integral to ensuring a comprehensive interpretation of a steering committee by French policy-makers. France was taken to the ECJ on three occasions for not implementing management structures in accordance with legislative requirements. The European Commission penalised the French Environment Ministry for not consulting local stakeholders in the "Poitevin Marsh" case (C-96/98). Again, the Court ruled in favour of the Commission that the French authorities had essentially misinterpreted the objectives of N2000 (C103/02). This ruling caused notable disruption, and general mistrust, in the government's efforts to set up N2000 management systems and infrastructures (although C103/02 focused uniquely on inexact transposition rather than the government's failure to consult stakeholders). In 2001, the Environment Ministry established 'steering committees' throughout France.

The maintenance of each N2000 site is now governed by one steering committee (*comité de pilotage*). This committee includes officials from sub-national authorities and relevant non-state actors. All committees include representatives from the DIREN, civil service, independent farmers, landowners, agricultural, environmental and other (particularly hunting and fishing) associations. The most senior government official from the regional or departmental level (*préfet*) is initially the key-actor within the structure of the steering committee. After the site is designated within the French N2000 inventory, this official appoints the relevant actors to the steering committee in consultation with local interests.

The official power of establishing the committee rests with the local state representative (*préfet*). In this way, the inclusion of non-state actors in the process still retains an element of state control. However, the committee members can elect one person (*opérateur*) as the chair of the committee who is not necessarily the *préfet*. The chair is equipped with a self-designated vice-chair (*chargé de mission coordinateur*). The purpose of the steering committee is to, first, organise the implementation of the aims and objectives of the N2000 site (*document d'objectifs* ('Docob')). The steering committee chair must achieve agreement from the members on the tasks to incorporate. The *préfet* sets out an initial draft of the aims and objectives. Moreover, the final draft of this document must be agreed upon by the *préfet*.

In terms of content, there are three elements located in every *document d'objectifs*. Firstly, the members are involved in analysing existing and new data on the current state of the particular N2000 site. Secondly, the committee agrees on priority areas (both from a geographical and environmental perspective) that require immediate attention. Thirdly, the committee imposes a financial penalty to be incurred by one or more member in the event of non-compliance. After the *préfet* validates the aims and objectives of the steering committee, the members engage a series of tools for their work: networks<sup>12</sup>, management strategies<sup>13</sup>, regulatory measures<sup>14</sup> and contractual agreements (as explored below). The committee produces an annual joint report on their activities to the Ministry (and a six-year report for the Commission).

At the beginning of 2002, there was virtually no trace of N2000 steering committees in France. By the end of 2006, French authorities had succeeded in officially establishing a steering committee in 1,029 sites (7.4% of the French territory). Moreover, 759 committees reported that a document of aims and objectives were, at least, in the process of elaboration. In addition, *préfets* in 270 sites claimed that their 'Docob' was operational. It is also evident from the data that steering committees in France displayed a strong preference for contractual agreements. Every site (including those where aims and objectives had not been agreed upon yet) had at least begun the process of applying for a N2000 contract (MEDD 2007).

### Assessing the influence of the N2000 steering committees

It is revealed below that the establishment of ZSP steering committees had a significant influence on opportunities for the Coulon campaigns, rather than for those at Clermont-Ferrand. In order to assess this influence, four intervening variables are examined: splits among political elites, allies in the political system, legal access and political culture.

#### *'Steering committees' and anti-incinerator campaigns*

When the CAN report on an incinerator for Coulon was published in 2004, the *'Parc Marais Poitevin'* was already officially recognised as a ZSP under European law (European Commission 2005b). A fully operational steering committee included the regional authority of Poitou-Charentes, council representatives, environmental, forestry, agriculture and water ministerial agencies. In terms of non-state actors, there were representatives from environmental, hunting and agricultural associations as well as the scientific community. Crucially, a main objective in the agreed 'Docob' was to "evaluate the state of habitat conservation and identify human activities likely to help as well as hinder its longevity" (DIREN 2003: 3).<sup>15</sup> The committee used this objective to become involved in disputes over a proposed incinerator in its vicinity. It is revealed below that this steering committee played a significant role in shifting opportunities for the anti-incinerator campaign. In contrast to the case of Coulon, it is argued that the steering committees in all three ZSPs in the Clermont-Ferrand area were less involved in the anti-incinerator campaign due to their protracted establishment. All three committees had yet to agree upon a set of objectives (therefore not yet operational) as the sites were only recently established (in 2005 and 2006).

<sup>12</sup> Each member is allowed to use its already existing links/networks with local inhabitants.

<sup>13</sup> Each member is also permitted to employ any already existing management strategies in order to achieve the overall aims and objectives.

<sup>14</sup> The committee could agree with the explicit will of the *préfet* to impose regulatory tools to achieve its aims.

<sup>15</sup> "(E)valuer l'état de conservation des habitats et identifier les activités humaines susceptibles de garantir leur pérennité ou, à l'inverse, de leur porter atteinte" (DIREN 2003: 3).

### *Splits in the political elite*

The eventual divergence of opinions expressed by political actors was integral to the demise of the Coulon incinerator project. This section concentrates uniquely on the influence of the steering committee on promoting splits among the political elite. Represented on the *Marais Poitevin* steering committee, the mayor of Bênet (Daniel David) responded to the decision to locate an incinerator in Coulon as a “choice that is contrary to the NATURA 2000 project and the preservation of the park *Marais Poitevin*”<sup>16</sup> (Martin 09/02/2005). His office underlines that its participation in the steering committee was influential in his hostile stance against the proposed incinerator (Interview 13/02/2006). In a high profile dispute, Daniel David publicly criticised the mayor of Aiffres (Alain Mathieu), who supported the incinerator at Coulon – “Alain Mathieu is contributing to the disfiguration of the *Marais Poitevin*”<sup>17</sup> (Riand 30/05/2005). As both mayors represented the same party (the Socialist Party), it is David’s involvement in the steering committee that appears to have been influential in his opposition to the incinerator.

Another split within the Socialist Party appeared when the newly created presidency of the *Marais Poitevin* park was awarded to Ségolène Royal in 2004, the future Socialist candidate for the Presidency of the French Republic. In a largely ceremonial position, she presided over the annual meeting of steering committee members. Refusing to criticise Alain Mathieu as the primary supporter of the incinerator,<sup>18</sup> she declared that “the incinerator plant was outside her area of competence” (Morel 11/01/2005: 6). On the 1<sup>st</sup> of February 2005, Royal met with the steering committee for the first time (Interview 30/08/2006). Later that month, she reversed her initial approach, stating that “I am surprised that such equipment will be installed in the parkland...it is difficult to ask farmers to adhere to the Natura 2000 framework and then see an incinerator come along”<sup>19</sup> (Girard 23/02/2005).

Alain Mathieu attempted, without success, to play down the growing splits within the Party claiming “this is not about opposition between personalities!”<sup>20</sup> (Lefèvre 28/02/2005: 5). However, the Socialist President of the Poitou-Charentes Region blasted Royal for bringing “a Parisian view of the *Marais*” (“*une vue parisienne du Marais*”), claiming it was outside her competence (Boyer 25/02/2006). There were splits among the political elite in the second case study on Clermont-Ferrand. Indeed, the founders of the protest confederation P.R.O.P.R.E in 2004 comprised the Mayors of Aulnat (Didier Laville), Cournon (Bertrand Pasciuto) and Lempdes (Jean-Pierre Georget) (Sauges 2006). The distinction lies in the contrasting roles played by the ZSP steering committee in each study. Similar to allies in the political system (below), there was no evidence for committee influence in this second case on Clermont-Ferrand (Interview 13/04/2006).

### *Allies in the Political System*

In addition to gaining the support of political party members (such as Daniel David and Ségolène Royal), the *Marais Poitevin* steering committee provided more generally an

<sup>16</sup> “Ce choix va à l’encontre du projet NATURA 2000 et de la préservation du parc *Marais Poitevin*” (Martin 09/02/2005: 5).

<sup>17</sup> “Alain Mathieu contribue au défigurement du *Marais Poitevin*” (Riand 30/05/2005).

<sup>18</sup> Royal initially received criticism from associations and the media for not involving herself at an earlier stage as the president of the Poitou-Charentes Region (Biard 03/01/2005). A press communication from the association CIMES declared that Royal should be awarded a “golden star for deception” (une “*palme d’or de la déception*”) as they suspected her involvement in initially promoting the incinerator (CIMES 21/02/2005).

<sup>19</sup> “(J’)exprime mon étonnement d’installer ce type d’équipement sur le territoire du parc...(c’)est compliqué de demander des efforts aux agriculteurs dans le cadre de Natura 2000 et de voir arriver un incinérateur” (Girard 23/02/2005).

<sup>20</sup> “Il ne s’agit pas d’une opposition entre personnes!” (Lefèvre 28/02/2005: 5).

opportunity for anti-incinerator campaigners to discuss their views with state agencies and local authority representatives from Coulon and Niort. In particular, the '*Deux-Sèvres Nature Environnement*' environmental association was an integral player in both the campaign and steering committee. The committee convened four times every year in order to set and examine agreed objectives. A representative from '*Deux-Sèvres Nature Environnement*' underlined that a lobby group against the proposed incinerator presented their opposition to the regional authority (the *préfet*) in January 2005 (Interview 30/08/2006). Crucially, the head of the steering committee was a representative from the *préfet* Jean-Jacques Brot. The lobby included representatives from environmental, forestry, agriculture and water agencies, landowners, associations and independent scientists (from the '*Conseil de l'Ordre des Médecins*').

In practice, the steering committee became monopolised by the incinerator issue throughout 2005 (convening formally for an unusual six times). A group of scientists (12 involved in the steering committee) sent a letter of protest to Jean-Jacques Brot as head of the committee as well as CAN on the 27th January 2005 (CPAI 27/01/2005).<sup>21</sup> '*Deux-Sèvres Nature Environnement*' withdrew their involvement in the steering committee in protest between May 2005 and January 2006. The environmental association claimed to have informally met with committee members (including the office of the *préfet*) during this period (Interview 30/08/2006). The absence of any ZSP steering committees in Clermont-Ferrand severely hampered any potential 'European' influence from biodiversity policy on allies within the political system for the anti-incinerator campaign.

### *Legal Access*

The anti-incinerator campaign at Coulon did not pursue a legal case against CAN or any other state organ. The omission of any legal campaign emphasises the relative brevity of the anti-incinerator campaign, as well as an apparent collective disregard for European legislation on waste incineration. The Clermont-Ferrand campaign revealed furthermore that supporters of the incineration project were more likely to use European legislation in their favour. The 2005 response from the *Conseil d'Etat* underlines that the plans submitted by NOVERGIE clearly adhered to European legislation on plant specifications (Conseil d'Etat 2006: 49). The Regional Authority (*préfet*) of Auvergne and Puy-de-Dôme (Dominique Schmitt) also complained at a meeting of VALTOM that "this project is well within the norms set out by French and European legislation"<sup>22</sup> (Jolivet 09/05/2008). A representative from the European Commission emphasised that European legislation on incinerators only really applied to existing outdated waste incineration plants. New models would almost certainly comply with the specifications laid out in the WI Directive (Interview 23/08/2006).

### *Political Culture*

Following the discussion above on the 'excluding French state', it is argued that there is some evidence of European influence in biodiversity policy changing traditional modes of decision-making in the case of Coulon. In the relative void of public consultations on the proposed incinerator, the steering committee first acted as a venue for a partial institutionalisation (through N2000 contracts) of anti-incinerator interest representation (McCauley 2008). The contractual arrangement of the committee was a novel method to

<sup>21</sup> "We are particularly worried about the proposed development of an incineration plant (...) rejection of the waste incineration option is imperative" ("*Nous sommes particulièrement inquiets sur l'évolution du projet du site d'incinération (...) l'abandon du choix de l'incinération des ordures ménagères est impérative*" (CPAI 27/01/2005).

<sup>22</sup> "(C)e projet répond parfaitement aux normes française et européenne" (Jolivet 09/05/2008: 4).



include non-state actors in local decision-making (Truilhe-Marengo 2005).<sup>23</sup> For the anti-incinerator campaign, it acted as an informal body that could gauge the feeling of both state actors and campaign organisations. Secondly, the committee was an opportunity for campaigners to protest (through letters, discussions and withdrawal). In this way, the emergence of the opportunity structure in the form of a steering committee offered both a new inclusive consultative arrangement and reinforced possibilities for traditional protest activities.

The absence of any developed steering committees in Clermont-Ferrand revealed a marginalised influence from EU policy on biodiversity with regards to political culture. There were no institutional venues for any regular consultation between non-state and state actors. Moreover, regional authorities including VALTOM did not hold any public consultations. A representative from AII PAC commented that “they (sub-national authorities) do not ask us, they do not care” (Interview 13/04/2006). Movement actors, excluded from any form of decision-making, used traditional protest tactics (outlined above) against the state for almost ten years. This case study reveals how European policy on biodiversity was unable to shift local political culture for the anti-incinerator movement. In contrast to other studies (Hilson 2002), campaigners did not seek to exploit any potential opportunities provided by European legislation in waste (as explored above).

The two case studies have revealed the scope and limitation of European policy influence in biodiversity on anti-incinerator mobilisation. It is argued that EU legislation on biodiversity was able to impose a modest restructuring of political opportunities for campaigners in the only successful case study on Coulon to date. The classification of the *Marais Poitevin* park as a ZSP under the EU’s N2000 project resulted in a well-developed steering committee dedicated to its preservation. Firstly, the involvement of key political figures in the committee generated splits among party elites. Secondly, it became an opportunity for campaigners to gather allies within the political system in the form of sub-national councils, environmental, forestry, agriculture and water ministerial agencies. Thirdly, there was evidence from interview data to suggest that the inclusive form of consultation introduced by the steering committee diverged from traditional excluding modes of decision-making on waste incineration. In contrast, the under-development of ZSP steering committees in the second protracted case study in Clermont-Ferrand resulted in a largely absent EU presence in the form of N2000 steering committees.

### **Discussion: Europeanisation and national movements**

The issue of waste incineration offered new insight into how Europeanisation processes can influence social mobilisation in France. French policy on incineration has translated into the most expansive network of operational plants in Europe. As a result, anti-incinerator campaigns have emerged throughout France in opposition. The first case study revealed how anti-incinerator campaigners were able to exploit opportunities offered by N2000 steering committees. Nevertheless, the absence of such committees in operation in the second case study underlines that opportunity structures are not universally exploitable in anti-incinerator campaigns. This section underlines the contribution made by the case study material to relevant literature on the Europeanisation of domestic opportunity structures for social movements.

The discussion on French state-group relations (above) reminds us that lessons from the case study material is of course largely restricted to the national context of France. The belief that associational life in France is weaker than in other Northern EU countries is not

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<sup>23</sup> The novelty of contractual arrangements alongside a committee structure to the French system of local governance was underlined by the French Environment Ministry during an interview (20/08/2006).

supported in this article. It is evident from the case studies that social actors are continually seeking to exploit new opportunities. This article underlines that such actors are, by no means, *policy bound*. In other words, social movement actors involved in waste management issues can exploit opportunities in biodiversity policy. Moreover, the influence of N2000 in waste opportunity structures emphasises that such actors are equally not entirely dependent on the nation state to create opportunity structures within their immediate environment (i.e. locally or nationally).

Too much attention in social movement research on Europeanisation has, therefore, been paid to the creation of Euro-groups (Tarrow 1995) and/or the movement of domestic groups to Brussels (Marks and McAdams 1996; Tarrow 1995, 2001). From their perspective, the EU has multiplied both restrictions and opportunities for various movements through the construction of supranational institutions. Rootes (2002, 2004) argues, however, that there is relatively little empirical evidence for a relocation of environmental movement activity to Brussels. In response, this paper introduced a Europeanisation framework based on exploring EU influence on domestic opportunity structures for anti-incinerator campaigns in France. Not only is there pressure from the domestic level to change decisions at the European level, this paper supports della Porta (2004) in that pressure can also be applied on the domestic level from the EU (so-called 'crossed influence').

We must not limit our understanding of the Europeanisation of social movements to supranational opportunity structures. This article reinforces the point that Europeanisation is, in fact, a two-way process. It is a matter of reciprocity between two moving features (the EU and Member States). The EU influences groups as part of a wider series of changes at the national level. Europeanisation has transformed the relations between state and group at the EU, national and regional levels because it modifies national opportunities and threats to each actor. As a result, this process encourages a change in the objectives, resources and behaviour of environmental interest groups. The ability of groups to maximise these supranational structures is, therefore, shaped by the opportunity structures that are available at the national level.

We should, in fact, view Europeanisation as both "pressure" (as explained above) and "usage" (Jacquot and Woll 2003). By introducing the sociological perspective of 'usage' we provide further understanding of Europeanisation. As demonstrated in the Coulon case, the term 'usage' underlines that national movement actors actively transform opportunities or constraints presented by the introduction of the EU and integration process into concrete political action. This term refers, secondly, to the habitual nature that such a process takes after a period of time (such as the N2000 policy cycle). From this standpoint, European integration can only happen if an actor seizes these national / EU opportunities or constraints.

A major methodological issue that arises in this article is the ability to prove causality. Domestic political opportunity structures are expected to adapt or emerge, while EU legislation is suggested to be (one of) the cause(s). To minimise ambiguity, a "thorough and detailed empirical research on one member state" as advised by Jordan and Liefferink (2004: 5) has been undertaken. Moreover, it is argued that the researcher ought to identify specific opportunity structures (such as the steering committee) that are closely related to European legislation. Lastly, the researcher should select contrasting cases where European influence, however defined, is both present and absent (Vink and Graziano 2008). The emergence of one particular opportunity structure has been singled out – the 'steering committee' associated with ZSPs – established under EU biodiversity legislation. While this committee structure proved decisive in the first case study, no such influence was present in the second example.

Two conclusions arise from the case study material with reference to institutionalist accounts of Europeanisation. A pattern of path dependency, from a historical institutionalist perspective, is modestly questioned in this article. The successful operationalisation of the N2000 steering committee in the first case study challenged the excluding decision-making process in waste incineration. Following on from this, the development of European-level policies changed core domestic institutions of governance and politics (Olsen 2002). In particular, it offers insight into how domestic opportunity structures for movements can change at the sub-national level due to EU policy (Hayes 2002). However, the second case study supports Börzel and Risse (2003) in so far as shifts in opportunity structures must be sought for Europeanisation to take place. From this rational institutionalist perspective, Europeanisation is only observable in the first case study on anti-incineration movements in North-West France.

It is indeed not suggested in this article that there is an unequivocal link between European influence, however defined, and a 'successful' anti-incinerator campaign. The development of European legislation in waste (or biodiversity) did not offer either campaign increased legal access or 'legal opportunity', to use Hilson's terminology (2002). Firstly, it is conceded that opportunities must be sought. In this way, future research in this area should combine other analytical tools such as resource mobilisation, social networks, framing or alternative social psychological frameworks. Secondly, future research into examples where 'European' influence has contributed to a failed campaign would build on our understanding of the interplay between the EU and movements. Nevertheless, it is evident that the success experienced in Coulon was in part due to EU biodiversity policy by creating local steering committees that consequently shifted domestic opportunities for anti-incinerator campaigners.

## Conclusion

To conclude, there is a need for more qualitative and quantitative research into mapping campaigns against incineration plants in France and how campaigns relate to each other within the framework of a national movement. In contrast to Saurugger (2007), it is argued that the study of the Europeanisation and domestic social movements (and other forms of interest representation) should not be restricted to '*rejectionist*' responses to the European integration process. This article has offered detailed empirical case studies into how Europeanisation processes can shift domestic opportunity structures for anti-incinerator campaigns. While European legislation in waste proved ineffective for campaigners, the Habitats and Birds Directives managed to shift domestic opportunities in one case study. In this way, it is argued that EU influence represents an important variable for understanding the development of social mobilisation. While the relocation of movements and activists to Brussels may be in question, EU institutions, policies and politics continue to influence the domestic operating environment of such actors.

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- Interview with anonymous representative, *La Mairie de Béné*, civil servant charged with waste management (13/02/2006 in La Roche-sur-Yon).
- Interview with unnamed representative, *Deux-Sèvres Nature Environnement*, policy officer on waste management issues (30/08/2006a in La Roche-sur-Yon).
- Interview with unnamed representative, *Association Contre l'Implantation de l'Incinérateur à Proximité de l'Agglomération Clermontoise*, policy officer on waste and transport infrastructure (13/04/2006 in Lyon).
- Interview with anonymous representative, *European Commission*, member of DG Environment, Directorate B (23/08/2006 in Brussels).

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# Democratic Participation? The Involvement of Citizens in Policy-making at the European Commission

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## Abstract

In recent years, the European Commission has increasingly promoted citizens' participation and has linked it to participatory democracy. The article analyses whether recent apparently participatory citizens' projects qualify as participatory democracy in the normative theoretical sense. Being aware that the European Union's, and therefore the Commission's, understanding are much less demanding, it also asks to what degree the Commission's own objectives were met. For this purpose, both the normative concept based on secondary literature and the empirical concept based on an analysis of the pertinent EU and Commission documents and communications will be introduced as points of reference for the discussion of the citizens' projects. By analysing online documentation of the projects, the article will show that the projects neither meet normative standards nor the Commission's own objectives and that participatory democracy in the EU faces important practical constraints.

## Keywords

European Union; European Commission; Participatory democracy

DURING THE PAST FEW YEARS, THE EUROPEAN COMMISSION HAS BECOME increasingly active in the field of citizens' participation. Citizens have been invited to take part in policy-related projects at the European level. Prominent examples have been the Deliberative Opinion Poll *Tomorrow's Europe*, which polled some 3,600 citizens on the future of Europe, inviting 300 of them to deliberate in Brussels, and the *European Citizens' Consultations*, which involved 1,800 citizens. In addition, multi-media websites such as *RadioWeb Europe* or the online forum *Debate Europe* were launched in 2006 and 2005 respectively.

These, and other projects, resonate with the European Union's (EU) strategy to strengthen democratic participation, demonstrated for example by the introduction of the principle of participatory democracy in the Treaty of Lisbon (TEU). The Commission in particular has brought citizens' involvement to the forefront, in *Plan-D for Democracy, Dialogue and Debate* (European Commission 2005b). The title of *Plan-D* suggests that the Commission is making

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a connection between the citizens' projects and the strengthening of democratic participation.<sup>1</sup> External observers, too, seem to perceive the EU's recent activities as instances of participatory democracy (Boussaguet *et al.* 2008: 153).

In order to answer the question of whether the recent activities of the Commission are indeed instances of participatory democracy, the following questions ought to be asked. First, what does participatory democracy mean in the normative-theoretical sense? Second, how does the EU understand participatory democracy, and third, which opportunities exist? Once the EU's framing has been outlined, the question arises how the Commission interprets this framework and uses it in order to organise citizens' activities. Finally, it is important to question whether individual projects are suitable to fulfil normative expectations as well as the EU's and the Commission's objectives.

Not surprisingly the EU's, and thus the Commission's, understanding of participatory democracy deviates significantly from the normative theoretical concept. On the one hand, this concept is rather demanding for the citizens (Offe 2003 [1997]), and has been developed more for the local level (Lindner 1990: 15), with its applicability beyond this level being contested. On the other hand, a simple look at the institutional setting outlined in the TEU with a regularly elected parliament shows that the EU political system is based on representative democracy. Still, participation at the Commission should not be regarded as being completely detached from normative considerations, as the phenomenon of getting citizens involved at the European level may raise certain expectations not only within the scientific community but also among the citizens themselves. Thus, in order to analyse and evaluate the citizens' projects in a meaningful way, both a normative perspective and the EU's and Commission's understanding of democratic citizens' participation are needed. This empirical concept has to be reconstructed on the basis of pertinent documents and communications, the most prominent of which is the TEU. The Commission's understanding is outlined, for example, in the White Paper on European Governance (European Commission 2001b), in its annual Work Programmes and in certain programmes of the individual Directorates General (DGs).

The article is structured as follows. First, it will introduce the theoretical concept of participatory democracy and delineate it from other theories of democracy. Secondly, with the normative definition in mind, it will develop the EU's and Commission's concept of citizens' participation by analysing key documents and communications. It will then outline how this empirical concept is translated into programmes and actual participation projects and discuss the projects' participatory value both from the empirical and from the normative point of view.

The empirical data consist of a set of projects by which the Commission has provided opportunities for ordinary citizens to become politically active at the European level. It contains projects that had started or had been announced before 2009 and were documented on the Commission's websites.<sup>2</sup>

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<sup>1</sup> But see below for a detailed discussion of Plan-D.

<sup>2</sup> These were identified by analyzing the websites of the EU policies section and the 'Working for you/Commission at work' section, as well as the websites of all DGs for activities related to citizens' involvement. The list does not contain projects that started in 2009 or later such as the second round of the *European Citizens' Conference* or the *Europolis Deliberative Opinion Poll* because it was still too early to analyse them at the time of writing.

## Theoretical background

At the outset of the article, the normative theoretical concept of participatory democracy is outlined and delineated from other concepts in order to develop a normative point of reference that will further guide the analysis. One of its most dedicated proponents (Schmidt 2000: 254), Benjamin Barber, defines participatory democracy as “self government by citizens rather than representative government in the name of the citizens [which includes] agenda-setting, deliberation, legislation, and policy implementation” (Barber 1984: 151). In other words, it means that citizens take part directly in the decision-making process.

The literature on participatory democracy is mainly concerned with procedures and prerequisites<sup>3</sup> and there is some debate on the relationship between these two aspects. ‘Procedures’ refer to how participatory processes can be organised. Barber (1984), for example, proposes a model of “strong democracy”, as he terms it, in which face-to-face meetings of citizens take place in neighbourhood assemblies and broader communication and decision-making is facilitated by electronic means. In the context of ‘prerequisites’, three aspects are regularly discussed: first, sufficient information on the decision at hand (Barber 1984; Cohen 1989; Pateman 1970), second, a “sense of political efficacy” (Pateman 1970ff.), which can only be acquired in a learning-by-doing way, such as by participation in the political sphere or outside (for example, the workplace), and third, what has been termed ‘civic competence’ (Dahl 2005: 196), like the ability to deliberate and to listen.

The discussion of the relative importance of procedures and prerequisites is aptly summarised by Elster (1986) in his discussion of the purpose of political activity for which he distinguishes two opposing views.<sup>4</sup> The first one, which he associates with the writings of Tocqueville (1969), Mill (1962 [1859]) and especially Arendt (1958, 1973), views political activity as an end in itself:

The political process is an end in itself, a good or even the supreme good for those who participate in it. It may be applauded because of the educative effects on the participants, but the benefits do not cease once the education has been completed. On the contrary, the education of the citizen leads to a preference for public life as an end in itself. It is the agonistic display of excellence, or the collective display of solidarity, divorced from decision-making and the exercise of influence on events (Elster 1986: 128).

In this view, acquiring the ability to participate and engaging in participation would be legitimate ends of participatory democracy in themselves.

The opposite view, which Elster (1986: 128) adopts, draws on the work of Finley (Finley 1981, 1981 [1976]). It states that participation or the acquisition of participatory skills are not ends, but means to reach a political decision:

Political debate is about what to *do* [emphasis in the original] – not what ought to be the case. It is defined by this practical purpose, not by its subject-matter. Politics in this respect is on par with other activities such as art, science, athletics or chess. To engage in them may be deeply satisfactory, if you have an independently defined goal such as ‘getting it right’ or ‘beating the opposition’ (Elster 1986: 126).

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<sup>3</sup> There is also an important body of literature on social capital, e.g. the prominent study by Verba *et al.* (1995). This literature differs from the normative theoretical literature relevant for the present article in so far as first, it is empirically asking who participates how and why and second, the point of interest is not the design of a system in which citizens can take part in the decision-making process, but the participation within existing representative democratic institutions.

