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EU Eastward Enlargement: From *Restpolitik* to the Politics of Inevitability?
A Systems of Norms Perspective

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This dissertation is being submitted as partial fulfilment of the requirements
for the Degree of MScEcon.

At the core of the following thesis lies the idea that the recent European Union (EU) enlargement cannot be explained fully unless greater attention is paid to the institutional context in which decision making on the relationship between the EU and Central and Eastern European Countries (CEEC) took place. In other words, I argue that decision-making was heavily structured by the particularities of the EU institutional context. It was this specific context that 'created' the initial EC responses to the CEECs just after the end of the Cold War. This is what I mean by *Restpolitik* or the politics of leftover, which in turn enabled some actors to be innovative in the development of frameworks towards an enlargement policy. I argue that, once institutionalised, these policy frameworks helped to shift certain parameters of the institutional context at the EU level which then came to determine further decision-making towards the CEECs: the *Politics of Inevitability*. I will base my argument on historical institutionalist and social constructivist assumptions respectively, which in conjunction form what I loosely define the 'Systems of Norms Perspective'. This perspective will not just help to provide a more systematic and balanced understanding of how the institutional context at the EU level influenced decision making toward Central and Eastern Europe over time. Crucially, it will also aim at explaining and demonstrating how changes in the institutional context helped the process of enlargement, toward eight and eventually ten CEECs, to proceed almost naturally.

Contents

1. Introduction

On the 1st of May 2004 eight states from Central and Eastern Europe officially became members of the European Union. There has never been an enlargement of that size in the history of European integration, nearly doubling the number of member states of one of the most dynamic and institutionalised regional organisations in the world.

It is hardly surprising that European Union (EU)[1] eastward enlargement has slowly moved centre stage into the spotlight of academic attention and debate. As almost any part of the governance system of the EU seems to be affected by or connected to this recent round of enlargement, so is almost any section of the ever diversifying field of European integration studies.

Scholarly attention has focused mainly on the implications of enlargement for the economic and political systems in Central and Eastern Europe, and its impact on

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[1] The EU was established by the 1992 Treaty on European Union. Preceding the EU was the European Economic Community (established by the 1957 Rome Treaty) which gradually became known as the European Community (EC). In this thesis, usage of the terms 'EC' and 'EU' is determined by its appropriateness to the historical period being discussed.

internal politics and policies of the European Union and the member states. These analyses usually deal with very specific effects of EU enlargement.[2]

It is of course important to analyse the implications of EU Eastward enlargement. Besides recognising the need for predictions over future developments however, scholars of European integration have also tried to explain and understand the reasons for EU enlargement. It is this question as to why and how the EU arrived at a point to offer Central and Eastern European Countries (CEEC) membership in 1993 and eventually signed the Treaty of Accession in 2004, which is also guiding this Master thesis. Why did the EU not decide to maintain a relationship with the states in Central and Eastern Europe based on Association Agreements which would have led to the creation of a free trade zone? Why were the accession negotiations first opened with just five and then all ten applicant states and why was the prospect of membership never offered to the newly independent states formerly part of the Soviet Union?

It is of course not the purpose of the following Master thesis to provide any 'more right' answers to these questions or 'prove wrong' existing research dealing with analysing the reasons for EU Eastward enlargement. Quite the opposite: the intention here is merely to add a small but quite distinct nuance to established ways of interpreting the EU move to admit eight or possibly ten countries from Central and Eastern Europe.

At the core of the following thesis lies the idea that EU enlargement cannot be explained fully unless greater attention is paid to the institutional context in which decision making on the relationship between the EU and the CEECs took place. In other words, I argue that decision-making was heavily structured by the particularities of the

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[2] For a good and general overview of research in this area see for example: Sedelmeier and Wallace 2001, Michaelski and Wallace 1992, Falkner 2000.

EU institutional context. It was this specific context that 'created' the initial EC responses to the CEECs just after the end of the Cold War. This is what I mean by *Restpolitik* or the politics of leftover, which in turn enabled some actors to be innovative in the development of frameworks towards an enlargement policy. I argue that, once institutionalised, these policy frameworks helped to create a different overall institutional context at the EU level which then came to determine further decision-making towards the CEECs: the *Politics of Inevitability*. I will base my argument on historical institutionalist and social constructivist assumptions respectively, which in conjunction form what I loosely define the 'Systems of Norms Perspective'. This perspective in turn will not just help to provide a more systematic and balanced understanding of how the institutional context at the EU level influenced decision making toward Central and Eastern Europe over time. It will also aim at explaining and demonstrating how changes in the institutional context helped the process of enlargement, toward eight and eventually ten CEECs, to proceed almost naturally.

In order to prepare the ground for the empirical analysis of EU decision-making toward the CEECs, the first chapter of this Master thesis aims at providing a brief review of existing research and to establish precisely how scholars have explained and understood decision-making on EU enlargement to date. Once the main currents of thought and analysis are recalled and their apparent problems highlighted, it will become easier to understand where my argument is coming from and where it is located in the academic debate on EU CEEC enlargement.

The second chapter sets out the cornerstones of the 'Systems of Norms Perspective' (SNP) upon which my analysis is build. It will outline the core assumptions of the

approach based on historical institutionalist and social constructivist assumptions respectively.

The next chapters contain the application of the SNP to actual decision-making on EU policy towards the CEECs. The analysis starts from an explanation of the initial EC response to the challenges in Central and Eastern Europe, proceeds to the decision to commit to enlargement in 1993 and eventually the decision to sign the Treaty of Accession with eight member states on 1st of May 2004. I chose these decisions on the grounds that they were absolutely crucial in the overall enlargement process; they determined the type of relationship between the EU and the CEECs as well as the scope and pace of enlargement[3].

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[3] For a brief overview of the EU Eastward enlargement process see the cronology in Appendix I of this thesis.

2. Theorising the Enlargement Process

Existing research into decision-making on EU enlargement is essentially divided by theoretical choice, and mostly in explicit terms rather than implicitly. That is quite new for European integration studies since 'enlargement' by itself has never been at the centre of attention for any integration theory to date. All attempts to divide research along theoretical lines of course always imply a high degree of simplification but given the purpose of this review to provide just a brief overview, it might be excused. Three major strands of research are identified here: Research based on (i) liberal intergovernmentalist (LI), (ii) 'social constructivist' (SC) and (iii) institutionalist approaches.

In light of the overall dominance of liberal intergovernmentalist approaches in the field of European studies, the first group of scholars writing in the tradition might be expected to form the largest amongst the three reviewed here. Surprisingly this is not the case. Two studies of enlargement seem very close to the LI perspective. Mattli (1999) and Gstöhl (2002) explain enlargement by the interest of the applicant states in membership. Mattli for example, suggests that without membership the applicants anticipated a negative impact of EU integration on their economies and a sustained 'performance gab' between insiders and outsiders. Thus the applicants were willing to pay the price of integration, such as reductions in their autonomy, in order to retain their power. Though these studies probably explain parts of EU enlargement, there is very little indication here as to what prompted the enlargement decisions on the EU side, other than the prospect of imposing its governance system.

Even Andrew Moravcsik himself, as the main scholar promoting liberal intergovernmentalist theorising, seems to avoid closer reference to decision-making on

part of the EU. In a recent study with Milada Vachudova he concludes that due to their superior bargaining position, the existing members could impose stringent conditions for accession on the CEECs. These positions in turn 'reflect the demands of narrow special interests or concerns of voting publics in the existing members' (Moravcsik and Vachudova 2002: 10). This may undoubtedly have been the case, though again, it is not clear why the existing members agreed on bargaining with the applicant states in the first place. Given Moravcsik's usual interest in state preferences, it seems even more surprising that he concedes in the same publication that Eastern enlargement in particular seemed to be characterised by rather pronounced asymmetrical interdependence between members and non-members, thus indicating relatively small economic gains from enlargement for the existing members.

The only exception to the prevailing fatigue of intergovernmentalist analysis of EU decision making on enlargement would have been expected in Schimmelfennig's brief account on liberal intergovernmentalism and enlargement in the latest edition on 'European Integration Theory' by Wiener and Diez (Schimmelfennig 2004). Indeed, he draws attention to the distribution of member state enlargement preferences and their individual gains and losses following CEEC membership in the EU. He also goes to great length explaining how asymmetries of bargaining power among the member states can account for the conclusion of the Association Agreements with the CEECs in the early 1990s (Schimmelfennig 2004: 89-90). However and surprisingly, he then concludes that the historical decision to offer eventual membership and to open substantive negotiations at European Council summits can only be explained by reference to 'Community norms' and 'Rhetorical action' (Schimmelfennig 2004: 90-92).

