

## Institutional Change in Europe

We begin the new academic year with a special issue of *Euroscope* that features key discussions around the important institutional changes that are taking place within Europe. In particular, we reflect upon the potential of the newly elected European Parliament, the unexpected election of Poland's Prime Minister, Donald Tusk, as the next President of the European Council, and the proposed changes to the European Commission outlined by its new President-elect Jean Claude Juncker.

In the lead feature Prof. Alan Mayhew examines the powerful role of the newly elected European Parliament in the nomination of the President of the Commission. He highlights the enormous pressure put upon members of the European Council by the Parliament to put forward the leader of the majority party in the Parliament despite several leaders not being in favour of Jean-Claude Juncker. This is described by Prof. Mayhew as part of the 'perennial struggle' that characterises the workings of the EU as it seeks to

establish a balance between the national interests of member state governments and the supranational interests of the Union.

Prof. Aleks Szczerbiak in his article entitled 'What does Mr Tusk's appointment mean for Poland and Europe?' reflects upon the implications of Donald Tusk's new role as President of the European Council. Described as a relatively 'safe pair of hands', Mr Tusk has forged a close relationship with German Chancellor Angela Merkel who had supported his presidential candidacy. Equally, and perhaps more surprisingly, Mr Tusk eventually found favour with British PM David Cameron despite earlier squabbles over the rights of Polish migrants in the UK. Prof. Szczerbiak predicts that the impact of Mr Tusk's new role may be felt less at the EU level than at the level of national politics in Poland. His departure for Brussels brings to a close the bitter rivalry between the leaders of the two dominant parties in Polish politics with potentially radical and far-reaching consequences at the



### Features

- ◆ **Special features:** European Parliament & the Lisbon Treaty; European Council Presidency; corruption in Europe; the European Court of Human Rights

### Research // Dispatches

- ◆ Immigration Rules & Reforms in the UK
- ◆ EU vs International Law
- ◆ Corruption:
- ◆ The Swiss Case and the EU

### Activities

- ◆ PhD Professional Development
- ◆ Critical Legal Conference 2014
- ◆ MA Internship at the Overseas Anti-Corruption Unit

# MESSAGE FROM THE CO-DIRECTOR...



**Prof Sue Millns**  
**SEI Co-director**  
**S.Millns@sussex.ac.uk**

national level. That said, Mr Tusk's influence on the debate over the EU's relations with its Eastern neighbours may be felt given the history of his government's attempts to improve relations with Moscow. Equally, the fact that Mr Tusk hails from a member state that is outside the Eurozone may suggest that he will work to prevent the development of a two-speed

Europe in which all key decisions are taken by members of the single currency area.

Other feature articles in this special issue of Euroscope highlight further institutional changes taking place in Europe. Prof. Dan Hough discusses institutional efforts at the EU level taken to curb corruption in Europe. The EU has stepped up its commitment to tackling corruption in the last decade. Before this time though Prof. Hough suggests that little progress was made and the subject was largely ignored. He highlights the continuing need for effective enforcement mechanisms to work alongside new institutional frameworks to tackle corruption and brings to the fore the role of the Sussex Centre for the Study of Corruption in carrying out research into developments in this important area of inquiry.

Taking a slightly different, more legalistic turn, Dr. Stephanie Berry, lecturer in the Sussex Law School, discusses the recent European Court of Human Rights decision in the case of *SAS v. France* in which the applicant challenged the French burqa ban on the basis that it violated her right to freedom of religion. Dr. Berry highlights the 'margin of appreciation' given to member states under the European Convention on Human Rights and the arguments surrounding the democratic backing of the burqa ban in France. Finding in favour of the French state

in this case allowed the European Court of Human Rights, it is suggested, to preserve its own institutional legitimacy and the sovereignty of the state perhaps at the expense of the concrete rights of the Muslim community in France.

Elsewhere in this issue of Euroscope we highlight some of the ongoing research of members of SEI. Readers can enjoy updates of members' research in areas such as migration (see the pieces by Dr. James Hampshire and Dr. Erik Longo), the environment (discussed by Dr. Emanuela Orlando), and the rights of children (as presented by Dr. Sevasti-Melissa Nolas following her award of a significant grant from the European Research Council).

At this point in the year we also need to report changes to the composition of SEI. On 1 September 2014 Professor Aleks Szczerbiak stepped down as Co-Director after 8 years in this role. I would like to record the huge debt of thanks that SEI owes to Aleks for his work with the Institute during this time. He will be sorely missed for his enthusiasm, great ideas, hard work and dedication to the Institute. He will be replaced by Professor Paul Taggart, former Head of the Politics Department at Sussex and Paul, in turn, is very warmly welcomed to his new role. We are also losing Euroscope's main editor, Maria Emilsson who is moving to London to complete her doctoral studies. She too will be greatly missed for her fantastic contribution to Euroscope over the last few years. Current editors Roxana Mihaila and Rebecca Partos will assume more responsibility as a consequence in their roles on the editorial board.

Finally, SEI is delighted to have moved into its new home in the Freeman Building at the entrance to the University of Sussex campus. We would encourage all readers to visit us in this lovely, light and airy, new space and we continue to welcome expressions of interest from potential postgraduate students and visiting fellows to spend time researching and debating with us at the SEI.

## 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 autumn term issue is: 24 November 2014.



**Co-Editors: Roxana Mihaila & Rebecca Partos**

Email: [seieuroscope@gmail.com](mailto:seieuroscope@gmail.com)

**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.

**Co-Directors: Prof Sue Millns & Prof Paul Taggart**

University of Sussex, Falmer, Brighton, BN1 9RG

Tel: (01273) 678578, Fax: (01273) 673563

Email: [seieuroscope@gmail.com](mailto:seieuroscope@gmail.com); [www.sussex.ac.uk/sei](http://www.sussex.ac.uk/sei)

## Where to find Euroscope!

Euroscope is easily accessible:

- The SEI website: <http://www.sussex.ac.uk/sei/euroscope>
- The official mailing list, contact: [seieuroscope@gmail.com](mailto:seieuroscope@gmail.com)
- Hard copies are available from the Law, Politics and Sociology office
- Join us on Facebook and Twitter for the latest Euroscope news

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

## Features section: Institutional Change in Europe

This issue of *euroscope* brings together articles on Institutional Change in Europe. You can find these special Features pieces on pages 9-18 and other topic related articles in the Research section. Finally, the Dispatch section brings in articles from our associates.

## Contents

Co-director's message	1
SEI Diary	4
Forthcoming events	7

### Features

The European Parliament challenges the Lisbon Treaty	9
Polish President of the European Council: implications	11
Institutional efforts against corruption in Europe	13
The ECtHR: institutional legitimacy vs human rights	16

### On-Going Research

Reform of UK immigration rules: Immigration Act 2014	18
Millions on the move	20
EU vs international law in a multi-level framework	22
The UNCRC and children's participation	24
New institutionalism and party funding regime change	26
Eurocrisis & political parties	28
Electoral participation in new democracies	28
Corruption: fieldwork report	29
New SEI / EPERN briefs	30

### Activities

PhD professional development	33
Critical legal conference 2014	34
LLM at Sussex: impressions	35
MA internship at the Overseas Anti-corruption Unit	36
Upcoming: Graduate conference on corruption	37
ELSA society updates	38

### Dispatches

Why Switzerland?	40
------------------	----

# SEI Diary

The SEI Diary provides snippets on the many exciting and memorable activities connected to teaching, researching and presenting contemporary Europe that members of the SEI have been involved in during Spring/Summer 2014.

**Symposium on ‘progressive politics’ co-ordinated by Sussex Politics Lecturer was published as special issue of the *Political Studies Review* (12:1)**

The volume that Dr. Emily Robinson co-ordinated brings together papers looking at the history of the term ‘progressive’ and considered assertions of ‘progressive conservatism’ by David Cameron and of ‘new progressivism’ by Nick Clegg in both historical and ideological context. Dr Robinson’s contribution was co-authored with Joe Twyman of YouGov and titled ‘Speaking at Cross Purposes? The Rhetorical Problems of ‘Progressive’ Politics’.

**Immigration: UK and Germany compared**

SEI doctoral researcher Rebecca Partos attended an expert round table event funded by the Foreign and Commonwealth Office, in Berlin, on the issue of migration. She contributed toward a recently published report which compares the current migration landscapes and debates on migration and diversity in the UK and Germany titled ‘Toward a Joint Agenda in Migration Policy?’ (with Dr. Christin Hess, Aston Centre for Europe, Birmingham).

**Teaching Modern British History**

Dr Emily Robinson (Lecturer in Politics) led a strand on teaching modern British history at a Higher Education Academy event on ‘History: New to Teaching’ in Loughborough, 22-23 March.

**‘For Progressive Men Only: The Politics of Commerce in Inter-war Britain’** ◇ 23-26 April

Politics Lecturer Dr Emily Robinson presented her paper at the bi-annual European Social Science History Conference in Vienna. Dr Robinson also convened a panel on ‘The Politics of Shopping in Twentieth-Century Britain and America: Reconsidering party, gender, rhetoric and activism’.

**Information Governance Network Workshop** ◇ 29 April

An interdisciplinary half-day workshop brought together experts from the fields of law, policy, research, and film and media studies at the University of Sussex for the ‘Information Governance Network Workshop’. It was funded by the University’s Research Networking Fund and co-organised by Phoebe Li, Chris Marsden, Andres Guadamuz, and Maria Frabboni from The School of Law, Politics and Sociology. Participants included colleagues from SEI (Francis McGowan) and international scholars based in Paris (CNRS, Centre National de la Recherche Scientifique, Melanie Dulong de Rosnay, Francesca Musiani).

**SEI Co-director appointed to serve on the AHRC’s Peer Review College from June 2014** ◇ 30 April

Law Professor Susan Millns is to review proposals received by the AHRC’s funding schemes and programmes within the AHRC’s themes of Connected Communities, Care for the Future and Translating Cultures.

**Keynote lecture: ‘Europe in the Vortex of Globalization’** ◇ 22 May

Prof Gerard Delanty (Sociology and Social and Political Thought) spoke at the ‘European Society and the EU: State of the Art and Perspectives’ conference at the University of Florence, Italy.

**‘Why the political world is focussed on India’s election results’** ◇ 27 May

Politics Lecturer Dr. Rekha Diwakar published a short brief which looked at the people and parties involved in the contest and discussed the significance of these elections, the front-runners in the contest, and the most likely outcome.

**Unity within the German Left Party** ◇ 28 May

SEI-based Professor of Politics Dan Hough analysed, in a commentary for the American Institute for Contemporary German Studies, the strange outbreak of consensus that seems to have engulfed Germany's Left Party (Linke/LP). He focused on the latest party convention held from 9-11 of May.

**9th Organization Studies Summer Workshop** ◇ 22-24 May 2014

Dr. Andreas Kornelakis, SEI Lecturer in Human Resource Management, presented a paper on 'Resisting the Institutional Isomorphism? Organizational Resistance to Deregulation in the Greek Telecoms Industry' at the workshop sponsored by the journal *Organization Studies*.

**Inter-disciplinary law-related conference brings scholars to Sussex campus** ◇ 30 May

Under the aegis of the 'Complexity and the law' workshop, 12 academics from the universities of Sussex, London, Brighton, East London, and Lancaster bridged the gap between the realms of networks, entropy, ecosystems, resistance, and epistemology, all through the lens of complexity in relation to law.

**Changes in the UK Conservative Party's migration policy** ◇ 2 June

SEI doctoral researcher Rebecca Partos co-authored an article titled 'Why mainstream parties change policy on migration: A UK case study – The Conservative Party, immigration and asylum, 1960–2010', which was published in the June issue of *Comparative European Politics* (with Prof Tim Bale, Queen Mary University, London).

**UKIP in the 2014 European elections**

SEI-based senior lecturer James Hampshire (Politics, Sussex Centre for Migration Research) discussed UKIP's recent European election success and the impact of immigration in a piece published on Discover Society, titled 'UKIP'S fox in the hen-house'. ◇ 3 June

**ECPR 7<sup>th</sup> Pan-European Conference on the EU** ◇ 5-6 June

SEI doctoral researchers Stella Georgiadou, Nikoleta Kiapidou and Roxana Mihaila presented their research at the two day conference in the Hague. They gave papers on 'Normative Power Europe' in conflict transformation: its potentials and limitations', 'The Eurozone Crisis and the Transformation of the Greek Party System' and 'The road not taken? National party involvement in the negotiations of the Fiscal Compact Treaty' respectively.

**SEI faculty wins teaching award**

SEI-based Prof Dan Hough (Politics) was awarded the Outstanding Support for the Learning Experience of Students prize in the first ever student-led Teaching Awards, which celebrate the best teaching and support at Sussex .

**What kind of European Society?** ◇ 13-15 June

Sociology and Social and Political Thought Professor Gerard Delanty gave a keynote lecture titled *Divisions and Crisis in the Making of European Society: Neo-Liberal Europe versus Social Europe* for the conference 'Towards a European Society? Boundaries , Borders, Barriers' at the Croatian Sociological Association, Zagreb.

**SEI-linked Lecturer published article on institutional changes in the Greek labour market** ◇ 1 July

Dr. Andreas Kornelakis, SEI Lecturer in Human Resource Management (with with Dr Horen Voskeritsian, University of the West of England), examined the institutional changes in the Greek labour market in the context of austerity policies and wider Eurozone crisis. The paper appeared in the July issue of *Relations Industrielles-Industrial Relations* (69:2).

**Professional development away-day for School of Law, Politics and Sociology (LPS) doctoral researchers** ◇ 8 July

Sponsored by the Sussex ESRC Doctoral Training Centre (DTC) Citizenship, Justice and Security pathway cluster the away-day focused on: getting published, developing an on-line presence and accessing conferences. More details on p. 33.



## SEI Diary

### **SEI students celebrate at summer graduation** ◇ 9 July

SEI's students Amy Busby, Theodora Klountzou and Marko Stojic were among a total of nine students to graduate with a PhD from the School of Law, Politics and Sociology. Congratulations to all!

### **Politics Lecturer attends four-day British German Forum at Wilton Park** ◇ 13-17 July

Dr. Emily Robinson took part in the event focused on the theme of 'A smarter Europe: cooperation, competition and innovation in the 2020s'. The British German Forum is an annual event to bring together young British and German 'high fliers', and is sponsored by the FCO.



### **Anti-corruption initiatives** ◇ 17 July

SEI Prof of Politics Dan Hough (Director, Sussex Centre for the Study of Corruption) spoke at a Home Office workshop in London on corruption and anti-corruption practices.

### **A look at UKIP after the 2014 European Parliament Elections** ◇ 21-23 July

SEI Politics Prof Dan Hough contributed to a panel on the success of right-wig parties in Europe, as part of a workshop titled 'The Left After the EU Elections: New Challenges' organised by the Rosa Luxemburg Foundation, Berlin.