<sup>4</sup> Elster also discusses a third aspect, namely voting as a means of voicing preferences. However, for the purpose of the present paper, only his discussion of individual participation beyond voting is of interest.

The question of whether participation should be viewed as utilitarian or not is a normative one and can only be answered normatively. The present article is, therefore, based on the premise that democracy, including participatory democracy, is centrally concerned with the question of who rules, that is, who has the power to make decisions. Any educational effects, as desirable as they may be, are therefore considered as side effects and not as ends in themselves.

Closely related to participatory democracy is the theory of deliberative democracy. Both emphasise decision-making by citizens themselves. However, theories of deliberative democracy are much more concerned with the quality of the procedure. Whereas for theorists of participatory democracy it is important that everyone can take part in the decision-making process on equal terms, for theorists of deliberative democracy it is important that this process be deliberative (see e.g. Cohen 1989). For a participatory democratic decision, it is strictly speaking not necessary that it is based on the best argument. Still, both strands of theory overlap to a certain extent and deliberative democracy is occasionally even considered as a sub-type of participatory democracy (Fuchs 2007: 40ff.; critically Mutz 2006). Nevertheless, this article limits the normative perspective to participatory democracy as outlined above, because it is not in every case possible to evaluate the deliberative quality of the citizens' projects due to the lack of data.

Theories of participatory democracy are to a considerable extent based on the idea of system transformation. The EU democratic system, however, which is the empirical point of interest of this article, is obviously representative, imperfect as it may be considering the debate on its so-called 'democratic deficit' (Follesdal *et al.* 2006; Majone 1999; Moravcsik 2002). Representative democracy has been described as much better suited to the requirements of a large polity like the EU than participatory democracy, for example by liberal theorists. Both liberal and participatory theorists agree that it is desirable that as many citizens as possible, ideally all, take part in the decision-making process (Dahl 1989: 24ff.). This sets them apart from economic theories of democracy, which also advocate representative democracy but on the grounds that citizens as profit-maximising individuals lack resources such as time and interest in politics (Fuchs 2007: 40f.; Lindner 1990: 160f.; Schmidt 2000: 214ff.). Liberals and participatory democracy differ in so far as liberals such as Mill (2004 [1861]: 34ff.) and Dahl (1989) maintain that this ideal can only be realised in rather small political communities, so that representation beyond the local level becomes necessary. According to Dahl (1994), in large political units, participatory decision-making will inevitably be ineffective, a situation for which he has coined the term "democratic dilemma".

Despite frictions between participatory and representative democracy, models and instruments have been developed trying to combine both types. These range from participatory democracy with some representative elements on the one hand to representative democracy with participatory elements on the other, so that participation in large political systems would become possible. It is this theoretical and empirical context in which the EU citizens' projects have to be placed. Five theoretically or practically well established models and instruments will be introduced briefly (for further models and discussion see notably the edited volume by Fung *et al.* (2003)).

One model of participatory democracy with representative elements is Barber's (1984) above mentioned "strong democracy". It suggests a system where decision-making takes place mainly in neighbourhood assemblies and by electronic means, but which for the sake of efficiency has some representative institutions such as representative town meetings or office holding by lot. Much closer to representative democracy are Renn and Webler's (1995)'s "Cooperative Discourse" and Dienel's (1997) "Planning Cell", participatory procedures in the course of which citizens produce normatively binding recommendations for

decision-makers for specific decisions in an otherwise representative system. Also discussed in the context of participatory democracy (Hüller 2010) are Ackerman's *Deliberation Day* (Ackerman *et al.* 2004; Fishkin 1991, 2009). Ackerman suggests that a deliberation day for citizens take place prior to important elections so as to produce informed and responsible voters. Fishkin has developed a method to determine what people would think if they were informed. As a more sophisticated version of an opinion poll, a sample of people is polled on certain issues, then a socio-demographically representative sub-sample of them is provided with information, given the opportunity to deliberate in small groups and to put questions to experts and politicians and finally polled again. The result does not take the form of policy recommendations by participants, but of a final poll, with scientific analysis and ideally extensive media coverage. Their link to decision-making is much weaker<sup>5</sup> compared to the other instruments so that they are the least participatory of those introduced here.

To sum up, participatory democracy is concerned with citizens taking part directly in the decision-making process. So, in the remainder of this article, when discussing the EU's and Commission's understanding of participatory democracy, as well as the citizens' projects, from a normative point of view it will question first, in line with Barber and Elster, whether citizens can participate in the political decision-making process or second, in accordance with Renn and Dienel, whether it can at least be plausibly assumed that the results of their involvement are normatively binding for decision-makers.

However, before turning to the EU's and Commission's concept of participatory democracy it needs to be pointed out once more that this article is strictly concerned with citizens' participation in decision-making processes or EU politics. The repeated emphasis is necessary because, for some scholars of the EU system, the term 'participatory democracy' has acquired a different meaning, namely that of 'associative democracy', the inclusion of civil society associations in the political process (Janowski 2005; Saurugger 2008; critically Greven 2007 and Warleigh 2006: 128f.).

### **The EU's and the Commission's concept of 'participatory democracy'**

As has been pointed out earlier, the EU is not a participatory, but a representative democratic system. Therefore, the EU's concept of citizens' participation is expected to be different from the normative theoretical concept. The following sections outline how the EU in general, and the Commission in particular, frame participatory democracy. As the Commission is an EU institution, knowledge of the EU's concept is necessary in order to understand the Commission's concept. The EU's perspective is outlined in the TEU. First and foremost, in Article 10, it is stated very explicitly that the EU is based on representative democracy. Article 11 contains various provisions complementing the representative system: clause one gives citizens and associations a right to voice their views on EU politics, clause two sets out a dialogue between EU institutions and civil society associations, whilst clause three is devoted to the EU consultation regime (Quittkat *et al.* 2008) with the "parties concerned" and clause four is devoted to a new instrument, the citizens' initiative, the purpose of which is to make the Commission initiate legislation. Such a petition would need at least one million signatures from a "significant number of Member States". This instrument is novel and seems to be a step in the direction of increasing citizens' participation. However, as the threshold of the necessary signatures is rather high, its practicability remains doubtful. Apart from that, according to clause one, citizens are merely given a voice,

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<sup>5</sup> See for example Fishkin and Luskin (2006) for an evaluation of the policy impact of the Deliberative Opinion Polls.

and they may be a “party concerned” in a consultation, but this very open term also applies to companies, civil society associations and other corporate bodies.

Thus, according to the TEU, citizens’ involvement in the decision-making process is restricted to voice and consultation, but in contrast to civil society associations (clause 2) they have no guarantee that they will be listened to. Also, the institutions are not committed to feel bound by citizens’ input. Therefore, when turning to the Commission’s understanding, it would be surprising if it went beyond noncommittal voice and consultation.

The next few sections explore how the Commission understands citizens’ participation by analyzing the *White Paper on European Governance* (European Commission 2001b), annual work programmes and special programmes of three pertinent DGs. The 2001 White Paper is the standard reference for the Commission’s position on democratic participation. Participation is identified as a principle of good governance and it is stated that “the quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation” (European Commission 2001b: 10). However, the White Paper does not state explicitly who is to participate and how participation should be enacted.

Still, the White Paper does indeed refer directly to citizens, but only in the sections on local and regional democracy, and civil society. In the former section under the headline “Reaching out to citizens through regional and local democracy”, the authors observed “a stronger engagement of people and grass root organisations in local democracy,” (European Commission 2001b: 12), so that getting closer to the citizens could be achieved by better cooperation with local and regional political institutions. In the latter context, civil society is supposed to “giv[e] voice to the concerns of citizens and deliver [...] services that meet people’s needs” (European Commission 2001b: 14). Hence, citizens are to be given a voice via civil society.

A second source of how the Commission understands participation is the annual work and legislative programmes, which also indicate how the Commission’s understanding has developed over time. From 2000-2010 roughly three periods can be distinguished. Until 2004, the Commission mainly aimed at better communication vis-à-vis the citizens (European Commission 2000: 16, 2003: passim) and rather vague involvement “in the European project” (European Commission 2002: 5) or in “future stages of integration” (European Commission 2001a: 9). From 2005 onwards, most likely sparked off by the failed ratification of the Constitutional Treaty, demands for citizens’ participation become more pronounced. In 2005, the Commission intended to “stimulate active civic participation” (European Commission 2005a: 6), in 2006 “to make the widest use of existing tools to involve citizens in the decision making process and [to] encourage new forms of consultation, such as citizens’ panels” (European Commission 2005c: 11) and in 2007 to involve citizens “in the policy process at all levels” (European Commission 2006: 19). Up to and including the current (2010) work programme, the importance of citizens’ participation for the Commission has been decreasing again. What seems now more important is the improvement of policies *directed at* citizens (European Commission 2007: 5, 2008: 6, 2010: 7). Nevertheless, approximately from 2005 to 2007, there seems to have been a general, if vague, openness towards citizens’ participation, but it must be kept in mind that this has to be put in the perspective of a rather restrictive EU framework of participation as voice and consultation.

The next few sections examine how individual DGs within the Commission translate citizens’ participation into programmes, which should be more specific as they are supposed to be the basis for the actual citizens’ projects. Such programmes outline a DG’s policy in a certain field, usually for more than one year. In section four, the projects organised under these

programmes will be analysed, whereby one project (e.g. the aforementioned *RadioWeb Europe* project) may make use of one or more instruments of citizens' participation (e.g. focus groups or online forums).

In recent years, only three DGs have run programmes with explicit reference to citizens' participation: DG Education and Culture (DG EAC), DG Communication (DG COMM) and DG Research. In 2005, DG COMM initiated *Plan-D for Democracy, Dialogue and Debate* (European Commission 2005b), DG EAC followed suit in 2006 with a *Europe for Citizens* programme, which is running until 2013 (Decision 1906/2004/EC), and DG Research attributed citizens a role in its Sixth Framework Programme for Research (FP 6) in section 2.4., "Science and Society" (Decision 1513/2002/EC).<sup>6</sup> An analysis of the programmes shows that their objectives vary so that each DG seems to understand citizens' participation somewhat differently. *Europe for Citizens* provides the widest range of objectives. They include "developing a sense of European identity, based on common values, history and culture" (Art 1.2.b, Dec. 1904/2006/EC), "bringing Europe closer to its citizens by promoting Europe's values and achievements" (Art. 2.d, Dec. 1904/2006/EC) but also "bringing together people...to learn from history and build for the future" (Art. 2.a, Dec. 1904/2006/EC), "giving the citizens the opportunity to interact and participate in the construction of an ever closer Europe" (Art.1.2.a, Dec. 1904/2006/EC) and last, but not least, "fostering action, debate and reflection [...] through close cooperation within civil society organisations" (Art.2.b, Dec. 1904/2006/EC). The main objective of DG COMM's *Plan-D* is "to seek recognition for the added value the European Union can provide" (European Commission 2005b: 4) by means of a wider debate in the short-term and by enabling citizens to participate in the decision-making process only in the long-term (European Commission 2005b: 2f.). However, the DG also writes that "*Plan-D* is an exercise for listening and dialogue. The ultimate objective of the Commission is to be able to draw lessons from the concerns expressed by the citizens" (European Commission 2005b: 10). DG Research finally focussed on "informed dialogue between researchers, industrialists, political decision-makers and citizens" (Dec. 1513/2002/EC).

Thus, in accordance with the European framing, citizens' participation is restricted to promoting discussion among citizens and giving them a voice vis-à-vis the institutions in a general way, and without explicit commitment by the DGs to feel bound by the results. Only DG COMM writes that the Commission *would like to be able to* act upon them, which is far less than a commitment to actually *do* so. In addition, even though *Plan-D* speaks of the Commission, it is doubtful that this statement is truly representative of all DGs, given that the other two programmes analysed here contain less ambitious objectives, whilst all the other DGs have not become active in the field of citizens' participation at all. Apart from that, it is noteworthy that, by initiating participation, the DGs try to improve the EU's image in the eyes of the citizens. Also, civil society organisations are to be involved in organising the discussion process. This raises the important empirical question of how plausible the citizens' projects effort is to facilitate discussion in a multi-lingual, multi-level system with roughly 500 million inhabitants.

As could be expected, the EU's and Commission's idea of participation necessarily qualifies the applicability of the normative concept. When it comes to decision-making, the legal framework would at best allow citizens' participation in very early stages, such as agenda-setting or estimation (in the sense used for example by DeLeon 1999) because only in these stages voice and consultation matter. However, it must be kept in mind that the involvement in a specific decision-making process is not mentioned explicitly. Also, it must be stressed once more that the obligation of the EU institutions to listen to citizens can only be a moral

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<sup>6</sup> Note that the current Framework Programme 7 (Decision 1982/2006/EC) no longer makes any reference to citizens' involvement.

one as there are no other legal provisions. The normative question can thus only be how close the citizens' projects come to decision-making and whether their results are in any form normatively binding for decision-makers.

### The citizens' projects at the European Commission

The previous sections have shown that the EU in general and the Commission in particular have a particular understanding of citizens' participation as voice and non-committal consultation, which do not have much to do with normative ideas of participatory democracy. The next few sections explore how the DGs' programmes are implemented and discuss the citizens' projects from the EU's and Commission's as well as the normative point of view. In order to do so, the procedures of the projects will be briefly described.

However, before doing so, a few remarks are required here on what will not be part of the analysis. There are some opportunities for citizens to get involved with the Commission that exist independently of any specific programme. These are first informal exchanges, such as blogs of Commission officials, chats and various forms of "letter writing" (letters, emails, phone calls) (Nentwich 1998: 129). Despite their professional design and their obvious purpose of providing for "personal contacts [...] between the citizens and Commission" (Nentwich 1998: 129), these opportunities cannot be seen as participation policies of the EU or of the Commission, because their main purpose is to increase transparency, *i.e.* to answer citizens' enquiries.<sup>7</sup> The Commission has set up the *Europe Direct Contact Centre* for more general enquiries and subject to occasional restrictions the DGs can also be contacted individually.

It is more difficult to decide whether or not to include the Commission's consultation regime (Kohler-Koch *et al.* 2007: 206), such as online consultations, hearings and conferences, as an opportunity for citizens' participation. Online consultations, for example, come in different formats. Hüller (2008: 10) distinguishes between *open* consultations, which are directed at the European public in general, and *restricted* ones, for which the Commission defines the circle of participants. It was finally decided not to include the consultations, because they seek first of all to gain expertise whereas enhancing input legitimacy comes second, as Hüller (2008) shows in his quantitative analysis of EU online consultations. Due to its hybrid character, the EU consultation regime cannot be considered an indisputable instrument of citizens' participation.

Having narrowed down the object of research, the article now turns to an investigation of citizens' projects. The programmes analysed in the previous sections were implemented in 14 projects. The projects were organised mostly by national and European civil society associations, either individually or as multi-national consortiums. An overview of organisational details of these projects is provided in Table 1.

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<sup>7</sup> Of course it may well be that citizens try to use letter writing opportunities to get access to the decision-making process. This is, however, not their main purpose and there is no data available on how systematically people try or on how the Commission deals with such attempts.

**Table 1:** Citizens' projects according to programmes and DGs

DG	Framework	Project Title	Instrument	Main organising body	Duration
COMM	Plan-D	Our Message to Europe	public discussions interview films	Deutsche Gesellschaft e.V.	02-06/2007
		RadioWeb Europe	focus groups online forum multi-media messages interview films	Cenasca Cisl	12/2006-12/2007
		Tomorrow's Europe	Deliberative Opinion Poll	Notre Europe	10/2007
		European Citizens' Consultations	Citizens' Consultation	King Baudouin Foundation	late 2006-mid-2007
		Our Europe – Our Debate – Our Contribution	public discussions interview films	Europa Haz	2007
		Speak up Europe	public discussions online forums	Mouvement Européen	11/2006-late 2007
		Debate Europe	online forum	DG COMM	2005-02/2010
EAC	Pilot projects for the 2007-2013 Europe for Citizens Programme	European Citizens' Panel "What roles for rural areas in tomorrow's Europe"	citizens' panel	European Association for Information on Local Development (AEIDL asbl)	2006-2007
		Eur-Action: Citizens' Panels Acting for Europe	citizens' panel	Association des Agences de la Démocratie Locale (LDAA)	01-05/2007
		European Residents in Regeneration Network	forums	Quartiers en Crise - European regeneration areas network (QeC-ERAN)	2007
	Europe for Citizens' Programme	Raise Plus	citizens' panel	DG Education	2005-2007
Research	FP 6	Raise	citizens' conference	Institute for the Integration of Systems (ISIS)	01.10.2004-31.03.2006
		Meeting of Minds	citizens' conference	King Baudouin Foundation	1.11.2004-31.10.2006

Sources: see websites as indicated in the references.



In the projects, two groups of instruments were used. The first one was open for everyone and participants were not specially selected. Most of these were online-based. The second group includes face-to-face instruments with restricted access for participants and different selection methods.

Of the first group, three projects, namely the Commission's *Debate Europe* website, *RadioWeb Europe* and *Speak up Europe* made use of the 'online forum' instrument. After registration they provided unrestricted access for citizens to discuss topics suggested by the forum organisers. With regard to the topics discussed, *Debate Europe* was the most flexible one with initially four quite general main threads: *Climate Change and Energy*, *Future of Europe*, *Intercultural Dialogue* and *Miscellaneous*, which were later complemented by *Consumers and Health*, *European Elections*, *Women and Politics* as well as *Financial Crisis and Development*. Within these threads registered users could post their own topics. The forum was run in all official languages of the EU in parallel without translation. Unsurprisingly, the English version was the most active one with finally 171,373 posts. A random sample of users shows that they also included non-native speakers, as well as non-Europeans. The French version was the second most active, with 13,581 posts, whilst the Greek version - the third most active - received 7,681 posts. These numbers, however, have to be put into perspective since the forum had only 6,620 members. The *RadioWeb Europe* forum had a different, more restrictive format with twelve pre-set threads on rather concrete EU policies such as *Enlargement* and *Mobility*, which gave the participants almost no opportunities to start a discussion on a new topic. Contributions were possible in every language, but the questions were given in English. From its launch in 2006 until the end of the project in 2007, there were only 21 posts altogether, so the forum was not very active.<sup>8</sup> In the *Speak up Europe* forums the choice of 13 threads clearly signalled the Commission's intention to promote a positive image of the EU. They included essential achievements such as *Peace* or *Environmental Protection*, but also more tangible material benefits such as *Safer and Cheaper Flights*, *Protection of Intellectual Property* and last but not least *Cheaper and Better Phone Calls*. There were forums in 20 languages without translation, accessible from localised web portals. They were not particularly active either. For example, from its launch in 2006 until the end of the project in late 2007, only twelve messages were posted (plus those from the moderator) in the English version.

The actual number of participants, especially for *Speak up Europe* and *Radio Web Europe*, was rather low compared to *Debate Europe*. For the relative success of *Debate Europe* a number of reasons seem plausible. One might be that more general and political topics (e.g. the *Future of Europe*) provide more potential for debate than specific and rather non-political topics (*Cheaper and Better Phone Calls*). Another important point may have been that *Debate Europe* was the 'official' online forum of the EU so that potential users may have considered the likelihood 'to be heard' greater than in the other two forums, which were organised by civil society associations.

Closely related to online forums are so-called 'interview films', jointly produced by *Our Message to Europe*, *RadioWeb Europe* and *Our Europe – Our Debate – Our Contribution*, and what may be termed 'multi-media messages'. The term is used here for the opportunity on the *RadioWeb Europe* website for everyone to upload their own audio, video or text files on European issues on the internet. In interview films, actually short interview montages, apparently 'ordinary citizens' are interviewed by project representatives on European issues. All video clips can be watched and could for some time be commented on the *RadioWeb Europe* website, where they appeared among other video clips such as cartoons or short documentaries on European issues. In practice, it is often not possible to tell apart with certainty the input from the organisers from the input from ordinary citizens. The purpose of

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<sup>8</sup> Another one was added in late 2009, when the forum was still open but the project long finished.

the clips was apparently to initiate debate via the comment function. However, response was rather limited. Of altogether 191 clips<sup>9</sup> only 27 per cent (52) received a response at all, only twelve per cent (23) more than one. No video clip received more than five comments (and only one per cent of the clips (two) received that many). The clips are in different languages and no translation is provided.

The third type of instruments with unrestricted access were public discussions, which were part of *Our Message to Europe*, *Our Europe – Our debate – Our contribution* and *Speak up Europe*. From the *Our Message to Europe* discussions (21 in five countries) it is known that it was experts who discussed in public and then citizens could ask questions. The procedure of the other discussions is not documented systematically but the *Speak up Europe* website lists 43<sup>10</sup> rather heterogeneous events in eleven countries.

The second group of instruments includes those with some form of pre-selection of participants, all of which requiring face-to-face meetings. Focus groups, workshops, citizens' consultations, citizens' panels<sup>11</sup>, (face-to-face) forums and citizens' conferences, a group of very similar instruments, were used by the *European Citizens Consultations*, *Raise*, *Raise Plus*, the *European Residents in Regeneration Network*, *Meeting of Minds*, *RadioWeb Europe*, *Eur-Action* and the *European Citizens' Panel*. The topics discussed were too numerous to be described in detail and as diverse as, for example, brain science (*Meeting of Minds*), urban development (*Raise Plus*, *European Residents in Regeneration Network*) or the EU's role in economic, social and welfare issues (*European Citizens' Consultations*).<sup>12</sup> Most of these face-to-face participatory instruments have a particular approach in common. They bring together citizens to discuss political issues in a structured way that often leads to issuing recommendations. The procedure can be summarised as follows. The organisers select socio-demographically and/or geographically stratified random samples of participants for regional or national meetings. There, the participants deliberate with the support of facilitators. They then send delegates to one or more meetings on the European level. There, the deliberations continue, and the delegates agree on recommendations to policy-makers. Usually, the organisers provide the participants with information that they (*i.e.* the organisers) regard as important, necessary or helpful (though there are exceptions in which the participants decide themselves which sources of information to use).

In their procedural details the projects vary somewhat. A few striking differences include the fact that, first, in most cases the agenda (*i.e.* the topics for the deliberations) is set by the organisers, but for the *European Citizens Consultations* this was done by participants as part of the overall procedure. Secondly, some instruments have a multi-level approach as outlined above, but others are limited to one level only. *Raise* and *Raise Plus*, for example, took place only on the European level and the forums of the *European Residents in Regeneration Network* took place only locally. Thirdly, different procedures may raise different language barriers. At the *European Citizens Consultations*, for example,, simultaneous translation was provided, whereas at the *Raise* conference the working language was English. A methodology with a slightly different approach is the Deliberative Opinion Poll (DOP) (see section two above) used in *Tomorrow's Europe*, which was developed by James Fishkin (Ackerman *et al.* 2004; Fishkin 1991, 2009). *Tomorrow's Europe* dealt with economic and social reforms, enlargement, the EU's role in the world, and the degree of EU integration.

<sup>9</sup> One more was added in 2009 when the project was long finished.

<sup>10</sup> Plus an unspecified number of AEGEE discussions all over Europe.

<sup>11</sup> Sometimes the term »panel« is used differently, for example by Klages *et al.* (2008). For them, a *Bürgerpanel* (citizen's panel) means repeatedly polling a stratified random sample of citizens without deliberation in between.

<sup>12</sup> There is no information available for the *RadioWeb Europe* workshops and forums.

Having described the instruments of citizens' participation, the article will now discuss them in the light of the normative and the empirical (Commission's) concept of participatory democracy. Normatively, the question to be answered is how close the projects came to (the early stages of) a real decision-making process or whether the results of these projects were normatively binding for decision-makers. Empirically the article will discuss to what degree voice, debate and consultation were possible in the multi-level environment of the citizens' projects.

From a normative point of view, the first striking insight is that via the citizens' projects citizens could not take part in any stages of the decision-making process because, first, they were not linked to any specific decision. As a matter of fact, in some cases connections to specific policies of the Commission seem more plausible than in others. It makes sense when DG Research sponsors a participatory event on neuroscience (*Meeting of Minds*). Enlargement (*Tomorrow's Europe*), in contrast, does not even fall within the legal competences of the Commission. Even in the first case, however, the connection to the DG's decision-making process seems to be much less tangible than the usual consultation procedure (Hüller 2008; Kohler-Koch *et al.* 2007; Quittkat 2008).

A second point that makes a connection to decision-making or even to Commission policies somewhat unlikely is the fact that a number of projects were only sponsored by the Commission, but organised and carried out by civil society associations. Even though the analysis of the Commission programmes shows that the involvement of such organisation was intended, it means in practice that there is an additional mediator between the citizens and the Commission. At first sight, this seems to sideline some of the legal restrictions on participation because legally EU institutions are generally urged to engage in dialogue with civil society associations. So maybe citizens could engage in dialogue with the Commission via organised civil society. This would be, however, an optimistic view. First of all, such organisations are imperfect agents. They may very well have agendas of their own and cannot be held accountable.<sup>13</sup> Secondly, in the programmes discussed here, the dialogue aspect did not play a particularly important role.

Nevertheless, it may have been possible that decision-makers felt normatively bound by the results of the projects anyway, if not with respect to specific decisions then maybe with respect to general policies. *Plan-D* projects, for example, culminated in a synthesis event in Brussels in December 2007 (*The Future of Europe — The Citizens' Agenda*). This may have ensured some degree of publicity at least in the Brussels circles. To what degree decision-makers took notice of this event or of the final reports that were issued by many other projects has not been documented. That reports from civil society associations sponsored by certain DGs of the Commission may have had any moral binding force maybe even for other DGs or EU institutions seems doubtful, however.

Empirically, of course, much less than contributions to real decision-making were to be expected. The projects were supposed to give citizens the opportunity for discussion and voice, without any commitment by the institutions to actually feel bound and a rather doubtful commitment to listen. From the point of view of whether, and to what degree, discussion was possible, three aspects of the instruments applied merit special attention: online versus face-to-face instruments, the level of governance at which they were applied, and languages used.

First of all, it can be noticed that there were instruments both online and requiring face-to-face meetings. There can be no doubt that with most face-to-face instruments, discussions among citizens did take place, even though it can be assumed that those instruments

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<sup>13</sup> See section two for a discussion of and literature on associational democracy.

involving citizens as actual participants provided better opportunities than those involving citizens more as spectators than as discussants (*Speak up Europe*). The biggest problem these instruments faced was probably their limited scope. Even 3,600 participants as in *Tomorrow's Europe* are only a small minority of the EU's 500 million inhabitants. A possible solution to the scope problem might be media coverage. According to Bucy (2005: 113), it can actually activate other citizens by providing a "surrogate experience ... [which] reminds viewers of their own democratic role and civic identity". In order to have that effect, debates would have to be broadcasted on TV or on the internet. Even though this was the case with some extracts, for example from *Tomorrow's Europe*, broadcasting did not take place in a systematic way. Even if it had there would still have been the question of whether it would have attracted many viewers. Bucy's argument that broadcasted town-hall meetings prior to presidential elections in the US command wide public attention seems convincing, but in the case of the EU projects there was no focussing event such as an upcoming election or an important political decision. So even though discussion did take place, in terms of scope it was not particularly effective.

Online instruments may provide a solution to the scope problem of face-to-face instruments as they can, in principle, reach many more people (Tomkova 2009). However, their general usefulness for broadening political debate is disputed. According to the most optimistic view, the 'media participation thesis', the use of new media has democratising effects because more citizens can get actively involved in 'participation' and political debate (Bucy 2005). Pessimists argue that the new media can have negative effects because it creates isolated citizens in front of a computer screen without connection to the community that is vital for participation (Hildreth *et al.* 2005). Some authors take positions in between the two extremes. Whereas Fuchs (2007: 47) argues that online discussions create a fragmented public unsuited to "constitut[e] a common will of the demos" because political issues are discussed within thematically focussed communities, Lindner (2007) demonstrates empirically that real-world communication, participation and power structures are merely replicated online ('reinforcement thesis'). Testing these hypotheses for the online forums under consideration here would go beyond the scope of this article. However, the numbers of participants in the forums alone suggest that participation was rather limited and included only a tiny minority of Europeans.<sup>14</sup>

Secondly, it can also be noticed that especially face-to-face projects took place on different levels. Discussion will have taken place in any case, but for those taking place only at local level it may be assumed it was necessarily confined to this level. Discussions in the European public sphere can actually only be expected at European level, which not all face-to-face projects included. To be sure, the DGs did not require that projects take place at European level or that participants come from different states. However, the general purpose was to get people involved in European politics and projects with a European dimension much better suited to fulfil this general purpose than for example local projects.

