

RECON Online Working Paper 2010/01

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Network and the Circulation
of Information within EU
Foreign Policy

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RECON Online Working Paper 2010/01 April 2010

URL: www.reconproject.eu/projectweb/portalproject/RECONWorkingPapers.html

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Issued by ARENA Centre for European Studies University of Oslo P.O.Box 1143 Blindern | 0317 Oslo | Norway Tel: +47 22 85 87 00 | Fax +47 22 85 87 10

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Abstract

The COREU/CORTESY network, through which member states exchange documents related to the Common Foreign and Security Policy (CFSP) is a crucial but little known instrument in the EU system of foreign policy making. This paper aims to shed light on how it works and what function it serves. It starts by recalling the circumstances in which the COREU was created and the original function it was given. It then proceeds by looking at how it currently works. It charts the exponential growth of messages exchanged and it analyses the role various actors play in exchanging messages. Finally, the paper addresses the functions played by the system in EU foreign policy making and shows that the practice among member states is gone well beyond what the system was originally intended for.

Keywords

Common Foreign and Security Policy - Council of Ministers - Intergovernmentalism - Knowledge

Introduction: the COREU/CORTESY network

While there is a growing interest about EU foreign policy making, the knowledge about the forms and venues of EU foreign policy making is still patchy. One of the neglected areas of study is the COREU network, through which member states exchange secure messages related to CFSP. While the assumption is generally that it is used for exchanging information, the system has in fact allowed member states to go beyond that and to perform a vast array of functions, including decision making and monitoring of implementation. This paper illustrates how the system works and what kinds of messages are exchanged.

The broad context within which the COREU network is situated is the increasingly cogent obligation for member states to inform and consult with each other on matters of foreign policy. Information exchanges were originally foreseen in the Single European Act, which for the first time, under Title III, Article 3.2(a), established that the 'High Contracting Parties undertake to inform and consult each other on any foreign policy matters of general interest so as to ensure that their combined influence is exercised as effectively as possible through co-ordination, the convergence of their positions and the implementation of joint action.' In a similar vein, the Treaty of Maastricht, Article 4 J.2(1) declared that member states 'shall inform and consult one another within the Council on any matter of foreign and security policy of general interest',1 although it is interesting to notice that the purpose of information exchanges is not directly 'to coordinate action' (as for instance in JHA), but to strengthen the EU's influence 'by means of concerted and convergent action'. The Lisbon Treaty dropped the generic formula of 'inform and consult', and it emphasises instead 'the development of mutual political solidarity among Member States' (Article 24.2), 'loyalty' (Article 24.3), and the need to 'work together' (idem). There is, therefore, a political (but not legal) obligation to inform, which is a central component of the obligation of solidarity. The context and the format in which information exchanges should happen are however kept intentionally loose and the Treaties make no reference to the COREU network.

The term COREU (acronym of *CORrespondence EUropéenne*) refers to the messages exchanged among European Correspondents (who are the main referents for CFSP in national Ministries of Foreign Affairs), Permanent Representatives of member states in Brussels, the European Commission/DG1A and the General Secretariat of the Council (GSC). The European Parliament is notably absent from the system. The network operates in two modes, either bilaterally between the Presidency and the GSC, or horizontally reaching all participants at once. Technically speaking, the way in which COREU messages are circulated is the CORTESY network (acronym of *COREU Ter*minal *System*), which can be equated to a sophisticated telex system via encrypted transmission with dedicated terminals.²

¹ This is especially true if they are undertaking action pursuant to a joint action, as of Art. J.3(5) of the Treaty on European Union. Diplomatic and consular missions in third countries and international conferences are also expected to cooperate by exchanging information, as of Art. J.6., ibid.

² CORTESY was established in 1997, with a central hub installed in the EU Council building in Brussels.

