

6 Eastern enlargement

Risk, rationality and role-compliance¹

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Introduction

The policy of the European Union (EU) towards the Central and Eastern European countries (CEECs) displays the complex relationship between these four themes of risk, reform, resistance and revival. The 1989 revolutions presented for the EU and its member states not only new opportunities, but also the *risk* of political instability if the transformation processes should fail. The academic literature of the time broadly agreed that the best way to avert this potential risk was to integrate the CEECs with the EU and ultimately, to allow for eastern enlargement. In turn, eastern enlargement required the EU to undertake far-reaching internal reforms (see, e.g., Mayhew 1998; Grabbe and Hughes 1998; Avery and Cameron 1998).

In an optimistic scenario, eastern enlargement may thus lead to *revival* and a new dynamism, as it presents a window of opportunity to address accumulated contradictions of the integration model and carry out long-overdue reforms. In a pessimistic scenario, although enlargement might serve the EU's collective long-term interest, it might fail because the *resistance* from negatively affected actors might lead to a 'joint decision trap' (Scharpf 1988). Since enlargement as well as the necessary reforms needed to be endorsed by all member governments, individual governments that considered themselves better off under the status quo (for example, in terms of receipts from the EU budget through agricultural and structural policies, national influence, efficiency of collective decision-making, future prospects for 'deep integration', etc.) can prevent decisions that would allow the EU to avert a common risk.

In this sense, the EU's policy in the 1990s towards the CEECs could be interpreted as a (test) case of collective foreign policy-making (see, e.g., Niblett 1995; Torreblanca 1997; Smith 1998; Zielonka 1998). From this perspective, the decision of the Luxembourg European Council (December 1997) to open accession negotiations with a first group of CEECs in March 1998 was striking. It seemed to provide an unexpected but welcome proof of the EU's ability to overcome lowest-common-denominator bargaining and of collective problem-solving. Agreement on an eastern enlargement thus seemed an expression of the EU's capacity as a strategic actor in international politics.

However, the strategic coherence of the decision for eastern enlargement is far more ambiguous than this interpretation suggests: the decision to start accession negotiations was taken without any prior agreement on internal reforms. It was taken more than a year before the debate about policy reform undertaken by the Berlin European Council in March 1999, and despite the still fresh impression of the manifest failure to agree on institutional reform at the 1996–7 intergovernmental council (IGC).² More broadly, agreement was reached in the absence of any thorough debate on the shape of an enlarged EU.

Of course the EU had a track record of delivering eleventh-hour agreements and a strong aversion to difficult compromises as long as there is still scope for postponement. Nonetheless, the reforms that relate to enlargement were piecemeal and involved incremental tinkering, rather than thorough anticipatory adaptation. The adequacy of the policy reforms and financial perspective crafted at Berlin have been doubted (see, e.g., Begg 1999). The limited tidying-up IGC in 2000, resulting in the Treaty of Nice, reflected no ambition for institutional reform. Thus, rather than being a strategic collective response to a common risk, the EU's decision to enlarge seems to create its own risks for the integration project in the future.

The EU's decision to enlarge thus presents a number of puzzles. Why did the member governments agree on enlargement without prior agreement on reform, despite the risks and future costs that makeshift compromises create for all of them collectively? Why did they give the go-ahead, despite the uncertainty about the final shape of a deal on internal reforms? More generally, why do those member governments for which it is clear that the negative consequences of enlargement will outweigh possible benefits, agree at all? For example, while their geographical position means that Ireland, Portugal or Spain are not particularly vulnerable to political instability in the CEECs and are not best placed to exploit the economic opportunities of enlargement, internal policy reforms entail for them the risk of losing substantial receipts from the EU budget. Thus, at the empirical level, the fundamental puzzle is why the EU committed itself to enlargement, despite the costs that arise for individual member governments which all have veto power.

At the theoretical level, this puzzle pertains to the contemporary debate in international relations (IR) between rationalist and more sociological approaches. It challenges the explanatory power of materialist rationalist approaches that exogenize interests and assume that actors maximize material self-interest in strategic bargaining. This chapter thus sketches how an approach that takes account of non-material factors – namely the role of collective identity that the EU has created for itself in its relations with the CEECs and the regulative norms that this identity entails – can improve our understanding of the evolution of the EU's policy towards the CEECs.

I argue that the EU's collective identity towards the CEECs includes the notion of a 'special responsibility' of the EU towards the CEECs. It proscribes purely self-interested behaviour by policy-makers acting on behalf of the EU, and prescribes a degree of accommodation of the CEECs' preferences in EU policy. This component of the EU's collective identity does not determine policy outcomes. Yet it

limits the range of available policy options, by precluding certain options as inappropriate, and by reinforcing the legitimacy of others. In this way, it created a certain scope for a group of policy advocates, located primarily inside the Commission, to obtain approval for a number of policy initiatives that incrementally, but firmly, set the EU on the path towards enlargement. However, while compliance with the EU's professed role made it difficult for policy-makers to oppose such initiatives, it did not extend to forging consensus on a strategic approach to reform and on a collective sharing of the adjustment burdens.

The chapter proceeds in three main parts. The first section traces the origins, and identifies the content, of the EU's collective identity towards the CEECs. The second section presents the analytical concepts that help to understand how EU identity towards the CEECs has an impact on policy outcomes. The third section contains the empirical analysis. It focuses in particular on how agreement was reached on the formal endorsement of the CEECs' eventual accession and on the agreement's significance for subsequent policy developments.

