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# The Presidency Effect

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**Abstract**

From humble beginnings with the merely managerial duties of a formal Chair, the rotating Council Presidency of the European Union (EU) has evolved into a crucial player in the context of EU decision making, although its impact remains largely unaddressed in accounts of EU output. More than from its formal job description, the rotating Presidency's four roles derive from the (informal) decision dynamics of the Council and the expectations it faces from its fellow Council members and the other EU institutions. Together, these factors can motivate the member state holding the Presidency to wield every tool at its disposal and even, where necessary, unilaterally sacrifice its own national interest, to achieve agreement in the Council, in effect biasing the incumbent in favor of further European integration. This study uses "hard case"-evidence from United Kingdom (UK) Council Presidencies to test the predictions of this "Presidency effect" (PE) about member state behavior and its consequences for overall decision outcomes.

THE PRESIDENCY EFFECT

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## **I. Introduction**

*The simple truth is that Europe has always progressed – Javier Solana*

### **I.1 Introducing the Presidency Effect**

In the mid-1980s, the European Community (EC) was pursuing a large-scale program of “completing” its internal market by harmonizing and/or liberalizing regulation across the EC in many economic sectors. One of those sectors was air transport, where national protective measures were restricting market access in most EC member states. Deregulation and more competition in air services was a long-held preference of the Conservative government under Margaret Thatcher in the United Kingdom (UK), which was to take over the rotating Presidency of the Council of Ministers - the key legislative institution in the Community, bringing together the member governments - for six months in July 1986. The British government shared this substantive position with Ireland and, in particular, the Netherlands, and was supported by domestic and transnational air transport lobbyists as well as consumer representatives.<sup>1</sup> However, most other EC member governments, while supporting the common market and less regulation in principle, were more reluctant to cede national control over the air transport sector, taking up positions ranging from support for more moderate deregulation to resistance against any liberalization at all. Thus, after months of deliberation, at a Transport Council meeting literally on the eve of the British Council Presidency, an attempt to agree on a first set of such measures for air transport failed, with the UK joining the Dutch and Irish

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<sup>1</sup> Cf. Agence Europe 4453: 16, December 17, 1986; *ibid.* 4459: 12, December 29/30, 1986.

governments in blocking a Franco-German proposal for moderate deregulation with the argument that no agreement was preferable to such a “minimalist” solution.<sup>2</sup>

As the UK took over the Council Presidency on the day after that Transport Council meeting, the government was thus fully aware that it was holding a minority position on the issue, as well as of the strength of both stake holder demands for further liberalization and resistance against it in the Council. Nevertheless, the British Presidency not only chose to prioritize the issue during its own tenure in that office despite the slim chances of a successful settlement, but, over the course of its Presidency, in fact shifted its own national position away from its hitherto consistently preferred “open skies” policy to a compromise proposal for such limited deregulation that it not only resembled the Franco-German “minimalist” approach Britain had rejected only two months before, but earned sharp protest not only from its Dutch allies but also from the air transport and consumer lobbies that continued to favor an open skies approach. How can this puzzling change in the British Presidency’s national position on this highly contested issue be explained?

No pertinent change had occurred at the domestic level in the UK (of government, or of domestic stake holders’ positions); nor had there been any movement in the positions of the other Council members or transnational stake holders (which had, if anything, hardened further); nor had there been any change in the institutional setting or bargaining dynamics inside the Council. The only difference was that the UK now held the Presidency of the Council, and with it responsibility *inter alia* for the outcome of Council meetings - in other words, it was now subject to what is conceptualized here as “the

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<sup>2</sup> Agence Europe, 4351: 5/6, July 2, 1986.

Presidency effect” (PE). And it was on those grounds that the responsible British Minister justified his actions, explicitly pointing to his “responsibilities as Council president: the presidency should not limit itself to defending its own national positions but should consider the positions of all delegations and seek a compromise”.<sup>3</sup>

The example above illustrates the Presidency effect. This study analyzes how tenure of the Council Presidency can bring incumbent EC/EU member states to this and similar changes in national policy positions and/or behavior aimed at achieving agreement in the Council and the Community more broadly, behavior changes that are unexpected from the perspective of the established theories of European integration and their negotiation theory-based assumptions about Council decision-making. The research objective is to determine to what extent the mechanisms of the Presidency effect can have a traceable - if subtle - effect on the incumbent member state and, by extension, on EC/EU decisions. To the extent that they do, the Presidency effect needs to be taken into account in order to understand the development of European integration over time.

Having illustrated the PE in action (I.1), I proceed as follows: after first outlining its relevance in the context of European integration (I.2) and European integration theory (I.3), I briefly review the state of the art of research on the Council Presidency (I.4). I then develop the concept of the Presidency effect theoretically by building on existing “role theory” and spell out the role-based mechanisms through which it is expected to affect Presidency behavior (I.5). Following an explanation of research design and strategy (I.6), this study then sets out the mechanism(s) through which the Presidency effect manifests itself (II.) in the four roles associated with the office - leader (II.1), broker (II.2),

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<sup>3</sup> Ibid. 4405: 7/8, October 9, 1986.

representative (II.3) and administrator (II.4). I then probe three hard cases - the three British Council Presidencies in 1977 (III.), 1981 (IV.) and 1986 (V.) - for empirical evidence of the Presidency effect by tracing the PE mechanisms through the performance of this sample of Presidencies in those four Presidency roles. The study concludes (VI.) by reviewing the findings for each Presidency case and arguing that to the extent that the Presidency effect can be established as operating even in those hard cases, it will be found more readily in more integration-friendly incumbents' Presidencies, and therefore can no longer be ignored as a factor governing member state behavior in the Council and EU politics more broadly.



## I.2 The Relevance of the Presidency Effect for European Integration

Since the early 1950s, European leaders have made a series of decisions amounting to the progressive institutionalization of cooperation and joint policy making among a growing number of European countries. Collectively, these decisions and the deliberations preceding them have come to be known as “the process of European integration”. More specifically, “integration”, in this context, has meant the allocation of authority, resources and responsibility for policy decisions to the European level, that is, to existing or newly created EC/EU institutions.<sup>4</sup> Importantly, in the context of EU politics, *any agreement* is quasi-synonymous with progress in terms of European integration, as it at least continues the practice of Community cooperation, adding to the *acquis communautaire*<sup>5</sup> as well as to members’ co-operation experience, and at most, further builds the Community framework (in particular, though not exclusively, in the so-called “constitutional” decisions on Treaties or institutions).

No discernible teleology is at the heart of this process; no agreed-upon finality determines its direction. Indeed, each occasion for decision has presented decision makers with a range of options, including alternatives to integration; and vocal sceptics and opponents of integration have made themselves heard throughout. Their objections and disagreements underline the fact that integration is not “natural”, automatic, or

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<sup>4</sup> The notion of “European level” institutions does not necessarily mean “supranational”: not all EC/EU institutions are supranational in character, even though that was the distinctive trait of the core Community institutions established by the Treaty of Rome (the European Commission and the European Parliament (EP)) in 1957. Other Community institutions, such as the Council of Ministers, and important later additions, notably the European Council, have generally been considered to be of an intergovernmental nature, although this characterization has more recently been qualified. Cf. Westlake/Galloway 2004: 7-9; Wallace, Wallace and Pollack 2005: 56-65.

<sup>5</sup> The *acquis communautaire* or sum total of Community attainments is defined as “the body of common rights and obligations which bind all the Member States together within the European Union”, cf. the EU Commission’s glossary: [http://europa.eu/legislation\\_summaries/glossary/community\\_acquis\\_en.htm](http://europa.eu/legislation_summaries/glossary/community_acquis_en.htm). All URLs provided are current as of June 10, 2014.

inevitable, but consists of a string of political and policy choices made in the face of real alternatives and numerous obstacles. They also raise the question why integration continues to proceed, why it is even perceived as a big, connected (if not coherent or straightforward) whole from the post-WWII period until today. For the notion of a *process* of “European integration” is widely shared; this process is generally seen as ongoing and open-ended.

This is curious, because the process of European integration is not only not automatic but also unpredictable. Key integration choices cannot be fully accounted for by constellations of member state interests and distributions of bargaining power, nor by the addition of institutional agency and substantive spill-over phenomena – and hence are only unsatisfactorily explained by the major theoretical schools of European integration: structuralist (most prominently neoliberal intergovernmentalism) and institutionalist approaches (most prominently neofunctionalism/supranationalism).<sup>6</sup> Nonetheless, they – and, more recently, ideational accounts<sup>7</sup> of European integration – have established three core causal variables whose interplay is at the heart of the *process* and the remarkable *outcome* that is European integration: interests, ideas and institutions. Only gradually, the causal impact of the process itself – the *politics* of European integration – has been moving into focus. Process deserves attention because its importance is emphasized by practitioners, and it entails – and may be shown to entail – mechanisms and dynamics that, under certain conditions, can propel European integration forward and which cannot be reduced to bargaining outcomes, functional spill-over from existing cooperation or substantive ideological visions of where the EU is

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<sup>6</sup> Cf. Parsons 2003; for the core argument of these approaches, cf. Moravcsik 1998 and Sandholtz/Stone Sweet 1998.

<sup>7</sup> Cf. Parsons 2003, particularly 5-7, on the “ideational approach” to the EU.

headed per se. This study focuses on one neglected set of such mechanisms – jointly referred to as “the Presidency effect” - and the way they can contribute to the dynamic of European integration *by biasing the member state holding the rotating Council Presidency in favor of further such integration*: in short, the PE can cause the incumbent member state to change its national position on an issue to be decided at the EC/EU level in order to enable agreement in the Council.

### **I.3 The Presidency Effect in the Context of European Integration Theory**

The core argument of this project is that underlying the European integration process, deeply embedded in the “rules of the game” – in fact, hidden in plain sight – is a set of mechanisms which makes more integration the default outcome of EU decision making. These mechanisms consist of institutional and ideational parts, manifest in key elements of that decision making process: the particular institutional set-up, prevailing elite ideas and popular expectations of European integration at a given occasion for decision.

This argument thus includes institutionalist reasoning about man-made organizations, procedures and rules – “institutions” which may or may not have reflected actors’ “interests” at their origin, but may change irrespective of structural conditions – impacting upon actors’ choices independently of structural constraints.<sup>8</sup> However, the main integration theory built on institutionalist reasoning – neofunctionalism – has been challenged. It has been strongly argued that the progress of European integration is not – as that theory proposes - primarily due to the activism of European agents, which, driven by their interest in self-maintenance and influence-maximization, seek to form alliances with domestic groups in order to further “Europeanize” policy-making across issue-areas, aided by functional spill-over effects. While this is also happening, it does not explain the continuation of integration in the face of even more strongly (nationally) institutionalized resistance. In other words, the EU’s supranational institutions, with the partial exception of the European Court of Justice (ECJ), “prevent backward movement from the status quo more than they compel specific steps forward” (Parsons 2003: 18). Moreover, not least in light of the continuously sinking turn-out and Eurosceptic results of successive

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<sup>8</sup> Cf. Sandholtz/Stone Sweet 1998, Aspinwall/Schneider 2000, Pollack 2003, among others.

elections to the European Parliament,<sup>9</sup> on the one hand, and a decrease in the Commission's influence,<sup>10</sup> on the other, it is doubtful that national or sub-national loyalties have shifted to the European level, or that the Commission or EP have successfully built transnational coalitions and thus triggered the deepening of integration or its spill-over to ever more policy areas, on the scale suggested by institutionalist integration theory.<sup>11</sup>

Instead, I argue, (liberal) intergovernmentalism is right to emphasize that European integration stands and falls with the member states. The integration process, however, is not simply the result of their preference orders and the institutionalization of inter-governmental bargaining outcomes determined by participants' relative power.<sup>12</sup> Rather, it is the product of the encounter of national preferences and ideational factors, in the form of prevailing elite and public expectations, in the very institutions and processes through which the member states partake in (and yes, dominate) EU decision-making.<sup>13</sup> This means that institutionalists are also right: "[i]nstitutions affect outcomes" (Aspinwall/Schneider 2000: 4), including the intergovernmental ones, the Council of Ministers and the European Council. EU member states do not interact in a vacuum, beginning each new set of negotiations with a *tabula rasa*. Rather, they (inter-)act as

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<sup>9</sup> According to the figures reported by the EP itself, total turnout has gradually declined over time from almost 62% in 1979 to just 43% in 2009 (albeit with a background of a rising number of member states and changing electoral procedures, as well as considerable variation between member states). Only the most recent 2014 election showed a moderate increase in turnout for the first time (to 43,09%), cf. <http://www.results-elections2014.eu/en/turnout.html>. While sinking turnout does not in itself reflect Euroscepticism in the electorate (cf. Schmitt/Van der Eijk 2008), Eurosceptics have long since "stormed the citadel" of the EP, with significant additional gains in the latest EP elections; cf. for example *The Economist*, "The Eurosceptic Union. The Impact of the Rise of Anti-Establishment Parties, in Europe and Abroad", May 31, 2014, at <http://www.economist.com/node/21603034/print>; see also *BBC News*, "Eurosceptics Storm the Citadel", June 14, 2004, at <http://news.bbc.co.uk/2/hi/3806503.stm>.

<sup>10</sup> Cf. Wallace, Wallace & Pollack 2005: 56; Majone 2002.

<sup>11</sup> Cf. notably Pollack 1997, 2003; Sandholtz/Stone Sweet 1998.

<sup>12</sup> As suggested by the creator of liberal intergovernmentalism, Andrew Moravcsik (1993, 1998).

<sup>13</sup> Cf. Similarly Schimmelfennig's (2003) conceptualization of strategic action in a "Community environment", as well as his juxtaposition of the "shadow of hierarchy" at the national level to the "shadow of Community" at the EU level.

members of both the EU's "dual executive" (Council and Commission) and its "two-chamber legislature" (Council and Parliament, Hix/Høyland 2011: 23, 49), as well as in the European Council, provider of overall political leadership and mediator of last resort. As a governing institution, the Council has developed various instruments and procedures to facilitate decision-making, which in turn is governed by particular rules<sup>14</sup> – these are not ad-hoc, one-off negotiations over the distribution of substantive gains, the results of which are predictable on the basis of participants' asymmetrical interdependence. They are much more than just another instance of "general tendencies among democratic states in modern world politics".<sup>15</sup>

In other words, in the context of Council negotiations, the liberal intergovernmentalist view that the relative value of agreement for member states is "dictated" by asymmetrical interdependence, which "above all" determines their relative power, which in turn "decisively shapes" interstate bargaining outcomes (Moravcsik 1998: 7), needs to be amended. Council negotiations defy this model on a range of dimensions.

First, they are not 'classic' intergovernmental negotiations: member states do not negotiate as representatives of nothing but their own national interests, but as members of a bigger whole based on an extensive *acquis communautaire*, representing at the very least considerable sunk costs, and arguably part of their identity. This is reinforced by the representation of the whole, the EU/EC, in the negotiations through a Commission

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<sup>14</sup> See, inter alia, Hix/Høyland 2011: 61-68; Naurin/Wallace (eds.) 2008; Nugent 2006, esp. 203-218; Christiansen 2006; Hayes-Renshaw/Wallace 2006.

<sup>15</sup> Moravcsik 1998: 5. The claim that "the behavior of EC member governments is *normal*" (ibid.: 4/5, emphasis in the original) in this sense begs the question of why there are no other EU-shaped creations out there, why the EU is indeed "a unique, multileveled, transnational political system" (ibid.: 1) which "ranks among the most *extraordinary* achievements in modern world politics" (ibid.: emphasis added)? The explanation that "[i]f the motivations of postwar European leaders were distinctive, it was because their countries were touched more intensely by economic trends common to all advanced industrialized democracies" (ibid.: 5) seems unsatisfactory in light of this feat.

representative. Moreover, these negotiations are meticulously planned, prepared, shaped and steered by the Council Presidency, whose central role all member states take on in turns (cf. Chapter I.5.3). In the multilayered decision-making architecture of the EU, the Council is the decisive institution, and in its context, the representatives of the national governments who come together in the working groups, committees and ministerial meetings of the Council - including those exercising the Presidency of these various gatherings on behalf of the incumbent national government at any given point in time - can usefully be understood to be playing a two-level game. Yet the PE effectively suggests an extension or elaboration of two-level game theory (Putnam 1988): for Putnam, determinants of win-set size include power and preference distributions and coalitions as well as (ratification) institutions at the domestic level (level II), but at the basically institution-free international negotiating table (level I), only negotiators' strategies in the context of the distribution of all negotiators' positions make a difference. The Presidency effect, by contrast, is an additional constraint on negotiators at level I, thus modifying the negotiating conditions at that level by imposing additional constraints on strategic actors.<sup>16</sup>

Second, Council negotiations are institutionalized, even routinized to an extent that increasingly undermines any clear-cut distinction of national vs. common/EC/EU interests. The mere fact that member states *are* members and do participate in a never-ending string of negotiations on issues linked in multiple and complex ways means their interests are more than national, as they continuously renew their agreement to pay the maintenance price for their 'negotiation forum'. In the extreme, as some form of

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<sup>16</sup> Cf. Schimmelfennig (2003) for another theoretical model of "strategic action in a Community environment" in the EU context, combining "rationalist" and constructivist reasoning in a "synthetic" account of EU decision making.

cooperation in the EU context becomes the default ‘way things are done’, any deal is better than no deal, because only a deal secures the ability to act. In the words of Sir Michael Butler, seasoned diplomat and the United Kingdom’s Permanent Representative in Brussels from Margaret Thatcher’s accession to the Prime Ministership in 1979 to his retirement from the Foreign Office in 1985: “it is nevertheless the case that all [Foreign] Ministers know that, on almost every issue, they have got to agree in the end. They are condemned to achieve a successful outcome to a Community negotiation, even if they have sometimes made it difficult for themselves to present success in the Community other than as a failure at home” (Butler 1986: 75). Consequently, member states’ respective best alternatives to a negotiated agreement<sup>17</sup> lose value and their win-sets (cf. Putnam 1988) stretch, because issues are not just linked but also dealt with recurrently until ‘settled’, and the next negotiation always looms.<sup>18</sup>

Moreover, the EU reality of quasi-continuous negotiations on multiple levels and in several specialized yet partially overlapping fora underpins the notion that European integration, far from being merely the cumulative result of consecutive ‘completed’ bargains, is an ongoing process of policy making with attendant socialization effects that may further remove negotiation outcomes from initial member government preferences. Thus, in preparing the ground for Council meetings, specialized officials pursue substantive questions over the long term in working groups, and the highly socialized Permanent Representatives of the Member States form all input – horizontal and vertical – into political compromise proposals in the Committee of Permanent Representatives

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<sup>17</sup> Or BATNAs for short, cf. Fisher/Ury/Patton 1991; Shell 2006: 101/102, 105.

<sup>18</sup> Cf. inter alia Lewis 2000 and Tallberg 2003 on the consequences of this “shadow of the future” inside the Council.



(COREPER), the needle eye through which the great majority of EU decisions must pass.<sup>19</sup> Furthermore, the Council of Ministers can become a player in its own right in influencing the outcome of the Summits of EU Heads of State and Government in the European Council *alongside* the Commission. Ministerial Councils – especially the Economic and Financial Affairs Council (ECOFIN) and the Agricultural Council – have been known to consider their deliberations and decisions to be beyond outside scrutiny;<sup>20</sup> conversely, members of the European Council have found it necessary to ignore or contradict Council decisions, or ministers have collaborated in Council decisions that were against their principals' preferences (cf. Ludlow 2002: 58). The EU's decision making machine, in other words, by broadening and deepening access to decisions beyond the very top of national political hierarchies not only complicates the process of ascertaining 'the national interest', but also strains the fault lines within the less-than-unitary member governments, especially those based on coalitions.

Third, ideational factors compound institutional factors, in particular the role assigned to the rotating Council Presidency, in affecting the relative value of agreement for member states to an extent that leaves little room for the assertion that it is being "dictated" by asymmetrical interdependence. These ideational factors are based in the historical phenomenon of a general post-World War II consensus in Europe that European integration is 'a good thing' and in the related widespread belief in the

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<sup>19</sup> The acronym for this Ambassador-level Committee stems from its French designation, *le **C**ommittee des **R**epresentants **P**ermanents*. Its remit covers all areas of Council work with the exception of agriculture, for which responsibility lies with the Special Committee on Agriculture (SCA). On socialization effects at COREPER level and below, cf. Beyers 1998, 2005, 2010; Bostock 2002; Lempp 2007; Lempp/Altenschmidt 2008.

<sup>20</sup> Including that of their governments; see, for example, Ludlow 2002: 22.

inevitability of progressive European integration.<sup>21</sup> Out of this general support for national participation in the European project have grown manifest if diffuse expectations regarding the outcomes of the routinized Council meetings and the ‘success’ of Council Presidencies.<sup>22</sup>

Thus, member governments’ political commitment to the European Union is continuously renewed and deepened in a never-ending string of ritualized meetings on the multiple levels of governance in the European Union (COREPER, Ministerial Council meetings, European Council summits), associated with varying degrees of public information, interest and expectations and mediatized pressures to produce some sort of result and thus maintain credibility. This responsibility has generated and is perpetuated in decision-making procedures geared to avoid open disagreement: constructive abstention, avoidance of voting in the Council,<sup>23</sup> extensive pre-meeting, behind the scenes consensus/compromise-seeking, and the existence of COREPER itself – truly open-result EU decision-making, apart from the infrequent decisions based on mandatory national referenda, has become rare: once a topic appears on the EU agenda, some form of EU action - in other words: more integration - will almost inevitably result. The increasing scarcity of topics not included on that agenda has resulted in more and more frequent calls for subsidiarity and a “repatriation” of competences from the mid-1990s onwards. If

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<sup>21</sup> The idea of a unified Europe is much older, of course, and has been assigned various purposes over time. Cf. “European Unity. The History of an Idea”, *The Economist*, December 30, 2003; Bauerkämpfer 2004: 40; Rifkin 2004; as well as successive Eurobarometer surveys. The effect of a more recent transformation of this “permissive consensus” into a “constraining dissensus” (Hooghe/Marks 2008) on these ideational factors remains to be explored.

<sup>22</sup> Reactions to Council meetings frequently include disappointment about the results, though not demands that they cease. See Chapters II.1 and II.3 on the Presidency effect in the Leader and Representative roles on the question of Presidency success.

<sup>23</sup> According to Mark Aspinwall and Gerald Schneider (2000: 4), the “Council’s drive towards consensus solutions even in the event that qualified majority decisions are possible is an example of an important informal rule” of Council decision making.

integration were merely the cumulative result of a long series of unrelated decisions, one might expect much more confrontational, open-ended decision-making, even within the constraints of path-dependence. Furthermore, the nature of the integration dynamic as hypothesized here also means that while it is certainly possible to distinguish major constitutive decisions in the integration process (including the “five treaty-amending sets of agreements” identified by Moravcsik (1998) as well as the Amsterdam, Nice and Lisbon Treaties) from the many small choices made almost every day in the EU, whether by its supranational or ‘intergovernmental’ organs, European integration is as much if not more due to the small decisions, the nitty-gritty details of routinized cooperation as to a “sequence of irregular big bangs” (ibid.: 2).

The key point here is that the continual forward movement of the integration process has been and is to a considerable extent due to the fact that the unique combination of institutional and ideational pressures adherent to EC/EU policy making has not diminished, but ingeniously harnessed the power of the member states. Overall, this argument implies that in the long run, the European Union’s (most) “intergovernmental” institutions, generally perceived as the safeguards of national member state interests and prerogatives and as such not as the drivers but rather the brakemen of the integration process, quite contrary to these expectations are biased in favor of furthering European integration. Given the dominant role of the Council in EU decision making, its bias is decisive,<sup>24</sup> especially when added to the more obvious if less crucial pro-integration motivation of its supranational agent (the Commission), the EP and arguably even the ECJ. The dynamic of European integration, then, is located primarily in the Council, not, as

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<sup>24</sup> Differently put: if integration is happening, and the Council is the dominant institution in the EC/EU, as agreed by most scholars of European integration, the Council must be driving integration.

neofunctionalist reasoning would have it, in the Union's supranational institutions. The Presidency effect on Council decision making is one overlooked contributor to this dynamic.

#### I.4 The State of the Art on the EU Council Presidency

The role of the Council Presidency in the context of not just Council business but also EU politics more broadly and the process of European integration overall has received comparatively little attention, and become the focus of analysis in a more sustained way only recently. Apart from mostly descriptive analyses of the Presidency in its institutional context (e.g. Werts 2008; Hayes-Renshaw/Wallace 2006; Westlake/Galloway 2004; Sherrington 2000) and numerous reviews of individual Presidencies, often by practitioners or journalistic observers, the relevant academic literature has tended to congregate around a small number of focus points, often in comparative perspective: the role(s) and functioning of the Council Presidency (e.g. Kietz 2007; Elgström (ed.) 2003; Metcalfe 1998), evaluating Presidency performance (e.g. Quaglia/Moxon-Browne 2006; Schout/Vanhoonacker 2006; Wurzel 2001, 2004), explaining institutional change in the Presidency (Héritier 2007, Tallberg 2006), and what might be summarized as the power(s) and influence of the Presidency (e.g. Thomson 2008; Warntjen 2008, 2007; Crum 2007; Schalk et al 2007; Beach/Mazzucelli (eds.) 2006; Tallberg 2006, 2003). In the latter category, a central question concerns the degree to which holding the Presidency does or does not give the incumbent influence over decisions in the Council or in the EU's legislative system more broadly. On balance, the findings seem to indicate the incumbent has quite a bit of influence, especially towards the end of the decision process. Another question is whether a given country would (be able to) use that influence to promote its own interests; first results seem to show that this is not a very strong possibility.<sup>25</sup>

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<sup>25</sup> In reviewing *Unveiling the Council of the European Union. Games Governments Play in Brussels*, edited by Helen Wallace and Daniel Naurin (Palgrave 2008), Andy Smith notes a "debate" on "leadership in and of the Council": "According to Tallberg, governments which hold the Council Presidency consistently *orientate* EU decision-making by using their formal presidential powers. Warntjen, however, nuances this conclusion

What has not been at issue really is the effect of holding the office on the behavior of the incumbent. Elgström (2006) has made a first attempt to highlight some ways in which expectations associated with the Presidency can interact with an incumbent's role conceptions to affect role performance. That is where this study enters the discussion, arguing that tenure of the Council Presidency can affect a member state's behavior, and potentially have an impact upon Council decisions, in a way that generates momentum for further integration. For the incumbent, the combined effect of three aspects of the Presidency, mitigated only by variations in incumbency attributes, leads to the experience of what is conceptualized here as the *Presidency effect*: distinct pressure for behavioral, attitude and position adjustments that can amount to a pro-integration bias. These three "Presidency factors" are the institutional shape of the Presidency at a given time, the expectations associated with it and the agenda it faces, which is only partially amenable to the influence of any given incumbent. The Presidency's institutional shape and the concomitant expectations constitute four roles the Council Presidency plays for the Council(s) operating in the broader context of the – evolving – EC/EU decision-making process: leader, broker, representative and administrator. The Presidency effect is manifest in the incumbent's approach to and handling of its agenda in those roles.

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by finding instead that Council presidencies can only *steer, not lead*. Meanwhile Beach goes a stage further than both by playing down the power of the Presidency and revealing instead the resources of today's Council Secretariat which, he claims, are often considerable", *EUSA Review* 22:1, Winter 2009: 18, emphasis added.

## **I.5 The Roles Presidencies Play**

In order to trace the Presidency effect, this study breaks it down into the mechanisms through which it operates, which are tied to the four roles associated with the Council Presidency. The notion of “role” is therefore a core conceptual tool used to identify the influence the office has on the people acting within it. In 1991, Donald G. Searing expressed his puzzlement over the fact that political scientists had been neglecting the study of roles for decades, given that “roles are such prominent concepts in the everyday thinking of the politicians we study” (Searing 1991: 1239/1240). Among the reasons for this neglect, in addition to “intellectual fashion” and a “disenchantment with towers of babble” that had led to widespread conceptual confusion, he identified “consequences for behavior - there weren’t any (or so it seemed at the time).” This study examines to what extent politicians and officials do perceive certain roles in a particular institutional setting, and whether these roles can have particular consequences for actors’ behavior.

### **I.5.1 Conceptualizing Roles: Institutional Shape and Expectations**

Graham Allison’s (1971) Bureaucratic Politics model (BPM) opened the black box of the state to explain government decisions as the output of bargaining among actors with competing views on what should be done. The model assumes that “these different views of the interests of the state are determined by the positions that the individuals concerned occupy within the decision-making apparatus”, to the exclusion of their “personalities and personal preferences”; the “golden rule” is “where you stand depends on where you sit” (Allison 1971: 176, Hollis/Smith 1991: 148). The BPM helps clarifying the concept of “role” to be used here (albeit with different terminology): in a given insti-

tutional decision-making setting, a constellation of “recognized” (institutional) positions, each with specific competencies and resources, can be identified. Attendant to these are “normative expectations, constituting the *role* of each incumbent of a position”, which constrain the actors in question. “‘Normative’ refers not to what is normal or usual but to what is required, in the sense that failure to perform the role is open to criticism, censure, and penalty. The expectations are partly those which go with the positions and partly those of other actors in other positions, who are role-partners (or opponents) in various settings.”<sup>26</sup>

I conceptualize roles as constituted *jointly* by their institutional shape (competencies and resources associated with positions) and their attendant expectations. Moreover, I don’t assume those expectations to be exclusively normative in the sense elaborated above; rather, they can also be “realistic” in terms of what is the “usual” behavior of an actor in that role, allowing participants to calculate with and accommodate deviant behavior without giving up the normative ideal. This is in line with Searing’s (1991: 1253) view that politicians think about their roles “as patterns, as configurations of *goals, attitudes, and behaviors* that are characteristic of people in particular positions.” He called for a “conception of roles that is sensitive to the interplay between institutional frameworks and individual preferences - and to the fact that this balance between framework and preference varies greatly from one role to another”,<sup>27</sup> advocating the use of a “moti-

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<sup>26</sup> Hollis/Smith 1991: 155, emphasis in the original. In other words, “role identities are not based on intrinsic properties and as such exist *only* in relation to Others. ... [O]ne can have these identities only by occupying a position in a social structure and following behavioral norms toward Others possessing relevant *counter-identities*. (...) The sharing of expectations on which role identities depend is facilitated by the fact that many roles are institutionalized in social structures that pre-date particular interactions”, Wendt 1999: 227, emphasis in the original.

<sup>27</sup> “The best way to understand political institutions is to understand the interaction between such rules and reasons - between the constraints of institutional frameworks and the preferences of individual mem-



vational” approach to the study of roles, which “focuses on the content of roles, particularly on the goals and incentives that drive them.”<sup>28</sup> This means acknowledging that, on the one hand, “roles are deeply embedded in institutions that structure the range of roles available and structure how particular roles are to be played”, and, on the other hand, that “individuals participate in defining their own roles, ... these roles have many variations, and ... they are usually undergoing change”,<sup>29</sup> but without attributing role performance to either institutional shape or incumbency preferences exclusively. The motivation approach, according to Searing (*ibid.*: 1248), “suggests that the best way to understand the roles of politicians is to try to see them as they do” (and there is little reason to assume that this should not hold for officials, as well). Accordingly, the attendant concept of role is rather straightforward - “the part one plays in an event or process” - and roles are best understood “as they are understood by their players, as dynamic interactions between rules and reasons, between institutional constraints and individual preferences.” Most importantly, in the context of this study, “[w]hen we investigate the roles that are actually in the minds of our politicians, we readily find the anticipated links with their behavior” (Searing 1991: 1252).

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bers. And there is no place where such rules and reasons come together more clearly than in an institution’s roles”, Searing 1991: 1243.

<sup>28</sup> *Ibid.* “[G]oals or preferences ... are the core of the roles because they concern the motivational drive”; “the role’s secondary components [are] ... the characteristic attitudes and behaviors that politicians typically associate with the role”, *ibid.* 1253/54. To investigate the motivational core of a role at the individual level, one might have recourse to Max Weber’s conceptualization of cognitive goals and emotional incentives, as suggested by Searing; cf. Max Weber 1947, *The Theory of Social and Economic Organization*, New York: Free Press. However, that is beyond the scope of this study.

<sup>29</sup> *Ibid.*: 1245/46. “The politicians who take up ... positions ... help to create the corresponding roles which then become part of the institution’s informal structure”, *ibid.*, 1252/53; in other words, “role-taking also entails role-making”, Beyers 2010: 912, cf. Trondal 2001.

### I.5.2 How Much Do Roles Matter? Actors' Discretion

The formal rules of any institution inevitably differ from its operational practice, because “they can never fully specify or be fully consistent with all the relationships, attitudes, and behaviors that must be developed if the organization is to run smoothly” (Searing 1994: 4, cf. also Beyers 2005: 906/907). Seeking to account for the relationship between actors’ (institutional, not substantive) positions and choices, Hollis and Smith (1991: 154) reject the notion that such “positions completely *dictate* actions” (ibid.: 155, emphasis in the original). Instead, they argue, the “imperatives of a role both constrain and enable actors in their dealings with others”, as “[n]o role could possibly be specified in enough detail to make all decisions automatic.” Rather, there are “some specific duties of a role, some dos and don’ts which set limits to what may be attempted. But there is also an area of indeterminacy, governed only by a broad duty to act so as to be able to justify oneself afterwards and to keep ... one’s credibility” (ibid., cf. also Searing 1991: 1252, Wendt 1999: 227). Similarly, Searing (1991: 1252/53) argues that “roles vary greatly in the degree to which they are determined by the institution’s formal structure”, and that the “most highly determined are the position roles - constructed around positions that require the performance of many duties and responsibilities.”<sup>30</sup>

Hence, roles are both empowering and constraining, with discretion built in. How it is used will depend on a number of factors. Actors in any given role may be subject to competing pressures due to divided loyalties: roles are “prone to be inconsistent”, and “often defined in the course of internal manoeuvres within a bureaucracy and carry traces of this internal conflict” (Hollis/Smith 1991: 156). Differences in role performance may also

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<sup>30</sup> Nevertheless, although “[f]ormal rules may not always determine informal rules, ... they always affect them and thereby constrain role choices and role interpretations” (ibid.: 1253).

be due not to divergent motivations, but to divergent interpretations of its requirements (cf. *ibid.*: 157). Moreover, each actor will have more or less “role-distance”, in that decisions may be taken in a role for reasons not associated with that role, or there may be a difference between the professed and the actual motives for an action.<sup>31</sup> Finally, “role-players each have several roles”, and “conflict between roles is as common as conflict within them” (*ibid.*). In sum, actor behavior in a role is affected by the “obligations” (Goffman 1961) or requirements due to the formal and informal rules attendant to that role as well as by the actor’s interpretation of those rules; by her motivation which in turn reflects the degree of conflict between and within roles (role consistency); and by the degree of “role distance” or “role embracement” (Goffman 1961) experienced by the actor.

The following section will map out the roles the EU’s Council Presidency plays and give an overview of how these have changed over time.

### **1.5.3 The Presidency’s Changing Institutional Shape and Expectations: Evolving Roles**

Like the other elements of European Community and subsequently EU policy making, the Presidency has changed considerably over time: at its origins “simply a mechanism of the Treaties of Rome and Paris for providing chairmen for ministerial sessions and the preparatory official committees within the Council framework” (Wallace 1975: 307), it has

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<sup>31</sup> *Ibid.* This notion of “role-distance” simplifies the concept originally conceived by Erving Goffman in 1961: “In any case, the term role distance is not meant to refer to all behavior that does not directly contribute to the task core of a given role but only to those behaviors that are seen by someone present as relevant to assessing the actor’s attachment to his particular role and relevant in such a way as to suggest that the actor possibly has some measure of disaffection from, and resistance against, the role.” Role distance, Goffman argued, “falls between role obligations, on one hand, and actual role performance, on the other”. He distinguished role distance from “role embracement”, which involved “an admitted or expressed attachment to the role; a demonstration of qualifications and capacities for performing it” and “an active *engagement* or spontaneous involvement in the role activity at hand, that is, a visible investment of attention and muscular effort”, Goffman 1961: 108/109, emphasis in the original.

changed “[c]umulatively, collectively ... almost beyond recognition over the past five decades, not only in terms of competences and tasks but also in terms of demands on resources”.<sup>32</sup> It has “steadily grown in stature” (Wallace 1975: 307) and become an office “vital to the good working of the Council” (Westlake/Galloway 2004: 326), evolving from a purely administrative tool to a highly political player in EU politics. This development is particularly intriguing in light of the fact that even as “the Council” is now “a shorthand term for a huge number of multilateral and multilingual meetings” (Hayes-Renshaw/Wallace 2006: 15), its core functions have remained essentially the same over the years:

- representing member states’ interests especially vis-à-vis other EC/EU institutions and providing a forum for them to coordinate and reach agreement;
- establishing legislation and deciding the development of Community policies and budget (depending on the issue area more or less in conjunction with the EP);
- controlling the Commission in its executive function and acting in that capacity itself;
- representing the EC/EU externally.

The European Council, until the Treaty of Lisbon effectively just the most senior branch of the Council of Ministers, fulfills partly overlapping and partly supplementary functions (cf. *ibid.*: 165-175; Werts 2008): it provides political leadership and impetus for Community development, including by taking decisions that have proved elusive in the Council of Ministers, shaping foreign policy, and agreeing Treaties and Treaty changes.

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<sup>32</sup> Westlake/Galloway 2004: 325; cf. also Hayes-Renshaw/Wallace 2006: 140-154.

In this context, Presidency plays a number of roles - it displays “dynamic and adaptive patterns of goals, attitudes and behaviors” (Searing 1991: 1255) - that are constituted by its institutional shape and the expectations associated with it, that is, the purpose and tasks prescribed for the office and the rules and norms governing the Presidency’s activities. The latter “have mostly developed in an informal way and have only partly been formalized”, which “constitutes a stark contrast to the rapid increase of the tasks performed by the Presidency” (Héritier 2007: 121). The rotating Council Presidency is a constitutional element of the EU in that its existence is enshrined in the Treaties; however, neither the EU’s primary law nor its formal secondary rules (Council Rules of Procedure, various Council decisions) generally (can) prescribe its practical operation, nor do they cover the Presidency’s motivation. Rather, the formal *acquis* provides the institutional framework within which the Presidency operates and indicates the broad tasks it fulfills. Various editions of secondary rules have indeed included detailed *procedural* instructions for the Council Presidency aimed at enhancing efficiency as well as continuity and coherence *between* Presidencies; yet beyond that, no stipulations are made regarding the behavior, effectiveness, or desired outcomes to be reached by any individual Presidency.<sup>33</sup> Buried deep in the Council Rules of Procedure can be found a goal specification in the form of an admonition to try and reach agreement at *official* level,<sup>34</sup> but there is no such prompt for the political, ministerial level. In other words, there is nothing whatever in the *formal* rules to stop a Presidency doing its best to either push for or prevent or delay any agreement or decision in the Council in accordance with the

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<sup>33</sup> The TEU (article 202) does call upon the Council, and thus by extension the Presidency, to attain the Treaty’s objectives, but this remains a fairly vague injunction, cf. Beyers 2005: 905.

<sup>34</sup> “Coreper shall endeavour to reach agreement at its level to be submitted to the Council for adoption”, Art. 19.

incumbent's national preferences.<sup>35</sup> Written *informal* rules only go a little further, demanding that the "Presidency must, by definition, be neutral and impartial", and gently prodding it to "take action where it notes that a stalemate has occurred" by offering compromise suggestions or forwarding package deals - both in "its role as moderator".<sup>36</sup>

In sum,

"[f]ew formal rules prescribe how state representatives at the lower levels of the Council are expected to behave, and the notion of representation implies that state representatives may face several dilemmas regarding the interests they are supposed to represent. In this case, representatives operate under the condition of bounded rationality; that is, their computational abilities are limited and their access to information is restricted. They adopt role conceptions - norms, rules, expectations, and prescriptions of appropriate behavior - enabling them to prioritize and respond to particular policy problems and interests (and to de-emphasize others)" (Beyers 2005: 932).

The situation is no different at higher, COREPER and even ministerial levels of the Council, even though representatives at those levels may face stronger political pressures.<sup>37</sup>

Beyers (ibid.: 905) argues that "[i]n contrast to a perspective that depicts the Council as an arena where only specific national interests are represented and defended, ... the Council is a fertile laboratory for studying actor behavior that is governed by role-playing and rules of appropriateness." One indicator for this is that given the diversity of member state interests and preferences, disagreement should be the norm in the Council, and

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<sup>35</sup> Beyers (2005: 906) similarly concludes that "no compelling formal rules are formulated that explicitly require state representatives to restrict their role to purely defending the national interest (or the opposite, that is, to act with the interest of the Community in mind)."

<sup>36</sup> Council Guide, I. The Presidency Handbook, February 2006 (SN 1713/07): 14. This is from the current, third edition of the Council Guide; compiled by the Council's General Secretariat "under its sole responsibility[,] ... it has no legal force and is an internal document intended solely as an aid for the Presidency and Member State delegations." Consisting of four separately published sections which cover the whole range of the Council's activities, its "first section - the Presidency Handbook - continues the operation begun with the Presidency vademecum and sets out in a practical context the arrangements concerning the preparation and running of a Presidency", ibid.: 7.

<sup>37</sup> Beyers (2005: 932) finds that "adopted roles reflect the overall elite attitude within a member state", so that "[i]n this respect, domestic Council officials are quite 'representative'", at least in the context of the Council's working groups, and with respect to a broadly dichotomous intergovernmental/Eurosceptic vs. supranational/Europhile role conceptualization.

unanimity unlikely. Yet to this day, the large majority of Council decisions are taken unanimously, including those for which a qualified majority would be sufficient.<sup>38</sup> While some of this behavior is likely to be attributable to log-rolling, this logic is both enabled and constrained by the high issue density of an institution that makes hundreds of decisions across a large and increasing number of policy fields every year, and more likely to occur in a context of norm-based “mutual understanding and trust”.<sup>39</sup> And indeed, over time, the Council is widely recognized by experts and practitioners alike to have developed a range of informal rules and norms governing its work; and in particular, the Council Presidency has grown into essentially four roles,<sup>40</sup> one more managerial and three more political, institutionalized to different degrees, associated with distinct expectations, and faced with diverse challenges: leader, broker, representative and administrator.

- 1) **Leader** – the shaping of the Council’s (and thereby also largely the EU’s) agenda. Presidential control of the agenda initially grew incrementally but substantially, until the political significance of this role was recognized and attempts were made to circumscribe it. Moreover, while the Presidency’s formal agenda control expan-

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<sup>38</sup> The number is 75-80%, cf. Mattila/Lane 2001: 37/38; cf. Beyers 2005: 906; Novak 2013, who underlines the distinction between unanimity and consensus.

<sup>39</sup> “For understanding when and how a culture of compromise arises in the Council, strategic decision-making models may overestimate the importance of formal rules and underestimate the impact of informal rules of appropriateness that shape the actor’s [sic] environment and their propensity to compromise.” Beyers 2005: 906, cf. Mattila/Lane 2001: 45-48. Indeed, Beyers’ observations “clearly refute the conception of European politics as characterized by hard bargaining and noncooperative intergovernmental negotiation behavior among the big member states”, Beyers 2005: 929.

<sup>40</sup> Cf. Elgström (ed.) 2003: 5-7; Quaglia/Moxon-Browne 2006; for a slightly diverging, if substantially compatible conceptualization see Wurzel 2001, 2004; Hayes-Renshaw/Wallace 2006; Elgström 2006.

ded, its factual influence on it was increasingly and severely limited by sheer congestion.<sup>41</sup>

- 2) **Broker** – the mediation of Council negotiations and deliberations, and consensus-building/deal-making;
- 3) **Representative** – the external (international) and internal (vis-à-vis other EU institutions as well as domestic audiences in EU member states) representation of the EU and the Council, respectively;
- 4) **Administrator** – shared with the Council Secretariat, the traditional core function of administering and coordinating the work of the Council and all its subsidiary bodies.

Thus, while the roles of the Council Presidency have developed and been differentiated quite considerably, for the most part starting out in the realm of foreign policy cooperation and subsequently extending to other policy areas, those of the Council and the European Council overall have broadly remained the same, or else evolved into “more of the same” or even, in some ways, “less of the same” (Hayes-Renshaw/Wallace 2006: 4). What *has* gradually but substantively changed is the context as well as the scope of the Councils’ operation through the widening (to new member states and, in various cooperation projects, beyond) and deepening (in traditional as well as new policy areas) of European integration. These changes have affected the development and the discharge of Presidency responsibilities<sup>42</sup> by extending the number of players and filling, as well as di-

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<sup>41</sup> A related, favorite anecdote of British officials in this context is former British Prime Minister Harold Macmillan’s (alleged) reply to a journalist’s question about what determined his policy: “Events, dear boy, events”.

<sup>42</sup> Cf. Wallace 1975: 307/308 for an early summary of the trends in inter-institutional relations in the Community and developments in the Council in particular, which “inevitably” have “drawn attention to the potential role of the Presidency as a guide, a mediator, even motor of collaboration within the strictly



versifying, the agenda. To meet their responsibilities, incumbents may adopt quite different strategies and set dissimilar priorities – yet their choice in the matter is subject to the Presidency effect. Changes in the institutional shape of and expectations associated with the Presidency, and thus in its roles, over time (in addition to the changing agenda) mean that incumbents are likely to have experienced the Presidency effect to different degrees at different points in time. Hence, their development is critical; this study draws upon case studies of Presidencies from various stages of this development to analyze it.

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Community structure, as well as in the intergovernmental discussions outside”. Having earlier referred to both the Presidency’s administrator and representative functions, Wallace thus already points to all four of the Presidency’s core roles as they were to evolve over time, as well as to the Presidency effect in its role as “motor of collaboration”.

## I.6 Research Design & Strategy

The research problem or puzzle – gaps in our current understanding of EU member state behavior, and, by extension, of what drives European integration – has been specified in the introduction. The research objective of this study has also been introduced, but its methodological approach requires specification. The research design for the theory-building pursued here (the incorporation of new variables into the existing state of knowledge through the provision of supplementary theory) explores the causal impact of a particular independent variable, the Council Presidency, whose influence may vary across cases,<sup>43</sup> by systematically examining whether the preliminary expectations about when and why it matters developed in the theory chapters hold in a particular set of cases: three deeply Eurosceptic British Council Presidencies.

This study straddles more than one kind of theory building research objective (cf. George/Bennett 2005; Lijphart 1971; Eckstein 1975). It encompasses elements of a heuristic case study (for the inductive identification of new variables, hypotheses and causal mechanisms) and is a “building block” study of a particular EU member state behavior (that of Council Presidencies), aimed at identifying common patterns in that behavior across a series of cases (cf. George/Bennett 2005: 76, 78). Finally, it serves as a “plausibility probe”, a preliminary test of new hypotheses on *least likely* or “hard” cases (*Eurosceptic Council Presidencies*) to assess whether extended, more intensive testing is called for.<sup>44</sup>

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<sup>43</sup> The potential importance of this exploration lies in the fact that this particular independent variable is present in every instance of European integration since the Treaty of Paris, establishing the *European Coal and Steel Community* (ECSC), came into effect on July 23, 1952: there are no cases of “no x” in this research program, unlike for example in one interested in the effects on European integration of particular economic factors. Hence, if it can have a nontrivial impact, it would mean a new factor at work throughout the entire process has been identified.

<sup>44</sup> Cf. George/Bennett 2005: 75; cf. also Gerring/Seawright 2007: 89/90, 115-119. They specify a “least likely” case as “one that, on all dimensions *except* the dimension of theoretical interest, is predicted not to achieve a certain outcome, and yet does so. It is therefore used to confirm a theory” (ibid. 115, emphasis in

Thus, the phenomenon to be explained is the behavior of EU member states in the role of the Council Presidency, of which all (three) cases are instances. The objective is *not* to develop a general theory of member state behavior or, more broadly still, of European integration, but to look at how holding the Council Presidency can affect EU member state behavior – a small but potentially significant contribution to the overall body of theory formulated in the context of the European integration research program. In other words, while it addresses the core puzzle of that research program (the question why integration happens), the limited scope of this study makes it simply a theory “building block” (George/Bennett 2005: 78) – albeit one which, in assessing the causal effects of a particular independent variable (the Council Presidency), identifies a previously overlooked integration mechanism. Its value lies in its contingent generalizations about EU member state behavior in the Presidency, which enable it to single out the Presidency effect from the context of all the other factors affecting the integration process.

### **I.6.1 Research Strategy**

#### ***Dependent Variable***

At the heart of the European integration research program lies the question of how best to account for the extent of integration achieved over the last 60+ years, and for the integration progress still happening today. In addition to the existing theoretical explanations, the research objective of this study is *not* to focus on particular instances of this outcome (such as, for example, agreements to major treaties in the context of European integration) to try to identify the various independent and intervening variables associa-

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the original). Accordingly, in the context of this study, nothing except tenure of the Council Presidency could be expected to induce a Eurosceptic Council Presidency to behave in ways predicted by the Presidency effect.

ted with it. Rather, it seeks to assess the impact of a particular independent variable that has not yet been explored: the office of the Council Presidency. Thus, the outcome of interest here is whether and how an EC/ EU member state changes its positions and/or behavior in the run-up to or during its tenure of the Council Presidency.<sup>45</sup> Such changes *can*, and indeed are hypothesized to be *undertaken with the intention to*, affect (European) Council decisions and, by extension, the integration process itself. Specifically, the focus is on the degree to which member states deviate from their previous positions and 'normal', pre-established attitude – whether, broadly speaking, they become more integration-friendly during their Presidency. This focus on Presidential behavior allows for the consideration of important differences among cases while ensuring their comparability and the relevance of this study.

### ***Variation in the Dependent Variable***

In the interest of probing the hypothesis of this study that tenure of the Council Presidency will bias a member state in favor of further integration, and because actual change in member state behavior can manifest itself in too many ways to categorize meaningfully, variation in the dependent variable is defined here as broadly binary: behavior changes favoring further integration are distinguished from those that do not. These nominal categories encompass a Presidency's stances and actions with respect to the dossiers on the Council's agenda, including everything from fairly discrete shifts in position on minor issues to those (relatively) dramatic changes in a government's approach that are likely to remain the exception. Yet subtle adjustments such as the quiet

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<sup>45</sup> *That* a member state will change its behavior because of the Presidency is taken as given, because even the minimal formal requirements of the office involve the adoption of roles distinct from a 'normal' member state. This has been the case since the introduction of the office.

withdrawal of an objection, or foregoing active resistance to a proposal, can be sufficient to make a real difference to the outcome of particular negotiations. In this way, small changes in the approach of some states might turn out to be more consequential than others' unwavering, strong support for European integration.<sup>46</sup>

Concretely, such behavior *change* may manifest itself, inter alia, in Presidency choices regarding the Council's agenda (issues included or excluded, prioritized or relegated) and organization (formal and informal meetings, visits and other contacts), Presidency goals (national vs. European interest-oriented, ambitious vs. survival-oriented), initiatives, proposals, decisions and compromises. The *impact* of Presidential behavior will be visible in its output: meeting, especially summit decisions and conclusions reached or avoided, policy projects initiated or continued, completed, brought forward or postponed (that is, effectively abandoned for the Presidency in question). It is important to note, though, that beyond explicit statements of actors justifying their decisions in terms of Presidency responsibilities, only otherwise puzzling position or behavior changes by the incumbent can be used to *demonstrate* the Presidency effect.

### ***Independent Variable***

EU member state attitudes and behavior are determined by a plethora of factors at any given point in time, but the research objective of this study is not to do justice to them all. Instead, it is to identify and, insofar as possible, isolate and weigh the importance of

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<sup>46</sup> The fact that EC/EU negotiations have been conceptualized as "lowest-common-denominator bargaining" (Moravcsik 1991: 25/26, cf. idem 1993: 500/501, Marks et al. 1996: 345, Elgström/Jönsson 2000: 686), even if this is somewhat of an overstatement, and the long-standing dominance of the intergovernmentalist logic in EU decision-making more broadly (embodied most starkly in the "joint-decision trap" diagnosed by Fritz Scharpf (1988)), underscore the point that even slight movement by more reluctant governments may carry significant consequences for overall integration outcomes.

just one of these factors: tenure of the Council Presidency. The argument here is that Presidency role performance, and, by extension, Council and thus EU decision making, is affected in a particular way: there are certain *combinations* of institutional and ideational factors that bias a Presidency (irrespective of incumbency) in favor of further integration, pushing it towards more pro-integration stances or towards actions that amount to markers in that direction. In other words, the resulting Presidency effect is tantamount to a constant underlying pro-integration pressure on the incumbent - without, however, translating into pressure for any particular substantive policy priority or compromise.

These factors are:

- 1) **Institutional shape** of the Presidency: the changing (formal and informal) role and functions of the Presidency in the EC/EU policymaking process over the past several decades (*its institutionalized, built-in aspects*);
- 2) **Expectations**: a given country's interpretation of its Presidency mandate, its motivation as well as its own and others' evaluation of its performance and results (*the ideational aspects of the Presidency*);
- 3) **Agenda**: issues on the Councils' agendas during a Presidency's tenure, whether 'inherited' or new;
- 4) **Incumbency**: certain *characteristics of the incumbent* (which vary among EU member states as well as over time for each).

### ***Variation in the Independent Variable***

All four of these factors vary (largely) independently of each other. The last, *incumbency*, that is, the cumulative impact of the national idiosyncrasies unavoidably influencing

member states in all circumstances (often framed in terms of the “national interest”) would generally be expected to have a very important influence on their behavior – not just during the Presidency, but at all times. Indeed, the differences among the (currently) 28 EU member states are manifold and profound, and few would dispute that their characteristics play a major role in determining their respective interests, attitudes and behavior. It is a matter of dispute precisely how much the national interest matters, but I do not attempt to settle that question, which is not of primary concern here. This study probes the plausibility of the hypothesis that certain factors associated with their tenure of the Council Presidency – its institutional shape, the expectations it carries and the agenda it encounters – jointly influence member states *independently* of incumbency, and the research design focuses on the impact of those ‘Presidency factors’.

### *Variation in the ‘Presidency Factors’*

#### *1 Institutional Shape: the Changing Presidency in EU Politics and Policy Making*

For any member state, taking over the Presidency chair today means “assuming responsibility for the work of the EU Council of Ministers and the European Council”, the “foremost site of intergovernmental activism in the EU”.<sup>47</sup> An assessment of its role and functions in the EU context, taking into account the changes both have undergone over time, shows the formal and informal *institutions* framing the role of the Presidency at any given time, that is, for any given case:

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<sup>47</sup> Elgström 2003: 3. While the Presidency, like the other actors involved in EC and subsequently EU policy making, has changed considerably over time (cf. Chapter I.3.3), this aspect of it appears to have been a constant. One of the most important (former) UK officials, involved with EC-UK relations since before its membership, sees the Presidency as having been “originally” conceived “as a way of spreading responsibility for policy making and for carrying forward policy that you obviously couldn’t — you needed an organisation to sort of hold the whole outfit together. You couldn’t give that to one country, because that would’ve been invidious”, Interview, September 8, 2010.

- the purpose and tasks prescribed for the office, and the room for interpretation left for the incumbent in this matter;
- the rules and norms governing the Presidency's discharge of these tasks and the amount of leeway it has in this matter.

For each case, the institutional shape of the Presidency will be specified along these dimensions on the basis of the applicable legal framework as well as the assessments of expert observers and participants.

## 2 *Expectations: the Relevance and Motivation of the Presidency*

As the Council Presidency's initial role has evolved over time, its added responsibilities have increased its relevance in the context of the EU policy-making process as well as the pressure on incumbents to deliver a 'successful' tenure (cf. Chapters II.1 and II.3). Thus, the institutional aspects of the Presidency have come to be associated with certain motivations, the *ideational* factors shaping the role of the Presidency at any given moment, namely the expectations the Presidency faces from its fellow Council members, the Council Secretariat, the other EC/EU institutions, and also from its domestic audience.<sup>48</sup>

For each case, the expectations associated with the Presidency will be specified on the basis of the documentary evidence as well as the assessments of expert observers and participant witnesses. Although case selection is based on incumbency, variation in the

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<sup>48</sup> As Lord David Hannay - Assistant Under-Secretary of State (European Community) at the Foreign Office responsible for coordinating the UK's 1981 Presidency and UK Permanent Representative to the EC during its 1986 Presidency - put it: "What constitutes a good Presidency is the opinions of others. It's no good going round saying, I've just done a wonderful Presidency, if everyone else answers saying you were very biased or very chaotic or whatever it was. It is in the opinions of others: the other 26, and the institutions, the Parliament, the Commission, and so on", Interview, London, July 16, 2010.



expectations associated with the Presidency is observed at different points in time given the selected case studies (see below).

### 3 *Agenda: the Challenges for the Presidency*

The challenges any Presidency can encounter result from both “inherited” and newly arising dossiers, whether the latter are introduced by a Presidency itself<sup>49</sup> or imposed on the agenda exogenously, in which case the salience of distractions (e.g. unforeseen events) that can change players and/or the agenda and/or otherwise divert attention and resources matters. Substantively, these dossiers cover practically the entirety of the EC/EU’s activities (as there is very little in which the Council, and hence the Presidency, is not involved), and vary on several dimensions, such as internal (inter- and intra-institutional) vs. external, constitutional vs. political, and consensual vs. controversial, as well as in terms of urgency and stakes, measurable in terms of media attention, public awareness and Presidency perception. In this study, because case selection is based on incumbency, this Presidency factor is effectively randomized.

#### *Limiting Variation: Controlling for Incumbency*

The heuristic device of non-random sampling and focusing on “hard” cases where variation of the independent incumbency factor is at an extreme value (Eurosceptic Presidencies) limits incumbency variation, which serves several purposes:

- it helps isolating the impact of variation in the ‘Presidency factors’ (institutional shape, expectations, agenda);

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<sup>49</sup> On these, see Chapter II.1 on the “leader” role of the Presidency.

- it helps minimizing covariation, because while a Presidency's agenda and institutional shape vary (largely) independently of incumbency, the expectations associated with a Presidency do not;
- multiple cases with the same value on this important dimension of variation in the independent variable (i.e., the incumbent is a certain Eurosceptic member state) not only keep incumbency constant, but may go some way towards exploring the impact of that particular 'value' of incumbency on member state behavior and hence the overall outcome (integration progress);
- restricting the analysis to a single member state also makes possible more in-depth case studies in spite of time and resource constraints as well as limitations on the observability and measurability of certain factors.

For these reasons, this study is based on the analysis of a sample of a single member state's Presidency experiences, with a perspective to extending it to the remainder of EU members if the central hypothesis is confirmed by this sample (cf. the section 1.6.2 on case selection below).

#### *Limiting Variation: Controlling for Extraneous Variables*

The selection of cases for this study is guided by its combination of several theory-building research objectives:

- for the purposes of a *building block study* of one of the factors (EC/EU member state behavior in the Presidency) contributing to the overall outcome at the center of the research program (European integration), EC/EU member states are identified as the units of analysis;

- for the purposes of *heuristic case studies* aimed at identifying the import of a particular ‘new’ variable (the Council Presidency) and causal mechanism (the Presidency effect), cases are defined on that independent variable: the universe of cases encompasses all Council Presidencies (including pertinent observations in the run-up to and after the period of tenure);
- for the purposes of a *plausibility probe* of untested hypotheses in the *least* likely cases, in which the hypothesized effect would stand out most and which could most decisively illustrate the existence of this effect, to assess whether extended testing is called for, a sample of “hard” cases (*Eurosceptic* Council Presidencies) is drawn from the universe of cases;
- and finally, to allow the ideographic case studies necessary to get at the subtlety and nuance involved in the argument put forward here, the analysis is limited to a small number of such cases.

In the process, extraneous factors not directly associated with the Presidency but potentially or simultaneously influencing member state behavior in the Council Presidency are relegated to the status of intervening or background factors. That is, the historical and political context of the Council Presidencies analyzed here is coincidental and enters the analysis only to the extent that it shapes the ‘Presidency factors’ (institutional shape, expectations and agenda). The focus on the ‘Presidency factors’ is helped by the fact that there is a finite, albeit growing, universe of clearly delineated cases featuring the independent variable of interest (the total number of Council Presidencies to date). Moreover, this variable formally acts upon the behavior of a member state for precisely defined amounts of time – the 6-months periods of its tenure – which allows for a quasi-ex-

perimental research design comparing attitudes and behavior before, during and after ‘exposure’ to the Council Presidency.<sup>50</sup> Thus, case selection on the independent variable is easily feasible. At the same time, this set-up preserves the possibility for any single one of the cases under consideration to reject the variable of interest (the Presidency) as a sufficient condition for behavior change in a member state conducive to the overall observed outcome (European integration).

### **1.6.2 Case Selection**

This study draws on evidence from a small sample of cases: three deeply Eurosceptic British Council Presidencies. This choice is due to the fact that the UK comes down on the “wrong” side of a divide that is decisive in this context: member states with a country-level pro-EU bias can be expected to promote the cause of European integration, or at least to make integration-friendly choices, by default, independently of whether or not there is such a thing as the Presidency effect. If there is, their behavior in the Presidency is likely to be just a more vigorous continuation of what is normal for them, as the Presidency effect merely reinforces their preexisting approach.<sup>51</sup> By contrast, Eurosceptic EC/EU members are the least likely to show the behavior predicted by the Presidency effect, so they constitute the “hard cases” for the argument presented here: if the Presidency effect exists, Eurosceptic member states’ behavior should be discernibly discontinuous in and out of the Presidency. On balance, given the traditionally emphasized determinants

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<sup>50</sup> The pseudo-experimental nature of this design is limited by the hypothesized impact that already the anticipation of the Presidency might have on member states’ behavior prior to their tenure, as well as by the stickiness of decisions and, potentially, of behavior changes made under its influence, even if attitude changes might be less likely to last as other factors become dominant again.

<sup>51</sup> This circumstance also makes them less desirable candidates for study in the context of a plausibility probe, as this co-variation of two factors (member state Europhilia as part of the incumbency factor and the Presidency effect) impacting on member state behavior is likely to hide (rather than isolate) and possibly exaggerate (if a member’s innate pro-integration bias is stronger) the Presidency effect.

of member state behavior (most importantly national interests shaped by domestic political concerns), British Presidencies could be expected to act in ways quite opposite to those predicted by the Presidency effect: rather than promoting European integration, the UK should use its chairmanship of the Council to try to stall or even actively roll back integration. That is because overall, it has generally been considered the most “Eurosceptic” among the EU member states, with an outlook on the process of European integration as a whole that has wavered between unenthusiastic and actively hostile. This is necessarily a loose characterization, as member state *attitudes* fluctuate along a continuum ranging from outright hostility to and active resistance against further integration to vigorous and enthusiastic support for it. Yet the history of UK relations with the EU shows a clear enough pattern of at best lukewarm support to justify its overall classification as strongly Eurosceptic.<sup>52</sup> In line with Gerring/Seawright’s (2007: 115) conceptualization of a “least likely” case, nothing except tenure of the Council Presidency could be expected to induce the United Kingdom in particular to behave in ways predicted by the Presidency effect, because its exceptional level of Euroscepticism should militate against this even more strongly than broadly “nationalist” predispositions attributable to all member states. To the extent that UK Presidencies can nonetheless be shown to exhibit ‘Presidential’ attitudes and behavior, this can be interpreted as support for the Presidency effect. Thus, incumbency variation is limited in this study by a focus on “hard” cases where an impor-

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<sup>52</sup> Cf. inter alia Wallace 1997, 2012; George 1998; Young 1998; Gowland/Turner 2000; Forster 2002; Wurzel 2004; Wall 2008. This classification has to be qualified, however, for the last three British Presidencies - in 1992 under John Major, who sought a departure from Margaret Thatcher’s approach to the European Community in a “change of tone” (George 1998: 238) and in climate by moving Britain “to the heart of Europe” (Young 1998: 424); and in 1998 and 2005 under Tony Blair, who pursued an entirely new European outlook with the New Labour project which deliberately and explicitly did *not* conceive of itself as “Eurosceptic”. Because these changes can be expected to affect British European policy in the same direction as the Presidency effect, they generate a lot of “noise” covering any Presidency effect “signal”, and have therefore been excluded from this study (for now) as less useful for the purpose of discerning the Presidency effect.

tant aspect of the independent incumbency factor (general member state attitude toward European integration) is held constant at an extreme value - a single, Eurosceptic member state.<sup>53</sup> Moreover, the selection of exclusively Presidencies held by a Eurosceptic member as the cases for this study not only limits incumbency variation, but stacks the deck against the argument put forth here: the UK as one of the biggest, most powerful EU members and at the same time one of the most vigilant about its sovereignty and national interest is among the least likely to be swayed easily by the Presidency effect.

The British Presidencies observed here are interspersed across two decades of the European integration process, which makes it possible to observe the Presidency effect in the context of changing institutional settings: in the late 1970s as well as the early and late 1980s. Therefore, although case selection is based on incumbency, variation in the institutional shape and the expectations associated with the Presidency can also be anticipated. A certain degree of incumbency variation is unavoidable, in particular in the changing economic fortunes of the UK. Even though this factor does not necessarily co-vary/correlate with member state attitudes to the integration process, there are clear wealth differences among EU member states, specifically but not exclusively between older and more recent members, and there is a case to be made for their impact on a given member's negotiation behavior and its approach to the Presidency.

Moreover, while the UK's political system has remained the same overall, there have been regular changes of government, affecting Britain's overall political priorities and mi-

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<sup>53</sup> Clearly, constant incumbency cannot mean an *absolute* lack of variation, as member states do change in many ways over time (see below). Nonetheless, there is continuity, and the time span covered is short enough for the UK's basic geopolitical givens, national interests and even its general political culture and attitude to have remained broadly unchanged during the period of observation: Britain's relative demographic and political weight (as measured by GDP/population as well as voting weights in the Council and reflected in EU parlance) has remained relatively constant.

nisters' relative attitude to European integration, as well as its receptiveness to public opinion. In addition, some adjustments have been made to the domestic institutional arrangements dealing specifically with European affairs and EC/EU policy making. In terms of political orientation, the first British Council Presidency in 1977 was completed by a Labour government, at a time when the Labour Party was still explicitly and actively Euro-sceptic; it was followed by two Presidencies (1981 and 1986) held by *increasingly* Euro-sceptic Conservative governments headed by Margaret Thatcher. Table 1 below provides an overview of the cases that will form the empirical foundation of this analysis. It is important to note here once again that the holders of the rotating Presidency of the EC/EU Council are the member state *governments*, which are represented in the various Council constellations and working groups by different people, depending on the level at which a meeting is held: thus, the Presidency is represented by either the Head of State and/or Government of the incumbent member state (in the European Council); its Foreign Minister and/or a deputy (in the General/Foreign Affairs Councils)<sup>54</sup>; the Minister and/or a deputy from the pertinent specialized Ministry or Ministries (in all other, topical constellations of the Council of Ministers); the incumbent member state's Permanent Representative to the EC/EU at Ambassadorial level and their deputy (in the Committee of Permanent Representatives, or COREPER, the highest *official*-level committee of the Council); or specialized officials delegated for the purpose from the Foreign Ministry and/or the relevant specialized ministries in the plethora of topical working groups and preparatory committees operating below that level. All these representatives act and speak for the Presidency; among them, the Head of State and/or Government, the Fo-

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<sup>54</sup> Note that this changed with the entry into force of the Treaty of Lisbon on December 1, 2009, which created a quasi-permanent President for the European and Foreign Affairs Councils.

reign Minister and the Permanent Representative carry particular political and official responsibility and are therefore listed for reference in Table 1 below. The Council Secretariat is the public service of that institution, staffed by EU officials and serving both the European Council and the Council of Ministers. Its Secretary General is the most important point of contact for the rotating Council Presidency and is therefore also listed.

**Table 1 – Cases of UK Presidencies**

<b>Timeframe</b>	<b>European Council President/Permanent Representative</b>	<b>Council Secretary General</b>	<b>European Council Meetings</b>
<b>1. 1. – 30. 6. 1977</b>	James Callaghan (L)/Sir Donald Maitland	Nicolas Hommel (LX)	<b>Rome</b> , 25./26. 3. 1977 <b>London</b> , 29./30. 6. 1977
<b>1. 7. – 31. 12. 1981</b>	Margaret Thatcher (C)/Sir Michael Butler	Niels Ersbøll (DK)	<b>London</b> , 26./27. 11. 1981
<b>1. 7. – 31. 12. 1986</b>	Margaret Thatcher (C)/Sir David Hannay	Niels Ersbøll (DK)	<b>London</b> , 5./6. 12. 1986

### **I.6.3 Sources**

The three empirical cases covered by this study fall across two decades, which has consequences for the available sources. While actions normally speak more loudly than mere rhetoric (cf. Parsons 2003: 32), actors' justifications of their behavior must be considered relevant where their choices are overdetermined (because they may have done something for a variety of reasons) or where competing claims are attached to them. In such cases, I have attributed more reliability to claims that were by participants (rather than observers), less (obviously) self-serving, closer to the action (rather than retrospective), and confidential (rather than public). Moravcsik (1998: 80-84) has established, as one of his "methodological principles", the historian's practice of using, "where appropriate and



feasible, ... reliable evidence, including a representative sample of available 'hard' primary sources" (ibid.: 80). Even if he may not always adhere to this principle himself (cf. Lieshout/Segers/Vleuten 2004), his categorization of sources in terms of their quality as a basis for the inevitable "interpretation whenever we seek to describe and explain directly unobservable processes" (Moravcsik 1998: 80) remains useful for those of us trying to do better.<sup>55</sup> Thus, in terms of "direct evidence" on decision-makers' information, motivation, preferences and perceptions, he distinguishes, in order of preference, 'hard' primary (HP), 'soft' primary (SP) and 'hard' secondary (HS) sources; Lieshout et al. (2004: 92, who have also added the abbreviations) complement a fourth category, 'soft' secondary sources (SS). "As a general rule, the greater the difficulty of manipulating or concealing evidence of what really occurred at the time, the more reliable (the 'harder') the source in retrospect" (Moravcsik 1998: 82). Accordingly, the HP category includes "internal government reports, contemporary records of confidential deliberations among key decision-makers, verbatim diary entries, corroborated memoirs by participants who appear to lack an ulterior motive for misrepresentation" as well as interviews "in which the interviewer challenged or sought to corroborate the ex post claims of policy-makers", including "archived and published oral histories" (ibid.). SP covers "most contemporary

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<sup>55</sup> He sets aside "the pattern of objective facts about the decision-making process" as a "more reliable sort of evidence" that can provide "important insights into the motivations for policy", because it is "costly, often impossible, to falsify or manipulate", Moravcsik 1998: 82. Such "objective" evidence includes information about the nature and timing of policy, "offers and counteroffers, and patterns of domestic cleavages" (ibid.). However, in light of my experience with the often unreliable and contradictory information available on all these "[p]otentially decisive aspects of the decision-making process" (ibid.), I have been unable to similarly take it at face value. Instead, I have resorted to considering the following official sources as definitive on these and other matters, when in doubt: the monthly *Bulletin of the European Communities/Union* (Bull. EC/EU, published 10 times a year until August 2009); the daily *Official Journal of the EC/EU* (OJ, various series, published Tuesday-Saturday since 1952, print editions always and electronic editions since July 2013 legally binding; available at <http://eur-lex.europa.eu/oj/direct-access.html>) as well as, for the UK specifically, the *Hansard* edited verbatim official reports of proceedings of both Houses of Parliament (available from 1803 at <http://www.parliament.uk/business/publications/hansard>), in addition to other parliamentary reports.

newspaper and magazine reports ..., public statements by government spokesmen and national leaders justifying their actions, and *ex post* justifications in memoirs or interviews by participants who either were not in a position to know the truth or had an evident incentive to inflate (or deny) their own influence" (ibid.: 81). HS are "those sections of secondary sources that themselves report facts based on direct citation of a hard primary source" (ibid.: 83), and SS "scholarly publications by non-participants, based primarily on HS and SP" (Lieshout et al. 2004: 93).

For this study, I have been fortunate enough to get access, through extensive archival research,<sup>56</sup> *inter alia* to fairly recently declassified UK government papers, notably Cabinet Papers (CAB series) and papers from the Prime Minister's Office (PREM series). Unfortunately, these papers are under a 30-year lock, so that they are available only for my two earliest cases (the 1977 and 1981 UK Presidencies) so far.<sup>57</sup> Moreover, the Foreign and Commonwealth Office (FCO) and other government departments lag somewhat behind in their transfer of records to the National Archives, so that the relevant FCO files have not yet been available even for 1981.<sup>58</sup> Given the nature of Cabinet government in the United Kingdom, the (normally weekly) CAB papers reflect government thinking and policy making and provide invaluable insights into the development of policies and positions. However, as numerous observers (in secondary works) and participants (in memoirs) have consistently noted, even the Cabinet records, the official expression of government policy and the state of government decision-making, have to be qualified as a sour-

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<sup>56</sup> Archival research for this study was conducted at the EU Archives, European University Institute, Florence; the Historical Archives of the European Commission, Brussels; the UK National Archives at Kew, London; and the Max Planck Institute for Comparative Public Law and International Law, Heidelberg.

<sup>57</sup> For a similar complaint, cf. Forster 1999: 3. A recently enacted transfer to a 20-year lock has only begun in 2013 and will itself take ten years, cf. <https://www.nationalarchives.gov.uk/about/record-transfer-report.htm>.

<sup>58</sup> The state of affairs is summarized here: <https://www.gov.uk/transfer-of-1981-and-1982-fco-files-to-the-national-archives>.

ce to the extent that important decisions, and thus by extension exchanges of argument, happened in smaller circles, especially in Thatcher's early phase (before her second Cabinet reshuffle in September 1981), when she had few political allies in her Cabinet.

In addition, I draw on interviews I have conducted myself with all but three of the UK Permanent Representatives in charge during *all* British Presidencies (the two no longer available for interview have helpfully left detailed accounts of their time in Brussels in book form), in addition to one sitting Danish Permanent Representative and one sitting Chef de Cabinet at the Commission, as well as several other current and former FCO, Council and Commission officials (where these were on the record, named citations are provided). They are complemented by oral history and media interviews given by some of the same and other relevant officials and policy makers, as well as email exchanges with some of them. This evidence of decision-makers' actions, motivation and reasoning is framed by the official record of their output, i.e. the various kinds of documentation issued by the EC/EU institutions and agencies (reproduced, for the most part, in the above mentioned OJ and Bulletin), as well as by branches of national governments and by political parties. Unfortunately, however, apart from transcripts of parliamentary debates, the official EC/EU record is for the most part so vacuous as to be almost useless, because European institutions - in particular the Commission and the Council Secretariat - have perfected the art of generating copious amounts of text designed to appeal to all audiences by smoothing often irreconcilably opposed positions into a single statement. All of the above I consider to be my hard primary sources.

Some of the longer-serving officials and many politicians involved in the UK Presidencies have also published their diaries or memoirs. I find that it is not that easy to classify these

(as well as some sections of the interviews mentioned above) as either 'hard' or 'soft' primary sources. The use of political biographies and especially autobiographies or memoirs in process-tracing analysis is always a double-edged sword. On the one hand, they may sometimes provide the only record of certain, especially informal events within a time frame for which public sources are insufficient or no longer available, and official sources have not yet been declassified. Moreover, they may give unique insight into an actor's thinking, especially where they cite their own diary entries. On the other hand, it is perhaps only human that such works are necessarily subjective, incomplete and sometimes erroneous; moreover, they are often motivated by more than a dutiful attempt to provide a faithful account of events experienced or witnessed more or less directly by the author. This is especially likely in cases where a certain amount of political tension is to be relayed. An iconic example of this is provided by the – in this context particularly relevant – Thatcher era. Peter Clarke has described the phenomenon in the *London Review of Books* so vividly in December 1998 that I feel compelled to cite him extensively here:

“Historians of the Thatcher era in British politics are undoubtedly helped by the fact that it ended with both a bang and a whimper. The bang meant the precipitous termination of three notable political careers by 1990: that of Thatcher herself after the 20th century's longest premiership; that of Geoffrey Howe, her lieutenant as Chancellor of the Exchequer from 1979-83, during the period of the so-called 'Thatcher experiment' [and subsequently Foreign and Commonwealth Secretary]; and that of Nigel Lawson, who succeeded him at the Treasury from 1983-89, during the period of the so-called 'economic miracle'. The whimper – apologia is a less pejorative term – followed as a natural result. All three had time on their hands – blood, too, perhaps. All three acted quickly to produce alibis, to set the record straight, to shore up their reputations (and their bank balances). The outcome was a battle of the books, fuelled by a desire for vindication, which meant that the secrets of the Thatcher Government were dragged into the public domain with a haste which some may call unseemly but which a contemporary historian can hardly be expected to deplore. First, in 1992, Lawson produced *The View from No. 11*. It was a cogent defence of his stewardship, exhibiting his expertise as an old financial journalist

(though he celebrated his liberation from journalistic constraints by turning in over a thousand pages). The next year saw the much-heralded publication of the first instalment of the Thatcher memoirs, *The Downing Street Years*, which naturally took the opportunity to rebut key elements in Lawson's story. But it was not left holding the field for long, since in 1994 Howe's memoirs appeared, under a title, *Conflict of Loyalty*, which itself turned the knife in the fatal wound that his resignation speech had inflicted on Thatcher in 1990. Conceivably, her two ex-Chancellors could have competed with each other over the respective credit and blame for economic management in the Eighties. Instead, their united front held firm in the battle of the books – in which, however, the Lady had the last word, publishing her own second volume, *The Path to Power*, in 1995."

This text has profited from this and other, perhaps less confrontational "battles of the books" which have helped to fill in many blanks left by anodyne public statements and the broad brush of media coverage. Moreover, competing public accounts and assessments of the same events, though not normally as unguardedly frank as those offered in confidential communications, secure in the knowledge of their being inaccessible for decades thereafter, can provide a useful check against overly biased interpretation. As Clarke puts it most succinctly: "Mutual recriminations, disclosing unsuspectedly fierce animosities and raking over petty personal quarrels, are always distasteful – except to historians, who have always found that they produce excellent sources." In terms of (further?) SP sources, I have also relied on contemporary media coverage, which has become more and more ample over time. For students of the EC/EU, there is one particularly interesting and quite unique source in this category, described in the following words by the UK Permanent Representative in office during the 1981 Presidency: "Most of what happens in the Commission and the Council becomes known. The journalists work on the ground floor of the Council building and have many friends among the delegations. Agence-Europe, a daily information sheet, has such good sources that it is able to publish the contents of closed-door debates in Commission, Council and even COREPER", and this "within a

day or two of them taking place” (Butler 1986: 126, 75). I have used the daily *Agence Europe* Reports (which normally run to around 20 pages of single-spaced typescript with little respect for margins) for the six months of each Presidency’s duration as well as the six months preceding each Presidency.

As for secondary sources, I have used ‘hard’ - where I could get them - and ‘soft’ ones, and I have fewer qualms than Moravcsik (1998: 83) about citing “the conclusions and interpretations of a secondary author”. Instead, I follow Parsons (2003: 32/33) in feeling free “to cite the parallel conclusions of other intelligent observers as a weak but reasonable kind of additional evidence” where they “support my reading of the facts”. I have undertaken to report contradicting interpretations and evidence with equal diligence. Overall, I have consulted around 2.000 sources, two-thirds of which qualify as primary (hard or soft) by Moravcsik’s standards. This number reflects to some extent the nature of this study, which has often felt like a treasure hunt for those few bits of evidence that can reveal the Presidency effect.

The following sections outline how the Presidency effect operates through each of the Presidency’s roles (the mechanisms of the Presidency effect) and summarizes the evidence from the case studies.

