

Diplomacy of Small States Negotiating Their European Union Convergence

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A dissertation presented to the Faculty of Arts in the
University of Malta for the degree of
Master in Contemporary Diplomacy
October 2009

DECLARATION

I hereby declare that this dissertation is my own original work.

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04 October 2009

Skopje, Macedonia.

Abstract

The paper analyzes the diplomatic possibilities of small states during their convergence with the EU. It looks beyond the technical process of negotiating adjustment to the *acquis communautaire*. This paper proposes that the diplomacy of a small state can help into being full conversion of its country with the EU's way of doing things during the EU accession process and may, that way, assure a more continuous commitment to the future well-being of its society.

The paper is divided into three chapters. The first looks briefly at how small states have been treated in the literature, what diplomacy of small states means, and what is happening with the institution of diplomacy in general and in the EU environment in particular. The second chapter looks more thoroughly at the EU: the kind of entity it is and how previous enlargements contribute in clarifying that question; the role and form of negotiation in it; and, the formal process of negotiating EU accession. The third chapter explores several themes told through the first-person accounts of the main players on the side of the accession countries: the chief negotiators during the accession negotiations, who have a unique insight into the process of convergence.

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Introduction

Diplomacy's aim is to attain or maintain well-being at home through efforts abroad. This presupposes, among other things, negotiating with the external environment and also informing developments and practices back home. The external environment considerably influences the internal in today's interconnected world. The breadth and intensity of the influence depend on many factors, the size of a country being one of them. One difference between large and small countries is the greater dependence on the external by the smaller ones. This gives a special role to diplomacy in the national governance efforts to steer small countries toward prosperity and social contentment.

Future well-being for most European countries that are not members of the European Union (EU) is most often defined in terms of EU membership. Yet, membership by itself does not provide social progress for any member state. It is left to be sought with verve and persistence by the agents of a state, since well-being is not only relevant on the day of acceding to the EU. It must be sustained. The process of formally acceding to the EU is a unique and valuable platform for a small country to set up the structures and influence the internal attitudes so they converge effectively

with the EU's way of doing things in order for that country to reap the full benefits of membership continuously. Diplomacy has the potential to be a key agent of change in preparing a country for effective membership, since the formal and most important channels of communication between the country and the EU – both during accession and after – remain the diplomatic channels. This paper proposes that the diplomacy of a small state can help into being full conversion of its country with the EU's way of doing things during the EU accession process and may, that way, assure a more continuous commitment to the future well-being of its society.

Diplomacy is an important aspect of governance in the EU and countries that enter this community of nations will fit in best if they converge their approach to governance with the general approach of the community. After all, it is a political community peacefully sustained through continuous diplomatic engagement. States remain the most important elements in the system, with arguments describing the EU as some new form of state not yet convincing. The same is true with arguments that highlight only the intergovernmental aspects of EU governance. The EU polity is polycentric, multilayered entity, with numerous actors channeling innumerable interests. Diplomacy remains crucial within the Union, though it has had to transform to the morphing European and global realities.

The convergence process of small state diplomacy with the EU's structures and ways of governance is under pressure to be faster and more intense, since the larger countries are less dependent on the external and have more room for error. Small

states must focus only on what is important as they negotiate their membership and then to survive and thrive as EU members. This transformation is more evident with new member states. This is why accession negotiations provide valuable insights into this transformation, even if EU convergence is broader and longer than the formal accession process.

The EU introduces accession at the beginning of the negotiations as a technical process, in which diplomatic tools (see Telicka 2007) that seek to mislead should have no place. The former chief negotiators describe it in retrospect as mostly a domestic process, a negotiation of a country with itself and the kind of country it wants to be in the future. While the old member states spend more time negotiating among them in arriving to common positions during the process than with the candidate countries, reinforcing the feeling of foreignness between them and those knocking at the doors. All agree on the transformative power of the convergence of old and new members in what effectively becomes a new entity, a new EU after the enlargement.

A country's aspiration to become a member of the EU begins as a foreign policy goal that, when successful, vests significant aspects of sovereignty into supranational institutions and changes completely the domestic economy and society. What is more, this internal rearrangement was in most New Member States (NMS) coordinated through its Ministry of Foreign Affairs (MFA). A foreign policy goal with a domestic transformation as a result. The diplomat as policy-maker.

A country's foreign policy clearly derives to the greatest extent from its domestic policy and diplomacy (ideally) derives from foreign policy. But states are too often assumed away to be unitary actors with clearly set agendas. Many actors, processes and interests shape a country's policies. Diplomacy, especially in small states, is one of the significant influences shaping the domestic agenda upon coming in contact with the rest of the world. An important process is also how and when (and whether) domestic actors come to create single national positions.

EU accession is a public affair for the most part, with the many channels of communication relatively open for expert and public interpretation. The regularly published report, studded with diplomatic signaling as it is, reminds of a report card and an annual syllabus. EU accession is, moreover, a studiously technical affair, with little room for diplomatic posturing and influence on the sides of the candidates. States progress through degrees of maturity as they converge with the EU. The categories in which countries fall indicate where they are in the convergence process: potential candidate, candidate, negotiating state, acceding state, member state. Accession negotiations describe the phase between a country's 'candidate' and 'acceding state' statuses.

However, negotiating a country's convergence with the EU – like a driver negotiating a curve that connects a country road with a multi-lane highway – describes a process broader and more encompassing than just the formal act of entrance. To continue with this metaphor, accession may be described technically

and matter-of-factly: the car exited the country road, drove on the ramp connecting the small road with the highway, and slowly entered the highway's slowest lane. It might even go so far as to describe whether the vehicle satisfies the technical criteria of driving on the highway, whether the driver has the required permit, and so on. Convergence would look at the driver's softer skills and the state of his car.

Consider, for example, that the highway is a German Autobahn. No upper speed limits for the most part. An eager young driver can hardly wait to get on the Autobahn and push his car to the maximum. But driving on the Autobahn is unlike driving on other roads, not only because of the freedom to drive as fast as one can, but because everyone can drive as fast as they wish, and this may result in serious chain accidents involving many vehicles. Partly, this risk is addressed through legal means: the threat of very high fines for careless driving. But, for the greater part, drivers have tacitly agreed among themselves to follow certain rules – some written, some unwritten – so they can all contribute to a better driving environment for all. Some of these rules are: use the left lane only for overtaking and then leave the lane, so others who can and want to drive faster than you may use it; if you intend to drive very fast for a prolonged period of time, leave the left signal on, so others may see you coming and take note of your intent; if you notice dense congestion ahead, turn you hazard lights on, so drivers behind you may have more time to break; and so on. This example describes an aspect of the logic of appropriateness of driving on a German Autobahn.

Logic of appropriateness is a way of considering actions and identities through the new institutionalist prism most clearly expound by March and Olsen (1989, 1995).

The logic of appropriateness is a perspective that sees human action as driven by rules of appropriate or exemplary behavior, organized into institutions. Rules are followed because they are seen as natural, rightful, expected, and legitimate. Actors seek to fulfill the obligations encapsulated in a role, an identity, a membership in a political community or group, and the ethos, practices and expectations of its institutions. Embedded in a social collectivity, they do what they see as appropriate for themselves in a specific type of situation (March and Olsen 2004).

Diplomacy may thus be viewed as an institution (Batora 2005) and, indeed, this is developed below. Diplomacy as an institution may, further, be considered through the manifestations of its transnationally shared logic of appropriateness, both by custom and by law; and it may also be described as an organizational field, structuring the interaction, for instance, among foreign ministries. Since the second approach “focuses on the emergence of homogeneity in structures,” while the first “conceptualizes the emergence of shared meanings, identities and expectations, it is most fruitful to view these two perspectives as complementary in an attempt to conceptualize the emergence of diplomacy as an institution” (Batora 2005: 46). Similarly, analysis of the convergence of a diplomacy of a small state with the diplomacy of the EU would also be served best if it used both approaches.

This paper considers the diplomacy of small states during their EU convergence process. Convergence, though more abstract and semantically less familiar than accession, is broader: in time, starting before applying for EU membership and

ending after formally becoming a member state; in image, accession is a straightforward affair while convergence approaches limits; in process, it is formal while convergence complements the formal. Most important, 'convergence' is holistic – if looking at the EU as a whole transforming itself, and not only one side of the process, as 'enlargement', 'extension' and 'expansion' do on the side of the old members, and 'accession' does on the side of the acceding countries.

Convergence entails adequate adaptation of various aspects of society and economy to the competitive life in the EU, while accession describes the technical part of providing a platform for the adjustment. This has special significance for countries that have had different political and economic structures, say of one-party systems and a command economy, that have had to go through a process of transition from one to the other. For these, it has been said (for instance, Potocnik et al 2007), that the transition process coincides with the accession process – that one supports the other. However, it is one thing to restructure a country's political and economic system to be called a democracy and a market economy, it is another for it to satisfy the stringent criteria necessary to get EU membership, and still quite another for its governance system and market to be robust and strong enough to compete adequately in the highly competitive EU environment. Convergence with the EU in this paper refers to the process of approaching this capacity.

It might be said that when a small state enters an established club, there is not really a holistic transformation deserving of such semantic differentiation. But even the

entrance of one country changes the European Union, while all except one enlargement have proceeded in groups. At the very least, the small state majority in the EU increases with the addition of even one more small state. Though this may not necessarily translate into stronger coalitions based around small state needs, or a change in the EU's power balance, it does influence the context of deliberation in the EU, in which the needs and interests of small states gain in relative value.

This assumes that there is something unique about small states. There is. Small states are more inclined toward multilateralism (since it bonds the powerful states somewhat in the predictability of an international normative system) and tend toward having more open economies. Yet, they are also shorter on resources, finding themselves restrained in a complex international system that is played on many levels and with many actors. Small states make a majority in the international system of states, though the system is steered toward the long-term by the more powerful states that have the resources to play on all levels and interact with all players. The diplomacy of small states is mostly reactive and tactical, though it can be extraordinary when focused and strategically consistent, as it will need to be for those small states that want to enter and be productive members of the European Union.

To rise above the ordinary in achieving its diplomatic and political goals in the Union, a small state needs to adapt or transform its diplomatic practice to be in line with the EU's. The adaptation or transformation is different for every country

depending on its specific context and adaptive flexibility, but there are general trends that can be noted.

- Diplomacy will work increasingly more on policies that in turn become domestic legislation or policy direction. A member state's diplomatic network – the whole of it, not just its specific EU components – has two very important functions that can be described through the language of cybernetics. The first one is an input function, that is, the way the domestic arena comes to a common position and then how diplomacy influences the EU policies that are relevant to it. The second is the feedback function, or how prepared policies, normative acts and even behavior patterns are brought to a country's attention through the MFA.
- Diplomacy functions within a system of governance that has intergovernmental and supranational aspects, both sustained through negotiations. Openness to diplomatic influence in these two fields is quite different and requires substantial expertise for a small state's diplomatic apparatus to know how and when to engage effectively in each.
- EU membership gives a small state a new platform to voice its positions to the outside world, if it knows how to use this platform in the long-term. The transformation of EU diplomacy in both concept and practice has a significant influence on new member states, but refers at the moment mostly to

community policies (which is the focus of this paper), though the transformation can have a significant medium and long-term effect on Common Foreign and Security Policy (CFSP) as well. In other words, if a country aligns its diplomatic apparatus to be effective in community issues, it will be in a much better position in the long-run to make effective use of the evolving CFSP mechanisms.

The EU is well described when called a “sustained negotiated process” (Meerts 2004), or a forum for “deliberative supranationalism” (Torreblanca 2004), with a practice of diplomacy that has its own “logic of appropriateness” (Batora 2005). Perhaps individual diplomatic wins are rare and insignificant in such a multi-level, multiplayer, negotiating environment as the EU clearly is. But if consistent, they may not only be of influence, they may also have considerable domestic value in preparing the country’s diplomacy and overall political capacity function with more focus and efficiency. To be efficient and consistent, a country’s diplomacy must converge during the accession process with the established and evolving EU logic of appropriateness. This is significant in the long run.

The focus of this paper is on the long term. It analyzes the diplomatic possibilities of small states during their convergence with the EU. It looks beyond the technical process of negotiating adjustment to the *acquis communautaire*. The paper considers the time from the moment a country declares that it wants to be a EU member with a view to the time when a country not only accedes to the EU, but also truly converges

with the societies, economies and governance structures of the member states as an equal player.

The paper is divided into three chapters. The first looks briefly at how small states have been treated in the literature, what diplomacy of small states means, and what is happening with the institution of diplomacy in general and in the EU environment in particular. The second chapter looks more thoroughly at the EU: the kind of entity it is and how previous enlargements contribute in clarifying that question; the role and form of negotiation in it; and, the formal process of negotiating EU accession. The third chapter explores several themes told through the first-person accounts of the main players on the side of the accession countries: the chief negotiators during the accession negotiations, who have a unique insight into the process of convergence. The thread that joins the sections together is the claim that the diplomacy of a small state during its EU convergence, if understood as not only a policy instrument but also as a developmental tool, can contribute significantly in preparing the country to establish a more coherent diplomatic process, and thus make best use of the possibilities that membership in a powerful political union offers. This can help make a small country's diplomacy extraordinary in the long run.

ⁱ Eneko Landaburu (2007: 10-11), Enlargement Director-General and Commission Chief Negotiator for most of the last enlargement, and DG External Relations since, notes this difficulty:

A semantic aspect however ought to be and still remains to be clarified. There is an implied notion of Messianism in EU enlargement, which is debatable. It aims at proposing the same model of European integration as has been applied so far to other peoples, other nations, tending towards 'the promotion of the *acquis*'. Enlargement implies de facto that there are candidate countries which are willing to assimilate to the existing centre by integrating its model. Like the founding states, these countries have however inherited European culture, although they have not participated in the launching of the Community construction. This is a disturbing terminological imbalance, as it refers to the export of a particular model rather than to the joint accomplishment of a common ambition on an equal basis. Some would have preferred the terms expansion or extension, which would not have been better. Central and Eastern European countries ought to have recognized as components of the development of the construction of Europe, as their only mistake was that they were cut off from the rest of Europe by the advancing Soviet troops and by the Iron Curtain.

Changes occurring in the Community structure ought however to have been translated into terminology. It is striking to note today that the New Member States have brought along a heritage, a past, as well as a system of thoughts and behaviours which differ slightly from those of the other partners. ... It must be noted in this respect that the new members have always referred to EU 'accession' rather than enlargement, which they have banned from their vocabulary.

Chapter I: Small States, Diplomacy and the EU

There is not *a* single Diplomacy of Small States, since each different circumstance warrants a different response – a different manifestation of diplomacy by that small state in that circumstance. In that sense, one can speak of Small State *Diplomacies*. Still, the relative smallness is a connecting point. Scarcity of resources, for instance, demands their smart allocation and a focused effort. Otherwise, the unfocused diplomacy of a small state resembles the proverbial octopus on roller blades: there may be a lot of movement, but not much movement forward.

