Avoiding the 'Tyranny of the Tiny': Prospects for EU Institutional Reform from the Point of View of the Smaller States

Michael W. Mosser
Dept. of Political Science, University of Wisconsin – Madison
email: whizzo@polisci.wisc.edu

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Abstract

The current debate on European Union institutional reform, EU expansion eastward, and the voting power of the Union's smaller member states are all inextricably linked. Streamlined institutions will be required to manage the Union's expanded membership; the process in which these institutions are designed is one of immense interest not only to scholars but also to the citizens of current and future EU member states. As smaller states comprise the majority of the prospective members, it follows that they will play a key role in shaping the design of the EU's institutions. In the period immediately prior to the Nice Treaty some analysts, citizens, and decision-makers were concerned that these smaller states would create a 'tyranny of the tiny' and prevent efficient decision-making in the Union.

This paper examines the impact—both real and imagined—of the smaller states of the EU on the process of institutional reform. I argue that the current debate over institutional reform can only be understood in the context of the history of European integration, and show that the smaller states have been consciously manipulating the rules throughout the integrationist institutions' lifespans to best fit their capabilities. The ability of the smaller states to bind their larger and stronger counterparts is due to these very same rules, devised at the earliest stages of European integration. While not concurring with the view that the new smaller states of the EU will exercise a 'tyranny of the tiny,' I show that their influence on the EU's course of action is far more real than is generally imagined.

Introduction

In or soon after 2004, according to the latest estimates, no less than 10 new member states are expected to formally enter into the European Union (EU) in what has been termed by one EU analyst a 'significant' enlargement and which has prompted dozens of scholarly and popular-press articles commenting on its meaning.[1] The potential implications of this latest (and largest) expansion for the institutional makeup of the EU are staggering, to say the least. Most visibly, the Commission and the Council of Ministers will have to be reformed in radical ways to deal with the additional weight of 10 or 11 new member states. How and if the new member states will affect this process is point of contention among EU scholars.

While a number of works have recently appeared that seek to analyze the effects of the EU expansion from the point of view of the applicant states, one aspect of the potential enlargement that is often downplayed or overlooked is the dimension of *size* with regards to the applicant states.[2] To put this into perspective, *all* of the new potential member states save Poland will have populations of under 25 million people, as opposed to only 10 of the 15 member states today. When the EU completes its expansion to the fullest (EU-27), six of 27 member states will have populations of 25 or more million people, while 21 will have populations under 25 million.[3]

Once the dimension of size is considered, a new perspective on the EU's enlargement comes into focus – that the new and existing smaller states could act in concert and together could in some very rare instances 'gang up' on the larger members. In the mid-1990s, this startling realization led at least some commentators to fear what was called a 'tyranny of the tiny' in EU decision-making, a completely unnatural situation in international relations where the small would be able to exercise disproportionate power over their larger and stronger

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[1] Comments made during Peter Ludlow UW talk, April 2001. Articles include *inter alia* "Europe's Magnetic Attraction," *The Economist* 10 May 2001; Kolankiewicz, 1994; Baldwin, 1995; Leipold, 1995; Preston, 1995; Halamska and Maurel, 1996; Hughes, 1996; Inotai, 1996; 1997; Damianos and Hassapoyannes, 1997; Daviddi and Ilzkovitz, 1997; Jung, 1997; Masala, 1997; Stubb, 1997; Swaminathan, Hertel et al., 1997; Devuyst, 1998; Downs, Rocke et al., 1998; Erjavec, Rednak et al., 1998; Festoc, 1998; Freudenstein, 1998; Friis, 1998; Giering, 1998; Moberg, 1998; Prange, 1998; Raunio and Wiberg, 1998; Brinar and Svetlicic, 1999; Friis and Murphy, 1999; Pautola, 1999; Sergi, 1999; Stawarska, 1999; Svetlicic and Trtnik, 1999; Urban, 1999; Wallace, 1999; Cottey, 2000; Friis and Murphy, 2000; Inotai, 2000; Lavigne, 2000; Pollack, 2000; Smith, 2000; Spohn, 2000; Wallace, 2000; Watson, 2000; Agnew, 2001; Botcheva and Martin, 2001; Burant, 2001; Lavenex, 2001; Neunreither, 2001; Schimmelfennig, 2001; Walsh, 2001.

[2] See for example, Hafner, 1999.

[3] Of course, the 'big Six' of Germany, France, the UK, Spain, Italy, and Poland will contain a majority of the EU's citizens, with over _____ of _____ (_____ %) people located within their borders.

counterparts in important decision-making areas of important international organizations.[4] Almost for the first time, some people began to look closely at the 'power' of the smaller states of the EU in its constituent institutions (especially the Council of Ministers) and began to wonder how such a perplexing outcome came to pass.

While the post-Nice EU has adopted institutional changes[5] that go a long way toward mollifying those who believed that large state national interests would be compromised by the advent of a smaller-state numerical majority in the Council of Ministers, it is still far from clear how the EU got in such a fix in the first place. In other words, it is not well understood how the *original* smaller states of the EU were able to structure from the beginning the decision-making rules and procedures of the Council of Ministers in such a way that (theoretically, at least) they have had an inordinate amount of power.

This paper purports to explain the paradox of smaller-state power in the Council of Ministers of the EU and its implications for the next EU enlargement. It starts with an explanation of the thesis known as 'engineering influence (EI),' which holds that in international relations, smaller states *per se* have an inherent desire to protect their interests in any way they can. One of these ways is to join an international organization at its founding, giving them a chance to structure the decision-making rules of the organization in ways that best benefit themselves.

The paper then examines the EI thesis in the specific case of the EU. It briefly traces its evolution from the negotiations leading to the Treaty of Paris (the European Coal and Steel Community's founding document) and the Messina negotiations leading to the Treaty of Rome (the European Communities' founding document). It then analyzes the smaller states' influence on the Treaty of Amsterdam and the Treaty of Nice, and finally offers projections on possibilities for future smaller-state influence in the expanded EU.

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[4] Ritchie, The Herald UK, 29 January 1999.

[5] The Treaty of Nice has modified the conditions for voting in the Council of Ministers so that a 'triple test' must be passed: a simple majority of Member States, and a dual condition of between 71% and 74% of all weighted votes which must represent at least 62% of the Union's population. See speech to Harvard Law School by Dr. Günter Burghardt, Ambassador, Head of the European Commission Delegation to the United States, 21 March 2001 (available online at http://www.eurunion.org/news/speeches/2001/010315gb.htm).