The origin and content of the EU's collective identity towards the CEECs

This section seeks to trace the EU's collective identity towards the CEECs – in the sense of the role that EU policy-makers collectively define for themselves in their relations with the CEECs – and to identify the norms that characterize it. This section therefore analyses the discourse of EU policy-makers on the EU's role towards the CEECs. I argue that, throughout the Cold War and in response to the dramatic changes in the late 1980s, EU policy-makers discursively constructed a specific role of the EU towards the CEECs. This role implies a 'responsibility' of the EU towards the CEECs, in particular to support the political and economic reforms and their integration with the EU.

Broader aspects of EU identity

There are certain more general norms that define the EU's identity more broadly and that could be expected to resonate particularly in its policy towards the CEECs. These include the norms embedded in the domestic structures of the member states. Liberal theories stress the importance of the identity of states defined by liberal (social) democratic norms for their international policies (see, e.g., Lumsdaine 1993), especially if they interact in an international institution that is committed to these norms (see, e.g., Risse-Kappen 1995). Along those lines, Schimmelfennig (1998, 1999, chs 7, 8 this volume) argues that the EU, as an international community of (European) states characterized by shared values and norms of liberal democracy, enlarges to include states that share these values.

Other norms that characterize the EU's identity more generally were generated at the EU level. This includes the notion of the EU's broader European vocation which is expressed in the commitment to enlarge in the EEC treaty. In the

preamble, the signatories state their determination 'to lay the foundations of an ever closer union among the peoples of Europe', rather than just the founding states, and explicitly call for 'the other peoples of Europe who share their ideal to join their efforts.' Article 237 EEC Treaty/Article O TEU stipulates that any (democratic) European state may apply to become a member of the EU. Fierke and Wiener (ch. 5 this volume), for example, emphasize the importance of this commitment for the EU's enlargement policy.

Finally, it could be argued that the notion of a broader European vocation as part of the EU's self-image is not confined to an obligation to remain open. Previous enlargements have set a precedent for a special EU role in supporting democratic consolidation and market economic reforms. In part, this was implied in the original integration project (Wallace 1996: 19), and it was particularly obvious in the enlargements to Greece, Spain and Portugal. Such a role should resonate particularly in policy towards the CEECs. Friis (1998) argues, for example, that an important factor in the differentiation between the accession candidates was the ability of certain policy-makers to frame this decision as one concerning the stabilization of Central Europe.

However, while these broader norms are important, the empirical evidence of earlier membership applications, as well as from the EU's policy towards the CEECs, shows clearly that they are in themselves insufficient to prompt a decision by the EU to enlarge. In the cases of the British, Spanish, or Maltese applications, the member states were not reluctant either openly to veto or to block enlargement. The empirical part of this chapter shows that, in the case of the CEECs, the EU's explicit acceptance of the principle to enlarge and its decision to start accession negotiations was very reluctant and incremental. These norms that relate to the EU's identity more broadly might thus be important contributing factors to a more specific role of the EU towards the CEECs. But they alone seem insufficient to have triggered enlargement.

In order to understand the particular case of EU policy towards the CEECs, we need to focus on the construction of the specific identity, role or self-image that EU policy-makers have collectively created for the EU in its relation to the CEECs, and on the behavioural norms that such an identity contains.

Discursive creation of a specific EU identity towards the CEECs

The formation of the EU's identity towards the CEECs began with the origins of the EEC and continued throughout the Cold War. Statements by policy-makers from both EU institutions and member governments deplored the involuntary exclusion of the CEEC societies from the integration project, and asserted that, without them, this project remained incomplete. For example, Walter Hallstein claimed that the EU did 'share one wish above all others which is to overcome the division of Europe' (Reinicke 1992: 5), and Mitterrand stated in 1980 that '[w]hat we term Europe is a second-best option which alone cannot represent all European history, geography and culture' (Haywood 1993: 275). In 1985, the

Dooge Committee's report claimed that the EU had 'not lost sight of the fact that it represents only a part of Europe' and that 'any progress in building the Community is in keeping with the interests of Europe as a whole' (Council 1985).

This discourse might have been genuine, or it might have been Cold War rhetoric, but when overcoming the division of Europe suddenly became a real possibility, it provided the script for EU policy-makers to assert a specific role for the EU in post-Cold War Europe and towards the CEECs in particular. Rather than a backtracking in the face of dramatically changed conditions, there was continuity in the discourse about its role towards the CEECs which reaffirmed the EU's commitment.

EU policy-makers, individually and collectively at successive European Council meetings, couched pledges of support for the CEECs in strong normative language. At Rhodes in December 1988, the European Council reaffirmed the EU's 'determination to act with renewed hope to overcome the division of the continent' (Council 1988) and declared a year later, in Strasbourg: 'The Community and its Member States are fully conscious of the common responsibility which devolves on them in this decisive phase in the history of Europe . . . The availability and willingness to cooperate are essential elements of the Community's policy' (Council 1989). At the beginning of 1990, Prime Minister Haughey affirmed on behalf of the Irish Council presidency that '[t]he EC can and must do more than anyone else . . . [It] has an enormous load of responsibility towards East Europe' (Torreblanca 1997: 114); the Rome European Council in December pronounced itself 'conscious of its special responsibility towards the Central and Eastern European Countries' (Council 1990).

The EU's own discourse was endorsed and perpetuated from outside sources. The new CEEC governments declared it their ambition to 'return to Europe' by joining the EU, and the US administration stated that the CEECs were largely 'Europe's responsibility' (Baker 1989). The continuity in the collective discourse of EU policy-makers and the validation from outside sources reinforced the EU's self-proclaimed role and endowed it with more concrete substance: it had a 'special responsibility' towards the CEECs to use this 'historical opportunity' to overcome the division of the continent. The EU had actively to support the transformations in the CEECs and their integration with the EU. The discourse implied an EU commitment which, for those in charge of EU policy towards the CEECs, had become closely associated with the EU's self-image. The discourse of a collective EU identity towards the CEECs that was characterized by a 'responsibility' became a central aspect of EU policy.