### **'Europe in Crisis' - Sussex professor coordinates special issue of the *European Journal of Social Theory*** ◇ August

Prof Gerard Delanty (Sociology and Social and Political Thought) edited a special issue which brought together contributions addressing perspectives on crisis and critique in contemporary Europe.

### **United Nations Office for Drugs and Crime's (UNODC) Anti-Corruption Academic Expert Workshop** ◇ 11-13 August

Prof Dan Hough (SEI; Sussex Centre for the Study of Corruption) spoke to the UNODC Anti-Corruption Working Group in Vienna about academic initiatives to teach corruption analysis during a workshop focused on enhancing the capacity of academia to deliver high-quality anti-corruption education.



### **American Political Science Association's Annual Meeting, Washington, DC** ◇ 28-31 August

SEI-based Marie Curie Intra-European Research Fellow Dr Ben Stanley spoke about 'Integration for the Winners, Demarcation for the Losers? Poland A and Poland B as a Cleavage'.

### **SEI Faculty and PhD students at the UACES 44th Annual Conference**

SEI Senior Lecturer in European Studies Sue Collard presented a paper focusing on 'The Participation of Non-National EU Citizens (NNEUCs) in Local Elections in France and the UK'. Dr Adrian Treacher, Lecturer in European Studies, gave a paper focused on 'EU-NATO Relations: The State of Play'. SEI research student Nikoleta Kiapidou 'Measuring Party Positions before and after the Eurozone Crisis: A New Expert Survey Report' and Roxana Mihaila, SEI based research student, presented a paper on 'Crisis as Opportunity? National Parties Challenge EU Institutional Dynamics: The Fiscal Compact Case' ◇ 1-3 Sept



### **SEI well represented at the ECPR General Conference in Glasgow**

◇ 3-6 September

Politics Senior Lecturer Francis McGowan presented a paper on 'The Radical Left: Acquiescent or resilient to contagion from the radical right?' (co-authored with Dr Dan Keith, University of Essex) and a piece looking at 'Resetting Europe's Energy and Climate Policies – Who is Winning the Framing Contest?'. Dr. Ben Stanley, SEI-based Marie Curie Intra-European Research Fellow, spoke about 'Eating the Starters: The Mainstreaming of Populism in Post-Communist Poland, 2001 – 2011' and Politics Prof Paul Taggart co-authored a

The academic association for contemporary European Studies

UACES



## SEI Diary

paper with Cristobal Rovira (Universidad Diego Portales) on 'Dealing with Populists in Government: A Framework for Analysis'. Politics Senior Lecturer Dr Kai Oppermann spoke on 'Telling Stories of Failure: Narrative Constructions of Foreign Policy Fiascos' (with Alexander Spencer, Ludwig-Maximilians-Universität); Politics Lecturers Dr. Sabina Avdagic (with Lee Savage, Kings College London) presented a paper on 'The Effect of Ministerial Discretion on Redistribution in Parliamentary Democracies' and Dr Olli Hellman looked at 'Political Corruption in the Developing World: The Effects of Colonial Rule and Decolonisation'.

### **Workshops on Citizenship** ◇ 3-4 September

The Sussex European Institute and campaign group New Europeans organised two workshops at the University of Sussex in the framework of their joint 'Connecting with Citizens' project. On 3 Sept the first workshop examined Citizenship, Minority Rights and Justice and included contributions from the Human Rights Research Group of the Sussex Centre for Responsibilities, Rights and the Law. The second workshop considered the broader theme of Citizenship and the Future of Europe and the SEI was pleased to welcome amongst others the Head of the EC Representation in the UK, Jacqueline Minor, as a speaker at this event.

**Work experience at the Home Office** SEI Doctoral Researcher Rebecca Partos recently

completed her 6 month ESRC-funded placement with the Home Office, where she was part of the Migration and Border Analysis unit. A short brief on her experience will be published in the next issue of *Euroscope*.

### **Sussex Law School hosted Critical Legal Conference** ◇ 5-6 September

The conference asked participants to consider how one might attempt to understand, explain and respond to a chaotic contemporary political situation? The theme - Power, Capital, Chaos - posited a context of ongoing global economic crisis, the neo-liberal destruction of social democracy and the ever-widening entrenchment of inequalities of wealth, power and technology within and between a global 'North' and global 'South'.

### **European Studies - a look at the future** ◇ 5-6 September

Sussex Professor of Sociology and Social and Political Thought Gerard Delanty gave a guest lecture on the future of European Studies at the University of Minnesota in Minneapolis

### **Elections results research** ◇ 12-14 September

Politics doctoral researcher Miguel Otaola presented his paper looking at "Election Results: When, where and under what conditions are they accepted" at the Elections, Public Opinions and Parties (EPOP) conference in Edinburgh.

## Forthcoming Events

### **A model for democratic transition and European integration? Why Poland matters**

**Aleks Szczerbiak, Professor of Politics and Contemporary European Studies**

Part of the Professorial Lectures series

**Wednesday 15 October, 18:30 until 19:30**

**Chowen lecture theatre, Brighton and Sussex Medical School (BSMS)**

*This is a public lecture. You can book your free place online at [www.sussex.ac.uk/booklecture](http://www.sussex.ac.uk/booklecture)*



Poland is the sixth largest country in the EU and plays an increasingly important role in European affairs. However, for many it remains largely invisible compared with other large European states. Why is this?

In this lecture, Prof Szczerbiak will draw upon his research on comparative central and East European politics, the impact of European integration on national politics, the party politics of Euroscepticism, and the politics of transitional justice, together with his expertise as a specialist in Polish political and social developments, to argue that observers of contemporary Europe need to pay more attention to Poland.

## Forthcoming Events



### RESEARCH IN PROGRESS SEMINARS AUTUMN TERM 2014

Wednesdays 14.00 - 15.50\*

**Venue: Jubilee Building Room 155**

DATE	POLITICS DEPARTMENT	SUSSEX EUROPEAN INSTITUTE
Weds 24.09.14		<i>SEI roundtable: 'Has Multiculturalism Failed?'</i> with Dr Sue Collard (Politics, University of Sussex), Dr Stephanie Berry (Law, University of Sussex), Prof Paul Statham (Director, Sussex Centre for Migration Studies)
Weds 1.10.14		<i>Defining Effective Responses to Environmental Harm in a Multilevel Context—Exploring Interaction and Potential Synergies between EU and International Levels.</i> Dr. Emanuela Orlando. University of Sussex
Weds 08.10.14	<i>The Politics of English Nationhood.</i> Prof. Michael Kenny, Queen Mary University, London	
Weds 15.10.14	<i>Ministerial Discretion and Distributive Policy in Parliamentary Democracies</i> Dr. Sabina Avdagic, University of Sussex	
Weds 22.10.14	Politics Departmental meeting- no seminar	
Weds 29.10.14 <i>NB time:</i> 16.00 - 17.30		<i>Independence Referendums and Putative Citizenship - The Scottish Referendum in a Global Perspective</i> Dr Ruvi Zieger, University of Reading
Weds 05.11.14	<i>Foreign Policy Making in Coalition Governments</i> Dr Kai Oppermann, University of Sussex	
Weds 12.11.14	LPS School meeting – no seminar	
Weds 19.11.14		<i>SEI roundtable: 'Universal Services and Citizenship'</i> led by Dr Jim Davies, Associate Professor of Law, University of Northampton and Prof Erika Szyszczak, European Law, University of Sussex
Weds 26.11.14	Irish Constitutional Convention Professor David Farrell, University of Dublin	
Weds 03.12.14	Professor Patrick Dunleavy, LSE.	



# Features

## INSTITUTIONAL CHANGE IN EUROPE

### Has the European Parliament Successfully Challenged the Lisbon Treaty?

**Prof Alan Mayhew**  
Professorial Fellow in Politics  
A.Mayhew@sussex.ac.uk



The institutions of the European Union have been much in the news recently. European Parliament elections, followed by the decisions on the Commission President, the President of the European Council and the High Representative in charge of the coordination of Union foreign policy have raised interest in the institutions of the Union, at least temporarily.

European Union institutions are determined in essence by the European Union treaties. Article 13 of the Treaty on European Union (TEU) lists institutions and recognises two committees which assist the European Parliament, the Council and the European Commission (the Committee of the Regions and the Economic and Social Committee). The treaties set out in some detail the role of the institutions, the scope of their actions and the way in which the president of each institution should be chosen.

The central policy and decision-making institutions are the European Council, the Council of Ministers, the European Parliament and the European Commission. The Court of Justice and the Europe-

an Central Bank have very specific roles and can have a crucial impact on the direction of policy. The Court of Auditors also has a rather limited mandate and has probably not had the impact on policy which it could have exerted.

Fundamental institutional change in the European Union is a very slow and complicated process. Legally binding decisions have to be agreed by 28 member states and in some countries ratified in referenda. It is therefore not surprising that the last major attempt at institutional change, the Lisbon Treaty, took the best part of a decade to be agreed. However quite major changes do occasionally take place without the complexity of a treaty change. The recent nomination of Jean-Claude Juncker as European Commission President appears to be one such change which underlines the political nature of the European construct.

The Lisbon Treaty determines the process of election for the President of the Commission as follows:

'Taking into account the elections to the European Parliament and after having held the appropriate consultations, the European Council acting by a qualified majority, shall propose to the European Parliament a candidate for President of the Commission. This candidate shall be elected by the Euro-

## Features

pean Parliament by a majority of its component members. If he does not obtain the required majority, the European Council, acting by a qualified majority, shall within one month propose a new candidate who shall be elected by the European Parliament following the same procedure.'

The European Council thus clearly has responsibility for nominating a candidate for President of the Commission, although it should take into account the European Parliamentary election. However the European Parliament interpreted this passage as giving it basically the right to nominate the Commission President. In Germany the election was conducted almost as if the voters were being asked to choose between Jean-Claude Juncker and Martin Schulz in this role, although in many member states the voters did not recognise either of these candidates.

Following the European Parliament election the members of the European Council were put under enormous pressure by the Parliament, interested in expanding its powers, to choose the leader of the majority party in the Parliament. Although several leaders were apparently not in favour of proposing Jean-Claude Juncker, they effectively gave in under pressure from the Parliament. In spite of the treaty giving ultimate responsibility to the European Council, it now seems likely that in future the Parliament will propose the Commission President.

This institutional spat is a symptom of the perennial struggle between the Council of the European Union representing the member state governments and the European Parliament which is elected directly. In other words it is part of the struggle between those who want a deeply integrated European Union with centralised decision-making in key areas and those who would prefer a union of the member states, with power in the hands of those member states.

Naturally less significant changes occur more easily within the EU institutions in areas where these institutions are empowered by the treaties to make these decisions. The TEU for instance lays down the role of the European Commission, in-

cluding its quasi-monopoly for proposing legislation, its term of office, the way in which members of the Commission are chosen and the areas of responsibility of the President. It clearly delegates the role of organising the internal organisation of the Commission, including the nomination of Vice Presidents, to its President. It appears at the time of writing that the newly confirmed President Juncker intends to change the structure of the Commission rather radically. The internal organisation of the other EU institutions is similarly determined within those institutions themselves.

Although major institutional change is a slow and wearying business of treaty change, significant changes have taken place and it is entirely likely that the pace of institutional change will increase under current and future political pressures. The Lisbon treaty in its protocol number 14 already established the Euro Group in the Council consisting of ministers from those countries whose currency is the euro. Although the protocol emphasises that this is an informal group, it has become an important part of the institutional structure of the European Union.

The developments in the Eurozone, which as of 1 January 2015 will have 19 members, is leading to an ever greater policy gap between these 19 countries and the remaining nine which are outside the Eurozone. A successful Eurozone will require a much deeper level of integration than it has at present. Major policy initiatives such as the development of the banking union and much deeper fiscal integration and the use of its considerable monetary policy power by the European Central Bank is putting considerable strain on existing EU-28 institutions. There have already been demands to have sessions of the European Parliament limited to representatives from the countries within the Eurozone and it is increasingly likely that these pressures over time will force the development of completely new institutions or the radical reorganisation of existing institutions in the union.



# What does Mr Tusk's Appointment Mean for Poland and Europe?

**Prof Aleks Szczerbiak**  
**SEI Professor of Politics and Contemporary European Studies**  
[a.a.szczerbiak@sussex.ac.uk](mailto:a.a.szczerbiak@sussex.ac.uk)

At the end of August, Poland found itself at the centre of European attention at the end of August following the unexpected election of the country's prime minister Donald Tusk as the next President of the European Council. What does this appointment mean for Polish and European politics?



### ***A 'safe pair of hands'?***

The appointment of Mr Tusk, who will replace the incumbent Herman Van Rompuy at the beginning of December, was not a total surprise and there had been some speculation earlier in the summer that he was a potential candidate for the post. However, during his seven years as Polish prime minister, Mr Tusk had always made it clear that his passion was national rather than EU politics and that he preferred to wield real power rather than occupy symbolic posts. Mr Tusk also stated on a number of occasions that he wanted to remain in Poland to lead the centrist Civic Platform (PO), the main governing party in Poland since 2007, into the next parliamentary election, scheduled for autumn 2015, and help it secure an unprecedented third term in office.

The fact that Mr Tusk speaks poor English and no French also prompted fears among European leaders that he would be unable to forge consensus among them in contentious debates, one of the Council President's most important roles, and communicate effectively on behalf of the EU to a wider audience. In a play on words during the first press conference after his appointment (which he conducted mainly in Polish), Mr Tusk joked that he

would have to spend the next couple of months 'polish(ing) his English'!

On the other hand, Mr Tusk always enjoyed excellent relations with German Chancellor Angela Merkel, who had previously voiced her support for his presidential candidacy. Indeed, some of his critics argue that the main reason for his appointment was that Mrs Merkel saw Mr Tusk as a 'safe pair of hands' who would not undermine Berlin's interests within the EU. He also received the unexpected backing of British prime minister David Cameron who signalled his readiness to support Mr Tusk a few days before the Brussels summit where the decision was taken, in spite of the fact that they had fallen out earlier this year over EU labour migration policy and alleged Polish benefit tourism to the UK. From his perspective, Mr Tusk may also have come to the conclusion that securing a third parliamentary election victory in Poland would be extremely difficult and that, even if he was then able to cobble together a coalition that kept Civic Platform in office, the prospect of heading up a greatly weakened government was not very appealing.

