

## The Deadlock that never Happened: the Impact of Enlargement on the Common Foreign and Security Policy Council Working Groups

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### **Abstract**

*Contrary to some previous assumptions, the enlargement did not halt the Common Foreign and Security Policy (CFSP) decision-making process in a substantial way. Rather it changed the dynamics within the working environment, preserving the importance of consensus-building practices in the Council working groups. The aim of this article is twofold. First, it tracks the changes that the recent enlargement caused in the working practices of the Council working groups. It also attempts to assess the adaptation processes of the new member states to the work in the Council working groups and pinpoint the main challenges that their administrative systems were faced with.*

**Keywords:** *Council working groups, CFSP, enlargement, committee governance, informal rules, socialisation, adaptation, code of conduct*

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## 1. Introduction

The prospect of the European Union's (EU) Eastern enlargement sparked an intense debate on the formal institutional arrangements and the ways to accommodate ten new member states. The fact that they would join the negotiating table with different experiences, administrative backgrounds and interests, while the unanimity rule remained in place, was considered by some as a recipe for a stalemate in the Common Foreign and Security Policy (CFSP). Looking at the existing institutional arrangements, some authors pointed at enlargement as a potential threat to efficient decision-making process (Nugent 2003: 503; Sjursen 1998). Fears about a deadlock were amplified with the rift between the "new" and the "old" Europe over the invasion of Iraq in 2003. This argument has often been used to support subsequent reforms in the EU's external action, and in particular, with the new Constitutional Treaty. However, as this article argues, formal institutional arrangements are not enough to explain the conduct of the EU's foreign policy. Informal practices have to be put into the picture if one wants to make sense of CFSP governance. Only in this way can the impact of enlargement be adequately assessed.

The majority of the literature referring to the impact of enlargement has mainly focused on policy substance, whereas issues of governance have remained unexplored (Cameron and Primatarova 2003; Duke 2003; Edwards 2005; Neuhold 2003). Other analyses have concentrated on the Europeanisation of national foreign policies of the individual states.<sup>1</sup> In the case of the CFSP governance system, most attention was given to possible institutional reforms in the light of the forthcoming enlargement during the meetings of the European Convention (e.g. Cameron, and Primatarova 2003). What is still lacking is an attempt to examine the overall impact of the 2004 enlargement on the CFSP policy-making process.

This article analyses CSFP committee governance, by focusing on the lower level of decision-making: the Council working groups. Their importance in the process of governance in the area of the

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<sup>1</sup> For some of the analysis see: *CFSP Forum* (2005) vol. 3, no. 3.

CFSP has thus far been underestimated. Even though the ‘high politics’ images associated with the CFSP may suggest that hard bargaining at higher levels is the main decision-making procedure, our empirical research shows the increasing importance of consensus building practices and highlights the role of experts. A large number of issues reach the Committee of Representatives (COREPER) or the Political and Security Committee (PSC) in the form of already agreed consensus.<sup>2</sup> The enlargement has increased the workload at the level of the Council working groups since with more participants around the table there is less time for discussions at other levels such as the PSC, COREPER and the General Affairs and External Relations Council (GAERC).

Taking up the central argument of this volume regarding the impact of enlargement on committee governance this article reflects on how enlargement might have affected, first, the role of the CFSP committees in the overall decision-making process, second, the different modes of CFSP committee governance (consensus-building vs. bargaining), and third, the adaptation of the new member states to the CFSP committee governance, not only regarding procedural practices, but also reorganising national administrations. In order to do this, the article tracks the changes that the recent enlargement caused in the practices of the COREPER II working groups in the Council of the EU. It also attempts to assess the adaptation processes of the new member states to the procedural rules in the Council working groups and pinpoint the main challenges that their administrative systems and diplomacies were faced with.

The article begins with a short explanation of the CFSP decision-making procedures and the distinctive aspects of the second pillar in relation to community policies. It also underlines the first administrative changes relating to the period prior to accession. Then it proceeds with identifying certain ‘codes of conduct’-such as

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<sup>2</sup> A large part of the Council workload is already agreed at the level of the Council working groups and it reaches the PSC and/or COREPER II as A points in the agenda. Approximately 70 per cent of the total items in the GAERC agenda has been previously agreed in the prior Council working group and 15-20 per cent in COREPER (Duke and Vanhoonacker, 2006: 169).

the consensus building or the coordination reflex. Even though unanimity still remains the major CFSP decision-making rule, meetings take neither longer nor is there a reduction in the output of the meetings (agreed decisions). As several practitioners have noted, this may be due to the fact that some of the previous practices have been reinforced. For example, there has been an increase in informal cooperation and coalition-building, so that issues often appear ‘pre-cooked’ on the agenda. This article will examine changes in informal rules in the Council working groups after the enlargement in detail, and support our observations in this area supported with new evidence. The last section refers to the adaptational changes of the Ministries of Foreign Affairs (MFAs) of the new member states. The empirical evidence points to some tensions between the capitals and Brussels as there are different perceptions of how negotiations should take place, with the capitals still having problems in recognizing the value of informal procedures. Other problems encountered during the process of adaptation refer to the lack of resources (both human and material), coordination mechanisms and organisational culture.