In this sense, EU eastward enlargement seems to have left liberal intergovernmentalist analysis puzzled. Beyond all home-made contradictions however, LI research in the past and to date only accounts for some parts of the enlargement process, important as these may certainly be. First, its exclusive focus on member state executives prevents investigation into the role of other actors at the European level, such as the Commission, which clearly influenced decision making on enlargement. Second, the theory's emphasis on history making summits ignores the 'valleys', the important processes of negotiation in between and leading to such events. Finally, LI is based on rationalist ontology, which prevents analysis of the role of social structures of all kinds at play in policy-making on enlargement, of which exist many in a heavily institutionalised environment such as the EU.

The second group of scholars base their analysis on 'social constructivist' assumptions. It is no secret that considerable confusion exists in the field of European studies as to what constitutes social constructivism (Risse 2004, Rosamond 2000: 171-172). Never-the-less, the research reviewed here explicitly labels itself as 'social constructivist'. Once again, Schimmelfennig has been on the forefront to explain EU decision-making on enlargement, this time based on a set of 'Community norms'. According to him, the EU constitutes a liberal community of states committed to the rule of law, democracy and social market economy. Since the values of the community constitute its members, the members act according to the normative obligation toward 'states that share the collective identity of an international community and adhere to its constitutive values and norms' (Schimmelfennig 2001: 58-59). In another contribution, Fierke and Wiener utilise speech-act theory to show how the member states, during the Cold War, had committed themselves to welcome Central and Eastern back into Europe (Fierke and Wiener 1999). After the end of the Cold War, this commitment, as a norm in its own

right, constituted the preferences of the key actors in policy making on enlargement which then led to the eventual accession of the CEECs to the EU.

These two attempts to explain EU decision-making on enlargement almost certainly introduce a novel and exciting way of theorising the enlargement process. Beyond doubt, social structures cannot be ignored in influencing the preferences of the key actors in the enlargement process in one way or the other.[4] However, two key puzzles seem to remain also in these accounts concerning decision-making on enlargement. First, their definitions on 'social structure' seem rather narrow in the context of the EU. Does the EU not consist of more social structures than simply one or the other norm or value of 'liberal community' or 'commitment to enlarge'? Where does that leave the formal legal structures of the Treaties, for example, stipulating the procedures to be followed once a state applies to become a member? On another level, also the informal structures of the accession frameworks setting out the roadmaps for accession alongside the ongoing agenda of the EU certainly constitute social structures in their own right. Secondly, the two accounts are not entirely clear on explaining changes and shifts in the relationship between the EU and the CEECs. Schimmelfennig avoids to account for a change in EU policy toward states in Central and Eastern Europe in 1993 by 'switching' theoretical perspective from a Liberal Intergovernmental to a social constructivist approach (Schimmelfennig 2001). Fierke and Wiener by contrast seem to take for granted the 'fact' that the apparent normative obligation to enlarge automatically 'enslaved' all relevant actors involved in decision-making on EU enlargement. What

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[4] An important distinction between these two contributions lies in the way the authors' see the respective 'norms' impacting on actors. Schimmelfennig insists that actors have followed a 'logic of consequentialism' in the sense that promoters of EU enlargement have used norm-based arguments strategically (Schimmelfennig 2001: 279-280). Fierke and Wiener, by contrast, argue that the normative obligation of the member states toward the CEEC actually constituted their preferences (Fierke and Wiener 1999: 721-442). It is important to recognise that the two accounts differ in respect to their assumptions about actors and their behaviour. However, within the limited scope of this Master thesis it is sufficient to draw on what both accounts have in common, namely an approach based on the assumption the social norms matter.

appears to be missing here is a consistent commitment to and understanding of the role of agency in explaining change in the process of EU enlargement.[5]

The final group of scholars to be reviewed here use institutionalist approaches to explain the enlargement process. The majority of research here seems to centre on the impact of enlargement on the candidate countries and on the path-dependent nature of their national institutions and policies. Green Cowles et al. and Smith, for example, use such historical institutionalist perspective to explain the variation in the acceptance and transposition of EU laws and standards by the CEECs (Cowles et al. 2001, Smith 2003). Despite the fact that historical institutionalism and its emphasis on path-dependency is now being frequently used to explain many other areas in EU policy-making (for examples see Pollack 2004), EU decision-making on enlargement has not been analysed from that angle. The only exception here is Michael Baun and his book on 'Wider Europe' (Baun 2000). He explicitly states his aim to approach EU enlargement through the prism of historical institutionalism in the introduction and also applies the theory in the first chapters. As the book commences however, his analysis loses momentum and apart from recognising the vital role of the Commission as a formal institution, he returns to enumerating the outcomes of European Council summits rather than the role of the EU institutional context.

As far as so called rational choice and sociological institutionalisms[6] are applied to EU decision-making on enlargement, the boundaries to liberal intergovernmental and social constructivist approaches respectively seem to be fluid. In most cases, the same scholars

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[5] This apparent 'gab' in theorising the role of agency in a consistent manner is quite surprising for research which claims to be based on social constructivism. According to conventional wisdom in European studies, one of the core assumptions of social constuctivist approaches is that agency and structure are 'mutually constitutive' and that neither is 'ontologically primitive' (Checkel 1998: 326, Rosamond 2000: 122, Risse 2004: 162).
[6] For a useful account on the distinction between all three insitutionalisms, see Hall and Taylor 1996.

cited as writing from a liberal intergovernmental perspective are also referenced as rational choice institutionalists and the same goes for 'social constructivists'.[7] In this sense, the criticisms of these contributions made earlier in the review apply again.

It has become clear from the above review of research on EU decision-making with regard to enlargement that there is a clear need for a small nuance in current thinking on CEEC enlargement; a nuance which accounts for the role of the EU institutional context in a coherent and comprehensive manner; one which allows for more flexibility as to which actors are of relevance and more flexibility in the definition of 'social structures' or 'norms'. If a focus is placed on the EU institutional context, the text of the treaties was just as important as informally developed policy frameworks, for example. Linked to the latter is also the need to explain the enlargement process without falling into either methodological individualist or structuralist orthodoxy. Again, the institutional context at the EU level did change and it is impossible to turn a blind eye on the role of certain groups of actors which used opportunities to promote change in the policy. This of course does not require a completely new theoretical framework. Indeed and following from the above, historical institutionalist and social constructivist assumptions, if applied in a more consistent manner, may serve very well to explain the specific role of (and changes in) the EU institutional context on the contours of EU-CEEC relations.

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[7] For an example, compare Pollack's and Risse's contributions in: Wiener et al. (2004). There is little scope here to elaborate on the usefulness of conflating theoretical perspectives in such a manner. One point worth mentioning though is that 'social constructivist' contributions on EU enlargement such as by Fierke and Wiener, are propably better placed in the group of sociological institutionalist approaches (Fierke and Wiener 1999). That is because sociological insitutionalist approaches are characterised by priviledging social structure over agency (Rosamond, 2000: 122). Social Constructivists, by contrast and arguably, assumes that agency and structure are mutually constitutive (Checkel, 1998: 326).

3. The Systems of Norms Perspective

The 'Systems of Norms Perspective' (SNP) which will be introduced here is by no means meant to constitute a new theory or approach to EU enlargement, let alone European integration. Interesting as that might have been, it does not fit into the limited framework of this Master thesis.[8] Instead, the SNP simply serves as a 'container': embracing key assumptions of historical institutionalism and social constructivism. The main reason for bringing these two approaches under one umbrella is fairly straightforward. There exist clear affinities between the two approaches (Rosamond 2000: 119, Pollack 2004: 151) and both seem well suited for analysing the impact of institutional contexts, such as the EU environment on policy making within it. When used as complementary, they offer direction and definition to one another. For the purpose of explaining decision-making in EU CEEC policy, the approaches can offer the following set of analytical tools:

1. On the definition of 'institutions'. Historical institutionalists operate with wider defections of institutions at the European level. For example, Kenneth Armstrong and Simon Bulmer define institutions as meaning formal institutions, informal institutions such as policy instruments and procedures, alongside the norms and symbols embedded in them (Armstrong and Bulmer 1998: 52). Such a definition seems well suited for depicting the EU institutional context in which decision-making takes place. It enables analysis of the role of the Commission or Treaty provisions as formal institutions, policy frameworks such as the pre-accession frameworks and the procedures they set out as well as the particular scripts they contain in respect to the development of the relationship between the

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[8] Although to date no Social Constructivist Historical Insitutionalist Approach exists for analysing processes of European integration. Stacey and Rittberger, for example, made that very clear in a recent article developing a Rational Choice Historical Institutionalist Approach to European integration (Stacey and Rittberger 2003).