While it is intuitive that diplomats need an instrument to exchange documents securely, this paper sets out to trace a precise map of what the COREU was meant to be, what it is and what it does. According to the 'CFSP Guide',³ the system is very useful for exchanging information and consultation on political analyses. The most 'appropriate' ways of using the system therefore are 1) for exchanging information before and after decision making, and 2) for low level consultations prior to meetings. Exceptionally, the system might also be used for 3) taking decisions and finalising documents, especially when time constraints occur. But normally, 1) and 2) are meant to prepare the ground for common positions and decisions. The use that member states do of the COREU system however shows a different practice. Member states have interpreted the role of the COREU in an expansive manner. Without the COREU, EU foreign policy as we know it would not be possible. In this paper, we start by looking at the actors involved in the system before focusing on the number, type and function of messages exchanged.

This article relies on sixteen semi-structured interviews conducted between March 2009 and September 2009 with members of the Maghreb Mashrek Working Group (MaMa WG) of the Council of Ministers, members of the General Secretariat of the Council and of the Policy Unit, and a Deputy European Correspondent of a Member State.⁴ In selecting the sample, attention was paid to maintain the balance between big and small member states and geographical provenience. Moreover, archival research was conducted at the British National Archives. This article mostly relies on the documentation in the folder Practical Arrangements of the European Political Cooperation,⁵ which contains about 120 documents about the institutional and practical issues of Political Cooperation among the Nine. As a matter of fact, in the more general documentation related to the General Policy of the ECC - On Political Cooperation⁶, the issue of COREU is almost not mentioned. Documents were analysed for the year 1973, as the COREU begins to be included in the agenda in January 1973 and is technically settled on October-November 1973, well after the decision of the Ministries of Foreign Affairs to establish direct links between the Member States, back in June 1973. The analysis of flows of information exchanged through the COREU system are based on data provided by the General Secretariat of the Council, covering the period between 1983-2009.

The early beginnings

The COREU network was set up under the Danish Presidency in the second half of 1973, as agreed in the Copenhagen Report of 1973. The system was inaugurated on 1 July 1973. During the duration of EPC, it was run from the Dutch ministry of Foreign

³ 'CFSP Guide' – compilation of relevant texts, 16074/1/06, Brussels, 21 March 2007, available at http://www.eulib.com/documents/st16074-re01.en06.pdf (accessed 26 March 2010).

⁴ To respect anonymity of respondents, names and nationality are omitted.

⁵ 'Discussions on Practical Arrangements (including communications) for Political Cooperation' – FCO 30/1678 (Part A 1-30); 'Discussions on Practical Arrangements (including communications) for Political Cooperation' – FCO 30/1678 (Part B 31-).

 $^{^6}$ 'General Policy of the EEC – On political Cooperation' – MWE 2/1 1-40 Part A -B-C – (FCO/30/1654 – 55 – 56).

⁷ The first meeting of the European Correspondents under the Danish Presidency occurred on 29 June 1973.

Affairs, with a special involvement of the Danish and the Dutch in the running of the system (Nuttall 1992: 23). All national delegations participated with their own financial resources and technical services in the setting up of the system, with the Dutch and the Germans offering technical support to other delegations.⁸

While its establishment was relatively uncontroversial, as it was conceived as a useful tool for speeding up the exchange of EPC documents among the member states, it raised some fundamental issues about political cooperation, especially in relation to the overall aim and scope of the EPC. In the words of Davignon,⁹ the establishment of the system was linked to three related, and widely shared, needs: the necessity of avoiding that the EPC would have been limited to a simple exercise of exchanges of information; the need of reinforcing complementarity between the works of the Communities and the EPC;10 and the need of strengthening the links among embassies¹¹ in third party states and to define the role of the European Correspondents in the capitals. On the first point, there was agreement on the need to progressively speak with one voice on a limited range of less controversial issues. 12 In this framework, the COREU system would contribute to exchange swiftly sensitive information in order to reach an agreement. The second issue was, instead, very controversial, as France firmly opposed any link between political structure of EPC to the European Community. This prevented relying on the Council Secretariat for EPC matters. In particular, France insisted on the establishment of a separate EPC Secretariat in Paris, to remark even further the separateness from the Community's machinery.¹³ On the third point, there was the need to enhance the involvement in exchange of information of Embassies both in third party states and in the Capitals of the member states, with a special concern on how to include the Permanent Representation of the Nine in Brussels. France was opposing firmly the inclusion of Permanent Representations in the COREU system, as this would constitute a link between the EPC and the Community. Therefore, there was no agreement on whether and how the embassies of the Nine in the Capitals and Permanent Representations in Brussels should be included in the COREU system.¹⁴

