

'The End of the Beginning' of Eastern Enlargement – Luxembourg Summit and Agenda-setting

Lykke Friis

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Abstract

The core argument of this article is that pre-negotiation matters. Policy problems are not just 'out there', but socially constructed. In order to comprehend the outcome of any negotiation it is therefore not sufficient just to look at the 'give and take' at the actual bargaining table, but also at the 'negotiation to negotiate'. Furthermore, the article argues that pre-negotiation carves out a role for agenda-setting, seeing that governments often enter this phase with un-fixed preferences. These central points of the article are summed up in a theoretical framework, which stands out as a critique of liberal intergovernmentalism. On the basis of this framework the article sets out to analyse the pre-negotiation phase of eastern enlargement, the Luxembourg Summit. Its key conclusion is that the majority of the governments entered this 'game' searching for their preferences and that this enabled both the Commission and two smaller states to influence the outcome by setting the agenda in a specific way.

Kurzfassung

Das zentrale Argument dieses Artikels ist, daß die Phase von Vor-Verhandlungen relevant ist. Politikprobleme sind nicht nur "vorgegeben", sondern sozial konstruiert. Um das Ergebnis internationaler Verhandlungen zu verstehen, ist es daher nicht ausreichend, nur auf das "Geben und Nehmen" am konkreten Verhandlungstisch zu blicken. Auch die den Verhandlungen vorangehende Phase ist von Relevanz. In sie treten die Regierungen oftmals noch ohne fixierte Präferenzen ein. Diese zentralen Punkte werden in einem theoretischen Rahmen zusammengefaßt, der sich als Kritik am Ansatz des Liberalen Intergouvernementalismus darstellt. Vor dem Hintergrund dieses Rahmens analysiert der Artikel die Vor-Verhandlungsphase zur Osterweiterung, den Luxemburger Gipfel. Die wichtigste Schlußfolgerung ist, daß die Mehrheit der Regierungen dieses "Spiel" begonnen haben, während sie noch ihre Präferenzen definierten. Dies hat sowohl die Kommission als auch zwei kleinere Staaten in die Lage versetzt, das Ergebnis durch 'Agendasetting' in eine bestimmte Richtung zu beeinflussen.

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1. Introduction

Central and Eastern Europe has been at the forefront of the European Union's (EU) agenda ever since the Berlin Wall came tumbling down in November '89. After an intermezzo during which the EU hoped that the new democracies would be content with slightly expanded association agreements, the EU offered membership in June 1993. Since then, the EU has been busy trying to put action behind its membership promise. At the Luxembourg Summit in December 1997, almost four and half years after the promise was first made, the preparations were finally so advanced that the EU was able to call an end to the pre-negotiation phase of eastern enlargement.

The key purpose of this paper is to analyse the 'end of the beginning' of what is frequently referred to as the EU's biggest challenge ever, namely eastern enlargement. How can one explain the outcome of the Luxembourg European Council, the decision to open formal, if not actual negotiations with all ten Central and Eastern European applicants at the same time? In reality, we are here confronted by a puzzle: in the run up to the summit the majority of scholars, commentators and analysts (on the basis of a survey of the preferences of the most important member states) took the view that the EU would only open negotiations with a small number of applicants. In Luxembourg, the same scholars, commentators and analysts, including the present author, could only watch with amazement as the EU chose a different enlargement route.

The core argument of this paper is that the notion of agenda-setting provides us with the crucial piece to put together the Luxembourg-puzzle. More specifically, what we aim to show is that both the European Commission, and especially the Danish and Swedish governments, were able to 'move the negotiation game' by framing the entire question of opening negotiations with the applicants in a specific way. Vis-à-vis European integration literature this central point is a critique of the dominant

negotiation theory, Andrew Moravcsik's liberal intergovernmentalism. The Luxembourg negotiation could not be understood, let alone predicted, by surveying the two variables which, according to Moravcsik, can influence a negotiation outcome - the pre-fixed preferences of the various member states and their respective bargaining power. As a matter of fact, what was striking about the enlargement decision was that governments were largely uncertain about preferences.

The paper is broken down into four parts. Following Keohane and Hoffmann's advice that 'what was unpredicted by analysts working within established theories cannot, in general be adequately explained post hoc through the use of such theories', we first present an alternative framework for analysis, which takes its point of departure in the notion of *negotiated order* (Keohane & Hoffmann 1991: 3, Smith, 1996). In the second part of the paper we relate the broadly formulated model to our specific case, enlargement, and discuss to what extent enlargement can be labelled as a 'special case'. In the third part of the paper we apply the developed model to our empirical case, Eastern enlargement, more specifically the pre-negotiation game which was finalised at the Luxembourg summit in December 1997. Instead of focusing on all aspects of the pre-negotiation game (e.g. institutional and agricultural reform) we concentrate on the 'number-question'. Why did the EU decide after all to open negotiations with all applicants? The core reason for this focus must be sought in the fact that it was indeed the numbers issue which dominated the debate in the run up to Luxembourg. Opening enlargement negotiations is thus not only the crucial sign of commitment from the EU side. It will also have major implications for the enlargement and the integration process as such. Over time, all applicants invited into the negotiation room have joined the EU-club in the end. Their final admission has also required the EU to embark on institutional and policy reform. Finally, the fourth and concluding part briefly sums up the chapter's theoretical implications and discusses what conclusions can be deduced for the forthcoming enlargement negotiations.