'Engineering influence:' A brief overview

The smaller states of the European Union are not unusual in their desire to maximize their influence in international relations through international organizations. We can hypothesize the behavior of smaller states *qua* states and posit that, much like their larger and stronger counterparts, smaller states will seek to realize their interests in international relations through whatever means they have at their disposal, traditionally through alliances but also through the relatively new form of international relations known as formal international organizations. The EU is such an organization, despite its many unique characteristics.

Building on the work done by Joseph Grieco in his development of what he calls 'voice opportunities' theory with regard to smaller states, I posit that these states do in fact take advantage of larger and/or more powerful states when they can. They can in effect 'punch above their weight' by consciously and purposefully creating and then manipulating the rules of nascent international organizations to best fit their capabilities. I call this strategy 'engineering influence.'[6] Moreover, I posit that an organization's lifespan follows a path-dependent course in which early choices (e.g., those surrounding the decision-making rules of an organization) make some future choices more attractive and others less attractive or unavailable. If smaller states are able to implement favorable decision-making rules at the organization's outset, they can capitalize on its path-dependent course and lock-in the benefits they receive from those rules. In essence, what begins as a self-serving security measure by smaller states makes it all the more difficult for *any* state to change these rules at a later point in time.

Engineering influence is a generalizable thesis, and is not limited to the study of the European Union. Though it purports to explain smaller-state behavior in international organizations, it is not an explanation of smaller-state behavior per se. Rather, EI looks at the organizational atmosphere in which smaller states embed themselves and asks what it is about that atmosphere that allows them to (possibly) exert more influence than they otherwise would be able to do. Essentially, what I am trying to explain with the EI thesis is a 'least likely' case: the ability of the smallest member or participating states in an international organization to influence their larger and stronger counterparts.

[6] The term 'engineering' is deliberately used here to connote a conscious and purposeful strategy of smaller-state institution-building that expressions such as 'exerting' or 'exercising' do not convey. Indeed, one way in which

To understand influence engineering, it is necessary to merge core realist premises with the institutionalist demand that institutions 'matter' into something I call 'institutional realism.' Institutional realism maintains realism's core assumptions regarding state interests but posits that institutions and norms can be instrumentally used just as any other tool in a state's possession. Institutional realism in effect provides a lens by which to examine smaller states in international organizations, which is a far different setting than on their own in the international states system.

Institutional realism also considers the changes in institutions over time, or their ability to resist change by constraining the behavior of the (rational) actors involved by 'locking in' certain choices and 'locking out' certain others. This is a key facet of institutional behavior that is overlooked by rational choice institutionalism but which is a core component of historical institutionalism, which emphasizes historical processes and 'path dependence.'[7]

Historical institutionalism notes that institutions are very much the product of their environment, unlike realist and neorealist accounts which posit that the effectiveness of institutions depends heavily on the structural characteristics of the system in which they are embedded.[8] Given the correct environment, it may be possible that the formal institutions and informal norms that may allow smaller states to influence stronger states in international organizations are the product both of underlying structural factors as well as on previous decisions taken by actors within the organization.[9] These previous decisions, especially those taken at the earliest phase of an organization's life, set it on a path dependent course, where some future choices are made more attractive and others less so.[10]

In keeping with its path dependent nature, the EI thesis depends on finding 'critical junctures' in the lifespans of international organizations at which time the smaller members have an opportunity to exercise disproportionate influence. These junctures are doubly important, for not only do they present influence engineering opportunities for the smaller member states at that particular point in time, but they also lock in these advantages throughout the organization's lifespan. To determine why it is that the smaller member states of the EU have the

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Webster's dictionary defines *engineering* is 'maneuvering or managing,' which is precisely the implication I wish to draw in this study.

[7] See *inter alia* Skocpol, 1984; Arthur, 1989; Dunlavy, 1992; Immergut, 1992; Steinmo, Thelen et al., 1992; Watson, 1992; Weir, 1992; Strickwerda, 1993; Zysman, 1994; Pierson, 1996; Goldstone, 1998; Thelen, 1998; Thelen, 1999.

[8] Thelen, 1999.

[9] Previous decisions, though not deterministic of future actions, help to constrain member states' future decisions through 'lock in' effects. See David, 1985; Krasner, 1988; Arthur, 1989; Pierson, 1996.

[10] Pierson, 2000.

disproportionate power in the Council of Ministers that they possess, we must go back in time to the original Treaty negotiations and find the critical junctures.

Each of these theoretical underpinnings help to explain the case of the peculiar power of the smaller states of the European Union. Taken together, these foundational premises serve to better illustrate the behavior of the smaller member states at the Amsterdam and Nice summits. The EI thesis predicts, for example, that the smaller states of any international organization would prefer a decision-making rule in which they have the ability to stymie larger and stronger members merely through threatening to withhold consensus or veto a proposition. How well does the thesis explain the early actions of the original smaller states—the Benelux countries—at two formative periods in the EU's history—the Paris and Messina negotiations leading to the ECSC and the European Communities, respectively? And what does it tell us about the likelihood that the new smaller states will be able to exercise any influence once they have joined? Though a full and thorough examining of the role of the smaller states in these important early stages of the EU is outside the scope of this paper, it is nevertheless worthwhile and important to at least touch on the concerns of the smaller states in these negotiations and how these concerns became manifested in various aspects of the Treaties of the ECSC and EEC.

Application of the EI thesis to the early European institutions (ECSC and EEC):

The smaller states and the Treaty of Paris negotiations

The European Coal and Steel Community (ECSC) was the forerunner of the European Union in many important ways, not least in the relationship between its larger and smaller member states. Its history is well-known and only the barest reprise is necessary here. Jean Monnet and Robert Schuman together decided on a *dirigiste* model of European integration in the important economic sectors of coal and steel not merely because integrating these sectors was seen as the way to brink Europe out of the chasm of post-war economic hardship Most scholars of the organization, however, choose to focus more on the admittedly groundbreaking economic

aspects of the ECSC and less on the internal politics and struggles that encompassed its formation.[11]

Despite its rather anodyne name and economics-driven function, 'politics' in the classic sense of the word surrounded the creation of the ECSC, especially in the context of institutional design. These issues were a very large part of the struggle over the composition of the ECSC, and the three smaller prospective members fought hard to ensure that institutions that would serve to protect their interests would be included in the final makeup, despite rumblings of protest from their larger and stronger partners.