A third important point for participation both face-to-face and via online instruments alike is the question of the language(s) used. As could be seen, some instruments, for example the online forum *Debate Europe*, were divided by language and thus restricted discussion to the respective language community, consisting of native and competent non-native speakers. Others such as *Raise* used English as a working language and again others made it possible for citizens to use their native language and provided translation (e.g. *European Citizens Conferences*). There is some debate in the literature on the importance of language in public discussion. Rose (2008) argues that language diversity in the EU is an obstacle to

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<sup>14</sup> Note that not all of the members were Europeans but came also for example from the US or Northern Africa. The potential virtual boundlessness raises the interesting though probably still hypothetical question of the possibility and consequences of virtual political public spheres that are not congruent with real-life political spheres.

participation and that, despite the general trend towards English as *lingua franca*, only about one-third of Europeans actually speak it. Doerr (2009), in contrast, shows convincingly that, providing sufficient translation, sophisticated deliberation is possible in multi-lingual environments. As long as translation is not provided, however, discussion must necessarily remain restricted to the respective language communities (and cannot, therefore, be truly European) or is additionally open only for a rather small section of non-native speakers of the respective languages and is thus highly exclusive and biased. Only a few face-to-face projects could tackle this issue adequately, but only at the price of limited scope. As it seems, scope and language are a zero-sum game.

## Conclusion

To sum up, this article has discussed recent citizens' projects at the European Commission from the normative point of view of participatory democracy and the empirical perspective on participation of the EU in general and the Commission in particular. Only the combination of both perspectives made a meaningful discussion of the projects possible because, even though the Commission's understanding deviates significantly from the normative ideal, the projects raised certain normative expectations. These expectations were that citizens could take part in a political decision-making process or at least that decision-makers felt normatively bound by the citizens' input.

The application of participatory procedures in the EU representative democratic political system is faced with certain practical problems stemming from legal restrictions and the multi-level and multi-lingual nature of the Union. The Commission's approach to participation has been to run or sponsor selected projects which encourage citizens to engage in discussion and consultation, especially in the period from 2005 to 2007. These projects, however, fell short of the normative ideal of participation because they were not connected to a specific decision-making process and because the citizens' input was often mediated by civil society organisations. In addition, there is no evidence that decision-makers felt normatively bound by the results.

Even the practical objective of discussion and (very general, unspecific) consultation could not be met satisfactorily for three reasons. First, face-to-face projects, which can necessarily involve only a limited number of people, were very few given the overall EU population of 500 million inhabitants, and online based projects could not attract great numbers of participants either, despite their technical potential. Second, not all instruments had a truly European dimension and some were confined to the local or regional level only. Third, all projects were faced with the problem of language. Only some projects provided adequate translation, but only at the price of a limited number of participants. Translation is costly, but no translation is exclusive. All these problems seem to be structural rather than accidental. So even if the EU in future treaty revisions would show more openness towards participatory democracy, its feasibility in this huge and diverse society remains doubtful.

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# The European Union's 'Lisbon Strategy' One Decade On: Where Is Portugal on the Way to a Knowledge Society?

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## Abstract

This article analyses the current socio-economic situation in Portugal from the perspective of the transition to a knowledge-based society postulated by the European Union's Lisbon Strategy. It provides a critical examination of the latest trends in the Portuguese economy, taking account of the twofold impact of EU financial assistance and discussing the extent to which the contemporary Portuguese economy may be characterised as knowledge-based. The article further turns to assessing present levels of human capital in the country. The challenge of enhancing human capital is studied within a broader scope of the production and spread of knowledge. Several kinds of institutions and their present performance are analysed to this end, including schools, higher education establishments, private sector enterprises and frameworks for importing human capital from abroad. In conclusion, the complex nexus of knowledge and development is addressed in terms of its general relationship with human capital and the economy, as well as providing some directions for further research that could contribute towards clarifying this linkage.

## Keywords

Knowledge; Development; EU regional policy; Lisbon strategy; Portugal

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IN 2010, PORTUGAL ENTERS ITS 25<sup>th</sup> YEAR AS A MEMBER OF THE EUROPEAN Union. It is widely asserted that EU membership, not least due to the resulting financial and organisational support, can prove instrumental in bringing about vitally important changes to the entrant's economy and society. In exchange, the entrant is expected to pursue economic convergence with the EU leaders and to demonstrate advancement in its development. Today, in some aspects of socio-economic development, Portugal still seems affected by the "curse" of centuries-long backwardness and peripheral status (Corkill 1999; Anderson 2000; Syrett 2002; Birmingham 2003). Simultaneously, in other aspects, the country gets praised as an example of rapid modernisation and 'catching-up' with the historically more developed part of Europe (Pinto 2003; Royo and Manuel 2004; Medeiros 2005; Barreto 2007a). Hence, on the whole, Portugal represents a controversial example as to whether, and to what extent, European integration brings the capacity to help less developed areas of the continent speed up the pace of their socio-economic progress, and to eventually reach the level of their wealthier counterparts.

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The aim to become the most competitive and dynamic *knowledge-based economy* in the world was declared by the European Council as Europe's main long-term strategic goal. To some, in March 2000, it might have sounded somewhat ironical that this declaration was made precisely in Lisbon (and thereby the new policy plan became known as the 'Lisbon Strategy' or 'Lisbon Agenda') – the capital city of a country which continues to turn in some of the lowest figures in Europe on 'knowledge-related' fields of development. For example, as recently as 2008, citizens having successfully completed tertiary education in a science and technology field of study and employed in a science and technology occupation still made up only nine per cent of the Portuguese labour force, which is the lowest percentage in the EU-25 (OECD 2009c: 137; see also Eurostat 2007a: 66).

Now that an entire decade has elapsed since the Member States committed themselves to the Lisbon Strategy, it is particularly opportune to look at the host of the meeting that launched it – Portugal – with the following questions in mind: how has it been doing in following that Strategy? Where is it now on the way towards a knowledge-based economy and, taking a broader perspective, towards a knowledge society? And if there are any difficulties to progress *en route*, what are their potential causes?

### Methodological considerations

The overall field addressed in the introduction – just how far the Lisbon Strategy has proven successful in the particular case of Portugal and how well the country advances towards a knowledge society and a knowledge-based economy – is quite broad and involves multiple dimensions, which are interconnected through complex interactions. Given the impossibility of analysing them all in a single article, we have chosen to discuss just a few core axes to this topic, which we consider to be of paramount importance not only for the future development of Portugal but also perhaps for other peripheral European countries.

In the last three decades, Portugal has experienced profound socio-economic transformations. Since the pace of these transformations has at times been quite fast, we shall focus on grasping the most recent state of affairs. This article, therefore, seeks to concentrate specifically on the developments that took place during the last decade, that is, precisely after the adoption of the Lisbon Strategy by the European Council. However, understandably, all kinds of social and economic change usually do not happen in isolation, but evolve over time as an uninterrupted process. That is why, even when focusing predominantly on the period since the announcement of the Lisbon Strategy, we inevitably draw in the occasional consideration of the impact of important preceding historical periods, in particular that between the political regime change in April 1974 and EU accession in January 1986, and that between EU accession and the adoption of the Lisbon Strategy.

Before we further specify our research questions, it would be useful to offer some clarifications as to the logic underpinning them. In our opinion, there are two key-notions incorporated into the general topic of our inquiry. One of them is obviously *economy* and the other is *knowledge*, on which this economy (ideally) should be based. Therefore, the analysis begins by looking at the Portuguese economy. Our particular focus will be concentrated around the question as to whether or not EU membership made any difference and if so, to what extent and in which areas. Then, the article moves onto knowledge, for the purposes of our analysis seen primarily in its linkage to the economy. It looks at the levels of human capital in the Portuguese labour force. The article will also examine the performance of the main institutions capable of enhancing human capital and producing knowledge in the country. In conclusion, the article will discuss how well the 'knowledge – development' nexus functions in the case of contemporary Portugal and what other factors might be affecting it, thus suggesting directions for further research.

Keeping this logical sequence in mind, two research questions have been formulated, each of which entails one or two additional minor sub-questions, in both cases closely related to the central question:

1. To what extent has Portugal converged economically with the European 'core'? (Additional sub-questions: What has been the impact of EU membership on this convergence? To what extent has the Portuguese economy already become knowledge-based?)

2. Does Portugal's labour force possess the human capital essential for a knowledge-based economy? (Additional sub-question: How well have the challenges of continuous human capital upgrading and knowledge production been met in Portugal by various institutions?)

Before dealing with these two questions (and corresponding sub-questions) individually, it would be helpful to briefly discuss a number of further methodological issues so as to preempt potential lines of critique of the approach taken in this article. The first question that might arise is how 'development' is measured and which indicators 'truly' reflect a country's progress *en route* to a 'knowledge society'. The article shares the perspective currently prevailing in the economic and social sciences understanding development as growth in human well-being, first of all, in terms of income, education and health (these are the three main areas underlying the "human development index" used by the United Nations Development Programme). Politics (the ability of a citizen to influence events in his or her own country) and the state of the environment are also often added to these three. Furthermore, one could measure people's 'subjective well-being', although this is somewhat less reliable since the results would highly depend on a society's level of awareness of the well-being of others, as well as on the kind of expectations about their own well-being (the latter might explain why World Values Surveys found people in most post-socialist countries to have a lower subjective well-being than in many countries in Africa).

As regards the concept of a 'knowledge society', it is acknowledged that one might well question the 'Western' scientific-technological model of development to which this concept is closely connected. One might point out that, in some countries, this leads to the destruction of local, 'indigenous' cultural knowledge and traditional ways of life. It is doubted, however, that this kind of argument could apply to Portugal, since this country has grown within and has continued to belong to the same Western 'civilisation'. For this reason, it is appropriate to use the indicators adopted by organisations like the European Commission and the World Bank, which imply understanding of 'knowledge' in the sense of Western-type science and its applied forms that include, for example, modern technology.

The second question that could be asked is whether it is 'just' to measure Portugal's performance against that of EU leaders (or against the EU average). If one considers that Portugal in principle can never catch up with the leaders, then one would rather opt for comparing Portugal with countries of similar socio-economic characteristics and that joined the EU at roughly the same time, such as Spain or Greece. Or one might even prefer comparing Portugal today with Portugal 30 (20? 10?) years ago and look for 'relative convergence'. The choice of the most appropriate reference values is also often conditioned by the availability of data for different countries and time periods. Furthermore, one needs to bear in mind that, after the Eastern enlargement, the EU average experienced a relative decrease in income-related indicators (and the automatic increase of Portugal's standing without any alteration in its performance). Hence, when comparing the Portugal and EU averages *over time*, we prefer deploying the EU-12/15 average and not the EU-25/27 average. Comparing Portugal now to Portugal earlier, though helpful on some questions, seems to us less fruitful for our topic, since, during the last decades and centuries, all

European countries have undergone profound social transformations, such as secularisation and demographical turns. While it is surely true that such transformations have taken place at different points in time and at different speeds in different countries, arguably they are neither country-specific *per se*, nor substantially related to Portugal's integration into the EU.

Finally, the third area of possible concern relates to the reliability of the sources used. The question of which sources may be deemed reliable enough to be drawn upon in scientific analysis is the most difficult to deal with. Social sciences are always constrained in their methodology by the fact that it is rarely possible to obtain firm statistical data on the *totality* of the objects subject to study. This is why, for example, representative surveys are used. However, for some research questions, representative surveys might not be feasible and/or not appropriate. For example, when seeking to capture only particular sections of a population, drawing up a truly representative sample can turn out to be a virtually impossible task. Statistics are usually gathered by official bodies and can be incomplete or unavailable. Some kinds of data, even where existing, may remain intentionally undisclosed, for example, those related to the performance of the public administration.

For these and similar reasons, researchers often have to employ the other methods that are at their disposal (see *e.g.* Douglas 1976; Schnell *et al.* 2008). Firstly, they can carry out as many direct observations as possible and then try to build generalised hypotheses on the basis of these observations. Secondly, they can analyse reports and discussions across all kinds of media, such as newspapers, television, Internet forums and blogs. Thirdly, they can use various participative methods, such as the recording of life stories or interviews with knowledgeable persons. Finally, they can rely on 'experts', which include other researchers. For quite obvious reasons, most work on Portugal is produced by Portuguese researchers and thus far very little has been written by 'outsiders'. When relying on the statements of others, one is advised to exercise caution for potential bias. In the case of Portugal, a significant judgement gap has been observed between the evidence provided by independent academic researchers publishing in peer-reviewed journals, on the one hand, and official government reports, on the other. In addition, those experts who regularly provide paid consulting services for governmental agencies also tend, despite their academic affiliations, to represent situations in ways that help in justifying and/or endorsing current government policies. In sum, when there is no access to the 'whole picture', it has to be deduced from casual facts or observations by way of finding similarities, tendencies and consistencies. Therefore, in compliance with contemporary practice in social sciences, it is considered that the kinds of sources identified above are an entirely legitimate basis for our analysis where there are no better alternatives and provided that there is awareness of their limitations.

### **Portugal as an EU member state: whither convergence?**

Before addressing the question of how good Portugal has been at implementing the Lisbon strategy, that is, what has been the impact of EU policy settings on Portugal's transition to a knowledge-based economy, it is necessary first to examine what has been the impact of the EU on Portugal's economy in general so far.

Obviously, Portugal's accession to the EU could not leave the country unchanged. In fact, participation in the European Monetary Union required the adoption of financial liberalisation and stabilisation policies, sounder fiscal discipline, the privatisation of large public enterprises, and so on. Most importantly, however, the European Community has made vast financial contributions to numerous programs aiming at closing the development gap between the European 'core' and the European 'periphery'. Belonging to the latter, Portugal has been one of the major recipients of EU funding, especially up until the Eastern

Enlargement. In the 1990s, the EU-financed "Community Support Frameworks" accounted for almost one-tenth of Portugal's GDP (Andraz and Rodrigues 2008: 4-5). During the last decade this inflow of funds has continued at reduced, but still substantial, levels: €42 billion were spent by the EU in Portugal in 2000-2006 and 21 billion more will be disbursed in 2007-2013 (QCA n.d.; QREN n.d.).

#### *Direct financial assistance from the EU*

EU financial assistance was primarily meant to cause a multiplier effect, stimulating the economy in regions selected for funding, and not just subsidising them. It was supposed that the emergence of a new, modern infrastructure such as speed highways and bridges would fuel endogenously-driven economic activity in the country. The EU was not seeking to simply increase the consumption levels of the Portuguese population, but to bear the part of the burden of costly capital investments intended for common use, for which the Portuguese government lacked the financial capacity and which, due to their common-good nature, were not likely to be funded privately.

The evidence on the efficiency of this assistance is contradictory. For example, Garcia and Maria-Dolores (2001) argued in favour of positive results. In the same year, Boldrin and Canova (2001) maintained that the EU assistance did not in fact make much difference to economic development. To prevent 'free-riding' on its funds, the EU required that Portuguese regions had to bear between 20 and 40 per cent of costs for all regional development projects financed. However, as pointed out for example by Gomis-Porqueras and Garcilazo (2003), the EU is neither able to distinguish between good and bad projects submitted for financing nor can it be certain that there are no personal interests involved in a particular project. Consequently, the problems of 'adverse selection' and 'moral hazard' are inherent to most EU-funded projects in Portugal. Other authors, such as Mateus (2006), also warn against aid dependence and rent-seeking behaviour among entrepreneurs that high levels of fund transfers might have caused in Portugal.

EU regional funds seem to have brought about slight convergence in GDP per capita across Portuguese regions (Jimeno *et al.* 2000: 15-16). However, contrary to all expectations, wage inequality between the different regions of Portugal has in fact increased and not diminished (Gomis-Porqueras and Garcilazo 2003: 22, 24). Apparently, this happened because the intended multiplier effect has worked in different regions to a different extent. In other words, it has been much stronger in richer regions and weaker or non-existent in poorer ones.

Similarly, Koutalakis and Font (2006) have also questioned the scale of the impact of EU structural funding on the institutional and administrative convergence of the country, which was also one of the explicit objectives of the funding, even while falling beyond the scope of this article. The setting-up of companies in advanced technological sectors of the economy has been recognised as a necessary condition for upgrading a country's specialisation pattern and to implement its transition to a knowledge-based economy (Salavisa *et al.* 2009: 37). EU Structural Funds have specifically targeted the development of small and medium-sized innovative enterprises in Portuguese regions. However, these financial incentives have been found to produce little effectiveness in this regard, primarily due to the absence of an adequate customised and interactive innovation policy, managed at the regional level (Bateira and Ferreira 2002).

The two sectors that have undoubtedly benefited from EU financial assistance are the construction and tourism industries. In the 1990s, EU funds triggered many new construction projects, such as Expo, the Lisbon metro, the Alqueva dam, the national highway network, and so on. The growth of tourism was indirectly supported by the EU-funded renovation of

monuments, infrastructural development and the upgrading of cultural assets. In the last few years, EU funds have been increasingly used to finance municipalities and other public or semi-public bodies in Portugal's inner regions, in order to help them increase the attractiveness of these regions for visitors, thus stimulating the development of cultural and rural tourism.

In sum, the impact of direct financial assistance from the EU on the development of the Portuguese economy seems to have been more limited than had been expected. This conclusion suggests that a simple infusion of financial resources is not sufficient in itself for bridging the gap in development and generating economic convergence. It appears that, in order to achieve these goals, it is necessary to address some more deeply lying structures and factors of influence.

#### *Indirect impacts of EU membership on the Portuguese economy*

The main economic benefits of EU accession are usually expected to be an increase in its GDP per capita, a boost to incoming foreign direct investment as well as an increase in its trade with the other Member States. All three have indeed taken place since Portugal's accession. However, the principal positive consequence of these increases is believed to be a process of continuous convergence of the Portuguese economy with that of the EU 'core'. During the last 50 years, Portugal's *GDP per capita* has indeed slowly converged with the EU average. However, this convergence started as early as 1960. After the April Revolution of 1974, which ended an authoritarian political regime and led to the establishment of democracy, convergence halted for about a decade. Then, after 1986, convergence resumed until about 2000 (Mateus 2006), when it again stopped (at 68 per cent) and has not advanced a single percentage point since that time (author's own calculations based on the Eurostat table [tec00001]). Freitas (2005: 15, 8) also draws attention to the fact that the pace of convergence in 1986-2000 was roughly the same as in 1960-1974. Bearing in mind the huge scale of EU transfers, the GDP growth rates must be considered very modest, especially since the early 2000s (Andraz and Rodrigues 2008: 10). In short, Portuguese GDP per capita has increased over time and has converged with the EU 'core', but most likely not primarily because of EU membership - at least no such a correlation can be clearly proved.

Inflows of *foreign direct investment (FDI)* are normally considered beneficial for development, because they are expected to bring along new technologies and to stimulate innovative activities. Almost all FDI in Portugal has come from major European countries, mostly in the 1980s and 1990s. However, some suggest that it was not EU accession, but the overall increase in FDI related to the liberalisation of capital movements worldwide, that has been responsible for the FDI growth in Portugal after its EU accession (Jimeno *et al.* 2000: 13-14; Batista 2007: 8). In the 2000s, the trend in FDI has been unstable. In 'good' years (2006), it peaked at over 5 per cent of GDP, while, in 'bad' ones (2004), it fell back to the level before EU accession of just 1 per cent (AICEP 2009: 57).

The main limitation of FDI as a potential contributor to the development of a country is that it tends to be concentrated in the most developed regions, which already have the necessary infrastructure and skilled human resources, with most FDI going into Portugal being concentrated in the Lisbon Metropolitan Area. Furthermore, FDI may not bring about the expected technology spillovers, when not accompanied by corresponding domestic industrial development, as seems to have happened in Portugal (Flores *et al.* 2007). For our purposes, it is important to note that only a lesser part of FDI in Portugal has been related to high-skill sectors of the economy. Among the main barriers to further increasing foreign direct investment, such factors as a lack of qualified workers with good knowledge of foreign

languages and competences in finance and information technology are mentioned (Andraz and Rodrigues 2008: 5, 13, 25-26). In summing up, the hope that FDI might drive economic development seems to be unjustified in the Portuguese case. Investors looking for abundant cheap labour for manual labour occupations no longer feel attracted to the country because now, in a globalised world, they can find much cheaper labour in Asia. At the same time, investors looking for abundant highly skilled (but still relatively cheap) labour also draw a blank in Portugal.

Another strong impulse for Portuguese economic development might derive from its *foreign trade*. In the last two decades, the share of intra-EU trade in total international trade has stabilised at around 75-80%. More important, however, is the fact that Portugal demonstrates a stable *trade deficit*. In the period between 1990 and 2007, Portugal's exports fluctuated in the range of 60-70 per cent of total imports. The trade deficit itself does not necessarily characterise the level of a country's economic well-being. For example, the USA has a huge trade deficit and China has a huge trade surplus. However, China prefers to save rather than to spend its surplus and has a much lower standard of living than the USA. However, in the case of Portugal, the presence of a constant and deep trade deficit begs the question of how Portugal has managed to maintain it, in other words, to fill the huge gap in its current account (-10.5 per cent of GDP in 2008, as calculated by the author from OECD StatExtracts online data). The possible sources of funds here are building up external debt, which grew from 11 per cent to 97 per cent of GDP in 1996-2008 (OECD 2009b: 211), émigré remittances (Peixoto 2008) and again, the continuing inflow of EU cohesion funds (Yilmaz 2008: 18). From this point of view, Portugal's trade deficit remains an essentially negative factor.

As late as fifteen years after Portugal's accession to the EU, there was no sign that the country was abandoning its traditional, that is, its pre-EU, labour-intensive product *export specialisation*, with low wages serving as a basis for its international competitiveness. In this way, international trade helped sustain the employment share of low-skilled and low-paid workers (Jimeno *et al.* 2000: 39). In the 1990s, Portuguese exports experienced growth due to upgrades in technology and the associated increase in productivity, but ran into serious trouble as early as the beginning of the 2000s, when low-wage Asian countries started taking market shares traditionally occupied by the Portuguese industry, especially in such sectors as clothing and footwear (Andraz and Rodrigues 2008: 11, 25). As a result, we see that now the trade deficit is registered not only in the aggregate trade balance, it is manifest in practically all major categories of trading goods and especially high in machinery and other capital goods, but also in food and beverages. The share of high technology products in the total exports remains extremely low (under 7 per cent in 2007 - INE 2008: 348-350).

In the last few years, the technology balance of payments has become marginally positive (+0.04 per cent of GDP in 2007 - OECD 2009c: 119). This might mean that Portugal has come to sell more technology, but it could also result from a failure to adopt foreign technology. For example, Switzerland and Finland show some of the highest levels of technology revenues as a percentage of GDP, but they also have a strongly negative technology balance of payments because they import even more technology than they export. Differently, Portugal has established markets in former colonies to which it sells its own technology; then, in turn, it imports some more advanced technology from more developed countries (compare a similar pattern for trade in capital goods - INE 2008: 350), but just up to the limit of what it earns. In fact, this resembles Portugal's old model of trade dating back to colonial times, when earnings accruing to Portugal from Brazil and elsewhere overseas were used to pay for British industrial goods.

Another important point to consider is that Portugal might well have in fact begun producing more domestic technology. Nevertheless, what matters for international competitiveness is



the quality of this technology, which does not directly appear in the national accounts. According to the author's observations, the introduction of new technologies in Portuguese enterprises often seems to be carried out for the sake of 'appearing technological', rather than for achieving real efficiency improvements. A good example to illustrate this is the suburban railway company in the Lisbon metropolitan area.

In late spring 2009, it decided to upgrade its ticket vending machines, changing from single-use paper tickets to rechargeable tickets that had to be validated at special access points. New machines were installed for selling and recharging these new kinds of tickets. However, this new domestic-made technology turned out to perform poorly and the situation has not visibly improved as of January 2010. Firstly, too few machines have been installed, considering the amount of daily commuter traffic – probably because the new machines are more expensive. Secondly, the new machines seem to be of poor quality, since they repeatedly (every few days or so) go out of order at the same spots. On several occasions, all machines located at the main suburban terminal (*Cais do Sodre*) stopped functioning during rush hour, causing widespread passenger chaos (Coelho 2009). Thirdly, by every recharge operation the new machines quickly spit out a paper receipt which falls directly on the ground. Hence, instead of presumably saving paper, the new ticket system uses more of it as a local environmental organisation has recently indicated in their letter of protest (Assembleia Municipal de Lisboa 2009). Finally, the new cards intended for "multiple use" are made of simple thick paper (not of plastic) and contain a micro-chip inside. Where the ticket is bent or exposed to some humidity, the chip becomes unreadable and the entire credit loaded on the card gets lost. As one reporter puts it, "the declared validity of one year [for these cards] just makes one laugh" (Cruses 2009).

In sum, Portugal has been losing competitiveness in sectors of former comparative advantage without developing such advantages in any new sector. The best-performing sector of the Portuguese economy in recent years has been the production of ceramics, cement, crystal, glass and construction materials (which is perhaps not unrelated to the construction boom mentioned above). The retail trade takes second place, which probably reflects increased consumption. On the other hand, the agriculture, fishing, transportation and distribution sectors are in sharp decline (Augusto *et al.* 2005: 126). The financial sector, even after extensive privatisation, still remains relatively inefficient. In the course of the 1990s, the number of banks in Portugal more than tripled, but none of them is competitive internationally, not even in neighbouring Spain (Chislett 2004: 12-13; Figueira and Nellis 2007). Not surprisingly, a growing number of analysts have spoken of alarming tendencies in the Portuguese economy as a whole saying that the country is living 'beyond its means' (Blanchard 2006; The Economist 2007; Carreira and Dâmaso 2009). Their argument leads us to suggest that Portugal might not have taken full advantage of the opportunities offered by EU accession and funding and may be facing a new downturn. Not surprisingly, the global financial crisis hit the country especially hard. The GDP was likely to contract by 4.5 per cent in 2009 with a further decrease expected (OECD 2009a).

### *Is Portugal evolving towards a knowledge-based economy?*

The 'knowledge society' is a now widely accepted paradigm that denotes the most promising way for the further development of modern civilisation towards a more sustainable and prosperous well-being. One of the crucial concepts underpinning this paradigm is that of a so-called 'knowledge-based economy'. In such an economy, knowledge and information are supposed to become a more important factor of production than the traditional ones, such as land, labour or capital.

Influenced by these forecasts, in the mid-1990s, the Portuguese government announced (again with EU support) a so-called “national initiative for the information society” foreseeing an intensified introduction of information technology in various areas of life (Rodrigues *et al.* 2003: 90, 95, 101). Today’s official reports boast of overwhelming success in this field (Ministério da Ciência 2009a). Indeed, computers and mobile phones can be seen everywhere, high speed broadband connections are available, and by many indicators related to electronic business and electronic commerce, Portugal even maintains it is above the EU average (Ministério da Ciência 2009b). However, evaluations produced by academic experts sound much less optimistic. “Political discourse wants us to believe that we are on top, but the truth is that we are, as most Southern European countries, at the bottom”, writes Pinto (2006: 20). In 2005, 53 per cent of Portuguese people had never used a computer (one of the highest scores in the EU-25). Many of them do not access the internet simply because they “do not see any use in it”, which prompts Pinto (2006: 24, 20-21) to speak of persisting “information illiteracy” in the country.

