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ECSA REVIEW

ECSA Review Forum: Analyzing the Treaty of Nice

IN DECEMBER 2000, THE European Council met under the leadership of the French Presidency to complete the negotiation of the Treaty of Nice, which was intended to reform the institutions of the Union and prepare them for eventual enlargement to the candidate countries of the east and south. The conduct of the 2000 IGC has been chronicled in detail by Desmond Dinan and Sophie Vanhooacker in the pages of the *ECSA Review* (Dinan and Vanhooacker 2000, 2001), and the Commission has made both the text of the Treaty and much of its preparatory documentation publicly available on the Europa Web site (European Commission 2001a, 2001b). In this expanded *ECSA Review* Forum, five ECSA members and two guest authors look back at the 2000 IGC, analyze the provisions of the Nice Treaty, and look forward to the post-Nice agenda, which has already begun with the launching of a new, "constitutional" debate on the future of the Union.

— *Forum Editor*

The Treaty of Nice: Neither Triumph nor Disaster **Peter Ludlow**

THE FINAL STAGES OF the European Council meeting in Nice were a shambles. Everybody was exhausted. Neither politicians nor officials were quite sure what had been agreed. Recriminations were hurled about like shares on a falling market.

Recollected in tranquillity, however, the meeting and the Treaty that it produced do not seem to have been so bad after all. Nice was far from being a triumph—particularly for the French Presidency. Nor, however, was it a disaster. Four observations must suffice:

1. *The Treaty of Nice was bound to be modest.*

The core business consisted of the issues that the European Council could not agree on at Amsterdam in June 1997. Other questions were added to the agenda as the IGC progressed. None of them could however be compared with the stuff from which the Single European Act and the treaties of Maastricht and Amsterdam were made. As the meeting at Nice confirmed, heads of government and state can invest even relatively trivial issues with dramatic potential. For all the sound and fury that surrounded their endeavours, however, the questions that they addressed remain relatively unimportant.

2. *The bad news from Nice was largely the result of poor chairmanship.*

The mood amongst many if not most of those who had been involved in the IGC prior to Nice was moderately optimistic as the Council began. The opening day at Nice itself confirmed the impression that the wind was set fair. The European Conference with the 13 candidate countries plus Switzerland left everybody including the Turks feeling satisfied. The first session of the Council proper was quietly productive, particularly regarding enlargement, where Italian Prime Minister Giuliano Amato succeeded in persuading his colleagues to commit themselves to the aim of completing the process in time for the first candidates to enter before the European Parliamentary elections of 2004.

From then on, however, the meeting began to disintegrate, as the Presidency lost control. Many participants highlighted the malign impact of French domestic politics (see also George Ross' essay below). Prime Minister Lionel Jospin passed the buck to President Jacques Chirac: Chirac would never move unless he was convinced that Jospin was implicated: the French delegation as a whole spent much of the time holed up in their bunker afraid to leave for fear that anybody who did would lose out.

Prime responsibility for the disorderly proceedings, however, undoubtedly lay with Chirac. His misjudgments included: fixation with formal parity between Germany and the other three large states; the decision to give the Spaniards everything they wanted before the negotiations started, thereby destroying any rational basis for the reallocation of votes and skewing the arithmetic at every subsequent point in the proceedings; a serious underestimation of the determination of the small states to safeguard their position; and above all the apparent desire to be all things to all men. As one veteran observed: "This wasn't a negotiation at all. Chirac conceded ground whenever he was pressed. X doesn't like QMV in this article: delete it. Y wants this: let him have it."

The end of the meeting was entirely appropriate. Nobody knew what the final deal was, because the Presidency had shifted its ground so often.

3. *The Treaty is nevertheless useful.*

As far as the "Amsterdam leftovers" were concerned both the large and the small states could claim success. On the reweighting of votes, the current system which would have reduced the share of the six largest states from 55% to 42% in a Union of 27 was amended to give the large states just under 50%. This figure was nevertheless significantly lower than the 55% that the French Presidency proposed at the beginning of the proceedings, thanks to robust resistance by the small states led

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ECSA Review

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From the Chair

IN THIS, MY LAST chair's letter, I'd like to say a few words about the future of research on the European Union, before noting the efforts of ECSA over the past few years to further such research and thanking those who have helped ECSA meet its goals.

With regard to research on the EU, there can be no doubt that we live in exciting times, what with the inception of the single currency, the recent EU defense initiatives, enlargement to the East, and public discussions of the future of a political Europe. The fact that these are also disappointing times, given the failures of the Nice Summit to move forward in institutional reform and the weakness of the euro, makes it no less exciting for research. Moreover, while the traditional avenues of research on EU level institutions and actors have continued to prosper, given the increasingly complex set of interactions among policy actors at the EU level, new avenues have also been opening up, in particular with regard to Europeanization, that is, the impact of European integration on national economies, institutions, policies, and politics. In addition, the methodological and theoretical sophistication of the field has been growing, as evidenced by the increasingly lively debates among rational choice institutionalists, historical institutionalists, sociological institutionalists, and discourse theorists or narrative analysts as how best to explain the developments related to European integration.

With this explosion of areas of interest and debate, I find great benefit but also some danger. The benefits come from how much valuable empirical research and theoretical insights are being generated. No Eurosclerosis here! The dangers come from these very benefits—in the possible fragmentation of the field through increasing specialization and methodological division and in scholars' potential loss of touch through greater and greater theoretical abstraction. I am of course not suggesting that we abandon the empirical research, the methodology, or the theory. Rather, I would hope that in our pursuit of theory we not lose sight of our goal, which is the explanation of empirical reality; that in our elaboration of methodology we try to see where interests, institutions, culture, and discourse intersect, and build on this rather than rejecting rival approaches out of hand; and that in our search for cross-country generalizations we not lose sight of the importance of in-depth knowledge of individual countries, based on language, culture, and politics. Finally, and this is all benefit, I would hope that we would pursue further trans-Atlantic dialogue and research on the EU.

With a near fifty-fifty mix of American and European (and beyond) scholars among our now over 1300 members, ECSA goes a long way already to meeting this goal, as does our 7th biennial international conference in Madison, Wisconsin at the end of May, with close to the same mix, and with numbers of panels made up of both Europeans and Americans. Other ECSA activities also do much to promote trans-Atlantic dialogue and research, such as our newly established interest sections on EU Law and EU Political Economy, the Randall Henning and Pier Carlo Padoan monograph, *TransAtlantic Perspectives on the Euro*, published by Brookings

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Peter Ludlow (continued from p.1)

by Portuguese Prime Minister Antonio Guterres. In addition to a higher than expected share, the small states also secured acceptance of the principle that there can be no qualified majority which does not have the support of a majority of states.

Amongst the other “winners” in this part of the negotiation, which overshadowed everything else, are Germany, whose larger population was acknowledged through the introduction of the discretionary demographic criterion plus special treatment regarding the allocation of parliamentary seats; Spain, which got everything it wanted before the negotiations began; Poland, which thanks not least to loud offstage noises, rode in on Spain’s coat tails; the Dutch, who now have one more vote than Belgium; and Luxembourg and therefore Cyprus, who were beneficiaries of a Portuguese move to ensure that Benelux had more votes than Spain.

Obvious “losers” were Romania, which despite a population which is one third larger than the Netherlands’ has only one extra vote; Malta, which is left in a category all of its own at the bottom of the list; and Latvia, Slovenia and Estonia, which are put on the same level as Cyprus and Luxembourg. The biggest losers of all, however, were Turkey and France, the former because, despite its candidate status, it does not figure at all on any list, and the latter, because by insisting on formal parity with Germany, it was forced to allow the introduction of a demographic criterion into the definition of the blocking minority, plus significantly more parliamentary seats for the Germans. Not to mention a huge loss of face as the negotiations stumbled from one disaster to another.

On the composition of the Commission, the outcome was significantly different from what had generally been expected after Amsterdam, where small state insistence on the principle of one Commissioner per member state appeared immovable. The new Treaty safeguards the principle for the time being, but provides for a break when Union membership finally reaches 27. Credit for this must go in part to Chirac, who to the consternation of his small state colleagues raised the stakes at Biarritz in October. The principal reason for the small states’ change of front was undoubtedly however the prospect that the Union will eventually have significantly more than 27 members. Their readiness to concede was also made easier by the fact that when a rotation principle is eventually introduced, all member states will be treated on the basis of equality.

On qualified majority voting the result was predictably mixed. Expectations were higher on the eve of the Nice meeting. The final outcome was however significantly better than many if not most insiders had anticipated when the IGC began. British Prime Minister Tony Blair insisted that taxation remains a no go area and thwarted a Danish attempt to broker a compromise on social policy. German Chancellor Gerhard Schröder and Chirac muddied the waters on Justice and Home Affairs, and Chirac and Greek Prime Minister Costas Simitis held their ground on certain aspects of Article 133, which deals with trade in services. Simitis also blocked extension of QMV to external assistance policies which might benefit Turkey (and therefore ipso facto other potential members).

There were however some positive features, and a few pleasant surprises. Thanks not least to energetic lobbying by Trade Commissioner Pascal Lamy, assisted at the Council table itself by Finnish Prime Minister Paavo Lipponen, the Commission got just about everything that it could reasonably have hoped for under Article 133 (see Meunier and Nicolaidis essay below). The Commission was also favored by the incorporation of the Lex Prodi—covering the powers of the President within the Commission—and, more surprisingly, by the introduction of QMV in connection with the appointment of the President and his colleagues. Had this system been in force in 1994, John Major could not have thwarted the candidacy of Jean-Luc Dehaene. Overall, with approximately 40 new provisions for QMV out of a possible list of around 75, the result was not bad, particularly as everybody shared the Commission’s view that upwards of 20 items were off limits.

Over and above the Amsterdam leftovers, there were a number of other useful amendments, including new provisions regarding enhanced cooperation (see Philippart essay below), reform of the European Court of Justice, improved procedures under Article 7 (the article that was behind the Austrian affair in 2000), and an updating of Articles 17 and 25 to take account of ESDP developments including the virtual demise of WEU and the need for guidelines regarding operational responsibility in crisis management.

4. *The most important outcome of Nice is, however, that unlike Amsterdam it finished.*

There is a post-Nice agenda, but there are no Nice left-overs. As a result, there is no formal impediment on the Union’s side to enlargement and the way is open to a “constitutional” debate, with which the candidates will be associated and which will culminate in another IGC in 2004 (see the essay by Bruno de Witte below).

Almost all the candidate countries were well pleased with Nice. With good reason. The European Conference on the first morning, the normal European Council and even the IGC all testified to the fact that enlargement is not only going to happen, but is going to happen rather soon. Having approved the Commission’s strategy, which aims to make the conclusion of negotiations with the candidates who are ready possible by the middle of 2002, and Amato’s proposal that the aim should be to have the first group in by the time of the next Parliamentary elections in June 2004, the Union has de facto adopted a timetable, even though the official line is still that this is not the case. The seriousness of the commitment is confirmed—and to a certain extent explained—by the transformation of the atmosphere regarding enlargement that was such a notable feature of the Brussels scene in the second half of 2000. The Council also decided to revamp the European Conference to include countries that it defined as “potential members,” including in addition to the Balkan states, mention of whom is now routine, the EFTA countries. As Ukraine too was mentioned in an exchange between Chirac and Austrian Chancellor Wolfgang Schüssel, prospects for a Union of 35 members or more cannot be dismissed.

Nice also paved the way for a long overdue “constitutional” debate. The proximate reason was Chancellor Schröder’s need

to satisfy the Länder that their concerns about the lack of clarity regarding the distribution of powers between the various levels of government would be taken up. The post-Nice agenda is also however an acknowledgement of much wider unease throughout the Union about where the whole process is going and who is in charge of what. The 1998 Vienna Council's decision to call for a Millennium Declaration was an early response. The miserable document that eventually emerged only confirmed however the lack of any clear thinking let alone consensus at the top.

Success is not of course guaranteed this time round, especially as 2004 is so close. A great deal will therefore depend on how the process is organized and how the agenda is defined.