## **II. How do Roles Matter? The Presidency Effect (PE) in Role Performance**

As briefly mentioned above, the Presidency effect is the term I use for the cumulative impact of distinct pressures for behavioral, attitude and position adjustments experienced by *any* incumbent of the office of the EU Council's rotating Presidency. Interviewees confirm the existence of a quite clear shared understanding of what is expected of the Presidency and of what would be a successful, a good Presidency; and the "functions, rules and norms associated with and surrounding the Presidency are ... independent variables that may affect EU decision-making and Presidency role performance" (Elgström 2003: 3). The extent to which the PE will actually lead to changes in that EU member state's positions or behavior depends on the agenda it faces and certain aspects of the incumbent itself; the way a Presidency plays its roles is the product of the encounter between, on the one hand, the formal (constitutional) and informal institutional rules and norms, which, in conjunction with the incumbent's own approach to/ideas about the office, constitute the role of the Presidency, and, on the other hand, the incumbent's own substantive interests.

The extent to which the PE can be *\*shown\** to affect incumbents' behavior is yet another question: the fact that actors can "strategically reconfigure their preferences, identities and behaviours in order to comply with the demands of socializing agents", such strategic behavior being "much thinner than deep internalization", might constitute a problem for any attempt to demonstrate the Presidency effect in that "we may observe behavioural compliance with some norms, but ... it is hard to conclude whether this is owing to strategic calculations or internalization" (Beyers 2010: 914). The (conservative) assumptions underlying this study are that strategic behavior on the part of EU member states is

a given, and that internalization is a possibility. The argument is that the PE, once established, is a constant presence, even if its pressure on the incumbent may vary with the degree of politicization of the EU as a whole during its tenure or the political salience of particular contested issues on the agenda. Where it does not clash with the incumbent's preferences, it may be invisible, and it is of secondary importance whether an adjustment of the incumbent's behavior in the direction predicted by the PE is due to internalization or strategic repositioning. But where it does clash, its strength can be tested and its impact - if any - should be visible. Moreover, because the PE amounts to a pro-integration bias, it should thus be most visible in those cases that generate the most clashes, that is, in the Presidencies of Eurosceptic member states.

### ***Tracing the Presidency Effect in the Four Presidency Roles***

The Presidency effect creates distinct pressures on the incumbent in its four roles. In David Hannay's description:

"I think it involves being reasonably objective – nobody expects you to leave your national interest at the door, but not to skew the negotiations; to have good relations with the Commission and with the Parliament, the latter of which is quite difficult, very demanding, but very important; to be good at getting consensus or getting a sufficient majority to take a majority vote, in which case very often people of course just accept it. So negotiating skills, all these things count for a lot. Bureaucratic efficiency, of course, counts for quite a lot – I mean, it can be very irritating if you have a Presidency which simply doesn't schedule meetings far enough in advance, doesn't produce the papers in time, and so on. So there are a lot of tests, some of which are very much insider – Brussels insider – tests, and others of which are more widespread" (Interview, London, July 16, 2010).

Broken down by Presidency roles, the pressures due to the Presidency effect can be summarized as follows:



- 1) it directs the Presidency, in its leadership role for the Community, towards manageable agendas which hold the promise of success, i.e. progress in terms of European integration;
- 2) it motivates the Presidency-as-broker to achieve agreement in the Council (and the EC/EU more broadly), to the point of accepting costs and compromises that the incumbent government would not have accepted outside of this role;
- 3) it puts the Presidency on the spot, in its representative role, to present a unified position to the in- as well as the outside, which may hardly exist in reality;
- 4) it pushes the Presidency, in its administrator role, to strive for administrative efficiency, ensuring smooth meetings and enabling effective coordination among all players of EC/EU decision-making.

These manifestations of the Presidency effect describe (and partly imply) motivations and behaviors that I would expect to find in any incumbent member state – subject to variation due to incumbency effects (which are largely controlled for in this study, see chapter I.6.1), the current agenda and the evolution of both institutional shape and associated expectations over time: given the steady expansion of tasks and rise in relevance of the rotating Council Presidency at least until the trend-breaking Lisbon Treaty, later Presidencies are expected to experience the cumulative Presidency effect more strongly than earlier ones.

## II.1 The Presidency Effect in the Leader Role

*By definition, a Presidency has to suppress its national interests.*<sup>59</sup>

The Presidency effect, the pressure due to the combined impact of institutional shape, expectations and agenda on Presidential attitudes, positions and behavior in its leadership role, works through two mechanisms. First, through shaping, albeit not freely *setting*, the agenda, the Presidency determines the political priorities of its tenure and thereby also commits itself to the results it hopes to achieve. Thus, “regular agenda items ... [are] interspersed with some new ideas, with the clever presidencies trying to judge policies that suited their interests and were rising to the point of agreement in any case, thus claiming a double credit for their resolution” (Hayes-Renshaw/Wallace 2006: 148). The inherited issues on the table notwithstanding, the Chair is able to make room for additional questions it might want to address, vary the degree of emphasis put on the open issues, and even avoid addressing certain topics by altogether excluding them from the agenda (which means they are left for a subsequent chair to tackle, cf. Tallberg 2003, 2006 on “agenda exclusion”). This allows the Presidency to use its leadership function to a certain degree in its own interest - not, however, by imposing its own substantive preferences on its peers, but rather by protecting itself, taking critical issues off the table while it is in no position to effectively defend its preferences on them due to its commitment to reaching an agreement, especially when and where the incumbent’s national preferences run counter to the prevailing majority on a given issue.<sup>60</sup> Hence, a Presidency

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<sup>59</sup> Interview quote from Elgström 2003: 1.

<sup>60</sup> Thomson (2008: 605) shows, in a large-scale “Comparison of Issues on which Decisions were Postponed with Issues on which Decisions were taken during Presidencies”, that the “extremity” of the incumbent’s

tries “to act strategically to influence the agenda in order not to end up in a situation during its Presidency where it has to take responsibility for an issue in which it has strong national interests and is in a minority position”,<sup>61</sup> because in this case, like in a deadlock, the pressure would be enormous for it to overcome the divisions through “unilateral sacrifices” in terms of its own preferences, that is, “to pay the price of the Presidency”: failure to do so would create an image of selfishness and refusal to cooperate with European partners that is generally not sellable as a hard-nosed but fair defense of the national interest, perhaps even domestically.<sup>62</sup> Instead, it can be costly in terms of future cooperation. This is an ideational part of the Presidency effect: the strong “spirit of consensus” that has emerged in the “EU milieu”, and in particular the Council with its long “shadow of the future”, interacts with the pervasive “effectiveness norm”, according to which the “foremost duty of any Presidency is to get results” (Elgström 2003: 44).

Second, a ‘successful’ Presidency has come to be associated with (signs of) progress in terms of European integration: “It is strongly believed to be in the European interest to steer the Union forward. This is true whether or not the Presidency is a believer in supra-national ideals” (Elgström 2003 44/45, cf. idem 2006). Therefore the office, forcing and at the same time allowing the incumbent member state to come up with an agenda for *its* Presidency, effectively makes further integration a priority (if temporarily) for that mem-

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policy preference was higher on issues on which decisions were postponed than on issues where decisions were taken during the Presidency in question.

<sup>61</sup> Elgström 2003: 51. “[I]t happens occasionally, and very often, the tendency will be to say ‘well, this is fairly urgent, but why don’t we just wait until the end of the presidency and leave it to the next lot to take it forward?’ (...) In a sense, six months is a very short period, and you could nearly always afford to wait for the presidency to change. I mean, it makes for bad relations, and people will be — other countries will be disgruntled with the country in the chair that is, as they see it, abusing the position of the chair, but they say they don’t mind waiting for a month or two, and trying again on the next chair, you know?” Interview, September 8, 2010.

<sup>62</sup> “The way the Council works is that a delegation which finds itself in a minority, or still more so if isolated, is expected to compromise as soon as possible. A great deal of pressure is brought to bear”, Butler 1986: 161.

ber, no matter what its original preferences. As a result, rather than presenting a prime opportunity to pursue national preferences, preparing and holding the Council Presidency puts a premium on pursuing integration: more European integration *becomes* the incumbent's preference.<sup>63</sup> The way in which this priority is translated into policy depends on the Council's current agenda and is reflected in the Presidency's work program, which results from the pressure on the office holder to position itself in terms of said agenda. Thus, the Presidency program reflects the anticipated interpretation of Presidency output by the Presidency itself, its peers, and their respective domestic audiences and hence all the expectations associated with the office. How far that output matches the (initial) Presidency program has also been considered a measure of Presidency success, which means additional pressure on the incumbent to pay attention to the feasibility of its plans.<sup>64</sup> Moreover, given that the incubation period for the vast majority of EU output is rather longer than the six-month tenure of an individual Presidency,<sup>65</sup> the pressure to prioritize integration progress over idiosyncratic national demands is to a certain degree felt by more than just the incumbent, as member states begin to plan "their" Presidencies

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<sup>63</sup> In the words of one official: "in a sense — in terms of priority the national interest always comes first but then you have to ask yourself 'what is the national interest?' And it may be that there are cases where you feel you have an absolute necessity to stick to a position. But that's, I mean, it's not rare in political terms, but it's slightly less frequent in what you might call practical terms in that at a given point in a discussion, if you're in the chair and you're really held up over something which your people in London or in Berlin or wherever tell you you must not give way on, you then have to say 'well, okay, but is there any way around this?', and indeed, you may well suggest a way around it which enables us both to seem to be being good chairmen, but also achieving as much as we can on our national objective", Interview, September 8, 2010.

<sup>64</sup> Cf. Majone 2009: 174-176 on building and using a reputation as a device for achieving credible commitment, its implications for the criteria for a successful Council Presidency and the importance of reputation and esprit de corps on all levels of the Council.

<sup>65</sup> "It's sort of like the gestation of a baby elephant, you know: it lasts for longer than a Presidency. It's no good saying I wish the elephant's baby would be born in my Presidency if it's not due to be born in your Presidency. So you need planning. That's the way you identify subjects which you want to put maximum effort into — because they can be born in your Presidency — or subjects which you can take at a fairly measured pace, but you need to put some effort into them, because they're actually not going to come to a decision, or not to a final decision, in your Presidency; or subjects which are sort of "dead on arrival" subjects, which you just don't want to put too much effort into", Hannay, Interview, London, July 16, 2010.

years ahead of taking office. This may introduce an element of competition, as member states vie and scheme for the biggest events (e.g., an enlargement, or an agreement on an important new policy) and the most important steps in European integration (i.e. the conclusion of an IGC and the signing of a new Treaty) to fall into their tenure. Hannay sees

“a certain amount of competition between Presidencies, which is on the whole useful (...). [T]hey all wanted to have ‘successes’, and successes by definition meant approving proposals of the Commission which were in the pipeline or about to be in the pipeline or had been in the pipeline for a very long time. So the planning of individual Presidencies always focused very heavily on what your successes were going to be. Now, even if you were a rather Eurosceptic government, like some British governments were, there were no prizes for saying, we held the Presidency for six months and we stopped the following sixteen things happening, partly because they were likely to happen immediately afterwards anyway as we couldn’t stop them permanently. So I think that a competitive sort of approach does work quite well, and you see that things are achieved, agreement is reached, because the Presidency a) puts a lot of hard work into trying to get there, and because the Presidency b) then harvests the fruit, as it were” (Interview, London, July 16, 2010).

As many of the big agreements are subsequently known by their place of origin (e.g. the ‘Maastricht Treaty’, the ‘Copenhagen Criteria’, etc.), they can perpetually signal a Presidency’s and thus a member state’s imprint on the integration process and on the European project as a whole.<sup>66</sup> The latest example of this behavior was the insistence of the

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<sup>66</sup> As early as 1975, Helen Wallace pointed to the significance of the “substantial role” that the Presidency had taken “in the informal gatherings of the Nine” since the December 1969 summit was convened “in the capital of the Dutch President of the Council: a precedent that has now become institutionalized, with successive summits rotating around Europe. The same pattern has been observed by the Conference of Finance Ministers and the Foreign Ministers’ political cooperation sessions. Although the institutional purists have seen this development as detracting from the treaties, it is *beyond question that this geographical mobility has given each government in turn a vested interest in ensuring that ‘its’ summit goes off well and reaches positive agreement*” (Wallace 1975: 308, emphasis added). In addition, it was argued that spending time in the capitals of “smaller fellow-members, as an educational exercise”, might make large member representatives “rather more sensitive to the interests” of the former (ibid., 308/309).

Portuguese Presidency to have the Reform Treaty signed in Lisbon – even though the summits were all held in Brussels – in order to be able to call it the *Lisbon Treaty*.

Of course, this kind of symbolism has at least partially been undermined by the decision to hold all future European Council meetings in Brussels. Similarly, attempts to fortify the Union by strengthening the Council Presidency through the partial abolition of member state rotation and the establishment of a quasi-permanent office holder for Council and European Council, respectively (as provided in the draft Constitutional Treaty<sup>67</sup> as well as in the Lisbon Treaty<sup>68</sup>) may actually backfire, because this would eliminate not only the competition mechanism, but alleviate member states of a considerable portion of their individual *responsibility* for the project of European Union. In sum, in the context of its leadership role, the Presidency effect pushes the Presidency to use whatever limited agenda shaping leverage it has to focus on issues with a potential for progress.

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<sup>67</sup> Cf. Draft Treaty establishing a Constitution for Europe, CONV 850/03, Articles 21, 23.4.

<sup>68</sup> Cf. OJ EU C 306719, December 17th, 2007: 17 with regard to Article 9C.9.

## II.2 The Presidency Effect in the Broker Role

*I've long since come to the view that Presidencies are a poisoned chalice for a country like Britain or France or Germany, because you have too many irons in the fire, and you do much better negotiating under somebody else's Presidency. - Lord David Hannay*

Next to the Presidency's leadership function, it is the broker function through which the Presidency effect is expressed most forcefully. As the institutional shape of the Presidency-as-broker has evolved over time, so have the expectations associated with it, and the pressure "to look for agreement and to manage business in such a way as to foster consensus" has risen steadily (Hayes-Renshaw/Wallace 2006: 149). The "mediation" role of the Presidency is hardly ever discussed in the literature without the insistence that "it is supposed to steer negotiations toward decisions and agreement."<sup>69</sup> Specifically, the "effectiveness norm", according to which "it is a Presidency's duty to steer the Council to ... achieve tangible results" (Elgström 2003: 7), appears to broadly obliterate not just the "neutrality norm" (which is increasingly acknowledged to represent an unrealistic ideal) but also the "impartiality norm" traditionally associated with a mediator - which is why the term "broker" appears more appropriate to describe this particular Presidency function. In some ways, in the context of the Cabinet governments of modern parliamentary democracies, Presidency brokers play a two-level game in having to "both manoeuvre with your own government, and with the other members under the Presidency" (Inter-

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<sup>69</sup> Elgström 2003: 6. This understanding of the Presidency's broker role is also present among officials: "The purpose of the Presidency and indeed of the whole discussion is to reach agreement, and if need be to make concessions and so on. So, that is really the prime task of the presidency, to achieve agreement on such major issues as they come up." Moreover, "there was a *desire* to reach agreement", especially in the COREPER, which is considered "very much a sort of friendly club, and you knew exactly what the problems were of your colleagues, and you looked to see whether there was a way of getting around those problems and whether you had to make a concession or two in order to achieve that, and if so, was the concession worth making", Interview, September 8, 2010.

view, September 8, 2010) - that is, achieve agreement at both the Council and the Cabinet tables.

As the effectiveness norm is partially generated from the accumulating expectations nurtured by the European integration process in participants as well as observers, it is clear that especially at European Councils and other high profile events, not just any result will do, which further adds to the pressures generated by the Presidency effect in the broker role: "Every Presidency should do its best to be a driving force, to reach agreement on as many dossiers as possible" (ibid. 44/45; cf. also Lempp/Altenschmidt 2008). The absence of consensus or at least an agreement, and thus of a presentable result, is perceived as a failure of the Presidency in its broker function and normally results in wide-spread blame in the media and a sticky image of incompetence for the country concerned. By contrast, successful deals can add to the international prestige of the member state in the Chair still today, especially in the case of the smaller member states. All of which serves as a powerful motivator for the incumbent Presidency to strive for agreement by all available means - including, if necessary, adjusting the national position. As David Hannay put it: "[t]hat's doing your duty as the Presidency. If the common will is to do that, you go along with the common will." He added that there were

"small countries and medium countries that run very businesslike presidencies which ... don't have so many irons in the fire that they find difficulty distinguishing between their national interest and the common interest. But even the big member states are compelled, while they're in the Presidency, to come to terms with some kind of coherence between the two. (...) So on the whole, Presidencies are under quite a lot of pressure to behave - as one would say, behave well" (Interview, London, July 16, 2010).



### **II.3 The Presidency Effect in the Representative Role**

The representational role of the Presidency, both more subtle and more complex than it might appear on paper, is still its least settled and most contested task. As internal and external representative, the pressures on the Presidency due to the combined impact of institutional shape, expectations and agenda have evolved with and sometimes determined the development of the role. The Council Presidency shares representative functions internally as well as externally with the European Commission: both sit at the Council table with all the member states,<sup>70</sup> representing the common interest of the Community as a whole. Before the changes introduced by the Lisbon Treaty, both also represented the EU externally on the many occasions when the “new” (ToA) troika spoke for the EU in encounters with external actors. The Lisbon Treaty merged the three parts of the troika by promoting the High Representative for Common Foreign and Security Policy (CFSP) from Secretary General of the Council to Vice-President of the Commission and quasi-permanent, elected President of the new Foreign Affairs Council. In effect, this represented a demotion of the rotating Council Presidency in the context of external representation in order to meet the expectation of a unified European voice in international affairs – a “face” for the EU and a single telephone number – more convincingly. In addition, the new, quasi-permanent President of the European Council was given a role in ex-

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<sup>70</sup> The most senior member of the incumbent’s national delegation moves “around the corner” to sit in the Presidency Chair at the head of the Council table, facing the Commission at the other end, while the second most senior member of the incumbent’s national delegation takes her place to the immediate right of the Presidency to head the national delegation. This, of course, serves as a physical implementation of the separation of the incumbent’s national interest from the Chair, a separation Presidency officials are keenly aware of: “when you’re in the chair, the Foreign Minister — or for Agriculture, whichever Minister is concerned — is in the chair, and has to be, so to speak, a neutral chairman. But the British delegation is represented by someone else, by — probably another minister, and it has every right to express its viewpoint, and the — in this case the British — chair, has to be careful not to appear to be giving advantages to the British team. But it doesn’t inhibit discussion of a government’s view. The fact of being in the chair doesn’t make it impossible to put one’s country’s viewpoint forward, but it’s not done by the chair, it’s done by the representative of the government”, Interview, September 8, 2010.

ternal representation, as well.<sup>71</sup> But it is important to note that while it has now lost in stature in terms of external representation, the rotating Presidency had been on the ascendancy in this role effectively until the introduction of the Lisbon reforms. Internally, too, the Presidency-as-representative and negotiator has gained quite substantially in influence with the expansion of that role.

In both realms, internal and external, in which the role of representative is exercised, the combination of the Presidency's changing institutional shape, the increasing expectations associated with it and the challenges on the agenda it has faced have generated certain incentives for Presidency behavior. Generally, in putting the incumbent on the spot (and literally in the spotlight), it reinforces the Presidency's responsibility to find or create an agreement which it can then represent, thus upping the performance pressure on the country in charge and the urgency to achieve results presentable as successes. Especially in the case of high stakes, high profile issues on the external agenda, the Presidency feels pressure to find unity among its fellow member states in order to maintain credibility on the world stage (cf. Wurzel 2001: 7). Moreover, as the profile of the Presidency-as-representative has risen, incumbents have increasingly faced the challenge of representing not just the Council, but the EU and its policies as a whole, on a new stage: vis-à-vis their own domestic audience (cf. Beyers 2005: 910). A Presidency's perceived need to have "achievements", which leads it to frame almost any output that happens to fall into its tenure in corresponding language, is perhaps the most important indicator for the Presidency effect in its representative role. Even an unequivocally negative outcome,

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<sup>71</sup> Cf. Treaty of Lisbon, Article 15.6.

the *regretted* lack of an achievement, is an indicator for this effect; in its absence, the Presidency should be indifferent to evaluations of its output.

Because the EU's achievements as well as problems have come to be closely associated with Presidency success or failure, it does not pay off politically to use the EU as a scapegoat for unpopular measures during one's own tenure (as it might at other times).<sup>72</sup>

Rather, specifically for the benefit of their domestic audiences, national governments are expected to use the opportunity of their six-months tenure in two major ways: first, to draw attention to their activities and those of the EU, in order to demonstrate their clout and standing on the international scene and foreign policy competence as well as, where needed, raise awareness of and knowledge about the EU. Second, to present the EU and, by extension, their Presidency, in the best possible light in order to either garner or reaffirm public support for their European policy.

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<sup>72</sup> "[A]s the commission has noted, governments often ... row against the tide of subsidiarity: it is they, not the commission, that inspire many Europe-wide directives—and then sometimes blame Brussels when they prove unpopular", *The Economist*, June 18th, 1998: "A Future Without Kohl"; cf. also Prime Minister Tony Blair, "Speech at the Inauguration of the European Central Bank", Frankfurt, June 30th, 1998 and, inter alia, Bailey 2008: 50, Koenig-Archibugi 2004, Allio/Durand 2003: 10.

#### II.4 The Presidency Effect in the Administrator Role

The evolving institutional shape and associated expectations of the Presidency as well as the challenges it has faced in its *administrator* role have resulted in the increasing importance of managerial efficiency and effectiveness, continuity and coherence as aims of Presidential activity. These requirements contribute to the Presidency effect in two major ways. First, they serve to flatten and streamline the ambitions of incoming Presidencies, as, for example, the ground to be covered is determined by the number of meetings on the various levels of decision making a Presidency is able to organize, rather than vice-versa.<sup>73</sup> Secondly, they put a premium on achieving agreement in order to deliver a Presidency's share of the 'plan' and thus stick to the annual and multi-annual programs. The inevitable trade-off between the desirable and the indispensable is increasingly tilted towards the latter, as peer pressure and high expectations in terms of the efficiency and smoothness with which EU business is to be handled add to the restrictions imposed on a Presidency's room for maneuver by the inherited issues on its agenda and its inclusion in a multi-Presidency program.

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<sup>73</sup> This phenomenon has also led to a strengthening of Presidencies held during the first half of the year, which can dispose of more "usable" weeks than those in the second half of the year, which covers the long summer break.

### **III. The 1977 UK Council Presidency and the Presidency Effect**

#### **III.1 The UK Council Presidency January-June 1977 in Context**

The UK had taken on the helm for the first time in what was, domestically, “a difficult period in which to keep a sure and steady British hand on the Community tiller”, for economic and political reasons (Edwards/Wallace 1977: 283). James (“Jim”) Callaghan and Labour had taken over the government in March 1976 when Britain and the rest of Europe were still recovering from the recession precipitated by the 1973 oil crisis.<sup>74</sup> Politically, at the domestic level, “the scars of renegotiation and the referendum had barely healed[,] leaving a significant section of the Labour Party and Cabinet still hostile to both Community membership and particular Community policies.”<sup>75</sup> The UK’s accession to the EC in its third attempt in 1973 had effectively split the country across party lines, helped to bring down Edward Heath’s Conservative government, which had successfully negotiated accession, and prompted his Labour successor, Harold Wilson, to call for a renegotiation of the terms of accession and a referendum on the question of British EC membership. After a fierce campaign, again fought across all political divides, this referendum was won by a large margin by the pro-EC camp.<sup>76</sup> This did not, however, result in a settlement of that question once and for all. Even though “the reputation of Britain of being basically Euro-

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<sup>74</sup> Cf. George 1998: 107. While Britain’s economic indicators seemed to be improving, Callaghan had to face a crisis for the Pound Sterling within weeks of taking office, and ineffectual attempts to stabilize the Pound depleted the Bank of England’s foreign currency reserves and added to the budget deficit. A heavily used “standby facility”, negotiated with other Central Banks, was limited and made repayable by the end of the year, which forced the government to apply for an IMF loan in September 1976. Agreement to the terms of this loan, which “immediately ended the run on the pound”, meant massive cuts in public spending at least until 1979, and thus “a final retreat from the extensive programme of social welfare measures that had formed the basis of the Labour manifesto in 1974” (George 1998: 114) – with predictable political consequences: the government lost the loyalty of Labour back-benchers in the House of Commons, “and the threat of rebellion, especially on unpopular issues such as direct elections to the European Parliament, remained a constant pressure”, *ibid.*

<sup>75</sup> Edwards/Wallace 1977: 283. It was “one of those periods when the British cabinet was sharply divided between Eurosceptics and Europhiles”, Hannay, Interview, London, July 16, 2010.

<sup>76</sup> A high turnout of almost 65% per cent resulted in a “two to one majority in favour of staying in the Common Market”, Gowland/Turner/Wright 2010: 83; cf. also Callaghan 1987: 325/326.

sceptic and rather hostile to the Community is a reputation that has been built up over a period of years and was much less evident at the beginning” (Interview, September 8, 2010), the divisions were buried closely beneath the surface of UK politics, where this conflict has simmered ever since, erupting to the surface occasionally, but with increasing frequency and violence. Callaghan himself, who as Foreign Secretary had actually led the British effort to re-negotiate its EC accession terms, was lukewarm vis-a-vis the EC.<sup>77</sup> At the European level, the “coincidence of Roy Jenkins’s appointment as President of the Commission complicated matters further by presenting at least the illusion that the Community would be subject to disproportionate British influence.”<sup>78</sup>

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<sup>77</sup> Observers spoke of his “anti-European Europeanism”, *FT* October 7, 1977, cf. De La Serre 1987: 109. Yet in the context of the re-negotiation of British membership terms, in particular its budget contribution, he had observed, on the occasion of the European Council’s inaugural meeting in Paris (during the French Presidency of the Council of Ministers) in December 1974, the leadership effects and expectations already associated with chairing a Summit meeting by that time: “Giscard would be in the Chair, and could therefore exert considerable influence on the way the discussion would go, but where would he direct it? (...) If ... France should prove obdurate, we would then fall back on a formula that would unite everyone except the French, in the hope that if the President found himself isolated he would feel bound to fall into line. There would be a special reason for him to do so as Chairman, for having taken the initiative in calling the Summit, he would naturally wish it to be a success and so to pave the way for further gatherings”, Callaghan 1987: 314.

<sup>78</sup> Edwards/Wallace 1977: 293. On the other hand, this could also be seen as a boon for the Presidency: “putting it bluntly it was very good for our interest. (...) I mean, it meant that we were demonstrably ... integrated with or within the Community. And to the extent that that is seen to be the case, you’re more likely to achieve some of the more difficult issues that you’re trying to achieve. (...) If you demonstrate both by being President and by having the Presidency of the Commission, that is, a British subject in it, there is a degree of commitment there, which enables you in operating within the Community to argue with greater conviction for whatever it is that you want to achieve”, Interview, September 8, 2010.

### **III.2 The 1977 UK Council Presidency: The Reluctant Leader**

This section will probe the 1977 UK Council Presidency for evidence of the Presidency effect mechanisms in the Presidency's leader role. It will highlight controversial topics on which the UK held a minority position and which it excluded or tried to exclude from its Presidency agenda (first mechanism), as well as issues it prioritized that were suited to further European integration (second mechanism). It will show that the 1977 UK Council Presidency faced low expectations in its leadership role, and indeed did not provide much leadership. Unable to exclude awkward items from the agenda, it mostly followed the pressures of domestic politics on these issues. Thus, while the case of the 1977 UK Council Presidency does provide indications of an awareness of the Presidency's leadership role, it mostly demonstrates the dominant influence of domestic politics on Presidency behavior.

#### **III.2.1 The Institutional Shape of the Council Presidency's Leader Role in 1977**

In terms of its overall institutional shape, the rotating Council Presidency's leadership role has grown more or less steadily since the beginnings of the European Community and peaked in the late 1990s/early 2000s, before efforts to control Presidency influence, introduce accountability and enhance consistency and continuity of Council and European Council decision making stabilized it at a somewhat reduced level.

Accordingly, the UK's first Presidency, under James Callaghan's Labour government, took on an office whose leadership potential was still quite circumscribed, and of whom nobody expected much in terms of agenda-shaping. Yet politicians and officials were clearly aware of the pressures attached to the Presidency's leadership role. One of the key offi-

cials responsible for the Presidency in London at the time explained that “the Presidency does give importance to the country [in the chair], because it makes it responsible for the agenda for the ministerial meetings and of course for the Permanent Representatives and the other Committees and so on. And it does give a degree of control over the agenda and over the policy process. (...) On the other hand, if you try to use the presidency as a tool for advancing national policy, you won’t succeed.” Asked why not, he elaborated that “it’s got to be seen and acted on as a Community effort. (...) Of course, it is used a bit both to oppose what you don’t like and to support what you do like in the policy process, but you have to be very careful if you’re in the chair not to do that too ostentatiously, because if you do it’s very counterproductive” (Interview, September 8, 2010). Observers, too, were grappling with the tensions inherent in the Presidency’s leadership role. In 1976, Wallace and Edwards (549) declared that the “only strategy left to the chair is to block issues by keeping them off the agenda or by delaying their discussion in Committee, except for the rare moment of good luck when a Presidency is able to claim credit for an agreement that was already on the books”.<sup>79</sup> A year later, they acknowledged that the “Presidency of the Council offers each government in turn the opportunity to set its own distinctive mark on the running of Community business” (Edwards/Wallace 1977: 283). Already then, a “member state might use its six-month stint in the chair to give an extra push to items it regarded as especially important, but it had to avoid appearing too *parti pris* lest it antagonize its partners” (Wallace 1975: 307, emphasis in the original).

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<sup>79</sup> This approach, too, was confirmed by the official: “you have a degree of control over the agenda of ministerial discussions and if you’d rather have that something was not discussed, you would try and ensure that either it’s not on the agenda, or if it is on the agenda, it’s weighed down, so you may not reach it. ... I mean, that’s just a kind of mechanical process, but it’s one way of doing it”, Interview, September 8, 2010.



The Chair did have agenda-management responsibility<sup>80</sup>, but mostly in the realm of European Political Cooperation (EPC), as the Community's first efforts at foreign policy coordination were called. It had, by this stage, gained "primary responsibility to set and structure the foreign policy agenda" (Tallberg 2006: 51, cf. Héritier 2007: 123) and a special role in the initiation of foreign policy consultations. In addition, the Presidency had effectively been entrusted with preparing and running European Council Summits, a responsibility that was formalized under the 1977 British Council Presidency in the European Council's London Declaration.<sup>81</sup>

### III.2.2 The Agenda-Shaping Efforts of the 1977 UK Council Presidency as Leader

The new Presidency inherited an agenda that included issues which were particularly difficult for it to handle. "Not surprisingly, therefore, the plans sketched out by the British Government for its first Council Presidency were extremely modest in recognition of the problems of accommodating British and Community interests" - which is in line with the expectations of the Presidency effect.<sup>82</sup> On January 12, 1977, Foreign Secretary Anthony Crosland, "very pro-European" and handling the Presidency "calmly" (Hannay, Interview, London, July 16, 2010), addressed the European Parliament as the new President of the Council and reflected on "the role and modus operandi of the Council" and "the basic complication that this role must be partly legislative, and akin to that of a Parliament, but mainly executive, policy-making and negotiating, and here akin to that of a Cabinet"

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<sup>80</sup> Cf. Council of Ministers of the European Economic Community 1958, *The Rules of Procedure*, as reproduced in Westlake 1999: 130-133; tasks reaffirmed in the wake of the 1965 Merger Treaty in updated Council Rules of Procedure not formally adopted until 1979, cf. Tallberg 2006: 47

<sup>81</sup> Cf. Tallberg 2006: 55; cf. European Council 1977; Bull. EC 6-1977: 83 (2.3.1.).

<sup>82</sup> "They contrasted starkly with the far more ambitious approach of the Irish in 1975", Edwards/Wallace 1977: 283.

(Bull. EC 1-1977: 8). He declared himself “worried both by the degree of detail which comes to the Council, and by the sometimes higgledy-piggledy nature of its agenda” (ibid.). Apparently to remedy this situation, Crosland decided to “break with some past precedents by not examining in detail our agenda for the next six months. Rather I want to consider in a longer perspective where the Community stands today and in what direction we wish to see it progressing.”<sup>83</sup> Overall, two “specific British aims” for the Presidency were distinguishable: “a strong emphasis on the efficient management of Community business and the selection of a handful of issues on which the British would try to sway negotiations in Brussels. Specifically excluded was any attempt to extend Community collaboration quickly or to propose sweeping reforms in Community decision-making” (Edwards/Wallace 1977: 284). Crosland identified a need to establish “a sense of priorities and strategic direction that will serve us, not simply in the next six months, but in the years ahead” (Bull. EC 1-1977: 6). Attempting “to achieve the feasible” (George 1998: 121), he defined the following medium-term tasks: “to improve our sectoral policies; to define and forward [economic] convergence in more meaningful terms; to work out the proper role for a directly-elected Parliament; to expand yet further the Community’s influence in the world; and to encourage enlargement without doing damage to Community ideals.” Among these, enlargement and external influence promised little excitement: in both fields, UK preferences were broadly in line with the majority view of the Community, and the agenda was pre-determined - the British Presidency was not expected to and did not change it.

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<sup>83</sup> This last citation from the Speech is not reproduced in the European Bulletin, but can be found in the “text of speech as prepared for delivery” (verbatim service, 001/77), made available inter alia by the British Embassy Information Department in Washington, D.C. In any case, Crosland’s statement was clearly understood as the “work programme of the British President of the Council” by the Commission, Bull. EC 1-1977: 59 (2.3.7.).

Meanwhile, “other issues on the agenda ... threatened to be more controversial” (George 1998: 121); in particular, there were “difficult issues in prospect from agriculture to energy” (Edwards/Wallace 1977: 283). For Crosland, the first “urgent and immediate priority” was “agreement on sectoral policies” – specifically agriculture, where the Common Agricultural Policy (CAP) had “almost reached an impasse”; fisheries, as the “review of the common fisheries policy has not even approached the heart of the controversy on the internal regime”; and energy, because “there is no such thing as a common energy policy” – without which the Community would “decline into a state of permanent bickering, wrangling and mutual recrimination”.<sup>84</sup>

Although the UK found itself in a minority position on all three of these sectoral policy issues, it did not attempt to relegate them from the agenda, because for different reasons, none of them could plausibly be ignored or postponed. On agriculture, “the crunch issue” was the need of an efficient mechanism for subsidizing farming incomes which would not “raise consumer prices too high, divert resources, induce surpluses or offend overseas suppliers”, the Community policy process having “consistently proved incapable of confronting directly the choices involved” (Webb 1977/78: 25). Dealing with it was obligatory, as the price levels for the whole lineup of agricultural goods had to be reviewed annually. In terms of fisheries, the most important issue at hand was how to divide up fishing rights and quotas in the Community waters, a decision that Britain was unable to avoid because a transitional interim agreement that had been reached in 1976 was unsatisfactory and due to expire; in addition, the access of third parties, notably East Europeans, who were also laying claims to Community fish, required urgent regulation (cf.

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<sup>84</sup> Bull. EC 1-1977: 6; cf. also the “text of speech as prepared for delivery” (verbatim service, 001/77), made available inter alia by the British Embassy Information Department in Washington, D.C.

Volle/Wallace 1977, Edwards/Wallace 1977, George 1998: 122). On energy, the main issue was the selection of a site for the Community's experimental thermonuclear fusion project, an urgent decision because it had already been dragged out for two years, funding was running low, and the requisite scientists were being lost to international competitors.

In terms of economic convergence, the Commission had identified, in its 4/76 quarterly report on the Community's economic situation, "the major economic policy problems ... imposing severe constraints on the Member States in 1977: the need to reduce inflation rates further, the need to achieve improved payments equilibrium, the problem of stimulating investment, and above all the objective of lower unemployment" (Bull. EC 1-1977: 24/25 (2.1.1.)). This analysis broadly coincided with the UK's point of view, with enhanced urgency due to its on-going experience with the IMF. Yet the Presidency's activity in this context remained largely declaratory, not least due to its domestic political situation; among its modest achievements, Donald Maitland, the UK's Permanent Representative to the EC during the 1977 Presidency, counted the fact that "the Sixth Directive on Value Added Tax was settled" (Maitland 1996: 225). On the subject of economic convergence, then, the British government's greatest achievement was perhaps to have successfully kept its own economic problems off the Community agenda during its Presidency: in the absence of the IMF agreement, the Sterling crisis would undoubtedly have dominated it, severely undermining the Callaghan government's credibility and ability to lead on any of the issues facing the Community.<sup>85</sup>

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<sup>85</sup> After negotiations had been concluded in 1976, the IMF credit to the UK had been granted on January 3, 1977, and the Basle Agreement on international support for Sterling concluded on January 10, two days before Crosland's EP speech inaugurating the British Council Presidency. The brand new European Commission welcomed it in a statement on January 11 as "further evidence of solidarity among the industrial-

Finally, in terms of direct EP elections, the government was unable to fulfill its commitment to hold direct elections to the European Parliament on time with the rest of the Community in the Spring of 1978, causing the first ever direct elections to the EP to be delayed to 1979. That the Presidency of the Council was responsible for this major hiccup in the EC's institutional development proved a huge embarrassment for the Callaghan government; that and the lengths to which it went in trying to overcome domestic resistance can be interpreted as further support for the Presidency effect, albeit not exclusively.

At the July 1976 European Council which had set the Spring 1978 target date for the first direct EP elections, the Prime Minister had "insisted" that they "should not initially be held under common rules throughout the Community, which would certainly have implied the use of some form of proportional representation, but that each member state should be allowed to choose its own method of electing its MEPs" (George 1998: 120). This required the timely "passage of domestic enabling legislation" (ibid.: 118), because beyond the duration of the legislation procedure itself, time had to be allowed for the electoral system of choice to be implemented. But the issue of direct elections to the EP gave rise to particular difficulties for the UK government *before, during* and *after* its Council Presidency because it in fact required not one but two fundamental decisions: to finally implement such elections and when, and which voting system to use. On both of these questions, the UK found itself in a minority position in the Community: favoring intergovernmentalism over supranationalism, successive British governments only reluc-

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zed countries" which helped improve the Community's economic outlook for 1977. Thus, at the very beginning of the first UK Council Presidency, an important step had been taken to tackle a major "obstacle to the normal participation of sterling in efforts to build up an effective European currency system", namely "the size of the sterling balances" and, for the Commission, "the agreement was therefore fully in line with Community interests" (Bull. EC 1-1977: 26 (2.1.5.)). Unsurprisingly, the IMF deal and its painful consequences were massively unpopular, including in the Labour Party in- and outside of Parliament (cf. George 1998: 114, Casciani 2006; see also above), and it split Callaghan's Cabinet.

tantly supported direct elections, which were seen as strengthening the EP; and the PM, like his predecessors and majority opinion in the UK, preferred Westminster's own *First Past the Post* (FPTP)-system to "proportional representation, in which Callaghan has never believed" (Hennessy 2000: 393), but variations of which were being applied in the other Community member states (cf. Gay 1998: 5).

The European Assembly Elections Bill, finally introduced to the Commons shortly before the end of the Presidency in late June 1977,<sup>86</sup> was too late: by then "the only way in which it might have been possible to get the draft through the legislative timetable to meet the spring 1978 target for elections was ... to adopt a form of proportional representation based on national party lists."<sup>87</sup> It was this option that was supported by Callaghan when he presented the Bill to Parliament, a major reversal of his own previous position, which had been totally opposed to any form of proportional representation."<sup>88</sup> But rather than to any effort to bring the Council Presidency in line with prevailing Community opinion, for George (1998: 120), Callaghan's "change of heart" on proportional representation in defiance of most of his own party base "had everything to do" with the so-called "Lib-Lab pact"<sup>89</sup>: having lost his own majority in the House of Commons in mid-March 1977, Callaghan was forced to pay a high price to secure the Liberals' support for his government through this hastily negotiated agreement. One of the key concessions

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<sup>86</sup> HC Deb. vol 934 c.1250-1382 and c.1436-1564 (Bill 142 of 1976/77); cf. Gay 1998: 10; George 1998.

<sup>87</sup> George 1998: 119. This was because to apply the single-member FPTP Constituency system, 81 new EP Constituencies had to be defined for the UK's share of future MEPs, whereas list-based proportional representation would have allowed their allocation to fewer, larger regions; cf. Gay 1998: 8, citing the April 1977 White Paper, *Direct Elections to the European Assembly* (Cmd 6768), para 16.

<sup>88</sup> George 1998: 119. With his turnaround in June 1977, Callaghan was thus doubly defiant of the position of the majority of the Labour movement and the Labour NEC, who opposed proportional representation in general and direct EP elections in particular, cf. *ibid.* In the event, the Second Reading on July 6 and 7 was opposed by six Cabinet Ministers and 25 other Members of the Government; and the Bill "proceeded no further due to lack of Parliamentary time."

<sup>89</sup> For a Liberal account of the origins and conditions of the Lib-Lab Pact, see Steel 1980, in particular 26-42. For Callaghan's perspective, cf. Callaghan 1987: 455-458.

the Liberals extracted was the commitment to introduce a bill providing a choice of electoral systems and the PM's personal support for proportional representation.<sup>90</sup>

### **III.2.3 The 1977 UK Council Presidency as Leader: Conclusions**

In its leadership role, the 1977 UK Presidency was unable to exclude from the agenda the controversial problems in the CAP, CFP and energy sectors on which it found itself in a minority position, which placed it under an unwanted obligation to choose between yielding on its own preferences or disregarding its Presidency responsibility for an agreement. While the UK government managed to keep Britain's own severe economic problems off its Presidency agenda, it did not achieve any notable progress towards economic convergence in the Community. Finally, the most difficult issue for the 1977 UK Presidency was presented by the urgent need to pass domestic enabling legislation in order to meet a previously agreed deadline for the first direct elections to the European Parliament in 1978. While the UK's lone inability to fulfill that commitment due to domestic resistance caused the British government particular embarrassment in its exposed position in the Presidency, its strenuous efforts on behalf of the requisite legislation can only partially be attributed to the Presidency effect, which in this case was overshadowed by domestic pressure to the same effect exercised by the LibLab Pact. Overall, in the case of the 1977 UK Presidency, there was little scope for agenda exclusion as most controversial items were on strict timetables, and there were no Presidency initiatives favoring integration. While a Presidency's inability to exclude agenda items due to the inflexibility of its inherited agenda does not refute the Presidency effect, the absence of any Presidency

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<sup>90</sup> Steel 1980: 39; cf. Callaghan 1987: 456/457 for the full text of the agreement. In the event, Callaghan did inform the NEC on November 28, 1977, that he personally was going to support proportional representation, cf. George 1998: 121, 119.

initiatives to further integration does disconfirm the operation of the second PE mechanism in the leadership role in this case. Moreover, the Presidency's handling of the issues of economic convergence and direct EP elections suggest that domestic politics dominated the 1977 UK Presidency's activity in its leader role.



### **III.3 The 1977 UK Council Presidency in the Broker Role**

This section will probe the 1977 UK Council Presidency for evidence of the Presidency effect in the Presidency's broker role. It will highlight controversial topics on which the UK held a minority position and whether it yielded on them, resisting domestic pressures, for the sake of achieving agreement in the Council, rather than merely due to Council bargaining dynamics. It will show that the 1977 UK Council Presidency in its broker role broadly prioritized domestic politics and the national interest over efforts to bring about agreement at the Community level on controversial issues on which the UK held a minority position. While the evidence once again suggests an awareness of the pressures associated with the Presidency, the political leadership of the 1977 UK Council Presidency unambiguously chose the national interest over Community agreement in the short term, unwilling to offer concessions that might have led to (earlier) agreement.

#### **III.3.1 The Institutional Shape of the Council Presidency's Broker Role in 1977**

The UK had had its first encounter with the EC Council Presidency as an accession candidate in the early 1970s, when the Presidency, whose broker role had been essentially non-existent up to that point as the office "possessed almost no political powers" (Tallberg 2006: 43), had been made the liaison between EC members and the four new applicants (the UK, Ireland, Denmark and Norway, cf. De La Serre 1987: 35). In this phase, member states' "ambition to present a united front in international affairs" (Tallberg 2006: 61) made brokerage a particularly vital part of EPC, where the demand for mediation and consensus building was strong due to the prevailing combination of a unanimity requirement and competing foreign policy interests. Without a competitor for the role in

this policy area outside the Community framework, the Presidency had been the obvious choice of informal broker in EPC (cf. *ibid.*).

Similarly, in the European Council, the need for brokerage had been strong from the outset. Founded partly to overcome the Council's inability to "reach agreements in a context of unanimity requirements and divergent national interests" (*ibid.*: 62), the European Council had to perform better under the same conditions in order to function as "an appellate body, where the heads of state and government made final attempts to strike deals that ministers had been unable to clinch in the Council".<sup>91</sup> In addition, its role in agreeing broad constitutional as well as policy reforms by transcending the Ministerial Councils' sectoral divisions also required the brokerage of package deals, buoyed by the European Council's political authority. The Presidency with its agenda management responsibilities was the institution in place to take on the broker role, and in this role, too, it adopted specialized techniques for the purpose: beyond the *tour des capitales* and Presidential shuttle diplomacy, in particular the "Presidency Confessional" (involving the adjournment of plenary proceedings in case of a deadlock for confidential bilateral discussions with relevant delegations).<sup>92</sup> The *tour des capitales* thus serves the dual purpose of collecting early information on member state preferences and garnering support for the Presidency's agenda ahead of a summit.

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<sup>91</sup> *Ibid.*: 63. In its 1977 London Declaration, the European Council explicitly defined settling unresolved issues from lower levels as one of its purposes, in addition to developing political guidelines and informal exchange. Cf. European Council 1977.

<sup>92</sup> As Hayes-Renshaw and Wallace (2006: 150) note, there are three main goals of Presidency confessionals: "first, to encourage individual delegations to be more open and more direct about the 'bottom lines' of their negotiating positions; second, to put pressure more fiercely on individual delegations to make concessions; and, third, sometimes, to offer 'unofficial' inducements to cooperation". While opinions about the merits of the confessional vary, "some people in the Commission regard it as a clear incursion into the Commission's brokering role".

Again, relevant politicians and officials were aware of the pressures attendant to the Presidency's broker role. Asked about how the Presidency would approach difficult issues, one key UK official noted that

“you do it a bit by the way that you play the agenda for ministerial meetings, by discussion with colleagues — and by in a sense trying to see if you *have* a view. I mean, if your government has a view, and you're in the chair, you will try to persuade informally other colleagues that this view is right and you will probably give it a bit more of a display, so to speak, in the discussion. Because, as I say, you have to be careful not to overdo that. (...) If you try to bulldoze things through in the Community, you won't succeed” (Interview, September 8, 2010).

### **III.3.2 The Brokerage Efforts of the 1977 UK Council Presidency**

Brokerage of the core sectoral issues faced by the Presidency was complicated – but perhaps also facilitated – by the fact that there was some cross-sectoral issue linkage. Contrary to expectations associated with the Presidency effect, however, British politicians in the Chair did not prioritize agreement on the controversial issues, but instead rather blatantly pursued the national interest, as domestic politics largely obliterated the Presidency effect.

#### ***The 1977 UK Council Presidency as Broker and the Common Fisheries Policy***

For obvious reasons, fisheries policy has always been a high priority issue for the United Kingdom. Upon its accession to the European Community in 1973, it had become subject to the “Common Fisheries Policy” (CFP), specifically negotiated by the six founding members in the run-up to the UK's membership because it was clear that British interests on the matter would be quite contrary to those of the rest of the Community (cf. Lequesne 2005: 355-358). In principle, the main issues and reasons for disputes in the CFP context

are access to (fishing grounds and territorial waters) and the distribution and preservation of resources (i.e. fish stocks).

In 1977, both fisheries and agriculture belonged to the portfolio of John Silkin, the Minister of State for Agriculture, Fisheries and Food, who “courted no popularity within the EC”; rather, he had “ambitions to assume the leadership of the Labour Party, and consequently used the Community forum to play to a domestic audience. Given the anti-market majority within the Labour Party, Silkin was inclined to play the role of a national champion”.<sup>93</sup> On fisheries, the “problem for Britain was that it was one of the chief protagonists in the dispute, together with Ireland taking the view that a predominant share of the fishing quota should be allocated to the states whose territorial boundaries accounted for a majority of the zone” - that is, Britain and Ireland (George 1998: 122). There were contentious Council meetings on the subject, chaired by the British foreign secretary, with his deputy occupying the UK seat (cf. Maitland 1996: 224), and initially, “it was anticipated that negotiations on fisheries would dominate the first half of the year and thus prevent a constructive British input into other areas of discussion. In the event, the negotiations dragged out and the Irish took up the mantle of self-interested nationalism.”<sup>94</sup> Thus, the fisheries dispute was not resolved under the British Presidency; according to George (1998: 122/123), this was “largely because of what the other member states saw as the biased chairing of the Council of Ministers by the British”, because - the urgency of the need for a settlement notwithstanding - “Silkin was not prepared to make

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<sup>93</sup> George 1998: 122. In so doing, he contrasted unfavorably with “his predecessor, Fred Peart, ... the most adept of British Ministers at playing the Community game, and ... the best-liked member of the Cabinet with his European colleagues”, *ibid.*

<sup>94</sup> Edwards/Wallace 1977: 285. On May 4, 1977, when European Commission President Roy Jenkins asked the Luxembourg leader, Gaston Thorn, his opinion on the British Presidency and the UK’s standing in Europe, the latter spoke of the expectation that the British “would bring not so much a sense of efficiency, but a sense of fair play to ... chairing ... the various Councils, and therefore ... [their] handling of the Agricultural Council and of the Research Council had ... been damaging”, Jenkins 1989: 94

concessions, and appeared to some representatives to be trying to block rather than further agreement.” In other words, Silkin resisted the pressure of the Presidency effect in the broker role to prioritize agreement in the Council over the incumbent’s national interest; instead, his behavior can be attributed to the influence of domestic politics, specifically, his pursuit of influence in the - deeply Eurosceptic - Labour Party by demonstrating his willingness to ‘defend Britain in Europe’, especially in the run-up to a by-election (held on April 28, 1977) in a constituency, Grimsby, which was (and is) a center of the UK fishing industry.<sup>95</sup>

### ***The 1977 UK Council Presidency as Broker and the CAP***

On agriculture, the “routine business of settling the support prices for agricultural produce ... caused the most ill-will between Britain and the rest of the Community” (George 1998: 122). It and the related question of “improved access to the Community for the produce of Commonwealth countries, especially sugar and processed foods” were two of the UK’s four “major problems” in that context.<sup>96</sup> The agricultural price review “predominated as the most awkward issue”, because the UK Presidency was “attempting to hold an uneasy balance between protecting British consumers and moving towards a wider questioning of the Common Agricultural Policy” (Edwards/Wallace 1977: 285). Some substantive progress in controlling Community farm prices was overshadowed by the performance of the British minister, John Silkin, in the Chair, who “gave other governments the

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<sup>95</sup> Cf. London Broadcast Corporation (LBC)/Independent Radio News (IRN), News “Report: Grimsby By-Election”. <http://bufvc.ac.uk/tvandradio/lbc/index.php/segment/0002800057004>.

<sup>96</sup> Callaghan 1987: 307; cf. *ibid.* 299, 301, 304, 312/313, 321. The other two problems were Britain’s contribution to the EC budget and the continuation of national financial aid schemes.

impression that he was playing primarily to his domestic audience”.<sup>97</sup> Thus, while “Silkin was congratulated in some quarters in Britain for his refusal to adopt the normal ‘knee-jerk reaction to the farming lobby’”, the “failure to agree price levels was traumatic for most member states” with their very influential farm lobbies.<sup>98</sup> But “what really offended the other member states was the narrow nationalistic line adopted by Silkin from the Chair” (George 1998: 123/124). In the end, Callaghan felt he “could not claim any fundamental re-negotiation of ... [CAP] principles”, but was convinced that the “inevitable deficit would force a fundamental reform of the Common Agricultural Policy” sooner or later (Callaghan 1987: 321). Once again, domestic politics obliterated the Presidency effect in the broker role for the 1977 UK Presidency, at least in the context of the Agricultural Council.

### ***The 1977 UK Council Presidency as Broker and Energy Policy***

Finally, in terms of the energy dossier, the United Kingdom was “keen to see the project ... known as the Joint European Torus, or ‘JET’ for short, located at Culham in Oxfordshire within easy reach of our installation at Harwell. But we had rivals” (Maitland 1996: 224). For Callaghan, the energy sector was one where EC “membership did offer important op-

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<sup>97</sup> Edwards/Wallace 1977: 285; cf. Trevor Parfitt, “Bad Blood in Brussels”, *The World Today*, June 1977. “Electoral considerations were also believed in some quarters to have been at least partially responsible for the failure of the Council of Agricultural Ministers to reach agreement on the level of support prices for 1977 by the normal deadline at the end of March. When the last scheduled meeting of the Council was held on 29 March there was a by-election pending in the Birmingham constituency of Stechford. The breakdown of the agricultural talks was presented by the Government as an example of Labour Ministers getting tough with the EC over the unpopular (in Britain) CAP. Yet a month later it proved possible to reach an agreement”, George 1998: 123.

<sup>98</sup> George 1998: 123, citing David Haworth, “Six Wasted Months”, *The New Statesman*, July 8, 1977: 42; cf. also Parfitt, *op. cit.*: 203-206.

portunities".<sup>99</sup> The JET project enabled the Community to operate in the field of experimental nuclear fusion, and Britain had "one of the leading fusion laboratories at Culham in Oxfordshire", so the Callaghan government mounted "a vigorous and determined campaign at a high level for JET to be sited in the United Kingdom".<sup>100</sup> There were two serious competitors, Garching in Germany and Ispra in Italy; but whatever their respective merits, Callaghan realized that "the decision would be taken largely on political grounds" (Callaghan 1987: 327). While he was still lobbying Schmidt and Giscard with the arguments of wanting to make Britain the host of a European institution and preferring a European solution over the otherwise inevitable cooperation with some other country, the Italians, "seeing that matters might not turn out as they wished, had placed a block on the whole programme so that no progress of any sort was taking place" (Callaghan 1987: 328). In early April 1977, Callaghan had received a warning from Commission President Jenkins that to obtain JET for Britain, he would have to find some resolution to the issues stuck in the Agricultural Council (cf. Jenkins 1989: 80).

Contrary to what the Presidency effect would predict, the UK government did not seek to settle the urgent JET question during its tenure of the Council Presidency, give up its own claim by withdrawing the Culham application in order to help overcome the deadlock, and put its efforts into brokering a compromise between the German and Italian claims. Instead, in a clear instance of a Presidency following the stronger pull of the national in-

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<sup>99</sup> Callaghan 1987: 326. Even after the referendum vote in favour of continued EC membership, "anti-Marketeters in the Cabinet continued to emphasise the difficulties of marrying their Departmental policies with those of the Community and sometimes, but by no means always, their complaints were justified. To offset this and to present a more balanced picture I was looking for some incontrovertible and tangible proof that Community membership could provide Britain with a benefit that would not otherwise have accrued to us. By chance I found it in September 1975 when I came across a report that the Commission was proposing a European research programme into thermo-nuclear fusion (not fission) to include the construction phase of a major experiment that was christened the Joint European TORUS", *ibid.*, 327.

<sup>100</sup> Callaghan 1987: 327. He even subdued Treasury objections on financial grounds, cf. *ibid.*

terest, the Callaghan government took the opposite course of action, resulting in a delayed decision - and a UK “win”:

“We redoubled our efforts. Tony Benn, the Secretary for Energy, was enthusiastic again, having cooled off at an earlier stage, and went to work to convince the Germans that they would have a large share of the research when they joined us at Culham. I put our Ambassadors in to bat in every capital in the Community (except Rome), asking them to make an exceptional effort to win support. The propaganda battle swayed to and fro but at last in October 1977, two years after the struggle had begun, the Council met at Luxembourg and decided that JET should proceed, that it would be properly financed and above all that it should be based at Culham.”<sup>101</sup>

### III.3.3 The 1977 UK Council Presidency as Broker: Conclusions

Overall, the 1977 Presidency in its broker role fairly consistently prioritized the UK national interest over any genuine effort to achieve Community agreement on the controversial issues on which it held a minority position, in particular the sectoral dossiers of fisheries, agriculture and energy - despite a clear awareness of the expectations associated with the Presidency.<sup>102</sup> Thus, the urgency of the need to settle the outstanding prob-

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<sup>101</sup> Callaghan 1987: 328. Meanwhile, the UK’s contemporary Permanent Representative, Donald Maitland, provides an insider account of how the Presidency kept things running smoothly behind the scenes at official level even in the face of home-made obstacles at the political level: Given Tony Benn’s “hostile attitude to the European Community, it was not expected that he would be comfortable at meetings of the Energy Council. He seemed to have convinced himself that Guido Brunner, the German Commissioner responsible for research and energy, plotted continuously to extend the competence of the Community into new areas of energy policy. My eight Coreper colleagues and the Commission officials who worked to Brunner noticed, as I did, that at about four o’clock in the afternoon (Brussels time), Benn’s patience would suddenly be exhausted. From then on he would oppose every proposition, regardless of its merits or what was contained in our agreed brief. For this reason, when it became known that he was to attend a Council meeting, the agenda was drawn up in such a way that the most important and urgent items were taken as early in the day as possible, leaving the dross to the end”, Maitland 1996: 222/223. Hannay, at the time handling energy questions at the FCO, adds: “people like Benn, at energy, with whom I had to deal a lot, were not in the business of making progress”, Interview, London, July 16, 2010.

<sup>102</sup> At least one observer, however, attributed the British performance to “ignorance of the Community game”: “La manière dont la Grande-Bretagne a pour la première fois exercé la Présidence de la Communauté de janvier à juillet 1977 a été ... révélatrice de cette méconnaissance du jeu communautaire. Sur un certain nombre de dossiers intéressant au premier chef la Grande-Bretagne (localisation du Joint European Torus, pêche, dévaluation de la livre verte, etc.), la présidence anglaise a parfois davantage privilégié l’intérêt national que la recherche d’un compromis. Bon nombre d’observateurs - journalistes et universitaires - dénoncèrent ce comportement. “Jamais”, devait écrire *Die Welt*, “une puissance du Conseil n’aura avoué



lems in the CFP dossier notwithstanding, and despite the fact that the UK's position was the major obstacle to such a settlement, the British Chair of the Agricultural Council, for domestic political reasons, made no concessions for the sake of an agreement. Similarly, in the CAP context, the same British Minister delayed the annual agricultural price fixing agreement for the same domestic political considerations. Finally, in the context of the energy dossier, the Prime Minister himself led a vigorous British campaign to locate the European JET experimental nuclear fusion project in the UK, which did nothing to overcome the Community deadlock over the issue under British chairmanship. Quite to the contrary, it delayed the resolution of this pressing issue by several months for the sake of a UK "win". In short, domestic politics trumped the Presidency effect in the broker role in the case of the 1977 UK Council Presidency.

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aussi impudemment qu'il s'agissait pour elle avant tout, même pendant la présidence, de sauvegarder ses intérêts nationaux", De La Serre 1987: 108/109; cf. "Supplément Europa", *Le Monde*, July 5, 1977.

### III.4 The 1977 UK Council Presidency in the Representative Role

This section will probe the 1977 UK Council Presidency for evidence of the Presidency effect in the Presidency's representative role. It will highlight controversial topics on which the UK held a minority position and whether it yielded on them, resisting domestic pressures, for the sake of achieving a presentable agreement in the Council, or in the EC/EU as a whole, rather than merely because of Council bargaining dynamics. The section will also identify Presidency initiatives to promote its activities, and/or those of the EC/EU, to its domestic audience, if any. It will show that the 1977 UK Council Presidency does not really provide any conclusive evidence for or against the Presidency effect. While the Presidency was not highlighted for the domestic audience, as suggested by the PE, the UK did not encounter any issues on which it was in a minority position and which might therefore reveal the pressures generated by the Presidency effect.

#### III.4.1 The Institutional Shape of the Council Presidency's Representative Role in 1977

From early on, the Presidency's procedural tasks had included representation of the Council vis-à-vis the then Common Assembly, the European Parliament's predecessor, for which it was first authorized in 1958.<sup>103</sup> Since the early 1970s, the Presidency has incrementally "acquired more encompassing responsibilities as the Council's representative in relation to other EU institutions and third parties in world politics" (Tallberg 2006: 66). *Internally*, the 1970 Luxembourg Report had introduced yearly Presidency reports to the EP.<sup>104</sup> Moreover, while it had no authority to negotiate on behalf of the Council in the

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<sup>103</sup> Cf. Council of Ministers of the European Economic Community 1958, The Rules of Procedure, as reproduced in Westlake 1999: 130-133; Tallberg 2006: 70.

<sup>104</sup> "Since enlargement, ... members of the European Parliament have acquired the right to question the Council; and, again, it is the President who responds as its collective representative" (Wallace 1975: 308).

budgetary process until 1975 (cf. *ibid.*: 71), with the introduction of the conciliation procedure, the Presidency was charged with negotiating a budget agreement on behalf of the Council in the conciliation committee. In addition, officials knew that

“meetings of the Council depend enormously on relationships between the Presidency, the country holding the Presidency and the European Commission”, because of the Commission’s right to initiate proposals, “and so your relationship with the Commission is a very important part of life as a Permanent Representative, but particularly as Permanent Representative if you’re *in the Chair*, and you spend quite a lot of time discussing with the Commission what the agenda should be and reactions to their proposals. So, it’s kind of a continuous process of discussion and elaboration” (Interview, September 8, 2010).

*Externally*, meanwhile, intensified foreign policy consultations from the 1970s onward had increased demands on the Presidency (cf. Hayes-Renshaw/Wallace 2006: 145): as EPC had developed over the course of the decade, “the presidency rose in relevance and utility” (*ibid.*: 156) and “began to emerge, in part at least, as a collective face for the EC as a whole.”<sup>105</sup> The 1973 Copenhagen Report had delegated the task of external representation more generally to the Presidency; the “heads of state and government conferred the same responsibilities ... on the Presidency when the European Council was founded”; and as early as 1975, the Presidency had begun “to speak on behalf of the member states in the UN General Assembly.”<sup>106</sup> By the time of the UK’s first tenure, the Council Presidency, “a role which now carries with it the presidency of various ‘quasi-Comm-

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<sup>105</sup> Hayes-Renshaw/Wallace 2006: 187; cf. Foreign Ministers of the European Community 1970 Tallberg 2006: 67.

<sup>106</sup> Tallberg 2006: 67, 68. By 1975, the Presidency involved “the job of acting as the representative of the Community in other international gatherings”, as both “within and outside the Community framework”, the Presidency had “acquired an important representational role in relations between the Nine and third countries”, Wallace 1975: 307, 309, who also relates an illustrative anecdote: “When, in August 1973, the Secretary-General of Comecon [the Council for Mutual Economic Assistance, 1949-1991, the Soviet response to the Organisation for European Economic Cooperation (OEEC)] made the first move towards direct contact with the EEC, he travelled to Copenhagen to meet the Council chairman – a move which reflected Russian efforts to minimize the Community’s supranational standing as much as the growing prestige of the Presidency”, *ibid.*

nity' bodies and the job of acting as the representative of the Community in other international gatherings" had thus already proved to be a "vehicle for ... sudden prominence" (Wallace 1975: 307).

#### **III.4.2 The Representative Efforts of the 1977 UK Council Presidency**

The first British Council Presidency made no discernible effort to project any of its European activities to the British media or public, possibly because in the 1970s, "the huge majority of the written press was strongly pro-European, with very few exceptions, and the television presented it very objectively and therefore pretty positively" (Hannay, Interview, London, July 16, 2010). Instead, it was mostly concerned with external representation, a role it fulfilled dutifully and without much ambition. On "external action", Foreign Secretary Crosland had been most specific in his opening speech while at the same time covering the broadest range of on-going activities: in "the field of external trade relations", beyond the "scope for extending common Community policies towards the Soviet Union and Eastern Europe" and developing relations with Latin America and Japan, "there is already much on our agenda. We shall shortly sign agreements with the Mashrek countries and Israel; with that the global Mediterranean approach, approved as long ago as October 1972, will be virtually completed. Following my predecessor's visit to Belgrade in December our relations with Yugoslavia are assuming a profound political importance. We certainly have a vital role to play in the North/South dialogue ... . And in the spring the joint Ministerial Council of the Lomé Convention takes place in Fiji."<sup>107</sup> Furthermore, he hoped to see "much hard work ... in preparing a common position on

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<sup>107</sup> Bull. EC 1-1977: 8/9 (1.1.5.), with the omitted passages again provided by the "text of speech as prepared for delivery" (verbatim service, 001/77), made available inter alia by the British Embassy Information Department in Washington, D.C.

the Belgrade Conference to review progress in implementing the Helsinki Final Act of the CSCE” (Bull. EC 1-1977: 9 (1.1.5.)). Overall, the Presidency performed to expectations, and “consultations among the Nine on foreign policy co-operation went ahead relatively smoothly, with a less ambivalent British contribution than characterized the negotiations on internal Community issues” (Edwards/Wallace 1977: 285/286). A dialogue was opened with the new Carter Administration, “with Britain able to act as an intermediary”; first steps were taken towards a common approach on Southern Africa. “In June, David Owen, the new Foreign Secretary, was able to carry other governments along behind his own critical policy towards President Amin of Uganda, thus demonstrating that the Community can be used to bolster a national policy objective” (ibid.).

#### **III.4.3 The 1977 UK Council Presidency as Representative: Conclusions**

The 1977 UK Council Presidency remained unremarkable in its role as a representative, and hence this case does not provide evidence on the Presidency effect in the representative role one way or the other. Fresh from the renegotiation of its entry conditions and the subsequent referendum on British EC membership, the government had no interest in stirring the controversy again by highlighting its Presidency, and it appeared to have little need or desire to project its European Community activity domestically, given both the broadly favorable position of public and published opinion and the rather negative view of the governing Labour Party. There were no notable controversial issues for the Presidency as internal representative, either: the EP was not yet directly elected (and the problems surrounding the first direct elections to the EP had by this point become a domestic problem affecting the Presidency’s leader role more), and thus created consider-

ably less work for the Council representative. Even as external representative, the Presidency did not encounter any issues that saw the UK in a minority position, even though the Community's external relations had been the issue area most emphasized by the Foreign Secretary in the context of the Presidency program.

### III.5 The 1977 UK Council Presidency: The Perfect Administrator

This section will probe the 1977 UK Council Presidency for evidence of the Presidency effect in the Presidency's administrator role. It will show that UK preferences and the exigencies of the Council Presidency most closely coincided in the role of administrator, in which the UK consequently performed most in line with the PE. Because of this coincidence, however, this performance does not provide much evidence for or against the Presidency effect beyond a clear British identification with the requirements for the Presidency as administrator.

#### III.5.1 The Institutional Shape of the Council Presidency's Administrator Role in 1977

Before the 1970s, the Presidency as administrator had "more or less a formal role of convening meetings and preparing agendas" (Wallace 1975: 307) – "[s]omeone had to chair meetings of, and to speak for, the Council" (Hayes-Renshaw/Wallace 2006: 134, 140), a chore to be shared by, and hence equally assigned to, all member states. Its procedural tasks included inter alia the signature of documents for the Council and notification of decisions.<sup>108</sup> EC member governments overall considered it "a largely technical duty" imposing "an extra burden" at the political and official levels, because every Committee and Council required "a doubling up" of representatives from the incumbent (Wallace 1975: 307). Subsequently, the Council had entrusted the Presidency with administrative, coordination and implementation tasks in the area of EPC,<sup>109</sup> and the evolution of EPC as "an

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<sup>108</sup> Cf. Council of Ministers of the European Economic Community 1958, *The Rules of Procedure*, as reproduced in Westlake 1999: 130-133; cf. Tallberg 2006: 47.

<sup>109</sup> The 1970 Luxembourg Report (cf. Foreign Ministers of the European Community 1970) had charged the Presidency with convening and chairing EPC meetings in the respective country, including the requisite administrative and material organization. Building on these provisions, the 1973 Copenhagen Report (cf. Foreign Ministers of the European Community 1973) had further specified the Presidency tasks in terms of

increasingly active forum for foreign policy consultations among the member states” inside the formal constraints placed upon it had caused the Presidency to become “substantially and visibly more important” (Hayes-Renshaw/Wallace 2006: 134) in meeting the practical necessities associated with it. Especially at the beginning, the EPC’s “indistinct informality” had been a “vast burden” on the Presidency, which in effect also had had to take on the tasks of the Council Secretariat (ibid. 145/46). In addition, in 1974, “member governments [had] adopted a package of reforms, formalizing the Presidency’s responsibilities for internal coordination” (Tallberg 2006: 47).

Thus, from the 1970s onward, the Council Presidency’s administrative role had begun to extend as the scope of Council activity had increased, not least due to the accession of Ireland, Denmark and the UK in 1973 and the ensuing budgetary conflicts among the member governments over the question of the British rebate (cf. Héritier 2007: 130; Dinan 2004: 155-157). At the time, it had still been “a choice for individual governments how much to align their Presidency objectives and tactics with the Secretariat”.<sup>110</sup> Moreover, although the 1974 Paris Communiqué (cf. European Council 1974), which created the European Council, had furnished it with an administrative secretariat and “contained few explicit references to the Presidency of this body, ... as soon as the European Council became operational, the responsibility for the administrative and political preparation and execution of summits devolved upon the Presidency”.<sup>111</sup> In part, this was due to the fact that the relevant provision regarding a secretariat notwithstanding, “the member

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the coordination and implementation of EPC initiatives: they were to include the management of the foreign ministries’ communication system (COREU); the provision of policy links between EPC and Community frameworks through the Council and COREPER; the organization of consultations among member state embassies and the implementation of EPC conclusions; cf. also Tallberg 2006: 52.

<sup>110</sup> Some had believed “that they could be relatively self-reliant”, Hayes-Renshaw/Wallace 2006: 141.

<sup>111</sup> Tallberg 2006: 54. “It became established practice that two out of three yearly meetings were held in the Presidency country, and the remaining meeting in one of the ‘EC capitals’ – Brussels, Strasbourg, and Luxembourg”, ibid.



governments [had] refrained from creating one, for fear of setting up another independent body. ... Instead, the Presidency would have to rely on its own organizational resources" (Tallberg 2006: 54).

### III.5.2 The Administrative Efforts of the 1977 UK Council Presidency

At the end of June 1977, UK officials and politicians involved in the country's first Council Presidency were able to collectively "draw breath after six months of intense activity" (Edwards/Wallace 1977: 283). The traditional core function of the Presidency, the *administration and coordination* of the work of the Council and all its subsidiary bodies, accounted for a considerable portion of that activity. Anticipating these challenges, the UK administration had begun "[v]ery detailed - in retrospect excessively careful - preparations" well in advance of taking office, including "the creation of a special Presidency Secretariat in the Foreign and Commonwealth Office" (Edwards/Wallace 1977: 284, cf. Edwards 1985: 246-248), the size of which "was considered something of an over-insurance even in 1977."<sup>112</sup> A "great deal of time, energy and money" was spent in London, "making accommodation available for meetings and so on."<sup>113</sup> From the perspective of the UK's Permanent Representative, the UK was ready: "Preparations for the first United Kingdom presidency had been in hand for several months both in London and in Brussels. The staff of UKrep had all been in Brussels long enough to know what lay in store. (...) All

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<sup>112</sup> Edwards 1985: 247. The size of the Presidency Secretariat in 1977 was 49, including administrative support, and it was "divided into three teams: six officials dealing with European Political Cooperation; three ... responsible for liaison with Community institutions; and eight officials dealing with actual meetings and their arrangement. These latter officials had close links with a special conference unit that was established since the UK Presidency coincided not only with the Queen's jubilee and all that that entailed, but also with a Commonwealth Conference, a Western Economic Summit and a NATO council", *ibid.*: 246.

<sup>113</sup> "[W]e had a complete refurbishment of Lancaster House, that huge palace which the Foreign Office uses a lot for negotiations and meetings and things", Interview, September 8, 2010.

that was needed now, I felt, was the political direction which was expected of us" (Maitland 1996: 223).

The UK's focus on efficient management reflected political and practical concerns. On the one hand, the "British Government had come firmly to the view that this was by far the most important duty of the Council Presidency. Moreover, it was an activity in which they hoped fairly easily to bring a proven British asset to the service of the Community as a whole" (Edwards/Wallace 1977: 284). While this is in line with the expectations of the Presidency effect, on the other hand, it is also in line with Britain's own preferences:

"it was hoped that a useful if unspectacular contribution might thus be made to remedying the often very irritating and time-consuming manner in which meetings in Brussels have in the past been conducted. In practical terms, this consisted of careful timetabling of meetings in advance, the thorough preparation of business and systematic attempts to reduce the length of sessions even at the cost of cutting short discussion if it was clear that no agreement was likely to emerge" (ibid.).

This effort put considerable strain on the inexperienced Presidency, not least because the UK's tenure coincided with a series of other major events the British government had to organize: "The month of June 1977 was one of the most exhausting but enjoyable periods I experienced as Prime Minister, bringing together within the space of four weeks the Queen's Silver Jubilee celebrations, a meeting of Commonwealth Heads of Government in London, and a meeting of the European Council, as well as my normal Parliamentary and political functions" (Callaghan 1987: 460). But the effort paid off: the Presidency was able to avoid "the cumulative backlog of unfinished discussion that tends to mark the last six weeks of any presidency"; EPC meetings went overall "very smoothly", and "the British were even able to go some way towards rescuing European Councils by introducing proposals in March and April to structure negotiations among heads of govern-

ment more systematically.”<sup>114</sup> Overall, its role as administrator was the one in which the 1977 UK Council Presidency performed most consistently with the Presidency effect, emphasizing preparation, organization and efficiency. This performance, however, must be attributed to the coincidence of the PE in the administrator role with the UK’s national preferences.

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<sup>114</sup> Edwards/Wallace 1977: 284/285. “In terms of Community goodwill the British have won the acclamation of busy officials in Brussels, who all too rarely have the opportunity to spend the evenings with their families, though ministers from other governments have been on occasion disconcerted at being prevented from presenting in detail all the points in their briefs”, *ibid.*

### III.6 The Presidency Effect in the Case of the 1977 UK Council Presidency

The evidence from the UK's first Council Presidency in 1977 provides a mixed picture. In the context of the Presidency's overall development, the Presidency effect cannot be expected to have been very strong at that stage - and indeed, the UK did in many ways behave like any other member state in pursuit of its national interest (in particular on the substantive dossiers of agriculture, fisheries, and energy). Yet given the early stage of the Presidency's development, and the fact that Britain completed its first tenure under severely aggravated political and economic conditions domestically, it conformed more to role expectations than might perhaps have been expected. While the overall record is thus "very patchy", the Presidency's "modest rhetoric" from the outset "certainly provoked no dramatic expectations"; that it did disappoint "many of those in the Community who had patiently waited for a more constructive and active British contribution" (Edwards/Wallace 1977: 286) supports the argument that even at that early stage, certain expectations were associated with the Presidency. Moreover, motivation was certainly high among officials:

"We were very determined to do ... very well and to show that we were, you know, very much ... part of the Community and the team and all the rest of it. So we were — you know, this was our first experience of being President, and we wanted both to show that we were on the ball, that we were actively supporting the Community, and also that we were making a success of the Presidency" (Interview, September 8, 2010).

The UK conformed most to behavior predicted by the Presidency effect in its *administrator* role, preparing early and thoroughly, and prioritizing administrative efficiency: "no one criticised the way in which we had run the Presidency."<sup>115</sup> Its performance in this ro-

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<sup>115</sup> Maitland 1996: 225. At an end-of-Presidency celebratory garden party at the Brussels residence of the permanent representative, Maitland "read out a message from David Owen. 'In all the mass of comment

le does not provide conclusive evidence for or against the PE, however, because PE pressure coincided with national preferences. Similar effectiveness and efficiency characterized the Presidency's performance as *representative*, which does not provide much evidence for or against the Presidency effect one way or the other, because the Presidency did not encounter any controversial issues that placed it in a minority position in this role. Notably, however, it did not undertake any efforts to highlight the Community, its Presidency or its achievements domestically for domestic political reasons, which demonstrates the dominance of domestic politics over the PE in this aspect of the representative role.

The 1977 UK Presidency's performance in terms of *leadership* and *brokerage* provides more evidence for the power of domestic politics. Here, also, the preparations were thorough and the expectations had been communicated: "Once the imminence of the Presidency had begun to concentrate ministerial minds", they were cautioned that "little political mileage was likely to be gained from it." Instead, officials "emphasised repeatedly that the primary role of the Presidency was that of impartial, competent management and that grand initiatives were doomed to failure, at least within the brief span of six months" (Edwards/Wallace 1977: 285). It was clear that the "general experience of other member governments in the Presidency" had shown that it was *not* "a fruitful period for the pursuit of national interests." Quite the opposite, in fact: British officials had become convinced that "the pressures on the Government in the Chair are to detach itself from domestic preoccupations and look to the wider Community interest, even to the extent

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about the British presidency', he wrote, 'there is one consistent factor – namely recognition of the efficiency with which our presidency has been conducted' (...). For six months the entire staff of UKrep had worked long hours, long days and weeks and had demonstrated that Community business could be conducted effectively and expeditiously and with British tact and courtesy", *ibid.*

of sacrificing certain national interests” (ibid.). But although the UK Government was “aware of these constraints and of the danger that its tenure of the Presidency might encourage exaggerated expectations at home of the possible rewards to be reaped in Brussels”, domestic pressures “forced the Government to back a handful of issues hard, sometimes giving the impression that the impartiality of the Council Chair had been the first casualty in Cabinet discussions” (ibid., cf. Maitland 1996: 225, George 1998: 124).

Overall then, the 1977 Council Presidency offers only modest support for the Presidency effect: while there was certainly *awareness* of its pressures, other influences - notably domestic concerns - largely superseded it in this case, in particular in the Presidency’s leader and broker roles. However, the British government did invest substantial resources into preparations for its Presidency; in addition, the critical reception of the incumbent’s performance notably in its broker role *does* offer support for the existence of the Presidency effect even in this case: if a member state’s unabated pursuit of the national interest even while in the Presidency had been the accepted normal behavior, John Silkin’s performance, in particular, should not only not have been subject to the widespread criticism he received, but should not even have been remarked upon as in any way noteworthy. Silkin’s behavior as President of the Agriculture and Fisheries Councils stands out because it was, even then, the exception, not the rule.

#### **IV. The 1981 UK Council Presidency and the Presidency Effect**

##### **IV.1 The UK Council Presidency July-December 1981 in Context**

The United Kingdom's 1981 Presidency fell into such an intensely crowded context that it barely registered in the Prime Minister's attention.<sup>116</sup> Internationally, the setting for Margaret Thatcher's first EC Council Presidency was not very auspicious. Just three years before, in 1978/79, the Iranian revolution had sparked a second oil crisis and the American hostage crisis, and the Soviet invasion of Afghanistan had heightened East-West tensions, symbolized by the American (and West German) boycott of the 1980 Moscow Olympics. As a 'second Cold War' replaced a less confrontational phase of superpower relations in the 1970s, economic turmoil followed due to rising oil prices, layers of economic sanctions against Iran and the Soviet bloc, and the American deficit financing of its increasing military spending, which led to interest rate rises and resulted in a new phase of recession by mid-1981 (cf. George 1998: 137-140). Thatcher had been the only European leader to enthusiastically support the American reaction to Iran and the Afghan crisis,<sup>117</sup> and she welcomed the advent of the Reagan administration in January 1981 with its return to Cold War rhetoric. "Although there was no question of repudiating British membership of the EC, it was also clear that the new [since 1979] leader was reversing the priority that [the last Conservative PM Ted] Heath had given to Europe over America. That orientation was strengthened when Ronald Reagan succeeded to the White House [in January 1981]: he and Thatcher struck up a strong personal rapport that reinforced their ideological like-mindedness" (George 1998: 144/145).