Policy impact and the uneven effect of the EU's collective identity towards the CEECs

Through the centrality of the notion of 'responsibility' in the policy discourse, EU policy-makers thus discursively constructed a specific role for the EU, or the EU's collective identity, towards the CEECs. However, merely to establish the existence of such a collective identity is not sufficient to infer a causal effect on policy.

This section therefore seeks to clarify the mechanisms through which EU identity has a policy impact.

This is not only in itself a central concern of the social constructivist research agenda (see, e.g., Risse-Kappen 1994; Checkel 1998); it seems particularly necessary to understand the effect of identity on policy towards the CEECs. There was strong opposition inside the EU to acknowledge even the principle of enlargement in the Europe Agreements (EAs), and incrementalism characterized the subsequent evolution of the EU's commitment to eastern enlargement. This contrasts with the virtually automatic effect on appropriate behaviour that is usually associated with constructivist approaches.³ The discursive existence of a collective EU identity centred on the notion of 'responsibility' was thus not, as such, sufficient to generate policy outcomes that accommodated the CEECs' preferences.

This chapter argues that a crucial aspect of the effect of the EU's identity on its policy towards the CEECs was that it was *uneven* across the policy-makers involved, i.e., both the way in which and the extent to which it affected their behaviour varied. In order to understand its policy impact, we thus need to consider four related concepts, namely (1) the difference between shared and collective identities; (2) the distinction between constitutive and regulative effects of norms and identity; (3) the difference between internalization of norms and norm-conform behaviour resulting from rationalist calculations of reputational and social costs of deviation; and, as a consequence of these, (4) the importance of the agency by policy advocates.

Certain norms or a specific identity may be *shared* by all members of a group. But even if they are *not* commonly held, they might nonetheless characterize the group *collectively*, if they have become either a prominent feature of the public discourse of the group, or formally institutionalized as common property.

(Jepperson *et al.* 1996: 54)

The latter seems the case for the EU's identity towards the CEECs. Some member governments that feared the consequences of eastern enlargement might not have shared equally a desire to integrate the CEECs in the near future. But they had been implicated in the creation of a discourse that implied a responsibility to support their integration. The key question is then to what extent and why those that did not individually share the goals implied in the collective discourse might have felt bound by it. To the extent that they did, it might have been due to a regulative effect of norms and identity. It is precisely this regulative effect that pushes the boundary between 'thinner' social constructivist approaches that emphasize the role of strategic action, and more sophisticated rationalist approaches that also include non-material factors. Rather than assuming an either/or approach to social construction and rational choice, this focuses on the link between rationality and norm-compliance (see, e.g., Finnemore and Sikkink 1998; March and Olsen 1998).

Identity and the norms that define it can have *constitutive* or *regulative* effects on

actors, or both. The effects of identity and norms are most far-reaching if they have a constitutive effect. This is the case if actors internalize certain norms or identities, if a given identity forms a large part of their multiple social identities, and if they have an effect on their preference-formation and interest-definition (see, e.g., Jepperson *et al.* 1996). This does not mean that regulative norms do not play a role in this case. They specify standards for appropriate behaviour through which a given identity is enacted in varying circumstances.

Yet norms and identity might also have a purely regulative effect. In this case, the effect is merely on behaviour, not on underlying interests. They regulate behaviour by prescribing or proscribing appropriate ways of acting for a given role. This is different from the quasi-material constraints on strategies that many neo-liberal institutionalist accounts emphasize. However, more sophisticated rationalist approaches take account of the fact that actors might include in their cost-benefit calculations reputational concerns and the social costs arising from behaviour that does not comply with social norms (see, e.g., Johnston 1999).⁴

Thus in order to understand how the uneven effect of identity influences EU policy towards the CEECs, we need to identify the constitutive effects and regulative norms that the EU's collective identity towards the CEECs implies. To the extent that policy is evaluated with regard to its compatibility with the role professed in official statements, the somewhat diffuse notion of an 'EU responsibility towards the CEECs' is a rather vague guide. Nonetheless, as opposed to questions of specific policy detail, the prescriptions that it entailed on the general principle of eastern enlargement are fairly clear.⁵ The EU needs to contribute actively towards making enlargement a reality. At a minimum, enlargement could not be refused simply for the reason that it might compromise certain vested interests of the incumbents, as it presented a legitimate aim of the CEECs.

In this case, the regulative effect of identity thus operates primarily through a prohibitive norm. Since its evaluative standard is clearer for the behaviour that it proscribes, rather than what it prescribes, the role of policy advocates is crucial. To have a positive effect on policy outcomes, it requires certain actors to advocate policy options with which others then conform because they feel they cannot refuse to do so, although they might have chosen otherwise had they not been forced to justify non-compliant behaviour. In turn, in order for a credible group of policy advocates to emerge, identity has to have a constitutive effect on certain policy-makers. This chapter argues that a group of policy advocates emerged around the Commission's Directorate General for External Relations (DG I) and successive commissioners for external relations and their personal staff in their *cabinets*. These policy-makers identified most strongly with the EU's role towards the CEECs and thus largely internalized the EU's identity towards the CEECs.

In sum, the argument that this chapter sketches does not suggest that EU identity towards the CEECs determined policy outcomes. Nor does it suggest that identity only has an effect if actors internalize it. To be sure, material self-interests and strategic bargaining are an important part of the process. Identity affects policy by structuring the 'realm of possibilities' for available policy options, which precludes certain options as inappropriate and reinforces the legitimacy of others

(see, e.g., Price and Tannenwald 1996: 148-9; Klotz 1995: 461-2). It thus created the necessary scope for policy advocates to obtain agreement on incremental steps that advanced policy.