As far as the former is concerned, some kind of Convention now appears inevitable. This is not in principle a bad thing. There are however two caveats. The first is that the objective of agreement by 2004 will disappear in smoke if those concerned believe that they can or should reinvent the wheel. We have a system which, for all its faults, is grounded in experience and logic. Which leads to the second point. At the core of the system is the European Council. Suggestions that the heads of state and government should somehow be marginalized are as misguided as they are impracticable. Whatever is agreed will only become reality if they sanction it, which means in the final analysis that they must somehow or other be identified with the process throughout. One solution would be to appoint one of themselves as President. Giuliano Amato's name is already circulating and it would be difficult to think of a better one.

The agenda sketched out at Nice is brief and will doubtless grow. The single most important missing item is however already obvious. Unless and until those involved attempt to define the structure of executive power in the EU system, efforts to make the latter more accountable are doomed. The omens are not good, as the ludicrous dispute between "intergovernmentalists" and defenders of the "Community method" illustrates all too clearly. We need a new language which takes account of the complex reality that has emerged by necessity rather than accident, let alone design. A beginning—but only a beginning—could be made if, under the chairmanship of a member or former member, the Convention would acknowledge that the European Council, whose membership and practices reflects the curious blend of intergovernmentalism and supranationalism which is the hallmark of the system as a whole, is more than ever the cornerstone on which everything else depends.

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France's European Tour of Duty, or Caution— One Presidency May Hide Another

George Ross

RESPECTABLE PROGRESS WAS MADE ON matters like defense, but the big story of the 2000 French EU Presidency was the Nice Treaty.

At best the Nice deal lets the EU enlarge in a grumpy mood faced with large unanswered questions. Virtually all the issues on the Nice table involved redistributing something important among member states and everyone had something to lose and little to gain. It was no accident that smaller countries balked at increasing the clout of bigger ones in the Council. Giving Germany greater weight than France in the Council involved France renouncing Franco-German equality dating from the very beginnings of the EU. QMV could not be introduced for the broad range of matters that the general good seemed to require because each member state had something different to protect. Postponing substantial change to the Commission and other institutions was inevitable because everyone knew prior to Nice that the Germans wanted another IGC on constitutional matters for 2004. The Draft Charter of Rights may or may not have an important future. The most significant progress at Nice was facilitating "enhanced cooperation" although to what end no one was letting on beyond providing an escape hatch if enlargement clogs EU arteries.

We should not have expected much from Nice. Nonetheless virtually everyone has disparaged the French Presidency. In the beginning, during the brief debate after Joschka Fischer's speech in May, there were grandiose French words, but by the end there had been no grandiose achievements. The French Presidency was badly disorganized, prompting strong negative comparisons with the preceding Portuguese efforts. Setting up the simplest of meetings involved dozens of difficult phone calls. Generating papers was nightmarish. When Jacques Chirac toured the capitals prior to Nice he cajoled and jawboned his colleagues to make concessions without proposing any himself. Perhaps most important, the French-German "couple" emerged in tatters from the French Presidency, underlined by Chancellor Schröder's public France-bashing.

The French Presidency does leave us with a nice social science problem set. On the one hand it is easy to "explain" Nice through a logic of EU member states pursuing their interests in a context where there were few incentives to make new sacrifices for Europe. On the other hand, those who organized Nice did a mediocre job and it could be argued that this was significant to the mediocre outcome. Post hoc, one can build an almost irrefutable case for the first analysis. Yet it is hard to believe that the flaws in the French Presidency did not make a difference. Would it have been possible to transform what turned out to be a deadlock into a more productive occasion?

What is most remarkable about the French Presidency (EU) is that its shape was largely determined by the French Presidency (France). The 1958 constitution of the French Fifth Republic, designed for Charles de Gaulle in the midst of a national catastrophe, endowed the President with unusually broad prerogatives, particularly in foreign affairs, at the expense of parliament and parties. As long as the incumbent and the parliamentary majority were from the same political camp—as they have been for much of the time since 1958—the French President could pursue international courses that might have been electorally risky for other leaders. The record shows that this mattered a great deal. French Presidents from de Gaulle through Mitterrand played switchpoint roles for European integration,

from empty chairs to Maastricht, with important stops at the Hague Summit, the European Monetary System, the Fontainebleau European Council and EMU. Yet there was built-in variable geometry in this Constitution. When President and parliamentary majority come from different sides of the political spectrum the entire situation changes. President and Prime Minister then become political rivals. With the Prime Minister a potential President, the sitting President has to fight for his political life.

This situation of "cohabitation" explains a great deal about the 2000 French EU Presidency. In turn, it may be that the French Presidency of the EU was a—perhaps missed—switchpoint for the EU. Those who did not follow French TV during the second of half of 2000 should flash back to 1998 and the stadium scene when the French won the World Cup. The cameras focused initially on Jacques Chirac, but before one could blink Lionel Jospin was beside him. During the French Presidency and at Nice they looked permanently bound at the waist. But bound by what? Both want to be elected President in the Spring 2002 elections and the French EU Presidency was a step each had to negotiate prior to their campaigns.

The most recent cohabitation began in spring 1997 when Chirac dissolved a Parliament where he had a huge majority and ended up with a government, led by Jospin, of the "plural Left." Jospin's government has done well enough since then to threaten Chirac's re-election prospects. Thus during the strange French EU Presidency of 2000 neither proto-candidate could afford to allow anything to happen that might jeopardize their electoral prospects. Simultaneously each hoped that the other would make some costly political gaffe over Europe. Jacques Chirac, justifiably renowned for his changeability, lack of vision, and erratic commitment to Europe, was particularly vulnerable. For Chirac the EU Presidency unhappily coincided with rolling revelations of scandals from his prior career as mayor of Paris involving the illegal usage of illegal campaign financing, payoffs from contractors for the city, stuffed ballot boxes and big favors for his cronies. Chirac's most notable speech during the French Presidency thus had nothing to do with Europe. It was rather a television address to the nation redolent of Richard Nixon's "I am not a crook" pleadings.

Chirac's position was complicated even more by troubles he faced with feuding clans and rampant euroscepticism in his own decomposing center-right political camp, including from some who were quite prepared to resort to extreme right appeals to gain advantage if the President stepped out of line on Europe. Chirac could not afford any risks. This meant that France could not be seen giving an inch on any of its traditional positions. This was demonstrated, for example, in France's responses to the Joschka Fischer's ringing federalist speech, just before the Presidency began. Rather than welcoming Fischer's new ideas, Chirac's response to the Bundestag proposed an intergovernmental "pioneer" group presumably using enhanced cooperation to take the integration lead (*a directoire?*). It could also be seen throughout the IGC on the complicated issue of rebalancing votes in the Council to recognize Germany's new importance.

Lionel Jospin had to proceed differently. He had first of all to avoid upstaging the President, who had the constitutional right to play the leading role and who, Jospin could hope, might play it badly. He also had to avoid controversial statements on Europe. Hence a Lionel Jospin who was physically omnipresent during the French Presidency but completely silent to the point where very few had any idea what his positions on Europe were. Typical of this Jospinite posture, Hubert Vedrine, Jospin's very grey technician foreign minister, responded to the Fischer speech by announcing that everyone would be better off if they would stop giving grandiose speeches and got on with the difficult immediate tasks on the table.

In this context Chirac's bullying of other member states, particularly smaller ones, to give in on key questions while France itself was demonstrably unwilling to give anything in exchange becomes understandable, if difficult to forgive. It also explains why the French had trouble getting anything organized and the bad and circuitous preparation of papers and meetings. Everything had to be done by two different, mutually suspicious teams whose main goal was not to make the French Presidency a success but to trip each other up where possible. It thus took time and dense consultation to get two armed camps to reach one conclusion about anything European.

European-level considerations have always been strategically central for Fifth Republic Presidents, and French Presidents have arguably been the most important architects of European integration. The 2000 EU Presidency, however, occurred at a moment when considerations of domestic political strategy completely overshadowed European matters. Perhaps not much more could have been achieved than Nice actually did. This does not mean that the French Presidency was but a harmless portrait of EU stalemate, however. French power and influence in European matters has been on the wane, symbolized by the strong shift towards English as the EU lingua franca. The failings of the 2000 Presidency have accelerated these processes. When they were powerful, the French were never loved even when they were feared. After Nice they are loved and feared much less. More tangibly, Franco-German relations may be at their worst point since the very beginnings of European integration. The 2000 French Presidency coincided with desire on the part of German leaders to play a larger public role commensurate with the real weight of Germany in Europe. French obduracy, haughtiness and unwillingness to deal, in this context, probably reinforced German determination to make its own way, if need be without or against the French, in the future. With enlargement and the eventual inclusion of Great Britain in EMU the EU's political life will change and the Germans will be less constrained to work through the French because of the availability of other partners to achieve what they want.

It will take energy and lucidity on the part of the French to minimize the damage done, but the French are unlikely to be capable of either for some time. The Presidential election is still a year off and the campaign will be bitter. Chirac is still under fire for past scandals and surrounded by political sharks awaiting opportunities to attack him. Moreover, Chirac has always been a volatile character willing to take exaggerated positions when

he needs to fight his way out of corners. Jacques Chirac therefore is unlikely to be a very useful European leader in the immediate future. What Lionel Jospin really thinks about Europe is still unknown, although he has promised make a major statement on Europe once the dust has settled from the March 2001 local elections. Jospin is a thoughtful and shrewd politician, but his situation is also difficult. If he decides to play it safe by avoiding controversy it will not help either to restore French credibility or to advance the European cause. If he decides to be bolder it might provide Chirac with the incentives to answer in the nationalist and populist terms that he is wont to use, thus turning the French debate on Europe in an even more unproductive direction and perhaps getting Chirac reelected. The French EU Presidency was no aberration, therefore. France's position in Europe is changing and there is likely to be more turbulence ahead.

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The New Provisions on "Closer Cooperation": A Call for Prudent Politics Eric Philippart

IN ORDER TO WIDEN and deepen, the EU had to design new solutions accommodating diversity. One of them consisted of "opt outs," "opt ins" and "opt ups" granted on an *ad hoc* basis for specific policy areas. Preoccupied by the multiplication of this (unorthodox) differentiation in the rights and obligations of member states, the Florence European Council agreed in June 1996 on the need to "institutionalize" flexibility, i.e. to establish general rules for such solutions. The concept of "closer cooperation" also emerged in the middle of a 1996 intergovernmental conference (IGC) battered for months by the obstructive strategy adopted by the UK Conservative government. To a large extent, the first objective of its main proponents was therefore to design a device allowing to get around "recalcitrant" member states and deepen integration inside the EU framework. Treaty reforms being decided by unanimity, this objective had to be reconciled with the demands of those who saw themselves as potentially unable or unwilling to participate in new developments. What was eventually inserted in the Amsterdam Treaty, therefore, was a highly constrained mechanism for intra-EU closer cooperation, operational only in non-conflictual situations.

Two years later, a small number of players resolved to revisit the issue of closer cooperation in the next IGC, culminating in the Treaty of Nice. After much initial reluctance, the member states decided to relax the preconditions and triggering procedure of the mechanism. Whereas closer cooperation was one of the most controversial parts of the Amsterdam package, the heads of state and government had to spend but a few minutes in Nice to agree on its revision.

What can explain this swift change in attitudes? What is the potential of the revised mechanism? In order to answer these questions, it is useful to examine the respective preferences of three groups of member states—the "willing," the "unwilling," and the "unable"—and ask how the respective demands of these groups were met in Amsterdam and Nice (Philippart and Sie Dhian Ho, 2001b).

For the willing (and able) member states, the common aim at both Amsterdam and Nice was to be recognized as a kind of vanguard, whose policies are meant to be eventually extended to the rest of the Union. Within the willing group, however, a sub-group of member states place greater emphasis on effectiveness, maintaining in addition that closer cooperation should not require the approval of non-participants, that it should start on a small scale if necessary, and that its scope should be rather large. Moreover, non-participants should be excluded from the deliberation of the group and the vanguard should be free to decide who can join and when. By contrast, those more preoccupied with the risk of fragmenting the EU have a preference for a consensual triggering procedure, a high participation threshold, a restricted scope of application, some form of involvement of the unable in the deliberation, and an open-door approach.