Their contemporary portrayal as unerring friends of Commission-led European integration notwithstanding, the three original smaller states of Belgium, the Netherlands, and Luxembourg were firm believers in the need for institutions within the nascent ECSC to protect their interests *as nation-states*. Among the three existed a continuum along which their preferences for achieving this aim lay, and early in the Paris negotiations the Benelux countries made their preferences known. Belgium favored equal representation on the supranational High Authority, while for its part, the Netherlands preferred the 'statist' solution of some sort of Council of Ministers and Court of Appeal.[12]

In the earliest stages of the negotiations it was far from clear that there would such a statist solution to protect the interests of the member states. In a wide-ranging and important working document submitted by the French delegation to the Paris negotiations in late June 1950 devoted to fleshing out the makeup and institutions of the skeletal outline provided by the Schuman Plan of 9 May, a great deal was made of an institutional "check on the powers of the Authority." This check would take the form first of a Common Assembly, directly elected by the respective national parliaments of the member states, and second a "system of appeal" of a second reading and later a court of arbitration. There was no mention at this early stage of a Council of Ministers, nor is there any sense in the correspondence among the French delegation that they were thinking at all along these lines.[13]

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[11] On the economic histories of the ECSC, see Krotki, 1987; Teague, 1989; Eichengreen, 1994; Barbezat, 1995; Ferner, Keep et al., 1997; Dudley and Richardson, 1999. For a history that takes into account the internal politics of the time, see the classic work by Spaak as well as that of Spierenberg and Poideven, 1994. See also the more traditional history by Aspinwall, 1995.

[12] Westlake, 1999:2.

[13] HAEC/PU/26, "Summary of the Working Document Submitted by the French Experts," 27 June 1950, p.1.

In other documents, it becomes clear that the three smaller original states, especially Luxembourg but also Belgium and to a lesser extent the Netherlands, were concerned that the proposed High Authority might exceed its mandate. They sought clear language in the Treaty that would circumscribe the duties and powers of the Authority to strictly the realm of coal and steel.[14] It was the smaller states—particularly the Netherlands—who early on in the Paris negotiations realized that a supranational institution like the High Authority could be in many instances far worse for them than an institution where they had some sort of oversight capacity. This point is brought home forcefully by Jürgen Trumpf, German diplomat and former Secretary General of the Council of Ministers who notes in his foreword to the major study in English on the EU's Council of Ministers: "During the negotiations leading up to the Paris Treaty it was the smaller states—Belgium, Luxembourg, and the Netherlands—who insisted that there should be some state-based counterweight to the revolutionary concept of a supranational High Authority."[15]

The smaller states, then, even from the very beginning of the European integration endeavor, saw the need for some sort of state-based institution to protect their interests. Despite their enthusiasm for the project as a whole, they realized that the supranational High Authority would still have to deal with nation-states, one of which (Germany) had in the past 30 years launched two horrific wars against the rest of Europe (and the world). They sought to invest the institutions of the ECSC with safeguards to protect their interests, and continued to do so in the ECSC's successor, the European Economic Communities.

The Messina negotiations

Like the negotiations for the ECSC, those surrounding the EEC comprised an essential critical juncture for the smaller three states of the original Six. The negotiations for the Treaty of Rome, conducted in the Sicilian port city of Messina in 1957, were in some ways as different from the negotiations leading to the Treaty of Paris as the two treaties were themselves. By the time of the Messina negotiations, the Six had seen the realization of Monnet's European vision in placing the economic sectors of coal and steel under the control of the High Authority. They had

[14] HAEC/PU/21, "Conversation sur le Plan SCHUMAN; Discussion de l'Article 30"
[15] Westlake, 1999:"Foreword."

also witnessed the defeat of an expanded form of that vision in the failure of the European Defence Community in the French Parliament.

After the ECSC had been created and its member states had had a chance to analyze both the effectiveness of the High Authority and their ability to maintain their preferences within the organization, feelings regarding the need for a stronger statist 'watchdog' to guard against possible excesses of the supranational Commission emerged. In the Messina negotiations leading to the Treaty of Rome, which would create a supranational organization with a scope far larger than the ECSC, the Six again discussed the need for an institution which would protect member state interests against the possibility of creeping supranationalism. Paul-Henri Spaak, the Belgian representative to the Messina Conference and a major figure in the early European integration movement, spoke of Benelux cooperation in the Messina conference in the following terms: "Throughout the conference, I remained in constant touch with Bech and Beyen. We maintained full agreement and joined forces to make sure of attaining our aims. The result surpassed our expectations."[16] This quote would seem to indicate that there was some agreement among the three foreign ministers as to the direction the Benelux countries would take in the negotiations.[17]

But unanimity in establishing a position for negotiation does not necessarily mean favoring unanimity as a decision-making rule. Spaak's personal views just such a topic provide an interesting counter to the EI thesis that smaller states should prefer unanimity or other decision-making rules which preserve their right of veto. He notes that, with regard to the Treaty of Rome:

> I am thinking, above all, of its supranational character. There has been a great deal of talk about this particular aspect of it – an essential feature inasmuch as it implies the abandonment of the absurd rule of unanimity. This rule, which requires that all decisions be taken unanimously, is the plague of international organizations and the cause of their partial paralysis....
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> The authors of the Treaty of Rome were aware of these dangers. They held that the will of the majority should as a rule prevail and that unanimous decisions should only be mandatory in exceptional circumstances. This was a major advance, the importance of which was further enhanced by the application of the 'weighted vote.'[18]

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[16] Spaak 1971 p.227.

[17] Despite the connotations of unity that the name 'Benelux' conjures up, the three states were not necessarily three parts of the same whole. Each was still a fully independent sovereign nation-state, with varying degrees of 'Europeanness' and nationalism to contend with at home. Of the three, the Netherlands was generally considered to be the most 'state-centric,' while Luxembourg and Belgium were seen as more 'European.'

[18] Spaak 1971, pp. 250-251.

This begs the question: was the Benelux cooperation in the Messina negotiations merely instrumental? Was there no larger purpose beyond securing a seat at the Council, a Council which was designed to vote in many instances according to the decision-making rule of qualified majority voting (QMV)?

Insofar as the archival evidence exists to answer this question, the answer seems to be an equivocal 'yes.' Smaller-state preference orderings in the earliest stages of the negotiations for the Treaty of Rome were surprisingly close to that of the larger members: the reduction of the power of the Commission and the subsequent increase in the power of the Council of Ministers and its related subsidiary bodies like COREPER.