Nor does it contradict the argument if actors whose preference formation is shaped by the internalization of identity behave strategically to maximize these preferences. They might even use normative arguments strategically to induce compliance in others, or they might appeal to actors' self-interest to gain agreement. Indeed, the policy advocates frequently asserted that an accommodating policy towards the CEECs served the EU's collective self-interest. Conversely, some actors might promote similar goals as the policy advocates for purely self-interested reasons. They might even try to legitimize their goals with reference to norms. What matters in this case is why actors - for whom norm-compliance is not clearly complementary with material-interest maximization - are susceptible to their arguments. Interesting from a theoretical point of view is the effect on policy of the interaction between the referenced regulative norms and interests-definition, and between norm-compliance and rational choice, not an either/or causation. The regulative norm provided the necessary condition, which, in combination with strategic behaviour by the policy advocates and the support of some actors motivated by material self-interests, led EU policy towards eastern enlargement.

Advocacy, incrementalism and norm-compliance in the EU's policy towards the CEECs

The EU's decision to start accession negotiations was not simply the result of a 'history-making' decision at the Luxembourg European Council in December 1997. Rather, the formal decision was the result of a number of apparently discrete decisions at different European Council meetings that made the enlargement process increasingly hard to reverse. I argue that the crucial step which started this expansive and cumulative logic of policy evolution was the formal endorsement of the CEECs' membership perspective at the Copenhagen Council in June 1993. Table 6.1 highlights the key junctures in the evolution of EU policy.

This section sketches how this agreement was reached and its significance for subsequent policy developments. It emphasizes the continued advocacy and the strategies of the policy advocates, the incremental nature of policy evolution, and the importance of the regulative effect of the EU's identity in reducing the scope for a veto.

The formal endorsement of the principle of eventual CEEC membership at the Copenhagen European Council

During the negotiations of the Europe Agreements (EAs) with the first three CEECs in 1991, the latter wanted an acknowledged link between the agreements and their eventual membership. They were supported by the unit in the Commission's DG I that was responsible for policy towards the CEECs (DG I-E), and external relations commissioner Andriessen and his *cabinet*. These policy-makers

Table 6.1 Key dates in the eastern enlargement decision

December 1990	Start of negotiations for Europe Agreements (EAs) with the first three CEECs
December 1991	First EAs signed
June 1993	Copenhagen European Council (endorsement of CEECs' membership perspective)
December 1994	Essen European Council (agreement on pre-accession strategy)
December 1995	Madrid European Council (indicative date for accession negotiations)
July 1996	Start of the 1996-7 IGC
June 1997	End of IGC, Amsterdam Treaty
July 1997	Commission's 'Agenda 2000' published
December 1997	Luxembourg European Council, decision to start accession negotiations with five CEECs in March 1998
March 1998	Start of accession negotiations with five CEECs
March 1999	Berlin European Council (agreement on budgetary perspective 2000-06)
June 1999	Cologne European Council (decision to hold short IGC on institutional reform in 2000)

had continued close contacts with their counterparts in the CEECs and soon acted as advocates of the CEECs' interests inside the EU and of their integration with the EU, which they regarded as the EU's responsibility and in line with its role.⁶

However, the EU's overall position on the CEECs' membership perspective was highly restrictive. The member governments, except for the German and British, and parts of the Commission were strongly opposed to creating a link to eastern enlargement, or even to engage at this stage in a debate about enlargement as a longer-term prospect. As a result, the directives for the Commission negotiators specified that, if the CEECs should raise the issue during the negotiations, they should simply refer to the general possibility, according to article 237 EEC, for any European state to apply for membership.⁷

The conduct of the negotiations and their final outcome on this issue was fairly close to what rationalist approaches would expect. In the intra-EU debate, the member governments' positions seemed to reflect the cost-benefit calculations of the longer-term implications that such an acknowledgement of the CEECs' eventual membership would entail. In the negotiations, the asymmetries in bargaining power between the member states and the CEECs constrained the accommodation of the CEECs' preferences.⁸ Although the Council agreed to make the negotiation directives more flexible in order to resolve the negotiation deadlock resulting from the dissatisfaction of the CEECs, this concerned mainly the EU's trade concessions. On the membership perspective, the Council agreed to a formulation in the preamble which acknowledged eventual membership as the 'ultimate objective' of the CEECs. This formulation, however, fell well short of acknowledging this as a mutual objective shared by the EU, and made clear that membership would be far from an automatic consequence of association.

Still, the Commission negotiators inserted in the paragraph of the preamble that 'in the view of the parties these agreements will help this objective.' Although this went beyond the negotiation directives, none of the delegations in the Council

wanted to object formally to it.⁹ In this sense, the EA negotiations also showed that the EU's professed role towards the CEECs created a certain room for manoeuvre for the policy advocates inside the Commission.

Although this concession seemed to stretch to its absolute limits what the main actors on the EU side could accept, a year and a half later the EU agreed on the step that the great majority of member governments and parts of the Commission had opposed rigorously.¹⁰ The Copenhagen European Council in June 1993 declared that the CEECs 'that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required' (Council 1993: 5). The continued advocacy by DG I-E and the Andriessen *cabinet* generated the essential dynamism behind this development of policy. Almost immediately after the signing of the EAs, these policy advocates started to work on moving EU policy beyond the association formula. In addition to more substantive proposals, the central element of their advocacy was the formal endorsement of the CEECs' eventual accession as an objective shared by the EU.¹¹

The extent of opposition to reopening the debate and the constraints that it imposed on a more accommodating policy were reflected in the fact that the Copenhagen declaration itself was the result of an incremental evolution. This process was marked by agreement on key documents that went increasingly towards acknowledging the CEECs' membership perspective. While each of the documents did not in themselves explicitly acknowledge eastern enlargement as a shared objective, they made it increasingly hard to refuse it ultimately.