As for the unwilling (and able), they insist on the defensive and restrictive features listed above, as well as on the clear recognition of the permanent nature of their non-participation and, for some of them, and on their right to cooperate outside the EU framework.

Finally, the interests of unable (and willing) member states are best served if they are involved in the definition of the policy developed by the group cooperating more closely, if catch-up instruments are established, and if non-participants can decide for themselves when they are ready to join in. Short of that, the system should at least include: the preservation of the *acquis*; procedures and institutions of the EU (which presupposes *inter alia* that closer cooperation is an instrument of last resort); the right to veto the launch of closer cooperation and to monitor its development; the obligation for the group cooperating more closely to involve a large number of member states and to be open to late-comers on the basis of objective criteria; and the protection of the interests of non-participating member states by independent institutions.

With the Treaty of Amsterdam, the willing obtained the constitutional recognition that there was no longer an absolute obligation for the EU to progress at the pace of the slowest member state. Besides this major satisfaction, some elements could be interpreted as an indirect recognition of their "vanguard" status (cf. the possibility to be financed by the EC budget). For the rest, however, the demands of the sub-group of willing insisting on effectiveness were dramatically ignored. This contrasted with the relative success at Amsterdam of the unwilling group, whose demands for a more restrictive mechanism were all met, except for the discretionary right to opt-in. As for the unable, if none of the strongest inclusive features they asked were satisfied, most of the conditions listed in their second-best formula (those overlapping with the positions defended by the sub-group of willing keener to preserve the cohesion of the Union) were

taken on board. This strong bias in favor of the proponents of the status quo was not really surprising. When negotiating positions are very divergent and only one party (the willing) is really interested in a successful outcome, that party has to make most of the concessions. The extent of the concessions, however, varies with the other parties' vulnerability to pressure. In the present case, the unable were more vulnerable than the unwilling.

Impressed by the restrictiveness of the formula, many post-Amsterdam comments referred to closer cooperation as a dead-born child. It was, however, clear that the Amsterdam compromise was but a first step and that there was certainly room for a revision of the provisions. Acclimatization of decision-makers to new mechanisms invariably requires time. The member states' preferences, furthermore, are not static. By the end of 2000, most of the unable were convinced that they would necessarily look more able after enlargement. Some of the traditionally unwilling were keener not to be portrayed as systematic opponents. Most importantly, having secured the inclusion of so many restrictions and blocking mechanisms in Amsterdam, the unable and unwilling were also in a position to meet some of the demands of the willing without taking too many risks for themselves.

As a result, the 2000 IGC approved the suppression or relaxation of some of the more draconian enabling conditions, as well as the use of closer cooperation in the second pillar (albeit limited to the implementation of joint actions and common positions). More importantly, as far as the first and third pillars were concerned, the unwilling and the unable gave up their veto in favor of a new, but still very demanding, triggering procedure. They probably reckoned, rightly so, that it would be easy enough to find a blocking minority against any controversial projects. The unable conceded in addition to lower the participation threshold from a majority of member states to only eight of them. If one reckons that, after the coming enlargement, the Amsterdam threshold would have meant their automatic inclusion in any group cooperating more closely, this was a substantial concession. On closer examination, however, this concession was relatively cheap. Indeed, as long as closer cooperation has to be authorized by a qualified majority, most, if not all, current unable countries should be in a good position to trade off their vote against their inclusion. Their change of attitude was also determined by a key reassurance against the possible use of closer cooperation to set up a club of selfish rich: the Treaty of Nice states explicitly that the proposed cooperation should not undermine economic and social cohesion established in accordance with Title XVII of the TEC.

All in all, with the Treaty of Nice, the EU is now equipped with a reasonably operational mechanism for closer cooperation. Indeed, preliminary attempts to make use of closer cooperation have shown that many pre-conditions are less restrictive than expected. The services of the Council and the Commission have, for instance, adopted a rather liberal interpretation of the "last resort" or the protection of the *acquis*. For a number of important areas such as environment, justice and home affairs, taxation and other flanking measures of monetary policy, closer cooperation can now function as a "laboratory" for the EU. The

willing can "experiment" with new policies and regimes which could eventually be of interest for the entire Union. The others can wait for the first results, before deciding to join the experiment or not. It also offers the possibility to establish "large sub-systemic" closer cooperation—i.e., focusing on a topic interesting only a sub-group of member states.

For most of the key components of the "ever closer Union" model, the changes introduced in Nice are neutral (Philippart & Sie Dhian Ho, 2001a). Combined with the persistent absence of catch-up mechanism, however, the lowering of the participation threshold could undermine the principle of the single institutional framework. Fragmentation induced by closer cooperation remains the main danger for the current EU model. Prudent politics should therefore preside over its use.

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Trade Competence in the Nice Treaty **Sophie Meunier and Kalypso Nicolaïdis**

THE NICE SUMMIT IS unlikely to be remembered as a French success in the story of European integration. The French presidency has been widely criticized for failing to put the interests of the Union above its own national interest and, as a result, for failing to produce a clear and elegant revised treaty. In doing so, however, one could argue that France succeeded in what really mattered to her: holding the bottom line on issues of vital national interest. As is well known, this was true for the relative voting weights of France and Germany. This was also true on the question of trade competence. As a result, the new compromise eventually reached on trade in the late hours of the Nice negotiations is another fascinating example of the EU's propensity for "evolutionary pragmatism" (cf. Moravcsik and Nicolaïdis 1998).

The story of the trade competence debate leading up to Nice is well known and revolves on the distinction between exclusive and mixed competence (see Meunier and Nicolaïdis 1999, 2001). In theory, mixed competence in trade simply means that delegation of authority is granted on an ad-hoc basis for negotiation purposes rather than once and for all. Individual member states retain a veto both through unanimity voting in the Council (at the mandate and ratification stage) and through ratification by their own national parliaments. They also retain the right to engage in bilateral negotiations with third countries. Under exclusive competence, a vote in the Council stands as ratification (although in practice, the difference has been blurred by the informal practice of agreement by consensus). While Article 113 of the Treaty of Rome granted exclusive competence to the EC on external trade matters, this state of affairs became contested with the introduction of so-called new trade issues—services and intellectual property—in the Uruguay Round (1986-1993). A majority of member states, fearing loss of control in these sensitive areas, argued that Article 113 was never meant

to cover them in the first place. Analytically, it is hard to concur. The whole point of the Uruguay Round was to widen the scope of what has traditionally been understood as “trade.” And the whole point of “Europe 1992” was to “extend” the internal market to services. But politics has its own logic. And in this case, the European Court of Justice took the “cautious” route by arguing in its 1994 ruling that only “crossborder” trade in services—that is one of the modes of services delivery—counted as traditional trade and therefore fell under exclusive competence (Court of Justice 1994).

Since 1994, therefore, the “trade competence” ball has been in the camp of high level politics. The question was intensely debated in the run-up to the Amsterdam summit where member states contemplated the option of expanding the scope of exclusive competence while at the same time introducing an unpalatable list of exceptions. In the end, they adopted a temporary fix: a short amendment to Article 113 (renumbered 133) allowing for future expansion of exclusive competence to the excluded sectors through a unanimous vote of the Council. This could be done on an ad-hoc basis without requiring an IGC.

Yet, it quickly became clear that the Amsterdam compromise was not sustainable. Since 1997, the extraordinary boom in trade in services, the chaos surrounding the WTO meeting in Seattle in 1999, and the prospect of imminent enlargement of the EU all contributed to calls for revisiting the trade competence issue. Moreover, streamlining of voting procedures on trade fell within the basic premise of the Nice IGC—the extension of qualified majority.

Players and Positions

We have argued elsewhere that national positions on trade competence were based both on political considerations reflecting a country’s stance on the general question of division of sovereignty in the Union and the role of the Commission; and on economic or sectoral considerations whereby pro-free trade advocates tend to prefer exclusive competence which limits the veto power of protectionist groups, with exceptions due to individual countries’ sectoral concerns (e.g., Greece and Denmark on maritime transportation, Germany on air transportation, France on audiovisual, public service and health policy). At Amsterdam, as in Nice, France was the most vocal opponent of exclusive competence—it did not trust the Commission to defend Europe’s Maginot line against Hollywood. Its camp had shrunk significantly since Amsterdam, down only to Spain and to some extent Portugal.

Unsurprisingly, at Nice as at Amsterdam, the Commission was the strongest advocate of “communitarization”—ironically through the voice of its French trade commissioner, Pascal Lamy. It was supported by Finland, Sweden, Italy and the Benelux countries, and more quietly by Germany, Denmark and the UK. The UK government’s position, in particular, was key in that this is the country in the EU with the highest stakes in trade in services. While it had progressively overcome its distrust of the Commission and favored an expansion of exclusive competence, it was at the same time extremely concerned with the so called “reverse ERTA” problem, in reference to the ECJ jurisprudence on the issue which linked internal and external competences.

The concern was to prevent external commitments from driving the internal agenda in areas of the internal market where the Community had not completely pre-empted the field through harmonization or mutual recognition (e.g. banking or the professions).

On the non-governmental front, the Commission tried, with moderate success, to rally support from the business sector. At the same time, it was loudly criticized by the new post-Seattle players—NGOs such as ATTAC and the Observatoire de la Mondialisation, or the dedicated audiovisual pressure group, “red alert on 133.”

Options and Final Compromise

Could there be a compromise between the “maximalist” option, which would communitarize all trade in services and intellectual property, and the “minimalist” option which would retain the “mixed competence” status quo except for the issues included in a list (the “negative list” approach)?

Over the course of the IGC, it became clear that a way forward would be to distinguish between two separate components of the negotiations: a) whether to “communitarize” competence; b) to the extent that (some or all) competence would be transferred to the Community level, whether to preserve unanimity voting. The introduction of this distinction was the crucial move which opened up the possibility for a compromise.

The final agreement reflects the bargaining dynamics of the negotiation. There was a general momentum at Nice to expand QMV, and article 133 was to be no exception. The general rule for trade in services will now be exclusive competence (Article 133.5). Even then, unanimity will be required for “provisions for which unanimity is required for the adoption of internal rules or where it relates to a field in which the Community has not yet exercised the powers conferred upon it by this Treaty by adopting internal rules.” At the same time, exceptions to exclusive competence were kept to a minimum and carved out under a “positive list” approach. First and foremost, the concept of “mixed competence” developed by the Court in its 1994 jurisprudence is now enshrined in the Treaty as a new legal category. Particularly noteworthy is therefore the black-on-white inclusion of the “cultural exception” clause in Community law, with cultural and audiovisual services falling under shared competence alongside education, social and human health services. In addition, transport remains under a separate legal basis (Title V and Article 300) that some have referred to as “mixed competence.” Finally, intellectual property is also divided in two components: “commercial aspects of intellectual property” fall under exclusive competence and all other aspects of intellectual property are shared. But the Council can decide by unanimity that the provisions relevant to exclusive competence can be extended to the latter—a last echo of the defunct Amsterdam compromise.

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The EU Charter of Fundamental Rights

Gráinne de Búrca

ALTHOUGH THE “SOLEMN PROCLAMATION” by the Council, Commission and Parliament of an EU Charter of Fundamental Rights took place at the same time as the conclusion of the Intergovernmental Conference at Nice in December 2000, the initiative to draw up such an instrument and the actual process of drafting took place quite separately from the rest of the IGC, whose agenda was defined largely by the “Amsterdam leftovers” and the need to prepare institutionally for enlargement. The Charter initiative was a separate and, in retrospect, perhaps rather surprising move by the German presidency of the Union in 1999, in calling for the drafting of a bill of rights for the EU. The debate over whether the EC should accede to the Council of Europe’s Convention on Human Rights had been running for many years, but the idea of a separate EC charter of rights had never attracted the same degree of attention or support.