One might rebut this by saying that these 53 per cent must all be elderly or rural citizens and therefore this says little about the country’s progress towards a knowledge economy, especially if there are big development gaps between central and peripheral areas. In fact, the number of those aged 16-74 who access the internet at least once in three months grew from 26 per cent to 40 per cent in just four years (2003-2007). However, in our view, it is more important to assess progress such as the reason for the use of information technology (such as, for example, the internet). One aspect is its use for pure curiosity, entertainment or attaining status, and completely another thing to use it for increasing the efficiency of economic activities, for example, of economic transactions such as sales. Here, we find that, even a few years ago, only 6 per cent of the Portuguese had purchased something online, against the EU-27 average of 23 per cent (Eurostat 2008: 193). This fact is not surprising, considering that less than 9 per cent of large and medium-sized Portuguese businesses were found to have electronic commerce platforms and those who did have them, they rarely ran well (Quaresma 2006: 306-307). Alves (2005: 5-6, 18) examined the 250 most profitable Portuguese companies and discovered that less than half of them had an internet website. It could be argued that such data are already too old and that, in 2010, the situation with internet-related services might be substantially different from what it was in 2005-2006.

Personal experience certainly runs counter to this hypothesis. For example, experience of the email system of a major university which is said to have one of the best IT infrastructures in the country’s academia does not provide either the technical possibility of changing a user’s password, which is an obvious threat to security, the POP3 download of messages into an external mail program or the proper handling of HTML format correspondence. In addition, the mail server has frequent downtimes, especially during evenings and weekends. This is no surprise given that, for example, investment in software (including its own) as a percentage of non-residential gross fixed capital formation in Portugal is the lowest in the OECD (1 per cent in 2005 against 15 per cent in Sweden or the UK - OECD 2009c: 49). Another common ‘everyday’ observation is that many websites are not regularly updated and/or not well-served. Even on the sites belonging to well-established companies, government entities or universities, numerous pages return errors on access or are ‘under construction’. One good example would be the state-run Agency for Investment and Foreign Trade (AICEP), established by the Portuguese Ministry of Economy and Innovation. It has set up a web-portal designated as of assistance to potential foreign investors as well as Portuguese businessmen seeking partners abroad ([www.portugalglobal.pt](http://www.portugalglobal.pt)). The system was tested when someone posed as a potential foreign investor and requested some statistical data the portal says to have readily available to all interested parties. The query was indeed answered and the information requested, but no earlier than three weeks after the original request. With such efficiency, it would be no wonder at all if potential investors gave up on their intentions to invest in the country.

Here is a possible explanation for the presence of this contradictory evidence. Portugal might have in fact adopted the latest technology in some sectors. Nevertheless, the size of these sectors and their share in overall economic activity in the country remain low. And more importantly, Portugal has made more progress on the way to an *information* society than to a *knowledge* society. An extensive debate on the substantial differences between 'knowledge' and 'information' is summarised, for example, in Meusbürger (2008). Knowledge can be in a simplified form defined as digested, understood information (Tomé 2007: 339), information that one can use productively. Arguably, while information can be stored in computers and other technical devices, the main carriers of knowledge are human beings. This is why the knowledge stored in people and that can be used for economic purposes is often referred to as 'human capital'. Increasing human capital (skills, qualifications) is expected to lead to an increase in individual productivity (output per worker) and, consequently, in the productivity of the economy as a whole. The next section analyses the levels of available human capital in Portugal.

### How fit is Portugal's labour force for a knowledge-based economy?

Usually, the processes of economic modernisation are associated with the evolution from the agricultural to industrial, and then from the industrial to post-industrial phase. In a post-industrial phase, most people are employed in the tertiary sector (services), while those few remaining in the agriculture or industry thanks to the use of efficient and highly productive technologies manage to provide the rest with food and industrially produced consumption goods.

Portugal did not follow this 'classical' pattern. It is exactly the interesting particularity of the Portuguese economy that it never passed through the industrial phase, that is, the majority of the Portuguese were never employed in the manufacturing industry. The decade of the 1980s saw a major transition of population from agriculture directly into the service sector, while the share of those employed in manufacturing has remained almost unaltered since the 1970s (see Table 1). Apparently, this major change in the employment structure happened rather independently from EU accession.

**Table 1:** Share of the total civilian employment by sector of the economy (%)

Year	Primary sector	Secondary sector	Tertiary sector
1975	34	34	32
1985	24	34	42
1995	12	32	56
2005	12	31	57

Source: OECD Labour Force Statistics (online database).

There has been a convergence in wage levels since EU accession, which can be attributed to EU membership and especially to having joined the Eurozone. Price-adjusted wages of unskilled workers in Portugal as compared, for example, to France grew from 50% to 67% in the period 1985-1994. Wages of skilled workers (that is, those with a university degree) grew even stronger: from 72% to 93%; EU-transfers were shown to have contributed to this

growth (Batista 2007: 2, 24). However, in the 2000s, this wage convergence slowed down. Reports are available saying that child labour is still being used in manufacturing, paid as little as €20 a day (Eaton and Goulart 2009). Cheap illegal and semi-legal migrant labour is also widely used in construction, hotels and restaurants and paid about the same (Barreto 2007e: 39; Vieira and Trindade 2008: 40; Fonseca 2008: 532).

However, as we have already mentioned, what matters most for a successful transition towards a knowledge-based economy is not growth in wages, but the increase in labour productivity. The latter is supposed to rise when human capital increases. We find that convergence in labour productivity with the EU core has been much smaller than convergence in GDP per capita (see Table 2).

**Table 2:** Labour productivity: Portugal vs. the EU average

Year	GDP per person employed (of EU-15)	GDP per hour worked (of EU-15)
1986	52 %	-
1996	55 %	-
2000	61 %	52 %
2008	65 %	55 %

*Source: Jimeno et al. 2000: 5; author's calculations from Eurostat [tsieb030; tsieb040].*

These data confirm the observation made above that, as Barreto (2007b: 9) puts it, the Portuguese economy had basically lived from low wages and, when these were gone, it did not manage to substitute this gradually lost advantage by productivity growth.

The central question that arises here is whether the low productivity we observe is related to the levels of human capital, and if so, whether the possible solution to the difficulties that Portugal has been shown to encounter in its advancement to a knowledge-based economy lies in enhancing human capital in the country. Such opinion has been recently voiced, for example, by OECD analysts (Guichard and Larre 2006; see also Tavares 2002). We will analyse this hypothesis in the next section of the article, turning our attention to the institutions expected to produce knowledge and enhance human capital so as to find out whether they function efficiently.

#### *Schools as places of enhancing human capital*

“Though having become different from what we used to be, we still continue to be small, poor and peripheral... and above all, uneducated – which is a form of poverty”, writes prominent Portuguese sociologist Antonio Barreto (2007a: 40). He argues that, in spite of very high spending on education, its quality continues to be mediocre. The education system is inefficient in preparing professional elites, but not because of any lack of resources: the pupils per teacher ratio is the best in Europe: 7.5 to 10.6 pupils per teacher depending on school level, in 2006, as calculated by the author on the basis of Eurostat: [tps00054, educ\_iste], which is in fact the lowest or second lowest figure in the EU-27 for every school level.

The results of both national and international evaluations of competences of secondary school students in Portugal have consistently been very disappointing. Fernandes (2008: 285-287) reports that Portuguese students are rather good at knowing concepts, proceedings, facts and other forms of 'mechanical' reproduction of information, but perform poorly when it comes to applying their knowledge to new, previously not discussed situations, when they are prompted to exercise interpretative, analytical thinking or to synthesise known facts to produce new information. Quite interestingly, Ramalho (2002: 43) points out that, at least for the case of a well-known OECD-designed Programme for International Student Assessment (PISA) that evaluates competences of 15-year-old school students, Portugal's results could be no worse than elsewhere in Europe if only those students who had never repeated a year were taken into consideration. In reality, more than half of all 15-year-olds have done so. Having failed to pass to the next grade once, students develop frustration and lack of self-confidence, which increase their probability of further failures (Fernandes 2008: 292).

It could be again supposed that marginal education levels involve mostly older people, but this is not true. In 2005, of young people aged 18-24 nearly 39% (15% in the EU-25) had left secondary education without having completed it (Eurostat 2007b: 29). Fonseca and Conboy (2006: 89) have observed that both teachers and students demonstrate passive acceptance of failure through characteristically self-defeating attitudes. Teachers openly complain about their students' lack of previous preparation and students in turn adopt these comments as a convenient, self-protecting excuse for continuous failure. According to these researchers, Portuguese schools lack a culture of high expectation, supportive environments and effort promotion strategies. The widespread practice of hiring and promoting teachers for the "wrong reasons" and "motives unrelated to teaching proficiency" must be curtailed (Fonseca and Conboy 2006: 91-92). Since 2000, the Portuguese government has been trying to introduce a system of external evaluation of schools and teachers (Ventura and Costa 2002). However, the outcome of this new policy is still uncertain in view of the mass opposition on the part of teachers: in March 2008, a hundred thousand filled the streets of Lisbon to demonstrate against the reform process (Stoleroff and Pereira 2008).

With regard to school facilities which are commonly run-down and functionally obsolete, an ambitious program of modernising around 70% of the country's public secondary schools was announced by the government in 2007 with a total budget of almost €1 billion, co-funded by the EU (Heitor 2008). In 2008, the government promised to sponsor a purchase of half a million inexpensive domestic-made laptops for all students enrolled in public primary schools in Portugal. Whether this is a populist political move or an action capable of bringing long-term benefits remains controversial (Lusa 2009). The critics see in this policy a mere tender-free subsidy of a Portuguese company that assembles (since the chips themselves are reported to be from Intel and not domestically produced) low-quality equipment. They question the efficiency of computer usage in lower school grades where mostly basic knowledge is to be learned (Carreira and Dâmaso 2009). According to critics, this measure, instead of promoting learning, might instead contribute towards spreading computer game addictions among children and, since the display quality is low, to a deterioration of their vision (Maireles 2009; Vampire 2009; Jornal de Notícias 2009).

In short, not only are elderly people poorly educated and without educational qualifications, the lack of human capital at the level of secondary education seems to be passed on from generation to generation. Arguably, the essence of this vicious circle lies in the fact that parents might not give sufficient value to education and do not provide a family background that could encourage and secure their children's success at school. On the government side, once again it looks like superficial reforms are being introduced instead of addressing the core problems.

### *Higher education establishments as places of enhancing human capital*

Portugal cannot boast a long university tradition. The country's only medieval university is located in Coimbra. A true explosion of higher education did not take place until after the April 1974 Revolution, when there were just four universities as compared to about 30 public universities and polytechnics today. Since the late 1980s, these have increasingly experienced competition from private universities, whose expansion has caused extensive public debate. Private universities have been blamed for the lack of quality since they mostly attract students who did not qualify for a public institution. They are also accused of undermining the quality of diplomas awarded to the graduates of public universities. The private sector responds that it provides access to education for those not admitted by the state. Besides, it claims to achieve lower costs per student thanks to more efficient financial management. Students who pay for their education are supposed to be more demanding of their professors, which theoretically leads to a higher quality of education as compared to public universities (Seixas 2000: 61, 67-68, 70-71).

Public universities, however, also charge tuition fees. For Bachelor studies, these are lower than at private universities, but for Master and Ph.D. studies about the same or higher, depending on the field of study. In a situation where public universities enjoy higher prestige than private entities, such a fee system implies that Master and Ph.D. studies are not considered a recognition of merit and ability, but rather a way of obtaining a 'prestigious' title worth a financial investment. It can be argued that such a policy is likely to significantly reduce the potential of the Portuguese postgraduate study system to produce highly qualified research professionals.

Barreto (2007b: 50) points out that since the Portuguese Higher Education system experienced such a rapid expansion within only one or two decades, there was, at least at the initial stage, a lack of lecturers and many of them did not possess adequate qualifications. He argues that this led to low quality education, graduates in name but not in competences, a waste of resources, deficient research and a lack of connection between universities on the one hand and businesses and society on the other. Indeed, given that Portugal's total public expenditure on education as a percentage of GDP has continuously registered as above the EU-27 average, while educational results continue to be one of the lowest in Europe, there must be some considerable inefficiency throughout the system.

The latest data do indeed show that the share of doctoral degree holders within a certain age range has tripled in Portugal from 2000 to 2006, becoming the highest in the OECD. However, given the percentage of graduates at the first university degree level has not kept pace with this development, it implies that it is not necessarily education that is growing, but those who manage to attain their Bachelor qualification are increasingly going on to continue and study for Master's degrees or PhDs. This may provide high payoffs to society were this trend accompanied by growth in highly skilled employment opportunities, that is, by growth in RandD investment in the private sector. In the absence of the latter (only 36% of all RandD investment was financed privately against 55% in EU-27 – OECD 2009c: 29), the increase in share of advanced degree holders in the population results in nothing beyond 'degree inflation' when employers would start demanding high qualifications for jobs that require only a medium skill level.

### *Higher education establishments as places of creating knowledge*

The productivity of the research sector in Portugal has grown in recent years, but is still (2008) the lowest in the EU-15 as measured by the number of scientific publications per million inhabitants (calculations of this have been based on: SCImago 2009). These

statistics might have a bias favouring English-speaking countries since publications in languages other than English may be underrepresented in international publication indexes. However, they are still indicative of Portugal's performance compared to other non-English-speaking countries. The applied scientific output is also weak: Portugal made only seven European patent applications per million inhabitants against the EU-25 average of 137 (2003 - Eurostat 2007a: 80-81).

Pereira (2002) praised Portugal as one of the industrialised countries with the most internationalised research systems in terms of co-authored scientific publications. Indeed, over a half of all scientific publications in natural sciences and engineering by Portuguese authors in 2006 had international co-authors, which is significantly higher than in other European countries (Patricio 2009). However, this evidence can be also interpreted in a different manner, namely that most Portuguese scientists take the role of junior partners in research projects led by scientists from other countries. In the long-term, this trend can perpetuate Portugal's marginality in world science.

The peripheral position of the Portuguese scientific community had traditionally been attributed mostly to exogenous factors such as its relatively small population and limited financial resources (for example, Jesuíno 1995: 181). It is true that resources really matter in the contemporary situation faced by world science when, for example, most academic books and journals are published by a handful of UK and Netherlands-based publishing houses whose prices may be prohibitive for research institutions in poorer countries. Only very recently did the Portuguese government negotiate with leading academic publishers a special agreement and pay for unlimited access to a series of international journals, which have now become available at public universities (Ministério da Ciência 2009a). Nevertheless, it has been observed that Portuguese university libraries are visibly poorer in their book stock than those in countries of Northern and Central Europe. Another serious weakness is infrastructure. Despite government investment in recent years, computers and other IT equipment are still too few and outdated; they often work slowly and have a high incidence of failure. Furthermore, as an academia-based interview partner put it, "what does it change to have a brand new computer on one's desk, when the ceiling still leaks on rainy days and the office space remains overcrowded?"

However, there might also be other important factors at work that go beyond the lack of resources. Hence, access to academic literature does not yet mean that researchers take full advantage of it. Most Portuguese researchers are employed as lecturers at public universities and have to spend most of their time on teaching and administrative duties, which is likely to have a negative effect on their published scientific output. Furthermore, the Portuguese university research community has been blamed for inter-institutional rivalries and corresponding low levels of interdisciplinary cooperation (Pacheco 2004: 64). At private universities, academic staff have no tenure and are paid per hour of lecturing. Therefore, all research work, if any, is done on a voluntary basis.

No doubt there are significant numbers of talented young researchers in Portugal, but there is no adequate institutional support for the development of their activities (Canário 2008). Postdoctoral research is not considered work, but rather a continuation of study, for which modest scholarships (around 1,350 euros monthly) are available on a competition basis (Brito 2008). Therefore, brain drain remains a real threat for Portugal in the medium term (Ozden and Schiff 2006; Peixoto 2006). A recent survey of Portuguese scientists working abroad revealed that those who intended to return to Portugal would mostly do so for "family reasons" (80%). On the other hand, over a half of 'émigré' scientists listed the difficulty in doing quality research in the country and the lack of opportunities for career advancement as the main reasons for non-return (Delicado 2008: 121).

Most of the research funding comes to Portuguese institutions from the state-financed Foundation for Science and Technology. Every five years the Foundation evaluates all existing research centres in order to decide which of them receive funding. However, as with most state-administered procedures in Portugal, there are obvious efficiency problems with these evaluations: the results of the 2007 evaluation appeared no earlier than 2009. Besides, there have been critiques of evaluation bias in favour of well-established centres co-operating with governmental agencies.

As early as 1901, a decree on the reorganisation of the University of Lisbon postulated that university research is there to pursue scientific goals free “from every kind of practical empiricism”. But even a hundred years later the output of researchers is still not free from political influence (Pacheco 2004: 62-63, 60). In recent years, an increasing presence of scientific discourse could be observed in the production and circulation of political texts and legislative documents. However, analysis of the latter from an academic perspective often concedes leadership to ideology and political action. In order to obtain financing for their research projects, scientists find themselves constrained to choose from subject areas declared a priority in public grant tenders. Furthermore, in order to obtain more financing in the future, they are prone to structuring their research so that it supports and justifies the policies either already carried out by the administration or envisaged by it (Lima and Afonso 2002: 9).

This increasing search for the endorsement of public policy by scientific expertise recently observed in Portugal can be partly explained as a response to EU legislation which requires, for example, a professional environmental impact assessment for public works and major industrial projects. For similar reasons, the government feels obliged to involve non-state actors in the policy-making process, but their role remains marginal because of highly unequal distribution of power within such partnerships (Koutalakis and Font 2006: 33-34). In the case of interaction between government and science, the judgements issued by dissenting researchers often get dismissed as “lacking in scientific authority”: scientific expertise in Portugal is not sufficiently protected from political interference (Gonçalves and Delicado 2009: 235, 238).

#### *Enhancing human capital and creating knowledge in private sector enterprises*

Lifelong learning in the workplace is a common way of spreading knowledge outside the education system. However, as illustrated, for example, by Almeida (2007: 54-56), human resource management policies in Portugal do not place much value on enhancing human capital and do not favour investing in training other than that related to acquiring skills needed in the short-term. In 2006, only about 10% of Portuguese workers upgraded their skills in the last twelve months, compared with 50% in the Nordic countries. The odds of non-professionals receiving in-work skills training as compared with managerial occupations were also 10%, against 50% in the UK or 65% in France (European Social Survey 2008: 18-19). Additionally, some experts question whether the training that is being provided will actually pay off in improved productivity, since effective training evaluation practice is almost non-existent: fewer than five per cent of all private sector enterprises in Portugal are certified in training evaluation (Velada *et al.* 2009: 636).

In order for the situation to change, traditional ('taylorist-based') forms of work organisation need to be replaced by new techno-economic paradigms based on horizontal communication, employee participation in decision-making and encouraging innovation in production processes. However, this seems difficult given the generally low educational level of those employed in subordinate positions and Portugal's historical specialisation in production by means of cheap labour (Almeida 2007: 54-56; Tomé 2007).



Silva *et al.* (2009: 61-62, 67-68) did a survey of Portuguese entrepreneurs which found them to be quite risk-averse and not very prone to competition (a high 'collectivist values' score on Hofstede's cultural dimensions scale). As the main obstacles to innovative business activities, survey participants identified an excess of formalism and bureaucracy, which are seen by researchers as a consequence of similar risk-averseness on the part of the state and also as closely connected to the Catholic legacy of the country. Parreira (2004: 37) reports that many Portuguese businessmen themselves have low levels of education, feeling mistrustful towards new technologies and are reluctant to invest in hiring external technology experts. In this context, it is not surprising that most research and development activities in Portugal are financed by public money.

#### *Attracting human capital from abroad*

Given that Portugal has become a destination of interest for international migrants, its government might have considered designing a policy of attracting highly-qualified specialists to settle in the country as has happened in the US, Canada or some European countries. However, this has not been the case. Though immigration regulations have a special section of "rules of entry for highly-qualified professionals", there is no substantial difference in these rules (or application processing times) as compared to the requirements set for the low-skilled work migrants.

Some authors such as, for example, Patricio (2009: 7-8) claim that Portugal has become an attractive destination for international students and researchers, supposedly because of improvement in the teaching and research quality at its universities. However, her own data contradict this assumption. The figure she presents shows that the increase in the number of foreign students enrolled as regular students in Portuguese universities achieved in the 2000s is due exclusively to the 50% increase in the number of African students who account for almost two thirds of all regular foreign students, and Brazilians make up most of the rest. In other words, it is likely that only students from Portuguese-speaking countries who are not willing (or not able) to pursue education in a foreign language get attracted to Portugal. The total percentage of foreign students (regular plus visiting) looks favourable in the EU-context only because of huge numbers of Erasmus students from North and Central European countries that come to spend a semester on the Iberian Peninsula due to its reputation of 'joyful life' and 'human warmth'.

Regarding foreign researchers, in 2006 the Portuguese government launched the ambitious "Commitment to Science" program, which foresaw, among other measures, the promotion of scientific research in Portugal, and a hiring of one thousand postdoctoral researchers to work at Portuguese research institutions on five-year contracts with an internationally competitive salary. The job announcements had to be advertised in English in order to attract foreign applicants. One can perhaps assume that one further objective of the initiative was to combat academic 'inbreeding' (hiring of the institution's own doctoral graduates for permanent positions at the same institution), which is as high as 80% in Portuguese academia (Heitor and Horta 2004; Horta 2008). Once again, this seemingly promising initiative was very inefficiently implemented. Personal experience indicates that those applicants selected for jobs in October 2008 were given no definite employment starting date and received an actual contract offer as late as June 2009 – a delay which might well have pushed foreign applicants to look for opportunities elsewhere, while it was precisely the 'inbred' staff who could take most advantage of the program. Besides, it would be more logical to hire a smaller portion of researchers, but on an annual basis (as more scientifically advanced countries do it). However, already in 2009 the further hiring of researchers was suspended, leaving the impression that the Portuguese government dropped the initiative as

soon as they felt that the statistical relationship of researchers per capita had reached an 'internationally presentable' level.

Another example of policy failure in the area of efficient use of knowledge from abroad is the difficulty in recognising foreign (non-EU) university degrees. Many immigrants, especially those coming from Eastern Europe and Brazil, experience downward social mobility. Even when their levels of education and training are relatively high, most of them perform underpaid, low-status tasks. In order to maintain its labour force at the 2000 level, Portugal needs around 50,000 immigrants every year. Especially for regions with a strong population loss, attracting immigrants might be the only solution, but there has been no institutionalised support for such development so far (Peixoto 2004; Fonseca 2008). As an example one might recall the situation of Brazilian dentists. There was an intergovernmental agreement allowing them to work in Portugal. In reality, however, this right was contested. Now their diplomas need to be first recognised by a dentistry department at a Portuguese university (Machado 2000). These are very few and normally deny such recognition on the basis of alleged minor curricula differences. The only way for a foreign (non-EU) dentist to get his dentist diploma recognised in Portugal is in fact to re-enter the respective department as a student. Portugal always had and still has one of the lowest ratios of dentists per inhabitant in the EU (Barreto 2007d: 30; 43 per 100,000 in 2004 according to the WHO data), so one can hardly speak of an excess of dentists. The true rationale behind such practices might be that Portuguese professional lobbies are afraid to lose their privileged position in their home market (Barreto 2007c: 34).

It is also interesting to note that Portuguese legislation does not support entrepreneurship and independent work among immigrants in general. Until 1998, foreign entrepreneurs even had to recruit 90% of their staff from among the Portuguese. The new law on immigration adopted in 2007 does not foresee immigrants changing from salaried work to an independent or entrepreneurial activity, if their residence permit was originally issued for salaried work as is the case with the overwhelming majority of immigrants (Oliveira 2008: 121).

### **How well the 'knowledge-development' nexus functions in the case of Portugal: some concluding remarks**

This article has shown that accession to the EU helped Portugal to significantly upgrade its infrastructure and, to some extent, gave an impulse for the modernisation of its institutions. However, economic convergence as well as an increasing opening to foreign trade and capital all started before this accession and even before the transition from authoritarian rule to democracy.

Economic growth does not seem to have been accompanied by a commensurate increase in labour productivity or, disregarding few exceptions, by switching to a more knowledge-intensive specialisation of the economy. The EU-supported infrastructure renewal created a shortage of low-skilled workforce, which, together with overall wage growth, led to a reversion of migration trends and made the country an immigrant destination. Immigrants, however, are not welcomed to enter into the high-skilled sector.

The Portuguese education system, the research community, as well as on-the-job learning have shown signs of improvement, but their performance is still far from satisfactory so that it would be too early to say that Portugal has come close to a 'knowledge society'. Therefore, it seems more adequate to hope for 'further reducing the gap' between Portugal and Europe's most advanced countries than to speculate if it may attain their level of development in the foreseeable future.

Reflecting upon the complex and ambiguous relationship between knowledge and development, one almost inevitably arrives at the question that has been puzzling the minds of social scientists for a long time: knowledge or development - which of them actually comes first? Is it that the countries and regions that manage to foster knowledge attain higher levels of development as a consequence of possessing more of and better human capital, technologies, equipment, etc.? Or is it that the wealthier have more resources at their disposal and using these resources buy better technologies, can afford to dedicate more time to learning, etc.? In other words, which is the chicken and which is the egg?

The proponents of the first point of view highlight the fact that countries that become rich 'by a gift of nature', such as oil-rich countries of the Persian Gulf or the Russian Federation, do not manage to build a knowledge economy similar to that currently emerging in the most advanced Western countries. The proponents of the second point of view argue that countries which are poor cannot do much for transition to a knowledge economy since they can neither afford to buy new technologies nor have the ability to develop them from scratch and are thereby forever caught up in the trap of backwardness.

A third possible line of argument maintains that what matters in the first place are neither levels of aggregate wealth, nor levels of aggregate human capital, but the structure of the economy itself. Indeed, it does not help in producing highly skilled graduates if there are no jobs requiring high qualifications: these people will have to emigrate or satisfy themselves with medium-skilled occupations. On the other hand, even if we are faced by a wealthy economy, but which lives primarily from rent-seeking activities, it would not be a stimulating environment for the enhancement of human capital either, since in such cases the latter simply is not essential for producing wealth.

In the context of these controversies, some recent studies from the area of cross-cultural research such as Minkov (2007) seem quite promising as the means of shedding some new light on these debates, in that they advocate dedicating more attention to the role of the so-called 'socio-cultural context' that may help or hinder development. This context is composed of the prevailing forms of social structures, as well as of value systems common to a certain area. For example, a lack of social capital or excessive risk-averseness may account for the persistence of difficulties in socio-economic development even when necessary levels of human capital are achieved.

It is, therefore, considered that this might be a fruitful direction for further research aiming to explain the nexus between enhancing knowledge and advancing development. Depending on future findings in this area, it may be advisable to shift the focus of reform efforts towards the socio-cultural domain, which is possibly capable of yielding long-term benefits for the successful development of Portugal and other peripheral countries in Europe that face similar challenges.

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# The European Union's Role in the Palestinian Territory after the Oslo Accords: Stillborn State-building

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## Abstract

The aim of this paper is to shed light on the debate about the European Union (EU)'s role as a state-builder in the case of the Palestinian Territory and in particular the extent to which EU policies and programmes in the area have been able to assist the process of state-building in Palestine in the aftermath of the 1993 Oslo Accords. By analysing the liberal peace and liberal democracy debate on the one hand and the EU's state-building and conflict resolution policies on the other hand, the paper aims to evaluate the distinctive role of the EU as a state-builder in the case of the Palestinian Territory. Moreover, by focusing on state-building initiatives such as police and security reform, institution-building, judicial reform, as well as support for the health and education sectors, the paper aims to answer the following questions: why have the EU's state-building strategies employed after the Oslo Accords in Palestine had so little impact? Can this tell us anything that we do not know about the high politics of the conflict? Does this represent a failure of the whole liberal peace-building model (or not)?

