

The rotating Council presidency after Lisbon

By Prof Alan Mayhew
 SEI Professorial Fellow

How will the entry into force of the Lisbon Treaty affect the role of the rotating presidency of the EU in the years to come? This question is quite acute for those member states which will take over the Presidency of the Union in the coming years.

Poland will hold the rotating presidency in the second half of 2011 and already started planning that presidency at the end of 2008. At that time it was unclear whether the Lisbon Treaty would ever enter into force. Today it is clear that it will change the role and responsibility of the rotating presidency as well as its possibility to influence the EU agenda. However it is still not at all clear exactly what the implications of these changes will be. Indeed far from simplifying the question of policy leadership in the EU, the Lisbon Treaty has potentially added to the complexity of the situation.

What changes will Lisbon bring to the rotating presidency?

Lisbon barely mentions the rotating presidency. But it does three things which will be extremely important in changing the balance of

power between the rotating presidency and other institutions. It creates the European Council as a separate institution, a new position of President of the European Council, and a High Representative for foreign affairs.



The appointment of a new High Representative, in charge of the common foreign and security policy (CFSP) in the Council as well as coordinating foreign policy in the Commission as its Vice President, may be a greater threat to the rotating presidency than the President of the European Council. As the High Representative will chair the new Foreign Affairs Committee in the Council, it will in theory be more difficult for the rotating presidency to introduce its own foreign affairs interests into the programme of work of the Union.

It is through the decisions of the European Council, taken by written procedure on December 1, 2009 that we learn more about how the new Presidency system should work in the post-Lisbon Treaty world.

The decision on the rules of procedure of the European Council show clearly that the mem-

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Activities

ber states wish to retain much of the pre-Lisbon Treaty situation, in spite of the creation of a longer term President (2009/882/EU). These rules emphasise:

- that the meetings of the European Council shall be planned by its President 'in close cooperation with the member state which will hold the Presidency during the six-month period' and that 'the President shall establish close cooperation and coordination with the Presidency of the Council (the rotating presidency) and the President of the Commission'
- that 'the President of the European Council shall ensure the preparation and continuity of the work of the European Council...on the basis of the work of the General Affairs Council (GAC)'. The GAC will be presided by the member state holding the rotating presidency
- that the powers of the Secretary-General of the Council and of the Secretariat General are considerably enhanced.

A second decision taken on November 30, 2009 by the Council concerns the exercise of the Presidency of the Council and the chairmanship of preparatory bodies of the Council (30 November 2009, doc. 16517/09). It reaffirms the role of the rotating presidency and the cooperation between groups of three successive rotating presidencies. It underlines that the rotating presidency will chair all configurations of the Council with the exception of the foreign affairs configuration, and trade and development configurations will be chaired by the rotating presidency.

How can the rotating presidency maximise its influence after the entry into force of the Lisbon Treaty?

The most obvious changes in influence come through the loss of the Presidency of the EU and of the chairing of foreign affairs councils and their associated preparatory bodies. However the loss of influence here may be less than it appears at first sight. The new rules of procedure of the European Council make it clear that the President should prepare the European Council in close cooperation with the rotating presidency. They also emphasise the key role of the GAC in the

preparation of the European Council. The chair of the GAC (and COREPER) is provided by the rotating presidency which therefore has a very strong influence on the agenda and the follow-up of each European Council.

This means that even in the area of foreign affairs, the rotating presidency will retain considerable influence. The degree of that influence will depend partly on the determination of the rotating presidency to exert its influence on both the new President of the European Council and the High Representative. It is extremely clear that the incoming Spanish Presidency intends to exert maximum pressure on the new institutional setup of the Union. The rotating presidency will continue to chair all the other council formations outside the area of foreign relations and therefore will have a major role to play in the development of internal policies. Above all it will be important for the rotating presidency to begin to work with the new President of the European Council, the High Representative and the Secretary General of the Council well in advance of the day it takes over the Presidency.

As the Council and its lawyers begin to discuss the exact interpretation which will be given to the legal texts coming from the Treaty, it is obvious that it will take some time to achieve stability in the institutional setup of the Union. Much will depend on the power and personalities of the key players in the Brussels system. The new President of the European Council and the new High Representative are both relatively unknown figures on the international stage and they have the disadvantage of having to establish their own services within the European Council, the Council and the Commission (in the case of the High Representative).

The outcome of the negotiations in the coming months is not at all clear. It is quite possible that the rotating presidency retains most of the functions which it had prior to the entry into force of the Lisbon Treaty, even continuing to have a significant influence in the area of foreign relations and the organisation of the European Council.

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Who we are...

euroscope is the newsletter of the Sussex European Institute (SEI). It reports to members and beyond about activities and research going on at the SEI and presents feature articles and reports by SEI staff, researchers, students and associates. The deadline for submissions for the Summer term issue is: 1st March 2010.

Co-Editors: Amy Busby & Dan Keith
(euroscope@sussex.ac.uk)



The SEI was founded in 1992 and is a Jean Monnet Centre of Excellence and a Marie Curie Research Training Site. It is the leading research and postgraduate training centre on contemporary European issues. SEI has a distinctive philosophy built on interdisciplinarity and a broad and inclusive approach to Europe. Its research is policy-relevant and at the academic cutting edge, and focuses on integrating the European and domestic levels of analysis. As well as delivering internationally renowned Masters, doctoral programmes and providing tailored programmes for practitioners, it acts as the hub of a large range of networks of academics, researchers and practitioners who teach, supervise and collaborate with us on research projects.

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Where to find euroscope!

euroscope is easily accessible in the following places:

- the SEI website: <http://www.sussex.ac.uk/sei/1-4-10-4.html>
- via the official mailing list, contact: euroscope@sussex.ac.uk
- hard copies are available from PoICES office
- via its new and dedicated facebook group called 'euroscope', where you can also join in discussions on the articles

Also feel free to contact us to comment on articles and research and we may publish your letters and thoughts.

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Features Section: The Lisbon Treaty: implications and ratification

The Features section of this edition of *euroscope* has a special theme and presents articles discussing the institutional implications of the Lisbon Treaty, particularly the new leadership positions, and analyses the ratification process in three member-states where the process was not simple; Germany, Ireland and the Czech Republic.

Message from the Co-Director...

By Prof Jim Rollo
SEI Co-Director

First let me welcome the 5th cohort of Chevening Fellows in European Political Economy who arrive as the Spring term begins.

The Chevening Fellows

SEI has had the honour and privilege of running this FCO sponsored programme since 2006. The contract to run the programme was put out to tender in 2009 by the FCO and we are very pleased to say that SEI retained provision of the programme against stiff competition. The programme brings 14 high flying, mid career practitioners from the post-2004 EU member states and from candidates for EU membership. Since 2006 we have hosted 48 Fellows. They have added immensely to the life, both social and intellectual, of the SEI. Past Fellows tell us that they gain a lot from the SEI based programmes on European political economy as well as the visits and placements they undertake in London, Edinburgh and Brussels. I also add my welcome to the group of Chevening Fellows in Migration hosted by our colleagues in the Sussex Migration Research Centre.

Sussex Re-Structuring

The current restructuring of Sussex academic activities has brought SEI, nested as it is in the Department of Politics and Contemporary European Studies, into the School of Law Politics and Sociology. This will present some challenges for SEI's interdisciplinary mission since it will be in a different school from its long term collaborators in Economics, International Relations and Geography. At the same time it brings us into the same school as lawyers with a European bent and we look forward to deepening our collaboration with them and with colleagues in Sociology.

From an economic policy perspective three big issues are on the table at global and European

level. I intend to focus on the European level issue but let me say a few words about the two global issues.

Climate Change

The first is climate change. By the time you read this the Copenhagen conference will be

over and the degree of consensus actually achievable will be, perhaps disappointingly, clear. Whatever happens it looks like international trade could be a focus for conflict over perceived free riding/carbon leakage and competitiveness concerns surrounding climate policy. These conflicts seem most likely between developed and developing countries. In work I have done with Peter Holmes in Economics and Tom Reilly in SPRU, we conclude that there is little cause for concern over the scale of either carbon leakage or competitiveness effects even in carbon intensive industries but that worryingly the nature of carbon footprints is so complex, varying as it does from plant to plant, there is much room for disguised protectionism and that what should be a minor issue could destabilise international rules on both climate and trade. We suggest some potential approaches to containing these threats. By the time you read this, the paper will be on both the SEI and CARIS websites in the SEI working paper series.

The Financial Crisis

Second is trade again but this time in the context of the global financial crisis. So far protectionism has not been the problem. Despite much worry and quite a lot of ad hoc protectionism – particularly in the form of state aids – there has been no systematic resort to border barriers. But that does not mean we should relax. So far the two main countries that need to undertake major



improvement in their current account deficits – the USA and UK – have seen a significant fall in their exchange rates against the euro, the yen and other floating currencies. Unfortunately a group of east Asian countries have remained effectively fixed to the dollar and have thus devalued with it despite running significant current account surpluses. The result is to make the necessary adjustments to demand in the UK, the USA and the euro zone harder than otherwise to make. The worry is that, if not changed, this policy of de facto competitive devaluation will lead to trade policy based retaliation, most notably by the USA. That could in turn trigger a second downturn in global trade and the global economy.

The Lisbon Treaty

Finally a brief comment on the Lisbon Treaty and the challenges facing the new EU Commission. Once more I am going to look at these through a trade policy/ economic integration lens. The Lisbon Treaty will for the first time give full co-decision rights over Trade Policy to the European Parliament. This has the potential to inject electoral politics directly into EU trade policy in a way that has not happened in the past. The question that arises in my mind is whether the parliament will see its job as protecting domestic industry against foreign competition or protecting consumers against attempts by domestic firms to stifle competition. Given the huge army of lobbyists in Brussels and the deep pockets of industry it would be a brave person put their money on the consumer winning out. Not least because of the general scepticism about the benefits of globalisation and open markets that the global crisis has engendered across the EU and indeed the world.

The new Commission will have to deal with the combination of increased parliamentary power and general scepticism about economic integration as being good for ordinary people in the area of the single market as well. The crisis has already put much pressure on the single market. A sharp increase in recourse to state aids and de facto crisis cartels (notably in banking) have in particular seemed to undermine it. At the end of the last Commission some control on both of

these was being reasserted but still the member states remain in the hot seat and have acted first and asked permission afterwards.

The appointment of a French Commissioner to oversee the Single Market has raised much negative comment in Britain – intensified by unhelpful remarks by President Sarkozy that only reinforced stereotypes about the anti-market biases of the French. This is almost certainly an oversimplified view. Commissioner Barnier is a well known and committed European with a distinguished record as Commissioner for regional policy. He is also supported as the Director General of his Commission Services by Jonathan Faull, a Sussex alumnus.

There remains plenty to do to both protect and extend the single market where the new Commissioner and the new Commission could demonstrate commitment to economic integration. The single market is still incomplete in Services and Energy for example. Discipline on state aids could be buttressed for example by making it easier for individuals, companies, trade unions and NGOs to pursue injunctions against their own and foreign governments introducing unauthorised subsidies that damage competition in their own domestic courts. Thus in the case of German aid for the rescue of Opel, British, Belgian or Spanish trade unions could have brought cases against the German government in their domestic courts if they had prima facie evidence that the aid would discriminate against their members.

There is a serious action agenda if the Single Market is to remain an engine of European integration and I wish Commissioner Barnier and his fellow members of the College of Commissioners every encouragement in pursuing it.

Best wishes for the New Year

**Prof Jim Rollo
SEI Co-Director**

The SEI Diary...



The SEI Diary provides snippets on the many exciting and memorable activities connected to teaching, research and presenting on contemporary Europe that members of the SEI have been involved in during Autumn 2009.

Sept-October: Arrivals

September: Trip

Dr Dan Hough and **Hannah Peters** (Sussex undergraduate) led a group of 60 American and UK academics interested in German politics on a 5-day trip to observe the German election (27th September). They met with high-ranking members of the parties, plus opinion pollsters and members of various think tanks.

September: Presentations

Prof Paul Webb gave a presentation on 'The Year in British Politics' to the British Politics Group at APSA and presented a paper on 'Feminisation of the British Conservative Party: Members Attitudes' to the ECPR General Conference in Potsdam.



October: Newbies

The SEI welcomed new DPhil and Masters students in October. This year 16 students began **MACES** (MA in Contemporary European Studies) from Turkey, Malta, Albania, Hungary, Croatia, Kosovo, Spain, Poland and Cyprus, and 8 students began **MAEP** (MA in European Politics) from the UK, Kosovo, Belarus, Albania and Poland. They were joined by 3 **ERASMUS** students for the autumn term from Poland.

The SEI was also joined by 3 new **DPhil candidates** this year. Peter and Amy had just undertaken the MSc in Comparative and Cross Cultural Research Methods at Sussex.

⇒ **Peter Simmons** is working on his project entitled "Spreading democracy from Europe: Explaining European Union de-

mocratic conditionality" and is supervised by **Profs Paul Taggart** and **Aleks Szczerbiak**. The project is a comparative study which seeks to explain under what conditions and through which mechanisms EU democratic conditionality works most effectively. It will take a 'domestic politics' approach, examining how this factor interacts with 'EU level' factors to explain conditionality using a range of case studies.



(Email: peterjs@sussex.ac.uk)

⇒ **Marko Stojic** is working on his project entitled "Party and popular based Euroscepticism in Serbia and Croatia" and is supervised by **Profs Paul Taggart** and **Aleks Szczerbiak**. His project examines the essence of party and popular based Euroscepticism in the Western Balkan countries of Serbia and Croatia. It focuses on the factors that cause and shape these positions, as well as the different manifestations and characteristics these attitudes have in both countries. The proposed research topic is under-explored, despite the fact that these sentiments are evident and increasingly present. The research starts from the preliminary position that Serbian and Croatian Euroscepticism is specific in its nature and is determined by two principal factors: the unfavourable position both countries have regarding EU membership and the negative legacy of the 1990s.

(Email: mimistoj@gmail.com)

⇒ **Amy Busby** is working on “An ethnography exploring organisational culture, socialisation and norms at the European Parliament” and is supervised by **Paul Taggart, Tim Bale** and **Jon Mitchell**. This interdisciplinary study takes an ethnographic approach to the EP, gathering data via participant observation (through a 6-month EP internship), elite interviews and formal organisational analysis. Starting from New Institutionalism assumptions, it explores the impact of the EP political groups on MEP behaviour at the everyday level, and examines experiences of the tension between the national and European political levels. (Email: alb40@sussex.ac.uk)



October: Co-editor

Dr Dan Hough has been made co-editor of 'German Politics', the leading English-language publication investigating politics, IR and political economy in Germany.