What was agreed at the Cologne European Council meeting in 1999, however, was not presented as a radical or innovative step in the field of human rights protection at EU level, but rather as a consolidating and showcasing measure designed to demonstrate what the EU had achieved thus far. Rendering rights “as confirmed and defined by the jurisprudence of the Court of Justice” more visible to the citizen was the aim declared in the Cologne conclusions. And since the Court—buttressed over the years by supportive political declarations and eventually by the addition of Article 6 of the Treaty on European Union—had long declared the Community institutions (and the member states acting within the scope of Community law) to be bound by a broad range of fundamental human rights expressed in national constitutional traditions and in relevant international treaties, this mandate did not seem a particularly dramatic one. It was to be a consolidating and not a creative step, designed to garner a degree of public or popular legitimacy at a relatively low constitutional cost. In the European Council conclusions which established the procedure, throughout the entire drafting process, and in the provisions of the final document produced by the drafting body—the so-called Convention—it was repeatedly emphasised that this Charter would confer no new powers or competences on the European Union, and would not alter the division of powers and competences between the member states and the EU. This is a mantra increasingly to be heard in other EU contexts, reflecting statal anxiety over the perceived growth in the European level of government, but the effects of such juridical declarations in the face of strong countervailing impulses towards European policy expansion have shown to be, at best, uncertain.

As a way of further diluting the potential significance of this decision to call for the elaboration of a Charter, the question of its eventual legal status was deliberately separated from the drafting process, and was designated as a political decision to be taken by the European Council after the document was completed. This created an interesting ambiguity in the drafting process, since it was clear that the UK and other states were strongly opposed to the creation of a legally binding document

whereas France and other states were in favor of such. The solemn proclamation by the three EC institutions, and the Declaration on the Future of the Union annexed to the Nice Treaty leaves the issue of the binding legal status of the Charter in something of a twilight zone until the 2004 IGC, when the question whether it should be incorporated into the Treaties will be addressed. Nonetheless, its uncertain legal status in the meantime does not mean that it will be without influence or interpretative effect, as evidenced by the fact two Advocates General of the Court of Justice have already—within weeks of its proclamation—made reference to the Charter and in one case also to the explanatory memorandum which accompanied the final draft produced, in their opinions to the Court. Whether or not incorporation of the Charter occurs in the context of the next round of Treaty revision, it seems very likely that its juridical and constitutional status will systematically be enhanced over the next few years.

The Charter of Rights, despite its current lack of binding legal effect and despite the assertions that it was intended not to introduce anything new into the EU legal order but simply to highlight what had already been achieved in the human rights field, is a significant instrument for a number of reasons. In the first place, it is not simply declaratory of the rights already existing in documents such as the ECHR and the social charters of the EC and the Council of Europe. A number of provisions refer to rights which are either differently formulated (e.g. the right to asylum), more broadly expressed (e.g. the rights of the child in relation to private institutions), distilled in a new form from case law of the Court of Justice (e.g. the right to good administration), or which refer to newer generation rights and protections (e.g. the prohibition on reproductive cloning of humans) which have only recently been the subject of international agreement amongst member states. The very articulation of certain interests as legal rights in a document of this nature, whatever the ongoing debate over its legal status and effects, will have significance for the future.

Further, the Charter is unlikely to have the kind of ossifying effect which some have suggested a written EU bill of rights might have. It is very unlikely that the Court of Justice, which has drawn for years on a broad range of “sources of inspiration” for the rights which it has deemed to be part of the legal heritage of the EU and to which member states and EU institutions are bound, will treat itself as confined strictly to the rights articulated in this Charter. If international legal instruments and the “common constitutional traditions” of the member states contain other values and other rights, then it is very likely that these will continue to be given some form of recognition by the Court of Justice in relevant contexts.

Finally, the drafting process itself, conducted as it was by a high-profile group of broadly representative political actors in an open and relatively deliberative manner, with full access to all documents and to minutes of meetings published on the Europa web server, was a highly significant aspect of the Charter of Rights initiative. Not only has the fact of such a process already attracted considerable attention and apparently earned a degree of respect for the results demonstrated in the Charter, but it has also arguably established a precedent for a potentially new and

experimental type of constitutional revision process for the EU. The much-criticised IGC process, traditionally characterised by hard bargaining, intransparency and closure, is already to some extent under challenge from the broader, more accessible and more inclusive forms of procedure pioneered in the Charter context. This, in the final analysis, may be one of the most unexpected yet constitutionally significant consequences of the drafting of the EU Charter of Rights.

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Après Nice: Time for a European Constitution? Bruno de Witte

DURING THE EUROPEAN COUNCIL meeting of Nice, in December 2000, the heads of state and government approved a “Declaration on the Future of the European Union.” This Declaration was annexed to the text of the Treaty of Nice when the latter was signed, on 26 February 2001. Unlike the text of the Treaty itself, the “après-Nice” declaration is not a legally binding document. It is another of these “rendez-vous clauses” which the member states of the European Union agree upon when adopting a reform of the European Treaties: each time, the reform compromise is not entirely satisfactory to all, so the commitment is made to look again at some unresolved issues on a future occasion. This time, the agreement is to launch “a deeper and wider debate about the future development of the European Union,” which will go through several phases and end with a new intergovernmental conference on Treaty revision in 2004. Although the words “constitution” and “constitutional” are carefully avoided in the Declaration (these terms being unacceptable to some European governments), the post-Nice process is already widely known as the debate on a Constitution for the European Union.

Explicit constitutional language has been shunned in the official European debate ever since the “depression” that set in in 1992-93, during the ratification phase of the Maastricht Treaty. This political down-curve is well illustrated by the fact that the resolution on the “Constitution of the European Union,” patiently prepared by the European Parliament’s institutional affairs committee since before Maastricht, was practically shelved in the EP’s plenary session of February 1994. At the time of the Amsterdam IGC, there was a very wide-ranging debate on institutional reform, but the term “constitution” was strangely absent from the official debate, even in the statements adopted by the earlier champion of European constitution-making, the European Parliament. The modest goals which the European Council set, in 1999, for the most recent IGC could seem even less conducive to the use of constitutional language.

And yet, there was a sudden flourish, in 2000, of new designs for a European constitutional document; none of them took the form of concrete proposals for immediate adoption in Nice, but all were framed as longer-term projects filling the *après-Nice* horizon. It is fair to say that this sudden constitutional urgency

originates in Germany. Its re-emergence can be dated by two speeches of the German Foreign Minister Joschka Fischer. In his 12 January 1999 speech to the European Parliament (*Bulletin der Bundesregierung* 2/1999, p.9), Fischer called for a debate on the creation of a constitution for the European Union. At first, this debate seemed confined to Germany, with the contributions of several political heavyweights (President Rau, opposition leader Schäuble, Minister of Justice Däubler-Gmelin, etc.) and many academics. It led to one major European initiative, namely the decision taken by the European Council of Cologne in June 1999, on strong insistence of the German government, to set in motion the process of drafting the EU Charter of fundamental rights. But the general debate on the “European Constitution” did not really catch on outside Germany.

The Europe-wide diffusion of this German debate happened suddenly, and astonishingly quickly, with the second Fischer speech, held at the Humboldt University on 15 May 2000. Although its main theme was that of the “finality” of the European integration process, Fischer also reiterated the call for the adoption of a “constitutional treaty” (*Verfassungsvertrag*; for English text and reactions, see Joerges, Mény and Weiler, eds., 2000). The call was well received among political leaders of some other member states (in fact, the original Six!); most prominently by Chirac in his baffling speech in the Bundestag on 27 June 2000, but also by the Italian President Ciampi, by the Belgian Prime Minister Verhofstadt and by the Dutch government. The European Parliament, though worried by some of the concrete proposals made by either Fischer or Chirac, welcomed the use of constitutional language. It was happy to refurbish the constitutional language which it had dropped from its resolutions for more than six years, and to plead, once more, for a “constitutionalization of the treaties” (Duhamel Report and subsequent EP Resolution of 25 October 2000). Suddenly, at the end of 2000, an important part of the political elite of the EU seemed ready to undertake a *saut qualitatif* from the messy legal reality of the EU as it is now, towards a system based on a constitutional document.

The questions to be addressed, according to the Nice Declaration, are, *inter alia*: the delimitation of powers between the EU and the member states, the legal status of the Charter of rights which had just been proclaimed a few days earlier, the “simplification” of the Treaties, and the role of national Parliaments. The words “inter alia” indicate that this is an open-ended agenda, the four items expressly mentioned being the common denominator on which all member states could, so far, agree to discuss and to put on the agenda of a new IGC in 2004.

The subjects mentioned in the Nice Declaration correspond quite closely to the themes mentioned in pre-Nice debate.

- The “delimitation of powers” stands for the idea of a clearer definition of the “vertical” division of powers between the EU and the member states. This *Kompetenzkatalog* idea was, first, strongly emphasized by the German *Länder*, and remained for some time a distinctly German obsession, but in the course of 2000 it started finding favour also in French and British governmental circles. It may seem an appealing idea to politicians, though putting it in practice will be fraught with difficulties.

- As to fundamental rights, the text of the “Charter” is already there, so that the only remaining question is that of its legal status. For the time being, the Charter takes the form of a non-binding “Solemn Proclamation” that is quite separate from the text of the EU Treaty, but many of its proponents would like to see it prominently incorporated in the EU Treaty.

- The somewhat misleading term “simplification” stands for the idea of a separation of the essential from the less important provisions in the existing text of EC and EU Treaty, so as to allow the truly constitutional norms to become visually more prominent. This idea of elaborating a “basic Treaty” or “*Traité fondamentale*” was supported by the “Three Wise Men” report submitted to the Commission in 1999 (following earlier suggestions made by the European Parliament) and a first experimental basic treaty was elaborated in a report written for the European Commission by a group based at the Robert Schuman Centre of the EUI in Florence (European University Institute 2000; see also European Commission 2000).

- The reference, in the Nice Declaration, to the “role of national parliaments in the European architecture” echoes the suggestions made by several leading politicians (including Joschka Fischer and Tony Blair) to create a second chamber of the European Parliament composed of delegates of national parliaments, though this particular form of upgrading the role of national parliaments is not expressly mentioned in the Nice Declaration (as it is strongly opposed by a number of national governments, not to mention the European Parliament itself).

Apart from mentioning these substantive issues, the Nice Declaration also gives indications on the way the future “constitutional” debate should be conducted. There was a tendency, already before Nice, to consider that the intergovernmental conference mechanism, despite its pragmatic achievements in the last fifteen years, would be less appropriate for the drafting, and adoption, of a Constitution. This feeling was reinforced by the frustration which many of the participants of the Nice summit felt about the primitive way in which the final phases of IGC’s are currently conducted. The “convention” mechanism, associating European and national parliamentarians to the drafting process, which was chosen perhaps unthinkingly by the member states for the purpose of drafting the Charter of Fundamental Rights, has rapidly emerged as an alternative route for the adoption of future Treaty reforms. The Nice Declaration firmly retains the basic rule that any reforms will eventually have to be agreed by an intergovernmental conference, but also states that this should be preceded by “wide-ranging discussions with all interested parties” (including even “university circles”!).

What is clearly not intended by the main players is a full-scale modification of the legal nature of the EU’s founding instrument. The “constitution” advocated by Fischer, Chirac and the like would be a constitution between inverted commas! It can more precisely be identified as a *constitutional treaty*, that is, an international agreement that is distinguishable from the present European treaties by its content and, perhaps, by a particularly solemn procedure for its adoption, but would still be based on a collective decision by the member states, made in accordance with the relevant rules of public international law

and within the limits set by their own national constitutions. There is, thus, no reason to expect a constitutional revolution in the years to come. It remains to be seen whether the Fundamental Rights Charter, even if eventually turned into a chapter of a constitutional treaty, would add much to the existing EU system of fundamental rights protection; whether it would be possible (as many politicians unthinkingly assume) to divide member state from EU/EC powers in a more straightforward and unambiguous way than today; and whether major innovations of the institutional balance and the decision-making process are desirable at all. In the end, the substantive changes from the present situation may not be that important at all. The main effect of the operation might well just be a greater degree of formalisation and clarification of the constitutional principles that characterize the EU system today.

