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(How) do norms guide Presidency behaviour in EU negotiations?

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ABSTRACT

This article takes stock of the growing body of research on the EU Presidency, a vital player in EU negotiations. The paper also suggests new avenues of research, among which we prioritise one issue cluster: we ask under what conditions and in what way (following which social logic) norms guide Presidency behaviour? Our focus is directed towards the impartiality norm as that norm most strongly influences whether, and to what extent, Presidencies act as a ‘broker’, one of the Presidency functions that has received most attention in the literature. We also suggest a number of pointers concerning methodology and operationalisation of the above question for empirical research. We conclude with some brief thoughts on the implications of our proposed approach to Presidency norms for bridge-building between rationalist and sociological accounts.

KEY WORDS:

Council Presidency, EU negotiations, norms, sociological institutionalism, rational choice institutionalism

INTRODUCTION

It is a good moment to take stock of research on the Presidency of the EU Council of Ministers as it has received growing attention in the European politics literature over the past decade; rightly so, as the Presidency has for some time been a crucial institutional actor in EU negotiations. It is a complex and multifaceted function that places the Member State holding the Presidency at the heart of EU negotiation processes.

We argue that an issue cluster that particularly merits further research revolves around the question under what conditions and in what way norms guide Presidency behaviour? Although the conventional wisdom of the highly constrained Presidency has been challenged by some authors (Tallberg 2006), others convincingly maintain that the existence of long-standing Presidency norms leads us to expect that Presidencies are substantially influenced by them (e.g. Elgström 2006). However, this has not been sufficiently analysed empirically. When norms are attributed some influence in rational choice institutionalism, this is usually explained in terms of a cost-benefit calculation (e.g. because of concerns over reputation or status), while sociological institutionalism would suggest genuine normative action, i.e. guided by an internalisation and a 'taken-for-grantedness' of norms. Within our focus on norms, we pay special attention to the norm of impartiality as that norm seems crucial for how the important Presidency function of 'broker' evolves. We thus ask (1) *to what extent compliance (with the impartiality norm) is motivated by cost-benefit calculations and to which degree by genuinely norm-guided action?* (2) A second set of related questions is (a) *under which conditions can we expect norm compliance with the impartiality norm; and (b) in which context can we expect compliance with that norm to be rather driven by cost-benefit calculations, or rather by a taken-for-grantedness of the norm?*

Further research on these questions is merited for several reasons. First, a systematic study on the logic of compliance with Presidency norms should benefit the analysis of norms in EU negotiations beyond studies on the Presidency. Second, it should also provide insights for negotiation/mediation theory more generally in terms of the conditions and mechanisms for the compliance with norms surrounding the function of mediator/chairman. Third, our focus targets the interface between two prevailing logics: the logic of consequences as engrained in rational choice institutionalism and the logic of appropriateness as coined by sociological institutionalism (March and Olsen 1998). The focus on the role of Presidency norms for shaping the chair's behaviour can be seen as sociological institutionalist 'home turf'. Yet, from a sociological institutionalist perspective this research area has largely been lying idle, as little systematic empirical work has so far been conducted. The prioritised research focus also ties in with the (largely) rationalist work on Presidency influence. By expanding the constraints of Presidency influence (more explicitly) to the role of Presidency norms, the rationalist research agenda would be broadened and enriched. Finally, it should enable conversation between the two sides of the rationalist-sociological divide and may contribute to further bridge-building.

We proceed as follows: first, we briefly introduce the office/institution of the Council Presidency, including its main functions. Second, we review the literature on the EU Presidency, including important linkages with negotiation/mediation theory, and highlight the most promising issues for further research. Third, we elucidate important aspects regarding our second prioritised research question. Fourth, we indicate a number of pointers concerning methodology and operationalisation for empirical research on the first question. We conclude with some remarks concerning bridge-building between the two logics and

emphasise the relevance of our proposed research cluster in view of the potential institutional changes emanating from the Treaty of Lisbon.