EU and the CEECs. In this respect HI clarifies the meaning of 'social structure', a clarification which is often missing or at best ambiguous in the social constructivist approach to EU integration (Christiansen et al. 2001a). On the other hand, SC draws attention to the 'constructive force of the [integration] process' (Christiansen et al. 2001a: 1). This is of particular value in order to place the enlargement process in the wider context of European integration processes, which often force themselves on any policy making, such as on enlargement. The EU always has a packed and ongoing agenda of internal reform and its Council Presidencies rotate and summits take place regularly. Hence, as affiliates, HI and SC seem to produce a flexible and clearer understanding of 'social institutions' at the EU level, in the sense that they also comprise legal and procedural norms.

2. On the role of institutions and continuity. Historical institutionalism suggests that institutions constitute 'intervening variables', but they can also socially define the preferences of actors (Rosamond 2000: 116)[9]. Dispite the virulent criticism that such claim has invoked in some quarters of the academic world (and rightly so!), all it suggests for the limited purposes here is that institutions do indeed *influence* actors and their preferences: at times legally or procedurally and as scripts. Once again, social constructivist assumptions agree, at least in pure theoretical terms. Social structures and agents are 'mutually constitutive', in the sense agents make structures but are also *made* by the behavioural modifications that are imposed by those structures (Giddens 1984, Checkel 1998). Once again HI helps to paint more pronounced contours on the meaning

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[9] Rosamond is not a scholar associated with Historical Institutionalism per se, but his contribution on Integration Theory provides a very good overview of the main assumptions of the approach (Rosamond 2000).

of 'make' as in legally, procedurally and in the form of scripts *influencing* actors and their preferences. In contrast to theorising on most international organisations, this claim is probably more easily justifiable in the case of the EU, which, after nearly half a century of existence, certainly constitutes a *dense environment of legal, procedural and script-like norms* influencing actors involved in policy-making. Furthermore, HI points to the role of path-dependency in decision making (for an overview see Pollack 2004: 148-151), which implies that, once created, institutions tend to 'lock' into place, develop a life of their own and subsequent actors therefore are influenced by and reproduce past institutional norms. This in turn is of particular relevance to EU enlargement since it did not simply come about as one 'event' but developed incrementally in the form of a process, gradually building on one decision after another.

3. On the role of actors and change. HI suggests that actors do create institutions via 'acts of institutional creativity' (Rosamond 2000: 116). SC as developed for the study of EU integration in turn, understands institutions as results of social interaction among actors (Christiansen et al. 2001: 6). First and quite clearly, both approaches imply that actors can be defined flexibly, such as member state governments, Commission officials and departments or indeed experts; all of which were of relevance in decision-making on CEEC enlargement. Second, actors matter but then, when and how precisely? In other words, the two approaches remain rather silent as to the conditions under which actors become creative or indeed the conditions for social interaction among actors to shift parameters of social structure.

4. In order to account for such conditions, the Systems of Norms Perspective draws on recent 'domestic' institutionalist and international relations social constructivist theory. First, in an attempt to explain rule change in political systems, March and Olson draw on early contributions by Berger and Luckmann in order to highlight the role of new experiences and settings (March and Olson 2004, Berger and Luckmann 1967). In their view, 'Processes of search and change may be triggered when an existing order, its institutions, rules of appropriateness and collective self-understandings, are challenged by new experiences that are difficult to account for in terms of existing conceptions. Entrenched accounts and narratives no longer make sense. They no longer provide adequate answers […], and there is a search for new conceptions and legitimations that can produce a more coherent shared account.' (March and Olson 2004: 15-16). Therefore, social interaction and thus the parameters of social structure change with new experiences. This may almost certainly be expected in EU decision-making towards the CEECs following the end of the Cold War and virtual non-existence of an EU CEEC policy.

One other condition for creative and norm-entrepreneurial agency is identified by Finnemore and Sikkink in a piece on International Norm Dynamics and Political Change (Finnemore and Sikkink 1998). In a powerful account which maps the origins and emergence of norms, they stress the vital role of human agency conditioned on organisational platforms from which he/she acts. Organisational platforms such as standing international organisations provide actors with the opportunities to act and promote their norms more effectively (Finnemore and Sikkink 1998: 896-899). Since the EU constitutes such an organisational platform, it is not difficult to imagine that it may have created

opportunities for entrepreneurial actors to push forward policy-making on enlargement.

Based on these core assumptions about 'institutions', 'actors' and the specificities in their relationship in view of fostering continuity and change in an EU system of norms, I will now examine and explain EU policy-making towards the CEECs. The first part is an investigation into the initial decision of the EU to offer Association Agreements and its implications. The second part sets out to explain changes in EU policy towards the CEECs which were formally agreed on by the 1993 Copenhagen and 1994 Essen European Councils respectively. The final part of this thesis examines the relative continuity or automatic nature of policy-making on CEEC enlargement culminating with the decision in 2001 to set the date for accession for 1st May 2004.

4. *Restpolitik* and its Implications

For more than three decades, the EC existed within a divided Europe. Not only had the Cold War limited EC membership to Western European countries but also the interaction between the EC and the countries in Central and Eastern Europe. Subsequently, policy for Central and Eastern Europe as such did not exist at the level of the EC.

The initial response of the Community was to offer Association Agreements, also commonly known as Europe Agreements, to ten states from Central and Eastern Europe. The member state decision to offer mere Association rather than the perspective of membership can be understood as an instance of 'Restpolitik', a response which was influenced by existing legal and procedural norms at the EC level as well as institutional scripts contained therein.

In 1990 the European Council had officially requested for the European Commission to produce a report on further 'appropriate measures of association' so as to offer a first unified response from the EC (European Commission 1990). In legal terms, the Commission choice was limited. The Treaties of the EC provided for a set of very basic institutional guidelines as the possible legal character of the relationship between the EC and the countries in Central and Eastern Europe. The relevant provision states that 'any European state may apply to become a member of the Community […].'[10] The Treaty then goes on to specify which basic procedures are to be followed in the event of the receipt of a formal application for membership from a third state, which may then lead to the formal opening and closure of accession negotiations. However, there is no

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[10] The provision has been in place since 1951 as part of the Paris Treaty on the European Coal and Steel Community, Art. 9.

indication as to the character of what constitutes a 'European' state in the text of the Treaties and neither as to the conditions or institutional frameworks for membership.

Besides the possibility to offer membership to a 'European' state, two other legal forms of relationship can be developed between the EC and third states. These can be either Partnership and Cooperation Agreements (PCAs) or Association Agreements (AAs), the latter containing provisions for closer cooperation between the partners, including the objective of the establishment of a free trade zone. Trade and Cooperation Agreements had already been concluded with the majority of CEECs and the Council had asked the Commission to look into a relationship with the CEECs beyond the existing agreements. Therefore, the policy choice then was essentially between CEEC membership and Association (Phinnemore 1999).

Furthermore, the EC up to that point had never proceeded with the accession process without having concluded an Association Agreement with the respective state beforehand. Therefore it would have been against an established set of previous practice to offer membership status to the CEECs prior to the conclusion of some form of Association Agreement.

Furthermore, policy frameworks or institutional venues from which to address Central and Eastern European countries from the EC level hardly existed. The reason was the limited institutionalisation of the EC-CEEC relationship at the level of the Communities during the Cold War. Up until 1989 the European Community had given relatively little attention to the eastern half of Europe. Although some of its member states were developing closer relations to countries in Central and Eastern Europe, it was only in 1988 that the EC established official relations with the Council for Mutual Economic

Assistance (COMECON), the Soviet block economic association. At the time, only a few selected staff at the EC level were explicitly responsible for the CEECs and most of their activity was related to external economic relations with state-trading countries (Mayhew 1998: 12-14). There was thus no path-dependency or indeed institutional scripts in one form or the other 'ready-made' for any actor at the EC level to follow. (Sedelmeier and Wallace: 431-432).

Dynamics of the ongoing process of European integration also influenced the initial hesitant response of the EC toward the CEECs. The EC at the time was literally locked into the ongoing reform processes on Economic and Monetary Union and attached Political Union. It is now news how much power the ongoing Community agenda can have on limiting the room of manoeuvre of the member states and those informal pressures have been documented in sufficient detail elsewhere (Svendrup 2001). In this sense, for scholars of European integration, it is not difficult to imagine that even the end of the Cold War and the challenges it posed simply did not 'fit' on the crowded decision-making agenda of the EC. It was this lack of time for the CEECs, which also led the European Council to 'delegate' the development of an EC response to the Commission in the first place. In 1988 the European Council in Rhodes responded only briefly to the situation along the Eastern border of the Community. In a short declaration on the role of the Community in the world, many EC leaders agreed to a 'wish to overcome the division of the continent', yet there was little indication as to what precisely the statement entailed in terms of further Community action (Baun 2000: 25-27). Just six months later at the Madrid European Council, the CEECs did not even feature among the main points of the Council agenda. Furthermore, even after the Commission had produced its report outlining the adequacy of the Europe Agreements as a common EC response, commentators were surprised that there was so little

discussion among the member state governments on the matter prior and after the Council (Mayhew 1998, Sedelmeier and Wallace 2001). Once again and quite literally, the relationship with the CEECs remained a 'left-over' on the Council agenda.