2. Preferences and Power isn't Everything – A Theoretical Framework

The theoretical literature on European integration is not exempt from paradoxes. A central one is that, despite the indisputable fact that a large part of integration is produced through negotiations, theorists have rarely focused on negotiations as such.⁽¹⁾ In fact, scholars have been busy comprehending the actual integration process, with its fits and starts, paying little attention to how integration bargains are struck in practice (for a similar criticism, cf. Wallace 1985: 454).

The key exception to the above is Andrew Moravcsik. Unlike for instance neofunctionalist scholars, Moravcsik takes the view that the most fundamental task facing a theoretical account of European integration is to explain 'grand bargains' (Moravcsik 1994: 29). As stated he singles out two variables which determine the outcome of such bargains: state preferences (which are formed before the negotiation is launched) and bargaining power. To comprehend a specific EU negotiation therefore requires two things: 1) to map out the various preferences of the EU-states before the game has started and 2) to estimate the bargaining power of each state.

Since Moravcsik launched his theory it has come under rather heavy attack (cf. for instance Anderson 1995, Wincott 1995). In principle, this should come as no surprise. By being the first scholar to stick out his neck and construct a parsimonious negotiation theory, Moravcsik has given the debate a clear focal point and has consequently often had to take on the role of whipping boy. In practice, one could argue that Moravcsik's theory has become for European integration what Kenneth Waltz's has been for International Relations: a praiseworthy, path-breaking attempt, which is criticised for being too simple and too parsimonious.

In our context, and without attempting to tackle all the criticisms which have been voiced, one specific critique seems to overshadow the rest: Moravcsik neglects the pre-negotiation phase. Instead

of conceptualising the pre-negotiation phase as the phase where governments can determine what should actually be on the EU agenda and how problems should be framed, Moravcsik goes straight to the negotiation phase. In other words, Moravcsik does not acknowledge that problems are not just 'out there', but are in fact socially constructed (cf. also Peters 1994). By taking policy problems as a 'given' Moravcsik therefore runs the risks of disregarding a phase, which could weigh heavily on the outcome of the actual negotiation game.⁽²⁾ For example as Peters states:

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'...the exact social and political construction of the issue is as important to the final determination of how the issue will be processed and decided as the initial decision to consider it at all' (ibid: 10).

In order to redress the above bias towards the actual negotiation phase, this paper sets out to develop a framework for analysis which incorporates the importance of the pre-negotiation phase and, hence, of agenda-setting. The starting point of the framework is very different from Moravcsik. Where Moravcsik pictures the EU as an ordinary, international regime, with self-interest maximising governments, we start from the assumption that the EU is a *negotiated order*. Following Smith, this concept not only captures the fact that actors find themselves in a constant negotiation on the rules and procedures. It also underlines that these constant negotiations are influenced by a normative foundation or 'reigning idea' (Smith, 1996).

The 'heart' of this idea is evident from the Founding Treaties – to substitute age-old rivalries with peace and stability and to strengthen democracy. Just as important however is that a certain 'community culture' has developed over time: Governments do not only look after their self-interest, but also the interests of the overall system. Indeed, what is special about the EU is the very fact that governments' preferences are shaped by the community context. Or to quote Weiler:

'The idea of community seeks to dictate a different type of intercourse among the actors belonging to it, a type of self-limitation in their self-perception, a re-defined self-interest, and hence redefined policy goals. To the interest of the state must be added the interest of the community. But crucially, it does not extinguish the separate actors who are fated to live in an uneasy tension with two competing senses of the polity's self, the autonomous self and the self as part of a larger community, and committed to an elusive search for an optimal balance of goals and behaviour between the community and its actors' (Weiler, 1991: 2480).

The common normative foundation and the so-called community culture create a negotiation context, which does not correspond very well with Moravcsik's 'hard-bargaining-image', where Governments (almost cynically) use their bargaining power to get their way. EU-negotiations are closer to a 'dialogue-image', where governments search for common solutions, which are acceptable to all members (cf. also Lewis, 1998).

Departing further from Moravcsik, we will secondly assume that governments have great difficulties in narrowing down their concrete preferences before the negotiation game has been launched. EU negotiations do not take place in an environment characterised by almost perfect knowledge, but in an environment where uncertainty is the defining factor (for a similar assumption, cf. Pierson 1995, Mazey & Richardson 1997). The core factor contributing to this uncertainty is the very nature of the EU itself: the EU is an ongoing negotiated order, where governments are constantly faced by a whole avalanche of negotiations. They are not only confronted by the 'shadow of the past' – in the form of old package deals which affect the present negotiation – but also 'the shadow of the present and the

future'. The shadow of the present refers to the fact that the EU is almost by definition engaged at several negotiation tables simultaneously, whereas the shadow of the future draws attention to forthcoming negotiations. Every time a government settles down at a specific negotiation table to delineate its preferences, it will therefore have to keep an eye on all the other past, present and coming negotiation tables – a fact which we assume triggers uncertainty (cf. also Friis 1998b: 325-26). To a large extent, EU negotiations can therefore also be characterised as a *seeking process*.