I. THE PRESIDENCY OF THE EUROPEAN UNION

The Member State holding the six-monthly rotating EU Presidency is responsible for chairmanship at different levels of the 'Council framework', ranging from working groups and committees of the Council to the level of heads of state and government in the European Council. The role and functions of the EU Presidency need to be viewed in historical context. Initially, it was assigned relatively minor tasks concerning organising and chairing meetings. Later, the Presidency evolved in response to developments in the process of economic and political integration. With the Luxembourg Compromise, which forced the Commission to take a back seat, and the arrival of European Political Cooperation, Technical Councils and European Councils, the Council Presidency began to develop into an alternative architect of compromise and progress (Edwards and Wallace 1977; Schout 1998: 3).

Today, the main functions of the Presidency are widely recognised as those of 'administrator', ensuring smooth and efficient functioning of processes; 'representative', internally *vis-à-vis* other EU institutions and externally in international negotiations; 'leader', setting the political agenda, advancing creative proposals and ensuring progress; and finally 'broker', breaking deadlocks and mediating compromises. In addition, the Presidency stint is seen by many actors (especially in the domestic arena) as an opportunity to further particular national preferences, also referred to as the role of 'bargainer'¹. Given these various functions, the role of the EU Presidency is diverse and complex but places the incumbent Member State temporarily at the centre of the EU negotiation process and thereby makes it one of the key, if not *the* key (institutional) actor(s) in the current EU

negotiating infrastructure (Elgström 2006: 174-177). At the same time it should not be forgotten that the EU Presidency constitutes an aggregate actor – composed of sets of actors from different levels of the administration, operating in different locations (national capitals and/or Brussels), who are subject to varying (domestic and other) constraints – and may thus potentially act in conflicting ways (cf. Verhoeff and Niemann 2009).

II. PAST AND FUTURE RESEARCH ON THE EU PRESIDENCY

Research on the EU Presidency has resulted in a growing body of literature that may be roughly divided into four categories.² First, there are some general, more or less comprehensive, descriptive accounts of the Presidency as an office/institution within EU decision-making (e.g. Edwards and Wallace 1977; de Bassompierre 1988; Westlake and Galloway 2004). Second, we can find a large number of studies on specific Member State Presidency stints (e.g. JCMS Annual Reviews). Third, while the first two types of literature usually examine the Presidency as such or particular EU Presidencies in isolation, there is more recently an emerging body of literature that takes a comparative approach (e.g. Tallberg 2006; Quaglia and Moxon-Browne 2006; but also Kirchner 1992). Fourth, also more recently, the thus far rather descriptive and a-theoretical literature on the Presidency has been complemented by more conceptually informed accounts (esp. Tallberg 2006; Elgström 2003a).

Important questions and issues that have been raised (and to varying extents dealt with) in the literature, include accounts concerning the functions, tasks and roles of the Presidency (Wallace 1985; Schout 1998), descriptions and analyses of the augmented role of the EU Presidency over time (Tallberg 2006; Kirchner 1992), and contributions on whether the rotating Presidency constitutes the adequate form of chairmanship in the EU context

(Wurzel 1996; Kollman 2003). In addition, a substantial part of the literature has attempted to evaluate the performance of individual Presidencies (e.g. JCMS Annual Reviews).

So far few of the writings on the EU Presidency have explicitly drawn on negotiation theory (for exceptions see Tallberg 2006; Elgström 2003b; Metcalfe 1998). Part of the literature suggests that chairs (substantially) impact on outcomes, for example by overcoming negotiating obstacles, by shaping the agenda, by building coalitions or by brokering agreement (Tallberg 2006). Scholarship on the EU Presidency thus corroborates that strand of negotiation theory which suggests that chairs may considerably influence negotiation outcomes (Fiorina and Shepsle 1989; Underdal 1994; Young 1999), while challenging the view in the negotiation literature which disputes the importance and influence of the chair in (international) negotiations (Moravcsik 1999a; 1999b).

Further research on the Presidency is warranted in several regards. For example, Metcalfe's (1998: 430) call for studying the interplay between the Presidency and other EU institutions as well as (key) Member States has largely gone unheeded. In addition, while comparative studies have increased, there is still a shortage of analyses that compare the EU Presidency with the chairmanship in other international forums (but see Tallberg 2006). As a result, the scope of inferences made with regard to studies on the Presidency remains limited.