But we must not forget the most important facet of the EI thesis: the enshrinement of decision-making rules in the international organization's founding charter, document, or treaty. The EI thesis predicts that smaller states will push quite hard to make it difficult to change the decision-making rules of the organization itself (what I call the 'meta-rule' of the organization). If this holds true in the EU, we should expect to see a decision-making rule for changing the founding document (the Treaty of Rome) that requires at the very least a consensus among all the member states, and more likely than not some sort of unanimity.

This is indeed the case in the EU. Unanimity is still the decision-making rule in Treaty changes, one of the 'exceptional circumstances' mentioned in the Spaak quote above.[19] Articles 235 and 236 of the original Treaty of Rome concern the decision-making rule involved in making Treaty modifications. According to Article 235, the Council may, acting on a proposal by the Commission and after consulting with the European Parliament, take any appropriate measures to further the aims of the Treaty via a unanimous vote. Article 236 specifies the actual Treaty-changing mechanism: any member state or the Commission may submit to the Council a proposal for a Treaty amendment. If a simple majority of the members of the Council agree that the Treaty must be changed or amended, an intergovernmental conference is called and Treaty changes are discussed. According to Article 236, "the amendments shall enter into force after being ratified by all the member states with their respective constitutional requirements."[20] This

[19] Another exceptional circumstance may be any area in which a member state declares a 'vital interest.' This loophole in the decision-making rules of the Union has been used at least twice in famous circumstances: the French 'empty chair' crisis of 1965 leading to the Luxembourg Compromise (ironically enshrining the use of unanimity as a decision-making rule for everyday decisions) and the British policy of voting 'no' on every issue that came to the Council of Ministers in 1997.

[20] Treaty of Rome, article 236. See also Kuosmanen, 1998:70 and Westlake, 1999, esp. Chapter One.

was different from the Treaty of Paris, where Article 96 (later repealed) required a two-thirds rather than a simple majority to call an IGC (at the time called a 'conference of representatives'). The unanimity requirement for approving Treaty amendments remained in place.[21]

Insofar as any documentation exists surrounding the preferences of the member states as to the insertion of unanimity as the decision-making rule for making Treaty amendments, it is far from clear that only the smaller states wished for it. France, for instance, saw the principle of unanimity as safeguarding its national interests. Furthermore, the idea that all member states would have to agree to change the basic operating tenets of the international organization was not a new one with the Coal and Steel Community or the European Economic Community: other international organizations such as the United Nations and the Conference on Security and Cooperation in Europe (CSCE) require at least consensus, if not unanimity, to change the founding documents of the organization. Thus it was not controversial for the principle of unanimity to be adopted as the meta-rule for changing the Treaty. What is important to remember with the principle of unanimity as a meta-rule is that once it is in place it is quite difficult to change, a fact which the EI thesis predicts smaller states will use to their advantage.

How did the increasingly intergovernmental EEC, with many of its institutions put in place at the insistence of the Benelux countries, go over with the 'father of Europe,' Jean Monnet? Monnet's grand vision for an increasingly supranational European organization had by this time suffered through the defeat of the EDC and EPC in the French Parliament in 1954. But he was still fighting the battles with the various ministers with regard to the separation of power between the Council of Ministers and the Commission (the successor to his beloved High Authority). An anecdote taken from a transcript of a dinner party attended by Monnet and other European luminaries in December 1952 reveals the bitterness with which Monnet acquiesced to the ascendance of the Council:

> In the course of a dinner offered for M. Erhard, outgoing President of the Council, it was remarked with regard to the birth of the ECSC that "...the baby will grow." To which M. Monnet responded, "The baby will grow more quickly if one does not wait for it, because it will choke the father." "But you are the father," countered M. Bech. "Not I, you others, the six Ministers for the Council," countered Monnet.[22]

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[21] Treaty of Paris, article 96.

[22] JMDS 79, "Legation de Belgiuque Lux, 6 décembre 1952." (Memo from Vicomte Berryer to Foreign Affairs Minister Paul von Zeeland, 6 December 1952). Translated by the author.

In so many words, Monnet told them that they deserved what they got. And until the most recent Treaty negotiations, the smaller states were quite happy with this state of affairs.

Recent Developments in the EU: the Amsterdam and Nice negotiations

The Amsterdam negotiations

Two things happened at Amsterdam with regard to smaller states and decision-making rules and procedures (and institutions). First, reform in the Council of Ministers (in the form of reweighting votes) was put on hold at Amsterdam after smaller-state recalcitrance. Second, the smaller states of the Union insisted at Amsterdam that they would never give up their Commissioner. Each of these points will now be discussed at some length.

The IGC that decided the Treaty of Amsterdam was long, involved, and contentious. It took a full two years for the Treaty to work its way from detailed reports from each of the Union's institutions to the signature by the 15 heads of state and government on 2 October 1997. The 1996 IGC was also unique in that it had what was called a 'Reflection Group' devoted entirely to an in-depth analysis and study of the problems faced by the Union after Maastricht and potential solutions via the upcoming treaty.[23]

In February 1996, as it does with every IGC leading to a potentially new Treaty, the Commission adopted its opinion on the IGC. According to Michel Petite, a Commission official and someone who was very close to the entire IGC process, the Commission's opinion at this early was remarkably similar to what would actually transpire in the Treaty in many areas: social policy, employment, justice and home affairs, and others.[24] But there were some key areas where the Commission's opinion and the end result in the Treaty are widely divergent. These areas are exactly what the EI thesis would predict: areas of national concern (especially concern to the smaller member states) such as the areas to which QMV should be extended; the number of Commissioners in an expanded Union; and (perhaps most contentiously) the reweighting of votes in the Council of Ministers.[25]

As the IGC proceedings moved forward, it became increasingly clear that visible differences were emerging between the member states and the Commission and among the

[23] Petite, 1999:1.
[24] Petite, 1999:2.
[25] Petite, 1999:2. See also Raunio and Wiberg, 1998.

member states themselves as to which proposals stood a chance of getting placed into the new Treaty. France, for example, felt strongly that QMV should be maximally extended, but did not see this goal as necessarily leading to a greater degree of Community (rather than member state) control. Germany, for its part, revealed the limitations of trying to negotiate a treaty at the supranational level while being forced to deal with the demands of its powerful Länder.[26] Bobby McDonagh, a delegate from the Irish delegation whose recollection of the IGC provides a fascinating insider's look at the process by which negotiations among member states were conducted, notes that "...*in practice* when it came to identifying articles to which QMV might be extended there was scarcely a single article in relation to which there was consensus—even among the 14 member states other than the UK—that QMV would be appropriate."[27]

In the end, the Amsterdam Treaty satisfied few of the critics of the Maastricht Treaty, especially in the areas of institutional reform. Much of the potentially groundbreaking articles were left on the cutting room floor, as it were.[28] The Council of Ministers, for example, was hardly reformed at all, despite clear warnings from the Commission that some sort of reform would be absolutely necessary before any enlargement to the Union would take place. In the area of an extension to QMV, while most of the new articles of the Treaty were included under QMV, only questions concerning the research framework program were to move from unanimity to QMV. According to Petite, "[t]his falls far short of the original objective and may legitimately be regarded as the main failing of the Amsterdam Treaty."[29] How does this assertion relate to the EI thesis?