On the basis of the above assumptions we are able to develop two hypotheses:

1. National Agenda-Setting Matters

First of all, we will expect that the 'dialogue-character' but especially also the uncertainty which surrounds EU-negotiations will carve out a role for national agenda-setting. Precisely because governments need to find compromises and have difficulties in pinning down their preferences, the way a certain problem is framed is potentially influential. As pointed out by Rein and Schön, framing is an activity of selection, organisation and interpretation of a complex reality, 'so as to provide guideposts for knowing, analysing, persuading and acting. A frame is a perspective from which an amorphous ill-defined situation can be made sense of and acted upon' (Rein and Schön 1991: 263). In other words, by framing a problem in a certain way, national governments can cut through the uncertainty and hence enable their partner states to form their preferences and/or to settle on a specific compromise. To be sure, this framing activity – or discourse structuration – is not static. During a negotiation other governments can thus try to construct a competitive frame, defining a policy problem in a different way (ibid: 267; cf. also Radaelli 1995: 167-168). Drawing upon Baumgartner and Jones' classical work on 'policy images' the success of these competing frames will not only depend on 'empirical facts' but also on 'emotive appeal': Those actors which are able to create positive images and reject other images have greater chances of setting the policy-making agenda (Baumgartner & Jones, 1991, 1993, see also Wendon, 1998).

Not surprisingly, we anticipate that the role of agenda-setting/framing is greater in the pre-negotiation phase than in the actual negotiation phase. It is thus in the pre-negotiation phase that the actual policy-problem is framed and it is also in this phase that governments are probably most uncertain about their actual preferences.

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2. Supranational Agenda-Setting Matters

Second, we expect that uncertainty and the dialogue-character will also enable institutions to play a role in EU-negotiations. More concretely, what we expect is that supranational actors – mainly the European Commission – can cut through the uncertainty by developing clear proposals which will act as focal points for state preference-formation. In other words, not only governments can set the agenda, but also EU institutions. Supranational institutions and national governments are so to speak competitors in agenda-setting.

As pointed out by Pollack, one should take care here to distinguish between formal and informal agenda-setting (Pollack 1997). Formal agenda-setting refers to the 'right to set the procedural agenda' – a right which the Commission generally has. Informal agenda-setting is a much broader concept and refers to 'the ability of the policy-entrepreneur to set the substantive agenda of an organisation not through its formal powers, but through its ability to define issues and present proposals that can rally consensus among the final decision makers' (ibid 1997: 121). As already hinted at above, the European Commission in no sense has a monopoly on this informal role. What is important,

however, is that we do indeed expect that the Commission can take on this role – and hence influence the outcome.

Drawing further on Pollack's theoretical work on agenda-setting, we can specify our above hypothesis concerning the formal and informal agenda-setting role of the Commission as follows:

1. Formal agenda-setting will be greater when the voting rule is majority voting rather than unanimity. In the case of unanimity, a single government will thus be able to block the Commission's proposal – hence, forcing it from the very beginning to monitor the preferences of the member states very closely.
2. Formal and informal agenda-setting will be directly linked to the level of uncertainty: the more loosely defined the member states' preferences are (due to imperfect information or lack of clear distributional consequences) the greater the potential influence of the Commission.
3. Formal and informal agenda-setting will be greater when the transaction costs of negotiating alternative policies and the costs of waiting are both high. In such cases, a supranational entrepreneur may influence policy outcomes 'by constructing focal points for bargaining among member states impatient to reach agreement and by acting as a broker at the Council bargaining table' (ibid: 127).

3. When a Negotiated Order Negotiates to Extend its Order – A Special Case?

Before we plunge into the empirical world and analyse the Luxembourg Summit, it seems relevant to pose the question as to whether the broadly formulated model is also applicable to enlargement or whether we are dealing with a special case. Can the model encompass the situation where the negotiated order negotiates its own extension? This question becomes even more critical when one surveys the literature on EU-agenda-setting. As a ground rule, the literature is directed towards low politics games (see for instance Richardson 1996). EU enlargement is however anything but a low politics game. Indeed, any enlargement is a system transformative negotiation, which will affect the negotiated order itself, i.e. both the institutional rules and the policy benefits which the member states reap from membership (Friis 1998a: 84).

Despite the high politics character, we will argue that agenda-setting is not by definition precluded in enlargement games – especially not in the pre-negotiation phase. In this phase, governments, just as in a low politics game, will have to struggle with the shadow of the past, present and future – a struggle which complicates clear preference formation. This crucial point does however not imply that everything is 'business as usual' in the case of enlargement. More concretely, we can point to the following issue-specific hypotheses:

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1. Since the opening of enlargement negotiations is a 'high politics decision', which requires unanimity in the Council, we expect that the Commission will monitor the preferences of the member states very closely. Or to put it differently: in the formal agenda-setting phase the Commission will probably not 'upgrade the common interest', but rather search for the lowest common denominator.
2. The Commission's ability to 'upgrade the common interest' will be further diminished by the various internal interests of its own bureaucracy. This hypothesis is once again linked to the high politics character: precisely because enlargement will also affect the many vested interests

of the various General Directorates, we expect the Commission to find itself in a turf battle. Finally, it should also be said that, in its agenda-setting, the Commission – as the 'watchdog of the acquis' – will most likely also keep an eye on how enlargement will affect the integration process as such.