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ECSA List Serve

Editor's note: ECSA members use the e-mail List Serve to post EU-related queries, job announcements, and coming events. Currently about 750 of ECSA's just over 1300 members subscribe to the List. From time to time we will publish in the ECSA Review, in order to share your expertise with the wider membership, queries that have yielded a high level of interest.

ECSA List Serve Query:

I have a student who studies the personal contribution of Jacques Delors on the notion of subsidiarity as introduced in the Maastricht Treaty and as later discussed at the Edinburgh Summit (Dec. 1992). He analyses the speeches of Delors. Is there any literature on the influences on Delors thought?

Nathalie Tousignant
Institut d'Etudes Européennes
Université Catholique de Louvain, Belgium

Query Replies:

One idea is to try Helen Drake's, *Jacques Delors*, London: Routledge, 2000.
D. Dimitrakopoulos
Oxford University

Former Director General in the EU Commission, having worked with President Delors for 10 years, am willing to help you understand his position. Am now at the EU Center at Harvard.
Renee Haferkamp
Harvard University

The best book to start with is: Ross, George, 1995, *Jacques Delors and European Integration*, Cambridge: Polity.
Antje Wiener
Queens University of Belfast

If I recall correctly, George Ross' book on Delors, *Jacques Delors and European Integration*, New York, Oxford University Press, 1995, provides a detailed "inside" study of Delors and his role in the European Commission.
Glenda G. Rosenthal
Columbia University

I do not know for sure, but the following sources deal with Delors: Drake, Helen, "Political leadership and European integration: the case of Jacques Delors," *West European Politics* 18, 1 (1995): 140-161; Giesbert, Franz-Olivier, *Le Président [Delors]*, Paris: Seuil, 1990; Grant, Charles R., *Delors: Inside the House that Jacques Built*, London: N. Brealey, 1994; Mils, Gabriel, *Jacques Delors*, Paris: P. Belfond, 1985; Ross, George, *Jacques Delors and European Integration*, Oxford: Oxford University Press, 1995.
O. Croci
Memorial University Newfoundland

Besides the books containing Delors' speeches (*L'Unit d'un homme, Le nouveau concert européen*) which are also commented, see Ross, G.: *Jacques Delors and European Integration*, Polity Press, 1995.

Dott.ssa Federiga Bindi
Università di Firenze

The European Studies in Florence should have a huge amount of info. on the matter, find the address in www.europa.eu.int
Roberto Carpano
University of Rome "La Sapienza" CIRPS

Charles Grant's biography of Delors may be of interest: *The House that Jacques Built*.
Pam Barnes
University of Lincolnshire and Humberside

Ken Endo's MPhil thesis for Louvain, some years ago, was the best thing I have seen on this (as I remember, it was in French). See also Endo's book (his revised PhD thesis) on Delors' leadership of the Commission. Or e-mail Ken yourself; he's at the EUI this year.
William Wallace
London School of Economics and Political Science

Dietrich Rometsch's PhD thesis, "Die Rolle und Funktionsweise der Europäischen Kommission in der ra Delors," Frankfurt aM/Berlin/Bern: Peter Lang 1999, provides an extensive study on the 'personal' input of J. Delors. Even if your student can not read German, s/he might have a look into Dietrich's bibliography. For the general theme of individual influence on public institutions' shape, you might also have a look at the paper by Liesbet Hooghe "Serving Europe: Political Orientations of Senior Commission Officials" at: <http://eiop.or.at/eiop/texte/1997-008a.htm>.
Andreas Maurer
Universität zu Köln

Kenneth Dyson and Kevin Featherstone's 1999 book, "The Road to Maastricht," goes into a lengthy discussion of the role of Delors as policy entrepreneur. They also include a lengthy analysis stating why they differ with Moravcsik's interpretation on the role of Delors in the creation of Economic and Monetary Union.
Amy Verdun
University of Victoria

Coda: Jacques Delors has scheduled a speaking tour in the United States in Spring 2001, visiting several major cities and EU Centers; see pp. 20-21 in this issue for details. The Web page www.juris.hokudai.ac.jp/~endo/english.html is Ken Endo's site and includes a list of his publications, per William Wallace message above. University of Oxford's Institute of European and Comparative Law has posted the entire text of an address given there by Delors, "Building Europe: The Institutional Dimension," at www.iuscomp.org/iecl/pub/delors.htm.

Conferences

May 10-12, 2001: "Reconfiguring Work and Welfare in the New Economy: A Transatlantic Dialogue," Madison, WI. Sponsored by the EU Center in Wisconsin. For information visit on-line <http://wiscinfo.doit.wisc.edu/eucenter/Conferences/>.

May 11-13, 2001: "European Identity and Nationalism," New Brunswick, NJ. A multi-disciplinary graduate student conference sponsored by the Center for Russian, Central and East European Studies, Comparative Literature Department, and Political Science Department at Rutgers University. Anthropology, cultural studies, history, literature, and political science will be represented. For information e-mail crcees@rci.rutgers.edu.

May 14-16, 2001: "Sustainable Development and the New Economy," Paris. OECD Forum 2001. Second international conference held in conjunction with annual OECD ministerial meeting, for persons representing governments, business, labor, NGOs, and society at large. E-mail oecdforum@touchstone.co.uk or visit www.oecd.org/forum2001 on-line.

June 11-12, 2001: "The Future of eHubs in the U.S. and the European Union," Seattle, WA. Transatlantic symposium co-sponsored by TIES and the EU Center at the University of Washington. For information e-mail euc@u.washington.edu.

June 15-16, 2001: "EU Burden Sharing: Responsibility, Solidarity and Levels of Integration," London School of Economics. Study Group 2001-2002 sponsored by UACES. Visit www.uaces.org on-line or e-mail e.theilemann@lse.ac.uk.

June 25-26, 2001: "International Aspects of e-Government," Pittsburgh, PA. Co-sponsored by the EU Center and School of Information Sciences at the University of Pittsburgh, for academics and practitioners from the U.S. and the EU. For more information e-mail tfa3@ucis.pitt.edu.

June 28-30, 2001: "Multilevel Governance: Interdisciplinary Perspectives," Sheffield, UK. Sponsored by the Political Economy Research Centre, University of Sheffield. For specialists in multilevel governance in the EU or subnational and urban governance, and in IPE, global, or transnational governances. Visit on-line www.shef.ac.uk/~perc/mlgc/.

Call for Papers: "Challenges of the European Union's Eastern Enlargement," September 14, 2001, Montréal. Graduate Student Colloquium organized by Université de Montréal, McGill University and York University. Multidisciplinary forum for graduate students engaged in research on Europe seeks 150-200 word proposals in French or English for papers (or to be a discussant) on the topic under one of four dimensions: political, economic, social, and cultural. Send proposal as attachment to e-mail stans@magellan.umontreal.ca. Deadline: May 5, 2001.

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Book Reviews

Jennifer A. Yoder. From East Germans to Germans? The New Postcommunist Elites. Durham, NC and London: Duke University Press, 1999, 287 pp.

Howard Williams, Colin Wight, and Norbert Kapferer (eds.) Political Thought and German Reunification: The New German Ideology? New York: Macmillan, 2000, 239 pp.

POLITICAL CULTURE IS A perennial German theme. The postwar development of cultural approaches within political science was deeply influenced by the recent experience of the collapse of the Weimar Republic and the descent into Nazism. The German catastrophe drew attention to two longstanding German problems—weak democratic institutions and aggressive nationalism—and to their cultural underpinnings. Over subsequent decades, the Federal Republic established itself as a stable democracy, firmly embedded within Atlantic and European institutions. Not surprisingly, though, the collapse of the German Democratic Republic (GDR) and rapid reunification in 1989-90 raised old problems in new form. In her book From East Germans to Germans? The New Postcommunist Elites, Jennifer Yoder examines the construction of democratic culture and institutions in the former GDR. In Political Thought and German Reunification, Howard Williams, Colin Wight, Norbert Kapferer, and their contributors focus on the national question and tantalizingly raise the specter of a “New German Ideology.”

Yoder’s book is a detailed empirical study of the East German transformation with a focus on regional political elites in the new German federal states. She carefully traces the political trajectories of party leaders in three states—their socialization within the GDR, assumption of responsibility within an enlarged Federal Republic, and efforts to grapple with the East German transition. Her main thesis is that “horizontal integration” has gone quite well; that the new elites are committed to the democratic norms and institutions and to working effectively with one another and their colleagues in the West. “Vertical integration,” by contrast, the capacity of elites to communicate democratic norms to the broader populace and thereby strengthen the legitimacy of the political system, has fared poorly. Yoder cites evidence of continued East German frustration with the workings of democracy, and argues that durable cultural foundations for democratic stability are not yet in place.

From East Germans to Germans is essential reading for those interested in the German transition. It is well-organized and lucidly written. And the theoretical framework draws effectively on the political culture and mass-elite literatures without detracting from a clear, empirically founded argument. Some of the framework is vulnerable to criticism. The concept of “vertical integration,” for example, indebted to the literature on elite-mass linkages, is problematic in a mass media age. Are regional elites in Eastern Germany really critical actors in the political socialization of new citizens? Or do the latter form their views

of politics primarily in response to national and local events? Some readers will object to the pessimistic appraisal of democratic political culture in East Germany given the stability of institutions there a decade after reunification. Nevertheless, Yoder’s core thesis that changes in attitudes and beliefs did not directly follow on the institutional transformation, still holds.

Political Thought and German Reunification is a very different volume. Sponsored by the Anglo-German Foundation for the Study of Industrial Society, it brings together specialists in many different disciplines, including political science, history, and philosophy, to reflect on Germany and German national identity a decade after reunification. Chapters address GDR identity and nostalgia, Habermas and Kant on democracy, German citizenship, and the “Berlin Republic,” among other topics. Like many edited volumes, this one lacks a clear organizing thread. But readers interested in ongoing debates about the many facets of German politics and identity may find it useful.

What of the provocative subtitle, “The New German Ideology?” Happily, most of the contributors steer clear of the dubious concept. Overall, there is a balanced appreciation of Germany’s difficult legacy of four decades of division, most evident, politically and symbolically, in Berlin. And struggles over citizenship and national identity are portrayed not as German pathologies, but as complex problems affecting other western democracies as well. Only one essay, on the “Rhetoric of the Berlin Republic,” strongly suggests a “New German Ideology” with roots in the old one. The author highlights the thought of a handful of nationalist publicists and posits, loosely and unconvincingly, parallels with the views of leading Christian Democrats. In fact, German political elites, even those on the right, continue to shun nationalism as an ideology. Scholars’ questioning of German political culture is not about to stop, nor should it. But the news so far is mostly good.

Thomas Banchoff
Georgetown University

Frances G. Burwell and Ivo H. Daalder (eds.) The United States and Europe in the Global Arena. New York: St. Martin’s Press, 1999, 308 pp.

Thomas C. Fischer. The United States, the European Union, and the “Globalization” of World Trade: Allies or Adversaries? Westport, CT: Quorum Books, 2000, 342 pp.

CONVENTIONAL THINKING ABOUT TRANSATLANTIC relations has shifted considerably over the past decade, moving: 1) from initial concern that the end of the Cold War and collapse of the Soviet Union might loosen the ties that bind the United States and EU together and lead to the drifting apart of these longtime allies; 2) to relief—in some quarters at least—as relations reverted to previous form in the mid-1990s with a focus on regional (European) security threats and U.S.-led military action in the Balkans; 3) to a growing appreciation by the end of the decade that U.S.-European relations were becoming increasingly complex and would provide ample opportunities for both cooperation and conflict in the future.