Furthermore, even though there has been quite a bit of research on the context in which the Presidency can be influential, this remains work in progress. Several conditions are either underexplored or have so far led to contentious results. Insufficient attention has been devoted to the role of external events/structures on Presidency performance (cf. Wallace 1985), to differentiation between different levels in the Council framework (cf. Wurzel 1996), to variation among different pillars (cf. Schalk *et al.* 2007: 246), and to the

level of experience (and preparation) of a Presidency as a conditioning factor (cf. Schalk *et al.* 2007). In addition, the impact of size (of the incumbent state) on Presidency influence could not be determined in a conclusive manner (Warntjen 2007: 1154). However, the greatest point of omission, we argue, in the largely rationalist dominated work on Presidency influence, is the impact of (Presidency) norms on the chair's ability to shape outcomes.

Presidency norms

Presidency norms are here understood as 'informal expectations of appropriate Presidency behaviour'. Three such norms are regarded as particularly important: impartiality/neutrality, consensus-building and effectiveness (Elgström: 2006: 178). The 'impartiality/neutrality' norm has received most attention and is the only one included in the Council Secretariat's Presidency Handbook which states that the Presidency 'must, by definition, be neutral and impartial' (General Secretariat of the Council 2006:14).

For some time the impartiality/neutrality norm was virtually uncontested in the EU literature on the Presidency (e.g. Wallace 1985: 16; Laffan 2004). However, more recently, the view of the impartial/neutral Presidency has been 'problematized'.³ Elgström (2003b) has rightly pointed out that neutrality (meaning no stake in a matter) is problematic as mediators can rarely be neutral, something that is generally accepted in mediation theory (Stenelo 1972: 38; Hopmann 1996: 225; Bercovitch 1992: 6).⁴ We may distinguish three types of impartiality: relational (not having closer ties to certain negotiating parties), process (even-handedness, not favouring certain parties) and outcome impartiality (results deemed fair). Following Elgström, we will relax the relational impartiality aspect here, as the EU Presidency as an 'insider mediator' cannot realistically display relational impartiality. The

other two elements (process and outcome impartiality) are still maintained as part of our definition of the norm, that we will from now on refer to as the impartiality norm.

There are a number of formal and informal mechanisms within the EU whereby compliance to the impartiality norm is stimulated. Formal ones include the *Tour de Table*, which safeguards that every Member States gets an even chance to put its position forward during negotiations. Slightly less formalised but equally customised is the *Tour des Capitales*, a trip by the incumbent president to all the Member States during which the national point of view can be ventilated. Other formal facilitators of the norm are the troika, in which the past, present and future Presidency formulate a common approach, and the limited right of initiative of the Council in the first pillar, that equally narrows the agenda-setting capacity of an individual chair. Informal mechanisms that contribute to the strength of the impartiality norm are peer pressure, media attention and the bi-annual evaluation of the Presidency by policy-makers, academics and the media.

Finally, it needs to be pointed out that impartiality should be regarded as a relative (rather than an absolute) norm, as it may conflict with other norms, especially the Presidency norm of effectiveness. The latter potentially hampers impartiality since effectiveness may require Presidencies to push negotiations in a certain direction for achieving results, which is likely to happen at the expense of broad consultation and may result in perceptions of unfair results (cf. Elgström 2003b). The existence of multiple, competing norms may reduce the costs of violation and expand the range of acceptable behaviour (Tallberg 2004: 1002).

In order to (further) 'plausibilise' our emphasis on norms for future research we take a brief look at rationalist and sociological approaches (concerning the role of Presidency norms).

Rationalist and sociological approaches

Writings on the EU Presidency have recently been advanced by linking (existing) research to two general political science approaches, i.e. rational choice institutionalism and sociological institutionalism (Elgström 2003a; Tallberg 2006).

The rationalist approach generally perceives politics as governed by a 'logic of consequences' (March and Olsen 1998: 949-950). Accordingly, the rational choice institutionalist account of the Presidency regards EU negotiations and decision-making as a strategic environment, in which rational actors, including the Presidency, seek to attain (largely exogenously) given preferences. The Presidency is thus conceptualised as a cost-benefit calculator and the office of the Presidency is seen as an additional opportunity for the Member State in office to fulfil national interests (Elgström and Tallberg 2003). Tallberg (2004, 2006) has pointed out that the office of the Presidency contains a number of important informational and procedural power resources, which allow Member States to further their preferences during their stint.