The topics that are relevant to small states in international affairs may also be similar. Climate change, for instance, affects disproportionately more small island states than bigger countries. Economic crises also affect more open, less diversified economies. Of course, there are differences among small states also: small island states have different priorities than small landlocked states; small states in Africa have different needs than small states in Asia; small water and/or energy rich states from states that are poor in these; and so on. Understandably, the approach to and use of diplomacy among states inevitably differs depending on their relative size. The diplomatic possibilities during EU accession of Poland differed from those of its small neighbors

Slovakia or Lithuania. Large states can have more embassies in more places and devote much more resources to any given topic. Yet, smallness can also be an advantage to a state, facilitating more policy cohesion.

This chapter outlines the broad characteristics of the diplomacy of small states and of the changing nature of diplomacy in the EU. It sketches in broad strokes how small state studies have evolved in International Relations. It then presents two frameworks analyzing aspects of small state diplomacy. The transformation of diplomacy in a EU environment is considered last, especially as this reflects in the ministries of foreign affairs. Possibilities for small state diplomacy during a country's convergence with the EU start to become evident.

Studying Small States

Small states are an understudied area in International Relations (IR) even though they constitute a majority in the international system of states. One of the great difficulties in studying them is establishing a common definition of what a small state is. Several criteria are used – territorial size, population, wealth, access to key resources, objective vulnerability – though all of these in the end remain ambiguous (Rana 2007) and are left lacking in explanatory power. This is mainly so since smallness is a relative concept subject to the relations among states within a given context. As such, it hints at the symbiotic relationship among states, since neither can

small states be so without the larger ones in the system, nor can the opposite be true. Nevertheless, it is certainly true that “small states are defined by what they are not” (Neumann and Gstöhl, 6) while the more powerful states by what they are, and that relative capability is mostly taken to be the determining factor.

Neumann and Gstöhl map the evolution in research on small states and highlight, in doing so, the lack of continuity. A synopsis of this mapping is presented in table 1.1 below.

	1950s-1970s: heyday	1980s: standstill	1990s: revival
Historical Events	Cold War conflict; proliferation of small states through decolonization	decline of the U.S. hegemon and rise of global interdependence	end of Cold War, globalization and regional integration; proliferation of small states through disintegration
Dominant IR Theory	realism/neorealism	neorealism vs. neo-Liberal institutionalism	rationalism vs. social constructivism
Small State Topics	Definition of small states, size and foreign policy, security issues, small and micro-states in international organizations	Small states and economic interdependence and development issues	Small states in European integration in globalization processes, ethno-political conflicts

Ironically, it seems, it is the period that focuses almost exclusively on the relative capacities of the superpowers viewed through a Realist prism that can in retrospect be called the heyday of small state studies. This is mainly due to the fact that this

period witnessed the (re-)birth of many states through decolonization, and thus the core of the debate focuses on what the threshold of being a state should be. Even though Neo-Liberal Institutionalism gains in prominence in the 1980s – which one would expect would cause a rise in small state studies since normative institutionalization goes in their favor as it evens somewhat the playing ground – this is a period of relative standstill in small state studies. As the IR debate evolves, so does the study of small states. The 1990s are again a time – as was the decolonization period – in which many new states enter the international system. Most of these states would qualify as small by any account. Unfortunately, it is not only that there is very little continuity of small state studies in IR, but also what little there is does not build on what has preceded. Several authors (Amstrup 1976; Christmas-Moller 1983; Antola and Lehtimäki 2001; Knudsen 2002; and others) have noted the lack of accumulation and absence of a common thread in the small states literature. This is all the more apparent when exploring any treatments of the diplomacy of small states.

The General Contours of Small States Diplomacies

Another reason for the lack of attention on the diplomacies of small states by IR scholars is exactly why the plural may be used to describe the various forms of diplomacy used by small states. Small states usually react to given circumstances,

while their diplomacy seeks to maximize utility in the short-term, since the long-term is usually only within the reach of the great powers. This is the reason why, as Henrikson (2007) has noted, even if the foreign policy of small states is often unimpressive, their diplomacy has at times been extraordinary. However, consistent adaptation to external factors through tactical diplomatic maneuver can be viewed in the mid- and long-terms. Indeed, it is such tactical consistency that can elevate any state's diplomacy, especially a small one's, from average to extraordinary. Tactical consistency need not necessarily come from a stated foreign policy, but may draw from a consensual national aspiration or deliberation, such as the goal to become a member of the European Union.

One landmark study that highlights the value of tactical consistency is Annete Baker Fox' The Power of Small States: Diplomacy in World War II ([1959] 2006). Fox focused on the diplomacies during this time of Turkey, Finland, Norway, Sweden and Spain – all countries (small relative to the great power belligerents involved in the war) committed with all resources to staying outside the war. "Success," Fox (2006: 46) concludes, "depended on convincing the power pressing the small state that its continued neutrality was advantageous to the great power too." To do this, "the government of the small state had to concentrate on the short-run possibilities" (47). The following are some of the factorsⁱⁱ that increase the chances of a small state to resist the pressures of the great powers:

- The more numerous the great powers and the more complex the balance.
- The greater the range of competing interests on which the demanding power also needed to focus.
- The larger the quantity of scarce resources the small state controlled and the more critical the scarcity.
- The more influential the group in the demanding power identifying with the small state.
- The longer the small state had been a member of the family of nations as an independent country with which the demanding powers had had to negotiate.

Baker Fox's study gives important insights into the successful diplomatic behavior of small states in extraordinary circumstances. The states under her study got through diplomacy not only what they wanted, but what seemed almost impossible at the time: they stayed out of WWII for the most part, even though war was raging all around them.

Another influential study of small state diplomacy is a lecture held in Trinidad and Tobago with Caribbean diplomacy in mind. In his 1998 Dr. Eric Williams Memorial Lecture, Alan Henrikson provided an analytical framework for the study of small state diplomacy. This framework has six types of diplomatic exercise, organized in three pairs of counterpart types.

The first is "quiet diplomacy," though it may also be described as deferential diplomacy. This type of diplomacy presupposes built-up trust and an attentive ear for the quietly reasoning arguments. On the other side is "protest diplomacy". It is directly confrontational and often more rhetorical than reasonable. Both these types inherently admit a dependency to the other actor or actors in the diplomatic engagement.

The other coupling of two types does not necessarily presuppose an actor on the other side, but rather a theme or a topic. The first of these kinds is “group diplomacy,” and the other “niche diplomacy.” Coalitions may be institutionalized or be ad hoc, but they both have an aim longer than the immediate. Similar with when a country develops a niche for its diplomatic engagement.

Henrikson describes the fifth type as “enterprise diplomacy.” It is the ultimate manifestation of the corporatist inclination of the small state. The diplomacy of such a state may either focus on the business gains of an elite, or it may understand the state itself as a business and channel its entrepreneurial spirit in securing gains in every manner possible. “Regulatory diplomacy” is not by necessity on the other side of a normative continuum; for instance, entrepreneurial diplomacy may seek to use normative mechanisms to protect its interests. Regulatory diplomacy seen through another prism, though, is very important for a small state, as it may co-opt the greater powers into a normative system and thus make them more predictable and relatively safer for small states.

Rana (2007) provides another way of analyzing small state diplomacy and similarly provides six different types. The first he calls “disengagement,” in which small states minimize or completely restrict their external contacts. The second type, “low key,” exists on the same scale, but less so – “it keeps a low profile without being reclusive.” “Regionalism” is a third type of diplomacy, through which small states may try to amplify their voice in international affairs. Through regionalism, or through other

means, a small state can devote diplomatic effort to make itself look attractive and relevant; Rana calls this type “world stage preening.” “Niche specialization” is another way for a small state to create more space for itself on the world stage by filling some kind of a global diplomatic need. The last type is “defiance,” in which a small state deliberately stands against countries that are much more powerful than it.

None of the above types exclude the others; indeed, there is a great deal of classifying overlap. Nevertheless, they are useful in understanding the diplomatic behavior of small states.

“Diplomacy Never Was Quite What It Used To Beⁱⁱⁱ”

Diplomacy has ensured relative continuity of communication among groups of people for millennia. The patterns of communication have been ordered and regularized with time, culminating with the Westphalian form it has today, centering on the state and its ministry of foreign affairs. There is a clear division in this form between domestic and foreign policy, between bilateral and multilateral diplomacy. Diplomatic agents fall within set hierarchical structures, while the channels of communication are quite standardized and formal.

Diplomacy as such both embodies and structures the international system of states. Viewed as an institution (Batora 2005: 46), it is an “expression of a transnationally shared *logic of appropriateness*,” as March and Olsen (1989, 1995) would describe it. Its

agents can thus be understood as a group of professionals with a corporate feeling, governing what is acceptable behavior and a common environment for interaction.

Diplomacy as an institution is hence characterized by the following features:

- Transnationally accepted legal set of rules (the 1961 Vienna Convention) defining who are legitimate participants, what is legitimate conduct, what are rights and obligations of the participants;
- Transnationally shared professional values and identity perpetuated by similar recruitments methods and socialization procedures at foreign ministries;
- Transnationally shared professional language;
- Transnationally shared norms and principles (such as mutual recognition of diplomatic agents, extraterritoriality, immunity);
- Transnationally distributed working methods and standard operating procedures (such as standard formats of negotiation and written communication). (Batora 2005: 48-9)

The fundamental global shift that is occurring in all facets of human life has had a significant influence on the system of states and with it on the institution of diplomacy as a central component of that system. Yet, it would not be the first time that diplomacy as an institution has faced a transformational environment and adapted to it or transformed itself^{iv}. The modern form diplomacy has is a European product, and a new form may again be brewing in Europe – visible both in terms of how member states engage diplomatically among themselves, and also in the way that the outcomes of this diplomatic engagement at the EU level manifest domestically.

Putnam's (1988) two-level games, offering an early glimpse into the entanglement of diplomacy and domestic politics may have decreased explanatory value in today's

EU – which may itself be understood as a third board – or, more precisely, set of boards – to play on. Even more, a member country’s diplomacy engages in both the EU’s intergovernmental and its supranational aspects – both of which, to complicate things further, have legislative, executive and judicial powers that in many areas prevail over the national powers. So, for instance, in the EU’s intergovernmental realm – most clearly depicted through the European Council, the Council of Ministers and its “filtering point,” COREPER – one is to find both aspects of classical diplomatic engagement in a multilateral environment and aspects one would more easily associate with a national political institution. Yet, a country’s diplomacy has a role to play in both, even if it is only information dissemination at times.

Curtin (2009) focuses on the “accumulated executive power” in the EU, in which the Commission, the Council and the European Council have divided though interconnected roles that do not replace but create layers around existing orders, compounding and accumulating them (Egeberg 2007), and thus adding complexity in determining where accountability lay. Aspects of diplomatic work may be found in all layers. Democracy and diplomacy in the EU are thus in tension, one aspect of which is that diplomats become in part legislators, but also messengers who transmit EU legislation back home. This in addition to diplomacy’s internal tension, whereby diplomats find themselves stretched between defending national interests and belonging to a community of like professionals with whom they interact on a daily basis in Brussels and in member state capitals.

Bilateral missions among member states have significantly transformed functions. As the Paschke report (2000) demonstrates, some traditional functions of bilateral diplomacy are obsolete among EU member states, though many other areas have opened up requiring the attention of diplomats. Among these is an increased focus on Brussels developments and the ensuing contextualization of domestic political circumstances transmitted by diplomats posted in bilateral embassies to their headquarters and their colleagues in Brussels, as well as attempts to influence the positions of other member states on EU issues through the bilateral missions.

There is in general a transforming logic of appropriateness in the organization of diplomatic activity by member states inside the EU. Approaches to the transformation may vary, but the need to transform to this new environment is clearly present. As Batora and Hocking (2008, 2009) note in regards bilateral diplomacy (though the conclusions could easily refer to diplomacy taken in general), there may be three different patterns that diplomacy may take in the EU as a whole. The first pattern, or possibility, is that the *status quo* is maintained and diplomacy in member states continues to be organized along 'modern' organizational structures and functions^v. The second possibility is *fragmentation* due to the different political cultures of member states. Some would adapt slightly, some perhaps not at all, some would transform in line with the new requirements. The third option is *transformation*. This would not mean that all member states would adopt a new and

uniform way of organizing their diplomatic networks, but that that there would be an overall alignment to the transformed European diplomatic reality.

Intra-EU diplomacy would therefore emerge as a new organisational field featuring increasing convergence around a new post-modern set of notions concerning the appropriate function of diplomatic representation, the appropriate points and nodes of access, and the appropriate modes of diplomatic presence (Batora and Hocking 2008: 21).

The tangency point at which an acceding state's system converges with the EU's system is not necessarily the moment of accession. This point varies from country to country, even during the same enlargement. The overall convergence describes all the points of tangency. Convergence, therefore, presupposes a transformation, squeezing out the status quo. Many aspects of the transformation can already be seen in the ministries of foreign affairs of member states.

Transforming Role of Member States' Foreign Ministry Within the EU

Ministries of Foreign Affairs of EU member states, more than any other MFAs, deal with policies and normative acts that have a direct impact on their countries. EU legislation, whether of supranational or intergovernmental origin, finds its way to a member state via the MFA, while the process of negotiating EU legislation and coming to common positions on various issues includes many other line ministries and domestic agents other than the MFA.

Diplomats are in general decreasingly the nation's gatekeepers and sole protectors of national interests abroad, but this is especially the case among EU members. EU membership has changed how sovereign nations deal with other countries, especially those they share sovereignty with. The member-states' boundaries have become much more porous, with an increasing number of actors and channels of information and communication. Line ministries in different nations communicate with each other directly, going around their MFAs. The MFA has thus received a new domestic role: to coordinate line ministries toward national positions on numerous EU issues. The MFA and its diplomats become process facilitators (Van Keulen 2004) and "instruments of social learning or 'knowledge brokers' in a wide range of areas from health and education reform to the management of terrorist threats" (Batora and Hocking 2008: 11). The MFA can thus be a carrier of domestic political and administrative transformation caused by convergence with a EU-set rhythm.

National administrative arrangements among EU member states have been under pressure to reform and reorganize for several decades and for various reasons. For most, the nature of the reforms has been economic and the focus has been toward gains in administrative efficiency. EU membership has been among the most important influences for domestic administrative reform among the member states because the institutional and decision-making structures in the EU often necessitate realignment with the ever-changing ways of the EU (Spence 2002) and also since,

“for appropriate implementation, policy decisions to some extent always entail decisions on corresponding administrative arrangements. In other words, policy content and administrative implementation requirements are often closely related.”
(Knill 2001: 1)

As noted previously, there is also “convergence of diplomatic style and practice,” most clearly seen through COREPER interaction and also through general diplomatic socialization across the EU (Hocking 2002: 8). A foreign ministry is as much defined by its ways of doing things at headquarters as it is by its diplomatic network abroad – indeed, perhaps more from the latter. Diplomatic style and practice in Brussels affects domestic approaches to diplomacy, though in differing ways and to varying degrees.