The article refers to the process of socialisation, which plays a crucial role in the process of adaptation of the newcomers to EU membership. In sociological accounts, socialisation is usually linked to the establishment of a ‘we-feeling’, which in turn, may eventually lead to the emergence of a common identity (Deutsch, 1957: 5-7). This would mean that the values and norms would be internalised or ‘taken for granted’ (Johnston, 2001: 495) and the actors would behave according to the logic of appropriateness. However, such conceptualisation of socialisation does not explain different types of internalisation of norms and the role played by rationality in this process. As acknowledged in the recent literature on socialisation (Checkel 2005), compliance with the rules of the group may result from different processes, namely, role playing, normative suasion or strategic calculation and it does not necessarily imply the internalisation of norms.

The approach adopted in this study builds on the latter approach. In the case of the Council working groups, where there is still lack of evidence of internalisation of norms, strategic factors can better explain compliance with the practices of the group. The concept of

socialisation is therefore limited to adoption of certain rules of behaviour, ‘ways of doing things’, stemming from interaction with members of the same group. This does not imply that actors (here diplomats from the new member states) internalise certain norms, even though this possibility is not excluded in a long-time perspective. Instead, they act strategically, taking into account the social and normative context in which they are embedded (Juncos and Pomorska, 2006).<sup>3</sup>

The article is based on more than 30 in-depth interviews with national representatives to the Council working groups and EU officials (Commission and the Council Secretariat General) in 2005 and early 2006.<sup>4</sup> Overall, the empirical research included interviews with diplomats from 20 member states: Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Lithuania, Poland, Portugal, Slovenia, Spain, Sweden and United Kingdom. Based on this extensive evidence, the article illustrates the self-perception of officials and diplomats and their opinion on the impact of enlargement. The evidence is complemented by participant observation in the Council working groups meetings in 2005 and secondary literature.

Even though some social scientists may be critical towards qualitative research methods, especially because they are not replicable and it is difficult to generalise from them (Devine, 2002: 204), here they are considered as a very valuable technique for several reasons. Semi-structured interviews allow the interviewees to speak at length and for themselves about how decision-making takes place in Brussels. Therefore, elite interviews constitute a flexible technique to explore the interviewees’ attitudes, motivations and perceptions. Ideas of consensus-building, trust or credibility are phenomena that cannot be grasped adequately by quantitative measures. In any case, what is important is how these phenomena are perceived and interpreted by policy-makers in order

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<sup>3</sup> Such perception of actors reflecting on the social context was also adopted in other studies such as Beyers, 2005 or Schimmelfennig, 2000.

<sup>4</sup> Both authors would like to express their gratitude for the kind assistance they were given by national representatives, as well as the EU officials, during their fieldwork. Unless indicated otherwise, all the quotations in this article come from the interviews conducted by the authors.

to better identify the impact of socialisation processes within the Council working groups.

## **2. The CFSP governance and the Council Working Groups**

Even though the CFSP operates within the same institutional framework as other EU policies, it has its own decision-making procedures, which explains the way in which adaptation takes place in this area. The CFSP is an intergovernmental policy with states holding veto power. This emphasises the significance of the national officials, who operate at both the European and the national level, providing a link between the two. Secondly, there is no clear template of policies to which the member state should adapt. For example, even though the member states have to align to CFSP decisions, there are no specific provisions about how to implement them, which explains why divergence persists between the national foreign policies. Furthermore, the CFSP is characterised by a lack of strong legal pressure and the European Court of Justice does not have any prerogatives in this policy field. Therefore, adaptation is expected to be voluntary, rather than coercive, with an emphasis on the informal channels of change.<sup>5</sup> This feature is similar to what happens in the area of Justice and Home Affairs and in the Economic and Monetary Union, described by Uwe Puetter as “coordination among independent actors” (2003: 110).<sup>6</sup>

Finally, the main difficulty in adapting to the CFSP is that it constitutes a ‘moving target’, as the EU is undergoing dynamic changes in this field. The changes in its institutional setting have gained speed in recent years, initiated by the establishment of the CFSP as the second EU pillar by the Treaty of Maastricht, and later with other important innovations in the Treaties of Amsterdam and Nice. The pace has been particularly rapid in the European Security

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<sup>5</sup> With the exception of the period prior to accession when conditionality plays a more important role, this is also the case in the area of foreign policy.

<sup>6</sup> In the case of the Economic and Monetary Union, the predominant mode of interaction among actors has been called “deliberative intergovernmentalism” by Puetter (2003).

and Defence Policy (ESDP), launched at the St. Malo summit in 1998.

The Treaty of Maastricht formalised the co-ordinating structures that had sustained the European Political Cooperation (EPC) since the 1970s, without altering its basic intergovernmental nature. In other words, unanimity is still the rule in the CFSP; qualified majority the exception. The member states retain a veto power in the CFSP and dominate the decision-making process; however, the national MFAs have been increasingly displaced from the core of the decision-making process by the intergovernmental bodies located in Brussels through the so-called process of “Brusselisation” (Allen, 1998). Among these bodies, the PSC is responsible for preparing CFSP issues for the Council, monitors the international situation regarding CFSP and helps to define policies and strategies in these areas. It also holds the main responsibility for the control of EU crisis management operations. Another body involved in the decision-making process, preparing the decisions for the Council, is the Committee of Permanent Representatives, better known as COREPER. In fact, it is more accurate to talk about two formations within COREPER: COREPER I, dealing mainly with EC issues, and COREPER II dealing with external relations, the financial perspective and Justice and Home Affairs. The first is composed by deputy ambassadors, and the second by permanent representatives, with the status of ambassadors.