## Keywords

European Union; Conflict resolution; Liberal peace; State-building; Palestinian territory

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AFTER THE END OF THE SECOND WORLD WAR AND THE ESTABLISHMENT OF THE United Nations (UN), the whole international community committed itself to the attainment of peace and security both domestically and in inter-state relations. The pacific settlement of disputes was from the very beginning part of the UN Charter and, since then, peacekeeping has become synonymous with the UN itself.

The end of the Cold War in 1989 activated a complex and interesting mix of organisations (regional and international), as well as governments and non-governmental organisations (NGOs) which aimed to 'build peace' in war-torn countries. Peace-building soon became a 'must' and more than 20 peace-building missions were deployed from the Balkans to Central and South Asia and from the Caucasus to the Middle East and Africa. The common denominator of these missions was that they were all deployed to post-conflict societies with the aim of preventing the resumption of violence. One of the lessons learned from these

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missions was that they were paying little attention to constructing all these institutional foundations needed for functioning governments and economies. As a result, state-building occurred in order to complement peace-building efforts.

One of the hard lessons that the international community learnt after September 11 was that state weakness constituted a great strategic challenge. States characterised by poor governance and weak institutions widely known as 'fragile states', were the new challenge that the international community had to face. 'State building for peace' is now the new doctrine embraced by all the actors of the international community in order to tackle violence, war and underdevelopment.

The aim of this article is twofold. First, it is to synthesise the literatures on state-building and conflict resolution in order to demonstrate how state-building can be used as a conflict resolution tool. Second, it is to make a direct contribution to the EU and state-building literature by using the Occupied Palestinian Territory<sup>1</sup> as a case study. The problem with the existing state-building literature is that, in its majority, it deals with the UN's role in state-building and it also engages with post-conflict societies and dilemmas. To that end, the article will investigate the EU's distinctive role in state-building, as well as give an example of how state-building can be done in a society that is still in conflict.

This article is divided into five sections. In the first section, a general overview of the debate on the liberal peace, peace-building and state-building is provided in order to help the reader understand the evolution of the whole debate. The second section brings the EU into the debate on liberal peace as the EU has long been characterised as a 'Liberal Superpower'. An overview of the EU's tools for conflict resolution is also provided. The third section brings together the EU, conflict resolution and state-building in order to demonstrate how the last two should be combined and the fourth section examines how state-building could be used as a way of achieving peace in the Palestinian Territory. The last section offers an overview of the EU's role as a state-builder in the case of the Palestinian Territory by providing specific information on the state-building project in the Palestinian Territory by focusing on initiatives in the domains of police and security reform, institution-building, judicial reform, as well as support for the health and education sectors.

### **Liberal peace and state-building**

The debate on peace dates back to Thucydides who supported the ideas that "peace is an armistice in a war that is continuously going on" and that "peace is established through war". The so-called 'liberal peace' could be traced back to the work of Kant and his *Perpetual Peace*. Kant came to set specific conditions on which peace could be attained between states. These include the adoption of democracy as a basis of government and the promotion of international trade which would form the basis of international co-operation and consequently the end of war (Richmond 2007: 27).

The UN played a significant role in the attainment of peace not only domestically but also in inter-state relations. Although peacekeeping was originally created by the UN in order to support the cessation of inter-state conflicts, since the end of the Cold War UN peacekeeping has evolved from purely military missions to 'integrated' missions, which have both military and civilian components. These missions now come to pursue a multi-disciplinary approach which also integrates peace-building (Leininger 2006: 470) using state-building and democracy promotion as its instruments to build peace. However, peace-

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<sup>1</sup> The term 'Occupied Palestinian Territory' (OPT) is the official term used by the EU and the UN (but not by the US and Israel) and it refers to East Jerusalem, the West Bank (with all its zones, A, B and C) and the Gaza Strip. It will be used interchangeably with the term Palestinian Territory (PT) in this article.

builders in the 1990s were trying to turn war-torn states into liberal democracies without questioning the success of this strategy or the mechanisms and methods in conducting this project (Paris 2004: 6). It was just assumed that a functioning state, a stable democracy and the conflict as such were interlinked. It seems that the Western liberal market democracy had triumphed over other types of democratic or non-democratic governance. As Sachs puts it, “[by] the mid-1990s almost the entire world had adopted the fundamental elements of a market economy, including private ownership at the core of the economy, a currency convertible for international trade (...) and market-based transactions for the bulk of the productive sectors of the economy” (Sachs 1999: 98). Consequently, governance soon became the key element and “its reform, construction, and restraint integral to this new version of peace” (Richmond 2007: 56).

The new liberal peace was also adopted by the Conference on Security and Cooperation in Europe (CSCE)<sup>2</sup> which declared that “the development of societies based on pluralistic democracy and the rule of law are prerequisites for progress in setting up the lasting order of peace, security, justice and co-operation that they seek to establish in Europe” (CSCE 1990: 2). The World Bank followed the ‘chorus’ and adopted the liberal agenda making its aid conditional on six key areas of liberalisation namely social and ethnic relations, governance and political institutions, human rights and security, economic structure and performance, environment and natural resources as well as other ‘external factors’ (World Bank 2005a: 7).

The new liberal peace gained momentum and it was closely linked to the debate on conflict prevention and conflict resolution. The democratic peace argument, a component of the liberal peace idea, which argues that democracies tend to safeguard peace in their interactions with each other, was inherently linked to political liberalism. Oliver Richmond, reflecting on peace, forms a conceptualisation of peace as governance, which is the most common form applied to peace-building, as well as state-building (Richmond 2007: 86). Peace as governance focuses on society and the building of institutions aiming at the construction of the liberal peace to which NGOs and agencies also contribute. As Richmond puts it, “the balance of power, hegemony, institutionalism and constitutionalism, and civil society converge in this version of peace in an era of governmentality, which is super-territorial, and multi-layered” (Richmond 2007: 211). Consequently, contemporary debates on peace and state-building have moved onto the construction of liberal types of governance as far as economic, political and social aspects are concerned. The driving force behind this is the belief that by fostering all these socio-economic and political structures peace will be strengthened and relapse into conflict will be averted.

The argument that peace-building should pay more attention to state-building goals has thus gained more and more prominence. Fukuyama, for example, focuses on the problem of weak governance and inadequate institutions at the national level. He argues that “weak or failing states commit human rights abuses, provoke humanitarian disasters, drive massive waves of immigration, and attack their neighbors” (Fukuyama 2005: 125). Moreover, he emphasises the importance of the institutional capabilities of a state, recognising that, in order for an institutional reform to take place, the most important factor is domestic demand.

The debate on the importance of building effective governmental institutions was also joined by Krasner, Chesterman and Paris on the basis of the argument that, in order for democracy to be constructed, a minimum of state structures would be required. Krasner argued that, in order to achieve peace, effective institutions had to be built (Krasner 2004: 90) while Chesterman, in the same line of argument, argued that more attention should have been paid to peace and institutions rather than to democracy (Chesterman 2004: 234). Finally,

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<sup>2</sup> In 1992, in Helsinki, the CSCE was turned into what we now know as the Organisation for Security and Cooperation in Europe, following a Summit Meeting in Paris in November 1990 where the Paris Chapter for a new Europe was adopted.

Paris proposed a new strategy named 'Institutionalisation before Liberalisation' which "begins from the premise that democratization and marketization are inherently tumultuous transformations that have the potential to undermine a fragile peace" (Paris 2004: 7). As evident, Paris emphasises the need for establishing effective domestic institutions first and foremost before introducing a state into the democratic and market-oriented reforms.

The majority of the literature on state-building concurs on some 'core' state functions that established institutions should be able to run, although there is not any 'one-fits-all' agreed model of state-building as "state-building *per definitionem* does not imply a specific determined form of government" (Leininger 2006: 472). These include the provision of security, the rule of law including an effective constitution building<sup>3</sup>, as well as police and justice system, basic services and the ability to formulate and implement budget plans (Paris and Sisk 2009: 15). Fukuyama adds to these functions the enactment of laws, a minimum of bureaucracy, the control of corruption and the maintenance of a high level of transparency and accountability in these institutions (Fukuyama 2005: 12).

The next section will attempt to introduce the EU in all this debate about peace-building, liberal peace and state-building and demonstrate how the EU, as a 'liberal superpower', has come to adopt liberal principles and norms in its policies with a special reference to its conflict resolution policies.

### **The 'liberal superpower' argument and conflict resolution**

Since its inception, the EU has rejected realism and has moved to adopt liberal principles and norms in its policies. Having acknowledged the value of peace, which constitutes its core, the EU tries to promote it with regard to its partners by pursuing a foreign policy that includes objectives such as the promotion of democracy, the rule of law, respect for human rights, and regional co-operation. To that end, the EU has moved beyond traditional meanings of foreign policy, conflict management and conflict prevention and now aspires to conflict resolution. But what are the instruments that the EU has at its disposal with reference to conflict resolution?

Hill (2001) argued that the EU can have a twofold role; not only can it offer a context conducive to the settlement of conflict through its framework of governance, but it can also generate incentives by using its policy instruments. In the same line of argument, Tocci argues that the EU can act both as a framework and as an actor (Tocci 2004). In the first case, the EU is seen as a model whose nature inspires the conflicting parties by its constitutional and policy options and thus "the EU can also serve as a general point of reference with regard to various governance practices and standards" (Noutcheva *et al.* 2004: 24). In the second dimension – the EU as a 'player' – the EU uses its incentives, sticks and carrots in order to provide a dynamic external involvement in the resolution of the conflict (Noutcheva *et al.* 2004: 24).

Analysts argue that the EU wields power by example, rather than by military might, and has become the world's most committed promoter of liberal rights (McCormick 2007). The distinctive element of the EU is not only that it is promoting these liberal norms across the world, but is itself founded upon them. Moreover, it is not just the universality of norms promoted but "the means through which they are spread or diffused" (Manners 2004: 5) that matter. As a result, the EU pursues its foreign policy and sets 'milieu' rather than

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<sup>3</sup> Constitutional building can provide a very important opportunity for the establishment of an institutional and governance framework and "opens the door to important societal dialogue" (Samuels 2009: 173).

'possession' goals.<sup>4</sup> All these norms have a common historical legacy and are currently included in the form of 'conditionality clauses'. The use of this conditionality correlates with the EU's belief that serious instability can result from their abuses (Youngs 2004c: 426). To that end, all liberal principles promoted by the EU "are generally acknowledged within the UN system to be universally applicable" (Manners 2008: 46).

Although conditionality has been mainly linked to the so-called 'Copenhagen criteria'<sup>5</sup> and a country's candidacy for EU membership, it can also take other forms such as conditionality as trade, aid or incentives. As a result, conditionality can be economic as well as political. For example, by 2002, the EU offered nearly €1 billion to democracy and human rights categories of development assistance and the European Commission's Initiative for Democracy and Human Rights (EIDHR) "amounted to €100 million a year by the end of 1990s" (Youngs 2004b: 533). The promotion of human rights in particular hides broader agendas such as the neo-liberal which tends to spread market-oriented policies "subtly through non economic reforms, such as insistence on good governance and typical democratic institutions" (Balducci 2008: 26). It is true that the EU uses its economic leverage in order to bring about desirable change through carrots and sticks. In other words, it can use conditionality in order to push for internal change in the different states such as institutional reform, liberalisation of their economies (positive conditionality), as well as apply sanctions when the 'terms and conditions' of an agreement or partnership are not fulfilled (negative conditionality). As Michael Smith has noted, "the EU has the economic capacity to reward and to punish; it has the technical and administrative capacity to support and stabilise; and it has the capacity to negotiate in ways unknown to many of the other participants in the European order" (cited in Hill 2001: 329).

By linking conditionality and conflict resolution, there is a number of ways in which the EU could use its conditionality mechanism in order to influence the resolution of a conflict. Thus, by using conditionality, the EU can choose with whom it wants to 'play'. This means that it can directly or indirectly favor specific actors and, at the same time, 'punish' others who do not want to 'play its game'. Nevertheless, the use of conditionality can have both positive and negative effects. On the negative side, a good example which occurs from recent events in Gaza is that of the EU's relations with Hamas. While the EU chose to ban the Hamas-led government and legitimise its rival, Fatah, this proved to be a fatal mistake in the aftermath of the recent War in Gaza (27/12/2008 -17/1/2009). The effort to cut off the Hamas government, in order to weaken it politically and financially, did not prove to be successful and efforts, mainly from the US, to mount a 'soft coup' that would restore Fatah to power could be characterised as the decisive factors that led to this war (Crooke 2006). Some other factors that led to this war could also be added such as the rocket firing from Gaza to Israel despite Hamas' general observance of the unilateral truce, the six-month ceasefire which started in June 2008 and Israel's continued blockade, which was supposed to be lifted. Therefore, while the recent war in Gaza was aimed at 'teaching Hamas a lesson' (Crooke

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<sup>4</sup> The distinction between 'milieu' and 'possession' goals was first made by Wolfers who argued that "one can distinguish goals pertaining, respectively, to national possessions and to the shape of the environment in which the nation operates. I call the former 'possession goals' the latter 'milieu goals'. In directing its foreign policy toward the attainment of its possession goals, a nation is aiming at enhancement or the preservation of one or more of the things to which it attaches values (...) here a nation finds itself competing with others for a share in values of limited supply (...) milieu goals are of different character. Nations pursuing them are out not to defend or increase possessions they hold to the exclusion of others, but aim instead at shaping conditions beyond their national boundaries (...)" (Wolfers 1962: 73).

<sup>5</sup> The 'Copenhagen criteria' are political, economic and *acquis*-related. The political criteria are: stable institutions to guarantee democracy, the rule of law, human rights and respect for and protection of minorities. The economic criteria are: a functioning market economy and the capacity to cope with competitive pressure and market forces within the EU's internal market. Finally, the so-called '*acquis* criteria' are: the ability to take on all the obligations of membership, *i.e.* the entire body of EU law and policy known as the '*acquis communautaire*' and adherence to the aims of political, economic and monetary union (Council of the European Union 2003).

2009), this was not achieved as a January 2009 poll demonstrated that trust in Hamas had risen to 27.7 per cent from 16.6 per cent before the war (Jerusalem Media and Communication Center Poll 2009). As stated by Bar-Yaacov, “the rise in popularity of Hamas leaders in government and the decline and unpopularity of Fatah are an important direct outcome of this war” (quoted in House of Commons 2009: 18). Consequently, although the EU was and is still urged to engage with Hamas and include it in the process (House of Commons 2007; Brzezinski et al. 2009; O’Donnell 2008; Emerson et al 2009; The Times, 26 February 2009) it continues with the same one-way policy of no inclusion which undermines its conflict resolution, peace-building and state-building policies.

In addition to conditionality, the EU has other instruments in order to deal with conflict resolution. Tocci adds social learning and passive enforcement to the list of instruments (Tocci 2007: 15-18). Social learning has to do with the transformation of interests domestically as the actors voluntarily incorporate the norms that the EU promotes. Passive enforcement, on the other hand, relies on a clear set of rules in the EU contracts and promotes a mutually beneficial co-operation (without rewarding as is the case with conditionality).

The next section will try to demonstrate how these mechanisms and instruments of conflict resolution can be linked with the state-building policies in order for the EU to play a more cohesive role as far as the use of state-building as a conflict resolution tool is concerned.

### **The EU, conflict resolution and state-building**

The EU’s commitment to promoting democracy to third countries is reflecting its so-called ‘*acquis communautaire*’ or *raison d’être* and its strong attachment to the Kantian thesis argument that democracies tend to safeguard peace in their interactions with each other. In other words, the European experience demonstrates that “stable and mature democracies are considered to be better suited to deal with ethnic and religious fragmentation than non-democracies” (Solingen and Ozyurt 2006: 62). As a result, EU policies strongly support “democratic institution-building as a conflict prevention/resolution instrument” (Youngs 2004a: 531).

Therefore, the EU’s approach to state-building is based on the assumption that the building of effective and credible institutions and the providing of financial help for infrastructural development will be translated into the establishment of a capable state. Democratic institution-building is thus considered the best way to achieve conflict resolution imperatives. The EU focuses its approach on the structural causes of conflicts trying to bring change in the long-term causes of conflict, such as existential threats due to the absence of security, poverty as well as the struggle for natural resources. The European Security Strategy (ESS) stresses that “none of the new threats is purely military, nor can any be tackled by purely military means” (European Council 2003: 7). The ESS clearly explains that one of the main objectives of the EU is crisis resolution and state reconstruction arguing that “[the] European Union and Member States have intervened to help deal with regional conflicts and to put failed states back on their feet, including in the Balkans, Afghanistan and the DRC” (European Council 2003: 6).

Through the years the EU’s role as a state-builder across the world has been increased. The EU’s strong belief that “the reinforcement of the rule of law and respect for human rights is an indispensable element in peacebuilding” (European Commission 2005b) has been translated into a wide range of missions all over the world. With this purpose, the EU has taken initiatives in the domains of peacekeeping operations, peace processes, peace negotiations and reconciliation efforts; security sector reform, civilian administration and

good governance; democratisation, strengthening of the rule of law, justice reform, ensuring respect for human rights and institution-building (European Commission 2006: 3).

The EU shares the international community's belief that the primary objective for the success of a state is the security sector. In contrast with other factors that are equally important, security is not something that can be built gradually, but has to be present at the beginning of a new state. Security seems to be the '*alpha and omega*' in the state-building process as, in its absence, political, economic and cultural 'building' would be impossible. Moreover, the security sector is considered to be an action which supports structures "which will tend to strengthen and solidify peace in order to avoid a relapse to conflict" (Boutros-Ghali 1992). This is the reason for which the EU has deployed so many security forces across the world as an element of state-building, from the Western Balkans to Africa and from the South Caucasus to the Middle East and Asia<sup>6</sup>. In addition to that, the EU has also been a strong supporter of judiciary reform across the world, providing support in elements such as improving the efficiency of the court system and judicial administration, training to judicial personnel and ensuring judicial integrity and independence.

### **State-building as a way of achieving peace in the Palestinian Territory**

Over the decades the EU has engaged not only with the Mediterranean and the Middle East in general, but with the whole Israeli-Palestinian conflict in particular. During this time, the EU gradually formed its final policy towards its partners. While the EU has always recognised Israel's right to exist, the greatest clarity to the Palestinian question came in 1980 with the Venice Declaration which supported the Palestinian right to "self-determination" (European Council 1980). Although the Venice Declaration, which formed the basis of the two-state solution, did not find international consensus until 2002 when US President George Bush spelled out his vision of "two states, living side by side, in peace and security" (Bush 2002), it can be characterised as an important factor that affected and shaped the international consensus as far as the way of "thinking of, and dealing with, the Palestinian problem" (Soetendorp 2002: 285).

In 1993, the EU supported the Oslo Accords which were the first direct agreement between Israel and representatives of the Palestinians. In 1995, the EU came on stage with a promising institutional and multilateral framework: the 'Euro-Mediterranean Partnership' or, as it is also called, the 'Barcelona Process'. The 1995 Barcelona Declaration was structured on the basis of the three-basket/pillar<sup>7</sup> model introduced by the Helsinki Process (HP)<sup>8</sup>: political and security; economic and financial; and socio-cultural (Xenakis 2000; Youngs 2001: 55; Xenakis and Chrysochoou 2001: 74-94; Pace 2006; Panebianco 2003). In 1999, the European Council in Berlin set the foundations for the acceptance of a two-state solution, but this time on the basis of the 1967 borders. More specifically in the Berlin Declaration, it was stated that "the EU is convinced that the creation of a democratic, viable and peaceful sovereign Palestinian state (...) would be the best guarantee of Israel's security" (European Council 1999). This state should be democratic, independent, sovereign, peaceful and viable (Tocci 2005: 3).

Although state-building was and is still considered to be the best way of achieving peace in the Palestinian Territory, this objective has yet to materialise. This was the logic behind the Oslo process: that if reconstruction and socio-economic development were to be promoted and the establishment of the Palestinian Authority (PA) was followed by the ability of

<sup>6</sup> For details about all these operation see <http://www.consilium.europa.eu/showPage.aspx?id=268&lang=en>

<sup>7</sup> These pillars are interlinked and the 'follow-up' mechanism guaranteed the evolutionary 'continuity', converting the EMP into a permanent mechanism of multilevel and regional cooperation.

<sup>8</sup> For the comparison between these two policies, see Xenakis 2004.

Palestinians to organise and manage their own political, economic and social affairs, then an independent Palestinian state, living peacefully side by side with Israel, could be established. As Le More puts it, "building Palestinian institutions was viewed by most within the international community as a first step towards the establishment of an independent Palestinian state" (Le More 2005a: 27). Indeed, from the beginning of the 21<sup>st</sup> century, there has been a consensus that the establishment of a Palestinian state constitutes the best way of achieving peace in the Middle East. More recently, US President Obama in a keynote speech in Cairo argued that "the only resolution is for the aspirations of both sides to be met through two states, where Israelis and Palestinians each live in peace and security [and] Israelis must acknowledge that just as Israel's right to exist cannot be denied, neither can Palestine's" (Obama 2009: 9). This came to be complemented by the former EU Foreign Policy High Representative, Javier Solana, who spoke out about the possibility of the UN Security Council establishing and recognising a Palestinian state by a certain deadline, even if Israel refuses to do so. More specifically, he argued that

[after] a fixed deadline, a UN Security Council resolution should proclaim the adoption of the two-state solution. This should include all the parameters of borders, refugees, Jerusalem and security arrangements. It would accept the Palestinian state as a full member of the UN, and set a calendar for implementation. It would mandate the resolution of other remaining territorial disputes and legitimise the end of claims (Solana 2009: 4).

There are several reasons in support of the argument that, in the case of the Palestinian Territory, state-building can be considered the best way of achieving peace. Firstly, the establishment of a Palestinian state would address Palestinian aspirations of "dignity, opportunity and a state of their own" (Solana 2009: 4). Secondly, a possible Palestinian state able to take responsibility for law and order, as well as offer security (both inside and outside), is what also constitutes Israel's strategic interest. As recently announced by Israeli President Shimon Peres, "Israel has decided to make peace on the basis of two states - an Israeli state and a Palestinian state" (Haaretz, 5 September 2009).

### **The EU and state-building in the Palestinian Territory**

Over the years, the EU has adopted a comprehensive state-building policy toward its Palestinian partners, which includes support for: a) the establishment of modern and democratic police forces, b) comprehensive institution-building and good governance, c) the sustainable growth of the Palestinian economy, d) the areas of customs and trade, e) sustainable PA finances and f) emergency and humanitarian purposes (Solana and Ferrero-Waldner 2007: 2). It is clearly evident, that the EU is behind every aspect of Palestinian state-building and has supported numerous projects, making Palestine the first country in the world that has received so much assistance from the EU (Stetter 2003: 159).

In the wake of the 1993 Oslo accords, the EU provided "over half the funding that supported the setting up of the Palestinian Authority quasi-state institutions" (Youngs 2006: 146). In the words of an EC official, "since the Madrid Conference, we had started to organise ourselves to deal with Palestinian nation-building (...) We thought that one of the most important things would be to set up the institutional framework which would help Palestinian self-determination as supported in the European 1980 Venice Declaration" (quoted in Le More 2008: 89). From 1997, the EU has helped the PA to cover its budget deficits, pay public sector salaries and centralise the fiscal revenues in order to help the establishment of structures for macroeconomic policymaking (Le More 2008). Between 1994-1998, 40 per cent of European money was channelled to the construction, infrastructure and the natural resources management sector, while other areas of financing included support to higher



education and to institution-building<sup>9</sup> (Le More 2008: 88). While the EU has supported every aspect of Palestinian state-building such as the economy, institution-building, the judicial system, environmental policies, agriculture, health, education, civil society, democracy and human rights, it still remains a secondary player in the high politics of the conflict and these programmes have had very limited impact.

Despite the EU's effort after 1999 to adopt a more political role with regard to the Israeli-Palestinian conflict – by emphasising the need for the creation of a Palestinian state based on the 1967 borders, the halt of the settlement construction, which was perceived as an attempt towards the establishment of irreversible facts on the ground by Israel and the denouncement of the 'Wall' or 'Barrier' as illegal<sup>10</sup> -, its high level leverage has remained limited. After the October 2002 Road Map, the EU did not take advantage of pursuing new initiatives on its own, but rather focused on trying to reengage the US administration. When this happened, a gap between their policies emerged. On the one hand, the Bush administration wanted to focus on the institutional reform prior to the final settlement negotiations, which Paris called 'institutionalization before Liberalization'. On the other hand, the EU was in favour of the view that "the creation of a Palestinian state must occur together with reform of the PA into a full nation-state democracy" (Youngs 2006: 152).

Although different approaches have always existed between the US administration and the EU, it is true that, when it comes to Middle East peacemaking, the US is the dominant political actor. As Le More sharply puts it, "[the] US decides, the World Bank leads, the EU pays and the UN feeds" (Le More 2005b: 995). Consequently, although the EU has managed to acquire a distinctive role in the peace process mainly through its financial support for Palestinian state-building and its participation in the Quartet, its ability to influence the process diplomatically has been limited. Nevertheless, this does not mean that the EU is an inconsiderable actor. While the fact that, until the 1980s, the EU was an unacceptable mediator to Israel and the US excluded any possible EU interference in the process (Soetendorp 2002: 285), the EU is now considered to be one of the main players in the Israeli-Palestinian conflict.

Despite the EU's acceptance of American predominance in the conflict, the EU has managed to exploit its economic leverage and increase its financial contributions. Indeed, it could be argued that, without its contribution, the PA would probably have collapsed by now. This gradually made the EU demand and acquire a larger share in the peace process and when Israel tried to downplay its greater role in Middle East peace-making, the EU's Foreign Policy High Representative Javier Solana, bluntly declared that the EU will be involved "whether Israel likes it or not" (quoted in Del Sarto 2007: 69). But what are the initiatives on the ground taken by the EU in order to assist the process of state-building in the Palestinian Territory?

As mentioned above, the security sector has attracted special EU attention because of the fact that "rapid Palestinian economic revival is essential (...) but it will only come true if there is a drastic improvement in the security environment" (World Bank 2005: b). Recognising the importance of an efficient security sector, the EU has deployed two missions in the Palestinian Territory. The first is a police mission named EUPOL COPPS, which aims to support the Palestinian Authority in establishing effective policing arrangements. The mission was established upon request from the PA which needed support in taking

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<sup>9</sup> It is estimated that between 1994 and 1998 the total amount of money provided by the EU for assistance to Palestine was €440million (Stetter 2003: 162).

<sup>10</sup> It is commonly known as 'Wall'. Its name is very controversial. On the one hand, Israelis call it separation, security or anti-terrorist fence, while Palestinians call it "Apartheid Wall". The BBC calls it barrier (BBC 2006), while the International Court of Justice proposed the term 'wall' (International Court of Justice 2004), which was also adopted by the United Nations (United Nations 2005).

responsibility for law and order and, in particular, in improving its capacity in civil police and law enforcement (European Union Council Secretariat 2009b). To that end, the Ministry of Interior in Palestine argued that “a professionally trained and self sufficient Palestinian Civil Police is the corner stone of law and order leading to a secure and independent Palestinian state” (Palestinian Ministry of Interior 2008: 1). While the mission had a three-year mandate and started its operation in 2006, it was extended in 2008 until 31 December 2010 because of its success. Its main tasks are threefold: to assist the Palestinian Civil Police mentoring and advising it, to co-ordinate and facilitate EU Member States’ financial assistance to the Palestinian Civil Police and to give advice on politically related Criminal Justice elements (European Council 2005b). It should also be mentioned that EUPOL COPPS is acting in close co-operation with all the EU’s institutional building programmes. As a result, “EUPOL COPPS is an expression of the EU’s continued readiness to support the Palestinian Authority in complying with its Roadmap obligations, in particular with regard to ‘security’ and ‘institution building’” (European Council 2005b).