### ***What does it mean for Poland?***

Mr Tusk's appointment ushers in a new and extremely fluid period in Polish politics and could shake up the political scene very radically. For the last ten years, Polish party politics has been dominated by a duopoly of Civic Platform and the right-wing Law and Justice (PiS) party, the main opposition grouping led by Jarosław Kaczyński, Mr Tusk's predecessor as prime minister. The increasingly bitter struggle between these two parties was personified by the acrimonious rivalry between their leaders so Mr Tusk's imminent departure to Brussels represents the most fundamental change on the Polish political scene in the last decade and its short- and long-term consequences are likely to be radical and far-reaching.

The Civic Platform-led government presented Mr

## Features

Tusk's election as a vindication of its broader strategy of adopting a positive and constructive approach towards Warsaw's main EU allies and locating Poland within the so-called 'European mainstream'. On the other hand, Law and Justice, which had always accused the government of failing to defend Polish interests robustly enough within the EU, argued that such symbolic triumphs were meaningless if they did not lead to concrete policy gains for Poland.

The opposition attempted to portray Mr Tusk's departure as 'cutting and running' ahead of an anticipated election defeat, but this message is currently overshadowed by the overwhelmingly positive domestic media coverage that his appointment has received. Indeed, it has relatively easy for Civic Platform to present Mr Tusk's election as a great success to a Polish public which is still overwhelmingly pro-EU and proud of the appointment of any Poles to senior European posts, however symbolic. Some commentators and Civic Platform politicians have (some would say, rather inappropriately) even drawn an analogy between Mr Tusk's nomination and the election of a Polish Pope in 1978.



### ***What does it mean for Europe?***

As the first appointment of a politician from one of the post-communist states of Central and Eastern Europe that joined in the EU in 2004 and 2007 to such a senior post, Mr Tusk's appointment clearly has symbolic importance. On the other, the EU Council presidency lacks extensive powers and is largely a prestigious and technical position. Nonetheless, it does involve preparing the meetings of EU leaders at which key decisions are made and, in the event of disagreements, helping to broker deals and compromises.

There are probably two main areas of EU policy, where, depending on how skilfully he uses his new post, Mr Tusk's impact might be potentially significant. The first of is the question of the EU's relations with its Eastern neighbours, especially Russia and Ukraine. Successive Polish governments have attempted to persuade the Union to adopt a common (more robust) approach to its dealings with Russia as well as trying to draw the former Soviet republics as much as possible into the orbit of the West, which ultimately meant trying to get the EU (and NATO) to enlarge eastwards to include them. Although the Tusk government attempted to improve relations with Moscow, which were particularly tense under its Law and Justice predecessor – leading to criticisms from the opposition for it being too slow to wake up to the threat of Russian imperial ambitions – it also promoted the so-called Eastern Partnership programme within the EU.

This was a fairly modest attempt to strengthen bilateral links with former Soviet republics and did not include even a long-term commitment to future EU membership for the most pro-Western of them. However, the Eastern Partnership did lead to the association agreement with Ukraine whose rejection by the then Kiev government set off the chain of events culminating in the current Russian invasion of that country. Over recent months, Poland has been one of the EU's strongest advocates of sanctions against Russia over its involvement in the current Ukrainian crisis, even though its farming industry in particular is being hard-hit by the counter-measures that Russia is introducing in response. Moreover, since Poland gets a lot of its oil and gas from Russia, Polish governments have also been keen to promote European common energy security policies.

The second area where the influence of an appointee from Poland, a non-Eurozone member state, might be felt is in trying to prevent the increasing development of a two-speed Europe in which all the key decisions are taken by members of the single currency area. Poland has been particularly concerned that the Eurozone countries, especially France and Germany, appear to be increasingly assuming a greater leadership role within Europe and acting in ways that circumvent the EU institutions and crowd out non-Eurozone states. In

## Features

recent years, the main objective of Mr Tusk's European policy was, therefore, to prevent the EU from breaking up into the Eurozone and 'other' second tier members and that is likely to be reflected in his approach towards the EU presidency.

### **Does Mr Tusk have 'transferable skills'?**

Mr Tusk's appointment to the EU presidency is testament to the fact that he is one of the most skilful political operators to emerge within Poland during the twenty five years since the collapse of communism. It also shows that he has developed

excellent contacts on the European stage, especially with key EU power brokers like Mrs Merkel, and enjoys the trust of the Brussels political establishment. It is clearly excellent news for Mr Tusk him personally and clearly of symbolic importance for Poland and post-communist EU states more generally. However, it remains to be seen whether Mr Tusk's domestic political skills are 'transferable' to the European stage and sophisticated enough (and language skills can be honed sufficiently!) to use a largely technical job with little executive power to advance a distinctive EU policy agenda.

## Institutional Efforts to Curb Corruption in Europe

**Prof Dan Hough**

**SEI Professor of Politics; Director, Sussex Centre for the Study of Corruption**  
**D.T.Hough@sussex.ac.uk**



The European Union has recently made a big play of taking corruption seriously. Talking the talk is, however, one thing, the real challenge is walking the walk. Member States are making progress in that regard, but the task of both pinpointing what exactly should be done and then enforcing agreed anti-corruption remedies is a considerable one. And it's the latter that still requires particular work.

The European Union, like many of its member states, took its time in realising that it had to take issues of corruption seriously. European politicians were, of course, rarely slow in claiming that corruption was a serious problem and that they were taking the fight against it forward. But that tended to mean little in practice. Until the mid-1990s the EU subsequently did little to look at corruption-related issues within its institutions or indeed within its own member states. Indeed, corruption tended to be something for others to tackle with the aim of becoming more like the member states of the EU.

Through the 1990s, this slowly appeared to change. Indeed, it may well be possible to pinpoint the point at which warm words spouted by the EU and, to be fair, lots of other international organisations began to be transformed in to some sort of substantive action; the 1<sup>st</sup> October 1996. Not that attempts to tackle corruption started precisely then, but when James Wolfensohn, the then head of the World Bank, stood up and gave a speech denouncing what he termed the 'cancer of corruption', it became clear that for the international policy community tackling corruption was moving centre-stage. Moves towards creating and/or empowering international institutions to tackle corruption rose substantially in salience.

If in practical terms James Wolfensohn's 1996 speech marked an important step towards prioritising 'anti-corruptionism', then the groundwork for how this would be implemented was already being done in the hallowed halls of academia. And this groundwork led to very specific sets of policy recommendations being developed. Through the 1990s in particular, a strong core of political economists developed a body of anti-corruption principles that soon morphed into anti-corruption policies. A number of the key actors in this debate had feet in both the policy and the academic camps – Susan Rose-Ackerman, for example, was (and still is) a distinguished scholar at Yale as well as for a time being a visiting research scholar at the World Bank, whilst Vito Tanzi had an academic



## Features

background at both American and George Washington universities before becoming director of the IMF's department of fiscal affairs. It should subsequently come as little surprise that when international organisations, prompted by Wolfensohn's rallying call, began to discuss corruption then the ideas and recommendations of such thinkers gained particular resonance.

### ***Anti-Corruptionism in Practice***

What did this mean in practice? Firstly, the academic analysis of corruption experienced what the LSE's Jonathan Hopkin has described as an 'economic turn', as economists took ever more interest in questions of what caused corruption and what should be done about it. Much of this analysis started from a position that was highly critical not just of the state's ability to efficiently and effectively deliver public goods but that also embraced a set of behavioural assumptions that fundamentally distrusted politicians in the first place. In essence, politicians – much like all human beings – were understood to be rational, self-interested, utility maximisers.

This led some analysts to be crystal clear that "government intervention in the economy" is the root cause of corrupt practices and "a large government increases corruption and rent-seeking" (Zhong, 2010; Alesina and Angeletos, 2005). Even the less fundamentalist strain of this 'public choice' approach to analysing political affairs was still unambiguous in claiming that "excessive state intervention" would, sooner or later, directly or indirectly, lead to "a range of ill-defined pathologies, ranging from low-level inefficiencies, through bureaucratic 'shirking', to out-and-out corruption" (see Hopkin 2002 for a good critique of this). For its most enthusiastic proponents there was not only a highly sceptical attitude towards the state but also a deeply held belief that firms and private enterprise more generally only indulged in corrupt transactions as they were either meeting the demands of corrupt bureaucrats or forced to do so on account of overwhelming state regulation.

For many scholars who embraced this approach, corruption analysis subsequently offered an opportunity not just to illustrate that the state was

wasteful but also that the rent-seeking tendencies of politicians could, and indeed would, lead to an escalation in the number of corrupt practices. Few went as far as Nobel Laureate Gary Becker in claiming that "if we abolish the state, we abolish corruption" but the idea that the state could provide efficient and effective (and by definition corruption-free) services was dismissed as idealistic "romanticism" (see Tanzi, 2000 for more on that). Susan Rose-Ackerman's 1999 work provides the most emblematic example of this, as whilst the book has a number of eminently sensible suggestions for limiting incentives to act in a corrupt manner – keeping tax systems both simple and transparent, avoiding over-regulation that may prompt firms to 'cut corners' (i.e. bribe their way round them) – there is an over-arching scepticism of the role that the state should play in this.

The fact that the data on the relationship between levels of public spending and incidences of corruption remains ambiguous did not stop many of the policy prescriptions from this school of thought from taking hold. State intervention in economic and social life was viewed increasingly sceptically and should subsequently be restricted to a set of specific, limited activities.

In practice, this was seen to mean preserving law and order and upholding a clear and transparent legal system, protecting property rights, and providing only the most essential public goods that the market could not provide. In essence, these could be restricted to "basic preventive health care, elementary education and national defence" (Hopkin, 2002). Market mechanisms would efficiently and effectively allocate resources in all other areas. The fact that some (although not all) countries that spent disproportionately large amounts of money on public services could have low levels of corruption whilst some (although again not all) states that spent comparatively little had high levels of corruption was for the most part ignored. The assumptions that underpinned much of this research were still upheld and adhered to.

### ***International Organisations and the Anti-Corruption Agenda***

The first international organisation to talk about corruption publicly was the United Nations (UN),



## Features

and it did so well before anti-corruption was mainstream. The UN's General Assembly adopted a resolution calling for international cooperation against corruption and bribery in international commercial transactions as early as 1975, although given that other institutions failed to follow this lead the resolution remained very much a paper tiger.

It took fully twenty years for calls to be made for another resolution, this time for deeper and more sustained co-operation in halting the bribery of foreign officials – something that in many countries could still actually be written off for tax purposes. Eventually, the 'United Nations Declaration against Corruption and Bribery in International Commercial Transactions' was passed as the international community sought to pursue its development goals by opening up new, cleaner, more efficient channels of international commerce.

Following the 1996 breakthrough the UN regularly passed resolutions imploring member states to do more to fight corruption (and particularly bribery). While the UN resolutions were always careful to talk about the importance of maintaining and improving welfare standards for ordinary people, the logic behind the resolutions was still clear; creating efficient market mechanisms was the way not just to generate wealth, it was also the way to achieve broader goals of development and corruption prevention.

The practical effects of the UN's resolutions have remained relatively small, mainly as the UN does not have the tools to enforce (or even monitor) its own anti-corruption efforts. The same might be said of the OECD as it too started to think rather more about the impact of corruption. In the OECD's case, the US government was keen to persuade it (and subsequently other countries) to develop agreements that built on the USA's own 'Foreign Corrupt Practices Act' of 1977 (which

prohibits American companies from bribing foreign officials). American willingness to level the playing field and stop its own companies from being in a disadvantageous position in relation to firms from elsewhere (who were implicitly still allowed to bribe) was certainly one reason for the development of the OECD's 'Convention on Combating Bribery of Foreign Public Officials in International Business Transactions' that was adopted in November 1997 (Pieth, 1997). The convention requires signatories (of which at the time of writing there are 38) to enact domestic legislation crimi-



nalising the bribery of foreign public officials and to impose strong sanctions on those who break the law.

Whilst the influence of a discrete agenda is evident in the development of specific anti-corruption frameworks in the UN and OECD, it has been much more explicit – and much more clearly linked to the same set of assumptions that guide academics working in the public choice school – in both the IMF and World Bank. From the mid-1990s IMF-linked scholars began publishing working papers and academic journal articles arguing that corruption had a negative influence on a range of economic indicators such as growth and investment. Furthermore, by September 1996 the IMF had developed a 'Partnership for Sustainable Global Growth' where tackling corruption was seen as an "essential element of a framework within which economies can prosper" (IMF, 1997).

### **The European Union and Anti-Corruption**

Where was the EU in all of this? For a long-time, it was nowhere at all, and only in the last decade has the EU started to produce both institutions and directives aimed at taking anti-corruption forward. There are now a variety of anti-corruption

## Features

institutions in Europe. On the one hand, there are big, broad organisations such as the ‘Group of States Against Corruption’ (GRECO) that was set up by the Council of Europe in 1999 to improve the capacity of member states (of which there are 49) to fight corruption. On the other hand, in 2011 the EU itself set up a series of periodic assessments of member states’ efforts to tackle corruption. These assessments build on various framework decisions on combatting corruption that began to appear post-2003. The EU has also flagged up corruption and anti-corruption issues when analysing whether prospective members should be allowed to join the EU.

What does all of this talk mean? On the one hand, we don’t really know. But that shouldn’t put us off trying to dig a little deeper and it is with that in mind that the Sussex Centre for the Study of Corruption (SCSC) can, alongside the Sussex European Institute (SEI), make an important contribution to shaping this debate. Three specific pathways forward spring to mind.

Firstly, the public choice critics have shown us that there is still plenty of work to be done if we are to find a consensus on what *should* be done to tackle corruption in the EU and beyond and indeed *why* it should be done. That politicians have also failed to agree on anything other than the most rudimentary policy proposals should subsequently be no surprise. The gap in the market for clear, lucid thinking in this area should be clear for all to see. Secondly, that institutions matter can be taken as a given. But the real challenge comes in the area of

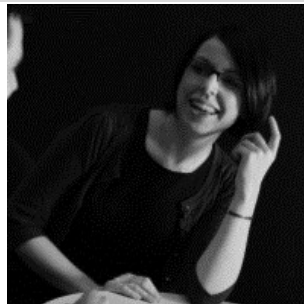
enforcement. Many states have embraced what look to be excellent institutional frameworks for tackling corruption and perfectly appropriate pieces of legislation. It is making sure that these often noble words and ideas mean something in practice that is the real problem.

Finally, conceptual and methodological difficulties to one side, we shouldn’t talk down the EU’s achievements. Regardless of how it is measured, EU member states generally do very well in the various corruption league tables that are out there. The record of the EU28 is clearly not perfect, and there are areas where work needs to be done, but it is undoubtedly a record that is more impressive than most. The challenge is to analyse the areas where improvements can be made and to come up with workable suggestions for taking things forward.