5th October: German Elections

Dr Dan Hough spoke at AICGS conference in Washington DC called 'The German Elections: A party System for the Future?'.

6th October: Welcome Party

The SEI held its annual welcome party for the new MACES and MAEP students and DPhil researchers in the Dhaba Café, who were welcomed by SEI Co-Director **Aleks Szczerbiak**.



10th October

Dr Dan Hough presented a paper on the future of the left in Germany at the 33rd annual German Studies Conference in Washington DC.



13th October: RiP on Ireland

The SEI's **Prof Jörg Monar** and **John**

FitzGibbon gave a research seminar on 'The October 2009 Irish referendum on the Lisbon Treaty: results and implications' (see page 10 for new RiPs).

14th October: Gender Symposium

LPS held a symposium discussing 'Women & Human Rights: Risk and Compromise' – Charlotte Skeet (Law), 'Conceptualisations of Responsibility: family life, law and policy' – Jo Bridgeman (Law), 'Gender and Suicide across the Life Course' – Ben Fincham (Sociology), 'The Politics of Recognition: late abortion and the idea of a disabled identity' – Alison Phipps (Sociology).

20th October: Viva

Sabrina Edwards successfully passed her viva with her thesis 'EUrope and the EUropeans: Definition, Identity and Belonging' (see p32).



20th October: Afghanistan

The SEI's **Dr Sergio Catignani** gave a research seminar on 'Resourcing for Complex Emergencies: The Dilemmas of the Multinational Counterinsurgency Mission in Afghanistan'.

23rd October: Annual Lecture

Judge Françoise Tulkens, President of the 2nd Section of the European Court of Human Rights, delivered Sussex Law School's Centre for Responsibilities, Rights and the Law's annual lecture, co-hosted with the Justice and Violence Research Centre, entitled 'The ECHR is Fifty: The journey so far, the challenges ahead' (see page 38).

28th October: Sussex shines in rankings

Sussex has been ranked among the top universities in Europe for excellence in **politics, economics and psychology**, in the CHE Excellence Ranking 2009, thanks to outstanding achievements in research citations and publications, placing it among the top 11 out of 34 featured UK institutions. The rankings are produced by the German-based independent education think tank CHE (Centre for Higher Education Development) and published in *Die Zeit*.

November: Grants

November: Research Grant

Dr Dan Hough was awarded a DAAD research grant of £4000 to spend two months at the University of Potsdam from November to December 2009, where he worked on 'The Party Politics of Corruption Prevention' (see page 23).

November: Report prepared

Lefteris Zenerian has prepared a report for ISMERI Europa, (an Italian research institute) to be included in a research project called "*Industrial Clusters: In search of grounds for cooperation between Europe and China*". He did a case-study on a computers game cluster located in Guildford.

November: 'Politics in la France profunde'

Dr Sue Collard attends meetings as a local councillor in Normandy, France.

November: Security Publication

Dr Sergio Catignani published a book by Routledge which he co-edited and contributed to; "Israel and Hizbollah: An asymmetric conflict in historical and comparative perspective". It examines the local and international dynamics and strategies that have come to define the often violent relationship between Israel and Lebanon.



5th November: MACES football

The MACES and MAEP students held their first football match of the academic year.

9th November: UACES conference

Marko Stojic attended the annual European Studies Research Students conference, organized by the student branch of UACES, at the premises of the European Commission Representation



in the UK and the UK Office of the European Parliament in London (see page 40).

10th November: Grant

Dr James Hampshire was awarded a grant from a call by a group of European research foundations (Compagnia di San Paolo, Volkswagen Stiftung, and Riksbankens Jubileumsfond) on Europe and Global Challenges.



The project is entitled Migration to Europe in the Digital Age (MEDiA) and will investigate how the uses of digital technologies by both migrants and states shapes migration patterns. In addition to colleagues at Sussex, the consortium includes partners from Germany, the Netherlands, Norway, Nigeria and Turkey and the planning grant is for 49,063 euros, to fund scoping studies and meetings which will lead to a bid for a full grant of approx. 1 million euros next year.

20th November: Conference

Giuseppe Scotto presented his paper "From Bedford to London: old and new Italian immigration" at the Institute of Germanic and Romance Studies in London at a conference called 'Italian Immigrant Communities in the UK: The Case of Bedford' (see page 30).

24th November: Simon Hix

Prof Simon Hix (LSE) gave a research seminar on 'The 2009 European Elections and the New European Parliament: A Newly Dominant Centre-right?'



27th-28th November: Populism

Stijn Van Kessel presented a paper called 'Thrown around with abandon? Popular understandings of populism as conveyed by the print media: a UK case study' (co-authored with Tim Bale and Paul Taggart) at a workshop at the University of Leicester entitled 'Populism Left and Right'.



30th November: Skydiving!

The SEI's **Dr Lucia Quaglia**, who is currently a visiting fellow at the EUI, has undertaken a skydiving course and is now a fully qualified parachuter for military and civilian jumps. At the Robert Schumann Centre for Advanced Studies, European University Institute, Florence, she is

working on her research project on Financial Services Governance: International, European and National Dimensions, and working at the Historical Archive of the EUI.



December: Vivas

December: Boxes, boxes, boxes

The SEI staff and researchers have been packing up their offices to move from Arts C to their new temporary home in the Friston Building.

December: Paper published

Aleks Szczerbiak and **Monika Bil** published a paper entitled 'When in Doubt, (Re-)Turn to Domestic Politics? The (Non-)Impact of the EU on Party Politics in Poland' in the *Journal of Communist Studies and Transnational Politics*.

3rd December: Conference

Dr Dan Hough presented a paper called 'Was it really meant to be this way? Unification and the Remaking of German Party Politics' at the German Historical Institute in Washington DC.

3rd-4th December: EUDO Launch

Prof Aleks Szczerbiak spoke on a panel at the Observing European Democracy conference at the EUI in Florence which launched the EU Democracy Observatory.



7th December: Corruption

Dr Dan Hough spoke at the University of Wisconsin-Parkside on "The Party Politics of Fighting Corruption", arguing that parties find it very diffi-

cult to fight corruption as (1) they can't agree what exactly they are fighting, (2) tackling corruption is a long-term process and politicians inevitably have to think short(er) term and (3) fighting corruption doesn't win you votes (see page 23).

8th December: Christmas Party

The SEI held its annual Christmas party where masters and doctoral students brought food and drink from their home countries.



9th December: Viva

Anna Sydorak-Tomczyk passed her viva successfully with no revisions. Her thesis was on 'The EU and International Cooperation on Competition Policy: Public Interest or Public Choice?' and she was supervised by **Peter Holmes** and **Lucia Quaglia**.

16th December: Viva

Emanuele Massetti successfully passed his viva with his thesis "Political Strategy and Ideological Adaptation in Regionalist Parties in Western Europe: A comparative study of the Northern League, Plaid Cymru, the South Tyrolese People's Party and the Scottish National Party", supervised by **Tim Bale** and **Prof Paul Webb**.



Activities

Forthcoming Events:

January 2010: Publication

Aleks Szczerbiak, Tim Bale and Sean Hanley's (SSEES/UCL) co-authored paper "May Contain Nuts? The reality behind the rhetoric surrounding the British Conservatives" will be published in the Political Quarterly.

22nd-24th January: USMUN

The **Sussex Model UN Society** will be holding their 4th annual debating and diplomacy weekend conference which will include a simulation of the EU Council of Ministers. See www.usmun.eu.

3rd February: Research Presentations

The new SEI DPhil candidates will be presenting their Research Outlines to staff and researchers.

Spring 2010: Research

Dr Sergio Catignani will be beginning a new research project on Turkey and NATO in the Spring term.

Politics Society Facebook Group:

<http://www.facebook.com/home.php?ref=home#/group.php?gid=2221375650&ref=ts>

NEW EDITOR NEEDED

For the summer edition of *euroscope*, we will be needing to train up a new editor to take over the reins for the 2010 autumn edition. This is because the current editors will be finishing their thesis and going off on field-work.

Any one interested in this rewarding position, please e-mail for more information:

euroscope@sussex.ac.uk



SEI Research in Progress Seminars

SPRING TERM 2009

Tuesdays 16.00 - 17.50

Arts A71

19.01.10

Fortress Europe? Does European Co-operation Undermine Global Human Rights Standards?
Dr Eiko Thielemann (LSE)

26.01.10

SEI round table on 'Challenges facing the new European Commission'
Prof Jorg Monar & Prof Alan Mayhew (University of Sussex)

02.02.10

New Labour and the European Union: Blair and Brown's Logic of History
Dr Oliver Daddow (Loughborough University)

09.02.10

'Europe' and the British Centre-right
Dr Philip Lynch (University of Leicester)

16.02.10

Prisoners in Paradise: EU Member States, Justice and Home Affairs and the Lisbon Treaty
Dr Adam Lazowski (University of Westminster)

23.02.10

The European parties after Lisbon
Prof David Hanley (Portsmouth University)

02.03.10

The Yugosphere: What is it? Could it be good news from the former Yugoslavia?
Tim Judah (The Economist)

09.03.10

Representing Europeans: Democratically, Virtually and Otherwise
Prof Richard Rose (University of Aberdeen)

Everyone is welcome to attend!

To be included in our mailing list for seminars, please contact Amanda Sims, email: polces.office@sussex.ac.uk

Features

The Lisbon Treaty: implications & ratification

This Features section focuses on the institutional implications of the Lisbon Treaty and analyses the ratification process in the Czech Republic, Germany and Ireland.

A Quick Guide to The Lisbon Treaty: How will it affect the functioning of the EU?

By Dr Francis McGowan
SEI Senior Lecturer



Council Decisions

The system of qualified majority voting in the Council of Ministers – which will cover a wider range of policy areas – will depend upon a double majority comprising at least 55% of Member States (currently 15 out of 27 EU countries) representing at least 65% of the population of the Union. This rule will be introduced in 2014 though, if member states request it, the current “Nice” system can be applied until 2017.

IGCs have often been justified on the grounds that the previous agreement left issues unresolved. This was certainly a claim after the Nice Treaty where it was felt that the institutional arrangements would not cope with the then impending enlargement. Yet, contrary to expectations, the accession of twelve new member states did not have a particularly disruptive impact on decision making in the European institutions. In a sense, therefore, there is not much of a problem for the new voting rules in the Council to resolve.

The European Parliament will be involved as a legislator in a much wider range of policy areas including the budget. This is likely to be a much more significant change. With the “co-decision”

role extended to many more areas of legislation, the status of the EP will increase (as will its importance for business groups, NGOs and public affairs companies). As with the Council changes, the growing role of the EP has not slowed down the decision-making process. If anything, past experience suggests that the expansion of EP competences has been accompanied by an acceleration in the speed of decision making (with most decisions being agreed at first reading). While differences in the political make-up of the Parliament compared with the other institutions might lead to more political conflict, the close fit in the composition of the new Parliament, the Council and the Commission means that the current trend is unlikely to be reversed.

New Posts: Europe’s President and Foreign Minister

The posts of President of the European Council and the Foreign Minister were the headline changes introduced by the Treaty. Yet it appears that these innovations may prove rather less dramatic in their effects than many expected. The idea of high profile, traffic stopping figureheads for the EU appears to have been put on hold if the current choices are any guide. However, while the choices may have been a disappointment to some supporters of the EU, they may prove to be wiser than they appear. The choice of Herman Van Rompuy as President, for example, brings to the post a politician who is used to managing di-

Features

vided communities and who may be effective in running the Council's affairs without ruffling the feathers of the larger member states. More pragmatically, it may not be a bad thing for the Council to lower expectations of the new posts in what is likely to be a difficult few years for the EU.

Power to the People: the Treaty provides for “participatory democracy” and for national parliaments to exercise some influence over EU policy.

The Treaty establishes a “Citizens' Initiative” whereby one million citizens from a number of Member States can petition the Commission to develop new policy proposals (though the Commission only has to “consider” the proposal). It also allows national parliaments to offer a “reasoned opinion” on whether Commission pro-

posals respect the subsidiarity principle – if enough national parliaments object on these grounds then the Commission is obliged to reconsider the proposal.

Power from the People: future Treaty amendments could be agreed without recourse to an intergovernmental conference.

Under circumstances to be agreed by the member states, changes to the Treaty may be made in future by a unanimous vote rather than a full IGC. Critics of this measure argue that such an approach would – by not exposing such changes to the relatively public process of Treaty negotiations - leave the EU institutions even less accountable than they currently are.

The Lisbon Treaty & the EU's new political leadership architecture

By Prof Jörg Monar
SEI Professor

With the entry into force of the Lisbon Treaty on 1 December 2009 ended the so far longest round of EU treaty reform. It has taken the Union eight years – starting with the Laeken European Council of December 2001 – to arrive at this new Treaty, and this time the process had been so laborious and rich with embarrassments that the appetite for further treaty reform may not come back for many years.

But now this long and colourful story with its pomp and circumstances (remember that 29 October 2004 in Rome) catastrophes, accusations, lamentations and rebounds has come to an end. We can therefore safely put aside the question



whether the Union actually needed such a new treaty as urgently as clamours from various sides pretended – after all the Union continued to function reasonably well during these eight years of reform excitement – and ask ourselves instead what the Union should now do with the new Treaty. The obvious answer is to fully implement it, making the most of what the Lisbon Treaty offers in terms of improving the functioning and the policies of the Union. Although the new Treaty does not fundamentally change the nature of the EU system the potential it offers in terms of enhanced decision-making capacity, democratic control, fundamental rights protection, action in external relations and justice and home affairs and quite a few other fields is quite significant. Yet all this is in the first place a ‘potential’ whose realisation will require considerable goodwill and efforts on the side of all actors involved. One of the most significant elements of the new Lisbon Treaty potential – the new potential for and architecture of political leadership – is a case in point.

With the introduction of the position of a Presi-

dent of the European Council elected for two and half years the European Council is provided with a strong element of continuity it lacked so far and additional weight in terms of political leadership. As the Lisbon Treaty not only strongly reasserts the strategic political guidance function of the European Council with regard to the Union as a whole and the CFSP in particular but also provides for new tasks – such as legislative and operational planning within the area of freedom, security and justice (Article 68 TFEU), the ‘emergency brake’ functions with regard to legislation in the fields of social security (Article 48 TFEU) and police and judicial cooperation in criminal matters criminal justice legislation (Articles 82, 83, 86 and 87 TFEU) and threat assessments in relation with the use of the new solidarity clause (Article 222 TFEU).