The second civil mission under the European Union’s Security and Defence Policy is the European Union Border Assistance Mission, Rafah (EUBAM Rafah), which was established after Israel’s decision to withdraw from the Gaza Strip. On 15 November 2005, Israel and the Palestinian Authority signed an ‘Agreement on Movement and Access’. Six days later, the Council of the EU welcomed the agreement and decided to undertake the third party role (after US unwillingness to do so). This means that the EU, together with Egypt, Israel and the PA, would be responsible for monitoring the Rafah border crossing point. EUBAM Rafah started operating on 30 November 2005 and it sought to reconcile Israel’s security concerns with both the Palestinian demands for an autonomous border management and the need for Gaza’s economic recovery, which requires open borders (Del Sarto 2007: 71). The mission initially had a one-year mandate, which has been extended until now (European Council 2005a). Its main aims were to assist the PA to build capacity-training on border management and customs, to evaluate and assess the PA’s application of the procedures, to contribute to confidence building between the parties, to contribute to the building of institutional capacity in the PA to ensure effective border control and to contribute to the liaison between the Palestinian, Israeli and Egyptian authorities in all aspects of border management at Rafah. Although supervising the Rafah border crossing is “neither a high-profile nor a particularly glorious task (...) the EU mission is nonetheless politically relevant” (Del Sarto 2007: 71) and it has significance for EU-Israeli relations. The mission had some success until the Hamas’ takeover of Gaza on 13 June 2007<sup>11</sup>. Since then, EUBAM Rafah has declared a temporary suspension of operations at the Rafah Crossing Point because Israel blocked access to the EU observers following the abduction of Corporal Gilad Shalit by Palestinian militants (Sayigh 2007: 11), but it remains in the region with the operational capacity to deploy at short notice (European Union Council Secretariat 2009a).

As far as judicial institutions are concerned, these have been weak in the case of the Palestinian Territory, not only in quality, but also in infrastructure. It should not be neglected that Arafat had often ignored the Palestinian Legislative Council and tended to make his own laws using presidential decrees. In this environment, the EU had only some success in helping the establishment of a more transparent judicial system. In 2002, the PA adopted the Basic Law<sup>12</sup>, which had existed for years even though Arafat had preferred to keep it in his drawer. Under much international pressure, he was pressed to sign it although “he seems to have unilaterally modified a few clauses” (Brynen 2008: 231). The Basic Law allowed for a

<sup>11</sup> From June 2006 until June 2007, the crossing was open 23.5 percent of the time which, albeit not efficient, is still something important in order to help the free movement (Jerusalem Post, 6 February 2009). According to statistics, during the 18 months that the EUBAM was present, a total of 443.975 passengers crossed through the Rafah Crossing Point (European Union Council Secretariat 2009a).

<sup>12</sup> The Basic Law is a temporary constitution for the Palestinian Authority until the establishment of an independent state.

Prime Ministerial post to which some of the Presidential powers were transferred. But in practice, Arafat did everything he could in order to limit the powers of Mahmoud Abbas who was nominated as a prime minister in April 2003 (Youngs 2006: 152). A law for the independence of the judiciary was also passed although it was shortly followed by amendments that diminished its effective independence (Tocci 2005: 16).

The EU supported the need for developing a strong and independent judiciary by the 'Empowerment of the Judicial System' programme which "addresses the most urgent needs of the judiciary through institutional support, development of a permanent professional training system, refurbishment of courts and the provision of equipment" (European Commission Technical Assistance Office for the West Bank and Gaza Strip 2007). The institutional support component, known as the 'Seyada Project' is the basis of the project, as it supports the establishment and functioning of higher judicial institutions (European Commission Technical Assistance Office for the West Bank and Gaza Strip 2007). Moreover, the programme supports the establishment of a comprehensive database of Palestinian court judgements. The training of judges and the refurbishment of courts were also supported by the EU (Tocci 2007: 102) through the 'Euromed Justice Programme', which enabled regional co-operation between Europe and its Mediterranean partners.

The EU's contribution to state-building in the Palestinian Territory is not limited here. The EU has undertaken numerous projects to develop and enhance Palestinian health and educational institutions. In the domain of health, the EU has funded the establishment of the European Gaza hospital, which has become a reference point within the Palestinian healthcare system. Through close coordination with the Ministry of Health and through a Hospital Management and Planning Support Programme, the EU has provided hospitals with training and technical assistance. Six East Jerusalem hospitals have also received direct assistance via an emergency support programme in order to help, restore and sustain their viability. Last but not least, the European Commission Humanitarian Office has also funded, directly or indirectly, through NGO's and the United Nations Relief and Works Agency (UNRWA), the delivery of health services to vulnerable populations, such as refugees, people with disabilities, children and old people.

On the education front, the EU has also taken initiatives which have not only helped the process of state-building in the Palestinian Territory, but which have also changed people's lives. By providing €20 million, the EU helped the building of 30 new primary and secondary schools on both the West Bank and Gaza, benefiting nearly 20,000 students who were in overcrowded schools (European Commission Technical Assistance Office for the West Bank and Gaza Strip 2007). The EU also provided €4.3 million for the creation of a vocational training centre in the southern West Bank. Through its Emergency Service Support Programme (ESSP) between 2003 and 2005, the EU helped to cover both operating costs and staff salaries of higher education institutions. Moreover, between 2006 and 2007, through the EU's Temporary International Mechanism (TIM)<sup>13</sup>, allowances were given to the teaching staff.

In 2005, during the London Meeting on supporting the PA, the donors reaffirmed their strong commitment to help the Palestinians in strengthening their democratic institutions, including

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<sup>13</sup> TIM was established after Hamas' election so as to permit the EU to continue its economic support towards the Palestinian Territory, by by-passing the Hamas-led government and channeling money directly to people and projects. TIM has three "windows": mechanism window I includes an Emergency Services Support Programme funded by the World Bank and its amount is €10 million for health supplies; window II (€40 million) is for the Interim Emergency Relief Contribution (IERC) of the European Commission which is being reinforced to ensure uninterrupted supply of essential utilities such as fuel, particularly to the power station in Gaza; window III (€40 million) aims at the payment of social allowances for those who provide health services in hospitals and clinics. For more details, see European Union 2006.

elections, public sector and civil service reform, judiciary, Basic Law/ Constitution and civil society (Conclusions of the London Meeting on Palestinian Reform 2005: 4). In the same year, the EU and the PA signed an Action Plan in which they agreed among others on the “establishment of an independent, impartial and fully functioning judiciary in line with international standards and strengthen[ing] the separation of powers” (European Commission 2005a). Moreover, in December 2007, at the Paris Donors’ Conference, €440 million was made available and more recently, at the International Conference for the support of the reconstruction in Gaza in Sharm El Sheikh, the EU pledged €436 million, which were channelled for humanitarian assistance, as well as for the continuation of the institution building projects.

Although the Palestinian Territory has received “the highest sustained rate of per capita disbursements to an aid recipient in the world since the Second World War” (World Bank 2004: 64), which was supposed to “make the West Bank and Gaza an ‘easier’ case of statebuilding” (Brynen 2008: 217), neither peace nor a state has been ‘built’ until now. There are several reasons for this. Firstly, the legacies of neo-patrimonial politics that Yasser Arafat’s leadership promoted had a direct effect on the infringement of democracy, institutionalisation and the rule of law. Secondly, Israel’s continuing military occupation should be mentioned as an important factor, if not the most important, in the failure of the establishment of a Palestinian state. Israel’s military occupation, restrictions on Palestinian mobility, continued withholding of tax transfers, closures and the destruction of important infrastructure in the first and second *intifada*, as well as in the recent war in Gaza, have reversed the process of state-building.

Thirdly, the international community in general and the EU in particular should also be blamed. Donors and their lack of clear priorities and cohesion in their policies, as well as the overlooking of institutional weaknesses and corruption in the hopes of progress towards peace, played a catalytic role in the undermining of the state-building project.<sup>14</sup> While the Quartet for the Middle East promised in September 2005 to “support sustainable growth of the Palestinian economy and to strengthen the overall capacities of the PA to assume its responsibilities through an aggressive pursuit of state-building and democratic reform efforts” (Quartet 2005: 2), both the state-building project and democratic reforms have been undermined since then. In 2007, when Abbas formed an emergency government and called for early elections, the Quartet remained silent over the invalid interpretations of the Basic Law (Sayigh 2007: 24).

The EU in particular has also played a significant role in the failure of state-building in the Palestinian Territory as it has never really used its strongest tool for conflict resolution: conditionality. The EU, eager to see the peace process continue, did not hesitate to support the establishment of a strong leadership under Yasser Arafat in the hope that he was the only one capable of delivering security and peace. However, the results were not those expected. The PA was thus encouraged to adopt more authoritarian and repressive tactics and its unconditional support to Arafat had, as a result, neo-patrimonial policies and corruption through large-scale public sector hiring (Le More 2005b: 992). Moreover, although the EU remains Israel’s largest trading partner, it has never done anything more than make declarations and statements in order to challenge Israel’s policies towards the Palestinian Territory. Consequently, the EU has been left to watch the destruction of EU-financed “administrative and security installations, and civilian infrastructure” (Asseburg and Perthes 2009: 2) through the years without applying any sanctions to Israel and without even being able to speak with one voice. While Belgium and Spain seemed in favour of sanctions against Israel, Germany, Britain and the Netherlands considered such measures

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<sup>14</sup> For a detailed assessment of the effectiveness of the donors’ strategies and international aid, see Keating *et al.* 2005 and Le More 2008.

counterproductive (Soetendorp 2002: 292). The 'one-voice problem' was also witnessed during last year's war in Gaza; on the one hand, Sarkozy was emerging as a 'hero' who was trying to broker a ceasefire and on the other hand, the official EU Czech Presidency was stating that Israel's war in Gaza was 'defensive and not offensive' (Haaretz, 4 January 2009).

Finally, another problem occurs from Hamas' inclusion in the EU's list of terrorist organisations. In January 2006, Hamas won a fair and free election process and since then the international community has tried to limit and undermine its influence. In contrast to their will, Hamas remains a relevant player in the 'game' and the sooner the international community and the EU include it in the process, the sooner conflict resolution and peace in the Palestinian Territory may be witnessed. At the moment, not only is the state-building project undermined by the recent war in Gaza as it has reversed the dynamics but all the economic help will again be channelled for humanitarian and reconstruction purposes, rather than building the institutions and the necessary infrastructure for a future Palestinian state. To this end, although an effort had started towards shifting "from emergency assistance to sustainable Palestinian development in the West Bank, Gaza and East Jerusalem" (Palestinian National Authority 2008: 17) through PEGASE, this aim once more collapsed after the recent events in Gaza and Israel's assault between 27 December 2008 and 17 January 2009.

## Conclusion

The facts on the ground are that the EU did not manage to bring either peace or resolution of the conflict in the Israeli-Palestinian case, nor did it manage to play a decisive role and 'build' a successful Palestinian state. Is the fact that the Israeli-Palestinian conflict is still ongoing a failure of the whole liberal moment and a triumph of realism? Or is it just a failure of the EU to successfully link its instruments with concrete policies and become a player instead of a payer?

The answer to this question is difficult. Firstly, it could be argued that the main weakness is that state-building cannot be pursued in the absence of a state and that a peace agreement would have more relevance than the state-building project itself. This is partly true; a peace agreement would definitely be of significance but in its absence the international community and the EU cannot stay passive. Also, Israel is supposed to be in favour of a Palestinian state if Palestinian functions can safeguard security. However, security is not something that can be built immediately after a possible peace agreement. It should already exist in order for a viable state to take form and shape. Finally, it should be noted that until now there have been several peace agreements, but none of them seems to have brought an end to the Israeli-Palestinian conflict, nor to have established a Palestinian state. Thus, while for example, the Roadmap envisioned specific steps to be taken by both the PA and Israel which would be followed by the establishment of a transitional "independent Palestinian state with provisional borders and attributes of sovereignty" (Quartet 2003: 5) by December 2003 and a final agreement and full statehood by the end of 2005, a Palestinian state has yet to be established. The same is true with the Annapolis Conference which envisioned a Palestinian state by the beginning of 2009; the results are evident.

Consequently, it is strongly argued that the best way to achieve conflict resolution in the case of the Palestinian situation is the state-building project. This argument is strengthened by the recent Fayyad plan which aims at 'building' a Palestinian state by 2011. According to this plan,

the program, which sets out our national goals and government policies, centers around the objective of building strong state institutions capable of providing, equitably and effectively, for the needs of our citizens, despite the occupation (...) for our part, we have to dedicate ourselves to the task of state-building (...) (Palestinian National Authority 2009: 3).

The international community seems to agree with the idea that “if you build it, the state will come” (Guardian, 4 September 2009). If this is to be linked with the recent Solana talk in London and his argument that “after a fixed deadline, a UN Security Council resolution should proclaim the adoption of the two-state solution”, then the argument put forward by this article gains more support.

Secondly, although the EU, as the strongest supporter of liberal values, tried to link its state-building policies with its conflict resolution ones, it did not manage to ‘build’ peace or a state in the Palestinian Territory. Moreover, the EU was not successful at linking on-the-ground initiatives to the political level. Consequently, “the policy-making disconnect between the democracy and conflict resolution agendas has impacted upon the distribution and profile of EU political aid” (Youngs 2004: 533). Instead of taking advantage of the fact that it is behind every single aspect of the Palestinian state-building in order to use this strength at the high politics level, the EU has only been ready to write cheques rather than use ‘force’. To put it in the words of former Commissioner Chris Patten, “before Europe does the easy bit and writes more cheques, we should at least ask ourselves what exactly we are buying with our money. It would be a real breakthrough if the answer was peace” (Patten 2009). This does not mean that there is a specific liberal peacebuilding and state-building model with boxes to check that the EU did not follow. The article rather argues that the EU has been inspired by liberal values, but there is a great variety of state-building concepts despite a general consensus on some core functions that a state should be able to run.

Also, the EU has systematically failed to apply the principle of conditionality in this case. The outcome was a passive role for the EU in cases where it should have taken serious decisions even at a declaratory level. One of the several examples that could be used is that, until now, the EU has done nothing to challenge the construction of Israeli settlements which both in the past and now proved to be one of the biggest stalemates in the peace process. Nor has it done anything as far as Jerusalem, borders, refugees and Palestinian suicide attacks and rockets are concerned. What about using its conditionality and replying to all these incidents through economic sanctions?

Moreover, in the EU, there have been many examples of gaps between rhetoric and reality. To that end, while the EU is supposed to promote the norm of democracy which relies on the principle of free and transparent elections, at the same time we are witnessing the EU freezing its direct aid because of the election of a ‘wrong’ government. Except for these, Israel has a very big portion in the failure of the Palestinian reform as it has continuously bombed essential Palestinian infrastructure, and with its restriction of movement policies has prohibited Palestinian economic development. As a result, although the international community in general and the EU in particular are trying to move from humanitarian aid to state-building, this cannot be done because, as is the case, European taxpayers are paying for the Palestinian reconstruction, while at the same time American taxpayers are paying for its destruction. If this cycle of construction-reconstruction does not end, then the prospect of building a successful Palestinian state will constantly diminish.

Finally, the Palestinian internal political system has to be blamed for the failure of reform as well. The unwillingness of the two leading political forces, Fatah and Hamas, to cooperate for the sake of their citizens and be consistent in their negotiations for the resolution of the Israeli-Palestinian problem has a direct impact on the failure of the EU policies.

To sum up, although the EU is by far the largest supporter of governance projects which focus on institution-building, it links them more with social, rather than political, activities. This has, as a consequence, much more attention being paid to immediate imperatives of conflict resolution, rather than issues of institution building. The EU has the capacity of state building and is capable of doing so, but should start being more consistent in the implementation of its rhetorical promises and recognise the importance of better coordination in its policies of state-building as conflict resolution. If the argument that “if you build it, the state will come” has some relevance, then the EU should immediately and aggressively help the Fayyad government to make the recent blueprint plan a reality. Of course, for its success “whether we like it or not, Hamas has to be part of the solution” (Solana 2009: 4).

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## Review Commentary

# Do Transnational Party Federations Matter? (... and Why Should We Care?)

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### Abstract

Compared to national political parties, transnational party federations (often known as Europarties) play little role in the European Union (EU). They have no government-making power, and national party politics continue to dominate European Parliament elections. The literature therefore focuses primarily on national political parties operating within the EU framework and on supranational party groups in the European Parliament. In contrast, this review article examines what transnational party federations are and what they do within the context of EU governance, in addition to and reconsidering them in light of recent developments in the EU. By analysing party politics at the transnational level, this article bridges the gap in the literature between research that focuses on the national level and research that focuses on the supranational level. The key conclusion is that transnational party federations do matter, but in a manner different from that of national political parties and supranational party groups. Because transnational party federations offer partisan linkages between different EU institutions, they influence politics and policy-making, in addition to contributing to the increasing politicisation of the EU polity.

### Keywords

European Union; Transnational party federations; Party politics; EU institutions; Elections

IN THEIR ANALYSIS OF POLITICAL PARTIES IN THE ‘NEW EUROPE’ (*I.E.* EUROPE IN the 21<sup>st</sup> century), Luther and Müller-Rommel (2002a) list ‘European integration’ as one of six changes at the level of the political system that challenge the traditional behaviour of national political parties. Moreover, the emergence of the political Europe (arguably from as early as the first direct European Parliamentary elections in 1979, but certainly since the time leading up to the Treaty of Maastricht) raised party politics into the supranational level. This “constitutes a fundamental change to the operational context of political parties. Such changes imply not only political challenges for parties and the political systems in which they operate, but also analytical challenges for empirical political science” (Luther and Müller-Rommel 2002a: 5). The study of party politics, however, has long been ‘caught’ in a state-centric paradigm (Luther and Müller-Rommel 2002a: 5; Deschouwer 2006: 292; Ladrech 2002). Not surprisingly, political parties have been studied predominantly within the framework of the nation-state.

Scholars of party politics have gradually acknowledged the consequences of European integration for the operational context of political parties, particularly at the national level (see *e.g.* Carter *et al.* 2007: 1-2). The role of European integration is seen as one of the main

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dimensions of recent change within Western European politics. In particular, domestic party politics can no longer be isolated from the European integration process (Hix and Goetz 2000: 3). In turn, scholars studying the European Union have increasingly focussed on party politics, especially within the Europeanisation research agenda (for an overview, see Mair 2006; Poguntke *et al.* 2007b). Because Europeanisation was initially defined as the impact of the European integration process on the politics and the policies of nation-states, political parties (even those at the national level) have remained under-researched for a long time. Ladrech (2002) developed a framework for analysing the Europeanisation of political parties, but it has yet to be applied systematically to particular cases, with the exception of the Spanish *Partido Popular* (Van Hecke 2009).

Poguntke and colleagues (2007a; 2007b) recently published the first major study involving a comparative analysis of the impact of Europeanisation. This study conceptualises Europeanisation as “intra-organizational change in national political parties that is induced by the ongoing process of European integration” (Carter *et al.* 2007: 5). The project is primarily directed towards national political parties, as it focuses on organisation (both formal and informal) and its consequences for the internal balance of political parties. At the same time, it does “not lose sight of the fact that Europeanization is a two-way process and that various ‘feedback loops’ between the domestic and the supranational level exist” (Carter *et al.* 2007: 5). Despite the introductory claims, the empirical evidence of the study is rather limited, if not non-existent (see the various chapters in Poguntke *et al.* 2007a). For example, the authors provide little information about the relationships between national political parties and transnational party federations. The results of the study do not necessarily prove the minor status of transnational party federations as such. They only prove the minor status of transnational party federations with regard to their impact on the organisation of national parties and the distribution of power within them.

In contrast, Hix *et al.* (2007) witness the development of a supranational party system. Their research focuses primarily on supranational party groups in the European Parliament, and it is based on an extensive analysis of roll-call votes in the plenary sessions that have been held in Strasbourg and Brussels since the first direct elections in 1979. Based on evidence regarding the cohesiveness of parliamentary groups and the dominance of the socio-economic left-right divide in the Parliament’s voting behaviour, Hix *et al.* define the EU as a system of ‘democratic politics’. To be sure, they refer to factors that the EU system still lacks, but which are necessary before it can become a ‘complete’ democratic system, and they make concrete proposals for remediation (Hix 2008). It should be noted, however, that this relatively general conclusion is drawn from empirical evidence about the European Parliament and its supranational party groups, leaving aside other EU institutions and transnational party federations.

In light of the points mentioned above, this article examines what transnational party federations are and what they do within the context of EU governance, reconsidering them in light of recent developments in the EU. Party politics at the EU level cannot be fully analysed in research that limits its focus to national political parties or supranational party groups. Transnational party federations should also be taken into account, regardless of the often normative question of their relative importance in comparison with national political parties and supranational party groups. By examining party politics at the transnational level, this article bridges the gap in the literature between studies that focus on the national level and those that focus on the supranational level. The analysis is based primarily on secondary literature instead of on empirical research. The objective of this article is therefore to review the literature that addresses the transnational level. It also covers a number of recent developments in the EU that are of primary importance to transnational party federations. The article thus begins by discussing issues regarding the definition and current status of transnational party federations. This discussion is followed by a review of the state of the art

in research about party politics at the transnational level. The third and central section considers the extent to which transnational party federations matter, as well as the ways in which they matter. The article concludes by organising arguments concerning whether or not 'transnational party politics' should be considered when studying EU politics and policy-making.

### What are 'transnational party federations', and why do they exist?

Since their inception more than 30 years ago, political parties operating primarily at the European level have been assigned a number of different labels, each with a specific connotation. For example, some scholars refer (albeit implicitly) to political parties according to the developmental stage in which they occur (see e.g. Hix and Lord 1997). The term 'Europarties' has recently become popular (see e.g. Bardi 2006; Ladrech 2006). This term does indeed sound better than 'transnational parties' (or similar terms) and, more importantly, it incorporates 'Europe'. Contemporary Europe is obviously the only existing arena in which those parties operate. From a theoretical point of view, however, this is not necessarily the case, and it is not clear how likely this exclusivity is to continue. More generally, in order to maintain their universality, definitions should avoid non-generic wordings (regardless of whether they refer to one or multiple entities). In addition, national parties often use the term 'Europarties' to highlight their pro-European character (e.g. during election campaigns and in manifestos). Others have even chosen to include 'Europe' or 'European' as the unique adjective in their names. For example, the German CDU refers to itself as the *Europapartei*; other examples include the Dutch *Europese Partij* and the Cypriote *Ευρωπαϊκό Κόμμα*, which were active in the 1999 and 2005 European Parliament elections, respectively. All of these names translate into 'European Party'.

In this paper, the term 'transnational party federation' is used, as opposed to 'national political parties' and 'supranational party groups'. First, the term emphasises the fact that these parties are federations (i.e. they consist of various national political parties). They are at a higher level than national political parties are, but they are not (yet) supranational, as their components are not fully integrated into a single organisation. The party groups within the European Parliament provide an example of such 'supranationalisation'. National delegations composed of several Members of the European Parliament (MEPs) form single groups. From the moment they are composed, party groups operate independent of national political parties. In our definition, the fact that supranational party groups are more developed than transnational party federations does not imply a normative bias. Second, the adjective 'transnational' is essential, as it refers to the transnational level (i.e. the level between the national and the supranational levels), for which a separate and distinct party organisation has been established. 'Transnational party politics' therefore refers to the level at which the national (or intergovernmental) and the EU (or supranational) spheres overlap. In other words, they are 'multi-level' parties (Deschouwer 2006). It should be noted, however, that Deschouwer refers to 'political parties in multi-level systems parties' instead of 'multi-level parties', thus placing particular emphasis on the institutional context that shapes party politics. Nonetheless, the partisan affiliation of politicians acting on these three levels is defined by their membership in national political parties. This does not mean, however, that the organisations in which they practice politics are also national or dominated by national interest. The transnational level reflects the dual character of the EU, being intergovernmental and supranational at the same time. Transnational party federations are involved with intergovernmental institutions (e.g. the Council of Ministers and the European Council), as well as supranational institutions (e.g. the European Parliament) (see Table 1). More generally, the fact that they operate in both the institutional circuits of the EU is a unique characteristic of transnational parties (Bardi 2002: 294). Bardi even adds that, in

general, “intergovernmentalism has prevailed over supranationalism”, and that “[t]his is also true of [national and transnational] political parties” (2002: 294).

**Table 1:** Levels and their corresponding party organisations and EU institutions

Level	Party organisation	EU institutions
National	National political parties	National governments and parliaments
Transnational	Transnational party federations	Council of Ministers, European Council
Supranational	Supranational party groups	European Commission, European Parliament

Transnational party federations are also collective units, to a much greater extent than national political parties and supranational party groups are. More precisely, they are collective in a different way. National political parties are sometimes analysed as non-unitary actors, as is the case when addressing intra-party organisations, factions, tendencies or similar topics. This is equally true of transnational party federations, although they are also non-unitary in the sense that they are composed of national political parties. Despite the fact that the statutes of transnational party federations do contain provisions that extend membership to individuals, membership is primarily restricted to national political parties. As a result, the nature of variations between transnational parties in terms of membership numbers differs from the nature of similar variations in national political parties. Membership variations among transnational parties are also related to the size of each member (small or large member parties); this element is completely absent from the membership composition of national political parties. In a national (or local/regional) party, all members are equal, although size (quantity) is accompanied by weight (influence). In theory, large member parties are independent of each other; in practice, they are often strong or influential in terms of policy-making. Policy distance (including intra-policy distance) is also a major factor. For example, a large member party could be weak if it is located far from the ideological centre of its transnational party federation. On the whole, intra-policy distances reflect the degree of cohesiveness within intra-transnational parties. This is important in a number of situations, as when a transnational party federation drafts an electoral manifesto that is intended to be binding for its member parties.

Transnational party federations are much more elite-driven than are national political parties. It is the leadership that runs the party, and there is little participation from partisans. Unlike national political parties, the electorate, the membership, the rank-and-file and other actors cannot compete with the leadership, as these party components do not exist at the transnational level. Unlike national political parties, transnational parties have almost no direct links with society, except for the slowly growing number of actors in European civil society. Transnational parties are therefore not embedded in society. Similar to national political parties, transnational party federations have organised themselves around *familles spirituelles*, or party families (von Beyme 1985). Not all of these families, however, have been present from the early days of transnational party federations. Since 2004, transnational party federations have had a legal status and have benefited from direct financing from the European Parliament budget.<sup>1</sup> According to the law, no less than ten

<sup>1</sup> Regulation (EC) No. 2004/2003 of the European Parliament and the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding, Official Journal of the European Union, L297/1-4, 15 November 2003. The regulation and its 2007 amendment use the term ‘political parties at European level’.

organisations are now recognised as 'political parties at European level' and consequently receive EU party finances (see Table 2).

**Table 2:** 'Political parties at European level', their corresponding party groups in the European Parliament and political families<sup>2</sup>

Political party at European level	Official European Parliament group name	Political family
European People's Party	Group of the European People's Party (Christian Democrats)	Christian Democrats / Conservatives
Party of European Socialists	Group of the Progressive Alliance of Socialists and Democrats in the European Parliament	Socialists / Social Democrats
European Liberal, Democrat and Reform Party	Group of Alliance of Liberals and Democrats for Europe	Liberals / Centrists
European Democratic Party		
European Green Party	Group of the Greens / European Free Alliance	Greens
European Free Alliance		Leftist Regionalists
Alliance of European Conservatives and Reformists	European Conservatives and Reformists Group	Conservatives / Eurosceptics
Party of the European Left	Confederal Group of the European Left - Nordic Green Left	Non-socialist Left
EUDemocrats	Europe of Freedom and Democracy Group	Eurosceptics
European Christian Political Movement	<i>no corresponding group</i>	Christian-social

Sources: data retrieved from

[http://www.europarl.europa.eu/pdf/grants/grant\\_amounts\\_parties.pdf](http://www.europarl.europa.eu/pdf/grants/grant_amounts_parties.pdf) and [http://www.europarl.europa.eu/groups/default\\_en.htm](http://www.europarl.europa.eu/groups/default_en.htm) in July 2010

<sup>2</sup> As the Table shows, the relations between 'political parties at European level' and EP party groups is not always one-to-one. Most relations are stable since 2004, the start of the direct funding. 'Alliance of European Conservatives and Reformists' and 'European Christian Political Movement' are the most recent 'political parties at European level'. In 2010, they received grants for the first time. The Eurosceptic 'Alliance for Europe of the Nations' and the 'Alliance of Independent Democrats in Europe' received grants until 2009.