The SCSC is already beginning to make contributions in this direction, with an excellent cohort of PhD students coming together to put such issues under the analytical microscope; Liljana Cvetanoska, for example, is currently analysing the influence of the European Union’s enlargement conditionality on the control of corruption in CEE countries whilst Helen Keighley is explaining why some states are better than others transposing anti-bribery legislation. Only when the nuts and bolts of research is done will we know more about what works and what doesn’t, and, over the next decade or so, the SCSC and SEI will be looking to put themselves at the forefront of this.

## SAS v France: Retaining Institutional Legitimacy at the Expense of Rights?

**Dr Stephanie E. Berry**  
Lecturer in Public Law  
[S.E.Berry@sussex.ac.uk](mailto:S.E.Berry@sussex.ac.uk)



In July 2014, the European Court of Human Rights (ECtHR) handed down its much-awaited decision in the case of *SAS v France* (App no 43835/11). The applicant in *SAS v France*

challenged the French ‘burqa ban’ on the basis that it violated her right to freedom of religion under article 9 ECHR. By not accepting the simplistic argument that the *burqa* and *niqab* are contrary to gender equality, the ECtHR avoided much of the criticism levelled at its earlier judgments in cases concerning the *hijab*. However, the acceptance by the ECtHR that the vague concept of ‘living together’ justified the restriction of the applicant’s rights, highlights an

## Features

increasing tendency by the ECtHR to defer to the State without requiring evidence of the necessity of limitations placed on the rights of religious minorities. Arguably, the ECtHR is attempting to preserve its own institutional legitimacy, by awarding States a wide margin of appreciation, at the expense of the rights it is charged with protecting.

The margin of appreciation was initially devised to ensure that the ECtHR did not overstep its mandate and interfere with State sovereignty. By permitting States a degree of discretion when justifying limitations on Convention rights, the margin of appreciation allows the ECtHR to heed specific national circumstances.

The doctrine has become progressively more important as influential States, including France and the UK, have questioned the legitimacy of the ECtHR's judgments, most notably, when laws with popular support at a national level are found to violate Convention rights. In cases concerning freedom of religion, the ECtHR has awarded States a wide margin of appreciation on the basis of the lack of European consensus on the role of religion in society. However, as has been consistently stressed by the ECtHR, the recognition of the margin of appreciation does not negate the requirement that it consider the necessity of limitations on Convention rights.

In *SAS*, the ECtHR carried out a full appraisal of the proportionality of the restriction of the applicant's rights on the grounds of public order, gender equality and human dignity and found that the ban could not be justified as the necessity of the measure had not been proven. However, by recognising that the rationale of 'living together' necessitated a wide margin of appreciation, the ECtHR prioritised State sovereignty and, thus, its own legitimacy, above the rights of individuals.

Despite not being listed in article 9(2) as a legitimate justification for restricting a Convention right, the ECtHR was willing to accept that 'living together' fell within the ground of 'the protection of the rights and freedoms of others' (para 117). Yet, the ECtHR also expressly acknowledged 'the flexibility of the notion of "living together" and the resulting risk of abuse', and, thus, the need to

'engage in a careful examination of the necessity of the impugned limitation' (para 122).

However, by awarding a wide margin of appreciation, the ECtHR shifted the burden of proof from the State to prove that the interference was necessary to the applicant to prove that the interference was disproportionate. In practice, the margin of appreciation prevented the ECtHR from considering the proportionality of the 'burqa ban' on the grounds of 'living together'. In fact, it is not possible to reconcile a wide margin of appreciation with 'a careful examination of the necessity of the impugned limitation'.

The ECtHR justified the award of the wide margin of appreciation to France on the basis that the 'burqa ban' had been adopted following a democratic process (para 154). However, in its earlier case law the ECtHR had stressed that 'democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position'. (*Young, James and Webster v United Kingdom* (1981) Series A No. 44 para 63). A democratic process does not evidence that restrictions placed on the rights of minorities are necessary and proportionate. Notably, in *SAS*, the ECtHR disclosed that it was 'very concerned by the indications of some of the third-party interveners to the effect that certain Islamophobic remarks marked the debate which preceded the adoption of the Law of 11 October 2010' (para 149).

On this basis, the ECtHR should have prioritised 'a careful examination' above the 'wide margin of appreciation' of the State, as legitimate concerns had been raised regarding prejudice and intolerance against Muslims in French society influencing the adoption of the law in question. Although the ECtHR, throughout the judgment, reiterates that 'pluralism, tolerance and broadmindedness are hallmarks of a "democratic society"', the ECtHR's conclusion that there was no violation of the applicant's rights legitimises a law which eliminates pluralism from the social sphere and, thus, legitimises the associated intolerance against Muslims.

The democratic backing for the adoption of the 'burqa ban' meant that the ECtHR was faced with

## Features

making a politically unpopular decision had it found the interference with the applicant's rights in *SAS* to be disproportionate. However, the role of the ECtHR is to protect the rights of individuals and not to protect itself from criticism. As surmised in the dissenting opinion of Judges Nussberger and Jäderblom:

While it is perfectly legitimate to take into account the specific situation in France, especially the strong and unifying tradition of the "values of the French Revolution" as well as the overwhelming political consensus which led to the adoption of the Law, it still remains the task of the Court to protect small minorities against disproportionate interferences. (para 20)

The ECtHR developed the doctrine of the margin of appreciation in order to preserve its own legitimacy. Yet, in its early jurisprudence the ECtHR recognised that 'the overriding function of this Convention is to protect the rights of the individu-

al and not to lay down as between States mutual obligations which are to be restrictively interpreted having regard to the sovereignty of these States' (*Golder v United Kingdom*, Commission Decision, App no 4451/70 p 31). By not carrying out proportionality analysis in cases concerning the rights of religious minorities, the ECtHR permits restrictions on this right to go unchecked on the basis that they have popular support.

The recognition that there is not a consensus in Europe regarding the role of religion in society, does not lead to the conclusion that the right to freedom of religion or belief is any less significant to religious individuals. In *SAS*, the ECtHR allowed a law which is symptomatic of the prejudice of the majority to take priority over the concrete rights of the Muslim community. If the ECtHR is to retain legitimacy as a human rights court it must act, as intended, as the conscience of Europe, and protect the rights of minorities despite populist and even democratic demands that their rights be restricted.

# 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.

## Human Rights, State Sovereignty and the Control of the Irregulars After the Immigration Act 2014

**Dr Erik Longo, University of Macerata**  
**Visiting Fellow**  
[erik.longo@unimc.it](mailto:erik.longo@unimc.it)

I joined the Sussex Centre for Migration Research in July 2014 as a Visiting Researcher thanks to the financial support of a Joint Italian National Project sponsored by the University of Florence and the University of Macerata. I received my PhD from the University of



Teramo (Italy) and I have been recently appointed as Senior Lecturer in Constitutional and Public Law at the University of Macerata. In 2012, I spent a semester as a visiting scholar at the Center for Civil and Human Rights of Notre Dame University (USA), within the Program for Law and Human Development.

As a Public and Constitutional Law expert, I have been working mainly in the field of protection of socio-economic rights in the European and Italian legal systems. Since

## Research

2012 I developed an interest for the study of the social conditions of irregular migrants. So far, my research has tried to rethink the protection of social rights in the light of emerging trends in migration – specifically, the differences in the legal rights of undocumented immigrants. While recognizing the need to ensure basic social and human rights, I argued for a broadening of the discussion beyond the scope of social ‘entitlements’, toward an approach to social rights that addresses development and participation on the part of marginalized people that contribute to the common good.

During my time at Sussex, I delved into the study of the reform of immigration rules that the British Parliament recently passed. In particular, my work has focused on analysis of those sections of the UK Immigration Act 2014 (IA 2014) devoted to delegate the control of migration to some service ‘professionals’, such as landlords, bankers, and universities.

In my view, the IA 2014 represents the last element of measures intended to dramatically reduce irregular migration in Britain. The provisions of the Act include an increase in the maximum penalty for employing illegal workers, the obligation of legal residence proof to open a bank account, rent a property and get married.

Restricting migration is an everyday concern for the British government. Searching for alternative ways to increase borders security, the Conservative–Liberal Democrat coalition has decided to place relatively less emphasis on border enforcement and to strengthen the enforcement of immigration rules. The new approach aims at both tighter sanctions in the case of expulsion and restrict the access to services to deter illegal access and over-staying. The new government strategies target those relations that allow irregulars to stay in the country without a legal permit. This eventually should induce a sort of ‘self-deportation’.

In doing so, the new rules raise the possibility to underpin the current principles of the UK immigration system. Indeed, a permeating theme in the IA 2014 is the critique that could be named ‘the challenge of the involvement of non-state actors in

immigration control’. Characteristics of this process are legal rules devoted to partially transform the surveillance responsibility from being a state-only task (as part of its sovereignty rights) to a collective one, electing private agents such as agencies, firms, and individuals to ‘active’ subjects of control. These arrangements call citizens to act as public authority, either by giving information to the Home Office or by proving the accomplishment of checks and the monitoring of their ‘customers’.

According to these premises, my work addresses two problems related with the debate on state regulatory modes of immigration. Primarily, it analyses why the British government has shifted from old policies (i.e. control of migration mainly through ‘borders controls’) to the involvement of ‘non-state actors’ who establish certain interactions with immigrants. Consequently, the work examines in which sense the IA 2014 aims to control immigration through the surveillance of social relations using evidences from other disciplines, such as criminal law. For this reason, the study considers critically the government’s aim to produce a ‘forced’ regularisation of immigrants in the UK society, with a specific analysis of the landlords’ case.

Secondly, the study analyses the determinants of this policy change and the possible problems related to the state intention to maximise benefits while minimising migration costs for the country, while at the same time seeking to retain its sovereignty in this sensitive policy area. Furthermore, the work investigates also possible reverse-effects of new policy instruments to control immigration, in particular the potential consequences on human rights and social conditions of the entire immigrant population in the UK.

# Millions on the Move

**Dr. James Hampshire**  
**Senior Lecturer in Politics**  
[J.A.Hampshire@sussex.ac.uk](mailto:J.A.Hampshire@sussex.ac.uk)



Europe has emerged as one of the world's two major destination regions for immigrants since the 1990s. Today, there are 49.9 million international migrants in the European Economic Area, just slightly less than 50 million in North America. Europe is clearly a continent on the move, but it is equally clear that many Europeans are ill at ease with this. Governments across Europe face growing pressure to restrict immigration as public opinion hardens and anti-immigrant parties make headway. The most recent European Parliamentary elections in May 2014 saw gains for populist anti-immigrant parties, including outright victories for the French National Front and United Kingdom Independence Party. This poses an acute dilemma for governments: how to prevent an anti-immigrant backlash without undoing the benefits of free movement within the European Union, as well as immigration into it.

### Migration since the economic crisis

In the few years before the economic crisis, immigration to European countries fluctuated between three and four million people a year. In 2008, as European economies tumbled, total immigration stood at 3.8 million and emigration at 2.3 million, resulting in a net migration of 1.5 million people. Of this figure, approximately 55 per cent were immigrants from outside the EU and 44 per cent were EU citizens moving from one country to another.

At the time, it seemed as if the economic crisis would mark a watershed in Europe's migration history, as the collapse of communism had done in the early 1990s.

The crisis has certainly had important effects, but while it has slowed migration flows it has not brought them to a halt. Inflows from outside the EU peaked in 2007 and since then they have fallen

by around 4 per cent a year, and by 12 per cent in 2012. Intra-EU migration also fell in the immediate aftermath of the crisis, but this movement has begun to increase in the past two years. Nearly one million EU citizens migrated to another European country in 2012, an increase of 12 per cent on the previous year.

These new flows are concentrated on a few destination countries in northern Europe. Germany has emerged as the main destination for migrants from central and eastern Europe, and to a lesser extent southern Europe, and it is now second only to the United States for immigrants in the 34-country Organisation for Economic Co-operation and Development.

Inflows to Germany rose by more than a third in 2011-12 alone. This is a staggering increase, but it will not continue at this rate. The leap in 2011-12 is partly explained by the fact that labour restrictions on the eight central European and Baltic countries that joined the EU in 2004 expired in 2011. This effect will diminish in coming years.

The other, wider factor is the relative health of the German economy and the very high levels of unemployment, especially youth unemployment, in the southern European countries hit hardest by the crisis. For similar reasons, Britain has also experienced a significant increase in immigration from Italy, Spain, and Portugal.

While remarkable, this is not especially surprising, nor should it be cause for alarm. Free movement migration is particularly responsive to labour market conditions, much more so than the settlement migrations of the post-war years. Free movement rights reduce the transaction costs of migrating, meaning it is more likely that migrants will return or engage in circular movements, working for a period of time in one country, before returning home and then possibly re-migrating. By enabling migration from jobless economies to those where there are work opportunities, free movement alleviates some of the human costs of the crisis. Right



## Research

now young, educated Spaniards, Italians, Greeks and Portuguese are moving to Germany and Britain, but as their home countries' economies recover it is likely many will return, bringing back new skills and experiences gained abroad. Recent signs that the recovery in Spain has picked up and that employment is increasing may cause this to occur sooner than expected.

### **Restricting free movement?**

None of this is to deny the very significant challenges posed by contemporary migration flows, both within and from outside of Europe. Faced with popular opposition and the rise of populist radical right parties, politicians across Europe, and especially in Britain, need to work harder to persuade their electorates that free movement is working in their interests.

The Prime Minister, David Cameron, has said that he thinks 'free movement needs to be less free'. An end to free movement is not achievable or desirable, however. It is so central to the single market, and thus the European project as a whole, that undoing it would be the undoing of the EU. In Germany, where long-term demographic projections imply the need for more not fewer immigrants, the government will not support attempts to limit indefinitely the movement rights of workers from future accession countries. And the Polish government, once a strong ally of Britain but increasingly exasperated by Cameron's politicking, would not condone an overhaul either.

However, the EU Free Movement Directive makes clear that the right to move and reside freely is not absolute. In theory, after three months an EU national without a job has no right to remain in another EU country unless they have sufficient means not to become an 'unreasonable burden' on the welfare state.

In practice, there are a number of exceptions in the directive that restrict governments' ability to expel people, and none does so on any significant scale. It might, however, be possible to reach agreement on reforming access to benefits for free movers. Cameron's political capital in the EU is at rock bottom, but on this issue he has some allies, including Germany, Austria, and the Netherlands,

who recently co-signed a letter calling for restrictions to migrants' access to welfare benefits and public services. This might go some way to assuage public concerns. But it is unlikely to have a significant impact on numbers for the simple reason that the vast majority of EU citizens migrate for work not benefits. Ultimately, the only way to substantially reduce intra-EU movement would be to address the inequalities of opportunity and income between member states that motivate people to move.