In addition to the ongoing policy-making agenda, the agreement on offering Association Agreements without a further prospect of membership for the CEECs also reflected traditional procedures and logics according to which the EC had previously approached third states. This was predominantly in terms of trade and economic cooperation. After all, the Community had developed from economic cooperation in the 1950s and most third states (including the majority of those later offered membership) were means of the EC to profit from such trade arrangements.

Even though the Commission had officially labelled the proposed Association Agreements 'Europe Agreements', in essence, the content of these agreements resembled the provisions of similar Agreements concluded earlier between the EC and third countries. Their objective was the creation of a free trade area, accompanied by a set of highly protectionist safeguard clauses and restrictive measures on part of the EC to avoid competitive pressure from the CEECs, as in sensitive sectors such as textiles or agricultural produce (on Association Agreements see Smith and Wallace 1994).

In this sense, the decision to offer the CEECs associate status devoid of the prospect of membership may well be explained by reference to narrow-minded member state preferences and a lowest common denominator among them. Indeed, the provisions in the Association Agreements on trade liberalisation and regulatory adoption satisfied the pro-enlargement member states' preferences to intensify the economic involvement of the CEECs in the EC market. The provisions of political dialogue also control for

negative externalities originating from the CEECs. At the same time, the member states opposing further CEEC integration are protected against the costs of trade and budget competition via the safeguard measures and effective blocking of CEEC access to the Community budget (Schimmelfennig 2003, 167-168). However and in line with historical institutionalist assumptions, the main argument here is that these preferences based on 'economic utility' were already institutionalised in the provisions of Association Agreements and based on EC past practice toward third states. This is of particular relevance since many commentators have stated that in the immediate aftermath of the collapse of the Soviet Union, there was tremendous surprise and confusion among all actors on the EC level and hardly any member state had in fact a developed 'preference' vis-à-vis the CEECs (Sedelmeier and Wallace 2001: 432, Mayhew 1998: 38).

Following from the above, it has become clear that the agendas, procedures and shared beliefs in the post-Cold War EC were still tightly linked to notions of 'deepening' and internal reform as well as economic protectionism in relations to third states. This overall institutional script had been constructed over a long period of time reflecting a decision-making web of most difficult political compromises and deals among the member states and EC institutions, starting from the initialisation of the Single Market project in the 1970s. The EC at the time had not just become 'locked' into a particular agenda marked by deadlines for decision-making on EMU and clear procedures set in place for the eventual conclusion of internal reforms (quote from EMU making at the time). The process of internal reform and its logic of deepening were governing the attitudes of the member states.

At a speech to the EP in September 1989, French president Francois Mitterrand declared that the political changes in Central and Eastern Europe must not be allowed to undermine Western political structures. Only by strengthening the 'political construction of Europe', he argued, could the EC 'make a major contribution to positive developments in the East' (President Mitterand quoted in Baun: 26). Statements like that were indeed very common for many governments at the time (Baun: 26).

Similarly, Commission president Jacques Delors who himself was one of the major driving forces behind EMU, argued in front of the European Council in the second half of 1989, 'in the face of these developments [in Central and Eastern Europe] the best response of the Community must be to step up its drive toward integration: single market, social and human dimension, economic and monetary union […] along the path to political Union. In this way the dynamism of Community integration can amplify the dynamism of economic and political reform in the countries of the other Europe.' (Delors: 1989).

It is of course one thing to observe formal statements of government leaders and other high level political actors but quire another to 'prove' their actual conviction and subsequent course of action. This criticism is of high relevance to observing 'speech-acts' in the context of many other international organisations. However, and as demonstrated in the above, such statements made in the context of the post-Cold War EC matched the logics of the procedures and agendas of internal reform at the time and, actual decision making action. Evidence of the prevalence of the logic of 'deepening' found in actual decision-making at the time further serves as a challenge to Fierke and Wieners' claim that a 'normative commitment' drove member state governments in decision-making toward the CEECs (Fierke and Wiener: 1999). It would not be entirely

right to suggest that leaders of state and government at the time did not understand the historical opportunity which the revolutionary changes in the CEECs had created. Many speeches at the time do indeed allude to this 'norm' and Fierke and Wiener point to the most obvious examples. Never-the-less, the initial EC response had little resemblance with an act of normative obligation but rather an act of 'habit' to protect and safeguard vital EC preferences vis-à-vis the CEECs. Again, the point being that this 'preference' was largely path-dependent on the way the EC had previously approached third states.

Even though the logic of Restpolitik and the subsequent proposals by the Commission and decisions of the member state governments did not envisage a further development of the relationship with the CEECs, it did put in place a number of 'paths' as well as operational opportunities for entrepreneurial action for the future.

The first such path was created following the establishment of a set of institutional spaces which provided, potentially, for a specific set of actors to further articulate and develop an actual enlargement policy. The legal provisions contained in the Treaties governing the implementation of Association Agreements are one example. Association Agreements are mixed agreements, based on Articles 238 and 228 of the Treaty establishing the European Community. The fact that they are mixed agreements implies that some items, primarily trade related, fall under the responsibility of the Community (Neuwahl 1991, Craig and De Burca 1998: 117). That meant strong involvement of the Commission in the negotiation process and development of its central role vis-à-vis the member states. The Association Agreements also foresaw a key role of the Commission in the implementation of the Association Agreements via the development of partnerships as procedural frameworks of cooperation. Here the Commission would design the roadmap for the creation of the free trade areas as well as political

cooperation (Mayhew 1998: 52). Such a role for the Commission had not been envisaged within the legal framework of the Partnership and Cooperation Agreements.

Secondly, 'CEEC policy' and potential agency therein was given an institutional expression via the establishment of a special unit within the DG for external relations, DGIA which was set up as the unit officially responsible for EC - CEEC relations. This new institution created a potential platform and learning space for policy making which was, as the new name of the unit already suggested, on managing a relationship which was not just concerned with traditional economic external relations between the EC and any third state.

One further interesting 'by-product' of Restpolitik or the politics of left-over was the ambiguity in the logic that the Association Agreements carried from their past use. They had indeed institutionalised the logic of utility and narrow sector interests at the EC level. The history, about EC action following the conclusion of Association Agreements however, provided for a different story. According to past practices, the majority of states offered associate status eventually joined the EC, as was the case for Greece and Portugal for example (on previous EU enlargements see Redmond 1997, Falkner and Nentwich 2001: 270-272, Friis 1998). It is of course important to note that some associate states, such as the prominent example of Turkey, had long been given the prospect of membership, yet never been further integrated. Never-the-less, offering associated status left open the opportunity for further integration *despite* the fact that neither the EC Treaty nor provisions contained in the Association Agreements provided for further CEEC integration.

As a final point, the decision to offer Association Agreements effectively pre-determined the eventual scope of enlargement. The states in central and eastern Europe were divided into those with the prospect of association status based on Europe Agreements and PHARE financial assistance. These included ten states in Central and Eastern Europe: Poland, Hungary, the Czech Republic, Slovakia and Slovenia, the three Baltic Republics Latvia, Lithuania and Estonia as well as Romania and Bulgaria. Without much further debate or controversy in either Commission or Council, the Western Newly Independent States (NIS) Ukraine, Belarus and Moldova were left with so called Partnership and Cooperation Agreements and an entirely different financial assistance mechanism, the TACIS programme. Hence, relations with the latter countries were placed on a separate track from those with the CEECs and created a path-way for their exclusion from the eventual enlargement process.

An analysis of the initial decision of the EC to offer Association Agreements to ten CEECs based on the Systems of Norms Perspective has clearly revealed the role of the EU's institutional context in influencing its first response. Not only was the initial decision influenced by legal provisions and policy procedures (or lack thereof) which could have 'interacted' with a set of agents in a way as to produce another response of the EC. Also, Restpolitik was characterised by its own logics of economic protectionism and deepening, manifest in the ongoing internal reform agendas and procedures as well as tools toward approaching third states at EC level.

At the same time, the initial decisions of the EC toward the CEECs created a set of potential paths or platforms – in legal and procedural terms, for entrepreneurial activity in developing the relationship between the CEECs and the EC further.