From a 'pure' rational choice institutionalist perspective formal institutions (legislative procedures and decision rules) as well as the formal institutional design of the chairmanship may enable or constrain Presidency action (Tallberg 2006: 33-37). Elgström and Tallberg (2003: 192, 196) in their formulation of a rationalist perspective have also included informal institutions (norms) as constraining the Presidency. Given such institutional constraints, Presidency behaviour is not always characterised by 'forcing' strategies (aiming at self-interest maximisation unconcerned with other parties) or 'competitive' strategies (aiming at relative gains irrespective of potential absolute gains), but may also display 'accommodating' strategies (aimed mainly at maximising other parties' interests), for

example, when a Presidency needs to prove its 'European credentials' (Elgström 2003a: 12). However, the rationalist approach does not place much explanatory weight on institutions. They merely 'constrain' behaviour as 'intervening' variables (Tallberg 2006: 5). When conceptualised, norms are enacted as a result of cost-benefit calculations, because non-compliance could compromise one's reputation, provoke non-cooperation from other governments, or create a precedent for subsequent Presidencies.

From a sociological perspective, politics is ruled by a 'logic of appropriateness'. The behaviour of actors is determined by what they think is expected from them, or by what they themselves believe is appropriate in a given situation, rather than by cost-benefit calculations (March and Olsen 1998: 951-952). The sociological approach emphasises the importance of norms and role conceptions as explanatory variables of appropriate Presidency behaviour. These stem, most substantially, from the institution of the Presidency itself, whereby any Member State in office is expected to act in a certain way. Also relevant are country-based traditions and role conceptions developed through (repeated) experiences from Member State's former Presidency stints. From a sociological perspective, authority is based on social acceptance, legitimacy and trust rather than on hierarchy and formal/material power. This echoes assertions in the mediation literature on the significance of legitimacy and trust for successful brokerage (e.g. Hopmann 1996).

The sociological approach places considerably more weight on the influence of norms than the rationalist approach. They not merely 'constrain', but rather 'shape' or 'constitute' behaviour (Hall and Taylor 1996). Norms arise not out of an instrumental rationale but because they are internalised. Checkel (2005: 804) has made a distinction between 'Type I' norm internalisation where actors follow socially expected behaviour in a given setting,

behaviour that may be classified as conscious role-playing, and 'Type II' norm internalisation where norms are accepted as 'the right thing to do' and 'taken for granted'.

While sociologically informed accounts in the literature generate the expectation that the impartiality norm exerts an important constraining effect on EU Presidencies, this has not been sufficiently analysed empirically. In addition, the two accounts provide different explanations for norm compliance. Given the centrality of the rationalist-sociological 'dichotomy', future research needs to address the following questions: (1) *to what extent is compliance (with the impartiality norm) motivated by cost-benefit calculations and to which degree by genuinely norm-guided action?* (2) A second related set of questions asks: (a) *under which conditions can we expect norm compliance with the impartiality norm*; (b) *in which context can we expect compliance with the impartiality norm to be rather driven by cost-benefit calculations, and when rather by a taken-for-grantedness of that norm?* We begin by elucidating key aspects concerning the second question, followed by some pointers concerning an operationalisation of the first question (for empirical research).

III. CONDITIONS UNDER WHICH NORMS GUIDE PRESIDENCY BEHAVIOUR

While scholars have begun to work on the scope conditions of Presidency behaviour, accounts are not usually geared towards the research focus on norms described here. Instead, researchers have stipulated (and to varying extents tested) conditions for Presidency constraints generally (e.g. Wallace 1985), for Presidency impact on outcomes (Tallberg 2006; Warntjen 2007; Schalk et al. 2007; Thomson 2008), and for the Presidency to take on different roles (Schout and Vanhoonacker 2006; Elgström 2003a). Only Tallberg (2004: 1006) has briefly discussed the context of norm compliance. There is significant

further scope for formulating (and probing) the conditions (a) concerning compliance with norms, in particular with regard to the impartiality norm; and (b) regarding the prevalence of the logic of consequences or that of appropriateness for norm compliance. Below, we suggest some conditions that can be considered important in that respect. For this purpose we have drawn both on the EU Presidency literature and the IR literature on norms.