### **Missing the target**

The current debate about free movement can obscure the fact that popular concern about immigration is not solely about EU migration. In Britain, the Conservatives have committed themselves to reducing net migration, including non-EU immigrants, 'from hundreds of thousands to tens of thousands' by 2015. While the electoral logic of this pledge was clear enough – to prevent hemorrhaging of votes to UKIP on the right, while attracting immigration-sceptic Labour voters to the left – it was always going to be a hostage to fortune. When the coalition government was formed with the Liberal Democrats in May 2010, net migration was running at 252,000 a year. By 2012, it had come down to a low of 154,000, but has since risen to 212,000 in the year to December 2013.

The net migration target is problematic in several respects, the most important one being that it is undeliverable. Net migration to Britain is made up of three distinct flows: emigration, immigration of EU citizens and immigration of non-EU citizens. The first two of these are effectively beyond government control. Emigration is not something that a liberal democracy can do much about: if citizens or permanent residents want to leave they can't be stopped, much less forced to do so. Nor, of course, is free movement migration within the government's control. For the reasons discussed above, there are limits to how much EU member states can do to manage intra-EU flows within the current framework.

The government's impotence was plain to see in the hysteria surrounding the predicted floods of Romanians and Bulgarians following the expiration of labour market controls in January 2014.

## Research

While this deluge has not materialized, the increase in EU immigration from southern European countries is a major reason why net migration has increased since 2012, while the other reason has been a reduction in the number of people emigrating from Britain. Thus changes in these two largely uncontrollable flows have prevented the government from getting even close to its target.

In the area of non-EU immigration, which includes non-EU labour migration, international students, and family migrants, the government has, in principle, the instruments to make substantial cuts. And it has set out to do so. But as the academic literature on migration policy would predict, and policy-making experience since 2010 bears out, even here the government is constrained from making swingeing cuts.

In the area of labour migration, the government has tightened entry routes. But in the face of intensive lobbying from business groups, it made a number of important concessions, including exempting intra-corporate transfers, as demanded by multinationals, and highly paid workers, as demanded by banks and law firms in the City, from the cap.

Even more significantly, the cap was set at such a high level that it has not yet been exceeded in any case. In the areas of international student and family migration, the government has pursued restrictive policies with some effect, but even here there are limits to how far it can go given Britain's human rights commitments and the importance of the international student market to the economy.

So the government has an immigration policy that it will not achieve. Whatever the other costs and benefits of the migration target, failure to deliver on its headline promise is likely further to undermine public trust in the government's ability to manage migration. Sensing this, the Home Secretary, Theresa May, recently rowed back on the original commitment to achieve the target by 2015, but insists that it remains Conservative policy. It would be a better idea to drop it altogether.

*This article first appeared in The World Today, August & September 2014, and has been republished here by kind permission of Chatham House. James Hampshire is author of 'The Politics of Immigration: Contradictions of the Liberal State' (Polity 2013)*

## Rethinking the relationship between EU and international law in a multilevel framework

**Dr Emanuela Orlando**  
**Lecturer in Environmental Law**  
**E.Orlando@sussex.ac.uk**



In the multilevel regulatory framework that currently characterises global governance, the relationship between the EU and the international legal order is a topic of growing scholarly relevance. In the environmental field, the increasing interaction of European and international law, accompanied by the growing role of the European Union on the international scene, have become prominent features of the last two decades.

As a main part of my current research, I have been examining the interplay between EU and international law developments with special focus on the

question of liability and reparation for environmental harm. I presented the findings of this research project at the International Law Association British Branch Spring conference on 23-24 May on the *Foundations and Futures of International Law*. This two-day event brought together international law scholars from all around the world to discuss the foundations and possible futures of International Law, explore new theoretical paradigms and analyse current issues of concern to present and future generations.

Issues that were examined by the various panels include foundational international law questions that are preoccupying the international law

## Research

community - such as the relationship between national, regional and international law, the question of fragmentation of the international legal order, and the need to revisit the traditional approaches to state sovereignty - and emerging international challenges - such as human trafficking, the use of technological weapons in armed conflicts, human rights challenges linked to the expanding digitalisation and information technologies, the regulation of oceans, and environmental protection.

Although the conference was mainly international law oriented, it provided an appropriate forum to discuss the role of the European Union in promoting the development of international law and its contribution to global environmental governance. In the environmental law panel, titled 'The Outer Limits of Environmental Law', two presentations including mine were devoted to the discussion of current EU developments.

Dr Nengye Liu, Marie Curie fellow at the University of Dundee, presented findings from his current research project on the EU competences in the field of marine biodiversity protection in the Arctic. Both the European Commission Communication "The European Union and the Arctic Region (COM(2008) 763 final), and the subsequent Joint Communication of the Commission and the High Representative "Developing a European Union Policy towards the Arctic Region: progress since 2008 and next steps" (JOIN(2012) 19 final) had, in fact, set the case for an increased EU engagement in Arctic issues, with a view to enhance the environmental protection of the vulnerable Arctic's environment and ensure its sustainable development.

The paper I presented examined the relationship between EU and international law in providing appropriate responses to environmental harm. I discussed this question by focusing on the interaction between EU Directive 35/2004 on environmental liability with regard to the prevention and remedying for environmental damage (also commonly referred to as the 'Environmental Liability Directive') and the relevant international conventions in the field of maritime pollution.

With specific respect to the liability question, the most important international law regime is the one provided under the Civil Liability Convention for Oil Pollution Damage. The Convention provides a uniform regime of civil liability of the ship owner in case of environmental damage caused by the accidental discharge of oil at sea. Although the EU is not - and, at least for the time being, cannot - be a party to the Convention, the latter has been

ratified by all the EU member states.



This creates potential for the overlapping application of the two liability instruments (EU and international) in case of damage to the coastal environment and to water in territorial seas caused by oil accidentally leaked from a ship. While the interaction between the two legal orders could in principle be beneficial in strengthening the enforcement of environmental standard, it may also lead to contrasting judicial decisions which risk fragmenting the overall international framework and ultimately creating legal uncertainty.

In the increasing multilevel framework that characterises environmental governance in the EU and internationally, the above question is not merely theoretical. Indeed, in the *Commune de Mesquer* case (C-188/07), the Court of Justice of the European Union was called to examine the potential simultaneous application of the Civil Liability Convention for oil pollution damage and the EU law provisions on waste holder responsibility under the Waste Framework Directive 75/442.

In *Mesquer*, the question of the parallel application of the Environmental Liability Directive was raised, but not discussed further, since the damage - the significant marine pollution to the French coast of

## Research

Brittany resulting from the shipwreck of the Erika oil tanker - pre-dated the Directive's temporal scope of application.

Outside the specific field of environmental liability, there are other cases where the Court of Justice of the European Union was again confronted with issues relating to the relationship between European Law and international environmental law—in the specific the Law of the Sea. The cases of *Mox Plant*, *Intertanko* and, more recently, the *Mattia Manzi* case, are all examples of the broader phenomenon consisting in the increasing relevance and use of international law in the interpretation and application of relevant EU legislation.

In the *Intertanko* case (308/06), the Court was faced with the question of the alleged conflict between the EC Directive 2005/35/EC, laying down rules and introducing penalties on ship source pollution, with certain provisions of two maritime international agreements, the International Convention for the Prevention of Pollution from Ships (MARPOL 73/78) and the UN Law of the Sea Convention. As the EU is not a party to MARPOL, the Court eventually came to the conclusion that the latter had not effect within the EU legal order with the consequence that the Directive - which set out stricter criminal liability standards in case of ship pollution - was perfectly valid and enforceable.

A similar question was recently at stake in the *Mattia Manzi* judgment of 23 January 2014 (C-

537/11). The Court admitted the application by the Italian authorities of the stricter standard on the sulphur content of fuels provided in Directive 1999/32 (no more than 1.5% by mass) against a cruise ship, flying the Panama flag, despite the more lenient fuel quality standard provided by the Protocol to the Marpol Convention (not exceeding 4.5 % by mass).

The cases discussed above point to the relevance of devising appropriate strategies to enhance the coherence and consistency in the application and interpretation of EU and international law. This is all the more important in the environmental field. Given the growing number of international agreements regulating a vast array of environmental and natural resource issues and the corresponding by the expanding reach of EU environmental legislation, it is likely that the Court will in the future continue to be confronted with the question of the relationship between EU and international law. In a world which is increasingly under ecological and climate pressures, a foreseeable challenge for the Court would be to balance its traditional stance towards preserving the autonomy and distinctiveness of the EU legal order, with the growing need to secure the application of the law in a way to secure an effective protection of the environment.

*Dr. Orlando will present her research at an SEI RIP seminar on Wed. 1 Oct. 2014 2-4pm, Jubilee Building 155.*

## Children's Participation Beyond Institutional Spaces

**Dr Sevasti-Melissa Nolas**  
Lecturer in Social Work  
University of Sussex  
[s.nolas@sussex.ac.uk](mailto:s.nolas@sussex.ac.uk)



The UNCRC's (UN Committee on the Rights of the Child) response to the UK Government's fifth periodic report is due in October. As such, this is an appropriate time to pause and reflect on children's rights, and in particular on the fundamental right to

participation. The issue of children's participation in decisions that affect them came to the fore with the UN Convention for the Rights of the Child (1989), and especially Article 12 which states that children have a right to be listened to and to be consulted on decisions that affect them.

Since then national, European and international policy has paid considerable attention to ways in which such aspirations may be realised through the institutions, programmes and projects that serve children and their families. Many of the efforts to

## Research

amplify children's voices have centred on institutional reform and organisational change.

Perpetua Kirby and colleagues (2003) argued some time ago that cultural change in services was necessary in order that children could participate in decisions that affect them. The Children's Rights Alliance England created audit and organisational change tools (Hear by Right 2005) in order for children's services across the board to reflect on their current values and practices and to create more child-centred ways of working. Most recently, the EU's Fundamental Rights Agency (2010) and Save the Children (2014) have both launched a monitoring and evaluation toolkit for tracking the implementation of children's participation rights.

Yet worryingly, despite these investments, children's voices remain unheard in practice settings and in their everyday lives with, at times, dire consequences. To run with a sound analogy for a moment, this raises questions about what we might call 'societal acoustics' and the ways in which children and childhood are positioned amongst other voices, how children's voices are projected (or not), and how they are received by audiences.

Laura Lundy (2007) drawing on research conducted on behalf of the Northern Ireland Commissioner for Children and Young People has convincingly argued that 'voice is not enough' and has shown how endeavours to promote children's engagement with selective domains of public life are marred by misunderstandings of the original UNCRC Article 12, and its narrow application. Indeed, we might argue that the overemphasis on voice, has led to deafness as for example in Rochdale, England in 2012 when young girls repeatedly tried to tell the authorities there about being sexually exploited but were not listened to.

Following the UNCRC, participation has thus ended up narrowly conceptualized as the right to be heard and to be consulted on decisions that affect the child, limiting our understanding of participation as an interpersonal experience that may occur only at certain institutionally defined moments (e.g. visiting the doctor, being involved in care proceedings, being on the school council).

In order to address some of the contemporary challenges of understanding children's participation we need to leave the institutional context behind for a moment and rediscover children and childhood within everyday life (something that researchers in childhood studies have been doing for some time now). We also need to engage with the paradox of relaxing the tenacious grip of Article 12 in order to strengthen it.



Looking at the Convention itself we find that Article 12 sits alongside a number of other civil and political rights for children (Articles 13-17: rights

to freedom of expression, of opinion, religion and conscience, and of association, as well as a right to privacy) about which we hear much less in practice settings and policy speak. The interdependency of these participation rights points towards an understanding of children as political beings and childhood as a political space.

Yet, given dominant and conflicting social representations of children and childhood as innocent and menacing, in need of protection and the target of persecution, what does political agency in childhood look like? How does it come about and how does it evolve? What role do inequality, difference and crisis play in shaping political agency in childhood and why should we care about it?

These are some of the questions and gaps in the understanding and practice of 'children's participation' that the CONNECTORS Study is addressing. By carrying out our research using a cross-national and qualitative longitudinal methodology and, working with children aged 6-10 years we hope to capture and analyse some of the dynamics of an emerging political awareness in childhood. We try to capture this idea with the phrase 'the emergence of an orientation towards social action in childhood'. We define participation as a practice of engaging in personal and social change, which we understand, in turn, as cutting across private and public life, biography and history, the local and global.



## Research

The understanding of politics employed in the study is influenced by feminist and post-colonial studies in which the everyday is appreciated as political and intersectional. In this sense, we might start to think of the emergence of children's participation in public life as the emergence of a personal and social ethics in childhood that cuts across gender, class and race lines and is situated in community life. Over the next four years we will be tracing the conditions under which such personal and social ethics form and if, how and when engagement with broader circuits of activism takes place.

The study is funded by the European Research Council under the Starting Grant scheme (ERC-2013-StG 335514-CONNECTORS) and is housed in the Centre of Innovation and Research in Childhood and Youth Studies in the School of Education and Social Work at Sussex.

To follow our progress in Athens, Hyderabad and London you can follow our blog [connectorsstudy.wordpress.com/](http://connectorsstudy.wordpress.com/) and twitter feed [@SU\\_Connectors](https://twitter.com/SU_Connectors).

## New institutional explanations of party funding regime change: a consolidated approach

**Sam Power**  
Politics doctoral researcher  
[S.D.Power@sussex.ac.uk](mailto:S.D.Power@sussex.ac.uk)



New institutional analysis has become so ubiquitous that Theda Skocpol and Paul Pierson (2002) argue, 'we can say of much political science today what Richard Nixon once said of Keynesianism: We are all institutionalists now'. An immediate reply to this statement may be; okay, but what *kind* of institutionalist?

Vivien Lowndes (2010) has identified no less than nine different strands of new institutionalism: normative, rational choice, historical, empirical, international, sociological, network, constructivist and feminist. Nine is an overabundance of categories, but the point remains that institutional thought is one of the more epistemically eclectic approaches in political science. Therefore, it may be true that 'we are all institutionalists', but what does that really mean? Indeed, what does institutionalism mean if there is no unifying thread amongst the approaches? The competing institutional explanations of party funding regime change represent an excellent example of how different understandings of institutionalism can influence analysis.

Katz and Mair's conception of the cartel party, the somewhat maligned yet academically resilient con-

cept, has informed much of the recent debate regarding party adaptation and change. Further, the underlying argument that the cartel party represents an 'ever closer symbiosis between parties and the state' is one that is intrinsically linked with explanations of party funding regime change. An important way that this ever closer symbiosis has manifested itself is in the almost continent wide increase (from Germany in 1959 to Latvia in 2010) in state subventions to political parties. Whilst the cartel party thesis does not singularly discuss notions of party funding change, this rational choice institutionalist approach has led academics (for example Clift and Fisher, 2005) to criticise the work as, amongst other things, oversimplifying a complex process.