In practice, however, scholars agree that only three or four of these organisations should be called ‘transnational party federations’: the European People’s Party (EPP), which was founded as a federation in 1976; the Confederation of Socialist Parties, which was founded in 1974 and transformed into the Party of European Socialists (PES) in 1992; the Federation of European Liberal, Democrat and Reform Parties, which was founded in 1976 and was renamed the European Liberal, Democrat and Reform Party (ELDR) in 1993; and the European Federation of Green Parties (EFGP), which was established in 1993 and changed its name to the European Green Party in the period leading up to the 2004 European Parliament elections. The integration of these federations was clearly caused by events that stimulated European integration: the direct elections of the European Parliament in 1979, the introduction of the ‘party article’ in the Treaty of Maastricht and the 2004 regulations governing political parties at European level and the rules regarding their funding.

In 2008, several amendments to the original regulation were the result of co-decision (first reading agreement).<sup>3</sup> In addition to introducing more flexibility regarding how party funds can be spent, two significant modifications are worth mentioning. First, ‘European political foundations’ (modelled after the German *Stiftungen*) are allowed to be established by and linked to the existing ‘political parties at European level’. Second, these parties are permitted to use their financial means during campaigns for the elections of the European Parliament. These amendments have been in force since 2008, and the first elections held under these new rules were those of June 2009. Extensions of the legal competences of transnational party federations are often justified with reference to their role in ‘enhancing political debate at EU level’.<sup>4</sup> The immediate impact of this new regulation was relatively weak, due to a number of factors, including the fact that the rules under which the European Parliament elections were held had not been changed. Nonetheless, the ambiguous character of the regulation is clear: “these [financial] appropriations shall not be used for the direct or indirect funding of national political parties or candidates”.<sup>5</sup> If the contributions of transnational party federations to the election campaigns are thus limited to bringing their manifestos into view, little will change. The direction of any profound changes in response to this new regulation remains to be seen, however, as does the extent to which they will serve to strengthen transnational party federations.

### What do we know about transnational political parties?

Transnational party federations did not fall out of the blue. The three most prominent federations (EPP, PES and ELDR) were founded in the mid-1970s. Their origins are directly linked to the period leading up to the first elections of the European Parliament by universal suffrage, which had originally been planned for 1978, but did not actually take place until June 1979. Using Duverger’s (1951) terms, transnational party federations were “internally created” in this regard, in contrast to “externally created” parties, whose origins are outside existing political institutions (Duverger 1951). Without a doubt, the party groups that had already existed since the 1950s took the lead in creating party organisations (see e.g. Van Hecke 2006). Duverger’s terms can also be used to define transnational party federations as “indirect parties”, as they are composed of other institutions or organisations, which control the membership.

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<sup>3</sup> Regulation (EC) No. 1524/2007 of the European Parliament and the Council of 18 December 2007 amending Regulation (EC) No. 2004/2003 on the regulations governing political parties at European level and the rules regarding their funding, Official Journal of the European Union, L343/5-8, 27 December 2007.

<sup>4</sup> European Parliament Press Release, ‘Sounder funding arrangements for European political parties’, 8 November 2007. Available at [http://www.europarl.europa.eu/news/expert/default\\_en.htm](http://www.europarl.europa.eu/news/expert/default_en.htm), accessed on 8 November 2007.

<sup>5</sup> Regulation (EC) No. 1524/2007, Article 8, Paragraph 3.

Compared to most national political parties, transnational party federations are very weak in terms of representation, here defined as the aggregation and articulation of voters' interests (Mair 2009). Representation is weakened by the specific character of the European Parliament elections. In their well-known article, Reif and Schmitt (1980) define European Parliament elections as "second-order national elections". In short, the first European elections were 'national' because candidate selection, issues, campaigns and other aspects were national, not European. They were considered 'second-order', as they had little or no direct effect on the parties that were in government at the national level, as is the case with local elections. The concept of 'second-order national elections' was later refined, particularly with regard to the timing of European elections –the electoral cycle (Reif, 1984). Elections taking place in the middle of a legislative term generate a '*vote sanction*' for government parties prior to first-order national elections. Despite several treaty reforms, this situation remains unchanged. Because European Parliament elections are second-order national elections, transnational party federations (and even European Parliament groups) are *a posteriori* party organisations. They are always late, as national parties wield power in a number of ways, including the control they exercise over the selection of candidates and the party group MEPs join, once they are elected.

In addition to observing that the activities of transnational party federations are restricted to second-order elections, scholars have distinguished different phases in the institutionalisation of these federations. With reference to Panebianco (1988), it is possible to distinguish two dimensions of institutionalisation. First, institutionalisation depends on the degree of autonomy that an organisation has in relation to its environment. In this sense, transnational party federations are weak, as they must respond and adapt to an environment that they are not able to control. Second, institutionalisation relates to the degree of 'system-ness' (*i.e.* the interdependence among sub-groups that is made possible by the centre's control of resources). Given the primary importance of national political parties among its constituent elements, transnational party federations are not institutionalised in this way either. This is not surprising, as the two dimensions are empirically linked: an organisation with a low degree of system-ness will find it hard to become autonomous with respect to its environment.

There is consensus among scholars about the number and main features of the various phases of development, as well as on the decisive role of the environment in explaining party change (Hix and Lord 1997; Kreppel 2002; Hix *et al.* 2007; Bardi 2006; Ladrech 2006). The foundation of the three most prominent transnational party federations in the mid-1970s is considered the first developmental stage. The second stage coincides with the drafting, ratification and implementation of the Single European Act. In this period, transnational party federations attempted to become "network facilitators" (Ladrech 2006), supporting European integration (according to their own vision). In the third stage, the role of transnational party federations was constitutionalised, while the increasing competences of the European Parliament, new ways of decision-making and enlargement brought about organisational change. The fourth stage (and the last, to date) coincides with the enlargements of 2004 and 2007, as well as the implementation of the 2003 and 2007 regulations. In each of these developmental stages, integration (institutional incentives) and enlargement (broadly understood as increase in terms of numbers) has been of paramount importance (Hix *et al.* 2007). One result has been the growing emancipation of transnational party federations with regard to their European Parliament groups. The increasing institutionalisation, however, is more analogous to climbing a mountain than it is to climbing a ladder. Bardi (2006) correctly adds that every European election generates some disruptive effects. Although Bardi's observation refers primarily to the European Parliament groups, transnational party federations are also affected by this discontinuity, albeit to a lesser degree. This could also be seen as a reminder that weak institutionalised organisations have a higher chance of regression than strong ones do.

Despite their being caught in second-order elections, and despite the above-mentioned reservations regarding their institutionalisation, transnational party federations have demonstrated a remarkable adaptability to alter their organisations and, much more profoundly, to incorporate a large and diverse number of new members, from both new and old member states. As a result, they have become more complex in terms of size, strength and policy distance. For example, in the European Parliament, the three or four largest party groups (the core of the European party system) have left other multi-party groups largely behind in terms of numbers (Bardi 2002: 309-310). By changing the rules of procedure of the Parliament, they have more or less expelled small groups from power. And they have made it impossible for single-party groups to be recognised as official European Parliament groups. These favourable circumstances (or, more precisely, the circumstances from which transnational party federations have benefited) are due in part to such developments as the introduction of co-decision or changes in the internal rules of the European Parliament that have disadvantageous effects for small party groups. Transnational party federations have been both the object and the subject of change. As “rational, purposive organisations, they obviously have considerable incentives to mould the institutional opportunity structure in their favour”, similar to national political parties (Luther and Müller-Rommel 2002b: 340).

The first scholar to refer to political parties at European level, Haas (1958) made the often-cited observation that “the competing activities of permanently organised interest groups and of political parties are singled out as the significant carriers of values and ideologies whose opposition, identity or convergence determines the success or failure of a transnational ideology” (1958: 5). Even more importantly, Haas sees the study of transnational party development as an important perspective that can be used to analyse the development of the EU as a political system (Bardi 2002: 294). In the aftermath of the first direct elections of the European Parliament in 1979, a number of scholars paid attention to EU-level party politics. The two main works of that period are by Pridham and Pridham (1981) and by Niedermayer (1983). The scholarly enthusiasm did not last very long, and research on European integration was dominated by authors in the field of international relations, who had little or no interest in the matter. Research on transnational party federations later moved closer to the mainstream of EU studies with the revival of the EU in the late 1980s and the introduction of the field of comparative politics (Hix 1994).

Ever since, the study of transnational party politics has been part of a tradition within the field of comparative politics that sees the EU as a developing political system, the components of which are analogous to nation-states (Bardi 2002: 294). This comparison has both advantages and disadvantages. One disadvantage is that this analogy is ‘caught’ within the state-centric paradigm, making national political parties the dominant unit of comparison. Transnational party federations were consequently considered weak in such areas as organisation, policy formulation, interest representation, media access and staff. The analogy is also advantageous, however, as it allows the study of transnational party politics to benefit from numerous insights and findings about national political parties that have developed within the field of comparative politics. For example, the application of the Comparative Manifestos Project research (Budge *et al.* 2001; Volkens *et al.* 2006) to the European Parliament elections (including the manifestos of transnational party federations) led to the creation of the Euromanifestos Project.<sup>6</sup> ‘Transnational’ manifestos are the object of research similar to first-order national manifestos (see e.g. Duncan and Van Hecke 2008).

Within the comparative-political approach, both Bardi (2002) and Mair (2006) have distinguished different clusters (‘waves’ or ‘concerns’, respectively) in research on transnational party politics. Their classifications begin with a focus on the origins and development of transnational party politics, which inevitably raises the question of whether

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<sup>6</sup> See <http://www.mzes.uni-mannheim.de/projekte/manifestos> (accessed on 17 December 2007).

there is a tendency towards the emergence or establishment of genuine European, supranational political parties. According to Bardi, descriptive research has replaced the speculative studies of the early days. In the next wave, the European Parliament party system was scrutinised in the attempt to analyse and explain its shape and dynamics. This was accomplished by examining roll-call votes (which were used to assess the cohesiveness of EP party groups) and by identifying patterns of division and alignment along which voting behaviour was organised. Research based on roll-call votes has been criticised, however, from a methodological point of view (see e.g. Thiem 2006). Without a doubt, this branch has a much stronger empirical base, but is capable of providing only *a posteriori* explanations (Bardi 2002). Furthermore, within the broader framework of the Europeanisation approach, 'Europe' has been investigated with regard to national political parties (see e.g. Poguntke *et al.* 2007). Although they are much more issue-driven, recent studies discussing the legal status and direct EU financing of transnational party federations could be added to this list (Johansson and Raunio 2005; Lightfoot 2006).

One element that is missing in both practice and these classifications involves the question of whether transnational party politics matter, primarily in terms of policy. The attempt to answer this question is an important step in designing a more complete research agenda (Luther and Müller-Rommel 2002b: 343). The EU is less a polity than it is a wide, relatively effective and well-developed policy-making arena. As is the case with research on national political parties, a focus on policy impact is indispensable in the effort to obtain a complete picture of transnational party politics. In other words, regardless of issues involving the status of transnational party federations, it is important to raise the question of whether they have any impact. Broadening the research agenda in this way might contribute to the development of 'coherently theory-driven empirical research', particularly given that theories on such topics as institutions, decision-making and policy formulation are at the centre of EU research. Such a development would also be a step in the direction of more detailed empirical research on transnational party politics.

### **Do transnational party federations matter?**

To systematise the impact of transnational party federations on EU politics, we use the well-known model of 'policy', 'office' and 'votes', introduced by Müller and Strøm (1999). The question of whether and to what extent transnational party federations matter within the EU should therefore be defined as partisan influence in terms of policy, office and votes in the main EU institutions. In general terms, Müller and Strøm (1999) distinguish three goals pursued by political parties: to influence policy, to occupy certain positions (office) and to gain as many votes as possible. The key question involves the ways in which parties manage to realise these three goals at the same time, as well as the extent to which they are able to do so. A type of trade-off exists between the three; parties normally 'make hard decisions' concerning which goals are to have precedence. They develop different strategies according to these priorities. The model of policy, office and votes has been very successful, primarily as a way of classifying political parties according to strategy (in addition to organisation and ideology). At the transnational level, however, the model has yet to be applied. Transnational party federations have come into play because "the arena in which Western European political parties pursue votes, office and policy is no longer confined to the national level" (Luther and Müller-Rommel 2002b: 341).

#### *European Parliament*

Research on partisan influence in the European Parliament is well-established (Raunio 2006), and the idea that party politics play a role within the assembly (which currently counts

736 members) is widely accepted.<sup>7</sup> Party politics are much more supranational in the European Parliament than they are in other bodies (e.g. the Council of Ministers), as the decision-making process in the European Parliament is largely remote and insulated from domestic political pressures. This subsequently facilitates inter-party cooperation and group institutionalisation (Bardi 2002: 319). The cohesiveness of these party groups has been measured through attempts to probe the attitudes held by MEPs, the analysis of roll-call votes or a combination of these approaches. In addition, the party system emerging within the European Parliament is organised along the classic left-right divide, as well as the divide between *pro* and *contra* European integration. The overall conclusion of this branch of research is that parties matter, as politics is made along ideological rather than territorial lines (to paraphrase Hix *et al.*, 2007). This applies to policy (*i.e.* the areas in which the European Parliament is competent) and office (*i.e.* the investiture of the President of the European Commission, the college as a whole and its censure). Influence in terms of votes is difficult, if not impossible, given the second-order character of the European Parliament elections.

Transnational party federations play a very limited role in this context. At this level, it is not the federations, but the supranational groups that try to be as influential as possible in terms of policy. Unlike at the national level, the groups in the European Parliament operate autonomously. "Democratic politics" (Hix *et al.*, 2007) is therefore limited to intra-parliamentary organisations. The same applies to office within the European Parliament. For example, party federations have almost no say in the appointment of group chairs. Decisions are often made among large delegations negotiating on behalf of their national political parties. In other words, appointments are made by the most important party headquarters within each political family. For example, when the EPP-ED Chairman Hans-Gert Pöttering was elected president of the European Parliament in 2007, the decision about his successor was made jointly by the German Chancellor and CDU President Angela Merkel and the French President and UMP leader Nicolas Sarkozy. With regard to external office, transnational party federations do matter. Appointment decisions that involve more than one institution are much more difficult to make. Transnational party federations link these various levels and institutions. They provide platforms for which there are no substitutes within the EU. Because no transnational party federation has an absolute majority, negotiations take place between the top representatives of the most important political families, in many cases, the EPP and the PES.

Despite the fact that the European Parliament is the only directly elected EU institution, transnational party federations do not have an impact on the 'vote'. Given the second-order national character of the elections, transnational party federations are not involved in selecting candidates, determining campaign strategies or similar processes. Transnational party federations do organise electoral congresses and meetings; they also draft manifestos, although the status of these documents is not the same in every political family. These activities and documents, however, do not seem to influence the electoral processes. Their relevance is limited to the policy agenda of the supranational party groups in the newly elected Parliament. Whether the implementation of the aforementioned 2007 amendments to the regulations on 'political parties at EU level' will produce any significant changes remains to be seen. In general, little research has been conducted across time and across political families concerning the relationship between transnational party federations and supranational groups in the European Parliament.

### *European Commission*

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<sup>7</sup> Number of seats since the 2009 European Parliament elections when the Treaty of Nice was still into force.

Transnational party federations currently have only one channel at their disposal with which to influence the European Commission: 'office'. The appointment of the president and the college as a whole, as well as censure, are formal competences of the European Parliament. Because these tasks require trans-institutional coordination, however, it is the European Council that proposes the president to the Parliament, thus shifting negotiations from the supranational party groups to the transnational party federations. Despite their focus on supranational party groups, some authors (e.g. Hix *et al.* 2007) have observed the emergence of 'government-opposition politics'. The various cases in which the Parliament has 'opposed' the Commission (e.g. from the resignation of Santer over the appointment of Barroso to the rejection of Bulgarian candidate commissioner Rumiana Jeleva) have attracted considerable public and scholarly attention. The conclusion is thus not surprising. Commissioner appointments have been determined by party politics ever since the Commission was established in 1958 (Wonka 2004). Transnational party federations, however, play no role in these appointments; the appointments are decided by national governments. The political colour of these governments simply matters. This might change with the reduction in the number of commissioners, foreseen in the Treaty of Lisbon from 2014 onwards. As with the presidency of the European Commission, the geography, size and political family of the various countries will matter in these appointments, in addition to nationality. In this way, the Lisbon Treaty might strengthen the role of transnational party federations, as it will involve all members of the Commission in the partisan negotiation process.

All questions of whether 'office' is a goal in itself or a means to strengthen 'policy' aside, the impact of the partisan appointments on the Commission's activities is unclear. Relationships between transnational party federations and 'their' commissioners have obviously become more visible over the years, but this does not necessarily mean that the work of the Commissioners has become more partisan. According to one assumption, the appointment of the President and the majority of the college causes the Commission's policies to lean more to the left or to the right. To date, however, there have been no strong claims that are based on empirical evidence.

### *Council of Ministers*

In contrast to research on the Commission, research on the influence of transnational party federations on the proceedings of the Council of Ministers could benefit from voting records. For example, Mattila (2004) is able to analyse partisan behaviour inside the Council meetings, generating results that confirm the findings of research on the voting behaviour of MEPs: the EU is a two-dimensional space in which the left-right divide prevails over the division based on European integration. In addition to party family and the attitude towards the EU, Mattila includes the presidency of the Council and large (as opposed to small) member states as independent variables. This allows for different conclusions concerning the interplay of such variables as left-wing governments that are not as inclined to vote against the Council majority as are right-wing governments. The strong reliance on voting behaviour is a problem in this regard as well. Not all voting behaviour is self-evident; strategic voting often takes place. Timing, agenda and the rules of procedure should therefore be taken into account. Other research has shown that the introduction of qualified majority voting (QMV) paradoxically resulted in more decisions being made by consensus. Through QMV, member states lose their veto power and certainty with regard to their influence. To retain as much influence as possible, member states are willing to give and take. If this behaviour is generalised, it results in consensus.

Because the Council of Ministers is composed of national government representatives, partisan influence is primarily linked to national political parties. Furthermore, even if partisan

influence can be detected, it remains unclear whether it can also be transnational. This is relatively unlikely, however, as the Council is usually occupied with technical issues, which the transnational party federations are not equipped to monitor, let alone control. The only exception might be the General Affairs and External Relations Council. For example, the EPP has only once succeeded in convening its affiliated members prior to an official Council meeting, and the outcome was not satisfying (Martens 2006: 746). Since 2009, however, the EPP has tried again to establish meetings of 'EPP ministers' prior to meetings of the Council of Ministers. After some initial success, the party has included these 'Ministerial Meetings' in its statutes, upgrading it to an official party body (EPP 2009).

### *European Council*

Similar to their situation within the Council of Ministers, transnational party federations have no impact on the 'office' and 'vote' of the European Council. This is the sole territory of the national political parties of the Member States. Unlike the meetings of the Council of Ministers, European Council meetings have been scrutinised for transnational party politics. Given that unanimity is still the dominant rule and voting is not part of its actual procedures, data-collection is even more difficult. Decisions concerning the establishment of an Intergovernmental Conference (IGC) or nominating the President of the European Commission are the notable exceptions in which QMV applies. Partisan influence inside the European Council is therefore usually examined by analysing 'party summits'.

Party summits are meetings of national and European politicians that are held on the eve of European Council sessions. These conferences are composed of national party presidents and government leaders, members of the European Commission and the leadership of the transnational party federation and supranational party group. Unlike the sessions of the European Council, party summits are relatively informal. Various topics are discussed, including intra-organisational matters, as well as such 'high' EU political issues as institutional reform and enlargement. Their functionality consists largely of drawing connections between the national and the European level, as well as between the legislative and executive powers of the EU. Only the three largest federations organise such summits on a regular basis. Party summits vary widely according to the frequency with which they are organised, the number of prime ministers who attend and other aspects. These conferences have been studied as independent variables that explain certain outcomes of European Council meetings (see e.g. Johansson 1999, 2002a, 2002b; Külahci 2002; Lightfoot 2003). To date, these partisan coalitions have not been studied in any systematic or comparative way.

The idea that transnational party federations bring national and European government leaders and parliamentarians together at a common, partisan table – and that they therefore matter – is also supported by research on the Convention on the Future of Europe, often referred to as the European Convention (Van Hecke 2008). The literature on this Convention is extensive, and it does address the interplay between two levels and two sorts of institutions. One aspect that has been largely neglected, however, is that three party families (EPP, PES and ELDR) tried to assert partisan influence on the final outcome of the European Convention. To this end, they established Convention party groups, bringing the number of loyalties amongst the *Conventionals* to three (level/nationality, institution and party family). Their regular but informal meetings were clearly polity-oriented, as the overall focus was on the single issue of the institutional reform of the EU. They first tried to achieve consensus within their party groups. During the second stage, the three groups contributed to the consensus within the Convention as a whole. Transnational party federations played an important role in this endeavour, especially when compared to traditional IGCs. They clearly played a smaller role (if they played a role at all) with regard to particular policy

issues (e.g. the *Invocatio Dei* and economic governance), as lack of internal coherence prohibited them from making strong claims.

### Should we bother investigating transnational party federations?

Given the impact of transnational party federations with regard to 'office', 'policy' and 'votes', should we really bother investigating them? This question is crucial in two ways. First and foremost, it is an *a priori* question, as studies of transnational party politics often refer to norms (normativity). Second, it is also an *a posteriori* question based on empirical evidence that has been collected (evaluation). This part of the paper presents a number of arguments, varying in type and weight without claiming to be exhaustive. These arguments relate to both questions, and they consider the relative value of conducting research on transnational party federations. The reasons why researchers should not bother with transnational party politics are listed first, followed by a discussion of the arguments in favour of conducting such research. The only criterion for inclusion is that the arguments should be rooted in particular ways of understanding (or explaining) the EU as it is today.

The first argument for not bothering with transnational party federations has already been discussed: simple comparison with national party politics immediately leads to the conclusion that at the transnational level there still is considerable room for development and its investigation is not worth the effort at this point. For example, this comparison can be made with regard to the role that political parties play as channels of interest representation (Lord 2006). In this context as well, the second-order nature of European Parliament clearly implies that transnational party federations are considerably behind national political parties in terms of interest representation. Second, the lack of empirical evidence and difficulties in data collection suggest the same conclusion, as does the overall emphasis on such side-issues as the 'election' of the President of the European Commission every five years, as opposed to the Commission in its day-to-day policy-making role. Third, the characterisation of the EU as a bureaucratic, technocratic or depoliticised organisation with decision-making procedures (e.g. early agreements, comitology, fast-track legislation, delegation, agency) leaves almost no room for party politics at all, much less at the transnational level. Fourth, the Europeanisation of national political parties might be so limited (see e.g. Poguntke *et al.* 2007) as to call into question whether transnational party federations play a role at all.

One argument in favour of researching transnational party federations is that neither proponents nor opponents question the importance of EU decision-making, either quantitatively or qualitatively (e.g. with regard to national legislation). Consequently, the potential of transnational party federations to influence this decision-making process makes them worth analysing. A small impact on a very important process could generate major consequences. Second, transnational party federations are the only entities to form bridges between politicians in the three main EU institutions, as mentioned before. This fact easily leads to the conclusion that this unique characteristic of transnational party federations should be investigated. Party summits, regular intergovernmental and inter-institutional conferences are particularly worth examining. Third, the Lisbon Treaty changes some important parts of the EU institutional design in a way that could strengthen transnational party politics (Kurpas *et al.* 2007; Hix 2008). Under the new provisions, the European Parliament elects the President of the Commission on a proposal made by the European Council, taking into account the European Parliament elections and after having held the appropriate consultations. As aptly stated by Kurpas *et al.* (2007: 12), "[the] new role of the EP in this procedure could be interpreted as a mere ratification of a choice already made". At the same time, however, the Treaty goes one step further by triggering transnational party federations to propose their candidates for the presidency of the Commission during the European Parliament elections campaign. Before the change, this was done after the



election. As a result, “[the] personality of the candidate could presumably become a significant element in the political debate” (2007: 13). Fourth, concrete examples of politicisation can be observed within the European Parliament (e.g. the debate about the services directive). One example is the presence of ‘independent Commissioners’ at transnational party congresses. Transnational party federations are the nexus of this politicisation process. Politicisation should therefore be examined by analysing transnational party federations. Finally, in light of Schattschneider’s famous statement that “modern democracy is unthinkable save in terms of parties” (1942), transnational party federations cannot be neglected if the EU should become more democratic. Moreover, they should be strengthened as a means of resolving the ‘democratic deficit’.

Certainly worth mentioning, and closely related to politicisation, is the debate between Hix (2006) and Bartolini (2006) concerning the way in which the EU should be ‘cured’, particularly with regard to problems involving the lack of legitimacy and democratic control. As mentioned earlier, Hix is clearly in favour of additional left-right politics. Not only is politicisation inevitable, it is also a healthy development, as it increases the legitimacy of the EU and enhances the political democratic debate. This is essential, if the EU is to become a true polity. In contrast, Bartolini argues that politicisation is the wrong medicine to heal the ailing institutional framework of the EU. He even warns that the remedy might be worse than the disease, as the EU lacks the infrastructure (e.g. strong European political parties, channels of partisan co-ordination) necessary to deal with politicisation. In other words, additional left-right politics would do more harm than good. What is particularly interesting about these positions is that they are not simply taken for granted; they are thoroughly developed and grounded in theories concerning the European integration process. At the same time, both consider transnational party politics to be crucial to the future development of the EU (Ricard-Nihoul 2006).

## Conclusion

This article has focused on transnational party federations. Unlike national political parties and supranational groups in the European Parliament, transnational party federations are often neglected in studying party politics at EU level, even in recent research (Hix *et al.* 2007; Poguntke *et al.* 2007a; 2007b). Nonetheless, there is now widespread agreement that party politics matter at the EU level. This paradox can be resolved by including transnational party federations as partisan actors in the EU. The question is not whether they are more influential than national political parties or supranational groups in the European Parliament. In other words, the question does not concern the relative importance of or competition among partisan organisations. Instead, it involves the ways in which partisan organisations matter, and the extent to which they matter at the levels at which they operate. For transnational party federations, this is the transnational level. Although the elections fought at this level are ‘second-order’, this does not automatically mean that transnational party federations are ‘second-order’ too.

The review presented in this article clearly demonstrates the general lack of empirical evidence about the impact of transnational party federations on EU policies, politics and the polity. More research is needed. Which form should future research take? First, it should move beyond the question of existence as, theoretically speaking, the question of existence should be distinguished from the question of influence. In other words, what transnational party federations are (or are not) should not distract from what they do. Second, more insights from the field of comparative politics should be used, and its models should be further developed in order to integrate the particularities of transnational party politics into EU studies. One example might involve systematic research on partisan influence on EU public policy (see e.g. Schmitt, 1996) or comparisons with the US party system. Third, the

EU's peculiarities should be fully taken into account. This means that the institutional framework of the EU should be taken as it is, with no office-seeking role for transnational party federations in the Council of Ministers. In short, although the EU sets the limits, it also creates certain opportunity structures for transnational party federations. The opportunity structures of these federations should be addressed in a systematic and comparative way.