In principle a new semi-permanent President at the head of a significantly strengthened European Council has a significant political leadership potential, this also because citizens, the media and third-countries will for the first time be able to attach a more permanent “face” to the Union’s supreme political institution. There can be no question that the Union will be in need of leadership over the next years, not only on individual internal and external policies, but also on cross-cutting strategic issues such as the consequences of the financial crisis, enlargement, the new financial perspective, energy security and climate change, so that there will be no lack of issues on which the President’s leadership potential could be tested. Yet Article 15(6) TEU which defines the new President’s role is full of ambiguities.

While it is said that he shall chair and drive forward the Council’s work no formal powers of execution/implementation are given to the President, and some of the provisions point to a much more modest role of the President such as “endeavouring to facilitate cohesion and consensus” within the European Council. As there is no lack of members of the European Council with egos more forceful than their policies the President may have to struggle to assert his role. No power whatsoever is also assigned to the President as regards the operation of the Council (of Ministers) which – as in the past – will be the key

institution for implementing European Council decisions.

“Diffusion of political leadership comes always with a lot of risks in political systems, the biggest being absence of effective leadership when needed.”

The potential tensions between a formal leadership role and actual leadership powers do not stop there: Article 15(6) provides for the President to “ensure the external representation of the Union” on CFSP issues, but this “without prejudice” to the role of the High Representative of the Union for Foreign Affairs and Security Policy. There is ample scope for friction here as the role of the High Representative – who is now also a Vice-President of the European Commission with responsibility for external relations – is to “conduct” the CFSP and chair the Foreign Affairs Council (Article 18 TEU). If the primary leadership function in the CFSP domain belongs to the High Representative/Vice-President of the European Commission, this naturally reduces the leadership potential of the President of the European Council – to whom he is not subordinated – in a crucial and highly visible area of EU policy-making. To this one has to add the question how any political leadership aspirations of the President of the European Commission will fit into this new architecture of leadership: As President of the institution entrusted with the promotion of the Union’s “common interest” (Article 17 TEU) and a long tradition of serving as the “motor” of the integration process the Commission President, whose position is also strengthened by the Lisbon Treaty, could surely feel entitled to engage in any potential leadership competition at the helm of the Union as well.

Diffusion of political leadership comes always with a lot of risks in political systems, the biggest being absence of effective leadership when needed. It also reduces transparency in terms of who is responsible for what, a particular problem in the case of the EU system, whose complexity and lack of understanding by the European citizens have

clearly contributed to the referenda disasters of 2005 and 2009. By strengthening continuity and management of a reinforced European Council the introduction of the semi-permanent Presidency goes some way to meet the demands of enhanced political leadership and transparency, but this will have to be accepted by the other members of the European Council and brought into a working system with the High Representative and the Commission President.

The election of **Herman Van Rompuy** as the first President of the European Council may not be as bad of a choice in this respect as some commentators have suggested. Although little known outside Belgium Van Rompuy has shown a remarkable ability as Belgian Prime Minister to exercise a quiet but steady and determined leadership in brokering compromises which lead his country – politically admittedly at least as complex a system as the EU – out of a protracted deadlock and a succession of governmental crises. An experienced compromise broker with clear ideas where he wants to go and not craving too much for the political limelight could be a good starting point for the new presidential position in terms of building up trust within the European Council and a steady European public image.

Having regard to the not absolutely overwhelming record of Commission President **José Manuel**

Barroso in terms of forceful political initiatives there may also be no immediate risk for any leadership struggle on strategic issues of the Union's development. With – unlike her predecessor **Xavier Solana** - no previous national or European experience in the CFSP/ESDP domain, **Baroness Ashton of Upholland** as the freshly appointed new High Representative/Vice-President of the Commission may also prefer to conduct CFSP business in consensus rather than conflict with President Van Rompuy, especially as her months as EU Trade Commissioner might already give her a flavor how much of a compromise-building machine the EU is.

At least initially the potential leadership tension lines built – or rather left unresolved – by the Lisbon Treaty might not materialize. Such a “consensual” and in a sense “collective” constellation for the new leadership architecture of the post-Lisbon EU might not be a recipe for the most energetic and decisive form of EU political leadership, but it may have the advantages of sustainability, stability and the incumbents being allowed to grow into their partially or even totally new functions. After all the drama of the Lisbon Treaty's coming into being European citizens should surely be spared the image of confusion within the Union's newly reformed leadership architecture – and the incumbents have the possibilities and the responsibility to make it work.

Ratification of the Lisbon Treaty in the Czech Republic

By Vlastimil Havlík and Ivo Pospíšil
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The Czech Republic is considered one of the most eurosceptic member states of the EU. The process of agreeing the Lisbon Treaty did nothing to rid it of this label; on the contrary, the country's eurosceptic reputation was strengthened by the fact that it was the last EU member country to ratify.



To explain the relatively protracted ratification process, one must consider the constitutional issues, (in particular the fact that the Constitutional Court was twice engaged in the process, which was not required, though allowed by the legal order) but above all the attitudes and practices employed by the political representation: the political parties and the country's president, Václav Klaus.

The process by which international treaties are ratified is set out in the Constitution of the Czech Republic. The power to ratify international treaties belongs to the President of the Republic; but in order to ratify international treaties which transfer certain powers from the country's institutions to an international organisation (as is the case with the Treaty of Lisbon), the Constitution requires prior approval by Parliament. Approval to ratify an international treaty requires a 3/5th majority of all the members of the lower chamber of the Parliament – the Chamber of Deputies (i.e. at least 120 MPs) and a 3/5th majority of the Senators present in the session. Only if the Parliament voices its approval may the President ratify the treaty.

The government, whose then Prime Minister **Mirek Topolánek** signed the Treaty on behalf of the Czech Republic in December 2007, sent the document to the Chamber of Deputies towards the end of January 2008. The Chamber debated the document and approved it in the first reading on 1 April 2008. The Chamber did not approve a proposal made by the Communist MP **Václav Exner** who asked that the Constitutional Court examine the Treaty. Three weeks later, however, a similar proposal was approved by the Senate (of 70 Senators present, 48 were for, 4 against and 18 abstained from voting).

The decision of the Parliament's upper chamber is not surprising and must be understood in the context of long-term discussions by the political parties not only about the Lisbon Treaty, but about the whole process of European integration. Taking a broader perspective, and simplifying matters slightly, one might divide the relevant parties in the Czech republic into two or three categories. The first includes parties that support European integration almost without reservation: the Czech

Social Democratic Party (ČSSD), Christian and Democratic Union – Czechoslovak People's Party (KDU–ČSL), and the Green Party (SZ). The Civic Democratic Party (ODS), especially during the period when Václav Klaus was its leader, supported mainly the economic dimension of the European cooperation, that is, the liberalised internal market, and was very critical of the political role of the EU (for instance, of transfer of competences to the supra-national level). When Mirek Topolánek became the party leader and especially during the party's participation in government following the 2006 election, a *general* shift towards a more positive perception of European integration could be observed in the party; at the same time, however, intra-party conflict became much more apparent. In contrast, an unequivocally critical attitude of European integration is one of the long-term characteristics of the Communist Party of Bohemia and Moravia (KŠČM), the only one among the relevant parties that did not support the country's accession to the EU when a referendum was held on this question in 2003.

“The decision...must be understood in the context of long-term discussions by the political parties not only about the Lisbon Treaty, but about the whole process of European integration.”

Thanks to the above-mentioned decision of the Senate, the Czech Constitutional Court was one of the few Constitutional Courts among EU member states able to express its opinion on the conformity of the Lisbon Treaty and the country's own constitution (the others included the Constitutional Council of France, the Constitutional Court of the Republic of Latvia, and Federal Constitutional Court of Germany).

The first hearing before the Constitutional Court (an English translation of the ruling is available at <http://www.usoud.cz/view/726>) took place at the suggestion of the Senate which questioned whether the Treaty is consistent with the Constitution in four main areas: the establishment of exclusive competencies; the passerelle clauses; the enablement of EU institutions to conclude inter-

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national treaties that are binding on member states; and the reference to the Charter of Fundamental Rights of the EU. The Constitutional Court refused all these objections and stated consistency with the constitutional order. It also stated, however, that it examined only the articles of the Treaty that were objected to and not the Treaty as a whole. The Constitutional Court's decision passed the matter back to the Parliament. Voting was postponed several times, but the Chamber of Deputies eventually agreed with the Treaty's ratification on 18 February 2009. Of 197 MPs present, 125 were in favour. ČSSD, KDU-ČSL, SZ, some independent MPs and part of ODS were in favour of the Treaty; part of ODS' representatives and the Communist MPs were against it. In May 2009, after the government passed the so-called imperative mandate, which made the transfer of competences to the European level subject to Parliament's approval, the Lisbon Treaty was also approved by the Senate (54 of the 81 Senators present were in favour). Senators of the following parties voted for the Treaty: ČSSD, Open Democracy Club, KDU-ČSL, ODS (partially) and one Communist Senator. Against were some of ODS's Senators and one Communist Senator.

After both of the Parliament's chambers agreed with the ratification, a group of ODS Senators said in May 2009 that they intended to address the matter to the Constitutional Court once again, this time asking it to examine the whole Treaty. As no deadlines had been given, they only chose to do so after five months, at the end of September 2009. The results of the first Irish referendum and the announced (and eventually filled) constitutional petition of the Czech Senators pro-

vided arguments for **President Klaus** who intended to delay the Treaty's ratification. The President dramatically entered the ratification process in October 2009, demanding an opt-out from the Charter of Fundamental Rights for the Czech Republic. Klaus justified his request mainly by citing fears that the post-War decrees of the Czechoslovak **President Beneš** could be rendered invalid. EU representatives eventually guaranteed Klaus' request, and the wording of the text is similar to the Lisbon Treaty protocols that concern the UK and Poland. The only thing then preventing Klaus' signature was the upcoming decision of the Constitutional Court.

In the second "Lisbon" hearing of the Constitutional Court, the Court agreed to examine both the Treaty as a whole and the individual articles. In the final ruling of 3 November 2009 it stated that the Treaty and the individual articles conform with the constitutional order, and addressed issues concerning the Treaty's alleged incomprehensibility and generality, a democratic deficit in the EU and the role of National Parliaments, compatibility between EU goals and the values of the Czech constitution, the possibility of leaving the EU, and the building of common defence systems whilst maintaining the Czech Republic's state sovereignty. In its judgement, the Court explicitly emphasised that there were no constitutional obstacles to the ratification of the Treaty. **Václav Klaus** ratified the Treaty on the same day, expressing however his disagreement with the Constitutional Court's decision. The difficult journey towards the ratification of the Lisbon Treaty in the Czech Republic was thus finally at its end.

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Lisbon & the German Constitutional Court

By Dr Yuri Borgmann-Prebil
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There is an analogy between submitting a PhD thesis and obtaining a judgement from the German Constitutional Court (*Bundesverfassungsgericht*, hereafter the Court) on the compliance of the Lisbon

Treaty with the German constitution.

In both scenarios one would hope, probably even expect, that the verdict will be positive. However, one would equally envisage that issues will be raised, i.e. that the approval will take the form of a 'yes, but...' as aptly put in the title of the editorial comments of the recent issue of the *Common*

Market Law Review. As the examiners of a thesis will hardly come to the viva and simply say yes, it could hardly have been expected that the Court, given its standing and record of previous critical engagements with the relationship of EU and German constitutional law, would have without further ado declared the Lisbon Treaty compatible with the German constitution. Like most examiners, it said 'yes but...' in a judgement which runs in its German printed form to over 140 pages and which reads in part more like an academic paper than a judgement. The object of this short contribution is to engage with some these 'buts', to place them into the context of earlier pronouncements of the German Court on the status of EU law, and to argue that the balancing of European integration with national sovereignty required by the Court should be seen as an integral part of the constitutional arrangement between the EU and its member states.

The precursors of the Lisbon judgement are the two *Solange* (which is German for 'as long as') decisions delivered in the 1974 (*Solange I*) and 1986 (*Solange II*). These judgements concerned the question of whether European law which (potentially) infringed fundamental rights would prevail – as a consequence of the doctrine of supremacy proclaimed by the European Court of Justice as early as in 1964 - over the German Constitution guaranteeing these fundamental rights. In *Solange I* the Court held that as long as integration has not resulted in a catalogue of fundamental rights equivalent to the protection afforded by the German Constitution a German court would have to refuse the application of a Community provision that contravened fundamental rights enshrined in the German Constitution. This amounted to an assertion of national constitutional supremacy in direct contradiction to the European Court of Justice's doctrine of supremacy. However, this judgement also invited the European Court to adopt a doctrine of EU fundamental rights, which it duly did. Hence, twelve years later, in *Solange II* the German Court was satisfied that the European Court of Justice provided adequate fundamental rights protection. Therefore, the Court held that, as long as this was the case a German court would no longer review acts of EU law. Although undoubtedly more up-

beat, and open to European law, the judgement, in principle, stuck to the doctrine of national constitutional supremacy in that it contained the threat to review EU law if it no longer provided adequate fundamental rights protection. As a result, the acceptance of the EU doctrine of supremacy remained conditional on meeting essential requirements of fundamental rights protection which were, at least theoretically, monitored by the German Constitutional Court.



The subsequent (in)famous *Brunner* judgement, which ruled on the compatibility of the Maastricht Treaty with the German constitution – hence also frequently referred to as the *Maastricht* judgement - focussed, like the Lisbon judgement, on the question whether the constitutionally guaranteed right to vote (pursuant to Article 38 of the German Constitution) would be undermined by a transfer of competencies to the EU. The Court not only reasserted its own competence of *ultra vires* review as claimed in its *Solange* decisions, but also seized the opportunity to outline its own view on the EU and the relationship between European and national (German) constitutional law.

The *Lisbon* judgement, which like its predecessor deals primarily with constitutional complaints alleging that the right to vote guaranteed in the German constitution is undermined by the Lisbon Treaty, reiterates a number of key tenets of the *Maastricht* judgement. The Court continues to characterise the Union as a confederation of sovereign states (*Staatenverbund*), based on the principle of conferred powers. This renders the member states the 'masters of the Treaties' and excludes a 'competence-competence' (i.e. a competence of the EU to decide on its own competence) of the EU. 'The "Constitution of Europe", the ... primary law, remains a *derived* fundamental order' (para 231, emphasis added). The Court is adamant that the constituent authority vests in the German people.