More plausible rational choice explanations, such as that of 'electoral economy' (Scarrow, 2004) can be seen as confirming the fragility of the cartel party model, particularly in the context of Britain. By outlining a rational response to a changing party environment which might not always lead to an increase in state subventions, Scarrow describes a situation in which parties might actively campaign against the introduction of further state subsidies. For example, if doing so would lead to an electoral advantage over other parties, at the cost of further damage to party finances. So in the case of the Britain, Michael Koss (2011) argues that parties can be understood as following an electoral economy approach, valuing 'their own electoral benefit



## Research

above collective financial gains'. For a historical institutionalist however, this explanation can still be seen as inadequate. Pierre et. al. (2000), for example, argue that party funding regime change in Norway can largely be understood as a path dependent response to increasing financial difficulty. The change here represents the logical actions of a 'static centric regime' which had a 'strong societal belief in the state as a regulator, provider and mediator'.

Furthermore, Norway enacted legislation (1979) just two years after Sweden, a good example of the *diffusion thesis* forwarded by Nassmacher (2001) which suggests that modification of the party funding regime becomes more likely to be enacted if neighbouring states have legislated for party funding reform. Using Britain as a further example, it has been suggested by Justin Fisher (2009) that the *Political Parties, Elections and Referendums Act 2000* (PPERA) represents an historical echo of the *Corrupt and Legal Practices (Prevention) Act 1883*. PERA effectively represented a national version of legislation that had been introduced over 100 years previously and had been deemed to have worked relatively well at the local level.

This British example aside, Clift and Fisher (2004) forward a normative institutionalist explanation of party funding regime change in France. In this case, the 'status-quo' had been unable to deliver 'corruption free political finance' which subsequently led to the introduction of a significant amount of state subsidy (in 1988) where before the French party funding regime was non-existent. Here the 'normative institution of French party democracy endured' despite the fact that parties were/are weakly embedded in civil society, they were still seen as integral to the functioning of French democracy. Fisher further argues that one of the reasons for the continuance of 'British exceptionalism' (simply defined, a predominantly privately funded regime) is the fact that a *normative preference for voluntarism* has prevailed.

A final key intervention into explanations of party funding regime change is the inclusion of discursive institutionalist approaches by Koss (2011) who argues that interests and institutions are 'shaped, but not determined, by political discourses'. Koss

demonstrates that the introduction of state funding to political parties becomes more probable, 'the more the discourse on political corruption identifies state funding as a remedy against corrupt practice in party politics'.

Again, using the case of Britain, this can go some way to explaining the perpetuation of British exceptionalism. Earlier this year I conducted a content analysis of 89 documents collected from a Nexis search of all British national newspapers between 31<sup>st</sup> March 1993 and 31<sup>st</sup> March 2014 (search term: party funding AND state funding AND corruption). Although the parameters were admittedly rudimentary, the results showed that newspapers in Britain do not identify state funding as remedy to corrupt practice and furthermore opinions on that matter fall on a fairly crude left right dichotomy.

Returning to the introduction, where do these competing institutionalist explanations leave us in understanding party funding regime change and what can these explanations tell us about institutional explanations of change more generally? In their much cited 1996 work, Hall and Taylor conclude by calling for 'a more open and investigative interchange among different strands of new institutionalism'. This call has not been entirely heeded with some scholars seeming to privilege a certain approach they prefer over other institutionalist understandings. This is, ultimately, an unhelpful way of working.

The argument should neither be that each institutionalism is one and the same, nor that each institutionalism should be treated as totally separate, but that each institutionalism should be treated as representing a distinct, yet interconnected understanding of the phenomena that is being explained. In a recent addition to the new institutionalist canon, Vivien Lowndes and Mark Roberts (2013) distanced themselves from the 'sectarian defence of any particular scholarly niche' and forwarded an integrated theory which would bring together the concerns and dilemmas of various strands of institutional thought to produce convincing explanations of conduct, outcome and change. They refer to this as part of the third phase of new institutionalism 'convergence and consolidation'.

## Research

Utilising this approach can perhaps give us a better understanding of institutional change, or indeed *lack* of institutional change. If we take as an example the continuance of British exceptionalism, it is better explained as the interplay of 'electoral economy', 'path dependency in legislative output', 'conception of the voluntarist tradition' and the 'lack of consensual communicative and coordinative discourse'. Therefore, instead of understanding *competing* conceptions of institutional change, the third phase of new institutionalism presents *complementary* understandings which allow for an explanation which is greater than the sum of its parts.

## Taking advantage of the Duchêne travel bursary

**Nikoleta Kiapidou**  
SEI doctoral researcher  
[N.Kiapidou@sussex.ac.uk](mailto:N.Kiapidou@sussex.ac.uk)

I was delighted to be informed a few months ago that I was awarded the François Duchêne travel bursary donated by the Sussex branch of the European Movement and delivered through SEI. Every year the Sussex branch of the European Movement in co-operation

with the SEI offers travel bursaries to PhD students at the University of Sussex who are doing research on issues related to the EU.

In my case, in order to collect data on how and why the Eurozone crisis has had an impact on national party systems, I undertook research trips and carried out interviews with experts and party officials in the capital cities of my four case study



countries: London, Dublin, Berlin, and Athens. At an earlier stage of my research, I conducted an expert survey and gathered my first empirical data on the topic. However, in order to have a more complete picture on the issue, I followed this up with an intensive series of interviews in the four countries included in my project. The additional financial support was vital for me in order to cover the essential travel and accommodation expenses.

As I am located in the SEI, I identified contacts from the SEI-based European Parties Elections and Referendum Network (EPERN) who I drew upon in Berlin, London, Dublin, and Athens in order to gain access to interviewees. Thanks to the Duchene travel bursary, I have so far conducted more than 40 interviews with academics, commentators, and party officials from all the major national parties of Germany, the UK, Ireland, and Greece.

## Electoral participation in “new democracies”

**Elvis Bisong Tambe**  
Doctoral researcher in Politics  
[E.Tambe@sussex.ac.uk](mailto:E.Tambe@sussex.ac.uk)

With the support of my supervisors (Aleks Szczerbiak, Paul Webb and Ben Stanley) I developed a research outline which I presented on the 14<sup>th</sup> of May 2014 to the Politics department and fellow research students.



The process of presenting my research paper was indeed challenging but the feedback and comments received during this presentation were all useful and timely. Comments were directed towards my use of theories, hypotheses formulation and even to more technical aspect such as the regression method I plan to use for my statistical analyses.

My research begins with the question 'Did you vote in last election?'. The question of why people turn out on election day has been a longstanding issue of debate among political scientists. Based on

## Research

this, my thesis focuses on the following central research question: Why do people vote in new democracies? That is, what determines and influences people's decisions to vote? This question is essential for the following reason. The future of democracy in both established and emerging systems has been stated by scholars such as LeDuc, Niemi and Norris to depend to a larger extent on events related to the electoral process. In a nutshell, the existence of free and fair competitive elections is invariably considered one of the critical features that defines a nation as "democratic".

In order to single out which factors are linked with electoral participation in transitional democracies, my focus is on the countries that have regularly organised competitive democratic elections. I will therefore examine 21 countries, 9 in sub-Saharan Africa and 12 in Central/Eastern Europe, that are considered democratic based on Freedom House ratings of political right.

My study relies on two types of cross-national survey datasets: the Afrobarometer and the Eurobarometer. The design consists of the most different comparative framework, which is buttressed by quantitative method. The research intends to make a contribution to political participation research in two ways.

Firstly, the project aims at theory testing. With this ambition in mind, I ask whether the standard models and explanations that have been developed in respect to established democracies work as well in newer democracies. In trying to explain what influences people to vote at the individual level, I rely solely on models and theories that may be considered as Western constructed. How far can these Western generated theories travel in the age of globalisation? Does their explanation of voting at the individual level fit well into emerging democracies of Africa and post-Communist states? This study will therefore help us access the validity and applicability of these models with regards to transitional democracies.

Secondly, by comparing Africa and Central/Eastern European countries, I intend to contribute to the literature on electoral participation at the individual level by finding out if there are similarities of outcome, given the relative newness of democratic elections in both regions, or if there might be systematic differences between the two regions. In a nutshell, my goal is to understand if there is something distinctive about voting at the individual level in new democracies, to see if these new democracies resemble each other, if Central/Eastern European countries resemble Western European countries more or if that each region is unique.

## Research takes PhD student to the Czech Republic, Macedonia and Romania

**Liljana Cvetanoska**  
**SEI Doctoral Researcher**  
**L.Cvetanoska@sussex.ac.uk**



As part of my research on the influence of the European Union (EU) on the control of corruption in Central and Eastern Europe (CEE), I have planned fieldwork trips to the Czech Republic, Macedonia and Romania, followed by a short fieldwork trip to Belgium.

The goal is to analyse how each of the three cases has approached the fight against corruption during the accession process, how important the anti-

corruption requirements were for the accession process overall and how successful each case was in controlling corruption.

To answer these questions, I plan to analyse relevant documents and to conduct semi-structured elite interviews. I will carry out over twenty representative interviews per case with national experts on corruption and/or enlargement such as academics, policy makers and other government officials, members of the judiciary, MPs, and NGO researchers. I will also speak to relevant EU experts to gain a different perspective on the importance of corruption for the accession process. These qualitative interviews are crucial for the research as they will add an additional dimension by

## Research

helping to get different perspectives on the problems with corruption.

I have received a Civil Society Scholar Award by the Open Society Foundations to carry out the fieldwork in Macedonia and Romania. At the moment I am collecting initial data in Macedonia, that will allow me to understand the causes and problems with corruption in Macedonia, and the role of the EU in controlling corruption in the country. From the end of September 2014 until February 2015 I will be a visiting researcher at Charles University in Prague, as a selected scholar of the International Visegrad Fund. I also plan to collect data on Romania, after which I will visit Brussels to speak to EU experts acquainted with the anti-corruption requirements during the accession process.

Talking to professionals that have knowledge on the problems with corruption, and especially on the importance of the issue of corruption for the accession process will be invaluable for this research, as it will shed light on the ability of the EU

to affect the control of corruption in current candidates, such as Macedonia.

At the same time, analysing past experiences is crucial for this study. Tracing the problems with corruption that candidates faced in previous enlargement cycles, as well as the importance that the EU placed on the control of corruption, and the influence that it managed to exert during the accession process of previous candidates are very important for the current and future enlargement processes.

Understanding whether the EU takes corruption in candidate states as seriously as it actually claims to do is critical for how seriously candidates tackle these issues themselves. Therefore, collecting data on the control of corruption in the Czech Republic, supported by data on Romania, will shed light on how serious this issue actually was during the accession process and whether the EU should have taken the membership of these countries under further consideration because of their corruption problems.

## New SEI Working Papers

SEI working papers make research results, accounts of work-in-progress and background information available to those concerned with contemporary European issues. All papers can be accessed online: <http://www.sussex.ac.uk/sei/publications/seiworkingpapers>

### **SEI Working Paper No 135 / EPERN Working Paper No 27**

#### **European Issues as a Domestic Proxy: The Case of the German Federal Election 2013**

**By Aleksandra Moroska-Bonkiewicz**

*University of Lower Silesia*

[aleksandra.moroska.bonkiewicz@dsw.edu.pl](mailto:aleksandra.moroska.bonkiewicz@dsw.edu.pl)

**&**

**Bartek Pytlas,**

*European University Viadrina*

[pytlas@europa-uni.de](mailto:pytlas@europa-uni.de)

#### **Abstract:**

The German federal election held on 22 September 2013 resulted in a spectacular victory by the Christian Democratic Union (CDU) and its Bavarian sister party, the Christian Social Union (CSU). After the predicted yet still historical setback of the Free Democrats (FDP), who failed to enter the Bundestag for the first time since 1949, the biggest surprise of the elections was the robust support for the Eurosceptic Alternative for Germany (AfD), which fell only 0.3 percent short of entering the Bundestag. However, despite the unprecedented high public salience of European issues and the prominent rise of a viable threat from a new Eurosceptic competitor, direct debates about the future of Europe were missing. European issues themselves were largely skirted around during the campaign and served rather as proxies for domestic issues used to further legitimize the dominating CDU narrative of security and stabilization.

## Research

### SEI Working Paper No 136 / EPERN Working Paper No 28

#### **From Measuring Party Positions on European Integration to Comparing Party Proposals on EU Affairs: the Case of the 2011 Spanish General Election**

**By Cristina Ares Castro-Conde**, University of Santiago de Compostela  
cristina.ares@usc.es



#### **Abstract:**

“European integration” has been traditionally considered as a single issue. This paper seeks to make advances in the study of national party positions on European integration by disentangling this concept. First of all, it introduces a new classification for political proposals related to EU affairs. This consists of 29 categories organized into 3 groups: (i) the European integration process, (ii) institutions and actors, and (iii) EU public policies. This new classification system is then applied to examine the case of the 2011 Spanish general election. Proposals related to EU affairs present in the programs of all parties that obtained representation in the *Congreso de los Diputados* on this election are coded and compared. Data is employed from the *MRG-CMP-MARPOR* for all Spanish general elections since the admission of this country to the then European Community (EC), in 1986. The methodology is content analysis. The research questions addressed are: (i) To what extent are EU issues important to Spanish national parties since the entrance of Spain into the EC in the late 80’s; (ii) How diverse were Spanish parties’ proposals concerning these matters in the 2011 general election?

### SEI Working Paper No 137

#### **Halkçılık and Popülizm: “Official-Rational” versus “Popular” in the context of “Turkish Exceptionalism”**



**By Toygar Baykan**, University of Sussex  
T.baykan@sussex.ac.uk

#### **Abstract:**

Although the concept of populism is widely used in the literature on Turkish politics, except for in a few studies, it is hard to come across a rigorous theoretical-conceptual approach to the term. The existence of two equivalents for the word “populism” in Turkish, halkçılık and popülizm, exacerbates this ambiguity. This paper discusses the reasons for these two usages in Turkish, explores the academic debates over the lack of rigorous conceptual-theoretical approaches to the concept, and compares these with the uses of the concept in the literature on Turkish politics. It is argued that the distinction between halkçılık and popülizm is based on the field of binary oppositions embedded in the social sciences in the Turkish context, grounded in turn on a wider “enframing” differentiating “model” from “reality”. Since Turkish politics is often evaluated as a unique realization of the Western ideal, few incentives remain for evaluating it either from a comparative perspective or as an incidence of a wider universal political phenomenon. Such enframing has caused a particularistic approach to Turkish politics and an underdevelopment of conceptual-theoretical discussions of populism/halkçılık/popülizm. Nevertheless, the use of populism as a signifier of “Turkish exceptionalism” is no coincidence; it is implicit in the fundamental dichotomy between the “Western liberal-democratic representative ideal” and the “derivative reality of populism” developed in most of the general theoretical literature on populism. It is therefore argued that, particularly in the Turkish context, the analytical leverage provided by the concept of populism creates more problems than it promises to solve and has become a hindrance to understanding.