If everybody saw the need to link the capitals in between meetings, the establishment of the COREU, thereof, raised many practical issues. First of all, it put the rotating

⁸ Note of the Presidency - 'Problèmes de liaisons' - GC(73)13 P MWE/25, 27 March 1973.

⁹ Correspondence from Davignon – Received in Registry No 37 19/01/73 MWE 2/1 – J. O. Wight, Esq. Foreign and Commonwealth Office, Brussels, 11 January 1973.

¹⁰ Section 14 of the Paris Summit Communiqué, 19-21 October 1972.

¹¹ RM 71/3 'Procedure d'information reciproque' (adopted by the Ministers in Paris 13 Mai 1971) + Section 16 of the Paris Summit Communiqué, 19-21 October 1972.

¹² On the issue, Davignon suggested to individuate a list of less controversial issues for which it was possible to establish more formal consultations. Correspondence from Davignon, Received in Registry No 37 19/01/73 MWE 2/1, J. O. Wight, Esq, Foreign and Commonwealth Office, Brussels, 11 January 1973.

¹³ European Political Cooperation: 'Positions of the nine on the political secretariat', P. Mangold, Western and Southern European Section Research Department, 21 November 1973, Political Cooperation

¹⁴ It was, thus, excluded to include embassies of the member states in third party states from the system. Heads of the diplomatic missions of the Nine were associated with political co-operation and Ambassadors might have been asked to provide for political reporting and to engage in regular discussions in problems on common interests, 'in accordance with such procedures as the Ambassadors themselves would find appropriate'. Second Report on European Political Co-operation on Foreign Policy, Copenhagen, 23 July 1973.

Presidency under severe pressure in running the system, as no EPC Secretariat existed in those early days. This issue was directly connected to some inherent limits of the nascent EPC.

The signing of the Second Luxembourg Report was thus postponed, and tensions remained in the overall work of EPC in its early years. In spite of the shared need to find a more viable administrative solution for EPC co-operation, the burden of co-operation was eventually entrusted to the rotating Presidency, in envisaging the possibility to proceed to a sort of mutual assistance among the member states. ¹⁵ British correspondence reveals that, in the light of French opposition to the establishment of a permanent EPC Secretariat in Brussels, the present arrangement was preferable to the establishment of a Political Secretariat elsewhere. ¹⁶ As a consequence, in recognising the limits of current arrangements, the Second Luxembourg Report, eventually signed in Copenhagen in July 1973, was still maintaining the 'peripatetic' character (Nuttall 1992: 20) of the EPC administrative setting.

The analysis of British documents reveals the type of worries that the establishment of the COREU network posed. Two related questions were particularly important for British diplomats. First, they feared that the level of protection of cryptographic equipments of other European Ministries might have endangered the British high level security standards. Second, they were worried about the exclusion of Embassies in member states' capitals in the work of the EPC and, as a consequence, about the loss of the 'filter' provided by the diplomatic representatives in easing co-operation.¹⁷ For these reasons, the British had a triple aim in discussions: (a) to deter the use of the system for exchanging highly delicate information, at least in early stages; (b) to prevent the use of the system for 'negotiation', and instead press for its use in the exchange of 'agenda, papers, relevés de conclusions', (c) to include Embassies in the circulation of information exchanged through the COREU.¹⁸ These issues did not prevent, however, the British Delegation to be 'inclined to go with the rest of the

¹⁵ As acknowledged in the final text of the Second Luxembourg Report, 'experience has also shown that the Presidency's task presents a particularly heavy administrative burden. Administrative assistance may therefore be provided by other Member States for specific tasks'. Second Report on European Political Co-operation on Foreign Policy (Copenhagen, 23 July 1973).