In spite of these doctrinal parallels, the *Lisbon*

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judgement is also in a number of ways more sophisticated and conciliatory in its assessment. It is more refined in that it links up, and indeed identifies, its *leitmotif* of national sovereignty with democratic legitimacy, which forms part of the inviolable essence of the German constitution's 'constitutional identity' pursuant to Articles 23 (3) in conjunction with the 'eternity clause' enshrined in 79(3) of the Constitution (para 240 of judgement). Safeguarding the democratic principle and the identity of the German constitution (thereby adding an 'identity' review to the *ultra vires* review) requires not only that Germany must remain a sovereign state and cannot become a member of a European federal state, but also that core provinces of state responsibility must be exercised at national level. The Court identifies a number of core competences (paras 253 et seq) that fall within this mould. These include perhaps not unsurprisingly matters relating to citizenship, education and family law, social policy, and cultural issues such as language. However, the Court also lists the monopoly of the use of force (both internally and externally) and criminal law and procedure among the competences in which the member states must retain core responsibilities. One may be tempted to read this as an attempt to preserve the spirit of the pillar structure through interpretation in here. The inclusion of criminal law appears to be a riposte to the European Court of Justice's foray in two recent cases in which it held that there was a competence to enact effective, proportionate and dissuasive criminal measures under the Community pillar, rather than the third pillar, provided that the application of penalties is essential for protecting compliance with the Community measure.

The Court also required that amendments to be made to the Act Extending and Strengthening the Rights of the *Bundestag* and *Bundesrat* (lower and upper chamber of the legislature) – an act accompanying the ratification act of the Lisbon Treaty – to the effect when the simplified Treaty revision procedure and the so-called 'bridging clauses', which allow Council to change from unanimity to qualified majority voting, are used the powers of the German legislature must be bolstered, so that an approving vote by a German representative in Council will need to be endorsed *ex ante* by a

two-thirds majority in both houses of Parliament pursuant to Article 23(1) of the German constitution, i.e. the majority required for Treaty ratification (and indeed amendments of the German constitution). This procedural requirement appears to shore up the Court's insistence that loss of statehood and constitutional identity can only be decided by the constituent power rather than constituted power.

Whilst all this could be seen as a robust and polished reiteration of the national supremacy thesis which underpinned the *Maastricht* judgment, the *Lisbon* judgment also has a significant conciliatory dimension. The Court refers, at crucial junctions, to the *principle* of the German Constitution's openness towards European law (*Europarechtsfreundlichkeit*) (e.g. paras 225 and 240) and explicitly accepts such doctrines as effectiveness and implied powers as espoused in the case law of the European Court of Justice. The Court indicates that it would exercise its *ultra vires* and identity reviews restrictively, i.e. only in 'obvious' and 'exceptional' circumstances. However, the principle of conferral places *limits* on the interpretation of the derived powers of the EU. It is submitted that the judgement could be read as meaning that the determination of the extent, scope, exercise and limits of EU competences requires a balancing of the principles of national sovereignty and the principle of openness towards European law. As with the previous judgments of the German Court referred to above, the principal addressee seems to be the European Court of Justice. The German Court reminds the European Court that it will continue to monitor the limits of integration and that it should rather take the limits placed by the German Court into account. Be that as it may, it is hoped that the considerations of the German Court might inspire the discourse on the principles of subsidiarity and proportionality and possibly future debates in member state parliaments exercising their review competence under the Protocol on the application of the principles of subsidiarity and proportionality. At any rate, this judgement demonstrates that the judicial discourse between national highest courts on the one hand and the European Court of Justice on the other, on the constitutional boundaries is ongoing.
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Ireland & the Lisbon Treaty Referendums

By John FitzGibbon

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The Republic of Ireland held a re-run of the Lisbon Treaty referendum on the 2nd of October 2009.

In the intervening period the government secured legal guarantees on: a Commissioner for each member state, explicit national competency in taxation, neutrality, and social issues, in addition to a provision outlining specific rights for workers'. This was pursued by the government to address specific concerns of the electorate that caused them to vote No the first referendum. A re-run of a Treaty rejected by the electorate, with our without guarantees, ought to have been the focus of much public opprobrium. Public attention, however, was focused on the collapse of the Irish economy, with negative GDP growth of 6.7% and rise in unemployment from 6.7% to 12.9%. Controversial government plans to recapitalise the insolvent Irish banking system and a growing scandal of expenses paid to senior ministers led to the Fianna Fáil – Green Party coalition having an approval rating of just 20%. Despite this 'hostile' political environment, the referendum was passed by 67.1% to 32.9% on the back of a turnout of 58%, a swing of 20%.

The second Irish referendum vote, therefore emerges as something of a 'playbook' for a Yes side in a referendum on the EU. Much of the debate in relation to European referendums, in particular those of the Danish Euro referendum, the French vote on the European constitutional treaty, and the first Irish Lisbon referendum, has focused on the outcome as a vote of no confidence on an un-popular government. Vital to the victory for the Yes side was the realisation that a campaign based solely on political party allegiance led by politicians was doomed to failure. A priority for the Yes side was in getting the electorate to view the referendum as between themselves and the EU, and not between them and the government. They achieved this goal by presenting their pro-Lisbon arguments in the form of an

'identity' appeal, not one based on party political allegiance. Women, young people, and late pro-Europeans were marked for specific campaigning by individual civil society groups who tailored their tactics to suit the needs of each identity. This tactic proved successful as 67% of voters found the Yes campaign to be more believable.



“A priority for the Yes side was in getting the electorate to view the referendum as between themselves and the EU, and not between them and the government”.

For Lisbon I the main reasons cited for a No vote were those of anti-Lisbon campaigners. The disorganisation of the Yes side in the first Lisbon referendum was a situational opportunity for the No side, who expertly capitalised on Irish fears over the loss of a guaranteed commissioner and sovereignty with regard to tax competency and social issues.

For Lisbon II the economic situation proved a situational threat to them. Essentially their argument was for Ireland to retain more power over key decisions and not give sovereignty over to the EU, when Ireland was suffering an economic collapse at the hands of its own government far worse than the majority of member states. Amidst such economic upheaval the nuanced arguments of the No side in relation to specific provisions in Lisbon were lost to the simpler and emotive Yes slogans: “Ireland need Europe”.

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On-Going Research

This section presents updates on the array of research on contemporary Europe that is currently being carried out at the SEI by faculty and doctoral students.

What took you so long?

By Dr Tim Bale
SEI Senior Lecturer

I specialise in party politics in the UK and in Europe more as a whole and am about to publish *The Conservative Party from Thatcher to Cameron*. Some three years in the making, and aimed at both the general reader as well as an academic audience, it looks at why an organisation previously renowned for capacity to bounce back quickly took nearly two decades to come to its senses after it first ran into serious trouble in the early 1990s. Although the book argues there is no simple, silver-bullet explanation, here I give a taster of some of the arguments and draw some lessons that not only the Conservatives but also parties in general might do well to remember.

One can hardly blame Britain's Conservatives for wanting to put the period they spent in opposition after 1997 behind them. After all, they would appear to be on the brink of winning the next general election if not at a canter then at least with sufficient support to give them a working majority until 2015. Given the economic mess the country is in, they will have enough to keep them more than occupied for the next five years.

It would, however, be a mistake to forget all about the wilderness years, if only to avoid making the same mistakes in office that tipped them into opposition in the first place, as well as the errors that trapped them there for so long. There is no doubt that the seeds of the landslide

defeat the Conservative Party suffered at the hands of Tony Blair's 'New Labour' were sown several years beforehand. By the same token, the Party was to a very great extent the author of its own misfortunes in the years that followed.



Part of the Tories' problem under both Margaret Thatcher and John Major was that they began to believe their own propaganda. Rather than realising that their electoral victories in 1983, 1987 and 1992 were contingent affairs – achieved through a combination of astute timing and a Labour opposition widely perceived as both incompetent and out of touch – the Conservatives bought into the myth that they had somehow 'won the battle of ideas' and thereby converted a basically centrist (if rather authoritarian) country to shrunken-state neo-liberalism. As a result, instead of offering a change of direction, the Party believed it could, under John Major, get away with offering a change of tone.

In fact, by the early 1990s, the public had got pretty much all they wanted from the Conservatives and were looking for a government that was going to invest more in health and education, not close coalmines, privatise the railways and the

post office, and clamp down on spending. Yet rather than making for the politically more profitable centre, the Conservatives – admittedly constrained by the economy and their own internal rows over Europe – headed for the right-wing hills.

“Part of the Tories’ problem under both Margaret Thatcher and John Major was that they began to believe their own propaganda.”

The scale of the defeat the Conservatives suffered in 1997 should have given them pause for thought. That it did not was in no small part due to the fact that Major’s immediate resignation pushed the Party straight into a precipitate leadership election. That contest not only landed them with a leader that the public simply could not take seriously. It also prevented the kind of post-mortem that just might have persuaded them that their problem was their product not just the salesman. As a result, at least a year or two was wasted while the Party, which complacently assumed it had to do little more than say a few superficial *mea culpas* for the sleaze and internal disunity of the Major years, woke up to the fact that Blair and Brown were delivering the combination of social justice and economic dynamism likely to lead to re-election.

Even then, this belated realisation that things would have to change more fundamentally if the Tories were avoid another rout – was far from widespread. By that time Hague was as worried about holding on to his job as he was about winning the general election. The problem was that remaining leader involved pandering to the right-wing populist instincts he shared with his party – including its media cheerleaders – whereas convincing voters involved dragging it kicking and screaming into a less obsessive (and more social democratic) stance.

With the election of Iain Duncan Smith things simply went from bad to worse. While his replacement by Michael Howard meant that at least the

Party’s salesman was taken seriously again, its product would prove even harder to change. The only upsides were accidental and longer-term. By doing so badly IDS, like Labour’s Michael Foot, probably helped shake the Party out of its complacency, while his embryonic attempts to get it to take social justice seriously sowed some valuable seeds for the future. And by not following Hague and Major and stepping down straight after his election defeat in 2005, Michael Howard handed the Party a breathing space during which David Cameron and his friends had time not only to win the leadership but to think hard about what they wanted to do with it once it was theirs.

Cameron’s success, of course, has a lot to do with the eventual implosion of New Labour under a man who should never have been Prime Minister. But we should not allow this to obscure the achievements of the man who looks ever more likely to replace him in Number Ten. Cameron has not necessarily re-engineered his party, but he has re-styled it. In so doing he has displayed a pragmatism, a message-discipline and an ability to communicate with the public that puts him head and shoulders above his immediate predecessors – and of course above Gordon Brown, who he comprehensively outplayed over the recent expenses scandals at Westminster.

“Cameron has not necessarily re-engineered his party, but he has re-styled it.”

Without trashing the Party’s supposedly glorious past, Cameron has effectively distanced himself from it. And, while avoiding out-and-out clashes with the Thatcherite hotheads in his party, and by refusing simply to do the bidding of some of their cheerleaders in the media, he has managed to convey the impression that he leads an organisation which is at last fit for purpose for the twenty-first century.

Whether, of course, Cameron makes a great Prime Minister remains to be seen. After all he has to win the election with a clear working majority, which even now can’t be guaranteed. And even if that does happen, the Tories’ assumption

Research

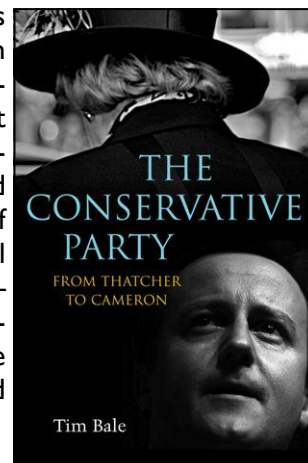
(still dominant despite their apparent move to the centre) that reigning in public spending is the key to economic wellbeing may get them into trouble. So too might their handling of the UK's relationship with the European Union.

Cameron's fortunes will also depend on how Labour handles the collapse of its own governing project and its near-certain passage into opposition. While Labour MPs and activists would argue, quite rightly, that their party differs in many important ways from the Conservatives, they – and their counterparts in many other parties all over Europe – might learn some valuable lessons from the Tory experience. The list is a long one; but most obviously they need somehow to ensure

that their leaderships minimize the common cognitive biases to inertia and groupthink that plague all key decision-makers. Above all – and this couldn't be said of the Conservatives until Cameron came along – they need truly to appreciate the difference between tactics and strategy.

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Hardly any ado about something that's actually quite significant? : The German federal election of Sept 2009

By Dr Dan Hough
SEI Reader

The German federal election of September 2009 seemed to come and go without even staying for desert. Yet, there was actually more going on – and more reason to take notice – than many may have realised. Angela Merkel remains Chancellor, but she now has to find a way through a labyrinth of policy challenges, ranging from expansive (not to mention expensive) tax reducing promises by her coalition partners, to dealing with a challenging global economic climate. The fact that Germany's party system is subtly becoming more fluid and diverse is also worthy of note – if only as this increasing fluidity may well have a considerable impact on how Germany is governed in the future.

Did you miss it? Don't be too harsh on yourself if you did, you probably weren't the only one. The German federal election of 2009 was widely acknowledged as one of the most unspectacular in years. A dull campaign, a lack of real distance between the two main parties – Chancellor Angela Merkel's CDU/CSU and her foreign minister

Frank-Walter Steinmeier's Social Democrats (SPD) – and, somewhat bizarrely, a dearth of genuinely polarising issues led to, as one German journalist put it, “a love-in rather than a battle of political giants”.



There was, however, more going on than meets the eye. And this not just for those interested in the minutiae of German party politics. Firstly, Angela Merkel's CDU/CSU is no longer governing with the SPD. Merkel now has what she claims she wanted, namely a coalition with the economically liberal Free Democrats. This, if you believe the title page of the Economist magazine in the run-up to election day at least, will “set Merkel free” to pursue a more liberal and reforming agenda than she could when working with the ‘Sozis’. Logical idea, but the practice will be different. Merkel will have *more* and not *less* work to do in keeping her coalition partners happy.

And the plural (i.e. partners) is important; the Free Democrats and the Bavarian Christian Social Union (CSU) have had a tetchy relationship in the past, and they were not above attacking each other directly during the election campaign. Managing, for example, the tax-cutting agenda of the FDP and aligning it with the protectionist welfare rhetoric of the CSU will not be easy. Indeed, several CDU members have noted off the record that a continuation of the Grand Coalition with the SPD wouldn't perhaps have been the end of the world.