With the Treaty of Maastricht, the former EPC Working Parties were merged with their community counterparts although some CFSP-specific working groups remained. The Council working groups are composed by national representatives based in the Permanent Representations in Brussels<sup>7</sup> and their role is to discuss and draft CFSP documents (Joint Actions, Council Conclusions, Action Plans). There are thirty-six CFSP working groups that have been set following thematic (Transatlantic Relations, Non-Proliferation, Human Rights) or geographical lines (Western Balkans, EFTA, Latin America). With the development of the ESDP, two committees have been established, dealing with the

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<sup>7</sup> Having said that, it is worth noting that the Council working Council working groups also meet in ‘capital formations’ composed by directors from the MFAs.

military (EU Military Committee or EUMC) and the civilian aspects of the EU's crisis management policies (Committee for Civilian Aspects of Crisis Management or CIVCOM).

### **3. Enlargement and foreign policy**

In this section, some aspects of the adaptation prior to enlargement are discussed. The EU used the policy of conditionality towards the candidate countries. Its main logic was to exert pressure so that the candidates would comply with the entry conditions, while their motivation to do so was provided by the prospect of membership. The same logic of conditionality was applied in the case of CFSP, although in this policy area, no specific legal adaptation of the EU law into the national law was necessary, as the CFSP does not operate with the same legal instruments as pillar I, such as directives or regulations.<sup>8</sup> Instead, it is equipped with instruments like common declarations, positions, statements and joint actions. Hence, the candidate states were obliged to accept, the so called, *acquis politique*, and ensure that their national foreign policies were in compliance with the positions expressed by the EU member states within the framework of the CFSP. Overall, this process was not problematic. Unlike in the case of the previous enlargement involving Austria, Finland and Sweden, none of the current newcomers had problems with combining neutrality or non-alliance with joining the EU (Neuhold 2003: 1).<sup>9</sup>

The first adaptational changes in the foreign policies of the new member states were related to the establishment of a structural dialogue between the candidates and the EU. During the summer of 1994, the Associated European Correspondents were nominated (Dunay et al. 1997: 325) and meetings were held at the ministerial level and between Political Directors and European Correspondents with the Associated European Correspondents. Some countries also

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<sup>8</sup> In relation to the CFSP, however, various forms of adaptation in external relations were needed, for instance, in order to formally be able to execute sanctions and restrictive measures imposed by the EU.

<sup>9</sup> However, it has to be noted that Cyprus and Malta are not fully participating in the ESDP issues that involved Berlin Plus arrangements since they are not NATO members.

needed to create the post of the Political Director or, if it existed, adjust his/her competences. GAERC would invite the Foreign Ministers of Associated States to its meetings and similarly the Political Committee arranged meetings with the Political Directors. A former Polish Associated European Correspondent, who attended the meetings, recalled a very particular atmosphere. The difference between the EU insiders and the candidates was very apparent, even though the presidency was making an effort to bridge this gap. The 15 old European Correspondents knew each other - in most cases also privately. According to the diplomat, they were not interested into engaging in any real discussion and the formula simply “did not work”. The representatives from the new member states were also invited, once during the term of each presidency, to participate in the working groups meetings. However, usually the EU was represented just by the Troika with the officials from the Council Secretariat General and the Commission (ibid: 326). In practice, most such meetings in the beginning of the structural dialogue were merely “presenting monologues on both sides without actually reacting on each other’s positions” (ibid.). In this light, such occasional meetings caused some organisational changes, but did not present much opportunity for socialisation between the diplomats.

The candidates were also given the possibility to align with some of the CFSP declarations agreed by the Fifteen, adhere to démarches or participate in joint actions.<sup>10</sup> In practical terms, the electronic communication system ACN (Associated Countries Network) was installed in the MFAs. Through this system the Council Secretariat sent the questions to the Accession States inquiring whether they wished to align with certain EU positions, declarations and actions. The frequency varied from a few daily questions, to just one every couple of days. Since they became active observers,<sup>11</sup> they gained a full access to the CORTESY network,<sup>12</sup> which for some proved a shocking experience, regarding the great increase in the amount of

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<sup>10</sup> For data on alignments in the period 1995-2002, see Regelsberger 2002.

<sup>11</sup> After signing the Treaty of Accession on the 16 April 2003, the candidate states obtained the status of active observers.

<sup>12</sup> CORTESY is the telex system that enables communication among the MFAs of the EU member states, the Commission and Council Secretariat. COREUs are the single messages sent out.

information received from the European partners. To distribute and coordinate all this information, the MFAs needed additional staff and new coordination mechanisms.