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<sup>116</sup> Thatcher does not even mention it in her memoirs.

<sup>117</sup> She would, as recently declassified Prime Ministerial documents show, become heavily involved in arming both the Afghani opposition and Iraq in the subsequent Iran-Iraq war, cf. PREM 19 134-137, 238, 273-278.

Domestically, the Presidency was initially overshadowed by the government's preoccupation with problems including recurring urban riots all over England and escalating tensions over Northern Ireland, featuring fatal hunger strikes among IRA prisoners and frequent terrorist attacks in both Northern Ireland and London. These issues took up a considerable portion of the Cabinet's time in the run-up to and during the first months of the Presidency, in addition to concerns over the fall-out from the riots and strikes inter alia in the British car manufacturing industry in the last few months of the Presidency. 1981 was an eventful year also for the political scene in the UK. On January 25, four prominent Labour politicians issued the "Limehouse Declaration" which announced their break from the Labour Party and the formation of the "Council for Social Democracy (CSD)". The move, which effectively split the Labour Party, was due to decisions at the previous day's Labour Party Conference at Wembley which committed the Party inter alia to withdrawal from the EEC.<sup>118</sup> On March 26, 1981, the CSD was transformed into the "Social Democratic Party" (SDP), which throughout 1981 accumulated impressive results in polls and the odd by-election, outclassing both Labour and the governing Conservatives who, including for Prime Minister Thatcher personally, were receiving some of the worst poll ratings ever.<sup>119</sup> The government's low approval rating was due mostly to the

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<sup>118</sup> They were Shirley Williams, William Rodgers MP, David Owen MP (formerly Foreign Secretary under Jim Callaghan during Britain's first Council Presidency in 1977, after Anthony Crosland had passed away) and Roy Jenkins (who had completed a four-year tenure as President of the European Commission less than 20 days before). They were moderate and Europhile, and the Labour Party's increasing left-wing radicalism and hostility to the EC were their major motivation, cf. De La Serre 1987: 101, 144. The SDP split was to take most pro-Europeans out of the Labour Party, though a few anti-exit voices remained behind, cf. Morgan 1982. This had indirect effects on the UK Council Presidency, in the context of which Michael Butler, the UK Permanent Representative, went to Strasbourg to brief British MEPs on a monthly basis "until, one day, Barbara Castle - at the time the leader of the Labour Group in the EP - informed me that the Labour MEPs were so hostile to both the the European Community and Margaret Thatcher that they no longer wished to talk to me", Butler in Menon (ed.) 2004: 17.

<sup>119</sup> In late 1981, the SDP formed an electoral and political "Alliance" with the Liberal Party and together they went on to contest the 1983 and 1987 general elections, in both of which they were able to win around a quarter of the share of the vote but, due to the country's majoritarian electoral system, not a pro-



recession and levels of unemployment not seen since the 1930s. These were linked to the government's right-wing economic policies, which - centered on attempts to bring inflation under control while facing a Sterling crisis as the Pound continued to drop (cf. Lawson 2010: 387-398) - were considered harsh and seemed to be aggravating rather than solving the problems. Tensions due to economic pressures, urban deprivation and resentment of racial profiling exercised under new, heavy-handed police powers introduced by the Conservative government combined and erupted into violent riots in early April in Brixton, South London, just about three miles away from Downing Street and involving up to 5,000 people. These were followed in early July, just after the start of the British Presidency, by more riots in Liverpool, Birmingham, Leeds, Manchester, Sheffield and more areas of mostly South and East London, lasting several days.<sup>120</sup>

But the situation was not much better in Europe as a whole in the early 1980s, a period for which the overall economic state of the Continent has been described as "gloomy" (Ludlow 2006: 219). It effectively faced a "prolongation of the economic difficulties of the 1970s", with "unacceptably high unemployment, sluggish growth - if not outright recession - and high inflation", which led to the creation of the term "stagflation" (ibid.). Moreover, previously struggling competitors Japan and the United States were by now outperforming the EC, which resulted in the notion of "Eurosclerosis". Lord Peter Carrington, the UK Secretary of State for Foreign and Commonwealth Affairs (Foreign Secretary) during the 1981 Presidency, recognized that the "course of our Presidency, like all others,

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portional number of seats. With some further splits, the SDP and the Liberals merged in 1988 to form what eventually became today's Liberal Democrats. The SDP, the Liberals, their Alliance and later the Liberal Democrats displayed broad pro-Europeanism.

<sup>120</sup> The government responded with various measures to foster youth employment and restore public trust in the police. Thatcher also reshuffled her Cabinet twice in 1981 - once in the middle of the 1981 Presidency, in mid-September - in an attempt to consolidate support for her economic approach by bringing in more Thatcherite politicians, among them a new Employment Secretary, Norman Tebbit, and a new Energy Secretary and future Chancellor of the Exchequer, Nigel Lawson.

will be deeply influenced by the economic and political environment, both in the Community and in the world outside. In the Community the twin evils of inflation and unemployment remain with us, undefeated and daunting.” He also emphasized that this would affect the Presidency’s priorities: “In its first fifteen years the Community operated in conditions of expansion and economic growth. Now it has to face recession and structural change. New challenges call for new responses” (Carrington, Speech to the EP, July 8, 1981).

But economic difficulties were compounded by political ones, at European and national levels. Left-right polarization reached high intensity across the Community, as the “day-to-day politics of Europe’s major countries went through a peculiarly hard-hitting phase” (Ludlow 2006: 220). General elections in over half the Community interfered with the preparation (the Netherlands, Ireland and France in May and June 1981) and execution (Greece in October, Belgium in November and Denmark in December 1981) of the British Presidency. Governments are notoriously reluctant to take major decisions in the Council in the run-up to an election at home, which complicates the Presidency’s brokerage efforts. In this case, the French and Greek elections caused most anxiety: both brought Socialist governments to power (even though they were in fact quite far apart on the Socialist spectrum), and while the new French President François Mitterrand, then an unknown quantity, eventually turned out to be a man Thatcher could work with better than with his “Olympian” predecessor, Valéry Giscard d’Estaing,<sup>121</sup> the new Greek PM Andreas Papandreou was swept to power on a Socialist landslide that was to mark an

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<sup>121</sup> Mitterrand proved valuable for such endeavors as Concorde and the Channel tunnel even before his economic U-turn in 1983, cf. CAB/128/71/1, 5, 9 & 11.

early high point of Euroscepticism in Greece, less than a year after Greek EC accession, and went on to cause many headaches for the Community.<sup>122</sup>

At the Community level, the “successful launch of the European Monetary System (EMS) in 1979 ... could not conceal the wider problems that the integration process appeared to be facing” (Ludlow 2006: 221). Unsatisfactory economic performance across the Community threatened a backlash against the EC as national governments and economic actors sought refuge in protectionist measures. The “much-vaunted ‘Common Market’, supposedly in existence since the late 1960s, was in fact broken up into numerous national markets” separated by various kinds of non-tariff barriers to trade. European Council meetings had come to be “dominated by ill-tempered exchanges about the Community budget” and production surpluses due to the CAP (ibid.). Among the issues that did “most to sour European Council meetings during the early 1980s” (ibid.: 227) was the question of British contributions to the Community budget, which also became one of the topics dominating the British Presidency - despite the fact that the temporary deal on the British rebate reached in 1980 (cf. Howe 1994: 181-184) had supposedly led to a “two-year ceasefire on the European front” for the Thatcher government.<sup>123</sup> The

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<sup>122</sup> On October 20, Carrington had explained to the Cabinet his worries regarding this “disturbing development”, though adding that “some of its international effects might prove less serious than had been feared. His plan to hold a referendum on Greece’s membership of the European Community required the agreement of the President, Mr Karamanlis, which was unlikely to be forthcoming. He could, however, be expected to seek a renegotiation of the terms of Greek membership, and while this was in progress there would be a danger of Greece proving an obstructive and unhelpful partner in the Community”; Cabinet Conclusions of October 20, 1981, CAB/128/71/13: 3, 3.

<sup>123</sup> The Chancellor Geoffrey Howe’s retrospective assessment that the “main item on the Foreign Ministers’ agenda, the British Budget Question, was temporarily off the boil ... between the 1980 Luxembourg settlement and its re-emergence in 1982” (Howe 1994: 234) must be considered euphemistic in the light of its continued presence on the Presidency’s agenda. Moreover, “efforts to persuade ... sceptical partners of the inequitable basis of Community funding” had fostered “disillusionment with the EC ... within the government as well as the wider public. Agreement on the 30 May mandate [see below] which held out the prospect that, to quote Lord Carrington, ‘No Member State is ever again to be faced with an unacceptable budgetary situation’ [Debates of the EP, 8 July 1981, p. 118] was therefore of particular importance to pro-marketeters; many hoped that it presaged conditions in which there could be a profound change in the

European Commission appeared to be “at an equally low ebb”, especially after Roy Jenkins, “a relatively strong president” was succeeded in January 1981 by former Luxembourg PM Gaston Thorn, who turned out to be “barely able to control the competing ‘barons’ among his fellow Commissioners, let alone impose his will on national leaders” (Ludlow 2006: 221). Similarly, the European Parliament was not fulfilling the hopes associated with its first direct election in 1979, but instead suffering from “a serious problem of absenteeism” (ibid.: 222). This had not, however, stopped it involving the Council in serious conflicts over the Community’s budget every year since, with the consequence that the British Presidency did not only have to deal with the normal agenda item of passing the EC budget for 1982, but also had to settle outstanding disputes over the 1980 and 1981 budgets.

All this did not really provide a promising background for the UK Presidency, despite the (still) new Prime Minister’s fresh approach: “for the first six years of British membership of the European Community, Britain was led by men who were otherwise engaged. (...) Callaghan, though compelled to give the matter some attention, ... [was] always trying to fend it off. Their successor was the first in line to see Europe as a subject not for apologetic reticence but for triumphal prominence” (Young 1998: 306). Moreover, “budgetary differences notwithstanding, the circumstances were in general very different from those of 1977; the Conservative government’s support for British membership, for example, was clear” (Edwards 1985: 249, cf. ibid. 237, 239), and the Conservative Party, unlike Labour, was not (yet) split over Europe, containing only a small anti-EC minority (cf. Morgan 1982: 466). However, public and media ignorance of the European Commu-

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United Kingdom’s relationship with the rest of Europe. Conversely, further nagging was expected to increase British dissatisfaction, condemning the Community to remain an easy scapegoat for British problems. In such circumstances, the 1981 British Presidency took on an added significance”, Edwards 1985: 239.

nity and all its works was high, its perceived salience low (cf. Reynolds 2007). In February 1981, the Cabinet had noted “a recent opinion poll commissioned by the Consumers Association”, which “suggested a worrying fall of public support for British membership of the European Community”, but also “showed that this reflected a very large measure of misunderstanding and ignorance” (Cabinet Conclusions of February 5, 1981, CAB/128/70/5: 5, 3.). In June, on the eve of the Presidency, Carrington complained that “the benefits of Community membership are not properly understood or appreciated” by the British public.<sup>124</sup> But apathy and scepticism also reached into the government, complicating the Presidency’s position. Because the “brief given to officials is already the result of pre-negotiation among Whitehall departments”, any “shift away from an agreed position in Brussels requires further inter-departmental clearance, including the agreement of ministers. Whatever the inter-departmental differences over the intrinsic merits of a particular proposal, swift decision-making has not always been helped ... by a lack of enthusiasm for Community matters on the part of many ministers”.<sup>125</sup> What is more, the other member states found it “difficult to regard a British presidency with ease because of their lingering suspicion that Britain was still a reluctant member of the European family” (Wallace 1986: 583). Overall, Britain’s position in the Community was not strong. Sir Nicholas Henderson, departing British Ambassador in Paris, had summarized it adroitly in his

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<sup>124</sup> Edwards 1985: 237, citing Verbatim Service 83/81 of 18 June 1981. In his speech to the European Parliament outlining the aims of the British Presidency, Carrington tried to remedy this, arguing “experience has shown that adjustments take place to mutual advantage. Take for instance the development of the United Kingdom’s trade with the rest of the Community. In 1972 before we joined the Community, some 30% of our total trade was done with the EC; last year that figure was nearer 42%”, Carrington, Speech to the EP, July 8, 1981.

<sup>125</sup> Edwards 1985: 257. Apart from the FCO, “where even under Labour governments ministers were in general more favourable than not towards the Community”, the Treasury, and the Ministry of Agriculture, Fisheries and Food (MAFF), “where an interest in Community affairs is unavoidable”, attitudes towards the European project have been quite variable, ranging “from the enthusiastic pro-European to the implacably hostile”. Such divergences, in turn, “inevitably heightened the importance of coordination while simultaneously placing difficulties in its way”, *ibid.*

(notionally secret, yet eventually published in full) valedictory despatch in June, 1979:

“Our decline in relation to our European partners has been so marked that today we are not only no longer a world power, but we are not in the first rank even as a European one” (Henderson 1987: 143).

## **IV.2 The 1981 UK Council Presidency in the Leader Role**

This section will probe the 1981 UK Council Presidency for evidence of the Presidency effect mechanisms in the Presidency's leader role. It will highlight controversial topics on which the UK held a minority position and which it excluded or tried to exclude from its Presidency agenda (first mechanism), as well as issues it prioritized that were suited to further European integration (second mechanism). It will show that as the institutional shape of the Council Presidency's leadership role required the incumbent to balance the needs for continuity and initiative, the pressure for continuity often prevailed, circumscribing the Presidency's agenda-shaping initiatives. Nevertheless, in line with the first PE mechanism in the Presidency's leader role, the 1981 UK Presidency attempted, in part successfully, to exclude from its agenda awkward dossiers, while prioritizing items where the national and the Community interest coincided. But while integration progress was achieved on the most important of these, the congruence of national and Community interest means it cannot be attributed exclusively to the second mechanism of the PE (alone).

### **IV.2.1 The Institutional Shape of the Council Presidency's Leader Role in 1981**

In this context, the second British Presidency under Margaret Thatcher encountered much the same institutional setting as the UK's first Presidency had in 1977. Weaknesses of the system in terms of political leadership in the Council had been recognized,<sup>126</sup> and efforts were being made to enhance the Presidency's role in "stabilizing and shaping the

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<sup>126</sup> The 1979 Report of the "Three Wise Men", initiated by the European Council to determine further avenues of institutional reform and "published at the same time as officials in Brussels were beginning to think about the needs of the 1981 Presidency" (Edwards 1985: 249), argued that the "virtual breakdown in Council work under some particularly 'bad' Presidencies ... has shown that if the Presidency does not do this job, there is no longer anyone else who can fill the breach", Committee of the Three 1979: 30

EC's political agenda" with several reform packages and continuous adjustments of Council practice (but without Treaty change, Tallberg 2006: 48). However, given that the number of EC member states had just reached 10 with the accession of Greece at the beginning of the year, rotation was still fairly tight, so that just four years lay between the first two UK Council Presidencies - too short a time span for much institutional change. But there was an emerging awareness of competing pressures for continuity and initiative, and a need to balance them.

On the one hand, the Three Wise Man Report had identified a discontinuity problem and given consideration "to ways of sharing the burdens of the Presidency, of establishing ministers for Europe, of borrowing the Troika principle from political co-operation and so on" (Edwards 1985: 258). Carrington had taken this up and recognized that a "Presidency's task is to provide continuity with its immediate predecessors" in his introductory speech to the European Parliament.<sup>127</sup> That was because by then, in the Community context, options were "circumscribed, the room for manoeuvre ... generally limited and the weight of precedent and existing commitments ... often overwhelming".<sup>128</sup> Thus, it had become "accepted that issues, and working groups, have a momentum of their own" and

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<sup>127</sup> Carrington, Speech to the EP, July 8, 1981, referring to the provision of continuity as "one of the first tasks of the Presidency", Edwards 1985: 258. The Foreign Secretary reaffirmed this approach in his concluding speech to the EP: "When I outlined the main objectives of the British Presidency to this House on 8 July, I ... emphasised my belief that the keynote for the Presidency should be to contribute in a business-like and effective manner to the continuum of the Community's affairs. This is what we have tried to do." Carrington at EP, December 17, 1981, CAB/129/214/5: 65, Annex E, 3-4. Cf. also Edwards 1985: 255.

<sup>128</sup> Wallace 1985: 275. Lord David Williamson illustrates this as follows: "When I was in the Commission [as Deputy Director General for Agriculture, 1977-1983] - suppose there was an agenda for the agriculture Council meeting, ... the Commission and the Presidency met ... every time and went over the agenda, and ran through the points. And the Commission said, you have to do this, you have to do that, because otherwise, you'll run into trouble, or the Americans will react, or something like that. And so you could see that the Presidency might have wanted to do something else, but they practically never did. That's the reality. They generally did what the central institutions and the knowledge of what was happening in the other states made necessary. That's what they had to do", Williamson, Interview, London, July 15, 2010. Williamson subsequently took up the position of Deputy Secretary and Head of European Secretariat of the Cabinet Office in London (1983-1987), before returning to Brussels once more as Secretary General of the European Commission (1987-1997).



that member states were “bound by timetables that have already been agreed” (Edwards 1985: 258). In order to minimize disruption between the Presidencies, and based on their own experience with their Dutch predecessors, the UK “worked out draft agendas which enabled them to take up matters without further pause for reflection. Towards the end of ... [their] Presidency the British also invited the Belgian Coordinator to ... [their] agenda-setting meetings with the Council Secretariat so that the Belgians would be in a better position to take up those items which particularly interested them and, at official level at least, would know exactly what was going on” (ibid.: 254). In his concluding speech to the EP, Carrington re-emphasized the underlying logic: “Many of the agreements reached in any one Presidency owe much to the efforts of its predecessors. And in many of the areas where the current Presidency has worked hardest, results will only become apparent under a succeeding Presidency.”<sup>129</sup>

On the other hand, The Three Wise Men report had also “pointed clearly to the need for greater authority on the part of the Presidency in terms of both management and political impetus”, as “the particularly ‘bad’ presidencies” had been “those whose faults lay either ‘in weakness or an over-autocratic approach or both’” (Edwards 1985: 249/250, citing the Committee of the Three 1979: 35). While the Commission, too, was seen to have “a general responsibility to ensure progress”, the report reinforced a “belief in the necessity of investing time and resources in the Presidency” (Edwards 1985: 258, 249). Member states were called upon to take the initiative, and some, who had “a distinctive political objective”, tended to “view the Presidency strategically”, aiming to achieve “very spe-

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<sup>129</sup> Carrington at EP, December 17, 1981, CAB/129/214/5: 65, Annex E, 3-4.

cific policy outcomes”.<sup>130</sup> Most sought to make “some sort of impact” with their Presidency:

“programmes, however modest, are announced and sometimes even followed through. Usually there is an element of individuality in these programmes even if the problems addressed vary little from one Presidency to the next. Each Member State, that is to say, seeks to create a certain impetus and use its good offices to further dossiers of particular interest to itself as well as to the Community. There is therefore an inevitable stop-go effect in areas where the emphasis is shifted” (Edwards 1985: 258).

The 1981 London report - its completion itself a deft bit of agenda-management by the UK Presidency - left the Presidency’s agenda-management function largely unchanged, but specified its role in preparing the agenda for and summarizing the discussions of the informal “Gymnich” meetings of foreign ministers. The fact that it contained a reminder that *member states other than the Presidency* could also submit proposals for action reflected the “degree to which agenda setting had devolved upon the Presidency” already at this stage (Tallberg 2006: 52). Practitioners like Butler recognized that the Presidency had “an important influence on the agenda.”<sup>131</sup> Thus, when Margaret Thatcher took it on for the first time, the leadership role of the Council Presidency was still on the ascent. However, because in practice, “persistent attention and political energy are likely to be restricted to a handful of priority areas”, most Presidencies ended up focusing “willy-nilly ... on a dossier approach with some attempts at linkage amongst those dossiers ... currently of critical importance”; and because their perspective was “unlikely to spread much beyond the period immediately following their own tenure of the chair”, this ap-

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<sup>130</sup> Wallace 1985: 274. “In either case good advance preparation is required together with a medium-term perspective over a period of a year or so and attention with some fineness of detail and nuance to other Member States and the Commission”, *ibid.*

<sup>131</sup> Butler 1986: 26. Butler’s assessment, based on his own personal experience as UK Permanent Representative from 1979 to 1985, can be read as covering the period of and between both British Council Presidencies under Thatcher, in 1981 and 1986: “When this book is published, the British will have embarked on their third Presidency (first 1977, second 1981)”, *ibid.*: 26.

proach could not “be expected to generate a detached and strategic view of the collective Community interest.”<sup>132</sup> Carrington sounded a diplomatically cautious note:

“In the policies of the European Community, 6 months is a short time. It is a mistake for any Presidency to assume the chair with exaggerated hopes. To set targets that are too ambitious is to court disappointment and disillusion. The Presidency has only limited control of business and cannot force the pace at which progress is made on the various issues before the Community” (Carrington, Speech to the EP, July 8, 1981).

Practically, the Presidency was already “responsible for organising the busy work-programme of all the Councils in relation to each other”, in the words of the British Permanent Representative (Butler 1986: 27), according to whom the various Council constellations each took on “a slightly different personality” (ibid.: 25). At the center of things, the Foreign or General Affairs Council, bringing together the Foreign Ministers, met monthly except in August and beyond the EC’s external affairs also covered “a number of key issues” including “the British budget problem” (ibid.). Among the Foreign Ministers, who knew each other fairly well and who met frequently formally and informally in the Community context and beyond, there was “a genuine feeling of a Foreign Ministers’ club” (ibid.: 73). They also prepared the work of and attended the European Council, whose role had “never been clearly agreed. The original concept was that it should give strategic direction and, to some extent, it does” (ibid.: 25, 28) - although “[b]y convention, there is no formal agenda. The Chairman normally writes to his colleagues a few days before the meeting and suggests the subjects which he thinks should be discussed. But it is not unknown for this or that Head of Government to spring something on the meeting without

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<sup>132</sup> Wallace 1985: 278. “For all these reasons, the Presidency of the Council and of EPC should be seen as an essential element of steering through current proposals and of expressing the state of agreement amongst member governments to date, whether within the Community or to third countries. But it does not provide a basis for a new institutional and negotiating dynamic”, *ibid.*

preparation.”<sup>133</sup> The Presidency’s task of shaping the Councils’ agenda(s) was already complicated by the fact that few issues fall “neatly within the purview of a single subject grouping of ministers and officials, in the Council or at national level”, and cross-cutting issues affect many dossiers.<sup>134</sup> Consequently,

“[s]ubjects dealt with in one Council cannot easily be given a priority in relation to subjects dealt with in another. Each member state has different ideas about what should - and should not - be done and what should be done soon and what later” and therefore, in Butler’s view, a “good Foreign Minister and his colleagues at home (and his Permanent Representative) will plan all the Council’s business (...) well in advance to that the different subjects are ripe for discussion ... in a sensible order and at the right time.”<sup>135</sup>

Nevertheless, rarely did - or does - a Council meeting clear its agenda completely, no more than a Presidency usually did, or does. “Very often, an item remains on the agenda of the Council several months running while slow progress is made towards the final negotiating crunch” (Butler 1986: 77). Geoffrey Howe, the UK’s Chancellor of the Exchequer during the 1981 Presidency, recalls that although “ECOFIN meetings were frequent and lengthy, the agenda in those early years was not usually crowded”, but before the 1986 SEA “speeded up” proceedings “by allowing more majority voting, potentially useful pro-

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<sup>133</sup> Butler 1986: 80/81. The importance of Presidency leadership in shaping the agenda especially in this concentrated setting, which can often make or break a Presidency, becomes clear as Butler elaborates: “It is rare for much work to get done at lunch. So the real business begins with the formal session on the first afternoon and there is often some quiet procedural jockeying for position. Those Heads of Government who want a conclusion on a given subject press for it to be taken on the first day, knowing that otherwise there will be insufficient time for negotiation and the drafting of agreed texts.” But while the “degree of preparation is very much a matter of taste and tactics of the Presidency (...) it would not be right to assume that it is always best to try to bounce people”, *ibid.*: 80-82.

<sup>134</sup> Wallace 1986: 587. Moreover, the “international system has been plagued by awkward problems which have engaged EPC directly but also require attention from the Community framework, where the instruments for collective action often lie”, *ibid.*

<sup>135</sup> Butler 1986: 29, 27. In practice, setting a Council’s agenda happened as follows: “The Council, when it meets formally after lunch, first adopts the agenda which may have from six to twelve items on it”, as well as, “separately and not on the formal agenda ... perhaps a couple of political co-operation items”. It then approved the ‘A’ points, which “need not necessarily deal with questions on the agenda of the Council which is meeting and can be taken at a Council meeting where no minister deals with the subject. Approving ‘A’ points is a purely formal act”, *ibid.*: 77/78. Thereafter followed the negotiation and potentially decision of ‘B’ points.

posals ... would linger on the agenda literally for years” (Howe 1994: 182). In this way, (enforced) continuity often trumped initiative in the context of the Presidency’s leadership role.

#### **IV.2.2 The Agenda-Shaping Efforts of the 1981 UK Council Presidency as Leader**

The 1981 UK Presidency was facing a full agenda. In statements before the House of Lords Select Committee on the European Communities in June and to the European Parliament in July, Carrington distilled from this the Presidency’s priorities, albeit emphasizing that the “speech I am making to this House is not an agreed order of business, but an indication of what the British Presidency hopes to achieve.”<sup>136</sup> Outlining “the broader themes which we hope to develop over the next 6 months”, Carrington argued that the EC found itself “once more at a crossroads”, and required “a vision of where Europe is going and of the Europe we want” so as not to “become obsessed by our current problems”. He proceeded to propose a “triptych” of “renewal”, “enlargement” and “identity”.<sup>137</sup> The latter, somewhat cryptically, was meant to refer to “the impact that Europe can and should have on the events of the world outside if it is to protect and to further its interests”, as through “the active exercise of influence in the world outside, Europe can develop the identity of which the Community is a symbol” (Carrington, Speech to the EP, July 8, 1981). Enlargement straightforwardly meant the pursuit of accession negotiations with Spain and Portugal. “Renewal” was the area into which the British Presidency

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<sup>136</sup> Carrington, Speech to the EP, July 8, 1981; cf. Agence Europe 3173: 8, 3175: 7-9, 3176: 1, 10, 3183: 7, July 6/7-20/21, 1981. Thatcher herself had already alluded to her priorities for the Presidency at her press conference following the end of the June 29/30 Luxembourg European Council, the last one under the preceding Dutch Presidency. Apart from budget reform, she mentioned “fisheries, establishing a common market in the services sector and enlargement”, Agence Europe 3169: 7, July 1, 1981.

<sup>137</sup> This was modeled on French President Georges Pompidou’s 1969 “achèvement”, “approfondissement” and “élargissement” which described France’s approach to a “relance européenne” cf. also Agence Europe 3175: 7, July 9, 1981.

intended to invest most of its energy. It encompassed adapting the Community's industrial base "to take advantage of advanced technology", but also meant "completing the Common Market", specifically, the further reduction of non-tariff barriers for industrial products and work towards including services. "Renewal" further meant "adapting the Community's regional and social policies to the need of the 1980s", restructuring traditional manufacturing industries to make them more competitive and generate employment. Most of all, however, it meant restructuring the Community's budget with the dual aim of rebalancing inputs and reallocating outputs.<sup>138</sup>

Concretely, this boiled down to a handful of issues that were to some degree controversial and came to dominate the agenda of the UK Presidency: the three parts of the so-called "30 May mandate" (the Mandate) - development of Community policies, CAP reform, and rebalancing Community finances, the latter item in turn dominated by the so-called "British Budgetary Question" (BBQ) and entangled with the need to settle the 1980-82 annual EC budgets; fisheries; and improving the internal market. Of these, two aspects of the Mandate - CAP reform and the BBQ - as well as fisheries placed Britain in a minority position. Work on these subjects was framed by ongoing activity on a range of other topics that, while sometimes difficult and protracted, were much less disputed and on which the UK did not hold a minority position, although they offered the occasional opportunity for agenda-shaping leadership and contributed filler material for the Presidency's list of achievements.<sup>139</sup> Prominent among them, in terms of Carrington's structu-

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<sup>138</sup> On July 9, Carrington expressed himself "hopeful" in Cabinet that the UK's approach to its Presidency "would be thought reasonable by Community partners", Cabinet Conclusions of July 9, 1981, CAB/128/71/7: 1, 3.

<sup>139</sup> The government published a long and detailed account of its Presidency activities and output in its "White Paper on Developments in the European Community, July to December 1981" (Command Paper 8525 of March 24, 1982), which formed part of a series of semi-annual reports to the House of Commons,

ring of the Presidency agenda, were EPC and enlargement - the UK inherited and continued the ongoing accession negotiations with Spain and Portugal, which very much coincided with British preferences. But mostly uncontroversial work was also done on issues including aid policy, industrial affairs, environment and transport, energy and terrorism.

To trace the Presidency effect in the 1981 Presidency's leadership role, of most interest are controversial issues which placed the UK in a minority position and whether it sought to avoid them (first mechanism) and Presidency initiatives or other agenda choices that prioritized integration (second mechanism). The expectation at the time was that "the main tasks ahead of the British in the next six months are to prepare the ground for decisions on the European Commission's 30 May mandate proposals (Mrs Thatcher plans to push decisions through before the end of the year) ... [and] work out a common fisheries policy, deadlocked for several months".<sup>140</sup> Indeed, in "1981 there were inevitably those who feared that the 30 May Mandate would preoccupy the British Presidency" to the detriment of other issues (Edwards 1985: 239), because "while there was considerable interest in, for example, the further development of political co-operation" - which the British Presidency took up successfully and in line with PE expectations (see below) - "it was equally clear that there was a need to confront the problem of Britain's contribution to the Community budget" (ibid.: 249). The evidence suggests that the Mandate - effectively, agreement on the development of Community policies, CAP reform

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cf. CAB/129/214/5. A typical example: "The fifth conference of Community Ministers of the Interior and Ministers with similar responsibilities look place in London in December, under the Chairmanship of the Home Secretary. Ministers expressed their determination to continue to strengthen co-operation between Member States in the fight against terrorism ... and endorsed proposals aimed at further extending practical collaboration between Member States", ibid.: 11, 3.18.

<sup>140</sup> Agence Europe, 3170: 5, July 2, 1981. Carrington, too, in his speech to the EP in July 1981, had referred to the fisheries question as one inherited from the preceding Dutch Presidency. Among other work expected of the Presidency was "further progress in membership negotiations with Spain and Portugal", as mentioned above, and to "renegotiate the Multifibres arrangement (MFA)", ibid.

and most importantly, on the BBQ - was continuously the Presidency's highest priority.<sup>141</sup> To a considerable extent, this must be attributed to sheer unavoidability and continuity, given that the Mandate came with a clear schedule. To some extent, it is still surprising, given that the UK had strong preferences on both CAP and BBQ, found itself in a hopeless minority position on these two out of three Mandate chapters, and yet did not seek to use the Presidency leadership role to avoid them. To some smaller extent, it may be due to the Mandate's promise of integration progress (see below.) "[E]fforts were made to persuade the rest of the Community that the Mandate would not overwhelm the rest of the work of the Community entirely and that an impetus would be given in other sectors to achieve further agreements", including priority for "the further development of the internal market including services, especially insurance".<sup>142</sup> This, by contrast, is not surprising, as the internal market was probably the only project both promising integration progress and coinciding with UK preferences. Fisheries, though not championed excessively by the British Presidency, were inherited and unavoidable, especially since other member states pushed the issue hard (see below). Furthermore, there were additional (if related) issues that the UK Presidency could not avoid, most importantly settling the 1980-82 Community budgets.

One looming controversy that the Presidency was able to dodge fairly elegantly were unwelcome moves by major Community partners - France, Italy and Germany - to reignite European integration. They were floating "proposals for a revival of the stalled project

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<sup>141</sup> One subtle sign for this is the fact that the Mandate was handled by Britain's highest official permanently based in Brussels, and the dispute over the annual budget by his deputy: "The 'normal' heavy workload of any Presidency was intensified for the Ambassador by the need to press on with the 30 May Mandate - his weekly meetings in Whitehall were frequently dominated by the issue. For the Deputy Permanent Representative, the major problem was in reaching the necessary consensus on the Community's 1982 Budget", Edwards 1985: 254.

<sup>142</sup> This was placed by the Chancellor of the Exchequer "on the agendas of four out of the five finance council meetings", *ibid.*: 253, emphasis added.



of European integration” in the early 1980s, including one which was eventually tabled at the European Council meeting in London in November 1981, by West German Foreign Minister Hans Dietrich Genscher and Italian Foreign Minister Emilio Colombo for “a new European Act to replace the Treaty of Rome”<sup>143</sup> The Genscher-Colombo initiative grew out of concerns over Europe’s being left behind economically by the new American administration’s aggressive economic policies and suffering politically from the end of *détente*, to which only a renewal of the European Community could be the answer. The UK’s response to this and other such plans was “complicated by three factors”: Thatcher’s “renewal of the special relationship with the United States”, especially with Reagan, her “ideological soul-mate” in office; the new Conservative government’s economic program and “strong nationalism”; and the ongoing dispute, “begun under Callaghan”, over the size of Britain’s contribution to the EC budget (George 1998: 143/144). Carrington explained to Thatcher

“in a memo what he thought British tactics should be: ‘As regards its substance, the draft is long-winded and Germanic. But the proposals include nothing strikingly new ... Our overriding aim in Europe at the moment is a satisfactory outcome on the Community budget question. For this we need German cooperation. We shall also find it easier to persuade our partners to make the substantial moves we need from them if we can provide them with evidence of simultaneous progress on the wider, vaguer and more theological issues addressed in the German proposals’”. Thatcher “was not persuaded. She was prepared to welcome the initiative. She was not prepared to welcome the proposals themselves” (Wall 2008: 7/8).

Thus the Presidency displayed a certain reticence regarding ambitious public declarations on the all encompassing goal of European Union and confined itself to making “constructive suggestions” on individual aspects of the “European Act” proposal towards the

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<sup>143</sup> George 1998: 143. On further details of its conception, intentions and follow-up, see Genscher 1995, 362-375.

end of the year, with a particular focus on cooperation mechanisms among EC institutions and between EC and EPC processes (Morgan 1982: 463). In other words, the UK attempted to channel the initiative into the least objectionable direction. Eventually the Presidency was able, after the plan had officially been presented to the EP,<sup>144</sup> and “taken note of” by the European Council, to bat it away by relegating it to the Foreign Ministers “to examine and clarify” and then report back (European Council Conclusions, London, November 27, 1981), as well as by insisting on a solution to budget, CAP and structural problems before contemplating any further development of European integration.<sup>145</sup> Thus, confronted with an agenda item that stood in direct contrast to its own Eurosceptic and in particular anti-federalist inclinations, the Presidency did not act in the way that would have been expected by explanations of behavior inside the Council that see the national interest as dominant: it did not simply openly oppose the proposals in line with Thatcher’s actual substantive position. Nor did the government follow the Foreign Secretary’s prescription of the best tactical use of the proposals in pursuit of Britain’s national interest based on the prevailing negotiating dynamics in the Council. Nor was there any relevant domestic pressure to *downplay and postpone*, as opposed to simply oppose or tactically use, the Genscher-Colombo initiative. Nor, finally, is there a convincing case to be made that Thatcher or her Cabinet were socialized into the (European) Council context to an extent that made it impossible for them to resist proposals to restart European integration. However, the UK Presidency’s decision to downplay and postpone the Genscher-Colombo plan, thereby excluding any serious consideration of it from the agenda

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<sup>144</sup> To Genscher, the opportunity to present his and Colombo’s proposal for a “European Act” to the EP was “something like a small revolution, since normally only the Presidency was entitled to appear in front of the European Parliament”, Genscher 1995: 364, my translation.

<sup>145</sup> The Genscher-Colombo plan did, eventually, contribute to the “relaunching” of the Community via the “Stuttgart Solemn Declaration” in 1983 (cf. De La Serre 1987: 186) and subsequently, the SEA.

for the duration of its tenure, can be explained by the first mechanism of the Presidency effect in the leader role, which pushes the Presidency to avoid - rather than resist – unwelcome agenda items.

### ***The 1981 UK Council Presidency as Leader and the 30 May Mandate***

The 1981 UK Presidency's approach to the package of issues encompassed by the "30 May Mandate" - and indeed the Mandate itself - had its roots in the "British Budgetary Question", which was at the heart of one of the most iconic fights in Community history.

#### *The BBQ and the Genesis of the "30 May Mandate"*

Unhelpfully for the 1981 Presidency, "[p]articular acrimony surrounded the British" at the time, as they had "followed their abstention from the EMS, the Community's most exciting recent project, with the launch, under their new and abrasive prime minister, of a determined campaign to correct a budgetary anomaly whereby Britain, then one of the EC's least prosperous member states, contributed a disproportionately large share of the Community budget."<sup>146</sup> The problem was acute in Thatcher's early years because in 1978/79, the transitional period negotiated upon Britain's accession had come to an end, which resulted in a "rapidly rising" net contribution "while Britain was still below average in income-per-head and several richer member states were net beneficiaries" (Butler 1986: 91). The UK's argument was not only that this situation could not be allowed to continue, but that any solution "should last as long as the problem, should be propor-

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<sup>146</sup> Ludlow 2006: 221, cf. also Butler 1986, 91-111. According to Ludlow, Roy Jenkins, Commission President until January 1981, has been "particularly revealing" about "the depth of anger caused by what he called the BBQ - either the British Budgetary Question or, less charitably, the Bloody British Question", cf. Jenkins 1989: 545.

tional to the size of the problem and should be automatic so that constant negotiation on the subject was avoided.”<sup>147</sup> Much of the five-year negotiation about the BBQ happened at successive European Councils, but when not in the Presidency, Thatcher “often had trouble getting the British budget problem taken on the first day”, and hence negotiated with a reasonable chance of a successful outcome (ibid.: 84, 82). She had presented her case for a reduction in British contributions to the Community budget “reasonably enough” (George 1998: 148) at her first European Council in Strasbourg in June 1979, pursuing a “communautaire approach”.<sup>148</sup> Her second European Council, at Dublin in November that year, had gone considerably less well, as she had clashed head-on with French President Valéry Giscard d’Estaing and German Chancellor Helmut Schmidt over the total amount Britain ought to be reimbursed and the arrangements to avoid future budgetary imbalances.<sup>149</sup> The UK subsequently rejected various proposed formulas for calculating a rebate on its contributions, “mainly on the grounds that they contained no guarantees of what would happen after 1980” (ibid.: 149) until, on May 30, 1980, after a

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<sup>147</sup> Butler 1986: 95. In fact, these “basic positions were maintained until nearly the end of the negotiation when most of the British arguments prevailed”, ibid.

<sup>148</sup> *The Economist*, June 30, 1979. According to her Permanent Representative in Brussels, Michael Butler, this was a perfectly strategic choice: “Mrs Thatcher agreed that the essential first step was to get the UK budget problem on the formal agenda of the Community. She therefore took a relatively mild approach, both with President Giscard in advance and in the meeting, and persuaded him to sum up [as he was in the Chair at the time] that the Community would need to look at the problem and that the Commission should produce a factual report for discussion at the next meeting.” However, one of the tricks by which a Presidency can pursue its own preference was soon in evidence: “Mrs Thatcher wrote down the words of his summing-up and gave them to me at her debriefing. That night, the French Presidency set up a drafting group to produce draft conclusions for the Heads of Government. They tabled a draft which bore no relationship whatever to President Giscard’s summing-up. It took me several hours before I was able to get the Chair to agree that the Secretary-General of the Council should read out President Giscard’s summing-up. When he did so, I said Britain could accept the French President’s wording. No one else objected”; Butler 1986: 94/95.

<sup>149</sup> Butler’s “first task” as Permanent Representative had been “to give notice to my colleagues in COREPER that, at the forthcoming meeting of Heads of State and Government in Dublin in November [1979], Mrs Thatcher was going to raise the question of the excessive British net budget contribution. I also faced the problem of convincing them that she meant business. At that stage, the other Permanent Representatives were far from convinced that she did, though their attitudes changed dramatically after her press conference in Dublin, at which she declared that she ‘wanted our money back’”, Butler in Menon (ed.) 2004: 16; cf. also Butler 1986: 95/96, George 1998: 148/149.

19-hour special meeting, the EC Foreign Ministers found a formula for a three-year interim solution to the BBQ, under which “Britain would get back roughly two-thirds of the Commission’s estimate of her net contribution for 1980 and 1981” (Allen 1988: 39) plus the perspective of a solution “along the lines of” that arrangement for 1982 in the continued absence of a more permanent fix.<sup>150</sup> At the same time, the Commission was given a mandate to review “the operation and funding of Community policies” and prepare, by June 1981, proposals to restructure the budget in ways that would “prevent the recurrence of unacceptable situations” for *any* member state, but “without calling into question the common financial responsibility for these policies which are financed from the Community’s own resources, or the basic principles of the common agricultural policy” (EC Bulletin 6-1981, 1.2.1) - the so-called “30 May Mandate”. Still, Carrington barely managed to get Thatcher on board for it<sup>151</sup> - with hindsight an early indication of the increasing rift between the FCO and Thatcher over all things European. Moreover, this compromise solution could be achieved only because the UK was blocking the annual round of fixing agricultural prices in the Agriculture Council, gaining leverage by firmly linking its cooperation on the CAP to its rebate.<sup>152</sup> Nevertheless, “[a]s we saw it, the 30<sup>th</sup> May

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<sup>150</sup> Butler 1986: 98; cf. PREM 19/226. See also Butler’s highly instructive account of that meeting and its outcome (Butler 1986: 97/98), including on the use of the Presidency Confessionals by the Italian Presidency at the time.

<sup>151</sup> Cf. PREM 19/222-227, esp. 19/226; see also Thatcher 1993: 78-86, Jenkins 1991: 505-508

<sup>152</sup> The maintenance of a system of high support prices for farmers was, next to border protection and export supports, one of the pillars of the CAP. Since the settlement covered 1981 and the British intended to use their Presidency to solve the issue for the longer term, they did not use this tactic in that year. In the absence of a long-term settlement, the UK attempted to repeat the bloc in 1982, but was outvoted despite invoking the Luxembourg Compromise, on the grounds that agricultural prices did not constitute “an important national interest” for the British. While some members of the British government found this “a wholly illegitimate use of the compromise, and the others quite properly ignored it, leaving [MAFF Minister Peter] Walker with egg on his face” (Lawson 2010: 549), to Butler, it was “our worst defeat. The lever we had used with ... success to get the 30<sup>th</sup> May settlement in 1980 was knocked from our hands. (...) The French claimed that the Luxembourg Compromise was quite unimpaired; and it was not in the UK interest to argue the contrary!” Butler 1986: 100; cf. Wall 2008, 8-17. A bigger, insurmountable lever finally helped the UK achieve the more permanent budget rebate in 1984 which, with one major adjustment, they have

Agreement provided a breathing space during which to work for a permanent settlement, and the 30<sup>th</sup> May Mandate and the British Presidency, starting on 1<sup>st</sup> July 1981, an opportunity to get the work done” (Butler 1986: 98).

### *The 1981 UK Council Presidency and the Consequences of the Mandate*

In fulfillment of its mandate, the Commission duly reported to the European Council on June 24, 1981, in the immediate run-up to the British Presidency. In its report, the Commission found, inter alia, that “under present circumstances”, the UK received a “much smaller” financial gain from the CAP than the other EC members “on account of the special features of its agriculture”, and that “Community solidarity” demanded a remedy to this “inequitable situation” (COM(81) 300 Final, 41., June 24, 1981: 22). But the Commission had interpreted the “review” part of the Mandate quite broadly. Its approach to solving the problem(s) had three main parts - adjustment of the CAP, development of other Community policies, and changes to the Community budget - “which Britain insisted must be discussed and agreed upon together, not separately.”<sup>153</sup>

Two aspects of this are particularly noteworthy. First, the UK Presidency *accepted* the Commission’s extension of its mandate, which had originally focused on budgetary questions only, and the linkage it made between budget and CAP reforms (which were in any case connected) on the one hand and the development of other Community policies on

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held on to until today: the cost of the CAP and the impending third EC enlargement had brought the Community to the limits of its financial resources, and an increase - via a raise of the 1% ceiling on VAT revenues - required unanimity, so that the UK was able to tie a permanent rebate solution to the Community budget agreement, cf. Butler 1986, 100-102; Howe 1994: 398-403; Lawson 2010: 81-84; George 1998: 149/150; Wall 2008: 18-40. Lawson, Chancellor of the Exchequer by the time of the 1984 Fontainebleau rebate settlement, attributed the British success to Thatcher’s “bloody-mindedness” and to “the skill of the lean and cerebral Michael Butler ... whose understanding of the nuts and bolts of Community law and practice was as impressive as his unflagging zeal in carrying out his remit”, Lawson 2010: 83.

<sup>153</sup> George 1998: 150; EC Bulletin, Supplement 1-1981; cf. also Thatcher in Cabinet, Cabinet Conclusions of December 03, 1981, CAB/128/71/19: 4/5, 3.

the other. Second, the Presidency's - in this light at first glance surprising - insistence on that linkage, and on parallel progress in all three in parts of the Mandate, while other member states would have been happy to separate them and focus on the development of Community policies first or even exclusively. From the perspective of the Presidency effect, the addition of the "development of Community policies" to the Mandate might be seen as making its potential for integration progress more explicit and hence the Mandate as a whole more attractive to the Presidency. Yet the original aspects of the Mandate themselves were already sufficiently significant in that context. Moreover, the second mechanism of the leadership PE is likely to have been less relevant here than the simple calculation that allowing and then insisting on the linkage between budget/CAP reform and the further development of Community policies provided additional leverage for the UK to push for progress on the first two issues, which were of major national concern. In other words, not the Presidency effect, but the strategic pursuit of the national interest induced the Presidency to accept the placement of the Mandate as a complex package onto its agenda.

#### *Prioritizing the Unavoidable Budget and CAP Reforms*

It was evident throughout the Presidency that among the three parts of the Mandate, the UK saw solving the issue of budget imbalances as primary, while considering the development of Community social, regional or industrial policies and especially CAP reform mainly as means to that end, even though Carrington repeatedly paid lip service to their importance.<sup>154</sup> At her press conference after the Luxembourg European Council, the last

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<sup>154</sup> Cf. Morgan 1982: 459. "Its budgetary contributions had inevitably been a predominant concern in Britain's preparations and ... the government attached the highest importance to making progress on the 30

one under the Dutch Presidency, on June 30, 1981, Thatcher had found the Commission report “not as detailed as she had hoped” (Agence Europe 3169: 7, July 1, 1981), but in her statement on that European Council to the House of Commons on the first day of the UK Presidency, she was assertive: “The United Kingdom assumes the Presidency of the Community today and it is our intention to do all we can to press forward with these discussions [on the Commission report] ... with the objective of reaching agreement within the timetable laid down last May.”<sup>155</sup> Carrington spelled out the implications at the European level: “The Council agreed on 30 May 1980 to aim for decisions by the end of this year. The British Presidency must therefore make it a major objective to achieve decisive progress in the six months ahead. Whether we succeed will not of course depend on us alone” (Carrington, speech to the EP, July 8, 1981). Hence it was “obvious” that the government intended to make “as much progress as possible” (Edwards 1985: 249) on all parts of the mandate, and a “preparatory group which I chaired went to work on it in early July” (Butler 1986: 98).

Thus, with the CAP reform part of the Mandate, the UK Presidency gave priority on its agenda to an issue central to its own preferences - albeit one on which it was in a mino-

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May Mandate”, Edwards 1985: 252/253. Thatcher herself framed it quite straightforwardly in her report to the EP on the London European Council: “[O]ne of the Member States, my own country, found itself bearing an unacceptable and increasing budgetary burden as a result of the combined effect of Community policies. As the Community analysed this problem, it became clear that the real issue was not confined to budgetary matters. It concerned the whole balance of Community policies, including the relationship of agricultural expenditure to regional, social and industrial expenditure. Agriculture absorbs the preponderant share of the Community budget and leaves insufficient resources for other areas equally relevant to the problems of advanced industrial societies, especially at a time of economic recession”, CAB/129/214/5: 49, Annex E, 5.

<sup>155</sup> Thatcher, statement to the House of Commons, HC Deb 1 July 1981 vol 7 c868, cf. <http://www.margaret-thatcher.org/document/104674>. The European Council had accordingly pre-programmed its own agenda, as Carrington informed the EP: “The European Council discussed what action should follow the Commission report on restructuring the Community budget. They agreed that after the necessary clarification of the Commission’s document has taken place, a special group would be set up to assist the Foreign Affairs Council in the preparation of this subject. It was agreed that restructuring would be a major topic for the European Council to be held at the end of November, and that appropriate conclusions should be reached on that occasion”, Carrington, Speech to the EP, July 8, 1981.



rity and on which agreement would prove hard to reach. Similarly, the budget reform part of the Mandate was highly salient to the UK, who was - due to the BBQ - in a clear minority on a contested and unpopular subject. In addition, Community budget restructuring was tied up not only with CAP reform and the effort to reduce agricultural spending, but also with the unfinished business of the annual budgets for 1980-82. The government "recognised that progress was likely to be complicated by the fact of holding the chair but, equally, it was clear that every effort had to be made to achieve as much progress as possible" (Edwards 1985: 252/253). By contrast, the Community policies part of the Mandate was more popular and less controversial in the Community, and a lot less important to the UK. Carrington had told the EP that "[j]ust as too much is spent on agriculture so too small a share of the budget is devoted to other policies", and that the Community had to "devote more resources to policies dealing with the problems of the 80s: regional development, rehabilitation and training, energy, and perhaps new policies for industrial re-generation and urban renovation" (Carrington, speech to the EP, July 8, 1981). This both reflected the second chapter of the Mandate and was in line with British preferences, even though the lack of detail bespoke a certain lack of enthusiasm (cf. also Morgan 1982). Thus, the priority of the Mandate *as such* on the 1981 UK Presidency's agenda was largely due to the European Council's having pre-programmed its own agenda, which meant the UK unavoidably inherited the issue despite the recognized complications of being in the Chair.

*Excluding Unemployment from the Agenda*

However, in the context of the development of the Community policies part of the Mandate, the British Presidency had one major problem: unemployment. Given the near-catastrophic situation in the UK, the last thing the government wanted was to have it highlighted by means of a major Community initiative against unemployment under British chairmanship. Yet on March 26, Thatcher had to report to her Cabinet that the Maastricht European Council had “discussed unemployment at some length, and had confirmed that a joint Council of Ministers of Economic Affairs, Finance, Social Affairs and Employment should consider the problem further. It was to be hoped”, she added, “that this combined Council, which was unlikely to resolve the problem, would take place under the Dutch rather than the United Kingdom Presidency” (Cabinet Conclusions of March 26, 1981, CAB/128/70/13: 4/5, 3.).

Accordingly, the government moved to avoid having to place the unemployment Council meeting on its Presidency agenda, in line with the agenda exclusion mechanism of the Presidency effect. Two weeks later, Jim Prior, Secretary of State for Employment, informed the Cabinet that “the main discussion” at an informal meeting of Employment Ministers had considered the arrangements for just such a Council and suggested that since the government “did not wish to organise such a meeting during our Presidency, ... if an early meeting could not be arranged under the Dutch Presidency we would hope to ensure that the necessary preparatory work would carry the date of such a meeting into 1982.” In discussion, the Cabinet speculated that the Dutch, facing an election, themselves wanted to avoid holding “such a ‘jumbo’ Council which would not be able to produce any instant solutions to the problem of unemployment within the Community”. Yet it

“might be difficult to postpone a meeting which had already been agreed to in principle for a further nine months” (Cabinet Conclusions of April 9, 1981, CAB/128/70/15: 6, 3.). In early May, Prior received a visit from his Dutch counterpart who argued that because of a need for adequate preparations, the jumbo Council “should be held under the British Presidency towards the end of the year”. In Prior’s view, while “such a meeting would be unlikely to produce positive results, expectations would inevitably be built up by the media. The Community would be heavily involved in discussing budget restructuring later in the year, and ... [n]either the United Kingdom Government nor the French and German Governments had any enthusiasm for such a meeting” (Cabinet Conclusions of April 30, 1981, CAB/128/70/17: 4, 3.).

On May 7, the Employment Secretary was able to report to his Cabinet colleagues that while the Dutch were “now less willing” to hold the “proposed Joint Council” during their Presidency, he had told them “it would be difficult to contemplate holding the meeting in July or October, or indeed at any time during the British Presidency, given the adverse publicity which it would generate at a time of high unemployment figures in the United Kingdom.” He had further suggested that if “an early and low-key meeting” was not practicable, “emphasis should be laid on the need for thorough preparation. This was acceptable to the Dutch, ... provided that it was not said publicly that there was no intention of calling the meeting during the British Presidency” (Cabinet Conclusions of May 7, 1981, CAB/128/70/18: 2, 3.). Finally, on June 18, the Chancellor, Geoffrey Howe, informed his Cabinet colleagues that a “Joint Council of Finance, Economic and Employment Ministers on 11 June had passed off without difficulty. Although the Belgians had shown some in-

terest in holding another Joint Council, no such meeting would take place during the British Presidency.”<sup>156</sup>

Thus, once again, the Presidency acted in a way not predicted by theories emphasizing the predominance of the national interest in Council behavior: the Presidency chose not to simply reject the idea of a - from its perspective pointless and counterproductive - Jumbo-Employment Council openly on the grounds that it was incompatible with the national interest. Nor was there domestic pressure against holding it - quite to the contrary, given the state of unemployment in Britain and the government's motive (avoiding embarrassment) for postponing the Jumbo Council, it is more likely that there would have been pressure *for* government policy along the (demand-oriented) lines suggested by the initiative (and very much incompatible with Thatcherism). Nor, once again, is any pure socialization argument with respect to Thatcher and her Cabinet credible. However, the first mechanism of the Presidency effect in its leader role, linking the protection of the national interest with a reaction to the combined institutional and ideational pressures inherent in that role, can account for the quiet exclusion of an awkward issue from a Presidency's agenda - and it appears to have motivated the Dutch in this case, too.

### ***The 1981 UK Council Presidency as Leader and the Common Fisheries Policy***

What was - and is - an ongoing preoccupation for the British government became, in 1981, a major issue for the British Presidency, despite the government's best efforts to avoid this, in line with the first leadership mechanism of the Presidency effect. Recently

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<sup>156</sup> Cabinet Conclusions of June 18, 1981, CAB/128/71/4: 2, 3. The British Presidency did hold a very low-profile “informal meeting of Employment Ministers”, chaired by the new employment Secretary, Norman Tebbit, in London on September 24-25. “Although no formal conclusions were issued, there was a degree of agreement ... including top priority for measures to help young people”, CAB/129/214/5: 27, 9.1.

declassified papers from the Prime Minister's Office (PREM 19/235) show the ways in which the woes of the British fishing industry and the pressures of continental competition preoccupied the government throughout 1980 and early 1981. In the context of a series of bilateral encounters among EC members to prepare an impending Fisheries Council, the British Secretary of State for Agriculture, Fisheries and Food (MAFF), Peter Walker, and his deputy, Alick Buchanan-Smith, attended a confidential meeting with Luxembourg's State Secretary for Foreign Affairs, Paul Helminger, and various officials on July 15, 1980.<sup>157</sup> Helminger, Council President since Luxembourg had taken over on July 1, emphasized the modesty of his ambitions for the Council, "recognised that progress had been made so far this year and was anxious to keep up the momentum" - attitudes in line with the expectations of the Presidency effect. Buchanan-Smith outlined the UK's concerns, in particular Germany's push for a proposed agreement with Canada under which access to Canadian waters for EC fishermen (most relevant to the German fishing fleet) was to be exchanged for Canadian export rights to the Community at price levels with which the UK fishing industry would be unable to compete (4.). Walker then commented that he "welcomed the opportunity that would be afforded by the Luxembourg Presidency to reach a settlement under the Chairmanship of a country with no axe to grind on fisheries". To which Helminger replied that "he too was conscious of this. It was his hope that the package would be sealed by the end of 1980."<sup>158</sup> Later, Walker further stated

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<sup>157</sup> The PREM 19/235 file contains the official meeting summary (unnumbered copy, limited distribution, dated July 17) which was sent to the Prime Minister's Office.

<sup>158</sup> 5. In fact, the potential impact of different countries in the Chair, and indeed the cooperation between Presidencies, had been the subject of British considerations before, when Buchanan-Smith had gone to see the Dutch Minister of Agriculture and Fisheries on June 10, 1980; cf. the official summary in PREM 19/235. On that occasion, Buchanan-Smith had stated that "it was important at next week's meeting to look for the basis of a solution and to prepare the ground for new firm proposals from the Commission for a meeting in July. It was particularly important to have such a meeting while Italy was still holding the Presidency, flushed with the success of the Budget settlement. Luxembourg's interests in fish were negligible, and during

that he “was convinced that a deal could be done on fisheries and an important role for the Chair would be to minimise the conflicts between individual Member States in the Council. It was essential to avoid entrenchment on untenable positions” (6.), pointing to key aspects of the Presidency’s broker function.

However, on April 2, Walker had to tell the Cabinet that at the March 27 Fisheries Council, “the French Minister of Fisheries had made no secret of his unwillingness to settle the question of access before the Presidential elections, in spite of President Giscard’s statement to the Prime Minister at the European Council in Maastricht that the elections were not an obstacle to early settlement.”<sup>159</sup> In other words, the - for Britain - awkward fisheries question was not going to be settled under the Dutch Presidency, but would instead feature prominently on the agenda in the second half of 1981. Thatcher, when asked in the House of Commons “Will she make it a priority during the Presidency to endeavour to obtain agreement on the common fisheries policy, which is essential to the fishing industry in this country?”, acknowledged as much: “Yes, gladly. (...) We wanted to get it sorted out before the French election, but that was not possible. We should like to get one sorted out as soon as possible. But the terms must be acceptable to our fisher-

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their Presidency bilateral meetings would probably be more important. It was, therefore, particularly important to get things moving next week.” A Dutch official, Mr de Zeeuw, offered that “during the Luxembourg Presidency, the Chair at the Fisheries Council would be taken by Luxembourg’s Ministry of Foreign Affairs. However, the working groups et cetera would be chaired by the Dutch and they would be doing much of the preparatory work for the Council also”, to which Buchanan-Smith replied that “British officials would be only too glad to co-operate with Dutch officials in these tasks”, 4. The meeting concluded on an agreement that “it was important that there should be another meeting of the Fisheries Council in July [1980] for 2 reasons - on the one hand it was politically important to show the industry that there was genuinely a concern to settle the CFP; on the other, it was important to apply pressure on the new Presidency before the summer break”, 11.

<sup>159</sup> He added that [a]ssurances had however been given to the Germans and the Dutch Presidency that the French would be genuinely ready to negotiate after their elections. It remained to be seen whether they would do so, or would seek either to link a settlement on fisheries with discussion on restructuring of the Common Agricultural Policy and of the Budget or to postpone decisions until the end of 1982 when the present access arrangements came to an end”, Cabinet Conclusions of April 2, 1981, CAB/128/70/14: 5, 3.

men.”<sup>160</sup> Carrington was even more explicit: “In one other important sector, fisheries, the [Dutch] Presidency's efforts, through no fault of their own, did not bring success. We inherit the task from them and consider it a high priority to conclude the negotiations which have already lasted for longer than is good for the Community or for the wellbeing of our fishermen” (Carrington, Speech to the EP, July 8, 1981). Thus, in other words, in line with the predictions of the Presidency effect in the leader role (first mechanism), the British government had wanted to exclude the difficult issue of fisheries from its Presidency agenda, but was thwarted by the negotiation dynamics inside the Council, which allowed the French delegation to refuse to engage in anticipation of the impending French election - with the consequence that the CFP dossier became an unavoidable agenda item for the UK Presidency in the second half of 1981.

### ***The 1981 UK Council Presidency as Leader and the Single Market***

With the Single Market project, the UK Presidency inherited a broad agenda item which not only promised integration progress, but to which it was sympathetic anyway, and in the context of which it was further able to focus on concrete measures close to its own preferences.<sup>161</sup> Introducing the Presidency to the EP, Carrington emphasized the importance of the services sector in this context, and the need to liberalize the insurance, banking and air transport markets - something he and other representatives of the British Presidency spent a lot more time on than on other Community policies (cf. Morgan 1982). On March 19, 1981, Geoffrey Howe reported to the Cabinet that the March 16

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<sup>160</sup> Thatcher, statement to the House of Commons, HC Deb 1 July 1981 vol 7 c868, cf. <http://www.margaret-thatcher.org/document/104674>.

<sup>161</sup> “The United Kingdom Presidency laid emphasis on the need to make more of a reality of the single market for goods and services following agreement at the June European Council that a concerted effort must be made to strengthen and develop the internal market”, CAB/129/214/5: 6, 1.7.

ECOFIN had “reviewed the position on the draft directive on non-life insurance services and had instructed the Committee of Permanent Representatives to examine the outstanding problems and come back with proposed solutions in May.” He said the UK “stood to gain considerably from the liberalisation of insurance services, but most other member states apart from the Netherlands were less enthusiastic. It would therefore be important to get an acceptable directive adopted during either the Dutch or the United Kingdom Presidency” (Cabinet Conclusions of March 19, 1981, CAB/128/70/12: 4, 3.). Furthermore, the “Government attached great importance to the discussion of Community air fares. Following a United Kingdom initiative the Commission produced a report and draft directive. Discussion also continued throughout the Presidency on the liberalisation of intra-Community regional air services” (CAB/129/214/5: 6, 1.7). Thus, in prioritizing the insurance and air transport parts of the Single Market in services, the UK Presidency clearly tried to use the Presidency to push national priorities. In this case, because these priorities can be seen as being in line with a Community interest to complete the Single Market and hence integration progress, it can be argued that national preferences converged with Community preferences - more integration was the national interest. However, this convergence was not a result of changed national priorities due to the office of the Presidency, and thus does not provide evidence for the second mechanism of the PE in the leadership role.

### ***The 1981 UK Council Presidency as Leader and EPC Development***

In his speech to the EP introducing the UK’s Presidency priorities, Carrington acknowledged that the Community’s “international environment is far from serene” (Carrington,



Speech to the EP, July 8, 1981). The external relations agenda of the 1981 Presidency was filled with issues that were mostly beyond the Presidency's control but largely uncontroversial among EC members and hence not awkward for Britain. Indeed one item - EPC development, an issue where UK and Community preferences converged - offered an opportunity for genuine Presidency leadership. Carrington dedicated one third of his "trilogy" of Presidency aims - "identity" - to "the expression of the Community's personality on the world stage". Consequently, "[t]hroughout its period of office, the British presidency ... tried to put into practice its firm belief that the Community should exert an influence in world affairs more appropriate to its position as the world's largest economic grouping, trading entity, and donor of aid to the developing world" (CAB/129/214/5: 68, Annex E, 19.-21.). The Foreign Secretary's emphasis on the Community's external role underscored that the UK Presidency was more interested in it than in the broad range of internal Community policies (cf. Morgan 1982: 463).

Thus, the "need to strengthen the framework of political co-operation ... featured prominently in Lord Carrington's programme. Ever since the failure of the Nine to act coherently and expeditiously after the Soviet invasion of Afghanistan, ... [he] had felt strongly that EPC needed to be developed further."<sup>162</sup> It had been "recognised that EPC had grown in

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<sup>162</sup> Edwards 1985: 253. Recognizing, as Thatcher had done at her press conference after the Luxembourg European Council on June 30, 1981, that the Soviet occupation of Afghanistan was "still unacceptable" (Agence Europe 3169: 8, July 1, 1981), the UK Presidency picked up the European Council's initiative "to find a political solution to the crisis in Afghanistan", basically consisting of a two-stage international conference aimed at negotiating Soviet withdrawal and Afghan independence. "We are proposing a two-stage conference to be held early this autumn. The work of the first stage will be to work out international arrangements designed to bring about the cessation of external intervention and safeguards to prevent it in the future and thus to create conditions in which Afghanistan's independence and non-alignment can be assured. The participants would include the permanent members of the Security Council and countries of the region as well as the Secretaries-General of the United Nations and the Islamic Conference. The second stage would also include representatives of the Afghan people and its purpose would be to reach agreement on the implementation of the international arrangements and on all other matters designed to assure Afghanistan's future as an independent and non-aligned state. The European Council's proposal has been widely supported", Carrington, speech to the EP, July 8, 1981. To Thatcher, "an initiative designed to restore

importance”, a development that was “widely welcomed” in Britain and “to be encouraged” further, which in turn meant it was “likely to demand both extensive preparation before and hard work during the Presidency” (Edwards 1985: 249). Carrington argued that “the gap between Europe’s potential influence in the world and what it has actually achieved is still too wide. If political cooperation is to prove adequate to the expectations that are increasingly laid upon it, then we will need to strengthen the existing arrangements” (Carrington, Speech to the EP, July 8, 1981). There had been some movement on this under the preceding two Presidencies (Luxembourg and the Netherlands, cf. Edwards 1985: 253), and the Foreign Secretary acknowledged that the Dutch Presidency had “already done good work in preparing for this. The UK Presidency will carry on the task. It is one to which I attach particular importance and a number of my colleagues have made it clear that this feeling is widely shared” (Carrington, Speech to the EP, July 8, 1981). Subsequently, the “British contribution during the Presidency was to be important”, albeit “wholly in keeping with the general emphasis on a practical, step-by-step approach. The ambitiousness of a Genscher-Colombo type initiative was carefully avoided” (Edwards 1985: 253).

The concrete form the UK Presidency’s EPC initiative took was what became the “London Report on European Political Co-operation” (London Report), agreed by the EC Foreign Ministers on October 13, 1981 and the “high point of the 1981 presidency” (Wallace 1986: 584). It contained adjustments to the Presidency’s roles,<sup>163</sup> and committed the Ten to an “intensification of their efforts to improve the quality and impact of their consulta-

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the independent and nonaligned status of Afghanistan” was “a constructive and distinctive way to mark the start today of the British Presidency of the Ten”, Thatcher, statement to the House of Commons, HC Deb 1 July 1981 vol 7 c868, cf. <http://www.margaretthatcher.org/document/104674>.

<sup>163</sup> These are elaborated in the sections of this study on the institutional shape of the Presidency.

tions on foreign policy.”<sup>164</sup> It “codified” Carrington’s call for EPC “to include discussion of security matters and established a more effective crisis mechanism in an attempt to improve on the six weeks it had taken the EC countries formally to react to events in Afghanistan” (Allen 1988: 47). The Report also embodied “a stronger political commitment and improved machinery” and “fully associated” the Commission with the EPC.<sup>165</sup>

Reporting on the UK Presidency to the EP, Carrington declared himself “proud” of the Report. “We agreed to do this under the Luxembourg Presidency; much of the difficult work was done under the Dutch Presidency and in our Presidency we brought it to a conclusion. But it is the work of all of the Ten. I believe it has been useful to register our strengthened political commitment to joint action in foreign affairs.”<sup>166</sup> The EPC’s “nebulous character” and its “lack of firm underpinning (either institutionally or substantively)” made political interventions (mostly at the ministerial level) “both more influential and less predictable than in Community business” - and also made it more amenable to Presidency leadership: a “persuasive and widely respected Foreign Minister may from the chair persuade what are after all the other members of a highly exclusive club to move forward, as did Lord Carrington in pressing for what became the London Report of October 1981, though he was helped by the fact that some of the ideas had been in circula-

<sup>164</sup> Wallace 1986: 584, citing *Europe, Documents* no. 1174, October 17, 1981.

<sup>165</sup> “This follows experience which the Ten have gained in situations such as Poland where the political and economic factors are closely inter-related”, CAB/129/214/5: 7/8, 3.1, cf. 6, 1.9. Tensions in Poland between the Solidarity Union movement and the authoritarian Communist regime had escalated towards the end of the British Presidency, as amid a general climate of renewed East-West tensions, General Jaruzelski imposed martial law on the country in mid-December 1981. This left the British Presidency without much of a chance to react. Carrington, who had warned of such a crisis in July, could merely note the dramatic events in his December speech, and announce that the “Ten will continue to follow events in Poland with particular attention and we stand ready to arrange urgent consultations if these should become necessary”, Carrington to EP, CAB/129/214/5: 69/70, Annex E, 27. Eventually, the Community reacted, using its “instruments of ... common commercial policy ... for political purposes” and taking “economic measures of a modest kind against the Soviet Union and Poland, as a sign of disapproval and a warning of the danger of a serious rupture in relations if repression became too severe and cruel”, Butler 1986: 145.

<sup>166</sup> Carrington at EP, CAB/129/214/5: 68, Annex E, 22. The Report was “welcomed” by the European Council, cf. Thatcher at EP, *ibid.*: 52, Annex E, 20.

tion previously” (Wallace 1985: 275). In sum, the Presidency prioritized EPC development, which explicitly furthered integration; but since it was also in line with national UK preferences, as in the case of the Single Market priority, this cannot be attributed to the second mechanism of the PE in the leader role (alone).

#### **IV.2.3 The 1981 UK Council Presidency as Leader: Conclusions**

The 1981 Presidency prioritized three main areas of activity - the European Community’s external role, enlargement, and “renewal”, specifically in the sense of improving the internal market and budget reform. It was unable to exclude from its agenda most of the controversial items that placed the UK in a minority position due to their urgency and salience. Thus, the pursuit of agreement on the “30 May Mandate” package of proposals on CAP reform, development of Community policies and budget reform unavoidably dominated the Presidency’s agenda, because the European Council had pre-programmed *its* own agenda; and while the Presidency recognized the complications of being in the Chair for these negotiations, the negotiating dynamics in the European Council thus precluded any attempts by the British Presidency to exclude the Mandate from its agenda in line with the first PE mechanism in the leader role. Moreover, the strategic pursuit of its own national interest induced the UK Presidency to accept the Mandate as a complex package of negotiations (including CAP reform and the development of Community policies in addition to budget reform).

The Presidency also failed to exclude from its agenda the need to overcome the prevailing deadlock over the CFP because of delays in the negotiations due to the French election. That is, in line with the predictions of the Presidency effect in the leader role (first

mechanism), the British had *wanted* to exclude the difficult issue of fisheries from their Presidency agenda, but were once again prevented by the negotiation dynamics inside the Council, which allowed the French delegation to effectively postpone dealing with the issue (even though France was not holding the Council Presidency) by refusing to engage before the impending French election. In this way, the CFP dossier became an unavoidable agenda item for the UK Presidency in the second half of 1981.

However, the UK Presidency did manage to exclude from the Council's agenda during its tenure the awkward issue of unemployment (by means of avoiding to schedule a "jumbo" Unemployment Council), in line with the first PE mechanism in the leader role. What is more, the PE fits this Presidency choice better than alternative explanations based on the national interest, the pressure of domestic politics - though the latter presumably played a part insofar as it was the source of the potential embarrassment the government was seeking to avoid - or (pure) socialization. In addition, the 1981 UK Council Presidency successfully excluded from its agenda unpalatable efforts by other Community members to re-start a grand integration narrative by means of elegantly burying the Genscher-Colombo plan, an agenda item that stood in direct contrast to its own Eurosceptic and in particular anti-federalist inclinations. Once again, the Presidency did not act in the way that would have been expected by explanations of member state behavior inside the Council that emphasize the importance of the national interest, whether principled or tactical; of domestic politics or of socialization. However, the first mechanism of the Presidency effect in the leader role, which pushes the Presidency to avoid - rather than resist - unwelcome agenda items, *can* explain the British Presidency's decision to downplay and

postpone the Genscher-Colombo plan, thereby excluding any serious consideration of it from the agenda for the duration of its tenure.

In sum, and in line with the first PE mechanism in the Presidency's leader role, the 1981 UK Presidency did try - and in some cases succeeded - to exclude from its agenda dossiers on which the UK found itself in an awkward minority position. On the other hand, the 1981 Presidency prioritized fields where the national and the Community interest coincided, notably the single market and EPC. In both cases, it emphasized aspects of these issues that were of most interest to Britain; but while these arguably resulted in integration progress - especially the London Report on EPC development - the coincidence of national and Community interest makes it impossible to attribute those Presidency initiatives to the second mechanism of the PE (alone).

### **IV.3 The 1981 UK Council Presidency in the Broker Role**

This section will probe the 1981 UK Council Presidency for evidence of the Presidency effect in the Presidency's broker role. It will highlight controversial topics on which the UK held a minority position and whether it yielded on them, resisting domestic pressures, for the sake of achieving agreement in the Council, rather than merely due to Council bargaining dynamics. It will show how, in its broker role, the 1981 UK Council Presidency faced negotiations on several single market dossiers, on which its actions were mostly dominated by domestic political pressures, which overshadowed the PE. In the context of the controversial "30 May Mandate" dossiers of CAP and Budget reform, the Presidency did not yield its minority position on the budget as predicted by the PE, but, pressured by the negotiating dynamics inside the Council, it did adjust its negotiating target in a face-saving move which would have been unnecessary outside of the Presidency. Similarly, on the issue of CAP reform, bargaining dynamics in the Council prevented agreement on more than the continuation of negotiations. However, in line with the PE in the broker and leader roles, the UK Presidency softened its stance on the link between the annual agricultural price fixing package and changes to the regulation of clawback premiums on sheep meat exports in the run-up to its tenure, a decision that cannot be explained by domestic pressure or negotiating dynamics in the Council. Further support for the PE in the broker role is found in the UK Presidency's decision to drop its demand for a re-regulation of access to British coastal waters in return for accepting a CFP agreement with Canada, which again cannot be accounted for by bargaining dynamics in the Council, nor by domestic pressure alone.

### IV.3.1 The Institutional Shape of the Council Presidency's Broker Role in 1981

In terms of institutional shape, the broker role had already been fairly well established during the UK's 1977 Presidency, and there had not been much institutional change four years later when Margaret Thatcher took the helm for the first time in 1981. However, the context in which the Presidency was exercising its broker role was beginning to change, as were the attitudes of member states to their cooperation inside the Council: in part because of Thatcher herself and her approach to the BBQ, the hitherto prevailing fog of the Community imperative was starting to lift, dissolving in the heat of increasingly frank arguments between competing, explicitly *national* interests. While the task of the Presidency in its broker role was still to "work with a sense of purpose to bring about the consensus and compromise among all member states without which no steady rate of progress can be maintained" (Carrington, Speech to the EP, July 8, 1981), achieving this was becoming "harder, not easier with the passage of time" (Wallace 1985: 274/275), for a number of reasons. Beyond extraneous events and national idiosyncrasies on matters of substance, agreement might be hampered by ministers "jockeying for political advantage either at home or with the governments of other countries" (Butler 1986: 74), or their "very different styles".<sup>167</sup> On occasion, the specter of the European Council "has resulted in delaying decisions by ordinary Council meetings on politically sensitive subjects, in the expectation that these will only be settled by the Heads of Government themself-

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<sup>167</sup> Butler 1986: 78. In addition, whenever a question of expenditure arises, which is often, reluctant Finance ministries become involved, especially in those member states who are net contributors to the Community. "In Political Cooperation, where the Foreign Minister is normally the only minister in his national government to have responsibility and where spending money is seldom involved, it is easier than in the Council where the opposite usually applies", *ibid.* 73, 75.



ves.”<sup>168</sup> In addition, by the early 1980s, a “new or perhaps rather the increasingly prevalent dimension for ministers” was opening with “the growth of bilateral consultations as an adjunct to developing coalitions and seeking compromise in Brussels. (...) Here it is questionable how far the Presidency as such, however well prepared, can be a catalyst of agreement.”<sup>169</sup> Yet “the central reason” for sluggish Council decision making

“is that it can only decide when the national governments are ready to decide. (...) Everybody knows that, in the end, agreement has got to be reached; but equally that a tough negotiation is going to take place beforehand. So, when officials or ministers meet in capitals to decide on the brief for the Council at the beginning of the debate on a subject, they adopt a maximalist line. They know that they have to make concessions later, but, equally, that they will not get a good deal if they do not ask for a lot at the beginning and stick to it for quite a long time.”<sup>170</sup>

However, the Presidency also has a number of factors on its side when attempting to broker agreements in the Council. First, reaching a decision on an issue rarely means for it to go directly from Commission proposal to agreement at Ministerial level. Instead,

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<sup>168</sup> Butler 1986: 29. “In consequence, the European Council has had to deal in considerable detail with matters like the setting up of the European Monetary System, the British budget problem, or integrated Mediterranean problems. Contrary to this practice, happily not a common one, there is general agreement in principle that the European Council ought not to be a Council of last resort, thus delaying decisions in the ordinary Councils. Alas, in the Community to say that something should in principle not take place comes perilously close to admitting that in practice it will”, *ibid.*

<sup>169</sup> Wallace 1985: 274/275. “In the mid-seventies it looked as if the Council Presidency might develop into a more active, dynamic and glamorous vehicle for EC-consensus building, though there were always those who cautioned against the plausibility of this prognosis. In the early eighties the sceptics have been vindicated in that the grind is a more impressive feature of what the Presidency entails and what it might achieve”, *ibid.*: 276.

<sup>170</sup> Butler 1986: 74. “One of the troubles about taking a tough line early in a negotiation is that everything which is said in the Council becomes known to the press, even if the minister concerned does not himself tell the journalists - and normally they do.” While the Council, in 1981, was far less open to the media or public than it is today, the press always played “an important role in Council meetings” even if “not present in the room except for the photographers at the very beginning”: they are “down on the ground floor and expect ministers to come and see them at least once during a meeting”. As a consequence, “the hardline negotiating position becomes known, the minister is questioned about it in his own parliament and he cannot, of course, say that his hard line is only a negotiating position. The Opposition have every interest in pinning him to it so that he appears to have negotiated weakly when he makes concessions. It becomes more difficult for him to make them.” This applies even more strongly to European Council Summits, which are “to a still greater extent a media affair. Up to a thousand journalists come to the place where it is going on, although they seldom see the Heads of Government before the end. Dramas are always predicted, sometimes fabricated, but only too often provided”, *ibid.*: 74/75, 79/80.

normally the dossier has to work its way from the bottom of the Council hierarchy all the way up, if need be, to the European Council. In this process, COREPER has always played a crucial bottleneck role, and it can add to the Presidency's room for maneuver. "One characteristic of COREPER is that its members know each other very well. Thus, although what they say officially has to be in accordance with their instructions, they can – unofficially – be more inventive in trying to ease their way towards solutions."<sup>171</sup> Secondly, a shift away from the entrenched habit of consensus-building (conditioned not least by the Luxembourg Compromise) to more majority voting in the Council from the early 1980s (cf. Hayes-Renshaw/Wallace 2006: 268) gave the Presidency-as-broker the option of *coalition* building in addition to consensus building in order to reach decisions. Moreover, the Chair commanded "important influence" on "the conduct and outcome of the discussions", it being "almost impossible to get a decision out of a Council against the wishes of its President" (Butler 1986: 26). Yet precisely what these wishes were was subject to change, and they were not necessarily those of the Presidency's national delegation: "The country holding the Presidency has separate national representation which has even been known to disagree with the President" (ibid.: 76). The impact of this institutionalized separation of the national interest from the Presidency, which formally em-

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<sup>171</sup> Butler in Menon (ed.) 2004: 16., cf. also Butler 1986: 30. Butler explains how the Permanent Representatives "frequently meet collectively but informally, often over lunch, in order to try to thrash out between them ways in which their ministers might possibly solve difficult problems in the Council. Even if several major differences between member states remain, quite often a solution begins to emerge through the mist at these informal meetings, or at the informal working lunches of ministers which almost always take place on the first day of a Council", *ibid.* Only after COREPER and its working groups are done, agreed matters are "submitted to the Council for formal approval without discussion as a so-called 'A-point', of which there are a considerable number at every Council. If it cannot reach complete agreement, its job is to submit the outstanding differences between member states to the Council in a comprehensible form, if possible with options which improve the chance of agreement in the Council", *ibid.* 30, cf. also 77/78. In the Council discussion of such 'B-points', the Presidency "will strive to be familiar with the positions of the member states and have an appreciation of what is required to reach agreement. More often than not, the Presidency will observe that the necessary majority has been achieved and, if no member states dissent, then the matter will be agreed", Geddes 2004, 112.

phasizes the impartiality of the Chair, on the Presidency effect is ambiguous: on the one hand, it can strengthen domestic stakeholders' resistance against pressure for compromise as the national interest of the incumbent is - formally - just one among many. On the other hand, it - again, formally - absolves the Presidency from any need to protect it, strengthening its focus on the need for agreement.