The approach to the boundary between what is understood to be internal and what external is essential in understanding the potential direction diplomacy might be taking and the role MFAs may have in taking it there. Certainly, the traditional conception of MFAs as gatekeepers is challenged if the boundaries within the EU policy environment have become more porous and dynamic. The nature of the boundaries is transforming and can be spanned by diplomats and other actors. A useful dichotomy of images thus emerges of diplomatic systems with MFAs at their core: the traditional ones as gatekeepers and transforming ones as boundary spanners. Hocking provides the following table for comparison between the two approaches:

	<i>Gatekeeper image</i>	<i>Boundary-spanner image</i>
Setting	<p>State-dominated environment according high salience to territorial boundaries.</p> <p>Assumed priority of 'high politics,' special qualities of foreign policy and clear identification of national interest.</p>	<p>Complex mixed actor system compromising permeable boundaries and multilayered policy arenas.</p> <p>Boundaries as areas of intense activity.</p> <p>Emphasis on complex, interactive agendas with relatively little issue hierarchy; national interest often hard to identify and/or articulate.</p>
Role	<p>To control domestic-international transactions.</p> <p>Emphasis on exclusive management of external environment.</p>	<p>To achieve access and presence; to mediate across porous policy arena boundaries. Facilitative role in management of issue-directed coalitions.</p> <p>Emphasis on shared, cooperative management strategies with public and private sector actors</p>
Objectives	<p>Maintaining key role in determining national responses on major areas of international policy.</p>	<p>Assert foreign policy 'voice' in diffused international policy management processes.</p>
Strategy	<p>Asserting status inscribed in the 'specialness' of foreign policy.</p> <p>Bureaucratic bargaining in response to domestic bureaucratic challenges.</p> <p>Seeking coordinating role defined in hierarchical terms.</p>	<p>Adapting to complexity produced by domestic-international interface.</p> <p>Developing 'cooperative' relationships with public and private agencies through policy networks.</p> <p>'Coordination' defined as facilitating information flows and sharing 'lead' department status on international issues.</p>

Drawing a line between these two possibilities and placing a dot for each member of the EU-27 would probably show a cluster of mostly New Member States nearer the 'Gatekeeper' side and a cluster of mostly old member states nearer the 'Boundary-spanner' side. This is the challenge of convergence and the danger of fragmentation.

Conclusion

Candidate countries negotiating EU accession would serve their long-term interest of efficient functioning in the Union if, during the process of converging their economy and society to the EU's, they also converge their diplomatic and general politico-administrative structures. EU membership is certainly a sign of relative maturity of a society, but it must not be an end in itself. Life in the EU is a complex, on-going and constantly evolving process. Converging with it requires vision and flexibility, and wise use of the insights that past experiences bring.

The smart diplomacy of a small state converging with the EU would perhaps use some of the insights that, according to Baker Fox, increase the chances of success. So, for instance, the number of actors, the great range of competing interests, the great complexity, etc. – they all provide entry possibilities for diplomatic influence.

A candidate country has more the attentive ear of the EU than a non-candidate, allowing for 'quiet diplomacy.' What old member states want to avoid is a new member state that does not fit in the way the community communicates amongst

themselves. Protest diplomacy, disengagement, defiance must all be ruled out of the diplomatic toolkit of candidate countries and new member states. Group diplomacy is a noteworthy possibility when considering the EU, which is itself a grand alliance, but also allows inside many other coalitions to form, some structural, some tactical, some ad hoc; some based on regions, some based on cultures, some based on economic viewpoints. Group diplomacy can greatly amplify the voice of a small state, though this can also be done through niche diplomacy, specializing its diplomacy in a specific field and thus filling a global diplomatic gap. This is so since small states can only be effective if they remain focused on what is essential.

Clearly, a country's diplomacy depends on the country's context and vision, and may thus be qualified as niche or group diplomacy; disengaged, low key, preening or defiant; enterprise or regulatory; and so on. But, diplomacy as an institution speaks of the diplomatic corps in a given context, and on what is considered appropriate in that context. Significant changes in context necessitate significant changes in logic of appropriateness. As will be seen in the next chapter, the EU logic of appropriateness is best described as a sustained negotiated process, and country's that want to enter the Union should understand that logic and come prepared to play.

1. This is the complete list of factors highlighted by Baker Fox:

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- The more numerous the great powers with conflicting demands who were concerned about the small power and who could give effect to their concerns; i.e., the more complex the balance
 - The more equal the balance of military strength among the contending great powers in the region of the small state
 - The greater the range of competing interests elsewhere on which the demanding great power needed to focus
 - The greater the distance the small state was located from a direct line between belligerents
 - The more massive the physical barriers to invasion of the small state
 - The larger the quantity of scarce commodities or services useful for war purposes which the small state controlled and the more critical the scarcity to one or both sides
 - The more self-contained the small state's economy
 - The less unified the side making the demand
 - The greater the moral inhibition in the demanding power to the use of force when there was an alternative
 - The more influential the groups in the demanding power identifying themselves with the small state
 - The longer the small state had been a member of the family of nations, an independent country with which the great powers had had to negotiate
 - The larger the number of neutrals

ⁱⁱⁱ Hamilton and Langhorne (1995)

^{iv} Batora (2005) would call such an adaptation a **change in diplomacy**, while a transformation a **change of diplomacy**.

^v Batora and Hocking distinguish between 'modern' and 'post-modern' diplomatic environments:

Diplomatic environment	Function <i>Objectives of representation</i>	Access <i>Targets of representation</i>	Presence <i>Modes of representation</i>
'Modern' diplomatic environment	<p>Symbolic: constitutive of the international system</p> <p>Foreign policy focus</p> <p>Consular role</p> <p>Commercial diplomacy</p> <p>Information gathering and transmission</p>	<p>Limited focus and scope</p> <p>Relatively simply-structured networks and nodes of influence.</p> <p>Dynamics focus on principal-agent relationships</p> <p>Strong emphasis on inter-governmental linkages</p>	<p>Physical presence: the act of 'representing' the state's existence as international actor</p> <p>Mix of mission and residential presence with growing emphasis on the latter</p> <p>Distinction between bilateral and multilateral presence</p>
'Post-modern' diplomatic environment (EU)	<p>Symbolic: constitutive of the EU as an inter-state union</p> <p>Governance focus; knowledge brokerage</p> <p>From information gathering to information analysis</p> <p>Multiple 'customer base': governments; civil society; business and public (enhanced consular role)</p> <p>Coalition-building and management</p> <p>Enhanced commercial role</p> <p>Public diplomacy</p>	<p>Expanded, multilayered foci of access:</p> <ul style="list-style-type: none"> • Global (extra EU bilateral) • Regional (EU) • Intra EU bilateral <p>Need to access complex nodes and networks determined by multiple agendas and composed of state and non-state actors</p>	<p>Erosion of link between access and presence</p> <p>Re-valuation of foci for presence (multilateral and bilateral)</p> <p>Innovative modes of maintaining presence (eg 'virtual' presence)</p> <p>Redefining composition of missions (sectoral departmental presence)</p> <p>Redefining linkage between missions and MFA and policy process</p>

Chapter II: Negotiating Convergence Into the Negotiating EU

The European Union is a unique entity, not easily described through comparison or metaphor. It has intergovernmental and supranational aspects, and many varied actors with various agendas.

Together with the Council of Ministers, the European Council represents the intergovernmental face of the EU. The Commission embodies the supranational function and the European Parliament ensures democratic control. The European Court of Justice sees to it that the law of the EU is interpreted and implemented in the same way in all member states. The EU Presidency, which rotates each semester among member states, animates EU business as it presides over the European Council and the Council of Ministers, and it may also set the overall EU agenda.

Below ministerial level the negotiating framework for day-to-day business comprises the Committee of Permanent Representatives (COREPER), consisting of the heads of diplomatic missions of the member states to the EU. (Cede, 2004: 13)

Competencies can roughly be differentiated among those that remain with the member states, those shared among the member states and the EU, and those that have been transferred from the members to the EU institutions. Each competency is executed differently and convergence for new members means learning how to do so effectively. The lines, however, between these competencies are morphing as the EU broadens and deepens, making convergence a very dynamic affair.

The EU Between Broadening and Deepening

Enlargement of the European Union complements the integration process and is, in fact, among its central instruments. Each country that joins the EU vests important aspects of sovereignty and is transformed in many ways. For the Central and Eastern European Countries (CEEC) that joined during the last enlargement, as for others before, transformation has also meant a sped up transition to a market-based liberal democracy. Their becoming a EU member state transformed them, but it also transformed anew the European Union, punctuating again its equilibrium of gradual evolution. Every enlargement has had this effect on the EU, not just the last one. The EU is what it is today to great degree also because of the several waves of enlargement. Each enlargement created a new environment for interaction, deeper integration, new or altered institutions, and new power relationships. Each enlargement, and the negotiations that underpin it, deepened as well as broadened the EU.

When considering the Fifth Enlargement, it is important to highlight that both the old member and the candidate states demanded it. Clearly, the application for membership in an established community comes from a non-member, and this is an important fact in understanding the nature of EU accession negotiations, but the EU has enlarged five times so far because of an intrinsic need to do so. “Enlargement has been on the European Communities’ agenda almost since their inception”

(Landau, 2004: 199) and is inherent in the process of integration (Landaburu, 2007: 11). Understanding the enlargement process helps in explaining better the EU, though also the other way round.

Often, opponents of enlargement hold that the EU should further deepen before it expands – an argument especially prevalent before the eastern enlargement.

However, Landaburu presents historical evidence to show that the two processes are not opposite:

[E]very enlargement has been accompanied by the deepening of one European policy or another. The foundations of European social policy were boosted in the 1970s at the time of the first enlargement. The development of the Cohesion and Structural Funds policy was achieved at the time of the second enlargement to the Mediterranean countries through the successive doubling of the budget allocated to Structural Funds. The implementation of the EMU and the birth of the euro were achieved shortly after the third enlargement. Provided the same direction is kept, enlargement to Central and Eastern Europe should necessarily be accompanied by major institutional reform, so as to adopt decision-making mechanisms adapted to this new context of twenty-five or twenty-seven Member States, thereby opening real perspectives of policy integration. (Landaburu, 2007: 16)

The Lisbon Treaty passed its last test with the Irish referendum on 02 October 2009, bringing the EU one step closer to significant institutional change in its governance mechanisms. The Fifth Enlargement provided an environment for pushing through a substantial integration effort and also made way for further policy integration in the CFSP and JHA. Those NMS that have transformed their practice and approach to diplomacy and converged with the EU's way of doing things will now have a novel possibility to influence the EU's CFSP and, with it, influence international

developments in completely different ways. After all, one of the reasons for enlargement has been to strengthen the EU's weight in the world.

What Enlargements Tell About the EU

An enlargement helps to refocus on questions, such as: What kind of union is the EU at any given moment? What kind of union is it in a direction to become? Why does it enlarge? *How* has the enlargement been implemented (Sjursen 2007)? Has there been equal treatment in deciding which countries can apply (Lundgren 2007) and whether all European countries are treated the same? Understanding the answers to these questions provides a glimpse into the dynamism of the convergence process, as well as its final product.

The Eastern Enlargement provides valuable answers. The former Foreign Minister of Germany, EU Enlargement Commissioner during the accession negotiations with the CEEC countries and Malta and Cyprus, and Vice President of the European Commission since, Günther Verheugen, qualified the process thus: "The enlargement of the EU was driven by the historical experience that Europe is only a safe and prosperous place where it is uniting" (Verheugen, 2007: 1). Acknowledging that it is too early to draw final conclusions, and that other reasons also drove the enlargement process, Verheugen proposes that "the most important effects of the strategic decision on enlargement have already taken place: today's Europe is a safer and better place to live in and do business in than fifteen years ago." The reform

processes benefit the Central and Eastern European countries and all of Europe, including the old member states, which have consequently greater guarantees of peace and security in the region. Enlargement has thus been, in pragmatic terms, also a policy tool to ensure peace, security and prosperity in all of Europe.

Enlargement has, though, a certain path-dependency to it (Zielonka 2006) in that each wave creates new neighboring countries hoping to become future member states. So, if it is a policy tool of pacifying its neighborhood, why not use different kinds of instruments other than giving full-fledged membership to neighboring countries? Verheugen (2007: 1) complements the pragmatic arguments with moral ones. He offers a call to universal principles when qualifying enlargement, claiming that “[i]t was not only in the European interest but in the interest of more peace, more stability, more prosperity, more cooperation, and more justice in this world that enlargement took place.” There is also a feeling projected of European community being re-united with the enlargement, of an artificial estrangement being brought to an end, in the arguments offered by Verheugen and other high-level policy-makers and implementers. So Eneko Landaburu (2007: 9), former Enlargement Director-General and Commission Chief Negotiator during the accession negotiations, claims that “[w]hat is at stake in fact is the reconciliation of Europe, which was artificially split into two parts in the past. This is a much wider scope than the mere enlargement of an economic entity, no matter how prestigious this entity is.”

Various arguments are used for enlargement and these arguments are indicative of what kind of political entity is emerging and can be called the European Union. Sjursen (2005) has identified three ideal types of what the EU might represent, based on the arguments used during enlargement. The first ideal type describes the EU as a *problem-solving entity based on economic citizenship*. The arguments used are pragmatic (following Habermas' 1993 differentiation of types or categories of arguments) and policy is justified through the outputs it is expected to produce. **Utility** is then the main criterion that evaluates whether efficient solutions are found to concrete problems or policy dilemmas. The second ideal type is a *value-based community premised on social and cultural citizenship*. Duties and responsibilities that come out of belonging to a community are emphasized in ethical-political types of arguments. **Values** for the good life as understood by the community are here the main criterion, while policies that project from what the community perceives as appropriate are the ones accepted as legitimate. The third ideal type is a *rights-based post-national union based on full-fledged political citizenship*. The arguments are moral, calling on universal standards of justice. **Rights** are the criterion and policies are seen as legitimate that can be recognized as just by all involved. In new institutionalist language (March and Olson 1989, 1998), the first ideal type follows a logic of consequence, while the latter two a logic of appropriateness, though Sjursen (2005) warns that "the logic of appropriateness could imply both rule following as a result of habit or a particular identity *and* rule following based on a rational assessment of morally valid

arguments.” Sjursen (2002) offers different criteria, stated above: utilities, values and rights.