Conditions for norm compliance

This section takes up point (a) above and seeks to specify important conditions of norm compliance, *without* distinguishing between the two logics (something that will be attended to thereafter). As pointed out by Shannon (2000: 300), whether norm violation takes place depends on the interplay between the individual will and (social) ability to violate.

There seem to be three basic conditions related to *individual will* that may be conducive to compliance with the norm of impartiality. First, this is hypothesised to happen when there is an absence of clear (outlier) interests, i.e. when a Presidency does not have to defend particular interests, as this facilitates both process and outcome impartiality (Tallberg 2006: 35; Dür and Mateo 2008). A second condition suggests that states which are insecure about their status, standing or reputation can be expected to embrace norms eagerly (Finnemore and Sikkink 1998: 906). From this, one could derive that new Member States holding the Presidency would be prone to norm compliance because they tend to want to make a good impression and convince the old members that they are 'good Europeans' (Elgström and Tallberg 2003: 201). This may also go for new governments in office of old Member States that have to prove something, such as their European credentials, as was the case with the 1998 UK Presidency under Blair (Manners 2003). By the same token, when a Presidency is not trusted to a high degree, the chair is prone to take extra care to display impartial

brokerage (Schout and Vanhoonacker 2006). Third, actors in uncertain environments that are subject to incomplete information are also likely to use norms as guidance (Gehring 1996). New issues and unexpected circumstance, for example due to the occurrence of external events, may lead to uncertainty, lack of knowledge and unclear preferences and are thus likely to trigger compliance with the impartiality norm (Wallace 1985: 14-15).

Equally, norm compliance depends on the *ability to violate*. First of all, this is hypothesised to depend on the formal 'power' of the Member State holding the Presidency. The usefulness of size as a proxy for power is contested. While Elgström (2003b: 39) suggests that big Member States are more likely to be partial and promote national interests during their stint, Tallberg (2006: 215) contradicts this view. Other relevant elements of Presidency power are the (shared) right of initiative, which should enhance the Presidency's agenda shaping capacity, and the decision rule of qualified majority voting, which constitutes a 'permissive environment for biased Presidency intervention' (Elgström 2003b: 48; Thomson 2008). Secondly, it can be hypothesised that Presidency compliance with the impartiality norm is to some extent dependent on the domestic environment of the Member State at the helm. High degrees of domestic politicisation, e.g. through disagreement between coalition partners, strong lobbying from domestic groups, unstable coalition governments/fragile government majorities, or upcoming elections may all constitute domestic constraints for the Presidency to act upon the norm of impartiality and may even justify non-compliance (cf. Schout and Vanhoonacker 2006; Elgström 2003a: 9; Niemann 2006). Conversely, a bureaucratic environment should be conducive to norm compliance, since bureaucracies, even if they are not monolithic, are likely to function according to routines and standard operating procedures (Chayes and Chayes 1993: 179). Thirdly, a high degree of publicity tends to constitute an environment favourable to norm compliance as it entails more

intense scrutiny, making the denial of violation through covert action more difficult (cf. Shannon 2000: 300). In addition, publicity raises the stakes for potential norm violation among Presidencies concerned with maintaining positive reputation.

Conditions for a prevailing logic

To be clear, we do not seek to cultivate a simple dichotomy of ‘norms versus interests’, which has been (rightly) criticised in the literature (e.g. Finnemore and Sikkink 1998: 888). One can assume that they are not competing explanations, but that (strategic self-) interests and normative concerns tend to go together (Diez 2005: 624-625). From a constructivist perspective norms may constitute interests, as a result of which a clear-cut separation of the two does/would not make sense (Björkdahl 2002: 20). In the same tradition, Lewis emphasises that the Presidency has an institutional mechanism that tends to foster processes whereby Presidency norms become internalised into self-conceptions of interest. The Presidency thus produces and reproduces intrinsic interests in the collective EU negotiation processes (Lewis 2006: 12, 15). The empirical question is (therefore) not whether actors’ behaviour is strategic or normative, but which of the two logics is likely to prevail under certain circumstances. Along the same lines, Shannon (2000: 311) has argued that the question whether the rationalist or social logic prevails is contextual. Hence, for the purpose of shedding more light on the research gap identified above, a specification of scope conditions for the prevalence of a certain action mode with regard to norm compliance is vital. In other words, under what conditions can we expect the compliance with the impartiality norm to be motivated rather by a taken-for grantedness (of the norm) and when rather by cost-benefit rationales?

