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Christer Gulbrandsen

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Preface

This thesis was written as the final part of the Master of Arts in Political Science program at the University of Oslo. It was inspired by my interest in finding out what lay behind the change in attitude by Spain and Poland to the Treaty establishing a Constitution for Europe. Most of the writing was finished before the French and Dutch referenda. This thesis is not concerned with the ratification process, but I do still hope that it remains relevant, whatever happens to the Treaty.

I am heavily indebted to Professor Jon Hovi for his invaluable assistance and guidance throughout the process. Without his help this thesis would never have seen the light of day. I am grateful to Tora Skodvin and my fellow students in the reference group for their input early in the writing process. I am thankful to the staff at several of the EU member states' embassies to Norway for providing me with information in the research process. Friends and family have lent great support all the way, (thanks for all the coffee breaks, Tone) but I would especially like to thank my good friend Andreas Behring for providing me with a peaceful place to collect my thoughts in the crucial phase of finishing the draft manuscript in August 2005, and for taking the time in a busy schedule to read through the manuscript.

I have credited other writers where appropriate. The analyses and arguments herein are entirely my own responsibility.

Oslo, September 13th 2005,
Christer Gulbrandsen
chrisg@student.sv.uio.no

List of abbreviations

AUS	Austria
BEL	Belgium
CFSP	Common Foreign and Security Policy
CSDP	Common Security and Defence Policy
CTEU	Consolidated Treaty establishing the European Union
CYP	Cyprus
CZE	Czech Republic
DEN	Denmark
DPI	Deegan-Packel index
DOSEI	Domestic Structures and European Integration
EAEC	European Atomic Energy Community
ECSC	European Coal and Steel Community
EC-6	European Communities of 6 member states
EC-9	European Communities of 9 member states
ECB	European Central Bank
ECJ	European Court of Justice
EEC	European Economic Community
EESC	European Economic and Social Committee
EIB	European Investment Bank
EMS	European Monetary System
EP	European Parliament
ESCB	European System of Central Banks
ESF	European Social Fund
ESP	Spain
EST	Estonia
EU	European Union
EU-15	European Union of 15 member states
EU-25	European Union of 25 member states

EURATOM	European Atomic Energy Community
EUT	European Union Treaty
FIN	Finland
FRA	France
GER	Germany
GNI	Gross National Income
GRE	Greece
HUN	Hungary
IGC	Intergovernmental Conference
II	Inclusiveness index
Inc	Including
IRE	Ireland
ITA	Italy
JHA	Justice and Home Affairs
LAT	Latvia
LIT	Lithuania
LLAP	Law of the Least Ambitious Program
LUX	Luxembourg
MAL	Malta
MBP	Member Bargaining Power index
MS	Member State
MWC	Minimum Winning Coalition
NBZ	Normalized Banzhaf index
NET	Netherlands
NSO	National Statistics Office (Malta)
PAC	Policy Advocacy Coalition
PGI	Public Good Index
POL	Poland
POR	Portugal

PP	Partido Popular – Spanish centre-right party
Pr	Share of production of steel and coal
Ps	Percentage of population
PSOE	Spanish Socialist Party – centre-left party
SDP	Social Democracy of Poland (Polish political party)
SEA	Single European Act
SLD	Democratic Left Alliance (Polish political party)
SLK	Slovakia
SLO	Slovenia
SS	Shapley-Shubik index
SWE	Sweden
TA	Treaty of Amsterdam
TCE	Treaty establishing a Constitution for Europe
TEC	Treaty establishing the European Communities
TEU	Treaty establishing the European Union (Maastricht-treaty)
TEURATOM	Treaty establishing the European Atomic Energy Community
TN	Treaty of Nice
UK	United Kingdom
UMFA	Union Minister for Foreign Affairs
UNECE	United Nations Economic Commission for Europe
QMV	Qualified Majority Voting
WC	Winning Coalition
WP	Working Party (of IGC Legal Experts)

1 Introduction

The European Union (EU) Intergovernmental Conference from October 2003 to June 2004 negotiated the Treaty establishing a Constitution for Europe (TCE), based on a proposal from the European Convention. The negotiations broke down in December 2003, and were not resumed until April the following year. In June 2004 the Irish EU Presidency could announce a success. All member states had agreed on a common text of more than 700 pages to be signed, then ratified by the member states and ultimately put into effect in 2009. At all stages of the process, many analysts and pundits gave thumbs down to the prospect of reaching agreement. As late as June 18th 2004, Matthew Tempest wrote in the Guardian: “Negotiations on a new constitution and commission president for the EU were tonight running out of time – with little visible sign of a deal in sight” (Tempest 2005). The same day he was proven wrong.

In this introduction we will go through the research question and research design for the thesis, as well as an overview of the entire thesis.

1.1 Research question

There was no certain route to a treaty at all. Initially, the Laeken declaration of December 2001 asked the European Convention to seek out and elaborate on possible answers to questions of Europe’s future – and a Constitutional Treaty was only one of the things they could seek to develop or examine. Such a treaty was not in itself a novel idea, as a proposal for a European Constitution had already been floated around by European Federalists for decades. However, the force of policy entrepreneurs within the Convention such as its president, Valéry Giscard d’Estaing, quickly narrowed the focus of the Convention towards that of being a Constitutional Convention (Tsebelis 2005).

If one takes on a purely intergovernmentalist or realist viewpoint, a European Constitution might seem improbable – or even impossible – in a situation that required unanimous consent by the Heads of State or Government. Add to this the skeptical attitude towards the Italian presidency that was to head the negotiations, and you would give the entire project only slim chances of success. The breakdown in December 2003,

caused by Spanish and Polish refusal to make concessions on the issues of voting weights, added to the point. Still, agreement was reached in the end. This mismatch between reasonable prior expectations and actual results warrants further investigation. How was it possible? Or, put another way: “*Which factors facilitated the acquiescence of Spain and Poland to an agreement on the Treaty establishing a Constitution for Europe during the intergovernmental negotiations from 2003 to 2004?*” This question will guide my research.

1.2 Research design

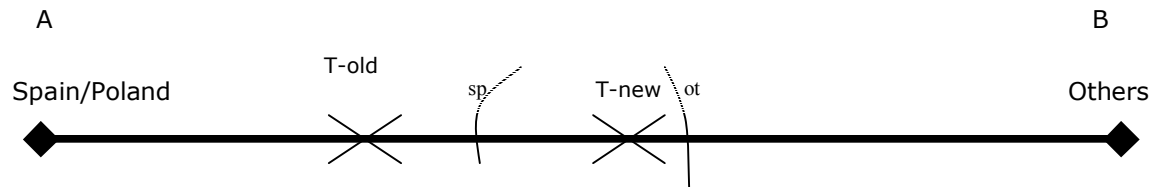
Rational choice theory provides us with a fairly simple framework for analyzing complex negotiating problems. I will therefore give priority to rational choice explanations in this thesis. Assuming utility-maximizing actors, we can derive two different hypotheses to explain the puzzling outcome of the negotiations:

- *H1: The Intergovernmental negotiations on the EU Constitutional Treaty went from breakdown to agreement because the Treaty proposal was changed to accommodate Spain and/or Poland.*
- *H2: The Intergovernmental negotiations on the EU Constitutional Treaty went from breakdown to agreement because of issue-linkage benefiting Spain and/or Poland, or because side-payments were made to Spain and/or Poland.*

Other hypotheses have of course also been floated around. The most popular one among the public is probably the “Silvio-hypothesis” – that Silvio Berlusconi’s bumbling management of the negotiations caused the breakdown – and that the transfer of leadership to Ireland’s Bertie Ahern similarly facilitated agreement. Another hypothesis that may have relevance is that the political climate created by the Iraq war at first made agreement difficult, but that the domestic defeat of two governments that supported the war – the Spanish and Polish – meant that strong personalities and political cultures opposed to important elements of the Draft Treaty were replaced by other, more accommodating persons and political cultures. However, for sake of simplicity, we will concentrate on rational-choice theory in the limited span of this thesis. In the penultimate chapter we will tentatively examine some other explanations.

The two hypotheses can both be outlined in the following model, shown in figure 1.1:

Figure 1.1: Model 1



The model in figure 1.1 outlines in a simple way the actual (not necessarily the perceived) break-off points of Spain and/or Poland (sp) on one side, and all other member states (ot) on the other. Figure 1.1 illustrates a good to be divided between the two sides. The line from point A to point B connotes the set T of mutually acceptable proposals. The further to the left a proposal is, the more beneficial it is to “Others”, and vice versa. When negotiations started, they were based on the proposal from the Convention on the Future of Europe. This proposal can be thought of as close to the ideal point of Others (remember that this is a grossly simplified situation). As time passed, the negotiating text may have been amended, so as to accommodate Spain and/or Poland or other countries. However, at a certain moment in time (13th December 2003), negotiators on both sides gave up, and declared a break-off in negotiations. By this time, the proposals discussed lay at the point symbolized by the cross on the line marked T-old. Put another way, the negotiators had not detected a feasible zone of agreement (the space between sp and ot). However, negotiations were resumed, and the search for a zone of agreement through further deliberations, amendments and proposals led to the final negotiating text T-new.

This hypothesis can be explained by using the law of the least ambitious program (Underdal 1980). If states behave as unitary rational actors in intergovernmental negotiations requiring unanimity to reach agreement, it may apply. Unitary rational actors will have stable and consistent preferences over time and will seek the outcome that best

satisfies their preferences. In intergovernmental negotiations requiring unanimity to reach agreement, it will be difficult to change the status quo, and thus, the alternative that will be agreed upon is the one that least deviates from the status quo and still lies within a zone of agreement of all states. Thus, in order to reach agreement on a proposal, the proposal has to be changed, until it fits into the possibly very narrow zone of agreement that exists. If the proposal is not changed itself, side-payments in various forms – either economical or in the form of log-rolling different issues – may satisfy the needs of one or more negotiating parties enough to facilitate agreement.

We can evaluate whether or not there have been changes in the negotiating text and changes in the positions of individual states, as well as whether or not side-payments have been introduced, or issue-linkages have occurred. Text analysis will be the best way to ascertain whether or not there have been changes to the text. Changes beneficial to Spain or Poland in the financial framework of the EU after or during the negotiations will be possible to trace, and will be a good indicator of financial side-payments. Presidency conclusions from meetings of the European Council may indicate whether or not other issues have been linked with the IGC negotiations as well. On the website of the IGC there is ample access to both official negotiating proposals and official policy statements of the member states. Furthermore, there is a wide range of available news material from online newspapers. I will also research available literature on the subject. I will not utilize interviews of important actors, as these are highly difficult to come by. Also, the reliability of data gathered that way is highly questionable, as the ratification process is not finished yet.

I will compare different versions of negotiating documents (see Appendix I for a complete list) to evaluate when and how changes were made during the negotiations. I will also perform an analysis of voting power for different models of Qualified Majority Voting (QMV) in the Council of Ministers. I will draw heavily on rationalistic analysis and game theory.

There are many issues I will not have the time, or the space, to focus on. For example, the final issues of the “red lines” on national veto rights regarding taxation, justice and home affairs cooperation and immigration, which were hotly debated in the final weeks of the Intergovernmental Conference will not be covered. My ambition is that at the least, I will be able to falsify one or both of the initial hypotheses.

There are also some complications involved when not interviewing participants in the process, because the only available information comes from historic documents and secondary literature (e.g. newspaper articles). Thus, much of the actual events can only be gleaned partially through the fragments that surface. My hope is that the fragments together give enough of a picture to evaluate the role played by negotiating strategies in these negotiations.

1.3 Outline of the thesis

Chapter 2 gives a historical overview of the treaty changes in the history of the EU, with a specific emphasis on different QMV systems. Chapter 3 provides a thorough run-through of the main conceptual framework I utilize, whereas chapter 4 provides an analysis of the case for the two hypotheses. Chapter 5 constitutes a survey of some important theoretical perspectives that can be used to form alternative explanations of the outcomes of the IGC. Chapter 6 provides a short conclusion of the analysis. Appendix I lists all the official documents from the Intergovernmental Conference, whereas two of the larger tables used in the analysis are found in Appendix II.

2 Historical Background

This chapter provides the historical background for the intergovernmental negotiations on the Treaty establishing a Constitution for Europe. First, I give a brief overview of the previous treaties of the EU, then I examine how the idea of a European Constitution first evolved, before I look specifically into how voting weights historically have been distributed. Finally, I review the history of the Laeken declaration and the European Convention that preceded the Intergovernmental Conference (IGC).

2.1. History of the Treaties

As an international organization, the European Union has relied on international treaties as its primary law. These treaties have provided the “constitution” of the EU. The origins of the European Union can be found in the Treaty of Paris, which established the European Coal and Steel Community (ECSC) in 1951. The six founding members of the ECSC also became the founding members of the European Economic Community (EEC) and the European Atomic Energy Community EURATOM in 1957 with the Treaties of Rome. Together, these three organizations made up the European Communities (EC). They co-existed with independent institutional frameworks until 1967, when the Merger Treaty of 1965 came into effect and introduced a single institutional framework. In 1970 the Budgetary Treaty appropriated “own resources” for the EC, and gave the European Parliament some budgetary powers. The Acts of Accession in 1972, 1980, 1985, 1994 and 2003 provided for the five enlargements of the EU – from 6 to 9, from 9 to 10, from 10 to 12, from 12 to 15 and from 15 to 25 (see table 2.1). The 1975 Budgetary Treaty expanded the remit of the European Parliament, and set up the Court of Auditors. In 1978, the Treaty of Rome was revised, to allow for direct elections to the European Parliament. In 1986, the Single European Act was set up to provide for more qualified majority voting (QMV) in the council and give some legislative power to the European Parliament. It also expanded the policy scope of the Treaty of Rome. In 1992, the Treaty on European Union (the Maastricht Treaty) created the three-pillar structure of the European Union, with, respectively, the EC (I), the Common Foreign and Security Policy (II) and Justice and

Home Affairs (III) making up the three pillars. It also expanded the powers of the Parliament and the policy scope of the EU and introduced a social protocol, the subsidiarity principle and European citizenship. The 1997 Treaty of Amsterdam provided more legislative powers for the European Parliament, incorporated the Schengen agreement into the EU framework and extended the use of QMV somewhat. The same year, the Treaties on the European Community and the Treaty on the European Union were incorporated into a Consolidated Treaty on European Union (Bomberg and Stubb 2003:15, Wallace 2000:10). In 2001 the Treaty of Nice revised the institutional framework to prepare for enlargement. In 2002 the ECSC Treaty became void (Bomberg and Stubb 2003:15). In 2004 negotiations were completed on a Treaty establishing a Constitution for Europe. Table 2.1, based on the setup in Wallace (2000:15, table 1.1), gives a schematic overview of the Treaty history.

Table 2.1 Treaty history of the European Union, major treaties and treaty revisions emphasized.

Year	Treaty	Outcome
1951	Treaty of Paris	European Coal and Steel Community (ECSC) (signed by Belgium, the Federal Republic of Germany, France, Italy, Luxembourg and the Netherlands)
1957	Treaty of Rome (TEC)	European Economic Community (EEC)
1957	Treaty of Rome (TEURATOM)	European Atomic Energy Community (Euratom)
1965	Merger Treaty	Combined the institutions into a single set
1970	Budgetary Treaty	“Own resources” (i.e. revenue) created; some budgetary powers for the European Parliament (EP)
1972	Act of Accession	Admitted Denmark, Ireland and UK
1975	Budgetary Treaty	More powers to EP; new Court of Auditors
1978	Treaty revision	Direct elections to EP
1980	Act of Accession	Admitted Greece
1985	Act of Accession	Admitted Portugal and Spain
1986	Single European Act (SEA)	More qualified majority voting (QMV) in Council; some legislative power for EP; new Court of First Instance; introduced cohesion; expanded policy scope
1992	Treaty on European Union (Maastricht) (TEU)	Three-pillar structure of European Union (common foreign and security policy (CFSP) and justice and home affairs (JHA)); more QMV in Council; formalized European Council; some co-decision for EP; new Committee of Regions; expanded policy scope, especially for economic and monetary union (EMU); introduced subsidiarity and

		citizenship; Social Protocol (UK opt-out)
1994	Act of Accession	Admitted Austria, Finland and Sweden
1997	Treaty of Amsterdam (TA)	More legislative powers to EP, and stronger requirement for its “assent” on (e.g.) enlargement and Commission appointments; introduced “flexibility” (some member states cooperating without others); modest extra QMV in Council; incorporated Schengen
1997	Consolidated Treaty on European Union (CTEU)	“Simplified” the treaties by combining into a single set, and therefore renumbering, the provisions of earlier treaties.
2001	Treaty of Nice (TN)	Reduced numbers of commissioners; extended QMV; changed voting weights and QMV rules in Council; extended powers of EP; introduced “enhanced cooperation”.
2004	Treaty establishing a Constitution for Europe (TCE) (not yet ratified)	New text, replacing all former Treaties, except the EURATOM Treaty; gives the EU legal personality; QMV and co-decision the rule, not the exception; Charter of Fundamental Rights incorporated into Treaty; introduces proportionality; introduces a catalogue of competencies.