3. Although the high politics character constrains the Commission's agenda setting capacity, it does not undermine its entire agenda-setting potential. Quite paradoxically, this potential is also closely linked to the high politics character. Since enlargement requires a major re-negotiation of old package deals any enlargement negotiation will be characterised by a substantial degree of uncertainty. Governments will most likely have great difficulties in figuring out how enlargement will affect the institutional balance, the common agricultural policy, the social policy etc. Not surprisingly, we will once again expect that this uncertainty will be most substantial at the beginning of the game i.e. in the pre-negotiation phase.

4. Tracing the Luxembourg-Game

4.1. From Copenhagen to Amsterdam – *The Beginning of the Beginning*

Although the EU offered membership to the new democracies in June 1993, it did not specify when and with whom the actual accession negotiations should start. On the contrary, the EU's strategy seems to have been to govern through the prospect of membership. Precisely by offering accession as the light at the end of the long transformation-tunnel, the EU hoped to dampen the desire to join the EU immediately (Friis & Murphy forthcoming, 1999). The whole issue of which of the eleven applicants should be invited to the actual negotiation table was therefore not on the agenda in the immediate aftermath of Copenhagen.

One and a half years later, at the Madrid European Council in December 1995, German Chancellor Helmut Kohl tried to break away from the above situation. In an attempt to seize the agenda, the Chancellor used the European Council to launch the idea that the EU should (already at this stage) select Poland, Hungary and the Czech Republic as the future negotiation partners (ibid: 11). Kohl's agenda-setting attempt was however rejected. At a time when the governments were basically preparing for the 1996-InterGovernmental Conference (IGC), which should gear the EU's institutions for enlargement, the majority of the member states could not see the need to decide on the enlargement question in December 1995. And what was more, many governments did not look upon Germany as an impartial agenda-setter aiming to find the best route to enlargement. On the contrary, many expected that Germany's support for precisely Poland, Hungary and the Czech Republic was linked to specific German interests – taking in Germany's direct neighbours and important trading partners. Instead of accepting Kohl's proposal, the European Council therefore decided to postpone the entire 'selection problematique' until after the IGC. More specifically, the Council asked the Commission to prepare several documents, including one assessing which of the applicants should be invited to the negotiation table.

The postponement of the enlargement issue until after the IGC did not entirely remove the issue from the agenda. Several actors actually saw it as in their interests to equip the debate with some focal points. These focal points could influence the preference formation of the many member states which, at this point, were still trying to narrow down their interests. Even Germany seemed to have some difficulties, having second thoughts after the strong reaction to Kohl's agenda-setting attempt in Madrid. All in all, only five countries (Austria, Sweden, Finland, France and Denmark) seemed to be serene – supporting what was soon to be called the *regatta-option* (the EU opens negotiations with all applicants at the same time).

The core attempt to provide the debate with a focal point came from the European Commission. After an initial brain-storming session among the Commissioners on the 23rd of November 1996, President Jacques Santer floated the following idea: the EU should only open negotiations with a few applicants, since it would be better to differentiate before than after opening negotiations. In any case, only 'one or maybe two' applicants would become members around 2003 (Financial Times, 2.12.1996). Since the Commission had not finalised its objective assessment of each candidate, it seems fair to argue that Santer's statement was a clear agenda-setting attempt – trying in a more impartial way than Helmut Kohl to launch the idea of a small enlargement opening.

4.2. Agenda 2000 – *At the Middle of the Beginning*

In accordance with the instructions of the Madrid summit, the Commission's detailed enlargement proposals were presented very shortly after the end of the IGC. More specifically, in mid-July 1997, the Commission released the longest document in EU-history; under the heading Agenda 2000. In line with our theoretical framework, the Commission's proposal and the member states' reactions can only be understood if one puts the pre-negotiation game into its context; acknowledging that parallel and future games can influence the present game.

Several number of EU games were (potentially) affecting the Luxembourg decision. The Copenhagen Council provided the background for the Summit (*shadow of the past*). In Copenhagen the member states had not only agreed to offer membership to all countries equipped with a Europe Agreement, but also to set up a number of membership criteria. One criteria was here actually directed at the Union itself: enlargement should not jeopardise the depth of the integration process. In parallel to the Luxembourg summit, the EU had to prepare the launching of economic and monetary union (EMU), deal with Turkey and Cyprus and especially initiate the reform process of its Common Agricultural Policy (CAP) and the Structural and regional funds policy (*shadow of the present*). Besides the actual negotiation talks, three key events were scheduled for the nearest future (*shadow of the future*): 1) the finalising of the CAP and structural funds reform at the end of 1999; 2) another round of institutional reform; and 3) the actual accession of the member states, which could among other things affect the balance of power within the Council. The specific need to take yet another look at institutional reform was directly linked to the 1996-IGC which had just been finalised in Amsterdam. In contrast to what the member states had planned they had not been able to prepare the institutions for enlargement, forcing them to postpone the issue to a later date.