Steering the Council to agreement requires dexterity in bilateral, small-group and plenary sessions,<sup>172</sup> but, “[p]erhaps more importantly, it requires an intellectual and conceptual willingness to look at the EC negotiating process in the round without the understandable but confining blinkers of the national spokesman” (Wallace 1985: 275). If those could be got rid of, Wallace allows, there might “sometimes” be “[s]ome scope ... for an individual minister in the chair to make a remark or indeed for a government as a whole to unblock one or several dossiers. Even in a case where the presiding government has major and substantive interests, it may be possible from the chair to achieve a constructive compromise” (ibid.). In the more prevalent cases of governments “locked into the defence of established lines of argument whether to promote or to resist particular out-

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<sup>172</sup> The UK's 1981 Permanent Representative provides illuminating insights into the Presidency's brokering process. This involves lobbying of delegations and the Commission; getting “quite a lot of business done over lunch”, which thereafter is normally brought to the formal Council via “a short written conclusion prepared by the Secretary-General” for endorsement; pressuring reluctant Council members on conflictual items, potentially using (the threat of) a vote under QMV; and continuously working on compromise proposals. For all this, the “chairman needs to have a clear idea of what he wants to do on each item”, stamina, and “great patience”: “Very often he will know or sense that the minister who is making the most difficulties on a given question has to be seen at home to fight very hard before he compromises, or that he has authority to make a concession only if he finds himself isolated. So the President must give him time to fight the good fight. He must detach his allies one by one by offering unimportant, even verbal, concessions. And then at the appropriate time, sometimes far into the night, he will circulate the final presidency compromise proposal and try to rush it through. It is a mistake to circulate such a proposal too soon because then several other ministers may join in criticising it and the discussion may start all over again”, Butler 1986: 77-79. Normally, “Ministers much prefer ... not to vote each other down, unless (which is not unknown) the isolated minister indicates privately to the President that it would be easier for him at home to be voted down than to change his position”, ibid.: 161. All this, Butler adds, “can drag on far into the night”, as the Presidency “hopes to wear the other ministers down”, though it has been “alleged that some delegations find it easier to settle in the middle of the night because it is not then possible to ring up their own President or Prime Minister”, ibid.: 79/80.

comes ... the Presidency may permit or even encourage a marginal shift of position by pressuring the reluctant in national capitals to accept a less than ideal decision from their perspective. The combined force of habit and substantive interest, however, militates against more radical reorientation" (ibid.).

As far as the 1981 British Presidency in particular was concerned, one of the incumbent's characteristics not likely to predispose it to receptiveness to the Presidency effect is the fact that "at the official level, the British system does not always encourage the wider use of an individual's initiative." Rather, the "UK has a reputation in the Community for imposing particularly tight instructions on its negotiators with innumerable contingencies allowed for, fall back positions indicated, and so on. At its worst, critics aver, this means that in circumstances not accounted for, officials cannot move until they have referred back to Whitehall" (Edwards 1985: 256). Butler supports this: "I never forgot ... that it was vital to get Whitehall's support for a negotiable position on subjects big and small and to get it in good time from the point of view of the situation in the negotiations in Brussels."<sup>173</sup> Tight control of the negotiation process from Whitehall particularly applied when Britain was "in an awkward minority position", or on new issues, and

"[h]olding the Presidency may reinforce these pressures so that a chairman may well be inhibited by the knowledge of what the British government will consider unacceptable. On the other hand, of course, it could be argued that it can be a help to know what at least Her Majesty's government will accept."<sup>174</sup> But it is also sometimes the case that where the UK occupies the middle ground (on many trade issues for example) or where offi-

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<sup>173</sup> Butler in Menon (ed.) 2004: 15. He also noted that it was "well-established practice that the Permanent Representative should work in London at least one day a week", Butler 1986: 115.

<sup>174</sup> Thus, briefings for UK ministers before Council meetings "set out the government's agreed objectives for each item [on the agenda], describe the objectives of other member states ..., suggest a possible line to take for the minister, and provide a background note explaining the issues at stake." Notably, they also include, during periods when the UK does *not* hold the Chair, information on "how the Chairman is being briefed to handle each item". Conversely, the Minister in the Chair "receives a handling brief from the Secretary-General [of the Council] as well as his own officials and a well-run Presidency will wish to ensure that delegations know how he is going to handle the meeting", Butler 1986: 77.

cially are more experienced, greater flexibility can be allowed. This may be the result of an experienced official successfully arguing against his instructions or placing the government in an untenable position" (ibid.).

What is more, the UK issued "general guidelines ... for chairmen of working groups in the form of a small booklet. These reminded chairmen that their primary purpose was to lead the working group to a decision and that the task of promoting the UK's point of view belonged to a different person."<sup>175</sup>

In practical terms, the main task of negotiating on Britain's behalf with the European Community fell to "the two Foreign Office Ministers, Peter Carrington and Ian Gilmour. Ian had at that time a special responsibility for European policy. At less frequent, but more crucial, occasions - generally the half-yearly European Council meetings - Margaret Thatcher (more or less literally) took up the cudgels".<sup>176</sup> Another key player was Peter Walker, and, behind the scenes, the Permanent Representative, Michael Butler.

#### **IV.3.2 The Brokerage Efforts of the 1981 UK Council Presidency**

To trace the Presidency effect in the 1981 UK Presidency's broker role, the same set of controversial issues threatening to isolate Britain - the Mandate and fisheries - that the Presidency was unable to avoid in its leadership role, as well as, to a lesser extent, the internal market, are worth focusing on again, in order to examine to what lengths the

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<sup>175</sup> Edwards 1985: 251. "The guidelines also suggested procedural techniques which might be called in aid in bringing about a consensus or defusing a conflict, such as the use of short adjournments, or calling on the Commission either for additional information or for a compromise proposal." Working group chairmen were also "urged ... to resist the temptation to hand over a dossier to Coreper until as much work as possible had been done on it", ibid.

<sup>176</sup> Howe 1994: 182. The European Council held in London on 26-27 November was, according to Thatcher, an "opportunity to discuss matters where Community business and political considerations overlap" and "for a general exchange of views as well as for the resolution of the Community's most important problems", CAB/129/214/5: 49, Annex E, 2. As she pointed out in her report to the European Parliament, this was done in an atmosphere that was "friendly and constructive" throughout, even though "there was more detailed discussion than usual because of the nature of the agenda", CAB/129/214/5: 49, Annex E, 3.

Presidency went to achieve agreement, and whether it retreated on any of its own national preferences for the purpose. In terms of the internal market, the Presidency failed to substantially modify its position, or achieve any outcome of great interest on any of the outstanding controversial agenda items - the liberalization of air fares, the insurance market, excise duties on alcohol. In the face of failure on the nationally important insurance Directive, the Cabinet did, shortly before the end of the Presidency, briefly consider “whether, in spite of the wishes of the British insurance industry, the Government should modify its position on notification procedures or abandon the efforts to secure an agreed Directive” (Cabinet Conclusions of December 17, 1981, CAB/128/71/21: 5, 3.) - and decided, contrary to the expectations of the Presidency effect in the broker role, to abandon its efforts for the Directive; in other words, domestic pressures prevailed. The Mandate and fisheries, on the other hand, look much more interesting from the perspective of the Presidency effect.

### ***The 1981 UK Council Presidency as Broker and the 30 May Mandate***

The substantive British position on the Mandate, while fairly open on the development of Community policies, was less flexible on CAP reform and budget. Humphrey Atkins, the Lord Privy Seal<sup>177</sup> outlined it succinctly when asked, in the House of Commons,

“during our Presidency, obviously one of the objectives has been to move towards a resolution of the budget problem and a resolution of the problems of the CAP. My right hon. friend said recently that we were moving towards what we want. Could he tell the British people, loudly and clearly, precisely what we do want?” Atkins replied: “I shall do

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<sup>177</sup> The Lord [Keeper of the] Privy Seal, one of the UK’s “Great Officers of State” and one of the oldest government offices worldwide, is largely ceremonial today. In 1981, it was used as a Cabinet position for the Chief government spokesman for Foreign and Commonwealth Affairs in the House of Commons, in which role Atkins had replaced Sir Ian Gilmour, who had lost Thatcher’s political favor, in the September 1981 Cabinet reshuffle. The position was needed because the Foreign Secretary, Lord Carrington, was sitting in the House of Lords.

so in two sentences. On the common agricultural policy, we want to ensure that expenditure on the CAP grows at a slower rate than the Community's resources - in other words, that there is a transfer of the weight of expenditure from agriculture to the social and regional policies and other funds of that nature. On the budget, our intention is that no country should be put in the unacceptable situation in which we found ourselves in 1980 - in which the Germans now find themselves - and that the budgetary contributions of any country should bear some relation to its ability to pay" (HC Deb 16 December 1981 vol 15 cc299-302).

While superficially uncontroversial, these British preferences turned out to be unattainably ambitious given the high degree of divergence on these matters in the Council. Nor did the national minority positions help the UK Presidency in its efforts to broker agreement. The Commission Report on the 30 May Mandate "served only to focus disagreements rather than to resolve them", and the ongoing negotiations ... "increasingly strained" Britain's relationship with the other EC members (George 1998: 150; cf. EC Bulletin, Supplement 1-1981).

When first discussing the Commission's report on the Mandate on June 25, the Cabinet noted that it was "helpful" to the UK in recognizing its budget problem, but took "no account" of Germany's difficulties, nor did it display a "sufficient sense of urgency" (Cabinet Conclusions of June 25, 1981, CAB/128/71/5: 2, 3.). In his statement to the House of Lords Select Committee (cf. *Agence Europe* 3173: 8, July 6/7, 1981), Carrington voiced his expectation that the recent change of government in France would complicate the issue, but also pointed to the similarities in the positions of Thatcher and of Germany's Chancellor, Helmut Schmidt. He further expressed his confidence that "the other eight governments are fully aware that neither the Germans nor the British are prepared to go on on the present basis." On the other hand, he also sought to reassure his home audience that "the scale of net contributions should not be exaggerated", as they amounted to the

equivalent of “about one fifth of the social security budget.” Thatcher herself acknowledged that the Mandate “laid on the British Presidency the responsibility of reaching decisions by the end of this year”, adding that this was “ambitious” and became more so when the French general elections “understandably” delayed detailed discussion until mid-September. The “responsibility of the Presidency... was truly heavy”, but it made “strenuous efforts to advance the discussions” (CAB/129/214/5: 50, Annex E, 9/10.). These efforts “inevitably highlighted a problem that is faced by all Member States: the division between the demands of an impartial chair and the interests of the Member State”,<sup>178</sup> and there was “little confidence in British impartiality despite the evident efforts that were made to create that confidence” (Allen 1988: 39). Addressing the Presidency agenda, Carrington identified “two factors which act both as a constraint and as a stimulus to decision making” on the Mandate: first, the Community was “fast approaching” the 1% limit on the VAT contributions responsible for the bulk of its budget, and he considered an increase “politically unrealistic ... until it is clear that the budget has been restructured ... to ensure that the excessive rate of growth of agricultural expenditure has been curbed and that member states will not be called upon to make unreasonable or unacceptable contributions to it.” Second, the Community was facing the perspective of further enlargement to Spain and Portugal, which would inevitably mean additional burdens on its budget (Carrington, speech to the EP, July 8, 1981).

On this basis, the Presidency set out to work for agreement. Special COREPER meetings were held throughout July “to clarify points” in the Commission’s Report, and in September, the Foreign Affairs Council installed a small “special Mandate Group” of high officials

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<sup>178</sup> “Doubtless all Member States hope that during their Presidency, they will get the overall balance about right; it is of course a matter of interpretation”, Edwards 1985: 255.



from each member state,<sup>179</sup> which held weekly meetings from September to November 1981 filled with “thorough discussions of each of the three areas of the Mandate” (CAB/129/214/5: 7, 2.2, cf. Morgan 1982). From early on, the Presidency resisted attempts to postpone the budget question until after the development of new Community policies and CAP reform had been settled, as Carrington explained to the Cabinet:

“While most member states had shown themselves willing to have all three sections of the Commission’s mandate report discussed in parallel, the French had argued, with support from the Danes and the Irish, that the budgetary aspects should only be considered after conclusions had been reached on the development of new Community policies and the reform of the Common Agricultural Policy. He had nevertheless concluded from the chair, with German support, that although the size of any compensation could only be settled at the end, it was clear that the three main aspects of the Commission’s report must be carried forward together.” He added that this “divergence of views on priorities was likely to make the detailed negotiations still more difficult; it was all the more essential that the United Kingdom and Germany should stand firm and work closely together throughout” (Cabinet Conclusions of September 15, 1981, CAB/128/71/11: 3, 2.).

As several further meetings, at Council level and below, passed without any progress,<sup>180</sup> Carrington surmised that it was “perhaps inevitable at this stage that each country was sticking to its position”, since the EC “rarely reached decisions until the last minute”. He added that the differences over CAP and budget were “so great” that the prospect of agreement was “not good” even at the forthcoming European Council, but insisted that it

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<sup>179</sup> The Mandate Group was chaired for the UK Presidency by Douglas Hurd, the first ever Minister of State at the FCO with special responsibility for Europe, cf. Morgan 1982. Hurd was Home Secretary during the UK’s 1986 Presidency and went on to become Foreign Secretary in John Major’s government at the time of the 1992 Presidency.

<sup>180</sup> On October 20, the Chancellor, Geoffrey Howe, had optimistically informed the Cabinet that the ECOFIN “orientation debate on the mandate” of October 19 “had shown some signs of advance towards United Kingdom objectives. The atmosphere had been less hostile than at the start of the budget restructuring negotiations”. In particular, “the Germans had made clear their inability to accept any longer a situation in which two member states bore the whole burden of net contributions to the Community budget. It would be crucial to British aims to keep the Germans pressing for a general solution rather than pursuing relief for themselves alone”. Yet two weeks later, Howe could only tell his Cabinet colleagues that “discussion of the 30 May 1980 mandate at the 30-31 October informal meeting of Finance Ministers had made no significant headway”, cf. the Cabinet Conclusions of October 20 (CAB/128/71/13: 4, 4.), November 5 (CAB/128/71/15: 2, 3) and also of November 12, 1981 (CAB/128/71/16: 7, 4.).

was nonetheless “important that the British Government should continue to evince in public a determination to try to secure an agreement at that meeting.”<sup>181</sup>

Thereafter, the Presidency focused on preparing the issue for the upcoming European Council on the basis of a report by the Mandate Group (cf. CAB/129/214/5: 7, 2.3). They were able to achieve “[c]onsiderable progress” on the - fairly uncontroversial – development of Community policies, and even “some on the reform of the CAP where the growing surpluses were already causing deep concern. But by November, when papers had to be prepared to put to the European Council at Lancaster House ..., there was still virtually no progress on the problem of budget imbalances.” While the Presidency’s motivation was clear, the “other delegations did not yet have a real incentive to come to an agreement.”<sup>182</sup> On November 12, Thatcher reported to her Cabinet that “discussions on the Mandate for restructuring the Community budget were proceeding extremely slowly”, and that in “[i]n spite of British efforts in the Presidency, other member states were reluctant to make any move. The German Government complained about its own budgetary position, but seemed reluctant to join with the British Government in putting forward possible solutions. The lack of progress would not make the handling and presentation of the forthcoming meeting of the European Council in London on 26-27 November easy.” In the ensuing discussion, the Cabinet concluded that “holding the Presidency was a considerable handicap in defending British interests”, and that it “was important to continue to press upon Community partners the need for a good result at the European Council” (Cabinet Conclusions of November 12, 1981, CAB/128/71/16: 6/7, 4.). One week

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<sup>181</sup> Cabinet Conclusions of October 29, 1981, CAB/128/71/14: 3, 3; cf. CAB/129/214/5: 7, 2.2.

<sup>182</sup> Butler 1986: 99. “One of the less sensible rules of Community life is that difficult negotiations only end in agreement a little later than the eleventh hour and fifty-ninth minute”, *ibid.*

later, there were still major outstanding issues on the CAP,<sup>183</sup> and “[e]ven less progress” had been made on the budget, as at an Anglo-German Summit on this matter, the German Chancellor had merely “reiterated the German determination to see a limit put on their net contribution.” Thatcher concluded that in these circumstances, “it was likely that the Mandate negotiations would not come to a point of decision until the next European Council in the spring of 1982, when they would get caught up with the agricultural price fixing negotiations” (Cabinet Conclusions of November 19, 1981, CAB/128/71/17: 2, 3.).

On the morning of the European Council, the Prime Minister reiterated to her Cabinet the bad prospects for agreement, especially on the “highly technical” CAP issues. On the budget, however, the government changed course: there was still “no prospect of a detailed settlement, but the British aim was now to agree guidelines which would provide the basis for subsequent negotiation.” She added that the negotiations “were not made any easier” by the impending Danish elections and the Belgian and Dutch Prime Ministers’ political weakness. “Nevertheless, ... she intended to push hard for a thorough discussion of the outstanding issues. It would be damaging for the Community if the Heads of Government failed to reach any agreement” (Cabinet Conclusions of November 26, 1981, CAB/128/71/18: 3, 3.). Accordingly, at the November 26/27 European Council, the Mandate was the “main subject” of discussion, and “provisional agreement” was reached on guidelines for future negotiations on it, “subject to resolution of four outstanding issues (...): milk policy, Mediterranean agriculture, a financial guideline for CAP expenditure and the problem of unacceptable budgetary situations” (Thatcher at EP, CAB/129/

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<sup>183</sup> These included the proportion of the Community Budget to be spent on the CAP, a co-responsibility levy in the milk sector, and the future Mediterranean agriculture regime, cf. Cabinet Conclusions of November 19, 1981, CAB/128/71/17: 2, 3.

214/5: 49, Annex E, 4; CAB/129/214/7: 6, 2.4). In Butler's account, "Thatcher did her best to push negotiation on the 30<sup>th</sup> May Mandate forward at Lancaster House. On her instructions I chaired a drafting meeting all through the night in order to try to produce a basis for agreement among Heads of Government on the second morning. My Danish and French colleagues, however ... made it impossible to submit a single draft text". He emphasizes that the Prime Minister "chaired the Council with complete impartiality and did not attempt to push her colleagues beyond the points to which they were ready to go" - a stance which may have been made easier by the remoteness of any possibility of agreement: "Even if she had kept them there far into the night, I do not think any agreement could have been reached".<sup>184</sup> The Presidency made an additional fruitless effort to resolve the four open issues at a special informal Foreign Affairs meeting in mid-December; thereafter, the outstanding issues were relegated to the Commission for new proposals to be further discussed under the succeeding Belgian Presidency.<sup>185</sup>

Failure to solve the budget problem by the end of the British Presidency was greeted with disappointment in governing circles in London (cf. Morgan 1982: 460/461). Pressed in the House of Commons on any progress apart from "useful discussions", Atkins claimed that of the four matters at issue, there had been

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<sup>184</sup> Butler 1986: 99. Thatcher herself reported the outcome to the European Parliament on December 16: "At the European Council on 26-27 November the three Chapters were talked over in great detail - from the Community loan facility and its extension, through the proper priorities of regional policy and its finance, prudent policies for agriculture, national aids, export and import policies to the budgetary decisions themselves. Throughout we recognised that each conclusion could only be conditional as it rested on a comprehensive agreement about all three Chapters. I had very much hoped to be able to report to you today that the European Council had been able to reach full agreement on all these matters. Unfortunately, I cannot do so. Much progress was made. But on four main areas we were unable to reach any measure of agreement", Thatcher at EP, CAB/129/214/5: 50, Annex E, 10/11.

<sup>185</sup> Cf. Thatcher at EP, CAB/129/214/5: 51, Annex E, 12. On the Presidency's list of achievements, this meeting features as having "further clarified these issues", FCO Report to the House of Commons, CAB/129/214/5: 5, 1.3; 6, 2.4.

“general understanding on two of them about the way in which we should move forward”, and “definite progress towards what we want” on the other two. He added that “these negotiations are not easy. Everyone has to take account of every one else's interests. (...) It would have been agreeable to us, for the sake of our Presidency, to have settled these matters before the end of the year. Indeed, that would have discharged the mandate given to the Foreign Ministers by the European Council earlier this year. However, we have not done so. Nevertheless, we have moved another stage nearer to the kind of conclusions that we want.”<sup>186</sup>

Thus, despite the burden of the Presidency broker role, the UK gave no sign of abandoning its minority position on the budget, and it can only be speculated that it may have moved somewhat on CAP reform towards the very end of the year. However, there are clear indications of awareness of that pressure throughout the process of negotiation, a lot of energy was in fact invested in trying to achieve agreement, and the Presidency did adjust its declared negotiating target before the European Council to a more achievable agreement. Moreover, in this case, the Presidency was in a minority, but a strong one, and not isolated, as Germany was staking out much the same position on budget contributions. Therefore, for the UK alone to move would probably not have been enough to reach agreement, something which the government must have been aware of - and which made it therefore less likely to drop its national preference on this issue.<sup>187</sup> In oth-

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<sup>186</sup> HC Deb 16 December 1981 vol 15 cc299-302. In Cabinet, Atkins reported “signs that agreement could have been reached on Mediterranean agriculture and the control of agricultural expenditure within the Community budget but differences still existed on milk and on the budget problem itself.” He also claimed that at “a restricted session of Foreign Ministers alone”, Carrington had “gained the firm impression that there was now more understanding of the British position on the budget issue and some chance of movement after Christmas”. His further comment that the Foreign Secretary would be seeing the Commission President, Gaston Thorn, in Strasbourg that day “in order to ensure that he was aware of the British Government’s minimum requirements” for the preparation of the Commission’s revised proposals can be read as an indicator that the Presidency itself had been holding up agreement on that aspect, Cabinet Conclusions of December 17, 1981, CAB/128/71/21: 5, 3.

<sup>187</sup> In Cabinet on December 3, Thatcher explained why the European Council had not reached agreement on the Mandate, and thus not met the deadline set by it. “When that Mandate had been agreed it had seemed likely that, by now, the Community would be under pressure to agree to a fundamental restructuring of the budget because the Community’s existing resources within the 1 per cent VAT ceiling would have been exhausted. Because of the rise in world agricultural prices, this had not happened, although the

er words, the national interest and negotiating dynamics inside the Council prevailed over the Presidency effect in the broker role in this case.

However, on the CAP, the Presidency may have shown itself somewhat more flexible. Reform of the CAP and particularly of CAP expenditure to reduce its cost and control surplus production was a long-standing British interest and at the same time the most ambitious portion of the Mandate. In early July, Carrington had re-emphasized the urgency of the need to reform the CAP and argued that price restraint alone would be insufficient and would have to be supplemented by “additional means of controlling surpluses”, such as “supplementary levies” or careful national aid.<sup>188</sup> Yet on October 20, Peter Walker told the Cabinet that at an “orientation debate” on the mandate the day before, “[o]nly the United Kingdom, and to a lesser extent the Netherlands, had pressed for reform of the Common Agricultural Policy and constraints on its budgetary cost. Most other member states had stressed the need to protect farm incomes, and Herr Ertl, the German Minister, had made an unhelpful intervention” (Cabinet Conclusions of October 20, 1981, CAB/128/71/13: 5, 4., cf. CAB/129/214/5: 7, 2.2; 15/16, 5.1, 5.2). Despite the links between the budget issue and CAP spending, and given Germany’s concerns about its budget contributions, the Presidency was thus arguably more isolated on CAP reform than on the

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need for budget restructuring on grounds of equity remained.” Had those circumstances been different, an outcome closer to British preferences might have been achievable. Thatcher further added that it “seemed unlikely that any progress could be made on the budget issue until the Community was approaching a crisis and needed agreement on agricultural prices. It would be desirable to try to avoid horse trading on a package but this might not be possible. The budgetary arrangements for the United Kingdom for 1982 had still to be agreed.” In the event, the UK failed to tie the resolution of its rebate grievance to the agricultural price fixing in 1982 (cf. chapter IV.2.2) as its invocation of the Luxembourg Compromise was overruled, Cabinet Conclusions of December 03, 1981, CAB/128/71/19: 4, 3.; 5,3.

<sup>188</sup> Statement to the House of Lords Select Committee on the European Communities, cf. Agence Europe 3173: 8, July 6/7, 1981. “It cannot be right that about half of the Community’s budget should be spent simply on the storage and disposal of surplus food. This is an expensive and wasteful anomaly that must be corrected - but not so as to undermine the principles of the CAP or to lose the benefit Europe gains from having a healthy agricultural industry and security of food supplies. The Community must continue to support its agriculture as every other country does. But we need to do it more economically”, Carrington, speech to the EP, July 8, 1981.

budget. Thatcher explained to the Cabinet the state of the subject after the futile negotiations at the European Council: the “changes ... now being sought were likely to add substantially to the cost of agriculture to the Community Budget. The Greeks, Italians and French wanted increased support for Mediterranean products. This pressure would increase with the accession of Spain to the Community. At the same time, the French were seeking changes in the CAP which would favour small producers at the expense of efficient farming” (Cabinet Conclusions of December 03, 1981, CAB/128/71/19: 4, 3.). Thus, given the majority’s position on CAP reform, and its apparent lack of any incentive to move, it is surprising that Atkins should have been able to detect “signs that agreement could have been reached on Mediterranean agriculture and the control of agricultural expenditure within the Community budget” (Cabinet Conclusions of December 17, 1981, CAB/128/71/21: 5, 3) in mid-December - unless the Presidency itself, in a clear minority position *and* with a clear incentive to achieve agreement, had in fact been ready to move. No agreement did transpire, and one can only conclude that the combination of the national interest with the negotiating dynamic in the Council (perhaps in addition to the politically weak position of the Dutch government) overwhelmed the Presidency effect in the broker role in this case. But there is one more clue that the Presidency may have been prepared to modify the UK’s position to minimize conflict on CAP reform, and thus improve the chances of agreement.

If the UK was in a minority position at the end of the British Presidency, after it had worked hard for agreement on CAP reform for six months, it had certainly been more isolated for a long time before that period. Yet on the eve of its 1981 Presidency, Britain took an unexpected step: it lifted its remaining reserves on the 1981 agricultural price fixing

package, thereby allowing it to take effect and removing a major item of conflict in the CAP context - without having gotten what it wanted in return. The Agricultural Council had agreed that year's agricultural prices punctually at the beginning of April, and part of the agreement was that the "premium claw-back arrangements on exports of sheep meat both to third countries and within the Community had been improved".<sup>189</sup> Yet on May 21, Walker had to report to the Cabinet that, "apparently on instructions from Monsieur Mitterrand, the two French Commissioners had absented themselves from a recent meeting of the Commission, thus preventing proposals to modify the restrictions on exports of British lamb. This was causing serious disturbance to our market and threatening the closure of abattoirs" (Cabinet Conclusions of May 21, 1981, CAB/128/70/20: 3, 3.). The French government kept up this resistance, with German support, through various meetings of Council and Commission, and Walker "therefore maintained a reserve on other elements of that [agricultural price] package", while "continuing to press the Commission to find a suitable solution" (Cabinet Conclusions of June 18, 1981, CAB/128/71/4: 2, 3.). On June 25, Carrington told the Cabinet that there was still no agreement and that, "[a]lthough this was a relatively minor problem, the Commission had behaved badly: they had failed to take effective action within their own powers and were proposing that

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<sup>189</sup> Cabinet Conclusions of April 2, 1981, CAB/128/70/14: 4, 3. The term "clawback" was coined by the ECJ in various decisions on the "imperative" return of "subventions unlawfully granted by public authorities", against which there is "very little room for a valid defense" (Schrage 2003: 180-182), even if a granting member state may not wish to reclaim such aid. The Court established inter alia that the Commission, in defense of the single market, is "competent to insist that a national authority recover unlawfully granted state aid", *ibid.*: 181. With respect to trade in sheep meat, from 1980, "a common organization" of the EC markets, including a range of "market support mechanisms", had been set up through a series of Council Regulations, including one that allowed the UK "to grant variable slaughter premium for sheep" *ibid.*, Council Regulation (EEC) No 1837/80, June 27, 1980 (OJ 1980 L 183, 1 et seq.), Article 9. Yet in this way, "several national markets" were established in the sheep meat sector rather than a single market, and the support measure of "variable slaughter premium for sheep" remained "reserved for British producers", Schrage 2003: 181. This had predictable competition-distorting consequences if the meat in question was exported, triggering Commission action for a premium clawback.



the matter should be discussed further in the Council” - even though the Dutch Presidency appeared to share “the British view that this was not a matter for the Council and that the Commission should take its responsibilities” (Cabinet Conclusions of June 25, 1981, CAB/128/71/5: 3, 3.) and make proposals on the implementation of better premium clawback arrangements on sheep meat exports as agreed by the Council as part of the price fixing package in April. Thatcher even raised the issue with Mitterrand at their first bilateral meeting in the margins of the June 1981 European Council.<sup>190</sup> Nevertheless, as Walker reported on July 2, “since the French Government had challenged the Commission’s right to settle the outstanding problem on the Sheepmeat Regulation”, a special Agriculture Council meeting had been held on June 30, at which the “French and Irish had refused to agree to compromise proposals ... acceptable to all other member states. The Commission had subsequently discussed the matter again, but still seemed likely to be unduly sensitive to French interests in spite of the strong stand taken by the two British Commissioners. Further pressure on the president of the Commission ... would be necessary” (Cabinet Conclusions of July 2, 1981, CAB/128/71/6: 4, 3.). However - “in the meantime”, Walker said, “the United Kingdom reserve had been lifted on certain agricultural regulations due to come into operation on 1 July but maintained on others (notably on wine and cereals) which were of particular interest to France” (ibid.). One week later, Walker told the Cabinet that while work on the issue was ongoing, “the Commission had not been very helpful and the solution would not be wholly satisfactory” (Cabinet Conclusions of July 9, 1981, CAB/128/71/7: 2, 3.). Finally, on July 16, two weeks into the British Council Presidency, Walker explained to the Cabinet that “the Commission had even-

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<sup>190</sup> She told him that “the best way to get relations between Britain and the new French Administration off to a good start was to settle outstanding differences over sheepmeat and fisheries”, Cabinet Conclusions of July 2, 1981, CAB/128/71/6: 3, 3.

tually made a proposal for reducing the clawback premium on sheep meat exports but, after consultation with the abattoir owners and the National Farmers Union, he had declined to agree to it. He had, however, lifted the United Kingdom's reserve on other agricultural regulations. The Commissioner responsible, M Dalsager, recognised that the United Kingdom had been let down. Other opportunities to pursue the question would soon arise" (Cabinet Conclusions of July 16, 1981, CAB/128/71/8: 2, 3.).

Though sheep meat exports themselves were a "relatively minor" problem, the application of the price fixing package as whole was not, and certainly constituted a powerful lever against the French. Why the government chose to give it up when it did, and without having achieved a satisfactory solution of its problem, the records do not explicitly state. To some extent, domestic interest in the application of the agricultural price package is likely to have factored into the government's decision, but the British agricultural sector is and was small - and sheep meat producers constitute a significant portion of it. Nor was there any other pressure for one-sided concessions emanating from domestic politics. Moreover, given that the UK was never shy to apply leverage, nor to pursue its grievances for as long as it took in the Council, this fairly sudden and one-sided climb-down is surprising, and cannot be explained by accounts centering on bargaining dynamics. However, taking into account the timing of the whole episode in the run-up to the British Presidency, and the fact that the Presidency was facing a major battle over CAP reform, it is at least arguable that the government may have wanted to minimize conflict on related issues as far as possible in order to improve the chances of agreement on the bigger issue. In other words, rather than continuing to sit on the agricultural price fixing package, which it had good political reasons to do both at the national level (the interests of the

sheep meat sector) and the Community level (where a measure *already agreed* by the Agricultural Council was held up only by undue French pressure on the Commission), the UK Presidency - in line with the predictions of the Presidency effect in the broker and leader roles - surrendered its own national interest on this issue in order to exclude from the agenda an item that would have further complicated the settlement of the bigger, unavoidable CAP reform.

### ***The 1981 UK Council Presidency as Broker and the Common Fisheries Policy***

The CFP, another controversial policy field in which the UK was in a minority position and, on certain points, completely isolated, also featured prominently on the 1981 Presidency's agenda. While it approaches the CAP in complexity, in terms of salience to Community members, it is the inverse: the UK is one of the member states to whom it is most important. In terms of the Presidency's experience in the broker role, it lies somewhere between the budget dispute, on which nobody moved and nothing was resolved, and the CAP, on which the Presidency appears to have moved a little and some things were resolved. In the CFP context, national positions, including the British, converged (Morgan 1982: 463). It is clear that the UK did, in the course of the Presidency, lift a major reserve, yet unlike the sheep meat decision, this does not appear to have been a unilateral, unreciprocated move but a negotiated outcome, which the Presidency was subsequently able to sell as a negotiating success. But it appears that the UK moderated its stance on the key condition for lifting its reserve while in the Presidency. It is therefore arguable that the Presidency effect played a role in this case, too.

The CFP “created political problems for nations with big fishing fleets, such as Britain and Norway”, of which Thatcher was only too well aware.<sup>191</sup> Again similar to the CAP context, the UK had several ongoing disputes on the CFP, including around and during the time of the Presidency, most of which continued regardless (like a CAP dispute over poultry imports with France and, subsequently, the Commission or the CFP dispute over “Total Allowable Catches”, TACs, and quotas), and some of which were settled, more or less quietly, in the run-up - if not necessarily due - to the Presidency.<sup>192</sup> The two most salient conflicts for the 1981 British Presidency were the ongoing disagreements over access for French fishermen to Britain’s 12-mile zone of coastal waters, within which they were claiming historical fishing rights while the UK wanted to reserve access to British fishermen; and over the Canada agreement, which the Germans very much wanted and from which the UK wished to protect its domestic fishing industry. Both had dragged on for months prior to the British Presidency, and the UK government was under strong pressure from the domestic fishing industry, which found itself in dire straits due to legal cheap imports from Community partners.<sup>193</sup> An added difficulty was presented by the new and inexpe-

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<sup>191</sup> Young 2009: 148. For Thatcher, “[i]n the EEC, fishing is the next big thing. Remember, it was what almost kept us out in the first place. Very difficult negotiations. Fishermen are not going to like it”, Young 2009: 149, notes from Sunday Times lunch with Margaret Thatcher on July 9, 1980.

<sup>192</sup> For instance the CFP conflict over herring fishing in Scottish waters, where, after the Fisheries Council in July, “certain herring fisheries were re-opened for limited fishing, after several years of closure to allow stocks to regenerate” (CAB/129/214/5: 18, 5.17). It should be noted that this bland statement on the Presidency’s list of achievements hides a major controversy, featuring, among other things, the capture of German fishing boats by the UK, cf. inter alia the Cabinet Conclusions of July 30, 1981, CAB/128/71/10: 2/3, 3.

<sup>193</sup> The Cabinet conclusions are euphemistic on the industry’s relationship with the government - “the leaders of the fishing industry continued to support the Government’s negotiating position and would, as usual, be in attendance during the forthcoming Fisheries Council” - and detailed on its woes, and their potential political consequences: “The Scottish fleet had already stopped fishing, and other ports were increasingly finding it unprofitable to continue. The high value of sterling made it possible to sell fish imported from the Netherlands and other Community countries in this country at prices with which it was impossible for the British fishing industry to compete. (...) The financial position of the industry now appeared to be worse than at the time when the Government had decided to give the temporary financial assistance which was due to last until 31 March. (...) The Secretary of State for Scotland said there would be another protest meeting on 6 February of fishermen at Peterhead and Fraserburgh. Another covert attempt by

rienced Greek Commissioner responsible for Fisheries, Georgios Kontogeorgis, “who was unfortunately supported by officials from countries not likely to be well disposed to the United Kingdom’s point of view” (Cabinet Conclusions of February 12, 1981, CAB/128/70/6: 5, 3.).

In this context, the UK does appear to have moderated its negotiating stance in the Presidency. In February 1981, it was explicitly linking its consent to the Canada agreement not just to protection of the British industry, but also to a settlement of the access question. Walker told the Cabinet that “[i]n the absence of agreement on access, he had not been able to agree to German demands for the conclusion of a fisheries agreement with Canada which would give the Canadians tariff concessions on 20,000 tons of cod which would be sold on the British market. Given the difficulties the British fishing industry were currently facing from low-priced imports, United Kingdom acquiescence in such an agreement with Canada could not be justified except in the context of a satisfactory overall settlement.”<sup>194</sup> Just a week later, it appeared the Germans were less understanding, but the UK position remained unchanged, as Ian Gilmour reported in Cabinet: “the Germans had taken an aggressive line on external fisheries questions” at the February 17 Foreign Affairs Council, attempting to “isolate the United Kingdom by arguing that the fisheries agreement between the Community and Canada should go ahead independently of a settlement on the Common Fisheries Policy as a whole. The Dutch Presidency had never-

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Scottish Nationalists would undoubtedly be made to oust the current moderate leadership; so far, the Government had not been able to give the moderates much help”, Cabinet Conclusions of February 5, 1981, CAB/128/70/5: 5-7, 3.

<sup>194</sup> He added that this was “privately recognised by the Germans, who had been annoyed with the impression given by President Giscard at the Press conference following the recent Franco-German Summit, in which he had implied that the Federal Republic had agreed to join France in putting pressure on the United Kingdom. Although a further meeting of the Fisheries Council had been fixed for 9-10 March, he did not see any prospect of a settlement before the French Presidential elections”, Cabinet Conclusions of February 12, 1981, CAB/128/70/6: 5, 3.

theless been helpful and we had maintained our reserves on the Canada and Faroes agreements” (Cabinet Conclusions of February 19, 1981, CAB/128/70/7: 2, 3.). By March, Walker was trying to mollify the Germans in order to avert “wider implications for Anglo-German relations” by exploring with them “ways in which the marketing arrangements could be improved and quantities of fish equivalent to Canadian imports taken temporarily off the market”, even if “it was doubtful whether the rest of the Community would be willing to agree to the marketing measures.” The Cabinet considered it “unlikely that, even if the United Kingdom held out on the Canada agreement, the Germans would be willing to press the French on the question of access. On the other hand, to agree to the Canadian agreement would be to forfeit the possibility of leverage in securing German support for the British position on access”, thus still maintaining the link between the Canada agreement and the question of access (Cabinet Conclusions of March 5, 1981, CAB/128/70/9: 4/5, 3.). Later that month, Thatcher herself raised concerns in Cabinet about “the worrying prospect of a continued failure to secure agreement in the Community on a revised Common Fisheries Policy. If this issue could not be resolved before the derogations on access in our Accession Treaty expired in December 1982, there was a risk that boats from other member states could thereafter fish up to our beaches. (...) Meanwhile, despite the difficulties this would cause with Chancellor Schmidt, the United Kingdom could not lift her reserve on the proposed fisheries agreement between the Community and Canada unless the Council could agree marketing measures that would protect” the UK fishing industry (Cabinet Conclusions of March 19, 1981, CAB/128/70/12: 5, 3.). While the main concern here is clearly still the question of access, the phrasing could be interpreted as a de-linking of the Canada agreement in exchange for protective measures.

However, a week later Thatcher, reporting to Cabinet on the March European Council, made clear that the link remained in place.<sup>195</sup>

Due to the French elections, nothing further happened until the UK took over the Council Presidency, and Walker undertook early attempts to make progress in bilateral negotiations with the new French Minister for Marine Resources, Louis Le Pensec.<sup>196</sup> On September 15, he informed the Cabinet that “after a series of postponements and cancellations, the French had now agreed to bilateral talks on the Common Fisheries Policy at both Ministerial and official level immediately before the 29 September Fisheries Council. (...) The evidence suggested that the French were engaged in delaying tactics on fish in the hope of establishing a linkage with the mandate discussions and of bringing the whole package together in a major round of negotiations next spring” (Cabinet Conclusions of September 15, 1981, CAB/128/71/11: 3/4, 2.). Nonetheless, on September 29, the Fisheries Council achieved “considerable progress” with agreement on a first package which enabled the UK to lift its reserve on the Canada agreement<sup>197</sup> “after a year during which negotiations made no progress” (Bull. EC 9-1981: 32 (2.1.91.)). CFP measures agreed no-

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<sup>195</sup> “On fish, it had emerged that ... Schmidt had not fully appreciated ... that the United Kingdom’s insistence on settling the internal and external aspects of the CFP in a single package was in line with the relevant provisions of the 30 May 1980 budget agreement, to which all member states had subscribed”. The Cabinet further contemplated “whether the potential linkage with the agricultural price fixing negotiations that would be resumed on 30 March should be exploited” and resolved not to allow “the United Kingdom fishing industry to dictate the terms of a final CFP settlement”, Cabinet Conclusions of March 26, 1981, CAB/128/70/13: 4/5, 3.

<sup>196</sup> Cf. Agence Europe 3173: 8, July 6/7, 1981. Le Pensec’s French title, “Ministe de la Mer”, is much more evocative.

<sup>197</sup> “Agreement on the review of the common organization of the market on the basis of a compromise proposal from the Commission enabled the United Kingdom delegation to withdraw its reservation with regard to the fisheries agreement with Canada, the Faroe Islands and Sweden. The Community will therefore benefit, once the agreements have been ratified, from fishing opportunities in Canadian waters during 1981 which are of great importance to the German deep-sea fishing fleet” (Bull. EC 9-1981: 33 (2.1.91.), cf. also *ibid.* 34 (2.1.96).

tably included a Regulation<sup>198</sup> effecting “a review of the common organization of the market in fishery products”. This permitted (transitional and conditional) aids for the launch of new producer organizations, whose rules could (conditionally) be “extended to non-member fishermen”; introduced a degressive system of financial compensations to producers adjusted to the percentage of fish withdrawn from the market, as well as “limited but substantial financial co-responsibility” for producers, both intended “to reduce the general level of withdrawals”; provided for premiums “to prevent certain occasional withdrawals” and encouraged processing for human consumption; created a system to prevent market collapse for certain species (notably salmon and lobster); and finally adapted certain import arrangements to avoid market disturbances and increase market flexibility (Bull. EC 9-1981: 34/35 (2.1.103.)). No trace, however, of any agreement on the question of access to the British 12-mile coastal zone, let alone of a “single package” on the CFP in line with the Mandate.

It was recognized by all that while “useful progress has been made over marketing, overall agreement on a new Common Fisheries Policy has still to be reached.”<sup>199</sup> Once again, four main issues remained outstanding: “the provisions regarding access to fishing zones,

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<sup>198</sup> The Ministerial Agriculture and Fisheries Council is still “the place where the main decisions over the CFP are discussed, argued over and finally adopted”, as it has “powers at its disposal which, in contrast to most other sectors, virtually amount to direct administration”, Lequesne 2005: 362. It produces mostly (directly binding) regulations by QMV, with merely consultation of the EP (under Article 43 EEC (Treaty of Rome), later Article 37 TEC (Rome consolidated)). Though it has undergone various reforms over time, and is subject to the co-decision procedure since the Lisbon Treaty (Articles 38-43 TFEU), “measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities” (Article 43(3) TFEU) remain the exclusive domain of the Council, to be decided on the basis of Commission proposals.

<sup>199</sup> CAB/129/214/5: 66, Annex E, 9; cf. CAB/129/214/5: 18, 5.18/19. The Fisheries Council had merely “made progress towards a settlement of the revised Common Fisheries Policy. In particular, agreement in principle was reached on a revised marketing regime, and the EEC/Canada agreement was approved and ratified. Agreement was also reached on the renewal of the interim scheme of grant aid for inshore fishing vessels and aquaculture, on guide prices for 1982 and on reciprocal fishing agreements with France and Sweden. Considerable progress was made on a draft regulation for Community wide control and enforcement of fisheries measures”, CAB/129/214/5: 5, 1.5.



the TACs and quotas, rules on fisheries controls, and long-term structural policy” (Bull. EC 9-1981: 33 (2.1.103.)). The Commission was given the task of pursuing bilateral contacts with member states “to seek an overall solution which can be discussed and adopted by the Council at its October and November meetings” (ibid.) - which meant the UK Presidency effectively outsourced its broker role on CFP to the Commission at this point (cf. *Agence Europe* No. 3218, October 1, 1981: 5).

The question is, however, why did the UK drop the link between a settlement of the issue of access and its consent to the Canada agreement? The government had not had any serious trouble resisting pressure to do so up to that point, and Thatcher’s record on the BBQ negotiations strongly suggests that she could not be easily bullied by Germany or France or a combination of both, especially not on an issue of high salience to the UK such as the budget rebate, or fisheries, with access to UK waters touching directly upon the sensitive point of sovereignty. In other words, the Presidency’s decision cannot really be attributed to bargaining dynamics in the Council. It may have helped that on September 17, the Commission had “approved measures taken by the United Kingdom to reopen herring fishing from the Mourne stock” and, on the day before the Fisheries Council meeting, “adopted a finding that a United Kingdom measure to safeguard, by means of sanctions, the implementation of various Community provisions in United Kingdom waters was in accordance with the Regulation of 30 September 1980” (Bull. EC 9-1981: 33 (2.1.94.)). Moreover, there was a concern over the expiration of the UK’s accession exemptions. This may have assisted the government in overcoming domestic political pressure to insist on the linkage by reassuring the British fishing industry that measures were taken in its favor. Yet arguably, the pressure to reach agreement, especially after

long, protracted negotiations, also played a role, leading the Presidency to clear the way for an agreement in exchange for face-saving industry protection measures and a further entry on its list of achievements. In other words, the Presidency effect in the broker role pushed the Presidency to prioritize agreement over the UK's national interest.

#### **IV.3.3 The 1981 UK Council Presidency as Broker: Conclusions**

In its broker role, the 1981 UK Council Presidency dealt with negotiations on a range of single market dossiers, some of which placed it in a minority position. While it did not substantially change its position on most of these for the sake of agreement, it considered doing so on at least one - the insurance market - without, however, following through with it as would have been predicted by the Presidency effect in the broker role, which suggests that in this case, domestic political pressures (courtesy of the British insurance industry) prevailed. The Presidency also had to deal with the "30 May Mandate", two parts of which - CAP and Budget reform - were highly controversial and also saw the UK in a minority. Despite clear awareness of the expectations associated with the Presidency in its broker role and the "handicap" it meant in the context of defending British interests, however, the UK did not yield its minority position on budget reform, though it did adjust its negotiating target - a face-saving measure for the Presidency - in order to achieve *some* form of agreement at the European Council. In other words, the national interest and the negotiating dynamics inside the Council prevailed over the Presidency effect in the broker role in this case, even though Britain would presumably not have adjusted its negotiating target had it not been in the Presidency at that point.

On the issue of CAP reform, on which the Presidency was even more isolated than on the question of budget reform, agreement beyond the need to continue negotiations was prevented by the constellation of national preferences and the bargaining dynamics in the Council. However, there were some indications that the Presidency was prepared to make concessions in terms of the British national interest, most notably its move to withdraw its hold over the annual agricultural price fixing package even in the absence of satisfactory changes to the regulation of clawback premiums on sheep meat exports on the very eve of the British Council Presidency.

In so doing, the Presidency relinquished a powerful lever against the French with whom Britain continued to be engaged in an unsolved dispute over sheep meat exports. Domestic political pressure may have had some impact on that decision to the extent that the small British agricultural sector did have some interest in seeing the price fixing package settled; that impact would have been limited by the fact that sheep meat producers constitute a significant portion of that sector. The UK's previous history of blocking things in Council negotiations, plus the absence of any major shift in preferences at the Council level, suggests that an account centering on bargaining dynamics cannot explain this Presidency decision. However, given the timing of this episode in the run-up to the British Presidency, which was facing a major battle over CAP reform, it appears that the government wanted to minimize conflict on related issues to improve the chances of a CAP agreement. In this way, the PE mechanisms in the broker and leader roles (first mechanism) can jointly explain the UK Presidency's decision to surrender its own national interest to exclude from the agenda an item that would have further complicated the settlement of the bigger, unavoidable CAP reform. In sum, both the adjustment of the Presi-

dency's negotiating target on the budget and moves to adjust the national position on the CAP support the PE in the broker role.

Finally, in the context of the CFP dossier, the UK gave up its insistence on a resolution of the question of access to British coastal waters in return for its acceptance of a CFP agreement with Canada, again in line with the PE in the broker role. Once again, the British government's Council record, especially over the BBQ, plus the absence of any relevant shifts in preference distributions at that level, suggest that the Presidency's decision cannot really be accounted for by bargaining dynamics in the Council. Some concurrent measures benefitting the British fishing industry as well as concern over the (eventual) expiration of British exemptions negotiated upon accession may have helped the government overcome domestic political pressure to maintain the block on the Canada agreement until the access question was settled, and to that extent, shifting domestic pressures can be attributed some influence over the decision. But, given the protracted nature of the negotiations, the pressure to finally achieve an agreement was also very high, and it was felt above all by the Presidency. Therefore, the Presidency effect in the broker role can explain the UK's decision to no longer stand in the way of an agreement, in exchange for some face-saving industry protection measures, and thus effectively prioritize agreement over the UK's national interest.

#### **IV.4 The 1981 UK Council Presidency in the Representative Role**

This section will probe the 1981 UK Council Presidency for evidence of the Presidency effect in the Presidency's representative role. It will highlight controversial topics on which the UK held a minority position and whether it yielded on them, resisting domestic pressures, for the sake of achieving a presentable agreement in the Council, or in the EC/EU as a whole, rather than merely because of Council bargaining dynamics. The section will also identify Presidency initiatives to promote its activities, and/or those of the EC/EU, to its domestic audience, if any. It will show that in line with the PE predictions in the representative role, the 1981 UK Council Presidency sought to draw attention to its Presidency and the EC domestically, cared about its reputation in the Presidency, and invested heavily in its relationship with the EP. Still, even though it led the Council to substantial concessions in the inter-institutional budget dialogue, the UK Presidency managed to settle only the 1980 and 1981 budgets with the EP: inter-institutional bargaining dynamics prevented settlement of the regular 1982 budget.

##### **IV.4.1 The Institutional Shape of the Council Presidency's Representative Role in 1981**

In terms of institutional shape, the Presidency's role as representative had not changed much since 1977; the practitioner's view was that a "major responsibility of the Presidency and a vital ingredient for its success" was "the maintenance of good working relations with the other institutions of the Community" (Carrington, Speech to the EP, July 8, 1981). In particular, the Presidency had "major functions as representative of the Council in the European Parliament, to which it reports and whose questions it answers", but also as "representative of the Community in the world, speaking for it in international dis-

cussion and visiting other countries on its behalf" (Butler 1986: 26). In terms of the second aspect of the internal representative role, representing the Community to the domestic audience of the incumbent member state, there was "some evidence that the Presidency of the European Council does lead Heads of State and government sometimes to play to their domestic audiences" (Wallace 1985: 276). But while for some earlier Presidencies, there were "indications of national presidencies using the period in office to educate and inform domestic opinion on EC issues and the Community record", this "does not seem to have become a more general phenomenon." Instead, with "rare exceptions", Presidencies became "geared primarily towards coping with EPC consultations and EC negotiation and towards having an impact on partner governments and even on domestic opinion in other Member States". That is, the incumbent's image "as transmitted by the Presidency to other parts of the EC or to third countries (in external relations and EPC)" did "consume attention, but much less the image of the Community within the Member State" (ibid.). Moreover, especially in balancing the Community and the domestic focus of the internal representative role, the Presidency was facing "a serious problem of different audiences" (Butler 1986: 128). While wishing "to be reported as having been tough and having fought vigorously and successfully for the national interests" at home, ministers needed "to be seen to have worked for compromise, paid attention to the interests of other member states and put the need for agreement first" in the Community. Even though they had "probably done both these things", this was "not easy" to get across "at the same time in a press conference". The task was further complicated by their need "to defend negotiating positions to the hilt in public" until those parts which they knew to be untenable anyway had "actually been discarded" (ibid.).

In this context, the external aspect of the Presidency's representative role had become the easier and more prestigious part of it, quite often amounting to "more practical and traditional diplomacy" in the context of the Presidency troika, for example. Furthermore, the political leadership of the Presidency often spoke "in the name of the Community as well as their own" (ibid.: 144). Internally, on the other hand, "competent handling of the liaison and representational functions of the Presidency" required "a substantial investment of effort" (Wallace 1985: 274). The Presidency's role as internal representative had three major focus points: the European Parliament, the Commission, and the incumbent's domestic audience. Among these, relations with the EP were becoming increasingly important, and Presidencies began to "devote much more effort than used to be common to maintaining a dialogue with the EP and practising concertation" (ibid.: 276). In part, this was due to procedural reasons and the EP's increasing assertiveness following its change in status to a directly elected assembly. But it can also be seen as reflecting the Presidencies' "concern both for public presentation and to minimise obstructions to the Community's legislative and budgetary processes", with "significant repercussions for the time and workload of ministers and officials from the Presidency" (ibid.).

The tensions inherent in the inter-institutional relationship were evident in the British Presidency's approach to the EP in 1981. Carrington asked for "the support of the Parliament" to allow Britain "to perform her task effectively and harmoniously" (Carrington, Speech to the EP, July 8, 1981). He acknowledged that part of the EP's role was "to discuss and to criticise", but asserted that it and the Council should consider each other "not as adversaries but as partners in a joint enterprise: that of making a success of Europe". He announced that the "British Presidency, for its part, is determined to try to make

out of this relationship an effective dialogue and not an exercise in mutual frustration. I and my Hon. Friend, Mr Douglas Hurd, will come to Parliamentary sessions and political colloquies, committed to that objective” (ibid.). Guidelines were issued to British chairmen of Council working groups laying down “ground rules” for contacts with (especially British) MEPs and rapporteurs of EP Committees, and emphasizing “the need for discretion and care” (Edwards 1985: 251). At the same time, the British Permanent Representative complained that there was “a tendency ... in the European Parliament to over-estimate the role of COREPER which is seen as a demon institution with a vocation to block the process of European integration and frustrate the Parliament itself. This is an absurd exaggeration.”<sup>200</sup>

The second major addressee of the Presidency’s internal representative role was the Commission. “In the strict EC context most participants would accept that progress in negotiation requires a constructive relationship between the Council and the Commission”, for which “an active dialogue between the Council Presidency at all levels and the Commission (both college and services)” was indispensable (Wallace 1985: 277). The Commission was seen as “an independent participant in the Council, at times almost its adversary”, with “a duty to maintain its own viewpoint” (Butler 1986: 27). Yet the Report of the Three Wise Men had already reflected a perception that began to influence relations with the Commission, namely that it “could no longer fulfill completely the role originally designated to it under the Treaties [so] that in several vital areas the Presidency had had

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<sup>200</sup> Butler was keen to clarify that “Permanent Representatives act under instructions from their Ministers. If they have influence with their Ministers, it is normally used to promote solutions not to prevent them. Insofar as they have a collegiate tendency, it is to try to help the Council to solve problems”, Butler 1986: 30.



to step in".<sup>201</sup> The extent to which it was realistic "for the Presidency to perform both its own functions and to fill a lacuna left by a more cautious and less coherent Commission" was disputed.<sup>202</sup> In any case, relations with the Commission were "an important part of the job" that had to be managed "at every level."<sup>203</sup>

Thirdly, and most ambiguously, the Presidency had to represent what it was doing to its domestic audience, a particular challenge for the UK, where the "press have always represented us as having worse relations with our colleagues in the European Community than has actually been the case" (Butler in Menon (ed.) 2004: 17). While Britain's relations with the EC in general probably received more attention than in other member states, its Presidency did not. The activities of Council and COREPER were "extensively reported" and inevitably became "part of the political debate at home" (Butler 1986: 30). However, "[h]andling the journalists was never easy and Bernard Ingham, Margaret Thatcher's spokesman, always wanted to make the European Council sound like a battlefield on which her colleagues were routed." At the same time, "with honourable exceptions", the press "tended to ignore all the constructive work done in COREPER and its numerous

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<sup>201</sup> Edwards 1985: 254. "A result of this was, for example, a reminder to chairmen that, formally, the Commission had to make proposals, and that any mediation or package-brokering by the chair had to be done with an additional element of tact" in the Report, *ibid.* Cf. also Wallace's (1985: 277) assessment that it was becoming "difficult to resist the conclusion that the Commission is now less capable than often hitherto (at least in some crucial areas) of making a forceful contribution to the negotiation process both formal and informal or perhaps that it has become so preoccupied with defending its own corner that it focusses less clearly on the overall community interest."

<sup>202</sup> Wallace 1985: 277. This touched not only on the Presidency's representative role, but also on its leader and broker roles. Wallace argued that governments were "not equipped to perform the 'think tank' and motor functions of the Commission. Conversely apparent 'success' by a particular presidency in a specific policy sector may be a reflection not just of the incumbent government's approach but also of a Commission contribution", *ibid.*

<sup>203</sup> Butler reports that "[o]ften on some quite important subject it is a rather junior official in the Commission who really counts. My staff and I had to judge at what level any approach would be most likely to produce results", Butler in Menon (ed.) 2004: 18.

working groups”.<sup>204</sup> Still, there were a few signs of expectations associated with the Presidency in the UK. For example, on July 2, Carrington told the Cabinet “it was noteworthy that, at a recent meeting of the National Economic Development Council, several trade union leaders had stressed the need to use the occasion of the British Presidency of the European Community as an opportunity to put across to British public opinion the importance of the Community in safeguarding jobs and providing a favourable climate for investment” (Cabinet Conclusions of July 2, 1981, CAB/128/71/6: 4, 3.).

#### **IV.4.2 The Representative Efforts of the 1981 UK Council Presidency**

To trace the Presidency effect in the Presidency’s representative role, the focus is on its efforts to fill out this role, and on the extent to which it sought agreement, especially on controversial issues that placed the UK in a minority position, in order to have a presentable result internally or externally. In addition, attempts to draw attention to Presidency activities and to present the EU and, by extension, their Presidency, in the best possible light are of interest. In 1981, the UK Presidency’s major efforts in its representative role were focused on contributions to the management of assorted international crises externally, none of which posed particular problems for the UK Presidency, and, internally, on enlargement and relations with the European Parliament, as well as a few modest efforts to draw attention to the Presidency at home. There are indications that the Presidency was aware of, and concerned about, issues of reputation and presentation associated

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<sup>204</sup> Butler in Menon (ed.) 2004: 17. The media “did not really want to know that hours of patient work in the groups had produced solutions with which everyone was fairly happy. Normally, EU negotiations are not a zero-sum game in which there are absolute winners and losers. The skill of the officials is to use their inventive and persuasive powers to craft a solution that suits everyone. That doesn’t make a good headline.”

with the Presidency, such as an inclination to avoid embarrassment<sup>205</sup> and manage expectations,<sup>206</sup> as well as efforts to advertise its activities to the public.<sup>207</sup>

In terms of the Presidency's role as external representative, Carrington had covered, in his introductory EP speech, a broad range of international economic relations, with reference to the ongoing GATT negotiations, preparations for the G5 Summit and the North-South dialogue, including the Lomé Convention. On these, the Presidency claimed "some useful progress" for its list of achievements:

"Decisions were taken both at the Development Council on 3 November and at meetings of the Foreign Affairs Council on ways to improve the effectiveness of the Community's aid to the less developed countries. Agreement was reached on Community positions in a number of important trade negotiations including the Multi-Fibre Arrangement, trade with Japan, and export credits. (...) The Community has also made an important and distinctive contribution to a number of multi-lateral meetings, including the Ottawa Summit meeting in July and the Cancun meeting in Mexico in October" (CAB/129/214/5: 68, Annex E, 19.-21.).

In the context of its role as internal representative, the Presidency spoke for the Council in the ongoing enlargement negotiations with Portugal and Spain, claiming "significant" if unspectacular progress "in a number of areas" (CAB/129/214/5: 6, 1.12): "during the period of our Presidency many more dossiers were delivered to the Spanish and Portu-

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<sup>205</sup> One such instance concerned French efforts to relaunch integration. On October 20, Carrington informed the Cabinet that "the French Government had now published a memorandum containing their proposals for the 'relance' of the Community", and proceeded to offer his candid assessment of its impact for the British Presidency: it was "something of a damp squib, consisting largely of a collection of relatively minor individual proposals for the practical development of Community policies. Many aspects of the memorandum accorded well with United Kingdom views, though [some] (e.g. the proposal for a 35-hour working week) were not acceptable. In general the memorandum should not cause the United Kingdom any embarrassment, provided that it could be handled separately from the mandate negotiations", Cabinet Conclusions of October 20, 1981, CAB/128/71/13: 4, 4.

<sup>206</sup> In Cabinet on November 19, Thatcher said "it was clear that the European Council on 26 and 27 November was not going to get far on the 30 May 1980 Mandate. It would be necessary to damp down public and Press expectations accordingly", Cabinet Conclusions of November 19, 1981, CAB/128/71/17: 2, 3.

<sup>207</sup> For example, in Cabinet discussion on December 17, it was noted that the "Council of Ministers (Social Affairs) on 8 December had reached agreement on a regulation extending reciprocal social security rights to the self-employed. This was an important step forward which should be given publicity", Cabinet Conclusions of December 17, 1981, CAB/128/71/21: 5, 3.

guesse, their replies obtained and the matter is being carried forward. I fully understand the impatience of Spain and Portugal to move these matters forward more quickly. We have sought to push them forward as fast as we can. They recognise that during our Presidency we have made as much progress as could be expected" (Atkins at the House of Commons, HC Deb 16 December 1981 vol 15 cc299-302). Similarly unspectacular were Britain's relations with the Commission, which were merely intensified somewhat "before and during the Presidency", involving a "preparatory meeting" between Carrington and the new Commission President, Gaston Thorn, as well as regular meetings between officials and Commission representatives (Edwards 1985: 254). The very "newness" of the Commission (even though there was a certain continuity from the previous Jenkins Commission) did result in occasional irritations, notably with the Commissioner in charge of the CFP, but the Presidency faced no major problems.

By contrast, not only was the UK Presidency's relationship with the European Parliament given a lot more emphasis, the EP also was a lot more troublesome. "While contacts with the Council Secretariat and the Commission conformed largely to expectations, the additional workload falling on the Presidency from the European Parliament proved a surprise – indeed, an extra official had to be appointed to the Representation during the Presidency."<sup>208</sup> The Presidency went to great lengths to develop "effective relations" (CAB/129/214/5: 5, 1.2) with the EP. Beyond the frequent visits of British ministers and officials - a "highly creditable performance" achieved "despite agnosticism on the part of

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<sup>208</sup> Edwards 1985: 254. "The demand of Parliament for attention and information was clearly indicated by the fact that some 63 oral parliamentary questions were put down. Although not all these were actually reached, officials had had to prepare for possible supplementaries. In addition ministerial visits had to be prepared for in other ways", *ibid.* Overall, in addition to "the reports presented personally by the Prime Minister and the Foreign and Commonwealth Secretary, 15 United Kingdom Ministers took part in the work of the Parliament, either in plenary sessions or at committee meetings", CAB/129/214/5: 32, 11.1. They represented at least "10 different departments", and Douglas Hurd "attended monthly; in total there were over 40 ministerial visits during the six months", Edwards 1985: 254/255.

some individual ministers on the question of the further development of Europe, their preoccupation with other issues or simple apathy" (Edwards 1985: 255) - it introduced the innovation of a meeting of EC foreign ministers and the Commission President with "the enlarged bureau" (ibid.) of the Parliament<sup>209</sup> to discuss the future of inter-institutional relations.

The most notable "precedent" (Edwards 1985: 255) set by the 1981 UK Presidency, however, was the fact that at the end of it, Thatcher became the first ever head of government to report on the outcome of the European Council to the European Parliament.<sup>210</sup>

This had become possible after the change of government in France, as Mitterrand had withdrawn the French objection to this hitherto maintained by Giscard d'Estaing. While it had thus not been a British idea, the intensity with which the Presidency pursued good relations with the EP underlines its support for this change. Thatcher herself stated in the EP that the occasion was "a pleasure and a privilege for me" and marked "an important point in the development of the European Community" (CAB/129/214/5: 49, Annex E, 1.). She also told MEPs that the "Presidency have worked hard to improve the dialogue between the Council and the Parliament. Thanks to the co-operation we received from you, I believe we have had some success" (ibid., 24.). After her statement on the European Council, interventions by the Commission and the various political groups followed in reply, many of which focused on the Presidency as a whole - that, however, she sought to deflect. Stressing that she was there

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<sup>209</sup> The EP President "supported by other leading members of the Parliament", CAB/129/214/5: 32, 11.1.

<sup>210</sup> "On 16 December, the Prime Minister attended the Parliament to give an account of the meeting of the European Council on 26-27 November at Lancaster House, the first time the Head of Government of the Member State holding the Presidency had done so", CAB/129/214/5: 5, 1.2, cf. also CAB/129/214/5: 49, Annex E, 2.

“in one capacity and for one purpose only: I am here as President-in-Office of the European Council for the specific purpose of reporting on what took place at the European Council: not to give a speech on matters of my own choice or to give my own opinions: only to report on what occurred at the European Council to the European Parliament”,

she nevertheless reiterated that she and her ministers were “glad to play our part in strengthening the working relationship between the institutions of the Community. Each institution has its own role to play, but our basic objectives are the same and I stress again, we must work in harmony”.<sup>211</sup> In other words, she was not yet ready to engage with the EP politically, something that had changed by 1986. One day after Thatcher, Carrington duly appeared in front of the EP with “a double duty”:

“I shall be reporting to you on the six-month period during which the United Kingdom has held the Presidency of the Council. And I shall also report on developments throughout the past year in the field of Political Co-operation, the first six months of which was under the chairmanship of the Netherlands” (CAB/129/214/5: 65, Annex E, 1.).

The Presidency’s representation efforts vis-à-vis its domestic audience were considerably more modest, though here, too, there were concerns to avoid negative fall-out from the Presidency.<sup>212</sup> In October, the Conservative Party published a brochure detailing the advantages of Community membership,<sup>213</sup> and on November 11, it used a special Party political TV program to focus exclusively on British European Policy and on the British Coun-

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<sup>211</sup> Thatcher, Statement to the EP on the London European Council, Strasbourg, December 16, 1981; OJ Annex: Debates of the European Parliament, No.1-278 (English edition), 1981/82 session, pp.120-130, 1145-1300. She also claimed to have “listened with great care to the preliminary comments from representatives of the political groups”, and while she herself would return shortly to London, Carrington would be “in this Chamber when you continue to debate ... and he will report on developments during the United Kingdom Presidency and on political cooperation. Mr Douglas Hurd will be here today until he takes Question Time this evening, and Mr Nicholas Ridley, President-in-Office of the Budgets Council, is with you most of the week.” She left expressing the “hope that I shall be here again when the Presidency next falls to the United Kingdom”, *ibid.*

<sup>212</sup> For example, on December 3, Carrington argued in Cabinet that a “crisis over the budget issue might be unavoidable, but it would inevitably lead to further damage to the public conception of the Community in Britain and everything possible should be done to prevent it”, Cabinet Conclusions of December 03, 1981, CAB/128/71/19: 5, 3.

<sup>213</sup> Scott Hamilton/Edward Bickham, *Britain in the European Community*, Conservative Central Office, October 1981.

cil Presidency, in particular. In effect, however, the latter amounted to an effort to use the British Presidency and Thatcher's and Carrington's visibility in that context to gather support for the Conservative Party (cf. Morgan 1982: 466). Thus, in line with the predictions of the Presidency effect in the representative role, there is some evidence that the 1981 UK Presidency sought to draw attention to its Presidency and the EC domestically, and, by investing in its relationship with the European Parliament, sought to prepare the ground for productive inter-institutional relations.

### ***The 1981 UK Council Presidency as Internal Representative and the Budget***

In its role as internal representative, the only really controversial item of substance the UK Presidency had to deal with in 1981 were the budget settlements with the European Parliament. It became evident fairly quickly that the great efforts the Presidency put into contacts and collaboration on procedure may have been helpful, but were not sufficient to achieve agreement on all items on the budget agenda. Carrington had announced in his introductory speech the Presidency's intention to pick up where its Dutch predecessor had left off in terms of improving the budget dialogue between Council and EP. "As a first step in that direction the President of the Budget Council, Mr Nigel Lawson, intends by way of experiment to invite a Parliamentary delegation to meet the Council on 22 July - the day before the Council establishes the Draft Budget - in order to give more time for the Council to consider the Parliament's views."<sup>214</sup> Improvement was necessary

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<sup>214</sup> Carrington, Speech to the EP, July 8, 1981. Lawson, who was to become Chancellor of the Exchequer in 1983 and to represent Britain on the ECOFIN Council during the third British Presidency in 1986, was part of the 1981 Presidency first as Financial Secretary to the Treasury, in which capacity he was charged with representing the UK on the Budget Council (as "Budget Minister"), and, since September 14, 1981, as Energy Secretary. One rather peculiar personal story of Lawson's may illustrate the importance the British government attributed to the Presidency's representative role - or perhaps just his own misplaced priorities:

because the now directly elected Parliament's new assertiveness had resulted in disputes with the Council over the Community budget: after the EP had unilaterally introduced increases for the Community's 1980 and 1981 budgets, several member states had withheld parts of their contributions "pending resolution of the dispute" (CAB/129/214/5: 20, 6.7). Moreover, the Presidency faced the regular negotiation of the 1982 budget, for which the Commission had prepared a "Preliminary Draft Budget" in mid-June totaling "an increase of some 13 per cent over 1981", while the first Budget Council on July 23 had responded with its own, "considerably lower" draft budget (ibid., 6.8). The Chancellor, Geoffrey Howe, told the Cabinet that on the first issue, the Council meeting which had been preceded by the above mentioned "bridge-building meeting" with an EP delegation had been able to reach "agreement on the draft amending Budget for 1981, so opening the way to a political settlement of the dispute with the Parliament over the 1981 Budget" (Cabinet Conclusions of July 30, 1981, CAB/128/71/10: 2, 3.). Subsequently, the dispute over the "legality of the European Parliament's adoption of increases to the 1980 Supplementary Budget No. 2 and the 1981 Budget was resolved when on 17 September it adopted Amending Budget No. 1 for 1981 ... . The countries concerned in the dispute then paid over the amounts by which they had abated their contributions" (CAB/129/214/5: 20, 6.7).

On the second issue, the 1982 budget, the Presidency faced the need to accept a less than ideal, from the UK standpoint, compromise in the Budget Council in order to be able to negotiate the 1982 budget with a Parliament that brought even less palatable prefer-

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"However, as the due date approached, it was clear that there was a real risk that when the baby arrived I would be away at Strasbourg addressing the European Parliament in my capacity as President of the Budget Council (the UK held the Community Presidency at that time). Thérèse's gynaecologist kindly solved this dilemma by offering to induce the birth a few days early", Lawson 2010: 88. He never made his speech because a few days afterwards, the mid-Presidency Cabinet reshuffle occurred.



ences to the table. Thus, Howe told the Cabinet, the Council's draft budget for 1982 "included full provision for the refunds due to the United Kingdom under the 30 May 1980 agreement in respect of our 1981 contribution" and the "increases agreed by the Council for the Regional and Social funds ... were reasonably satisfactory"; moreover, "the fact that the Budget Council, for the first time, had subjected the estimates for agricultural guarantee expenditure to a detailed examination was a welcome development".

However,

"despite pressure from the United Kingdom and Germany for a cut of some £230 million in the Commission's proposals for this section, in accordance with our desire to keep the growth in agricultural spending markedly below the rate of growth in own resources, the most we could achieve after long discussion was agreement on a compromise arrangement under which these sums were transferred to the reserve chapter of the Budget" (Cabinet Conclusions of July 30, 1981, CAB/128/71/10: 2, 3.).

In October, the Presidency had to swallow further Commission amendments, which, having been "considered and approved by the Council ... had the effect of increasing the total appropriations" again, if only very slightly (CAB/129/214/5: 20, 6.9), while on November 5, the EP proposed "amendments and modification to the Draft Budget which together would add" considerably to the Budget (*ibid.*, 6.10). On November 24, after discussions with Parliamentary representatives, the Council took decisions on the EP proposals that "increased the total appropriations in the Draft Budget" again, but by less than the original Commission proposals and Parliament amendments (*ibid.*, 6.11). Two days later, Howe warned the Cabinet that "there could still be difficulties with the European Parliament over the 1982 budget". While the British Presidency had made "special efforts to avoid conflict with the European Parliament", and these "had been appreciated", the German and French representatives in the Budget Council had made "unwelcome refer-

ences to the level of refunds paid to the United Kingdom under the Agreement of 30 May 1980. Their position would make it more difficult to secure a satisfactory solution for 1982 if no agreement could be reached in time on a long-term arrangement" (Cabinet Conclusions of November 26, 1981, CAB/128/71/18: 4, 3.).

Nevertheless, on December 16, the day Thatcher addressed the EP on the European Council, the Presidency congratulated itself in the House of Commons on its achievement in having improved the budgetary dialogue with the EP.<sup>215</sup> On the morning of the next day, December 17, also the day that Carrington went to report to the EP on the UK Council Presidency, the Parliament adopted further increases to the budget provisions for 1982, which "exceeded the margin within which an agreement with Council might have been reached" (CAB/129/214/5: 20/21, 6.12). The Cabinet noted that a further Budget Council meeting "before Christmas would probably be necessary" in the light of this (Cabinet Conclusions of December 17, 1981, CAB/128/71/21: 5, 3.), and the Council duly met on December 21 to consider its response. It "agreed that the President of the European Parliament should be requested to delay adoption of the 1982 Budget until agreement had been reached on the maximum rate and classification for non-obligatory expenditure" - but "subsequently learned that the President of the Parliament had declared the 1982 Budget adopted" (CAB/129/214/5: 21, 6.13).

Thus, while it had been able to settle the outstanding conflicts with the EP over the 1980 and 1981 budgets fairly quickly, no such settlement transpired for the 1982 budget under

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<sup>215</sup> "Will my right hon. Friend accept that one important achievement has been the way in which the British Presidency has sought to maintain a constructive and continuous dialogue between the Council and the European Parliament on budgetary matters? Does he accept that that is very important, bearing in mind that they are the joint budgetary authority of the Community?" Atkins: "Yes, Sir. This has been a useful step forward, and it is one that we initiated during our Presidency. It seeks to keep the Council of Ministers in closer contact with the European Parliament", HC Deb 16 December 1981 vol 15 cc299-302.

British Chairmanship, despite the Presidency's willingness - consistent with the Presidency effect in the representative role - to make considerable concessions in terms of its own preferences in order to reach agreement. While the inter-institutional bargaining dynamic over the Community's annual budget clearly had an influence on this outcome, the UK was - and still is - one of the member states most reluctant to increase the Community budget. But chairing the budget Council and negotiating with the EP on behalf of it meant Britain could no longer be the member state holding out against concessions to the EP over budget increases that would facilitate a settlement of the annual budget.

#### **IV.4.3 The 1981 UK Council Presidency as Representative: Conclusions**

The 1981 UK Presidency made a modest effort to draw attention to the Presidency at home, and there are some indications that it cared about its reputation in the Presidency. It further claimed a number of achievements on uncontroversial issues in its role as external representative. All of this constitutes supporting evidence for the PE in the representative role. It was in its role as internal representative, however, that the Presidency was most active, maintaining a largely cooperative relationship with the Commission on behalf of the Council and claiming some progress on enlargement. The bulk of time and effort was invested in the Presidency's relationship with the European Parliament, which required a lot of attention and energy. This relationship was also at the center of the most controversial substantive problems the Presidency encountered in its role as internal representative, namely the settlement of the outstanding budgets for 1980-1982. Despite leading the Council to considerable concessions vis-à-vis the Parliament on the 1982 budget - which, in line with the PE in the representative role, involved notable re-

straint by the UK government, itself one of the strongest opponents of budget increases in principle - an agreement proved elusive, as the EP was not prepared to settle for the conditions offered by the Council. Inter-institutional bargaining dynamics clearly played a role here, but tenure of the Council Presidency and its role as the Council's representative vis-à-vis the EP forced the UK government to not let its own concerns over budget increases stand in the way of finding a Council position that had some prospect of resulting in an agreed settlement of the annual budget(s) with the EP.

#### **IV.5 The 1981 UK Council Presidency in the Administrator Role**

This section will probe the 1981 UK Council Presidency for evidence of the Presidency effect in the Presidency's administrator role. It will show that the Council presidency's administrator role was still closest to the British incumbent's inclinations in 1981, and its performance consequently most closely aligned to the predictions of the Presidency effect. While thus not exclusively attributable to the PE, the amount of preparation and energy invested in this role does indicate that the UK did take the office very seriously, which will have affected its performance in the Presidency's other roles, too.

##### **IV.5.1 The Institutional Shape of the Council Presidency's Administrator Role in 1981**

In terms of institutional shape, during the late 1970s, it had become gradually more apparent that "the light organizational structure posed a challenge to the efficiency of the EPC" (Tallberg 2006: 52), as the mismatch between the heightened administrative burden on the Presidency in the Community and EPC contexts on the one hand and the inevitable incoherence due to rotation on the other hand had worsened. Hence the institutional innovation, in the 1981 London Report (cf. Foreign Ministers of the European Community 1981), that "the Presidency should be assisted by a small team of officials seconded from preceding and succeeding Presidencies – effectively constituting a small EPC secretariat" (Tallberg 2006: 52). This "dual strategy" of simultaneously upgrading the Presidencies' operational support and their powers of initiative would be reiterated by the European Council in 1983 (cf. European Council 1983), and it laid the foundations of an institutional framework that effectively tied a Presidency to its predecessors in office and obliged it to preserve continuity. Moreover, the Presidency's administrator role had soon

spawned concrete, continuity-inducing routines after the 1977 British Presidency started the collection of EPC statements in the so-called *recueil*, and its Belgian successor began the so-called *coutumier*, “a kind of handbook of procedural practice and precedent to guide successive presidencies” in EPC matters (Hayes-Renshaw/Wallace 2006: 146).