Merkel's new government also has to deal with the fallout not just of a global economy in recession, it has a wide array of other challenges to confront; the cost of bankrolling Germany's expansive welfare state continues to balloon, Germany's role in Afghanistan is becoming ever more unpopular (fuelled in the immediate run up to election day by German forces' bombing of hijacked fuel tankers near Kunduz, killing nearly 150 people, many of whom were civilians. The fallout has already caused one minister, the gaffe-prone Frank-Josef Jung, to resign) and there are regular financial dramas in some of Germany's biggest and most well known companies (i.e. Opel, the department store Karstadt). New foreign minister Guido Westerwelle (FDP) is also going to be worth keeping an eye on; in little more than a month in office he has already revelled in refusing to answer questions from journalists in English

and has made blunt and confrontational statements about the appointment of one (controversial) prospective member of a Flight, Expulsion and Reconciliation Museum's advisory board. Life with Westerwelle as Foreign Minister is unlikely to be boring.

Looking further ahead, two other processes – future historians may well argue – could have found their genesis in 2009. The SPD polled a meagre 23 per cent of the vote, a nadir for Germany's oldest political party. But it has begun to re-group and the chances are that in the medium-term it will return with an agenda that is more fit for government than anything it has produced in the last decade. As ever in a crisis, as they say, lies an opportunity. Secondly, and perhaps even more significantly, one of Germany's smallest states (the Saarland) had a regional election at more or less the same time that all Germans were going to the polls. The result was a quirky one, with the Left Party polling over 20 per cent and the major parties struggling. Of itself, this is not of much note, but the fact that the end product was a coalition of centre-right Christian Democrats, liberal Free Democrats and Greens might well be. The so-called Jamaica Coalition – as the parties' colours match those of the Jamaican flag – is a novum in German party politics. If it goes well, it may just be something we see at the federal level sooner rather than later ...

The problem with reforming corrupt practices: Lack of consensus and lack of votes

By Dr Dan Hough
SEI Reader

Two problems above all else, plague the search to limit corruption in western democracies.

A lack of consensus on both what (precisely) the problem is as well as a subsequent disagreement over what should be done about it, plus the perception that – ultimately – tackling corruption doesn't actually win you that many votes. No

wonder then that politicians' attempts at tackling corruption in recent years are perceived to have been insufficient and unsuccessful.

Very few politicians would support the notion that corruption is either irrelevant or so minimal that it's not really worth bothering with. Everyone thinks that "something should be done". But what? My recent research on what political parties seek to do to combat the dark side of political life reveals that there are compelling reasons why parties find this relatively simple question so

difficult to answer.

My project looked at parties' attitudes to corruption reform in Germany, the UK and Austria. I analysed party manifestos, speeches by party leaders and other party documents in order to try and understand a little more about what parties thought were the pressing issues that needed addressing and then how they planned to go about changing things. The results were revealing.

Firstly, political parties very rarely talk in explicit terms about corruption. The dreaded 'C' word comes up surprisingly infrequently in their literature, and when it does it is most often in that of the far right (such as the Austrian Freedom Party) or the far left (such as *Die Linke* in Germany). The British Conservatives, for example, only actually mentioned corruption twice in the manifestos they issued between 1992-2005, and even then both incidences were in relation to what foreign governments did with British aid (1992 and 2001). The German SPD, to cite another example, was little better, mentioning corruption on just five occasions between 1990-2009 (six elections), with the emphasis here being very much on 'Wirtschaftskriminalität' (criminal economic behaviour) rather than anything that might be considered more expressly political.

When issues that we would commonly fit into the rubric of 'corruption' do appear then anti-corruption ideas are either set in very general terms or have to be read out of other vaguely related notions such "the need for greater transparency", "accountability" or a call for "more efficient regulation". Studying corruption therefore means you have to have a fine eye for the language involved and a decent understanding of the narratives that underpin it.

Secondly, political parties are adept at filtering their discussions of the ills of corruption into their own ideological narratives. Left-wing parties, for example, are quick to see corruption as the market-system running out of control. Greedy capitalists, aided and abetted by politicians of the right and centre-right, abuse their positions of power and anti-corruption initiatives are subsequently couched in the language of controlling and limiting

their freedom. In 2009 Germany's *Die Linke*, for example, called for increased corruption prevention measures within a context of 'democratising economic life' (2009, p. 13) so as to limit the ability of 'managers' to abuse their positions. The further left a party is on the ideological spectrum, the more corruption, and the practices one would normally associate with it, appear to be indelibly linked to capitalism and the relationships it fosters. The further to the right one goes, however, the more likely one is find that capitalism itself is not called into question, much more the way it is regulated. Discourses on corruption are subsequently framed within the long-held and deeply pervasive ideological narratives that pre-exist its rise in political salience. Over and above basic ideas such as the need for increased transparency, there is therefore little agreement on what the nature of the problem actually is.

A similar logic exists in terms of discussing possible remedies. By and large there is one simple solution to most of the issues of concern; parties argue in their manifestos and other election literature that voters simply shouldn't vote for them and not the opposition! Where specific anti-corruption measures are discussed, then they are often done so in a dry and legalistic fashion, as the creation and implementation of new anti-corruption legislation in Austria in 2008 illustrated. Even then, this got very little coverage in the literature produced by parties. In the UK, Labour's ample analysis of Tory sleaze and scandal in 1997 is perhaps the most obvious example of a party here discussing 'abuses of political power for personal gain', although the Tories' attempt to highlight Labour's alleged use and abuse of 'spin' and 'media-management' in 2005 followed in much the same vein. Both parties were quick to analyse the behaviour of their competitors, and equally speedy to argue that the answer was simply to kick them out of government.

This is not to say that anti-corruption discourse is not taken seriously. By and large it is, even if parties define corruption in very different ways. The trouble is that initiatives such as the one mentioned above in Austria often still operate at the level of the lowest common denominator; formulations of what corruption is remain vague, the

types of people who can be implicated narrow (MPs, for example, are still exempt from prosecution in Austria) and the actual effect of the law subsequently minimal.

The final reason for the apparent lack of interest in genuinely pushing an anti-corruption agenda is strongly linked with the very nature of democratic politics. Politicians inevitably have to think short-term and in a goal-orientated fashion. Rooting out and preventing corrupt practices is at best a medium-term (although arguably longer) process and seeing clearly identifiable outcomes – defined as sustained changes in a nation-state’s political culture and in the ways of behaviour that underpin its political processes – is anything other than practical in one legislative cycle. The tendency towards short-term grandstanding is therefore understandably great. Moves to implement policies that your opponent may well end up benefiting from (when you’re long since out of office) less so. Linked with this is another cold reality; unless you reveal your opponent to have dabbled in blatant sets of corrupt practices, then the issue

is simply not a vote-winner. Put another way, it is certainly possible to win an election by labelling your opponent as corrupt, but qualitative research for this project has shown that there is little belief that anti-corruption agenda actually sends people flocking to *your* cause. The mass of empirical research on why people vote as they do backs this up.

So, no hope for radical change? Well, there clearly are no magic bullets, but the best change is often incremental and has an effect in ways and at times that are arguably unexpected. Changing attitudes and modes of behaviour takes time. The Committee on Standards in Public Life in the UK (<http://www.public-standards.gov.uk/>) was introduced with much fanfare in the mid-1990s and then largely sank without trace. And yet the committee’s work was important in uncovering the dodgy expenses claims of many MPs in the summer of 2009. An impact can be made, but it we shouldn’t expect it to be immediate. A fact that many politicians – not to mention voters – perhaps need to recognise a little more openly.

Reforming Employment Protection Legislation in Europe

By Dr Sabina Avdagic
SEI Researcher

This research is the subject of an ESRC research grant, which I have been awarded for 2009-2011 to study the causes and effects of national variation in the strictness of employment protection legislation (EPL) in Europe.

The aim of the project is to understand not only the reasons behind cross-national differences in EPL strictness and their consequences for employment, but also the dynamics of EPL reforms over time and conditions that make these politically difficult reforms viable. Although these issues have received considerable attention by scholars and the policy-making community alike, the existing

analyses have focused almost exclusively on the developed OECD countries or on the EU-15.

The lack of adequate comparable data on the ten new EU member states from Central and Eastern Europe (CEECs)

has commonly led researchers to either exclude these countries from analysis or to treat them as a largely homogenous group, assuming that they share common labour market problems. One of



the principal goals of my project is to collect comparable data, and create a database of both qualitative aspects of the reforms of employment protection and a quantitative index of EPL strictness in the CEECs over time. These data will enable a more systematic comparative analysis of the politics and economics of labour market reforms in Europe.

I embarked on this project in April 2009, and much of the work by now has been focused on data collection. With the help of my research assistant, **Ekaterina Rashkova**, we have now completed the construction of a qualitative database of EPL reforms in the CEECs since 1990. This database documents annual changes in legislation that affect hiring and firing rules. Following the template of the fRDB Social Reforms Database in the EU-15, we classify the reforms according to their scope (structural vs. marginal) and direction (increasing vs. decreasing the flexibility of the labour market).

To ensure the accuracy and consistency of the information provided in the database, the respective national files have been then checked by a team of experts from individual countries, who have worked on the project as external consultants. These experts have helped to clarify any ambiguous information and provided summaries of the content of those reforms for which relevant information was not readily available from the sources that we were able to access directly.

In conjunction with the fRDB database, this database enables us to compare systematically the extent and nature of EPL reforms in Eastern and Western Europe. On the whole, these data reveal that deregulatory or liberal reforms have been dominant in both parts of Europe since 1990, but that a majority of these reforms have been marginal, focusing primarily on temporary contracts and specific groups of employees, rather than on the key features of permanent employment contracts. During 1990-2006 only 14% of cabinets in CEECs and 15% in Western Europe adopted structural deregulatory reforms, while 31-32% of cabinets opted for marginal deregulation. These data also show that deregulatory reforms have often been reversed or softened by subsequent

governments. Roughly 30% of cabinets in Western Europe and 36% in CEECs adopted regulatory reforms. This suggests that EPL reforms are politically contentious and that their adoption is not related primarily to economic imperatives, but to governments' strategic calculations and electoral concerns.

"This suggests that EPL reforms are politically contentious and that their adoption is not related primarily to economic imperatives, but to governments' strategic calculations and electoral concerns."

To explore this general hypothesis and the collected data more systematically, Ekaterina and I have recently started working on a joint paper that examines the conditions under which governments are likely to adopt liberal reforms, and in particular those of structural character. Focusing on 114 cabinets in Europe between 1990-2006, we coded their reform choices and employed a multinomial logit estimation to analyse the likelihood of different types of reforms. This analysis confirms our general expectation that economic factors, such as high unemployment, low growth and high economic openness, are not the key determinants of EPL reforms and that political factors seem to be more influential. Our most general finding is that the likelihood of liberal reforms depends heavily on government strength and its ability to generate a corporatist consensus among the key economic actors (i.e. unions and employers). While electorally strong governments are more likely to push through liberal reforms, the odds is that these reforms will be marginal. In contrast, corporatist coordination, rather than government strength, is significant in the case of structural reforms. This is understandable given that structural reforms are politically more costly, and unilateralism in this case would carry higher electoral risks for the governing parties.

The second part of data collection has involved the construction of the EPL index for CEECs that follows the OECD methodology. This index captures the degree of strictness of employment regulation as described by 18 basic items in the

areas of regular contracts, temporary employment and collective dismissals.

The OECD has developed a four-step procedure for constructing cardinal summary indicators of EPL strictness that range from 0 to 6 and allow meaningful comparisons across countries and over time. Annual indices for CEECs, however, have not been available until now, and one of the main contributions of this project is to provide such data. To this end, I have assembled a group of national experts who specialise in labour laws of individual countries, and asked them to fill in a structured questionnaire detailing changes in the specific items of regulation since 1990. Responses provided by these external consultants have been first clarified where needed, and then cross-checked against available secondary sources and

the qualitative database of EPL reforms constructed in the course of this project. The final step involved following the OECD procedure for scoring and aggregation of individual items, and computing for each country annual indices of EPL strictness.

This work is now nearly completed, and it will enable me to undertake an econometric assessment of the impact of EPL on employment performance in the enlarged EU. Until now, such analyses have been done almost exclusively on advanced industrial democracies because of the lack of comparable data for CEECs. This newly constructed dataset will therefore allow a more systematic evaluation of the impact of labour market institutions on employment outcomes in a much wider range of countries.

Getting inside Insider Interviews

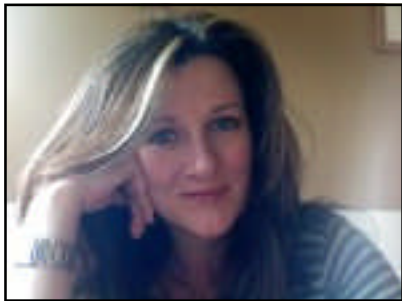
By Emma Sanderson-Nash
SEI DPhil candidate

How can someone who worked for a political party for 15 years, research intra-party power in that party?

It is a fair question and if I can not answer it, then I can not get on with my research project on the UK Liberal Democrats. Having offended the first rule of ‘the single permitted use of the anecdote’ I had to write and re-write my research design, and eventually the crucial ‘which boats are you prepared to burn’ (academic or party?) question came in to focus. Eventually a rather untypical ‘risk assessment’ was prepared which explained in full my former role with the Party, including exploring those areas where I thought my previous job might impact most on my research. It was a very helpful process.

It must be fairly common for those that study political science to be insiders. The academic literature doesn’t distinguish between a 6-month student internship with a backbencher or a 25 year career with a party leader. The term ‘insider’ can mean a great deal of different things. Furthermore

the definition of elite is not entirely straightforward. Its easy to see that a party Leader is powerful and part of the elite.



Its not entirely satisfactory in explaining how that might compare with a former Leader – who has become perhaps a significant contributor in the role of elder statesman on the international stage, but is less weighty in a Party that has rejected him.

Political parties are large, complex organisations. Apart from the obvious distinctions between policy people, campaign people, activists and ordinary members, there are more subtle cliques and factions. One thing I am certain of – if you fall foul of one individual in the process of attempting to obtain or in the conduct of an interview, you will find someone else that will be willing to talk. So with these things in mind I began my interview schedule of 74 Liberal Democrats, including the Leader, former Leaders, Chief Whips, Peers, backbenchers, former staff, advisors, journalists

Research

and activists. Obtaining access to people was easy but time-consuming, sending emails to former colleagues, chasing them by phone at least once a week and keeping an excel spreadsheet to remind me where I was with each one. Naturally I relied on former colleagues to provide me with up-to-date contact information and am owing countless drinks as a result. It was not without the occasional hiccup, 2 refusals, 6 no-replies and 1 no-show. However on the whole people were friendly, willing and co-operative – with just the one example of rank being pulled by a former colleague who enjoyed being in the position to say ‘wait’.