The Commission's report on enlargement for the Lisbon European Council in June 1992 acknowledged that while the CEECs were 'not yet in a position to accept the obligations of membership [they have] political needs which go beyond the possibilities of existing agreements' (Commission 1992a: 8, emphasis added). In the report for the Edinburgh European Council in December 1992, the Commission proposed that the EU 'should now confirm that it accepts the goal of eventual membership in the European Union for the [CEECs] when they are able to satisfy the conditions required' (Commission 1992b: 3). The Edinburgh European Council was too distracted with other business to discuss the Commission report in detail, but stated that at its next meeting it would 'reach decisions on the various components of the Commission's report in order to prepare the associate countries for accession to the Union' (Council 1992: 37). In the run-up to the Copenhagen European Council, the discussion in the Council focused mainly on trade concessions and the institutional framework and no longer seriously challenged the principle of membership.

Strategic behaviour and instrumental rationality

An important aspect of the success of the policy advocates was that they moved strategically to achieve their goals: they forged strategic alliances and informal cooperation with actors that arguably promoted an evolution of policy towards eastern enlargement for more self-interested reasons. This included support from

German policy-makers, but crucially also active coordination with the UK and Danish Council presidencies in the second half of 1992 and the first half of 1993. Cooperation concerned both strategy and substance, including the insertion of policy papers drafted in the Commission as presidency papers into the Council's discussion.¹²

Tactical behaviour secured the approval in the Commission of the crucial report for the Edinburgh European Council. Endorsement was obtained not simply through a process of persuasion, but by calling a vote in the College of Commissioners. Many commissioners, among them President Delors, were concerned that bringing enlargement on the agenda was divisive for the member states and thus detrimental for progress on the internal agenda. The necessary majority was secured with the inclusion of requirements in the qualitative criteria for CEEC membership that called both for the stability of democratic institutions in the CEECs and for the EU's capacity to absorb new members without endangering its own momentum.¹³

Finally, an element in the policy advocates' strategy was to persuade the member governments that the prospect of eastern enlargement would increase their material self-interest, or at least not affect it negatively. For example, on the one hand they emphasized that the perspective of membership could counter the risks that the changing political situation in Central and Eastern Europe entailed, such as the threats to stability from ethnic conflicts and the risks to the reforms stemming from the increasing popular dissatisfaction (Commission 1992b, 1993). On the other hand, the Commission supported research into the effects of further integration of the CEECs on specific EU regions and sectors, in order to demonstrate that the expected negative consequences were greatly overstated (Baldwin 1994; Faini and Portes 1995).

Regulative norms and identity-related arguments about appropriate behaviour

The building of strategic alliances and instrumental strategies that focused on the material cost-benefit calculations of the more reluctant policy-makers thus played an important part in the agreement on the Copenhagen declaration. But this is not the whole story and not sufficient to explain this outcome. A key element of the policy process was that even those EU policy-makers that were concerned about the material consequences of enlargement were sensitive to non-material factors associated with the regulative effects of the EU's identity towards the CEECs.

The policy advocates' strategy included presenting the member states' endorsement of the CEECs' membership perspective as a case of appropriate behaviour by relating it to the EU's identity towards the CEECs. In the internal debate they repeatedly used such normative arguments and pursued an explicit link in official documents between identity and enlargement as an important objective in its own right. For example, the policy advocates inserted into the Commission's Lisbon report a language that explicitly expressed the EU's responsibility towards the CEECs and the need to act accordingly:

The integration of [the] new democracies into the European family presents a historic opportunity... The Community has never been a closed club, and cannot now refuse the historic challenge to assume its continental responsibilities and contribute to the development of a political and economic order for the whole of Europe. ... Enlargement is a challenge which the Community cannot refuse.

(Commission 1992a: 1-2, 9)

Another example is contained in a draft of the Commission report for Edinburgh, which emphasizes the legitimacy of the CEECs' objectives and the resulting need for the EU to endorse it: 'The merits of . . . a [clear declaration by the Community, in which it endorses the object of fully fledged membership of these countries at a later stage] would be very substantial as it would give: satisfaction to the *justified* aspirations of these countries . . .' (Commission 1992c: 5; emphasis added).

Likewise, the apparent vulnerability of EU policy-makers to the broadly based criticism of the EAs by academics and journalists, as well as CEEC policy-makers, is striking, as it was not linked to any material threats. Academic and media criticism was unanimous in denouncing the absence of a clear membership perspective, the failure to engage in a debate about constructive adaptation of the EU integration model in order to accommodate the CEECs in the long run,¹⁴ and the limitations of the trade concessions.¹⁵ CEEC policy-makers criticized the EAs both in individual capacity¹⁶ and collectively in two so-called Visegrád memoranda of September 1992 and June 1993, issued just before the respective European Councils with the active encouragement from the policy advocates in the Commission.

This criticism not only focused on the failure of the EU to act decisively in its own security and economic interest. It had a strong normative dimension which emphasized the failure of the EU to match its rhetoric with appropriate behaviour, and to live up to the role it had declared for itself and to the expectations it had raised. Crucially, although it was not linked to material sanctions and was not made by actors that had the material capabilities to sanction non-fulfilment of their demands, such criticism and the strong normative language of the policy advocates had a clear effect on member governments and the more reluctant parts of the Commission.