One of the basic tenets of the EI thesis is that smaller member states of an organization will fight to resist change in decision-making rules that will dilute their influence in a decision-making body of the organization. With regard to reweighting of votes in the Council of Ministers, this premise bears out. Reweighting had been a political issue almost since it was first considered at the 1993 Brussels European Council. The issue was further complicated by the 1994 Ionannina Compromise, in which it was decided not merely that "where members of the Council who together represent 23 to 25 votes state their intention of opposing adoption of a Council decision by a qualified majority, the Council will do all in its power to obtain a

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[26] Petite, 1999:3.
[27] McDonagh, 1998:156 (emphasis in original).
[28] See Peter Ludlow's excellent series of articles on the Amsterdam Treaty's limitations for more on this feeling among Community scholars.

satisfactory solution...." but also that "the Ionannina Compromise entails an agreement by the Member States that the 1996 Intergovernmental Conference will consider the reform of the institutions and re-examine the number of votes required for a qualified majority."[30] The Corfu European Council of 1994 confirmed the Ionannina Compromise and set up the Reflection Group to prepare the way for the IGC, but made no decisions on its own with regard to the delicate subject of institutional reform.[31] The ball was further passed at the Cannes European Council of June 1995, where it was decided that institutional reform should be made a 'priority' in light of the upcoming expansion, but also (perhaps foreshadowing the disappointment that would arise with the failure of the Amsterdam Treaty to deal with these issues) that the Reflection Group should begin to consider "...the advantages of seeking 'improvements' in the working of the institutions that do not require any amendment to the Treaties and can thus enter into force without delay."[32]

McDonagh speaks of the feeling among some member states at the 1996 IGC regarding the need to reweight votes in light of the upcoming expansion in this way:

> ...some more populous Member States...expressed the fear that this situation [the distortion in voting produced by the previous expansions] would be exacerbated by the prospective entry to the Union of several more small and medium-sized states, and that the progressive reduction in the proportion of the Union's population necessarily represented by a qualified majority of Member States would affect the legitimacy of the Union's decision-making process.[33]

Two solutions were proposed at Amsterdam, and despite the claims by Petite and Kuosmanen that there does not exist any division between small and large in the EU, and McDonagh's assertion that "the small and medium-sized Member States...do not act as a group and derive no particular benefit from the accession of other such states,"[34] there was indeed a cleavage among large and smaller member states as to which formula ('dual-majority' or simply giving larger member states more votes) would be chosen as the basis for expanding the number of votes. Dual-majority, i.e. adding a demographic criterion to the current system, would have been favorable to the smaller states as it was a more 'equitable' solution, but the idea of simply

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[29] Petite, 1999:23.

[30] "Summary of Positions of the Member States of the European Union with a View to the 1996 Intergovernmental Conference: Provisional Version on the Occasion of the European Council of Madrid," Third Update, Luxembourg, 8 December 1995. Available online at http://europa.eu.int/en/agenda/igc-home/parlment/position/index.html.

[31] In addition to reweighting of votes, institutional reform also encompassed the reform of the Commission and the extension of QMV. McDonagh calls this the "'triangle' of sensitive institutional reforms" (p.155).

[32] "Summary of the Positions of the Member States of the European Union."

[33] McDonagh, 1998:157.

giving larger states more votes was dead on arrival among the smaller states.[35] In the end, however, neither formula was adopted because of the linkage of the weighting issue with the other 'hot button' issue for smaller states: the number of Commissioners in an expanded Union.

The Commission, despite its reputation among some member states as a 'Directorate' overseeing European integration with little regard for their interests, is seen in quite a different light by smaller member states. Smaller EU states see the Commission as a vital protector of their welfare, despite the oath that Commissioners take to abandon their national interests for 'European' ones. And so, when France put forth a proposal to shrink the size of the Commission to provide for increased efficiency in an expanded Union, the smaller member states were outraged. They could not countenance a reduction of Commissioners, especially if 'theirs' would be one of the ones sacrificed. What is more, the applicant states also objected to this proposal on the grounds that they deserved a Commissioner as much as any long-standing member state.[36]

The EI thesis would predict that smaller states would want to preserve their disproportionate power in whatever ways possible.

Does this have anything to do with a realization by the smaller states of the EU that they were acting in some sort of solidarity with each other as smaller states? In other words, do smaller states act on the basis of the principles behind engineering influence?

They do not, according to McDonagh and at least one highly-placed Commission official, a member of the Reflection Group charged with preparing the 1996 IGC and thus highly knowledgeable of the divisions and areas of common accord among the member states. He states unequivocally that while there are a number of cleavages in the modern European Union, a cleavage surrounding the issue of state size does not seem to exist.[37]

In fact, this official notes, the 'Tyranny of the Tiny' is a complete fabrication, a "mythology" and a "invention." *Size* is not the salient variable here; rather, *numbers* is the correct dimension on which to focus. It is much easier to agree at six than at 15, and easier at 15 than 27. Reweighting thus becomes a hugely important issue not because the majority of new states coming in will be small or at best medium-sized, but rather because the existing

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[34] McDonagh, 1998:157.
[35] Petite, 1999:24. See also the position papers of each of the Benelux countries with respect to the 1996 IGC, in which each state affirms its belief in the dual-majority concept.
[36] Petite, 1999:25.
[37] Interview with Michel Petite, Brussels, 17 December 1999. See also McDonagh, 1998.

institutional machinery will grind to a halt when there is the least bit of disagreement among the ministers, no matter what the size of the country they represent.