# EPERN

European Parties Elections  
and Referendums Network

### NEW EPERN BLOG CONTRIBUTIONS

The SEI-based European Parties Elections & Referendums Network (EPERN) blog is a place where members of the network can contribute short (1-2,000 words) and timely contributions on themes likely to be of interest to EPERN members, including the impact of Europe on elections, referendums and party politics.

#### **Toward domestication: the politicisation of Europe in the member states**

by **Nicolò Conti** (nicolo.conti@unitelma.it), Unitelma Sapienza University of Rome

<http://epern.wordpress.com/2014/09/01/toward-domestication-the-politicisation-of-europe-in-the-member-states/>

#### **Predictably Unpredictable: The 2014 parliamentary elections in Slovenia**

by **Alenka Krašovec** (alenka.krasovec@fdv.uni-lj.si), University of Ljubljana and

**Tim Haughton** (T.J.Haughton@bham.ac.uk) University of Birmingham

<http://epern.wordpress.com/2014/07/17/predictably-unpredictable-the-2014-parliamentary-elections-in-slovenia/>

#### **Angry Young Europeans? Croatian attitudes towards the EU in comparative perspective**

by **Simona Guerra** (gs219@leicester.ac.uk), University of Leicester

<http://epern.wordpress.com/2014/07/14/angry-young-europeans-croatian-attitudes-towards-the-eu-in-comparative-perspective/>

#### **The Cypriot European Elections, May 2014: The Political Parties Count their Losses**

by **Yiannos Katsourides** (katsourides.yiannos@ucy.ac.cy), University of Cyprus

<http://epern.wordpress.com/2014/06/18/the-cypriot-european-elections-may-2014-the-political-parties-count-their-losses/>

#### **Surprise turnout, laconic European messages and swapping of party groups in Romania's 2014 EP election**

by **Roxana Mihaila** (R.I.Mihaila@sussex.ac.uk), University of Sussex.

<http://epern.wordpress.com/2014/06/16/surprise-turnout-laconic-european-messages-and-swapping-of-party-groups-in-romanias-2014-ep-election/>

#### **A flash-in-the-pan? Understanding Poland's Congress of the New Right**

by **Aleks Szczerbiak** (a.a.szczerbiak@sussex.ac.uk), University of Sussex

<http://epern.wordpress.com/2014/06/12/a-flash-in-the-pan-understanding-polands-congress-of-the-new-right/>

#### **The Eurosceptic paradox**

by **Simon Usherwood** (s.usherwood@surrey.ac.uk), University of Surrey

<http://epern.wordpress.com/2014/06/09/the-eurosceptic-paradox/>

#### **Electoral Choices in Central and Eastern Europe**

by **Paul Lewis** (p.g.lewis@open.ac.uk), Open University, UK

<http://epern.wordpress.com/2014/06/05/electoral-choices-in-central-and-eastern-europe/>

#### **Does Eastern Europe chart a course from anger to apathy?**

by **Sean Hanley** (s.hanley@ucl.ac.uk), University College London

<http://epern.wordpress.com/2014/06/02/does-eastern-europe-chart-a-course-from-anger-to-apathy/>



# Activities

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

## LPS doctoral researchers focus on professional development

Thirty PhD students and early career researchers took part in the second School of Law, Politics and Sociology (LPS) away day for postgraduate doctoral researchers on Tuesday 8<sup>th</sup> July. The away day - sponsored by the Sussex ESRC Doctoral Training Centre (DTC) Citizenship, Justice and Security pathway cluster - was on the theme of professional development and focused particularly on: getting published, developing an on-line presence and accessing conferences.

The first session was a round table comprising scholars from the three disciplines covered by the School - Law, Politics and Sociology - who gave some invaluable tips based on their personal experience about getting published in academic journals and other publications, and turning a thesis into an academic monograph. The panel included: senior lecturer in Sociology Dr Lizzie Seal, convenor of the Sociology PhD programme; Prof Erika Szyszczak from the Sussex Law School, who is a member of the editorial committee of the *Modern Law Review* and the School's Director for Knowledge Exchange, and Professor of Politics and editor of the *Government and Opposition* journal Paul Taggart.

This was followed by a session on 'Developing an On-line Presence' introduced by Dr Andres Guadamuz, senior lecturer in intellectual property law and self-confessed Internet addict! Dr Guadamuz shared his vast knowledge and experience of how to use (and, equally importantly, how not to use) the Internet as a means of profile raising and dissemination of research. This included tips on the

effective use of: institutional webpages, LinkedIn, SSRN, Twitter and other social media.

The final session comprised another group of established Sussex scholars who shared their personal insights into the process of accessing conferences, traditionally the most important means of profile raising and networking for doctoral and early career researchers. The panel for this session included: Professor of Politics and director of the Sussex Centre for the Study of Corruption and Governance Dan Hough; Prof Richard Vogler from the Law School; and senior lecturer in Sociology Dr Catherine Will. The panellists gave invaluable tips in matters as diverse as: identifying relevant conferences and how to run your own; getting paper or panel proposals accepted; writing abstracts; and preparing for, and making the most out of, conferences.

Three major themes emerged during the day. Firstly, the tension between specialising and becoming a recognised expert in a relatively narrow field on the one hand, while undertaking activities which are broader - and, therefore likely to produce outputs that are more 'seminal' or will have a greater 'impact' - on the other. This came through when, for example, considering which kind of journals to submit to and conferences to attend.

Secondly, the (linked) tension between undertaking activities that are strategically useful in terms of profile raising and professional development but at the same time trying to conduct research that is personally intellectually enriching and satisfying.

## Activities

Again, this came through clearly in issues such as: to what extent the thesis, and research more generally, should be shaped by the demands of academic publishers? The broad conclusion was that it was important to strike a balance between these two, often conflicting, drivers. Without publications in high profile outlets it was difficult to pursue an academic career, but without the motivation provided by working on a project that 'fired-up' the researcher it was impossible to develop the interest necessary to complete a lengthy and sustained academic research project.

Thirdly, the importance of targeting and focusing effort effectively. All doctoral researchers need to multi-task: keeping up progress and momentum on their thesis while trying to get publications and book proposals under review and other professional development activities such as attending academic conferences and developing an on-line profile. They also have limited financial resources. This theme also emerged in issues such as the need to target carefully which conferences they attend or which Internet activities to engage in, in order to

ensure maximum impact for minimal effort.

Summing up the day, Director of Doctoral Studies Prof Aleks Szczerbiak encouraged PhD students to be pro-active in seeking advice about their professional development from their supervisors as well as developing networks of contacts at Sussex and beyond (including through the Internet) who can help them to identify publishing and conference opportunities.

Prof Szczerbiak commented: 'I think that the clear message that came through was that, in order to give themselves a chance in an extremely competitive academic jobs market, PhD students need to build professional development activities into every stage of the research process and not just leave it until the end. The good news is that LPS puts a lot of time and effort into helping support our doctoral researchers' professional development - both individual supervisors and also through School-level events such as this ESRC-funded away day - and our PhD graduates have a very good record of securing academic jobs.'

## Critical Legal Conference 2014: Power, Capital, Chaos

**Kimberley Brayson**  
Lecturer in Law  
K.D.Braysin@sussex.ac.uk



From the 4th to the 6th of September 2014, the Sussex School of Law, Politics and Sociology hosted the Critical Legal Conference 2014 (CLC). The CLC is an annual event bringing together critical legal thinkers and friends from across the globe. The conference this year was particularly well attended with participants travelling from Latin America, the United States, Canada, Australia, Nepal, Russia, all corners of Europe and the United Kingdom to come together in discussion. Closer to home, Sussex Law School staff and students took part in various

forms from presenting papers, organising streams, and chairing sessions to helping with general organisation. Across the University there was a strong interdisciplinary presence of Sussex staff; one of our plenary speakers joined us from International Relations and the Centre for Advanced International Theory (CAIT).

The conference was entitled 'Power, Capital, Chaos' and in line with this theme participants were asked to consider how to understand, explain and respond to the chaotic contemporary political climate that is currently being experienced and which is characterised by austerity and privatisation, by security and responsibility, by racist political reaction, class-war and gender-domination. 230 participants attended the conference with approximately 150 participants presenting papers on themes

## Activities

which centred around law's engagement with and role in the ongoing global economic crisis, the neo-liberal destruction of social democracy and the ever-widening entrenchment of inequalities of wealth, power and technology within and between a global 'North' and global 'South'.

In doing so participants tackled issues arising in this contemporary political reality that are manifested in acts of protest, struggle, occupation, riot and revolution and demand the reimagining of social, political, juridical and material life. Much of the discussion and debate over the three days of the conference focused on the way in which these modes of resistance call to account disparate and conflicting visions of the 'public good', 'human dignity' and 'justice'. The result was a diverse and wide-ranging choice of panels and papers for participants to enjoy which provided a rich and fruitful context for debating the questions posed by the conference theme.

The conference hosted two plenary sessions where six speakers were invited to speak to the theme Power, Capital, Chaos. The panel of speakers for the first session comprised Denise Ferreira da Silva (Queen Mary), Mark Neocleous (Brunel University) and Louiza Odysseos (University of

Sussex). The second plenary panel was made up of Mark Devenney (University of Brighton), Maria Drakopoulou (University of Kent) and Nina Power (University of Roehampton). The sessions were extremely successful with lively Q&A sessions. The plenary sessions, along with the wealth of other papers presented at the conference, provided stimulus for engaging conversation at both the drinks reception, which was held at the Student Union bar, and at dinner, which was held at Brighton Pier.

The CLC 2015 will be hosted by Polish colleagues in the city of Wrocław, Poland in early September next year and it was on this note that the CLC 2014 concluded, with a short film about the location for the CLC 2015. It comes on good authority from our future hosts that the beer is cheap and the food is good in Wrocław, the city that will provide the next setting for continuing critical discussions on law.



## A memorable year at Sussex



**Merve & Abdulkadir Yilmazcan**  
**LL.M. in International Trade Law**  
[yilmazcanm@economy.gov.tr](mailto:yilmazcanm@economy.gov.tr)  
[yilmazcana@economy.gov.tr](mailto:yilmazcana@economy.gov.tr)

When my wife and I first heard that we both won the Jean Monnet Scholarship for a one year LLM at the University of Sussex, we were dancing on air, but at the same time, we were worried about taking care of our 6 months old twin babies while studying International Trade Law. So, this is a short story of a Turkish family enjoying their one year abroad here in Sussex.

To begin with the academic life: it is for sure that an LL.M. at Sussex is a challenging pentathlon. You need to attend lectures, give presentations, discuss in seminars, type thematic essays, have exams and finally create your unique dissertation. You don't

## Activities

have time to rest for weeks, at least we couldn't, because we were always keeping in mind that if one of the twins became ill, we could easily miss the deadline for an essay.

This one year seemed like an internship in an academic career. So, as the days at Sussex passed by, we realized that our knowledge and experience on the subject matter was deepening together with the other issues which made us different before and after the LL.M. We observed the news, incidents that we lived, cultural differences that we noticed and had time to talk on these matters thus had a deeper perspective.

As far as social life is concerned, the most important thing for a family is the campus. We had a great family flat surrounded by a green environment. Furthermore, there is a nursery, healthcare centre and a park on campus. Another thing is that, during this one year, we had the chance to

chat with lots of people from different parts of the world.

As a Turkish couple, sometimes we felt stuck between the east and the west. Some asked whether we were using Arabic letters in Turkey, while some Arabs asked whether we were Muslims and very surprised to hear the answer. Some say "oh, you don't look Turkish", some say "you look just like my Greek friend". It was an educatory year to see how people think about Turkey. All these experiences showed us that Turkey does not belong completely to the west or east, but, it is a lonely country as the Turkish director Nuri Bilge Ceylan wonderfully expressed while accepting his reward at Cannes in 2008; "... my beautiful and lonely country, which I love passionately."

So, when we look back at the one year in Sussex, we strongly suggest that everyone should take an LL.M. here as it is a once in a life time experience.

## Getting a taste of the real world: Internship at the Overseas Anti-Corruption Unit

**Felicitas Neuhaus**  
**MA in Corruption and Governance**  
**fn32@sussex.ac.uk**

Being a student, just thinking from one term to the next or trying to make one essay deadline after another, it is sometimes easy to forget that there is another world, the practitioners' world, outside from the university life which we all want to be part of once we finish our degree. With this in mind, students on the MA in Corruption and Governance have the unique possibility to choose an internship as a module in the Spring term.

Along with two fellow students, Michael Badham-Jones and Francisco Valenzuela, my internship was with the Overseas Anti-Corruption Unit (OACU) at the City of London Police. This division is funded by DFID to investigate overseas corruption. Our internship was not traditional in the sense that we

were at the office several times per week, but rather we conducted a research project for and with the help of the OACU.

We had relative freedom to choose any topic we thought would be interesting, with the only caveat being that it should be somehow useful to the OACU and DFID. After initialising going down another road, but realising that collaboration of interview partners wasn't as forthcoming as anticipated, we chose to investigate if and how law enforcement and civil society organisation are working together to fight corruption in the UK. For those interested, the results of our project were rather frustrating as we found that both sides were

in theory happy to cooperate, but in reality very little cooperation happened apart from some exceptions.



## Activities

Talking of widening our horizons by getting an insight into the professional anti-corruption world, all three of us learnt immensely from this internship. We were able to interview people from all sorts of backgrounds, among which were the Home Office, DFID, the Serious Fraud Office, investigative teams from the OACU and the Metropolitan Police and furthermore from Canada any many more.

It was also a great opportunity to exchange our often, I guess, idealistic and theoretic ideas with what work in practice. Seeing how the police works and how they investigate was something very few non-police people get an insight in.

Without doubt, the highlight of our internship was speaking at two conference the OACU was organising: the Conference for International Bribery Taskforce and the European Cross Border Bribery Taskforce. Being asked to present our research in front of an audience filled with members of police forces from around the world, the UN, World

Bank, and other, was a great compliment. While it filled us with nerves, I think I speak for all three of us that it was also a great thrill to speak in front of such an audience. Hearing feedback and advise afterwards and comments that our research was an interesting project filled us with great pride. Feeling the conference vibe and talking to practitioners was a truly irreplaceable and stimulating experience and one I would not have wanted to miss.