Not surprisingly, the large number of crucial parallel and future games created a substantial uncertainty in which both the Commission and the member states had great difficulties in cutting through the cobwebs of parallel and future games. For instance, How would enlargement affect the CAP? Would the EU at the next IGC be able to agree upon the necessary institutional changes? And just as importantly: How would those applicants that were not invited to the negotiation table react? Would a 'no' from the EU, for instance, lead to the strengthening of nationalistic forces?

In its attempt to cut through the uncertainty the Commission framed the actual question of how many applicants should be invited to the negotiation table as an objective, apolitical exercise. What was on the table was not a political decision. All the Commission and the member states had to do was to embark on a 'natural differentiation among the applicants for a variety of historical, political and economic reasons' – letting the facts do the hard work, so to speak (Hans van den Broek, Financial Times 18.7.1997). Following this objective procedure the European Commission (with reference to the membership criteria agreed upon in Copenhagen) reached the conclusion that Poland, Hungary, the Czech Republic, Slovenia, Estonia (and Cyprus) met the criteria for starting enlargement negotiations (5+1-model). The remaining applicants Latvia, Lithuania, Slovakia, Romania and Bulgaria were not considered sufficiently 'fit' to enter the negotiation room and would have to

content themselves with a 'speeding up of their preparation for enlargement talks', participation in the Europe Conference and an offer of Accession Partnership (cf. Agenda 2000 1997). Since the remaining applicants would be able to join the others in the actual negotiation room as soon as they too were fit to do so, this differentiation was not considered a problem.

To be sure, the above decision to frame the enlargement question as an apolitical exercise was a highly political piece of (supra-national) agenda-setting. In principle, the Commission could have chosen a completely different frame, arguing that enlargement was about stabilising the new democracies here and now. As a consequence, it could have argued in favour of opening negotiations with all countries at the same time – conveying the stabilising message that accession was just a matter of time for all countries. The core question we have to ask is therefore why? Why did the Commission choose the 'objectivity frame'?

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A core explanation is here linked to the above cobwebs of parallel and future games. In a situation where the EU faced so many question marks it was simply in the interest of the Commission – considering its 'watch-dog-role' of the *acquis* – not to contribute further to overload. This could be achieved by limiting the actual number of countries in the first negotiation round. But were the EU to open negotiations with all applicants at the same time, the EU could end up with an unmanageable process. One possible result of this could indeed be that the EU would not finalise its institutional reform before enlargement and hence end up with a more diluted EU – a dilution which would run counter to the Copenhagen-decision. In reality, by framing the selection of the negotiation candidates as a purely objective exercise the Commission was not putting all its cards on table. What was also at stake was the depth of the European integration process and the manageability of the forthcoming enlargement process.⁽³⁾ As will be seen, the very fact that the Commission, during the Luxembourg-game, was not able to use the key motives for its 'objectivity frame' as legitimate arguments inhibited its agenda-setting power. Had the Commission openly and consistently referred to the 'overload and manageability problem', it would have pulled the carpet from under the very 'objectivity-frame' which should assure the small enlargement opening which was deemed necessary!

Only confirming that Agenda 2000 was a highly political document, the preferences of the member states also seem to have left their mark. The decision to opt for a small enlargement opening was not completely unaffected by the fact that Amsterdam had revealed a lack of commitment of the member states to prepare for enlargement as soon as possible. A moderate start to the enlargement therefore seemed to mirror the preferences of the member states. What is even more important is that the actual selection of negotiation candidates also seems to have been guided by an evaluation of member states' preferences for the respective candidate countries. At least, it is difficult to see the heated debate among the Commissioners, just before the launching of Agenda 2000, as a piece of 'objective differentiation'. In mid-July, a number of Commissioners, including Jacques Santer took the view that the EU should only open negotiations with Poland, Hungary and the Czech Republic. Yet another group of Commissioners, with Hans van den Broek, the Commissioner responsible for enlargement as its spearhead, argued that Estonia and Slovenia should also be added to the list (Daily Telegraph, 16.7.1997). Although we are here confronted by a 'proof-problem', the underlying motive of this dispute could very well have been the following. Hans van den Broek and his colleagues feared that an enlargement opening which did not include a Baltic applicant and an applicant from the South (Bulgaria, Romania or Slovenia) would not win the support of the 'Northern' and the 'Southern' member states (cf. also Mayhew, 1998: 176).⁽⁴⁾

Despite the fact that the Commission – whilst drawing up Agenda 2000 – seems to have had a close eye on those countries which had already formulated their preferences, the Commission's proposal

still had an independent impact on the final outcome. As a matter of fact, it managed to limit the actual bargaining space quite considerably. Before Agenda 2000, an enlargement opening with less than five states was still very much on the agenda (see the above Madrid Summit). But after Agenda 2000 it was very difficult for the member states to go below the Commission's five applicants. A key reason for this was the Commission's 'objectivity-frame'. After the Commission had framed the selection of Poland, Hungary, the Czech Republic, Slovenia and Estonia as the result of an extensive objective review-procedure, any reduction of candidates could be branded as politicised horse-trading. The publishing of the Agenda 2000 obviously also had an impact on those selected for membership. For instance, were the European Council suddenly to remove Estonia from the negotiation list it could be sure to be confronted by a fierce reaction from the Estonian government. Probably for these two reasons Germany – despite its long support for a small enlargement opening – quickly came out in support of the Commission's proposal. Austria and France also changed their preferences; exchanging their support for the regatta-option with the Commission's so-called 5+1-model.