Following the framework provided by Sjursen, several authors analyze cases from the Eastern enlargement and the arguments used in each of them. Zaborowski (2005) considers German policies and arguments from that time, noting different approaches roughly coinciding with the periods before and after opening accession negotiations with the candidate countries. He notes “that whilst during the first (1991-97) period Germany’s enlargement policy was influenced mostly by cultural (2. model) and pragmatic (1. model) factors, after 1998 Berlin’s policy was marked by the toning down of cultural considerations coupled with a new emphasis on the more objective nature of the process (3. model)” (2005: 43) .

Piedrafita (2005) questions why Spain, a country that had only to lose from the enlargement did not use its veto and even spoke in favor. Looking only at the rhetoric communicated by Spanish policy-makers, it may be noted “that not only have moral arguments prevailed over ethical arguments, but also that the force of the moral arguments stemmed from the communicative process” (Piedrafita, 2005: 91). The arguments, in other words, were recognized as just by all involved.

Riddervold and Sjursen analyse the Danish support given to the Baltic states proposing that “Denmark prioritized enlargement to the Baltic States to a large

degree due to a sense of solidarity with these particular states” (2005: 98), even though other types of arguments at various stages of the process also played a part.

Turkey’s application in 1987 and the way it has been treated since is a very telling platform to consider the question of what kind of Union the EU is becoming. Although, as Avci (2005) finds, the internal reform in Turkey had been very much driven through rights-based arguments, the EU side had been quite different. Ludgren (2005) compares how Turkey has been treated relative to other applicant and candidate countries, most notably Romania and Bulgaria, demonstrating prioritization. She finds that Romania and Bulgaria fared much worse on scores of democracy and human rights, were less developed economically^{vi}, yet received outstanding financial and moral support that had been largely absent in Turkey’s case. The conclusion is then that “[a] stronger feeling of kinship with the Central and Eastern European countries is most probably one reason for the different policies towards Turkey and the CEECs” (Lundgren 2005: 170). Though, this also highlights that accession, or convergence, is not merely a technical affair, but very much a political one as well.

Kubicek (2005) looks broader at the process and analyzes “how norms and rules – specifically those of democratic conditionality and convergence – [were] applied in several cases of the eastward enlargement?” He also looks at whether applicant countries received equal treatment, whether norms were applied consistently by the EU, as well as to what degree democratic norms have truly taken root in the

applicant countries and new member states. Building on Pridham (2000), Kubicek (2005: 180) defines convergence^{vii} as referring to “gradual movement in system conformity based upon established democracies with the power to attract and assist regimes in transition,” while “[c]onditionality refers to the linking of perceived benefits to fulfillment of a certain program.” For convergence to take place, the norms need to “resonate” in the target country and its society; other, competing, norms should not be able to overpower the democratic one (here, though communism may no longer be a real competitor, nationalism may have significant influence); and state-society relations should be relaxed enough so EU actors may connect with domestic actors and co-opt them in the cause of imposing a decided turn to democracy. Kubicek (2005: 177, noting Eriksen 1999) finds that “it is less important whether the EU is in fact responsible for democratization than whether democratic norms have taken root as political actors recognize the ‘logic of appropriateness’ based upon a rational assessment of morally valid arguments.”

However, the EU may find itself obliged to do what it preaches. Future candidates will demand equal treatment, but also, the EU becomes morally bound to abide by its projected principles as well. And, as Schweltnus (2005) demonstrates by analyzing the argumentative coherence of what the EU demands of candidate states in regards minority protection and what the established EU norms are in this area, doing and preaching by the EU are not always the same. However, it did exert an influence to refine the policies internally and align its externally promoted standard with

internally based norms. The EU's rhetoric during enlargement augments its own behavior as well, demonstrating once more in little ways how enlargement of members is not merely an expansion of an existing entity, but that it is a convergence of two or more entities into a new one.

Yet, Each of these cases present an uneasy fit into one of the ideal types, clearly demonstrating that, though one type of argument has been pervasive^{viii}, other types of arguments were also present and important. This is not surprising as ideal types are not mutually exclusive. Torreblanca (2005: 15) offers a way out, demonstrating that,

Faced with enlargement,... EU governments have traditionally exchanged arguments about how to make sure that successive enlargements were both compatible with EU values and shared identities, on the one hand, as well as with the preservation of EU policies and institutions, on the other hand. They have come to agree on a set of membership conditions (the Birkelbach Report recommendations, the 1978 Declaration on Democracy, the 1993 Copenhagen criteria) and accession principles (the indivisibility of the *acquis communautaire*, 'non-discrimination' in the decision to open negotiations and 'relative merit' for determining the conclusion of accession negotiation) which make enlargement possible in ways which are compatible with both the preservation of the integration process and the enhancing of the democratic nature and legitimacy of the EU.

The process of deliberation, then, is central in explaining how policies are reached and how the rules of the game that provide the environment for policies to be structured are agreed upon. Collective action problems, such as enlargement, where the member states know that enlargement is in the collective interests but not necessarily in the interest of certain individual countries, need not be deduced to

sub-optimal compromises, but rather increase both collective efficiency and legitimacy. The final outcome need not force a choice between interests and norms.

Torreblanca (2005) uses this prism to look back in time and see how the rules of the game for enlargement – the accession *acquis*, which is “the set of rules, norms, principles and values which establish who can be a member, when it can be a member and how will it become a member” (22) – have been structured, or rather, deliberated over. The most significant structuring of rules of the game in the enlargement discussion is the development of principles based on which outside countries can accede to the EU.

Of the principles, the first to develop and most important since is the principle of the indivisibility of the *acquis*^{ix}. This principle came to being, Torreblanca shows, with the Birkelbach report, commissioned by the EEC Parliamentary Assembly to elaborate the nature (and implicitly, direction) of political integration and the *finalité politique* of the arising political entity, though in light of the British application, and also the Spanish one. It was released in January of 1962, creating a “deliberative context” to frame arguments around. In an enlargement context, it provided two essential elements: “one accession condition (democracy) and one principle governing accession (the integrity of the *acquis*)” (Torreblanca 2005: 27). From then on, any accession negotiation would take the *acquis* as sacrosanct and beyond negotiation.

A further refinement of the conditions and principles governing enlargements would most clearly be seen with the Declaration on Democracy, approved during the European Council meeting in Copenhagen in 1978. The Declaration refined what a democracy of a country that is or could be a member meant. The next substantial refinement came again out of a European Council meeting in Copenhagen in 1993.

The membership conditions spelt out by the 1993 Copenhagen European Council also represented a substantial addition to the enlargement *acquis*: first, by adding the rights of minorities to the list of democratic conditions; second, by specifying the contents of the *finalité politique* which candidates had to share as part of the *acquis* ('full adherence to goals of the Union, including political, monetary and economic integration'); third, by adding two new criteria which had not been present in previous enlargement rounds ('the existence of a full functioning market economy' and the existence of 'an adequate legal and administrative framework') (Goebels 1995: 1155, in Torreblanca 2005: 29)

The great bulk of what can be called the enlargement *acquis* comes out of these three processes and others that come out of them^x. The enlargement *acquis* has in this way created an environment in which narrow national interests and power politics are replaced by normative deliberations based on the principles and criteria contained in it, exemplified by the way it was itself deliberated into being.

Since the inherited enlargement *acquis* prescribed that membership was conditional on being European, democratic and wishing to respect in full the *acquis*, arguments in favour or against enlargement could only be framed in terms of the integrity of the Union and the *acquis* or the democratic character of the candidates and related problems. ... [T]hose reluctant to enlargement were forced to argue either that the candidates would never be able to implement the *acquis* or, alternatively, that because the rule of law was weak and minorities were not respected, the political conditions for membership were not met. (Torreblanca 2005: 29)

No country, great or small, can argue with any force against a community policy or strategy simply because it may not be in its national interest. This does not make the process less political, just less narrowly subjective.

Member states have on several occasions made political choices and decided to risk taking in unprepared countries because it served other strategic aims. The Commission's opinion on Greece's application proposed a slow process, to ensure that the *acquis* would be properly integrated, and the Council overturned this. Similarly, the Commission proposed in 1997 a differentiated approach to opening accession negotiations with some countries from CEEC, but not all, excluding Lithuania, Latvia, Slovakia, Romania and Bulgaria. The result was once again the product of a deliberative process, choosing between opening accession negotiations by stages, based on which country had been relatively better prepared, or opening with all from the group without discrimination at the outset.

The discussion between those in favour of enlarging according to relative merit (i.e. by stages) and those in favour of a non-discriminatory approach (i.e. 'regatta') proceeded in the following way. Validating factual statements meant discussing, first, whether the region would become more unstable if a differentiated approach was selected and, second, whether starting negotiations with unprepared countries could have a negative effect on the EU (as the Greek case reminded). In contrast, validating normative statements dealt with discussing, first, whether the Commission had been fair when examining selecting candidates, and second, whether the criteria themselves were fair enough. (Torreblanca 2005: 31)

Enlargement is a political process and open for political deliberation. The strength of the deliberative process can be seen from the fact that, despite the preferences of

some great powers in the Union (notably Germany), it was two small states (Denmark and Sweden) with the support of a larger one (Italy) that argued successfully together with the left out states for opening accession negotiations with all of the countries from the CEEC and avoid a differentiated approach in opening accession negotiations (with relative merit becoming a principle to close accession negotiations on). The European Council eventually disregarded the Commission's proposal, confirming the political nature of enlargement, but also that the enlargement negotiations are run in a deliberative context with the convincing arguments being those that are most firmly grounded in the principles and conditions inspired by the accession *acquis*.

Deliberation, according to Torreblanca, gives legitimacy not because it follows rules, but because it engages the actors to justify their claims based on set principles, with those arguments gaining most traction that are grounded most firmly in the declared political goals and social values of the Union. It is also more effective than a generally perceived process that has output delivery as its base for legitimacy, since it focuses on common interests, not on individual ones. And, though Torreblanca differentiates deliberation (or arguing), which he sees focused on consensus, from negotiation, of which the outcome he states is a compromise, the process of deliberation can be seen as part of the broader process of negotiation that keeps the European Union going – indeed, by way of which it may be described and even defined.

Negotiating European Union

Negotiation has always been a crucial element of diplomacy. The act and process of negotiating has special meaning in the EU, where negotiations tame and channel energies that might otherwise manifest in outright conflict. Meerts (2004) characterizes the EU as a sustained negotiation process, though compromise may not be the best way to describe its outcomes. In fact, consensus is the norm for EU negotiations. Even in those areas where Qualified Majority Voting (QMV) is allowed, “most decisions continue to be made by consensus rather than by voting” (Heisenberg 2004: 96). This is one of the aspects that highlight the unique character of EU negotiations that has in turn given way to “the development of an EU negotiation culture with characteristics that cannot be found elsewhere” (Meerts 2004: 224).

Meerts (2004) and Cede (2004) propose several conceptual propositions for considering the distinctive pattern of EU negotiations compared to other negotiations. *Assured outcomes* is the first such concept, positioning EU negotiations somewhere between international and national negotiations, between less and more inclined to have outcomes that are not ambiguous or vague – indeed, to have negotiation outcomes at all. Another concept is entailed in the *supranational character* of EU negotiations. The *democratic dimension* in the EU conceptually describes an environment where bodies with democratically elected representatives at both national and supranational levels have significant influence in the decision-making

processes of the Union. The next concept proposes that the level of interaction among the various actors in the EU is of a qualitatively new and augmented nature, one that may be called *intensified interaction*. The last concept has been subject of much analysis spanning the history of European integration, and that is the *shift of sovereignty* from the member states to joint competencies and institutions.

EU negotiations occur in an incredibly complex arena. A rough sketch of the EU playing field would list the following players and arenas for play (adapted from Schendelen 2004): the European Commission, its President, its 'College' of Commissioners, Directors-General with twenty thousand civil servants, *chefs de dossier*; the Council, its Secretariat, national ministers acting in the specialized councils, heads of state or government; the European Parliament; the European Economic and Social Committee; Committee of the Regions; the European Court of Justice; the 'comitology' cosmos, consisting of 450 or so working groups, with around 50,000 experts; COREPER, and its three hundred or so working groups. In each of these there are many different kind of possible connection to be found on any given topic, from "interest, nationality, language, age, career, and friendship;" in short, there is "no single center of power" that one can conceptually or practically rely on in devising a strategy or tactic.

"'Pluralism,' 'fragmentation,' and 'interdependency' are the catchwords that summarize the essentials of the EU playing field. Decision making in the EU usually results in an arena full of different stakeholders and issues representing the different interests of the fragmented institutions and the pluralist countries. Every game is usually wide open because of the absence of a power holder, competitive because of

the presence of many stakeholders and issues, complex because of the many formal procedures and informal realities, and dynamic because the tide can always turn in a different direction. The arena, in short, is usually 'multi-n' by the number of institutions, semiformal and informal layers, stakeholders and issues, levels and laterals, and more. It is outstandingly suitable for negotiations, as its openness usually provides an entry, its competition a fair chance, its complexity another way out, and its dynamics a new momentum." (Schendelen 2004: 21-2)

Seems anarchical, but there is order: "The EU *order* comes from two general sources.

One is the collection of treaties, the other the accepted behavior in practice; together they form the EU constitution, written and unwritten" (Friedrich 1974, cited in Schendelen). This order encapsulates rules that inform action during negotiations, policy-making, as well as diplomacy and governance in general. This forms a complex institution (or a complex of institutions), with its language, rules, values and expectations – one that draws from the institution of diplomacy but goes beyond.

The diplomacy of small states can make effective use of this complexity, if it masters the EU's way of doing things and focuses on what is important and devotes itself to it. For this to occur, it must first have an effective and coherent national policy process, though how "national coordination procedures for EU affairs are designated is strongly dependent on the national *politico-administrative culture and traditions* (such as the vision on coordination as an organizational principle) (Knill 1998) and shaped by contextual factors and institutional constraints" (van Keulen 2004: 46). Institutional structures should certainly adapt to what there is, but also to help create possibilities for excellence in the future. It is essential to invest in human resources – possibly diplomats, though not necessarily – who are trained in playing in the

incredibly complex EU arenas. But this must be complemented with a rationalized domestic process that is efficient in providing policies and positions and aligned and connected with institutions in the EU and its member states.

How the accession negotiations structures are institutionally set up in a country may already be indicative of what kind of member a country will be. However, accession negotiations can also be a time when a country can make a qualitative leap. They take place just long enough for there to be institutional change domestically, that can then frame how a country participates in the EU and how it governs itself. So, the institutional structures should be set up mindfully and strategically, with the domestic context and realities in mind, but also with a view to the future.

The goal of a country negotiating its convergence with the EU can be to do just enough to become a member, or to do what is necessary to be an extraordinary member. The time of the accession negotiations can be the difference.