## Forthcoming

Sussex Centre for the  
Study of Corruption

**Graduate Conference on  
Corruption and Anti-Corruption  
12-13 January 2015, University of Sussex**

The Graduate Conference on Corruption and Anti-Corruption aims to bring together a diverse group of graduates - political scientists, legal scholars, economists, sociologists and anthropologists - to exchange and share their ideas, experiences and research results about all aspects of corruption and anti-corruption. The purpose of this conference is to collectively explore the multiple facets of the problems of corruption, particularly causes and effects of corruption, to analyse different forms of corruption and the topics of measurement, approaches and strategies for tackling corruption, as well as the impact of globalization and international organizations on the fight against corruption. The conference seeks to analyse corruption on international and cross-national levels, as well as to discuss case-studies on corruption in various contexts.

The conference is supported by the *Political Studies Association Specialist Group on Corruption and Political Misconduct* and by the *Sussex Centre for the Study of Corruption*.



## Activities

**60% of Law students get bored during their studies. The other 40% meet the European Law Students Association (ELSA).**

As a student I feel I am constantly reminded of two things looming in the future: fierce competition in the job market and vast amounts of debt...

As a Law student I feel I am permanently under pressure to participate in extra curricular activities and gain experience in *all the right places*...

But what about what I want? I want to meet new people, explore the areas of Law that inspire me most, and do something everyday that reminds me why I want to dedicate the rest of my life to the field of Law...

However, in the midst of Latin phrases, late laborous library nights and spending your holidays giving out bad *pro bono* advice it is easy to forget why you began this fiercely competitive, vastly expensive journey.

I was coming to the end of my first somewhat confusing term at University of Sussex studying Law, and slowly did not even realise that my drive to succeed was diminishing. This is when an opportunity presented itself and without hesitation I fell into the world of ELSA.

ELSA (European Law Students Association) is formed of 40,000 members. It is the world's largest independent law students' association. Our purpose? To contribute to legal education, to foster mutual understanding and to promote social responsibility of law students and young lawyers. We are an international, non-political, non-profit organisation run by and for law students. Our aim is to provide opportunities for international exchange, diversified legal education and personal professional development for law students and young lawyers. Our association operates primarily through its local groups, which are located at nearly 350 law faculties in universities throughout 41 countries in Europe.

Sussex forms one of the fourteen local groups that make up ELSA The United Kingdom and we are dedicated to educating and enhancing your experience whilst studying Law. We are committed to providing our members with events and activities that will enrich their competence and ultimately their CVs. Not to mention the enjoyment factor. Our members become internationally focused, open minded and professionally skilled through participating in opportunities locally, nationally and internationally. A mixture of guest lectures, presentations that will increase your commercial awareness and academic events that allow you to expand your horizons...

Here are a few more highlights to membership of ELSA...

### STEP

One of the most important aspects of ELSA is our Student Traineeship Exchange Programme (STEP). STEP makes it possible for law students and young lawyers to gain working experience abroad. STEP Traineeships are an outstanding opportunity to gain practical legal experience and plunge into the culture of another country. Our traineeships can last between 2 weeks and 2 years and can take place in any law related area. But what makes this experiences so unique to ELSA is the personal ELSA approach.



## Activities

But what makes this experience so unique to ELSA? The personal ELSA approach. Before and during the traineeship, ELSA provides assistance to trainees with finding accommodation, obtaining visas and organising social events to involve the trainee in the daily life of the local community. Last year Lucy Marsden from ELSA Sussex was successful in her traineeship which she partook in this past Summer and we are looking forward to finding out about her experiences. ELSA Sussex members should look out for their opportunity to apply to a traineeship in November of this year.

### Law Schools

Each year ELSA organises many different law schools over Europe. This Summer nineteen Summer schools ran successfully covering a vast range of topics from Competition Law, Mergers and Acquisitions to Media and Criminal Law. The schools run throughout the Summer and include a great academic program as well as an excellent social program to see a new city with ELSA friends! This year ELSA The United Kingdom hopes to host their own Summer Law school in the City of London focused on the workings of how London as an international financial/legal centre functions.

### Delegations

ELSA Delegations are unique opportunities to represent ELSA during the most important sessions of the main international organisations and the meetings of other international partners. ELSA members have the opportunity to sit next to national delegates and representatives of the most important NGOs, and be able to experience first hand, as observers, how decisions and policies are created at international level.

In our last academic year ELSA Sussex's very own Secretary General, Stephen Mitchell, travelled to Geneva to sit on the latest session of WIPO, an international forum for Intellectual Property Law, on the Patent Cooperation Treaty. The Treaty essentially works to standardise national procedures for patent applications, and the Working Group meets every year to revise the system.

Anyone who is interested in taking part in an ELSA delegation, whether that be UNESCO, the European Court of Human Rights or other similar conferences, should go to [www.elsa.org/page/delegations](http://www.elsa.org/page/delegations) for more information.

These are just a few of the great opportunities that are available to ELSA members. Be prepared also for Study Abroad Projects, International Legal Research groups, Human Rights Moot Court Competition, ELSA Moot Court competition, ELSA Day events, Study Visits, International Focus Programmes and much more..

ELSA offers the possibility to stand out from competition, to improve and practice your legal skills, to gain experience all over Europe, to explore every type of Law imaginable and to travel and meet other Lawyers.

For more information about ELSA at Sussex contact Heidi Burrows, President of ELSA Sussex 14/15 ([esla.sussex@gmail.com](mailto:esla.sussex@gmail.com)).

The logo for ELSA (The European Law Students' Association) features the word 'elsa' in a white, lowercase, serif font. The letters are slightly stylized, with the 'e' and 's' having a classic, elegant feel. The logo is set against a dark blue background that includes a faint, light blue map of Europe.

The European Law Students' Association  
SUSSEX

# Dispatches

As usual, this Dispatches section brings news, experiences and research updates from SEI members and practitioner fellows from across Europe and beyond.

## Why Switzerland?

**Prof Clive Church**  
SEI Visiting Professor  
chc25@sussex.ac.uk



**Why Switzerland?** was once the title of a book which set out to explain why the country was different and how its difference was justified because it offered an alternative model of collaboration to that provided by the European Union. Nowadays, such is the extent to which the country has disappeared from main stream English language writings on politics and history, the question usually means why study Switzerland?, the implication being that it is not worth studying. Given the country's economic and financial strength, its interesting political system and its unusual history, this is clearly silly.

In fact, this disdainful neglect is a fairly recent phenomenon. Up till about 1950 Switzerland was quite well understood and written about in the West. Thereafter, the fact that Switzerland became a very expensive country for British visitors, and one whose economic success was somewhat resented, meant that it was no longer so well visited or appreciated. Doubts about Swiss behaviour during the Second World War and the country's subsequent conservative politics tended to reinforce these trends. So did the fact that, as a small country, and a non-member of the EU, the country

often fell outside Eurostat and the many comparative studies based on EU sources. As a result it became, in many ways, a white space at the heart of Europe.

It was partly because so little was known that it seemed worthwhile for me to start studying it in the 1970s, first as a historian and, once I got a reputation for being the go to academic on Switzerland, as more of a political scientist. This led me into working on EFTA, Green politics and consociationalism. In any case I have always found the country fascinating and not at all the boring affair that many of my Swiss friends believe it to be. Hence my interest has lasted over the intervening years. And, because relations with the EU are so central to Swiss domestic politics and foreign policy, these have remained at the centre of my pre-occupations.

This is not because I think that, as many Swiss thinkers did a few years ago, that the country is a federal model which the EU should, and could, follow. They argued that the Union was in a similar state to Switzerland in the 1840s and so could - and probably should - adopt the Swiss constitutional model to produce a decentralized European polity. Leaving aside the fact the process of unification in Switzerland involved both a civil war and a fifty year long process of adaption in political culture and institutional development, it is silly to ignore the fact that the nation states making up the Union are very much more significant than the cantons. If you want a better historical analogy it would be better to consider Switzerland's travails between 1798 and 1832, a comparison which horrifies many Swiss !

Nor is it because I believe, as many Eurosceptics do, that the country offers a model of relations with Brussels that could be adopted by the UK once outside of the EU. This belief rests on several misapprehensions: that all Swiss are opposed to Europe, that it is linked to the EU simply by free trade agreements and that its prosperity derives from being outside the Union. In fact, the European question has long been highly divisive in Switzerland and is likely to become more so. Moreover, the existing relationship is under attack domestically from both Europhobes and Europhiles. For the former it is too constraining on Swiss sovereignty and for the latter, it fails to give the country the security and influence it needs.

Nonetheless, the country is tied to the EU by a host of agreements (including membership in Schengen) and by generally overlooked processes of Europeanization. And Swiss prosperity has its own long term, home grown, roots. Indeed the country's most rapid period of growth came when it helped to service Western Europe's 30 years of post war recovery.

Eurosceptics also ignore the fact that the EU has made it clear that the present system of relationships, conceded as a grace and favour arrangement after the Swiss rejection of EEA entry in 1992, has reached the end of its shelf life. And, of course, the referendum on 9 February 2014, in which a narrow majority voted in favour of resuming control of all questions of immigration, irrespective of its treaty obligations to the EU, has made Swiss relations with Europe a burning, and potentially destabilizing, issue for the country.

Although much outside opinion focussed on what that popular decision meant for the treatment of foreigners, the reality of the new constitutional article, and what the Swiss People's Party was really gunning for, was the revocation of the existing free movement agreements with the EU. The SVP knew it would never win a full frontal assault on the principle of bilateral deals with the EU, favoured by some 75% of the electorate as it is, but by tying it up to the ever sensitive questions of foreigners and asylum seekers, it was able to do this.

Although the EU has eschewed any attempt to punish Switzerland, it has rejected negotiations on free movement, this being a principle from which it will not retreat. As a result, if a compromise cannot be found (or a framework institutional arrangement agreed), then three years down the line, the Swiss may - the text of the initiative leaves the matter open - have to resile from the free movement deal. This would trigger the ending of the rest of the first batch of bilaterals, and would leave the others very exposed, at home and in Brussels. Hence opponents of the 9 February initiative, notably the Christian Democratic party, have started to talk about a new initiative which would enshrine bilateralism in the constitution and amend or abolish that of February 9<sup>th</sup>.



In other words, although saying this breaks one of my golden rules about studying Switzerland, which is never to prophesy major explosions in Swiss politics, the Swiss may be coming to a turning point. They may have to choose between a brutal move to isolation, what is locally known as *alleingang* (or going it alone) and a painful (and contested) acceptance of both a new structured attachment to the EU and increasing Europeanization. Whatever betides, there will be plenty for me to study especially since the defeated side is likely to continue to vigorously protest. So it looks like being a matter of whether rather than why Switzerland? And this all throws up questions for British Eurosceptics as they consider the realities of leaving the Union. Switzerland, in my view, should teach them unwelcome lessons and not the more comforting ones they are looking for.

## MA in Corruption and Governance

This new interdisciplinary MA is unique in the UK and explicitly looks at issues of corruption and governance. It also breaks new ground in encouraging you to take up three-month internships within non-governmental organisations, regulators, government offices or businesses, with a view to putting the theory learned in seminar room in to practice.

**Assessment:** All modules are assessed by 5,000-word term papers, presentations and exams. You also write a 20,000-word dissertation in the summer term. The internship will be assessed by a 5,000-word report on what you have done and how this links into theories of corruption, anti-corruption and/or good governance.

### Core Modules

- Corruption and Governance Dissertation
- Interdisciplinary Approaches to Analysing Corruption
- Research Methods in Corruption Analysis

### Options

- Corruption and the Law
- Energy and Environmental Security in Europe
- International and Transnational Offending
- International Crimes
- Internship
- Political Parties and Party Systems in Comparative Perspective
- State Capacity and Natural Resources
- Tackling Corruption: Methods, Means and Practices
- The Politics of Eastern Europe in Transition
- The State of East Asia: Corruption, Theft and Collapse

**For all enquiries: Prof Dan Hough**  
[d.t.hough@sussex.ac.uk](mailto:d.t.hough@sussex.ac.uk)

Sussex Centre for the Study of Corruption





## **MA in Contemporary European Studies**

**Term 1:** The Making of Contemporary Europe (core course)

**Term 2:** Options chosen from list below

**Term 3:** 20.000 word dissertation

**For details:** <http://www.sussex.ac.uk/sei/prospectivestudents/macontemporaryeuropeanstudies>

Two fees only Cockfield scholarships are available for this programme: <http://www.sussex.ac.uk/sei/prospectivestudents/masterscholarshipcockfield>

## **MA in European Politics**

**Term 1:** The Making of Contemporary Europe  
(core course)

Public Policy in Europe (core course)

**Term 2:** Option chosen from list below

**Term 3:** 20.000 word dissertation

**For details:** <http://www.sussex.ac.uk/sei/prospectivestudents/maeuropeanpolitics>

### **Options:**

- The Idea of Europe
- The Politics of Citizenship and Immigration
- The Politics of Eastern Europe in Transition
- The Domestic Politics of European Integration
- The International Relations of the EU
- Territorial Politics in Europe
- Energy and Environmental Security in Europe
- European Political Integration
- Political Economy of EU Integration
- Political Parties and Party Systems in Europe
- Human Rights in Europe
- EU Single Market Law

**NB Not all options will be offered every year**

**For all enquires: Dr Sue Collard**  
[s.p.collard@sussex.ac.uk](mailto:s.p.collard@sussex.ac.uk)

# SEI Doctoral Studentship Opportunities



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

- **Comparative Politics** – particularly the comparative study of political parties, and public policy. Country and regional specialisms include France, Germany, Western Europe, Poland/Eastern Europe, India, East Asia
- **European Integration** – particularly the political economy of European integration, the domestic politics of European integration, including Euroscepticism, and European security and external relations policy
  - **European Law** — particularly EU constitutional law, competition law, anti-discrimination law and human rights law
- **The Politics of Migration and Citizenship** – particularly migration policy, the politics of immigration in Europe, and the politics of race and ethnicity
- **Corruption, Anti-corruption and Governance** – particularly the comparative study of anti-corruption initiatives
- **British Politics** – particularly party politics, public policy, modern British political and cultural history, and immigration

**The University of Sussex has been made a Doctoral Training Centre (DTC) by the Economic and Social Research Council (ESRC).**

Applications are invited for ESRC doctoral studentships for UK applicants (fees and maintenance grants) or applicants from other EU member states (fees only).

Applications are also invited for Sussex School of Law, Politics and Sociology (LPS) partial fee-waiver studentships for applicants from both the UK/EU and non-EU states.

Potential applicants should send a CV and research proposal to  
Politics: Dr James Hampshire ([j.a.hampshire@sussex.ac.uk](mailto:j.a.hampshire@sussex.ac.uk)).

Law: Dr Mark Walters ([mark.walters@sussex.ac.uk](mailto:mark.walters@sussex.ac.uk))

Sociology: Dr Laura Morosanu ([l.morosanu@sussex.ac.uk](mailto:l.morosanu@sussex.ac.uk))