On reweighting of votes, the Commission had done a study looking back at the three-year period between Amsterdam and the Helsinki summit in which it found that even if reweighting had gone through in the manner proposed at Amsterdam, there would have been no change whatsoever in the final measures passed by the Council of Ministers. At Amsterdam, it was clear that reweighting was very much a political, rather than a practical, problem.[38]

Another EU official, this time a Director of the Council of Ministers, generally concurs with these opinions. He also notes that the small-state large-state cleavage generally does not exist in the EU, and only in matters on decision-making rule and Treaty changes do smaller states behave differently than the larger states.[39] This last statement is, however, exactly in keeping with the tenets of the EI thesis, as smaller states have a limited supply of political capital to expend and prefer to utilize it where it will do the most good.

On the matter of unanimity versus QMV, smaller states generally prefer expansion of QMV into areas not originally covered by the Treaty. Consider the positions taken by the original three smaller states during the 1996 IGC. Belgium, in its position paper with respect to the 1996 IGC, states quite plainly that "The Belgian Government also favours maintaining European integration on a Community, not intergovernmental, basis, arguing that the Community method is a better way of reconciling efficiency through majority decision-making with effective protection against the abuse of power."[40] Furthermore, the position paper calls "...for the Council to take its decisions by a qualified majority as a general rule."[41] It notes with regard to Article 235 that "it opposes any tendency to misuse Article 235 as a way of taking decisions by a unanimous vote on subjects for which the Treaty specifies a qualified majority."[42] Finally, the paper notes that "on the weighting of votes in the Council, the Belgian Government

[38] There are a number of caveats to this assertion, of course. The most obvious is that by the time a measure comes to the Council for a vote, it will have been vetted by COREPER. Measures that are unlikely to pass rarely make it pass COREPER. See Jeffrey Lewis' excellent *JCMS* article on COREPER.

[39] Interview with Antti Kuosmanen, Brussels, 16 December 1999.

[40] "Belgium's Position with Respect to the 1996 IGC," Luxembourg, 8 December 1995. Available online at http://europa.eu.int/igc-home/ms-doc/state-be/positn.html.

[41] Belgian position paper.

[42] Belgian position paper. Article 235 became Article 308 in the Consolidated Treaty and reads "If action by the Community should prove necessary to attain, in the course of the operation of the common market, one of the objectives of the Community and this Treaty has not provided the necessary powers, the Council shall, acting

considers that in the course of enlargement...the possibility of weighting of votes should be considered, for example by a slight increase in favour of the large Member States."[43] The Netherlands, for its part, said the following regarding reweighting of votes:

> A reasonable balance should be struck between the voting strengths of the large, medium-sized and small Member States. Two alternatives for increasing voting strength for large countries are, the double key option or allocate extra votes to larger countries. The government prefers further examination of the double key option. The government will oppose the continuation of the Ionannina Compromise.[44]

On the face of it, this is quite the opposite of what the EI thesis would lead us to expect. But a closer reading of the position paper with regard to institutional matters finds the following assertion: "Unanimity should only be required to amend the Treaty, the language system, and accession....It opposes upholding the Ionannina Agreement designed to lower the threshold for vetoing a decision adopted by a qualified majority."[45] The Netherlands also subscribed to this view, seeing unanimity as the proper decision-making rule for "...matters relating to taxation, the decision on own resources, and decisions of a constitutional nature concerning reform of the Treaties, use of language, and accession."[46] Finally Luxembourg, while admitting that "the extension of qualified majority voting in the Council is necessary," also noted that "...unanimity should continue to apply to all subjects which closely affect the sovereignty of the Member States...."[47]

Thus all three orignal smaller member states appeared willing in the 1996 IGC to abandon some of the sacrosanct principles of sovereign equality in order to further European integration. But if we examine their positions on the possibility of giving up a Commissioner in order to increase the efficiency of an enlarged Union, especially with the position paper of Luxembourg, we see a more defensive posture:

> First of all, equal status must be maintained for all Member States and all citizens of the European Union...which means that all Member States should be

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unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures."

[43] Belgian position paper.

[44] "Memorandum of the Netherlands government 'Institutional Reform of the European Union' Summary: Task Force IGC '96, European Commission" 12 July 1995. Available online at http://europa.eu.int/en/agenda/igc-home/ms-doc/state-nl/nlinsti.html.

[45] Belgian position paper.

[46] "The Netherlands position with respect to the 1996 IGC." Available online at http://europa.eu.int/en/agenda/igc-home/ms-doc/state-nl/positn.html.

[47] "Luxembourg's position with respect to the 1996 IGC." Available online at http://europa.eu.int/en/agenda/igc-home/ms-doc/state-lu/positn.html.

> on an equal footing as regards participation and involvement in the Union's decision-making process. Accordingly, each Member State must be represented in all the Union's institutions.[48]

The reason for this, in any case according to Petite, is that smaller states have "always been more federalist in orientation" and do not fear a more federal EU at some point in the future.[49]

Does this spell doom for the EI thesis? If its purported proponents are ignoring the most basic tenets of the thesis, can we do anything but set it aside as a failed means of analyzing smaller states in international organizations?

Again, not necessarily. Remember that smaller states are still states; they are still atomistic actors looking out for their own interests first and foremost and willing to use whatever means they have at their disposal to protect those interests. Unanimity can be a very difficult weapon to use effectively; refusal to cast one's vote in favor of an important proposition can be likened to a state's diplomatic 'nuclear option' in the sense that there is no going back once a 'no' vote is cast. In areas where invoking unanimity would do more harm than good, it is highly plausible that smaller states feel no compunction whatsoever in abandoning it, and willingly go along with the consensus to move to a more 'fair' weighted vote. But in areas where national interest runs high, such as tax policy for Luxembourg or institutional matters such as a change in the *number* of votes each state will receive in the Council, the decision-making rule is still unanimity and the prospects for the use of the veto are much better.

The Nice negotiations

If the Amsterdam negotiators had the luxury of time in debating changes to the 'strategic triangle' of sensitive institutional questions—reweighting, reduction of the size of the Commission, and extension of QMV to new areas—the negotiations that led to the Nice Treaty of December 2000 were much more driven by the political reality of a Union expansion drawing ever nearer. The institutional reform questions had been handed off at Amsterdam to the next IGC (the start date for which was inserted into a Treaty for the first time) with the expectation that they would be tackled at this future date.

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[48] Luxembourg's position paper.

[49] This is not merely confined to smaller states, of course. See the section later in the paper regarding Germany's Foreign Minister Joschka Fischer's speech on his personal vision for a more federal Europe.