Sources: Bomberg and Stubb 2003:15, Treaty establishing a Constitution for Europe 2004, Treaty of Nice 2004, Wallace 2000 (10, table 1.1). “Constitutive treaties” in **bold**.

2.2. The idea of a Constitution

The conceptual roots of European constitutionalism can be found in the traditions of European federalism. Burgess (2000:1-49) provides an introduction to the history of European federalism where he emphasizes the “covenantal” character of federalist thought in Europe. Laffan et al. (2000:198) however, puts forward a more functionalist explanation of the development of constitutionalism in the EU:

“An agreed constitutional order, in treaty form, provided the safeguards and protections that enabled national political leaders to take a leap in the dark towards a shared future. However, the original treaties were transformed into a constitutional charter for the Union by the European Court of Justice and the Union’s legal order assumed a federal character. In this way, law became the main source of public power in the system and central to the Union’s regulatory capacity.”

The beginnings of contemporary European constitutionalism can be found in the mid-70’s. The Paris summit in December 1974 commissioned a report from the Belgian Prime Minister, Leo Tindemans, on the prospect for creating a European Union (Burgess 2000:104). This report, the “Tindemans report”, was published officially on January 7th 1976. The report dealt, among other things, with the prospect of creating a European federation, but concluded that it was not feasible to do so at that time (*ibid*:106-107). At this time Altiero Spinelli, commissioner and an important leadership figure in the European federalist movement, influenced the Commission to recommend the establishment of a European Government (*ibid*:108-110). In the end, the Tindemans report only produced one outcome: direct elections to the EP (*ibid*:116), but it gave an impetus to federalist forces, e.g. in the so-called “crocodile club” of federalists within the European Parliament. It was out of this group that the “European Union Treaty” came in 1982. However, it was ahead of its time, and had to give way to a more intergovernmental and incremental approach to European integration through the Single European Act (Burgess 2000: 123-151; Dedman 1996:30; Førland and Claes 1998:88-89). It was not until later that many of the ideas of the European Union Treaty were incorporated through the Treaties of Maastricht, Amsterdam and Nice, and now with the TCE – but it can be said to be the first attempt at a European Constitution in our days.

2.3. Voting weights

As my analysis of the negotiations will focus especially on voting weights in the Council, I will here give a short overview of the history of voting weights in the ECSC, EC, EURATOM and EU, as well as the proposed voting weights in the TCE. Table 2.2 gives the figures.

Table 2.2. Voting weights in the Council, population and majority thresholds.

Country	ECSC		EEC/ EUR- ATOM	ESF	EC (EU from 1992)					EU (TCE)	Pop. (mill) 2000
	6	15			1973	1981	1986	1995	2005	2009	
Belgium	1	1	2	8	5	5	5	5	12	1	10,3
France	1	1	4	32	10	10	10	10	29	1	58,9
Germany	1	1	4	32	10	10	10	10	29	1	82,2
Italy	1	1	4	20	10	10	10	10	29	1	57,8
Luxembourg	1	1	1	1	2	2	2	2	4	1	0,4
Netherlands	1	1	2	7	5	5	5	5	13	1	15,9
Denmark		1			3	3	3	3	7	1	5,3
Ireland		1			3	3	3	3	7	1	3,8
UK		1			10	10	10	10	29	1	59,7
Greece		1				5	5	5	12	1	10,5
Portugal		1					5	5	12	1	10,2
Spain		1					8	8	27	1	39,9
Austria		1						4	10	1	8,1
Finland		1						3	7	1	5,2
Sweden		1						4	10	1	8,9
Estonia									4	1	1,4
Latvia									4	1	2,4
Lithuania									7	1	3,7
Poland									27	1	38,6
Czech Republic									12	1	10,3
Slovakia									7	1	5,4
Slovenia									4	1	2,0
Hungary									12	1	10,2
Cyprus									4	1	0,7 ¹
Malta									3	1	0,4
Qualified Majority	2/3, including 1 MS ² with 1/6 pr	2/3, inc 2 MS with 1/9 pr	12/17	67/90	41/58	45/63	54/76	62/87	255/345 ³ , inc maj of MS, inc 62 ps ⁴	55% of MS, 65 ps; blocking by minimum 4 MS	
Super-qualified Majority ⁵	2/3 inc 2 MS with 1/6 pr	2/3 inc 3 MS with 1/9 pr	4/6 MS	-	6/9 MS	7/10 MS	8/12 MS	10/15 MS		72% of MS, 65 ps; blocking by minimum 4 MS	

¹ Data for 2001

² MS = Member State(s); pr = share of production of steel and coal; maj=majority

³ Including Romania and Bulgaria

⁴ ps = percentage of population

⁵ Super-qualified Majority: When the Council is not acting on a proposal from the Commission.

Sources: Bomberg and Stubb 2000 (52-53, table 3.2), Hayes-Renshaw and Wallace 1998 (10, table 2.2), Treaty Establishing a Constitution for Europe 2004, UNECE 2004, UN Population and Vital Statistics Report 2004 (table 2).

Over time, the system of voting weights has become more complicated. At the beginning, in 1952, qualified majority was reached simply by a 2/3 majority. However, shares of the production of coal and steel came into consideration in the ECSC. In the EEC and EURATOM, a system of weighting the votes in the Council somewhat according to population size, was introduced. The earliest system gave disproportionately much influence to Luxembourg – but at this time very few decisions were taken by QMV. Until 1973, decisions regarding the European Social Fund (ESF) were taken using a different weighting system where the largest economies had a larger share of the vote.

With the accession of the UK, Ireland and Denmark, the system was revised, incorporating EURATOM, the EC and the ESF into one voting system. Population size became more important, with the largest states acquiring ten votes each – the smallest, Luxembourg, had two. The fundamentals of the vote distribution did not change until the Treaty of Nice. However, the introduction of more and more QMV and the growing number of member states meant that the entire system came under pressure. Using current population figures, Germany had 21,7% of the EU-15 population, and 11,5% of the votes before Nice. In the EC-9 Germany had 27,9% of the population and 17,2% of the votes. Today, Germany has 18,2 % of the population of the EU-25 and 9,0% of the votes under the Nice system. The vote discrepancy was more or less the same over these years. However, in the EC-9 only one other large member state was enough for Germany to be able to veto a proposal, and QMV was rarely used because of the Luxembourg compromise, which stated that a vote should not be taken if a member state so requested, due to its vital national interests being at stake. In 1995 Germany would have had to have two other member states voting with it in order to lay down a veto.

2.4 From Laeken to the IGC

After the Treaty of Nice had been negotiated, there was still dissatisfaction with the intergovernmental method and the community method, due to the gap between EU

citizens' expectations for the EU, and the EU's capabilities. Eriksen (2004:15-18) lists eight general challenges to the EU at the time (list is adapted):

1. Problems concerning the specification and monitoring of the principle of subsidiarity.
2. The status of the Charter of Fundamental Rights of the EU as not legally binding.
3. A simplification of the treaties, which were highly complex and complicated.
4. The role of national parliaments within the European architecture, which were being side-lined by national governments and supranational institutions.
5. The democratic deficit, with a lack of legitimacy, transparency and accountability within the EU system.
6. Lack of a European civic culture, with "disinterest and lack of day-to-day participation in EU-affairs" as a consequence.
7. The global role of the EU and what is needed to provide a unitary focus of the EU on the international arena.
8. Enlargement from 15 to 25.

The Laeken declaration – Annex I to the presidency conclusions of the Laeken European Council – stated that the EU faced two broad challenges: "Within the Union, the European institutions must be brought closer to its citizens", and a demand for a stronger European role as champion of human rights and justice in a changing world (European Council 2004a:20). To confront these challenges, the European Council convened a "Convention to consider the key issues arising for the Union's future development and try to identify the various possible responses" in preparation of an Intergovernmental Conference (European Council 2004a:24). The Convention was to be composed of:

- 1 chairman (Valéry Giscard d'Estaing)
- 2 vice-chairmen (Giulio Amato and Jean-Luc Dehaene)
- 1 representative from each member state government
- 2 representatives from each member state parliament
- 16 members of the European Parliament
- 2 commission representatives

- In addition, 1 government representative and 2 national parliament representatives from each candidate country, including Romania, Bulgaria and Turkey, were invited to take part, but without the power to prevent a consensus between the member state representatives
- Three representatives of the Economic and Social Committee, the European Ombudsman and six representatives from the Committee of the Regions, were to be able to attend as observers (European Council 2004:24).

The intention was for the Convention to work from the 1st March 2002 and for one year onwards, but in the end the Draft Treaty was not delivered to the European Council until the 18th July 2003. The Convention was *not* ordered to deliver any particular type of document, but was only requested to “draw up a final document which may comprise either different options, indicating the degree of support which they received, or recommendations if consensus is achieved” (European Council 2004:25).

The process within the Convention was to be rather informal. In his introductory speech to the Convention, Giscard d’Estaing put a strong emphasis on the unity of the Convention, and the need for the Convention to attempt to reach consensus: “We are neither an Intergovernmental Conference nor a Parliament. We are a Convention” (Giscard d’Estaing 2004:12). The Convention never put any proposals to a vote, although there were hundreds of proposed amendments. For Title I, II and III of Part I of the Draft Treaty alone, there were 1 170 amendment proposals (Gulbrandsen 2003:7-8).

The outcome of the Convention was the Draft Treaty establishing a Constitution for Europe (European Convention 2003), submitted to the Italian presidency of the European Union (EUROPA 2004). The Italian Presidency then convened an Intergovernmental Conference (IGC) to negotiate on the Treaty proposal.

2.5. Conclusions

The history of the EU is one of almost constant definition, redefinition and re-redefinition of objectives, methods, organization and stakeholders. It is often said that the EU is “*sui generis*” – one of a kind – because of the ways in which its decision-making system is intricately constructed to balance intergovernmental and supranational elements. But the EU

is “sui generis” in another sense too – that it constantly debates its own purpose and organization. No state or other international organization performs or has performed this amount of self-searching for such an extended period of time. The latest treaty negotiation process has to be seen in light of this historical background.

3 Theoretical Perspectives

Before we move into empirical analyses of the negotiations and the positions taken by Spain and Poland there, we should acquire an overview of the theoretical framework underpinning these analyses. Firstly, we go through some elementary assumptions of rational choice theory, and then we expound the Law of the Least Ambitious Program before the chapter is concluded with a summary.

3.1 Assumptions

This thesis is based on some core assumptions about the negotiating behavior of EU member states. First of all, I assume that states are rational actors attempting to maximize their payoff. This implies that each state has an (implicit) utility function determining its evaluation of different negotiating outcomes. Being a rational actor maximizing payoffs can be reformulated as performing actions that “should be the best way of satisfying the agent’s desires, given his beliefs” (Elster 1989:4). Elster also posits that for action to be rational, the beliefs and desires that the agent holds must also be rational and internally consistent. Beliefs must be “optimally related to the evidence available to the agent”. He also lists three optimizing operations involved in rational action:

1. “[F]inding the best action, for given beliefs and desires”
2. “[F]orming the best-grounded belief, for given evidence”
3. “[C]ollecting the right amount of evidence, for given desires and prior beliefs”

However, Elster actually writes about how rationality can fail, and points out three levels where rational-choice theory due to indeterminacy or irrationality can go wrong: “There may not exist a uniquely optimal action, belief or amount of evidence. Or people may fail to carry out the action, form the belief or collect the evidence as rationality requires them to do (...) [and there is a question as to] whether one can impose substantive rationality conditions on the desires of the agent.” These ways in which rationality can “fail” will help inform some of the alternative explanations in chapter 5. For now I will stick with the assumption that states act as unitary rational actors, as this is

a fruitful simplification to take as a point of departure for my analysis. Underdal (1984:64) gives the following four requirements for being rational:

1. Inclusiveness, “implying that the evaluation of alternative options be based on all goals or dimensions of utility affected by one’s choice”
2. Ordering, “[a]s a minimum, each goal must be related to every other goal by a relationship of preference or indifference.”
3. Consistency, “involving not only a ban on blunt contradiction (...), but also implying a criterion of transitivity (...).”
4. Stability, “including independence of third alternatives”.

In addition, a normal assumption on the part of rational choice scholars, according to Underdal (1984:64-65), is that actors have (more or less) perfect information, meaning that they can identify all options and the scope of possible consequences. Underdal also points out that rational actors must be able to “adequately perform the *calculating operations* [emphasis in original] required to produce a utility-maximizing decision” (1984:65). An important modification to this last assumption is that actors may lack information (*ibid.*).

Negotiations in the IGC were handled by small negotiating teams, or even by single individuals. Therefore, it is not necessarily an oversimplification to assume that every state behaves as a unitary actor during the negotiations although this unity can seem fragile, especially when states experience a changeover of government (see also Hovi and Rasch 1993:28-33 for a discussion on the unitary actor assumption). It is also fruitful to assume that the negotiators will attempt to achieve the best possible results for themselves, and have performed some form of calculation of the utility of different outcomes, and developed, explicitly or implicitly, a hierarchy of preferences over different outcomes. As the representatives of Heads of State or Government, the negotiators must be assumed to have the full assistance of their states’ foreign services and civil service in general, in gathering information about different alternative proposals and their consequences, as well as the negotiating positions and evaluations of other

states. However, they do not necessarily know the actual preferences or strategies of any given state.

There is a distinction between *interests*, *preferences* and *actions*⁶ Interests are the most general ideas. State governments aggregate the interests of their citizens (in an ideal-type democracy) as well as the interests of the participants in government themselves (in a Bureaucratic Politics Model of government (Allison 1969)). These interests may be rather vague concepts of an implicit utility function, and find their expression in more or less stated preferences over different outcomes (Elster's "desires" or goals). In negotiations, states adopt positions on a number of different topics – these, together with their general behavior during negotiations, constitute their *actions*. The positions may reflect the actual preference ordering of a state, but may also be employed tactically as part of a larger negotiating strategy in order to attain the outcomes a state prefers (Hovi and Rasch 1993:171-185). We should also define what an actor's *strategy* is. The strategies of actors are "specification[s] of what to do in any situation that might arise" (Axelrod 1984:14). These strategies may be conscious, semi-conscious or unconscious. I will assume that participants in the Treaty negotiations were fully conscious about their choices of actions and what results they were meant to attain by employing a certain strategy. However, information might not always be complete and perfect, and so a certain choice of strategy might not always yield the expected result.

3.2 The Law of the Least Ambitious Program

In 1980 Arild Underdal coined the term "Law of the Least Ambitious Program", or LLAP, (Underdal 1980:36) to describe what is also known as the "joint-decision trap" or the "politics of the least common denominator" (Hovi 2000:1). In short, the point is that when redistributive agreements are reached by unanimity, they will not deviate from what is acceptable for the party least willing to change the status quo, or the least ambitious party. Thus, unanimity agreements will seldom deviate radically from the status quo, unless side payments in some form are introduced, or if the normative pressure of finding

⁶ I am thankful to Tora Skodvin for reminding me of this.

a (mutually acceptable) solution is strong, and also strong enough to counteract the embeddedness of previously adopted positions, or if there is a sense of “fairness” associated with the new distribution of costs and benefits (Underdal 1980:216-217).