First of all, the relationship between the two logics is hypothesised to be a developmental one in this context (March and Olsen 1998:953). Actors may increasingly develop and reinforce identities and norms as a result of their common experience over time. The internalisation of norms is usually described to advance through processes of adaptation, persuasion, institutionalisation and habitualisation (Risse and Sikkink 1999). Especially institutionalisation and habitualisation tend to benefit from longer or more intensive periods of norm socialisation (cf. Finnemore and Sikkink 1998). Hence, we put forward that Member States with a longer history of membership that have also undergone the socialisation function of the Presidency itself several times, are more likely to have internalised Community norms such as that of Presidency impartiality (Wurzel 1996).

Secondly, and closely related, it has been argued that norms are more likely to get internalised in settings where contact is intense and sustained (Lewis 2005:945-947; Checkel 2005:807). It may thus be hypothesised that chairs that have been intensely socialised into the Brussels arena (e.g. by serving at their country's Permanent Representation in Brussels) tend to have internalised the relevant Presidency norms to a greater extent and are thus more likely to take the impartiality norm for granted. It can also be argued that negotiations at the official (i.e. working group and committee, including COREPER) level, where meetings take place more frequently than at the political level, provide more scope for norm socialisation.

Thirdly, it has been suggested that norm internalisation is more likely in less politicised and more insulated settings, where the development of trust and thus a mutual responsiveness to foster shared expectations are facilitated and less contested through domestic influences (Checkel 2005: 813; Lewis 2005:947). This would confirm that the logic of appropriateness, and thus a taken-for-grantedness of the impartiality norm, would prevail

at the bureaucratic (especially working group and committee,) level rather than at the political (i.e. Council and European Council) level.⁵

IV. SOME POINTERS ON METHODOLOGY AND OPERATIONALISATION

Answering the (first) question concerning the *extent* to which compliance with the Presidency norm of impartiality is motivated by a certain social logic is highly challenging from a methodological point of view. First, studying norms empirically is by definition a difficult undertaking since norms are intangible and not amenable to direct observation in the same way as the physical attributes of EU politics/negotiations (cf. Raymond 1997: 219). Second, thoroughly internalised norms are hard to ascertain because actors do not really consider or discuss them (Finnemore and Sikkink 1998: 904). Third, actors may be tactical/strategic or biased in the way they portray (the reasons for) their compliance with norms (Tallberg 2006: 100). As a result, inferences on the above question are destined to be imperfect.

Two fundamental approaches

There are two fundamental approaches for working towards inferences on the above questions. One is the 'external' or 'objectivist' one, which avoids getting into individual minds. The other is the 'internal' or 'subjectivist' one that tries to deconstruct, as far as possible, actors' cognitions (Goertz and Diehl 1992: 643). We propose to use these approaches in a two-step process. Beginning with the external lens, one observes and compares the independent variable 'norm' with the dependent variable 'behaviour'. However, the mismatch between norm and behaviour may be much stronger evidence for

the irrelevance of a norm than would be a (strong) correlation in arguing for the relevance of the norm because other variables could have caused the same behaviour. It has thus been noted that the external approach is best suited to show the irrelevance of a norm, but less well-suited to positive evidence of the norm (Goertz and Diehl 1992: 642-643). Yet, this argument needs to be refined. First of all, the external approach can still provide positive evidence if one controls for self-interests when trying to ascertain the impact of norms (Raymond 1997: 233). Hence, if the Presidency (in a more or less) drastic way acted against the preferences and positions stated prior to becoming the chair, this would indicate that the norm (of impartiality) has been at play. In terms of case selection, particularly those cases where the (original) Presidency preferences were substantially distinct from the mainstream or final agreement would then be analytically interesting. Second, reactions to norm violation can provide important insights. The reasoning used in response to accusations of norm violation may reveal the interpretation and perceived strength of the violated norm. If the actor breaking the norm makes a large effort to justify or explain his/her behaviour, or even apologises, that can be regarded as evidence for a relatively strong norm, whereas dismay with criticism can be interpreted as resulting from a weaker norm (Risse 2000:19).⁶