Accession Negotiations

The number of new states and the type of political and economic system forming the core of their recent history is what sets apart the Fifth Enlargement from other enlargements. Though the number of states that acceded in 2004 and 2007 is impressive, enlarging the membership from fifteen to twenty-seven, previous single enlargement beat this one in terms of relative territory increase of the EU, percentage

increase in population, in income, and other indicators (Landaburu, 2007: 19). What is noteworthy for the discussion in this paper is that most of the new states can easily be qualified as small states. This increases substantially the total number of small members states in the EU.

But the biggest difference is a qualitative one. The fact that most of the countries of the Eastern Enlargement had been until recently centrally-planned economies with political systems just getting used to the democratic process meant that if and when they would become members, their functioning within the communities would be awkward at best, dangerous for themselves and the EU as a whole at worst. The Copenhagen criteria were created, as stated earlier, to introduce some predictability to the process – along with stating clearly what the EU is and the principles it stands by – but also an incentive to speed up the transition in a framework that would do it in a ‘European’ way.

The political criterion is first and states that a candidate country must have stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of the rights of minorities. This criterion must be satisfied for accession negotiations to start. Then follow the two economic criteria: first, it must have a functioning and viable market economy; and second, its economy should be able to face the competitive pressure and market forces within the EU. Last, a candidate country must be able to take on the obligations of membership, including adherence to the aims of political, economic and monetary union; this was clarified

during the Madrid European Council meeting to mean that a candidate country must be able to adapt its administrative structures to be able to implement European legislation in an efficient manner.

In addition, the EU must be able to integrate new members: it needs to ensure that its institutions and decision-making processes remain effective and accountable; it needs to be in a position, as it enlarges, to continue developing and implementing common policies in all areas; and it needs to be in a position to continue financing its policies in a sustainable manner. (DG Enlarge)

This, the 'absorption capacity' criterion, might find increasing reference in the coming years from Brussels.

If these are the general principles that need to be satisfied for a country to accede to the EU, what are accession negotiations about in practice? Accession negotiations are about building the future Union, in which the members of the current Union have a greater voice. Of course, a candidate country submits a membership application to an existing club, so it is natural that it adapts to the existing rules. But it is also true that the European Union is a constantly transforming polity – indeed, enlargement processes being the most transformative of them all – and that the transformation is carefully deliberated over, or rather, negotiated.

Nevertheless, the fact that any given country applies for membership in the Union forms the core of the accession process, since a candidate country whose expressed wish is to become an EU member needs to engage in serious restructuring of all aspects of society, including its educational processes and institutions, even its social values; it needs to adjust its domestic law to the community law; it needs to adjust its

political and governance structures so it enters the Union as an effective member; and, finally, it needs to converge its economy to function properly in the highly competitive EU economy.

The EU accession is in fact a matter of adjustment. It was clear from the very beginning that the initiative to join the EU came from the candidate countries and not from the EU. Therefore, a large part of the process called 'negotiations' should more appropriately be called 'adjustment' of the candidate countries to the *acquis*. This is logical, if one takes into account the fact that the candidate country joins the club with the established rules of the game resulting from the compromises achieved in the past among the existing members of the club. The subject of negotiations is essentially little more than the exemptions from the rules of the game in the form of transitional periods or, exceptionally, in the form of derogations. As for the real negotiations, experience shows that only a small part of them in fact take place between the EU Member States and the candidate country. They are largely conducted *within* a candidate country, in particular when preparing the negotiating positions for the submission to the EU (Potocnik, et al, 368).

This gives a picture of candidates converging with a hard-set core.

But this, as the previous sections show, is not the case. The fact that accession negotiations are organized as Intergovernmental Conferences (IGCs), which are by definition convened to change the core documents of the Union, its treaties, is indicative enough of the overall transformational power of an enlargement on all EU members, old and new.

IGCs are convened in order to review and revise the EU treaties. In effect, IGCs are 'constitutional conventions' where, assisted by the Commission and Council Secretariat, history-making decisions are taken by national delegates that alter the competencies and decision-making procedures of the EU. Voting in IGCs is by unanimity in accordance with Article 48 TEU, and the final treaty must be ratified domestically in each member state. The European Parliament must be consulted prior to an IGC being convened, and, if appropriate, so must the Commission (Beach, 2004: 73).

Supranational institutions, such as the Commission or the Council Secretariat have very few formal responsibilities in IGCs; however, despite this, these institutions have many opportunities for influence, in the form of agenda-shaping and brokering strategies. Beach (2004) looks at five IGCs and the role supranational institutions had in them: the 1985 IGC that engineered the Single European Act; the two IGCs of 1990-91 that resulted in the TEU (one on the Political Union, one on the EMU); the 1996-97 on the Treaty of Amsterdam; and the 2000 IGC that resulted in the Treaty on Nice. The role supranational institutions played depended mostly on the complexity of the negotiations, for which these institutions could make use of their comparative informational advantages, and the strategies and tactics employed to influence the setting of the agenda.

Beach (2004: 80) concludes that, because of the high bargaining costs of IGCs, "low-profile agenda-shaping tactics coupled with a reputation for trust and a central institutional position were the most significant factors allowing supranational actors to translate their informational advantages into influence over outcomes." Of the two investigated institutions, the Commission and the Council Secretariat, perhaps surprisingly, it was the Secretariat that had a better track record of influence during IGCs relative to the Commission because of a combination of: high level of expertise; reputation as a trusted intervening actor; a privileged institutional position; skillful use of pragmatic and behind-the-scenes agenda-shaping and brokering strategies.

Unfortunately, there is no research on the role of the Council Secretariat during enlargements, which are different processes altogether. The definitive informational advantage for enlargements rests with the Commission and the high expertise of the relevant DGs. "The Commission has a paradoxical role in the negotiations," Landau (2004: 204) notes, "which are, in effect, an intergovernmental exercise." However, the Commission is effectively in the driving seat during accession negotiations. It puts together the draft Common Position; it enjoys the greatest authority on the *acquis*; it gives opinions on a candidate country's preparedness and is in most intense contact with the candidates; and, it is also in constant contact with the member states, feeling their pulse on matters, making sure they are on board with each development, so it is in a unique informational advantage that it can explore if needed. Accession negotiations being an intergovernmental affair, the Commission has to make sure that its proposals are in line with what the countries desire and are prepared to agree on among themselves, or at least are not in flagrant opposition with their interests.

But even the Commission is not a unitary actor. Five Directorates-General (DGs) were involved in the enlargement process, with fifteen other DGs having been consulted (Torreblanca 2001, cited in Landau 2004: 203). Each of them may be influenced by: personal ambitions of the Commission President, Commissioners, Directors-General, chefs de dossier, or others; member state pressure or expectations; possibilities for organizational power grabs; pressures by member state governments; and so on. Certainly, the Council Secretariat may still have a role to

play in setting the agenda, and this is of significance, but the formal accession process is much more an acquis-driven process and that is where the Commission excels.

The formal process of acceding to the EU can be described as having four distinct stages: Assessment, Screening, Negotiations, and Approval (Potocnik and Lombardero, 2004: 370-371). Assessment may begin only if a country satisfies the conditions for membership, the legal basis of which is Article 49 of the Treaty on the European Union, which says that “any European state which respects the principles set out in Article 6(1) may apply to become a member of the Union” ([TEU](#)). This article then specifies that the application be submitted to the Council, which then consults the Commission to assess the ability of the country applying to meet membership conditions. Once the Commission delivers a positive opinion, the European Parliament gives its assent through an absolute majority of the members, and the Council unanimously agrees a negotiating mandate, negotiations are formally opened between the candidate and all the member states ([DG Enlarge Website](#)).

Though submission to the European Council is only a formal process, timing for when to submit is essential, and timing is a point on which diplomacy’s value added may clearly be felt. There is an incredible amount of factors to be taken into consideration – such as whether there are member states opposed to enlargement in general and to the specific country’s entrance in particular, and whether they are

opposed enough to slow or halt the process; what the domestic political situations in the member states; possible allies; profiles of other candidates; political situation at home, and many more – the conclusion of which is: the country needs to truly be ready to apply, before it applies, so that it's diplomacy can then isolate opposing forces for what they are, taking away their claim to moral ground, and also disallowing any external attention on domestic failures.

The fact that the European Council sets a unanimous decision during the IGF to set a negotiating mandate gives any member state the power of veto at this stage. Enlargement is a strategic goal of the Union, and if an applicant country falls within that general strategy, it is highly unlikely that a member state would put a veto to that country's candidacy – though the threat of veto may be used effectively until the end. However, if a member state wants to delay or generally hamper the progress of an applicant/candidate country toward membership, there are ample and much subtler opportunities before the decision comes on the Council agenda – as there will be similarly ample opportunities throughout the process of accession negotiations. This is why it is wise to settle any bilateral or difficult issues as early as possible and before they are news items.

Accession negotiations are opened between the candidate country and all the member states following the unanimous decision of the Council, as is the nature of an Intergovernmental Conference. A *negotiations framework* is set up, establishing the guidelines and procedures for the negotiations. Accession partnerships and similar

instruments are then used to map the necessary reforms and adaptations that the candidate country will need to undertake before becoming a member. One of these is the National Programme for Adoption of the Acquis, a highly technical and specific instrument, outlining the timetables and costs that will be required for the country to successfully integrate the European legislation as its own.

Negotiations take place between the EU Member States and candidate countries, at the level of ministers and ambassadors. They focus on the conditions and timing of the candidate's adoption, implementation and enforcement of all the EU rules already in force. [The Acquis is] not negotiable. For candidates, it is essentially a matter of agreeing on how and when to adopt and implement EU rules and procedures. For the EU, it is important to obtain guarantees on the date and effectiveness of each candidate's alignment with the relevant part of acquis. The negotiations also cover financial arrangements (such as the new Member's contribution to the revenue of the EU budget and the expected volume of transfers to that Member within the overall expenditure from the EU budget) as well as possible transitional arrangements, requested either by the Member States or by the candidate country. ([DG Enlarge website](#))

Screening is the first stage of negotiations and it involves a thorough introduction to each chapter of the Acquis and an analysis of what will be needed for the country to adopt it, with potential problem areas clearly identified.

[Screening] is an extensive joint exercise involving officials from the EU and from the candidate country, which helps the candidate country and the EU to determine how well the candidate country is prepared. The Commission reports to the Council on the screening of each chapter, and recommends whether to open negotiations on it or to require that certain conditions, the so-called opening "benchmarks," should be met first. In many instances, when so justified by an overall advanced preparedness of the candidate, the Commission may recommend to open the negotiations and to set the closing benchmarks. Drafting a comprehensive adjustment strategy or action plan could be among the benchmarks for opening negotiations, while the adoption and track record on implementation of key legislation can be among the

benchmarks for closing them. The candidate country then submits a negotiating position and the Council adopts its common position allowing opening of the negotiations.

Socialization with the way of doing things inside the Union starts much earlier, at the first official communications with a country that wants to be an EU member. But the screening is a stage when this becomes much more intense. Diplomatic signaling becomes more public and regularized, especially through the annual reports. It is an initiation of sorts. Throughout the process, the candidate country interacts with and receives guidance from the Commission; similarly, it is the Commission that keeps the Council and the European Parliament informed of progress. The Commission's *screening report*, detailing the level of preparedness of the candidate for adoption of each of the chapters of the *acquis*, is basis for further negotiations.

There are two main issues for negotiation: (1) how and when a candidate country implements the *Acquis*; and (2) how it participates financially in the Union. For each, the candidate country submits its *negotiating position* through a *position paper*, for which the Commission prepares its view.

The Commission evaluates each request and issues a draft common position which is passed on to the Enlargement group and subsequently to the Committee of Permanent Representatives (COREPER) and the Council of Ministers before becoming a European Union Common Position (EUCP). The EUCP is then transferred to the Enlargement Intergovernmental Conference, which can either accept it or request supplementary information from the candidate countries, in which case the whole process repeats itself (DG Enlarge).

This opens the way for negotiations for each chapter of the *Acquis*. The negotiations are then conducted at a ministerial level among the permanent representatives for

the EU countries and the ambassadors or chief negotiators of the candidate countries. The EUCP is the main source of instruction for the EU Permanent Representatives, along with the tactical instructions from their governments, while the chief negotiator of a candidate country will have a much greater task to play at creating a domestic environment for creating a sustainable position at home than at convincing the EU counterparts of a given position once it is made.

A candidate country should make commitments prudently, since they are closely scrutinized through the process of negotiations. Accession negotiations are indeed for the most part a domestic negotiation, an internal adjustment to the *acquis*. But, there is an important aspect of validation of the achieved that must not be missed. All the member states need to agree for closure of negotiations to take place – with the rule that nothing is agreed until everything is agreed in place until the end.

When negotiations on all the chapters are completed to the satisfaction of both sides, the detailed terms and conditions are incorporated into a Draft Accession Treaty, which lists all transitional arrangements and deadlines, as well as details of financial arrangements and any safeguard clauses. If the Treaty wins the support of the Council, the Commission, and the European Parliament, it is signed by the candidate country and the representatives of all the Member States, and then submitted to the Member States and the candidate country for Ratification, according to their respective constitutional rules....

Once the Accession Treaty is signed, the candidate country becomes an "Acceding State", and is entitled to interim privileges until accession makes it a member state. It can comment on draft EU proposals, communications, recommendations or initiatives, and it acquires "active observer status" on EU bodies and agencies, where it is entitled to speak, but not to vote. Once the ratification process is complete, the treaty enters into force on its scheduled date, and the accession state becomes a member state. (DG Enlarge)

Conclusion

If EU membership had been the ultimate goal of a country and its diplomatic apparatus, then the day it becomes a member is a very festive one indeed. It celebrates a victory achieved. After all, once a country declares that it wants to enter the EU, the goal of its diplomacy should be to get it in as quickly as possible and under terms that best serve its interests. But, one long-term interest should be to function well inside the Union, once in, since if this is not the case, any short- and middle term benefits could dissolve. Transition periods run their course. The new member must give funds in the EU budget, and not just receive them. Moreover, it receives funds based upon its effective absorption capacity and knowledge of how the structural funds function; if these are low, a country can easily become a net payer in the EU budget. Investments that are attracted by cheaper labor combined with the security of EU membership brings could flee as a country starts fumbling the ball in play. So, learning how to play ball the EU way is more important than receiving time-bound advantages such as transition periods even though these are important.

This chapter proposes that efficient functioning in the European Union, once a country becomes a member, should be the prime interest during the convergence process. This is important for any country on its way to EU membership, but it is doubly important for a small state. A larger country draws more FDI because of

economies of scale, has more possibilities to diversify its economy, can devote more resources both to the accession negotiations and after to being an efficient member state, is ensured political space at the enlarged EU political table, etc. In all, a larger state has more room to remain unfocused. A small state cannot afford that luxury. It must re-structure efficiently at home, stay focused on its priorities and vigilant over the negotiating table and the possibilities that may open up at any moment.