Agenda 2000 also affected the negotiation by functioning as a platform for preference formation as such. A number of countries, the Benelux and to a certain extent also the UK, thus used the Agenda to cut through the considerable uncertainty and develop their preferences. Undoubtedly, this preference formation was closely connected to the Commission's 'objectivity-frame'. Before the Commission had launched its objectivity frame, supporters of a small enlargement opening were often labelled as enlargement 'sceptics' and, in particular, as defenders of special interests – only supporting for instance neighbouring applicants. After Agenda 2000, support for a small enlargement opening was however legitimised as simply being the result of an objective screening exercise.

Although Agenda 2000 clearly 'moved the game' by limiting the bargaining space and by affecting national preferences, it also met opposition. In a clear attempt to set a different agenda, Sweden, Denmark Finland and Italy launched a competing frame, in which the decision to open negotiation was not pictured as an apolitical, bureaucratic exercise. What was at stake was the future stability of Europe (European Report 23.7.1997). Precisely because of this high stake, the EU should use the opening of negotiations with all applicants as a stability-creating device. Conversely, if the EU left some countries outside the negotiation room, this could cause immediate instability. The applicants could perceive this as a 'new dividing line' – an expression which was in currency among the Italian, Danish, Finnish and Swedish foreign ministers (European Report 23.7.1997). Where the key problem for the Commission, if seldom stated, was the depth of the integration process and manageability, the Scandinavians and Italians openly presented new dividing lines as the key problem. Not surprisingly, the latter 'camp' quickly received support from those countries not included in the Commission's Agenda 2000. Lithuania, Latvia, Bulgaria, Romania and Slovakia all argued that the 5+1 model could develop into a 'New Yalta' (Frankfurter Allgemeine Zeitung 19.9.1997).

4.3. From Agenda 2000 to Luxembourg – *The End of the Beginning*

In the run up to the Luxembourg summit in mid-December 1997, considerable competition between the two 'frames' ensued ('objectivity' vs. 'stability'). In September, Hans van den Broek tried to take the wind out of the Swedish, Danish, Finish and Italian frame-sails (Financial Times 22.9.1997). Not only were the countries barking up the wrong tree when they claimed that Agenda 2000 would cause new dividing lines – a danger which he referred to as a 'red herring'. What was even more important was that the countries' preferred regatta-option would only have a short-term impact upon the stability of Central and Eastern Europe:

'...little beyond momentary political satisfaction would be gained by opening negotiations with the countries which are insufficiently prepared. Negotiations would soon become bogged down, leading to disenchantment' (Financial Times 22.9.1997).

Despite the 'loss' of Finland – which switched over to the Commission's side – Sweden, Denmark and Italy continued to frame the forthcoming decision as a question of stability and peace in Europe. That this attempt gained some immediate ground can best be seen from the fact that Spain, Greece and Portugal used it as a platform for their preference formation; supporting the regatta-option instead of the 5+1-model.⁽⁵⁾ Indeed, and quite strikingly, as Luxembourg drew closer, even those countries which maintained their support for the 5+1-model conceded that Denmark, Sweden and Italy had pointed to a central problem, namely the danger of new dividing lines. Although the original regatta-option drowned in the waves of the meeting in Monsdorf, there was substantial agreement that the Commission's 5+1-model was not suitable either. According to the President of the Council Jacques Poos, the task was now to 'search for some intermediate ways between the proposal of the Commission and the proposal to start negotiation with all the candidates' (Reuters 27.10.1997). In other words: Denmark, Sweden and Italy had managed to change the agenda in the run up to Luxembourg. Suddenly it was no longer just about a 'natural, objective differentiation', but also about preventing new dividing lines.

The important question is obviously how to explain the success of Denmark, Sweden and Italy on this point. The all-important explanation actually seems to lie in the very frames themselves. Where the Commission presented a defensive, apolitical frame, Denmark, Sweden and Italy launched a frame which stood out as a future vision for Europe (peace and stability). In reality, Denmark, Sweden and Italy's frame was not only far more visionary, it also appeared more legitimate. These countries were thus able to link their frame back to the core of the EU's self-image – the very fact that the EU has always presented itself as a club for all Europeans. The Commission and its supporters, however, were not able to make a similar linkage. Indeed, the Commission's camp was inhibited by the fact that it lacked a similar emotive appeal for its case. All it could point to was 'objectivity' – an objectivity to which the applicants had raised major question marks. As already hinted at, important motives underlying the 'objectivity-frame' – such as avoiding overload in the forthcoming negotiation process – could not be launched forcefully without undermining the entire 'objectivity frame'. Every time a Commission official, hard pressured, argued that the EU should avoid the regatta-option since it would 'overcomplicate' matters it was only weakening its hand. As a result Denmark, Sweden and Italy – not due to bargaining power, but framing capability – were able to influence the 'name of the game'.⁽⁶⁾