However, the external approach is limited in its explanation of the logic for norm compliance, i.e. whether adherence was due to cost-benefit calculations or a taken-for-grantedness of the norm.⁷ As a second step, we thus need to dig deeper, making use of 'internal' approaches which might potentially indicate direct connections between norms and behaviour and provide the integrative knowledge that is absent at the level of correlations. Generally speaking very detailed process-tracing (George and McKeown 1985)

through triangulation across multiple data sources is necessary here for making inroads on the above question.

Indicators and techniques

In the first instance, (unstructured or semi-structured) interviews (without prodding) can be helpful. If interviewees intimate that they have been acting in a genuinely normatively-guided way without having been directly asked about it, this would be a first pointer. In a second more structured part of the interview, Presidency representatives could be asked more directly whether they are/were concerned about the image of their Presidency. Interviewees could also be asked whether at all they considered norm violation, i.e. if the norm was controversial to them, the denial of which would (provisionally) indicate a taken-for-grantedness. For example, in a study of the German 2007 Presidency regarding EU-Russian relations, some officials seem to have taken the impartiality norm for granted. These civil servants did not consider deviating from the norm in the first place, and 'never even questioned that we needed to give an adequate voice to all Member States on the issue including Poland [that quarrelled with Russia over several issues] and find a fair outcome in EU terms', even though this was contrary to German preferences of intensifying EU-Russian economic cooperation (quoted in Verhoeff and Niemann 2009: 24).

A next step could be structured interviews, (a survey, or both in combination) where carefully chosen categories are offered as a description of what was going on. Proxies for cost-benefit oriented norm compliance could be, for example, 'avoiding damage to one's broker role in later stages (of the Presidency)', '(diffuse) reputational concerns', and 'preventing the break-down of negotiations under one's own Presidency'. Proxies for

genuinely normative action could include 'just following what is expected of the Presidency', 'adhering out of a sense of responsibility', and 'just doing the right thing'.

Since people are often biased and also like to portray their Presidency in a positive light, interview (and survey) sources should be double-checked against other sources. Good sources here would be personal/non-official records, communications, and documents, because they are not geared towards external/public audiences, and are thus less likely to have been manipulated for political reasons. Research in political psychology suggests that a distinction between public and private views on norms is key to ascertaining actor motivations. If actors' public views on norms do not coincide with private views, then actors respond to some real or imagined pressure, such as reputational concerns. Conversely, if they conform with a norm privately, they are very likely to believe that the norm is correct and appropriate suggesting that they have internalised the norm in question (Smith and Mackie 2007: 312). Useful methodological insights for authenticity testing are (also) provided by Ecker-Ehrhard (2002).

The general indicator for identifying a 'logic of appropriateness' is thus consistency and the absence of double standards, which increases certainty that a norm is thoroughly internalised. By analysing both public sources and private records and by studying the actual behaviour of the Presidency, one can juxtapose what the actors in question said about a norm, with what they thought about it and did about it (cf. Nilsson 1988).

Consistency can also be traced at the level of public communication and discourse, as norms tend to leave a certain trail of communication that can be studied (Björkdahl 2002: 13). If actors change their stance according to the context or audience, they do not really mean what they say (Risse 2000; Niemann 2004). Hence, we can infer that if a Presidency attaches varying importance to a norm in different communications across different settings,

it is unlikely that the norm has become 'second nature'. Also pertaining to the consistency and double standards indicator, if the Presidency really means a norm (such as 'impartiality') it would apply it regardless of whether it concerns accommodating a smaller/weaker or a more powerful Member State. In the above-mentioned study on the German Presidency's EU-Russia dossier, for instance, a good actor constellation for investigating impartiality was the way that Germany treated the concerns of Poland vs. those of the allegedly less powerful Baltic states, concerning intensified cooperation with Russia. That the German Presidency reportedly reacted to the concerns of Poland in a similar manner than to those of Lithuania and Estonia, points to a 'genuine' even-handedness of the Presidency (cf. Verhoeff and Niemann 2009: 26).