In effect, an accession country's diplomacy should behave in its accession negotiations and during the convergence process like it would if it were a member state.

^{vi} Indeed, Lundgren demonstrates that in the beginning of the the 1990s, Turkey had a higher GDP per capita than almost all of the CEECs, and in fact, as late as 1996, had a higher GDP per capita than Estonia, Poland, Bulgaria, Latvia, Lithuania and Romania.

^{vii} Kubicek and Pridham's use of 'convergence' is somewhat different from the use adopted in this paper. Theirs is much more from the side of the EU and has an intrinsic pull aspect as a *policy tool*, while the use adopted in this paper takes more the viewpoint of an acceding state and is more a *result of a mix of policies*.

^{viii} It is worth noting that none of the papers found utility to be the most prevalent.

^{ix} So the European Parliament would declare: "Accession must be based on principles like full respect of the *acquis*, no 'opt-outs' and no derogations, and the restrictions of transition measures to duly justified cases for limited periods of time." (cited in Torreblanca 2005: 23)

^x Such as "[t]he **Balladur Plan** launched in 1993 to contain minority tensions in Central and Eastern Europe, the **structured foreign policy dialogue established in Essen in 1994**, the **1995 White Paper** spelling the legal adaptations candidates had to embark on to accede to the Single Market, the inclusion in the 1997 Amsterdam Treaty of a wider definition of democracy and the sanctions associated to any likely breach of those conditions in article F.1, updated and upgraded the enlargement

acquis to meet the needs of a new situation and make enlargement compatible with the preservation of the EU's goals and values," and others (Torreblanca 2005: 29).

Chapter III: Case Studies of Diplomacy of Small States Negotiating Their EU Convergence

Diplomacy During EU Accession Negotiations

Accession negotiations are not set up between two opponents that seek only to maximize their individual interests. Since an acceding country will be part of the enlarged union, the negotiations are about the long-term coexistence of all the member states with each other and the overall structure of the Union. This is a common interest. Therefore, the accession process for a candidate country is mostly a negotiation with itself and the kind of country it wants to be once it gets into the union, while it is a negotiation among all the actors involved – the old member states, the candidate countries and the supranational institutions involved – on what the enlarged European Union should look like in the future. As Landau (2004: 201) puts it, “the negotiations are not about future relations between ‘us and them,’ but rather about relations between the ‘future us.’ Enlargement is concerned with ‘external’ becoming ‘internal.’”

This chapter presents select aspects of diplomatic activity during the accession negotiations of several small states that became EU members in 2004. The accession

negotiations for most of these states started with the first accession conferences and lasted until they became EU members on 01 June 2004. However, the diplomatic efforts preceded and went beyond the formal negotiations. EU accession for any given country is as much a political process as it is a technical process. The accession process for any given country depends on: how member states perceive that candidate country; its geographic location; the strategic value it has for them; the perceived role the country may play once it accedes; the presence of a champion/sponsor from among the member states, or an opponent that may use the accession process as an opportunity to maximize and secure its long-term interests on bilateral issues; and so on. But these are the external factors. Effective diplomacy works to turn as many as possible into positive factors and to try to lessen the effects of negative factors.

The role of diplomacy during convergence to the European Union for any given state – but especially for a small state – remains to maximize the country's long-term interests and to eliminate or at least minimize any possible risks. This chapter looks at how countries defined their long-term interests and how they reacted to the shifting circumstances. The chapter draws heavily from the personal accounts of those most involved in the negotiations: the Chief Negotiators.

The first sections are country-specific and include snapshots of the diplomatic activities understood broadly of Estonia, Cyprus and Slovenia. Each of them covers what the prime reason had been for these countries to apply for membership, the

organizational structures they had set up, what issues for negotiations there were, communication with foreign and domestic audiences, and similar. The last section starts to draw conclusions from the individual country treatments but also further expands it with the experiences of other acceding countries.

Estonia's Diplomacy During Its EU Convergence Process

Gaining independence from the Soviet Union, Estonia recognized early the importance diplomacy would play in their EU accession, in their well-being and indeed, their survival. This is evident in the sentiments of Estonia's Alar Streimann, a diplomat himself and the youngest of the EU-12 Chief Negotiators for EU Accession, in saying:

Small States often have to rely more on their foreign relations than bigger ones, and this was especially true with Estonia. The disadvantages of its small size, its relative poverty, its lack of resources, and its position as a 'frontierland' at Europe's margins had to be compensated by intense diplomatic activity – finding as many friends and allies as possible and binding the country to Europe with every possible thread, including politics, economy, and security. It was widely felt that this had to be done as quickly as possible, as a revival and entrenchment of expansionist or revisionist thought and policy in the general area was feared. Time was crucial for cementing the independence and this greatly influenced the Estonian positions on the speed of the EU accession negotiations.

Thus, from the very beginning, the Estonian accession process to the EU had a strong political component related to foreign policy. (Streimann 2007: 158)

The recently gained independence from the Soviet Union was still no guarantee that Estonia – or the Baltic countries for that matter – would be out of any Russian sphere of influence in the long-term. Russia was weak and time was of the essence in moving to the EU safe haven. The argument was made to the EU that leaving off all

Baltic states would send a message that they were still in Russia's sphere of influence and would be left such. Estonia also argued that the reason a Baltic state had to be included in the first wave of Eastern enlargement was because a balance needed to be made at the North and South of Europe, especially with Cyprus being included. The timing of its application was also important, being made at the last moments before the EU Council of Ministers would make a decision on which countries it would present an *avis* to. The arguments being made at the right time and in the right way seems to have resonated and Estonia was the only one from the Baltic States^{xi} proposed by the Commission to open negotiations with.

Estonian accession negotiations began on 31 March 1998, along with the other candidates of the so-called Luxembourg group, with an accession conference that outlined the general principles and the rules of procedure. "The objective of the accession negotiations," as archived on the Estonian MFA website, "was to achieve the most favorable conditions for the accession of Estonia. The pre-requisite was the preparedness of Estonia to adopt the EU principles, policies, as well as the law and ensure their implementation" (Estonian MFA 2005).

The structure and organization of the negotiating team demonstrates that EU accession had been for Estonia very much a foreign policy driven process. The Estonian negotiations delegation consisted at the top with the Foreign Minister as the Head of Delegation and the Deputy Undersecretary of European Affairs as Deputy Head of Delegation and Chief Negotiator, mandated to coordinate the day-to-day

domestic work and communication with the EU (Estonian MFA; Streimann 2007). The delegation was also composed of “the heads of 34 working groups, whose task among other things was to advise the Head, as well as the Deputy Head of the delegation. The representatives of all ministries (except the Ministry of Defense), the Head of the Office of European Integration of the State Chancellery and the Head of the Estonian Mission to the EU were included in the delegation” (Estonian MFA).

Mr. Streimann, asked about the type of relationship between the Government and its Chief Negotiator he sees as more efficient in EU accession negotiations from the proposed typology Principal/Agent and Beneficiary/Trustee, said that the Estonian model was more inclined toward the latter: “If the mandator, i.e. the government expects tangible results, it must give its negotiator certain leeway,” though acknowledging the unavoidability of political interventions and the need for patience in maneuvering among all the stakeholders. In a few words, “a successful chief negotiator should have a strict mandate, but at the same time much authority and freedom within this mandate, sufficient financial resources for running the negotiation process, he/she should be close to the domestic decision-making process, while being politically not affiliated. And the whole structure should avoid parallel lines” (Streimann 2009). This is why Mr. Streimann warns against having the chief negotiator be the permanent representative in Brussels – as Hungary had done (Gottfried and Györkös 2007) – since, among other things, this would have forced a parallel structure to emerge at home.

The following is a breakdown of some of the most important groups and their functions in the Estonian institutional arrangement for the negotiations:

- thirty-four working groups mandated to advise the Head and Deputy Head of Delegation;
- A supervisory team of top government officials, headed by the Chief Negotiator and including the country's ambassador to the EU – tasked to overlook and propose issues for consideration to the experts in the working groups;
- Team at the Office for European Integration – designated to coordinate the harmonization of laws, generally prepare the country for EU accession, help the Prime Minister remind the line ministries of the EU accession priority, and so on;
- A separate small secretariat at the Foreign Ministry for logistical support (documentation, archives, travels, hotels, etc.)
- A Public Advisory body, led by the President of the Estonian Chamber of Commerce and composed of business leaders, media editors, academics and other opinion makers, which advised and debated internally on various issues, but also helped explain critical issues to the public.
- A task force at the Foreign Ministry to assist the working groups and create a link for daily communication between them and the chief negotiator.

Formulating the country's positions involved private enterprises, non-governmental organizations and professional associations – with experts involved in all stages of this process. The working groups and most steps in the process were left relatively

open for participation to anyone who could contribute to the process. This facilitated a more transparent and independent expert assessments and thus a better preparation for the ensuing political debates on the sensitive issues at home; and also, it took into serious consideration those who would have to implement whatever was coming out of the negotiations in the given area under discussion. “Importantly,” Streimann (2007: 161) continues, “by being involved in the accession process, the different authorities were also more motivated to progress in their homework.”

But line ministries and their experts can often get closed in single interpretations and priorities. This is why long-term interest must be defined for the country as a whole, and not for an area or a line ministry separately. Both the definition of interests and running the course of strategies to achieve them must be coordinated from a single source. In Mr. Streimann’s own admission, this can be hard and the other line ministries may show reluctance when the coordinator is the Ministry of Foreign Affairs (MFA). The reluctance from the line ministries can easily be won over with personal communication of information that adds value:

Very much depended on so-called ‘group leaders’ – 5-6 coordinators in the MFA negotiating task force, who were daily communicating with ministries and experts under their area of responsibility, updating and briefing them with information received from Brussels and from embassies, assisting with logistics etc. (Streimann 2009).

Hence, horizontal domestic cooperation among line ministries and trust-building is mandatory and the signal that this should be so must come from the top political circles.

With all those structures, the system needs not only be coordinated efficiently, but there's also a need to ensure that the two most important channels of communication – with the EU and the domestic public – are, though transparent, also well accounted for. With this in mind, “any provisional agreements with the EU were only made by the Foreign Minister and the Chief Negotiator” (Streimann, 2007: 163). The Minister of Foreign Affairs informed the Government once a month about the progress of negotiations, while all communication with the public was left to the Chief Negotiator – understandably, as he is the one with the substantial insight and latest information.

Indeed, asked which domestic institution he can say was most important in the accession process, Mr. Streimann highlighted the domestic media and the parliament, with which the flows of communication needed to be flawless since its representatives could with a simple statement derail a delicate and complex process. This is the reason why only the Chief Negotiator conveyed the message on the on-going state of play. The Estonian media were thoroughly briefed once a month. The distributed background information was almost the same with the official papers – the difference not being in what is secret and what is open, but in what is often unnecessarily complex technical language to provide to the lay public. Such

transparent processes allow for corrective feedback provided by external objective assessments: “Media criticism was ultimately to our own advantage, enabling us to pinpoint mistakes and fairly and honorably admit and correct them.” (Streimann, 2007: 164)

This describes the external possibilities that could destroy the process, but for the chain to be strong, all of its links must pull their weight: the line ministries, which are the main reformers and implementers, especially in the beginning; the Office for European integration, which, along the general coordination, manage the important annual reporting to the Commission; and, perhaps most important, especially in the last stages of negotiations, the Prime Minister and the rest of Cabinet. As Viks and Randma-Liiv note, considering Estonia, but drawing general conclusions about candidate countries and new member states, “The candidates must be able to deal with European issues with the entirety of their government. The better the coordination of EU-related issues on the national level; the more successful the state will be in defending its interests on the European Union level and contributing to EU-wide developments” (Viks and Randma-Liiv, 2005: 68). How a country presents itself in the accession negotiations gives an idea of what kind of a partner within the EU it would be once in.

Defending its interests on the EU level and contributing to the developments there assumes understanding the issues and processes active at this level. Therefore, by setting the diplomatic apparatus function efficiently during the accession

negotiations, a country sets itself up for effective functioning and defense of its interests after it becomes a member. The MFA is the main channel of communication between the national and EU levels during the process of accession and upon becoming a member state. Hence the role of the MFA in the process of convergence is crucial. Estonia's negotiating core was based out of their MFA, which makes their experience very salient.

But, even during accession negotiations, the diplomatic network and resources of a country can be of extraordinary importance. Contact with the EU member states may come through the Brussels mission and the formal negotiating structures, but the bilateral embassies in member state capitals are still an invaluable tool for understanding the context for certain positions by given member states and providing key bits of information. "Maximum flow of information in both directions (MFA – embassies) in shortest possible time was essential," said Streimann (2009). Certainly, quality within the network varied and the workload and performance between embassies in different EU member states differed.

[A]s most of the Estonian embassies then were located in EU member states, they were all in one way or the other engaged in 'lobbying' for our EU accession. In general it could be said that our embassy in any current EU presidency country was of course more preoccupied than the others because of the number of bilateral visits, EU meetings where candidates were also invited to participate etc. etc. Also, because it was formally the presidency who run the negotiations, then much of 'early warning' information could be received through our bilateral embassy in presidency capital. This, of course, depended very much upon the capabilities of our diplomats posted in this particular capital and varied therefore greatly. There were capitals where our lobbying gave better results and where we were able to get early and very

reliable information, while in other places we did not succeed so well. In general, as the EU accession was first priority, it came on top of agenda in every one of our embassies, at least in Europe. (Streimann interview)

The MFA and its diplomatic network are also the eyes and ears for the other ministries, transmitting information on how things are progressing on a vast array of EU issues, routing information, but also interpreting it. The value that the diplomatic network can bring in terms of timely information – especially when cross-referenced – can be immense.

Though diplomatic presence in the rotating Presidency capital is evidently important, which country holds the EU Presidency is not that important, according to Mr. Streimann. “All differences between various presidencies,” he says, “will be put into balance by everyday work and routine decision-making anyway” (2009). The Commission President, and “the general atmosphere in the Commission,” may be much more important. “The role of enlargement Director-General,” for instance “was immense. First of all because the whole process depended very much on the technical work of this DG. The commissioner for enlargement lobbied hard the member states’ foreign ministers to keep things going at political level. It always comes down to concrete personalities, their capabilities, experience...” (Streimann 2009). Nothing is won “on empty or groundless persuasion, emotions or anything similar,” and that is why, though personal contacts among statesmen may be important, “a clever or friendly Commission expert was more of help than a member state minister” (Streimann 2009).

Accession negotiations, even though a highly technical process, still have many channels for political intervention, both for good (member state sponsors helping candidate countries in accession process) and bad (a neighbor with an issue for which they use the accession negotiation to get what they want). Estonia's strategy was to stay out of things that may affect negatively their EU aspirations.