Becoming active observers allowed the candidate states to take part in the meetings related to the CFSP and ESDP, such as the Council working groups, COREPER II and PSC. Nonetheless, even the larger states among the candidates, like Poland, did not attend all the meetings from the beginning. This was mainly due to the lack of experts in the Permanent Representation, but also to a lack of interest on the part of the various ministerial departments in attending those meetings. Soon, the numbers of people employed in the Permanent Representations increased dramatically and new coordination mechanisms were introduced in order to adjust the rhythm of work to the EU agendas. Another problem to adaptation was that some of the new member states did not have much of a tradition in foreign-policy making, as they were newly independent states. This applied in particular to the Baltic states, as former Soviet Republics, as well as to Slovenia and Slovakia. As a diplomat from one of these states admits: “one big problem is historical memory in the organisation, [and we are] starting from zero”. These countries had to build their administrations, almost at the same time that they were conducting the negotiations and preparing for EU membership. To this day, some smaller member states express their concerns that more staff is required in order to effectively cover all the Council working groups.

#### **4. Ending, changing or adapting to the ‘Brussels game’?**

As shown by our research, the formal rules, i.e. those established in the Council’s rules of procedure or in the Treaties, were grasped quite quickly by the newcomers. What was more challenging was first defining and then adjusting to the informal rules and practices, since the adoption of these informal norms involved learning and socialisation processes. As one EU official claimed: “the new countries have not yet absorbed whatever it is, but it takes time, you cannot just appear, read the three little books on the rules of the Council”. To a large degree, informal practices define the work of diplomats in the working group and may explain why the

enlargement did not produce a stalemate, in spite of the fact that the formal rule of procedure remained the same. In this part of the article, the main elements of the behavioural code of conduct in the CFSP working groups are identified. In order to examine the impact of enlargement on the Council working groups every-day work, the adaptation to each of them is analysed separately. This is done while bearing in mind two discreet dimensions: the impact on the rule (whether it changed or not after the enlargement) and the ability of the newcomers to apply it in their behaviour. The following sections outline the every-day practices that have been identified as part of the 'Brussels game':

#### ***4.1 Coordination reflex***

Early analyses of European foreign policy mentioned the emergence of a "reflex coordination" among national diplomats (de Schoutheete 1980; Nuttall 1992; Smith, 2004, Tonra 2001). This may be defined as a common practice of information-sharing, before any decisions are taken and often before even the formal national position is formulated. This practice is observed in the increase in communicative practices among CFSP officials. These take place through formal channels, such as CORTESY or mailing lists of the working groups, but also informally. Informal contacts are maintained through the usual channels of e-mails, mobile phones calls and frequent meetings with other colleagues in the corridors and 'over lunch'. The increase in communicative practices among national representatives highlights the fact that the EU member states no longer feel threatened by sharing information with their European colleagues. As mentioned by Hill and Wallace (1996: 12), current exchanges of information among national representatives include, among others things the "exchange of confidential information not only about third countries but also about their own governments' intentions and domestic constraints, the sharing of tasks (and sometimes facilities) in third countries, the acceptance of officials on secondment to their home ministry as no longer 'foreign' but colleagues". Furthermore, some more sensitive information is also shared among the states, in special circumstances. The information-sharing practice bears special significance for the smaller member states, for whom the EU and its member states become an important source of information.

The density and frequency of information exchanged in Brussels and between the capitals and embassies of the member states has increased after the enlargement. The new member states soon realised the importance of these communicative practices.<sup>13</sup> However, it took some time for them to learn how to use the communication channels and take full advantage of the informal consultations. The COREU network was not always used in the right way. Either the information sent was irrelevant, too long, or formulated in a manner that was not in line with informal rules, like not including names of states invited to join the proposal, so as not to exclude anyone. Similar problems concerned the non-papers and other circulated position papers.

Some representatives argued that more negotiations than before were taking place informally, outside of the negotiation rooms. As one representative from a new member state claimed: “I believe that 90% of issues are resolved in the corridors”. As a result of the enlargement, the working environment became “very complex”. This was arguably a result of having more actors around the table, so it became impossible to have a personal working relationship with everyone. As there is often not enough time during the formal meetings to explain the motivations behind certain positions, informal contact beforehand becomes indispensable. At the same time, there is a common understanding that interventions need to be shorter and more focused. In sum, according to one diplomat: “much more of the negotiations take place outside the meetings and [...] the formal meetings have become just the place where you finalise the discussions.” Nonetheless, as one experienced diplomat from an old member state explained, the new member states sometimes tend to overestimate the informal ways of doing things and remain quiet during the working group’ meetings, which, he argued, is a mistake.

Due to this increasing complexity, many issues on the agenda need to be ‘pre-cooked’ in order to increase the effectiveness of the group. Arguably, there was an increase in meetings of the so-called

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<sup>13</sup> Similarly, diplomats from the new member states’ embassies in third countries started to consult their counterparts in regular EU-25 meetings (Khol 2005).

‘like-minded groups’, in which the biggest new member states soon found their place. Sometimes these groups would prepare common amendments and discuss the strategy for the meeting, including the order of taking the floor. Like-minded groups operate on a very informal basis and usually participants credit each other with trust. Interestingly, some Polish diplomats claimed to be the “link” between the largest old member states and the smaller newcomers, who would sometimes be excluded from the informal negotiations. On the other hand, as one of the diplomats pointed out, such intensive cooperation within the like-minded groups could eventually become a threat to the overall cohesion and socialisation dynamics within the working group.