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# The European Union and Global Multilateral Governance - An Interdisciplinary Research Project: Research Notes (Part 3)

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*In previous editions of the Journal of Contemporary European Research, we reported on the set-up and progress of the interdisciplinary research project “The European Union and Global Multilateral Governance” (see Vol. 4, No. 1; Vol. 5, No. 1). This third and final research note presents some of the key-results of the project and suggests future areas for research.*

## Making sense of the EU's participation in multilateral governance fora

To examine the role of the European Union (EU) in multilateral governance, an earlier phase of the project was dedicated to developing an interdisciplinary conceptual framework to bridge existing gaps between legal and political science approaches to this subject (see Schunz *et al.* forthcoming). The framework combines analyses of the Union's external representation, internal coordination, foreign policy instruments, as well as treaty and political objectives. It also accounts for the EU's recognition as a foreign policy actor by others, while paying special attention to the formal and informal processes of global policy-making that its external activities are embedded into. Employed as a descriptive analytical tool, the conceptual framework allows for gaining a better understanding of the Union's capacity to be an actor in global governance in function of its legal status. It is predestined to compare the Union's performance across cases to examine, *e.g.*, whether the EU is really the champion of multilateralism and leading player that it is characterised to be in many governance arenas.

After completing a broader mapping exercise involving a range of cases and applying the framework in depth to two cases of EU participation in multilateral governance (its involvement in global human rights fora and in the global climate regime), the final phase of the project was to compare the results of the two case studies.

## The EU in the global human rights machinery

In examining the EU's participation and performance in the global human rights machinery, the interdisciplinary framework was applied to two of the newest additions to the international human rights family, namely the Human Rights Council (HRC) and the International Criminal Court. The EU was a strong advocate for the establishment of both bodies and from the offset declared its commitment to ensure that they function effectively as channels for protecting and promoting human rights globally. Following a systematic analysis of the EU's contributions to achieving this goal, the application of the framework shed light on how and why its actual performance does not always measure up to its aspirations on the global human rights stage. For the purpose of this article, only the EU's participation in the United Nations (UN) Human Rights Council will be addressed.

Like in most international fora, the EU holds observer status in the Human Rights Council. With the current geographical distribution of the 47 members of the Council, only 7 to 8 are EU member states per term. This would make one assume that there is little space for the Union to manoeuvre especially in light of the constrictions attached to such a *legal status* (observers have, for example, no right to vote). This assumption however does not hold true. Legal status is not the sole element determining the EU's capacity to be a competent human rights actor. Other components of the analytical framework appear to be of equal importance when examining the EU's performance in the Human Rights Council.

With the Lisbon Treaty recently entering into force, a shift in the EU's legal order with reference to human rights and in its external action in the Human Rights Council could be witnessed. The Treaty further enhances and reinforces the EU's *treaty and policy objectives* to consolidate and support human rights and the principles of international law in its relations with the wider world. On the one hand, the EU's more explicit commitment to human rights as observed through the incorporation of the Charter of Fundamental Rights into the Treaty and by the Union's eventual accession to the European Convention on Human Rights does not alter the powers or competences of the Union itself. However, recent practice shows on the other hand that the Lisbon Treaty does play a significant role for the Union's representation in the HRC. During the times of the Council's predecessor, the UN

Commission on Human Rights, it was always the Presidency speaking on behalf of the EU with subsequent member state interventions aligning themselves with the statements of the former, with almost no interventions by the European Commission. Although this logic largely continues to be maintained in the HRC, more recent practice shows that the EU is at times being represented by the Permanent Delegation of the EU in Geneva on certain agenda items such as UN Special Procedures.

Like for most governance fora it is involved in, the EU's *decision-making and coordination processes* can become arduous, especially in those that address sensitive issues areas, such as human rights, where the Union does not hold exclusive competence. The number of coordination meetings that take place in preparation for and during Human Rights Council sessions is plentiful. Yet, via its burden-sharing mechanism, the EU has been able to better follow and contribute to each initiative discussed in the HRC (e.g. resolutions). This has yielded some positive results: the EU has sponsored four special session initiatives and has made over 420 statements and interventions since the inception of the HRC. Moreover, there have only been three split votes among EU members (on resolutions addressing the Occupied Palestinian Territories). All this has contributed to making the Union a visible actor, one that is also fully *recognised* by other HRC members.

Arguably, EU member states spend too much time coordinating amongst each other, and not enough time outreaching to third countries. The drawbacks that have been faced by the EU in the Human Rights Council are mainly due to not receiving the endorsement needed to push through initiatives that address pressing situations, as was the case in the 2009 Special Session on Sri Lanka where the EU's resolution was immediately dismissed and the resolution tabled by Sri Lanka itself was adopted. The Union's financial, legal and diplomatic *foreign policy instruments* could be used more widely and effectively in this regard. Only more recently has it started to integrate 'reinforcing cooperation in the Human Rights Council' as part of its bilateral dialogues with third countries (e.g. with India). Markedly, it still does not take full advantage of instruments at its disposal to further its relationships in terms of concrete cooperation within the HRC. The embedded bloc mentality in the practices of the latter adds an additional layer of challenges and furthermore has a direct impact on the *global governance processes* in the area of human rights. With the African Group and the Organisation of Islamic Countries (OIC) taking a front-runner role on many occasions, the EU is often left on the periphery with other like-minded states. As a result, the majority of the resolutions passed in the HRC have soft and dampened language, which essentially undermines the very purpose of the human rights body.

Despite not possessing full membership status in the HRC and with only few of its member states as full members per term, the EU has - through its Presidencies and burden-sharing mechanism - demonstrated that it possesses the capacity to translate its treaty and policy objectives on the global human rights stage. The primary reason why the Union has not always been successful in achieving its goals has little to do with its internal set-up or legal status and more with the external environment it faces and with the inability of the EU to deal with the evolving and increasingly problematic external context of this particular global human rights forum.

### **The EU in the UN climate regime**

To study the Union's participation in global multilateral climate governance, the analytical framework was applied to its involvement in the United Nations regime that has developed around the Framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol. In this regime, the EU has regularly been regarded as a defender of multilateralism and a leader, based primarily on its internal policies. A thorough examination of its actual

performance reveals that this leadership assumption has to be strongly qualified, not only since the - for the EU - very unsuccessful 15<sup>th</sup> Conference of the Parties (COP) in Copenhagen.

When examining the internal dimensions of the EU's capacity to act, it is first of all interesting to note that it has undergone major transformations since the European Community first participated jointly in global climate negotiations in the early 1990s. The European Community was - through actions of individual member states - rather an *ad hoc* participant in early negotiation rounds. Since the entry into force of the Maastricht Treaty, the Union possesses the (shared) *legal competence* to act in the climate regime. Shared competence implies necessary and at times difficult *decision-making and coordination processes* in a complex Working Group structure under the Environment Council that involves both member states and the Commission. Final decisions on the Union's external climate policy positions have always had to be taken by consensus by the Environment Ministers. They even required the endorsement by the European Council in recent years.

Despite these intricate processes, the EU has regularly proven capable of translating relevant *treaty objectives* regarding sustainable development into common *policy objectives* in the climate domain: ever since the 1990s, it has argued for stabilising global greenhouse gas emissions at a level that would assure that global mean temperature rise does not exceed 2°C above pre-industrial levels. To reach this aim, the EU has argued for ambitious mitigation policies. During talks on the Kyoto Protocol, for example, it was the first industrialised player to formulate a comparatively high quantified emission reduction target, while its proposals for the post-2012 regime reform process were also formulated very early and remained among the most ambitious ones during the talks until late 2009.

Once the EU had forged a position, its *representation* was assured, in the past, by the Troika (former, present and future Council presidency) or, since 2000, the specific Climate Troika (former and present Council presidency, Commission). Since 2004, a particular representation system, involving a thematic division of labour between "lead negotiators" from any member state or the Commission, supported by "issue leaders", has developed. In practice, this system has proven its worth, as it has given the Union's external representation activities greater continuity. In these external climate activities, the EU can rely on a tool-box composed of diplomatic and economic *foreign policy instruments*. In practice, it has clearly preferred the use of diplomatic instruments by submitting proposals to the UN process, reaching out via demarches, etc. At the same time, economic incentives were employed notably in relations with developing countries to rally these behind its mitigation objectives.

The Union's remarkable evolution as a foreign policy player in this domain also implies that it has, ever since the mid-1990s, been *recognised de facto* as a fully-fledged actor in the UN climate negotiations. In legal terms, regional economic integration clauses in both the UNFCCC and the Kyoto Protocol grant the Union full member status and it thus has the right to table proposals, speak and vote in all negotiation sessions. Despite these positive developments for the EU's capacity to act in the UN climate regime, the *global governance processes* in this arena have become increasingly complex. Decisions on regime reforms require consensus, and long-standing cleavages have implied frequent stalling of the negotiations. For one, the historically largest emitter US has regularly (successfully) resisted other parties' calls for ambitious and binding emission reduction targets. The persistent North-South divide between industrialised countries and the G-77/China has not facilitated decision-making either. On many occasions, the EU has found itself caught between these two blocs.

Turning to the evaluation of the Union's performance on the basis of these elements of its capacity to act, its defence of the multilateral arena is quite striking. At all times during the



history of the climate regime, the EU geared its policies toward the UN, even when the US withdrew from the Kyoto Protocol ratification process in 2001. At the same time, the Union frequently tried to lead by example by making early proposals and employing its regional climate regime as a model for third countries. This leadership approach, however, has not systematically resulted in favourable outcomes. Despite full actor capacity, the EU was regularly incapable of mobilising followers for its positions, which are consequently not reflected in successive regime reforms. Where it was able to shape the magnitude of the Kyoto Protocol emission reduction targets, it had no leverage over the regulatory (flexible) approach chosen through that treaty. Moreover, it had no significant impact on the latest significant round of negotiations that culminated in the adoption of the Copenhagen Accord in late 2009, reflecting the emergence of a new external context in which new constellations of power begin to overshadow and marginalise the EU (see Keukeleire and Bruyninckx forthcoming).

### **Cross-case comparison and an agenda for future research**

The application of the interdisciplinary framework to the EU's participation in these two distinct multilateral governance arrangements yielded many insights that would have been overlooked should we not have accounted for both legal and political science aspects of the Union's performance in these fora. Although the two bodies have different compositions and represent two quite distinct policy areas, the comparison was worthwhile. Human rights and climate change governance are of paramount importance to the EU's foreign policy and both epitomise where the Union aspires to export its internal values to the wider world. These similarities taken in conjunction with the differences set out in the legal and institutional intricacies at the UN and EU levels lay the foundation for an interesting cross-comparative study (see Wouters *et al.* forthcoming).

When trying to account for the paradoxical situation of the EU's actor capacity, insofar that its expanding capacity is not matched by better external performance, it quickly becomes evident that neither legal competences and status nor the internal coordination and representation arrangements seem to have much explanatory power for the Union's external performance (see Jørgensen/Wessel forthcoming). Rather, a thorough analysis of its actions suggests that the EU's predominant challenge in both bodies is related to the external environment and the Union's difficulties to adjust to an external context in which new competing powers and coalitions of countries emerge who do not necessarily perceive the Union as a model that is to be followed. With the North-South divide deeply embedded into and impacting the governance processes in both the HRC and the UN climate regime, the often comparatively ambitious EU positions simply stand little chance of acceptance by third countries. One central difference in the Union's approach in this regard is, however, the utilisation of instruments that rest at its disposal. The EU has recently more fervently resorted to economic instruments in the climate regime, while its actions in the Human Rights Council remain purely diplomatic. Another area of divergence concerns the way the Union is perceived as an actor. In the climate regime, it is often still regarded as a front-runner. In the HRC, by contrast, it is frequently criticised for not being able to assume a leadership role.

These findings provide some food for thought for future research on the EU's implication in multilateral governance, mainly in the following areas:

1. **Wider application of the interdisciplinary framework:** The application of the framework to the Union's participation in other domains within and beyond the UN system would shed further light on the EU as a foreign policy actor. Such research appears as particularly interesting to assess the Union's actual capacity and foreign

policy behaviour against its self-perception and the way it is viewed as an actor in other parts of the globe. As a next step, it could be especially interesting to employ the framework to the EU's participation in bodies where it holds exclusive competence and full membership such as the WTO and in arrangements with limited membership such as the G-8/G-20.

2. **External environment:** Future research on the Union's role in multilateral governance also needs to transcend discussions about the EU's actorness and pay greater attention to the extent to which the EU takes into account these changing international contexts and, consequently, how its positions and actions as a *de facto* global player fit into the specific international contexts it operates in. Research is also required on how its positions and policies are perceived and on whether and why these are appreciated and/or dismissed by other major international actors.
3. **EU bilateral and (inter)regional relations:** In light of the long-standing cleavages in many multilateral governance fora, the examination of EU strategic relations with key-global actors such as the United States, other regional organisations like the African Union, and particularly emerging powers like the 'BRIC' countries (Brazil, Russia, India, China) requires greater attention. It would allow for the assessment of how and what the EU can do to better collaborate with third countries and to better take into account their positions in order to advance its objectives in multilateral settings.
4. **Building EU (strategic) capacity:** One of the main findings of this project concerned the variation in - and the EU's limited strategic use of - foreign policy instruments, notwithstanding the fact that it has a portfolio of financial, legal and diplomatic tools at its disposal to advance its objectives in both fields. Exploring the extent to which there is any cross-fertilisation between EU and member state diplomats on the one hand and human rights, environmental and other experts on the other hand sets the groundwork for interesting future research about the extent to which the EU is willing and able to develop internal strategic and intellectual capacity-building. In this context, the potential (and necessary) exchanges that are bound to take place in the framework of the newly instituted European External Action Service merit specific scholarly attention.

## Conclusion

With these key-results, this - in many ways exploratory - interdisciplinary research project reaches its end. By tackling a range of empirical and conceptual research gaps that existed in political and legal sciences, it advances not only our knowledge of EU participation in global human rights and climate governance, but also contributes to the necessary interdisciplinary thinking about the Union's implication in these and comparable fora. At the same time, the project has served to generate a plethora of new questions. Given the EU's continuous high level of activity in global governance fora of all types, ample cases remain for further interdisciplinary investigation.

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## Book Review

David Buchan (2009)

### *Energy and Climate Change: Europe at the Crossroads*

Oxford: Oxford University Press

Angela Carpenter  
*University of Leeds*

This book, which looks at a range of aspects about the European Union and issues surrounding climate change, would be of interest to audiences in both the fields of European Policy and Practice and Environmental Studies. It is written in a clear manner, which makes it accessible to readers in academia, industry, NGOs and any audience interested in European policy on the environment or in the development of European regulations on policy on climate change. Buchan has produced a very wide ranging, well researched book which looks at the history and development of climate change regulations, which is seen as one of the most significant issues facing the EU in all its 50 year-history (p. 1). It covers aspects including energy taxation, the European Emissions Trading Scheme, and also EU targets in the short and longer term, together with alternative energy sources, the relationship between the EU and Russia over energy, and liberalisation of the European energy market in the 1990s.

The role of Europe as a collective body, its Member States working together towards a commitment to reduce emissions of greenhouse gases, is seen as key. Buchan sees the EU's strength as being its ability to take that collective action and offer a model to other countries and regions on how to take positive action to combat climate change. Its Member States have very diverse energy sources – for example, France has 80 % of its energy coming from low-carbon nuclear, while Poland generates 95% of its energy from high carbon coal (p. 13) – which means that it is not an easy process to reach common ground on climate change policy. However, that very diversity is seen as positive in responding to threats to its energy sources – as one source is lost or reduced, another can be substituted. Energy security is an important issue. Chapter 8, for example, outlines the problems that arose between Russia, Ukraine and Belarus in 2006-2007 when Russia stopped oil and gas from flowing to Western Europe, followed by military conflict between Russia and Georgia which resulted in to gas flowing into Ukraine for a two week-period (p. 79). Russia is considered to be Europe's "mainstay supplier of [oil and gas] for the future" (p. 80) and Buchan indicates that maintaining strong relations between the EU and Russia is vital in maintaining EU energy security, particularly in light of the predicted increase in the EU's dependence on fossil fuel imports by 2030.

Early chapters of the book look at the EU energy market and liberalisation including third party access to Member States' energy sectors. Buchan indicates that the UK and Scandinavian countries opened up their energy markets to outside countries, but France and Germany were resistant to anything that might change their own national energy industries (p. 21). The book examines the actions of various European energy companies

and national governments, post-liberalisation. Some companies acted in their own interests rather than helping to do away with national monopolies, one of the main aims of liberalisation of the energy market, while some governments protected the interests of their own national companies, controlled prices and passed new laws to prevent companies from other countries entering their markets.

Having highlighted relations with Russia as one energy security issue, the book looks at the relationship between Russia and the EU including the history of relations between them since the 1960's. It provides a strong discourse on how political change in Russia has influenced that relationship. With almost half of the EU's imported gas, a third of its oil and a quarter of its coal imports, plus almost all its enriched uranium fuel coming from Russia (p. 91), that relationship is vital to EU energy security. The enlargement of the EU in 2004 led to some difficulties in relations with Russia. Many of the new accession states hold strong anti-Russian opinions and may have seen accession to the EU as providing them with a stronger voice in energy foreign policy. However, Buchan notes that there is some dissonance between those new countries wishing to "rid themselves of near total dependence on Russia", while older Member States do not wish to "offend Moscow in any way that could jeopardise (...) energy trade and investment links with Russia" (p. 92). The climate change agenda is also introduced in detail in Chapter 10. This issue has received consensus among EU Member States for many years. Much of Europe will be affected by climate change – either negatively through increased migration from Southern Mediterranean and Sub-Saharan African countries, or positively through "less need for winter heating and higher crop yields" (p. 110) in Northern Europe.

The book considers actions taken by the EU, its Member States and individuals to combat climate change through actions such as the Emissions Trading Scheme (ETS), developed initially as a means of implementing the 1997 Kyoto Protocol targets. Problems are highlighted and progress towards Kyoto targets are discussed in detail, as is how the ETS has been developed over time. Later chapters look at the move towards Green Power, bio-fuels for transport and nuclear power as alternatives to fossil fuels which can reduce climate change impacts and lead to a low-carbon energy market in Europe. However, such measures can be very expensive in terms of research and development, as well as infrastructure investment. While the EU sees carbon capture and storage technology as vital to achieving its ambitions to reduce its dependence on fossil fuels and develop alternative energy sources, the costs may be beyond the EU unless they can get industries and companies involved in the development of the technology. If, however, they could get such technology in place, benefits would be high, particularly if countries such as China and India followed the EU's lead in introducing this technology.

The EU has already played a part in working towards reducing climate change impacts: through its activities at Kyoto; through setting targets for greenhouse gas reductions; through the introduction of energy saving measures such as improved labelling on consumer white goods (TV, washing machines); reducing emissions from aircraft using its airports; and through setting stricter standards on energy performance for new buildings or renovations, for example. Climate change remains high on the EU agenda and it is seen as vital that the EU continues to take a strong lead and strong action in this area. As Buchan concludes, "in normal peacetime, policy failure is not catastrophic. If a policy fails, we can [always] demand that our governments re-do it. But combating climate change is more like war: you don't have time to return to the drawing board" (p. 214). Buchan's book illustrates how the EU's lead on climate change issues has been a uniting force within Europe over many years and the importance that the EU continues to take action, both internally and externally, to help create the policies that may reduce the impacts of climate change, both in the short and long term.

## Book Review

Thomas Christiansen and Christine Reh (2009)

### *Constitutionalizing the European Union*

Basingstoke: Palgrave Macmillan

Corina Filipescu

*University of Birmingham*

As the title clearly indicates, this book focuses on the constitution-building process within the European Union, following the continuous constitutionalization that started in the 1950s and discussing the uncertainty of what the authors call the future of the constitutional 'saga', meaning the EU's trajectory post-Lisbon Treaty. Christiansen and Reh analyse the evolutionary character of the constitutional order by intertwining discussions on the public authority beyond the nation-state and the integrated legal order (p. 4) with full accounts of the mechanisms, actors and structures involved in the process of constitutionalization.

The book is divided into ten chapters. The starting point is a concise introduction (Chapter 1) where the aims and arguments of the book are being laid down. The next chapter (2) prepares the ground for the assessment of whether the EU has a constitution, by addressing and assessing the constitutional criteria and the legal and political order, while the following chapter (3) introduces the constitutionalization of the EU, by intertwining discussions on processes, mechanisms and discourses (p. 24). The next two chapters (4-5) look at the importance of Intergovernmental Conferences (IGCs), as well as the significance of national, supranational, sub-national and non-governmental actors, who are part of constitutional decisions. The following three chapters (6-8) individually treat a different stage of the IGC policy processes. Chapter 9 reviews the European Convention and Constitutional Treaty, the subsequent IGCs, the ratification failure of the Treaty Establishing a Constitution of Europe and the Lisbon reforms (p. 229), before the authors conclude their post-Lisbon reflections in Chapter 10. Each chapter objective is analysed thoroughly, with clear subtitles assisting the readers in understanding the substance and procedure of constitutional change from the 1950s until the present day.

The book is part of the *European Union Series* and carries the shield of approval of the Series. Since the process of constitutionalization has been a key development in the post-Cold War Europe and a prominent topic of discussion within European Studies, this book is a timely, critical and informative historical analysis of how constitutionalization has had an impact on the EU and enhances the reader's understanding of the complex interplay between the mechanisms, theories, actors and discursive dimensions of this process. The book is therefore an excellent contribution to the field of EU studies and would be very useful for academics and practitioners with an interest in the area.

The book is highly readable for two main reasons. First, Christiansen and Reh are experienced scholars in the field of European Studies, helping to open the way for further discussion and debate on the future of constitutionalization and the role of key actors in the construction of a European Constitution. This makes the book an intriguing new reflection and critique on and an indispensable reading for anyone interested in constraints and possibilities of EU constitutionalization. Second, the authors intertwine a significant range of themes, such as discourse and legal studies, which should make the book appeal to legal experts and discourse analysis scholars interested in these areas. By doing so, the book attempts to deal with a plethora of issues and shows the interdisciplinary socio-legal knowledge of the authors and testifies of their desire for deep analysis of the constitutional phenomena in the EU.

If there are any 'quibbles' with this book, it is in the fact that the authors focus on the EU Constitution, but it becomes rather confusing when referring to it as "European Constitution". As a reader, I would have preferred the authors to make an attempt to define why the Constitution should be called "European", when it only refers to an act that concerns the EU states, and not other nations who are not EU members, but define themselves as European. This could have saved the book the trouble of being criticised from this perspective. Beyond this, for more eager readers, the book chapters may seem a little short.

Overall, the book makes a valuable contribution and will be of great interest to those working on EU studies. All in all, this is a very versatile and stimulating book that ought to find a home in both the social sciences and the legal sections of university libraries. There is no doubt that future research will derive from the many important issues covered in this book.

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## Book Review

Catherine Barnard and Okeoghene Odudu, eds (2009)

### *The Outer Limits of European Union Law*

Oxford: Hart

Dimitry Kochenov

*University of Groningen*

While some legal systems rely on the denial of any actual limits to their powers whatsoever, allowing the Parliament to ‘prohibit the sun from rising’ or to ‘revoke the independence of India’, others put the limits on their powers among the most important principles of their functioning – enumerated powers of Congress or Article 5(1) EC provide perfect illustrations of this. Both approaches are inherently misleading: to pretend that there are no limits essentially amounts to the same fictitious orthodoxy as making out of the ‘limits’ a constitutional fetish. Such absolutes never work as claimed, which is easily proven by a simple fact that the sun keeps on rising every morning; by the broad interpretation of the commerce clause; and by the goal-oriented reading of Community competences. Treated lightly, any approach to the essence of the limits remains important while at the same time being unable to obstruct the successful functioning of the legal system. In speaking about the limits, flexibility is the key, unless one views Bosnia and Herzegovina as an ideal legal system.

All this makes the study of the limits of any legal system particularly important, especially when one speaks about federated legal structures like the US or the European Union. In fact, almost any issue of European law is bound to deal with the boundaries imposed on (or by) the supranational legal system in Europe. The whole story of development of this legal system, from *Van Gend*, *Costa* and *Cassis* to *Keck*, *Matinez Sala*, *Pupino* and *Tas Hagen* is a story of reinventing the limits of Europe’s reach.

A huge number of possible ‘limits’ can be outlined, from human rights limits springing from the successful blackmail/lobbying by the *BVerfGE*, *Corte Costituzionale*, and, later, the *ECt.HR* (especially in *Matthews*); to somewhat more blunt limits consisting in pure ‘sovereignty concerns’ of the Member States, who usually fail to explain how maintaining their sovereign regulation can lead to better lives led by half a billion Europeans throughout the Community. There are also territorial limits, which, like all the other rigid limits’ types, seem to be fading away rapidly with the help from the ECJ. It is only enough to keep *Hansen* and *Eman & Sevinger* in mind to see the trend. Somewhat more esoteric limits rooted in the most inflexible orthodox interpretation of a particular kind of democratic theory can equally be named – and illustrated by the ‘*certain malaise allemand*’ – the *dēmos* saga, now expectedly unpopular among scholars, which has consumed a lot of paper only to be largely forgotten (tellingly, the volume under review does not contain a chapter on this, which is a good thing).



All in all it is clear that the limits define the essence of the legal system, meaning that the study of the limits is the study of the law itself and *vice versa*. Viewed in this vein, any EC law textbook is an outline of the limits of European Law.

It is worthwhile, nevertheless, to have a book on the shelf, which is uniquely dedicated to the analysis of the 'limits' of the law, as opposed to the law as such, thus emphasising one of the essential features of the legal system and focusing on this important feature in particular. The book under review is especially attractive because of its truly magnificent collective of authors, as well as the broad range of areas of Community law covered in its quest for the delimitation of the 'outer limits of European Union law'. Indeed, if a collection assembles contributions from Weatherill, Dashwood, Dougan, Nic Shuibhne, Jo Shaw, Spaventa, Barnard and Koutrakos, among others, its success is guaranteed. Dealing with a wide array of issues from the legitimacy of the European legal order to the interpretation of Article 308 EC, the permissible scope of wholly internal situations, EU citizenship, and, even the application of EC law to the defence industries, the book is a fascinating read. In fact, although it claims to focus on the 'limits' only, it ultimately covers virtually all the main spheres of Community law. This is an excellent volume for anyone interested in the field to keep updated on all the main general developments in the law, as well as scholarly analysis of Community law issues. Well written, thoroughly referenced, innovative and broad in scope, this volume is thus a very welcome, if not a necessary, addition to the library of any EU law *aficionado*.

Criticising such books is difficult. Yet, providing a wonderful outline of EU law using the 'limits' of it as a pretext, the book could actually say more about the idea of the limits as such. Rather than a drawback, this is more of a suggestion for a possibly different set-up for another 'limits of European law' collection.

Unfortunately, in the atmosphere where any sound legal theory of European integration is missing, notwithstanding the now constant attempts to create one, it is extremely difficult to expect of legal scholarship embarking on the analysis of the limits of European law anything more than a path-dependent exercise of describing where the development of the secondary law and case-law of the Court of Justice has left us at any particular point in time. In the absence of the general theory, or a broader vision of what is to be expected of Europe, the general study of European integration unfortunately deviates from the ideal outlined by Jo Shaw in one of her works: instead of being a constructive process, it falls into the trap of detailed descriptions and cautious attempts to predict immediate future developments in a given narrow area of law and policy. J.H.H. Weiler was certainly right in describing the EU as a boat embarking for an unknown destination. In contemporary Europe, no-one, including the politicians and bureaucrats, seems to be audacious enough to formulate with clarity where this boat should be going. In this situation, it would be naïve to expect legal scholars to differ.

Yet, ideally, a much broader outline of what the limits are, what they should be, and how we get to the point where the desired limits are constructed, could become the starting point of the analysis of the limits of Community law.

Highly recommended.

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