The two books under review both address the issue of transatlantic relations after the Cold War. Beyond this shared general theme, however, they are quite different in focus and approach. The volume edited by Burwell and Daalder contains eleven chapters by ten different contributors, mostly from American institutions. In addition to the introductory and concluding chapters by Burwell, six of the chapters focus on security issues (NATO enlargement, integrating the Central and Eastern European countries and Russia, managing proliferation, and dealing with “rogue states”), while three examine trade and economic issues. The individual chapters are of varying quality but they fit together nicely and without much overlap. The opening and closing chapters by Burwell do an excellent job of summarizing the chapters and tying them together through the presentation of some common themes.

The Burwell and Daalder volume provides a nice analysis of the state of U.S.-EU relations at the end of the 1990s. It concludes that, generally speaking, the transatlantic partners have a mixed record when it comes to cooperation across a number of key issues. Cooperation (further defined by the authors in terms of “coordination,” “division of labor,” and “parallelism”) has been the greatest on European security issues requiring military action (ie., the Balkans), an area where European lack of capacity and reluctance have allowed the U.S. to reassert its traditional leadership and dominance within an existing hierarchical institutional context (NATO). Less cooperation has occurred in policy towards the former Soviet bloc. In their contributions, both Michael E. Brown and Lily Gardner Feldman regret the lack of coordination between the U.S.-led NATO enlargement and EU enlargement, despite the obvious overlap between these two processes and the potential for a useful division of labor. However, Brown asserts a conscious connection by claiming that EU member states viewed NATO enlargement as a “cheap and easy alternative to EU enlargement, and therefore as a means of putting off enlargement of the Union” (38). In her chapter, Renée de Nevers stresses the lack of coordination of U.S. and EU policies towards Russia and the relatively low priority accorded Russia in the New Transatlantic Agenda (NTA) and other cooperative initiatives.

As the focus shifts away from regional security issues and NATO, however, U.S.-European cooperation becomes even more difficult. Such is the case with the management of proliferation, although notable is the contrasting tone of the chapters on this topic by the American Brad Roberts (more optimistic) and the European Harald Müller (somewhat less so) regarding the prospects for successful cooperation across the range of proliferation issues. In his contribution, Philip H. Gordon highlights transatlantic differences over how to deal with “rogue states,” declaring this perhaps the greatest area of divergence between the U.S. and its European allies in the post-Cold War world (109). The chapters by Woolcock, Steinberg, and Simmons on trade and economic issues each stress the need for U.S.-European partnership to jointly lead and manage the global economy, while recognizing the problems for such cooperation presented by different interests and approaches as well as domestic (and intra-EU) politics.

In summarizing the various contributions, Burwell concludes that despite continued and significant common interests (preserving peace and stability, integrating Russia and other post-communist states, and preserving a multilateral free-trade system), transatlantic cooperation has been difficult because basic interests *are* to some extent diverging. She also notes important “differences over identifying a problem and deciding how (or even whether) to respond” resulting from a three-fold dichotomy of perspectives: 1) the global perspective of the U.S. compared to the mainly regional focus of the EU; 2) the U.S. tendency towards unilateral action versus the European preference for multilateral solutions; and 3) the U.S. willingness to use military force in contrast to the European preference for political and economic means to deal with problems (289). Despite such differences, Burwell stresses that transatlantic cooperation *does happen*, and she proceeds to elaborate the conditions for effective cooperation. These include a sense of urgency or crisis, the existence of established mechanisms of collaboration, and the existence of a common external organization, for instance NATO or the WTO. Effective cooperation also depends on the nature of the issue concerned and the internal coherence of each partner (or, alternatively, the ability of one partner to lead). Burwell’s closing chapter is, on the whole, a very satisfying conclusion to a collection of generally high-quality contributions.

Time marches quickly, however, and although this is no fault of the authors the Burwell and Daalder book is already somewhat dated. Since it appeared in 1999 several important new developments affecting transatlantic relations have occurred, including the Kosovo bombing campaign and its repercussions (including the fall of Milosevic), the EU’s decision at its December 1999 Helsinki summit to create a rapid deployment force and increase integration in military matters, and the election of George W. Bush as president and the consequent prioritization of the national missile defense project. Nevertheless, the analysis contained in this book remains valid and useful for assessing the impact of these developments on the future of U.S.-EU relations.

In contrast to the Burwell and Daalder volume, Thomas C. Fischer’s idiosyncratic and somewhat rambling book focuses on the globalization of world trade and the different interests of the major economic players: the U.S., the EU, and Asia (mainly Japan and China). Despite the book’s subtitle, little attention is given to analyzing U.S.-EU relations and the potential for conflict or cooperation. Instead, the economic interests of each is analyzed separately (along with chapters focusing on Japan, China, and the Asian emerging economies), with only periodic references to the need for U.S.-EU cooperation to jointly manage the global economy. Fischer correctly concludes that “trade globalization is a powerful force ... [that is] beyond the ability of any single nation to control” (223). International institutions (especially the WTO) can help, and the U.S. can still lead, but it needs allies. The best and obvious choice for this role is the EU, even though Fischer recognizes U.S. and European interests are not identical and in the future the U.S. and EU will compete as well as cooperate. Nonetheless, he believes they *will* cooperate because they *must*, since they are “bound to a single fate” by the increased convergence of their economies and the world economy (231).

While Fischer's sentiments are laudable, and his arguments certainly plausible, he provides little analysis in support of his assertion that U.S.-EU cooperation on global trade is inevitable. In any case, the future of this relationship forms only a very small part of this book, the bulk of which focuses on the differences between competing economic models (the U.S.-style free market, the EU macro-managed, and the Asian micro-managed) à la Lester Thurow's *Head to Head*, which Fischer cites extensively, and a wave of similar literature that appeared a decade or so ago.

The main contribution of Fischer's book is that he places U.S.-EU relations in a global context, in this case trade and economic issues. Other global issues, including the environment, human rights, poverty and development, and regional security provide a real challenge to transatlantic relations in the future. As the contributors to the Burwell and Daalder volume make clear, cooperation on such issues, which do not involve direct threats to European security or have established, hierarchical institutional contexts for dealing with them (such as NATO), is the most difficult. In the increasingly globalized post-Cold War world, however, it is such "non-traditional" issues (extra-European, non-conventional military security) that are increasingly going to become the focus of U.S.-EU relations, even more so as the EU unifies politically and seeks to become more of an independent and assertive global actor. We are witnessing, therefore, the increased "globalization of transatlantic relations," which will undoubtedly underline already recognized differences of interest and perspective, and thus lead to increased possibilities for competition and conflict. Such global issues also present new opportunities for cooperation and joint leadership, however, if determined and far-sighted leaders on both sides of the Atlantic should so desire.

Michael Baun
Valdosta State University

Terrence R. Guay. The United States and the European Union: The Political Economy of a Relationship. Sheffield: Sheffield Academic Press, 1999, 117 pp.

SHEFFIELD ACADEMIC PRESS AND the University Association for Contemporary European Studies publish concise, student-friendly monographs on EU topics that complement textbooks used in European integration and cognate courses. Terrence Guay's monograph fits well into this genre. Indeed, his work is more a bibliographic essay of what has been written on EU-U.S. relations over the past half century than a work which argues a new thesis or introduces a new explanatory concept. While the bulk of his descriptive monograph covers the history of bilateral relations, the remainder identifies changes in relations brought about by the end of the Cold War and introduces the reader to different theoretical approaches to explaining those relations. Guay rightly reintroduces a time-tested theme of competition and cooperation as a touchstone of—and defining element in—EU-U.S. relations.

Guay argues that the primary issues of these relations are largely economic, yet throughout the text he asserts the importance of politics and security in EU-U.S. relations. Since he chooses to

employ a political economy approach to the study of bilateral relations, he might focus more attention on the interplay between politics and economics which produces causes and effects in those relations rather than treat politics and economics as if they had not been entwined from the early days of the European Community and throughout the Cold War era.

A huge and disappointing gap in the piece is the underestimation of the importance of the 1995 New Transatlantic Agenda (NTA) and Joint Action Plan, which, along with the 1990 Transatlantic Declaration, basically transformed what was thought to have been a strictly "low politics," apolitical commercial relationship into a nascent foreign policy and functionalist problem-solving partnership on a global scale. With no mention of the individual principals behind these initiatives (Genschler, Zoellick, Eizenstat, Brittan to name a few) and the outputs of the NTA process, one might get the wrong impression that mortals do not drive the evolution of bilateral relations. Had the monograph depended less on secondary sources than on primary ones, especially those based on interviews of principals, the impact of the newly instituted modes of cooperation in EU-U.S. relations established in the 1990s would have been revealed to the readers. There is also insufficient attention paid to the role of NGOs in bilateral relations, particularly the impact of the transatlantic business and other dialogues on bilateral practices and policies.

Guay offers his readers a richly descriptive history of bilateral relations but since the historical overview dwarfs the sections on the post-cold war period, he leaves insufficient space to more fully analyze the impact of the following on EU-U.S. relations: German unification, end of the Cold War, Gulf War, dissolution of Yugoslavia, Middle East conflict, and EU-NATO-U.S. coordinated efforts to end the conflict in Kosovo. The monograph might have been better organized into Cold War and post-Cold War chapters with emphases on both the political economy issues of bilateral relations and the obvious politicization of those relations in the transition years of the 1990s.

No book review is complete without a quibble section. Some of Guay's observations could be construed as misleading. For example, his references to how the "predominance of NATO in transatlantic relations has receded" and that since 1989 "EU members have been less dependent on the U.S. for their defense and can now afford to be more assertive in economic and political matters" seem at odds with the effects of NATO air strikes that ended the war in Bosnia in 1995, halted ethnic cleansing in Kosovo in 1999, revealed huge weaknesses in European military technology and capability, and catalyzed renewed efforts to strengthen the European pillar of NATO. One last quibble: Guay refers often to the EU as an "international actor," but, like many scholars, neither defines the term nor draws attention to the issues and problems associated with assessing what kind of actor the EU is.

The last chapter is not well linked to the opening one and the insertion of theory at the end appears, but I am certain is not meant to be, an afterthought. Perhaps a more pedagogically effective approach would have been to briefly introduce the contending theories up front and, after having walked the reader

through the body of evidence, revisit them to evaluate concepts most germane to explaining the theme of competition and cooperation in EU-U.S. relations. These few large and mostly small quibbles notwithstanding, the author is to be congratulated for having published a good bibliographic essay on the history of EU-U.S. relations which students will find useful and comprehensive and their professors will welcome for contextualizing the world's largest, most unusual bilateral partnership in the global political economy.

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Skidmore College

David Cobham and George Zis (eds.) From EMS to EMU: 1979 to 1999 and Beyond. New York: St. Martin's Press, Inc., 1999, 294 pp.

SOMETIMES DISCERNING THE THREAD that ties together an edited volume is difficult. This is particularly true when such a volume consists of papers from a conference that one did not attend (Money, Macro and Finance Research Group at the London Business School, January 30, 1999). The chapters in *From EMS to EMU*, however, reinforce the thesis that the European Monetary System (EMS), the Economic and Monetary Union (EMU), the single currency (euro) and the management of the euro, are as much political as economic projects. Even within the European Central Bank's (ECB) seemingly straightforward brief of price stability, bankers make economic decisions replete with political tradeoffs. Those decisions create winners and losers who try to press their own demands. Further, political games related to monetary policy are played by national and supranational actors as well as within the European System of Central Banks (ESCB).

This volume offers something for almost any Europeanist interested in the resurgence of the monetary side of integration. Although non-economists may find a few of the straight economic (and econometric) chapters tough sledding, the conclusions are discernible and important. The papers included are uniformly optimistic about the euro and its prospects while the included discussions often add a cautionary note to the enthusiasm of the preceding chapter. On the other hand, the contributors are less sanguine about the ability of the three largest member states to maintain their commitments under the Stability and Growth Pact. In part, this stems from common social spending challenges, but also comes from unique national factors. The volume does occasionally read as a selection of conference papers given to an audience of long-time colleagues, in that the authors have not fully clarified some terms and acronyms. The reader may also question a few mislabeled or misnumbered footnotes and figures. Overall, however, it provides a helpful map of the process of moving toward monetary integration and EMU's prospects for the near term.