3.2.1 A critique of the LLAP

The formulation of the LLAP was based on the study of negotiations on allocations of total allowed fishery catch quotas. Some might conceive of these negotiations as zero-sum games, but most people who have participated in international negotiations would probably tend to recognize that most negotiations are either variable-sum games, or can be turned into variable-sum games (e.g. see Raiffa 1982) – otherwise, they would not be negotiations, but pure conflict situations. The alternative to a negotiated agreement is most probably a rapid depletion of fishery resources, and a negotiated agreement can also entail the increasing of the total allowed catch. However, most economic analysts will discount the value of future catches, so that present day value of the same catch is higher than future value. Thus, negotiations over present-day benefits and future benefits might turn into adversarial, conflict-inducing situations when the risks and uncertainties connected with future benefits (and thereby the discount factors) are high enough. When the LLAP was developed, Underdal analyzed a situation in which actors behave extremely adversarial, when one party’s gain is perceived to be (almost equal to) the other’s loss. It is no wonder that in such a situation there is little room for change from the status quo. In other words: Stating that redistributive bargaining rarely moves away from the status quo is hardly revolutionary. What is interesting with the LLAP, though, is the formalization it provides of the necessity of side-payments to facilitate agreement when some or all actors attempt to reduce a negotiation to a purely redistributive bargaining problem.

3.2.2 Hypotheses

Now, what would we expect to see in the TCE negotiations if the LLAP applies? Firstly, the most reluctant parties would be those who would have something to lose from deviating from the status quo in some sense. As we will see later on, the most controversial issues in the negotiations were those of distribution of voting weights,

application of the QMV system, the place of religious values in the TCE and the number and selection of commissioners. Apart from the place of religious values, all of these issues are in some way redistributive. The QMV system and commissioner selection and number all aim to redistribute power between states (compared to a situation without institutions), and between the national and supranational⁷ levels. Some states are economically strong; some are populous, while others have an important strategic location or important natural resources. Some states lack all of these characteristics – they are small, economically weak, provide little or no strategic gain to the group as a whole and/or do not have many natural resources. Thus, some states intrinsically carry more weight at the negotiating table in day-to-day EU policymaking than others. Changing the rules of the game compared to the “state of nature” to favor those states which are more “light-weight” thus constitutes a redistribution of power compared to a situation without institutions. Each Treaty negotiation is a redistributive negotiation in this sense.

As the TCE is not the first treaty in EU history (see chapter 2), a distribution of power already exists that effectively redistributes power resources from the larger countries to the smaller. As we saw in chapter 2, there is a rather large discrepancy between e.g. Germany’s population share and its share of the votes in the Council. Two states in particular had reason to be pleased with the status quo as compared to the Draft TCE: Spain and Poland, both with 8,41% of the votes, but with 8,8% and 8,5% of the population, had a much lower discrepancy between population share and vote share than the larger member states, although it was not as large and positive as for the smaller member states. QMV after Nice demanded that there had to be a majority of member states in favor, as well as member states representing at least 62% of the population and 73,91% of the votes cast. The Draft TCE from the Convention (Art. I-24.1) would abolish the voting weights, and introduce a double majority system wherein a majority of member states representing in total at least 60% of the population would be sufficient to obtain a qualified majority. This would alter the balance of power. It would give Germany more

⁷ I use the term “supranational” instead of the conventional “supranational” as “nations” and “states” cover different concepts. The EU’s authority supersedes state authority in its competency areas, but it is not necessary superseding the authority of “nations” – i.e. of peoples. I have picked up the idea of using the “supranational” term from Professor Jan Erik Grindheim at the University College – but the connotations here are my own responsibility.

power, while reducing the possibility of the other three large countries (France, Italy and the UK) and Spain and Poland of easily forming veto coalitions (Gulbrandsen 2004:8-9). Reducing the number of Commissioners had already been done in the Nice Treaty, but further reductions were also proposed by the Convention (Art. I-25). The relative loss of voting power due to the larger countries' increased position would be strongest felt by Spain (and Poland), that so far had had a position almost equal to the four largest. Together with the four largest countries, Spain had also had two commissioners before Nice. After Nice, all the member states had one.

Abolishing the strongest redistributive element in the power system within the Council, the weighting of votes, would probably be perceived as highly “unfair” by Spain and Poland, as this would end the relative parity between the four largest and these two countries. Coupled with the absence of religious values in the Draft TCE – religious values being important for these two strongly catholic countries – the stage would be set for an exposition of the points of the LLAP, with the Draft TCE being worse than the status quo for Spain and Poland in a purely redistributive negotiation.

Theoretically, this situation can be modeled as a simple static game with two players: “Others” representing a group of countries that prefer a new treaty, and “Spain/Poland” representing the group preferring the status quo. They both have two options available to them – Accepting the draft TCE, or not accepting the draft TCE. If we arbitrarily set the players' preferences to values 0 and 1 (for “best” and “worst”), we get the game matrix in Figure 3.1:

Figure 3.1: A simple game model of the TCE negotiations

Others		Spain/Poland	
		Accept draft TCE	Not accept draft TCE
	Accept draft TCE	1 , 0	0 , 1
	Not accept draft TCE	0 , 1	0 , 1

For Spain/Poland, the weakly dominant strategy will be “Not accept”. For Others, the weakly dominant strategy will be “Accept”. There are two Nash equilibria in the game: (Accept, Not Accept) and (Not accept, Not accept). The latter belongs to a dominated strategy, and the probable solution of the game will be (Accept, Not accept) – no agreement, although Others attempt to cooperate. All outcomes are Pareto-optimal.

As unanimity is required to reach agreement, there is only one outcome that gives player A the benefit of a Treaty (Accept, Accept), and three outcomes that give player B the benefit of the status quo ((Accept, Not accept), (Not accept, Accept) and (Not accept, Not accept)). In such a situation, Spain/Poland will have no in-game incentive to accept. It is probably necessary to introduce some sort of side-payments or log-rolling between issues conditional on different valuations of the importance of different issues by the two parties in order to reach agreement (Raiffa 1982).

The problem of this game is that it is far too simple on two accounts. Firstly, it does not take into consideration the characteristic nature of wide-ranging EU treaty negotiations, where side-payments can be introduced as almost any policy is “up for grabs”. Secondly, it does not take into consideration the repeated nature of transgovernmental interaction in EU policy-making, creating strong pressures on states to reach agreement and to behave constructively in the “greater interest of all” during such negotiations. What the game *does* illustrate is that a situation where the only thing on the table is the purely redistributive issues, agreement will not be reached.

In practical terms, what should we expect to see happen during the negotiations if this game *is* applicable? Hypotheses HLLAP1 and HLLAP2 (which are extensions of H1 and H3 in the introduction) sum up our expectations:

- *HLLAP1: If the Law of the Least Ambitious Program is applicable, there will be little change from the status quo on voting weights and the QMV system in the TCE negotiations, so that existing majority thresholds are kept, and/or voting weights are not redistributed, other than to compensate for changing majority thresholds.*

- *HLLAP2: If new majority thresholds or voting weight distributions, compared to the status quo, are agreed upon, then significant economic side-payments or issue-linkages benefiting the most reluctant states should be found.*

In performing the actual analysis, we will in the case of the redistributive issues outlined earlier have to speak of changes from the status quo⁸. In all other issues, we will have to see what changes there are from the Draft TCE to the final text, as the Draft TCE itself deviated extensively from the existing treaty framework on several issues. Changes from the Draft TCE back towards the existing treaty framework could constitute changes back towards the status quo, but this will have to be analyzed in view of the progress of the negotiations. The Draft TCE changed the negotiation space by providing a single negotiating text (Raiffa 1982:205-217), which created foci for the negotiations on most issues. However, the existing treaty framework (or status quo) provided the focal points of the most sensitive (i.e. redistributive) issues.

We would also expect the most reluctant parties to state their commitment to European integration, to close co-operation etc., or in other ways show their respect for the normative pressures exerted on them, in order to avoid acting in contradiction with prevalent norms in European politics. However, the nature of such statements makes them more difficult to analyze, and for the sake of simplicity, they will not be handled in this thesis.

3.4. Summary

This chapter has provided a theoretical backdrop for the empirical analysis in chapter 4. We saw how certain conditions – especially related to the formation of beliefs, desires and the interrelationships between desires – are necessary to rational action. We then used the Law of the Least Ambitious Program to illustrate how redistributive bargaining tends to emphasize the status quo, unless side-payments and issue-linkage is introduced. Table 3.1 summarizes the possible outcomes of the negotiations, and what reasons there may be for these outcomes.

⁸ I.e.: If the probable outcomes with regards to voting system lie between the status quo and the Draft TCE, the largest changes from the status quo will constitute the smallest changes from the Draft TCE, and vice versa.

Table 3.1: A summary of possible outcomes of the negotiations

Hypothesis	Outcomes, somewhat stylized
LLAP1	Changes to the text favoring Spain and/or Poland.
LLAP2	No changes to the text, but side-payments outside the negotiations, favoring Spain and/or Poland.
Both hypotheses are wrong	No changes to the text, and no side-payments to Spain and/or Poland

4 Side-payments, concessions and negotiations

The time has now come to examine in more detail the actual proceedings of the IGC. In this chapter, I will focus my attention on the concessions made to and by Spain and Poland.

It is necessary to start by giving a short run-through of the negotiation process. A comprehensive overview is provided by the European Commission on the Europa server (SCADPLUS 2005), and I will therefore focus my attention here on the most important issues and events. After that, we will examine in more detail the QMV system and the consequences of different models before turning to the other issues raised by Spain and Poland within the negotiations. Finally, we will take a look at side-payments made outside the IGC, before the chapter is summarized.

4.1 The negotiation process

After the Convention had delivered its proposal to the Italian Presidency, a formal application for amending the treaties was delivered by the Italian government to the Council (Council of the European Union 2005). The Intergovernmental Conference (IGC) was convened on the 3rd of October, following the General Affairs Council's decision to call for it on the 29th of September. The "Declaration of Rome" (CIG 4/03)⁹ made clear that negotiations would centre on the text prepared by the Convention.

Prior to the first meeting of the IGC, the Italian Presidency had already begun bilateral talks with member states. Negotiations were concentrated around meetings of Heads of State or Government and the necessary preparations for these. A separate working party of legal experts worked in parallel with the negotiations. During the Italian Presidency, the most intense "bursts" of negotiation activity took place in the middle of each month. The meetings in October 2003 concentrated on getting proposals on the table on a number of issues, both institutional and non-institutional. Several questionnaires from the Presidency were designed to get delegations' views on a wide variety of topics.

⁹ All official documents from the IGC are only referenced here with document number for ease of reading. See Appendix I for a complete list of all IGC documents and keywords to their content. In the bibliography, all these documents are referenced with a common website address (Intergovernmental Conference 2003: Documents).

During November, attention seemed to focus on clarifying legal and technical aspects of the Treaty text, at the same time as many minor issues were discussed and more or less agreed upon. The Presidency proposal of December 9th (CIG 60/03) contains text on 13 issues that remained unchanged throughout the rest of the discussions. However, the same document also stated that the Presidency had not yet found it appropriate to forward concrete, written proposals on the most contentious issues, especially on the definition of qualified majority voting (QMV). Although this issue had been the topic of discussion on several occasions – e.g. at the ministerial meeting of October 14th and the Heads of State and Government summit of October 16th-17th, there was little movement. When negotiations had not yet moved forward on QMV on December 13th, the Italian Presidency declared defeat and the European Council called upon the following Irish Presidency to resume negotiations.

The Irish Presidency resumed bilateral talks with member states already in January 2004 – conducting these until the beginning of June. In February 2004, the General Affairs Council reaffirmed that the Convention text as it stood after legal and technical revisions (CIG 50/03, with addenda and corrigenda) would constitute the basis of negotiations, together with the Presidency proposals of December (i.e. CIG 60/03, with addenda and corrigenda). When delivering his progress report on the IGC to the European Council in March 2004, the Irish Prime Minister Bertie Ahern thought that there was a basis for moving ahead with negotiations – especially as there was considerable agreement on many of the issues laid out in CIG 60/03 already, as well as a change of attitude on the part of the most reluctant governments. Spain and Poland signaled their will to be more accommodating in the end of March 2004. Formal negotiations were resumed at the meeting of “Focal points” (civil servants’ groups dealing with different issues) on May 4th 2004. A rather intense period of negotiations followed until agreement was finally reached on the evening of June 18th.

At the outset, negotiations were naturally wide-ranging. As they progressed, fewer and fewer issues remained contested. Already on May 4th most issues were resolved, most of the remaining were dealt with by ministers on June 14th, and the final meeting of Heads

of State or government only dealt with a few institutional issues (QMV, minimum and maximum seat thresholds in the EP, size of the Commission) four economic governance-issues and explanations relating to the charter of fundamental rights (CIG 82/03).

What seems clear from the IGC documents is that the negotiations never completely stopped – although the break-down in December 2003 might give another impression. The negotiations went through identifiable phases, with multilateral negotiations replacing bilateral talks, and a breakdown in multilateral discussions necessitating a new round of bilateral talks – before a final, more protracted burst of multilateral meetings ended with agreement. Table II.1 in Appendix II outlines the major issues discussed and when they were finally resolved.

4.2 The QMV headache

The issue of what qualified majority-system to use was to be the one that threatened to thwart the entire negotiation process. On the face of it, Spain and Poland – the main opposition to the Convention proposals – wouldn't have to worry too much about the new system. Under the Nice rules, they had a proportion of voting weights almost equal to their proportion of the EU-25 population. Changing to a double majority system based on a majority of member states and a majority of three fifths of the population within those member states does not seem to entail any major changes for these two countries. Their opposition would therefore seem unfounded. However, a closer analysis reveals that they had reason to suspect that they would lose power with the Convention proposal. I can imagine several reasons why they would be opposed to it:

1. A system of voting weights is static, and does not change as populations change – it only needs to be renegotiated at every enlargement. Thus, it is fairly predictable, whereas a system based on population shares is more unpredictable in the long run.
2. The voting weights attributed at Nice gave Spain and Poland 27 voting weights each, which put them on an almost equal footing with the largest member states, which had 29 voting weights each. Changing this to a population-share based system would entail a loss of their perceived equality with the larger member states (Chari et al. 2004).

3. The voting power of these two countries would decrease significantly with the new proposal – especially seen relatively to that of the largest countries. I will return to this last point below (Chari et al. 2004).

A scientist should not speculate too heavily about the motives of these two countries for opposing the Convention proposal without further evidence, and we will return to the details of their reasons for opposing it in Chapter 5. However, it seems to be in place to illustrate these points with a presentation of the differences between the Nice system and the Convention proposal.

4.2.1 The Nice system

Before the Treaty of Nice, the EU had a fairly simple system of weighted voting in the Council (see chapter 2). To obtain a qualified majority, all that was needed was ten member states (out of 15) with a total of 62 out of 87 votes. Extending this system beyond enlargement to 25 or 27 members would yield absurd results with regard to the total combined weights of different groups of countries, so the system was revised. A triple majority system was introduced, wherein a 73,91 % majority of votes was needed, together with a simple majority of member states, in order to pass a measure. If a member state so requested, verification had to be performed to ensure that the member states voting in favor comprised at least 62% of the EU's population – a criterion that would always be fulfilled with the required majority of votes with current membership and population figures. The Nice Treaty has been in force from November 1st 2004.

4.2.2 The Convention proposal

The European Convention proposed a new double majority system, abolishing the entire weighting of votes. In the proposed article I-24 of the TCE, it outlined a system where “[a qualified] majority shall consist of the majority of Member States, representing at least three fifths of the population”. This would have the effect of greatly decreasing the possibilities for blocking a Council decision. What would the consequences be for the power of individual countries under this system?