At the end of October, the new 'name of the game' – as outlined by Jacques Poos – was to find a middle course between the regatta-option and the 5+1-model. Since the member states had scheduled their decision for mid-December and since any postponement would be interpreted as lack of commitment to the enlargement project, the EU was hard pressed to come forward with new ideas. According to one of our theoretical hypotheses, the time-pressure should have carved out a room for manoeuvre for the Commission. But due to the Commission's high investment in the 5+1-model (and especially its 'objectivity frame') it was not able to use this opportunity. Instead, Denmark and Sweden jumped in and presented an idea as to how the EU could in practice avoid what was now perceived as a central problem, namely the risk of drawing new dividing lines. In its compromise proposal published on the 27th of November, the two Governments suggested that the dividing lines could be avoided by allowing all applicants to participate in the first phase of any enlargement game – the so-called screening process – in which the EU 'investigates' how much of the *acquis* the applicant has already adapted (Danish-Swedish non-paper, 1997). In reality, this participation in the screening process would entail that the EU would formally open enlargement negotiations with all applicants. On the basis of this screening process – which should be carried out multilaterally – the EU would, at the end of 1998, decide which of the applicants were fit enough to start the actual enlargement negotiations.

Quite strikingly, the 'heart' of the above compromise model – the so-called screening idea – was anything but new. Indeed, what Denmark and Sweden did was simply to 're-package' an old Franco-German idea. Before the Amsterdam Summit France and Germany had thus toyed with the idea of offering so-called *Vor-verhandlungen* (i.e. participation in the screening process) to all applicants (Friis 1998c: 41). But after Amsterdam and the Commission's Agenda 2000, the two countries had abandoned the idea. Now that the agenda had shifted towards avoiding new dividing lines Denmark and Sweden were apparently of the opinion that the time was ripe for such an idea.

The immediate reactions from the other foreign ministers were not particularly positive. Germany's Klaus Kinkel especially, saw the idea as being too close to the original regatta-option and hence not really a compromise between the regatta- and the 5+1 model (Politiken 25.11.1997). A Commission official argued that it was simply 'a transparent ploy to help the Baltic states [to] catch up with the front runners' (Financial Times 27.11.1997). As a result, the foreign ministers had to leave the final decision to the European Council in Luxembourg on the 12-13 December. That Denmark and Sweden's concrete proposal had already made an impact became clear when the Luxembourg Presidency launched its own compromise proposal (Luxembourg 1997). In just a few days before the Summit, the Presidency did indeed not have the time to develop a completely new idea. Moreover, the Presidency also had to sort out a major dispute between the member states over Turkey's position in the enlargement process. Clearly confirming the hypothesis, that actors which manage to present a policy-idea at a stage when the time pressure for a final decision is great, the Luxembourg Presidency 'adopted' the Danish-Swedish screening idea. In more specific terms, the Luxembourg Presidency suggested that all applicants should participate in the 'screening process'. In contrast to the Danish-Swedish proposal, this screening should however not take place multilaterally, but individually. And what was just as important: the screening did not imply that the EU should open formal enlargement negotiations (according to art. O) with all countries. The actual negotiations should only be opened with the Commission's original 5+1. For the remaining five the screening should act as a preparation for such an opening.

To the surprise of most, the outcome of the actual Luxembourg summit was closer to the Danish-Swedish compromise between the regatta- and the 5+1-model than the Presidency's. Specifically, the summit decided to open formal negotiations with all applicants – as Denmark and Sweden had suggested – 'as part of the implementation of art. O' (European Council 1997). Following the proposal of the Presidency, only the original 5+1 countries would be invited to the actual negotiation table. The remaining five countries were offered a speeding up of their negotiation preparations – a speeding up which mainly centred upon a 'screening' of the *acquis*. Every year the EU would evaluate whether the applicants were now fit to move into the inner core of the enlargement process. Turkey, conversely, was only offered a place at the Europe Conference and later a 'special strategy'. Unquestionably, these clear Danish and Swedish fingerprints can once again hardly be seen as the result of strong Scandinavian bargaining power. A far more credible explanation is the following. Apparently, Denmark and Sweden had gained so much acceptance for their policy frame (stability and peace) that the European Council decided to opt for the model which permitted the highest degree of participation for all applicants. Or to put it differently: the model whereby the EU opened the formal negotiations with all applicants was judged as the most capable of avoiding new dividing lines – nor did it threaten to overcomplicate the enlargement. After all, the EU would only begin the proper enlargement talks with the 5+1-countries.