For example, the French government strongly perceived the need to take a much more positive approach in order to rectify the impression that France was a main obstructer of a more accommodating policy.¹⁷ The Spanish government felt that its tough stance on trade issues was misinterpreted as general hostility to the eventual accession of the CEECs.¹⁸ After a visit by the Polish prime minister, Suchocka, to Madrid, Prime Minister González instructed the foreign ministry to support the Commission's proposals.¹⁹

Crucially, after the Commission formally put the proposal to endorse the membership perspective on the table, none of the delegations in the Council disputed it openly.²⁰ In the end, reservations existed mainly among the Belgian and Luxembourg governments, which had strong concerns about the possible dilution

of future integration, but did not voice them formally.²¹ The agreement on the financial perspective and the solution to the Maastricht ratification crisis at the Edinburgh European Council had greatly reduced the arguments that could be presented as legitimate against turning to the question of enlargement.

In sum, the way in which the Copenhagen European Council's formal endorsement of the CEECs' membership perspective as a mutual policy goal was achieved suggests that EU policy did not merely evolve within the parameters of material cost-benefit calculations of the main actors. The endorsement of the Copenhagen declaration might have been facilitated by the consideration that this statement did not entail any formally binding obligations on the EU and thus allowed for later backtracking. But although it could lead to the debate that the majority of member governments and parts of the Commission had wanted to avoid, EU policy-makers responded to the criticism of their apparent failure to act in accordance to their professed role rather than taking the stance that the EAs were a take-it-or-leave-it offer.

The regulative effect of identity created the necessary room for manoeuvre for the policy advocates to press for the formal endorsement of the CEECs' eventual accession as a mutual goal. EU identity limited the policy options that were acceptable as appropriate behaviour. It limited the grounds for legitimate opposition by excluding argument about material self-interests. Even policy-makers in the member governments and the Commission that feared the material consequences of eastern enlargement felt inhibited to veto this step with reference to their particular self-interest.

The regulative effect of EU identity towards the CEECs is underlined in the importance of two non-material factors for the success of the policy advocates, namely the use of identity-related arguments in official statements and internal discussions and the normative criticism of the EAs from both the academic community and the CEECs. However, endorsement of the policy advocates' proposal was far from automatic and relied heavily on their strategic behaviour.

Even in these instances, in which action seemed to follow more clearly a logic of appropriate behaviour, it also involved instrumental rationality on the part of the policy advocates who in part used normative arguments strategically to induce compliance. Furthermore, although compliance was not induced by material sanctions and constraints, it did result in part from a strategic calculation of consequences. Crucially, however, the utility function of these actors included the reputational and social costs entailed by failing to conform with the regulative norms implied in the EU's role towards the CEECs.

The expansive logic of the formal acknowledgement of the CEECs' eventual membership

The significance of the Copenhagen declaration

The acknowledgement of eventual CEEC accession as a shared objective presented a significant achievement, considering the strong initial opposition to such a

move. However, at the time the assessments of the substance of the Copenhagen declaration were rather ambiguous. The declaration did not involve any legally enforceable commitment. The absence of a timetable, the qualitative formulation of the conditions for membership,²² and in particular the provision that 'the Union's capacity to absorb new members, while maintaining the momentum of European integration, is also an important consideration' (Council 1993: 5) – which was entirely beyond the CEECs control – provided ample scope for backtracking. The Copenhagen declaration might thus be interpreted as a limited, merely rhetorical response to the CEECs' criticism of the EAs.

The limitations of the Copenhagen declaration are on the one hand an expression of the constraints that strategic bargaining between material interest-maximizing actors placed on a more accommodating policy. On the other hand, both how Copenhagen was achieved and its subsequent significance suggest that EU policy did not evolve merely within the parameters of material cost-benefit calculations of the main actors.

The benefit of hindsight allows one to establish that Copenhagen was indeed highly significant. All subsequent EU documents on policy towards the CEECs start by quoting the Copenhagen declaration as the key expression of the EU's commitment to eastern enlargement. Crucially, it had a profound substantive impact on the subsequent evolution of policy and provided a starting-point for an expansive logic that made it increasingly difficult to block initiatives aimed at developing policy further. Despite the strong reluctance among EU policy-makers to face up to the consequences of eastern enlargement, it paved the way to open accession negotiations with the CEECs, which was 'probably the most significant of the different stages of the accession process . . . because opening them implies a willingness to conclude them' (Avery and Cameron 1998: 27).

Incrementalism, regulative norms, commitment and credibility

Central to this evolution were successive agreements on limited, incremental developments of policy. The Essen European Council in December 1994 endorsed the Commission's proposal of a so-called pre-accession strategy to prepare the CEECs for accession. Its economic core was a Commission White Paper to prepare the CEECs for their participation in the internal market. Finally, the Madrid European Council in December 1995 approved an indicative date for the start of accession negotiations – six months after the conclusion of the IGC starting in 1996.²³

This incrementalism was in part a result of the constraints on policy; in part it was a deliberate strategy of the policy advocates.²⁴ As with the Copenhagen declaration, these incremental steps focused on apparently limited measures and questions of principle, which to refuse would have been contrary to the EU's identity towards the CEECs. For example, having accepted the general principle of the CEECs' eventual accession, it was difficult to refuse the argument that the EU should present the CEECs with a workable road map that indicated the path from the general principle to actual accession.²⁵ In turn, having agreed to a work programme for the CEECs' accession preparations, it was hard to argue against an

indicative date for the start of accession negotiations, if the CEECs had by then made significant progress.

A crucial factor that reinforced this dynamic was that the Copenhagen declaration presented a certain formalization of the EU's commitment to eventual membership. Agreement to these initiatives could now be clearly presented as a test for the credibility of the EU. In this sense, when the Essen European Council endorsed the pre-accession strategy, it affirmed that '[the EU], in deciding this strategy, reemphasizes the commitment of the Union to the accession of the associated countries' (Council 1994: 25).