5. Entrepreneurship and the Emergence of 'New Politics'

At its June 1993 summit in Copenhagen and 1994 Essen European Council, the heads of state made a set of decisions which marked a major change in policy making on EU enlargement. At Copenhagen the Council firmly 'agreed that the associated countries in Central and Eastern Europe shall become members of the EU' (European Council 1993). Furthermore, it outlined a set of obligations of membership. These conditions included stable institutions that guaranteed 'democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.' To these conditions, widely known as the Copenhagen criteria, the European Council added one more: 'the Union's capacity to absorb new members by maintaining the momentum of European integration.' (European Council 1993). In Essen, a formal decision was made on institutionalising a pre-accession strategy for ten CEECs.

These decisions were indeed a major departure from the initial response of the EC just after the end of the Cold War. How did these changes come about? In the following chapter I will demonstrate that the 'new experience' of the revolutionary changes in Eastern Europe and the inadequacy of existing policy instruments and procedures at EC level had enabled a group of policy entrepreneurs to promote an explicit enlargement policy. In effect, this group helped to create a novel institutional context which would influence decision-making on enlargement and actors therein ever after.

A coalition slowly emerged among the members in the Directorate Generals newly responsible for 'CEEC' matters. DGI, then under the charismatic leadership of Franz Andriessen, was behind the first initiative to reopen the debate on the Europe

Agreements within the Commission. The initiative gained further momentum with the arrival of two new external relations Commissioners, Hans van den Broek and Sir Leon Britain. All three individuals were part of a younger generation than Delors and were also new to the European Commission. They had been involved to a lesser extend in the process of internal reform and were more favourable to the notion of widening the EU. All three then were in a position to use the organisational platform of DGIA for advancing an enlargement policy proper (Sedelmeier and Wallace 2001: 440-441).

At the same time the Commission was also forced to draw on a growing number of outside experts in order to establish a pool of detailed knowledge on the economic and political situation in the CEECs. This need arouse originally from requirements to oversee the implementation of the Europe Agreements and subsequently led to the involvement of new actors in EC policy making on Central and Eastern Europe. Here it is worth remembering that many of the so called 'experts' consisted of dubious sub-contracted consultancies, the preferences of which were probably less based on further integrating the CEECs but rather on self-interested financial gain. Never-the-less, a good number of outside analysts did play a crucial role in providing the Commission with powerful arguments on the limitations of the Europe Agreements (Baldwin 1994).

Furthermore, the decisions taken in Copenhagen and Essen had been formed gradually over the course of the preceding British, Danish presidencies and German presidencies, both of which had articulated their strong preference in pushing the issue of CEEC enlargement onto the EC agenda. The fact that the three presidencies were successive was of course coincidental. What enabled these two governments to exert more influence than usual over the EC agenda though, was the institution of the Council presidency itself. Provisions in the treaties provide for the member state holding the

presidency to organise and structure the EC agenda. In the past, the institution of the Council presidency has often been used to prioritise certain policies over others (Christiansen 2001b: 142-145).

For example, prior to the Copenhagen summit, at the Council meeting in Edinburgh, the majority of member states had once again been occupied with issues other than enlargement: there had to be agreement on the EC budgetary package, a set of opt-outs from the Maastricht treaty for Denmark alongside general concerns over the legitimacy and democracy of the Union in light of considerable public unease over EMU and subsequent treaty ratification crisis. However, in its draft conclusions, the British presidency managed to add a small paragraph stating that at Copenhagen, the member states 'would reach decisions […] so as to prepare the Associate countries for accession' (European Council 1992). Despite this statement essentially setting the parameters for the decision to be taken at Copenhagen, it is likely that the majority of member states had not fully comprehended the meaning of the paragraph and its implications in particular. Again, EU summitry is famous for such instances of last minute declarations on part of government leaders, which frequently baffle legions of personal advisors and national delegations.

The German government had also used its agenda-setting powers to the full when it took over the presidency in the second half of 1994. The vehemence of the German government was such that some governments more hesitant about the enlargement process, such as the French, felt consternation (Baun 2000: 55). This was an instance of agency, such as the German government, acting 'inappropriately' in order to further her/his goals (Finnemore and Sikkink 1998: 897). Still, at the Essen summit in December, the EU leaders formally approved the comprehensive pre-accession strategy

for the CEECs, including the promise to increase financial and technical assistance for the candidate states.

The policy entrepreneurs did not just use to the maximum the organisational platforms which had been created through Restpolitik toward the CEECs and basic procedures and institutions of the Union and its negotiation system. Through its expertise and clear position on the future development of an enlargement policy, the coalition managed to persuade the member states to make a set of decisions which would put in place the cornerstones of an enlargement policy with its own procedural and script-like norms.

In its reports to the Council prior to Copenhagen, the Commission had already indicated a motivation to depart from the status quo of the Association Agreements. For example, in its 1992 report on 'Europe and the Challenge of Enlargement', it had developed a strategy for a revised relationship between the EC and 10 countries in Central and Eastern Europe. First, the report accepted the prospect of a wider Europe, thus challenging the arrangement of associate status. Second, the report foresaw the eventual membership of the CEECs in the Union, which was vague but one of the first semi-official statements of a Community institution on a commitment to the CEECs eventual membership. Finally, the report pointed to go beyond the existing Europe Agreements by way of establishing a new form of partnership between the EC and the CEECs that would build on the 'architecture' of the existing legal EC-CEEC relationship (European Commission 1992). A first step was to develop the conditions for membership which were formally approved in Copenhagen.

After Copenhagen the majority of Commissioners and their officials seemed satisfied with the existing policy and aimed for its consolidation rather than new initiatives. The

team around Leon Britain, however, was persistent in pushing forward the process of EU enlargement and produced more comprehensive proposals to prepare the CEECs for accession. The Copenhagen decisions had created an opportunity for the Commission to further define the conditions of membership and eventually put in place a clear roadmap for enlargement. Once again the Commission used its expertise and proposal making powers in order to construct a need for further integrating the CEECs.

Just three weeks after the Copenhagen European Council it had produced a Communication entitled: 'The Europe Agreements and Beyond', calling for the 'progressive integration of the political and economic systems […] of the associated countries and the Union […] so as to create a unified area' (European Commission 1994). In a more detailed follow-up Communication the Commission outlined the key aspects of the pre-accession strategy. It built upon the relations already in place and placed a specific emphasis on the promotion of the progressive adoption of EU laws and regulations by the CEECs, especially in the areas of competition and state aid policies. In order to facilitate the approximation of those laws relevant to the internal market, the Commission prepared a White Paper, which outlined in great detail the key sections of EC legislation and how these were to be implemented (European Commission 1995). Within the process, it would be the Commission responsible for following up the roadmap for enlargement via implementing, monitoring and reporting on aligning the CEEC legislation with that of the Union. That informal structure would later lead the Commission to further its influence in accession negotiations on justice and home affairs and security policy, each policy areas from which the Commission was largely excluded within EU policy-making (on the pre-accession strategy see Maresceau 2003).

In other words, the policy advocates managed to push the member states to accept a new informal policy framework for enlargement which included the conditions for and detailed roadmap of EU enlargement. At the same time, the Commission further consolidated its leading role as the 'expert' mediator between the EC and the CEECs.

Most crucially, the institutional script underlying this informal framework was that of making CEEC enlargement subject to progress made by the applicant states based on technical procedures. As such, it was very different from the 'utility' script underlying the Association Agreements previously. This new institutional script was to prove vital for future decision-making on enlargement and its effects will be examined in the following chapter. At the same time, each small and apparently 'insignificant' step or decision on behalf of the European Council added strength to the commitment to enlarge and helped to build up a logic of inevitability of accession.

The success of the policy entrepreneurs was not just due to a set of formal and informal institutions, such as the DGIA or indeed the lack of ready-made policy scripts toward the CEECs at the Level of the EU. Decision-making by the member states was also still guided by past enlargement experience, which in turn prevented many of them from taking a closer interest in the new enlargement policy frameworks and their consequences. For the majority of heads of state and government and beyond all 'speech acts' on historical duty, enlargement was an issue in the distant future and hence would not involve immediate political, institutional or budgetary consequences (Croft et al. 1999: 67-68).

This thinking reflected strongly past experiences of EU enlargement and the persistence of the logic of the classical community method (Preston 1995). According to this logic,

enlargement would merely require limited policy and institutional adjustments whilst the applicants were obliged to adhere to the full acquis communautaire. The classical community method then was part of the traditional system of norms according to which the consequences of EC enlargement would entail minimal institutional or policy adjustments for the EC. Together with the 'expert' knowledge provided by the Commission on the inadequacies of the Europe Agreements, the majority of member states could agree on some form of 'distant' CEEC membership in the future (Sedelmeier and Wallace 2001: 440-441). Although the Copenhagen criteria did contain 'the capacity of the Union to absorb new members', there was no clarity as to what this meant in terms of concrete reforms at that point in time.