4.3 Indices of power

There are several ways of looking at voting power. The simplest is to look at the number of votes an actor or group of actors carry. In the case of the EU Council, table 2.2 provides a basis for examining in more detail the differences between the Nice system and the Convention proposal. What share of the votes did the different member states have under the two systems? Table 4.1 provides a comparison.

On the face of it, it seems that Spain and Poland would actually benefit from a system that abandoned the weighting of votes. However, they would relatively speaking lose out to the largest member states. More importantly, they would not be as necessary anymore for the largest member states to form blocking coalitions – although this possibility mostly is a theoretical one, all the time proposals rarely are voted on in the Council, and even more rarely are voted down. Lowering the population threshold makes it more difficult to form blocking coalitions, but increases the possibilities for forming winning coalitions.

What we should examine then, are the inherent opportunities for exercising power in a system – what opportunities does the constitution of a system provide for an actor to get the results it wants? Over the years there have been constructed a great number of indices for analyzing a priori voting power in a collective (i.e. an actor's power inherent in the system without consideration of a specific situation and idiosyncrasies of the actor(s) outside the constitution of the system). Table 4.2 lists some of the most important ones and their respective properties. To go into detail about all of them would require more space than this thesis allows. However, a main difference can be noted – the Shapley-Shubik, Inclusiveness and Banzhaf indices are concerned with all possible winning coalitions, whilst the rest are concerned with minimum winning coalitions. The selection is based on Bräuninger (2005).

Table 4.1 Share of votes – Nice and Convention systems for EU-25

Country	Number of votes – Nice	Share of votes Nice	Share of EU-25 population	Change in share of votes, Convention prop., %	Change in share of votes, Convention prop., %-points
Germany	29	9,0%	18,2%	+102,2	+9,2
United Kingdom	29	9,0%	13,2%	+46,7	+4,2
France	29	9,0%	13,0%	+44,4	+4,0
Italy	29	9,0%	12,8%	+42,2	+3,8
Spain	27	8,4%	8,8%	+4,8	+0,4
Poland	27	8,4%	8,5%	+1,2	+0,1
Netherlands	13	4,0%	3,5%	-12,5	-0,5
Greece	12	3,7%	2,3%	-37,8	-1,4
Czech Republic	12	3,7%	2,3%	-37,8	-1,4
Belgium	12	3,7%	2,3%	-37,8	-1,4
Hungary	12	3,7%	2,3%	-37,8	-1,4
Portugal	12	3,7%	2,3%	-37,8	-1,4
Sweden	10	3,1%	2,0%	-35,5	-1,1
Austria	10	3,1%	1,8%	-41,9	-1,3
Slovakia	7	2,2%	1,2%	-45,5	-1,0
Denmark	7	2,2%	1,2%	-45,5	-1,0
Finland	7	2,2%	1,1%	-50,0	-1,1
Ireland	7	2,2%	0,8%	-63,6	-1,4
Lithuania	7	2,2%	0,8%	-63,6	-1,4
Latvia	4	1,2%	0,5%	-58,3	-0,7
Slovenia	4	1,2%	0,4%	-66,7	-0,8
Estonia	4	1,2%	0,3%	-75,0	-0,9
Cyprus	4	1,2%	0,2%	-83,3	-1,0
Luxembourg	4	1,2%	0,1%	-91,7	-1,1
Malta	3	0,9%	0,1%	-88,9	-0,8
SUM	321	99,4%	100,0 % (N=452,2 mill.)	---	---

Sources: Treaty of Nice 2004; Eurostat 2005.

Bräuninger and König (2004) have developed a computer program, Indices of Power 2.0, which easily calculates the values for the different voting power indices for simple voting games¹⁰. I have used this program to analyze four different models for qualified majority voting in the Council:

1. The Nice system.
2. The Convention proposal.
3. The Spanish proposal of May 10th 2005 of a threshold of 50% of member states and 66%¹¹ of population (Torreblanca 2005).
4. The final TCE.

Table 4.2 Indices of voting power

Index	Main properties	Reference
Shapley-Shubik index	Measures the share of possible coalitions (all permutations) that an actor may be pivotal to (change from losing to winning coalition)	Shapley and Shubik (1954)
Inclusiveness index	Measures an actor's individual chance of being incorporated in potential legislative decision-making – the ratio of participation of an actor in winning coalitions compared to all possible winning coalitions.	König and Bräuninger (1998)
Normalized Banzhaf index	Measures the share of coalitions (only combinations) that an actor may be pivotal to.	Banzhaf (1965)
Public Good Index	Measures the number of times a player is a member of a minimum winning coalition (only combinations), divided by the number of times all the players are members of the same coalition.	Holler (1978)
Member Bargaining Power index	Measures the proportion of minimum winning coalitions, based on the number of members, that an actor is part of – summed across categories of different weight allocations to actors.	Brams and Fishburn (1995)
Deegan-Packel index	Measures what a player can expect to get from a game where spoils are divided equally between the members of the winning coalition. Spoils are normalized to 1, only minimal winning coalitions form, and form at equal probability.	Holler (1978)

¹⁰ A simple voting game is one where every actor votes Yes or No, and where collective decisions are made when a threshold of votes or voting weights is met (Bräuninger 2005).

¹¹ Actually, the proposal was two-thirds of population, but this has been reduced to 66% here for the sake of ease of calculations and comparability with Torreblanca's (2005) results.

In my calculations, I have used population data provided in the data program – these data are accurate for 2004. The analysis of the final TCE have been somewhat simplified, as the program was not able to model the requirement of at least four member states to build a blocking minority. However, this will have little consequence for the results, as these are based on all possible winning or minimal winning coalitions. There will only be a few winning coalitions that have been incorporated in the calculations that are truly impossible given this criterion – and when the total number of winning coalitions ranges from 831 225 to 7 543 799, the effect of this will be negligible. Table II.2 in Appendix II reports the full results of the calculations.

If Spain and Poland wanted to maximize their influence – what system should they choose? Table 4.3 provides an overview of the absolute values of all indices for Spain and Poland alone.

Table 4.3 Power indices for Spain and Poland; Best alternatives for each in bold, second best alternatives underscored.

Index	Spain		Poland					
	Nice	Convention	Spain	TCE	Nice	Convention	Spain	TCE
SS	0,086	<u>0,077</u>	0,076	0,068	0,086	<u>0,076</u>	0,074	0,067
II	0,884	0,676	0,700	<u>0,713</u>	0,884	0,675	0,695	<u>0,711</u>
NBZ	0,080	0,069	<u>0,071</u>	0,057	0,080	0,068	<u>0,069</u>	0,056
PGI	0,051	<u>0,049</u>	<u>0,049</u>	0,046	0,051	<u>0,049</u>	<u>0,049</u>	0,045
MBP	0,840	0,637	0,638	<u>0,683</u>	0,840	0,635	0,634	<u>0,680</u>
DPI	0,052	<u>0,049</u>	<u>0,049</u>	0,046	0,052	<u>0,049</u>	<u>0,049</u>	0,045

The results in table 4.3 seem to support the commitment to the Nice rules by Spain and Poland. The Nice rules clearly outperform the other alternatives. If the Nice rules are considered as an unavailable alternative – as must have been a very real possibility in terms of the political costs associated with it when the negotiations broke down – then the picture is more mixed. On the Public Good Index and the Deegan-Packel Index, the

Convention proposal and Spain's proposal practically tie off – marginally better than the final Treaty. The Convention proposal performs best on the Shapley-Shubik index, the Spanish on the Normalized Banzhaf index. The final Treaty performs best on the Inclusiveness index and the Member Bargaining Power Index. Thus, if Spain and Poland emphasized the chance of tipping a coalition from losing to winning, or of being part of a minimum winning coalition, they should have been willing to move further in the direction of the Convention proposal (i.e. a 50% threshold on the number of member states), once they abandoned the Nice rules. On the other hand, if they emphasized the chance of being part of any winning coalition, or having bargaining power once part of a minimum winning coalition, they should be quite satisfied with the result – again, after abandoning the Nice rules.

We should also review the relative position of Spain and Poland vis-à-vis the other countries. Game-theoretical literature and the realism-liberalism debate have provided us with extensive debates on the relative and absolute gains of states (see for example Grieco, Powell et al. 1993, Powell 1991 and Snidal 1991), and we should dwell a bit on relative gains also here. As Chari, Egea de Haro et al. (2004:7-8) found, Spain was concerned with the relation between the voting weights of the largest and the smallest member states – stating a preference for equal representation for all in the Council. We should therefore examine the distance between the index values for large states and Spain and Poland. Germany is the largest state, and will be a good indicator of this distance. For comparison, the distance to the values of the smallest state – Malta – is included in the analysis. Tables 4.4-4.6 provide the values.

Table 4.4 Power indices for Germany and Malta

	Germany				Malta			
	Nice	Convention	Spain	TCE	Nice	Convention	Spain	TCE
SS	0,093	<u>0,165</u>	0,189	0,159	0,009	<u>0,010</u>	0,005	0,013
II	<u>0,903</u>	0,843	0,908	0,891	<u>0,548</u>	0,542	0,531	0,593
NBZ	0,084	<u>0,133</u>	0,145	0,104	0,010	<u>0,016</u>	0,011	0,025
PGI	0,052	<u>0,067</u>	0,069	0,060	0,028	<u>0,033</u>	0,032	0,035
MBP	0,862	<u>0,878</u>	0,906	0,906	<u>0,470</u>	0,428	0,421	0,523
DPI	0,053	<u>0,067</u>	0,070	0,060	0,028	<u>0,033</u>	0,032	0,035

Best alternatives for Germany/Malta are in bold, second best are underscored.

Table 4.5 Differences between power indices for, respectively, Spain and Poland and Germany – negative numbers indicate a discrepancy in favor of Germany

	Spain				Poland			
	Nice	Convention	Spain	TCE	Nice	Convention	Spain	TCE
SS	-0,007	<u>-0,088</u>	-0,113	-0,091	-0,007	<u>-0,089</u>	-0,115	-0,092
II	-0,019	<u>-0,167</u>	-0,208	-0,178	-0,019	<u>-0,168</u>	-0,213	-0,18
NBZ	-0,004	-0,064	-0,074	<u>-0,047</u>	-0,004	-0,065	-0,076	<u>-0,048</u>
PGI	-0,001	-0,018	-0,02	<u>-0,014</u>	-0,001	-0,018	-0,02	<u>-0,015</u>
MBP	-0,022	-0,241	-0,268	<u>-0,223</u>	-0,022	-0,243	-0,272	<u>-0,226</u>
DPI	-0,001	-0,018	-0,021	<u>-0,014</u>	-0,001	-0,018	-0,021	<u>-0,015</u>

Best alternatives in bold, second best underscored.

Table 4.6 Differences between power indices for, respectively, Spain and Poland and Malta – positive numbers indicate a discrepancy in favor of Spain/Poland

Spain					Poland			
	Nice	Convention	Spain	TCE	Nice	Convention	Spain	TCE
SS	0,077	0,067	<u>0,071</u>	0,055	0,077	0,066	<u>0,069</u>	0,054
II	0,336	0,134	<u>0,169</u>	0,12	0,336	0,133	<u>0,164</u>	0,118
NBZ	0,07	0,053	<u>0,06</u>	0,032	0,07	0,052	<u>0,058</u>	0,031
PGI	0,023	0,016	<u>0,017</u>	0,011	0,023	0,016	<u>0,017</u>	0,01
MBP	0,37	0,209	<u>0,217</u>	0,16	0,37	0,207	<u>0,213</u>	0,157
DPI	0,024	0,016	<u>0,017</u>	0,011	0,024	0,016	<u>0,017</u>	0,01

Best alternatives in bold, second-best underscored.

A relative comparison gives us a more complex image of the situation. The Nice alternative is still clearly the best for Spain and Poland, though. This is explained by the very small differences between the largest countries and Spain/Poland in voting weights under the Nice rules. When we compare the other three alternatives with each other, we see that when the Nice rules were abandoned the Convention proposal would lose out to the Spanish proposal and the Final Treaty. The Convention proposal is only best on the Shapley-Shubik and Inclusiveness indices, and only when comparing with Germany's results. Comparing with Germany, the final Treaty performs better than the two other alternatives on the rest of the indices. Comparing with Malta, the Spanish proposal performs better than the other two on all indices. The Spanish proposal would clearly strengthen the position of large and medium-sized countries, while weakening the smaller countries. This would probably not be politically feasible, and would also not be in line with a Spanish desire to equalize the position of the largest and the smallest member states – which might explain why the Spanish proposal was abandoned. The final Treaty seems to have met some of the concerns of the Spanish and Polish with regards to their relative position towards the largest countries, even though it in absolute values not necessarily would be the best alternative for them. However, all this depends on them abandoning their stance on the Nice rules altogether. As Chari, Egea de Haro et al. (2004)

points out, there were important reasons for Spain to maintain its hold on the Nice rules: “[T]he P[artido] P[opular] preferred the Nice Treaty model because it allowed Spain more power to potentially block Council proposals, thereby ameliorating its power position vis-à-vis larger states such as the UK, France, Germany and Italy.” So we are still left with the question – did Spain and Poland get anything else? And if not – why did they “cave in”?

4.4 Concessions to Spain?

Chari, Egea de Haro et al. (2004) refer to the DOSEI (Domestic Structures and European Integration) research group’s expert interviews with two top officials in the Prime Minister’s Office and the Office of the Minister of Foreign Affairs in Spain. All-in-all, these officials reported satisfaction with the draft Constitution as prepared by the Convention – with only the issue of QMV being of paramount importance to them. However, Spain did raise several other issues in the IGC, both alone and together with others. Did Spain achieve any results on these issues? Table 4.7 provides an overview of the non-institutional issues raised by Spain.

Table 4.7 – Non-institutional issues raised by Spain in the IGC in CIG 37/03 – with results

Issue	Proposed by Spain alone?	Result
Christian inheritance in the preamble.	No	Negative
Introduce tourism as a supporting/coordinating etc. competence	No	Positive
Revert to existing terminology on services of general economic interest	Yes	Partially positive
Delete mention of a European law in art III-6 (services of general ec. interest)	No	Negative
Change the budgetary procedure	No	Negative
Include in the financial perspective general orientations for the use of credits within categories of expenses	Yes	Negative
Unanimity voting under article III-119 if multiannual financial framework is not	Yes	Negative

adopted		
Revert to recommendation from Commission to Council under excessive deficit procedure	No	Positive
Consultation procedure to establish detailed rules for multilateral surveillance procedure of economic policy	No	Negative
Change the procedure for the specific tasks of the ECB to unanimity, consultation of the ECB and consultation of the EP	No	Positive
Delete enabling clause to change the statute of the EIB	No	Negative
Redraft article on external representation of the eurozone to bring it more closely in line with existing wording	Yes	Negative
Enlarge the scope of provisions which do not apply to member states with a derogation (euro)	No	Positive
Enlarge the scope of measures adopted by the representatives of the member states without a derogation (euro)	No	Positive
Include participation of the Commission in meetings of the Eurogroup ministers	No	Positive
Allow member states to impose certain requirements regarding the exercise of delegated powers on financial services	No	Negative
Consultation procedure for international trade agreements	Yes	Negative
Capital and payments, freezing of assets ¹² : Precise that European law “defines” and not “may define”	Yes	Positive
Capital and payments, freezing of assets ¹⁴ : Specify that measures are administrative	Yes	Positive
Capital and payments, freezing of assets ¹⁴ : Foresee that regulations/decisions include lists of natural or legal persons etc.	Yes	Positive
Amend provisions on decision-making for structural funds to achieve coherence with provisions on financial perspectives	No	Negative
Delete passerelle (III-328)	No	Negative
Change from consent of EP not to convene a Convention to informing the EP about not convening a Convention	Yes	Negative
Euratom protocol – replace “Community” by “Union” and redraft article IV-3 §1 to its original wording	Yes	Negative (?) ¹³

Source: CIG 37/03. Article numbers refer to the original Draft Treaty from the Convention.