Apparent safeguards and decreasing grounds for legitimate opposition to enlargement

In addition, these measures still contained apparent safety valves that seemed to keep them limited and to provide scope to stop developments at a later stage. The Copenhagen declaration was only a declaration of principle and set conditions for membership, including the ominous provision of the EU's own dynamism. The choice of regulatory alignment as the economic core of the pre-accession strategy²⁶ could be seen as a safeguard against politically motivated early accessions. By making the regulatory accession requirements more explicit, it seemed to make the conditionality harder.²⁷ Finally, the start of accession negotiations was made conditional on successful institutional reform at the 1996-7 IGC (Council 1995: 23). However, despite these safeguards, each of those measures had the effect of reducing further the grounds of legitimate opposition to enlargement. As the EU's collective identity proscribed selfish opposition to enlargement, it restricted legitimate arguments to those that focused on the common interest of an enlarged EU.

One such common interest of all participants is the proper functioning of the internal market. Doubts about the CEECs' ability to implement the EU's regulatory regimes were thus a legitimate argument against enlargement. However, since the pre-accession strategy focused precisely on the preparation of the CEECs for the internal market, such doubts could no longer serve as a general pretext.

Another common interest of current and future members is the sustainability of the EU's dynamism after enlargement. Initially, member governments could legitimately decline to address the general question of enlargement before the ratification of the Maastricht Treaty, which was supposed to provide the necessary deepening. But the solution to the Danish ratification problem at the Edinburgh European Council made it hard to refuse to take a general position on enlargement.

A further aspect of the EU's dynamism is the effectiveness of decision-making in an enlarged Union. However, since the Madrid European Council made the start of accession negotiations conditional on institutional reform at the 1996-7 IGC, it was difficult to refuse the principle. Furthermore, despite the insufficient results of the IGC, the logic of having agreed to an indicative starting date was such that the member governments decided nonetheless to open accession negotiations in March 1998, while agreeing on another IGC to deal with these issues. To be sure, some member governments entered into the minutes of the Amsterdam European

Council their intent not to endorse any accession if the reforms should not be agreed (*Financial Times*, 16 September 1997).

Conclusions

This chapter's argument has both empirical implications for the EU's ability to respond strategically to a common risk and theoretical implications for the broader debate in IR theory about the relationship between rationality and norm-conform behaviour.

Enlargement, risk and rationality

The central argument of this chapter is that the EU's decision to open accession negotiations was not the result of a strategic choice in response to the potential risks of instability in the CEECs. The ability to agree on enlargement despite the veto power of negatively affected member governments is thus not a reflection of the EU's capacity as a collective strategic actor in international politics. Rather, the EU's decision to pursue accession negotiations can be attributed largely to the collective identity that it created for itself and the regulative norms such an identity entailed.

First, although the EU was able to agree on enlargement, it could not agree more than minimal reforms to prepare itself for enlargement. Thus, while it was able to avoid the risks associated with passivity vis-à-vis the changes in the CEECs, its activism generates its own long-term risks for the sustainability of the integration project. Second, the process through which enlargement was endorsed was very different from strategic decision-making driven by a common security rationale. The policy process was far too incremental; every step towards further developments was strongly contested; and at virtually no point was there a thorough debate about the EU's interests and appropriate strategies for an enlarged EU.

It is thus difficult to see in the enlargement decision a rational collective decision by enlightened member governments that prioritize long-term interest, or engage in collective problem-solving and burden sharing out of solidarity with those member states that are most directly affected by potential instability in the CEECs. Neither was it the case that member states with particular interest in enlargement coerced the others into a decision that might be detrimental to the system as a whole. This chapter's analysis suggests that, while member governments with more obvious material interests in enlargement provided significant support for the policy advocates, they were not the source of the crucial policy initiatives analysed here.

Moreover, the chapter suggests that looking at EU policy primarily as case of foreign policy is seriously misleading. By overstating the importance of the security rationale, it distracts from the distinctiveness of the relationship with the CEECs. It ignores the fact that EU policy towards the CEECs is as much about the definition and enactment of its own identity as about a stabilization of its 'new abroad'.

To understand the decision to enlarge requires one to depart from materialist

assumptions of rationality. Identification with, or the constitutive effects of, the discursively constructed role of the EU towards the CEECs led a group of policy advocates inside the Commission continuously to promote moves towards enlargement. This does not mean that calculations of the material costs and benefits of enlargement were not an important part of the story. For example, the perception of risks from possible instability in the CEECs was an important factor in generating support for enlargement, particularly from the German government. Conversely, the perception of the risks that enlargement itself could entail for future integration in the EU was an important consideration that caused reluctance in the Belgian and Luxembourg governments, for example. The maximization of material interests imposed constraints on policy, which meant that it could evolve only incrementally. But these could not stop the process altogether. Albeit incrementally, policy did evolve, and these successive steps made the enlargement process increasingly irreversible. The necessary scope for such an evolution was created by regulative constraints on behaviour. The decisions at each stage were presented as questions of principle. Opposition with open reference to narrow self-interests would have entailed conflicts with regulative norms associated with the EU's collective identity towards the CEECs.

To be sure, agreement at each of these stages included apparent safeguards which seemed to maintain the possibility of blocking further evolution of policy at a later stage. To the extent that policy-makers subsequently felt inhibited about insisting on a strict interpretation of these safeguards, there might have been an element of unintended consequences that facilitated a certain path-dependence. The cumulative logic of policy evolution, and the increasing formalization of an EU commitment to enlargement, further limited the grounds for legitimate opposition to enlargement and raised the reputational costs of a veto.