I started out thinking of my interviews as a kind of investigation. I thought I’d write them up Mrs Marple-style: at 9.00 X-MP said he thought his column in the News of the World was a good and populist idea. At 11.00 the same day his back-bench colleague X-MP begged to differ. This if nothing else demonstrates that the idea of a political party as a neat on-message unified grouping of professionals is not always the case.

Once in to the business of conducting the interviews an interesting pattern developed. In the first case I had prepared a word document for each interviewee, adding questions as I covered various sections of my thesis. As the interviews progressed I found my standard format changing. Interviews have gone from being entirely on the record to being entirely non-attributable. Questions have gone from being highly specific and focused on my research questions, to general and wide-ranging, allowing for spontaneous secondary questioning depending on how the interview progresses. As we know, some people will respond yes/no, others dwell on your first question for the full 45 minutes – if you let them. Although I’d read the various guide-books, it wasn’t until I had conducted almost a dozen interviews that I realised how important it is not to ask the interviewee to estimate the causal effects or explain motivations but to provide accounts and measures of what happened – to provide the facts as they saw them.

As well as this, the interviews that were really helpful were not those I expected and vice versa.

Six months ago I was unable to answer my research question; but I know I am now reaching saturation point and have cancelled at least 6 interviews recently on the grounds that I am not getting much new data from them. However, the cancellations have been replaced by new interviewees I have discovered during the research process, and who are taking the thesis in a new direction – for example, to Scotland.

“One thing I am certain of – if you fall foul of one individual in the process of attempting to obtain or in the conduct of an interview, you will find someone else that will be willing to talk.”

Having good access to people in a political party makes it much easier to fall into the trap of looking in the wrong places. I consider myself very fortunate, to have had such good support at the University to conduct this research with some confidence, and to have maintained good relations with old colleagues who have been very supportive. I’m also pleased with how many of the interviewees have commented that they genuinely enjoyed the process and that it made them reflect on things they seldom do.

In addition to the interviews I’ve been extremely fortunate with former colleagues helping me piece together data such as staffing numbers, conference data and letting me have sight of very useful internal discussion documents. I am also waiting to find out if I am to be allowed a ‘fly on the wall’ position at some pre-election policy/manifesto drafting meetings which will be very interesting.

I am now transcribing the interviews with the help of a friend and an agency to share the load, the cost of which has been instrumental in stopping me from allowing interviews to go on too long. I hope to conduct a further set of interviews after the general election.

Ultimately, being prepared to burn the Party boat, seems to have made it all the more smooth and unnecessary to do so.

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Research on clusters among computer games companies in Guildford.

By Eleftherios Zenerian
SEI DPhil candidate

There has been a renewed interest towards the role of institutions, tangible and intangible ones, in the social sciences since the early 1980s.

In economics, this interest coincided with a renewed interest in the role of geography in economic performance. If we put these two things together, we will be able to start making sense of why in an era of huge technological achievements which minimise communication costs and bring markets closer (hence rendering locational factors that in the past constituted an important source of competitive advantage obsolete), economic success and innovation activity is concentrated in space. The paper I produced examines one of these geographical concentrations, known as clusters, among computer games companies in Guildford. The paper was produced on behalf of the research institute Ismeri Europa located in Rome, in the context of the project "Industrial Clusters: In search of grounds for cooperation between Europe and China". The things I aimed to answer include, how the cluster emerged, how firms are embedded in local institutions and how the special characteristics of the cluster affect their performance.

The factors that led to the creation of the cluster reflect several of the stories around agglomeration economies and the new growth theory, such as historical accidents and a favourable public policy environment. The subsequent growth of the cluster can be explained by looking at economic actors' preference in a pool of skilled labour and other backward and forward linkages. The literature around industrial clusters stresses the role of public policy in fostering clustering. In the present case, public policy provides limited assistance to the industry (indicative of the horizontal character of UK industrial policy), mainly in the form of tax

credits. However, bureaucratic disincentives discourage firms from claiming them. The Surrey Research Park, managed by the University of Surrey, is a mediator between the government and the private sector. The Park provides several services to start-ups, such as consultancy and of course physical infrastructure, and in particular favours high-technology start-ups. Several of the firms in the cluster were bred in the Park and some of them are still located there.



Among the issues that have been more discussed in relation to clustering, is how firms have access to resources from which outsiders are excluded. These resources have been termed Localised Knowledge Spillovers (LKSs). These refer to the information that is diffused through formal and informal networks within clusters. This exchange of information is being mediated by codes developed among the participants of the cluster that allow them to absorb the information, especially when we are talking about technical information. These knowledge spillovers in Guildford, however, appear to be of a more or less casual nature. Therefore, even though these resources allow firms to access business development information at practically no cost, thus represent pecuniary benefits, they are unlikely to affect their innovative capacity. Other shared practices in the working environment, though, seem to allow firms to efficiently utilise the areas' high endowments in skilled labour.

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Research on political participation of Italians living in the UK

By Giuseppe Scotto
SEI DPhil candidate

I am currently in the second year of my DPhil in Politics here at Sussex. The topic of my research is the political participation of Italians in the UK.

In my study, I am focussing on London, where most of the Italians live today, and Bedford, which is historically associated with the Italian presence in the country. The aim of my research is to try to understand the level of participation of Italians in both British and Italian politics (in terms of political interest and behaviour); which factors affect the level and the forms of participation; and whether and how the participation in British and Italian politics are related. I am supervised by Prof Shamit Saggat, who is an expertise on race and representation and ethnic pluralism in the UK, and by Prof Russell King, who did lots of work on Italian immigration to the UK.

So far, I have been mainly involved in the preliminary stage of my research. I have been attending meetings and events organised by Italian institutions and associations and I conducted a panel of open interviews with 'highly active' and 'highly informed' immigrants. The themes covered in these interviews were the personal experience of migration, the activities carried out by the different organisations and institutions, and the main features of the Italian presence in London.

I have recently presented the outcome of these open interviews at a conference organised at the University of London on the Italian Immigrant Communities in the UK. It was a very interesting experience, not only because for the first time I spoke about my research in front of an external audience, but also because the Italian consulate hired a coach for about 40 migrants from Bedford

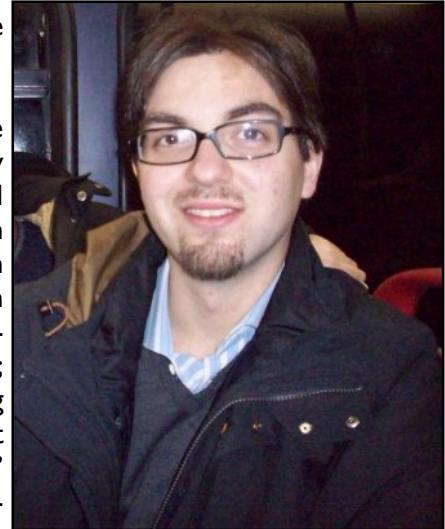
to attend the conference.

Since the start of my fieldwork, I have been mainly in touch with the 'new' Italian migrants; thus, meeting for the first time the 'old' Italian immigration gave me the chance to understand more about this group, which is completely different from the one I know the most.

I am currently working on the main stage of my research, that is a survey study, involving the use of a structured set of questions on personal characteristics, associational life and political involvement. After that, I plan to do some follow-up interviews, which will help me interpret the results of my questionnaire study.

Being in the middle of my DPhil, I can say that Sussex is probably the best place to study my topic. At this university, we have the SEI, a leading institute in the studies on European integration (of which the political involvement of EU citizens in another EU country is an important part in my opinion) and the SCMR, which is one of the best-known centres for migration research. Moreover, Brighton is a perfect location for my research because of its closeness to London, and because of its international environment, including many Italians.

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Scrutinising EU policy-making: field-work experience in Brussels and Berlin

By Ezel Tabur
SEI DPhil candidate

My research focuses on the EU policy-making process concerning the European Neighbourhood Policy (ENP) focusing on the eastern neighbours of the EU.

Of the policy areas that are put forward under the ENP framework, I am focusing on cooperation with the eastern neighbours concerning immigration issues. Taking into account close trade, cultural and social relations and mobility (of people, goods, labour) prior to EU accession, relations between the Eastern neighbours is of high importance particularly to the new EU member states such as Poland. On the other hand, the region being one of the main sources and transit of irregular migration routes to the Union carries risks for most of the member states.

I conducted interviews with officials from the European Commission, European Parliament and the Council of the EU as well as officials from the permanent representations of the member states that are active in policy making concerning the eastern neighbours. As I am interested in decision making in relation to the ENP and immigration issues, interviews with policy makers/officials from EU institutions and member states constitute a significant component of the data gathering for my research in relation to formal and informal practices in EU policy-making process as well as the varied policy preferences of different actors taking part in the decision making process. Over the course of my trips to Brussels between March-May 2009, I have managed to conduct several interviews with officials which were very helpful concerning comprehending intricacies of the EU bargaining process among the member states and institutions.

Following the interviews in Brussels, I have done interviews in Berlin in relation to policy prefer-

ences and concerns of Germany about new Eastern neighbourhoods, particularly concerning migratory pressures, which allowed me to get a better picture of the position of a key member state that has a strong influence on the ENP decision making.



I am planning to conduct another round of follow-up interviews in Brussels soon to discuss the affects of the Lisbon Treaty on policy issues and the institutional structure. In the meantime, I have been conducting further interviews in London concerning the UK policy towards the eastern neighbours.

“the region being one of the main sources and transit of irregular migration routes to the Union carries risks for most of the member states.”

Overall, all the interviews that I have conducted so far in Brussels, Berlin and London were very valuable concerning my comprehension of the EU decision making process as well as they gave me further confidence in relation to elite interviewing as well as substantive material. Finally, I am very grateful to the SEI and the Sussex Branch of the European Movement for extending me the François Duchene Travel Bursary in 2008 that funded my research trips in Brussels and Berlin.

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When a crisis is not a crisis – researching the question of a crisis of EUropean Identity

By Dr Sobrina Edwards
Recent SEI DPhil graduate

For the past two decades, the topic of a EUropean Identity has remained an obstinate feature of key debates that have surrounded the EUropean Union.



Whether in the context of the controversial discussions that have surrounded EUropean legitimacy or amidst the heated politicisation of Enlargement that has accompanied the development of post-wall Europe, an explicit questioning of EUropean Identity has not only emerged but has continually resurfaced. This has above all else been characterised by one overarching feature - the potential of a crisis of EUropean identity. Whether assumed as absent, embryonic or ambiguous – it is at core the starting assumptions of a potential lack or an uncertainty of EUropean identity that has fuelled this debate.

It was this question of a crisis of EUropean Identity that drove my recently completed doctoral research entitled 'EUrope and the EUropean: Definition, Redefinition, Identity and Belonging'. My research focused on whether this narrative of a potential crisis of EUropean Identity was also reflective of institutional discourses or whether as I suspected, there was in fact a disjuncture between academic and institutional discourses. It was strikingly apparent that despite all protestations of crisis and even potential institutional collapse, every moment characterised as a disaster in academic and public discourse is really not, for the institutional project not only continues to build EUrope but also more importantly accommodates each moment of potential crisis within the institutional narratives that emerge from the institutional space.

Unravelling the puzzle ...

In order to explore this puzzle, my research drew

upon a discourse theoretical approach finding inspiration in the work of the post Marxist and post-structuralist writers of Ernesto Laclau and Chantal Mouffe and drew upon the work of the Essex School of discourse theory. In doing so, it embraced a new approach to the topic of EUropean Identity, whilst also contributing to both the marginal post-structural discursive work that has addressed EUropean studies and also the present body of empirical case study discourse theory research that remains limited with regards to the issues pertinent to EUropean integration.

In order to investigate the potentiality of a crisis of EUropean Identity and the possibility of a disjuncture between academic and institutional discourses, my research followed a dual approach. Firstly, in contrast to the existing work on EUropean Identity, it approached the existing academic literature itself, as a set of academic discourses. The research aimed to highlight the discursive logic and the constitutive problems that consolidated the discussion of EUropean Identity within academia. In order to do this, it invoked a novel deconstructive approach to this literature that went beyond a traditional literature review and involved both the tracing of the absence and the placing of the emergence of the discussion of EUropean Identity within the broad area of European studies during the last four decades.

This first step led to two main findings absent from the academic discussion of EUropean Identity. Firstly, it revealed that the constitutive problematics of the present EUropean Identity discussion were on the one hand, the question of the legitimate relationship between the EUropean project and the EUropean people in a post Maastricht and (potentially) post Westphalian era and on the other, the uncertain nature, purpose and role of the EUropean project in a post-western era. Secondly, it illustrated that the discursive logic of this overall debate lay in the potentiality of finding a resolution for both problems. Thus, the discussion of EUropean Identity emerged as a

direct academic attempt to resolve the uncertainty that befell the academic conceptualisation of the European project in the late 1980s and early 1990s, in face of the challenges of the end of the cold war, the end of the myth of a permissive consensus and the consensus that the European project constituted a sui generis form of polity.

Crisis, what crisis ...

The second step was to turn towards the European Institutional space to examine how the two constitutive problematics of the academic discussion of European Identity had been constructed by European Institutional discourse. This aimed to examine whether the assumptions of a potential crisis, lack or absence of European identity were in fact mirrored in the discursive constructions of the European institutions. Following a number of interviews with institutional elites in Brussels and London, two critical case studies were identified. The first case study, Information and Communication Policy 1970 - 2007, addressed the first strand of the academic debate on European identity. It focused upon Identity and Legitimacy and asked how the relationship between the European people and the European project was constructed over four decades of Institutional crisis and regeneration.

The results of this case study pointed towards not only an alternative set of European Institutional discourses but also an alternative myth of Institutional legitimacy. This discursive formation 'Bringing Europe closer to the People' constructed a relationship of estrangement and always promised reconciliation. Constituted by two discursive strands 'Information and Communication' and 'Political Will' and tied to the nodal point of the ever present gap, this formation has strikingly sedimented the institutional context for four decades. The case study revealed how it had transformed and mutated to accommodate multiple contexts of crisis and regeneration, and whilst articulations varied between the institutions of the European Parliament and the European Commission, it was the staying power and the flexibility of this discursive formation that remained one of the most outstanding features of this case study. Thus, not only was the potentiality of 'crisis' always displaced with regards to the question of legitimacy

but the very question of the 'legitimacy' itself was always successfully projected into the future, awaiting the always promised closure of the gap.

The second institutional case study focused upon the institutional communications campaign on Enlargement between 2000 – 2007. It explored the institutional discourse of Enlargement articulated within the political speeches of European institutional representatives to audiences within actual, emergent and potential candidate states. It addressed the second strand of the academic debate on European Identity, exploring the nature, purpose and role of the European project in a post-western era.