The coordination reflex also implies a tendency to take others’ views into account when formulating national positions. Thus, the impact of this practice is also felt in the capitals of the new member states. The diplomats seconded to Brussels have continuously tried to convince their MFAs that national positions needed to take other member states’ views into account, and to be less radical if they wanted to reach consensus and get their position reflected in the final outcome. To achieve this, better communication structures between the capitals and Brussels are still required to increase the degree of flexibility during the negotiations. For example, they need to be in permanent contact by phone with their capitals during the actual meetings in order to be able to adjust their instructions. Representatives in Brussels also need to be credited with trust and confidence from their MFAs, what is not always the case, so they can have some room for manoeuvre to arrange deals within the consensus. All of this requires changes in the highly centralized ministerial systems.

#### ***4.2 Consensus building***

Another code of conduct that has been identified in the CFSP literature is the consensus building practice, i.e. a tendency to adopt decisions based on a wide consensus among member states (Tonra 2001; Lewis 2005). The fact that the CFSP is subject to intergovernmental bargaining with states retaining their veto powers, with few exceptions, may suggest that hard bargaining and the threat of the veto dominate CFSP negotiations. By contrast, the

empirical research has shown that there is a general practice to keep everyone on-board and a very strong impulse to reach a compromise amongst the representatives to the Council working groups. Acting unilaterally during the negotiations is often not very well received and isolation is avoided by everyone in the working groups, especially by those representatives from small or medium size member states. This picture at the micro-level might somehow differ from well documented examples of disagreements amongst the member states on foreign policy issues such as those during the Iraq crisis in 2003. Arguably, these are the exceptions that confirm the rule and in many of these cases discussions are kept consciously out of the Brussels-based bodies by the member states because of the sensitivity carried by these issues. However, as it will be mentioned later, the scope of these *domaines réservés* is gradually contracting.

The negotiation environment in the Council working groups predetermines the balance between three different modes of interaction characteristic to actors in such a negotiation setting: deliberation, information exchange and bargaining (Puetter 2003). First of all, contrary to high level bodies (e.g. COREPER or the Eurogroup), negotiations in the Council working groups are less secretive. This results in fewer opportunities for deliberations in the formal meetings and more bargaining/information-type discussions. Secondly, the fact that the experts are accountable to their principals limits their room for manoeuvre and chances for deliberation. Time and overloaded agendas generates pressure on the representatives for bargaining in formal meetings.

The 2004 enlargement was often perceived as endangering the consensus-building practice since it would increase the heterogeneity in the EU's membership (Cameron and Primatarova 2003; Duke 2003; Nugent 2003). In other words, "logic would suggest that the CFSP will become more ineffective after the Eastern enlargement, and that it might even be brought to a complete standstill. The struggle to identify shared interests in foreign policy will be even more complicated at twenty or twenty-five than at fifteen" (Sjursen 1998: 11). In fact, the last enlargement has brought new sensitivities to the CFSP and modified the balance

of interests regarding some issues/geographical areas;<sup>14</sup> yet, the impact of enlargement has been uneven throughout the different CFSP working groups. In some, the incorporation of ten new member states has not had a significant impact on the discussions and did not increase the number of intervening actors. For example, this has been the case in CIVCOM, dealing with civilian crisis management. The newcomers often do not speak during the meetings, either because they have no instructions or because they do not have the relevant expertise.<sup>15</sup> In other cases, the enlargement has altered the status quo or the balance between the member states. Thus, in the EU Military Committee and the working group on Transatlantic Relations, the enlargement has not changed the divide between Atlanticists (supportive of the strengthening of NATO) and Europeanists (pro an autonomous defence capacity). Nonetheless, it has increased the weight of the former, since most of the new member states have expressed the need to maintain a close relationship with the US. As one national diplomat put it: “The new member states feel very strongly that their national security depends on NATO. Therefore, with the enlargement there has been an increase in the weight of NATO in the ESDP”.<sup>16</sup>

In other cases, the enlargement has introduced new interests. This has been the case in the working group on Eastern Europe and Central Asia (COEST), and particularly as regards the EU’s policies towards Russia, Ukraine and Belarus, since some of them share borders with these countries. Most of the new member states are very active in COEST since they perceive it as one of the highest priorities within their activities in the EU. The balance of the group has naturally changed, as well as the discourse within it.<sup>17</sup> Some of

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<sup>14</sup> For a review of different interests brought to the CFSP negotiating table by the New member states, see Edwards 2005 and Cameron and Primatarova 2003: 6-10.

<sup>15</sup> In general, and because most of them are small member states, they simply made small contributions in terms of capabilities to the EU civilian crisis management operations.

<sup>16</sup> This has not prevented however the operational and institutional development of the ESDP and since 2003, sixteen ESDP operations have been launched with the endorsement of the new member states.

<sup>17</sup> Some even mentioned that with the enlargement, polarisation within COEST has increased as the pro-Russian members of the group have established a more structured co-operation among them.

the new member states, in particular, Poland and the Baltic States have often been accused of being anti-Russian. Other interviewees stressed the fact that these new member states would have brought a “new realism” in the policies towards this region. According to another diplomat: “the balance has changed after the enlargement (...) there is a clear divide at the Council meetings into the new and old Europe”. This suggests that they have changed the dynamics within the group, although another question might ask what their impact on the policy substance has actually been (see below).