¹⁶ The British correspondence was pretty unequivocal on this point: 'the most obvious deficiency is the lack of a political Secretariat. It is difficult to prepare discussions properly on the present basis. In our view the Secretariat should be sited in Brussels, alongside the Council machinery. However, in the face of French opposition to Brussels as the site, we would prefer to wait and make do with the present arrangements rather than accepting a Political Secretariat elsewhere'. W. M. Marsden, European Integration Department, 8 May 1973, 'Brief for the Secretary of State's visit to Bonn', Political Cooperation. Received in the registry No 37 on 9 May 1973. See also, the correspondence between M. Butler to Mr Robinson and Mr Wright, 'Discussion with the French about the Political Cooperation/Council relationship', MWE 2/9, 100, 15 June 1973, in which Butler made clear that progresses were not about to verify 'unless the French are prepared to behave in a much more reasonable way than they have been doing recently'. In the same letter, Butler affirmed that there was 'with a nuance here and there' a shared view on the issues between the British, Germans, Italians, Dutch, Belgian and Luxembourgers.

 $^{^{17}}$ From Mr Butler to Mr Robinson, Mr Wright, Sir Stewart Crawford - Confidential - submission of draft. MWE 2 /20 - W 13 - $^{\prime}$ Proposal for a communications link between the foreign ministries of the nine Community Countries', Reference MWE 2 /20 - 13 .

¹⁸ From Mr Wright to Robinson, Tickell, James, Brown, Youde, Aspin, Pridham, 9 March, Reference MWE 2/20 – 19.

Nine',¹⁹ in trying to diplomatically push, in parallel with the creation of the COREU network, for the establishment of an EPC Secretariat in Brussels.²⁰

The first COREU was sent on the 7 September 1973. From a first, partial,²¹ analysis of the COREU exchanged in September-October 1973, it is possible to deduce that, once established, the COREU well served the purpose to allow member states to swiftly exchange information among themselves. In less than two months, the then Danish Presidency sent more than 20 COREUs, to circulate the agenda, notes, and draft documents.

The participants to the COREU system

The COREU system connects the main actors of the CFSP system (member states, the Commission and the GSC), which in turn pass on the information to sub-units within their own hierarchical setting via in-house channels of communication. The COREU network now links the 27 European Correspondents in member states' capitals, the 27 Permanent Representatives of member states in Brussels (as passive participants), the DG1A Relex of the European Commission and the GSC.

In the beginning of the COREU system, however, it was not clear who should be included in the system alongside European Correspondents, whether it should be the member states' embassies in European capitals or the Permanent Representations in Brussels. As pointed out by British diplomats,²² excluding embassies from the system was bound to create logistical problems. Indeed, the situation proved complicated during the first attempts at using the system. Several embassies complained that they did not receive a timely copy of the COREUs from their own ministries of Foreign Affairs, which were in charge of circulating relevant COREUs.²³ Efficiency seemed to vary drastically from one country to the other.²⁴ The situation was handled in a

¹⁹ From Mr Butler to Robinson, Wright and Stewart Crawford, 'Proposal for a communications link between the foreign ministries of the Nine Community Countries', Reference MWE 2/20 – 6, 16 february 1973.

²⁰ The basic obstacle is well known: the French still say that if there is to be a Political Secretariat it must be in Paris. The rest of us think it should be in Brussels. Our aim should be to get the French to change their minds. To demonstrate the inadequacy of the present arrangements should help this process'. Sir Michael Palliser, UK Permanent Representatives, 5 April 1973 to Mr Wright 12/3/73. Copy to Mr Tickell, Private Sec. Sir T. Brimelow; Mr Wigging, Mr Robinson; Mr James. Signed by MD Butler, European Integration Department, MWE 2/1 Confidential, European Political Secretariat.