The book's chapters divide into four broad topics. These topics include: how the Eurosystem will function (all EU member states are members of the ESCB, but only those states where the euro will serve as the common currency are part of the

Eurosystem); the EMS as a successful precursor to the EMU; the politics of the larger states joining or remaining outside the EMU; and the euro's prospects internationally. What follows is a brief examination of these themes.

The reader gets an insider's guide to the ECB's monetary policy strategy in the chapter by Ignazio Angeloni, Vitor Gaspar and Oreste Tristani. EU central bankers are educated not just by the last half century's progress toward integration, especially the single market, but also by a three-decade history of exchange rate volatility and high inflation. Thus, besides price stability, bankers are committed to using market mechanisms and furthering the integrative project. In making Eurosystem monetary policy, the ECB relies neither on purely monetary nor direct inflation targeting. Instead the ECB's approach blends the two, giving "a special role to money among the monitored variables" and using "a board-based assessment of the prospects for price stability" (12). The bank measures price stability over the medium term, aiming for year-on-year increases in the Harmonized Index of Consumer Prices of less than two percent per year. In practice this translates into a reference value for M3, a broad monetary aggregate, of no more than 4.5 percent annual growth. The Bank has pledged to decide policy in a discretionary rather than a "mechanical" (14) way when target values approach, looking at broad causes for shifts. Further, its focus will be the situation in the Eurozone as a whole, rather than country or even regional disturbances. Finally, while the ECB shrouds information about individual bankers' votes, it will express institutional positions to the markets and the public through regular corporate publications and speeches, including parliamentary hearings.

While the above examines the data used in monetary policy making, the chapter by Paul De Grauwe, Hans Dewachter and Yunus Aksoy models how the ECB might make decisions given the asymmetries and differing preferences of national economies. The ECB's secret voting means that one cannot know if Executive Board members do vote jointly, and if they do, how they derive a joint preference. The voting members of the ESCB are the six members of the ECB's Executive Board and the central bankers of the eleven Eurozone national central banks (NCBs). Together they decide specific bank actions. The chapter tests various voting scenarios under a majority voting rule (that is, nine votes win). If the Board votes a joint Eurosystem perspective, while national bankers are attentive to conditions in their home states, the preferences of the united six should prevail over those of the disunited eleven. Next, the authors assume that the Board decides how to cast its six votes based on the size-weighted average interest rate preferences of the eleven national economies. Here, the bigger states will find their interests best served by this scenario, as the six would be most likely to echo their preferences. If, on the other hand, all seventeen members voted along national lines, the larger states would be worse off as the six Executive voters might support policies different from what the biggest states wanted. The authors include the caveat that their data about national economic preferences is all pre-EMU, and that the changed dynamics may have shifted national calculations.

Next, Robert Pringle and Matthew Turner examine the economic literature's four main critiques of the ECB and the

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division of responsibilities between it and the NCBs. Considering each in turn, they find the situation more favorable than the critics imply. Thus, rather than a weak structure for making monetary policy, the Executive Board has shown itself to be rather strong. As well, the bank's unreported individual voting increases the likelihood that representatives of NCBs can be subjected to pressure by their peers to "do the right (European) thing." Responding to a second criticism, the lack of a clear Lender of Last Resort (LLR), the authors argue that the ECB would fulfill the LLR function, "because it would have no option" (236). Pringle and Turner address the decentralized nature of banking supervision in the Eurozone by noting that in the eleven Eurosystem states, banking remains largely national. Thus, supervision properly remains at the national level. As it becomes regional, then the move to regional supervision would be appropriate, and the transfer of additional powers to the ECB is compatible with EU law. Finally, regarding the high expenses and employment in the Eurosystem's NCBs, the authors point to significant variation in the functions carried out by each. Some central banks clearly provide more services than others. Therefore, high resource use may signal not inefficiency but simply a broad set of bank responsibilities. Pringle and Turner predict a gradual specialization of the NCBs as they develop niches, similar to the evolution of the United States' Federal Reserve banks. Also, they point to the shedding of employees (and presumably costs) by the NCBs over the 1990s.

Thus, these selections give the reader an idea of the inputs the ECB will use, how the bank might decide policy, and strengths and weaknesses of the ESCB, especially regarding the relationship of the ECB and the NCBs. Previous European monetary projects have, of course, shaped the EMU and the ESCB. An evaluative look back at the EMS, by George Zis, explains not only that it was a clear success but that its success was predictable from the start. Those who assessed it as 'sure to fail' focused too much on economics and failed to realize the political nature of the EMS. In fact, the project reflected the political will of an emergent Germany and an acquiescent France. Together they pushed European integration and worked to reduce the impact of the United States in the political and economic realms. Because of its achievement of these political goals, the EMS must be judged a triumph. Further, the national monetary convergence under the EMS also makes it an economic success.

One cause of this, according to Zis, was the voluntary nature of membership. He points out that it was not until the Maastricht requirement of, among other things, at least two years within the 'normal bands' of the Exchange Rate Mechanism (ERM), that the EMS witnessed a crisis like that of 1992-93. In the end, however, he finds that it was too politically important to the progress of European integration to be allowed to fail.

Moving from an institutional focus and Community-wide ambit, one can examine the impact of the Maastricht criteria and EMU at the national level in five chapters dealing with individual states. These pieces investigate how Germany, France and Italy joined EMU and the political and economic price, and further, why the UK has not joined, but might in the future. The chapter by Jürgen von Hagen and Rolf Strauch characterizes the Germany of EMU as much less desirable than the Germany that insisted on the economic strictures of the Maastricht Treaty. The difference comes from the costs—political and economic—of German unification. According to the authors, Germany's leaders sacrificed its vaunted fiscal discipline to the politics of the unification project. This makes the Germans' insistence on a strict reading of the Maastricht criteria for other states "schizophrenic" (90). This chapter illuminates how a state operating under conflicting national and European constraints could still privilege national goals.

Paris' fiscal reform, meant to help it meet the Maastricht standards, is the subject of Stephen Bazen's and Eric Girardin's contribution. They find that the state's retrenchment was not as dramatic as many have characterized it. Further, they note that these adjustments relied more on increased taxes than on decreased spending. Thus, besides the lingering challenge of high unemployment (despite what the authors characterize as an increasingly flexible labor market) and expensive government-funded employment programs, spending cuts for health care and pensions remain ahead. These politically charged issues threaten France's ability to meet the Stability and Growth Pact's requirements.

As Vincenzo Chiorazzo and Luigi Spaventa explain, Italy evolved from an unlikely candidate for first round entry to one that qualified on most measures, even using a strict reading of the Maastricht criteria. The authors note that Italy used the "trick" of building market confidence in its early entry and the discipline that entry would require, to lower its debt service burden. This trick created a virtuous cycle that helped make Italy's "gradualist" and "patchwork" approach work (137). Additionally, rather than characterizing the one-off Eurotax, much of which Rome will refund later, as accounting legerdemain, the authors note that it signaled a commitment by the Italians to early EMU entry. As with France, the challenges of meeting the Stability and Growth Pact's requirements lie ahead for Italy. Much of the fiscal reform came from tax increases rather than the politically more difficult, but inevitable, spending cuts to such programs as the social security. Complicating the picture, national economic growth rates are slow, consumer demand is low, and high levels of unemployment continue.

The story moves from the Eurosystem states to the UK, the largest EU economy outside the Eurozone. The first chapter

dealing with the UK assesses the economic case for joining, while the second looks at the domestic politics of joining. Michael Artis, using Optimal Currency Area theory, specifically asymmetric shock and business cycle correlations, confirms that the British economy is less in synch with Germany than are the economies of the EU core, that is, France, the Netherlands, Belgium (with Luxembourg) and Austria. Despite this economic data supporting the UK choosing the Canadian solution, that is remaining outside EMU forever, the author finds more credible that Whitehall will eventually seek membership. The loss of political capital caused by joining immediately, given both the Tory and Labour Parties' pledges to hold a referendum on the issue, effectively eliminates this possibility. Further, the British government must address making the Bank of England fully independent and the Maastricht Treaty's requirement of membership in the ERM. Given all this, why does the author find it likely that London will opt to join? Artis finds that the UK's motivation is not economic but political. The state has a pattern of initial resistance but eventual acquiescence, because it sees its political future inside, not apart from, the institutions of Europe.

Given the likelihood of an eventual British bid for membership and the parties' pledge to let the public decide, John Curtice's examination of the domestic politics of the UK and the Eurosystem is particularly salient. Relying on survey data, the author shows a continued strong relationship between the British public's concerns about national sovereignty and identity, and its hostility toward the euro. He notes that the party in government must sell the British on the euro by educating them to its economic benefits. Curtice posits that a strong education program, together with robust party support and broader "good news" about Europe, could tip voters' current resignation about the inevitability of British entry into genuinely positive feelings toward EMU. Given the divisiveness of Europe for both the Labour and Conservative Parties through the years, however, the one pushing entry into the Eurosystem will be taking an electoral risk.

In thinking about what the payoff for such a political risk might entail, Paul Mizen's piece examining the likely extra-Eurozone uses of the euro is helpful. Network externalities combined with the largeness of European consumer and financial markets, recent past use of the German mark as a transaction currency, and the predicted thickness of a euro asset market, all point to a high international profile for the euro. However, the author notes that near-term inertia in replacing the U.S. dollar as a transaction currency will keep the euro's international usage below that of the dollar in trade, investment and official reserves.

This volume offers something for the economist, historian, political economist and political scientist. While each discipline may find itself more comfortable with the terminology and methodology of different selections, anyone may gain useful insights from each. Finally, as David Cobham's Epilogue notes, one can find reasons for optimism about EMU. The ECB's policy making tools and style, and its pragmatic approach to implementation, together with the prediction that the UK will join EMU in the near term, give rise to this sentiment.

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The State of the European Union (Volume 5): Risks, Reform, Resistance, and Revival

Oxford University Press

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Edited by Maria Green Cowles, Assistant Professor, School of International Service, American University, and Michael Smith, Jean Monnet Professor of European Politics, Dept. of European Studies, Loughborough University, *The State of the European Union* offers an insightful and up-to-date examination of the challenges facing the European Union. The Amsterdam treaty, monetary union, future enlargement, as well as global economic and political developments pose new risks and opportunities for EU institutions and policies. Chapters by leading scholars explore different conceptual approaches to the emerging European polity, needed reforms of European institutions, difficulties awaiting monetary union, risks of enlargement, and the resulting implications for the development of European policies.

—*Oxford University Press*

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NETWORK OF EUROPEAN UNION CENTERS
News and Notes for Spring 2001 www.eucenters.org

On March 3, 2001 the European Union Center of California hosts a conference on "The Future of Europe: the European Union in Transition and its Relation to the United States." This event is co-sponsored with the Center for European and Russian Studies (UCLA), the Claremont International Studies Education Project (CISEP), and the Southern California Consortium on International Studies (SOCCIS) at UCLA, with funding from the U.S. Department of Education, Title VI. The conference features panels on "The Welfare State in the EU and U.S." and "The Future of the Euro."

In addition to research presentations such as "Looming Crisis: Enlargement, Translation, and the Court of Justice" and its distinguished lecture series, the Pittsburgh EU Center is a co-sponsor of the First Annual University of Pittsburgh Model European Union Simulation on March 31, for exceptional undergraduates from Pitt's regional campuses to study the EU's Treaty of Nice negotiations. With The Council for the United States and Italy, the Center also co-sponsors the annual Young Leaders Conference on "The Internet Revolution," May 10-12, with participants from the U.S., Italy, and the UK. Eleven current faculty and students and four alumni of the EU Center and the University of Pittsburgh will participate in the May 31-June 2 ECSA Conference.