¹² These three points in this section of CIG37/03 has reference to proposals by “ES”, whereas other places Spain is indicated by “ESP”. As Estonia is indicated by “EE” elsewhere, I have taken it that “ES” refers to Spain.

¹³ The document CIG 37/03 is very unclear on this point as to what article it refers to.

For the most part, it seems as if no particular attention was being paid to the specific concerns of Spain alone. Only four of the proposals tabled by Spain alone – and three of these should perhaps be counted as one, as they are merely adjusting the wording of the same paragraph – were included in the final document – and one of them only partially. The six other points raised by Spain alone was not included. Spain was more successful when allying with others. Out of 14 points raised with at least one other country, six were included in the final document. Of the ten issues that Spain raised successfully, all but two were not completely negotiated until the latest week of negotiations. However, most of the concerns of Spain were not a topic of great discussion in the final phases of negotiations, as the texts on most of these points did not change radically from April to June. It seems therefore to be unlikely that Spain achieved much by means of concessions from other countries on issues of importance to it – especially when considering the low-profile content of the issues that Spain successfully raised alone.

4.5 Concessions to Poland?

According to Chari and Gwiazda (2005:12-13), the Polish government and Parliament (the Sejm) had the following main priorities during negotiations: A reference in the preamble to a Christian inheritance, recognition of NATO as a basis for European security, one Commissioner per member state, team presidency of the EU, no General and Legislative Council and maintaining the Nice rules for QMV. Additional non-institutional issues were also raised. Table 4.8 summarizes the fate of Polish positions.

Table 4.8 – Fate of the Polish positions during the IGC

Issue	Proposed by Poland alone?	Result
Reference to Christian inheritance	No	Negative
Recognition of NATO as basis for European security	Uncertain	Partially positive – recognition as basis of national security
One Commissioner per member state	No	Partially negative (one commissioner/state only until 2014)
Team presidency	No	Positive
No General and Legislative Council	No	Positive
Nice QMV rules	No	Negative
Include tourism as an area of supporting, coordinating or complementary actions and establish relevant legal basis	No	Positive
Establish a reference in article III-92(d) to the Exchange Rate Mechanism II	Yes	Negative
Decisions in the Governing Council of the ECB should be taken by QMV, weighted as in the Council of Ministers	Yes	Negative
In article III-162 on the Justice, Asylum and Immigration policies, the position and competences of the standing committee should be clarified	Yes	Negative
The list of objectives for laws and framework laws in article III-170 on Judicial cooperation in civil matters should be as exhaustive as in the TEC 65	Yes	Positive (but no real change, as list in III-170 was more exhaustive than TEC art. 65)
In article III-171 on Judicial cooperation in criminal matters, there should be more detail on how to settle conflicts of jurisdiction/doubts over the need for framework rules establishing minimum rules on rights of individuals in criminal procedure	Yes	Partially negative – safeguard clause included
Article III-172: propose deleting paragraph on minimum rules	No	Negative
Article III-174, paragraph 3 should be redrafted to clarify that Eurojust does not carry out formal acts of judicial procedure	Yes	Negative

Scope of articles III-56.2(c) and III-141 on state aids should be extended to all the areas affected by the division of Europe after the Second World War	Yes	Negative
Art III-181 on culture should include a reference to the pluralism of media	Yes	Negative
Art III-181 should establish and include definition of sustainable development into the elements of cultural heritage and cultural activity	Yes	Negative
The objectives of environment protection should be supplemented with preservation of cultural landscapes	Yes	Negative
The passerelle article III-328 should be deleted	No	Negative

Sources: CIG 37/03, Chari and Gwiazda 2005. Article numbering refers to original Draft Treaty from the Convention.

Poland seems to have achieved even less than Spain on the non-institutional issues. Only on two non-institutional issues has Poland had complete or partial success, and on one of these (tourism as a competence of the Union) it shared its position with eight other countries. The issue of NATO recognition is the only one where Poland stood alone and had some measure of success – as a specification that national obligations to NATO should be respected was included in article I-41 of the TCE. On all other issues where Poland stood alone, the outcome was negative. Considering the institutional issues, which were the ones most important to Poland, the picture looks better. On these issues Poland did not go it alone. At any rate there does not seem to be any support for the notion that great concessions were given to Poland in the negotiations in exchange for its relenting on the QMV issue.

4.6 Side-payments and issue-linkage outside the IGC

We should also examine whether any “external” side-payments were provided to Spain or Poland during the negotiations. Did they receive increased financial support as a consequence of the IGC?

The negotiations for the multi-annual financial framework of the EU began parallel to the re-opening of the IGC in March 2004 with a Communication from the Commission (European Council 2004b). By June, the Presidency had prepared an Analytical Report on issues and positions (Council of the European Union 2004; European Council 2004c).

This report does not at any point indicate any agreement between the Member States on any part of the financial framework. The following paragraph provides an illustration:

“Opinion on the **overall level of spending** [on cohesion funds] envisaged by the Commission to meet the challenges of the new cohesion policy (0,41% of EU GNI) is divided. There is a spectrum of views: some delegations consider this level to be the correct one; others see it as a bare minimum in view of the needs arising from enlargement. Others find it too high, and inconsistent with their position on the proposed level of total EU expenditure”

Council of the European Union 2004a:20. Emphases in the original.

It is highly unlikely that a “secret” agreement or tacit understanding on the level of funding appropriated for Spain and/or Poland could exist, given such a diversity of opinions between Member States on one of the most important possible sources of such funding. In the European Council Presidency conclusions from December 2004, the following phrasing also indicates that no such understanding existed:

“Expenditure for individual policy areas must be seen in the context of the overall expenditure level, and such expenditure must be seen in the context of the overall negotiation including the question of own resources.”

European Council 2004d:12.

The European Council was not able to reach agreement on the financial framework by the meeting in June 2005:

“The European Council regretted that it was not possible to reach an overall agreement on the Financial Perspective at this stage. It underlined the need for clarity over the resources available to the Union in support of common policies over the future financing period, and undertook to continue to make every effort to achieve this objective. It noted that the preparatory work undertaken collectively has allowed work on this issue to advance significantly. It agreed that the focus and momentum given to the discussions through the negotiating box drawn up at the initiative of the Presidency need in particular to be maintained.”

European Council 2005:1.

Given the great difficulties of reaching an agreement on the financial framework, I find it highly unlikely that any concrete economic side-payments were provided to Spain or

Poland during the negotiations. We should therefore turn to other issues, to determine if issue-linkage occurred. This analysis must be limited to the issues discussed in Presidency conclusions during the IGC period as it would be an insurmountable task to examine within the scope of this thesis all issues handled by the Council and other EU institutions during the IGC.

During the December 2003 European Council a decision was taken “on the location of the seats of certain offices and agencies of the European Union” (European Council 2003). None of the nine seats were in Spain or Poland. The same European Council meeting focused a great deal of attention on the European Action for Growth – covering “material as well as immaterial investments in two broad areas: the trans-European network infrastructure (TENs) (...) and innovation and R&D including environmental technology”. It can not be ruled out that the emphasis on this action provided an opportunity for issue-linkage – especially as both Spain and Poland have an interest in increasing European funding for infrastructure projects. No specific mention of these countries are made in the Presidency Conclusions though (*ibid.*), and it is unlikely that this action would be endorsed at the same meeting as the negotiations broke down if it was intended as a benefit to Spain and/or Poland. Another issue which was debated at this meeting which previously had attracted a lot of Spanish attention was that of “Controlling migratory flows”. The presidency conclusions state that the European Council “reaffirms the importance of the dialogue with third countries of origin and transit of migratory flows and underlines the importance of continuing to assist those countries in their own efforts to stem such migratory flows”. But then again, this wording is not specific towards any measures to be put into place. A European Council Declaration on Transatlantic Relations was also passed, reaffirming the close ties between the European Union and the USA after the Iraq war. Just as important was that it provided an opportunity for EU leaders to express their agreement on issues relating to their relationship with the USA. This issue seems to be necessitated by the Iraq war, and not so much by the IGC. Several other issues were also discussed during this European Council meeting, but none seem out of the ordinary.

The European Council meeting in March 2004 discussed the Lisbon Strategy for economic growth and the general economic, social and environmental situation in the Union, as well as measures for combating terrorism and international politics and, of course, the IGC progress report. The Declaration on terrorism seems to be directly related to the Madrid bombings:

“The European Council expresses its sympathy and solidarity with the victims of the terrorist attacks in Madrid, their families and the Spanish people. It adopted the Declaration on Combating Terrorism.”

European Council 2004b:1.

However, it is not unusual for the European Council to formulate similar wording after any terrorist attack:

“The European Council unequivocally condemns all recent terrorist attacks, including those in Istanbul, which killed or injured many people of different nationalities and faiths. The Union reiterates its solidarity with Turkey and reaffirms its determination to defeat terrorism together with others in the international community and to provide a common response to this global threat.

European Council 2003:15.

No other issues discussed at the March 2004 meeting stand out.

At the June 2004 meeting, Javier Solana Madariaga was re-appointed as Secretary-General of the Council, High Representative for Common Foreign and Security Policy and envisioned as future EU Foreign Minister. This was probably not intended as a side-payment to Spain (Solana is a Spanish national) – as he had already served in the post for five years (Council of the European Union 2004c). It is not unusual for Secretary-Generals of the Council to serve long terms (Hayes-Renshaw and Wallace 1997).

Terrorism also took up a great deal of time at this meeting. The European Council stated:

“The Council and the Commission are invited to assess the capabilities of Member States both in preventing and coping with the consequences of any type of terrorist attack, to identify best practices and to propose the necessary measures. Existing cooperation on civil protection should

be enhanced, reflecting the will of Member States to act in solidarity in the case of terrorist attack in any Member State or in the case of attack against EU citizens living abroad. By the end of this year, on the basis of a coordinated approach by the SG/HR [Secretary General/High Representative] and the Commission, Council is asked to prepare an overall strategy to enhance the protection of critical infrastructures.”

European Council 2004c:4 (emphases in original).

This statement seems related to the aftermath of the Madrid bombings, which are also mentioned in an earlier paragraph. It is difficult to say whether or not this is related to the IGC as well, but it is doubtful, as terrorism has been consistently on the agenda of the European Council since September 11th 2001. The Madrid bombings served to raise the issue higher again. A declaration on Iraq was also passed, communicating support for the new Iraqi government.

In November 2004, the European Council meeting adopted a new five-year program for combating terrorism to succeed the Tampere program. The Hague program was intended to be updated with new ambitions and priorities from the TCE. It also passed a declaration on EU-Iraq relations following its meeting with Iraqi Prime Minister Allawi. Apart from this, few items were discussed that could entail any issue-linkage (European Council 2004e).

The European Council meeting in December 2004 “noted with approval” that the Dutch Presidency had hosted public debates on European identity and “the concept of commonly shared values as foundation of European integration and cooperation”. This might be an aftermath of the debate on the place of religious values in the TCE (European Council 2004d).

In conclusion, the European Council in the latter part of 2003 and all of 2004 discussed and concluded on several issues that might be of concern to Spain and Poland, and their conclusions might be beneficial to these two states as well. However, apart from the link between the Hague program and the TCE, there seems to be little evidence supporting any extensive issue-linkage with the IGC negotiations. Most of the processes and programs referred to were part of ongoing processes running in parallel with the IGC, beginning

before it and ending after it. The EU seems to have been doing “business as usual” along the IGC.

4.7 Summary

There seems to be little basis for assuming that Spain and Poland extracted side-payments from other countries in exchange for changing their position on the QMV rules. Neither does issue-linkage seem to have been prevalent in the negotiations. Analyses of the *a priori* voting power in the Council of Ministers indicates that Spain and Poland were best off under the Nice rules. However, there was some movement in the direction of the Spanish and Polish positions on some of the institutional issues, both as regards the composition of the Commission and the QMV system. The distance between the status quo ante and the end-result of the IGC is still significant, though, and we would expect to see less movement away from the status quo if the LLAP was entirely applicable to these negotiations. Any explanation of the outcome of the 2003 IGC must therefore be broader than what the LLAP can provide us with. This is what we turn to in the next chapter.

5 Alternative explanations

Chapter 4 showed us that an explanation of the fact that Spain and Poland agreed to the final TCE has to be more complex than what the LLAP framework can provide us with. In this chapter, we will survey some tentative alternative frameworks for explanation. They will fall into two main categories: Individual actor perspectives and systemic perspectives. Each approach will be briefly explained, and some suggestions as to what could be the emphasis of research conducted under each framework will be provided.

5.1 Individual actor perspectives

A major category of scientific explanations are those which centre on the individual actor(s). Rationalistic analyses will often fall into these categories. In this section, I will examine three different frameworks: Two-level games/nested games, an actor-centered approach of “belief change” and a political leadership perspective.

5.1.1 Two-level games and nested games

Putnam (1988) introduced the notion of two-level games, wherein an actor needs to obtain domestic ratification of an international agreement. Iida (1993) and Tarar (2001) have expanded on this subject. Domestic ratification will preclude some agreements which may be within the actors’ zone of agreement, but are outside the zone of agreement of domestic constituencies. The actors may also use ratification as a threat on the international arena, and may domestically use the argument that the wishes of a domestic constituency are impossible to satisfy on the international arena.

Nested games are a related, wider concept (which can also include two-level games), introduced by George Tsebelis in 1990 (Tsebelis 1990). An actor may appear to act irrationally when her/his actions are viewed in isolation, or within an isolated game. When the analysis is broadened to include the entire network of games that the actor is involved in simultaneously, the choice may seem to be wholly rational.

If this explanatory framework holds, in the case of the TCE negotiations we would expect to see that the change of position by the Spanish and the Polish governments would seem

quite logical when several linked games were analyzed, and that these two governments' desires would seem fairly constant over time. In the Polish case, it would be relevant to examine parliamentary politics in particular, whereas the Spanish case merits a look into electoral Spanish politics. Also, for both governments we should examine the broader interaction within the European Council and the Council of Ministers over the longer term, to see if it was possible to identify any other longer-term games in play. This may seem similar to the issue-linkages examined in the previous chapter, but would constitute a more systematic analysis of the *interaction* between Spain, Poland, the Commission and the other Member States. For Poland the domestic debate on the Constitution was more salient than in Spain, and should probably occupy an important part of a two-level game-analysis, together with the analysis Chari and Gwiazda (2005) have done of the domestic pressures on the Spanish governments and the international pressures on the Polish government.

Empirically, we can already say that in the case of Spain and Poland, domestic events would have influenced their actions on the international scene, and international events would influence their actions on the domestic scene. On March 11th 2004, terrorists bombed a train in Madrid, killing 190 just four days prior to the general elections in Spain. The Spanish Prime Minister José María Aznar first attempted to blame the Basque ETA movement for the bombing. It quickly turned out that this was not true, and he was perceived as lying to the Spanish people (BBC News 2005c). The bombings also provoked those voters opposing the Spanish participation in the war in Iraq to turn out at the polls on March 14th, leading to a surprising defeat for Aznar's Partido Popular (BBC News 2005b). Aznar had to resign as Prime Minister. He had been staunchly opposed to the Draft Treaty. "It is all about the consensus on institutions in Europe that was reached in Nice, namely the consensus concerning the 25, if someone wants to change that consensus, they need to explain the reason for it" he had said after meeting the German Chancellor Schröder at the eve of the intergovernmental conference (Deutsche Welle 2005a). At the start of the negotiations, BBC reported: "Spanish Prime Minister Jose

Maria Aznar said he would not bend in his opposition to proposed new voting rules” (BBC News 2005a). The TCE negotiations had not been an important issue in the election campaign, but just a few days after the elections, the new Prime Minister-designate, José Zapatero stated he would commit Spain to a more pro-European foreign policy. Among other things, he would: “compromise over Spain’s defense of its national interests – especially over its relative voting strength – for the sake of an early agreement on the EU constitution” (BBC News 2005b). That Spain finally gave in and agreed to a new voting system in May and June 2004 therefore came as no surprise to many (Chislett 2005).