Nevertheless, developments in the early 1980s “increased rather than diminished” the burden of a presidency, as the “sheer volume of business grew steadily” (Wallace 1986: 586/587). In six months, beyond the European Council(s), there were “some forty sessions of ministerial meetings”, the “heavy grind” of weekly COREPER I & II meetings with their “steadily expanding” agendas, plus “about sixty” meetings per week of other Council working groups and committees. Added to that, “each presidency could also expect to have to organize three meetings, two formal and one informal, of ministers, five of political directors and over 30 of working groups” in the EPC context (*ibid.*). In that light, the Presidency’s allotted time was already considered “short”, especially if it fell into the second half of the year and the incumbent could expect to deduct one and a half months for summer and Christmas breaks from effective business time (cf. HC Deb 16 December 1981 vol 15 cc299-302, 40). In exchange, normally only one of three European Councils fell into that half of the year, usually held in the Presidency country in November or December (cf. Butler 1986: 28, 81). These summits require a Presidency to stem a massive organizational effort in preparation and execution, though things were by then fairly automated in the Brussels setting, and the Council Secretariat was available for help.<sup>216</sup>

They also constitute an extra burden on Presidency and Council officials, who are routi-

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<sup>216</sup> “European Council meetings normally begin with a lunch. Much organisation is required to get all the planes to arrive in an agreed order. There is usually a Guard of Honour and a large motorcycle escort to whirl the Heads of Government to the meeting-place”, Butler 1986: 82.

nely required to work through the night, and often of attending Ministers, if negotiations drag on.<sup>217</sup>

The biggest role for the Presidency as administrator, however, was and is at the level of the Ministerial Council, whose “structures do not encourage effective presidential management, however ably attempted.”<sup>218</sup> Normally, the Council meets in Brussels - “except in April, June and October when it meets in Luxembourg” (Butler 1986: 27). Often, several Councils meet on the same day.<sup>219</sup> Scheduling all these and all the preparatory meetings, in consultation with Commission and the Council Secretary-General, constitutes a major portion of the Presidency’s administrative burden - and it overlaps appreciably with its agenda-shaping leadership role. “The actual timetable of meetings is, to a considerable extent, beyond the control of any one Member State”.<sup>220</sup> The big Councils – Foreign Affairs, ECOFIN, Agriculture - have regular meetings at least once a month, lesser

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<sup>217</sup> “[M]y previous experience had certainly helped prepare me for the arduous routine of Councils and CO-REPER meetings, and for working with the Cabinet Office and the other departments on Fridays to prepare my instructions for the following weeks. It had not, however, prepared me for Mrs Thatcher, and particularly for the late night discussions with her at European Council meetings”, Butler in Menon (ed.) 2004: 17.

<sup>218</sup> Wallace 1985: 277. The EPC context was different “because of the greater homogeneity of subject matter and participants”, and because its framework was “a good deal more supple”, *ibid.*

<sup>219</sup> On the 14<sup>th</sup> floor of the old Berlaymont Commission building, across the street from the Council’s Charlemagne building in Brussels, each delegation had “a suite of three or four offices where ministers can be briefed by their staff; bilateral meetings can be held with other ministers; officials can draft speaking notes and telegrams; calls can be made to home capitals on the five or six telephones; and if there is a pause in the middle of the night, there is even a comfortable chair in which the minister can rest for a moment. It is not unknown for three Councils to take place on the same day, in which case the offices are noisy and overcrowded, and it is extremely difficult to get hold of a telephone. I remember a day when there were seven ministers in the British Government in Brussels, and, naturally, I did not even manage to see them all”, Butler 1986: 76.

<sup>220</sup> Edwards 1985: 251/252, cf. Butler 1986: 76. The Foreign Affairs Council usually met on a Monday, just like ECOFIN: “Certainly the most time-consuming of the overseas circuits for the Chancellor, even in those days, was that which sprang from our membership of the European Community. The formal commitments involved a monthly Monday meeting in Brussels of the Finance Council (ECOFIN), which often involved a Sunday journey out, and an ‘informal’ working weekend, once in every Presidency. (...) I quite soon added to this timetable the prospect of a weekend spent once or twice a year in managing a realignment of exchange rates in the European Monetary System: as the only Minister whose (non-belonging) currency was unaffected by the proceedings I was normally invited to take the chair”, Howe 1994: 182.

Councils once or twice per Presidency.<sup>221</sup> “Meetings, especially of the Council, where the ministers all feel the need to make speeches that will be reported positively in their national media, tend to be boring and to go on for far too long.”<sup>222</sup> Assessing the number of meetings at the working group level, “the nomination of chairmen and national representatives, travel and other arrangements are inevitably among the most tedious and time-consuming of preparations for any Presidency” (Edwards 1985: 250). Much of the “mobilising effort” is concentrated on the Permanent Representatives, “their staffing, political profile and communications networks with capitals ... . For the rest of the national administration, the main burden of the Presidency comprises more travel, longer meetings in capitals, heavier workloads and keeping people in key posts for the relevant preparatory and operational periods” (Wallace 1985: 273/274). Thus, by the early 1980s, it was clear that “[e]fficient management of business” required “substantial investment of effort”, and while it seemed “by and large to be the practice of governments to judge that a serious effort and application of resources and energy is desirable”, they harbored “perhaps fewer illusions than in the mid-late seventies that this will yield many tangible gains” (ibid.).

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<sup>221</sup> The Council of Agriculture Ministers met monthly, though “considerably more often in March, April and sometimes May”, when its “main decisions (on the annual price-fixing)” were taken. “It treats matters of considerable detail and most of the time leads a life of its own, prepared by its own group of senior officials, the Special Committee on Agriculture”, Butler 1986: 25.

<sup>222</sup> Butler in Menon (ed.) 2004: 18. “How many times would I say to my wife in the morning that I expected that the Foreign Secretary and his small team, or another minister, would want to come home to dinner, but that she had better have the cook prepare something cold because it was impossible to predict when the meeting would end. Then at about 7 pm I would send her a message from the Council that we wouldn’t be back till nine, but still hoped to dine at home. Then, when the Council Secretariat - an admirable and underrated body - started bringing round the whisky at about 8.30 and there were still tricky points to be settled, I knew that we would get nothing but the dreaded sandwiches at the Council table that night”, ibid. Cf. also Butler 1986: 80.



#### **IV.5.2 The Administrative Efforts of the 1981 UK Council Presidency**

Serious application was certainly the order of the day for the 1981 British Presidency. “The Presidency’s task”, Carrington had announced in his introductory speech, was “to ensure that business is despatched with the maximum of efficiency and the minimum of fuss” (Carrington, Speech to the EP, July 8, 1981). The “key to a ‘successful’ Presidency” for him was the “smooth running” of the Community and EPC machines (Edwards 1985: 253). As a first step, thorough preparations were put in hand; and institutional adjustments made, mostly at the FCO.<sup>223</sup> There, a 33-strong Presidency Secretariat was once again established whose

“functions ... clearly reflected the priorities of the government: the efficient working of the Council machinery and the smooth running of meetings; the importance of EPC, which was considered likely to impose a particularly heavy burden; the coordination of UK policy and the demands of the Presidency; and the effective presentation of the UK Presidency.”<sup>224</sup>

Although it remained one of the largest in Brussels, the UK’s Permanent Representation (PERMREP) was also reinforced.<sup>225</sup> One of the first initiatives was “a comprehensive re-

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<sup>223</sup> Changes to the European Secretariat at Cabinet level were “briefly considered and discarded”, Edwards 1985: 246.

<sup>224</sup> Edwards 1985: 247. “[U]nlike its predecessor, the 1981 Presidency Secretariat was made a part of the European Community Department (External). The change was designed to emphasise the administrative role of the Secretariat although it also reflected the view that, in London, the major business of the Presidency was ... political co-operation. The change was considered appropriate for several other reasons, including a belief that there had been an over-reaction in 1977, and that Britain had had five extra years of membership in which to become familiar with Community procedures and practices. No special unit to liaise with other Community institutions was set up. Very much more was left to the Permanent Representative or, in London, to the European Community Departments themselves. In addition, it was considered possible to reduce the EPC unit from six to three because of the greater familiarity among ... [FCO] departments with the various EPC working groups. However the overall size of the Secretariat was also reduced through the introduction of some of the products of modern technology, including a word processor”, *ibid.*

<sup>225</sup> “Some reductions in staffing” had been undertaken after 1977; therefore “seven additional desk officers were appointed to, *inter alia*, the agricultural, industry and development sections.” The UK representative on the Antici Group was appointed “Presidency Coordinator” and made responsible for “most of the Presidency arrangements”. To help “juggling the requirements of rooms and interpreters” in arranging meetings, an additional “Assistant Coordinator” was installed to relieve the Presidency Coordinator, who himself in many ways “acted as the Ambassador’s assistant”, as the burden on Butler and his Deputy was “particu-

view of all the dossiers before the Council”, carried out by PERMREP in consultation with UK Departments and the Council Secretariat, in order to estimate the likely number of meetings within the Council structure and “to elicit from the dossiers that were not wholly dead items for possible inclusion in the British Presidency programme.”<sup>226</sup> By mid-1980, most UK chairmen “had been provisionally assigned their posts”, using PERMREP officials “whenever possible”.<sup>227</sup> Special arrangements, however, had to be made for the Agriculture Council.<sup>228</sup>

By the end of the year, the “more intense” period of preparation was underway, featuring “more direct involvement of ministers”. Douglas Hurd was given “particular responsibility for the Presidency” within the FCO, and strategy papers were “drawn up early and circulated among departments with the aim of achieving ministerial clearance three or

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larly great” (Edwards 1985: 252-254). They were supported by “high-calibre officials”, two thirds of whom came from the Home Civil Service and “only one third from the Diplomatic Service”, Butler 1986: 29, cf. Butler in Menon (ed.) 2004: 17.

<sup>226</sup> The overlap with the Presidency’s leadership role is obvious here: “There were few surprises but the review was considered useful; not only did it suggest those areas where some added political impetus might have greatest impact but it also helped officials to sketch in a timetable of working groups and Coreper meetings which would allow for improved coordination. The draft agendas were revised as the Dutch Presidency progressed. They contributed to a smooth take-over on 1 July 1981”, Edwards 1985: 250.

<sup>227</sup> Edwards 1985: 250. “The rationale behind this was a strong belief that good chairmanship was something that could not be taught except by being in the chair and that those most familiar with and experienced in decision-making in Brussels would be in a better position than officials sent out from Whitehall to carry out the duties of the chair”, *ibid.*

<sup>228</sup> The agricultural sector “proved to be the major exception to the rule of Brussels-based chairmen. It has been variously estimated that between 30 and 40 working groups on agricultural issues could meet in any six months in addition to Councils, the Special Committee on Agriculture (SCA), meetings of Coreper on agricultural topics and so on. At Council level, the minister was designated chairman, with the responsibility of representing the UK devolving on the Minister of State (Commons). Since both ministers normally attended agricultural councils no problems were foreseen (it was after all the less hectic part of the agricultural year with no price-fixing councils). The SCA was to be chaired by an official from the Permanent Representation. Below that level, ... [MAFF] was obliged to adopt a different practice from other departments; the resources of the Representation were obviously not enough to deal with all the working groups likely to meet. Moreover, although the number of the ministry’s staff seconded to the Representation was increased by one, it was for the purpose of improving coordination rather than providing an extra chairman. But since many home-based [MAFF] officials ... were constantly travelling between London and Brussels, the argument about the Representation’s greater familiarity with Community decision-making did not arise. The ministry was well able to choose the home officials it believed had both expertise and an aptitude for chairing meetings. Indeed the choice was made even wider by the need to take into account the interests and/or claims of the Agricultural Departments of the Scottish, Welsh and Northern Ireland Offices”, Edwards 1985: 250/251.

four months before the Presidency began.”<sup>229</sup> Similarly to 1977, and “although the Conservative government had been in office since May 1979 ... once having alerted ministers, officials then had to persuade them that the primary tasks were managerial” (ibid.: 252). In January 1981, the head of the FCO Presidency Secretariat began work, and “a freeze was imposed” on posts in the FCO’s European Community Departments and PERMREP. “The task of alerting the rest of Whitehall through the Cabinet Office was also begun early, not least because of the formal requirement for the dates of the Foreign Affairs, Agriculture and EcoFin Councils to be known seven months ahead of a Presidency” (ibid.: 250, cf. ibid.: 246). On May 21, when Carrington reported to the Cabinet on his preparatory meeting with members of the European Commission, it was already clear that owing to the French elections in May and June, the Presidency’s time for effective work would be cut short, and that it would therefore be “necessary to push hard for progress during the latter part of the British Presidency” (Cabinet Conclusions of May 21, 1981, CAB/128/70/20: 3, 2.).

Throughout the Presidency, “efficient management remained the key to the overall British approach among officials”, even though it was clear that even the most “[t]horough preparation and sound organisation” could guarantee neither progress nor success (Edwards 1985: 249). Inevitably, there were problems. Sometimes they were of an organizational nature, for instance “caused by departments either overlooking the likely need for a Council or working group or suddenly seizing the initiative to hold one”.<sup>230</sup> At other times, they were political, such as the delays caused first by the French and later by the

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<sup>229</sup> Edwards 1985: 252. Unfortunately, none of these are available among the declassified materials at the UK National Archives yet.

<sup>230</sup> The “combined weight” of the Cabinet, FCO and PERMREP “was not always enough to discourage some private enterprise by other departments, invariably towards the end of a Presidency”, Edwards 1985: 252.

Danish elections.<sup>231</sup> However, a “more relaxed British approach to the Presidency in 1981 was very clearly discernible”, attributable not least to the “far greater familiarity with the Community and the needs of the Presidency” among officials and politicians.<sup>232</sup> In London, the Presidency Secretariat in the FCO was able, in practice, to focus on EPC, “notably the drafting of the London Report” (Edwards 1985: 253). Community affairs were dealt with by the rest of the FCO’s European Community Department (ECD) (External) - beyond the Presidency Secretariat, that is - as well as its ECD (Internal), and the Cabinet Office European Secretariat. Regular weekly meetings of Whitehall- and Brussels-based officials “remained an important feature of the British system”; flexibility was ensured, for the 1981 Presidency, by keeping attendance subject-based and fairly open, as well as by irrevocably fixing the agenda “only the day before” (ibid.: 240). “The secret formula” for handling “the Whitehall machine”, according to Butler, was “to ensure that the Permanent Representative in Brussels, the senior official in the FCO dealing with the EU and the head of the European coordination staff in the Cabinet Office were in close contact and, if possible, a step ahead of the game, with the London team seeking ministerial instruction in good time” (Butler in Menon (ed.) 2004: 15). Overall, the Presidency as such “tended to add only marginally to the length and frequency of meetings” in Whitehall (Edwards 1985: 253).

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<sup>231</sup> The new French Foreign Minister, Claude Cheysson, “had put his Community colleagues on notice that the French would wish to postpone all discussion on budget restructuring until at least September”, and the Cabinet had therefore come to the conclusion that it “would be necessary to use the British Presidency to keep up the pressure for progress”, Cabinet Conclusions of June 4, 1981, CAB/128/71/1: 3, 3.b. Mitterrand had given out the same message at the June European Council in Luxembourg, cf. the Cabinet Conclusions of July 2, 1981 (CAB/128/71/6: 3, 3) and of May 14, 1981 (CAB/128/70/19: 7, 3.). Later in the year, a Fisheries Council had to be postponed by two weeks to accommodate the Danish elections on December 8, cf. the Cabinet Conclusions of November 19, 1981 (CAB/128/71/17: 4, 3.) and of November 26, 1981 (CAB/128/71/18: 4, 3.).

<sup>232</sup> Edwards 1985: 249/250. Not only was there a “wider pool” of people with direct Community experience in key Whitehall departments, but “the official reports of the 1977 Presidency were available, which suggested useful models and guidelines”. These have not been made publicly available, either.

In Brussels, meanwhile, the Presidency became “an overwhelming preoccupation” for PERMREP, “although once it had begun and the adrenalin was flowing, many officials reportedly enjoyed the six months” (ibid.). Its relationship with the Council Secretariat during the Presidency was

“often described as ‘proper’, which suggests, perhaps, a certain lack of warmth ... although it was certainly better than during the 1977 Presidency. In some policy areas contacts were close; in others the British tended to look to their own resources. The situation, in other words, was not atypical of the relationship of most of the bigger Member States with the Secretariat” (ibid.: 254).

Overall, 33 Council meetings were held in the course of the British Presidency, either in Brussels or Luxembourg, but the burden was unevenly distributed among Ministers: for the Chancellor, the Presidency “involved less burdensome work than for some other colleagues - the Foreign Secretary obviously and the Minister for Agriculture, for whom there was a continuous routine of business” (Howe 1994: 234). At Ambassador level, it had been planned for the Deputy Permanent Representative to “represent the UK in Coreper II in addition to chairing Coreper I” (since the Permanent Representative himself had to chair Coreper II), but this proved mostly impossible because “it was estimated that Coreper I had itself met on 100 occasions during the six months” (Edwards 1985: 254). Informal Council meetings and EPC meetings in the UK were largely left to the responsibility of the FCO and the department concerned.<sup>233</sup> The six informal Councils held during the 1981 Presidency stood “in marked contrast to the practice in 1977 when Messrs Rogers

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<sup>233</sup> “It was our duty to organize an informal weekend for colleagues (30-31 October). But I fear we did not lay on as exotic an occasion as the Italians had done” the year before. “In April 1981 the Dutch too had had the wit to get us away, to a new setting (...). By comparison our London programme was very routine: a meeting in Lancaster House and an evening at Covent garden, where we were treated to an excellent performance of *Simon Boccanegra*”, Howe 1994: 234/235. Overall, the Presidency passed without incident for the Chancellor, apart from his having to battle his way to the final ECONFIN meeting in December 1981 by road and ferry through the heavy snowfall that had grounded his flight, cf. Howe 1994: 235.

and Benn were refused such meetings on transport and energy”; in addition, there were four other meetings at Council level, “six meetings of Political Directors and over 20 meetings of EPC working groups”, plus one European Council.<sup>234</sup> In all cases, “great pains” were taken to adhere to agreed schedules,<sup>235</sup> and to facilitate the success of meetings through the careful choice of venues, catering and attention to protocol. “Some delicacy was required, and expertise gained, at informal ministerial dinners in drawing up seating arrangements for ministers and their spouses which balanced the demands of protocol, linguistic abilities and ministerial preferences” (Edwards 1985: 252).

Once again, its administrator role saw the British Council Presidency perform most in line with the Presidency effect, given its emphasis on thorough, extensive preparation, efficiency and the smooth running of Presidency business. Lessons from the first Presidency in 1977 were applied, and the overall approach had become more relaxed, if no less meticulous. It appears that the expectations associated with the Presidency in its administrator role suited the British the most - which also means, of course, that the considerable investment the UK made into the smooth running of its Presidency cannot exclusively be attributed to the PE in the administrator role, as it very much coincides with the preferred national approach.

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<sup>234</sup> Edwards 1985: 252. In Cabinet on November 26, Thatcher had cheerfully announced that “the European Council, under British Presidency, would start that afternoon and continue for as long as necessary the following day”, Cabinet Conclusions of November 26, 1981, CAB/128/71/18: 3, 3.

<sup>235</sup> Sometimes, pressure to reschedule for strategic reasons had to be resisted. For example, on October 29, Peter Walker told the Cabinet that “the French Minister had appeared to change his tactic. Having previously shown no signs of urgency, he had now asked for the next meeting of the Fisheries Council to be brought forward to a date before the European Council, perhaps with the intention of using the meeting of Heads of Government to put pressure on Britain. It would be better to stick to the present arrangement for a meeting of the Fisheries Council after the European Council and to aim for a settlement then”, Cabinet Conclusions of October 29, 1981, CAB/128/71/14: 4, 3.

#### **IV.6 The Presidency Effect in the Case of the 1981 UK Council Presidency**

What evidence is there that the Presidency effect was present during the 1981 UK Presidency? In introducing the Presidency, the Foreign Secretary certainly struck an aspirational tone:

“A successful resolution of our internal problems is essential if Europe is to make the contribution to security and peace that the world requires and which it alone is capable of offering. Britain is committed to playing its full part in this common enterprise in which we have all invested such high hopes. During our Presidency we shall shoulder our responsibilities in the knowledge that the best contribution we can make is to discharge our duties efficiently, fairly and in the spirit of loyalty to the European ideal without which no progress can be made” (Carrington, speech to the EP, July 8, 1981).

This statement reflects perceived expectations associated with the Presidency – commitment, responsibility, contribution, efficiency, fairness, “loyalty to the European ideal”. To what extent did these expectations combine with the institutional shape of the Presidency at the time and the agenda the UK faced into a Presidency effect with a discernible impact on the UK’s behavior?

In terms of the Presidency’s *leadership* role, I have shown that while facing a full and largely pre-determined agenda, the Presidency - in line with the expectations of the Presidency effect - sought to avoid or marginalize certain items that did not coincide with its own national preferences and/or on which it found itself in a minority position. In some of these attempts it succeeded (the Genscher-Colombo plan, the Jumbo Council on unemployment); on another one it failed (fisheries) because the bargaining dynamic in the Council prevented it. Moreover, the Presidency prioritized a number of items on the single market agenda, as well as at least one initiative in the EPC context - the London Report on EPC - that were more or less explicitly aimed at furthering European integration.

However, because these items coincided with the UK's national preferences and it was not isolated on them, it cannot be determined to what extent the Presidency effect played a role here. Finally, there were two major items - the budget and CAP portions of the Mandate - on which the UK held clear minority positions and which it could not and did not seek to avoid, because the European Council had pre-programmed its agenda.

Some observers and practitioners also support the existence of the Presidency effect in the Presidency's leadership role in 1981, without phrasing it in those terms. Wallace (1986: 583) notes that as in 1977, the 1981 UK Council Presidency turned out to be "an encumbrance" for a British government "intent on securing major national objectives ... at variance with established Community policies", which made it "difficult for the British to strike a balance between the pursuit of their own concerns and paying the proper attention due to the collective interest of [the] Community."<sup>236</sup> And yet, Edwards (1985: 255) argues, "the view that the Presidency is costly in terms of national interests" was "only partially reinforced"; the Presidency was able to avoid some difficult items. Furthermore, in his view, the second British Presidency appears to have confirmed member states' "tendency to adopt a low profile and a damage-limitation policy during their Presidencies, a tendency which is particularly marked among the Big Four." From this perspective, the Presidency is seen "to have costs in financial [and resource] terms but more importantly in terms of constraints on the promotion and protection of national interests" (ibid.: 257/258). Butler (1986: 27), the Permanent Representative, formulates the same point slightly differently: "The advantage of rotation is that, at regular intervals,

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<sup>236</sup> Especially on the Mandate, she argues, the UK found itself "in a very exposed position but still failing to convince its partners that the problems went far deeper than an attempt to engineer special British pleading", Wallace 1986: 585.



most of the members of each government become involved in, and committed to, getting the Community's business done."

In terms of the Presidency's *broker* role, I have suggested that on one item on which it found itself in a minority position - the budget part of the Mandate - the Presidency adjusted its negotiating *aims* but not its substantive position. That is, the combination of the national interest and the negotiating dynamics in the Council largely but not entirely superseded the Presidency effect in the broker role, which can explain the UK Presidency's adjustment of its negotiating target at the last minute in order to have *some* agreement in the European Council. While competing national interests and the bargaining dynamics in the Council prevented an agreement on overall CAP reform, on the sheep meat and fisheries dossiers, the Presidency gave up its national position *without negotiated quid-pro-quo*, arguably in pursuit of agreement for agreement's sake. The PE mechanisms in the broker and leader roles (first mechanism), along with some potential impact of domestic pressures, can jointly explain the UK Presidency's decision on sheep meat; shifting domestic pressures together with the PE in the broker role can account for its changed position on the CFP dossier. On certain other such items (single market), the UK Presidency did not move (in time), and no agreement was achieved. Edwards (1985: 255/256) supports the notion that the Presidency distinguishes between the national and the Community interest, claiming that "[c]ertainly in the UK case, pains were taken in the guidelines issued and in departmental meetings to emphasise the separation of roles between the chair and the national representative."<sup>237</sup> Going further, he even points out

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<sup>237</sup> "There were occasions when some Brussels-based officials considered that departmental briefs failed to maintain the separation very clearly but they were not frequent. It was sometimes apparent that the more peripheral departments found greater difficulty in making the distinction clear although they were also some of the most enthusiastic about making an impact and a contribution", Edwards 1985: 255/256.

that “[w]hile difficult to substantiate, there have been suggestions that during the Presidency, Brussels-based officials were able to supplement their own authority by the skilful use of the demands of the Presidency to modify Her Majesty’s government’s position” (ibid.: 256). Carrington, regretfully, concludes: “We have tried to demonstrate the tenacity and endurance which are needed in every Presidency, but even they are not enough if there is no common will to reach conclusions and that, I fear, is what is too often lacking in our deliberations.”<sup>238</sup>

In terms of the Presidency’s *representative* role, I have argued that it pursued a number of uncontroversial tasks as *external* representative and went to extraordinary lengths to establish a very good relationship with the European Parliament as *internal* representative. Moreover, under the pressure of the inter-institutional bargaining dynamics in the context of the budget negotiations, and arguably in order to achieve agreement on a Council position on the 1982 budget to represent in the budget negotiations with the EP, the Presidency accepted a compromise in the Council which was suboptimal from its national point of view. In addition, the Presidency made a minor effort to raise awareness on EC issues domestically. The 1981 UK Presidency did claim quite a lot of achievements,<sup>239</sup> even though many observers were fairly critical. Allen (1988: 39) argued that despite “the impetus of the mandate, little progress was made during what turned out to be a lacklustre British Presidency in the second half of 1981”. Edwards (1985: 255) expressed “disappointment that more progress had not been achieved in areas of particular importance – to both the Community and to the UK.” The government had to endure

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<sup>238</sup> Lord Carrington, concluding speech to the European Parliament, Debates of the European Parliament, December 1981, p. 205, as cited by Edwards 1985: 255.

<sup>239</sup> Cf. CAB/129/214/5. Thatcher herself said, “at a rough count, ... some 70 new community measures were adopted by the Council in the past six months ... . It is a record of solid if unspectacular achievement, in which all the organs of the Community have played their part”, ibid.: 65, Annex E, 5.

Opposition taunts in the House of Commons about its list of Presidency achievements fitting “on the back of a very small postage stamp”, and any longer version being merely “a superb example of the work of the circumlocution office” at the FCO (HC Deb 16 December 1981 vol 15 cc299-302). Carrington himself had a long list of unfinished business in his report on the Presidency to the EP.<sup>240</sup>

Finally, in terms of the Presidency’s *administrator* role, I have sought to show the ways in which the Presidency attempted to maximize its managerial efficiency and effectiveness through thorough preparation, institutional adjustments, and learning from previous experience. In this role, the expectations of the Presidency effect are so close to British national preferences that it is virtually impossible to tell them apart.

Overall, in terms of the Presidency’s institutional shape, the early 1980s represent a fairly early stage of development; and because of the Mandate, the disputes over the 1980-82 budgets and international tensions, the agenda of the 1981 Presidency was to an unusual degree pre-determined. While these two factors should weaken the Presidency effect, the explicit awareness of clear expectations associated with the Presidency as expressed by Carrington should strengthen it. There is some empirical evidence that supports it. Edwards (1985: 257/258) even concludes from the observation of the UK’s 1981 Presidency that there is a “profound” argument for retaining the six-months rotation:

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<sup>240</sup> “As I said at the beginning of my speech, the time which a Presidency has at its disposal to realise even the most modest of its objectives is limited. Nor would it be right for me to suggest that all has been plain sailing during this period. What I might call the dark side of the picture is the number of causes we have for regret that progress was not made. It is not to the Community’s credit that we have not been able to meet the deadline set by the 30 May mandate; nor that after six years of discussion and five meetings of Finance Ministers during our Presidency alone, we have not been able to agree on the non-life insurance services directive; nor that Foreign Ministers have been unable to agree on important measures in the field of telecommunications because of disagreement over one word. I am sorry to say that one of the pieces of unfinished business derived from the outcome of your vote this morning on the 1982 Budget”, Carrington at EP, CAB/129/214/5: 71, Annex E, 32.-34.

“anything which weakens a government’s full responsibility for advancing the Community’s business would gravely weaken the Community. If each Member State were to hold the Presidency for longer than six months, the infrequency with which it took its turn would mean a considerable loss of awareness and experience of the responsibilities that are imposed by the Presidency. Being obliged to prepare a programme and to advance it in the Community’s interests is regarded as a salutary lesson for all governments. Moreover, in political terms – and not solely those of the UK – the Presidency creates opportunities for governments and the Community to have a more positive impact on national electorates.”

## V. The 1986 UK Council Presidency and the Presidency Effect

*The UK Presidency in 1986 was a period of sunshine and showers and it ended with one almighty storm. - Lord Arthur Cockfield (1994: 88)*

### V.1 The UK Council Presidency July-December 1986 in Context

After the June 1984 Fontainebleau Summit had seemingly settled “all the outstanding problems of the Community”, even the CAP and budget problems, including the BBQ, “all was sweetness and light.”<sup>241</sup> The “relance Européenne” began: Jacques Delors’ - a man with whom Thatcher could, at least initially, “do business” (George 1998: 168) - “key contribution” upon becoming Commission President in January 1985 was “to identify a new target for the Community process, thereby ending a period when the EC seemed to be drifting aimlessly, unsure of the direction in which it needed to go” (Ludlow 2006: 222, cf. Sandholtz/Zysman 1989). The “single market programme” or “1992 project”, aiming to create a truly integrated Common Market by abolishing all remaining non-tariff barriers to trade (NTBs) by 1992, captured “the enthusiasm of a new breed of European leaders eager to break away from the beggar-thy-neighbour practices of the recent past.”<sup>242</sup> Yet the ambitious 1992 project required “a considerable amount” of legislative activity (Cockfield identified almost 300 requisite pieces of legislation) which in turn became “a cata-

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<sup>241</sup> “A window of opportunity had opened and it was in these circumstances and in this atmosphere that I agreed to go to Brussels as the Senior UK Commissioner and a Vice President of the Commission”, Cockfield 1994: 17. Francis Arthur Baron Cockfield witnessed the UK’s 1981 Presidency as Minister of State at the Treasury and, subsequently, the 1986 one – after stints in Thatcher’s Cabinet as Secretary of State for Trade and Chancellor of the Duchy of Lancaster – as the senior British Commissioner at the European Commission in Brussels with special responsibility for the Single Market Program. While “Thatcher sent him to Brussels because she thought he was a staunch Eurosceptic (...), in fact, one of the most remarkable conversions to Euro— whatever the opposite view is — Euro-enthusiasm — was Lord Cockfield”, Interview, September 8, 2010.

<sup>242</sup> Ludlow 2006: 223. It was based on principles agreed in the Rome Treaties and on the European Court of Justice’s (ECJ) 1979 “Cassis de Dijon” ruling, which had established the principle of “mutual recognition” that had enabled the Commission to minimize the need for new product regulation.

lyst for overdue reforms of the EC's decision-making procedures."<sup>243</sup> The British government itself launched "several initiatives" aimed at making the labour market more flexible, reinforcing the internal market and deregulating business that "found many echoes elsewhere in the Community" (Wallace 1986: 585), as the by this time mostly center or center-right governments of the EC member states "believed that the state-centred recovery strategy followed by their left-of-centre predecessors in the 1970s had been a disaster, as Europe's lagging competitiveness clearly showed."<sup>244</sup>

There has been much disagreement about the UK leadership's attitude to the ensuing reforms. Thatcher had been wrong-footed on the way to setting the process in motion: After the March 1985 Brussels European Council had set the 1992 target date for the completion of the single market, the subsequent Milan European Council, in June 1985, endorsed *both* the Commission White Paper detailing the necessary legislative steps *and* an Intergovernmental Conference (IGC) on decision-making reform that would negotiate a new Treaty - the latter on the basis of an unprecedented vote that left Thatcher, along with the Greek and Danish governments, in the defeated minority. Moreover, in terms of substance, "[a]pologists for Margaret Thatcher often say that the prime minister supported the single market programme because it was meant to be about deregulation, not regulation."<sup>245</sup> The IGC was successfully concluded by the December 1985 European

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<sup>243</sup> Ludlow 2006: 223. The ambitiousness of this legislative program had served to "concentrate the member states' minds on the issue of institutional reform, notably a decisive move towards greater use of qualified-majority voting", *ibid.*

<sup>244</sup> Ludlow 2006: 225. Even Socialist-governed France had abandoned an attempt to implement a Keynesian model in 1983, as it had proved incompatible with its EMS membership. Beyond the Common Market program, they were also "largely in agreement that the EC should pursue the key economic virtues that had seen Germany through the 1970s, namely low inflation, sound government finances, a strong currency and export-led growth", *ibid.*, cf. *ibid.* 226.

<sup>245</sup> Cf. Ludlow 2006: 227, cf. George 1998: 180-183. "If that was the case, Thatcher was being naïve or disingenuous. The Commission did not suggest that member states abandon the practice and principle of product regulation, only that the numerous national norms in force at the outset of the process be replaced by

Council, and the resulting “Single European Act” (SEA) “marked the first significant revision of the Community’s treaty texts since the merger of the three communities’ executive bodies in 1965” (Ludlow 2006: 227). Most notably, it entailed a considerable extension of qualified-majority voting (QMV), which “became the norm” for most single-market decisions “although in practice many matters were settled without a vote”, and enhanced the role of the European Parliament in the legislative process via the cooperation procedure. The agreement reflected “certain concessions” by the UK, notably “British acceptance that there should be a revision of the Treaty, that the revision should incorporate a statement that European union was the ultimate aim of the Community” and mention the EMS, “which both the British and the West Germans had originally opposed. In return for these amendments, the British achieved real progress in areas that mattered to them” (George 1998: 184): extensions of QMV limited to areas related to the completion of the single market, and no major increase in EP powers. Overall, the preponderance of the available evidence seems to suggest that while Thatcher supported the *goals* associated with the single market program, she was unhappy about the necessary *means* and the way the Community set about using them.

The SEA passed the House of Commons in April 1986, after some debate in Committee, but without major difficulties.<sup>246</sup> Thatcher declared herself pleased with the negotiated outcome which, “by common consent ... on most substantive issues satisfied the British more than anyone else” (Young 1998: 334, cf. Moravcsik 1998: 319-326). Its reception

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fewer European norms. Often this involved devising a new piece of regulation from scratch so as to please all the member states. (...) If Thatcher really was surprised, she may have been guilty of not having read the texts to which she put her name - not something that she was normally accused of. Thatcher was on firmer ground in suspecting that a rediscovery of purpose and institutional vitality in the EC would serve as a platform for other, far-reaching ambitions harboured by Delors”, Ludlow 2006: 222/224.

<sup>246</sup> Cf. Wallace 1987: 400; the UK formally ratified the SEA on October 12, 1986, when Royal Assent was granted.

“reflected the general atmosphere in the Conservative Party at the time”: the PM’s “enthusiastic report to Parliament was accepted in similar spirit. (...) Just as remarkable as the size of the majority ... was the indifference attending the matter in the minds of many MPs” (Young 1998: 334/335) - all of which stood in stark contrast to what would become the protracted, bloody battle for the ratification of the Maastricht Treaty only six years later. Moreover, the SEA was “endorsed surprisingly easily” by “wider political opinion”, which had become “a good deal more tolerant of the Community”;<sup>247</sup> this in turn “liberated ministers and officials from the constant need to keep looking over their shoulders while negotiating in Brussels. Thus by July 1986 the mood of the British government had undergone a qualitative change” and “[m]inisters and officials felt more relaxed about their capacity to operate comfortably within the Community framework.”<sup>248</sup>

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<sup>247</sup> Wallace 1986: 585. This is illustrated not least by what turned out to be Thatcher’s major Europe-related domestic crisis of 1986. In January, she had lost two Cabinet ministers in the so-called “Westland Affair”, in essence a Cabinet-level public dispute over whether the last UK helicopter manufacturer was better off as part of an American-led or a European consortium. The Secretary of Defence, Michael Heseltine, strongly and publicly fought for the European option, and resigned after Thatcher, who equally strongly favored the American-led option, had tried to silence him. Leon Brittan, Secretary of State for Trade and Industry, like Heseltine a Europhile even though closer to the Prime Minister’s line on this issue, later took the fall over the government’s problematic handling of the issue. “From the point of view of Britain’s policy towards the EC, the affair was interesting for two reasons. First, it appeared to indicate a lack of Europeanism on the part of the Prime Minister and a majority of her Cabinet; and secondly, an unexpectedly high level of public support emerged for the argument in favour of the European option”, George 1998: 172; cf. *ibid.*: 171-173.

<sup>248</sup> Wallace 1986: 585. Some members of Thatcher’s Cabinet reached quite astonishing levels of comfort indeed, as witnessed by her Chancellor Nigel Lawson’s tales of the “Finance Ministers’ Trade Union”: “There is one consolation for unpopularity among one’s colleagues at home. This is that other Finance Ministers around the world are in a very similar position. They too, if they are doing their job properly, have few friends among their own colleagues. As a result, there readily grows up a quite remarkable degree of camaraderie among the Finance Ministers of the various developed countries. For almost the only political friends they have are each other, and they are soon on Christian name terms. I became particularly close to the long-serving German Finance Minister, Gerhard Stoltenberg, ... who subsequently became Defence Minister until he had to resign under something of a cloud. Gerhard and I used to ring each other up regularly to compare notes. On matters of mutual interest he would tell me on a strictly personal basis what was happening in the German Cabinet and I would let him know on the same basis, confident that it would go no further, the state of play in our own Cabinet. More than mutual sympathy was involved” as they helped each other with political maneuvers against their own Cabinet colleagues on matters of European policy on “a number of occasions” (Lawson 2010: 175/176).



Thus, when a Thatcher government took on the Presidency of the Council for the second time in 1986, there had been “a marked change both in British policy and in the attitudes of Britain’s partner governments and of people working in Community institutions towards the United Kingdom”, as it had become “a much more ‘normal’ member of the Community” (Wallace 1986: 585). This was because the BBQ settlement had “lanced the boil of British discontent, at least within government circles”; because further enlargement to Spain and Portugal on January 1, 1986, as well as Thatcher’s position as the longest-serving European Head of Government, made the UK “look and feel like an established member state”,<sup>249</sup> and because external developments resulted in a discernible change of focus among EC members from Community development to questions of foreign relations and political cooperation, where Britain was “a lead, not a peripheral, actor” (Wallace 1986: 585, cf. also George 1998: 166). Moreover, following the recent series of major decisions - the Fontainebleau settlement, enlargement, and the SEA – Community politics entered “a period of regeneration and consolidation” (Kirchner 1992: 98) as SEA ratification was ongoing in 1986. Especially the second half of the year was characterized by a notable absence of dramatic highlights, general elections or referenda at home or in the rest of the EC (cf. Wallace 1987: 401). In other words, by the end of 1985, “the Community seemed to be embarked on a course very similar to that desired by Britain” (George 1998: 185, cf. Hort 1987: 53), and the UK set out to achieve an “*extremely quiet*”, “very low-key” Presidency “that coincided precisely with Mrs Thatcher’s inclinations. She had no desire whatsoever to be an activist Presidency” (Hannay, Interview, July 16, 2010; cf. Hort 1987: 53).

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<sup>249</sup> Wallace 1986: 585; cf. George 1998: 174. Moreover, the “stubbornness” of the Greek Prime Minister, Andreas Papandreou, “made Britain look less obviously the most difficult member state”, *ibid.*: 166.

**V.2 The 1986 UK Council Presidency: The Fine Weather Leader**

This section will probe the 1986 Council Presidency for evidence of the Presidency effect mechanisms in the Presidency's leader role. It will highlight controversial topics on which the UK held a minority position and which it excluded or tried to exclude from its Presidency agenda (first mechanism), as well as issues it prioritized that were suited to further European integration (second mechanism). The section will show that the UK responded to the pressures of the Presidency's leadership role in three broad ways: with adjustments in its working methods, agenda exclusion and a few initiatives where its preferences overlapped with Community aims. It will demonstrate that in line with the first mechanism of the PE in the leadership role, the UK Council Presidency successfully avoided major problematic items by agenda exclusion (budget deficit, fundamental CAP reform, most EPC issues) and substituted them with Presidency-initiated items that were compatible with British domestic pressures (Single Market progress and "filler" items such as terrorism in general, drugs, and health). Furthermore, in line with the second mechanism of the PE in the leadership role, one unavoidable problematic item (unemployment) was prioritized by the Presidency to re-align the Community approach more closely with UK domestic preferences; insofar as this constituted progress in terms of European integration, it was therefore as much due to the imposition of British preferences than a change in them due to the PE.

**V.2.1 The Institutional Shape of the Council Presidency's Leader Role in 1986**

By the time Britain took over the Presidency Chair for the third time in 1986, the Presidency's leadership role had been consolidated. It had become "the central managing for-

ce in the Council” (Tallberg 2006: 48, 53), in charge of the agendas of the European Council, the various constellations of Councils of Ministers, committees, and working groups. The “challenge facing each Member State, as its turn comes round, is immense, namely, to plan, direct and inspire a programme of work in a multitude of fields in the smoothest and best coordinated manner” (Ersbøll 1985: ix). This involved fairly discretionary trimming of Council agendas to “proportions amenable to bargaining” (Tallberg 2006: 55), and the Presidency had developed a routine of political preparation especially of European Council Summits that would remain essentially the same until 2002, including a Presidential *tour des capitales* and a preliminary exchange about the agenda in the General Affairs Council. The Presidency’s dominant leadership role was also evident in its evolving relationship with the Council Secretariat, which had “gained a more pronounced advisory role” under the leadership of General Secretary Niels Ersbøll.<sup>250</sup> This went so far as to lead one observer to describe the Council Secretariat as having become “largely a Presidency Secretariat in a much more explicit sense than was previously the case” (Wallace 1985: 12).

The European Council had, over the previous decade, “grown up outside the Treaties” and thereby not only stimulated the Council Presidency’s overall role development but also provided it with “an unstructured forum in which considerable influence can be exercised” (Ersbøll 1985: ix). These developments gave rise to the argument that the Presidency would be able to manipulate the Council agenda, as an incumbent would seize the opportunity to promote initiatives in its own interest – “an image that national politicians were often keen to encourage, and which their national press often fostered” (Hayes-

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<sup>250</sup> Ibid.: 49. Ersbøll, a former Danish Permanent Representative, “does choose to exert influence where possible and thus does much behind the scenes to move the Council towards more rapid decisions”, Butler 1986: 26.

Renshaw/Wallace 2006: 148). Thus, in 1983, “in recognition of the political dimension of its agenda-management responsibilities”, the European Council had sought to introduce a certain standard of accountability for the Presidency in requiring it to present its work program to the EP at the beginning of its tenure and to report on its progress at the end (Tallberg 2006: 48; cf. Wall 2008: 23; European Council 1983) - a practice that the member states had already agreed to undertake voluntarily in 1981 (cf. Chapter IV.4.1).

The institutional shape of the Presidency in 1986 was further affected by the “experimental application” of the signed, but not yet ratified SEA during the Dutch, British and Belgian Presidencies from January 1986 to June 1987.<sup>251</sup> In terms of the Presidency’s leadership role, the most important institutional innovation devised in connection with the single market program was based on a re-purposed EPC “troika”, this time used “to coordinate better the work of succeeding Presidencies on the internal market” (Allen 1988: 52). Howe, in his introductory speech to the EP, recognized that “the achievements of the Community cannot be a matter of one Presidency, only six months long. If the trees which our Presidency plants may only grow to shelter our successors, we may nevertheless gather fruit from the trees planted by our predecessors”, and paid “particular tribute, and gladly, to the good husbandry and energetic leadership of the Netherlands Presidency” (OJ Annex 2-341, July 8, 1986: 60). In the first half of 1986, the Dutch had inaugurated the “unprecedented” (Buck 1987: 62) “rolling Presidency programmes” (Bull. EC 1986-6: 1.1.7., cf. Brewin/McAllister 1987: 365). Presidencies’ normal six-months programs reflected their “own view of ‘priorities’” or measures of “particular interest”, and

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<sup>251</sup> Kirchner 1992: 98. The SEA had been decided in December 1985 and signed, after a brief delay, in February 1986 with a view to concluding ratification procedures in time for the Treaty to enter into force on January 1, 1987. Because of the Irish Constitutional requirement for an amending referendum, there was a six-months delay until July 1, 1987

their allotted time was too short “to push a measure through from inception to adoption”, resulting in “a plethora of half finished proposals and very little progress” - “[c]learly, this would not do” if the single market program was to be “carried through successfully and on time” (Cockfield 1994: 80/81). Therefore, the “rolling program” to be agreed jointly between three consecutive Presidencies was introduced, which would specify the measures to be adopted in the following 12 months. On this basis, the Luxembourg, Netherlands and UK Presidencies set themselves a program “which envisaged the adoption of 100 of the measures set out in the White Paper during 1986.”<sup>252</sup>

Beyond the single market, the SEA’s “provisional application” also set in train changes to EPC. It had become “traditional” (Thatcher, Speech to the EP, December 9, 1986) for the European Council to discuss EPC matters, which reflected a crucial difference between EPC and Community business: “much of EPC activity” still lay “in the stratosphere of abstract debate”, and thus was not, “at least yet, rooted in a negotiating process designed to produce tangible output or concrete substance, but rather focused on gradually shifting broad attitudes and promoting common analyses of major international issues” (Wallace 1985: 265). Meetings were “an end in themselves in a way that few would argue is true of Community business” (ibid.); but with the SEA, EPC acquired the Secretariat envisioned in the 1981 London Report and a Treaty base, which extended its scope “to include the economic and political aspects of security.”<sup>253</sup> The Secretariat was to assist the Presidency in “preparing and implementing” activities, including occasional mandates for

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<sup>252</sup> Cockfield 1994: 80/81. “Broadly speaking, we assumed that the Council needed on average two years to adopt a proposal and that it would take a further two years to incorporate proposals once adopted into national law.” In the event, the figure for 1986 was revised to 71, ibid.: 81, 83.

<sup>253</sup> Allen 1988: 48. The small EPC Secretariat was located in Brussels and consisted of one Secretary-General and five diplomats seconded for two years, one from the incumbent Presidency and one from each of the two preceding and succeeding Presidency countries. They were each assigned to “a geographical and functional specialisation” but had no own budget, Brewin/McAllister 1987: 339; cf. Kirchner 1992: 78, 82/83, 104, 119.

external missions, in the strictly intergovernmental EPC sphere, where the Presidency was expected “to initiate proposals, implement the decisions and discuss them with third countries.”<sup>254</sup>

With respect to all of this, the expectations associated with the Presidency in its leadership role were firmly established. It was clear that the Presidency was “the vehicle” through which member governments took turns with the “task of steering discussion” in the Council (Wallace 1986: 586). While “experience” showed Presidencies’ “different concepts” of the extent of their authority, it was understood that any Presidency “must be clear about its own priorities at all levels” because “for a determined Presidency, with a clear vision of what it wishes to obtain, the armoury is considerable” (Ersbøll 1985: x): the incumbent determined when and how to include an item on the agenda in the first place; what type of Council of Ministers’ meeting to arrange (e.g. formal or informal, technical or general); whether to put up an item as an A or a B point (cf. Kirchner 1992: 106); and it broadly controlled “the timing of meetings, the length of time to be given to each topic, the way in which each topic is treated and (perhaps most important) whether or when a vote should be taken” (Ersbøll 1985: x). Presidencies also sought “to communicate their aims and to canvass the views of other governments and EC institutions on these aims”, as the UK did “successfully” on its employment initiative (Kirchner 1992: 105, 119).<sup>255</sup> Thus, the Presidency provided to each member state in turn “the opportu-

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<sup>254</sup> Kirchner 1992: 104. Of course, the mere existence of the Secretariat itself can already be interpreted as a step away from “pure” intergovernmentalism.

<sup>255</sup> It had become “customary” to call informal Council meetings early in a Presidency’s term, because while “usually” no decisions were taken at such meetings, they offered “the chance to explain informally the intentions of the Presidency and to explore the possibilities for decision-making by the formal Councils.” But Presidencies used “a variety of communication methods”, including letters by the incumbent president “to his/her counterpart inviting them to take additional steps on, for example, the adoption of provisions of the Commission’s 1985 White Paper”, visits “for the same or similar Community purposes” or bilateral talks

nity to place its own distinct imprint on the Council of Ministers and the EPC” by determining political priorities and shaping the Community agenda (Wallace 1986: 583). Substantively, this agenda, like a national government’s, had “three kinds of items on it: the recurrent work of government; activities imposed by external events and commitments; and (usually smaller) a cluster of issues where the government of the day seeks to make its mark” (ibid: 590). In terms of “recurrent work”, part of the inherited agenda, there is the “annual Community budget cycle, and established policies have to be maintained or reviewed or amplified, in agriculture and elsewhere”, notably in the annual agricultural price review (ibid., cf. Kirchner 1992: 100). The second broad area, agenda items due to prearranged “events and commitments”, included mostly external policies such as trade and aid negotiations, all in pursuit of the “key objective of the EC and EPC ... to consolidate common action vis-a-vis the rest of the world.”<sup>256</sup> Finally, there remained a “more exploratory” area of *additional* Presidency-defined priorities. In the absence of governmental cohesion, the Council of Ministers spent “much of its time bargaining over whether and how to take on new tasks rather than in translating a declared mandate directly into action.” While the Commission’s role was “crucial” in this context, the Presidency offered “some scope for reinforcing the Commission’s proposals” (Wallace 1986: 590). This meant that

“Presidencies cannot switch programmes, but they can select certain priorities within a given parameter, or provide political impetus. Going a step further, even though a Presidency is confronted with ongoing Community work programmes, this work needs to be

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on the edge of other meetings, or even “tours des Capitales” before European Councils, Kirchner 1992: 105/106.

<sup>256</sup> Wallace 1986: 590. In addition, there are many anniversary celebrations and “year themes” to which the Presidency is expected to pay tribute - 1986 was the “European year for road safety”, Kirchner 1992: 100, 118.

shaped and decisions have to be taken about whether a given issue is 'ripe' for COREPER or Council meetings."<sup>257</sup>

However, because enlargement to Spain and Portugal had "stretched" rotation, the opportunity to do so now arose "only once every six years" (Wallace 1986: 583). As indicated above, further limitations were due to the trade-off of room for maneuver for continuity and effectiveness on the internal market issue with the "rolling" Presidency programs intended to compensate for the short duration of individual Presidencies, as well as to the "overlap in functions between the Presidency and the Commission" (Kirchner 1992: 115). As a result, "[m]ost of those involved in Community work in all the member states agree that the presidency offers only limited scope for innovation and initiative."<sup>258</sup> Still, despite these "considerable" constraints on the Presidency, Kirchner (1992: 112/113) claimed it would be "wrong to equate the influence of the Presidency with the exercise of either 'negative power' (to keep off or delay items on the agenda) or 'chance' (to claim credit for an agreement that was already on the books)." It could do both of those things, and both would be in line with the expectations of the Presidency effect in the leadership role. But, according to Kirchner, the Presidency's impact reached further than that, for three reasons: first, because "the SEA has provided guidelines which Presidencies can follow; unlike the 1970s or early 1980s when ... [they] were primarily engaged in crisis-management"; secondly, because Presidencies were more effective due to the rolling programs; and thirdly, because "the game involved in achieving the adoption

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<sup>257</sup> Kirchner 1992: 104, who also quotes former Dutch Foreign Minister Hans Van den Broek claiming that "an active Presidency is not simply tolerated, it is required and expected".

<sup>258</sup> Wallace 1986: 583. De Bassompierre (1988: 130) even suggested that a "Presidency, however worthy and able can only influence, at best, 5 to 10 per cent of issues"; and Kirchner (1992: 106) argued that the "extent to which the Presidency engages in routine tasks, deals with the 'rolling' agenda of the internal market troika or carries out prevailing EPC mandates should be distinguished from a Presidency which acts as an innovator".



of the 275 provisions of the Commission's White Paper ... stimulates a Presidency to achieve credible results. This often motivates Presidencies to make self-sacrifices (or to forego national interests)" (ibid.).

### **V.2.2 The Agenda-Shaping Efforts of the 1986 UK Council Presidency as Leader**

*The UK Presidency was really a resounding flop. There was no attempt to solve any of the serious crises facing the common market. There was a total lack of leadership. - Alfred Lomas<sup>259</sup>*

#### ***The UK Council Presidency 1986: Adjustments of Working Methods for the Leadership Role***

The first adjustment the UK government undertook with explicit reference to the Presidency were "some changes in British working methods", notably the inclusion of "a section explicitly devoted to the presidency dimension" in negotiating briefs, "although, following the experiments made by the Danish presidency, chairpersons will be asked to discard their national briefs."<sup>260</sup> In terms of substance, the European Secretariat at the Cabinet Office and the UK's Permanent Representation set the calendar of Council and working group meetings and specified "their main agenda items"; in so doing they were responsible for defining "priority issues", identifying "topics which will require special management skills", and "spotting ... the awkward issues in the pipeline" (Wallace 1986: 589). As the Head of the European Secretariat at the Cabinet Office during the 1986 Presidency explains: "We wanted it to keep going properly. If somebody were to come for-

<sup>259</sup> MEP, S, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 149.

<sup>260</sup> Wallace 1986: 589. Furthermore, "a presidency brief based on a format introduced by the 1981 British presidency" was provided by the Council Secretariat; and "[i]nterdepartmental coordination now focusses not just on particular dossiers (the previous practice) but as necessary on the whole agenda of a forthcoming Council session, with the presidency dimension made explicit", ibid.

ward with a ridiculous suggestion we might not have put it on the agenda. But otherwise, we were very conscious that we were responsible for running the ship. All the way through, whenever I dealt with the Presidency, I said to them, well – you may not like it, but we’ve got to deal with these issues. We can’t help it, we’ve got to get it moving.”<sup>261</sup>

### ***The UK Council Presidency 1986: Agenda Exclusions***

Second, the UK moved to exclude from its agenda as many potentially difficult issues as possible. On the one hand, “for the first time since its accession, the British government entered the presidency with a slate wiped relatively clean of awkward *national* problems” (Wallace 1986: 583, emphasis added), so that ministers were able to approach it without “preconditioned defensive reflexes” (ibid.: 588/589). In fact, the Community agenda was said to contain “many” items which UK ministers and officials “looked forward to steering through the Council and on which they had ideas to contribute” (ibid.: 585); George (1998: 185) argues that the Chair gave Britain a “good prospect” of moving the Community “in the direction that it favoured”. On the other hand, the UK found itself “in the driving seat of a European Community with massive and seemingly insuperable

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<sup>261</sup> Williamson, Interview, London, July 15, 2010. He went on to elaborate: “I tell you, when, between 1983 and 1987, every week I chaired, in the Cabinet Office, the meeting of all the departments, including the FCO – who did not chair it, I chaired all the meetings from the Cabinet Office – every week we went over the agenda, the forthcoming agenda for the next week and the week after and so on, and we took a position on all these issues. Of course, if those were very important, they went to ministers; if they weren’t very important, they didn’t go to ministers at all. They were dealt with in the interdepartmental committee, and then the Foreign Office would send out telegrams and tell our posts what we were going to do ... . When I chaired those, I - it may not have pleased them always - my commonest theme was, well, come off it: we’re in the Presidency. This is the Presidency. We’re not here to bash on about some particular thing you worry about, we’re not going to do that. We’re the Presidency, we’re responsible for the business, in the presidency period. It was quite a strong feeling. I think it’s quite important. (...) I think it did actually have an effect. Of course, as British representatives in meetings, we were perfectly entitled to go on saying that we think we should do this and that. But, sitting in the Presidency seat, the British position was just one of the delegation points. We never cheated, in my time, when I was there. (...) [W]e didn’t rig the system so that it would be favourable to the British position.”

problems”,<sup>262</sup> some of them apparently perpetual, and including a few that threatened to wrong-foot the government (cf. Wallace 1987: 402) because the solutions favored by Britain did not correspond to the majority view; furthermore, the accession of Spain and Portugal had just “added to the number of interests to be accommodated.”<sup>263</sup> It may not be entirely surprising, therefore, that although it was announced as “the statement by the President-in-Office of the Council on the programme of the British Presidency for the second half of 1986” (OJ Annex 2-341, July 8, 1986: 59), Foreign Secretary Geoffrey Howe’s speech to the European Parliament on July 8, 1986, did not announce a concrete action plan. In fact the speech was more notable for the things he did *not* mention than for any concrete program point it revealed – so much so that one MEP, in the ensuing debate, noted “the pleasant, if not to say insubstantial nature of the speech given by the President-in-Office of the Council, who spoke of beer, architects and air fares. But those are not the most important things we have to deal with.”<sup>264</sup> She added, “I venture to assume that those things which have not been mentioned are things which the British Presidency will wisely leave well alone” (ibid.). Overall, the UK Presidency excluded three major problem areas from the Presidency agenda - the budget deficit, CAP reform, and most EPC items, substituting them with an intensified focus on the single market, unemployment, terrorism in general, drugs, and health.

This approach became particularly evident - and faced the heaviest criticism - on the occasion of the 1986 Presidency’s sole European Council, held in London on December 5

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<sup>262</sup> George Robertson, Labour MP for Hamilton, opening Opposition speech on the second reading of the “European Communities Amendment Bill” to ratify the SEA, HC Deb 23 April 1986 vol 96 c326.

<sup>263</sup> Wallace 1986: 587. “It is a formidable prospect, and it is easy to see why the Minister, the hon. Member for Wallasey (Mrs. Chalker), the Mary Poppins of the Tory party, has been drafted in to put an acceptable face on the solutions which the Foreign Secretary might have to dredge out during his presidency”, Robertson, HC Deb 23 April 1986 vol 96 c326.

<sup>264</sup> Bodil Boserup, Communists and Allies Group (COM), OJ Annex 2-341, July 8, 1986: 71/72.

and 6.<sup>265</sup> Thatcher, in an attempt at pragmatic spin, called the summit “very constructive and very practical. Although no dramatic decisions have been required, it has been a very workmanlike Council” (Thatcher, European Council Press Conference, London, December 6, 1986). She received support from a (Conservative) European Democratic Group MEP who claimed that “if its history is to be written in a positive light, a presidency must maintain the greatest possible degree of calm. Economic systems and magnetic fields are very sensitive; it was therefore a shrewd move to hold a summit with a low profile.”<sup>266</sup> Many more observers, however, saw the London European Council as “a masterful example of how to stage an event that avoids all the really difficult issues” (Allen 1988: 51). The heads of state and government discussed such “popular and uncontroversial” topics as unemployment, terrorism, drugs, AIDS and cancer much more than, for example, the Community’s looming budget crisis and agricultural surpluses, East-West relations or trade tensions with the United States.<sup>267</sup> Most of the subjects under discussion had al-

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<sup>265</sup> Agence Europe, in two consecutive editorials on December 4 and 5, discussed the “questions that will remain unanswered” and the “taboos of the European Council”. Arguing that the “lack of answers or their quality will determine the judgement brought to bear by European public opinion on the usefulness of these summit meetings as well as on the will of the British presidency to pass the baton to the next presidency under reasonable conditions”, editorialist Emanuele Gazzo nonetheless concluded, from Presidency and Commission papers and statements, that “the presidency will force itself to skirt the most significant issues during debate and focus ... on those issues it plans to favor, without their priority being proven.” Agence Europe 4443: 1, December 4, 1986. The next day, he elaborated that “taking into account the latest news and statements”, there seemed to be “a whole series of things which will be more or less taboo at the London summit” and “must not be mentioned”: “Certain issues are explicitly excluded in the message Mrs Thatcher addressed to her colleagues and to the President of the Commission, which in theory foreshadows the agenda of the European Council (the final programme must be fixed when the meeting opens).” Among the items excluded from the agenda in this way were notably CAP reform and Community finance, including the Structural Funds, which “figure in none of the documents made public by the Presidency.” Agence Europe 4444: 1, December 5, 1986.

<sup>266</sup> Claus Toksvig (ED), EP Debate on Thatcher Statement, December 9, 1986.

<sup>267</sup> Cf. Hort 1987: 53/54, 58. The European Council “avoided the Community problems posed by the budget, agricultural reform and the financing of the structural funds. The preference for items on cancer, drugs and terrorism supported the thesis of those who interpreted the inelegant Single Act as the work of states setting out the limits of inter-governmental co-operation within a free trade area”, Brewin/McAllister 1987: 340.

ready appeared on the agenda of the preceding summit at The Hague in June,<sup>268</sup> and there the European Council had in fact pre-programmed its own London agenda to some extent, inter alia by deciding to “continue its examination ... at its next meeting” of the “serious matter” of drug abuse (Bull. EC 1986-6: 1.1.16.). But also at The Hague, Delors, as Commission President, had “promised that the problem of resources would be on the London agenda, and left no doubt of his displeasure at its exclusion together with agriculture, research, and structural funds” (Brewin/McAllister 1987: 338). In fact, the Presidency and Thatcher in particular did not eschew a major conflict with Delors and the Commission over the discussion of Community priorities at the European Council. The Commission wanted to push the EC’s “existential” questions - rebalancing the budget, CAP reform and improved North-South cohesion in the Community - onto the Summit agenda. Thatcher refused inter alia on the grounds that they would exceed the scope of the Council and only cause further conflicts, and that the Commission had not yet prepared detailed proposals - which left her in the comfortable position of having deferred all potentially awkward questions to 1987.<sup>269</sup> The dispute “overshadowed” the summit “like a dark cloud.”<sup>270</sup> Similar to Howe’s EP speech, the London European Council was thus more remarkable for what was omitted than for what was addressed (Hort 1987: 59). One observer pointed out that while normally, “European heads of government must feel some trepidation when they head for London to attend an EEC summit”, because

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<sup>268</sup> Except AIDS, cf. Bull. EC 1986-6: 1.1.2.-17.

<sup>269</sup> Cf. Hort 1987: 55; *FT*, July 8, 1986. Delors was given only a minimal opportunity to convey the Commission’s worries about budget, CAP and cohesion and invited to tour the capitals after the summit to deliberate possibilities of common action *before* publishing Commission proposals, cf. Agence Europe 4443: 1, December 4, 1986. This clearly contributed to the clash between him and Thatcher in the aftermath.

<sup>270</sup> Hort 1987: 58; cf. Wallace 1987: 405.

Thatcher's "reputation for reading the Riot Act to her colleagues is second to none", they needed to have no such fear this time, since

"[p]ledges to fight terrorism and drug-trafficking, unemployment and barriers to trade ... are unlikely to lead to any verbal bloodshed. The subjects on the agenda have been chosen with care to be popular, but distinctly uncontroversial. Mrs Thatcher's summit is more important not for what it says, but for what it leaves unsaid about Britain's changing relationship with the rest of the Community. The absence of controversy underlines the fact that for once the British government in general, and Mrs Thatcher in particular, are not intent on going it alone. It also reflects a bit of fast British footwork in keeping the divisive questions – agricultural reform, future financing, and EEC research programmes – well away from any thorough debate by the heads of government."<sup>271</sup>

However, all of this resulted in a barrage of criticism in the media, the House of Commons, as well as from Delors and the EP, where Thatcher, following her report on the European Council on December 9, 1986, sat through almost three hours of critical harangues from across the political spectrum on its conduct and results.<sup>272</sup> MEPs called the summit inter alia a "non-event"<sup>273</sup>, "a complete failure" that had "produced the longest communiqué so far, but with the least content"<sup>274</sup> and claimed it was "difficult to find a more inconsistent, fruitless and useless Summit"<sup>275</sup> which would be largely meaningless "to the citizens of Western Europe"<sup>276</sup>, before reminding Thatcher that "a more or less

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<sup>271</sup> Quentin Peel, "Mrs Thatcher Finds the Middle Ground", *Financial Times*, December 4, 1986: 26. The Presidency's skillful agenda-shaping, helped by carefully prepared proposals on terrorism by the Foreign Ministers and by the fact that the other topics on the agenda offered little cinder for conflict, resulted in a European Council in London in December that proved far less conflictual than that at The Hague in June. The Presidency program for employment was endorsed almost in passing; most international topics were discussed without major decisions and merely touched upon in subsequent utterances on behalf of the European Council, cf. Hort 1987: 54.

<sup>272</sup> Cf. Hort 1987: 54, Wallace 1987: 402. Thatcher's statement, Delors' response and the subsequent reactions from the EP's Political Groups are documented in OJ EC, Annex: Debates of the European Parliament No. 2-346, 1986/87: 41-68. All quotes from this event are taken from there. Many similar things were said by representatives of the same groups the next day in response to Geoffrey Howe's report to the EP on the Presidency as a whole, cf. *ibid.* 135-159.

<sup>273</sup> Patrick Lalor, Group of the European Democratic Alliance (RDE).

<sup>274</sup> Enrique Barón Crespo, Socialist Group (S).

<sup>275</sup> Giovanni Cervetti, COM.

<sup>276</sup> Bram Van Der Lek, Rainbow Group (ARC).

unanimous press thinks that the summit in London was a clear demonstration of the division and impotence of the Community's politicians".<sup>277</sup> The main complaint was that they "expected leadership from the Summit" and "to see international problems defined"; instead, there had been "no progress on any of the outstanding problems such as the budget, finance—including the need to review the Fontainebleau Agreement and the reform of the structural funds—, employment, the environment and the political role of the Community in the world"(Barón Crespo, S). Worse, the "big questions ... were avoided in London. (...) Why, Mrs Thatcher, was Community financing not discussed in London? Were you perhaps afraid that a decision to raise the Community's share of VAT to 1.6% ... would threaten your own repayment arrangement? These two matters were after all linked in Fontainebleau".<sup>278</sup> This was echoed many times, and by MEPs from every political group, reflecting a widespread impression that the British Presidency had sought an easy way out.<sup>279</sup> While it is thus evident that the UK Presidency, in line with the first mechanism of the PE in the leadership role, did strip the agenda of issues which would have been awkward for Britain, this may have proved counterproductive. Given the over-

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<sup>277</sup> Jørgen Bøgh, ARC. For good measure, Thatcher's summit report to the EP was called "deliberately exaggerated" (Lalor, RDE) and deserving of "the prize for the most fatuous political statement of the week" for describing the London European Council "as 'demonstrating the relevance of the Community to ordinary people in Europe'. Far from it! What it really demonstrated was the total irrelevance of the European Council's meeting to the solution of the most urgent and pressing problems currently facing the Community, its Member States and their citizens", Thomas Megahy, S.

<sup>278</sup> Jean Penders, European Peoples' Party Group (EPP). "Meanwhile, the debate on economic and social cohesion, the key to the survival of the Community, has also been postponed. (...) In its statement, the Summit recognizes that progress towards the reduction of unemployment and the convergence of standards of living has been less than satisfactory. However, apart from the usual tired litany of prescriptions, no serious measures at Community level have been added", Enrique Barón Crespo, S.

<sup>279</sup> "What happened in this respect at the London Summit, and what you have proposed here, show an infinite desire for harmony. We were told the UK Presidency had been very successful because the last summit in London did not end in a quarrel as it had done before. Well, while the problems remain unsolved, while the crisis continues to worsen because of the misguided agricultural policy, it is wrong to speak of harmony, given that everything is just being swept under the carpet and only those questions are tackled on which general agreement can be reached." Rudi Arndt, S, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 141.

whelmingly negative echo in the EP, the House of Commons, and the press, in addition to the clash with the Commission, it is debatable whether the Presidency miscalculated in its attempts to avoid isolation: tackling the difficult issues head-on in Council might not have resulted in a much more negative reception even in the unlikely event that they had remained unresolved *only* because of a UK block. The following sections look at each of the excluded subjects in more detail.

#### *1986 UK Council Presidency Agenda Shaping: Excluding EPC*

In his EP speech, Geoffrey Howe referred to East-West relations and the need to improve European political cooperation - without, however, naming any specific aims to be achieved under British chairmanship, except for his mission to South Africa.<sup>280</sup> When Margaret Thatcher took on the Council Presidency for the second time, the East-West relationship had entered a new phase with the accession of Mikhail Gorbachev to power in the Soviet Union in March 1985. In October 1986, a Reagan-Gorbachev summit at Reykjavik reached initial conclusions on nuclear disarmament that “ruffled the feathers of European leaders” because the Reagan Administration had failed to consult them, which “seemingly exposed the vulnerability of the Europeans in security terms” (Kirchner 1992: 99, cf. George 1998: 168/169). This event as well as other implications of the Reagan Doctrine, including the Iran-Contra affair and policy on Afghanistan and Angola, gave a boost to EPC, which still remained “heavily influenced by external events” and “mostly reactive” (Kirchner 1992: 104). International problems were accumulating, and EC members’ attention to them was increasing. The UK approach “shifted to a remarkable degree to-

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<sup>280</sup> See chapter V.4.2; Howe, Speech to the EP, OJ Annex 2-341, July 8, 1986: 59-63



wards recognition that the best chance of influence lies in closer European collaboration"; yet while on economics and trade, there were "few doubts about this on the British side", on politics and security, "as the agonized and agonizing debate of spring 1986 within EPC and with the United States over terrorism showed, British policy ... [was] being pulled in opposite directions", and the presidency of EC and EPC became a test of Britain's "ability to strike a balance between the European and Atlantic dimensions" (Wallace 1986: 595/596).

Nevertheless – or, arguably: therefore – the British government "carefully eschewed any close identification of its targets" for the 1986 Presidency: "It is curious that, this time around, EPC does not command the priority attention it did in previous British presidencies", despite the fact that "[m]ost Community governments realize that a delicate balance has to be struck between collective European and American approaches" (Wallace 1986: 596). When, after "the Reykjavik debacle" (Kirchner 1992: 107), Commission President Jacques Delors requested an extraordinary European Council meeting from the British Presidency, he was turned down. The "very disparate views of the Twelve" (Wallace 1986: 596) did not make finding balance from the Chair an enticing task, especially since the UK found itself caught in the middle, and in a minority, in particular on Afghanistan (over secret British and American arms sales to the Mujaheddin resistance against Soviet occupation), Syria (over terrorism allegations) and Libya (after a terror attack in Berlin had led to British-aided US military retaliation in April 1986, cf. George 1998: 169-171). In the light of the Presidency effect, it is not altogether surprising to find that none of these major ongoing problems were even mentioned in Geoffrey Howe's speech introducing the UK Presidency "program" to the EP. Afghanistan and tensions in the transatlantic se-

curity relationship were deleted from the agenda altogether, while the unavoidable problems with Libya were given the lowest possible priority. Instead, the British Presidency confined itself, beyond vague statements about the importance of EPC (e.g. Howe, HC Deb 18 June 1986 vol 99 c1085) and anodyne declarations of intent on, for example, tensions in the Middle East,<sup>281</sup> to uncontroversial initiatives on international drug trafficking and terrorism (cf. Kirchner 1992: 104.) However, the salience of the Syria issue pushed it onto the Presidency's agenda; and there was one further issue in the context of external relations which the UK Presidency could neither shirk nor claim to be leading the EC majority on, and which therefore had the potential to strongly expose it to the Presidency effect in its representative role: South Africa.

#### *1986 UK Council Presidency Agenda Shaping: Excluding the Budget Deficit*

In terms of the Community budget, the UK Presidency was facing two problems: the need to settle the annual budgets for 1986 and 1987 (cf. Chapter V.4.3 below), and the ongoing dilemma of the Community's structural deficit. The former it could not avoid, but the British successfully excluded from their Presidency agenda the EC's looming budget deficit, on which the UK position - to reduce the deficit without touching the British rebate by cutting CAP spending sharply - was fairly isolated. Squeezed as it was between very high CAP expenditure and the ceiling imposed by member states on the amount of VAT revenue designated as Community "own resources", the Community budget was va-

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<sup>281</sup> "The United Kingdom's position is unchanged; it remains based upon the principles of the Venice declaration. What is needed is action by the parties and, above all, agreement on who should participate in any talks. The judgment of all those with whom we have discussed it recently is that there is no scope for any new European Community initiative. During our presidency, we shall remain active and anxious to help in any way that we can", Howe, HC Deb 18 June 1986 vol 99 c1082.

riously estimated to be between 2 and 4 billion ECU short.<sup>282</sup> In April, the government had been warned of “another gigantic crisis, with the cash already running out and all the promises of budget discipline that were paraded before us last year lying in a heap” in the House of Commons.<sup>283</sup> But by December, it was clear that the Presidency had carefully avoided to address the issue, despite the successful settlement of the 1986 annual budget and the ongoing negotiations with the EP over the 1987 budget.

Again, the Presidency faced harsh criticism. Responding to Thatcher’s Commons statement on the London European Council, Roy Hattersley, Deputy Leader of the Labour Party and Shadow Chancellor of the Exchequer, challenged the Prime Minister:

“How does she propose to deal with the £2 billion deficit which the Community will face next spring? Does she accept that a supplementary budget is now unavoidable ... as Europe is facing bankruptcy. When she gives us her judgment on that point, will she tell us what possible advantage, apart from an attempt to save her own face, was gained from her refusal to act now against the financial crisis?” He went on to assert that the “Prime Minister has run away from all the crucial issues which should have been tackled during the British presidency. The failure to face, even less to attempt, to overcome either the financial crisis or the fiasco of the common agricultural policy was wholly deliberate, and the Community must hope that Belgium will behave more bravely next year. I should like to ask the Prime Minister specific questions about each of the crises which she attempted to duck”.<sup>284</sup>

Thatcher faced a similar reception at the European Parliament, where it was asserted that “[a]pparently the price of avoiding controversy at the Summit was an ‘ostrich policy’”, and that the “only response from the Summit has been to put back these burning

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<sup>282</sup> The European Currency Unit (ECU) was the - exclusively electronic - EC unit of account/currency “from its adoption on 13 March 1979 (replacing the ‘European Unit of Account’) to its own replacement by the euro on 1 January 1999, at a ratio of 1:1. The ECU was composed of a basket of currencies of the European Communities Member States and it served as the standard monetary unit of measurement of the market value/cost of goods, services, or assets in the European Communities, thus constituting the cornerstone of the European Monetary System (EMS)”, cf. European Commission Glossary: ECU, at [http://epp.eurostat.ec.europa.eu/statistics\\_explained/index.php/Glossary:ECU](http://epp.eurostat.ec.europa.eu/statistics_explained/index.php/Glossary:ECU).

<sup>283</sup> Robertson, HC Deb 23 April 1986 vol 96 c326.

<sup>284</sup> Hattersley, HC Deb 8 December 1986 vol 107 c23.

issues to a later date”, which amounted to “irresponsible ... delaying tactics”.<sup>285</sup> One day later, Geoffrey Howe was told, in the same place, that the Presidency as a whole clearly “was not prepared to allow the financial crisis the European Community is in to become visible at all. You have done nothing to combat this financial crisis. You have done nothing to get a lasting settlement to the own resources question.”<sup>286</sup>

### *1986 UK Council Presidency Agenda Shaping: Excluding the CAP*

Prominent among the “long-established issues” troubling the EC which appeared to “defy lasting resolution” (Wallace 1986: 587), the problem with the common agricultural policy consisted of the high percentage of the EC budget spent on the CAP on the one hand,<sup>287</sup> and the massive agricultural surpluses generated by the policy, which pursued the principal aim of maintaining farming incomes, on the other. In Britain, the opposition painted it as one of the major challenges the government would face in the Presidency: “The CAP is again out of control, its costs swallowing up bigger and bigger chunks of the entire Community budget, and with no sign of reform on the horizon.”<sup>288</sup> Even though “the central issues no longer pivot around a ‘British problem’” (Wallace 1986: 585), the UK was isolated in its views on how to approach them in the same way as on the budget deficit: while CAP reform was *in principle* acceptable and even desirable to all member

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<sup>285</sup> Enrique Barón Crespo, S, EP Debate on Thatcher Statement, December 9, 1986. He went on to say that “Parliament has to vote on a 1987 budget which includes excessive agricultural costs without even an indication from the Council about how the necessary funds can be provided. This means that the uncontrollable pressure of agricultural costs will continue to push structural costs to one side and displace development aid.” Similar points were made by Thomas Megahy from the same political group.

<sup>286</sup> Rudi Arndt, S, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 140.

<sup>287</sup> In 1986, CAP expenditure took up just under 70% of total EC expenditure, cf. European Commission, DG Agriculture and Rural Development, Agricultural Policy Analysis and Perspectives Unit 2014, “CAP Expenditure in the Total EU Expenditure”, Graph, available at [http://ec.europa.eu/agriculture/cap-post-2013/graphs/graph1\\_en.pdf](http://ec.europa.eu/agriculture/cap-post-2013/graphs/graph1_en.pdf).

<sup>288</sup> Robertson, HC Deb 23 April 1986 vol 96 c326.

states, cutting CAP subsidies, especially while leaving the British rebate intact, was not. But in the face of eroding export markets, enlargement and American competition, the CAP regime of price guarantees, export subsidies and access limitations to the Common Market was coming under intense pressure, and the British Presidency was expected “to encourage constructive discussion of these difficult issues in order to open up the debate.”<sup>289</sup> In the run-up to taking over the Council Presidency, the UK Foreign Secretary recognized that “the CAP must adapt to changing circumstances, which must be a continuing process”, and announced the CAP would be “high on our agenda in the Community in the next six months” (Howe, HC Deb 18 June 1986 vol 99 c1086). However, in his program speech to the EP, Howe, while making some disapproving noises about the CAP and listing a lot of things that needed to be done, did not suggest that the UK Presidency was going to do any of them (Howe, Speech to the EP, OJ Annex 2-341, July 8, 1986: 61). So no major Presidency initiatives on fundamental CAP reform were forthcoming, and the British Presidency was also “spared the responsibility of having to compile a price-fixing package”.<sup>290</sup> Yet it was unable to entirely avoid a small number of difficult CAP dossiers outstanding from the price-fixing debate that went to the heart of the need for CAP reform *and* were highly salient due to the acute surplus and impending budget crises, notably reforms of the dairy and beef sectors and socio-structural measures to help farmers adjust. Of these, the beef sector was most awkward for the UK;<sup>291</sup> but the agricultural

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<sup>289</sup> This was to happen on the basis of a “range of suggestions” contained in a Commission Green Paper, Wallace 1986: 595; cf. Bull. EC 7/8-1985: 1.2.1. et seq., Bull. EC 12-1985: 1.2.1 et seq.; Bull. EC 2-1986: 1.3.1 et seq.; Bull. EC 12-1986: 1.2.2.

<sup>290</sup> Wallace 1986: 594/595. This annual routine always fell into the first half of the year and thus had been completed under the Dutch Presidency in April 1986.

<sup>291</sup> This was due to the fact that the small British beef-producing industry was very much in need of protection, a circumstance which brought into sharp relief the latent tensions between the government’s ideological Thatcherist principles and its policy practice when hoisted into the limelight of the Presidency agenda. While socio-structural measures and the problems of the dairy sector were closely linked to those

price fixing package had “deferred until some time before 31 December 1986 a decision by the Council on the problems on the beef/veal market” (Bull. EC 12-1986: 1.2.2.). Upon taking over the Presidency of the Agricultural Council, Michael Jopling, British Minister of State for Agriculture, Fisheries and Food, duly indicated that “the general agricultural priorities” included “reform of the beef market” (Brewin/McAllister 1987: 361). However, the issue was initially de-emphasized: at the Agricultural Council meeting on July 14/15, after “a further exchange of views on the question of adjustments to the common organization of the market in beef and veal, the Council decided to resume discussion in September in order to reach a decision before the end of 1986” (Bull. EC 7/8-1986: 2.1.138.). Yet beef did not feature on the agenda of the September 15/16 Agricultural Council (cf. Bull. EC 9-1986: 2.1.100), and at its October 13/14 meeting, the Council merely postponed the issue again (cf. Bull. EC 10-1986: 2.1.131) - despite the fact that on the previous day, ECOFIN had noted “the increasing burden” of CAP surpluses for the budget and demanded future policy be aimed at “bringing expenditure under better control” as well as avoiding “the production of surpluses” (Bull. EC 10-1986: 2.1.132., cf. *ibid.*: 2.1.1.). Subsequently, the British Presidency held a “high-level” meeting of “national permanent secretaries in Brussels” in November “to break the log-jam over agriculture” (Brewin/McAllister 1987: 339), which enabled the Agricultural Council, at its November 17/18 meeting, to make “definite” - albeit unspecified - progress.<sup>292</sup> Moreover, CAP reform was deli-

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of the beef sector, and the UK held the same fundamental position (less intervention, more market orientation) on all three, it was less isolated on socio-structural issues and even managed to rally a majority of the Council to its position on the reduction of dairy quotas, which makes them less interesting for the purposes of this study; thus the focus here is on the beef sector (except to the extent that the Presidency explicitly linked all three).