Apart from creating new pathways, the decisions taken at Copenhagen and Essen consolidated a number of past policy paths in EC relations to the CEECs. First, the Copenhagen Council Declaration established the condition that accession would only be feasible for states with whom the EU had already concluded or was committed to conclude an Association Agreement. There had already been the division earlier in the process between offering associated status and financial aid to some CEECs as opposed to the Trade and Cooperation Agreements with the western NIS and Russia. Once again and quite 'naturally' without further debate, the member states approved of that division.

Finally, the Copenhagen and Essen declarations triggered the application for EU membership by the ten CEECs with whom the EU had concluded Europe Agreements. Following the formal applications for membership by the CEECs, the treaty provided for the next overall steps toward accession. (Art. 49 TEU). There was of course no immediate automatism for membership in these treaty provisions, however in

combination with the informal pre-accession framework and its underlying scripts for eventual accession they further limited the available policy options of the member states and the Commission.

This chapter has demonstrated the emergence and role of a very successful team of policy entrepreneurs at the EU level, which was able to use the opportunities that Restpolitik had created. In particular due to the lack of policy scripts and related immediate member state concerns into the kind of policy framework the policy entrepreneurs were constructing, a small group of actors could be creative and change the course of EU-CEEC relations. Their success led to the establishment of an entirely new policy-framework toward the CEECs. This pre-accession framework including the Commission White Paper as informal institutions in turn encapsulated the grains of a new policy script envisaging a beginning and end to EU enlargement to ten CEECs: the emergence of the Politics of Inevitability.

6. Toward Accession: The *Politics of Inevitability*

The key argument brought forward in this last part of the thesis is that following the creation of an explicit enlargement policy with its own procedures and institutional scripts, some of the parameters in the system of norms at the EU level had changed. In this changed context the member governments as well as the European Commission, as actors, were increasingly 'made' to follow a particular set of practices and understandings inherent in the enlargement policy. In other words, Restpoltik as an institutional framework had increasingly given way to a different system of norms guiding decision-makers at the EU level, the Politics of Inevitability. The argument here draws on a selection of key EU decisions made toward the end of the 1990s, such as on the final scope and pace of enlargement and, closely linked, the agreements on institutional reform.

The Pre-accession strategy consisted of three principal procedures which set the parameters for enlargement as a process with a certain beginning and a foreseeable end. First, the Commission would produce an annual opinion on the progress of the applicant states. This technical and allegedly objective information was then to be used as the key justification for the CEECs' ability to proceed in the development of the relationship with the EU. If positive, the applicants would officially be given the status of an 'acceding' state and accession negotiations would start. Once started, the Commission would then comment on the progress made in the negotiations and provide for determining as to when the acceding CEEC would be ready for EU membership. This start-end logic was underpinned by the provisions in Article 49 (TEU) on the procedures for the accession to the EU of third states.

Second, the pre-accession strategy included the so-called White Paper which was a simple Commission report setting out the key provision of alignment to the Single Market Acquis. It provided for the CEECs to identify which precise EC legislation to align with and also by what means to do so. This was crucial in the sense that there was a target, a target that could be met following the procedures laid out in the White Paper which in turn meant moving closer to membership.

Later within the Enhanced Pre-Accession strategy, that technical process toward membership was confirmed. The accession negotiations were based on 31 separate chapters which all constituted the Union Acquis, reaching from the Common Agricultural Policy to Justice and Home Affairs and even administrative/institutional arrangements. These chapters would be opened successively for the negotiations and then closed provisionally, once an agreement had been found. Once all the chapters were closed accession was meant to follow (on the Pre-accession Frameworks see Maresceau 2003).

These pre-set procedures were followed indeed. The Commission issued its 'proposals' in the form of opinions or avis, commenting on the progress of the CEES on fulfilling the Copenhagen Criteria and thus 'reproduced' the logic of membership moving closer. Each time the European Council agreed to Commission recommendations, praising the objectivity and 'realism' of the Commission. Only on few occasions did member state governments raise concerns about the Commission opinions, but were quickly reminded by other member states and the Commission that the Commission was handling the enlargement process with efficiency and any doubt on behalf of a member state was condemned as an attempt to 'delay' enlargement (Baun 2000: 120). The absence of any serious critique on behalf of the member states is particularly telling given that most of

the Commission opinions were based on information provided for by the governments in the CEECs which were far from 'objective' as to the alignment to and state of the implementation of the EU acquis (on the Commission 'avis' see Baun 2000: 78-81). However, critique of the Commission and the accession process remained an exception to the rule, which in turn highlights how authoritative the rules and procedures of the pre-accession strategy had become.

Third and inbuilt into the procedures of the first pre-accession strategy was a decision on the scope of enlargement. Although the Council in Luxembourg in December 1997 had decided to open the negotiations with just five out of the ten applicant states in Central and Eastern Europe, it had never closed off the prospect for the remaining five countries to join. The strategy defined 'ins' and 'pre-ins' within an overall inclusive accession framework. Indeed, the screening process, which preceded the actual opening of substantive negotiations, was started with all applicants, though conducted by different Commission departments. In this sense the decision on the scope of enlargement here reflected the decisions made in Copenhagen in 1993, where precisely ten of the CEECs were offered the perspective of membership. The 1999 Council decision in Helsinki to open accession negotiations also with Slovakia, Rumania, Bulgaria, Latvia and Lithuania therefore was, at least to some degree, influenced by the past decision to offer not to more or less but ten countries in Central and Eastern Europe the perspective of membership.

Others have of course argued that the decisions on the scope of enlargement were predominantly guided by member state preferences. Schimmelfennig for example, highlights how member states in the centre of the EU were content with the 1997 Commission proposal to limit accession talks to the first round of CEECs, the central

European candidates and Denmark and Sweden favoured the CEECs in the Baltic. France, Greece and Italy, by contrast, gave their special support to Bulgaria and Romania (Schimmelfennig 2004: 86). In line with intergovernmentalist assumptions, Schimmelfennig assumes these preferences to exist 'external' to the institutional context of the EU and based on traditional geopolitical concerns of the member states. I may certainly be reasonable to explain the eventual decision in 1999 as a result of differing member state government preferences as to which CEEC should be allowed into the accession negotiation process. Indeed it is quite likely that the decision to start with all ten CEECs reflected some kind of lowest common denominator among the member states. However, there was nothing remotely 'fixed' about these preferences. In line with both HI and SC assumptions, it seems clear that these member state preferences had been formed in interaction with the pre-accession process. Otherwise how would it be possible to explain the move of some governments from 'opposing' accession (as immediately following the end of the Cold War) to 'favouring one or the other candidate'? Furthermore, no member state government picked a Central and Eastern European state other than one of the ten which were part of the pre-accession framework. In other words, the pre-accession procedures and their policy scripts did certainly influence, if not 'constitute' the preferences of the member states (Harris 2004: 112)[11].

A second example for the influence of the 'Politics of Inevitability' is the way in which successive EU presidencies, as in EU institutions and member state governments, came to view enlargement. Originally, it had been down to the team of policy entrepreneurs to push CEEC enlargement on the EU agenda. By 1999 the picture had somewhat changed. The Finnish government for example prior to the summit in Helsinki, made

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[11] This division is also explicit in the draft Constitutional Treaty and, if ratified, will then be institutionalised in law.

clear that successful negotiations with the accession states and subsequent provisional closure of acquis chapters was a 'duty to every government' and subsequent presidencies adhered to that script (Baun 2000: 201-202). In this sense, the pre-accession frameworks and their underlying institutional scripts of emphasising progress, technicality and efficiency of integrating the CEECs into the EU had clearly influenced as to what constituted 'good practice' at the time for EU Presidencies[12]. In this context it is worthwhile remembering that originally and in the absence of any policy frameworks toward the CEECs, it had taken even the states favouring EU enlargement holding the presidency considerable time and effort to have the issue of the CEECs placed as an item on the EU agenda. By 1999 it was 'naturally' part of the Council agenda and. Once again, an example how the accession procedures had altered parameters in the EU systems of norms and how these, in turn affected the understanding of government or EU presidency 'agency' of their goals and responsibilities. In turn, successive presidencies reproduced the politics of inevitability and accordingly drove forward the enlargement process.