In spite of the increasing in the number of actors and the broadening of the range of interests, according to the interviewees, the consensus atmosphere is still evident in the meeting room in general terms. Levels of conflict had not augmented or at least not substantially, and the degree of effectiveness of the group, understood as the ability to reach agreements, also remained invariable. Even more than before, a readiness for compromise is required. As one practitioner mentioned: “the fact that we are twenty five now obliges everyone to refrain from being too restrictive on specific issues, more than before”. The increasing number of the informal negotiations, as shown in the previous section, might have helped to overcome potential deadlocks, and the new member states have also gradually learnt how to better present their strategies, so as not to endanger the consensus atmosphere.

As regards the adaptation process undergone by the representatives from the new member states, it arguably all comes down to learning a new negotiating strategy, one that allows reconciling consensus and national interest. The first thing they had to learn is to present their instructions in a less aggressive manner. Radical positions are often condemned through ostracism - that is, being perceived as a radical within the group is a losing strategy. As one EU official claimed: “I still think there is a learning period going on and the new member states will learn that sometimes they should present their position in a less radical manner, that they will gain from that”. This has been slowly realised by the new member states representatives in Brussels. As some diplomats noticed, there has been a change in the behaviour and language that the new representatives used in the Council, with them becoming more pragmatic and ready to negotiate. Referring to changes observed in

their behaviour, an EU official commented that the new member states representatives “speak now differently than they did one year ago. They make things softer, they have gained some confidence and friendship with other colleagues so they feel confident to present things less radically than their capitals might wish, but in the end they get more results”. This is arguably a result of the socialisation process that the national representatives from the new member states are subjected to in the Council.

However, it is true, that in the first stages of the adaptation process, the new member states were not always aware of this consensus-building practice and on some occasions they concentrated their energies on their national positions without reflecting on the need for compromise, or without taking into account the general atmosphere within the group. This might not necessary indicate that the old member states do not fight for their interests, but arguably, that they do it in a different manner. For instance, Finland’s more pragmatic approach towards Russia, engaging others in its proposals for partnerships on environment or development, have been more successful than those of the Baltic countries or Poland.

Once they adapt to the code of conduct, a second phase in the adaptation process will require the representative from new member states to learn how to better use this strategy to make an actual impact on the agenda-setting and the policy substance. In general, because of the lack of resources and the fact that most of the new member states are small states, they have tended to prioritize some areas over others in order to maximize results.<sup>18</sup> Moreover, according to some interviewees, the new member states have been repeatedly acting as a bloc, even when it was not the highest issue at stake for some of them. This strategy was not well perceived by the representatives from the old member states, who only resort to this strategy on rare occasions. Some also questioned whether

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<sup>18</sup> For example, the Baltic countries have focused on the Eastern dimension, Hungary and Slovenia on the Balkans, and Malta and Cyprus on the Mediterranean. Surprisingly, in the case of the Czechs, they have added two areas of special interests to its traditional foreign policy: the Middle East Peace Process and Cuba.

portraying themselves as a new bloc was indeed profitable and useful at all.

Having said that, the consensus-building practice does not mean that the member states have to relinquish their national interests. In special circumstances, where there is a vital interest, other member states ‘understand’ a member state’s right to veto the decision or to ask for amendments to be made.<sup>19</sup> Both old and new member states resort to this practice. However, even in those situations, a crucial question refers to the way in which the member state that is vetoing a decision frames its claims. Those countries that succeed in putting their demands in ‘EU terms’ are usually more successful in achieving them. However, the new member states are still in the process of learning how to put this into practice. The case of Cyprus vetoing the EU Action Plan for Azerbaijan due to bilateral tensions, has been mentioned by some EU officials as an example of a failed strategy to block an issue based on national grounds. Therefore, more changes are needed, both in terms of practices, but also discourse.

It seems that the new member states have been successful in including new items in the agenda, in particular, in those Council working groups where they have ‘special’ interests, such as COEST. For example, one national representative pointed to the fact that issues like Ukraine have mounted to the top of the agenda: “one year and a half ago Ukraine was discussed once a month [...] There has been a change, a quantitative change, but a qualitative one too... [there are] more discussions, people [from the new member states] now these countries, they have experience, more than the old member states do”. In order to bring their special interests into the agenda more successfully, the new member states have increasingly tried to follow a consensus-oriented approach, rather than a confrontational one, although there are still some exceptions. Yet, it is not clear what the impact on the policy substance has been, since the EU policies in this region have not dramatically changed after the enlargement in 2004. There are,

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<sup>19</sup> As pointed by some interviewees, the member status cannot resort to this strategy too often, but only in “extreme circumstances”, when a very important issue is at stake, otherwise they will lose their credibility within the group.

however, some minor changes. Some diplomats mentioned the example of the EU's involvement in the Orange Revolution that was encouraged by the Poles and the Lithuanians. Another representative from the Political-Military working group pointed to the fact that the new member states have also made a positive contribution by bringing in their know-how in the security sector reform or human rights. But, as several diplomats have stressed, the impact of the new member states on this and other issues could be much higher than it is actually the case. Often, this is due to the fact that they are still very much in the learning phase. As one official from a new member state argued: "we are still in the transition process, the new member states must still learn how the system is working to use it more efficiently; less rhetoric and national request but more influence, more realism".