“Whether assumed as absent, embryonic or ambiguous – it is at core the starting assumptions of a potential lack or an uncertainty of European identity that has fuelled this debate”.

The results of this case study contrasted with academic assumptions of an ambiguity and lack of European Identity. It revealed that during this period tied to the nodal point of the journey, a discourse of Enlargement was articulated that not only reconstituted a sense of post western *raison d'être* but also relationally reconstituted European institutional identity vis-à-vis the reinscribed political identities of the candidate states of this period, constituting a form of nested orientalism. Thus, through the discourse of enlargement, a reinscribed political identity of the European project was articulated. A post-western civilisational identity was formed through the mirror of the transforming candidate states, reconstituting a missionary narrative of European purpose and nature. Thus, not only were any charges of ambiguity, uncertainty or even crisis therefore displaced, but the different geo-political identities of the varied candidate states (including Turkey) during this period were also successfully accommodated in this discourse reconstituting an institutional identity and *raison d'être*.

After the disjuncture - crisis, what crisis?

This research not only pointed towards a disjuncture between academic and institutional dis-

Research

courses but also illustrated how different discourses construct the socio-political world. It did not point towards whether a crisis of European Identity exists as such but rather illuminated the subjectivity of the diagnosis of crisis, which is built upon discourses that both enable and constrain the framing of a problem, leading to avenues for a potential remedy. Moreover, the existence of a discursive disjuncture has implications for both present research on European Identity and the study of European studies more generally. It illustrates the need for academic research acknowledge and expose its own subjectivity. Firstly it points towards the potentiality of what could be understood as alternate (discursive) realities and the possibility that academic and institutional discourses construct alternate understandings and meanings of similar problematics. Importantly, this places limitations on the success of research that

may aim to not only improve institutional policy but also present a critique of this. Secondly, this research also illustrates that academic research, far from being an objective form of knowledge constitutes a series of discursive interventions and a body of discourses that in this particular context constitutes an explicit attempt to construct and reconstruct both the European socio-political space and the European polity.

Finally, my research illustrated the additional value of following a discourse theoretical approach for the study of European and European studies more generally. Such an approach enables research to expose assumptions in existing research to reveal how different and alternative discourses constitute the social - political world.

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New EPERN Briefing Papers

The SEI-based European Parties Elections & Referendums Network (EPERN) produces an ongoing series of briefings on the impact of European integration on referendum and election campaigns. There is one new addition to the series. Key points from this are outlined below. EPERN papers are available free at:

www.sussex.ac.uk/sei/1-4-2-8.html



REFERENDUM BRIEFING PAPER: No. 17

“The Second Referendum on the Treaty of Lisbon in the Republic of Ireland, 2nd October 2009”

John FitzGibbon
SEI, University of Sussex
E-mail: jf70@sussex.ac.uk

Key points

- The Republic of Ireland held a re-run of the Lisbon Treaty referendum on 2nd October 2009.
- The government secured legal guarantees on: a Commissioner for each member

state, taxation, neutrality, social issues, and workers' rights.

- The referendum took place during period of serious economic crisis, while the government introduced a controversial plan to rescue the banking system during the campaign and was the focus of public outcry over expenses paid to senior ministers. This led to a further huge slump in its public approval rating.
- The country voted by 67.1% to 32.9% to pass the treaty, on the back of a 58% turnout.
- There was a swing of 20% from the No to Yes side from the first Lisbon referendum.
- There were strong levels of public knowledge about and engagement in the Treaty, aided by substantive media engagement and an active referendum commission.

Activities

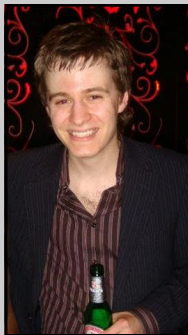
SEI staff and doctoral students and PoICES undergraduates report back on their experiences of the exciting activities they have recently organised and attended.

MACES/MAEP 2008-09: Where are they now?

By Paul Gough
MACES 2008-2009

As a new group of MACES/MAEP students continue their SEI experience this spring, the 2008-09 cohort are facing life away from the SEI, seeking to make headway with their desired career paths. For this edition of *euroscope*, I contacted old classmates to see how they were getting on since completing their dissertations – an opportunity to network, see what opportunities the SEI experience had brought, but also a chance to have a nosey look at what people are up to these days. Here are the resulting dispatches...

Paul Gough
British, Sussex Graduate



Since submitting my dissertation, I have taken on both some relevant, and not quite so relevant employment and internships. In September 2009 I concluded my internship with Bill Rammell MP, Minister for the Armed Forces and my local MP. This stretched back to December 2008, and was a hugely rewarding and fascinating experience. Despite the current debate about how interns are treated, this developed my people skills, life experience and the common issues and conflicts which a constituency caseworker has to deal with from Westminster, and the research that goes into parliamentary campaigns, lobbying and motions.

I have also been working casually within a specialist sales team at Buckingham Palace, towards the summer opening of the State Rooms, and for the Customer Sales Team at the head offices of Harrods. However, these were hardly relevant to all

my academic experience I have picked up in four years at Sussex.

However, in November, I was contacted by the British Foreign Office who offered me a paid graduate placement initially as a PA to the Head of Corporate Communications and Product Support starting in January, lasting for a minimum of three months and potentially up to a year. Although not all of this will be directly related to policy delivery, it gives me a huge insight into how the FCO works. I have also been promised wide-ranging experience across the FCO as a whole, and will be given the opportunity to network and attend events around the wider FCO.

Looking back over 2008-09, my main hopes were to develop my keen ambitions to go into political journalism or the civil service. I still hope to apply my journalism experience picked up through *The Badger*, *Euroscope* and a BBC World Service work placement on the 'Europe Today' programme, but for the time being I am very happy with what the future holds.

Activities

Ariane Poulain **British/American,** **Sussex Graduate**

So, what have I done post-MACES you ask? Get my head out of the books, shut down my laptop and take a break from anything EU-related might be your first thought, but it was not mine.



I worked at the think tank, Civitas, in Westminster where I completed a 7-week internship working as the Assistant to the EU Project Manager. I was very fortunate to obtain an internship where I truly gained work experience and was trusted to perform a number of tasks based on my research skills and not my tea-making skills - in fact, Civitas does not allow interns to make tea!

The Project is primarily aimed at fostering greater knowledge and awareness about the EU amongst college students. This is achieved by organising EU speaker events and providing extensive online learning resources, known as 'factsheets', which cover all dimensions of the EU. I organised several speakers, from MEPs to influential European businesspeople, to take part in talks and debates at schools across the country. I was also responsible for ensuring that the factsheets contained up-to-date information and editing new ones, particu-

larly during the ever-changing Lisbon Treaty developments.

The task I enjoyed the most was writing the weekly EU current affairs blog for the Civitas homepage. Here, I was really able to put the skills and knowledge I had acquired from MACES into practice. I wrote on a range of topics. For example, the questionable decisions of the Conservatives in the European Parliament, the UK's economic 'burden' of EU membership, and the new EU regulation on inefficient light bulbs. Interestingly, my blog about the light bulbs regulation was the most controversial and attracted more attention than usual. Successfully applying my academic qualifications in a professional capacity was very rewarding.

Afterwards, I was offered a job at Civitas. Unfortunately, there were not any vacancies available on the EU Project so I was offered the position Head of Crime Research but as my passion lies in European politics, I declined the offer. Now, I am seeking a political research position anywhere in the world. My interest lies in the domain of citizenship and immigration policy in Europe and long-term I hope to work in a career where I can seek greater justice for refugee and asylum seekers in the EU. Unless I receive an offer soon, I will be taking part in a scheme offered by the International Fund for Development, working for ten weeks in India to gain invaluable insight into the struggles facing those who wish to seek a better life in the EU.

Ivan Lakos **Croatian**

I am set to start working for the Croatian Ministry of Health and Social Affairs in the department for projecting the EU funds on component IV of IPA (pre-accession instruments) for human resources development, employment and social inclusion. My short-term plans are to change several Ministries (Regional



Development, or Foreign Affairs or Central Office for Strategy Development and Coordinating of EU Funds).

Furthermore, during my 3 years of obligatory work for the 'country', I plan to finish my post-graduate course in Social Policy, focusing on EU issues such as social Europe, growth and cohesion and research lobbying, - and to do a further post-graduate course in economics and business.

Afterwards I would like to change jobs, possibly in Brussels, then returning back to Croatia.

Triin Ruus **Estonian**

Finding a job after Sussex seemed a bit worrying due to the economic crisis, despite my previous three years work experience. Before MACES I was a senior expert in the Ministry of Finance. I wanted to work in Estonia, but was quite open to everything so began looking for a job in the spring term. After four interviews I had to choose between the public and private sector, and chose to continue my career in the Ministry Of Finance in a



different department.

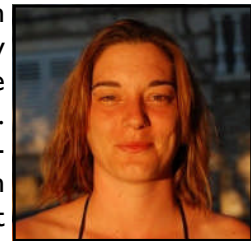
I am currently a senior expert in the State Budget and Monitoring Department responsible for reporting to the Government about the use of foreign funds and coordinating the monitoring of the EU structural funds of 2007-2013. The job is very challenging, and the culture shock of such a fundamental change from being a student to being a workaholic within the first week shocked me. Now I have adjusted and enjoy a bit of tension and speed in the air!

After 5 months I appreciate the time spent and knowledge gained at the SEI and MACES has strongly contributed to my development as a professional and as a person.

Morana Muller **Croatian**

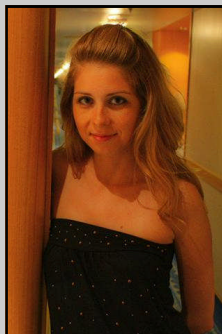
After the exciting year spent at the SEI, upon my return to Croatia I got a post in the Ministry of Foreign Affairs and European Integration. When I tell my SEI friends I am working in the Directorate for Support to Croatia's EU Accession Process, it sounds really impressive. But, the seven of us who joined the Ministry are employed under a fixed-term contract, meaning we don't have health benefits as this is not considered as a necessary part of my three year obligation to work for the Croatian government.

This is because the Croatian government banned new employment in civil service due to the economic crisis. This has caused some problems for the country which is soon to enter the EU as it prepares its administration for this task. Nevertheless, this is a temporary measure so I am hoping that I will be able to use my knowledge in a competitive way within the civil service. I have found some really wonderful colleagues in the Ministry of Foreign Affairs, but a steady job is not easy to find here-even in the civil service.



Stela Ribcheva **Bulgarian**

I left the UK in mid-July and spent the rest of the summer writing my dissertation in Bulgaria. In August I had several job interviews to practice as I haven't worked in Bulgaria before. I did not expect someone to hire me so fast because of my lack of relevant experience but I was offered a position at a leasing company. After careful consideration, I



declined, hoping to find a job related to my masters.

A week after I submitted my dissertation I found there was a position at the Ministry of Transport, Information technology and Communications. Two days later I was hired as an expert in the political cabinet and I have worked there for two months. The job is interesting and challenging and covers a lot of areas. The biggest challenge is translating as it is difficult to find the right words in Bulgarian when I am used to thinking in English but I am making progress.

The European Court of Human Rights is Fifty: The Journey So Far, the Challenges Ahead

By Professor Susan Millns
Sussex Law School

On Friday 23 October 2009 the Centre for Responsibilities, Rights and the Law held its second annual lecture.

The lecture, which was attended by over one hundred staff, students and members of the public, was delivered by Judge Françoise Tulkens of the European Court of Human Rights. Marking the fiftieth anniversary of the Court, her lecture was entitled 'The European court of Human Rights is Fifty: The Journey So Far, the Challenges Ahead'.

The lecture, which was co-sponsored by the Justice and Violence Research Centre, marked the second anniversary of the foundation of the Centre for Responsibilities, Rights and the Law within Sussex Law School. The Centre was created with the aim of developing the Law's school's research programme - doctrinal, theoretical and empirical - into responsibilities and rights. It does this on a number of levels, nationally, in the EU and internationally and through a programme of lectures, workshops and seminars throughout the year.

Feeding into current debates on rights and responsibilities, the work of the Centre engages with topical discussion on issues such as the possible abolition of the Human Rights Act 1998 (sometimes referred to as a 'villain's charter' for its capacity to promote the rights of defendants as well as victims) and its potential replacement with a British Bill of Rights and Responsibilities. Given that it is the Human Rights Act which incorporates the European Convention on Human Rights into our domestic law, and therefore it is the Convention which provides the source of the rights protected under the Human Rights Act, the subject matter of Judge Tulkens' lecture was highly topical.



Judge Tulkens

“Judge Tulkens argued that the Court has transformed the European legal landscape.”

The speaker herself has been a Judge at the European Court of Human Rights since 1998 and section president since 2007. She trained originally as a lawyer in Belgium and having worked for a number of years as an advocate at the Brussels Bar she then pursued an academic career becoming Professor of Law at the University of Louvain. From 1993 until 1998 she was Chair of the Scientific Committee of the European law-making research group of the National Centre for Scientific Research in Paris and from 1996 until 1998 was the president of the league for the rights of man in Belgium. She has also been an expert for the European Committee for the Prevention of Torture from 1996-97 before joining the European Court of Human Rights in 1998. She has been involved in many important and high profile judgments from the European Court – sometimes taking the minority position and offering quite powerful dissenting views.

In her lecture Judge Tulkens discussed the case law of the Court in the context of the successes and challenges that have marked the fifty years of its activity. Set up in 1959 Judge Tulkens argued that the Court has transformed the European le-

gal landscape. Heralded as a model for the rest of the world, the achievements of the Court have been numerous. Arguing that the Convention is more than ever our common heritage or 'patrimoine', Judge Tulkens suggested that the text of the document operates at two levels – the subjective rights guaranteed and the procedure for respecting them. Discussing the first of these levels, Judge Tulkens addressed the substantial rights contained in the Convention arguing that the Convention does, and should, operate as a living instrument which is responsive to changes in European society. Picking up on two developments which show this dynamic approach to the protection of rights, Judge Tulkens identified the case law on positive obligations and that on the application of the Convention in the private sphere as the two major trends which have shaped the substantive content of the Convention rights. In the second part of her lecture, Judge

Tulkens went on to examine the extent to which the protection offered by the Convention system can be said to be effective. Arguing that where human rights are concerned, the question of effectiveness is indeed a complex one, Judge Tulkens stressed the valuable cooperation that exists between the European judges and national judges and legislators, suggesting that there is a common responsibility for rights protection. Stressing the importance of 'bringing rights home' Judge Tulkens reiterated that a judgment of the European Court is not an end in itself but the starting point of a process for future change to be executed at the national level.