CONCLUSIONS

This article suggests that there is substantial scope for further research on the EU Presidency. This especially applies to Presidency norms and the related questions regarding (the conditions for) norm compliance and norm internalisation as well as regarding the extent to which the Presidency acts on the basis of cost-benefit calculations and/or genuinely norm-guided behaviour. Focus on this under-researched issue cluster should (also) advance scholarship on the role and influence of norms within the EU more generally, and – going beyond the EU (Presidency) context – on the way the role of chairman is played out in various international institutional settings, thus providing useful insights for mediation/negotiation theory which currently still lacks an adequate analysis of the scope conditions regarding Presidency/chairmanship norms.

Our proposed approach to the issue of Presidency norms also has some implications for bridge-building with regard to the rationalist-sociological dichotomy. While we support

the notion that for the same empirical observation the two logics can be seen as competing (Elgström and Tallberg 2003: 204), our preceding analysis suggests that the two logics may be complementary over a certain time span, reflecting ‘the tension of acting selfishly under the constraints of a social world’ (Shannon 2000: 310). Whether the logic of consequences or the logic of appropriateness prevails – from the perspective of our ‘approach’ – becomes a contextual question, as each logic is more likely to be activated under certain definable scope conditions. So far we have identified development over time, intense interaction and insulated settings as conditions that favour the sociological account but there seems to be further room for refining and advancing these scope conditions.

In view of the proposed changes to the Presidency in the Treaty of Lisbon, in particular the institutional design of a Presidency-in-Office for the European Council, our prioritised research cluster should still be relevant. The potential changes would actually provide new interesting scenarios for comparative research between the old/current and likely/new systems of Presidency. On the one hand it may be argued that a permanent Presidency of the European Council would lead to a stronger sense of the impartiality norm, as suggested by assumptions on the neutral outsider chair (Wehr and Lederach 1996). However, if, on the other hand, the high visibility connected to meetings of the European Council no longer applies to the role of the rotating Presidency, chairs may be more tempted to violate the impartiality norm. Further research on these dynamics could be a(nother) step on the way of generalising beyond the specific current EU system of chairmanship towards insights that are more generally applicable and ‘integrable’ into broader mediation/negotiation theory.

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ENDNOTES

¹ On the different Presidency roles see e.g. Wallace (1985), Schout (1998), Elgström (2003a: 14).

² The section below partly draws on Elgström (2003a: 4).

³ For an empirical challenge see Tallberg (2006).

⁴ Trust in the mediator demands a certain degree of objectivity in the sense that the various parties may expect that they are treated in comparable ways both procedurally and substantively (Carnevale and Arad 1996; Kaufman and Duncan 1992). Nevertheless, this trust in the mediator may not only stem from an ‘outsider-neutral’ but also from an ‘insider-partial’ (someone who forms part of the setting), who may actually be more trustworthy, e.g. because of earlier established relationships, or particular expertise (Elgström 2003b).

⁵ An interesting friction/tension is notable with ‘publicity’ as a condition for norm compliance. Probing of the precise workings of ‘publicity’ and ‘insulated settings’ should be subject to empirical analysis.

⁶ Norm violation is believed to be dependent on the scope for interpreting norms in a manner that justifies violation as socially acceptable (Shannon 2000: 310). As such, norm violation may be justified by following a competing, prevailing norm. In our case, we may expect this to happen when the norm of effectiveness is regarded as more salient than the norm of impartiality. In-depth examination of both accusations and justifications surrounding norm violation may therefore provide good insights into underlying mechanisms of norm compliance.

⁷ Here we exclude ‘role-playing’ – described by Checkel (2005: 811) as non-reflective compliance with norms that he regards as an intermediate phase between rational action and the (true) internalisation of norms – because it appears exceedingly difficult to distinguish it empirically from cost-benefit calculations or (especially) from a taken-for-grantedness.