²¹ Archival reconstruction of the COREU exchanged is extremely difficult, as COREUs can be archived under different folders.

²² Internal correspondence (MWE 2/20 43).

²³ 'Les Ministères des Affaires Etrangères veilleront à ce que l'Ambassades des Etats membres dans leurs capitales reçoivent tout de suite copies de communications sur des questions de fond transmises par le système de telex direct', Problèmes des liaisons (Secret), Annexe IV au doc CP(73)40P, Rapport des experts du chifre au Comité Politique, 25 May.

²⁴ As a result, the British Embassy in the Netherlands declared that the system is 'thick and fast', but wondered whether they received all messages (Miss Collings, British Embassy in The Hague, to Butler, 'The Presidency and Communications', Reference MWE 2/20 – 91, 26 November 1973). The Embassy in Brussels declared the Belgian were 'doing quite well' (Mr MacRae, British Embassy in Brussels, to Mr W. Marsden / MWE 2/20, 105, 17 December 1973). The British Embassy in Ireland informed that many problems came to verify (Mr Thom, British Embassy in Dublin to Marsden, 'The Presidency and Communications', Reference MWE 2/20 – 96, 5 December 1973). These problems were noticed also by the Embassy in Germany, which informed that delays in the distribution came to verify (Mr Crowe,

pragmatic way by the Danish Presidency. In a document circulated in late September 1973,²⁵ it established that distribution of messages to Embassies in European capitals should be managed by the ministries of Foreign Affairs, unless otherwise agreed. Once the system was up and running, however, the principle of 'in-house' communication systems for reaching national embassies became the *de facto* rule and it has remained so ever since.

The inclusion of the Permanent Representations took more time, reflecting the delicate issue of the relationship between political and Community questions.²⁶ Their inclusion in the system, therefore, happened far later, as testified by the Council's Decision 6252/92 of May 1992 stressing the need to link all Permanent Representations to the COREU system.

The Commission became linked to the system when it was fully associated to EPC in 1981 with the London Report, while the Secretariat has been linked since its creation in 1987.

There are therefore three main categories of CFSP actors receiving COREUs. First, the General Secretariat of the Council (GSC), which is the logistical backbone of the entire system, receives messages and is also one of the main senders given its administrative role in CFSP. Second, member states send and receive messages, with the Presidency playing a particularly active role. Third, the Commission receives and can also send messages by virtue of its full association to CFSP.

The system is configured as a 'hub-and-spoke' model, with the GSC at its centre. All incoming messages pass through the CORTESY hub, situated within the Secretariat, which then automatically redistributes them to all partners. While the Secretariat is connected to all participants, all the other participants are only connected to the Secretariat, thus avoiding the complexity of everybody being connected to everybody.

British Embassy in Bonn, to Marsden, 'The Presidency and Communications', Reference MWE 2/20, 14 December 1973). The British Embassy in Rome did not receive messages at all (Mr Hunter, British Embassy in Rome, to Marsden, 'The Presidency and Communications', Reference MWE 2/20 – 99, 6 December 1973); the one in Paris declared that the Quai d'Orsay carried on sending messages through mail or messenger, rather than through they cryptographic systems (Mr Spreckley, British Embassy in Paris, to Butler, Reference MWE 2/20 – 87, 5 November 1973).

 $^{^{25}}$ Distribution aux ambassades des EM dans les capitales des Neuf des documents transmis par le telex direct', from Copenhagen – 20-9-73 – MWE 2/20 77.