In Poland, the opposition to the new voting system was more firmly entrenched in the domestic political environment. Whereas the Spanish position was more party-political, the Polish position had broad support in the national assembly. The national council for European integration in Poland, a government body, clearly supported the preference for the Nice system, but did not go so far as to say “Nice or death” as some opposition parties did (UKIE 2005). However, on March 23rd 2004, Polish Prime Minister Lezsek Miller stated: “We believe that a compromise is not only necessary but possible” – signaling a complete turn-around on the issue of voting rights after talks with Gerhard Schröder (BBC News 2005e). Deutsche Welle reports how Miller the week before had stated that “he did not want his country left alone” after Spain’s conciliatory change of positions (Deutsche Welle 2005b). Thus, it would seem that Spain’s change of position came about as a result of domestic developments, whereas international pressures effected the change of the Polish position. An argument along these lines has been put forward by Chari and Gwiazda (2005) in a paper developed under the previously mentioned DOSEI project.

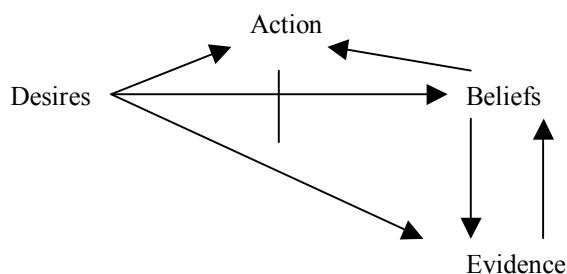
Just eight days after his meeting with Schröder, Miller had to announce that he would resign as Prime Minister following the splintering of his party, the Democratic Left Alliance (SLD) on Friday March 26th. The leader of the new Social Democracy of Poland (SDP), Marek Borowski, stated that his new party would be “more open, economically liberal and pro-European”. Miller promised to resign on May 2nd, following Poland’s entry into the EU (Economist.com 2005). From the day he announced his impending

resignation, Miller's most important mission would be to complete as far as possible the accession of Poland to the EU and the treaty negotiations. It is possible that the domestic political crisis actually made it easier for Miller's successor, Marek Belka, to sacrifice the Polish position on the QMV system, as the crisis would have focused attention of the domestic political parties on other issues. These preliminary findings of Chari and Gwiazda (2005) and I seem to point in the direction that a nested games or two-level games analysis would be merited to provide more of an explanation for the outcome.

5.1.2 Updating of beliefs

As already described in chapter 3, Elster (1989), links actions to an actor's desires and beliefs. Figure 5.1 shows the relationship between action, desires, beliefs and evidence in Elster's model of rational action.

Figure 5.1 Elster's model of rational action



Source: Elster 1989:4, Figure 1.1.

The “blocked arrow” represents a prohibition against “the direct shaping of reason by passion found in wishful thinking (*ibid.*). The necessary amount of evidence needed for considering different courses of action given the actor's desires should be collected – how much evidence this is, and how it will be evaluated, depends on the actor's previously held beliefs about the world, as well as his desires. If an actor received new evidence and had to update his beliefs, he would most certainly have to re-evaluate whether or not his actions still constituted an optimal reply to the state of the world, given his beliefs.

How could this perspective be applied to the 2003 IGC? In prolonged negotiating situations, the actors move back and forth, feeling each other's teeth, so to speak. It would therefore not be unreasonable to find the following events happening:

1. Different actors adjust their positions during the negotiations.
2. The actors adjust the tone of their public statements, either to accommodate or to threaten other actors.
3. Some actors may state that "things have changed", or that the situation requires different responses than what they have previously employed, or in other ways defend that they have changed positions.

During the 2003 IGC, it is close to being self-evident that all actors had to adjust their positions, more or less. No one government got all it wanted. It is sufficient to examine CIG 37/03 and compare it with the end-result to see this. We have also seen that actors have stated that things have changed, like the quote from Miller cited above (p. 56), or like the Polish foreign minister addressing the Sejm after the conclusion of the IGC:

"In the course of the IGC, the supporters of the Nice voting rules, along with Spain which previously supported our stance, changed their position by accepting the double majority system. It was clear that in political terms the Nice voting rules are indefensible."

Cimoszewicz 2004, cited in Chari and Gwiazda 2005:16.

It is not unreasonable to think that new information about the strong opposition to the Nice rules from other member states was enough to change the beliefs of the Spanish and Polish governments as to what course of action would be tenable in the long run. The change of government in Spain may also have made it easier for other leaders to approach the Spanish negotiators with information about how damaging the Spanish opposition to the double-majority system could be for Spain's international reputation. This, however, remains speculation on my part.

5.1.3 Political leadership and mediation

Political leadership can sometimes be important. Max Weber (1997) defined three ideal-types of authority: Legal-rational, traditional and charismatic. In the IGC, political

leadership is provided by several sources – leaders of large countries, the President of the European Council and the President of the European Commission. A mixture of charismatic leadership and legal-rational leadership probably prevails. Raiffa (1982) elaborates on the importance of good facilitation of difficult negotiations. A neutral arbiter or mediator may provide solutions when the negotiators have gotten stuck. He may be able to see integrative solutions where previously there was conflict, for example by introducing new issues onto the negotiating table, or by elaborating other solutions than what has been discussed before.

At the 2003 IGC, leadership and facilitation may have played an important role. Informal leadership may have been provided through series of informal talks. We know that Schröder, the German Chancellor, had bilateral talks with both the Spanish and the Polish (see above), as well as close ties with Chirac, the French President (the Franco-German axis is a well-known concept in the EU). It is possible that he played a key part in facilitating agreement.

Another candidate for a person providing necessary facilitation, is the Irish Taoíseach (Prime Minister), Bertie Ahern. He took the helm in the EU in January 2004, succeeding the Italian Prime Minister, Silvio Berlusconi. It was during the Irish Presidency of the EU that negotiations were resumed. The period from January to March 2004 was used for informal, bilateral talks between Ahern and the other leaders. This was a somewhat different approach from that of Berlusconi, who seems to have used more time on formal meetings – although he, too, conducted bilateral talks. Berlusconi also appears to have acted almost partisan at times, whereas The Irish Presidency seems to have entertained a more open-ended approach:

“Composition of the Commission

In an enlarged Union, the Commission needs to function effectively. The Presidency considers that the Convention text provides a good basis for meeting this objective. Nevertheless the Presidency is also aware that a significant number of delegations would prefer, for reasons of legitimacy, that the Commission be composed of one national from each Member State.”

Italian Presidency Proposal of 25th November 2003; CIG 52/1/03 REV 1:4.

“2. The Presidency wishes to stress that this is purely a working document. It is not intended to be seen in any way as a fresh overall Presidency proposal.

3. In particular, the Presidency does not believe that the time is ripe for discussion at this meeting of a number of issues connected with the scope of Qualified Majority Voting. Therefore, as will be seen from the document, no new proposals are made on these issues at this time. This is without prejudice to future proposals the Presidency may bring forward.”

Irish Presidency working document of 29th April 2004; CIG 73/04:1.

Although these two quotes are on different topics, they carry significant nuances.

Although the Italian Presidency here is beginning a section containing proposals to accommodate the views of those member states wishing to have a larger Commission, they argue that this endangers the efficient work organization of the Commission. The Irish Presidency, on the other hand, takes much care to emphasize that nothing is taken for granted. Different leadership styles may have contributed to the different outcomes.

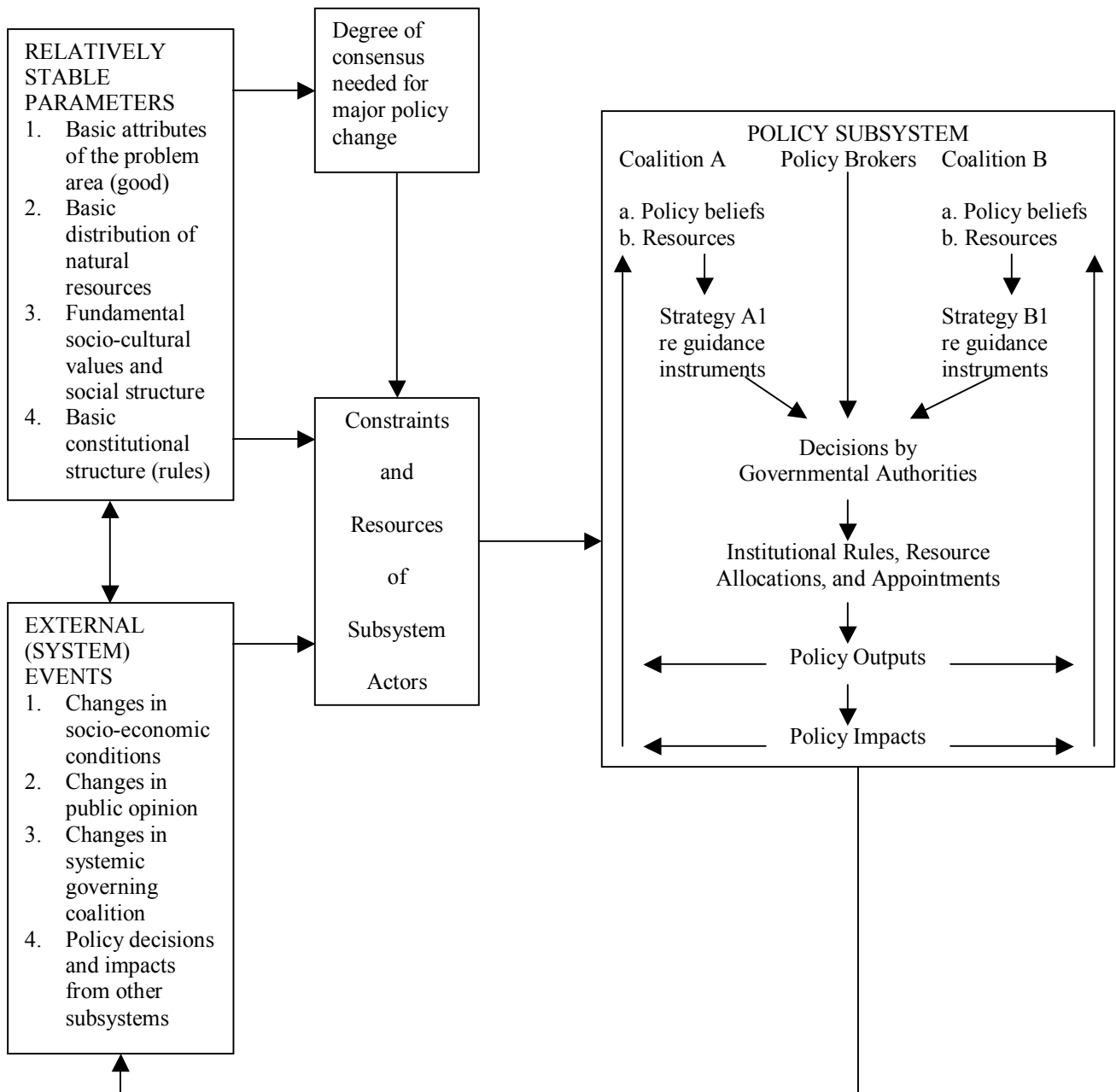
5.2 Systemic perspectives

Another major category of explanations are those which examine features of the political system itself, and try to explain developments through the configurations of these features. In this section, I will look at six different approaches: Sabatier’s Policy Advocacy Coalitions, Kingdon’s policy stream approach, three institutionalisms and a policy-learning approach.

5.2.1 Policy Advocacy Coalitions

The Policy Advocacy Coalition (PAC) framework of Paul Sabatier is well-known in the public policy-literature (Sabatier and Jenkins-Smith 1999). It is a framework designed to analyze policy change over longer periods of time, and would in this case therefore be best applied to Treaty reform in the European Union over several decades. The PAC framework combines elements from several other theories of the public policy process (see also John 1998:169-173). Figure 5.1 is a diagram of the PAC framework, borrowed from Figure 6.4 in Sabatier and Jenkins-Smith (1999:149).

Figure 5.1: A diagram of the Policy Advocacy Coalition framework



Source: Figure 6.4 in Sabatier and Jenkins-Smith 1999:149.

It would take up too much room to examine this framework in detail here, but some key points should be noted: Firstly, the PAC framework connects socio-economic and external political factors with the actors in a political subsystem by seeing these factors as constraints and resources for subsystem actors. Secondly, within the policy subsystem itself (e.g. an institution or the system around a government commission), policy change occurs through a policy process wherein actors in different policy advocacy coalitions

come together with policy brokers (mediators) to decide. Thirdly, this produces policy outputs which impact the larger system, and in the long run changes the constraints and resources of the subsystem actors. Fourthly, a PAC consists of several different members with different roles (i.e. politicians, public officials, researchers and journalists) who share policy goals which they advocate. Lastly, the system analyzed is fairly stable over a long period of time (several decades) (*ibid.*).

Theoretically, the PAC framework could be applied to the constitutional policy process of the EU. We could imagine that at least two, if not more, PACs exist at the level of the European Council: One neo-functionalist and one federalist – both being pro-integrationist. There might also be another one, less numerous but highly influential, that we could call the “limited integration-coalition” (Dame Margaret Thatcher would fit into this one). The incumbent President of the European Council would be the most likely policy broker of the system at any given time. Previous Treaty reform would provide important input into the system, constraining the actors, but also providing them with resources. In this view, the 2003 IGC would only be part of a longer sequence of events, and the QMV debate would have to be analyzed in light of that, and not be seen in isolation. The Madrid bombing would be important, but it would also only be one of many factors influencing the negotiation process. Using the PAC framework, we should be searching for all the elements of the model. It is a holistic approach. Perhaps a PAC explanation of the agreement reached would reveal that the Spanish and Polish governments were part of a specific PAC, and that they were involved in a complex bargaining process over future gains more complex than what we have examined in this thesis.

PACs are difficult to localize, especially with a closed policy process, and discovering them requires prolonged surveillance of the policy process. However, there is some evidence to support a theory that they may exist. As e.g. Burgess (2000) and Dedman (1996) postulate, federalists (Burgess) and neo-functionalists (Dedman) have played the most important parts in shaping Europe. The interaction between them and between them and proponents of more limited integration is probably still significant – as

the recent fighting over the British rebate seems to indicate. It seems like Aznar, as Chari and Gwiazda (2005) point out, was preoccupied with the equal standing of the Member States in the Council, whereas this obviously was no concern for Zapatero. Aznar may have attempted to play up to British skepticism towards a move in the direction of less intergovernmentalism, and may have attempted to take part in a “limited integration”-coalition. Zapatero, on the other hand, as well as Miller, may have been more neo-functional-minded – focusing on concrete policies as ways of promoting integration in the future. The six founding member states have a reputation for having the most federalist-minded governments, and some of the proposals promoted in e.g. CIG 37/03 seem to indicate that they still are more pro-integration than many of the other member states. They may thus have formed a kind of federalist PAC that manifested itself again in this IGC.

5.2.2 Policy streams

Peter John (1998:173-176) is full of praise for Kingdon’s Policy Streams Approach, which he describes as follows:

“Kingdon regards policy-formation as the result of a flow of three sets of processes or streams: problems, policies and politics. Problems are public matters requiring attention, such as fiscal crises or environmental degradation, that may or may not get defined as important or not. Policies are proposals for change based on the accumulation of knowledge and development of interest among the specialists in a policy sector. Certain highly motivated people, the policy entrepreneurs, propose solutions to policy problems. Policy entrepreneurs mobilize opinion and institutions, and they try to ensure the idea does not fall of the agenda. They can be politicians, bureaucrats, analysts, consultants, journalists and academics. Third, political processes, such as election results and swings in the popular mood, influence how the media and other opinion-formers define public problems and evaluate the potential solutions.”

John 1998:173-174.

The three “streams” converge at times when so-called “policy windows” open. Policy windows are opportunities created by (often) unexpected events. Policy is created when policy entrepreneurs exploit these opportunities more or less well.