<sup>292</sup> Bull. EC 11-1986: 2.1.169. “It announced its intention to continue examining this matter at its December meeting, at which time a decision should be possible”, *ibid.*; cf. Agence Europe 4430: 8, November 15, 1986; cf. *ibid.* 4433: 7/8, November 20, 1986. The observers at Agence Europe saw “not much progress”, but also noted that “the Council formally expressed its will to make decisions on milk and beef and veal at

berately excluded from the European Council's agenda in December, with the justification of it being "a job for the Ministers of Agriculture", and there was only the expectation for the Heads of Government to "[a]t most ... stress that Agriculture Ministers must take the necessary decisions in the milk and beef sectors."<sup>293</sup> However, contemporary observers noted its conspicuous absence and surmised political reasons instead;<sup>294</sup> reasons which were acknowledged, years later, by Thatcher and Howe.<sup>295</sup> But omitting the controversial CAP reform from the European Council's agenda also matches the expectations of the Presidency effect in its leadership role, as does postponing the unavoidable aspects for as long as possible.

### ***The UK Council Presidency 1986: Presidency Initiatives***

Third, the British Presidency chose to push a select number of issues. On two of these – completion of the Single Market and unemployment – the Presidency took the initiative to promote integration progress, in one case by attempting to direct common action to

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its next session on 8-9 December, with 'night session' if necessary. (...) Since no consensus was reached, the high-level group will re-discuss the file on 4 December so that reforms can be adopted by the end of the year, ... as the presidency wishes", *ibid.*

<sup>293</sup> Agence Europe 4444: 1, December 5, 1986; cf. *ibid.*: 5., cf. also *ibid.* 4440: 5, November 29, 1986.

<sup>294</sup> Agence Europe (4444: 1, December 5, 1986) noted that this was "rather odd because Mrs Thatcher promised British Conservative Euro-MPs led by Sir Henry Plumb some days ago that 'she would fight hard at next week's EEC summit for reform of the CAP'. Not only that, but she allowed it to be written that she would insist on the reduction of cultivated areas, despite the impossibility of Chancellor Kohl's accepting, or even discussing such a plan." Similarly, Hattersley, replying to Thatcher's statement on the European Council to the House of Commons (HC Deb 8 December 1986 vol 107 c23), demanded to know: "Does the right hon. Lady agree that there must be major reform, a reduction in surpluses and a pricing policy for the CAP which is in the interests of consumers no less than of producers? Is it not shameful that the pursuit of those objectives, which are all in the British interest, should have been sacrificed to help the German Conservatives in their election campaign?"

<sup>295</sup> Thatcher wrote that "the London Council itself could only be a modest success. On the way into dinner Chancellor Kohl had made it clear to my private secretary, Charles Powell, that there was no question of Germany being able to take major decisions on agriculture – the most vexed question at this time – before their forthcoming elections", Thatcher 1993: 447. Similarly, Howe described the London European Council as "an uneventful meeting, not least because Chancellor Kohl – like ourselves, with an election coming up – was unwilling to contemplate any difficult decisions on the restraint of farm expenditure", Howe 1994: 521. Like Thatcher herself, Kohl's Conservative/Liberal coalition was to comfortably win the (January) 1987 election, losing only very few seats overall.

its own priority areas and maximizing the number of measures passed (Single Market), and in the other by re-framing the entire Community approach in line with UK preferences (unemployment). The remainder of the issues given priority by the Presidency were widely considered “fillers”, items pushed more to fill the gaps left by other items excluded from the agenda than for the Presidency to make its mark. Thus if, “[a]s indicated by the British Prime Minister, the three priorities of the British Presidency were security and freedom of the citizen, fresh impetus for the process of completing the internal market, and practical action—I stress the word practical—to combat unemployment”,<sup>296</sup> the first area, “security and freedom of the citizen” comprised several items - “terrorism, drugs and the dangers of illegal immigration, with AIDS thrown in for good measure” that, in the view of observers,

“were not chosen for the gravity of the problems involved. Nor were they selected because they were particularly amenable to a concerted Community response. (...) They were chosen instead so that specious harmony might prevail in order that the electoral prospects of Chancellor Kohl and of Mrs Thatcher herself mightn’t suffer from any discord, and in order finally that our British Prime Minister might, as one Tory Sunday newspaper claimed, establish herself as the so-called model leader of Europe” (Thomas Megahy, S, EP Debate on Thatcher Statement, December 9, 1986).

In terms of terrorism, the SEA had brought the extension of the Community framework to cooperation on internal security,<sup>297</sup> and the Prime Minister claimed substantial progress after the European Council: “I think that the communique will demonstrate the in-

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<sup>296</sup> Jacques Delors, reply to the President-in-Office, Margaret Thatcher, Statement to the EP on the London European Council, documented in OJ EC, Annex: Debates of the European Parliament No. 2-346, 1986/87: 41-68.

<sup>297</sup> In particular, this happened through the ‘Trevi’ Group of Interior and Justice ministers considering hooliganism and cooperation between judiciaries, and their official subgroups on terrorism, police, drugs and immigration, cf. Brewin/McAllister 1987: 339.



creasingly successful cooperation within the Community on dealing with terrorism”.<sup>298</sup> In addition, Community cooperation “has now been extended to things such as dealing with drugs” (Thatcher, European Council Press Conference, London, December 6, 1986), on which “Heads of Government endorsed a seven point plan”<sup>299</sup> to fight drug trafficking and “resolved to keep following it up so that we make sure that each country learns and implements measures found effective elsewhere” (ibid.). Finally, the European Council President was able to announce various measures on public health.<sup>300</sup>

The following sections consider the Presidency’s Single Market and Unemployment priorities in more detail.

#### *1986 UK Council Presidency Initiative: Completing the Single Market*

In light of both the SEA and the United Kingdom’s own policy preferences, prioritizing work on the completion of the Single Market was unavoidable for the British Presidency. The government had been “floating suggestions for Community action on this area and pressuring its partners and the Commission to adopt a swifter, more targeted approach” for two years, because the single market was very important “not only for its own sake”, but was “the first core Community issue for over a decade (as distinct from EPC)” to have

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<sup>298</sup> Thatcher, European Council Press Conference, London, December 6, 1986. She elaborated: “[W]e have agreed three principles to govern our fight against terrorism: no concessions under duress to terrorists; solidarity in preventing terrorism and bringing terrorists to justice and concerted action against attacks and those who sponsor them; further, we have asked our Home Secretaries to concert a major programme on extradition, on theft and forgery of passports, on abuse of asylum and on illegal immigration—all this to secure the external frontiers of the Community while allowing its citizens again to move more freely within them”, ibid.; cf. also Thatcher, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 cc21/22.

<sup>299</sup> Thatcher, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 cc21/22.

<sup>300</sup> “On public health matters, which are also concerned with safeguarding the open society, we have designated 1989 as European Cancer Information Year. We have set in hand an exchange of information about the new scourge of AIDS, information about its spread, prevention and treatment and research, with the aim of developing a cooperative drive against it. We feel this is the single most effective action we can take at this stage”, Thatcher, European Council Press Conference, London, December 6, 1986; cf. idem, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 c22.

“caught the imagination of British policy-makers” while being “echoed by their counterparts elsewhere” (Wallace 1986: 590, cf. Kirchner 1992: 101). This period in which the Single Market Program was “in the early stages of implementation” was “crucially important ... as success in the early days would be vital in giving validity and authority to the programme and could well determine its success or failure” (Cockfield 1994: 88) – and it provided “an opening for a British presidency to demonstrate the consonance of British and Community interests” (Wallace 1986: 584). From the UK point of view, the attractions of pursuing a “thoroughly liberalized” Single Market included that it would help to “redress the balance against the all-engulfing claims of the CAP”, would suit “Community philosophy” as much as “the doctrinal preferences of the current British Conservative government, and it would draw in its train a mass of interconnections with other fields of Community action” (Wallace 1986: 590). Accordingly, Howe’s description of the Presidency priorities placed the Single Market program at the core of the British agenda (cf. Wallace 1987: 403), with an emphasis on the need to pursue its implementation<sup>301</sup> – so much so that reactions at home and from the EP plenary ranged from scolding for “this obsession with the so-called internal market”<sup>302</sup> to blame for the Council for blocks and hold-ups.<sup>303</sup>

The completion of the Single Market agreed in the SEA provided “a field of action which demonstrates the challenge for and the constraints upon the Council presidency” (Wal-

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<sup>301</sup> “But above all others, the issue on which the British profess to be good Europeans is the ambitious one of completing the Common Market by 1992, written into the Single Act. There is decidedly less enthusiasm in Whitehall for its counterpart – stepping up the activities of the regional and social funds to help the poorer parts of the Community catch up, which means more cash in the budget”, Peel 1986, op. cit.: 26; cf. Kirchner 1992: 101.

<sup>302</sup> Alfred Lomas (S), EP Debate on Presidency Statement, OJ Annex 2-341, July 8, 1986: 63/64. “The dream of Lord Cockfield is to be the target of the British presidency and all the eggs are to be precariously placed in this basket”, Robertson, HC Deb 23 April 1986 vol 96 c326.

<sup>303</sup> Cf. Fernand Herman (EPP), OJ Annex 2-341, July 8, 1986: 64/65; Sir Henry Plumb (ED), *ibid.*: 65.

lace 1986: 591). The “overriding difficulty” for the UK in this area was not being in a minority, as it was one of the strongest supporters of the Single Market program, but “the problem of giving legislative reality to the economic goals” (ibid.: 590), which might induce the Presidency to go to great lengths to make progress in an area of the highest priority for itself as well as for the Community as a whole. Mirroring their Dutch predecessors (cf. Kirchner 1992: 98, Buck 1987: 61), the British, in a “businesslike” approach (Wallace 1986: 598), “followed consistently the Commission’s timetable and guidelines, but inserted ... [its] own specific interests where possible” (Kirchner 1992: 101). The aim was to proceed as quickly and effectively as possible with the Cockfield program - and here the Presidency offered a welcome opportunity to change the Community approach from maximum to minimum regulation (cf. Wallace 1987: 403): “Over the internal market, Mr Alan Clark<sup>304</sup> stated that Britain wished to speed things up by the use of the new method for eliminating technical barriers, doing as much as possible by use of norms and mutual recognition” (Brewin/McAllister 1987: 362).

An important aspect of this was the maintenance of continuity and momentum, a point Howe emphasized to the EP.<sup>305</sup> For this purpose, the British became “prime movers in setting up a ‘rolling action programme’ to co-ordinate the activities of consecutive presidencies” – Luxembourg, the Netherlands, the UK, and subsequently Belgium and Den-

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<sup>304</sup> Minister of State for Trade, Department of Trade and Industry, ardent Euro-sceptic.

<sup>305</sup> “The case I was presenting today on the internal market was not essentially the United Kingdom case. It was the Council case as endorsed by The Hague European Council very specifically, on the strength of the White Paper produced by the Commission on the strength of the action programme produced by successive presidencies. There too I think we are beginning to learn how to work. We have gained a great deal from running alongside the Dutch presidency and we have the Belgian presidency running alongside us now. We are establishing a pattern of continuity and of increasing momentum at Council level”, Howe, reply to the debate, OJ Annex 2-341, July 8, 1986: 77.

mark – in “pushing through the decisions to overcome internal trade barriers”.<sup>306</sup> Aiming to “encourage a high output of decisions”, they established, jointly with the Commission and the Council Secretariat, “an ambitious programme for Council business during 1986 ... designed to ensure that the baton is not dropped as the members of the relay team set off on their run - which, given the nature of the subject, will be across country, not a short sprint.”<sup>307</sup> The initiative signified recognition that “Presidencies are ... not enclosed epochs but merely phases of an ongoing process”, and that it was therefore advisable “not to attempt to achieve everything in one Presidency but over successive ones” (Kirchner 1986: 101). The progress achieved on the basis of such consecutive programs would change decision habits in the Council and allow a steady momentum of decisions based on the precisely timed moves of proposals from the technical to the political level (cf. Wallace 1987: 403).

In this context, the UK Presidency emphasized certain aspects of the internal market that were closest to its own preferences, such as air transport (see Chapter V.3.2) and financial services<sup>308</sup> - and, even in this area, de-emphasized others.<sup>309</sup> This elicited a certain amount of cynicism, notably in the European Parliament:

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<sup>306</sup> Peel 1986, op. cit.: 26, cf. Agence Europe, 4232: 6, January 6/7, 1986; 4240: 8, January 17, 1986. In line with their emphasis on planning and administrative efficiency, the British were “in touch with their Dutch predecessors about the management of one of the Community’s major agenda items, the internal market, during the Benelux and British Presidencies of 1985-87, even before the Dutch had taken the chair in January 1986”, Butler 1986: 27. The Dutch Foreign Minister, Hans van den Broek, called it a “very highly developed form of cooperation, which aims at eradicating the disadvantages of the rapid rotation of the Presidency, which to my knowledge ... has no precedent, at least not in this form”, Agence Europe, 4240: 8, January 17, 1986. The concept of coordination between successive presidencies was borrowed from the EPC “troika”, cf. Wallace 1986: 591.

<sup>307</sup> Wallace 1986: 591. “The Luxembourgers and Dutch have in turn withdrawn from the coordinating group, to be replaced by the Belgians and the Danes”, *ibid.*

<sup>308</sup> Cf. Howe, Speech to the EP, OJ Annex 2-341, July 8, 1986: 59-63; cf. also George 1998: 185/186; Brewin/McAllister 1987: 340, cf. *ibid.* 346.

<sup>309</sup> Despite the broad congruence of the Community and the British agendas on the internal market, there were tricky issues for a British Presidency. The “internal market” program covered “an amorphous mass of detailed and technical subjects ranging from the gargantuan - tax harmonization - to the minute – specifi-

“The government that is here represented by Sir Geoffrey Howe has too firm a reputation of hostility to the cause of Europe, and is the author of too many attempts to sabotage its development, for us to be able to believe in its sudden conversion. Naturally, we know that the new President of the Council and his colleagues will commit themselves to the hilt for the liberalization of the insurance market and other financial services, from which they hope to draw immediate advantages.”<sup>310</sup>

### *1986 UK Council Presidency Initiative: Combatting Unemployment*

#### *The Problem*

Unemployment was high on the political agenda across the European Community in the mid-1980s, and therefore probably not an issue the UK Presidency could have avoided even if it had wanted to.<sup>311</sup> Meanwhile, at the national level, Britain’s own economic background was improving: the continuing decline in the oil price helped to depreciate Sterling and thereby contributed to “a sharp revival of export growth”; a decrease in unemployment followed “from the middle of 1986” (George 1998: 173). Hence, while unemployment and the “search for a better functioning labour market” remained “a central

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cations for large-pressure vessels and such like” (Wallace 1986: 590/591). Among them, the “gargantuan” yet “logical and long-standing Community aim” (ibid.) of tax harmonization was “for the British the awkward part of the internal market issue”, and while “a high-level Community group reported in June to the Ecofin Council”, the UK Presidency was “not likely to press for rapid progress on all parts of this dossier” (ibid.: 592). Instead, because of its “major reservations about the desirability of harmonising tax rates, especially those of income tax and VAT”, and “[d]espite the enthusiasm for the general principle of the internal market the Thatcher government has continued to resist what it sees as harmonisation for its own sake” (Allen 1988: 45/46).

<sup>310</sup> Nicola Romeo (LDR), OJ Annex 2-341, July 8, 1986: 72. He went on to explain that “[o]n 23 April this year Mrs Chalker, who has done us the honour of being here in her capacity as British Under-Secretary of State of Foreign Affairs, said to the Chamber of Commons - and I quote: ‘Above all, we have sought only to work with majority voting where it could be in our interest. We have selected areas on that basis.’”

<sup>311</sup> “The 12 nations in the Community for which the Foreign Secretary will take responsibility on 1 July have over 15 million people out of work. Two in every five are under the age of 25. Little or nothing is being done to mobilise the political will to get them back to work. On top of all that, the competitive edge of our collective industrial capacity is continually under challenge from the far east, from Japan and from the Americans”, Robertson, HC Deb 23 April 1986 vol 96 c326, cf. also Welsh 1988: 1, 6, who puts the figure at 13% unemployment in the European average.

preoccupation not only for the British but also for other European governments”,<sup>312</sup> the Thatcherites felt vindicated in their (strictly supply-side and inflation-oriented) approach to the problem. Moreover, companies and tax authorities were complaining, “very vocally in the British case, about the limitations and costs imposed on them by Community employment legislation”, mostly because of the Commission’s efforts to extend employer responsibilities - “an effort at ‘social engineering’ much disliked by the Conservative government”.<sup>313</sup> “Social engineering”, in this context, “depended on detailed procedures imposed at Community level” (Welsh 1988: 17): the Commission had come up with a series of directives whose “common theme was the entrenchment of the social rights of employees: sick, holiday and redundancy pay; protection against arbitrary dismissal; guaranteed pension etc.” (ibid.: 2). Moreover, the prevailing wisdom in the European Community was that unemployment could only be combatted effectively through “progress towards a ‘common social area’ to be pursued through a ‘social dialogue’ between management and Unions” (ibid.: iii).

However, on labour market policy, the EC legislative process had become “irretrievably jammed” since the Council was “overwhelmed by detailed proposals for which there was no consensus; and ministers were frustrated by their own inaction” (ibid.: 3). The Dutch

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<sup>312</sup> Wallace 1992: 592. In the UK, the “central nature of employment policy was recognized in that the Department of Employment ... [was] the only ministry, apart from the Treasury, to have two cabinet ministers”, Welsh 1988: 7.

<sup>313</sup> Wallace 1986: 593. “For most European Ministers, accustomed to coalition government and the careful balancing of different pressure groups within a broad national consensus, resistance to the ‘social engineering’ directives was a question of expediency and fine judgment. For the British Conservatives, elected in 1979 on a manifesto which promised to roll back the arbitrary power of trades unions and deeply suspicious of European interference, it was a matter of passionate conviction”, Welsh 1988: 3. Beyond existing legislation, the Commission’s pending proposals also encountered “intense” resistance “particularly from American and Japanese multinational companies with major European investments. A massive public relations campaign was mounted and support enlisted from those conservative-minded governments which were struggling to free their economies from the debilitating social constraints which in their view made it uneconomic for companies to expand their labour forces”, ibid.: 2.

Presidency saw no real potential for progress and merely suggested that any of the relevant dossiers might be re-examined.<sup>314</sup> The blockage was not least due to the fact that the UK was maintaining a “fairly fundamental” reservation on the principle of majority decisions in the social field (including improvements of the working environment, health protection and workers’ safety).<sup>315</sup> In early 1986, five major Directives were stalled in the Council<sup>316</sup>: the so-called Vredeling Directive (named after the Dutch Commissioner who introduced it, OJ C297, November 15, 1980) and Directives on part-time work (OJ C50, March 9, 1981), temporary work (OJ C292, November 8, 1982), the reduction of working time (OJ C290, October 16, 1983) and on parental leave (OJ C333, December 9, 1983). Britain was “primarily responsible” for blocking progress on the Vredeling Directive, “which would have given the employees of multinational corporations rights to information about the activities and plans of the company for which they worked” (George 1998: 187); indeed, the Vredeling Directive on workers’ rights had become the “red rag to the British bull” (Wallace 1987: 404), and so it was “put off again”.<sup>317</sup> Welsh (1988: 3) observed that “[f]ew governments would now argue with Britain’s reasons for opposing Vredeling, or the other Directives, indeed British officials regularly claimed that the other governments were only too happy to hide their own opposition behind the UK’s skirts.” But the UK was charged with “intransigence” because of its uncompromising stance, which

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<sup>314</sup> “It has not been excluded out of hand that the Vredeling Directive will be the subject of political discussion among Ministers”, Jan De Koning, Dutch Minister for Social Affairs, cf. Agence Europe, 4249: 8, January 30, 1986.

<sup>315</sup> Cf. Agence Europe, 4237: 3, January 13/14, 1986. This led to claims that the British government was isolated “in its opposition to any measures that improve the living standards of working people”, Alfred Lomas (S), EP Debate on Presidency Statement, OJ Annex 2-341, July 8, 1986: 63/64.

<sup>316</sup> Cf. Agence Europe, 4249: 8, January 30, 1986.

<sup>317</sup> Brewin/McAllister 1987: 363. Asked in the European Parliament about the Presidency’s intentions with regard to the Vredeling Directive, Howe merely said that “it was agreed at the June Social Affairs Council that the time was not right for further discussion of the Vredeling Directive”, Howe, Question Time, OJ Annex 2-341, July 8, 1986: 92/93.

had become particularly visible “when its dislike of all forms of ‘social engineering’ induced a block on the proposed Recommendation on Reduction of Working Time [Bull. EC 6-1984: 2.1.42.] ... despite extensive amendments to the text to accommodate the British position that any reduction must be linked to corresponding cuts in unit labour costs” (ibid.: 3). The UK also “doggedly opposed” a Directive on Parental Leave<sup>318</sup> which was “generally regarded as a harmless consolidation of widespread practice”.<sup>319</sup>

### *The Presidency Initiative*

On the eve of its Presidency, the UK thus found itself bearing “the weight of opprobrium for the growing sense of frustration, as the Commission produced proposal after proposal and the Ministers spent Council after Council haggling over texts which they knew would never be adopted” (Welsh 1988: 3). This had predictable consequences for the Community’s standing in public opinion, and “it was all too easy for the Commission and

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<sup>318</sup> Cf. Bull. EC 12-1985: 2.1.87.

<sup>319</sup> Welsh 1988: 3. In fact, “at the very meeting at which the new British proposals [see below] were first outlined” in June 1986, Kenneth Clarke, Paymaster General and, as Minister of State for Employment, Deputy to Lord Young, the Secretary of State for Employment, “blocked a proposal for statutory paternity leave for the fathers of new children”, George 1998: 187; cf. Welsh 1988: 2. The government’s isolation on this matter was underlined by the fact that the Conservative MEP Sir Henry Plumb, on behalf of his political group (ED), entered a special plea for this Directive to Geoffrey Howe on the occasion of the latter’s introduction of the British Presidency to the EP: “May I make one special plea on just one point, a very human point of concern. Ten EEC countries now have provision or proposals for parental leave. There is on the table of the Council of Ministers a draft directive which would ensure that all Member States make a minimum provision for parental leave. This directive is the result of an initiative from my own group in the last Parliament. We are saddened to learn that the United Kingdom Government is blocking it. Parental leave is being established across the EEC as a sensible means of promoting the welfare of children and of helping parents to combine the commitments of their work and their family. We hope very much that the UK Government will withdraw its objection to this draft directive”, OJ Annex 2-341, July 8, 1986: 66. The government remained unmoved; and when Plumb subsequently praised the UK Presidency after Howe’s report to the EP in December, he was mocked for it by another British MEP: “I wonder if Sir Henry could repeat the passage of his speech about the parental leave directive which I recall was the one thing he asked the British Government to do during its Presidency. I must have missed it in translation. I am sure he would not have omitted to mention it”, Richard A. Balfe (S), EP Debate on Thatcher Statement, December 9, 1986.



others to point the finger at the British as the cause of the Community's malaise."<sup>320</sup> Perhaps surprisingly, therefore, the UK Presidency made employment a major focus, especially given that since accession, British ministers had always resisted *Community* involvement in the issue and particularly Commission attempts to get the Social Council to develop an activist social policy. But employment became "a central element in the British presidency's programme, not least because the government considered that here was an area where there was a good story to tell" (Welsh 1988: 14): the "crucial aim" for the UK was "to change the core agenda of the Social Affairs Council so as to focus on what it regards as central, not peripheral, issues" (Wallace 1986:593), that is, "to alter the direction of Community employment policy along the lines of British job creation policies", with an emphasis on removing obstacles to growth and job creation (Welsh 1988: iii).

In an outline of the Presidency agenda on May 21,<sup>321</sup> Howe had announced, as part of the Presidency's "action programme" for jobs and prosperity, "something new": "attempts to lift burdens on businesses, especially small- and medium-sized businesses, and to introduce flexibility into the labour market, would be a high priority of the presidency" (George 1998: 185/186). The British ideas were contained in a 19-page document called "Employment Growth into the 1990s: A Strategy for the Labour Market" which, after weeks of careful preparation and signed by the Irish, Italian and British employment ministers, was submitted to the Council on 28 May.<sup>322</sup> In early June, the paper was formally

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<sup>320</sup> Welsh 1988: 3. Especially for members of the Socialist political group in the European Parliament the Thatcher government provided an obvious target about which they complained loudly at every opportunity: "Proposals about parental leave, temporary work, reduction in working time have all been blocked by the UK Presidency, as have equal opportunities for women and the ending of cheap labour. Any proposals in this field are always opposed by the UK", Alfred Lomas, S, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 149.

<sup>321</sup> Cf. The Times, May 22, 1986, cf. George 1986: 185/186.

<sup>322</sup> The UK had "persuaded the Irish and Italian Governments to join it in sponsoring the new plan, which bore the names of Ruairi Quinn and Gianni de Michelis, both socialists, in addition to those of Kenneth

introduced as a joint British, Irish and Italian initiative aimed at replacing fruitless discussions over details of employment law with a business-oriented employment strategy (cf. Wallace 1987: 404). The “most important part ... was a set of proposals for employment policy, which were spelt out in more detail at a meeting of the Council of Employment Ministers on 5 June by Kenneth Clarke”.<sup>323</sup> Both the Irish and the Italian minister had already been active with unemployment-related initiatives under their countries’ respective Presidencies in previous years, albeit without much tangible impact (cf. Welsh 1988: 6/7). The new tripartite initiative “drew heavily on the earlier Quinn and de Michelis documents, but added a good deal of British policy thinking”,<sup>324</sup> in particular a focus on de-regulation for SMEs<sup>325</sup> which mirrored “comparable efforts in British policy” (Wallace 1986: 592). The UK government was “very keen to see substantive progress during the presidency, perhaps with a view to winning a further commitment to movement at the London European Council in December 1986” (ibid.), but discussion was “postponed” to

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Clarke and Lord Young. Thus the plan could not be rejected as being a purely British document: criticism became that much more difficult”, George 1998: 187.

<sup>323</sup> George 1998: 187. Both Lord Young of Graffham and Clarke had been Cabinet members since September 1985. They brought “an added edge to British determination to put flexibility and de-regulation firmly on the Community agenda. As Minister without Portfolio, Lord Young had been one of the most forceful exponents of de-regulation as a means of stimulating employment growth, and had been responsible for establishing a government task force to reduce unnecessary burdens on business in the UK. It gradually became clear, as far as the Community was concerned, that Kenneth Clarke would be responsible for representing the UK in the Social Affairs Council. The primary objective of British policy would be to give a new sense of direction to employment policy by making British-style de-regulation and adaptability the subject of a Council initiative”, Welsh 1988: 7.

<sup>324</sup> Welsh 1988: 9 “The paper proposed specific action in four areas: special help for the long-term unemployed through improved training and counselling services and encouragement for self-employment; additional help for small businesses and individual entrepreneurs through the Social Fund grants for new equipment and premises; improved training for young people and adults, with particular emphasis on vocational training to bridge the gap between school and work; and increased efficiency of the labour market through the promotion of flexible working conditions and the removal of structural rigidities that reduced the propensity to employ”.

<sup>325</sup> “The deregulation initiative is designed to help all businesses, but especially small and medium-sized enterprises (SMEs), to operate more easily by reducing the ‘administrative and legal constraints’ on them at both national and Community levels. A Commission task force has been set up and studies started, with the eventual aim of ensuring that existing legislation will be simplified where necessary and that new proposals will incorporate a clarificatory annex or ‘fiche’ identifying their constraints on business”, Wallace 1986: 592.

an informal meeting of the Social Council in September, “which would of course take place under the British Presidency.”<sup>326</sup> Thus, while the memorandum “aroused a good deal of press interest”, it was “largely overshadowed” by the decision to kick the Vredeling Directive into the long grass (again) and “an acknowledgement that the parental leave proposal was hopelessly blocked” - but the “decks were thus cleared for the start of the British Presidency” (Welsh 1988: 9).

### *The Implications*

The Presidency initiative challenged the Commission in two ways. First, the Presidency effectively “by-passed” the Commission’s right of initiative procedurally (Brewin/McAllister 1987: 339/340), because even though “a practice” had emerged of Council resolutions requesting particular Commission proposals, “the Anglo-Irish-Italian Memorandum ... was a great deal more detailed and specific than anything that had come before” (Welsh 1988: 11). Second, it meant diverting the Commission from its set course substantively (cf. Wallace 1987: 404), as the Presidency “tried to reorientate social policy by arguing that easing legal constraints on employers was preferable to a further diet of rights” and, against “the opposition of M. Delors and ETUC, ... tabled 40 proposals on deregulation, training and help for the long-term unemployed in both the Standing Committee on Employment and the Social Council” (Brewin/McAllister 1987: 353/354).

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<sup>326</sup> Welsh 1988: 9, cf. George 1988: 187. Addressing the EP in early July, Howe enumerated three ways in which the “growth of unemployment” had to be “tackled”: using the structural funds; “through a strategy for employment growth of the kind which the United Kingdom, with other Member States, has already proposed and which has been commended for urgent study by the Social Affairs Council”; and “through breaking down the remaining barriers which stand in the way of the internal market”, OJ Annex 2-341, July 8, 1986: 61. In this way, he was linking two of the UK’s main priorities by changing the Community’s approach to unemployment from maximum to minimum regulation, cf. Wallace 1987: 403. Among the immediate reactions was the predictable rejection of “any Euro-Thatcherism in the Community”, Alfred Lomas (S), EP Debate on Presidency Statement, OJ Annex 2-341, July 8, 1986: 63/64.

Among these, “any references to the Community’s Co-operative Growth Strategy adopted the previous December after so much pressure from President Delors, or to the role of the social partners” were “[c]onspicuous by their absence” (Welsh 1988: 10).

The Presidency approach amounted to a complete take-over: while the Council had “blocked every single Commission initiative in the employment field since 1981”, the Presidency initiative now tabled “mandatory alternatives which were quite alien to the collectivist traditions which the Commission services had developed during the sixties and seventies” (ibid.: 11). A new, flexibility-oriented employment strategy would “displace” those unwelcome Commission proposals (including the parental leave directive) that had “figured prominently but unproductively” on the Social Affairs Council agenda and been “dismissed at the June 1986 meeting by Kenneth Clarke ... as ‘piffle’” (Wallace 1986: 593; *The Times*, 6 June 1986). In fact, it is possible to argue, as some observers have, that as the promotion of this approach became the key subject of the British Presidency, the re-orientation of the employment policy agenda (cf. Wallace 1987: 404) did not just serve the purpose of combatting unemployment more effectively, but was intended to get away from the Community approach to the problem, thereby alleviating pressure on the UK in the Council and avoiding further centralizing efforts. Thus, Allen (1988: 44) notes that the Presidency, “fearing calls for some form of Community-wide infrastructure project to reduce unemployment, came up with a plan which placed a great deal of emphasis on deregulation, promoting small business and training schemes, all of which were designed not so much to alleviate unemployment as to fill up the agenda of the Employment Council with non-controversial material.” Similarly, Peel (1986, op. cit.: 26) suggests that on unemployment,

“the UK presidency has perhaps been most cunning for all. Fearing pressure from other sides, including the European Commission, for some unacceptable form of concerted action ..., the British produced their own plan which effectively requires very little action at all. It places all the emphasis on deregulation, some encouragement for small businesses (taking place elsewhere), words in favour of training schemes (already under way), and a promise to make long-term unemployment a top priority. The whole thing has successfully monopolised the Employment Ministers’ agenda throughout the presidency.”

### **V.2.3 The 1986 UK Council Presidency as Leader: Conclusions**

In light of its evidently strong awareness of the leadership requirements in the Presidency, the UK government in effect screened the current items on the agenda for compatibility with national preferences and categorized them as problematic (budget deficit, CAP, certain EPC issues, unemployment) or unproblematic (annual budget, Single Market program, international trade) based on the extent to which the UK found itself in a minority on them. Items in the latter category were accorded a level of priority commensurate with their salience to the incumbent and their urgency.<sup>327</sup> Problematic items were, as far as possible, avoided by agenda exclusion (budget deficit, fundamental CAP reform, most EPC issues) and substituted with Presidency-initiated or -prioritized, more popular and - from the incumbent’s perspective - relatively unproblematic or even desirable items (Sin-

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<sup>327</sup> For instance, on international trade, the Presidency did face a full agenda, and Geoffrey Howe had mentioned trade policy and trade conflict with the United States in his introductory EP speech (cf. OJ Annex 2-341, July 8, 1986: 59-63). Ongoing international trade and aid issues involved, inter alia, finding a Community position for the new round of GATT negotiations, “completing the next phase of the Multi-Fibre Arrangement, and sorting out the Mediterranean Protocols - all in an atmosphere charged by American assertiveness and preoccupation with mid-term congressional elections”, Wallace 1986: 596. None of this therefore promised “straightforward negotiations”, or was considered unproblematic per se - a “trade war with the United States is not far away either”, warned George Robertson (HC Deb 23 April 1986 vol 96 c326). But these items were relegated to comparatively low priority status by the Presidency because they were – relatively – unproblematic from a UK perspective given that “British interests tend to lie fairly close to the point at which a Community consensus can eventually be rallied”, and that the UK was “no longer distrusted by its partners as a proxy for United States interests in this field”, Wallace 1986: 596. Therefore the Presidency – as expected – was “comfortable in substance, albeit extremely busy”, even though most of the preparations and the negotiations themselves were handled by the Commission, anyway.

gle Market progress and “filler” items such as terrorism in general, drugs, and health). One unavoidable problematic item (unemployment) was not just handled, but prioritized by the Presidency in an attempt to re-frame the whole Community approach in line with UK preferences. *All* unavoidable problematic items - and some seemingly unproblematic, avoidable ones – challenged the Presidency in its broker (the beef regime, unemployment, air transport in the single market context) and representative (Syria, South Africa, the annual budget) roles (cf. Chapters V.3.2 and V.4.2).

Nevertheless, the Presidency was congratulated for “having managed the British Presidency with true British pragmatism and efficiency”, and for having “succeeded in making its own projects compatible with on-going Community projects.”<sup>328</sup> As Quentin Peel (1986, op. cit.: 26) observed in December 1986, the “days of outright isolation are over. How did it happen?” Beyond the impact of enlargement and Europeanization in Britain, he maintained that “recent months have seen a remarkable exercise in British diplomacy, successfully avoiding those problem areas where the UK might have been left stranded. Where that has proved impossible, the debate has been manoeuvred towards the British position. This has been easiest to do during the past five months of British chairmanship of the EEC, but the exercise has been going on for longer.”

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<sup>328</sup> Luis Guillermo Perinat Elio (ED), EP Debate on Thatcher Statement, December 9, 1986.

**V.3 The 1986 UK Council Presidency in the Broker Role**

This section will probe the 1986 UK Council Presidency for evidence of the Presidency effect in the Presidency's broker role. It will highlight controversial topics on which the UK held a minority position and whether it yielded on them, resisting domestic pressures, for the sake of achieving agreement in the Council, rather than merely due to Council bargaining dynamics. It will show that in its broker role, the 1986 UK Council Presidency was subject to the PE in dealing with the problematic issues of the beef regime in the CAP context; unemployment; and in the single market framework, air transport. In all three instances, domestic politics and Council bargaining dynamics played a role, but cannot alone explain the Presidency's behavior. The broker role's institutional shape facilitated decision making and also reinforced the Presidency effect through various specialized Presidency instruments developed for the purpose, as well as QMV and the Clubbishness of the Council and committee settings.

Having first delayed dealing with the awkward but highly salient issue of the beef regime, the Presidency subsequently yielded its national preferences to some extent in the high-profile negotiations, before abstaining on the eventual settlement - rather than vetoing the suboptimal final result, as could have been predicted on the basis of domestic concerns or the negotiating dynamics in the Council. Having undertaken a signature initiative on unemployment, the Presidency had to make considerable concessions in terms of its national preferences to get agreement on it in the Council, concessions that would have been inconceivable based on domestic pressures or Council bargaining dynamics alone. Finally, having highlighted the air transport aspect of the Single Market program, the Presidency unilaterally stepped back from the national preference, resisting concerted do-

mestic pressure as well as that of some peers in the Council, but still failed to achieve agreement on its compromise proposal due to the bargaining dynamics in the Council.

### **V.3.1 The Institutional Shape of the Council Presidency's Broker Role in 1986**

While the Presidency's broker role gained in relevance with the rising number of member states and the extension in scope and ambitiousness of the European Community's agenda, the role's institutional shape only evolved incrementally and slowly. The EC had become "above all, in its contemporary manifestation, a negotiating forum, negotiating constantly both over internal rules and policies and with other countries", and as such, it was "remarkably productive" (Wallace 1985: 261). Even at the level of the European Council, these negotiations – more than ten years after their institutionalization – had reached a stage where typical proceedings<sup>329</sup> resembled the hard-nosed horse-trading characteristic of the ministerial Councils more than the originally envisioned statesmanly fireside chats about grand visions of Europe. The Presidency's institutional shape had been adjusted accordingly. The output of European Council summits, the official Presidency Conclusions, had "always been subject to intense bargaining", but until 1982, they were negotiated among so-called sherpas, special representatives of members' heads of state and government: "[f]ollowing conventional summit procedures, the sherpas would establish preliminary agreement where permitted, and then 'bracket' outstanding issues, which were left for the executives to handle. (...) Reservations were added to reservations, since the sherpas lacked the authority to reveal bottom lines, effectively producing unnegotiable draft texts" (Tallberg 2006: 65). Because of these problems, the sherpa sys-

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<sup>329</sup> See, for example, Howe 1994: 305.



tem had been abandoned and the responsibility to negotiate and draft European Council Conclusions, in collaboration with the Council Secretariat and the Commission, transferred to the Presidency. Thus, plenary negotiations in the course of the summit, which “took place without any officials present, apart from two or three members of the Council and Commission secretariats”,<sup>330</sup> centered on the Presidency. The Chair normally adjourned them “for informal discussion, not once but many times. This was a signal for the two dozen or so ministers and officials present to break up into a series of small groups, sometimes in private but more often scattered round the Council room. Interpreters would weave among us trying to keep communications open” while the Presidency “would open up and then break off a dialogue” with individual delegations.<sup>331</sup> The “search for the compromise that makes decision possible” was thus part of the “immense challenge” and burden for each Presidency (Ersbøll 1985: ix), especially since there were “no magic rabbits waiting to be pulled from a hat under the presidential chair” for the purpose; rather, it was mostly a question of “sheer hard grind, grappling with awkward and highly technical subjects” (Wallace 1986: 583).

Neither the European Council nor the Council of Ministers is “an easy body to manage”: they have to negotiate and legislate “without the benefit of clear political authority”; their “membership reflects the changing fortunes of the particular electoral cycles within the member states”, and in “the push and haul of constant negotiation there is no referee to blow the whistle, either to call foul or to end the game - except in so far as the Commission or the Court of Justice can interpose a compelling frame of reference” – a

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<sup>330</sup> Howe 1994: 305. “Officials outside are often deeply frustrated by their ignorance of what their heads of government might be contending – or, still worse, conceding – in the Council chamber”, *ibid.*

<sup>331</sup> Howe 1994: 306/307. “Quite unlike any British parliamentary or other political occasion, it was more like an assize-court lobby, with groups of counsel and solicitors trying to settle half-a-dozen lawsuits at the same time”, *ibid.*

“lacuna in the fabric of the Council’s authority” the Presidency could not entirely fill (ibid.: 586). However, while competing national interests are obviously at stake in both, at least in the European Council, sectoral competition is absent unlike in the ministerial, or ‘technical’ Councils. By the mid-1980s, especially in the context of the Single Market program and the rising pressure for CAP reform, it was evident that the Presidency’s challenge is greater at the ministerial level due to that added dimension of sectoral competition. As one frustrated contemporary Commissioner put it: “The real trouble with the Council – and I deliberately use the omnibus term – is that it consists of departmental Ministers whose main objective in life is to protect not just their national interests but their departmental interests as well.”<sup>332</sup> Hence, for “those directly involved it is obvious that the EC actually generates several different and simultaneous levels of negotiation”, of which goes-on in the Council, its committees and working groups are only “the most visible expression”. Equally if not more important and “often determinant are the negotiations in national capitals through which individual governments adopt their own positions” (Wallace 1985: 261). For the Presidency, this implied an increased need to reach out to national capitals in its attempts to broker compromise in the Council. Thus, the practice of Presidential “shuttle diplomacy” to prepare European Council summits had “reached an early peak during the French Presidency in 1984, when President François

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<sup>332</sup> Cockfield 1994: 125 “Thus, the Ministers of Agriculture regard it as their primary function to protect the farmers, which traditionally meant giving them as much money as was needed to maintain an ever expanding and prosperous agricultural sector, leaving it to someone else to pick up the bill. After Fontainebleau (in June 1984), the concept was that the Finance Ministers should exercise some control over total expenditure on agriculture, but to put it bluntly they declined to shoulder this unpopular burden. In the end it has always been the Heads of Government who have had to be brought in to make the Minister of Agriculture behave in a financially responsible manner. (...) I cite the Agricultural Council because it is the clearest example but it would be wrong to acquit other Councils of ‘conduct unbecoming’”, *ibid.*

Mitterrand held no less than thirty meetings with other heads of government”,<sup>333</sup> in the course of which he managed to achieve a breakthrough in the previously stalled negotiations around the UK’s budget contribution, giving birth to the infamous British rebate. The format of a bilateral encounter between member state governments and the Presidency to ascertain the former’s bottom lines and thus determine the area of overlapping win-sets (cf. Putnam 1988; Evans et al. 1993) had also been carried into the actual meetings of both European and ministerial Councils with the technique of the Presidency “Confessional”.

To facilitate decision making in Council, the potential of majority voting had been mooted for some time,<sup>334</sup> and the Single European Act introduced QMV for the Single Market program. However, because SEA ratification was not yet complete in the second half of 1986, majority voting was not yet codified. Nevertheless, “a decision was taken by the Council of Ministers immediately the Act was signed that they would act as though ... [it] was in force and in particular to proceed by majority voting on Internal Market matters, using if necessary the device of abstention to avoid conflict on matters still technically requiring unanimity.”<sup>335</sup> Consequently, under the UK Presidency, “many” Council decisions were taken by majority “without much hesitation” (Wallace 1987: 401/402). Overall, of

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<sup>333</sup> Tallberg 2006: 64. Cf. Hayes-Renshaw/Wallace 2006: 178 on later adjustments of this practice in light of the expanding number of member states.

<sup>334</sup> “The position about majority voting has changed a little in the last year or two. The pressure for speeding up decision-making has led people to say that majority voting should be used more often and should gradually become the normal practice as it has always been ... in the Budget Council. This has led to a few more votes being taken in the General Affairs Council”, Butler 1986: 162.

<sup>335</sup> Cockfield 1994: 75. Michael Butler, the UK’s Permanent Representative in 1981, was sceptical about the usefulness of QMV: “The possibility of majority voting will sometimes produce earlier compromises. Occasionally a member government which does not have very important interest at stake will be outvoted. But it will make much more difference to the speed of decision-making if the Commission and the Presidency of the day have the energy and will-power, and the co-operation of [the] main governments concerned with each issue, to prepare behind the scenes each month ways in which the intractable problems can be resolved”, Butler 1986: 163.

732 pieces of legislation passed in the Council in 1986, around 100 were agreed with QMV (cf. Buck 1987: 65), a considerable increase. In addition, while some observers attributed to the Council a lack of “cohesion and identity” (Wallace 1986: 586), sectoral concord contributed to a “club atmosphere” observed by many participants - as it had been during the 1981 Presidency – that was stronger at the Council level and below than in the European Council. For Britain’s Permanent Representative during the 1986 Presidency, “COREPER was still a club, a real club, and we moved the business forward”.<sup>336</sup> Similarly, the Foreign Secretary, Geoffrey Howe, said that “Ministers of the Council know each other almost better than they know their cabinet colleagues. We are familiar with hammering out in Council the agreements that are necessary to make Europe work.”<sup>337</sup>

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<sup>336</sup> Hannay, Interview, London, July 16, 2010. “The feeling in the meetings is very strong. I used to say, if you went to a meeting of the Permanent Representatives and you removed their nameplates which tell you their country – and they spoke whichever language they would like, but the only one you could hear was one language, your own language (so if you were German, they were all apparently speaking German) could you tell the difference between them? That’s what I used to say. (...) And it’s quite difficult. I can tell you: it is quite difficult to tell”, Williamson, Interview, London, July 15, 2010.

<sup>337</sup> Howe, reply to the EP debate, OJ Annex 2-341, July 8, 1986: 77. Retrospectively, he also noted that “no task absorbed as much time as my meetings with fellow Foreign Ministers of the European Community. This meant at least that we got to know each other’s negotiating style, personality and national characteristics”, Howe 1994: 398. While still in office, he became convinced there were “deliberations undertaken in the Council which should be private if decisions are to be reached there effectively”, something he considered to be “the distinctive feature of bodies which have an executive rather than or as well as a legislative role”, which also made Council proceedings more akin to those of a national cabinet than a parliament; Howe, reply to the EP debate, OJ Annex 2-341, July 8, 1986: 89/90. Similarly, Welsh (1988: 7/8) notes that “[o]ne of the achievements of the European Community has been the extent to which ministers have become accustomed to working with their opposite numbers in other member states. (...) [A]s time goes on, relationships develop and a kind of collective persona emerges.” He also elaborates the interpersonal dynamics among European ministers and the way in which Kenneth Clarke - one of the most prominent Europhiles among leading British politicians to this day - in particular took to the Employment Council setting, establishing “a rapport with his colleagues, especially with de Michelis and Quinn”, as well as the steps by which this led to the Anglo-Irish-Italian initiative on employment, cf. *ibid.*: 8. “In marked contrast to many of his predecessors, the British Minister was intrigued by the possibilities of the Community’s legislative procedures, stimulated by the company of his ministerial colleagues and prepared to devote time and effort to building a consensus for applying British domestic policies to Community-wide problems” (Welsh 1988: 1). It has to be acknowledged, though, that from the Commission’s point of view, the Council at work was not always “impressive”: “One’s mental image is that of a dozen distinguished gentlemen [sic] sitting around a table trying to thrash out their problems. In fact it is nothing of the sort. Some Ministers arrive in duplicate or triplicate, a senior Minister being supported by various junior Ministers. Everyone has a cohort of officials as well. They arrive late: they read their prepared speeches: and they go home as soon as decency or delicacy permits. Their main objective is to get the business over as soon as they can so that they

Clubbishness and QMV facilitated decision making, and also reinforced the Presidency effect in the broker role. On the one hand, governments are unlikely to fall out of character entirely for the duration of their Presidency, and therefore, “[t]hose governments, notably the Danish, British and French, which have been prepared on key issues to sit it out in a minority or blocking position, are unlikely suddenly to become arch-conciliators” (Wallace 1985: 272). On the other hand, Presidencies “wish to show themselves to be impartial, though they may not always convince their partners of this. In some governments explicit and careful attention is paid to separating instructions to Presidents from those to national spokesmen”,<sup>338</sup> including under Thatcher in 1986: “I’m not sure we always succeeded, no one ever does get everything 100% right, but we always tried to differentiate the Presidency from the national delegation. Always” (Williamson, Interview, London, July 15, 2010). The simultaneity of the pressures for agreement and of the national interest can never be entirely resolved, however, which has led one observer to conclude that “[e]ffective impartiality is only easily achieved when the government in the chair has few key interests – more often the case for the smaller countries – or has concerns that lie close to the centre ground.”<sup>339</sup> Then again, insisting on agreement may be setting the bar too high, given that “needed are texts which are acceptable, not those with which everyone necessarily agrees”, so that “it is not necessary to win over every delegation but to produce a text which every delegation can live with, or which is sufficiently close

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can catch the next plane home. Few stay beyond 5 p.m., leaving it to officials to carry on in their absence. Unfortunately an official cannot vote so once any sizeable number of Ministers have departed the proceedings degenerate into a talking shop and progress ceases”, Cockfield 1994: 126. But even Cockfield admitted that there were “of course exceptions”, and conceded that “a country which holds the Presidency will always make a particular effort as it regards its national dignity and standing involved in a successful Presidency. This is what happened with the British Presidency in 1986”, *ibid.*

<sup>338</sup> Wallace 1985: 273, who points to the example of “the extreme case in the last [1982] Danish Presidency of chairmen being forbidden to read the national negotiating brief.”

<sup>339</sup> Wallace 1986: 586. “Occasionally, individuals can overcome the structural handicaps of partisanship by deploying political skills and flair that push their colleagues closer towards agreement”, *ibid.*

for a delegation not to obstruct” (Kirchner 1992: 107). In any case, dealing with “twelve sovereign states and their competing interests, an independent-minded Commission and an aspirational EP” required from the Presidency “considerable brokerage skill ... to produce a winning coalition even in situations of majority voting” – a skill involving “political clout”, the capability to assemble “package solutions”, an “effective and co-operative working relationship with the Commission and the EP” as well as, when necessary, “concession on its own national interest” (ibid.: 115). By the end of 1985, British negotiators had “learned (with a vengeance) the art of bargaining Brussels-style”,<sup>340</sup> but they also “seemed” to have understood “the need for some compromise in EC negotiations, to allow their partners to save face” (George 1998: 185). However, according to Wallace (1986: 599), even if the UK government now sat “much more comfortably at the Community table”, it had “yet to demonstrate its ability to be effective from the chair in edging the Community as a whole towards common positions.”<sup>341</sup>

### **V.3.2 The Brokerage Efforts of the 1986 UK Council Presidency**

In order to trace the Presidency effect in the broker role for the UK in 1986, the focus is on controversial issues on the Presidency’s agenda that placed Britain in a minority position, and the extent to which the UK Presidency sought agreement on them. Of particular interest is whether it yielded on national preferences for the sake of agreement. In this case, three such issues are notable in this respect: in the CAP context, the beef regime; in

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<sup>340</sup> Peel 1986, op. cit.: 26; cf. also Jean Penders (EPP), EP Debate on Thatcher Statement, December 9, 1986.

<sup>341</sup> “The British are being forced to become more adept at the necessary game of coalition-building in Council, as the preparatory initiative with the Italians and Irish on the labour market demonstrated; but they are not yet instinctively architects of Community compromise”, ibid.

the realm of social policy, unemployment; and in the single market framework, air transport.

### ***The 1986 UK Council Presidency as Broker and the Beef Regime***

Even without major attempts at CAP reform, the Agricultural Council faced “a crowded agenda” (Wallace 1986: 594/595). Among the many minor, “technical” agricultural issues there were also a few on which the UK was in a minority, but which it could not or did not actively try to avoid. On some of them, the Presidency appears to have yielded somewhat;<sup>342</sup> others, it blocked.<sup>343</sup> There was also the by no means minor, “tricky decision on the future of the beef regime”.<sup>344</sup> Thatcher had defended omitting CAP reform from the European Council’s agenda with reference to the ministers’ work: “The Agriculture Council is now in session with the aim of reaching ... decisions on the reform of the arrange-

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<sup>342</sup> One example is the British position on the future of wine production, where the UK stood “with a tiny group of non-producers in the cooler climes of northern Europe”, Wallace 1986: 594/595. Michael Jopling had included “limiting re-planting of vineyards” among Britain’s “general agricultural priorities” (Brewin/McAllister 1987: 361), but the Council only decided to establish a “Community vineyard register” to better monitor Community output in future, cf. OJ L 208, July 31, 1986; cf. also Council Secretariat 1988: 169/170. Effectively, this delaying measure reflected a compromise with EC members resisting cuts in wine production; but presumably, the issue was of too low salience to the Presidency to warrant shirking altogether.

<sup>343</sup> The UK Presidency, by joining Denmark, Greece and Germany in a blocking minority, helped to prevent the passage of 8 out of 9 phytosanitary projects proposed by the Commission “despite the agreement in principle on the part of all delegations”, on the grounds that QMV should not apply in these sectors as a matter of principle. The Commission was reported to be “shocked by these positions, ... especially since the country holding the Presidency is taking part in the blocking minority”. The proposals reverted to COREPER since the Commission, legally justified, was “not prepared to make concessions on the institutional aspects”, as a result of which the situation appeared “totally blocked”, Agence Europe 4447: 8, December 8/9, 1986. This incident demonstrates two points: first, that the Presidency was clearly not expected to be part of any blocking minority; and second, that Presidencies can and do resist such expectations, even at the cost of no agreement, if perhaps more readily on technical and therefore more obscure issues unlikely to receive much public attention (in fact so obscure in this case that the UK was able to make a point of principle against its own substantive preferences). This case clearly contradicts the expectation associated with the Presidency effect that a Presidency would seek to avoid helping to form a blocking minority by only abstaining or even casting a negative vote if this would not be decisive: at the time, a blocking minority required 23 of 76 total Council votes; together, Germany (10), Greece (5) and Denmark (3) had only 18, cf. Hayes-Renshaw/Wallace (eds.) 2006: 264; cf. also Westlake/Galloway (eds.) 2004: 245.

<sup>344</sup> Wallace 1986: 594/595. “Jacques Chirac, as French Minister of Agriculture, was responsible for shaping” the existing beef regime and the Commission wanted to “alter” it, *ibid.* The issue at stake was, like in other agricultural sectors, how to discourage continued overproduction while safeguarding farming incomes; the Commission’s tool kit included price guarantees, intervention purchases and premiums of various kinds.

ments for milk and beef.”<sup>345</sup> Yet said Council, after months of deliberations and delays, and after a first round of negotiations and Presidency confessionals from December 8, was suspended for two days on December 10, so that the Presidency and the Commission could “work together to develop their compromises in the light of opinions from various Member States during bilateral talks and plenary sessions” (Agence Europe 4450: 9, December 12, 1986). Jopling went to the EP to report on the agriculture ministers’ deliberations, assuring MEPs the Council was “conscious of the very great responsibilities facing it to reach conclusions on the three important dossiers which are now before it. Those are milk, beef and socio-structures.”<sup>346</sup> He explained that “the Presidency intended to seek agreement on these three dossiers in the course of the current meeting” (ibid.: 253), and that in fact, in the interest of “a full rural policy”, he was “keen on achieving this broader package” of all three.<sup>347</sup> Of course, while these issues were in fact objectively linked, seeking their solution in a package deal maximized pressure on the other Council members to find agreement while enabling the Presidency to tie the UK’s more awkward stance on the beef sector to more majority-friendly policies on the other two dossiers in the Presidency compromise proposal. “No one was in any doubt that this was a formidable task but I had given notice to my colleagues at our last meeting that we

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<sup>345</sup> Thatcher, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 c22, cf. *ibid.* 24.

<sup>346</sup> Jopling, Statement to the EP on the Deliberations of the Agricultural Council, December 11, 1986, OJ Annex 2-346: 252.

<sup>347</sup> Jopling, Reply to EP Debate on the Deliberations of the Agricultural Council, December 11, 1986, OJ Annex 2-346: 259; cf. Bull. EC 12-1986: 1.2.1. “There were those who suggested that we should stick with dairying. If we could manage to do that, it would be a huge achievement. Others said that we must concentrate on beef, and others said that we should content ourselves with the special work on the structures package ... . That would pave the way for the others. The fact is that Britain went for all three together. Most European countries thought that it was impossible, but we achieved it. This is the largest package that we have achieved together. ... [F]arming is indivisible, and if one does not make the changes across the board, one pushes some of the problems on to other sectors”, John Selwyn Gummer, Minister of State, Ministry of Agriculture, Fisheries and Food, Statement on the outcome of the meeting in Brussels of the Council of Agriculture Ministers (during which Gummer represented the UK and Jopling took the Chair), HC Deb 17 December 1986 vol 107 cc1216/1217; cf. *ibid.* 1218/1219.



would need to be prepared to work long and late” (Jopling, *ibid.*: 253); and indeed, the extended Agricultural Council session turned into something of a marathon.<sup>348</sup> Jopling further emphasized

“the pressure which the Presidency is currently putting on the Council” (*ibid.*: 260), adding, “it is very easy ... to attack the Presidency for words and no action. However, ... I have done my best to move the Council of Agriculture Ministers towards decisions on these three crucial packages. I am doing everything humanly possible to have these decisions reached. Indeed I was told yesterday of press comment that some of my colleagues were wondering whether they were not being driven a little too hard. I do not apologise for that. (...) I hope the House will understand that, in making the Council of Ministers reconvene on Saturday and work over the weekend, this Presidency is determined to get something done, if at all possible. That is also my personal determination.”

It must be noted here that besides holding the Presidency, the British were “particularly motivated to try to find an agreement ... since the system of variable premiums at the slaughter period which has been granted to them expires in December” (Agence Europe 4450: 10, December 12, 1986). The domestic pressures associated with the national interest therefore also played a role.

In terms of substance, the Commission had submitted modified proposals shortly before the November Agricultural Council meeting which, “given the negative reception by the Council to its proposals aimed at *limiting* the intervention”, now envisaged “a different solution, i.e., a rapprochement of intervention prices and market prices”, similar to a suggestion by France (Agence Europe 4429: 9, November 14, 1986, emphasis added). Jopling told the EP that “in essence”, the Commission was now proposing “that the beef intervention system should be significantly weakened and no longer automatic”, and that

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<sup>348</sup> As Gummer (HC Deb 17 December 1986 vol 107 c1213) pointed out, it “covered 90 hours of negotiations, including two all-night sessions” between December 8 and 16. “But one cannot do more than what is humanly possible in the period available to deal with the matter. I am pleased that no one suggested that we should cover anything else in the marathon that we went through”, *ibid.*: cc1216/1217.

“to help with the effects of this on farmers’ incomes”, a premium should be paid “on specialist beef animals together with an improvement in the suckler cows subsidy.”<sup>349</sup>

This meant that the Commission had moved *away* from the Presidency’s own position, which was a principled stance against intervention buying of surpluses by the Community - and thus for the *abolition*, not just weakening, of intervention – and other market-distorting measures such as price increases.<sup>350</sup> However, the Presidency’s own compromise proposal on urgent reforms of the beef sector seemed “tailor-made for British needs” and did “not meet with less opposition than the Commission’s proposal.”<sup>351</sup> Jopling explained that “the differences arise first on the extent of the weakening of the intervention system, second on whether the Commission's proposed specialist premium has a role and if so what form it should take and third, on whether the suckler cow subsidy should be improved.”<sup>352</sup>

After the initial round of discussions in Council, “the Presidency prepared a paper in close collaboration with the Commission on milk and beef” (ibid.). Still, over the weekend of December 13/14, “the debates got nowhere”, and so the Council continued on Monday, December 15, with bilateral meetings between the Presidency and the Commission and individual national delegations (Agence Europe 4452: 9, December 15/16, 1986). The Presidency was “more flexible on the intervention criteria” in yet another “new” compromise proposal on the beef regime, “but resistance from Member states remained such that two new compromises were proposed. Finally, the Commission proposed to interve-

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<sup>349</sup> Michael Jopling, Statement to the EP on the Deliberations of the Agricultural Council, December 11, 1986, OJ Annex 2-346: 253.

<sup>350</sup> Cf. Thatcher, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 c24; cf. also Brewin/McAllister 1987: 355, 361

<sup>351</sup> Agence Europe 4450: 10, December 12, 1986. Unfortunately but unsurprisingly, the Presidency text itself is not available.

<sup>352</sup> Michael Jopling, Statement to the EP on the Deliberations of the Agricultural Council, December 11, 1986, OJ Annex 2-346: 253.

ne automatically” sooner than theretofore proposed, but that the “compensation premium” be lifted, “which the British – for whom a premium at the slaughtering stage already exists – cannot accept.”<sup>353</sup> A compromise on beef was finally reached on Tuesday, December 16 by QMV – with the UK Presidency abstaining (Brewin/McAllister 1987: 361). After the Council meeting, Jopling gave a very upbeat press conference, declaring himself “extremely satisfied” with the results of this “historic” and “epic” Council, which had been “one of the longest in the Community’s history”. He claimed it was “a big step forward” because it proved that the CAP was “not uncontrollable” and the Council “capable of taking difficult but realistic measures” – and that “all his objectives were achieved during his Presidency, which culminated in this Council, despite the scepticism of Great Britain’s partners.”<sup>354</sup> Yet the final agreement was “based on a compromise formula which had been tabled by the Commission and which on several points—beef/veal in particular—departed from the final document which the Presidency had drawn up in close cooperation with the Commission” (Bull. EC 12-1986: 1.2.1.). The decisions concerned the “implementation of stricter discipline in intervention operations in order to ensure better control of the market in beef/veal, and the introduction of a temporary compensatory premium for all beef/veal producers who do not receive the calf premium or the variable premium.”<sup>355</sup> The “main consequence” of the intervention decisions was that there would “no longer be unconditional permanent intervention in the beef/veal sec-

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<sup>353</sup> Ibid. “The Commission ... proposed a limit on the financial contribution to compensatory allowances for livestock, which would have severely discriminated against some farmers in this country. I succeeded in securing a form of words in the final document that is acceptable to us and to them”, Gummer, HC Deb 17 December 1986 vol 107 c1214.

<sup>354</sup> Agence Europe 4453: 5, December 17, 1986. The outcome was considered “a success for the President” who had taken “a calculated risk” in merging the various decisions “into a single package”, Bull. EC 12-1986: 1.2.1.

<sup>355</sup> These were decisions for a transitional period only, however, giving the Commission time until December 31, 1988, to “pursue its efforts to have the Council adopt permanent changes to the market organization for beef/veal”, Bull. EC 12-1986: 2.1.219.

tor” (Bull. EC 12-1986: 2.1.220). From the British perspective, this was indeed progress (if still far removed from UK preferences).<sup>356</sup> But while it had successfully resisted the idea of lifting the compensation premium, the agreement included a new specialist premium which was “totally unacceptable to the United Kingdom” because it was much too low.<sup>357</sup> It is safe to conclude that the Presidency chose not to support the agreement because of these premium arrangements, and possibly because the decisions on intervention did not go far enough. It is possible to conclude that it chose not to cast a negative vote because it did negotiate an exception from the premium arrangements, and because, after all, it had declared itself so eager to reach agreement so publicly, and there had been so much pressure for it from the Commission, the EP and even from the European Council.<sup>358</sup> It is unclear whether or not the UK would have contributed to a blocking minority with a negative vote; given the amount of effort the Presidency put into the negotiations, its choice to abstain would be in line with the Presidency effect in the broker role either way. The stance taken by the UK Council Presidency on the beef regime thus reflects domestic pressures to protect the beef industry, moderated by the PE in the Presidency’s broker role.

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<sup>356</sup> “On beef, the Council agreed substantial reforms in the intervention system. They are designed to reduce both the cost and the volume of intervention buying. They involve a reduction in the price levels at which intervention buying will operate. (...) Those changes to the beef system represent a major shift away from dependence on intervention towards a more market-oriented policy. This is in line with the approach which we have followed in the United Kingdom under our variable premium system”, Gummer, HC Deb 17 December 1986 vol 107 cc1213/1214.

<sup>357</sup> Gummer, HC Deb 17 December 1986 vol 107 cc1213/1214. “Alongside those changes in intervention, various premium arrangements were agreed. They include a new premium worth £16 per head payable on male animals only on specialised beef enterprises up to a limit of 50 head per farm. This particular premium ... we shall not be applying ... here. Instead we succeeded in retaining our existing variable premium arrangements on the existing terms, which are much more favourable. The maximum rate payable averages at about £45 per head and covers heifers as well as steers and young bulls. Moreover, the 50 head limit does not apply to it. In addition, the rate of Community funding for the suckler cow premium is being increased. It will be possible in 1987 to pay up to a maximum of £33 per head. The decision on the actual rate will be taken later.”

<sup>358</sup> Cf. Agence Europe 4445: 8, December 6, 1986; *ibid.* 4453: 5, December 17, 1986; cf. also Buck 1987: 65, Wallace 1987: 405.

***The 1986 UK Council Presidency as Broker and Unemployment****A Changing Mood and Entrenched Opposition*

The Presidency's unemployment initiative picked up a changing "mood" in the Community.<sup>359</sup> Though "distinctly Thatcherite in its emphasis on freeing the market rather than trying to use macro-economic reflation to combat unemployment", it was "well-conceived" to plug into a growing consensus seeking to "reorient" Community employment policy towards the "short-term problem" of unemployment (George 1998: 187). In fact, deregulation and an improved labour market had "become Community targets (much prompted by the British government) since the European Councils of March and December 1985" (Wallace 1986: 592), so that in the context of the Delors Commission's efforts to combat unemployment, British ideas overlapped "to some extent" with those mooted by the Commission (George 1998: 187). The British also carefully prepared the ground for the plan: having introduced it before their tenure began as a joint initiative, they scheduled "a special informal meeting of Employment Ministers" in Edinburgh three months later to deliberate it (*ibid.*). At the meeting, the initiative was "exhaustively discussed and it seems that the Anglo-Irish-Italian axis held up well. There was general support for the ideas particularly from the Danes, Germans and Dutch, though the more collectivist-minded ministers from France, Spain and Belgium must have had reservations."<sup>360</sup>

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<sup>359</sup> "The British look for support to other governments which share their impatience: they are unwilling to give priority to proposals to increase the responsibilities and costs of employers when a reduction in the level of unemployment is so urgent. The fact that the Italian and Irish governments joined the British in submitting an employment strategy paper to the Social Affairs Council of June 1986 was an indication of a new mood in the Council", Wallace 1986: 593. Outside the Council, too, "there were abundant signs of a new spirit in the debate on labour market policy", as well as a shifting debate inside the EP, and it "seemed that the Anglo-Irish-Italian initiative was in a fair way to capture this mood and provide the impetus for a significant advance in Community policy", Welsh 1988: 10/11.

<sup>360</sup> Welsh 1988: 11. "At the press conference that accompanied it, both Lord Young and Mr Clarke made much of the fact that the plan's co-authors were socialists; and neither of them attempted to hide his dis-

“[N]o public criticism emerged from this meeting” (ibid.: 188); but it is conceivable that “the collegiate nature of the Council and the sabbatical atmosphere of the informal meeting may well have disguised the opposition that was building up” (Welsh 1988: 11) because soon afterwards, the plan encountered “a whole barrage of criticism” (George 1998: 188): from the Commissioner in charge, Manuel Marín González; inside the EP; from the European Trade Union Confederation (ETUC); and even from its counterpart on the employers’ side, the *Union des Industries de la Communauté Européenne* (UNICE).<sup>361</sup> Nevertheless, the Social Council (of Labour and Social Affairs Ministers) meeting of December 11 was “regarded widely as a high point of the 1986 Presidency” and as representing “the culmination of eighteen months of painstaking diplomacy by British ministers and officials” (Welsh 1988: 1). That was because the Council achieved a compromise on a resolution on an “action programme on employment growth” which was “remarkable, not for the originality of its content, but because for the first time the Council of Ministers reached a consensus on specific labour market policies.”<sup>362</sup> It was made possible because the UK yielded on the two major points of criticism in order to carry the initiative in the Council: the omission of “social dialogue” and economic stimulus (cf. George 1998: 188) from the proposals.

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like for the previous agenda of the Employment Ministers, Clarke speaking of ‘sterile debate on obscure bits of employment law’”, *The Guardian*, September 23, 1986; cited in George 1998: 187.

<sup>361</sup> Founded in March 1958, the organization’s name was changed to *BUSINESSEUROPE - The Confederation of European Business* in 2007. Cf. <http://www.buisnesseurope.eu/content/default.asp?PageID=601>. Cf. Welsh 1988: 10-13 for details on the various positions.

<sup>362</sup> Welsh 1988: 1, cf. Council Press Release 11294/86; cf. also Brewin/McAllister 1987: 353/354.

*Admitting "Social Dialogue"*

The "social dialogue" or "dialogue between the social partners" referred to the contacts between ETUC, representing "most non-communist trades unions", on the one hand, and UNICE as well as the Committee of European Public Enterprises (CEEP), on the other, all of whom "routinely had meetings twice a year with the Council of Ministers in the guise of the Standing Committee on Employment" (Welsh 1988: 5). Emphasis on it had been introduced by the Delors Commission in 1984 not least in response to the deadlock over the "social engineering" proposals on the table; yet for all intents and purposes, the social partners were no less divided than the Council itself.<sup>363</sup> Nonetheless, MEPs had demanded from the British Presidency a strong role for the social dialogue in fighting unemployment, especially in light of the perception that it did not have that role in the UK itself;<sup>364</sup> demands which the Foreign Secretary sought to deflect with reference to the existing arrangements at the national and European levels.<sup>365</sup> But the emerging "broad-based hostility" was manifest during the British Minister's meeting with the EP's Employment Committee on September 29, where the Presidency initiative was roundly dismissed as "an ill-concealed attempt by the Thatcher government to humiliate the Commission and to strip European workers of their rights as part of an unremitting campaign

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<sup>363</sup> Cf. Welsh 1988: 5. "Between 1985 and 1987 the only serious initiative in the field of labour market policy was the establishment of a Small Business Task Force to examine the effects of Community legislation on small businesses and assist in the creation of a favorable legal, fiscal and administrative environment for firms" under the British Presidency, cf. Bull. EC 11-1986: 2.1.22. "This development, following directly from work carried out in the UK by Lord Young, was valuable and necessary, but it was hardly a substitute for a labour market policy", Welsh 1988: 6.

<sup>364</sup> Cf. the contributions to the debate and question time following Howe's introduction of the Presidency to the EP from, for example, Michelangelo Ciancaglini (EPP) or Michael Hindley (S), OJ Annex 2-341, July 8, 1986: 71, 92/93.

<sup>365</sup> "So far as consultation with the social partners is concerned, there are established arrangements within the Community itself and different Member States have different arrangements on a national basis. The honourable Member will recall that it is tomorrow that our Chancellor of the Exchequer will be having his regular monthly meeting with the National Economic Development Council - the British forum for contacts of that kind", Howe, Question Time, OJ Annex 2-341, July 8, 1986: 92/93.

against compromise and consensus” (Welsh 1988: 12). In other words, the British Presidency was accused of going against the Community on both substance and process,<sup>366</sup> and “during that autumn”, it appeared to some that “the mere fact that the initiative was closely associated with the British Presidency damned it from the beginning. This was not helped by the government’s reputation for being anti-trades union and its thinly disguised contempt for the Social Dialogue” (ibid.: 20).

The project’s bad prospects were turned around only at the European Council in early December (cf. ibid.: 14), which produced Conclusions supporting the aims of the Presidency with wording very close to that of the initiative itself, as well as “the clearest possible mandate for the employment ministers ... ‘to adopt an action programme for employment growth based on these priorities’” (ibid., cf. Agence Europe 4446: 4, December 7, 1986 (special edition)). On the one hand, this demonstrated, according to Welsh (1988: 14), “how successful the Prime Minister had been in rallying her own colleagues behind the initiative”. On the other hand, the fact that “Thatcher was having to throw her weight behind the proposals in an attempt to get support for them from the other Heads of Government” (George 1998: 188) underlined the extent of the opposition the Presidency initiative was encountering. Because such “strong opposition emerged from some of the other member states, ... the price ... Thatcher had to pay for having a commitment to the proposals written into the communiqué was acceptance that mention

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<sup>366</sup> Clarke was advised that “the Council would do better to adopt directives such as Vredeling and parental leave, which had been properly proposed by the Commission and approved by the Parliament, rather than waste time on political initiatives of dubious validity and with no basis in Community procedure”, and it became “sadly apparent that despite assiduous bridge-building efforts behind the scenes, the initiative had no support whatever in the parliament apart from the British Conservatives”, Welsh 1988: 12. Not much more support was forthcoming in an EP debate on Social Affairs Committee conclusions in November, as the EP kept “faithfully reflecting the position of the Commission and the unions”, whose resistance also nearly resulted in a break-down of the Standing Committee on Employment meeting that month, which the UK Presidency was only just able to avoid, ibid.: 12/13, 20.



should also be given to the importance of EC-level discussions between employers and trade unions ('the social partners') with an invitation to the Commission to continue its efforts to encourage this co-operation."<sup>367</sup> Thus, in what does look like an "afterthought" (Welsh 1988: 14), the Conclusions add: "The European Council welcomed the progress made in discussions at European level [sic] between the social partners and invited the Commission to continue its efforts to encourage this cooperation",<sup>368</sup> and Thatcher was able to declare, post-summit, that the European Council had "unanimously endorsed an action programme for jobs, which stems from an initiative taken by Britain, supported by others earlier in our presidency."<sup>369</sup>

Subsequently, at the December 11 Council meeting, there was "a short debate" on a proposed Commission amendment "to add ... a reference to the need for cooperation with the social partners" to a section of the draft Resolution dealing with the flexibility of the labour market:

"Significantly, the original draft followed the European Council in making no reference to the social partners in the context of flexibility; they were confined to a separate and free-standing paragraph which, as one minister pointed out, had no relevance to the main text. The British seem to have been completely isolated and despite the efforts of the

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<sup>367</sup> George 1998: 188. "On this issue Thatcher, who fought hard to avoid any mention of the dialogue or the social partners, was opposed even by other conservative leaders such as Chancellor Kohl of West Germany and the Italian Foreign Minister (and leader of the Christian Democrats) Giulio Andreotti. As Quentin Peel observed, 'The debate emphasised the divide between the British Government's approach and that of most of the rest of the Community'", Peel 1986, op. cit.: 26, cited *ibid*.

<sup>368</sup> Agence Europe 4446: 4, December 7, 1986 (special edition). "This cursory treatment of the Social Dialogue shows how wide the gulf between the Commission and governments had become", Welsh 1988: 14. Moreover, for some critics, the "Council's decision to encourage cooperation between the representatives of industry was seen to be belied by the President-in-Office of the Council's unprecedented refusal to meet with European Trade Unionists before the summer Summit", Barón Crespo (S), EP Debate on Thatcher Statement, December 9, 1986; one even went so far as to declare "[w]e are glad that the document that the British government had prepared on the basis of its own conception of flexibility and, in practice, deregulation, was rejected. The compromise that was reached, which indeed draws attention to the need for dialogue between both sides of industry, cannot in any way be considered satisfactory", Cervetti (COM), *ibid*.

<sup>369</sup> Thatcher, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 c21; cf. *idem*, European Council Press Conference, London, December 6, 1986.

Presidency, the Commission's amendment was adopted restoring the Social Dialogue, at least symbolically, to the centre of the flexibility issue" (Welsh 1988: 15, cf. *ibid.*: iii).

In other words, the Presidency chose not to veto the inclusion of the social partners, which would presumably have meant losing the Resolution altogether. Still, the result "represented a considerable personal triumph for Kenneth Clarke and the officials of the UK delegation" as well as "a considerable step forward from the days when the British minister's mandate was dogged resistance to any hint of encroachment by the Community bureaucracy on the sovereign preserves of British social policy and so any suggestion of joining a consensus had to be avoided as a sell-out".<sup>370</sup> Thus, battered by the negotiating dynamics in the Council, the Council Presidency managed to re-orient the Community approach to employment policy only at the price of having the degree of reorientation watered down considerably and admitting the previously inadmissible relevance of the social partners. That it was willing to pay this price – and the extent of the departure it signifies from the UK approach pre-Presidency – is evidence for the PE in the broker role, since both domestic pressures and the negotiation dynamics in the Council should have resulted in a British veto of the inclusion of the Social Dialogue.

### *Retaining the Cooperative Strategy for Growth*

The second aspect of employment policy the British Presidency wanted to avoid was major public investment at the European level, which was contrary to Thatcherism on ac-

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<sup>370</sup> Welsh 1988: 16. "For all its deficiencies, the Council had achieved a consensus on the Action Programme, the Commission had accepted the mandate to produce proposals and, despite the references to the social partners, the thrust of policy-making had been moved away from the morass of social engineering to the firm ground of practical action. Clarke had been able to do this because he recognised the potential offered by the Council as a forum for consensus-building. He had been ready to pick up proposals that had already been mooted by other ministers, as he understood the value of promoting an Anglo-Irish-Italian initiative, rather than a 'British' initiative. He had succeeded in building a consensus in the Council that was strong enough to withstand a considerable battering from outside opinion", *ibid.*

count of both its government, rather than market, focus and its centralizing tendency. Howe argued that EC governments “of a wide range of political complexions” had “deemed it prudent to refrain from ambitious and extensive public investment programmes as a means of tackling unemployment” and emphasized “a high degree of agreement at meetings of the Council on the need to seek greater employment opportunities by promoting precisely the kind of action programme for jobs” the Presidency was proposing.<sup>371</sup> But by mid-November, the Presidency’s efforts to tackle “the huge, obscene unemployment problem” were ridiculed by the Opposition in the House of Commons as “a bogus series of gimmicks” because the “so-called initiative ... put all the emphasis on deregulation and none on the expansion of demand and stimulation of new investment contained in the European Commission’s own co-operative growth strategy.”<sup>372</sup>

After the European Council, Thatcher claimed its decisions meant that “[i]n future, the employment programme must have priority in the use of moneys allocated by the European Community’s social fund”,<sup>373</sup> but the Opposition in the House of Commons spelled out another meaning, namely that the Presidency had yielded on both the social dialogue and public investment:

“Will the Prime Minister accept our congratulations on the support which the summit and the communiqué, although not her statement, gave to the importance of continued dialogue between EC Ministers and trade union leaders in the Community, and the support given by the communiqué to the co-operative strategy for growth? The Prime Minister’s attitude on both these matters is well known. We are delighted that she was either defeated or surrendered on each issue.”<sup>374</sup>

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<sup>371</sup> Howe, EP Question Time, OJ Annex 2-341, July 8, 1986: 92.

<sup>372</sup> Robertson, criticizing the government’s “Euro-Thatcherism”, HC Deb 14 November 1986 vol 105 cc271/272.

<sup>373</sup> Thatcher, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 c21.

<sup>374</sup> Hattersley, HC Deb 8 December 1986 vol 107 cc22/23. Although it is impossible to determine unequivocally, “surrender” is more likely than “defeat” in this case, as the latter would have implied a vote in the Eu-

In his reply to the Prime Minister's statement on the European Council to the EP one day later, Jacques Delors pointed to persistent "divergences between Member States and also between the British Presidency and the Commission" on the issue, with the Commission maintaining its emphasis on the "cooperative strategy for growth" as well as a need to "intensify social dialogue".<sup>375</sup> MEPs were not yet satisfied either, with one critic accusing the European Council of having "settled for forlorn stabbing at mickey-mouse solutions to the unemployment problem with no plans for a positive concerted European campaign to reduce the massive figures."<sup>376</sup> When, on December 11, the Social Council met to discuss

"concrete proposals for forty points of action based on the plan, .... pressure from the poorer member states, and to a lesser extent from West Germany, led to the inclusion of references to cooperation in promoting economic growth and to aid for the poorer regions of the Community. Although Kenneth Clarke treated the decisions as a success for the British approach, the final package went beyond what the Government had originally wanted."<sup>377</sup>

Once again, while this "British-led consensus" could be considered "a considerable achievement" in light of the fact that "until recently the British had been widely regarded in Europe as having no social policy whatever" (Welsh 1988: 1), it also brought out the contrast between the UK's and the majority's views on "the future of the Community", as the question of a "social dimension" for the Single Market project took "its place alongside the questions of institutional reform and the role of redistributive funds as a funda-

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European Council which Thatcher herself would have been unlikely to call, and which would in any case have been noted, given how rare an occurrence it is.

<sup>375</sup> Delors, reply to Thatcher's statement to the EP, December 9, 1986.