5. Conclusion – When Agenda-setting Does Matter

The core conclusion of this paper is that national *and* supranational agenda-setting do indeed matter, even in a high politics context such as enlargement. What the Luxembourg summit showed was that many member states entered into the negotiation with loosely defined preferences. Because this was the case, the European Commission and two smaller states were able to 'move the negotiation' by framing the agenda in a specific way. In other words: the outcome of the Luxembourg summit was not just determined by pre-fixed preferences and power. Indeed, what this paper shows is that the opposite conclusion would amount to post-rationalization. If one follows the Luxembourg game from the beginning of 1996 it is thus clear that the large majority entered the game searching for their preferences. In practice, another central conclusion of the paper is therefore that more conceptual work on agenda-setting should be carried out – either by developing clear alternative theories to Moravcsik's or by incorporating the concept of agenda-setting in Moravcsik's theory.

The above empirical conclusion that pre-negotiation mattered is however not sufficient. Quite obviously it is namely not possible to judge the actual impact of the pre-negotiation phase on the final outcome by only looking upon the pre-negotiation phase. Often the final stroke of the pen is not the final and governments can use the actual negotiation phase to re-open the deal which was struck in the pre-negotiation. In practice, any conclusion about how the pre-negotiation affected the final outcome will therefore require a brief look at the negotiation phase. What is striking about the initial phase of the actual accession negotiations is however that governments did not try to re-open the Luxembourg-package: On the 30th of March 1998 the EU opened accession negotiations (according to art. O) with all applicants. On the 31st of March the EU launched the so-called screening process. Although the 5+1 were offered a more thorough screening process, all applicants are part of the screening process (European Voice, 2-8.7,1998). Only underlining that the actual negotiation phase has not moved the Luxembourg game both Denmark and Sweden have been satisfied with the negotiation set up; arguing that this is what they worked for in the run up to Luxembourg. In brackets it should also be added that the applicants, which were not picked for the 5+1 group were more than satisfied with the Luxembourg-decision. According to them it did prevent new immediate dividing lines. Should the EU in November 1998 decide to move Latvia (and possibly even Slovakia) from the second to the first enlargement group this point of view will only be strengthened.

The fact that the negotiation phase has so far not been able to move the Luxembourg-game should however not be seen as an indication that the accession talks are already settled. On the contrary, following the theoretical approach of this paper also the actual negotiations are largely unpredictable. Due to the high uncertainty which surround any EU-negotiation, governments will also here have difficulties in narrowing down their preferences. Indeed, the core characteristic of the enlargement process is uncertainty: governments have launched the enlargement talks without knowing how these talks will actually affect the EU. Precisely because this is the case, a substantial role for agenda-setting and framing is carved out. Just like in the pre-negotiation phase, actors can influence the negotiations by using competing frames. As pointed out by Hort the 'frame-battle' has already begun (Hort, 1998). According to Hort is it thus striking – but perhaps not too surprising – how enlargement is increasingly framed as an economic problem (threatening the present 'investments' of the member states, ranging from CAP and cohesion funds to free movement of workers) and not as an economic and political chance for the entire European continent. Indeed, the very term 'enlargement' frames the coming negotiations as a one-way-street exercise, paved with high costs. The term, 're-unification', conversely, puts the spotlight on the historic political opportunity of creating a whole and free Europe (ibid). How soon and especially also on what conditions the EU will be able to take in the first candidates will therefore also depend on actors (including scholars'(?)) ability to change the present 'economic-enlargement' frame. As a matter of fact, a large part of the answer to the stability of the 'new order' can be found here. Without generous accession deals, the

EU could easily find itself in a situation, where newcomers question the very 'order' they have just joined.

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Endnotes

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(1) Another important paradox is linked to enlargement. Despite the fact that enlargement has had a major impact on the integration process, our integration theories are devoid of clear hypotheses of what puts enlargement on the agenda and also how it affects the overall integration process (cf. Schmitter 1996: 14, Friis 1998a: 81-82).

(2) To be sure, by only analysing the actual negotiation phase, one also overlooks the key importance of non-decisions – situations, where actors in the pre-negotiation succeed in keeping a certain issue of the agenda (cf. Barach & Baratz, 1962).

(3) In a public lecture at the Danish Institute of International Affairs (DUPI), Commissioner Liikanen (16.4.1998) stated that the small enlargement opening was also linked to the Amsterdam Treaty. Since the new Treaty only allowed the accession of five applicants without further institutional change the Commission decided to open negotiations with those five countries which were most ready for membership. The opening of negotiations with Cyprus – which in principle exceeded the five country mark – was referred to by Liikanen as 'creative maths'.

(4) By opening negotiations with more countries than those which were selected for NATO-membership the EU could also send the signal that it was not just following in NATO's footsteps.

(5) In reality, the Danish-Swedish-Italian frame provided Spain, Portugal and Greece with a legitimate cloak for one of their core interests in the enlargement process – to open negotiations with all applicants in order to complicate and postpone the final accession of the newcomers – an accession which would require Spain etc. to share their cohesion-ECU with for instance Poland (for this provocative point of view, cf. also Lippert 1998).

(6) The key difference in frames was apparently able to overshadow the fact that Denmark and Sweden were hardly impartial agenda-setters. Although they were undoubtedly concerned about the entire enlargement process, they also had their own interests to protect, Lithuania and Latvia. Secondly, also the 'unholy alliance' between Denmark and Sweden on the one hand and Greece, Portugal and Spain on the other was apparently overshadowed.

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