²⁶ The Permanent Representations were thus excluded from the system as for the French anxious opposition to any involvement of the Community in EPC co-operation. As a result of the exclusion of the Permanent Representations from the system co-ordination between political and EPC-related questions was more difficult. The British attitude towards the French on the exclusion of the Permanent Representations from the COREU system was cautious, but annoyed, as can be read in this correspondence between the British correspondent and a diplomat in the British Permanent Representation: '[The French] would probably suspect that there is something mischievous if we tried this one on so soon after agreeing the text [the draft of the Second Luxembourg Report]. And they would be on solid ground in arguing that "les ambassades des etates membres" does not include offices of the Permanent Representations', Mr. Fergusson, Office of the UK Permanent representative to the EC, to Butler, 3 July 1973 MWE 2/20 – 50, Butler to Fergusson, 'EPC: Embassies' contact with the new communications system', 11 July 1973, Reference MWE 2/20 – 52.

The COREU network strikes a delicate balancing act between on the one hand being multilateral and putting all key CFSP actors on the same footing, while on the other maintaining a tight control on the quality of the information exchanged and on its confidentiality.

On the one hand, the system is biased in favour of multilateralism. Messages are addressed to all participants, thus simultaneously reaching all member states and the Commission from the GSC. As an exception to the system, bilateral COREUs connect the Presidency and the GSC, or the Presidency and one member state via the Secretariat, for instance when a special report is sent to the Presidency, which then decides whether to circulate it to all participants or not. What the system does not allow for is communication among *some* of its members. Although these forms might be sanctioned by the practice of CFSP, the system is biased against any forms of fragmentation. Its rationale is multilateral and encompassing, while at the same time empowering the Presidency with the information necessary to act in the name of the EU.

On the other hand, however, the system is highly centralised, thus ensuring that only official positions are circulated through the network. It works through central points of contact and delegation of communications to in-house channels after that. Once messages are sent out by the Secretariat, they reach national ministries of Foreign Affairs, and more specifically, the European correspondents. It is then up to the European correspondent to circulate the information to the competent bodies within their ministry. Permanent Representations are always sent a copy of documents directly from the Secretariat, while other units, including embassies, are included on a 'need to see' basis. In the decision, acronyms of working groups involved in the policy-making process act as useful guides, as they reflect the geographical or functional area addressed in the message. The document sent by COREU thus percolates down the hierarchies of the 27 ministries of Foreign Affairs according to the prevailing organisational structure. Similarly, the Commission passes messages on to Delegations in third countries and the GSC to EU Special Representatives if appropriate.

The same structure of 'local channels plus COREU' is followed for incoming messages. To reach representatives of other member states and of EU institutions, embassies or lower levels of the ministerial hierarchy send documents via their national networks to the European correspondent of their own country, who then forwards it to the GSC for circulation. Similarly, Permanent Representations, which are also 'passive' recipients, need to send documents 'back' to their capital, for them to be forwarded to the GSC in Brussels for circulation to all the other actors, thus reaching the other Permanent Representations only after going through capitals. The centralisation in the GSC/capitals works as an extra check that documents have the capitals' full backing. Commission's Delegations and EU Special Representatives too send texts to Brussels via in-house communication lines and texts are then forwarded via the GSC to the other participants. At times, the Presidency might take the lead in distributing COREUs to other member states' embassies/consulates and to Delegations via the mission of the Presidency in that country, in order to ensure 'appropriate and timely circulation'.²⁷

²⁷ 'CFSP Guide', 18 June 2008, 10898/08, PESC 813, RELEX 459, p. 176. Available at: http://register.consilium.europa.eu/pdf/en/08/st10/st10898.en08.pdf (accessed 26 March 2010).

How much information is exchanged and by whom?

The number of COREU messages has continued to increase until very recently, reaching some staggering figures when put in the context of what several scholars characterise as a form of intergovernmental cooperation (see Figure 1).

In general terms, EPC was characterised by an upwards trend in terms of COREUs. While numbers for the early years of the EPC are not available, they seem to quickly have escalated to a substantial number. At the heights of EPC, when the discussion about EPC in the SEA combined with an increasing role for EPC in the world, the number of COREUs circulated exceeded 9,000 messages (Nuttall 1992: 24). But this was an unprecedented peak.