The 2000 IGC was that future date, and the negotiations surrounding the institutional questions were every bit as contentious as was expected. Also as expected (and much like Amsterdam), the smaller states of the Union fought hard to keep their institutional advantages.[50] Unlike at Amsterdam they were unable to keep the momentum on their side and in the end were forced to give concessions to the larger states of the Union. Despite smaller state reluctance, larger states still won out in the end in terms of institutional reform.

The Nice Treaty is still too recent for a complete and thorough analysis, but some basic patterns in its negotiations with respect to the EI thesis can be discerned. First, Commission reform now looks much more like the plan originally envisioned by the larger states at Amsterdam. Near the end of the Nice Summit, the smaller states agreed to a plan brokered by the French that would cap the number of Commissioners at 27, force the larger states to give up their second Commissioner in 2005, and rotate Commissioners among the 27 member states after the EU's maximum expansion. This was a major defeat for the smaller states, who had argued vociferously against their giving up any of the Commissioners.

Reweighting of votes in the Council, long the smaller states' last line of defense, was accomplished along the lines envisioned by the larger states, despite Belgium's public threat to walk out of the negotiations (in effect causing the whole thing to fall apart).[51] In an interview conducted only a few weeks before the 2000 IGC was to begin, Antti Kuosmanen noted that the larger member states have been pressing since Amsterdam to correct the perceived imbalance in the voting weights in the Council of Ministers. He personally felt this was a "troublesome" development, as it may be a symptom of an eroding consensus among the member states.[52]

And indeed, during the 2000 IGC, the faux(?) solidarity between the smaller states finally began to crack. A long-running, simmering dispute between Netherlands and Belgium over relative weights in the Council finally boiled over. Breaking ranks with its smaller-state counterparts, the Netherlands sided against Belgium and with the larger states so that it could get one more vote on the Council than Belgium, which has a similar population and which has always had the same number of votes. This is in keeping with a longstanding Netherlands

[50] IGC-2000 related documents from Benelux and from the Dutch on their own confirm that these smaller states at least tend to see the dimension of size as still relevant to their EU policy.

[51] The Belgian Prime Minister kept the other negotiators around the table until 2 a.m., in the end accomplishing very little besides aggravating the others to such an extent that the very decision-making rules of the Council were debated. See the fascinating partial transcript of the negotiations in *The Economist*, February 2001. See also "Grueling EU summit hits moment of truth," Reuters, 10 December 2000.

tradition of seeing itself as a larger power than it really is. But it may have affected smaller-state chances at engineering influence for the future.[53]

Originally, and in their position papers, the smaller states of the EU almost unanimously wanted the dual majority option for reweighting the votes in the Council of Ministers. As noted previously, the dual majority would require not just a majority of member states to vote for a decision, but also that the population of those member states must be greater than half of the Union's 350 million people. This complex procedure was seen by the smaller states as a safeguard against Germany and two of the other three larger states (Britain, France, and Italy) 'ganging up' and blocking decisions supported by the smaller states.

As far back as October 1999 in the Dehaene report, it was clear that modification of decision-making institutions was absolutely necessary. Recognizing the politics behind such a reform, however, the report noted that reforming the relevant institutions *without Treaty changes* was the more realistic option.[54] We may surmise that this language was included because of the prospect of never seeing any institutional changes if Treaty modifications were necessary, as unanimity applies to Treaty modifications and as seen at Amsterdam the smaller states were able to block the reforms by tacitly threatening vetoes on these issues. But what the EI thesis did not take into account is the possibility of a break in the line of smaller states, where one or more of these states stops acting as a smaller state *per se* and instead acts on its interests in another area. If the dimension of size is taken out of the equation by the smaller states themselves, the EI thesis loses its predictability.

On the extension of QMV, the third axis of the triangle outlined by McDonagh, Nice saw major changes, but like Amsterdam the national veto was kept in important areas like tax policy and other issues where a 'vital national interest' was at stake, such as cinema policy in France.[55]

It is still too early to say what effect the Nice negotiations will have on future IGCs and Treaties. But it is clear that the nation-state is far from dead. It is also clear that the EU is struggling to define itself along the continuum between intergovernmentalism and supranationalism, and that with enlargement the larger states are seeking to make use of their

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[52] Interview with Antti Kuosmanen.
[53] It was this maneuver by the Netherlands that so incensed the Belgian Prime Minister.
[54] Dehaene report to the Commission, October 1999.
[55] Taxation was kept subject to a veto at the insistence of both the UK and Luxembourg.

size for the first time.[56] Kuosmanen notes that if the EU is in fact a rule-based organization, size should not be an argument in factoring influence. But now, fifty years after its founding, the larger states want a change in the way the decision-making rules are organized. This may be a sign of the times, a sort of generational shift. The leaders who organized the EU and the generation that followed are now gone.[57]

The future of EI: enlargement and the new EU

In 2004, barring unforeseen circumstances, the EU will begin to undertake its next enlargement. Of the applicant countries, every potential member state except Poland and Romania is a smaller state. In terms of GDP, all the new member states are smaller states, with only Slovenia, the Czech Republic, Slovakia, and Hungary having GDPs anywhere close to the EU average, even at purchasing power parity (PPP).[58] The applicant states are also new (or recently reacquainted) to the traditions of Western European-style representative democracy, and their ability to fully and successfully implement the *acquis communitaire* is in some doubt.

In terms of the engineering influence thesis, with its emphasis on the formal rules and decision-making procedures of an international organization, the smaller states of the EU are in a *theoretically* much stronger position vis-à-vis their counterparts than their GDP and population would imply. But, as we have seen in the most recent behavior at Nice, the thesis depends on a solidarity of action and feeling among the smaller states of an international organization that may not exist any longer (if it ever did).