<sup>376</sup> Patrick Lalor (RDE), EP Debate on Thatcher Statement, December 9, 1986. "The proposed additional help for small and medium-scale firms, freeing firms from unnecessary burdens and the action planned for employment growth are all window dressing to cover up the Council's inaction", *ibid.*

<sup>377</sup> George 1998: 188/189, cf. also *Agence Europe* 4448: 11/12, December 10, 1986; *ibid.* 4450: 11, December 12, 1986.

mental point of disagreement” (George 1998: 188/189). It was therefore not very surprising that while the incoming Belgian Presidency had kept “a low profile” during the UK’s tenure, the Belgian Minister of Employment and Labour, Michel Hansenne, “made it clear at the outset of his period of office that he believed it was the job of the Commission, not the Council, to make proposals and to take initiatives”, and it subsequently became evident that the Belgian Presidency would not push this approach to unemployment in the way the British had (Welsh 1988: 16/17). Once more, the Presidency relegated domestic concerns and stepped outside of the negotiating pressures in the Council, both of which were creating an impetus for British resistance to the Commission’s Co-operative Strategy for Growth, for the sake of agreement on its high-profile Presidency initiative.

### ***The 1986 UK Council Presidency as Broker and the Air Transport Regime***

The tight Single Market program “often motivates Presidencies ... to lend their weight to compromise solutions” (Kirchner 1992: 113); however, as the case of the liberalization of air transport shows, this was not always enough to reach agreement. The deregulation and enhancement of competition in air services was “a long-standing British objective” (George 1998: 175), and the liberalization of air fares in particular had been a UK preference, linked to “British market advantages and privatisation interests”,<sup>378</sup> already in 1981. After the 1981 Presidency, the British government had concluded that “[a]lthough we have made some headway, the Community has made disappointingly little progress

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<sup>378</sup> Kirchner 1992: 101. He also notes the possibility that “the Government’s plans to privatize British Airways made such deregulation an even higher priority, because British Airways, being an efficient and popular airline, might have been expected to benefit from competition”, *ibid.*; cf. Morgan 1982: 463.

towards full liberalisation in such fields as ... air transport".<sup>379</sup> In 1984, the Thatcher government had included proposals for more competition and deregulation of air services in a strategy paper submitted to the Fontainebleau European Council.<sup>380</sup> But it was only in the context of the Single Market program that the issue gathered momentum, and it featured on the agenda of the June 1986 European Council at The Hague, which pre-programmed its own London agenda *inter alia* by deciding to "evaluate at its next meeting the progress made" in several "areas of special interest", including the liberalization of transport, notably air transport (Bull. EC 1986-6: 1.1.8.). At the "working level" of the ministerial Transport Council, however, the last part of the session on air transport "almost failed" on the very last day of the Dutch Presidency: while ministers "reaffirmed their desire to establish a more liberal system than the present one regarding tariffs and capacity ... [and] to do so in stages", they were "unable to agree on the contents" of the first stage: "Nine Member States were prepared to accept the cautious approach proposed by France and Germany ... but the three others – United Kingdom, Netherlands, and Ireland – wanted to go further. They preferred that nothing specific be approved rather than to accept a minimal solution. So now the file passed to the British president. Both the Dutch president ... and the European Commissioners ... expressed their disappointment"; both the Netherlands and the UK, "fervent partisans of a thorough liberalisation", thought that none of the proposals in this area had gone "far enough" yet (Agence Europe, 4351: 5/6, July 2, 1986). Evidently, the Dutch Presidency had no qualms about openly display-

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<sup>379</sup> CAB/129/214/5: 66, Annex E, 10. The progress report merely noted: "Discussion continued on the proposal for a regulation for the liberalisation of intra-Community regional air services. In response to a request from the Council to examine the question of air fares in the Community, the Commission presented a report and draft directive. The Commission also presented a proposed regulation for the application of the competition rules of the EEC Treaty to air transport. Discussion in the Council began on both these measures", *ibid.*: 27, 8.8.

<sup>380</sup> Cf. Thatcher 1984, "Europe: the Future"; see also George 1998: 175.

ing its disapproval of this proposal, even though it could have “hidden” behind the UK’s position.<sup>381</sup>

The UK proposed that “with a view to the completion of the internal market, the Council should decide from here to 1 December 1986 (i.e. during the UK Presidency) ‘on arrangements to deal with a first phase in this process’”, including more control for airlines over tariffs and capacity as well as “[f]ree access to markets and the application of Treaty competition rules” (ibid.: 6). Although the majority of the other member states “rejected this proposal, whilst maintaining their support for the Franco-German proposal”, the British Presidency was expected to “do its utmost to obtain results” (ibid.). Unsurprisingly, therefore, the liberalization of air transport featured prominently on Howe’s program for the Presidency, though it was “urged on the Community ... in terms of the advance which it represented for European unity. The Foreign Secretary expressed the view that it would make a major contribution to the average European citizen’s identification with the Community if air fares between the member states were reduced” (Kirchner 1992: 101), and he received some support for this plan in the EP.<sup>382</sup>

In this context, the “field of air transport perhaps illustrated a Presidency’s search for compromise”, as at the Transport Council meeting on June 30, “just before taking over the Presidency, the UK with the Netherlands was still adamant about the way liberaliza-

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<sup>381</sup> Instead, the Council President, Dutch Minister of Transport, Public Works and Water Management Neelie Smit-Kroes, “declared that she refused to stick by the Franco-German text, given that it ‘only freezes the present situation’” and in parts even “represents a step backwards: the role of the Presidency is not to follow fantasy proposals.” *Agence Europe*, 4351: 6, July 2, 1986.

<sup>382</sup> “Recently Sir Geoffrey was quoted as saying ... ‘it is the job of the Presidency to maintain impetus’. It is vital that this be done on the internal market, and we are poised for progress on air and maritime transport ... . On air transport specifically, to which I was glad to hear him refer, the time has come for positive action. I hope that under the British Presidency he will press the Transport Ministers to allow more flexibility in air transport competition and the general liberalization of air fares. The snowball has commenced rolling, and a little shove by a willing Presidency could be of enormous benefit at this stage”, Lalor (ROE), OJ Annex 2-341, July 8, 1986: 68.

tion should go and its necessary extent. At the informal Transport Ministers' meeting on 3 October, however, there were signs of a willingness to shift to try to achieve a compromise" (Brewin/McAllister 1987: 362). Organized by the Presidency in London without a formal agenda, it was nevertheless "known" that its "main goal" was "to trace the major lines of a compromise on the gradual liberalization of air transportation, defining in particular the contents of the first stage" on the basis of a new Presidency memorandum circulated beforehand (Agence Europe 4401: 5, October 3, 1986). There were "some indications" that Britain was "reportedly ready to settle for the first stage of a lower degree of liberalization than what it had originally asked for", and what was in the Commission proposals. "In this way the presidency would play the role of mediator, reaching nonetheless a significant result."<sup>383</sup> The informal meeting made "considerable progress", with the Presidency proposals emerging as "a valid basis of negotiation for most of the Member States". However, the Dutch considered "the new British position" to be "almost a betrayal", and Smit-Kroes "even refused to participate in the informal meeting" after she had received the memorandum from Council President John Moore, UK Secretary of State for Transport. "As justification, the British minister indicated his responsibilities as Council president: the presidency should not limit itself to defending its own national positions but should consider the positions of all delegations and seek a compromise" (ibid. 4405: 7/8, October 9, 1986).

Thereafter, the Presidency "formalized its compromise proposal" (Agence Europe 4426: 5, November 8, 1986), once again bypassing the Commission's right of initiative (cf. Brewin/McAllister 1987: 339/340). Yet "many divergences" remained regarding "the key ele-

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<sup>383</sup> Ibid. "In practice, a possible compromise would closely resemble the Franco-German proposal of last June."



ments of the dossier”; in addition, the Commission upheld “a ‘general reservation’ on the results obtained” (Agence Europe 4426: 5, November 8, 1986). In the run-up to the November 10/11 Transport Council meeting, which was expected to “reach a compromise on the first phase of deregulation of air transport in the Community”, the Presidency draft seemed “acceptable to France and Germany”, which gave it “a good chance of being adopted” as the Netherlands appeared to be “virtually isolated in its opposition to a compromise which it considers as insufficient, i.e. too timid on the liberalization path” (ibid. 4423: 8, November 5, 1986). However, given that the UK, in principle one of the “champions of deregulation”, was stressing that “its role of President of the Council means that it should not defend its own national arguments, but seek a compromise likely to be accepted by all the Member states”, the “partisans of total deregulation” were “multiplying their own stances”, many arguing that no accord would be better than this.<sup>384</sup> Undaunted, Moore declared at the beginning of the formal Council meeting that if the Council reached “a political agreement at this session”, it would have “little difficulty in adopting the technical instruments” at its December meeting. “He added that if the Twelve did not arrive at an in-principle consensus at this session, he would be forced to ask whether they ... [were] still interested in approving a package of measures to liberalize air transport”, and, if not, he “would have no choice but to devote the rest of this Presidency to other issues”. Following this “explicit” opening, Council work began with ministers “all showing a certain readiness to make concessions to win an agreement”; but

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<sup>384</sup> Ibid. “Some circles in the United Kingdom itself, and the independent airlines (who favour total deregulation) and some governments (particularly the Dutch) consider the British compromise too timid, and that it makes too many concessions to the restrictive argument”, ibid.: 4427: 7/8, November 11, 1986.

there were “almost as many positions as delegations”.<sup>385</sup> Consequently, in spite of “considerable progress on most aspects of gradual liberalization of air transport”, the Council did not achieve “complete agreement on the content and means of the provisions to implement. Parties were close to a compromise on capacity, market access and application of competition rules, but the ministers did not concur on certain aspects of the fare policy (particularly criteria for offering bargain rates).” Moore declared himself “disappointed” that “only half” of the delegations supported the Presidency proposals on air fares, and put into question the point of “pursuing our package further during my Presidency” in the absence of “any movement on this key issue” (Agence Europe 4428: 5/6, November 12/13, 1986). By calling upon “the other Ministers who are blocking this proposal” to “think again”, he kept open the possibility of further negotiations. But the British and Dutch delegations also insisted they would adopt the Presidency compromise only “in its entirety. In their view, the package is an indivisible whole, and a strict minimum” (ibid.). Thus, on air fares, “no real progress was achieved”, even though the Presidency had produced a compromise proposal that “fell far short of the ‘open-skies’ policy that Britain had previously been championing.”<sup>386</sup>

Because of the prospect of QMV with the entry into effect of the SEA, and the Commission’s pending legal proceedings against various airlines due to proceed in the absence of

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<sup>385</sup> Agence Europe 4427: 7/8, November 11, 1986. The Permanent Representatives’ report for the Ministers, while noting that only a small number of “technical details” were still open, also showed that member states were evenly divided into “four groups of three: the ‘great liberalisers’ (the Netherlands above all, followed by the United Kingdom and Ireland); those who would accept a fairly substantial liberalization, but show more readiness to compromise later (Germany, France and Luxembourg); those who want fairly tough regulations but seem prepared to move towards the ‘liberalisers’ (Belgium, Italy and Portugal) and the champions of restrictive regulation (Denmark, Spain and Greece).” As the negotiations progressed, “the Danish, Greek and Spanish delegations all progressively hardened their positions, for different reasons”, ibid.

<sup>386</sup> George 1998: 186. As her Majesty’s loyal Opposition put it, unkindly, air fares “were to be another great area of deregulation pioneered by the Government, but only this week the Government fell flat on their faces as other countries blocked such a movement”, Robertson, HC Deb 14 November 1986 vol 105 c272.

agreement, it was “felt that contacts will be pursued in the coming weeks, and all hope is not lost” - the Council would meet on December 15/16 “either to put the finishing touches to the agreement, or to admit failure” (Agence Europe 4428: 5/6, November 12/13, 1986). However, “ministerial tours to promote the Presidency package on aviation aroused the resentment of some smaller States” (Brewin/McAllister 1987: 339/340), and Thatcher was reduced to insisting the government would “continue to press for easier access to cheap air fares” and threatening alternative bilateral arrangements in the EP after the European Council had failed to make any impact on the issue.<sup>387</sup> The Transport Council’s December 15/16 meeting was “its last attempt at reaching agreement on the partial and gradual liberalisation of air transport”; and the fact that, after weeks of preparatory talks at both official and political levels, “the item was finally included in the agenda” meant that the Presidency saw a “chance for agreement” (Agence Europe 4451: 11, December 13, 1986). While elsewhere, a large meeting of air transport lobbyists and consumer representatives criticized the proposals under discussion as inadequate and insufficiently conducive to necessary liberalization,<sup>388</sup> the Council made “little progress”

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<sup>387</sup> Thatcher, HC Statement on the European Council, HC Deb 8 December 1986 vol 107 c21. This was a let-down even for her supporters in the Commons: “Mr. Hugh Dykes (Harrow, East) “[W]ill my right hon. Friend confess to being somewhat disappointed by the slow progress being made in the Community, at all levels, on lower air fares and airline competition?” The Prime Minister “Yes, I think that the Community is split about half and half on this matter. We are very anxious to have lower air fares. We believe that they bring more travel and more jobs, and that is the experience the world over. We are on the side of lower air fares and freeing up the airlines. The initial communiqué drafting was objected to very strongly by Socialist Spain”, *ibid.*: c26; cf. Thatcher, Speech to the EP, December 9, 1986. She also acknowledged her disappointment, as well as her insight into political necessities, to the EP: “I would indeed have liked more things in the communiqué, for example about the internal market. On things like air fares it did not go far enough. It was other governments which prevented this (...) and that is because European Councils are negotiating tables of people who have to reconcile differing interests, and we all have to reach some compromise and we do so”, *ibid.* In turn, some MEPs recognized the Presidency’s efforts: “we must recognize that he [John Moore, Council President] gave considerable impetus to the creation of a European policy on air transport”, Georgios Anastassopoulos, EPP, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 140.

<sup>388</sup> Some even announced their own, alternative proposals, cf. Agence Europe 4453: 16, December 17, 1986; *ibid.* 4459: 12, December 29/30, 1986.

and was unable to agree “in principle on the adoption of the package of directives” (Agence Europe 4452: 10, December 15/16, 1986). Nevertheless, Moore claimed that a “majority of the Twelve” now supported “in principle most of the elements of the first package of measures aimed at liberalising air transport in Europe”, which according to him was a “substantial and irreversible result, which will allow my Belgian colleague Herman de Croo to be in a position to adopt this first package of measures when he will assume the presidency of the Council”, despite certain delegations’ persistent doubts (ibid.). In sum, in line with the prediction of the Presidency effect in the broker role, the UK took a considerable step back from its strongly-held domestic preferences on air transport liberalization in pursuit of agreement in the Council under its Presidency; it was thwarted by the negotiating dynamics in the Council, where too much disagreement remained independently of the British stance.

### **V.3.3 The 1986 UK Council Presidency as Broker: Conclusions**

In this case, problematic issues on the Presidency-as-broker’s agenda notably included the beef regime in the CAP context; unemployment; and in the single market framework, air transport.<sup>389</sup> In the CAP context, the Presidency did not avoid, but either blocked or – to some extent – yielded on certain low-salience items. While it at first delayed dealing with the highly salient issue of the beef regime, it subsequently put an exceptional amount of effort into the negotiations, yielding to some extent before abstaining on the eventual settlement. This behavior provides evidence for the PE in the broker role, since, despite its inauspicious starting position, the Presidency had turned the beef regime ne-

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<sup>389</sup> Problematic and unavoidable EPC issues are considered in Chapter V.4.2 on the 1986 Presidency in the Representative role.

gotiations into a high-profile event into which it invested a lot of energy and Presidential clout, so that it could not afford to let the negotiations fail by vetoing the suboptimal final result, as would have been expected had domestic concerns or negotiating dynamics in the Council alone determined its behavior. The UK Presidency's abstention – as opposed to a positive vote – can be traced to the need to protect the domestic beef industry, restrained by the PE in the Presidency's broker role.

On unemployment, the Presidency chose to seize the initiative, reframe the problem and present a British preference-based solution, thereby taking control of the agenda in order to redirect it from a trajectory it wished to avoid; but it had to make considerable concessions to get its initiative through the Council. Once again, long-standing and even ideological preferences of the Thatcher government should have meant a simple refusal to contemplate acceptance of the Social Dialogue or investment for employment at the European level through the Cooperative Strategy for Growth. Nor would the negotiation dynamics in the Council have stopped Britain simply continuing to block the Commission's attempts at social engineering. Only the PE in the Presidency's broker role, in this case the need to get agreement on a high-profile Presidency initiative, can explain Britain's willingness to yield, for the first time, on these two points. Finally, air transport was one aspect of the Single Market program the Presidency chose to highlight, and while it dialed back the national preference explicitly with reference to its Presidency responsibilities, it did so in vain, as no agreement was reached – although it did its best to portray failure as a success. Here, the Presidency deliberately and explicitly resisted domestic pressures with the argument that the Presidency was more important; that its unilateral move was insufficient for an agreement was due to the prevailing negotiation dynamics.

**V.4 The 1986 UK Council Presidency in the Representative Role**

This section will probe the 1986 UK Council Presidency for evidence of the Presidency effect in the Presidency's representative role. It will highlight controversial topics on which the UK held a minority position and whether it yielded on them, resisting domestic pressures, for the sake of achieving a presentable agreement in the Council, or in the EC/EU as a whole, rather than merely because of Council bargaining dynamics. The section will also identify Presidency initiatives to promote its activities, and/or those of the EC/EU, to its domestic audience, if any. It will show how as external representative, the British Council Presidency accepted Community measures far less stringent than its own against Syrian state terrorism for the sake of a common EC position, rather than opting for a unilateral shut-down of Community engagement with Syria. Similarly, the British government gave up its long-standing resistance against sanctions against South Africa over apartheid when in the Presidency, a move that cannot be explained by either domestic pressures or bargaining dynamics at EC-level alone, but is consistent with the PE in the representative role. This section will further demonstrate how in its internal representative role, the British Council Presidency's engagement with the European Commission and the EP, in particular on the settlement of the annual budgets for 1986 and 1987. Whereas the UK conceded much more on the 1986 budget than it had been prepared to do prior to taking over the Presidency in order to get a settlement – a shift that cannot be explained without the PE in the representative role – no deal with the EP on the 1987 budget was achieved, mainly due to the remaining divergences inside the Council; the case of the 1987 budget therefore remains inconclusive on the relevance of the PE. Finally, in terms of representing the EC to its domestic audience, the UK Presidency – in line with

the PE predictions in the representative role – made efforts to increase awareness of the EC and Britain’s influence in it, and to present their Presidency’s and the Community’s activities in the best light possible.

#### **V.4.1 The Institutional Shape of the Council Presidency’s Representative Role in 1986**

When Margaret Thatcher assumed the Council Presidency for a second time, she profited from changes she had helped bring about during her first tenure: the Presidency’s role as collective external representative had been reinforced in the early 1980s (cf. Tallberg 2006: 68). Specifically, the 1981 London Report had “explicitly supplemented the Presidency’s power to issue collective declarations with the right to meet with third parties” on behalf of the members, and formalized the Presidential troika.<sup>390</sup> By the middle of the decade, the Presidency was well established as the Council’s “collective representative in external affairs”<sup>391</sup>: “The Presidency’s job is to see there’s a proper Union position, so strong as we can make it, and as many people as possible support it, preferably *all*. That’s what the Presidency’s *for*” (Williamson, Interview, London, July 15, 2010).

*Internally*, meanwhile, the Presidency’s representative role had been developed further with the introduction, in 1982, of the “budget triologue” involving a Presidency representative, the chairman of the EP’s Budget Committee and the responsible Commissioner. Convened mostly towards the end of the budget process, its task was “to settle outstanding divisions between the institutions”, sometimes relying on the “informal prac-

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<sup>390</sup> Ibid.; cf. Foreign Ministers of the European Community 1981. First used by the Belgian Presidency succeeding the British one in 1977, the troika system meant that the incumbent Presidency was accompanied by representatives of both its predecessor and successor in office to meetings with third parties. This system “made sure that one of the major member states would always be part of the EPC’s international delegations, thus ensuring adequate political clout”, Tallberg 2006: 68, cf. also Allen 1988: 51.

<sup>391</sup> Ibid.: 69. The Presidency’s enhanced role was reemphasized by the 1983 Stuttgart Solemn Declaration, cf. also Wallace 1985: 19.

tice” of one-on-one encounters between the EP representative and the Presidency (ibid.). Thus, also by the middle of the decade, “the Presidency had developed into the Council’s natural representative *vis-à-vis* the Parliament” (ibid.; cf. also Wallace 1985: 17), especially since the 1983 Stuttgart European Council had decided that “the Presidency should report to the EP on the outcome of each European Council.”<sup>392</sup> While still exercising “much less direct power than most of its members would wish”, the EP had “recently become much more active and more successfully demanding of attention from the Council”, so that the amount of time a Presidency had to devote to the EP – “whether of necessity, as in the Budget Council, or out of prudence, as in many other fields” – had “visibly increased”, requiring ministers to appear frequently at plenary or committee sessions.<sup>393</sup> The European Parliament, in short, had become high maintenance. There were complaints that many of the questions Presidencies were required to answer were un-specific or “esoteric”, and some Presidencies “even expressed disillusionment and felt they were wasting their time dealing with an ‘irresponsible’ and undisciplined institution” (Kirchner 1992: 112). Perhaps in response to such sentiments, one MEP sought to send

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<sup>392</sup> Kirchner 1992: 121. By 1986, it had become “customary” for the head of state or government in the Chair to do so (ibid.: 111/112), as Thatcher herself noted: “I was privileged in 1981 to be the first Head of Government holding the Presidency of the Community to report to you on the outcome of a European Council. Since then the tradition of such reports has become well established and it is no less a privilege today, five years later, to be the first Head of Government to deliver the report for the second time.” Thatcher, speech to the EP, December 9, 1986, documented in OJ EC, Annex: Debates of the EP No. 2-346 (English edition), 1986/87: 41-68.

<sup>393</sup> Wallace 1986: 587. Foreign Ministers attended EP plenary sessions “at least twice”, to present the Presidency program and report on its progress; additional visits often involved European Councils. “Euro-Ministers” were “the most frequent visitors”, including to EP committees: “on average approximately twenty such meetings” took place in the course of a Presidency. Such contacts could “help to facilitate the take-up of parliamentary amendments to legislative proposals still being considered by the Council of Ministers.” Notably, it had also become “customary for Presidencies to liaise with MEPs from their own countries in particular, e.g. to transmit information about the Presidencies’ aims and actions”, although the chairpersons of the EP’s political groups were “also regularly informed”, Kirchner 1992: 111/112.



“a message from the European Parliament, which will be passed on to the Belgian presidency and then to the Danish presidency: appointed bodies and councils can be abolished at the stroke of a pen, but this assembly is democratically elected. That makes it more of an embarrassment, but in the end also more responsible, for it cannot be removed, overlooked or forgotten. (...) Therefore let no presidency believe that it can get by with tranquillizers or fine words” (Toksvig (ED), EP Debate on Thatcher Statement, December 9, 1986).

The impending SEA would introduce a new legislative procedure, the “cooperation procedure”, which would involve the EP even “more closely in EC law-making”,<sup>394</sup> and the pressure of the Single Market program often encouraged Presidencies to cooperate extensively with both the EP and the Commission (cf. Kirchner 1992: 113), as the “best results” were achieved “by good teamwork”, especially between the Presidency and the Commission.<sup>395</sup> “Close collaboration” between the Commission President and the Presidency’s Foreign Minister had become normal,<sup>396</sup> as the Commission, “whilst interested in Community progress, also shares responsibility when things go badly within the EC” (ibid.: 111). Each Presidency therefore faced an “immense” triple challenge in its representative role: “to represent the Community, and negotiate on its behalf, vis-à-vis the Community’s associated partners and the countries seeking accession”, that is as external representative; “to represent the Council vis-à-vis the European Parliament in situations, becoming more and more frequent, where real and skilful negotiation is called for”, as well as vis-à-vis the Commission, that is, as internal representative; and finally, to

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<sup>394</sup> Wallace 1986: 592. The SEA would also bring the “establishment of so-called ‘national co-ordinators’” – national representatives dedicated exclusively to Single Market issues within COREPER, which turned into “yet another instrument for the Presidency to carry out its tasks more effectively”, at least in that issue area, Kirchner 1992: 105, 119.

<sup>395</sup> Kirchner 1992: 110/111, cf. De Bassompierre 1988: 81.

<sup>396</sup> “Consultation and co-operation is intensified before and during the Presidency and involves various levels: college, individual Commissioners, services on the Commission’s part, and government members, government services, and the Permanent Delegation on the Presidency’s part” (Kirchner 1992: 111/120). Some Presidencies would even organise meetings of the entire Commission college and the government (cabinet).

(re-)present the Council and its output to “public opinion and the press”, including the Presidency’s own domestic audience (Ersbøll 1985: ix). In this context, the “representative” mechanism of the Presidency effect operated: “All governments find themselves under pressure to show themselves to advantage under the Presidency spotlight both in terms of actual Council and EPC output and in terms of peer group evaluation” (Wallace 1985: 273). The “big occasion for the Council Presidency to present their six-monthly stint in a positive light”, and therefore the “apex for every Presidency” was the “media stunt” of the European Council, usually held toward the end of a Presidency’s tenure (Kirchner 1992: 113/114).

#### **V.4.2 The Representative Efforts of the 1986 UK Council Presidency**

The British government was well aware of the responsibilities and expectations associated with the Council Presidency in its representative role – as well as of the opportunities it afforded. Thus, in preparing the UK’s tenure, the European Secretariat at the FCO and the UK’s Permanent Representation considered “the general approach to relations with the Council Secretariat, Commission and the European Parliament”, the “coordination with the preceding Dutch presidency”, and the “best way to present the presidency so as to increase European awareness in domestic opinion” (Wallace 1986: 589/590). By the end of June, “the Foreign Secretary told journalists: ‘This is the last time I will appear before you as a mere Foreign Secretary. From now on I shall have added lustre’” (Robertson, HC Deb 17 December 1986 vol 107 c1203).

***The 1986 UK Council Presidency as External Representative***

As external representative of the Community, the British Presidency faced the usual perpetual agenda items, such as the Middle East conflict, as well as the fallout from controversies surrounding the Reagan administration and a number of ongoing crises. On most of these, the UK held no particularly conspicuous position. Of interest here are two quite controversial issues on which Britain did find itself isolated, both centering on the question of sanctions: against Syria over allegations of terrorism, and against South Africa over apartheid.

***The 1986 UK Council Presidency as External Representative and Syria***

Syria was accused of being behind a foiled attempt to place a bomb on a flight of Israeli airline "El Al" from London Heathrow to Tel Aviv on April 17, 1986. While denying any involvement, the Syrian authorities did not cooperate with British attempts to investigate the incident, and a prolonged diplomatic row ensued, including the mutual expulsion of diplomats. The trial of the man eventually convicted of the attempted terrorist attack revealed "conclusive evidence" of Syrian assistance, and the UK broke off diplomatic relations with Syria on October 24, 1986.<sup>397</sup> Meanwhile, the EC had been continuing to provide emergency aid (cf. Agence Europe 4330: 11, June 2/3, 1986), to plan on including Syria in the renewed Mediterranean Protocols on Financial Cooperation,<sup>398</sup> and to offer loans through the European Investment Bank (EIB, cf. Agence Europe 4334: 14, June 7, 1986). By October, "the French led the resistance to the British campaign against Syria. The Presidency country had to use its veto to preclude aid to Syria" (Brewin/McAllister 1987: 351).

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<sup>397</sup> Cf. BBC News, "UK Cuts Links with Syria Over Bomb Plot", [http://news.bbc.co.uk/onthisday/hi/dates/stories/october/24/newsid\\_2478000/2478505.stml](http://news.bbc.co.uk/onthisday/hi/dates/stories/october/24/newsid_2478000/2478505.stml); cf. also Agence Europe 4416/7: 6, October 25, 1986.

<sup>398</sup> Cf. Agence Europe 4331: 6, June 4, 1986; cf. Bull. EC 7/8-1986: 2.2.51., 10-1986: 2.2.49.

Howe also “let it be known that, despite Greek objections, the UK would not be in favour of renewing the financial protocol with Syria”,<sup>399</sup> and on October 27, the Community’s stance on the issue was discussed in the margins of a Foreign Affairs Council meeting in Luxembourg (cf. Bull. EC 10-1986: 2.4.4.). After much deliberation,<sup>400</sup> the Twelve “reaffirmed their previous statements on international terrorism” and, after a “full briefing” by the UK, all – “bar one” – expressed a shared “sense of outrage” at the involvement of the agencies of a State “in such an appalling incident” as well as “understanding and support” for Britain’s actions. “Community solidarity in such circumstances” was agreed as was the need to further discuss the matter in early November to consider, inter alia, arms sales, high-level visits and activities of embassies (Agence Europe 4419: 3, October 29, 1986). Howe acknowledged that this fell “significantly short” of UK expectations, while Mitterrand said it reflected “prudence”.<sup>401</sup> After the ministerial EPC meeting in London on November 11, 1986, a Presidency statement on “Terrorism” was issued detailing “further joint action” including a formal arms embargo, a ban on high-level visits and a review of existing diplomatic relations and security arrangements (Bull. EC 11-1986: 2.4.1.). “Greece was unable to subscribe to this text, since it felt that the Syrian authorities were being held responsible”;<sup>402</sup> nevertheless, despite the Community “foot-dragging” and “Greek recalcitrance”, EC action on Syria was “welcomed in Downing Street”.<sup>403</sup> Thus, the

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<sup>399</sup> Ibid.: 363, cf. Agence Europe 4419: 6, October 29, 1986.

<sup>400</sup> Cf. Agence Europe 4418: 3, October 27/28, 1986; 4419: 3, October 29, 1986.

<sup>401</sup> Ibid. Later on, the French Minister in charge of European Affairs told French parliamentarians that the SEA’s “neutral” EPC Secretariat “should prevent the risks attached to the use by a Member State of the means on which it has a monopoly because of its presidency”, like when “the British ... had substituted at the last minute a new text to that on which the delegations had worked” during the first meeting on Syria, Agence Europe 4432: 3, November 19, 1986.

<sup>402</sup> Ibid.; cf. Agence Europe 4427: 3, November 10/11, 1986; 4428: 3, November 12/13, 1986.

<sup>403</sup> Peel 1986, op. cit.: 26. “On 10 November we sent a clear message to Syria that what had happened in the Hindawi case was totally unacceptable to all 12 Member States of the Community”, Howe, Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 137.

British Presidency, in order to have a Community position to represent externally, accepted a compromise that fell far short of its own national position on a highly salient issue. Had it not been for its Presidency role as external representative of the Community as a whole, the UK could simply have continued to veto Community engagement with Syria.

#### *The 1986 UK Council Presidency as External Representative and South Africa*

The question of a Community position on South Africa turned out to be the most difficult problem for the 1986 UK Council Presidency. Britain had been “accused of dragging its feet on ... sanctions against South Africa” (Kirchner 1992: 109) and faced considerable pressure by other Commonwealth governments<sup>404</sup> as well as large parts of public opinion for a sharp condemnation of the state of affairs in that country, where the intensifying struggle between the South African apartheid regime and the resistance centered around the African National Congress (ANC) had led to mounting political violence, to which the government had responded with the imposition of country-wide state of emergency on June 12, 1986. Thatcher, ostentatiously unmoved, resisted – and sought to use the European Community to protect Britain’s position (cf. Wallace 1987: 402). The EC response to apartheid up to that point had been limited to “an agreed code of conduct for European firms operating in South Africa”, and in September 1985, the Twelve had further agreed “some modest anti-South African measures” (Butler 1986: 152). Yet there were “nuances of opinion about how far this should go, with Germany and Britain reluctant to push things to the point of economic sanctions which would hurt South African blacks even more than whites and be economically damaging to the bordering African countries. It would also, incidentally, damage the economies of those countries who applied sanctions, substantially in the case of the UK” - which is why Butler expected the issue

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<sup>404</sup> South Africa had been expelled from the Commonwealth in 1961 and was not to be readmitted until 1994.

“to take up a great deal of the Community’s time during the 1986 British Presidency and thereafter.”<sup>405</sup>

Wallace (1986: 596) predicted that sanctions against South Africa would be the “one subject on which Britain is likely to have the greatest difficulty in escaping pressure significantly at variance with its own, instinctively more cautious, approach”, especially since “[t]he presidency intensifies the spotlight on British policy and thereby further constrains the room for manoeuvre. (...) [T]he fact that it will be virtually impossible for the British government to avoid accepting some action, however reluctantly, from the EC chair may well alienate rather than reassure the Commonwealth.”

By early June, raised expectations were evident in the House of Commons, where Howe was asked if he was aware of his “enormous influence on the attitude of the other 11 members” as Council President, and whether, in light of the worsening situation in South Africa, the UK were “for ever to be making excuses” and dragging its feet.<sup>406</sup> Denis Healey, the Labour Shadow Foreign Secretary, was even more explicit: “[W]ill the Foreign Secretary persuade the Prime Minister to abandon her pig-headed opposition to sanctions, which has identified Britain as the only protector of apartheid in the outside world, has split the European Community and now threatens to break up the Commonwealth?”<sup>407</sup> In reply, Howe merely referred him to the EC’s “common position since September last year”, and the “common aim of bringing about an early end to apartheid in South Africa”, if possible “without violence through a process of dialogue” (HC Deb 11 June 1986 vol 99 c325). In his memoirs, however, Howe reveals that Thatcher had introduced “[o]ne new

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<sup>405</sup> Ibid. It should be noted that a representative of the principal white South African opposition party, the “Progressive Federal Party”, also expressed doubts about the effectiveness of economic and military sanctions to the EP, due to their contraproductivity, cf. *Agence Europe*, 4331: 4, June 4, 1986.

<sup>406</sup> Tom Cox, MP for Tooting, HC Deb 11 June 1986 vol 99 cc324/325.

<sup>407</sup> Denis Healey, MP for Leeds East, HC Deb 11 June 1986 vol 99 c325.

notion” to the UK’s approach to South Africa, which “sprang from the fact that Britain took over from the Dutch the Presidency of the European Council for the second half of 1986” (Howe 1994: 486). This was his “ministerial mission to South Africa” as President of the Foreign Affairs Council: “In retrospect, it became clear that one of Margaret’s motives for suggesting this was the hope of postponing still further any final decision on further measures”.<sup>408</sup> He explains that he made his willingness to undertake the mission conditional upon a mandate by the European Council and assurance that the UK Cabinet would be “prepared to support further measures, if necessary, in the event that my mission failed in its purpose of promoting progress in South Africa” (Howe 1994: 486/487). This “essential condition” was granted, subject to a deferral of “final decisions on any fresh negative measures” by the European Council.<sup>409</sup>

The question of sanctions against South Africa loomed large at the June European Council at The Hague, strongly pushed by the Dutch who wanted to make a tough Community stance against apartheid a marker of their Presidency (cf. Hort 1987: 55). After the UK and Germany had failed in their attempts to dissuade the Dutch Presidency from insisting on a Community initiative against South Africa by focusing the Summit on routine dos-

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<sup>408</sup> Ibid. Howe also notes his own doubts: “I regarded such an outcome as impossible in the extreme. I took much the same view of any other prospects of success for such a mission. Even with the added authority of the EC, how ... could I be confident even of getting a hearing either in South Africa or with her neighbours? And, if I failed, would not the pressure for comprehensive sanctions be stronger than ever? One argument pointed quite strongly the other way: the possibility of such a mission had already been widely trailed – quite probably, I guessed, as a result of a leak from Number 10. It would be very damaging, for the UK in particular, for me to appear unwilling to accept responsibility of this kind”. In the event, Howe was to be correct in his doubts about the utility of the mission for the settlement of the conflict, but it would fulfill its tactical political purpose.

<sup>409</sup> “If we could achieve some postponement there, that would leave us rather more room to manoeuvre”; but ostensibly, the “delay was to allow time for my proposed mission to South Africa, which I was to undertake alone but on behalf of the entire Community. By this time, a number of commentators (and of our EC colleagues) had detected some difference between Margaret’s enthusiasm for this mission and my own more sceptical approach. Some sections of the press and, so it would appear later, some aspects of Number 10’s press briefing were reluctant to acknowledge any weakening in Margaret’s hostility to sanctions of any kind”, Howe 1994: 486/487.

siers such as the common market and energy, the expediency and advisable extent of sanctions dominated the meeting in acrimonious debates, aggravated by public demands for EC measures and the expectation of a “clear signal” from the European Council. The Dutch were supported by other advocates of a hard stance against the government of Pieter Botha, notably the Danish, Greek and Irish governments, and faced the Germans, British and Portuguese, who, for differing reasons, opposed sanctions and warned against hasty measures.<sup>410</sup> France and Spain occupied the middle-ground and helped negotiate a hard-won compromise which avoided an ignominious break-up of the summit, but was widely seen as toothless and pointless.<sup>411</sup> “The Community accepted the British line on South Africa. (Brewin/McAllister 1987: 351), and in a six-point “Statement on South Africa” (Bull. EC 1986-6 1.1.18.), the European Council strongly deplored the increasing violence, the state of emergency and censorship; reaffirmed the main goal of EC policy to be “the total abolition of apartheid” and announced its decision to take “additional action”, namely an increase in its assistance to “the victims of apartheid”; called on the government to “unconditionally release Nelson Mandela and other political prison-

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<sup>410</sup> The Portuguese government of Aníbal Cavaco Silva opposed sanctions because of the presence of a strong minority of Portuguese emigrants from former colonies Mozambique and Angola in South Africa, and the prospect that sanctions would not help the Black population and only serve to further isolate the country. Kohl had expressed principled doubts about the merits of sanctions which often missed their targets, but similarly framed his argument in terms of prioritizing the actual interests of the South African majority over popular European demands for punishment of the regime. He further emphasized the pointlessness of barring the import of Krugerrand gold coins while continuing to import gold bars and strategically important raw materials such as platinum and chrome, as suggested by the advocates of sanctions. This view was seconded by Thatcher, Mitterrand and Cavaco Silva, cf. Hort 1987: 57. According to Thatchers account, the “Dutch themselves - the Netherlands having been the original home of the Afrikaners - suffered from a pervasive guilt complex about South Africa, which did not make them ideal chairmen. But Chancellor Kohl – who, at least at this stage, was as strongly opposed to sanctions as I was – led the debate. I supported him, followed by the Prime Minister of Portugal. In the end we agreed to consider introducing later in the year a ban on new investments and sanctions on imports of South African coal, iron, steel and krugerrands”, Thatcher 1993: 519/520.

<sup>411</sup> Cf. Hort 1987: 54/55. The stance of Felipe González and Aníbal Cavaco Silva was also noteworthy given the fact that both leaders were representing their countries at their first ever European Council as full EC members.



ers” and to lift the ban on the ANC and other political parties; announced consultations, “in the next three months ... on further measures which might be needed covering in particular a ban on new investments, the import of coal, iron, steel and gold coins from South Africa”; and asked “the future UK Presidency Foreign Minister to visit southern Africa, in a further effort to establish conditions in which the necessary dialogue can commence.” Although the statement included demands – for the release of Mandela and the recognition of the ANC – that clearly exceeded previous Community positions, it also (temporarily) postponed all potential sanctions.<sup>412</sup> According to one observer, this decision came after “Britain’s unique membership of both the Commonwealth and the Community, and the former’s Eminent Persons Group initiative, [had] essentially suspended the development of the EC’s South African policy during the first half of 1986”, and even the decision at The Hague “that further collective measures were needed” included the concession of “a three month delay in their application” (Holland 1987: 302/303).

After the European Council, both MPs and MEPs sought to keep up the pressure on the new UK Council Presidency, inter alia by tying the imposition of sanctions directly to the outcome of Howe’s mission<sup>413</sup> and by emphasizing the independence of the Council Presidency from the preferences of the British Prime Minister.<sup>414</sup> Criticism of the UK position

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<sup>412</sup> Cf. Hort 1987: 57. Moreover, the Heads of State and Government had considerably watered down the draft they had been given, cf. Agence Europe, 4351: 1, July 2, 1986; the Statement, and in particular the “attitude of the British and German Prime Ministers”, was much criticized, *ibid.*: 4. In Howe’s words: “At the Hague European Council ... we did in fact achieve just that result. Further measures were to be introduced by all twelve EC states, but only after a delay of three months: bans on the import from South Africa of gold coins, iron, steel and coal (we had headed off a ban on fruit and vegetables) and a voluntary ban on new investment in South Africa”, Howe 1994: 486/487.

<sup>413</sup> “Does the Foreign Secretary accept the view expressed by President Mitterrand and the Prime Minister of the Netherlands and Denmark that the Government are committed to sanctions if his mission fails and does not secure the unconditional release of Nelson Mandela and the unbanning of the African National Congress?” Healey, HC Deb 07 July 1986 vol 101 c21.

<sup>414</sup> “[D]oes he recognise that his chances ... will be greater if he stresses that he is going as President of the Council of Ministers of the European Community, and that as such he will not be handicapped by the public foot-dragging on sanctions of the Prime Minister?” David Steel, HC Deb 07 July 1986 vol 101 cc22/23.

and the European Council's decisions was particularly vocal across party groups in the EP, where Howe's proposed mission was characterized as a delaying tactic and South African reactions to the idea as "a humiliating rebuff" that made it "crystal clear that the decision of the Council was the wrong one."<sup>415</sup> Instead, "[w]ith regard to European action on the international political scene", a demand was made for "a firm, coherent commitment from the British Presidency in support of the struggle for the recognition of human rights, especially in South Africa".<sup>416</sup> The Foreign Secretary reaffirmed "the government's commitment (confirmed in Cabinet on 25 June) to consider further measures. 'If the mission does not procure tangible and susceptible progress in South Africa', I told the House, 'I would regard agreement on further measures as likely to be necessary.'"<sup>417</sup> This was received by parts of the media as "a critical development – a change not of objectives but of assumptions" (*The Times*, July 18, 1986), and a "wise" move to open a way for the government to back down.<sup>418</sup> In the event, the South African regime remained unimpressed

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<sup>415</sup> Alfred Lomas (S), OJ Annex 2-341, July 8, 1986: 64. "Why can't you be big enough to admit it and call an emergency Council meeting and introduce sanctions *now*", he added. Similarly, the British Presidency along with the German government was accused of demonstrating, "by their resistance to economic sanctions, their continuing support for the policies of brutal racist segregation", Brigitte Heinrich (ARC), *ibid.*: 69; and the results of the European Council "in relation to any sanctions to be applied to South Africa" were described as "too indefinite and generic, postponing everything until after Sir Geoffrey Howe's mission to that country", Michelangelo Ciancaglini (EPP), *ibid.*: 71.

<sup>416</sup> Ciancaglini (EPP), OJ Annex 2-341, July 8, 1986. Howe responded with details of his mission and a rhetorical affirmation that there was "recognition that, into these difficult areas of southern Africa, I am going as Foreign Minister of the current Presidency. I recognize the difficulties of the task, but I hope nobody will question the singleness of purpose with which I and I think everyone in this Chamber addresses it. The European Council, like the European Parliament, is united in its goal of securing the total abolition of apartheid, united in its call for the release of Nelson Mandela and other political prisoners, united in its call for the ban on political parties to be lifted, united in its determination to provide financial and material assistance to the victims of apartheid and, above all, united in its determination to do everything in its power to promote peaceful change in South Africa; united in the measures it has already taken and united - and I say this with due humility - in placing its trust in me as President-in-Office to undertake this hard and crucial task", Howe, reply to the debate, OJ Annex 2-341, July 8, 1986: 77.

<sup>417</sup> Howe 1994: 487. "I had seen Margaret that same morning and got her to agree to that commitment. That statement of our position was not questioned in Cabinet the following day", July 17, *ibid.*

<sup>418</sup> "As Mr Botha [the South African leader] seems unlikely to oblige, added the *Economist*, 'Sir Geoffrey has been wise to prepare a space for Mrs Thatcher to reverse into'. Yet even on that day the *Daily Express* reported, 'Sanctions – No U-turn by Maggie'", Howe 1994: 487.

by Howe's "luckless" (Wallace 1986: 596) mission, during which, traveling as the President of the Foreign Affairs Council, he was nonetheless received – and attacked – as the British Foreign Secretary (cf. Wallace 1987: 402). His "thankless" attempt "to try to engage in 'dialogue' rather than being pushed farther down the sanctions route" (Brewin/McAllister 1987: 363) was widely considered a failure.

Yet even after Howe's mission had ended - as anticipated - without success, the Cabinet's decision to "not stand out against measures already identified by the European Community, if at the end of the three-month period allowed for my mission other EC members wished to impose them" encountered resistance: "On that basis we were, I thought, firmly in the position for which I had been consistently working. But I had reckoned without Margaret Thatcher's reluctance to steer away from conflict" (Howe 1994: 492). There followed a head-on clash between the FCO and Downing Street media operations, briefing sharply conflicting stories about the government's stance on further sanctions against South Africa to the press.<sup>419</sup> This led to tensions between Howe and Thatcher, who refused to acknowledge a problem, and in her own memoirs merely recounts her unwavering opposition to sanctions against the South African regime (cf. Thatcher 1993: 512-522). Finally, after the UK had "stultified" (Holland 1987: 309) the Community's South Africa policy for months, on September 15, "the EC finally moved towards 'limited measures'", but "[d]espite Danish, Dutch and Irish demands, the June Hague package of sanctions

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<sup>419</sup> Cf. Howe 1994: 492-493. The relevant Cabinet Papers are still subject to a 30-year closure rule (now in transition to a 20-year closure rule), and have therefore not yet been released. A comparison of the pertinent Cabinet minutes with the contemporary press coverage will eventually confirm or disconfirm Howe's version of events – though the preponderance of the evidence on the previous behavior of Thatcher's Downing Street machine suggests that confirmation is more likely.

was not fully adopted.”<sup>420</sup> None of those measures would affect trade relations in a major way,<sup>421</sup> and they were not well received, despite Howe’s best efforts to portray them as significant.<sup>422</sup> While Thatcher was able to bat away questions on the issue after the European Council, her Foreign Secretary bore the brunt of the hostile reactions in the EP and the House of Commons to “the debacle of sanctions against South Africa”, which were considered “a joke”, especially after “the fanfare six months ago when Sir Geoffrey went off to South Africa to plead with the racists to please do something about apartheid”.<sup>423</sup> This outcome was attributed to “a certain frame of mind on the part of the UK Presidency which does not improve Europe’s authority or its position in the world. In this field, the Presidency delayed the decision on sanctions as long as it could”,<sup>424</sup> which was considered “part and parcel” of the Presidency’s “patchwork of ... appeasement policies”, of “the trimmings” hiding its “inactivity” and of “the skilful course” it steered “round any

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<sup>420</sup> Holland 1987: 302/303. The Foreign Affairs Council “agreed to ban (as of 27 September 1986) the importation of steel and iron (worth £275 million per annum) and to investigate Community-wide legislation prohibiting the sale of Kruggerands (implemented on 27 October) and new investment in South Africa. In the cause of preserving the facade of collective policy, West German and Portuguese opposition to the proposed coal embargo was sufficient to forestall the introduction of this sanction. Positive measures were also adopted. A special programme to assist the victims of apartheid was established (under the jurisdiction of the Commission) with funds of 10 million ECUs for 1986, and 20 million for 1987”, *ibid.* The Code of conduct for European companies operating in South Africa was “slightly revised”, Brewin/McAllister 1987: 351. Cf. Bull. EC 9-1986: 2.1.6., 2.2.5., 2.4.2.; Bull. EC 10-1986.

<sup>421</sup> Cf. Hort 1987: 57. In fact, later, the withdrawal of individual US companies such as General Motors, IBM and Coca-Cola from South Africa would be felt more than the catalogue of EC sanctions threatened at The Hague and eventually implemented in September 1986.

<sup>422</sup> “It must be said that the response of the South African Government to the Community as to the Commonwealth was less than encouraging”, he conceded, arguing that “for that very reason ... we have, over the years, taken a series of carefully chosen measures designed to give impetus to reform, culminating in the recent ban on new investment and the ban on the import of gold coins, iron and steel. Some people have said that these are a slap on the wrist. Not so. They are a warning hand on the shoulder of South Africa. A symbol and a plain symbol of the Twelve’s commitment to encourage an end to apartheid. That commitment is shown as well in the help we are giving to training, to education and to legal aid to the black people of South Africa, through our national and Community programmes of positive measures”, Howe, Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 136.

<sup>423</sup> Alfred Lomas, S, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 150.

<sup>424</sup> René-Emile Picquet, COM, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 143.

politically explosive issues.”<sup>425</sup> When asked if he did not “regret the fact that, during Britain’s presidency of the European Council, it has been Britain that has held Europe back from taking more positive steps and from putting pressure on the South African Government to take this last opportunity to end apartheid by peaceful means?”, Howe evaded the question by pointing to Germany and Portugal’s resistance against the imposition of a coal embargo, whereas the UK “would have been willing to accept those measures as part of the general Community package” (HC Deb 17 December 1986 vol 107 c1211).

Yet Britain’s policy stance on the issue had shifted - eventually. Thatcher had remained unmoved when the US Congress overruled her ally Reagan’s veto against American sanctions; strongly and disdainfully defied Commonwealth pressure for even harsher sanctions; and resisted EC sanctions as long as possible. But even though “the actions of European Community countries, unlike most Commonwealth members, could have a real impact on the South African economy” (Thatcher 1993: 519) she eventually relented in that forum – not least because “it proved useful for the UK to be able to disguise its own diplomatic embarrassment over sanctions within a Community framework of distinctly modest measures.”<sup>426</sup> On the implementation of the EC measures first contemplated under the Dutch Presidency at The Hague, Thatcher notes:

“In the event we in the Community decided against the sanctions on coal, to which the Germans were particularly strongly opposed, though the other sanctions proposed at the Hague were introduced in September 1986. Perhaps the most extraordinary feature of these discussions was that they seemed to be carried on without regard to what was happening in South Africa itself”, where, despite continuing problems, “fundamental changes were taking place” – according to Thatcher (1993: 521/522).

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<sup>425</sup> “You are trying to sell us the rag you have rapidly stitched together - patchwork would be too good a word for it – as a success. Where is the success? You do not even manage to impose any real sanctions against South Africa ... This was a no-good presidency!” Frank Schwalba-Hoth, ARC, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 145.

<sup>426</sup> Peel 1986, op. cit.: 26, cf. also Wallace 1987: 402/403.

In other words, by her own account, she went along with the EC sanctions against her better judgment and unconvinced of the intellectual argument for them – but she offers no explanation for why she did not block sanctions against South Africa, even though she had no trouble withstanding the pressure in other contexts, nor blocking EC measures at other times. In short, neither domestic pressures nor bargaining dynamics at EC level alone can account for Thatcher’s relenting on sanctions against South Africa. Arguably, therefore, her stance was due at least in part to her exposed position in the EC Council Presidency, which subjected her to the Presidency effect in the representative role. In the interpretation of Martin Holland (1987: 302/303), the

“irony of the UK position during its third term as president of the European Council ... illustrates the constraints of chairing EPC. It is the responsibility of the country holding the presidency to engineer, wherever possible, conditions for consensus decision-making. As an ordinary Member State, the United Kingdom had successfully resisted the call for sanctions. However, once in the chair, she was unable to exclude the issue from the agenda or advocate such a strong national position. Consequently, sanctions, albeit reluctantly, were introduced under the auspices of a British presidency.”

Not that it made much immediate difference – the release of Mandela and lifting of the ban on the ANC in South Africa was not achieved until 1990.

### ***The 1986 UK Council Presidency as Internal Representative***

In terms of the UK Presidency’s role as internal representative, there was considerable continuity to the preceding Dutch Presidency. Given the unsettled budgetary questions, both the Dutch and the British Presidencies prioritized inter-institutional relations, especially those with the EP. Both also emphasized the need for budget discipline (cf. Buck 1987: 61). The British Presidency faced the challenge of two unsettled annual budgets

(1986 and 1987), of which it was able to divest itself semi-successfully. But its relationship with the EP remained qualified, and towards the end, the Presidency was marred by an escalation of tensions between Thatcher and Delors.

The United Kingdom took the Council Chair, and thus the role as internal representative, handicapped by a record of tensions with both the EP and the European Commission. According to Welsh (1988: 19/20), both “Commission and Parliament were regarded as inherently hostile to British interests and therefore to be kept at arms [sic] length throughout.” This was due to the “fundamental conceptual difference” between the Community approach and the UK’s “Gaullist, or more accurately, Metternichean, view of the Community ... as a group of sovereign states which join together to pursue their mutual self-interests where these coincide” (ibid.). This could also explain why Britain remained “the fiercest opponent of recognition of even very limited co-decision powers for our Parliament”<sup>427</sup> as well as “the main source of opposition to the idea of the Commission participating in Economic Summits” (Brewin/McAllister 1987: 363), and why even Ken Clarke, “a minister with strongly pro-European instincts, devoted a great deal of time selling his ideas to his colleagues in the Council, but seems scarcely to have bothered with the Commission.”<sup>428</sup> While in the Presidency’s representative role, the UK was expected to make some effort; yet this remained distinctly qualified.

Thus, introducing the Presidency to the European Parliament in early July, Howe assured his audience that Britain recognized “first and foremost that there has to be a change ... if

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<sup>427</sup> Fernand Herman (EPP), OJ Annex 2-341, July 8, 1986: 64.

<sup>428</sup> Welsh 1988: 19/20. “He does not seem to have realised that there was no chance of the resolution [on the Presidency’s employment initiative] being implemented in the way intended unless the Commission was part of the ministerial consensus. It was not a case of a cabinet committee reaching a policy decision and the civil servants being instructed to carry it out”, ibid. Thatcher appears to have erred along the same lines, which led to a major clash with Delors after the European Council, which in turn resulted in tensions for years to come.

the Community is to move strongly ahead as we should all wish"; however this change, in the British view, was required "not in the powers but in the relationships between Parliament and Council".<sup>429</sup> Furthermore, whereas the Dutch Presidency had chosen, "in anticipation" of the SEA, to "consult" an EP delegation in preparing for Internal Market Councils (Wallace 1986: 592), the British did not emulate that example, even though MEPs specifically asked for this.<sup>430</sup> Howe evaded the demand with further reassurances that the Presidency recognized the "advantage in encouraging and establishing more frequent contact between the Council and Parliament", and underlined that ministers "as representatives of the Presidency" would meet "almost all" EP committees "before December".<sup>431</sup> The Presidency did fulfill that promise, sending representatives to plenary sessions and numerous committee meetings as well as answering many written and oral questions on behalf of the Council (cf. Buck 1987: 62, cf. Wallace 1987: 402). Once again, the British even demonstrated their ability to be (formally) innovative when, on December 11, in an "unprecedented move", the President of the Agricultural Council, Michael Jopling, "went to inform the EP of the proceedings of the council which was discontinued

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<sup>429</sup> OJ Annex 2-341, July 8, 1986: 60. There followed further valiant verbiage about the Council's "genuine desire ... to improve our consultation, make it effective and genuine and positive for the Community", *ibid.*, cf. Howe, reply to the debate, OJ Annex 2-341, July 8, 1986: 77.

<sup>430</sup> "We should continue the informal contacts that have been developed under the Netherlands Presidency. I should be very grateful if the British Presidency could give us an assurance that this arrangement, as practiced by the Netherlands, will continue", Karl von Wogau (EPP), OJ Annex 2-341, July 8, 1986: 73; cf. also specifically Gijs De Vries (LDR, *ibid.*: 90): "Even if confidentiality is observed, there is still a contribution that the British presidency might make to relations with Parliament and to the improvement of the flow of information. This opportunity has already been seized by the Dutch presidency, and I should like to ask the British President-in-Office if he intends to continue this practice. I am referring to the following situation. At a meeting of the Internal Market Council its President, Mr Van Eekelen, invited a number of parliamentarians to state Parliament's position on the item of the agenda then under discussion. My question to the President-in-Office of the Council is this: does he plan to continue this practice of inviting Members of the European Parliament to attend Council meetings and explain Parliament's position?"

<sup>431</sup> Howe, Question Time, OJ Annex 2-341, July 8, 1986: 90. "We shall be looking at other ways of establishing and promoting the kind of contact I have talked about. I cannot give a specific answer to the specific proposal raised by the honourable Member, although we have certainly studied carefully the arrangements put in hand by Mr van Eekelen during the Dutch presidency."



Wednesday night and will resume Saturday afternoon" (Agence Europe 4450: 9, December 12, 1986), telling MEPs that the EP's "concerns" had been "considered and its message ... received" (ibid.). The accumulation of meetings amounted to little more than gestures, however.<sup>432</sup> Thus, although throughout its tenure, the British Presidency "treated the European Parliament with elaborate courtesy, there was never any suggestion that its views might be taken seriously or that it might make any useful contribution to a ministerial negotiation", despite lip-service to the contrary. "Once individual governments had made their position clear, it was to be expected that parliamentarians of their nationality would support them" (Welsh 1988: 19/20). Thus, according to the Permanent Representative, the EP "was a relatively light burden in terms of going there, getting ministers to go there, making ministers sit there and listen and pay some attention. (...) But actually, that was bad enough, because they hated Mrs Thatcher so much, and the European Parliament tended to behave really poorly."<sup>433</sup>

### *The 1986 UK Council Presidency as Internal Representative and the Budget Negotiations*

#### *The 1986 Budget*

The biggest item the British Presidency had to face in its (internal) representative role was settling the Community budget for the next year, which is one of the main responsibilities of any Presidency in the second half of a year. Once again, however, the UK Presi-

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<sup>432</sup> Similarly, the Presidency began with a gesture of goodwill towards the Commission: "Early in the Presidency I was given the most welcome task of extending to the members of the Commission and their wives an invitation from Her Majesty to attend one of her Garden Parties in Buckingham Palace. Jacques Delors introduced everybody to the Queen: I to the Duke of Edinburgh. In the evening through the kindness of Geoffrey Howe my wife and I hosted a reception at Admiralty House. From the point of view of the Commission, therefore, the Presidency had started on a particularly enjoyable note", Cockfield 1994: 88.

<sup>433</sup> Hannay, Interview, London, July 16, 2010. "[S]he went and made a rather good speech, and they booed her and that made her very angry, confirmed her views about the European Parliament, completely, but also showed, I thought, a lack of any feeling of responsibility on their part."

dency had to contend with more than one year's budget, as both the 1986 and the 1987 budgets were unavoidably on its agenda - from which it had successfully managed to ban the Community's gaping structural budget deficit. Settling the current year's budget was an "immediate task" for the British Council Presidency in its representative role, and Howe told the EP that "[a]s the Presidency we want to work with you for early agreement on a budget for the whole of 1986."<sup>434</sup> This required "some flair in combining legal correctness with political acceptability for all concerned" (Wallace 1986: 594), since the UK took on the job in the middle of a budget dispute in which it had been playing a major part. Britain was maintaining its "usual opposition to any increase in non-obligatory expenditure" (Brewin/McAllister 1987: 361), which not only placed it at odds with the European Parliament but also in a minority position in the Council, even though since the 1984 Fontainebleau settlement of the British rebate, it was "no longer isolated in the role of demander" (Allen 1988: 42) in the context of the Community's annual round of budget negotiations. The Presidency's aim was to use a "businesslike" approach in an effort "to steer safely through rocky budgetary waters" (Wallace 1986: 598), even though the British government had shown "signs of impatience" with the EP's behavior in the budget negotiations (Wallace 1987: 400).

Unable to get the Council to concede increases in non-compulsory spending, the EP had unilaterally passed the 1986 budget in December 1985,<sup>435</sup> and the Council had decided – on British urging – to dispute that decision in front of the ECJ. On March 17, following a

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<sup>434</sup> Howe, Speech to the EP, OJ Annex 2-341, July 8, 1986: 59-63.

<sup>435</sup> OJ L 358, December 31, 1985; Bull. EC 12-1985: 2.4.1.

UK application,<sup>436</sup> the ECJ President had handed down an interim order requiring the Commission to implement the 1986 budget on the basis of the Council's latest draft<sup>437</sup> and including only EP amendments that would *not* increase non-compulsory spending.<sup>438</sup> The Council had also won the final verdict on July 3, when the ECJ had proclaimed "void the act of the President of the European Parliament of 18 December 1985 whereby he declared that the budget for 1986 had been finally adopted".<sup>439</sup> As the verdict almost coincided with the beginning of the UK's tenure of the Council Presidency, it fell to the British "to chair the frantic round of meetings" (Wallace 1986: 594) that constituted its aftermath.

Immediately after the verdict, the Commission had called for "an early meeting of the Presidents of the three institutions (the triad) to conclude the budget procedure for the current year" (Bull. EC 7/8-1986: 1.1.3.), and there followed "a week of intensive discussion in the Council, in Parliament's Committee on Budgets and between all three institutions", at the end of which "agreement was promptly reached on the new maximum rate of increase" (Bull. EC 7/8-1986: 1.1.2.). On July 7, ECOFIN conceded an increase in

<sup>436</sup> Case 23/86 UK v. EP. Wallace (1987: 401) points out that this was the first time the British government had decided to entrust a fundamental question of EU decision-making entirely to the Community legal process by appearing as a plaintiff in front of the Court.

<sup>437</sup> Second reading of November 27, 1985, Bull. EC 11-1985: 2.4.2./3, cf. Brewin/McAllister 1987: 340. It is noteworthy that the ECJ Advocate-General, in his legal opinion on the case, faulted both sides – the Council for not including in the budget "all foreseeable expenditures", and the EP for adopting a budget exceeding the amounts agreed to by the Council, cf. Agence Europe, 4330: 8, June 2/3, 1986.

<sup>438</sup> Bull. EC 3-1986: 2.3.1. The order included the provision that "[i]n the first call which it makes, following this order, on the United Kingdom for funds relating to the 1986 budget, the Commission shall reduce the amount claimed, on the basis of the budget established by the Council at its second reading, by the amount of any overpayments made by the United Kingdom prior to this order on the basis of the budget declared by the President of the European Parliament on 18 December 1985", *ibid*.

<sup>439</sup> ECJ, Judgment of July 3, 1986 in Case 34/86 *Council, supported by the Federal Republic of Germany, the French Republic and the United Kingdom of Great Britain and Northern Ireland, v Parliament* (application for annulment), OJ C 63, March 18, 1986; Bull. EC 7/8-1986: 1.1.1.; cf. Buck 1987: 63, Wallace 1987: 400/401. Though the Court took "nearly two years on average to process its case-load" at the time, it "acted with unusual speed in the annual budget row, a subject which on three previous occasions has been resolved without a Court judgment. (...) The Parliament interpreted the decision as meaning an end to its subordination, while the Council enjoyed the substantial victory that its view of the margin had to be accepted", Brewin/McAllister 1987: 340, cf. Sir Henry Plumb (ED), OJ Annex 2-341, July 8, 1986: 66.

the frame of reference for 1986 (cf. Buck 1987: 63). On July 8, Howe, referring to the ECJ verdict as “a successful demonstration of the Community’s institutional machinery at work” in which the Court had “interpreted the Treaties for us”,<sup>440</sup> called for “a resolution of the 1986 budget problem this week” (OJ Annex 2-341, July 8, 1986: 60/61). He pointed out to the EP that the Council had “agreed on the full provision for payments from the Regional and Social Funds” proposed by the Commission but had “had to allocate almost all the resources available within the 1.4% ceiling” in order to “give high priority to the structural funds” as demanded by the Parliament; he also underlined the degree of contention that had to be overcome in the Council in order to reach agreement (ibid.). The British Presidency received congratulations “on its well-timed compromise proposal on the new 1986 budget made yesterday”;<sup>441</sup> but MEPs also expressed the need for flexibility on the part of the Council<sup>442</sup> and emphasized the urgency of a settlement.<sup>443</sup> On that same day, July 8, the Budget Council increased appropriations for both compulsory and non-compulsory spending. The night of July 9/10 brought agreement with the EP on a

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<sup>440</sup> The Foreign Secretary was quite keen to downplay the inter-institutional implications of the Court’s decision: “Let us all get on with the budget. Let us not question too much who it was that won before the European Court. In essence, two things won. Community law won and the Community won, because we now have a clear common purpose to get on with it within a framework”, Howe, reply to the debate, OJ Annex 2-341, July 8, 1986: 77.

<sup>441</sup> “We in Parliament appreciate quick work and the ability to find compromises”, Sir Henry Plumb (ED), OJ Annex 2-341, July 8, 1986: 65. One MEP even heaped lavish praise on the new Presidency for its “excellent” conduct, “spirit of co-operation and understanding of the problems” as well as its patience, Efthymios Christodoulou (EPP), ibid.: 76.

<sup>442</sup> The Presidency’s “first challenge is to arrange for the Financial Council to agree a budget with Parliament following the recent Court decision. It is good to hear that the Financial Council have already agreed among themselves, and let us hope that they have left enough flexibility to enable Chancellor Nigel Lawson or Mr Brooke [Peter Brooke, Minister of State at the Treasury, Chair of the Budget Council] to reach agreement with Parliament. Might I stress that the UK has a vested interest in finding an amicable and speedy solution. Under the Commission’s letter of amendment covering additional requirements, while 10 of the other 12 Member States will be contributing their full VAT of 1.4%, the UK will be paying less than half that amount”, Patrick Lalor (ROE), OJ Annex 2-341, July 8, 1986: 68.

<sup>443</sup> It is “important for the budget to be adopted this week and for Parliament and the Council thus, under the discipline of the Court of Justice, to come to terms and reach a compromise which will solve the Community’s economic problems in 1986”, Poul Møller (ED), OJ Annex 2-341, July 8, 1986: 71.

new budget for 1986 after a further small increase.<sup>444</sup> The net effect of the dispute was “an even bigger budget” (Bull. EC 7/8-1986: 1.1.7.) than the one demanded by the EP in December 1985.

Brooke, reporting to the House of Commons on the outcome of the negotiations, stressed the UK’s discomfort with the agreement,<sup>445</sup> but was also keen to note advantages accruing to Britain.<sup>446</sup> He was promptly informed that in fact, “the Government caved in completely. They protested, and then agreed to the complete breaking of budgetary discipline,” and that “far from being a mediator”, he was “being taken for a ride by those in Europe who are much more sophisticated in dealing with EC jiggery-pokery than he is”.<sup>447</sup>

Brooke defended the outcome with repeated references to its advantages for the UK, but

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<sup>444</sup> This was to be partially balanced with a new “negative reserve”, cf. Buck 1987: 63; cf. Bull. EC 7/8-1986: 1.1.4.-8. The concept of a “negative reserve” had been used since 1981 but received a “new usage as a financial black hole”, since “the gap between the 218m ecu, which the Parliament wanted to add to the budget, and the 6m ecu offered by ministers ... was covered by agreeing that for one year unused commitments in transport could be spent on research”, Brewin/McAllister 1987: 340, cf. *ibid.* 345/346. Brooke acknowledged that it was “an innovative device” which “entered the negotiations at around midnight on Wednesday night”, HC Deb 11 July 1986 vol 101 c616.

<sup>445</sup> “I have to tell the House that the new budget uses up all the available revenue within the ... 1.4 per cent. ceiling, together with the surplus carried forward from 1985. Compared with the 1985 budget, the increase in agriculture guarantee expenditure is 10.8 per cent. and in non-obligatory expenditure is 14.54 per cent. for commitment appropriations and 39.18 per cent. for payment appropriations. Throughout the week’s discussions in the Budget Council the United Kingdom’s representatives made clear their profound and continuing concern about levels of expenditure in the new budget, and the implications for budget discipline. They underlined the United Kingdom’s strong preference for retaining a significant margin of unused resources within the 1.4 per cent. ceiling”, HC Deb 11 July 1986 vol 101 c613.

<sup>446</sup> “In spite of all our concerns, the new budget has many positive features from the United Kingdom’s point of view. First, the United Kingdom’s VAT rate, which would have been 0.69 per cent. on the Council’s November budget and 0.73 per cent. on the Parliament’s December budget, has been reduced to under 0.68 per cent. Secondly, we expect to receive a substantial share of the extra provision for the structural funds—well in excess of our VAT share. Thirdly, in consequence of these changes, we expect the United Kingdom’s net contribution to the 1986 budget to be significantly lower than was implied by the Council’s or the Parliament’s budgets of last autumn. Fourthly, the Council has succeeded in cutting the growth of commitment appropriations proposed by the Parliament, thus improving markedly the ratio between commitment and payment appropriations”, HC Deb 11 July 1986 vol 101 c614. Brooke insisted that the budget included “significant achievements”: “One was that other member states joined the United Kingdom in its belief that it was hazardous to push up commitment appropriations if we were not similarly providing resources with which to execute them. Another was that, as a result of conciliation, the Parliament also withdrew its request for further commitment appropriations in the structural funds”, *ibid.*: c618.

<sup>447</sup> Dr Oonagh McDonald, Opposition Spokeswoman on Treasury and Economic Affairs, HC Deb 11 July 1986 vol 101 cc614/615.

also emphasized that the “concern” had been “to reach an agreement”: “All I know is that we secured an agreement between the Budget Council and the Parliament and that as a consequence the Community has not been plunged into the chaos of provisional twelfths.”<sup>448</sup> At the end of the day, the Council

“was forced to accept a significantly larger budget than the Parliament had adopted in December 1985. Members, including the British, comforted themselves with the knowledge that dollar depreciation had increased the costs of the CAP. But the price of agreement in the Council and with the Parliament included temporarily abandoning financial discipline, a reinsertion of some regional and social spending, and a sum total right up against the revenue ceiling.”<sup>449</sup>

In sum, the total budget for 1986 had grown from 32.7bn ECU to 35.1bn ECU “by the time it was agreed in July”, and the lack of any reserve was bound to leave a negative legacy for 1987, as both Commission and the Court of Auditors pointed to considerable budget shortfalls (Brewin/McAllister 1987: 345, cf. Bull. EC 11-1986: 2.3.3.). Thus, the UK Presidency, in order to achieve agreement on the 1986 budget first in the Council and subsequently inter-institutionally with the EP, departed considerably from its national preferences. This move cannot, therefore, be explained by domestic pressure; and while intra-

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<sup>448</sup> HC Deb 11 July 1986 vol 101 c615/616. “Provisional Twelfths” refers to an arrangement for the eventuality that the annual budget has not been adopted by the beginning of a year, in which case “only a sum equivalent to not more than one twelfth of the budget appropriations for the previous year or of the draft budget proposed by the Commission, whichever is smaller, may be spent each month for any chapter of the budget”, cf. The Council Glossary at <http://www.consilium.europa.eu/special-reports/mff/glossary>. The Minister did receive credit for “piloting through the adoption of the budget”, with one MP even suggesting that “the attempt to portray every negotiation as a triumph for Britain” was “unreal and counter-productive”, and that instead, “the concept of general Community interest, in which we share” ought to be “developed”, Sir Russell Johnston, HC Deb 11 July 1986 vol 101 c617. Another MP congratulated him for “the striking achievement of the new budget agreement for 1986 within 10 days of the commencement of the British presidency”, claiming that Brooke “chaired his meetings with success, combining proper control over the budget with the need to develop the Community budget in the future, not only in 1986”, Mr. Hugh Dykes, *ibid.*: c618.

<sup>449</sup> Wallace 1986: 594, cf. HC Deb 11 July 1986 vol 101 c614. Unsurprisingly, perhaps, Parliament seemed quite content with the outcome, allowing MEPs like the Socialist Rudi Arndt to declare himself “impressed by the way the Council Presidency handled the 1986 budget question in July and we specially thank Mrs Chalker and Mr Brooke for their trust and cooperation with the Members of this Parliament”, Arndt, Response to Howe Statement to the EP on the British Presidency, December 10, 1986, OJ Annex 2-346: 140.

and especially inter-institutional bargaining dynamics certainly shaped the eventual outcome, the UK now conceded budget increases *in excess of* those over which it had taken the EP to court in the months prior to taking over the Council Presidency. Its responsibility for the budget settlement in the broker role of that office must thus be considered decisive in explaining this shift in the British position.

### *The 1987 Budget*

Given the outcome of the 1986 budget settlement, the 1987 budget inevitably faced almost the same problems, in particular the need to pay attention “both to the revenue base and to measures of financial discipline” (Wallace 1986: 594). The British Presidency found itself in the same difficult position due to its “reluctance to see any immediate move to increase the ceiling on the permissible level of value-added tax revenue and its insistence on strict budgetary control”, both of which were “well known”; and while “several other governments now share this approach, the coalition of prudent northern member states will not easily command the majority” needed for decisions in the Budget Council.<sup>450</sup> The “potential sources of friction” were “legion” (Wallace 1986: 594): beyond all member states’ preferences for appropriations benefiting their own domestic economies, they also included the “conflicting views” of Council and EP “about the classification of expenditure as compulsory or non-compulsory” (Bull. EC 11-1986: 2.3.2., FN 1) as well as UK worries that its rebate deal should not “emerge as a source of complication”. Thus, and especially in light of the recent decisions on the 1986 budget, achieving agree-

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<sup>450</sup> Ibid. Cf. also House of Commons 7.7.2004: 10/11.

ment on the 1987 budget by December 1986 required “wizardry, not just dexterity, especially if acrimony and chaos are to be avoided for next year” (Wallace 1986: 594).

On September 9, the Council agreed the budget draft to be sent to the EP, with the Commission already warning that “because of the narrow margins for manoeuvre, part of the rebate due to the UK in 1987 would have to be paid instead in 1988.”<sup>451</sup> After the EP had, on November 13, once again raised the appropriations for both commitments and payments<sup>452</sup> in its first reading of the draft budget, the Council Presidency organized a meeting with an EP delegation led by its President to enable “the two arms of the budgetary authority to discuss both the likely budgetary deficit in 1986 and the draft budget for 1987” (Bull. EC 11-1986: 2.3.2.), before the Council “unanimously” adopted an amended – and reduced – 1987 budget (second reading) on November 26.<sup>453</sup> The timing of the European Council “just before the last phase of the annual budget cycle” helped “to keep the budget off the summit agenda” (Wallace 1986: 599), so that Thatcher merely referred to it as “another crucial item of unfinished business” when reporting on the European Council to the EP and expressed her “hope” that the 1987 budget procedure would be as successful as the one for the 1986 budget under the British Presidency (Thatcher, Speech to the EP, December 9, 1986). In response, the Presidency representatives were told that

“it is true to say—and our thanks are due expressly to Minister Brooke—that the UK Government has helped to solve the 1986 budgetary conflict, not least thanks to Mr Brooke and his tough, friendly and resolute approach. You have passed part one of the exam, Mr

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<sup>451</sup> Brewin/McAllister 1987: 361, cf. Bull. EC 9-1986: 2.3.5.

<sup>452</sup> By 8.3% and 7% respectively in comparison to the Council’s first reading draft from September, cf. Bull. EC 11-1986: 2.3.1.

<sup>453</sup> Brewin/McAllister 1987: 345, cf. Bull. EC 11-1986: 2.3.2.



Brooke; the final exam awaits you on Wednesday. Then we shall see how we are to deal with the 1987 budget—amicably or otherwise.”<sup>454</sup>

On December 10, the budget triologue met again to discuss the classification of expenditure, and, meeting on December 10/11 “during Parliament’s part-session, the Council refused to establish a new maximum rate of increase for non-compulsory expenditure” (Bull. EC 12-1986: 2.3.1.). Undeterred, on December 11, the EP voted again to increase appropriations for commitments and payments “in relation to the draft budget which the Council had adopted on second reading.”<sup>455</sup> Consequently, the “President of the Council stated that in the absence of an agreement between the two arms of the budgetary authority to raise the maximum rate of increase for non-compulsory expenditure, the Council would consider that the budgetary procedure for 1987 had not been completed” (Bull. EC 12-1986: 231).

Thus, EP and Council did not manage to agree a 1987 budget under the British Presidency in the face of a budget gap of several billion ECU, with the Council unable to agree to either a raise in the VAT budget ceiling or to a rejection of the EP proposals (cf. Buck 1987: 63). The decision rules required unanimity for any adjustment of “own resources” (i.e., the percentage of VAT income to be considered Community revenue), whereas “detailed annual decisions are taken by majority votes” (Wallace 1986: 594). Given that the UK was not alone in its resistance to any increase in own resources, it is unlikely that this particular block was due to a solitary Presidency veto. However, it was clearly unable to unpick a blocking minority that stopped the Council rejecting the EP’s spending proposals, which

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<sup>454</sup> Horst Langes (EPP), EP Debate on Thatcher Statement, December 9, 1986.

<sup>455</sup> Bull. EC 12-1986: 2.3.1. Much of the divergence of opinion between Council and EP revolved around whether or not the EP was authorized to increase spending on items, especially in the realm of the CAP, which the Council considered compulsory expenditure, and therefore under its remit, and the EP considered non-compulsory, and therefore under *its* remit. For details see the Community’s glossary at [http://europa.eu/legislation\\_summaries/glossary/expenditure\\_classification\\_en.htm](http://europa.eu/legislation_summaries/glossary/expenditure_classification_en.htm).

meant deadlock, and the problem being left for the next Presidency to tackle. Overall, the UK Presidency was considered to have delivered a “credible” performance (Wallace 1987: 405) in avoiding the previous year’s bitterness, although it did not manage to settle the 1987 budget. In terms of the Presidency effect in its representative role, the British clearly felt the pressure to achieve a Council position with which it could then engage Parliament in the budget triologue; but unlike in the case of the 1986 budget, the pressure evidently was not strong enough to move the Presidency and the Council sufficiently to concede the EP’s demands and thereby achieve agreement on this major agenda item by the December deadline. While the intra- and inter-institutional bargaining dynamics thus determined the outcome of negotiations on the 1987 budget, given that the degree of isolation of the Presidency on this issue remains obscure, the relevance of the PE cannot be clearly determined here.

### ***The 1986 UK Council Presidency as Representative vis-à-vis the British Domestic***

#### ***Audience***

The Presidency presented unique challenges to the British government also in its domestic sphere, because the “rotation of the presidency arouses, rightly or wrongly, expectations in domestic groups about the potential gains which a British government could secure for them. It also offers an opportunity for a more intense domestic debate about European policy in general” (Wallace 1986: 597). In this context, a “key difficulty” for the UK was “the absence of constructive debate on the European dimension amongst politicians” and the “desultory attention given to Community business in domestic debate”

more broadly.<sup>456</sup> The “bulk” of the Presidency work was done inside government circles, with discussion elsewhere “fairly muted” (ibid.: 596): although “most” British MEPs contemplated the Presidency “with acute interest”, they were not really able “to inject a large dose of attentiveness into the wider body politic”, because “the assumption that Europe bores the electorate” was widespread among politicians, curbing enthusiasm for prioritizing it at home. The British Presidency was considered “likely to do little to counteract this structural deficiency”, and the resulting “political vacuum” left considerable room for maneuver for lobbyists’ attempts “to ‘firm up’ the government’s resolve to pursue from the chair objectives which they prize”.<sup>457</sup>

Nevertheless, Wallace (1986: 598) noted “a secular trend in British opinion towards acceptance of the Community as a necessary part of the *status quo* of British political and economic life, a dimension which is not only pervasive but pertinent to the citizen” - and argues that the Presidency offered “a window of opportunity to build on this acceptance.” Thus, in line with the first prediction of the Presidency effect for its role as representative vis-à-vis the domestic audience, the government increased “the volume of its

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<sup>456</sup> Wallace 1986: 597. The Conservatives contained “a small but vociferous grouping of anti-marketeters, a persistent counterweight to overt ministerial enthusiasm for Community”; the Labour Party was still on its way to recognizing that a “credible” position for the 1987 election would probably “have to include acceptance of EC membership”; and the “SDP-Liberal Alliance parties, though firmly committed to making the most of Community membership”, were distracted by their domestic political agenda, ibid.