In general, and not willing to draw any parallels, our strategy in comparable situations was always to compromise and concentrate on solutions that would bring us closer to the EU membership instead of blocking or delaying us, in few words not to play any cards into those hands willing to delay our accession. There were a few such cases even for Estonia but we were quite well aware of them in advance and also dealt with them before they really became topical. (Streimann 2009)

Mr. Streimann qualifies accession negotiations as "process management," offering the following advice to future candidate countries on their approach to accession negotiations, in focused rapid-fire style indicative to how he and his country approached the convergence process:

Prioritize, have a plan, work hard on things that really matter, make sure accession is not delayed for your own reason – a compromise today will be your victory tomorrow – make domestic and foreign media your ally. Make sure that homework is perfectly done (gives much advantage after accession!). Most of what comes to happen within the EU (this also goes for the accession process) is quite foreseeable, use it for your benefit and get adapted to it. (Streimann 2009)

Cyprus' Diplomacy During the EU Convergence Process

Greek Cypriots consider accession to the EU as the second most important positive development for Cyprus, after its independence in 1960. Of course, the *coup d'état*

staged by the Greek junta in 1974 and the subsequent Turkish invasion have left their impressions on life on the island lasting until today. The division of the island would prove to be the most important aspect of the EU accession negotiations, as well as the most pressing need in the minds of Greek Cypriots for entry in the European Union. The EU for a long time did not even consider opening negotiations with Cyprus until the division of the island between its two communities was solved. The EU did not want to inherit the problem and preferred it solved before accession negotiations were opened, and certainly before the possible accession.

However, having an EU member sponsor is very important in the accession of a country to the EU, especially when the sponsor is as committed to the candidate's accession as Greece was for Cyprus'. "During the whole period," as the Chief Negotiator for Cyprus George Vassiliou points out, "from the submission of our application in July 1990 until accession, Greece was our faithful, valuable ally and supporter." Greece's help was evident across the whole spectrum of issues -- from pushing things at the EU political level to giving Cyprus the already translated *acquis* and helping its domestic structures adjust.

Negotiations were opened without a solution to the Cyprus problem, though with the caveat in the early stages that solution would still be sought before accession. This became increasingly watered down as the negotiations progressed, until ultimately it was no longer an obstacle and Cyprus joined the European Union in 2004 along with the countries from the Eastern Enlargement and Malta, without

solution to the 'Cyprus problem.'

Because of the delicate political problems Cyprus faced, the country was aware that they could not afford any mistakes in adopting the *acquis*, and mobilized their internal structures accordingly. The chief negotiator was naturally also the main coordinator of the implementation process, aided by a small and representative seven-member committee. The negotiation set-up of Cyprus had clearly a legislative focus.

The whole effort was guided and coordinated by the former President of the Republic, Mr. George Vassiliou, assisted by a small committee consisting of seven persons and using the services of the Planning Bureau and a special unit in the Law Office of the Republic. The Foreign Ministry had no supervisory role, as was the case in most other candidate countries, but in order to be able to contribute to the whole effort it had a representative in the seven-member committee. The amount of legal harmonization work was indeed huge. It is enough to mention that, altogether, Cyprus had to prepare and have approved 1,080 laws and regulations^{xii} (Vassiliou 2007: 121).

Quickest possible adoption of these laws became the way to the EU for Cyprus.

The choice of its former President to be the chief negotiator was unlike that of other countries, which mostly opted for a more technical person. Such a choice has clear advantages in having more doors open in Brussels in member states' capitals, but at the end of the day, as Mr. Vassiliou himself says, it is not really the meetings in Brussels – the formal negotiations – that are important: "On the contrary, the real work was carried out at home," (2007: 124). The job of Chief Negotiator, as Mr. Vassiliou (2007: 121) sees it, includes:

- Negotiations and continuous contact with the Commission in Brussels and the

- Member States' several envoys in Cyprus;
- Harmonization and implementation of the *acquis* in Cyprus;
 - Full and continuous cooperation with all ministries and government services and departments and modernization of the government machinery;
 - On-time drafting and subsequent approval by Parliament of the hundreds of new laws required;
 - Creation and development of harmonious relations with all interested parties and in particular trade unions, farmers' organizations, and businessmen;
 - Successful cooperation with the public at large and all political parties; and
 - Promotion of relations and presenting Cyprus' case in Brussels and all member countries.

Mr. Vassiliou would go on to say that it was the domestic process – especially the sorting out of overlapping competencies among ministries – which required and made most use of his “‘diplomatic’ capabilities.”

Being a process aiming to expedite *acquis* adoption, “a very large department was set up within the Law Office of the Republic, comprising more than thirty experienced lawyers” (Vassiliou 2007: 122). Even that team was not enough to address the highly technical parts of the *acquis* relating to telecommunications, energy, the environment, company law, intellectual property, the credit institutions, and so on. For these areas, outside lawyers had been commissioned, both from within Cyprus and from abroad.

As regard the official legislative process, a special department was set up in the House of Representatives to coordinate the adoption of the massive amount of laws. Two principles were followed: “first, all laws, irrespective of the subject, were discussed and approved by the Committee on European Affairs and not, as with all other legislation, by the various specialized committees; ... second, all hearings from

outside organizations were abolished,” opting to take the views and objections of outside bodies earlier in the drafting stages of the process, and these further communicated to the Committee on European Affairs. Draft laws would then be put as first items on the agenda, mostly without debate to accelerate the process.

Teams were created within each ministry to coordinate and implement the harmonization of the laws relevant to that ministry, avoiding the approach of some countries to create multi-sectoral working groups for those areas that were not clear-cut in belonging to a specific ministry. The Chief Negotiator scheduled regular meetings in all ministries to review and address any issues that might come up. Still, a completely different approach had obviously been needed than previously accustomed, and many new organizations needed to be set up. “One of the most demanding and unpleasant challenges that Cyprus had to face,” as Mr. Vassiliou (2007: 123) points out, “was sorting out of overlapping in competencies, as for a number of activities there were several ministries involved. This was a basic requirement of the EU which specified that for every task there should be one and only one responsible body.” Internal negotiation again proved to be much more important than negotiation with the EU.

In general, the Chief Negotiator found the Commission full of understanding and goodwill (Vassiliou, 2007). Still, all positions and requests had to be fully justified with proper and detailed documentation. It also quickly became evident to the Cypriot negotiators that complete openness and honesty with the Commission was

the best way forward and met with most understanding. The case needed to be made that Cyprus would not be a burden on the EU, but on the contrary, a productive member. In terms of positioning for the negotiations, "It was obvious that for practical reasons [Cyprus] could submit neither an unlimited number of requests, nor too few" (Vassiliou 2007: 124).

Among the areas that proved to be the greatest challenges in the negotiations for Cyprus, finding a new status for the British bases and how to frame the Turkish-controlled area were of a more political nature. The other issues were solved domestically through an adjustment of national institutions. The status of the British bases was settled bilaterally with Great Britain, while Protocol no.10 on Cyprus basically meant that the whole island had become an EU member, including the Turkish-controlled part, and that, should there be a solution to the problem, the *acquis* and all other EU rights and responsibilities would apply to the whole island also – building-in an incentive for the Turkish Cypriots to want to solve the problem as soon as possible, but also making sure that the human rights of all on the island are respected.

The negotiations highlighted the need for significant domestic restructuring not only of the legal system, but of society and the economy. "The most important benefit," according to Mr. Vassiliou, "of the five years, from 1998 to 2002, was that both the civil service and the public at large gradually realized that Cyprus is becoming a full member of the EU with all the advantages and responsibilities that this process of

modernizing the whole fabric of the Cypriot society entails.” In other words, the most important outcome of the Cypriot accession process was its social, economic and administrative convergence with the European Union.

Cyprus had a peculiar and decades-long internal issue that it saw a chance of moving somewhat with the EU accession process. The Greek Cypriots were in a hurry to get a candidate status, to open negotiations, to close them, and so become EU members. The accession negotiations were organized externally to close the chapters as quickly as possible, while internally to push legislative processes through equally quickly. EU membership became a safety haven for Cyprus and a significant diplomatic chip that may ease or irreversibly complicate the division of the island and its relations with Turkey. Cyprus now holds a veto to Turkey’s EU membership and Turkey holds a veto to Cypriot NATO membership. This political balance will certainly be topical in the years to come.

Slovenia’s Diplomacy During its EU Convergence Process

Slovenia left the Yugoslav federation and immediately opted for European integration. It saw early on that the long-term development of its economy was linked to being a EU member (Slovene Government). But the fact that it broke away from one political community of nations and entered another shows also a greater identification of its own values with those of the EU. The members of the negotiating team describe this political reorientation of the country thus:

The institutional framework of the SFR Yugoslavia was backward oriented, relying on the instruments of ideology, the communist party and the army. The country was simply not capable of adjusting itself to the platform of democracy, human rights, and free market that would allow its participation in the European trends and clear the path towards European integration. (Potocnik et al, 2007: 344)

So Slovenia decided to go it alone. It signed a Europe agreement^{xiii} later than all the other Central and East European Countries because: it gained its independence later; it was left with large debts as a successor of the former Yugoslavia with international financial institutions, commercial banks and foreign governments (many of them EU members); and, the issue of property owned by Italians before the end of WWII, and the veto Italy wielded if this was not resolved. It is important to note that the last issue was resolved bilaterally with Italy before the accession negotiations started, before becoming a serious topic for the negotiations, as it had been for several other countries and allowing Slovenia to focus its energies on less political and more substantive economic issues.

To suit the economic focus of its accession negotiations, Slovenia put together a technical team of mostly economists. The Slovene Minister of Foreign Affairs was the Head of Delegation, but the core Negotiating Team of Slovenia had comprised of ten members, all foremost national experts in the areas they coordinated, drawn from the civil service, business, the central bank and academia. Each of them had been responsible for the coordination and negotiation on one or more chapter of the Acquis. The Deputy Head of Delegation and Chief Negotiator, Dr. Janez Potocnik,

was himself an economist with little direct political experience. He coordinated loosely the whole effort, both domestically and in the interaction with the EU.

The negotiators participated in preparing the negotiating positions in all stages of the negotiating process: reviewing the legislation's compliance, writing documents, translating, coordinating, submitting a position to the government and parliamentary committees to be approved, and presenting it to European institutions.

In addition, due to the scope and complexity of the work, 31 working groups were appointed. They comprised representatives of ministries and other relevant institutions. Members of the negotiating team headed, coordinated and supervised their work. The NGOs were also included in preparing the negotiating positions.

With regard to the process of joining the EU, the work of the Core Negotiating Group was closely linked to the work of the Government Office for European Affairs, which headed and coordinated the whole accession process. (Slovene Government)

The working groups had been “headed by a senior official of the so-called leading ministry, i.e. the ministry that was responsible for the largest proportion of the *acquis* to be dealt with by this working group,” (Potocnik et al. 2007: 349) but had also been multi-sectoral (consisting of representatives from different ministries with relevance to the theme of the given chapter) and multistakeholder (including both sides of the labour market, the workers and the employers, as well as civil society representatives). The working groups would prepare draft negotiating positions and all else that had to do with the given chapter, but it would be the Negotiating Team, which had the most comprehensive overview of both domestic and EU political possibilities, that would ultimately submit the position to government procedure and then defend it to their Brussels counterparts.

The Government Office for European Affairs (GOEA), where the Negotiating Team was placed institutionally, had both a coordinating and supportive role. It monitored the implementation of the commitments Slovenia had made; kept the public informed; organized the translation of the acquis; provided logistical and legal support – in all, did everything so the negotiating team could focus on the most pertinent aspects. But, providing the chief political link would be the most important role GOEA would play. Several members of the Negotiating Team, including the Chief Negotiator, would later say “that GOEA headed by a competent Minister for European Affairs having a permanent link to the Prime Minister was a key element of effective coordination in the EU accession process in Slovenia (Potocnik et al, 2007: 349). This would allow for the negotiating positions, after they had been exhaustingly prepared and communicated among the three main structures – the negotiating team, the working groups, and GOEA – to be discussed as first items at the weekly government sessions.

But where Slovenia really excelled was in involving the legislative branch in the negotiations.

Slovenia... was the only among the ten candidate countries where the Parliament was operationally involved in the negotiating process....

[T]he Parliament had a very specific role in Slovenia’s negotiations with the EU. Before being submitted to the EU, each negotiating position adopted by the government had to be confirmed by the respective parliamentary bodies. Typically, this process involved at least three parliamentary bodies: the committee that was in substantive terms responsible for the subject under consideration, and two horizontal bodies, namely the Commission for

European Affairs and the Committee for International Relations. According to the law, the latter to provide the mandate to the government for any negotiations that might result in an international agreement with Slovenia as one of the partners.... For technical explanations and amendments to the negotiating positions, the parliamentary procedure was much simpler: the government simply informed the respective bodies of the Parliament about the developments in the negotiations." (Potocnik, et al, 2007: 348-50)

Since the negotiations are, after all, mostly about how the EU legislation would become domestic legislation, involving the legislative body early in the process is certainly a very beneficial move, and the Slovene accounts confirm this.

The operational involvement of the legislature reflected a relatively high level of domestic political consensus around EU membership.

In [the] earlier stages.... at least in Slovenia's case, the real negotiations took place within the country, with respect to its preparations to undertake the necessary changes not only in principle, but also despite interferences with the existing division of economic and political power. Slovenia succeeded in reaching an adequate level of political consensus and support to allow the process to proceed efficiently and in a quite undisturbed manner (Potocnik & Lombardero 2004: 375).

Political consensus facilitated political proactivity. Slovenia had put together a Strategy for Economic Development of the country in 1995, pointing to its clear and self-initiated alignment with the EU and steering the process of transition of its economy in that direction. Bearing in mind the considerable overlap between this Strategy and the Action Plan that would independently come from the Commission, EU accession and transition "had by and large been two sides of the same coin" for Slovenia (Potocnik, et al. 2007: 346). Clearly, the EU accession process did to Slovenia and all other candidate countries what they would've needed to do anyways to be

competitive in the modern world, but it provided external pressure to the domestic environment that made the process happen much quicker, more efficiently, and without political compromises that would've certainly played a part had the process been left to independent domestic initiative.

The more difficult chapters would come later in the accession negotiations, as it would for all other candidates, contributing also to a competitive environment among the candidate countries, but this also "exposed the candidates to important policy decisions" (Potocnik & Lombardero 2004: 352) to which they perhaps would not have been exposed, at least not for some time longer, had it not been for the EU accession process. Even for these, such as "in the area of quotas and reference quantities, one cannot speak of any negotiations in the real sense of the word. This was an area where the role and the power of sectoral experts was of crucial importance on both sides of the EU and that of the national ministries" (Potocnik, et al 2007: 357).