### ***4.3 Consistency***

Another important principle is that of maintaining vertical and horizontal consistency. This means endeavouring to avoid contradicting the position taken earlier on a higher level once it reaches the Council working group, and not opening up issues within a more senior political forum that have been previously agreed at a lower level. Finally, it also implies being aware of not contradicting the positions of different forums. Breaking this rule was considered a "clear breach of procedures" by one diplomat, whereas another one claimed that such behaviour is not only "badly perceived", but for the others "it seems that you are not serious, that your system does not work". With the arrival of the ten new member states, the fear was that, if this rule were not respected, there would be chaos in the decision-making process, as issues previously closed could be re-opened at higher levels. In general, however, it seems that the newcomers identified this rule (the observation period helped in this regard), and that it was usually applied. On some occasions, respecting this practice proved to be a challenge for the new member states. Its breaching, however, mostly resulted from the lack of efficient coordination mechanisms or insufficient knowledge on the past CFSP dossiers.

The issue of consistency is closely related to understanding the role and function of the Council working groups by the higher levels of

decision-making in the capitals. In the beginning, the level of experts tended to be underestimated by the new member states. As one voice from the capital put it: “we will obviously not discuss it at such a low level”. Instead various issues were considered for re-opening at the higher levels. Sometimes also the high-level officials or politicians had their own vision of the policy lines, which was contradictory to the one presented at the experts’ level. This has changed over time and there is improved coordination between the different bodies. What seems clear from the empirical research is that in most cases the inconsistency does not arise intentionally, but results from a lack of understanding about how the CFSP works and the lack of a central mechanism which with an overview of the different CFSP bodies.

#### **4.4 Other informal rules**

The existence of some *domaines réservés* has also been discussed in the CFSP literature. These are issues that are excluded from discussions at the EU level to avoid interference from the other countries. In the early years of the European foreign policy cooperation, these areas covered security issues such as nuclear status or neutrality and special relationships, like the US-UK ‘special relationship’. Nonetheless, several authors pointed out that since the establishment of the CFSP there are a decreasing number of areas considered as *domaines réservés* (Smith, 2004; Whitman and Manners 2000) and that the CFSP discussions have gradually incorporated more issues, in particular, with the development of the ESDP. The fear with the enlargement was that the newcomers would bring their own *domaines réservés*, reducing the scope for negotiations. However, the empirical research has demonstrated that the tendency towards a decrease in these *domaines réservés* has not been substantially altered and that there has not been a tendency of ‘ring-fencing’ by the new member states either.

Finally, another practice that had to be learnt by the representatives of the new member states refers to the ‘agreed language’. During the formal negotiations national representatives have to respect the language/policy agreed previously in the Council Conclusions and that constitutes part of the *acquis politique*. Occasionally, however,

some new member states breach this informal rule because they have not adopted it yet or just because of the lack of information. For instance, some of them do not have enough resources to deal in detail with every issue on the agenda.

### **5. The impact of enlargement on the role of “supranational actors”**

The enlargement has had an impact on the role played by the Commission, the Council Secretariat and the presidency in the CFSP working groups. In general, the enlargement has increased the relevance of these actors in the policy-making process. Since most of the new member states are small, they are more dependent on the information that they receive from the EU institutions. Therefore, the enlargement has put a lot of pressure on the Commission’s services that have to deal with twenty five states. Some national representatives, particularly from the small member states, have mentioned that it is now more difficult to meet with Commission’s officials. The same can be said for the Council Secretariat which has increased its responsibility as a coordinator. Its role in the CFSP should not be underestimated, in particular in those areas where the Policy Unit has been merged with the Council Secretariat DGs (for example in the Western Balkans or Eastern Europe and Central Asia), areas where the High Representative has also shown his personal commitment. Nowadays its role is more than mere secretariat since it is in charge of maintaining the institutional memory of the Council. With the enlargement, this tendency has been reinforced rather than altered. On the other hand, representatives from the new member states have pointed to the fact of understaffing in their departments and that this has therefore limited their actual impact on the policy-making process.

In the case of the presidency of the Council, its ‘supranational’ character refers to the fact that it chairs the Council meetings (at all levels), has a decisive role in the agenda-setting and, acting as a *primus inter pares*, it should try to mediate a compromise among the different parties, before, during and after the meetings. The evidence demonstrates that this role is even more important, since the number of actors around the negotiating table has increased.

Diplomats generally agree that the effectiveness of the meetings, especially after the enlargement, is to a large extent conditioned by good presidency. It is yet to be seen how the presidency will actually function when it becomes the turn of the new member states to hold it. However, the newcomers have still a long period ahead to prepare and they will be supported by the old member states in this task.

## **6. The adaptation of the new member state administrations to CFSP governance**

The role and everyday working practices of the MFAs in the new member states were also transformed as a result of their participation in the CFSP. The process is still taking place, but some common elements of the transformation and shared challenges can be singled out. One of them, noticed by a number of diplomats from old member states, is the relation between the capital and the representatives in Brussels. In most administrations the decision path is relatively long and the decisions are taken at quite a high level. Meanwhile, the CFSP requires its members to be reflective and quick in reacting to ongoing developments. In order to achieve this, it is argued that the experts should be given more flexibility and above all, be trusted by their capitals. One diplomat from one of the new member states believed that potential discrepancies between the capital and representatives in Brussels were among the greatest challenges to the adaptation process and saw his own role as that of “translating” the developments in the EU for the needs of the capital.