Changes in the parameters in the EU system of norms also explain in parts how the enlargement process did not come to a hold or at least lost momentum following the split and partial discreditation of the team of entrepreneurs towards the end of the 1990s. In 1995, the new Commission president Jacques Santers, reorganised the responsibilities for external relations inside the EU. Even though he replaced the dysfunctional separation of external economic relations from external political relations, the act split up the team that Leon Brittan and others had built up over the previous years (Sedelmeier and Wallace, 2000: 445). Furthermore, in 1999 the entire

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[12] The notion of 'good practice' of Presidencies is generally considered as an important element in 'structuring' member state government preferences in EU decision-making. On the role of the Presidency see Christiansen 2001b: 142-145

Commission was forced to resign due to severe misconduct and allegations of corruption. Neither affected the pre-accession process, as its procedures and underlying policy scripts provided a pre-set plan for action for the incoming Commission. Still Commission President designate, Romano Prodi announced the establishment of a new Directorate General specifically for Enlargement (a DG now replaced by a DG responsible for Neighbourhood Policy). At this moment enlargement to Central and Eastern Europe was formally institutionalised. Guenter Verheugen, the newly appointed Commissioner for enlargement was very clear on his objective when he declared that 'the iron curtain has been definitely removed' and that CEEC enlargement from then on was the top priority of the Commission. He added further: 'If we need more support, we will get it.' and few Commissioners objected at that point in time (Baun: 127-128). Once again, a powerful example for how taken for granted or 'inevitable' the accession of the CEECs had become.

One final example of the influence of informal procedures and underlying scripts of the enlargement policy is found in decision-making on institutional reform[13]. The 1993 Copenhagen Council conclusions had established a link between CEEC enlargement and institutional reform, so as to ensure the 'capacity of the Union to absorb new members' (European Council 1993). As opposed to the 'new experience' of having to find a policy toward the CEECs, institutional reform had long been practiced on the level of the EU. In other words, procedures such as intergovernmental conferences and scripts, such as national negotiating positions, had long existed for the conduct of institutional reforms. Accordingly, neither the Commission nor any other entrepreneur could easily have promoted change in the rules governing the conduct of institutional

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[13] EU Policy and financial reform was also an important issue, yet was largely reformed by the agreement of Agenda 2000. Agreement here was largely generated by the Commission, based on its legal rights to propose legislation in the EC pillar and based on expertise. For a good analysis of the role of the Commission and Policy reform see Grabbe and Hughes 1998: 90-103, Baldwin 1997.

reform in order to allow for faster CEEC accession. Furthermore, the desire of the member states to make institutional reform a condition for CEEC enlargement stemmed from the script-like norms underlying Restpolitik and their emphasis on deepening.

Accordingly, disagreement on institutional reform was soon developing into a major stumbling block for CEEC accession. The 1997 Amsterdam Treaty had failed to address substantial institutional reforms and the member states had agreed to hold yet another IGC in the year 2000, which should have prepared the Union for absorbing new members. The subsequent Treaty of Nice however, also failed to address the necessary reforms. Indeed, according to some commentators, the negotiations in 2000 were probably the most 'confused' and 'bad tempered' the EU had ever experienced (Cameron 2004: 7-8).

Despite the obvious prevalence of Restpolitk and in-build conditionality of institutional reform prior to enlargement, in 2001 the member state governments at their Council in Laeken agreed to conclude negotiations with eight CEECs and set the date for accession for 1st of May 2004.

In line with assumptions of the Systems of Norms Perspective employed here I argue that this latter decision cannot be accounted for unless closer attention is paid to the emergence of a set of different parameters in the EU system of norms. The guiding logic behind the pre-accession frameworks was that the timetable of accession depended entirely on the technical progress made by each of the CEECs which in turn was based on the fulfilment of a set of 'objective' criteria (Avery 2004: 37): the Politics of Inevitability. Prior to the Laeken summit, the Commission in its final set of opinions had recommended that eight CEECs had fulfilled the Copenhagen criteria and were

ready for accession by 2004 and the remaining two, Rumania and Bulgaria were set for accession in 2007.

In other words, the member states were 'caught' in conflicting systems of norms, each with its own procedural frameworks and underlying logics or scripts as to which criteria to base decision-making on CEEC accession on; either prior successful institutional reform or 'technical' readiness of the CEECs to join.

At Nice, the member states had tried to 'cover up' their failure to agree in order not to delay the accession of the CEECs when it agreed to hold a final IGC in 2004 (Cameron 2004: 7-8) the outcome of which, however, was uncertain. The decision at Laeken finalised the date for CEEC accession, on 1st of May 2004, which in turn finally broke the conditional link between enlargement and institutional reform: The Politics of Inevitability had then clearly predominated Restpolitk.

This last chapter has, on a few key examples, demonstrated that decision-making on the scope and pace of CEEC accession was influenced by a set of new parameters in the EU system of norms, the Politics of Inevitability. Member state governments and Commissioners alike were increasingly reproducing and acting according to relatively stable set of informal procedures and logics constituting the new enlargement policy. Even decision making on institutional reform was influenced by the policy's procedural and script-like norms. This is not to say that the final decision-making on CEEC accession can only be explained by reference to those norms. My argument here is that, based on historical institutionalist and social constructivist assumptions respectively, one can discern very clearly different sets of institutions guiding EU decision-making toward the CEECs by the end of the 1990s when compared to the time immediately after the end of the Cold War.

7. Conclusion

The main aim of this Master thesis was to provide a small nuance to past and current analysis of EU Eastward enlargement. Since the EU is one of the most integrated and institutionalised international organisations found in the realm of international politics, my core argument was that Eastward enlargement was influenced by the EU's own legal, informal and script-like norms. In other words, EU enlargement could only be explained fully if greater attention was paid to the institutional context in which decision-making on Eastward enlargement took place.

Research to date has focused primarily on the impact of EU enlargement on the applicant states in Central and Eastern Europe. As far as concerns the actual decision-making process, many contributions have not been able to capture, in a consistent manner, the role of the dense institutional context in which it took place. As the literature review has highlighted, the problem has primarily been of a theoretical nature. Whereas liberal intergovernmentalist accounts stress the important role of member states in the formulation of the enlargement policy, they seem to struggle in explaining change and continuity in the responses of the EU toward Central and Eastern European states. Research based on social constructivism on the other hand has highlighted the role of norms in the decision-making process, yet lacks a more flexible understanding of norms, which leads it to neglect the important role of legal and procedural norms in EU enlargement. Also, SC as used in the context of policy-making on enlargement has hardly accounted for the role of actors or 'agency' in the process.

In order to explain continuity and change in decision-making on EU Eastward enlargement via a focus on the EU's rich institutional context, I have based my argument in this Master thesis on social constructivist and historical institutionalist

assumptions respectively. Used in conjunction they have formed what I loosely defined as the Systems of Norms Perspective (SNP).

The first part of my analysis concentrated on the initial responses of the EC toward the CEECs, which culminated in the decision to offer Association, or 'Europe' Agreements. As the focus on the institutional context of the EC has demonstrated, these initial responses can be accounted for. First, member state governments at the time were 'locked' into an ongoing process of internal reform. The construction of European Monetary Union and linked political reform, dominated the EC agenda. The EMU process was marked by a strictly timetabled set of decisions which caught the attention of the member states. Attached to these pre-set procedures was also a particular institutional script which placed an emphasis on 'deepening' which was reflected in the reasoning of member state governments and the Commission.

Second, the decision of offering associated status rather than the perspective of membership was influenced by EC Treaty provisions and past enlargement practices which narrowed the feasible type of legal relationship with the CEECs down to one, namely Association. Third, the absence of any policy-frameworks and institutional scripts at the EU level limited the role of agency which could have promoted closer integration between the EU and the CEECs. Therefore, I concluded that the initial response of the EU was heavily influenced by the EU institutional context at the time, the norms of which I called Restpolitik or the politics of leftover.

Finally, the chapter pointed to a number of path-dependencies and opportunities for agency which the initial EC response created. On the one hand it put in place a basic notion as to the scope of enlargement as Association Agreements were not offered to the Western NIS. On the other hand an organisational platform was created for policy entrepreneurship with the decision to put in place a new Commission sub-department

which was given sole responsibility to develop the relationship between the EC and the CEECs.

The second part placed an emphasis on explaining the change in EU decision-making on enlargement which was officially marked by the 1993 Copenhagen and 1994 Essen European Councils and agreements on offering the CEECs the perspective of membership and the institutionalisation of an enlargement policy proper. Here and crucially, IR social constructivist and 'domestic' institutionalist assumptions helped to explain how a group of policy entrepreneurs could play a leading role in the change of policy. First, the 'new experience' of the end of the Cold War had left the EU with a lack of readily available policy procedures and institutional scripts. This had created room for creativity on part of the Commission (supported by some member state governments and high level experts) to introduce a new set of norms, an enlargement policy. Second, placed within the Commission with near sole responsibility for the CEECs, actors in DGIA enjoyed a formidable operational base from which to promote the new enlargement policy effectively, which was another condition for 'agency'.