The one exception to the claim that EU accession negotiations are mostly a domestic negotiation is in regards the finances – even though there are critical domestic decisions to be made in this area also. The negotiations on the finances, for Slovenia and for all other countries, were left for the end and they involved coming to an agreement on how much each country would contribute to the EU budget in the period 2004-06 and also how that country would be able to get funds from the agricultural and the structural and cohesion policies. As stated above, the total

amount to be received by all states once they become members had been fixed through the EU's Common Financial Framework 2004-06. Hence, the receiving part of the financial negotiations are about how much each candidate country gets from the pie – pitting within this framework, in a way, the candidate countries against each other.

Slovenia opted for the most favorable combination, whereby it would be able to meet two of its main goals. The first was that the final agreement with the European Union should allow Slovenia to continue the process of real convergence, that is, of further reducing Slovenia's developmental lag behind the EU average. The second was that the agreement should not worsen the position of Slovenia's public finances or cause difficulties in achieving the necessary fiscal objectives for joining the euro zone.

Putting the strategic goals in such a way gives enough room for negotiation across different issues, but is also precise enough for its success to be measurable. The win-set includes development-oriented policies supported by the EU funds in the first years of accession and a positive net budgetary position in the same period than the year before accession. But, these seemingly short-term goals have an important long-term perspective, since once it would become a member, Slovenia would negotiate the next financial perspective for 2007-13 building on what it would get for the 2004-06 period. And the fact that Slovenia was the first country to join the euro zone further demonstrates the importance of setting this public finance goal.

It is important to highlight how Slovenia focused on achieving its first part of its win-set, and how such a general strategic orientation can be beneficial, since it allows for

playing a game on more than one board and coming out successful overall, even if there is seemingly a loss on one of the boards.

Slovenia...strategically based its negotiation positions on the rural development policy.... Whilst other candidate countries focused their negotiating efforts on direct payments, Slovenian negotiators succeeded in convincing the EU side that Slovenia's primary interest lies in encouraging sustainable development of agriculture and that it intended to overcome its development problems in this area by means of rural development funds. This is a more modern form of protectionism, which uses those income and development supports to agriculture which are socially more acceptable and can also improve Slovenia's position in the negotiations on the next financial perspective.

Many see the EU as a large bank to make withdrawals from. Thus in such discussions on agricultural and other supports, evaluate success in terms of the size of various supports received. However, as the Slovenian negotiators put it succinctly, these discussions "should not neglect the fact that agriculture is in the first place an economic activity. And the degree of competitiveness of the whole agro-food sector will eventually decide whether the accession was a success or a failure," not how much money from various funds Slovenia could and would get. The win-set, in other words, is best if defined in the long-run.

In all, Slovenia had one aspect that was both a virtue and a vice: it was the most developed economically of all the countries from Central and Eastern Europe. This allowed her to go faster in the process, but it also made her wait for the others in the convoy, some of which started the negotiations after, yet acceded at the same time as Slovenia. It also put Slovenia in disadvantageous position for getting funds, though smart strategic positioning spanned the possibilities in this area also Slovenia started

the negotiations and led them throughout with a focus on economic development in mind, and also looking at the long-term perspective, not just the moment of entering the EU.

Slovenians were aware throughout the accession process that their country's future image as a member state was being created. Slovenia wanted to be seen as a country with great expertise—flexible, constructive, and well-organized—and as a country that strives to achieve its interests but is at the same time aware that, within the community, those interests can be realized only through agreement on and understanding of the interests of others as well as the common interest. Aware of its small size and relative lack of political significance, Slovenia always sought to do its work correctly. The efficiency of internal preparations was largely in Slovenia's own interest, since it was judged better to enter the European Union well prepared for the challenges of increased competition. (Potocnik & Lombardero, 2004: 375)

Slovenia put together a team of experts to lead the negotiations – all of them economists – unlike most of the other countries, which used diplomats or politicians. It centered the effort on the Government Office for European affairs and not the Ministry of Foreign Affairs. Even though there were hot political issues that could have turned into big ones, they were handled early on and not allowed to affect the accession process negatively, indicating nevertheless high diplomatic savvy by the Slovene Negotiating Team. The Slovenian negotiation structures allowed for information to flow efficiently and for responsibility to be clearly affixed to each stage and aspect of the process. The preferred outcomes to the negotiations, especially in the complicated areas that came last, were stated as principles and not rigid goals, allowing for great flexibility but also a strategic focus and tactical movement. Yet, Slovenia's economic approach to the negotiations provided

tremendous successes and a high degree of convergence: economic, as well as political. It was the first country from the New Member States to adopt the Euro, and the first to hold the Council Presidency.

Conclusion

Country contexts shape a country's desire to become a EU member, and with it, how it approaches the process of convergence. Still, a general insight often missed is that convergence is more important than accession. Convergence covers the comprehensive process of restructuring society, economy and the approach to governance so that it adjusts effectively to the new EU reality, instead of only adjusting to the *acquis*.

The three countries examined had different motivations for wanting to become EU members. Estonia wanting to preserve its sovereignty and independence from a power it has historically come to distrust, decided to give important parts of it away to an entity that it finds more in common with. Greek Cypriots were also moved most by security concerns related to a powerful neighbor with an ethnic minority on the island. Slovenia identified with community values, but pursued a pragmatic economic agenda of securing its long-term economic interests, while also restructuring internally in the process in order to converge with the EU ways of doing things.

The Estonian Chief Negotiator was a young diplomat, bringing a networked approach to coordination and management. The routing hub for managing the process was housed in the MFA, which worked to gain the trust of the other line ministries and then took upon the role of process coordinator among domestic institutions, and not just its diplomatic network. Cyprus used a former President, the highest-level chief negotiator of all the candidates. It also adopted an approach to the accession that would expedite *acquis* adoption. The process was made efficient domestically in that sense. Cyprus was as a consequence consistently among the first few countries in closing negotiating chapters^{xiv}. Slovenia's Chief Negotiator was an economist, with a Negotiating Team of mostly economists, given a mandate by an economist Prime Minister to get the country in a community of like-minded countries that value liberal democracy, market economy and human rights, and do so in a manner that best positions Slovenia for the high competition – economic and politico-diplomatic – that is the norm in the EU. In all, the Czech Republic, Estonia, Hungary, Latvia, Lithuania and Poland had MFA employees as chief negotiators – with Hungary using its standing Permanent Representative in Brussels (with the State Secretary at the MFA running things domestically), while Poland's Chief Negotiator being a former Ambassador to the EU. Malta had a high-level politically declared (in terms of party membership) civil servant. Slovakia had a politician, while Cyprus a former President. Slovenia had a university professor.

Cyprus coordinated the effort through its Law Office, while the Czech Republic, Estonia, Hungary, Latvia and Slovakia housed their respective negotiating teams in their ministries of foreign affairs. Lithuania experimented with creating a Ministry for European Affairs and running the effort from there, but then re-organized it into a European Committee run from the Government. Malta coordinated from the Prime Ministers Cabinet Committee on EU Affairs. Poland gave high political weight, but managed through a Committee for European Integration at the MFA. Slovenia housed its Negotiating Team in the Government Office for EU Affairs.

The reasons for desiring EU membership depend in every country on a complex set of factors – economic, cultural, political, social, as well as security. But one usually distinguishes as the propelling reason. For the Baltic States, clearly stepping out of the Russian sphere of influence may be stated as key. For Cyprus, security and human rights concerns^{xv}. For the Visegrad Four, a feeling of going back home to a community in which they belong was nurtured more than in any other countries – from both sides of the former Iron Curtain. Malta faced major internal division between its two main parties, the Partit Nazzjonalista and the Malta Labour Party, over EU membership. As a result, relations with the EU have very much depended on what party runs government at any time.

Once accession negotiations are opened, it is generally not a question of ‘if’ but ‘when’ a country becomes a member state – unless there is major ambiguity inside the EU over the desire for a given country to be a member, such as in the case of

Turkey, or the country itself votes against it in a referendum, such as in Norway's case. Then, how a country approaches the accession negotiations depends to no small degree on why that country wanted to be a EU member to begin with.

	Chief Negotiator (position during negotiations)	Core Negotiating Team	Coordinated Effort Through	Prime Reason for Applying
Cyprus^{xvi}	Politician, Former President of the Country. Note: Head of Delegation as well as Chief Negotiator	Law Office of Cyprus		Security, Human Rights
Czech Republic^{xvii}	Deputy Minister of Foreign Affairs; Career Diplomat	MFA		Economic Benefits; Return to Community of Like-Minded
Estonia^{xviii}	Deputy Chancellor in MFA; Career Diplomat	MFA		Security; Belonging to Community of Like-Minded
Hungary^{xix}	<i>Chief negotiator function effectively shared between:</i> - Permanent Representative to the EU; and - State Secretary for European Integration	MFA		Economic Benefits; Return to Community of Like-Minded
Latvia^{xx}	Under Secretary of State for European Affairs at MFA	MFA		Security; Belonging to Community of Like-Minded
Lithuania^{xxi}	Director General of European Committee in Government	Ministry for European Affairs, later re-organized into European Committee in Government		Security; Belonging to Community of Like-Minded
Malta^{xxii}	Head of Prime Minister's Secretariat; Member of Cabinet Committee on European Affairs	Cabinet Committee on European Union Affairs		Economic Benefits; Belonging to Community of Like-Minded
Poland^{xxiii}	Secretary of State in Prime Minister's Chancellery; Career Diplomat	Political Management of Negotiations Committee for European Integration – MFA		Economic Benefits; Return to Community of Like-Minded

Slovakia ^{xxiv}	State Secretary at the MFA; MFA Politician	Economic Benefits; Return to Community of Like-Minded
Slovenia ^{xxv}	Former Professor of Government Office for EU Affairs	Economic Benefits; Belonging to Community of Like-Minded

Compiled by author.

^{xi} Of course, this recommendation by the Commission was reversed later by the Council of Ministers, as described earlier, giving credit to Denmark and Sweden for pushing it through from the inside, but also to Latvia and Lithuania for an active diplomatic period in which they made the case that they were also fit to open accession negotiations with.

^{xii} The number of legislative changes by chapter is as follows (from Vassiliou, 2007):

Chapter 1—Free movement of goods	200
Chapter 2—Free movement of persons	21
Chapter 3—Freedom to provide services	58
Chapter 4—Free movement of capital	15
Chapter 5—Company law	18
Chapter 6—Competition policy	24
Chapter 7—Agriculture	253
Chapter 8—Fisheries	11
Chapter 9—Transport policy	64
Chapter 10—Taxation	16
Chapter 11—Economic and monetary union	4
Chapter 12—Statistics	2
Chapter 13—Social policy and environment	74
Chapter 14—Energy	23

Chapter 17—Science and Research	4
Chapter 18—Education, training, and youth	2
Chapter 19—Telecommunications and information techniques [hic]	35
Chapter 20—Culture and audio-visual	4
Chapter 22—Environment	135
Chapter 23—Consumer and health protection	15
Chapter 24—Cooperation in justice and home affairs	66
Chapter 25—Customs union	25
Chapter 26—External relations	6
Chapter 28—Financial control	3
Chapter 29—Financial and budgetary	2

¹⁴ “The Europe agreements constituted the legal framework of relations between the European Union and the Central and Eastern European countries. These agreements were adapted to the specific situation of each partner state while setting common political, economic and commercial objectives. In the context of accession to the European Union, they formed the framework for implementation of the accession process” (http://ec.europa.eu/enlargement/glossary/terms/europe-agreement_en.htm).

^{xiv} It is not suggested here that quality was sacrificed for quantity. Speed of adoption is considered here independently from negotiating outcomes.

^{xv} In terms of security, the results are ambiguous, though not necessarily negative. In terms of human rights, through Protocol no. 10 on Cyprus, all individuals on the island, from all communities, enjoy equal human rights.

^{xvi} Vassilou (2007)

^{xvii} Telicka and Bartak (2007)

^{xviii} Streimann (2007)

^{xix} Gottfried and Györkös (2007)

xx Kesteris and Plamse (2007)

xxi Austrevicius (2007)

xxii Caruana (2007)

xxiii Kulakowski and Jesien (2007)

xxiv Figel and Adamis (2007)

xxv Potocnik et al. (2007)

Conclusion

How a country organizes its domestic structures during the accession negotiations affects the outcomes of the negotiations and offers an early glimpse into the kind of member a country will be, as well as how it will use its membership. Some small countries may be content with just being members, enjoying the security offered by the group and remaining low-key, yielding and deferential, or trying to get its way quietly. Other countries may be more proactive, developing a niche specialization and even using its membership in the powerful Union to preen its feathers on the world stage. Some may simply disengage, feeling overwhelmed by the internal complexity of the EU; others may defy the majority and the supranational institutions – at least in those areas it may still be able to do so, such as in common foreign and security policies.

One thing is certain: after a country becomes a EU member, its policy and other actions become subject to rules quite different than before it was a member. A new legal environment comes into place and continues to broaden and deepen. New institutional structures are formed that fuse with existing and evolving EU organizational fields. But most important, a new member state is subject to a unique logic of appropriateness while engaging diplomatically within the EU arena. The main principles and underlying assumptions of this logic must be learned and understood before any considerations of influencing it.

The logic of appropriateness of intra-EU diplomacy is not static. In fact, there are clear indications that it is currently undergoing a transformation. Different countries adapt to transformations differently. If a small country wants to be effective within and through the EU arena, it may try to influence the transformation to be as closely aligned with its strategic preferences as possible. In times when key decisions are made, it may group its diplomatic efforts with other small countries. But the very bare minimum would be to understand the need for internal change and align with the patterns of transformation – even it cannot (or is not interested to) influence them.

Enlargements of the EU are always times of substantial change. An existing core converges with acceding entities. The result is a new entity. The enlargement process

holds useful information describing what kind of union the EU was before expanding and what kind it is becoming. But throughout its ongoing process of becoming, the EU is negotiating.

The process of EU convergence is a process of negotiation: a negotiation of the old member states among themselves, along with the supranational institutions, about how to engage the candidates; a negotiation on the new structures that should arise to adjust to the new policy objectives and the new realities; a negotiation of a candidate country with itself and the kind of country it wants to be after it becomes a member; and a negotiation among all about the future of the negotiating European Union.

Case studies of the diplomacy of several small states from the last enlargement demonstrate that there is not much room for diplomatic influence during accession negotiations. What they also show is that, depending on country context, times of accession can be times of not only adjustment to the *acquis*, but rather, times of profound domestic change and true and functional alignment with the EU's logic of appropriateness. When this is done, the win-set not only includes what is written in accession treaty, but also involves the soft skills a country possess and makes use of as a future member.

Success of a member state depends on how its diplomacy engages in the negotiations arenas of the EU. Diplomacy, especially for small states, can play a very important part in influencing external developments for internal benefit. But a crucial internal benefit may be how diplomacy acts as an agent of change that aims toward domestic alignment with the EU's logic of appropriateness.

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