In the case of the TCE negotiations, the impasse in the negotiations could itself be defined as a problem, with Bertie Ahern or Zapatero acting as policy entrepreneurs with solutions to the problem. Or the process could be seen from a broader perspective, with

the TCE itself providing one set of answers to a whole range of problems facing the EU, and the policy entrepreneurs being those working for its adoption in a complicated three-year political process. Also, the TCE could be construed by some governments as a solution to domestic political problems. The policy change in Spain and Poland should then be traceable to the actions of policy entrepreneurs at times when policy windows open.

Clearly, the Madrid bombings provided a highly unexpected opportunity for someone to reexamine the ongoing negotiations. Zapatero, excluded from the policy process when in opposition (Chari and Gwiazda 2005), suddenly became able to go to the negotiating table with a more pro-integration stance. This gave Miller/Belka a chance to achieve some gains for Poland on the QMV and Commission issues (see p. 47-8) which combined with the governmental crisis in Poland to make it easier and more possible for them to sell their other concessions in the Sejm.

5.2.3 Three institutionalisms

In their 2000 article, Aspinwall and Schneider outline three different neo-institutionalist perspectives on European integration: Rational choice institutionalism, historical institutionalism and sociological institutionalism. Rational choice institutionalism “see institutions mainly as ‘long-lived equilibrium patterns of rational behavior’ and thus realized outcomes in a strategic game ‘that society plays’ (Calvert 1994:218)” (Aspinwall and Schneider 2000:4). Sociological institutionalism sees institutions as constituting human identity and behavior (*ibid*). Historical institutionalists concentrate on how earlier decisions and institutions influence actors’ preferences and strategies (*ibid*:8). Sociological and historical institutionalists accord institutions a more independent role in explaining human behavior than rational choice institutionalists do.

Rational choice institutionalism would perhaps explain the impasse in negotiations by pointing to the institutionalized equilibrium that the Nice Treaty created – and how it would be difficult to disturb this equilibrium. On the other hand, that the Nice Treaty did not come into effect until in the middle of negotiations would suggest that this

equilibrium had not yet “settled”, and could therefore to a much larger degree be disturbed, than if the Nice Treaty had been in effect for a longer period of time. As well, some states had something to gain in terms of, for example, voting power, by supporting the Convention text. This too suggests that the Nice Treaty did not represent a stable equilibrium.

Historical institutionalists would perhaps also point to the long-standing tradition of weighing of votes in the EU, or any previous positions held by government officials of different member states in previous negotiations (the last one being only three years prior to the 2003 IGC). That Spain had already lost their advantage in terms of number of Commissioners there, would certainly make it more difficult for them to accept even further reductions in their relative standing.

Sociological institutionalists would probably emphasize the importance of the political culture in the European Council to account for the eventual policy change by Spain, and especially that of Poland, which was in the process of being socialized into the system. They would point to the traditions of consensual policy-making and integrative bargaining as providing a very strong normative pressure for reaching an agreement. Cimoszewicz’ statement (cited on p. 58 above) and Miller’s fear of being left alone (Deutsche Welle 2005b) in opposition are tell-tale signs of attention to normative pressures.

5.2.4 Policy learning

Dolowitz and Marsh (2000) provide an overview of the role of policy transfer from abroad in policy-making. They create a taxonomy of different forms of voluntary and coercive transfer, participants in the transferal process, the subject of transfer, source of transfer, degrees of transfer, constraints on transfer, how policy transfer can be demonstrated, and how it leads to policy failure. To analyze policy transfer, one needs to identify the sources of new policies, and to do that it is often helpful to find out what conceptual frameworks different actors operated within.

In the 2003 IGC – indeed, in any IGC – policy transfer is probably abundant. Solutions to problems need to be found quickly, and it is easiest to use what one already

has “mental access” to. This also means that policy transfer can be a painstaking task to identify. Examples of what one should search for are:

- Elements of American federalist thinking
- Elements of consociational thinking (e.g. inspired by Dutch and Swiss politics)
- Intergovernmentalist thought, built on experiences from other international organizations
- Delimitations of competencies, built on German federalist thought
- Realist, intergovernmentalist, federalist, neo-functionalist etc. rhetoric.
- Behavior similar to realist, liberalist or social-constructivist predictions of behavior in international politics.

The probably clearest example of policy transfer is the negotiating behavior of Spain and Poland themselves. Spain under Aznar seems to have wanted to define Spain as an important player to be reckoned with on the international scene (Chari and Gwiazda 2005). The power of the veto is immense when it first is wielded, and Aznar seems to have reasoned as if the IGC was a power-dominated negotiating scene - i.e., he was reasoning as a realist. Poland, on the other hand, seems to have been more preoccupied with gaining as much as possible during the negotiations, but to reach agreement in the end. This is a more liberal approach, probably inspired by readings of game-theory and negotiation theory.

5.3 Summary

In this chapter, we have gone through some alternative explanations for the outcome of the IGC. For example, much can be gained from broadening the research perspective, and seeing the 2003 IGC as part of a longer process and the actors as involved in several linked games at the same time. Much can be learned from applying systemic perspectives rooted in the public policy literature to international relations. Some of these perspectives are just that – different ways of looking at the same behavior. Finding out which one is correct would demand developing testable hypotheses. That has not been the task of this thesis.

6 Conclusions

This thesis has attempted to answer the question posed in the introduction: “*Which factors facilitated the acquiescence of Spain and Poland to an agreement on the Treaty establishing a Constitution for Europe during the intergovernmental negotiations from 2003 to 2004?*” There are many ways of answering this question, and a master’s thesis like this can not make use of them all. Only one approach could be examined in detail, and we have utilized the so-called “Law of the Least Ambitious Program” (LLAP) to see whether or not the acquiescence of Spain and Poland would be rational, based on an examination of how the new treaty would affect them compared to the status quo ante – the Nice Treaty. To accomplish this, we have examined the following:

- The system of qualified majority voting in the Council, and how it would compare with the Nice system on several voting power indices;
- other institutional and non-institutional issues raised by Spain and Poland, and the fate of their proposals during the IGC, and
- parallel negotiations in the European Council on other issues than the new Treaty, to see if there were any side-payments granted to Spain or Poland, or if any other issues were linked to the IGC in order to facilitate agreement.

Initially, two sets of hypotheses (H1/HLLAP 1 and H2/HLLAP2) were set up to provide working hypotheses for the thesis. They are repeated here for the reader’s convenience:

H1: The Intergovernmental negotiations on the EU Constitutional Treaty went from breakdown to agreement because the Treaty proposal was changed to accommodate Spain and/or Poland.

HLLAP1: If the Law of the Least Ambitious Program is applicable, there will be little change from the status quo on voting weights and the QMV system in the TCE negotiations, so that existing majority thresholds are kept, and/or voting weights are not redistributed, other than to compensate for changing majority thresholds.

H2: The Intergovernmental negotiations on the EU Constitutional Treaty went from breakdown to agreement because of issue-linkage benefiting Spain and/or Poland, or because side-payments were made to Spain and/or Poland.

HLLAP2: If new majority thresholds or voting weight distributions, compared to the status quo, are agreed upon, then significant economic side-payments or issue-linkages benefiting the most reluctant states should be found.

Our main conclusions from this examination are as follows:

- We have found that the LLAP perspective on its own does not provide an adequate explanation for the breakdown of negotiations, the turn-around of Spain and Poland and the subsequent agreement on a Treaty establishing a Constitution for Europe, although there are indications that some, mostly minor, concessions were made to Spain and Poland during the negotiations.
- There seems to have been some, but not substantial, movement towards the status quo ante in the negotiations, especially on QMV and size and composition of the Commission. Measured on some voting power indices, however the final TCE was actually “worse” for Spain and Poland in terms of voting power than the initial Convention proposal. Hypotheses H1 and HLLAP 1 are thus weakened.
- We have found no clear evidence of financial side-payments or extensive issue-linkage with issues outside the IGC during the negotiations. Hypotheses H2 and HLLAP 2 can be discarded with a high degree of probability.

As the LLAP framework does not provide a satisfying explanation of the outcome of its own several alternative explanatory frameworks were briefly examined in chapter 5. This examination showed that valuable insights into the IGC process can be gained from other research perspectives. Further research should look into the long-term context of the 2003 IGC, as well as the broader domestic contexts surrounding the negotiators.

Appendix I: List of documents from the Intergovernmental Conference

Document number	Title	Date	Type of document
CIG 1/03	The Council Presidency	3/10/03	Summary of questionnaires from the Presidency
CIG 2/03	The Union Minister for Foreign Affairs: main points	2/10/03	Presidency summary
CIG 3/03	Declaration of Rome	6/10/03	Declaration by the representatives of the Governments of the Member States
CIG 4/1/03 REV1	Editorial and legal comments on the draft Treaty establishing a Constitution for Europe – Basic document	6/10/03	To working party of IGC Legal Experts from IGC secretariat
CIG 5/03	Indicative timetable	6/10/03	Presidency document
CIG 6/03	Preparation of the IGC ministerial meeting on 14 October 2003: questionnaires	7/10/03	Presidency document
CIG 7/03	Working Party of IGC Legal Experts (9 and 10 October 2003)	10/10/03	Working Party (WP) document to delegations
CIG 8/03	Meeting of the Working Party of Legal Experts (9 and 10 October 2003)	13/10/03	WP document to delegations
CIG 9/03	Questionnaire on the Legislative Function, the Formations of the Council and the Presidency of the Council of Ministers	15/10/03	Presidency document
CIG 10/03	Reply from the Benelux to the questionnaire on the Legislative (etc.)	15/10/03	Delegation document
CIG 11/03	Reply from Bulgaria to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 12/03	Reply from the Czech Republic to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 13/03	Reply from Denmark to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 14/03	Reply by the Federal Republic of Germany to the Questionnaire on the Legislative (etc.)	15/10/03	Delegation document
CIG 15/03	Reply from Estonia to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 16/03	Reply from Greece to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 17/03	Reply from Spain to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 18/03	Replies by France to the questionnaire on (etc.)	15/10/03	Delegation document

CIG 19/03	Reply from Ireland to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 20/03	Reply from Cyprus to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 21/03	Reply from Latvia to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 22/03	Reply from Lithuania to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 23/03	Reply from Hungary to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 24/03	Reply from Malta to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 25/03	Reply from Austria to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 26/03	Reply from Poland to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 27/03	Reply from Portugal to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 28/03	Reply from Romania to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 29/03	Reply from Slovenia to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 30/03	Reply from Slovakia to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 31/03	Reply from Finland to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 32/03	Reply from Sweden to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 33/03	Reply from Turkey to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 34/03	Reply from the UK to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 35/03	Reply from the Commission to the questionnaire on (etc.)	15/10/03	Delegation document
CIG 36/03	Council Presidency and Council formations	16/10/03	Presidency document
CIG 36/03 COR 1	Council Presidency and Council formations	16/10/03	Presidency document
CIG 37/03	Non-institutional issues; including amendments in the economic and financial field	24/10/03	Presidency document containing issues raised by delegations
CIG 38/03	Qualified Majority Voting	24/10/03	Presidency document
CIG 39/03	Council Presidency and Council formations	24/10/03	Presidency document
CIG 40/03	Draft revised ESCB/ECB statute prepared by the ECB	31/10/03	From the ECB to the Presidency
CIG 41/03	Adjustments of the Protocols annexed to the Treaty on European Union and to the EC and Euratom Treaties – editorial and legal comments	3/11/03	From IGC secretariat to WP
CIG 42/03	Letter by Ambassador Cangelosi to the “Focal Points”	4/11/03	Presidency document
CIG 43/03	Issues to be dealt with by the Legal Experts group (new mandate)	4/11/03	Presidency document
CIG 44/03	Additional proposals aiming at consolidate the advances made in the draft constitution with respect to the constitutional recognition of the EU’s local and regional dimension	10/11/03	Committee of Regions’ opinion
CIG 45/03	Union Minister for Foreign Affairs	10/11/03	Presidency document

CIG 46/03	Treaty revision	11/11/03	Presidency document
CIG 47/03	Declarations annexed to the Final Acts of the intergovernmental conferences which adopted the EC and EU Treaties and the Treaties and Acts which amended them	10/11/03	From IGC secretariat to WP
CIG 48/03	Adjustment of the Protocol on the Statute of the European Investment Bank editorial and legal comments	17/11/03	IGC secretariat to WP
CIG 49/03	Adaptation of the Protocol amending the Treaty establishing the European Atomic Energy Community editorial and legal comments	17/11/03	IGC secretariat to WP
CIG 50/03	Draft Treaty establishing a Constitution for Europe (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	25/11/03	WP to delegations (?)
CIG 50/03 COR 2	Draft Treaty establishing a Constitution for Europe (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	10/12/03	Corrigendum
CIG 50/03 COR 4	Draft Treaty establishing a Constitution for Europe (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	20/4/04	Corrigendum
CIG 50/03 COR 5	Draft Treaty establishing a Constitution for Europe (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	26/4/04	Corrigendum
CIG 50/03 COR 7	Draft Treaty establishing a Constitution for Europe (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	11/6/04	Corrigendum
CIG 50/03 ADD 1	Annexes I and II to the EC Treaty, Protocols drawn up by the Convention and Protocols annexed to the EU Treaty and to the EC and EAEC Treaties (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	25/11/03	WP to delegations (?)
CIG 50/03 ADD 1 COR 1	Annexes I and II to the EC Treaty, Protocols drawn up by the Convention and Protocols annexed to the EU Treaty and to the EC and EAEC Treaties (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	8/12/03	Corrigendum
CIG 50/03 ADD 1 COR 2	Annexes I and II to the EC Treaty, Protocols drawn up by the Convention and Protocols annexed to the EU Treaty and to the EC and EAEC Treaties (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	8/12/03	Corrigendum

CIG 50/03 ADD 1 COR 5	Annexes I and II to the EC Treaty, Protocols drawn up by the Convention and Protocols annexed to the EU Treaty and to the EC and EAEC Treaties (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	10/5/04	Corrigendum
CIG 50/03 ADD 1 COR 6	Annexes I and II to the EC Treaty, Protocols drawn up by the Convention and Protocols annexed to the EU Treaty and to the EC and EAEC Treaties (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	11/6/04	Corrigendum
CIG 50/03 ADD 2	<ul style="list-style-type: none"> - Protocol on the Acts and Treaties which have supplemented or amended the EC and EU Treaties - Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden - Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (following editorial and legal adjustments by the Working Party of IGC Legal Experts)	30/4/04	WP to delegations (?)
CIG 50/03 ADD 2 COR 1	<ul style="list-style-type: none"> - Protocol on the Acts and Treaties which have supplemented or amended the EC and EU Treaties - Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden - Protocol on the Treaty and the Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of 	27/5/04	Corrigendum

	Slovenia and the Slovak Republic (following editorial and legal adjustments by the Working Party of IGC Legal Experts)		
CIG 50/03 ADD 3	Declarations to be annexed to the Final Act of the Intergovernmental Conference	13/5/04	WP to delegations (?)
CIG 50/03 ADD 3 COR 1	Declarations to be annexed to the Final Act of the Intergovernmental Conference	11/6/04	Corrigendum
CIG 51/03	2003 IGC: Editorial and legal adjustments to the draft Treaty establishing a Constitution for Europe and to the Protocols - Presentation of the outcome of proceedings of the Working Party – CIG 50/03	25/11/03	WP to delegations
CIG 52/1/03 REV 1	Naples Ministerial Conclave: Presidency proposal	25/11/03	Presidency document
CIG 52/03 ADD 1	Naples Ministerial Conclave: Presidency proposal	25/11/03	Addendum to presidency document
CIG 53/03	Contribution from the Benelux countries on the procedure for the election of the President of the European Council and other office-holders of EU institutions and the procedure for the election of the President of the European Commission	24/11/03	Delegation document
CIG 54/03	Adjustment of the Accession Treaties and Acts of Accession and of their Protocols – editorial and legal comments	24/11/03	IGC secretariat to WP
CIG 55/03	Economic, social and territorial cohesion	1/12/03	Presidency document
CIG 56/03	Tourism	1/12/03	Presidency document
CIG 57/03	Defence	2/12/03	Presidency document
CIG 57/1/03 REV 1	Defence	5/12/03	Presidency document
CIG 58/03	Introduction of a new article into the Constitution to allow for the amendment of the European System of Central Bank's basic constitutional rules by a simplified procedure	1/12/03	From ECB to Presidency
CIG 59/03	Points where the EESC is calling for changes to the draft treaty establishing a constitution for Europe	2/12/03	Opinion of the EESC
CIG 60/03	InterGovernmental Conference (12-13 December 2003): Presidency proposal	9/12/03	Presidency document
CIG 60/03 ADD 1	InterGovernmental Conference (12-13 December 2003) ADDENDUM 1 to the Presidency proposal	9/12/03	Presidency document
CIG 60/03 ADD 2	Intergovernmental Conference (12-13 December 2003) ADDENDUM 2	11/12/03	Presidency document