This problem reflects the broader issue of differences in perceptions between the officials in Brussels and in the ministries back home. As the diplomats from the new member states seconded to Brussels discovered the rules of the game, their colleagues from the capitals still remained largely unaware how things worked at the EU level. Thus, the diplomats and MFA officials are embedded in two different environments. National representatives often speak of difficulties they have with explaining the code of conduct to their colleagues. This includes the differences of traditional bilateral relations, the significance of the lower levels of decision-making, necessity of team work, information-sharing and good cooperation

between the departments of the MFA, but also between various ministries. As an official from one new member state admitted: “we are aware that the European politics influences the whole spectrum of national policy, so we have to create it together”. Polish diplomats from the Department of European Union claimed that one of the main challenges was to convince their colleagues from the Ministry to work in a multilateral, rather than bilateral system. In a similar manner, a diplomat from Hungary claimed: “you have to convince them that this is different from normal bilateral embassies work”.

The national administrations are nonetheless slowly accepting the new modes of every-day-work, such as communication via e-mail or informal contacts between the experts. From this perspective, the CFSP has also contributed to the modernization processes in some of the MFAs. The number of experts dealing with the EU in different departments, and often also the state’s embassies, has increased dramatically. Within the ministries, the coordination mechanisms and the system of circulating documents had to be established. Moreover, the work cycle has been adjusted to mirror the EU meetings. Together with these organisational changes there has also been a change in how the Union as such was perceived. After the enlargement it could no longer be treated as an ‘alien’ organisation and that was reflected in a shift of discourse used for example in the instructions for the representatives in Brussels.

In sum, the empirical evidence presented in this article has shown that the organizational culture and certain administrative obstacles have complicated learning. For example, the capitals initially did not recognize the fact that lower level bodies such as the working groups were the right place to resolve most of the issues. The new member states’ coordination systems are still undergoing a process of improvement. Habits of teamwork rather than competition between the ministries and foreign ministries’ departments are slowly emerging. The decision-making path appears to be too long. In addition, experts are not used to taking greater responsibility for the decisions. For its part, the process of information sharing has been a rather painful exercise. Moreover, the new member states’ representatives still do not seem to be given enough flexibility and trust from the capitals. Finally, limited resources do not allow for

the implementation of all the lessons which might be drawn from the day-to-day operations of the Council bodies.

## **7. Conclusion**

Even though European foreign policy was initially seen as something which would clash with national policy, nowadays, many elites generally perceive the CFSP as an opportunity for, rather than a constraint upon national foreign policies, even in those areas of special interest. This favourable perception of the CFSP has facilitated processes of learning and socialisation undertaken by the new member states. Therefore, in the light of a general willingness to get actively involved in EU politics, more effort is put on promoting the national policy goals in the Council. In order to succeed in this strategy, they had to swiftly learn the rules of the game and apply them in every day work. Adaptation to the working procedures in the Council working groups requires the experience and the knowledge about 'how things are done' inside and outside the negotiation room, and this is not necessarily possessed by the newcomers.

After a short period of initial adaptation, the majority of the new member states managed to learn the procedural rules of the working groups. The 'active observers' period played an important role in the learning process for both the EU and the new member states. It allowed the latter to participate in the working groups with prior experience and hence more confidence after enlargement. Still, while the formal and technical rules were relatively easy to grasp, the informal proceedings often remained a puzzle for them. It took time for the newcomers to realize how much was done on the corridors and via informal channels of communication. They also started to appreciate the importance of taking others' views into account and the consensus-building practice. They learnt that national interests had to be reconciled with consensus within the group, and better strategies had to be developed to achieve that. Another major challenge was learning institutional interplay (i.e. between PSC, COREPER and the Council working groups), especially regarding the issue of maintaining horizontal and vertical consistency.

It seems that the enlargement has proved to be a challenge not only for the new member states and their administrations, but also for the EU itself. Contrary to some expectations, the enlargement did not disrupt the decision-making process in any substantial way, but it changed the dynamics within the working environment. The increase in the number of actors around the negotiating table had an impact on the way in which negotiations were conducted. However, it did not, as often predicted, produce deadlock. All parties managed to adjust to the changing environment. In order to facilitate agreements they shifted a substantial bulk of work from the official meeting room to the corridors. Consultations in the context of like-minded groups increased. The code of conduct of the Council working groups was being strategically adapted by the newcomers, as they quickly understood that it would increase their chances of success. Nonetheless, there is a distinction to be drawn between having one's voice heard in the working group and having it taken into account when decisions are being taken.

The increase of informal contacts between diplomats may also have had an impact on the prevalent mode of interaction (deliberation, information, bargaining). Even though in the case of formal meetings, enlargement increased bargaining because of time constraints and the fact that there were more actors in the room; in the case of informal forums it has facilitated more deliberation. This is because in the latter case actors have more time, meetings are closed and they are conducted in a friendly atmosphere. Overall, it seems that the informal practices served as a way out of institutional deadlock and that the chances of getting an agreement remained unchanged.

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