For more information about the Centre for Responsibilities, Rights and the Law, please contact Professor Susan Millns (Director)

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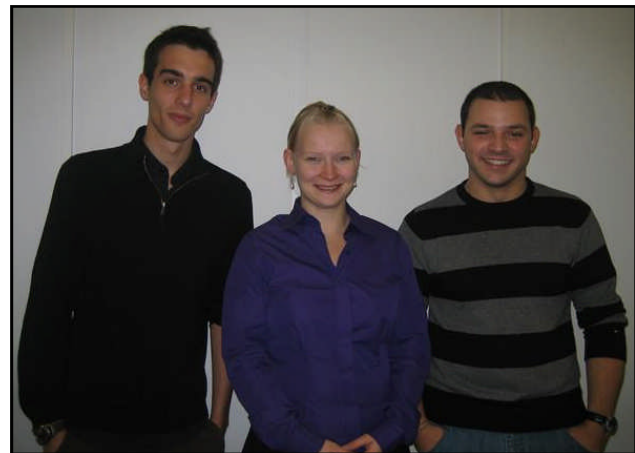
Sussex Law School's new LLM in European Law

By Professor Susan Millns
Sussex Law School

In October 2009, Sussex Law School began a new postgraduate programme in European Law.

Leading to the LLM qualification, the aim of the new programme is to develop an advanced level of understanding of the subject of European law its broadest sense, that is, including the law of the European Union (EU), the European Convention on Human Rights and comparative European legal studies. It is taught by the European Law teaching team which includes the programme convenor, **Professor Susan Millns**, together with **Professor Malcolm Ross**, **Dr Yuri Borgmann-Prebil** and **Professor Marie Dembour**.

The programme is innovative and exciting in so far as it examines issues that highlight the contemporary and dynamic features of European law, such as constitutional law, human rights and the single market, while also focusing on new and controversial aspects such as EU citizenship, mi-



Members of the first LLM cohort

gration and asylum, healthcare law, European criminal law, security in Europe, competition law and access to public services. As a result, students on the programme achieve a deeper understanding of issues of European law and their place in the process of European legal, social, political and economic integration.

The course, which is available for full-time study (one year) or part-time study (two years) has attracted amongst its first cohort, students from

Activities

both within the European Union and those from beyond. The programme comprises four taught courses (taught over two terms) and a dissertation element.

In the autumn term students take two core courses entitled Contemporary Issues in European Law and European Integration Theories. In the spring term, students select two modules from a range of options including the Law of the Single Market, EU Citizenship, European Human Rights, European Environmental Law, European External Relations, European Comparative Law, European Health Care Law, International Law and the Protection of Minorities, International and Comparative Corporate Insolvency Law, International and Comparative Company Law.

One significant feature of the new programme is that students may select as an alternative to spending the Spring term at Sussex, to spend that term at another European University under the Socrates exchange programme. In the host uni-

versity students take courses on different aspects of European Law taught in English. The links which we currently operate are with the University of Paris IV and the University of Toulouse I.

During the course of the year the LLM students also have the opportunity to participate in a study visits. The first is organised by the Law School for all its LLM students and takes them to the Hague where they visit the International Court of Justice. Secondly, students are offered the opportunity to visit a number of European institutions. The aim of this visit is to enable students to gain first hand experience of the European legal and political structures and organisations and to enhance their understanding of the role of the institutions in the process of European legal integration.

*For further information about the programme contact the Course Director:
Professor Susan Millns, Sussex Law School,
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My European Studies Research Students' Conference experience

By Marko Stojic
SEI DPhil candidate

This conference, organised by the student branch of the University Association for Contemporary European Studies (UACES), took place on November 9, 2009 at the premises of the European Commission Representation in the UK and the UK Office of the European Parliament in London.

It brought together more than 70 participants- university professors, practitioners and DPhil students and it was primarily aimed at familiarizing new European Studies research students with the specific challenges which could arise at different stages of the doctoral process. Four panel sessions entitled Managing the DPhil stages, Planning and Conducting fieldwork, Presenting Conference



Papers, and Blogging & Getting published were organised.

It was particularly useful to hear the experience of older DPhil students and academics on how to maintain a good relation with supervisors, why it is important to attend conferences and meet people working in the same research area, how to formulate a good research question, which chap-

ters of the DPhil thesis to write first, and when and how to conduct a fieldwork. We also discussed how to read, write and take notes effectively and how to develop working habits, given that these skills will influence the quality of research and overall professional life even after completing the PhD.

A presentation on how to write and publish articles given by professors Christian Kaunert and David Galbreath, the editors of the Journal of Contemporary European Studies and the European Security, was especially beneficial. They explained the publication process and how to develop research papers into coherent research articles, underlining that it is very important to start publishing the PhD thesis chapters before finishing the PhD. It was noted that a good article is a combination of theoretical, conceptual and empirical knowledge and that the journal editors look for articles that contain sophisticated and critical analysis and investigation, well presented and analysed data and a well written text embedded in current literature. It was also stressed that the research student should be '*intellectual entrepreneurs*' familiar with the market and the public they write for, and that everybody gets rejections, but that a decent paper always finds its home, although not every journal is a good home for an article.

The conference was concluded by the roundtable on what next after the PhD. Professor Richard

Whitman identified two usual career paths of graduate PhD students- staying in academia or working in think-tanks. He labelled those working on a very competitive academic market as '*Terminators*' due to a number of important skills successful academics should have, such as being able to produce and publish relevant articles, to have competence to teach, to possess ability to raise money and to be successful administrators and managers. On the other side, he argued that those wishing to pursue a career in think-tanks should have more '*Conan*' style characteristics, namely to think creatively, persuade potential funders to fund the projects and to convey complex ideas simply.

Finally, Dominic Brett, head of public policy diplomacy of the European Commission representations explained the most important requirements when applying for a job with the EU institutions, while professor Michael Shackelton gave an interesting speech about his experience of working with the European Parliament, pointing out that the European Parliament jobs require more general knowledge, while the European Commission needs a specialist in certain areas. The conference was well organized, the topics were relevant and useful for the new research students, it was a good opportunity to meet fellow students and it can be highly recommended to those who are about to embark on an academic career.

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CARIS activities update

By Dr Peter Holmes
SEI Reader in Economics



Since our successful conference in Sept 2009, co-sponsored by the World Bank, looking at issues of regional integration in Europe and Asia; the main new areas of activity in CARIS have been projects for the European Commission and DFID on the EU's Gener-

alised System of preferences (GSP) and the Economic Partnership Agreements (EPAs).

Both are in collaboration with IDS and are being led by **Michael Gasiorek** and **Xavier Cirera** respectively. Within Sussex the projects involve **Zhen Kun Wang**, **Jim Rollo**, **Peter Holmes** and our regular team of brilliant graduate students including **Javier Lopez Gonzalez** and **Max Mendez Parra**. Externally there is a large family of collaborators in the rest of Europe, notably CASE in Warsaw, and in the developing world.

Activities

The themes of the GSP project include analysing how far preferences can help developing countries when tariffs are low and what the implications are of the difference between the GSP and the so-called GSP+ where countries get additional preferences if they sign up to certain international agreements relating to governance.

The EPA project tries to calculate and analyze the overall costs of the negotiations; to evaluate the specific elements included in the EPAs to make them an instrument for development; and to provide some policy recommendations.

CARIS members have been continuing their involvement in work initiated by the Dept of Business on the Single Market, Trade impact of EU Border Carbon Taxes and How to Help Developing Countries Achieve Satisfactory Outcomes from Trade Agreements, **Peter Holmes and Jim Rollo**, along with **Tom Reilly** have been working on the interaction of the global climate change agenda with the world trade system. The paper addresses the question of how to reconcile the dilemma that if the EU makes big efforts to reduce its emissions there is at least a perceived risk of “Carbon leakage” if the EU does not penalise imports from countries that do not take such action. On the other hand if they do impose “Border adjustments” as the French government recently proposed there is a risk of major international disputes and accusations of “Green Protectionism” i.e. using environmental policy as an excuse to keep out imports from developing countries. Peter Holmes presented this work on two occasions in Geneva at the WTO Public Forum in September and at a workshop run by the WTO and the World Bank on Trade and Climate Change in November. He was joined at the workshop by Tom Reilly who has been taken on by the Energy Group at SPRU for a CARIS-SPRU initiative to link the trade and environmental research hubs at Sussex. Tom is due to be part of the Sussex delegation to the Copenhagen conference.

CARIS colleagues in particular Javier Lopez Gonzalez have also contributed input to a major study on the Euromed relationship in partnership with CASE, including Sussex DPhil graduate **Maryla**

Maliszewska and **Ahmed Ghoneim** of the University of Cairo. This was finalised and put on the web in the autumn.

CARIS is also involved in World Trade Institute research on regionalism financed by Swiss Science Foundation. Three research papers proposed by CARIS have been accepted by WTI for funding. They are Regional Integration and Global Downturn; Vertical Specialisation and Regionalism; and Regionalism in South America: the case of Mercosur. CARIS is also involved in an ongoing series of training courses for the Dept of Business and DFID.

Other links with DBIS remain strong. Peter Holmes and Jim Rollo attended a conference on Industrial Policy run by DBIS. Peter was also asked to rejoin the revived DBIS European Advisory Group. He also attended a “high-level consultation meeting” with members of the Reflection Group on the Future of the EU which is led by Felipe Gonzalez. Meanwhile Jim Rollo is on leave visiting Australia where he is working on a project in EU-Australia trade. He is reported to be finding the sunshine unbearable and to be looking forward to the cooler calmer climate of England. Finally CARIS has also been happy to welcome a visit from **Minako Morita-Jaeger** who worked for many years at UNCTAD.

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CARIS is the *Centre for the Analysis of Regional Integration at Sussex*. It was founded in 2006 and conducts research in all areas related to regional integration – feasibility, scope and effect - both in developed and developing countries. CARIS draws on the strong interdisciplinary approach to research that Sussex embodies, and works in collaboration with governments, international organisations, other academic institutions and NGOs, as well as with other Sussex researchers.

CARIS

Centre for the Analysis of
Regional Integration at Sussex

Dispatches

SEI Dispatches bring views, experiences and updates on the activities of SEI members and practitioner fellows from across Europe and beyond on events and issues.

Europeanising Party Politics?

By Prof Paul Lewis
Open University, SEI Visiting Fellow

For the past seven years I have been organising a group that started off by discussing the likely impacts of EU membership on party institutions and processes in the initial eight countries in Central and Eastern Europe scheduled to join in 2004.

From 2004 it took the form of a Research Network funded by the British Academy, and expanded to focus on Bulgaria and Romania, which joined the EU in 2007. Over this period we have held a number of workshops and conferences and produced many publications. The core of the group's publishing plans, though, were two comparative books. The first, edited by myself and Zdenka Mansfeldova, appeared in 2006 as *The European Union and Party Politics in Central and Eastern Europe* (Palgrave: Macmillan). This discussed party developments in separate chapters dealing with the ten countries of the region.

The second aimed to be more comparative. This was a more challenging task as we had to identify subject areas in which there is adequate comparative data and identify an interesting comparative framework for the book. This took quite a bit of discussion and preparation. We finally adopted Europeanisation as the main theme to pursue.

The chapters fall into several groups. After an introductory chapter by me, which provides an

overview of the development of party politics in the region and unpacks the major issues involved in analysing Europeanisation, two chapters outline the institutional context in which recent developments have occurred. Petr Kopecky and Maria Spirova thus discuss the relationship between party and state and examine how parties are regulated by the state and the extent to which, in turn, parties have managed to colonise the state apparatus. Geoffrey Pridham then examines transnational party cooperation and the role it has played in shaping CEE party development.

Two chapters then look, firstly (from a group of Slovenian authors), at changing patterns of political participation in Europe as a whole and, then (by Mikolaj Czesnik) on voter turnout and Europe-related policies in the CEE countries. These are followed by two chapters that focus on patterns of inter-party competition (Zsolt Enyedi and Fernando Casal Bertoa) and party competition as influenced by the radical right (Herbert Kitschelt and Lenka Bustikova-Siroky). Two more chapters discuss the quality of political representation (Radoslaw Markowski and Zsolt Enyedi) and the uncertain development of partisan linkages in the region (Robert Ladrech). A range of key issues are discussed, therefore, and substantial new research and statistical analysis is presented that relates to the overall progress of Europeanisation in this area. Radoslaw Markowski provides the conclusion.

Opportunities at the SEI

ESRC STUDENTSHIPS 2010

Are you interested in undertaking doctoral studies at SEI? The SEI welcomes applications from potential doctoral students interested in applying for ESRC 1+3 and +3 Studentships through the University of Sussex for autumn 2010. We are looking to support doctoral candidates for both Quota Awards offered by the University of Sussex, which will be allocated in spring 2010, and to nominate candidates for the University of Sussex entries in the ESRC Open Competition (see http://www.esrcsocietytoday.ac.uk/ESRCInfoCentre/index_academic.aspx).

1+3 Studentships receive funding to take a one-year research training Masters (MSc) followed by three years to complete a doctorate.

+3 Studentships cover three years of doctoral research funding only and applicants for these awards must already be taking, or have successfully completed, an ESRC recognised research training Masters at Sussex or at another institution.

ESRC studentships provide **3 elements of financial assistance**. They cover SEI tuition fees, provide a living costs annual stipend worth around £13,000 in 2009-10, and help with additional research costs and conference assistance (up to £750 this year). The studentship also gives you access to ESRC organised training sessions.

Masters Programs at SEI

The SEI has established an international reputation for the quality of its research and study of Europe, providing a focus for postgraduate study and research that brings together students, researchers and faculty from across the University. It is truly a unique academic environment in which to study Europe and the people make up a rich and diverse community from nearly 30 countries. Programs are interdisciplinary, innovative and truly Euro-

The SEI especially welcomes candidates wishing to conduct research in the following areas of our core research expertise:

Comparative Politics - particularly the comparative study of political parties, public policy and comparative European politics.

European Integration - particularly European political integration, the political economy of European integration, European security and EU external policy and the domestic politics of European integration, including Euroscepticism.

British Politics - particularly party politics, public policy and the politics of migration.

Citizenship and Migration - particularly the politics of race and ethnicity.

Please note that ESRC Studentships are only open to applicants from the UK (fees and stipend) and other EU countries (fees only).

For further information about these scholarships please contact: Professor Aleks Szczerbiak for further details: a.a.szczerbiak@sussex.ac.uk.

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