CIG 61/03	Finnish proposal for a new Preamble to the Constitutional Treaty	5/12/03	Delegation document
CIG 62/03	European Security and Defence Policy	5/12/03	Letter to Presidency from Finland, Ireland, Austria, Sweden
CIG 63/03	Editorial and legal adjustment to the draft Treaty establishing a Constitution for Europe and to the Protocols - Addition to the presentation of the outcome of proceedings of the Working Party	10/12/03	From WP to delegations
5381/04	BRUSSELS EUROPEAN COUNCIL 12 AND 13 DECEMBER 2003 PRESIDENCY CONCLUSIONS	5/2/04	Presidency conclusions
----	PRESIDENCY CONCLUSIONS BRUSSELS EUROPEAN COUNCIL 25/26 MARCH 2004		Presidency conclusions
CIG 64/04	European Parliament Resolution on the progress report on the Intergovernmental Conference	14/1/04	EP resolution to IGC
CIG 65/04	<ul style="list-style-type: none"> - Protocol on the repeal of the acts and treaties which have supplemented or amended the EC and EU Treaties - Protocol on the election of members of the European Parliament by direct universal suffrage 	3/2/04	From IGC secretariat to WP
CIG 66/04	Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden	4/2/04	IGC secretariat to WP
CIG 66/04 COR 1	Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden	20/2/04	Corrigendum
CIG 66/04 REV 1	Protocol on the Treaties and Acts of Accession of the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland, of the Hellenic Republic, of the Kingdom of Spain and the Portuguese Republic, and of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden	26/4/04	IGC secretariat to WP

CIG 67/04	Protocol on the repeal of the acts and treaties which have supplemented or amended the EC and EU Treaties	10/2/04	IGC secretariat to WP
CIG 68/04	Protocol on the repeal of the acts and treaties which have supplemented or amended the EC and EU Treaties	18/2/04	IGC secretariat to WP
CIG 68/1/04 REV 1	Protocol on the repeal of the acts and treaties which have supplemented or amended the EC and EU Treaties	20/2/04	IGC secretariat to WP
CIG 69/04	Suggested amendments to the Euratom Protocol (CIG 50/03 ADD 1 and COR 2)	17/2/04	IGC secretariat to WP
CIG 69/1/04 REV 1	Suggested amendments to the Euratom Protocol (CIG 50/03 ADD 1 and COR 2)	20/2/04	IGC secretariat to WP
CIG 70/04	Report on the InterGovernmental Conference	24/3/04	From Presidency to European Council
CIG 71/04	Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic	26/3/04	IGC secretariat to WP
CIG 71/1/04 REV 1	Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic	26/4/04	IGC secretariat to WP
CIG 71/04 COR 1	Protocol on the Treaty and Act of Accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic	19/4/04	IGC secretariat to WP
CIG 72/04	Discrepancies between the French version and other language versions of CIG 50/03	26/3/04	IGC secretariat to WP
CIG 73/04	Meeting of Focal Points (Dublin, 4 May 2004) working document	29/4/04	Presidency document
CIG 74/04	Editorial and legal adjustments to the draft Treaty establishing a Constitution for Europe and to the Protocols - Second addition to the presentation of the outcome of the Working Party's proceedings	30/4/04	WP to delegations
CIG 75/04	Discussion at Ministerial Meeting, 17/18 May 2004	13/5/04	Presidency document
CIG 76/04	Presidency proposals following the meeting of "focal points" on	13/5/04	Presidency document

	4 May 2004		
CIG 77/04	Discussion at Ministerial Meeting, Brussels 24 May 2004	19/5/04	Presidency document
CIG 78/04	Presidency proposal on budget procedure	24/5/04	Presidency document
CIG 79/04	Presidency proposal following the Ministerial meeting on 24 May 2004	10/6/04	Presidency document
CIG 80/04	Ministerial meeting, Luxembourg, 14 June 2004	12/6/04	Presidency document
CIG 81/04	Meeting of Heads of State or Government, Brussels, 17/18 June 2004	16/6/04	Presidency document
CIG 82/04	Meeting of Heads of State or Government, Brussels, 17/18 June 2004	16/6/04	Presidency document
CIG 83/04	Meeting of Heads of State or Government, Brussels, 17/18 June 2004	18/6/04	Presidency document
CIG 84/04	Meeting of Heads of State or Government, Brussels, 17/18 June 2004	18/6/04	Presidency document
CIG 85/04	Meeting of Heads of State or Government, Brussels, 17/18 June 2004	18/6/04	Presidency document – specifying the outcome of the conference
CIG 87/2/04 REV 2	Treaty establishing a Constitution for Europe	29/10/04	Final version
CIG 87/04 ADD 1 REV 1	Protocols and Annexes I and II annexed to the Treaty establishing a Constitution for Europe	13/10/04	Final version
CIG 87/04 ADD 2 REV 2	Declarations to be annexed to the Final Act of the Intergovernmental Conference and the Final Act	25/10/04	Final version

Appendix II: Tables

Table II.1 Progress of negotiations

Date of documents containing solution	Issues	CIG doc's
2 nd Oct 2003	- concept of Union minister for Foreign Affairs (UMFA)	2/03
16 th Oct 2003	- legislative function in Council	36/03
9 th December 2003	<ul style="list-style-type: none"> - Transparency - reference to European Monetary System (EMS) - appointment of members of the Executive Board of the European Central Bank (ECB) - enabling clause to change the statute of the European Investment Bank (EIB) - judicial cooperation in civil matters - bilateral agreements in Justice and Home Affairs (JHA) - extension of participation in enhanced cooperation - voluntary withdrawal - role of national parliaments - supervision of financial institutions by the ECB - Common Security and Defence Policy (CSDP) (closer cooperation on mutual defence) - Animal welfare - Delimitation between policy procedures for the Common Foreign and Security Policy (CFSP) and other policy areas 	60/03
29 th April 2004	<ul style="list-style-type: none"> - civic initiatives - general revision clause - European Investment Bank - Small neighboring states of the Union 	73/04
13 th May 2004	<ul style="list-style-type: none"> - social objectives - CSDP (voting system) 	75/04
24 th May 2004	- budgetary procedure	78/04
10 th June 2004	<ul style="list-style-type: none"> - council presidency - role of UMFA in Commission - new values 	79/04

	<ul style="list-style-type: none"> - objectives of the Union - primacy of EU law - accession to European Convention on Human Rights - Union competencies (incl. tourism) - Equality between member states - Services of general economic interest - Delegated regulations (“Lamfalussy” procedure) - Solidarity clause - Capital and payments (III-49) - Research and development and space - Public health - Treaty revision provisions - Status of overseas territories - Scope of European Court of Justice (ECJ) jurisdiction - Right to vote in EP elections - CSDP (Permanent structured cooperation) - Sport - Protocol on Denmark - Determination of penalty payments by the ECJ - Election of top officials - European External Action Service - Institutional provisions for the accession of Romania and Bulgaria - Restrictive measures - General provisions on the Commission, part III 	
12 th June 2004	<ul style="list-style-type: none"> - Christian inheritance - Union’s own resources - Deletion of passerelle in III-328 	80/04
16 th June 2004	<ul style="list-style-type: none"> - council formations - charter of fundamental rights - data protection - multiannual financial framework - economic policy - judicial cooperation in criminal matters - jurisdiction of the ECJ in CFSP - common commercial policy - European Public Prosecutor - Social security - Taxation 	81/04; 82/04

	<ul style="list-style-type: none"> - Social policy - National security - Authentic texts and translations - Ratification 	
18 th June 2004	<ul style="list-style-type: none"> - decision-making process in the Eurozone - economic social and territorial cohesion - derogation clause on transport - national sovereignty in energy policy - threshold for enhanced cooperation - definition of qualified majority voting - composition of the Commission - composition of the EP - economic policy coordination - Eurojust - Stability and growth pact - Gibraltar - UK and Ireland position on Justice, Asylum and Immigration 	83/04; 84/04; 85/04

Source: CIG 1/03 – 87/04

Table II.2 Indexes of voting power for EU-25

Country	Committee Rules						Convention						Spain (50-66)						Final TCE					
	SS	II	NBZ	PGI	MBP	DPI	SS	II	NBZ	PGI	MBP	DPI	SS	II	NBZ	PGI	MBP	DPI	SS	II	NBZ	PGI	MBP	DPI
GER	0,093	0,903	0,084	0,052	0,862	0,053	0,165	0,843	0,133	0,067	0,878	0,067	0,189	0,908	0,145	0,069	0,906	0,070	0,159	0,891	0,104	0,060	0,906	0,060
UK	0,093	0,903	0,084	0,052	0,862	0,053	0,113	0,744	0,095	0,056	0,733	0,056	0,123	0,804	0,108	0,058	0,765	0,058	0,104	0,786	0,076	0,052	0,784	0,052
FRA	0,093	0,903	0,084	0,052	0,862	0,053	0,112	0,744	0,095	0,056	0,732	0,056	0,123	0,803	0,107	0,058	0,755	0,058	0,104	0,785	0,076	0,052	0,783	0,052
ITA	0,093	0,903	0,084	0,052	0,862	0,053	0,109	0,739	0,093	0,056	0,725	0,056	0,119	0,795	0,105	0,057	0,748	0,057	0,101	0,781	0,075	0,052	0,776	0,052
ESP	0,086	0,884	0,080	0,051	0,840	0,052	0,077	0,676	0,069	0,049	0,637	0,049	0,076	0,700	0,071	0,049	0,638	0,049	0,068	0,713	0,057	0,046	0,683	0,046
POL	0,086	0,884	0,080	0,051	0,840	0,052	0,076	0,675	0,068	0,049	0,635	0,049	0,074	0,695	0,069	0,049	0,634	0,049	0,067	0,711	0,056	0,045	0,680	0,045
NET	0,039	0,705	0,043	0,041	0,672	0,041	0,034	0,592	0,036	0,039	0,507	0,039	0,035	0,608	0,038	0,038	0,503	0,038	0,034	0,640	0,037	0,039	0,587	0,039
GRE	0,036	0,689	0,040	0,040	0,658	0,040	0,025	0,575	0,029	0,037	0,481	0,037	0,024	0,581	0,029	0,037	0,478	0,037	0,027	0,624	0,033	0,038	0,567	0,038
BEL	0,036	0,689	0,040	0,040	0,658	0,040	0,025	0,574	0,029	0,037	0,480	0,037	0,024	0,580	0,028	0,037	0,477	0,037	0,027	0,623	0,033	0,038	0,566	0,038
CZE	0,036	0,689	0,040	0,040	0,658	0,040	0,025	0,574	0,029	0,037	0,479	0,037	0,023	0,579	0,028	0,036	0,476	0,036	0,027	0,623	0,033	0,038	0,566	0,038
POR	0,036	0,689	0,040	0,040	0,658	0,040	0,025	0,574	0,029	0,037	0,479	0,037	0,023	0,579	0,028	0,036	0,476	0,036	0,026	0,623	0,033	0,038	0,565	0,038
HUN	0,036	0,689	0,040	0,040	0,658	0,040	0,024	0,574	0,029	0,037	0,478	0,037	0,023	0,578	0,028	0,036	0,475	0,036	0,026	0,623	0,033	0,038	0,565	0,038
SWE	0,030	0,659	0,033	0,038	0,630	0,038	0,023	0,570	0,027	0,036	0,473	0,036	0,021	0,573	0,026	0,036	0,470	0,036	0,025	0,619	0,032	0,037	0,560	0,037
AUS	0,030	0,659	0,033	0,038	0,630	0,038	0,021	0,567	0,026	0,036	0,469	0,036	0,019	0,569	0,024	0,036	0,465	0,036	0,024	0,617	0,031	0,037	0,557	0,037
SLK	0,021	0,612	0,023	0,036	0,591	0,035	0,017	0,558	0,023	0,035	0,456	0,035	0,014	0,556	0,020	0,035	0,451	0,035	0,020	0,608	0,029	0,036	0,545	0,036
DEN	0,021	0,612	0,023	0,036	0,591	0,035	0,017	0,558	0,023	0,035	0,455	0,035	0,014	0,555	0,020	0,035	0,451	0,034	0,020	0,608	0,029	0,036	0,544	0,036
FIN	0,021	0,612	0,023	0,036	0,591	0,035	0,017	0,558	0,022	0,035	0,455	0,035	0,014	0,555	0,019	0,034	0,450	0,034	0,020	0,607	0,029	0,036	0,544	0,036
IRE	0,021	0,612	0,023	0,036	0,591	0,035	0,015	0,553	0,021	0,034	0,448	0,034	0,011	0,547	0,017	0,034	0,442	0,034	0,018	0,603	0,027	0,036	0,538	0,036
LIT	0,021	0,612	0,023	0,036	0,591	0,035	0,015	0,553	0,021	0,034	0,448	0,034	0,011	0,547	0,017	0,034	0,442	0,034	0,018	0,603	0,027	0,036	0,538	0,036
LAT	0,012	0,564	0,013	0,033	0,547	0,033	0,013	0,548	0,019	0,034	0,441	0,034	0,009	0,541	0,014	0,033	0,435	0,033	0,016	0,599	0,026	0,035	0,532	0,035
SLO	0,012	0,564	0,013	0,033	0,547	0,033	0,012	0,547	0,018	0,034	0,439	0,034	0,008	0,539	0,014	0,033	0,433	0,033	0,015	0,598	0,026	0,035	0,530	0,035
EST	0,012	0,564	0,013	0,033	0,547	0,033	0,011	0,545	0,018	0,033	0,436	0,033	0,007	0,536	0,013	0,033	0,430	0,033	0,015	0,596	0,025	0,035	0,528	0,035
CYP	0,012	0,564	0,013	0,033	0,547	0,033	0,010	0,543	0,017	0,033	0,432	0,033	0,006	0,533	0,012	0,033	0,426	0,033	0,014	0,594	0,025	0,035	0,525	0,035
LUX	0,012	0,564	0,013	0,033	0,547	0,033	0,010	0,542	0,016	0,033	0,428	0,033	0,005	0,531	0,011	0,032	0,421	0,032	0,013	0,593	0,025	0,035	0,523	0,035
MAL	0,009	0,548	0,010	0,028	0,470	0,028	0,010	0,542	0,016	0,033	0,428	0,033	0,005	0,531	0,011	0,032	0,421	0,032	0,013	0,593	0,025	0,035	0,523	0,035
Sum:	1,000	17,278	1,000	1,000	16,511	1,000	1,000	15,069	1,000	1,000	13,049	1,000	1,000	15,320	1,000	1,000	13,068	1,000	1,000	16,259	1,000	1,000	15,015	1,000
WC	831225	831225	831225	831225	831225	831225	7534799	7534799	7534799	7534799	7534799	7534799	4957094	4957094	4957094	4957094	4957094	4957094	3393488	3393488	3393488	3393488	3393488	3393488
MWC	170859	170859	170859	170859	170859	170859	1476094	1476094	1476094	1476094	1476094	1476094	1241360	1241360	1241360	1241360	1241360	1241360	1200781	1200781	1200781	1200781	1200781	1200781

Abbreviations: SS: Shapley-Shubik Index; II: Inclusiveness Index; NBZ: Normalized Banzhaf Index; PGI: Public Good Index; MBP: Member Bargaining Power Index; DPI:

Deegan-Packel Index; WC: Winning Coalition; MWC: Minimum Winning Coalition.

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