The chapter then proceeded to analyse the details of the new policy framework as well as the key actions of the policy entrepreneurs. Crucially, the new policy framework based enlargement to Central and Eastern Europe on a policy script which made eventual accession a goal and based the conditions for membership on the 'technical' progress of each applicant state. At the same time, a number of informal procedures were put in place to reach the goal of the policy, the Pre-accession frameworks. This new set of norms is what I have labelled the Politics of Inevitability. The analysis also highlighted how the past decision on the scope of enlargement was further institutionalised in the pre-accession frameworks.

The third and final part of my analysis was concerned with explaining and demonstrating the continuity or automatic nature of policy-making on enlargement until the eventual decision to sign the Treaty of Accession in 2001 at the Laeken European Council. Based on HI and SC assumptions respectively, the analysis demonstrated the vital role of a new set of norms (the Politics of Inevitability) on the decision-making process. First, the informal procedures and institutional scripts of the pre-accession frameworks were 'making' the decisions as to when the applicant states were ready for membership, based on the fulfilment of a set of technical criteria. The Commission 'reproduced' this logic by commenting duly on the progress of each applicant through its opinions or 'avis'. Similarly, the accession negotiations proceeded on the basis of the opening and closure of a set of chapters, which, closed as a whole, meant that the respective CEEC candidate was ready for membership.

The overall dominance of this 'start-end' logic based on technical criteria could be clearly demonstrated by a set of key examples. First, member state opposition to Commission recommendations was rare. Second, successive Commission colleges committed to driving forward CEEC enlargement without further doubt. Third, the institution of the Council Presidency was guided by a new best practice, which stipulated that accession negotiations were to be conducted as fast and effective as possible. Fourth and finally, even the decisions on institutional reform became affected by the institutional scripts and procedures of the enlargement policy. Institutional reform had been made a key condition for CEEC enlargement by the member states (a decision dominated by the logic of 'deepening' as a part of Restpolitik).

Yet, the Council decision in Laeken to set the final date for CEEC accession was made despite the uncertainty of success of the IGC on institutional reform scheduled in the same year of 2004.

These examples in turn allowed me to argue that there was a clear influence of a set of new norms, the Politics of Inevitability, on decision-making on CEEC enlargement toward the end of the 1990s. On a final note, the analysis in this chapter also highlighted the consolidation of the eventual scope of enlargement to ten CEECs, a path created by the initial response of the EU after the end of the Cold War. In Laeken, the Council decided to sign the Treaty of Accession with eight CEECs but also made clear the EU's determination for accession of the remaining two, Romania and Bulgaria, by 2007. In other words, the three other 'Eastern' European countries Ukraine, Moldova and Belarus, were 'made' *natural* neighbours for the time being.

These key research findings based on the Systems of Norms Perspective have lent strong support to my claim that the institutional context at the EU level did influence decision-making on Eastward enlargement. The main purpose of the Master thesis has been fulfilled, which was to provide a small nuance to past and current debates on EU Eastward enlargement, in empirical and theoretical terms.

It is important to remember however, that the theoretical framework here was explicitly focused on the role of the EU institutional context. One may therefore point to two potential problems inherent in the theoretical lens. First, the framework is little equipped to depict the role of 'external' factors other than as 'new experiences'. For example, the pressure of CEEC governments clearly mattered to EU decision-makers. This role though has been analysed in sufficient detail elsewhere (Schimmelfennig 2001, 2003; Mattli 1999, Gstöhl 2002). Of equal importance was the impact of the 1999 conflict in Kosovo, which introduced a new security dimension to EU enlargement (see for example Sedelmeier and Wallace 2001: 455). In defence of the SNP though, I would

argue that in the decade following the end of the Cold War, few such 'external' events of relevance to decision-making on enlargement occurred.

A second criticism may be voiced as to the neglect of 'domestic' factors. By that I mean the role of domestic public opinion on decision-making toward the CEECs. It is important to remember that the ratification of the Treaty of Accession was subject to successful referenda in the CEECs. Decision-making on enlargement though took place long before these referenda, and major public debate arose just shortly before the actual date of the referenda. Furthermore, EU enlargement was never made subject to public opinion in the member states and largely kept at elite level (Nugent 2004c: 63). In this sense, criticism based on the importance of public 'general will' and 'legitimate rule' (for an example see Sjursen 2002) in the process of EU enlargement would need careful qualification.

A final criticism relates to the SNP itself and its capacity to account for continuity and change in decision-making on Eastward enlargement. Undoubtedly, the framework accounts for continuity based on the role of the EU institutional context. Equally, change is attributed to 'gaps' in the EU institutional context caused by 'new experience' and organisational venues which enable sets of actors (or 'agency') to create new institutions, such as the enlargement policy. Never-the-less, the SNP would gain from defining further conditions for policy change at the EU level, such as, for example, the composition of entrepreneurial actors. The group advancing closer integration of the CEECs consisted of high level Commissioners, strong member state governments as well as senior experts. Furthermore, the SNP is strong in demonstrating the influence of institutions, such as those associated with Restpolitik or the Politics of Inevitability. However, when and how precisely or under what conditions were the frameworks and

institutional scripts of the enlargement policy so influential, even in decision-making such as on institutional reform? Here the SNP needs further refinement, for example as to the role of informal, separate or autonomous policy frameworks, such as the Accession frameworks, in 'spreading' new sets of norms or indeed 'good match' with existing norms, such as provisions in the EC Treaty.

In response and in defence of my core argument, the aim of this Master thesis was simply to demonstrate the role of the EU institutional context in influencing change and continuity in the process of EU enlargement. The 'Systems of Norms' perspective was a means to that end. Within the limited framework of this Master thesis, the further development and refinement of the SNP was neither feasible nor a stated goal.

'[…] I was relying as much on the spirit of the rules as on their legal force; or rather, I knew that men who are placed in new practical circumstances, or subjected to a new set of obligations, adopt their behaviour and become different. If the new context is better, they themselves become better: that is the whole rationale of the European Community […].'
Jean Monnet, 1976

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1989	September – December	The collapse of communist governments in Central and Eastern Europe.
1991	December	Association ('Europe') Agreements signed with Czechoslovakia, Hungary and Poland.
1992	December	Edinburgh European Council meeting agrees on several key issues, including opening of accession negotiations in early 1993 with Austria, Finland and Sweden.
1993	June	Copenhagen European Council. It agreed that CEECs wishing to become members of the EU shall do so once they meet specific economic and political conditions (the Copenhagen criteria).
1994	April	Poland and Hungary are the first among the CEECs to apply for membership of the EU.
	June	The Corfu European Council meeting requests the Commission to prepare a pre-accession strategy for the CEECs.
	December	The Essen European Council meeting agrees on a number of measures as part of the pre-accession strategy for the CEECs. It also asks the Commission to prepare a White Paper on integrating the CEECs into the internal market.
1995	June	The Cannes European Council Meeting approves the Commission's White Paper.
	December	The Madrid European Council meeting requests the Commission to prepare reports on enlargement, including detailed opinions on the applications received for the CEECs and assessment of financial implications of enlargement.
1997	June	Amsterdam European Council agrees to the Treaty of Amsterdam.
	July	Commission issues its Agenda 2000 document and recommends the Accession negotiations to be opened with six applicant countries: Czech Republic, Estonia, Hungary, Poland, Slovenia and Cyprus.
1998	March	Accession negotiations are formally opened with the five CEECs and Cyprus.
	November	European Commission issues its first regular Reports on the Progress of Candidate Countries toward Accession.
1999	March	At the Council meeting in Berlin the member governments reach agreements on Agenda 2000.
	December	Helsinki European Council agrees to open accession negotiations with the six remaining applicants: Latvia, Lithuania, Bulgaria, Slovakia, Romania and Malta.
2000	February	Accession negotiations are opened with the remaining five CEECs and Malta.
	December	Nice European Council agrees on the Treaty of Nice.
2001	December	Laeken European Council decides to convene a Convention on the Future of Europe and sets date of accession for 1st May 2004.
2002	October	Commission Regular Reports recommend accession negotiations to be concluded with ten applicant states (excluding Rumania and Bulgaria) and that the Treaty of Accession be signed in spring 2003.
2003	April	The Treaty of Accession is signed in Athens.
	October	The IGC charged with negotiating a constitutional treaty is opened.
2004	May	Following the successful ratification of the Accession Treaty respectively, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic and Slovenia accede to the EU.