However, as the regulative norm was primarily prohibitive, the consensus it created was primarily a negative consensus, namely 'not to block enlargement'.²⁸ The EU's identity was not internalized widely enough to forge a positive consensus on enlargement as well as on the necessary reforms. The prospect of continued muddling-through suggests a pessimistic scenario in which enlargement might lead the EU towards the 'risk' end of the continuum identified by Cowles and Smith (2000).

A more optimistic interpretation is that the inevitability of enlargement now condemns policy-makers to agree to the necessary reforms. EU policy-makers might thus have pushed themselves towards the reform and revival scenario. Still, in this case, the impetus for reform and revival did not come primarily from a collective strategic decision, but to a large extent precisely from the obstacles that the EU's role towards the CEECs imposes on a 'rational' defence of individual member states' narrower material self-interests.

Rationality and norm-compliance

These apparent shortcomings of rationalist approaches to eastern enlargement highlight the important contribution that more sociological approaches in IR can

make. However, EU policy towards the CEECs also presents a key case to support the more recent move in the theoretical debate away from either/or arguments between rationalism and constructivism. Instead, it underlines the need to focus on, and to understand better, the link between rationality and norm-conform behaviour.

The debate has already clarified that to accept interests as endogenous does not exclude strategic behaviour to achieve these interests. But eastern enlargement entails cases that are not easily captured by the elegant solution of such a 'division of labour' between rationalists and constructivists (Katzenstein *et al.* 1998). It thus identifies two related key areas where further conceptual and methodological research is necessary. One is the strategic use of normative arguments and what it tells us about whether the actors that profess these norms use them instrumentally or genuinely. The other is how the strategic use of normative arguments works. The regulative effect of norms generates behavioural constraints and induces norm-compliance, although there is neither a link to material sanctions nor a constitutive effect of actors' interest definition.

Notes

- 1 This chapter was originally published in M. G. Cowles and M. Smith (eds) (2000) *The State of the European Union*, vol. 5: *Risk, Reform, Resistance and Revival*. Oxford: Oxford University Press, 164–85.
- 2 On the Luxembourg European Council, see, e.g., Friis (1998); on the eventual outcome of policy reform at the Berlin European Council, see Laffan and Shackleton (2000), Rieger (2000), Allen (2000); on institutional reform at the 1996–7 IGC, see, e.g., Sedelmeier (2000).
- 3 For a similar point, see Schimmelfennig (1999, ch. 7 this volume).
- 4 In a similar vein, Schimmelfennig (1999, ch. 7 this volume) emphasizes that arguments relating to institutional norms strengthened the bargaining power of actors pressing for eastern enlargement. He maintains, however, that such actors only use these arguments instrumentally, i.e., they have not internalized these norms.
- 5 By contrast, it is not immediately obvious which evaluative standards it implies for an assessment of the norm-conformity or 'appropriateness' of specific EU practices on issues of policy substance, such as to liberalize trade or to establish concrete conditions for accession. These are outside this chapter's narrower focus. But any account that analyses the effects of identity on policy towards the CEECs cannot be complete unless it captures the effects on these issues as well (see Sedelmeier 1998).
- 6 Interviews, Commissioner's *cabinet*, 2 February 1995; Commission, DG I, 23 October 1995, 24 October 1995, 27 October 1995.
- 7 Interviews, Commission, DG I, 23 October 1995; 24 October 1995.
- 8 For further detail on the negotiations, see, e.g., Sedelmeier and Wallace (1996); Niblett (1995); Friis (1997); Torreblanca (1997); Sedelmeier (1998).
- 9 Interview, Commission, DG I, 23 October 1995.
- 10 In addition to this declaration, the European Council endorsed a unilateral acceleration of trade liberalization and closer institutional links between the EU and the CEECs. These are not, however, the subject of this chapter.
- 11 Interviews, Commission, DG I, 24 October 1995.
- 12 Interviews, UK Permanent Representation, 9 July 1993; Commission, DG I, 24 October 1995.
- 13 Interview in a Commissioner's *cabinet*, 15 December 1995.

- 14 See, e.g., Bonvicini *et al.* (1991); Wallace (1991); Reinicke (1992); Kramer (1993); Smith and Wallace (1994).
- 15 See, e.g., Baldwin *et al.* (1992); Winters (1992); Hindley (1993); Messerlin (1993); Rollo and Smith (1993).
- 16 See, e.g., Suchocka (1992); Saryusz-Wolski (1994).
- 17 Interviews, French Foreign Ministry, 3 July 1996 and 10 July 1996.
- 18 Interviews, Spanish Foreign Ministry, 18 June 1996 and 21 June 1996.
- 19 Interview, Spanish Permanent Representation, 3 February 1995.
- 20 Interview, UK Permanent Representation, 9 July 1993.
- 21 Interview, Commission DG I, 24 October 1995.
- 22 The declaration mentions the following conditions:

- stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;
- existence of a functioning market economy, and capacity to cope with competitive pressure and market forces within the Union;
- ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

- 23 For further detail on this evolution, see, e.g., Sedelmeier and Wallace (1996); Mayhew (1998); Grabbe and Hughes (1998); Sedelmeier (1998).
- 24 Interview, Commission DG I, 24 October 1995.
- 25 Interviews, Commission DG I, 24 October 1995; and in a Commissioner's cabinet, 2 February 1995.
- 26 For a discussion of a pre-accession strategy based on regulatory alignment, see Smith *et al.* (1996); for the follow-up in the accession partnerships, see Grabbe (1999).
- 27 Interview, French Prime Minister's Office, 10 July 1996; French Foreign Ministry, 3 July 1996.
- 28 Interview, German Foreign Ministry, 13 December 1995.

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