<sup>457</sup> Wallace 1986: 597. “Thus the Confederation of British Industry has been active in seeking to focus the attention of its members and of government on their preferred Community targets, mostly in relation to the internal market. More specialized groups, such as the various consumer organizations, have sought to catch the ear of ministers in advance of Council meetings. Lobbies with well orchestrated European interests, such as the National Farmers Union, have pursued their concerns with increased vigour.” While most of this pressure remained “within the regular channels of communication between government and economic or social interests”, there was the occasional exception: “One significant development was the decision of the National Economic Development Council to devote its meeting of June 1986 to a discussion of the presidency. It provided a rare opportunity for a discussion of substance between government and what other Europeans call the ‘social partners’ about the core economic agenda of the EC”, ibid.: 597/598, cf. FT June 5, 1986. In that context, “both the long-term character of the issues involved and the interconnections that were necessary between British and broader European policies” were recognized, and therefore, “[i]n a sense the presidency was incidental, in that no ‘quick fixes’ could be expected at the end of the term. But the imminence of the presidency had served to focus attention”, ibid.: 598.

activities so as to reinforce this European awareness and promote better understanding of the British approach in other member states”, including through added visitor traffic to the UK to provide “occasions for more extensive media coverage and productive contacts with segments of British society” (ibid.). There was a keen sense of the Presidency as an opportunity to demonstrate British clout in Europe:

“it always had an interest in the sense that people felt that if we had the Presidency, we had something which we could put to the public here and say ... – they all did it, of course, but we did it, too – we’re in the Presidency, you know, this is our Union. (...) In most countries, it was quite a big thing. (...) It showed that you were leading, even if you may not actually have been doing that. It did show you were leading the Union and people were taking notice of you, and you were the Presidency and it was all worth doing. So it was a plus point for public opinion, without *any* doubt, particularly as they carried off the ministers and put them in some lovely hotel somewhere and they were around in the country. We always scattered them all over the country” (Williamson, Interview, London, July 15, 2010).

A second prediction of the Presidency effect for its role as representative vis-à-vis the domestic audience, that incumbents will seek to present the EU and their Presidency as positively as possible to boost public support for their European policy, is complicated for the UK by the bent of its published opinion: while all incumbents

“worry these days about the media”, and therefore “they all put huge efforts into it, and they spend an enormous amount of time glad-handing journalists, taking them to their country, briefing them ... if you are dealing with a predominantly Eurosceptic press like in Britain, they are going to say you have a bad Presidency whatever you do. They’re not objective. And in any case, what is judged in Brussels as a good Presidency – progress on Commission proposals and so on – is likely to be judged by the Eurosceptic British press as a terrible Presidency. (...) The media would defend themselves by saying that they aren’t saying it was a bad Presidency because they are prejudiced, they are saying it because it did things which were not in Britain’s interest. So, that means the British have a very special problem about presenting their Presidencies, as a result of which I would say the height of success is to have not much said about it” (Hannay, Interview, London, July 16, 2010).

Nevertheless, British ministers attempted to spin European affairs to their advantage, both in the immediate environs of Council meetings themselves<sup>458</sup> and in Parliament, in addition to normal ministerial press briefings.<sup>459</sup> Particular stress was laid on the Presidency's achievements where the convergence of national and Community preferences was greatest: the Single Market.

*The 1986 UK Council Presidency as Representative vis-à-vis the British Domestic Audience and the Single Market*

In terms of tangible progress towards completing the Single Market, "November arrived and very little hard progress had been made" (Cockfield 1994: 88) - so little, in fact, that Thatcher was compelled to intervene directly:

"Before the [European] Council I had written to all Heads of Government asking them to help us break the deadlock on a package of 13 measures before the Internal Market Council. I am grateful that they responded positively to that appeal. In consequence, nine measures were agreed at that Council and the European Council gave instructions which should result in agreement on all or most of the remainder ... . The European Council also called for substantial further progress on transport policy including a Community policy

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<sup>458</sup> This was scornfully noted by the British Commissioner, Arthur Cockfield: "The meetings of the Council of Ministers are alleged to be 'confidential'. With the teeming masses present, confidentiality would in any case be impossible. But far worse some Ministers, and ours have been among the worst offenders, make a habit of slipping out of meetings just before they end to give the press highly coloured accounts of what has been going on, to their own greater glory and the confusion of those they regard as their enemies", Cockfield 1994: 126.

<sup>459</sup> A pertinent example here is the responsible minister's presentation of Presidency achievements on the CAP dossier to the Commons: "The Agriculture Council has, I believe, under the British presidency, taken an historic step forward in tackling the problems of surpluses, which will bring substantial savings to the Community budget. Twelve nations have together found the way forward in agriculture—despite differences so big that once they could have caused wars—[Laughter.] Is it not marvellous how Opposition Members will not give credit to the Common Market when it brings home the bacon? It is in the interests of all of us, farmers, consumers and taxpayers alike, that decisions have been taken that put the common agricultural policy on the right road for the future", Gummer, HC Deb 17 December 1986 vol 107 c1215. Reactions in the Lords to the results of the government's efforts were equally sceptical: "I think that the press have become rather euphoric about this matter. For the Daily Telegraph to say ... 'EEC conquers food mountain' ... in letters almost two inches high is going a bit too far", Baron John-Mackie, HL Deb 17 December 1986 vol 483 c212.

on civil aviation encouraging greater competition between airlines and improved services to their customers.”<sup>460</sup>

In this way, the British Presidency “did have some success in freeing the internal market: forty-seven measures were agreed, mainly in a late flurry of activity in December, more than double the figure achieved in any previous presidency.”<sup>461</sup> This was recognized also by the Commission<sup>462</sup> and appeared to vindicate the Presidency’s approach, even though it had avoided explicitly formulating a specific numeric target beyond that already formulated in the Commission’s Single Market White Paper.<sup>463</sup> For both Howe and Thatcher, it was the Presidency’s most important accomplishment, even though, with hindsight, they come to opposite conclusions about its import for the development of the Community as a whole. “Undoubtedly, the main achievement of the British Presidency was adoption of or agreement to a record number of measures to implement the Single Market”, Thatcher wrote, adding: “This was the sort of solid progress the Community needed, rather than flashy publicity-seeking initiatives which came to nothing or just caused bad feeling” (Thatcher 1993: 557). Howe, on the other hand, while concurring that the Presidency’s “most notable achievement was the enactment or agreement of a record number of sin-

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<sup>460</sup> Thatcher, Speech to the EP, December 9, 1986; cf. Cockfield 1994: 88, George 1998: 186.

<sup>461</sup> George 1998: 186. The increase in single market directives passed was considerable especially in comparison to earlier periods: about one a week had been agreed in the first half of the year, and about one every six months before that, cf. Buck 1987: 65.

<sup>462</sup> Cf. Delors’ reply to Thatcher’s statement to the EP, December 9, 1986; Cockfield (1994: 88) even called it “far and away the best result that any Presidency had so far achieved. And it set the pattern for the future”.

<sup>463</sup> “The Dutch set an ambitious schedule of five monthly meetings for the Internal Market Council instead of the occasional meetings of previous practice. Of these, one had disappointing results and another was deferred. The British have scheduled four and are working hard to avoid slippage. Progress ... also demands efforts in other specialist councils. For the close observer of these arcane processes it is tempting to evaluate presidency ‘success’ in simple quantifiable terms as the number of directives agreed in any given six-month period. The British have vigorously resisted concentration on such a criterion, arguing that general momentum and qualitative progress are equally important. None the less, they have a specific target in mind in order to establish habits of work in the Council and the Commission and to provide a model for subsequent presidencies”, Wallace 1986: 591/592.

gle-market measures”, noted that the UK “had been able, in other words, to exploit to the full the steps agreed at Luxembourg for the enlargement of Community authority at the expense of ‘sovereign parliaments’. It was an achievement worth recording, not least under this Presidency” (Howe 1994: 521). Whichever interpretation is applied, the fact remains that the leading Presidency representatives chose to frame its Single Market output as a resounding success, even though overall, progress did not quite meet British and Community expectations, just like in the first half of the year (cf. Wallace 1987: 403, cf. also George 1998: 186): “As expected, the ambitious programme of internal market measures is behind schedule. The Council agreed less than half of the 134 measures due to be passed this year” (Brewin/McAllister 1987: 351).

#### **V.4.3 The 1986 UK Council Presidency as Representative: Conclusions**

In its external representative role, the British Council Presidency had to handle two controversial dossiers on which the UK was isolated. On the highly salient issue of Syria, which to the UK was a question of national security, the Presidency accepted Community measures far less stringent than its own, national approach in order to achieve a common position of a reluctant Community against Syrian sponsorship of terrorism, rather than continuing to block Community engagement with Syria unilaterally, as domestic concerns and EC-level bargaining dynamics would have suggested. Conversely, on the question of sanctions against the South African apartheid regime, it was the British government that had been stubbornly resisting measures demanded by the Commonwealth, large swathes of public opinion and most of the European Community, including its Dutch predecessor in the Council Chair. Having managed to block the imposition of

sanctions under the Dutch Presidency, not least by means of the delaying tactic of a mission by the incoming British President of the Foreign Affairs Council to South Africa – thereby instrumentalizing the Presidency for the pursuit of national preferences –, Thatcher was unable to ward off punitive measures any longer once the mission had (predictably) failed and the UK held the Chair. Thus, the British government agreed to EC sanctions it had previously rejected (and at as low a level as possible, aided by German and Portuguese resistance) in September to achieve a common EC position, which also enabled it to continue to resist stronger measures demanded in the Commonwealth context with reference to that position. While Thatcher thus protected domestic concerns as far as possible, neither domestic pressures nor bargaining dynamics inside the Council alone can account for this policy shift. Rather, in the case of sanctions against both Syria and South Africa, the UK Presidency's behavior is consistent with the PE in the representative role.

In its internal representative role, the British Presidency faced the challenge of working with both the European Commission and the European Parliament despite the government's entrenched reluctance to accord to these institutions any more influence than necessary. There were tensions both with the British Commissioner, Lord Cockfield, over the ambitiousness of his Single Market program, and with Jacques Delors, the Commission President, who clashed with Thatcher in particular. To the European Parliament, the Presidency afforded a great deal of formal courtesy, without, however, any real evidence of accepting it fully as a player in EC decision making. This can be linked to negative experiences on the most important substantive dossier the UK Presidency had to handle in its role as internal representative, namely the annual budgets for 1986 and 1987. On the



first, it led the Council into concessions considerably in excess of what Britain had been prepared to accept prior to taking over the Presidency in the interest of a quick settlement. However, the British Presidency failed to achieve a deal with the EP on the 1987 budget, because on the one hand, the extent of the budget deficit meant that a unanimous Council decision to increase the Community's own resources would have been required, which was unattainable; and on the other hand, divergences in the Council were too great to overrule the Parliament's spending increases, leaving the issue deadlocked by the end of Britain's tenure. Thus, while Britain's shift in position on the 1986 budget cannot be explained without the PE in the representative role, the case of the 1987 budget remains inconclusive as to the relevance of the PE.

Finally, in terms of representing the EC to its domestic audience, the UK Presidency did seek to strengthen awareness of the Community and Britain's influence in it at home, as well as presenting Britain on the European stage, by stepping up its "European" activities. Members of the government attempted to present their Presidency's activities in the best light possible. Substantively, they chose to highlight in particular the progress made towards completion of the Single Market, which coincided most with UK national preferences. All of this is in line with the predictions of the PE in the representative role, while not being welcome for at least some sections of the governing Conservative party domestically.

## **V.5 The 1986 UK Council Presidency in the Administrator Role**

This section will probe the 1986 UK Council Presidency for evidence of the Presidency effect in the Presidency's administrator role. It will show that once again, the UK government was well aware of and well prepared for the requirements of the Presidency's administrator role. But although better placed than ever before to take on the role's burdens, given its greater experience and the lessened tensions with the rest of the EC, the UK's pragmatic approach encountered a certain amount of backlash.

### **V.5.1 The Institutional Shape of the Council Presidency's Administrator Role in 1986**

In terms of the Presidency's administrator role, one of the "key tasks" in 1986 was the "management of transition" to the incoming SEA (Wallace 1986: 588), while also handling the "increasing volume" of work due to the implementation of the single market program (Kirchner 1992: 114). Even in "normal", i.e. non-Presidency times, the EC meant "one long round of meetings and briefing" for national officials in charge of Community affairs,<sup>464</sup> while "political, administrative and resource constraints" limited their room for maneuver in assessing the merits of each issue, resulting in "a fairly taxing workload" (Wallace 1985: 261/262). During the Presidency, the load increased "both quantitatively and qualitatively" with the additional roles the incumbent was taking on, which involved not least the necessity to appraise the positions of the other member states more fully

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<sup>464</sup> Wallace 1985: 261/262. Exigencies varied: "In some areas of work the rhythm is reasonably relaxed: meetings take place at manageable intervals, the subject matter is fairly well specified, and the debate ranges (often repeatedly) over familiar ground. But in many other areas the pace is phrenetic, with meetings both frequent and at short notice, with papers often arriving late and not in the correct official language, and with awkward and sometimes unpredictable linkages to dossiers simultaneously under discussion in parallel groups and committees. The sheer problem of keeping up imposes a heavy burden of preparation and consultation and leaves little time for either perfectionism or measured thought", *ibid.*

(*ibid.*). A certain amount of relief was in sight in the EPC realm,<sup>465</sup> where “some of the responsibility for the infrastructure” would be taken over by the new EPC Secretariat (Wallace 1986: 588). Moreover, there were endeavors to make the European Council “a more effective political body”, driven not least by a “purposive and narrowly focussed British approach” (*ibid.*: 599): upon the initiative of Great Britain, which had considered three meetings a year “once too many”, the Luxembourg European Council of December 1985 had decided that in future, there would only be two European Councils a year, one in each Presidency.<sup>466</sup>

Nonetheless, it was evident to all involved that tenure of the Presidency constituted “a rigorous test of a government’s capacity to demonstrate efficiency and procedural dexterity” (Wallace 1986: 583). What was required was not just optimal usage of “the machinery of the Council”, but mastery of the “daunting task of internal organisation”, as each Presidency had “to find a means to ensure, within itself, effective central authority covering all the multitude of areas under discussion in its six-months period of office”, in order to fulfill its various roles “in the smoothest and best coordinated manner” (Ersbøll 1985: ix). This suited “[g]overnments such as the British ... which pride themselves on their smooth coordination of national negotiating positions”, and could “deploy this as a real asset in managing Council business” (Wallace 1985: 272).

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<sup>465</sup> EPC, the EC’s effort at common foreign policy making – effectively meetings of the Community Foreign Ministers – had been formalized in the SEA. Although it entered into force only in July 1987, the SEA in many cases codified extant practice in Community decision making.

<sup>466</sup> Butler 1986: 28, cf. Allen 1988: 51, Brewin/McAllister 1987: 340. Howe notes that because its “importance, as the main source of authority and dynamic in the Community” had increased “fairly steadily” over time, “it is a surprise – it was certainly a surprise for me attending for the first time [in June 1983] – to discover just how informal and unportentous a body it is in practice”, despite “a degree of ceremony”, Howe 1994: 304/305.

### **V.5.2 The Administrative Efforts of the 1986 UK Council Presidency**

Once again, the UK took on the Presidency “with determination to do an efficient job, tempered by cautious realism” and an emphasis on being “as businesslike as possible” in management terms (Wallace 1986: 598). This time, however, it encountered criticism of the “strange definition” of its intentions for the Presidency in the EP:

“It has been said and repeated by responsible authorities that the British Presidency will be marked by realism, pragmatism, and a policy of getting things done a little at a time. (...) No thinking person can be against doing things by degrees, making progress a little at a time. We have, however, to ask ourselves in what direction we should progress and, moreover, whether we have effectively the will to make this progress” (Giovanni Cervetti (COM), OJ Annex 2-341, July 8, 1986: 66).

The Presidency was accused of treating the “urgent, concrete serious problems ... - financial, budgetary, regional and agricultural problems and problems of research, markets, technology, employment, the environment and, most of all at this time, Europe’s international role where sanctions against South Africa are concerned – ... in a truly servile, vague manner” (ibid.). Raising questions about the dichotomy of “pragmatism against idealism, and small steps in preference to great leaps”, Cervetti told Howe that “[w]ithout a precise, wide-ranging initiative not even limited results are possible. And you go so far as to reject this indispensable initiative on grounds of principle” (ibid.). In other words, expectations of the Presidency as leader were clashing with the UK’s approach to meeting expectations of the Presidency as administrator – but the Presidency remained unfazed, and Thatcher defended the British approach to the EP after the European Council:

“The priority of the United Kingdom Presidency has been to make the Community work better for the benefit of individual citizens. Some may say that we have our eyes too

much on the ground rather than on the distant horizons. But you do not reach the distant horizons unless you build solid ground on which to tread.”<sup>467</sup>

The UK administration had begun planning for the 1986 Presidency typically early, and in its quest for effectiveness and efficiency in its administrator role, it was able to draw on its by then well-established experience at both official and political level - including that of Thatcher herself as, at that point, “the longest-serving member of the European Council”, albeit “not the most fervent advocate of further European integration in all fields” (Wallace 1986: 588). Moreover, “ministerial experience with Europe was considerable, too”, especially in the case of the Foreign Secretary, Sir Geoffrey Howe, who had “lived with the Council of Ministers since 1979, first in Ecofin (Economic and Financial Affairs) and then in General Affairs, a useful combination given the importance of the financial dimension to the work of the EC.” His deputy for Presidency purposes, Lynda Chalker, FCO Minister of State, contributed “both considerable experience and an unusual (for a British minister) facility for other European languages.”<sup>468</sup> In addition, an ever larger number of officials had found themselves “sucked into the Brussels whirlpool” (Wallace 1985: 261), and most “relevant senior officials have been involved in Community work on and off throughout the period since British accession, forming an identifiable European cadre. For these ‘old hands’ the presidency is a normal phase of Community business, and does not require a questioning of purpose or method *de novo*.”<sup>469</sup> Once again, the availability and continuity of experience were reinforced by “[p]ersonnel divisions across

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<sup>467</sup> Thatcher, Speech to the EP, December 9, 1986. Consequently, she went on to say, “we concentrated discussion at the London European Council last week as much on possible on down-to-earth topics leading to actions of direct and practical benefit to our individual citizens.”

<sup>468</sup> Ibid., cf. Wallace 1987: 401.

<sup>469</sup> Wallace 1986: 588. “The layers of experience have also penetrated deeply and broadly in the British public service as the European dimension has pervaded it”, *ibid*.

Whitehall” freezing postings in “key European jobs well in advance”,<sup>470</sup> and some remedial training was ensured.<sup>471</sup> The British Permanent Representation in Brussels, meanwhile, had acquired a formidable reputation.

“Drawn from the whole of Whitehall, the eighty or so men and women weld into an effective and united task force, to a far greater extent than most other countries’ permanent representations. (...) Ministerial colleagues had given me the same message, in rather different terms. ‘Your British people’, they would say, ‘are like the Kremlin. They all always say the same thing.’”<sup>472</sup>

In terms of institutional adjustments, the “legacy of two difficult presidencies instilled routines of reflection and planning which have been reactivated over the past year with a view to operating in a more propitious environment”, including “a modest increase in staffing” (Wallace 1986: 589). By the fall of 1985, an official was in place at the FCO “to take charge of a small presidency secretariat, which functioned as a special unit throughout 1986” with specific responsibility for EPC, “including the oversight of the extra work of coordination for British overseas posts”. Most of its thirty officials provided “technical support” for EPC, as well as for EC meetings in the UK. “For the first time in the FCO, the secretariat also includes one diplomat each from the Netherlands and Belgium, to operate for the last time the ‘troika’ secretariat established in 1982”, whose functions would

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<sup>470</sup> Wallace 1986: 588 “In some departments, notably the Ministry of Agriculture, Fisheries and Food (MAFF), some three-quarters of the staff involved had previously chaired an analogous Council body, a proportion easier for MAFF to achieve than for any other department. Departments less intensively caught up in Community business - Employment, Environment, Education and so on - were able to draw on the office of the UK Permanent Representative in Brussels (UKRep). Its experienced staff are to chair many Council working groups”, *ibid.*

<sup>471</sup> “For the most part it was assumed that able officials would be able to handle the functions of the chair with the necessary range of skills. A modest programme of very short training courses was organized by the Civil Service College as a supplement, and as a safety net to pick up the occasional official who lacked an appropriate background. However, no intensive training was organized in chairing techniques ... . Civil service training on the EC has in any case included a component on negotiating techniques for some years”, Wallace 1986: 588.

<sup>472</sup> Howe 1994: 447. Its staff was temporarily increased by ten officials, “largely because it provides the chair for more Council groups than any other permanent representation”, Wallace 1986: 589.

pass to the new permanent secretariat in Brussels in 1987 (*ibid.*). The Cabinet Office European Secretariat “provided the vehicle for coordinating the whole planning exercise as an extension of its normal functions”. One junior official was added to it, while “[t]hroughout the rest of Whitehall, the relevant officials were simply consigned to working still longer hours” (*ibid.*).

In this way, the UK Presidency was well prepared to handle its share of the 79 Council of Ministers’ meetings in 1986, of which 11 each were of the Foreign Affairs and Agriculture Councils, 9 of ECOFIN and 7 of the Internal Market Council.<sup>473</sup> The Presidency further organized an informal Finance Ministers’ meeting in Scotland (Gleneagles, September 18-21, cf. Brewin/McAllister 1987: 359), hosted by the Chancellor of the Exchequer, Nigel Lawson;<sup>474</sup> as well as (only) one European Council in London on December 5/6, hosted by Thatcher herself, who appeared to take considerable interest in the minutiae of what was only the second European Council that year.<sup>475</sup>

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<sup>473</sup> Cf. Kirchner 1992: 75. While Kirchner’s figure of 79 is confirmed by the EC Bulletin, Buck (1987: 61) significantly underreports the number as 72. It is unclear whether that is a typo or whether he stopped counting early; the last 9 Council meetings did in fact happen after the London European Council in early December. It is notable, however, that he also misreports the number of meetings held under the Dutch Presidency (there were 36, not 35), while the UK Presidency managed to squeeze 43 (not 37) Council meetings into the “shorter” half of the year, with its reduced working time of 3 weeks in July, 4 each in September-November, and 3 weeks in December, i.e. a total of 18 working weeks; this amounts to more than two *ministerial*-level meetings a week – though of course, meetings were not evenly spread out over those weeks.

<sup>474</sup> “Britain assumed the Presidency of the European Community for six months from 1 July 1986, which meant it fell to me to host the September informal Ecofin Council. There are a number of differences between the normal monthly Ecofin Council meetings and the so-called informal meetings, of which there is one in each Community Presidency, making two a year. Whereas the regular meetings can be fitted into a normal working day, the informal ones stretch over an entire weekend. This gives time not only for relaxation and entertainment, for which wives [sic] are invited, but for more work to be done as well. The two other main differences are that Central Bank Governors attend the informal Ecofins, but not the regular meetings of the Council; and whereas the regular meetings are always held in Brussels or Luxembourg, each informal Ecofin is held in the country of the Presidency for the time being. In my case I decided to hold the informal Ecofin ... at Gleneagles in Scotland - the first time the Council of Ministers of the European Community had ever met in Scotland”, Lawson 2010: 323/324.

<sup>475</sup> Cf. Hort 1987: 53. “We were to meet in the Queen Elizabeth II Conference Centre. (...) I took a close interest in the physical as well as the diplomatic preparations for our big summits. For example, I had earlier had the swivel chairs around the big conference table at the ‘QE II’ replaced by light wooden ones: I always thought there was something to be said for looking ... your opposite number in the eye without his being

Overall, the British government showed itself well aware of and well prepared for the requirements of the Presidency's administrator role, and the burdens it allocated to the incumbent. While it was better placed than ever before to take these on, given the much greater experience at its disposal and the much lessened underlying tensions between it and the remainder of the Community, the UK Presidency's emphatically pragmatic and businesslike approach did encounter a certain amount of backlash despite its usual efficiency.

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able to swivel sideways to escape. On this occasion I took care to have the battleship-grey walls covered up with beige hangings and pictures, deliberately having some drawings by Henry Moore, borrowed from the Moore Foundation, placed opposite President Mitterrand, who I knew loved Moore as much as I did", Thatcher 1993: 557.



## V.6 The Presidency Effect in the Case of the 1986 UK Council Presidency

*Every government takes over the privilege of the Presidency with mingled trepidation, hope and determination. – Geoffrey Howe*<sup>476</sup>

### V.6.1 Expectations

Unlike his predecessor, Sir Geoffrey Howe did not reflect in depth upon the requirements and expectations associated with the Presidency - at least publicly. Rather than embarking on anything like a missionary Presidency, the British did something approaching the opposite: the “Presidency tried to portray itself as a ‘normal and engaged member’, to repeat its previous record of ‘solid management’, and to strive for a ‘harmonious’ European Council – one reason, perhaps, why the UK refused to deal with the looming financial and agricultural crisis” (Kirchner 1992: 105), among other topics. But the strategy appears to have been successful: in December 1986, Britain was described as occupying “the middle ground of European affairs” (Allen 1988: 36; FT, December 4, 1986). To what extent did this general stance as well as UK actions in the Presidency reflect the impact of the Presidency effect? In order to attempt to trace the mechanisms of the Presidency effect in its four distinct roles, the focus has been placed on controversial issues on which Britain held a minority position, because on the others, the Presidency effect would be indistinguishable from action simply in line with national preferences.

### V.6.2 The 1986 UK Council Presidency in the Leader Role

In terms of its leader role, unlike in 1977 and 1981, the 1986 UK Presidency was not hampered by awkward national problems like the British budgetary contribution overshadowing the Community’s agenda. There remained certain items that were problematic

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<sup>476</sup> Speech to the EP, OJ Annex 2-341, July 8, 1986: 60.

for Britain in that the UK held a minority view on them (the budget deficit, CAP, unemployment, EPC issues), but the agenda also featured largely unproblematic issues in the sense that they did not isolate Britain (international trade, annual budget, Single Market program), and might indeed provide welcome opportunities to address issues where Community and UK interests overlapped (cf. Wallace 1987: 401).

Among the unproblematic items, Britain “had announced that the Internal Market would be a top priority” (Brewin/McAllister 1987: 361), with the “key target” of liberalizing “trade, services, transport and manufacturers, from which, in the eyes of British ministers, both the Community and the United Kingdom would unquestionably benefit” (Wallace 1986: 598). The UK Presidency did manage to pass a record number of single market regulations, but did not achieve agreement on air transport despite offering considerable concessions to get it. Settling the annual budget for the next year was a routine task of any second-term Presidency and hence entirely unavoidable; in addition, the British were forced to deal with the unresolved conflict over the 1986 budget, which was urgent per se but also made acute by the ECJ ruling at the beginning of the UK’s tenure. Finally, on the Community’s full international trade agenda, Howe claimed to have provided “firm” British leadership, leading inter alia to “the successful launch of the GATT round” and “effective agreements” with the United States on the trade regimes for items such as “steel, pasta and citrus fruits”.<sup>477</sup> Emphasizing achievements even on unproblematic

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<sup>477</sup> Howe, HC Deb 17 December 1986 vol 107 cc1204/1205. In effect, the UK had inherited the problem of trade tensions with the US over pasta and citrus fruits from the preceding Dutch Presidency, cf. Agence Europe, 4232: 6, January 6/7, 1986. Howe was mocked in the Commons for “claiming great success in terms of lemons and spaghetti” while a “trade war” with the US was still a “serious possibility” (Tony Lloyd (Stretford), *ibid.* cc1209/1210), but defended the Presidency’s trade record as having overcome “three specific anxieties between the Community and the United States”, namely the launch of the GATT Uruguay Round; the resolution of “disputes about pasta, lemons and steel”; and the transatlantic trade dispute due to the impact of the EC’s Southern enlargement - the resolution of which had effectively been postponed, *ibid.*

agenda items is in line with the Presidency effect: in its absence, the Chair should not feel the need to highlight – or possibly even comment upon – its contribution to outcomes, the nature of which would be of consequence only in the ways in which they affected the incumbent's national preferences.

Meanwhile, there were several issues that “might have threatened Britain's new-found equanimity during its Presidency: a prolonged wrangle on the budget; deadlock on plans for more liberal air transport; indifference to the unemployment crisis; refusal to bring sterling into the exchange rate mechanism of the European Monetary System; or a bust-up on agricultural reform” (Peel 1986, *op. cit.*: 26). In addition, there were several uncomfortable – from the UK perspective – EPC dossiers. To deal with these problematic issues, the British Presidency pursued one of three strategies: agenda exclusion and replacement by emphasis on non-problematic or filler items; reframing Community policy along the lines of British preferences; or yielding in pursuit of agreement. The first of these strategies is in line with predictions of the Presidency effect in the leadership role; the second strategy was unexpected, but it did in this case have certain implications along the lines of what would be expected from the Presidency effect in the broker role; similarly, the third strategy confirms to expectations under the Presidency effect in the broker role.

Thus, the structural budget deficit was avoided, and the annual budgets for 1986 and 1987 were largely dealt with by the Council yielding to EP demands and “by ignoring a huge overrun until it happens next year. Everyone is so relieved not to be deadlocked that they have acquiesced” (*ibid.*). On the liberalization of air fares, one of the UK's pet projects, “the British decided they must abandon their isolation as the only true liberali-

sers (with a little help from the Dutch) and seek a compromise” (ibid.), which did not quite come together under UK chairmanship, however, despite considerable British concessions. On unemployment, the Presidency reframed the Community debate with its (co-sponsored) Unemployment Initiative. Yet taking an initiative, especially on an awkward issue, also meant the Presidency was sticking its neck out, and raised the stakes – and hence the price – of agreement; consequently, the UK was once again compelled to offer concessions on its national position in order to get a degree of acceptance for it. The EMS was perhaps the biggest non-issue for the Presidency, and it simply refused to engage at all on the subject.<sup>478</sup> Fundamental CAP reform was also banned from the agenda, though effectively, it was “pursued with relative vigour” (ibid.) in certain unavoidable sectors (notably the beef regime). Finally, many difficult EPC dossiers were kept off the Presidency agenda; on the unavoidable ones (Syria and South Africa), the Presidency was once again obliged to concede national preferences in order to achieve agreement.

Thus, many awkward items were “sidestepped under the British presidency and passed on to the Belgians to deal with next year” (Robertson, HC Deb 17 December 1986 vol 107 c1203). The UK government had “learned that it is best not to sound fanfares of trumpets to announce presidency objectives which are likely to be exaggerated and easily disappointed” (Wallace 1986: 596/597), and British ministers avoided indulging “in flamboyant rhetoric about the wider ambitions of European integration, preferring to concentrate on precise clusters of Community legislation” (ibid.: 598). Moreover, “the wish to avoid confrontation and adopt a largely consensual profile tended to mean that matters that might be thought to be on the ‘fringe’ of Community business took pride of place ... : drugs,

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<sup>478</sup> “On the EMS, everyone has agreed it is simply a matter of waiting for Mrs Thatcher to change her mind”, Peel 1986, op. cit.: 26.

AIDS, and illegal immigration amongst them” (Brewin/McAllister 1987: 361). In short, “British diplomacy in the EEC ... has been impressive not least in keeping the UK out of the firing line” (Peel 1986, op. cit.: 26).

Inevitably, however, the Presidency received heavy criticism for all three approaches to problematic issues: for avoiding difficult issues or failing to solve important problems, for attempting to impose Thatcherism, - and, on the domestic front, for yielding or not pursuing the national interest strongly enough (e.g. on the budget). In the House of Commons, the Presidency’s leadership record was written off in these terms:

“Have not the six months of the United Kingdom’s presidency, which will go down in history as the pasta presidency, been an abject failure? As it is the President who sets the agenda for meetings, does not responsibility for avoiding all the major issues in the Community rest fairly and squarely on the Foreign Secretary’s shoulders? At the end of his presidency, we have a growing trade war with the United States, institutions at loggerheads and the budget out of control. Even Jacques Delors, the President of the Commission, in his usual diplomatic way, describes it as disappointing. Does that not mean in reality that it has been disastrous?”<sup>479</sup>

### **V.6.3 The 1986 UK Council Presidency in the Broker Role**

The UK Council Presidency of 1986 has already been noted for its efforts to avoid isolation and minimize controversy in its leadership role. As it was unable to clear its Presidency agenda entirely of controversial and some potentially awkward items, it had to cope with these in its broker (and representative) role(s). Given the Presidency effect, Britain would be expected to work for agreement even on issues on the agenda on which it held a minority position, and to yield on its own national preferences if necessary for agreement. In this case, the British Presidency encountered three issues of particular in-

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<sup>479</sup> George Foulkes (Carrick, Cumnock and Doon Valley), HC Deb 17 December 1986 vol 107: c1212.

terest in this regard: in the CAP context, the beef regime; in the realm of social policy, unemployment; and in the single market framework, air transport.

While it did not have much room for maneuver on the beef regime, the UK Presidency chose to address the equally pressing unemployment issue with a large-scale policy initiative, and it chose to highlight the air transport dossier in the Single Market context. In other words, using the Presidency, Britain attempted to control the terms of debate on these two items: on the first because its own approach was quite different from that of most of the Community, and on the second because it was a particular British concern.

The outcome for the Presidency was quite different on each dossier.

On beef, delays and working group deliberations did not improve the settlement from the UK's perspective, and agreement was possible only on terms which it was itself unable to support actively. The fact that Britain did abstain rather than veto the beef agreement can be attributed to the Presidency effect. The unemployment initiative was a high-risk strategy because it opened the Presidency up to demands from the other Council members. Having committed itself so prominently to this initiative, which headlined the entire Presidency program, the UK could not really politically afford a failure to reach agreement on it in the Council, and was therefore ready to pay the price in terms of national preferences. Arguably, the risk paid off: the concessions the UK had to make in order to get its unemployment initiative through the Council – reference to the social dialogue and the Commission's Cooperative Strategy for Growth – did not change the fact that henceforth, they no longer constituted the indisputable basis of the Community's approach to the problem. Finally, on air transport, the UK Presidency submitted proposals already removed from the national preferences and geared towards compromise

agreement, but in vain – no agreement was reached. The air transport regime dossier shows the Presidency yielding on an issue of high salience even though this was not sufficient to achieve agreement.

In line with what has been argued above, De La Serre's (1987: 216) findings of consensus-orientation on the single market issue and of a low profile on the particularly sensitive dossiers can be interpreted as supporting the Presidency effect in the broker and leader roles.<sup>480</sup> Similarly, Peel concludes that overall, Europe

“caused no serious ripples for Mrs Thatcher in domestic political terms, but nor has the presidency provided great ammunition in the run-up to an election. The truth is that the British electorate may still respond more positively to an image of Mrs Thatcher ‘standing up to Europe’ than the alternative scenario of finding the middle ground. With the presidency ending on December 31, we may well be back to the former position next year. (...) Mrs Thatcher can then fight her corner as vigorously as any” (Peel 1986, op. cit.: 26).

#### **V.6.4 The 1986 UK Council Presidency in the Representative Role**

In its role as representative, the 1986 UK Presidency faced two uncomfortable external dossiers – Syria and South Africa – in each of which it was highly invested at the national level. Because it needed agreement at the Community level, it had to make considerable concessions on the extent and nature of sanctions applied: much less than Britain would

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<sup>480</sup> She appears to link them to her - with hindsight somewhat optimistic - assessment of the UK's changed view of the Community, but concedes they might reflect changes of tactic rather than objectives: “A plus court terme, le véritable saut qualitatif dans les relations CEE - Royaume Uni vient de ce que l'actuel gouvernement ne les envisage plus comme une épreuve de force, mais identifie plutôt son intérêt avec le renforcement de la Communauté. L'appartenance à l'Europe des Douze ne paraît plus subie comme une contrainte, mais plutôt appréciée comme un moyen d'optimiser les atouts dont la Grande-Bretagne, puissance moyenne, peut encore disposer. A la Communauté dans son ensemble est désormais assignée la fonction longtemps dévolue à la seule coopération politique: celle d'un relais confortant et valorisant les politiques nationales. La manière dont le Royaume-Uni a assuré, au second semestre 1986, la présidence de la Communauté illustre assez bien cette nouvelle attitude plus coopérative. Même si les résultats sont restés en deçà des espérances initiales, Londres s'est efforcé de jouer le jeu communautaire, et de favoriser la recherche d'un consensus, notamment dans la mise en place du marché intérieur. Le profil bas parallèlement adopté par la diplomatie britannique sur un certain nombre de dossiers particulièrement sensibles, comme les surplus agricoles ou les prévisibles difficultés budgétaires, contraste avec le comportement agressif manifesté naguère ..., même s'il s'agit plus d'un changement de tactique que d'objectifs”, De La Serre 1987: 216.

have preferred in the case of Syria, much more than Thatcher wanted in the case of South Africa. As internal representative, the Presidency once again invested a lot of time and effort into the Council's relationship with the European Parliament, not least in order to secure its cooperation on the annual budgets for 1986 and 1987. It made considerable concessions on the Council's behalf in order to get a quick agreement on the 1986 budget, but once again failed to settle the next year's budget, one of the core items on the agenda of any second-term Council Presidency. Moreover, its relationship with both Parliament and Commission remained superficial and barely masked the underlying British distance to these institutions. Finally, in its role as a representative for the Community vis-à-vis the domestic audience in the UK, the Presidency sought to highlight its European activities and its "achievements" in the Chair, especially on the Single Market. Hence Jopling's enthusiastic portrayal of the Agricultural Council's agreement in mid-December – an agreement on which the UK had abstained.<sup>481</sup> Thatcher herself took every opportunity to highlight the number of single market measures the Presidency had passed:

"We have given new impetus to the completion of a single internal market by the end of 1992, and here can I say I am very pleased with the acceleration the Dutch and British Presidencies have managed to achieve. I think we have managed to get, on the internal market, some thirty-two agreements in our own Presidency on steps to improve the internal market".<sup>482</sup>

For his part, the Foreign Secretary, Sir Geoffrey Howe, compiled an entire list of successes for the benefit of the House of Commons:

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<sup>481</sup> The result, which according to estimates given by British government representatives did reduce the cost of the CAP considerably during the transition period while still adding to farmers' incomes, was greeted equally enthusiastically in the British press, cf. Gummer, HC Deb 17 December 1986 vol 107 cc1219, 1222; cf. also Baron Belstead, Minister of State, Ministry of Agriculture, Fisheries and Food (Lord Belstead), HL Deb 17 December 1986 vol 483 c215.

<sup>482</sup> Thatcher, European Council Press Conference, London, December 6, 1986; cf. also inter alia her statement to the House of Commons on the European Council, HC Deb 8 December 1986 vol 107 c21, cf. *ibid.* c24.



“We have been successful in launching a new GATT round, in defusing the main trade dispute with the United States, in reforming the food aid programme, in uniting the Community against terrorism, in taking more measures to liberalise the internal market than any other presidency, in establishing the first wide-ranging action programme on unemployment and in ensuring the most important measure of CAP reform ever achieved. That is a presidency of formidable achievement”.<sup>483</sup>

### **V.6.5 The 1986 UK Presidency in the Administrator Role**

In terms of the Presidency’s administrator role, the accumulated level of experience and the consequent normalization of the tasks involved stood “in complete contrast to the mood of anxious enquiry that was evident in 1976-7” (Wallace 1986: 588). This was particularly true of relevant officials across Whitehall, but there existed “a good deal of relevant experience at the ministerial level, too, in contrast to 1977 and 1981” (ibid.). Thus, the Presidency was well aware and prepared for its administrative burdens, and it delivered the effective performance that was by now expected of a British Presidency. Once again, the UK performed most closely to the predictions of the Presidency effect in the administrator role.

Overall, the the balance sheet of this sober Presidency was “more positive” than that of earlier UK Presidencies (Wallace 1987: 405), even though the judgment of the European Parliament was emphatically ambivalent.<sup>484</sup> But the general assessment was that the “result of the whole exercise has been a competent but unremarkable British presidency” (Peel 1986, op. cit.: 26).

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<sup>483</sup> HC Deb 17 December 1986 vol 107 c1212.

<sup>484</sup> Thus, for example, Sir Henry Plumb (ED) maintained that “[i]f there are some who feel that more could have been done, then let them join with us in this Parliament maintaining our pressure on the Council through the rolling programme to ensure that the gains of the last few years are not lost and that the Council realizes the force of our resolution and the dynamism of our institutional objectives”, EP Debate on Thatcher Statement, December 9, 1986; while Giovanni Cervetti (COM) concluded, “at the start of the six months’ period of office the British talked insistently of getting away from the so-called pro-European Utopias ... and getting down to much-acclaimed concrete achievements. Well, it would have been easy enough then to prophesy that, on such a basis, little indeed could be achieved: today, we can state with certainty that even pragmatism has given us virtually nothing”, *ibid.*

## VI. Conclusions

The aim of this study has been to trace the impact of the Presidency effect on the incumbent member state and, by extension, on EC/EU decisions - in other words, to examine to what extent holding the Council Presidency can influence the behavior of an EU member state. The office of the Presidency has evolved over time into four distinct roles constituted by its institutional shape and the expectations associated with it: leader, broker, representative and administrator. These roles contain mechanisms – jointly referred to here as the Presidency effect – which incentivize the incumbent to behave in particular ways and adopt positions on the issues on the agenda which can be different from behaviors and positions the member state in question might have otherwise adopted. Overall, this Presidency effect, amounting to a pro-integration bias, is expected to be stronger and more easily visible in the context of the leader and broker roles a Presidency plays; but certain aspects of the representative and administrator functions can add to the overall effect, as well. Earlier work on socialization in the Council (Lewis 2003, 2005; Beyers 2005) has demonstrated that roles can affect the behavior of Council *officials*; the Presidency may have an effect also on the *political* level of decision making in the Council. Because the Presidency changes over time, its effect should be examined over time, and so this project has drawn on comparative evidence from three case studies of Council Presidencies: in 1977, 1981 and 1986. Table 2 below provides an overview of the case results, that is, the three UK Council Presidencies' performances in each of the four Presidency roles, to serve as a basis for the following discussion of the conclusions they allow for the Presidency effect overall.

**Table 2 - The Presidency Effect: Case Results Overview**

Presidency/Role	Leader	Broker	Representative	Administrator
<b>UK 1977</b>	<ul style="list-style-type: none"> <li>• Presidency isolated on unavoidable sectoral dossiers (CAP, Fish, Energy), but defends national interest</li> <li>• Suffers embarrassment for holding up first EP elections</li> <li>• Manages to keep equally embarrassing own economic problems off agenda</li> </ul>	<ul style="list-style-type: none"> <li>• Presidency criticized for prioritizing national interest on sectoral dossiers</li> <li>• Callaghan supports PR for EP elections, but more for domestic reasons (Lib/Lab pact)</li> </ul>	<ul style="list-style-type: none"> <li>• Presidency maintains low domestic profile in light of Eurosceptic governing party</li> <li>• Presidency uneventful as internal representative (EP not yet directly elected) and as external representative (UK not isolated)</li> </ul>	Performance in accordance with the Presidency effect, including extensive preparations (but also in line with national preferences)
<b>UK 1981</b>	<ul style="list-style-type: none"> <li>• Presidency accepts extensive Commission interpretation of 30 May Mandate</li> <li>• Isolated on CFP, Presidency attempts but fails to exclude it</li> <li>• Presidency avoids unwelcome Jumbo Unemployment Council, Genscher-Colombo plan</li> <li>• London Report on EPC, Single Market prioritized</li> </ul>	<ul style="list-style-type: none"> <li>• Presidency adjusts negotiation target to achieve <i>some</i> agreement on Mandate budget reform</li> <li>• UK lifts CAP price fixing reserve w/o sheep meat settlement in the run-up to the Presidency</li> <li>• CFP: Presidency lifts coastal waters regulation condition for Canada agreement</li> </ul>	<ul style="list-style-type: none"> <li>• Presidency makes modest efforts to highlight Presidency domestically, despite ongoing budget dispute</li> <li>• Presidency claims uncontroversial achievements as external representative (trade, aid)</li> <li>• Settlement of the 1980 and 1981 (but not the 1982) annual budgets after Presidency-led Council concessions</li> </ul>	Performance in accordance with the Presidency effect, including extensive preparations (but also in line with national preferences)
<b>UK 1986</b>	<ul style="list-style-type: none"> <li>• Presidency excludes awkward budget deficit, CAP reform, EPC issues (replaced by fillers)</li> <li>• Prioritizes controversial unemployment initiative in attempt to re-frame Community approach along UK lines</li> <li>• Presidency in a minority on, but unable to exclude beef regime, air transport, Syria, South Africa, annual budgets</li> </ul>	<ul style="list-style-type: none"> <li>• Presidency yields (somewhat) and abstains on (rather than blocks) beef regime decision</li> <li>• Presidency makes 'federalist' concessions for agreement on Presidency initiative on unemployment</li> <li>• With explicit reference to Presidency responsibility, UK abandons allies, offers massive concessions on air transport, still fails to reach agreement in Council</li> </ul>	<ul style="list-style-type: none"> <li>• Some Presidency efforts at domestic representation, emphasis on the Single Market</li> <li>• Presidency concedes national preferences for EC position on Syria and SA sanctions as external representative</li> <li>• Settlement of the 1986 budget dispute after ECJ ruling and Presidency-led commitment of EC resources to the limit</li> </ul>	Performance in accordance with the Presidency effect, including extensive preparations (but also in line with national preferences)

## VI.1 Conclusions for the Presidency Effect

The evidence from the three cases discussed above allows the conclusion that even the Eurosceptic British Council Presidencies, at relatively early stages of the Community's institutional development, to some extent adjusted their behavior and positions in line with the expectations associated with the Presidency effect. It is therefore to be expected that more Europe-friendly Presidencies, at later stages of the integration process, are likely to do so as well, potentially even more readily. To the extent that this affects Council decisions, the Presidency effect has a contribution to make to the explanation of overall integration outcomes. It must be noted, however, that the *mechanisms* of the Presidency effect, which have evolved with the Presidency's four roles over time, are themselves more continuous and robust than their effect, which is neither decisive nor evident at *all* times, for it can be and often is trumped by other factors such as the prevalence of national interests, domestic pressure or bargaining dynamics in the Council or the EC more broadly.

Overall, the Presidency effect emerges as yet another instance of unanticipated consequences of the EU's institutional framework underlining the strength of the notion of 'ever closer union'.<sup>485</sup> The expressions of the Presidency effect through its various roles represent slightly different motivations for the same thing: to achieve agreement in the Council, if need be by avoiding or yielding on the Presidency's own preferences, in order or to be seen as effective and to retain credibility and to have something to say to the

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<sup>485</sup> Cf. Adler-Nissen 2011, who finds a similar effect in the management of British (and Danish) opt-outs by those governments, which "reflects a retreat from national sovereignty rather than an expression of it", *ibid*: 1093.

press and to be seen as efficient.<sup>486</sup> Because agreement in the Council is the most important building block of European integration, to the extent that the Presidency effect has an impact on it, it affects the course of integration overall.

Broadly speaking, the cases examined here have demonstrated that the Presidency context matters. Even if “the domestic, EC and international economic and political climate” may not loom large among the “main concerns” in the planning of a Presidency, “it can influence the negotiating position of individual governments and thus have bearings on the prospects for consensus or compromise” (Kirchner 1992: 83). However, the direction of influence is ambiguous: “Deep-seated economic difficulties (high unemployment, high inflation and low growth rates) can either, ... as was the case in the 1970s, ... result in a hardening of national positions, or encourage, ... as in the beginning of the 1980s, ... a Community solution” (ibid.). The desperate economic and political situation at home did not promote Community-mindedness in the 1977 Presidency, but it did not stop Thatcher from vigorously pursuing common market objectives and the aims associated with the 30 May mandate. Experience, on the other hand, seems to affect Presidency performance less ambiguously. While in the cases of the 1977 and 1981 British Presidencies, “the overwhelming impression left behind with Britain's partners was in essence negative”,<sup>487</sup> this was less so in the 1986 case. One observer even argued that the two Presidencies under Thatcher, while not producing “startling results”, were “both sufficiently

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<sup>486</sup> “All the evidence ... of the observable experience of Council negotiations and EPC consultations suggests that inadequate preparation of and/or incompetent performance in the Presidency can contribute negatively to policy outcomes. There may be few tangible prizes (beyond the respect of one’s peers) for making the required effort, but there are manifold recriminations to suffer if the Presidency is ineffectual or, worse, partisan”, Wallace 1985: 277.

<sup>487</sup> Wallace 1986: 584, the “principal exception” being “EPC, within which both successive British governments felt much more comfortable. Here the British attitude to the presidency was both more enthusiastic and more compelling of respect from its peers”, ibid.

uncontroversial to suggest that Britain is learning to play the European game to greater effect than before" (Allen 1988: 51).

### VI.1.1 The Presidency Effect in the Leadership Role

As predicted by the Presidency effect, the 1981 and 1986 Presidencies did undertake attempts at agenda exclusion, where possible, albeit not always successfully. The 1977 Presidency did not attempt to exclude any existing items from the agenda, not because all items on its inherited agenda were uncontroversial, but in three cases (fish, agriculture and energy) because they were unavoidably urgent and the British government preferred to continue pushing for the national interest; and in one case (EP elections), because national politics kept the issue on the agenda. While by itself, a failure to exclude from the agenda an item on which the Presidency holds a minority position *due to the inflexibility of the item in question* is not enough to refute the Presidency effect in the leader role (first mechanism), a failure to exclude an item because a Presidency has no intention of refraining from promoting the national interest would be. In this case, it is unclear how inflexible the JET issue truly was, and whether the Presidency could have postponed discussion of it in order to continue its national campaign *after* its time in the Chair. Moreover, the 1977 Presidency did not prioritize any items for the purpose of promoting integration, not even economic convergence, on which the British and Community interest overlapped. By contrast, the 1981 and 1986 Presidencies did prioritize items where national and Community interest converged, even pushing for further integration in these areas, despite their lack of fundamental enthusiasm for it. According to one participant, in those cases, it was "quite the opposite" of pushing the national interest:

“if you look at it from the British point of view, we were not strongly steering the Presidencies. We were not. A lot of people didn’t think that’s the way to do it. What we thought was, we have a responsibility as President and therefore, we have to exercise it like we have a reputation in our public service for doing things well, taking account of them, and we claim credit for that” (Williamson, Interview, London, July 15, 2010).

Moreover, the British Presidencies made considerable efforts to maintain continuity with preceding/succeeding presidencies, even before the introduction of group programming in the Community at a later stage.<sup>488</sup>

Yet the 1986 Presidency case revealed one facet of Presidency behavior in the leadership role that was not anticipated. This concerned a highly salient and controversial dossier – unemployment – on which the Presidency was in a minority position and that could not be avoided (postponed) at all or only for the short term, that is, it was bound to reappear on the agenda of the next Presidency. In such a case, the expectation of the Presidency effect is that the incumbent will first attempt to postpone the dossier in question until it can defend the national interest again more freely after the end of its own Presidency, or, if that’s not possible, the Presidency will yield its own preferences as much as necessary in order to reach agreement. There appears to be a third strategy, however, which is to firmly grasp the nettle and try to reshape the Community approach to a dossier more along the lines of the Presidency’s preferences. In other words, with its initiative on combatting unemployment, the 1986 Presidency sought to balance the national interest and Community obligations (rather than prioritize either the former (postponing) or the latter (yielding)) by reframing the national preference as the best approach for the Community

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<sup>488</sup> Williamson underlines the UK Presidencies’ responsiveness to and emphasis on the current agenda as opposed to broad ambitious plans: “I will say this for British Presidencies: they followed a principle. (...) [W]hat happens determines what you do, not what you decide in a vacuum. The British presidencies always felt that it was quite right to respond, always, not hold back or mess about with the procedures, or agendas, to bend them one way or another. We had to keep the business rolling”, Interview, London, July 15, 2010.

as a whole, effectively protecting the national position by using the Presidency's agenda-shaping powers in yet another way. David Hannay describes the underlying motivation:

“simply putting a subject they don't like, a proposal they don't like, into a kind of black box and locking it away is not terribly useful, partly because there may be an urgency for it which everybody else feels, in which case you make yourself very unpopular, but also because the next Presidency will probably take it out of the black box”. The “chance is, if you neglect it during your Presidency, when you have some ability to shape it, then somebody else is probably going to do it in their Presidency, when you have less opportunity to shape it. So, it's not a very attractive option. If you have something like the Working Time Directive, you don't want to leave that to somebody else. You want to try and handle it yourself” (Interview, London, July 16, 2010).

### **VI.1.2 The Presidency Effect in the Broker Role**

In its broker role, the Presidency has to deal with all the issues that make it onto its agenda, always aware that all “efforts put into infrastructure, procedure and management are set at nought if hard policy outcomes fail to materialize” (Wallace 1986: 590). Some issues on that agenda are bound to be problematic (yet unavoidable). In the UK's first two Presidencies, “British ministers and officials found it especially hard to play the mediator in Community negotiations. In situations where member states' different national policy interests impeded the pursuit of consensus, the British political style was ill suited to the role of coalition-building” (Wallace 1986: 585, cf. also Allen 1988: 39). To put it more bluntly, the 1977 Presidency took little trouble to conceal the fact that it prioritized the UK national interest over Community agreement on the difficult issues. There is some evidence that it was aware of the expectations associated with the Presidency, but these were trumped by domestic concerns. The 1981 Presidency did show some signs of movement under the Presidency effect, offering otherwise inexplicable concessions on both



the CFP and CAP dossiers. In 1986, the Presidency made considerable concessions on issues of high salience to it, with mixed results.

While most of these cases concern minor issues, and no truly dramatic decisions were taken, the evidence does suggest that the Presidency effect can change outcomes in everyday EU decision making. Other cases may put the Presidency on the spot in more visible circumstances, to more pronounced effect. While the Presidency effect can be trumped by other concerns, notably domestic pressures and EC-level bargaining dynamics, the small decisions it does potentially affect add up to the normal practice of European integration.

### **VI.1.3 The Presidency Effect in the Representative Role**

While the 1977 Presidency was inconclusive on the representative role, it is possible to conclude with Wallace that both in 1977 and 1981, “the British government did not manage to make much headway in exploiting the spotlight that the presidency afforded in order to improve the image of the Community among domestic opinion within the United Kingdom” (Wallace 1986: 585). Both Presidencies were largely uncontroversial as external representative, but ran into major trouble as internal representative in their relationship with the European Parliament – the 1977 Presidency because it held up its first direct elections and the 1981 Presidency because it had to settle no fewer than three annual budgets, making considerable concessions to get an acceptable Council position in the process. The 1986 Presidency had to make considerable concessions on two difficult external dossiers in order to achieve a Community position to represent; as internal representative, it clashed with the EP over two outstanding annual budgets, managed to

settle only one and was driven to considerable concessions in the process; and it made some efforts to represent the Community at home. Thus, there is some evidence that the spotlight of the Presidency as representative induces the incumbent to make concessions, if necessary, to achieve a Community position externally and a Council position internally. Moreover, there appears to have been increasing interest to act on behalf of the Community image at home across the three Presidencies.

#### **VI.1.4 The Presidency Effect in the Administrator Role**

The evidence from the three Presidency cases shows that the administrator role was always the one British incumbents found it easiest to conform to, as the expectations associated with it – and the behavior anticipated by the Presidency effect – were closely aligned to the Presidency’s prevailing inclinations. Hence, despite “reservations on both sides, the operation of the first two British presidencies passed off remarkably smoothly. The British government was able to consolidate its reputation for thoroughness and efficiency within the parameters of the rules and conventions governing Community business. No great institutional innovations were pursued; but then no one expected that of a British presidency” (Wallace 1986: 584). In 1986, the Presidency was similarly efficient, while encountering a certain amount of backlash for a lack of ambition.

In light of the evidence, then, the British Council Presidency cases are not best suited to shed light on the existence or otherwise of the Presidency effect in the administrator role, because British preferences and role expectations are too closely aligned. A Presidency for whom administrative efficiency presents more of a challenge would be more illuminating in this context.

## VI.2 Challenges and Limitations of the Analysis

Case studies are quite useful, if not indispensable, for exploratory research, but they have inherent limitations. Most notably, these are due to restricted replicability and external validity, that is, their circumscribed potential for generalizable insights. Therefore, conclusions to be drawn from case studies are constrained in principle by the general limits on the generalizability of case study findings, but here also by the fact that within these cases, only a few issues – controversial agenda items on which the United Kingdom held a minority position – hold the possibility of any insight into the Presidency effect in the first place. The number of such issues is expected to be maximized in the Eurosceptic British Council Presidencies examined here; nevertheless, their number is still small. Systematically comparative case studies are a step toward addressing those issues by expanding the empirical basis of the findings, but have their own drawbacks, most importantly additional variation that must be taken into account. Thus, in this analysis, there was variation in the UK's domestic politics and economic fortunes as well as in its EC experience across cases, even though its administrative approach to the Presidency and its fundamentally sceptical outlook did not change.

Furthermore, case studies are also very suitable for *tracing causal mechanisms*, as opposed to *measuring causal effects*, as statistical methods do (cf. Bennett/George 1997). Currently, there are only a handful of studies that find a quantitatively measurable Presidency effect (Mattila 2004, Hagemann 2007, Thomson 2008 and Hosli/Mattila/Uriot 2011). This is unsurprising as few Presidency behaviors can be usefully captured quantitatively in the first place.<sup>489</sup> Case studies facilitate the capture of overlooked causal varia-

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<sup>489</sup> The above mentioned studies find that member governments are less likely to cast negative votes while in the Presidency than otherwise. However, given the incompleteness of accessible Council voting records

bles and different causal paths to an outcome via process tracing as well as checks for spurious variables. However, the problem of equifinality remains: there may be undisclosed motivations or otherwise hidden causes that can lead to an overestimation of the Presidency effect; and one challenge this study has faced has been to minimize their probability by triangulating different sources and partly competing accounts. I have further sought to ensure the case studies' internal validity by carefully reporting inconclusive or disconfirming evidence.

A further challenge has been presented by the inevitable limitations of the available sources, including potential interviewees. Many key documents are simply not (yet) available due to statutory constraints on disclosure (classified materials), a common difficulty for historical case studies. While other sources were both authoritative and rich (especially the already declassified PREM and CABINET papers), triangulation and an appropriate qualification of findings is indispensable. This is a caveat that must be maintained because since process tracing basically means generating and analyzing data on the causal mechanisms that link putative causes to observed effects (cf. Bennett/George 1997), the limitations of the data directly affect the analysis in process-tracing-based research as much as in quantitative studies relying on the quality of large data sets. Most importantly, in this context, it means that no two case studies draw on the exact same sources – while there are a few constants, like contemporary media coverage and especially Agence Europe, many more sources vary due to availability (thus, declassified documents are available for the earliest cases, but not the latest one, which in turn profits from a better availability of interviewees).

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and the relative scarcity of formal votes overall, voting behavior remains an unsatisfactory indicator of the Presidency effect.

In addition, there are the often unmentioned problems with counterfactual reasoning: the “fundamental” problem of causal inference (cf. King/Keohane/Verba 1994: 79) is that it is impossible to “re-run history and change only one variable in a perfect experiment that would allow” the observation of “the actual causal effect” of the variable in question (Bennett/George 1997). Case studies relying on theory to derive expectations about the dependent variable to be compared to its actual value are an imperfect alternative (cf. *ibid.*) – in this case trying to capture the causal effect of the Presidency by limiting variation of incumbency and randomizing extraneous variables as well as the other Presidency factors. A further problem is the question whether counterfactual variation of one factor changes other factors that would also “materially” affect the outcome (Fearon 1991: 193)? For instance, if the UK had not been in the Presidency at a given occasion for decision examined here, another member state would have been, and the Presidency would have been expected to exercise the same pressures on its behavior in the Council as it did on the UK. Thus, counterfactual suppositions must be “co-tenable with the facts and theories used to draw the causal inferences they make” (*ibid.*). To ensure co-tenability, it would be necessary to ascertain that if a “counterfactual assertion had been true” (for example, if there had been no UK Presidency), “nothing else would also have been different in a way that would have materially affected the outcome. (...) The fewer the changes from the actual world required by a counterfactual supposition, the easier it will be to draw and support causal inferences, and the more defensible they will be” (*ibid.*: 193-195). These considerations further circumscribe the limits of historical case studies such as the ones in this study.

### **VI.3 Future Research**

One immediate aim for future research is to extend this analysis to more Presidency cases in order to multiply observations of occasions for decision where the PE would be \*visible\* because the Presidency holds a minority position on a controversial issue, and to allow for more systematic comparison to specify the conditions under which the Presidency effect is likely to have an impact.

A first step is to incorporate the three British Presidencies in 1992, 1998 and 2005 into the analysis in a more structured, focused comparison to examine whether the PE has affected the three remaining cases of UK Presidencies differently (and to what extent that can be shown), and to see what impact the trajectory of the Presidency's institutional development, changing agenda and evolving expectations have had on the Presidency effect in the British case. Challenges here include that the three later Presidencies cannot be qualified unambiguously as hard (Euro-sceptic) cases, and hence any movement in the direction predicted by the PE during John Major's (1992) Presidency or Tony Blair's (1998 and 2005) Presidencies may be over-determined. The expectation is that while it may be more difficult to show in those "softer" cases, the PE will not have ceased to operate.

Other Presidency cases beyond Britain would provide further evidence for or against the Presidency effect and enhance the generalizability of the findings. In addition, more recent Presidency cases can help shed light on the impact of the institutionalization of a quasi-permanent Presidency of the European Council and of the increasingly prevailing "constraining dissensus" (Hooghe/Marks 2008) on the Presidency effect, that is, the consequences of the intensifying contestation and politicization of European integration. The plan is to compile a Qualitative Comparative Analysis (QCA) data set of the (steadily in-

creasing) population of all Presidency cases (124 by the end of 2014) in order to include the Presidency factors specified here along with the alternative explanatory variables suggested by other explanations of Council decision making. This approach will also allow a more systematic linkage of context factors to incumbent behavior, as well as the inclusion of additional context factors, such as the type of authoritative decision unit in place in the incumbent government and the leadership style of the head of government. My expectation is that the PE continues to exercise its pressures, which are likely to be enhanced with the increasing prominence of the Presidency, but will often be invisible and many times superseded by countervailing pressures.

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## Education

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**Syracuse University (SU), Maxwell School of Citizenship and Public Affairs** – Syracuse, NY, USA  
Ph.D., Political Science, August 2014; *Fulbright* Scholar  
Subfield Specialisation: European Politics, Comparative Politics, International Relations

**European University Institute (EUI)** – Florence, Italy  
Visiting Researcher, Department of Political and Social Sciences, 10/2004-6/2005  
Concentration: European Integration, Comparative Politics

**Syracuse University (SU), Maxwell School of Citizenship and Public Affairs** – Syracuse, NY, USA  
Master of Arts, Political Science (2001), GPA: 3.94

**Freie Universität Berlin, Otto-Suhr-Institute for Political Science (OSI)** – Berlin, Germany  
*Diplom der Politikwissenschaft* (MA, Political Science) (1999)  
Concentration: International Relations, Security Policy, Public International Law

**Institut d'Etudes Politiques (IEP)** – Paris, France  
*Diplôme Franco-Allemand en Sciences Politiques et Sociales* (1998)  
Concentration: International Relations, Public International Law

## Professional Experience

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**University of Mannheim, Mannheim Centre for European Social Research (MZES)** – Mannheim, Germany: Project Leader, September 2013-present

**University of Mannheim, School of Social Sciences, Chair for Political Science and Contemporary History** – Mannheim, Germany: Assistant Lecturer/Research Fellow, February 2008-January 2014

**Ludwig-Maximilians University Munich, Geschwister-Scholl Institute for Political Science, Chair for International Relations** – Munich, Germany: Assistant Lecturer, September 2011-February 2013

**Syracuse University, Maxwell School of Citizenship and Public Affairs** – Syracuse, NY, USA  
*Graduate Teaching Assistant, Department of Political Science, Academic Year 2003/2004*  
Instructor, PSC 202: Political Argument and Reasoning

*Graduate Research Assistant, Department of Political Science, Academic Year 2002/2003*  
Work with Professor Craig Parsons on the predictive and explanatory power of theories of European integration

*Graduate Teaching Assistant, Department of Political Science, Academic Year 2001/2002*

TA, PSC 321: Modern American Political Thought & PSC 124: Introduction to International Relations  
*Graduate Research Assistant, Global Affairs Institute (GAI)/Program on the Analysis and Resolution of Conflicts (PARC)*, Spring Term 2001: Project on the Contributions of Track Two Diplomacy

**The Dimensions of Euroscepticism**, panel *Conceptualising Euroscepticism*, University Association for Contemporary European Studies (UACES) Annual “Exchanging Ideas on Europe” Conference, Leeds, UK, September 2-4, 2013.

**The Presidency Effect**, panel *Politics in the Council of Ministers*, European Union Studies Association (EUSA) Thirteenth Biennial International Conference, Baltimore, MD, May 9-11, 2013.

**The Dimensions of Euroscepticism**, panel *Abstracting Euroscepticism*, University Association for Contemporary European Studies (UACES) Annual “Exchanging Ideas on Europe” Conference, Passau, Germany, September 3-5, 2012.

**The Presidency Effect**, panel *Inside the EU Institutions III: Conceptualizing the Councils*, University Association for Contemporary European Studies (UACES) Annual “Exchanging Ideas on Europe” Conference, Passau, Germany, September 3-5, 2012.

**Euroscepticism in Britain – Still the Odd One Out?** Panel *Euroscepticism on the Edge of the Union: The Outsiders Coming In*, University Association for Contemporary European Studies (UACES) Annual “Exchanging Ideas on Europe” Conference, Cambridge, UK, September 5-7, 2011.

**The Impact of Council Presidency Programmes**, panel *Agenda-Setting and the European Union*, European Consortium for Political Research (ECPR) Biennial General Conference, Reykjavik, Island, August 25-27, 2011.

**The Presidency Effect After the Lisbon Treaty: the Consequences of the Demotion of the Rotating Council Presidency**, panel *The EU Presidency and the European Council – Complementary or Competitive?* Conference ‘The Commanding Heights of the European Union. The European Council: Institution, Actors, Resources’, *Fondation Universitaire*, Brussels, Belgium, March 10-11, 2011.

**Who Sets the Agenda? How the European Council and the Team Presidencies are Undermining the Commission’s Prerogative**, panel *Inter-Institutional Relations and Politics*, European Union Studies Association (EUSA) Twelfth Biennial International Conference, Boston, MA, March 3-5, 2011.

**The Presidency Effect After the Lisbon Treaty: the Consequences of the Demotion of the Rotating Council Presidency**, panel *New Leadership Roles Post-Lisbon*, University Association for Contemporary European Studies (UACES) Conference ‘The Lisbon Treaty Evaluated: Impact and Consequences’, London, UK, January 31-February 1, 2011. Available online at <http://www.uaces.org/events/conferences/lisbon/programme/abstracts.php#doreenallerkamp>.

**Who Sets the Agenda? How the European Council and the Team Presidencies Are Undermining the Commission’s Prerogative**, panel *Institutional Reform of the Council of Ministers*, European Consortium for Political Research (ECPR) Standing Group on the European Union Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 23-26, 2010.

**The Council(s) Beyond Intergovernmentalism**, panel *Analyzing Decision-Making in the Council of the European Union*, European Consortium for Political Research (ECPR) Standing Group on the European Union Fifth Pan-European Conference on EU Politics, Porto, Portugal, June 23-26, 2010.

**The Presidency Effect–The Council Presidency at the Heart of Informal Council Decision-Making**, Centre for Research in European Studies (CREST) European Forum Guest Lecture, University of East Anglia, Norwich, UK, November 20, 2009.

**Intergovernmentalism, Reloaded. The Transformative Power of ‘Intergovernmental’ Council Decision Making**, panel *Capturing Diversifying Integration: Beyond the Intergovernmentalism – Supranationalism Dichotomy*, European Union Studies Association (EUSA) Eleventh Biennial International Conference, Los Angeles, CA, April 23-25, 2009. Available online at <http://www.unc.edu/euce/eusa2009/papers.php>.

**The Taming of the Shrewish. The Council Presidency at the Heart of Informal Council Dynamics**, panel *Beyond Member States Bargaining: Informal Dynamics of Decision-Making in the Council*, University Association for Contemporary European Studies (UACES) Annual "Exchanging Ideas on Europe" Conference, Edinburgh, September 1-3 2008. Available online at <http://www.uaces.org/events/conferences/papers/abstract.php?recordID=4>.

**Third Time Lucky? British EC Accession and Transatlantic Relations**, panel *The United States and European Integration*, "Reform and Renewal: Transatlantic Relations during the 1960s and 1970s" Conference, University College Dublin (UCD) College of Arts and Celtic Studies/Clinton Institute for American Studies, Dublin, June 7, 2008.

**The Council Presidency: from MC to CEO (and Beyond) – Courtesy of Commission Decline and the Rise of the European Parliament?** *European Consortium for Political Research (ECPR) 2008 Joint Sessions of Workshops*, Workshop: *Intra- and Interinstitutional Relations in EU Decision-Making* (Convenors: Anne Rasmussen, Daniel Naurin), Rennes, April 12-16, 2008.

**The Presidency Effect**, panel *Executive Politics of the European Union* at the Fourth European Consortium for Political Research (ECPR) Biennial General Conference, Università di Pisa, September 6-8, 2007.

**The Presidency Effect: die EU Ratspräsidentschaft und die Integrationsdynamik**, *Zweite Offene Sektionstagung Internationale Politik der Deutschen Vereinigung für Politische Wissenschaft (DVPW)*, Darmstadt, Residenzschloss, July 13/14, 2007.

**The Reluctant Europeans: UK Council Presidencies Observed**, *21<sup>st</sup> Summer Conference of the Centre for Contemporary British History (CCBH)*, "Britain and Europe in the 20<sup>th</sup> Century", University College London, July 11-13, 2007.

**The Presidency Effect**, *European Union Studies Association (EUSA) Tenth Biennial International Conference*, Montreal, Canada, May 17-19, 2007.

**The Presidency Effect: the European Union's Built-in Integration Drive in the Danish Cases**, "New Approaches to European Studies: Social Capital, European Elites, Constructivism..." Exploratory Conference and Ph.D. Workshop, University of Copenhagen, April 26-28, 2007.

**The Presidency Effect: the European Union's Built-in Integration Drive in the British Cases**, *University Association for Contemporary European Studies (UACES) Student Forum 8<sup>th</sup> Annual Conference*, at the School of Politics and International Relations, University of Nottingham, April 19-20, 2007.

**The Presidency Effect in European Integration**, *Fifteenth International Conference of the Council for European Studies (CES)*, Chicago, March 29-April 2, 2006. Available online at <http://www.europanet.org/conf/conf.html>.

**Why Does the EU Keep Integrating? Exploring the Role of the Council Presidency** *Offene Sektionstagung, Sektion "Internationale Politik" der Deutschen Vereinigung für Politikwissenschaft (DVPW)*, Mannheim, October 6-7, 2005. Available online at [http://www.mzes.uni-mannheim.de/konf/dvpw2005/fs\\_programm.html](http://www.mzes.uni-mannheim.de/konf/dvpw2005/fs_programm.html).

**Why Does the EU Keep Integrating? A Process-Driven Exploration**, *Sawyer Law and Politics Program (SLAPP) Research Workshop*, Campbell Public Affairs Institute, Maxwell School of Citizenship and Public Affairs, Syracuse University, April 4, 2004, available at <http://www.maxwell.syr.edu/campbell/SLAPP/Workshop.htm>.

**Assessing Alternative Explanations of EU Foreign Policy Development**, panel *The Foreign Policy of the European Union*, *45<sup>th</sup> Annual International Studies Association (ISA) Convention*, Montreal, Canada, March 17-20, 2004. Available in the ISA Paper Archive at <http://www.isanet.org/archive.html>.

**Can Institutional Learning Explain EU Foreign Policy Making?** *8<sup>th</sup> Graduate Student Conference*, BMW Center for German and European Studies, Edmund A. Walsh School of Foreign Service, Georgetown University, Washington, D.C., February 20/21, 2004.

**EU Foreign Policy Making and Institutional Learning**, paper presented on the panel on *EU Foreign Policy and Security*; chaired the panel on *ESDP: Prospects and Implications, Central and Eastern Europe International Studies Association/ International Studies Association (CEEISA/ISA) International Convention*, Budapest, Hungary, June 26-28, 2003.

**Does European Integration Theory Predict or Explain Anything about CFSP Development Since Maastricht?** With Craig Parsons, *European Union Studies Association (EUSA) 8<sup>th</sup> Biennial International Conference*, Nashville, TN, March 27-29, 2003.

**Institutional Learning and EU Foreign Policy Making**, *2003 International Studies Association (ISA) Annual Convention*, Portland, OR, February 26-March 1, 2003.

**The Risks of Conflict Intervention: Paradoxes of Coercive Diplomacy in the Kosovo Crisis**, panel chaired at the *International Studies Association (ISA) Annual Convention*, New Orleans, LA, March 24-27, 2002.

**Risky Business: Conflict Intervention and the Paradoxes of Coercive Diplomacy**, 33<sup>rd</sup> *Annual Meeting of the Northeastern Political Science Association & the International Studies Association-Northeast*, Philadelphia, PA, November 8-10, 2001.

**Interventionsrisiken: die Paradoxien von Zwangsdiplomatie** [*The Risks of Intervention: Paradoxes of Coercive Diplomacy*], Centre for Transatlantic Foreign and Security policy (CTFSP) Conference on International Risk Policy, Berlin, November 25/26, 2000.

#### Research Projects and Publications

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**British Euroscepticism – a View from the Continent**, EUSA Review Forum: British Euroscepticism – How Distinctive?, in *EUSA Review* 26:2, Spring 2013, 5/6, available at [http://www.eustudies.org/publications\\_review.php](http://www.eustudies.org/publications_review.php).

**Bill William Cash; Peter Walker**, entries for the *Dictionary of European Integration*, Luiss Guido Carli University, Rome, forthcoming.

**Justus Lipsius; Karl Popper; Commonwealth**, in George Thomas Kurian et al. (eds.) 2010, *The Encyclopedia of Political Science*, Washington, D.C.: CQ Press.

**Ernst B. Haas**, in Nigel Young (ed.) 2010, *The Oxford International Encyclopedia of Peace*, Oxford: Oxford University Press.

**European Integration and Peaceful Détente**, in Nigel Young (ed.) 2010, *The Oxford International Encyclopedia of Peace*, Oxford: Oxford University Press.

**The Long and Winding Road: British EEC Accession and Transatlantic Relations**, Chapter Four in Catherine Hynes/ Sandra Scanlon (eds.) 2009, *Reform and Renewal: Transatlantic Relations during the 1960s and 1970s*, Newcastle upon Tyne: Cambridge Scholars Publishing, 59-84.

**The Case for Visiting the European Union**, EUSA Review Forum: Teaching the EU, in *EUSA Review* 22:1, Winter 2009, 9-11, available at [http://www.eustudies.org/publications\\_review.php](http://www.eustudies.org/publications_review.php).

**After the French Non** (Book Review), in *International Journal on World Peace* 25:1 (March 2008), 94-98.

**Developments in European Politics** (Book Review), in *Journal of Common Market Studies (JCMS)* 45:1 (February 2007), 225-226.

#### **Track Two Diplomacy Evaluation Project**

Global Affairs Institute (GAI)/Program on the Analysis and Resolution of Conflicts (PARC), Syracuse University, 2001-2003.

## **International Risk Policy Research Project**

Center for Transatlantic Foreign and Security Policy (CTFSP), Otto-Suhr-Institute for Political Science, Freie Universität Berlin, 1998-2002:

**The Risks of Conflict Intervention: Paradoxes of Coercive Diplomacy in the Kosovo Crisis**, Maxwell European Union Center Working Paper No. 6, Security and Crisis Management Section, available at <http://www.maxwell.syr.edu/moynihan/programs/euc/papers.html>.

*Intervention – Paradoxe Effekte der Zwangsdiplomatie im Kosovo-Konflikt* [Intervention: Paradox Effects of Coercive Diplomacy in the Kosovo Conflict], in Christopher Daase/Susanne Feske/Ingo Peters (eds.), chapter in **Internationale Risikopolitik. Der Umgang mit Neuen Gefahren in den Internationalen Beziehungen** [International Risk Policy: Handling New Dangers in International Relations], Baden-Baden: Nomos 2002, 215-242.

Republished as **Paradoxes of Coercive Diplomacy in the Kosovo Crisis**, in Institute for East Asian Studies (IEAS) (ed.), *Peace and Prosperity Policy and the Peace Regime in the Korean Peninsula: the Limits of Coercive Diplomacy in the Korean Peninsula*, Seoul: IEAS 2005, 109-131.

## Teaching

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*Ludwig-Maximilians University Munich*

**EU Institutions: Seminar with Excursion to Brussels and Luxembourg** (Ü, Political Science, BA)  
**Introduction to International Relations** (Political Science, BA)  
**EU Politics: Interests, Institutions and Ideas** (Ü, Political Science, BA)

*University of Mannheim*

**Introduction to Working Scientifically** (Ü, Political Science, BA)  
**EU Institutions: Seminar with Excursion to Brussels and Luxembourg** (Ü, Political Science, BA)  
**BA-Thesis Preparatory Colloquium** (Political Science, BA, with Stefan Götze)  
**Comparative Politics and European Integration** (PS, Political Science, BA)  
**Change and Continuity in International Institutions: Classic Texts** (Political Science, MA)  
**'Governing' in European Security and Defence Policy** (Ü, Political Science, BA, with Dr. Stefan Seidendorf)  
**The Politics of European Integration** (HS, Political Science, BA)  
**Member States in the Process of European Integration** (PS, Political Science, BA)  
**EU Politics: Interests, Institutions and Ideas** (Ü, Political Science, BA)  
**Britain and Europe** (HS, Political Science, BA)  
**Member States in the Process of European Integration: the Example of Great Britain** (BA Tutorial)  
**Sections of History and Theory of European Integration** (Political Science, BA)

*The Maxwell School of Citizenship and Public Affairs, Syracuse University*

**Political Argument and Reasoning** (Political Science, BA, team-taught)  
**Sections of Introduction to International Relations** (Political Science/IR, BA)

## Fellowships & Grants

---

**Summer Research Grant**, *Department of Political Science, The Maxwell School of Citizenship and Public Affairs, Syracuse University*, Summer 2004

**Maxwell European Union Center Summer Research Grant**, *Moynihan Institute of Global Affairs, The Maxwell School of Citizenship and Public Affairs, Syracuse University*, Summer 2003

**Roscoe Martin Research Support Grant**, *The Maxwell School of Citizenship and Public Affairs, Syracuse University*, Spring 2003

**Research Assistantship** of the *Department of Political Science, Maxwell School of Citizenship and Public Affairs*, Academic Year 2002/03

**Goekjian Summer Research Grant** of the *Moynihan Institute of Global Affairs, Maxwell School of Citizenship and Public Affairs*, Summer 2002

**Fulbright Grant** for graduate study in the United States, Academic Years 2000/01-2003/04

**Franco-German Youth Office** (*Deutsch-Französisches Jugendwerk, DFJW*) **Grant** for graduate study in France, Academic Year 1997/98

## Affiliations/Activities

---

**Reviewer**, *Journal of Common Market Studies (JCMS), Journal of Contemporary European Research (JCER), International Peacekeeping, International Journal on World Peace*

**Referee**, *European Journal of Political Research (EJPR), Journal of European Public Policy (JEPP), Zeitschrift für Internationale Beziehungen (ZIB), Perspectives on European Politics and Society, Journal of Contemporary European Research (JCER), Human Rights Review (HRR), The Maxwell Review*

**Member**, *European Union Studies Association (EUSA), Council for European Studies (CES), University Association for Contemporary European Studies (UACES), History of European Integration Research Society (HEIRS), Lorenz-von-Stein Gesellschaft e. V. [Lorenz-von-Stein Society]*