Intriguingly, however, despite the apparent setbacks at Nice, the smaller states of the Union are still in a much better position to maximize their influence potential than on their own in international relations or in other international organizations. But we must reconsider our notions of the EU as a zero-sum arena where advantages gained by one state or group of states, or institution necessarily leads to losses taken by other states, groups of states, or institutions. As Kuosmanen notes, there are two conflicting principles in the EU: the rule of law and the sovereign power of states.[59] Originally, owing to their birth in the crucible of the aftermath of World War II and the desire to avoid another such conflagration, the precursors to the EU were

[56] See the most recent works by Moravcsik for more on this continuum, especially Moravcsik, 1998.
[57] Kuosmanen interview.
[58] *Economist* survey of EU expansion, 19 May 2001, p.4
[59] Interview with Antti Kuosmanen.

designed to make the former more ascendant over the latter. To do so meant enshrining both the principles of sovereign equality and its attendant decision-making rule of unanimity and the idea that voting by means of a qualified majority would be more equitable to all states concerned. Insofar as the principle of sovereign equality is a founding element of international organization, it remains true to this day that a state will have the final say and will be the final arbiter with regard to constitutional questions, even if the 'constitution' of which we speak is the Treaty on European Union. Insofar as weighted voting is concerned, it may be that the orignal 'protective' rationale for ascribing greater proportional weight to the votes of smaller states is no longer relevant. But the fact that such a rationale was ever considered is quite remarkable in international relations, and the fact that the smaller states of the EU were key players in its adoption speaks highly of their motivation in protecting their interests in whatever way possible.

Near future: 2004-2010

Despite a severe dilution of the advantages for smaller states in the Council and potentially in the Commission, smaller states still have a disproportionate amount of power in the EU than they have in any other international organization. The EU is constitutionalized, unlike the UN or the OSCE, with an *acquis communitaire* that does not exist in normal international law and to which all member states are bound.

Moreover, relatively speaking, the new member states will still be smaller states in relation to Germany, the largest member state in the EU. Poland, for example, has a 2000 population of just over 38 million, or somewhat less than half of the population of Germany. But it will have 27 votes in the Council of Ministers to Germany's 29, hardly a 'fair' or 'representative' distribution. Malta has only 400,000 people, yet will receive a vote in the Council of Europe, making it the putative equal (at least in terms of the principle of sovereign equality and in the areas of the Treaty that still require unanimity) of the larger members. What is more, with membership in the EU the smaller states' formal representatives will have a new, geographically specific, and highly institutionalized forum in which to air their concerns and comments to the rest of Europe.

In terms of institutional solutions that reflect the realities of contemporary international relations, there is little likelihood that the smallest member states (Luxembourg, Malta, and

Cyprus) will ever lose their vote in the Council of Europe. The principle of sovereign equality is too firmly embedded in the nation-state system for even a truly new organizational model like the European Union to ever dislodge completely.

Far future (2025? 2050?):

The future of the EU is notoriously hard to predict. Opponents have sounded its death knell since the days of 'Eurosclerosis' in the 1970s and Thatcherism in the 1980s, yet the EU has survived and even grown stronger.

One possible direction the EU may take is the original one: a federal system in which power is increasingly concentrated in Brussels and moved away from the member states. Federalism is not a popular concept at this time, but has some powerful proponents who may someday be seen as the latest visionaries on the road to a federal Europe. German Foreign Minister Joschka Fischer's speech in 2000 related to his 'personal vision of the EU;' German Chancellor Gerhard Schröder's speech on the necessity of German leadership in the EU in 2001 was seen by many analysts as a blueprint for a federal Europe modeled on the German system of strong Länder and a moderately strong federal government. With regard to the EI thesis, federalism in the far future might be a way for smaller states to regain some of the opportunities lost in the latest negotiations and probably watered down even more before the new applicants enter.

Conclusions

What does the EI thesis have to say about the ability of the smaller member states of the EU to exercise disproportionate influence? At its most ambitious, the thesis predicts that smaller states will be able to engineer influence in international organizations where they are 'present at the creation' and are given a voice in setting the decision-making rules of the organization. This is exactly what appears to have happened in the EU and its predecessor, the ECSC.

Recent developments, especially those surrounding the negotiation of the Treaty of Nice, have done much to damage the ability of the EI thesis to predict smaller-state behavior. If

smaller states do not act on their most salient common feature, that of size, the thesis loses a great deal of its explicatory power.

Nonetheless, the thesis is not without value in attempting to explain smaller-state behavior in the EU and the potential for influence in the future. It is clear that the principle of unanimity is the last bastion of unvarnished smaller-state influence potential, and while resorting to unanimity in day-to-day votes in the Council has lost a great deal of its usefulness in an age of cries for greater efficiency of the Union through QMV, it still has its place in one major area: Treaty changes. Unanimity in modifying the meta-rule of an international organization has always been the smaller states' decision-making ace-in-the-hole, and the principle has always been contentious not just to the larger states but also to disinterested analysts who see it as a barrier to greater efficiency among the EU institutions. As far back as the 1950s Paul-Henri Spaak decried the use of unanimity, while recently Petite says of it that:

> In fact we have known for some time that what is required is an end to unanimous decision-making and the general use of qualified majority voting. It is on this score that the Treaty still has far to go: in the short term for justice and home affairs, progressively for foreign policy decisions, and ultimately, when everyone is mentally ready for it, for amending the Treaty itself.[60]

In an interesting development in this regard, buried in its 1996 IGC position paper is a comment from Belgium that "It believes it would be unacceptable for one or more Member States to be allowed to hold up progress on European integration towards an ever closer union among the peoples of Europe, *for which it believes thought must be given to the political and institutional choices that are bound to arise if the results of the IGC negotiations are not unanimously endorsed.*"[61] Though no such language exists in Belgium's position paper on the 2000 IGC, could this be the beginning of the end of unanimity in Treaty changes? If so, might this last institutionalized form of smaller-state influence go the way of the others?

It does not appear that way, at least not yet. As previously noted, smaller states are still states, and still will seek to maximize their advantages where it matters most. They may give up ground in many areas, and may break ranks with one another for short-term gains, but the smaller states of the Union will continue to fight to protect their right to maintain an equal voice in the Council of Europe, where the major 'directional' choices for the Union are taken.[62]

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[60] Petite, 1999:31.
[61] Belgian position paper on the 1996 IGC (emphasis added).
[62] Westlake, 1999.

Kuosmanen notes that despite its many unique characteristics, the EU is still intergovernmental in many ways, and is still an international organization in the classic sense of the word. Though the EU has competence to effect changes on the nation-state level in many areas in which nation-states were formerly sovereign, as for Treaty changes, "the EU does not have the competence to change its competence. Member states have limitless competence, and wherever limitations on state sovereignty exist, they have limited themselves. They have not given the EU this right. Then the EU would be more like a state, with the member states being more like the US states. There would be no more giving to the EU: the EU would be taking."[63] For as far as the future holds, it is unlikely that *any* member state will allow the EU to take without giving.

[63] Interview with Antti Kuosmanen.

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