The EU Center in New York sponsors conferences in March, "Antitrust and Competition in North America and Europe: Past, Present and Future" (Columbia), the 18th Annual Graduate Student Conference on "Democracy and Integration in an Enlarging Europe" (Columbia and New School with the Swedish Consulate General), and "Democracy and the Internet in an Enlarging Europe" (New School), in April, "The New Face of the European City: Immigration in an Urban Perspective" (NYU), and in May, "Germany, Russia and East-Central Europe: Perspectives on the Future" (Columbia). The Center's speaker series includes Christa Altenstetter, Irene Finel-Honigman, and Thomas Weiss (at CUNY), Alan Milward and Stanley Hoffmann (at Columbia), and Adrienne Wallace and Damir Skenderovic (at NYU).

Events at the North Carolina EU Center: UNC-Chapel Hill will hold its annual European Symposium (co-sponsored with NCSU), on "e-Europe: Building a new European Economy." Key speakers will include Michael Niebel (DG Information Society), author of the first EU report on the information society and specialist on intellectual property and data protection. The Center will co-sponsor a conference at Duke, "The Future of Humanitarian Intervention." Speakers include Lloyd Axworthy, former Canadian Foreign Minister, and Hans Corell, UN Under-Secretary for Legal Affairs. Other speakers include Cristoph Heusgen (General Secretariat, EU Council) on the CFSP, and Noelle Lenoir, President, EC Group on Ethics in Science and New Technologies, both speaking at Duke.

In early March the Illinois EU Center co-sponsors a workshop on European and North American Perspectives on Sustainable Transportation, with Roger Vickermann, University of Kent, and Jacob J. deVries, Free University. On March 26, Jacques Delors speaks in Chicago on "Europe after Nice: Shaping the EU," sponsored by the Illinois and Wisconsin EU Centers and the Chicago Council on Foreign Affairs. Italo Trevisan, Professor of International Management and Marketing, Università di Trento, visits Illinois on April 9-11 to present several lectures on international business. On April 19 Gerhard Fink, Professor of Management Economics, Vienna University, speaks on "European Integration, EU Enlargement and the Challenges for the Financial Sectors of the Member Countries."



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The EU Center in Missouri events this spring address economic and political relations between the EU and the U.S. Giuseppe Zilioli, Director of E-Democracy for the Enterprise and Information Society DG, speaks on "EU and U.S. Digital Democracy: Technology and the Future of Local and Regional Governance" (March 8). In Birmingham, Alabama, the Center partners with the EU Center in Georgia and the University of Alabama Birmingham to co-sponsor a workshop on Competition Policy featuring Sibylle Frucht, Delegation of the European Commission, Washington (March 31). The Center also brings to Missouri noted political scientists for a conference, "The European Union: Institutions, Processes and Democracy" (May 4). These events are free and open to the public.

The Harvard EU Center holds a workshop March 2-3, "L'Etat de la France/The State of France." On March 8 Christiana Lemke (University of Hannover) speaks on "Social Citizenship and Institution Building: Exploring a Contested Concept of EU Enlargement." On March 9-11, the EU Center at Harvard co-sponsors a workshop, "Trajectories of Terrorist Violence in Europe," to explore the patterns of terrorist violence in Europe since the 1960s, and on March 16, "The Changing Political Geography of the Nordic Countries," to focus on the changing political profile of these countries, developments within the EU, and the role of small states in international affairs.

In March the EU Center in Georgia co-sponsors a workshop, "Teaching the European Union in Secondary Schools" and the conference, "Transatlantic 2020: Building New Partners or Building New Blocs?" at which Jacques Delors, EU Ambassador Guenter Burghardt, and Charles Ries, U.S. State Department, will speak. The Georgia Center also holds a Web-Based Course Workshop with the University of Munich. In April the Center hosts video broadcasts with Fraser Cameron and Eric Hayes, both representing the European Commission. In May, the Center co-sponsors conferences, "Regionalism in the European Union," and "EU-US Telecom Policy: Future Harmony or Conflict?," an executive workshop on "Transatlantic Business Linkages: The Southeastern Voice," and the Center's Europe Day, with keynote speaker Georgia Governor Roy Barnes.

The EU Center in Wisconsin organizes three major conferences this spring: "European Itineraries: Citizenship and Identity among EU Member States" (April 20-22); "Reconfiguring Work and Welfare in the New Economy: A Transatlantic Dialogue" (May 10-12); and "Law and New Approaches to Governance in Europe" (May 29-30). Program information and background materials for all three conferences are available on the Center Web site. In addition to a full program of visiting European speakers such as Guenter Blobel (1999 Nobel Laureate for Medicine) on the transatlantic politics of biotechnology, the Center will sponsor, with the Chicago Council on Foreign Relations, a talk by Jacques Delors (March 26) on "The Challenges and Opportunities Facing the European Union."

The EU Center of Seattle activities for spring include a public school teachers workshop on "The European Union Today" and a conference on "Integrating Institutions: Theory, Method, and the Study of the European Union," to be held on the University of Washington campus May 4-5. Also this spring, the EU Center will welcome its new Marshall-Monnet Visiting Scholar, Jolyon Howorth from the University of Bath, and its second EU Fellow for 2000-01, Jean-Guy Giraud, an official with the European Parliament. Giraud, Howorth, and our current EU Fellow, Christopher Docksey from the Commission's Legal Service, will be teaching and performing outreach through the spring term.

Publications

New and Recent EU-Related Books

- Guide to the European Parliament 1999-2004. Brussels: The EU Committee, American Chamber of Commerce.
- Harrop, Jeffrey (2000) The Political Economy of Integration in the European Union, 3rd Edition. Northampton, MA.: Edward Elgar Publishing.
- Hyde-Price, Adrian (2000) Germany and European Order: Enlarging NATO and the EU. Manchester, UK: Manchester University Press.
- Kádár, András (ed.) (2001) Police in Transition. Budapest: Central European University Press.
- Kurzer, Paulette (2001) Markets and Moral Regulation. (Themes in European Governance Series). Cambridge, UK: Cambridge University Press.
- Miller, William L. et alia (2000) A Culture of Corruption: Coping with Government in Post-Communist Europe. Budapest: Central European University Press.
- Philippart, Eric and Pascaline Winand (eds.) (2001) Ever Closer Partnership: Policy-Making in U.S.-EU Relations. New York: Oxford University Press.
- Scharpf, Fritz W. and Vivien A. Schmidt (eds.) (2001) Welfare and Work in the Open Economy: From Vulnerability to Competitiveness in Comparative Perspective. New York: Oxford University Press.
- Zeff, Eleanor and Ellen Pirro (eds.) (2001) The European Union and the Member States: Cooperation, Coordination, and Compromise. Boulder, CO: Lynne Rienner Publishers.

Monographs and Working Papers

- German Marshall Fund of the United States Report (2001) "Future Directions for U.S. Assistance in Southeastern Europe." Washington, DC: German Marshall Fund.
- Pire, Jean-Miguel (2000) "Pour Une Politique Culturelle Européenne" (Notes de la Fondation Robert Schuman). Paris: Fondation Robert Schuman.
- Sussex European Institute, Working Papers in Contemporary European Studies (Sussex, UK: University of Sussex):
- No.40: Pierre Jaquet and Jean Pisani-Ferry, "Economic Policy Co-ordination in the Eurozone: What Has Been Achieved? What Should Be Done?"
- No.41: Joseph F. Francois and Machiel Rombout, "Trade Effects from the Integration of Central and East European Countries into the European Union."
- No.42: Peter Holmes and Alasdair Young, "Emerging Regulatory Challenges to the EU's External Economic Relations."

New Journal

- Politique Européenne: Le Recherche en Science Politique et l'Union Européenne*. Published by Sciences Po, Paris. First issue (No.1, April 2000) has articles in French and English by Renaud Dehousse, Neil Fligstein, and others.

2001 ECSA Prizes

The ECSA Executive Committee is delighted to announce that the following prizes will be awarded at the ECSA Conference Luncheon at the ECSA Conference in Madison:

Best 1999 ECSA Conference Paper: David Michael Green (University of Wisconsin Madison) "Who Are 'The Europeans'?' European Political Identity in the Context of the Post-War Integration Project." The Committee described Green's paper as "a tour de force" and "the most interesting of the puzzles," with "quite convincing ... presentation and supporting evidence." Green is now assistant professor of political science at Hofstra University (Hempstead, NY). The text of his paper is posted on the ECSA Web site.

Best Dissertation in EU Studies: Joseph Jupille (University of Washington Seattle) "Procedural Politics: Issues, Interests, and Institutional Choice in the European Union," James A. Caporaso, Dissertation Chair. The Committee described Jupille's dissertation as "ambitious and demonstrative of original thinking ... go[ing] beyond the best of existing institutionalist analysis." Jupille recently took up a position as assistant professor of political science at Florida International University (Miami).

Lifetime Contribution to EU Studies: Leon Lindberg (University of Wisconsin Madison) was unanimously selected by ECSA's 1999-2001 Executive Committee as the second recipient of this award. Vivien A. Schmidt, ECSA Chair, writes, "Lindberg's work on European integration set the standard for subsequent work on theories of integration. The concepts, arguments, and lines of analyses he developed still serve as the intellectual foundation for theoretical work on the European Union ... the study of European integration will occupy many scholars for at least several generations, and all of them will be permanently in Lindberg's intellectual debt."

The prize selection committees are made up of one Executive Committee member and two others from the ECSA membership at large. ECSA would like to thank those who served on this year's selection committees: Best 1999 Conference Paper: Bruce Shine (Shine and Mason), Chair, Paulette Kurzer (University of Arizona), and Katja Weber (Georgia Institute of Technology); Best Dissertation in EU Studies: Liesbet Hooghe (University of North Carolina Chapel Hill), Chair, Donald Hancock (Vanderbilt University), and Lowell Turner (Cornell University). The Best Conference Paper and the Best Dissertation Prizes carry cash awards, funded by the ECSA Grants and Scholarships Fund.

The next ECSA Prizes will be awarded in 2003. To qualify for the Best 2001 Conference Paper Prize, one must present an original and previously unpublished paper at the 2001 ECSA Conference in Madison and deposit twenty copies of it at the Conference Paper Room. To qualify for the next Best Dissertation in EU Studies Prize, one must defend and be awarded the dissertation in the period September 1, 2000-August 31, 2002. Further requirements and details on the nomination process are available on the ECSA Web site. ECSA does not accept nominations for the Lifetime Contribution to EU Studies Prize.

From the Chair (continued from p.2)

(2000), and the *State of the European Union, Volume 5*, edited by Maria Green Cowles and Michael Smith and published by Oxford (2001). Also, to encourage younger scholars, we have successfully raised funds for the ECSA Grants and Scholarships Fund and the ECSA Endowment Fund, while to reward excellence in research, we have just awarded the second round of ECSA Prizes in EU scholarship. On behalf of the entire ECSA Executive Committee, I congratulate this year's prize awardees, David Michael Green (Best 1999 ECSA Conference Paper), Joseph Jupille (Best Dissertation), and Leon Lindberg (Lifetime Contribution to EU Studies). We'll be presenting the prizes at the ECSA Conference in Madison (for more on this year's prizes, see p.22). Finally, through our continued coordinating role of the Network of European Union Centers in the United States, we have been able to facilitate the exchange of information and the promotion of EU teaching and scholarship in the ten regional EU Centers in the U.S. funded by the European Commission and the host institutions.

The reasons for our success are due to you, our members, so I thank you. But I would also like to thank in particular the individual ECSA members who have made gifts to our funds, the European Commission and the German Marshall Fund of the United States which have generously provided us with recent grants, the University Center for International Studies at the University of Pittsburgh which has hosted us, the Brookings Institution Press and Oxford University Press which have published our books, and of course, most important of all, I thank my fellow members of the ECSA executive committee, who gave of their time and expertise selflessly, and Valerie Staats, our executive director, without whose talents and tireless efforts none of this would have been possible.

VIVIEN A. SCHMIDT
Boston University

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Founded in 1988, ECSA is a non-profit academic and professional organization dedicated to the exchange of information and ideas on European Union affairs. ECSA coordinates the Network of European Union Centers in the United States.

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