The introduction of CFSP brought a quantitative leap forward. From one year to the next, the number of COREU messages increased by 50 per cent, to 11,174. The upwards trend continued, though at a slower pace, and COREU messages touched a first peak of 12,739 in 1995. Then, after a slump, it started to increase again and it established a record at 13,292 in 2002. Since then, the trend has been downwards and there is ground to believe that we might be approaching an equilibrium below 10,000 messages per year. On average, this means that member states exchange ca. 40 messages per working day on a whole range of subjects in connection with EU foreign policy.²⁸

Overall number of COREUs, by year 14000 13000 2792 12000 11815 125 11000 Number of COREUs 10000 9000 8000 7000 5000 4000

Figure 1: Overall number of COREUs, by year

²⁸ Interview with deputy European Correspondent, November 2009.

At a glance, it thus seems that increases in the number of COREUs exchanged correlates with internal 'big bangs' of integration, such as negotiations and signing of Treaties (SEA, 1986; TEU, 1992; Amsterdam, 1996; Nice, 2000, The Convention and the Lisbon Treaty, 2004) and waves of enlargement (Spain and Portugal, 1986; Austria, Finland and Sweden, 1995; Cyprus, Malta, Estonia, Latvia, Lithuania, Slovenia, Czech Republic, Slovakia, Hungary, Poland, 2004). Also international events contribute in increasing the COREU traffic. Indeed, we can appreciate an increase after 11 September 2001. This suggests a major recourse to confidential exchanges due to the need to define sound antiterrorism strategies and forms of international cooperation in the fight against terrorism.

Interestingly, the Eastern enlargement in 2004 does not seem to have affected the functioning of the network. Data related to the period 2000-07 reveal that the network did not appear to be overcrowded as an effect of the last two waves of enlargement. On the contrary, a slight decrease in exchanges became visible with 10,321 COREUs in 2006.

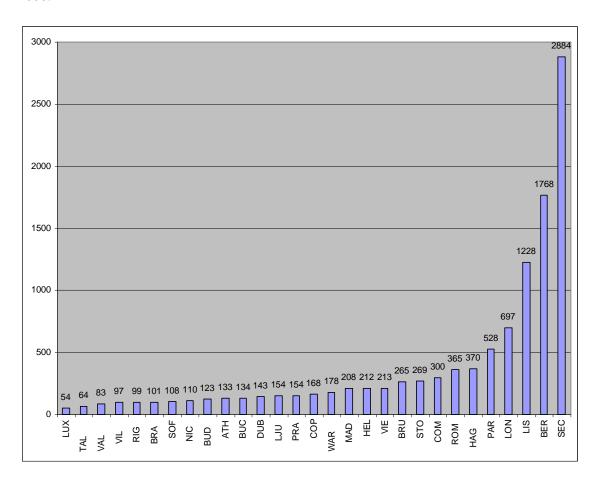


Figure 2 Number of COREUs per sender, 2007

In terms of sending messages (see Figures 2 and 3), the biggest sender is the GSC. On average, in the last decade, the GSC has been sending ca. 20 per cent of all messages. This is to be expected, given its institutional responsibilities. More interestingly, though, the trend is upwards. Whereas in 1997, the GSC sent ca. 14 per cent of all messages, in 2007 that percentage had risen to 25 per cent (Figure 3). There are different hypotheses for this increasing role, but the most credible explanation is that

the centralisation of CFSP management, which the Lisbon Treaty has formalised, represents a long term trend. Member states, including the Presidency, act more and more through the GSC for coordination and management, as well as a go-between for bilateral negotiations. One of the reasons for this is enlargement, which has created a greater need for 'centralized guidance and development of foreign policy positions' (Bátora 2008: 240). Moreover, the GSC has acquired a growing role not only in CFSP but also partially in ESDP too. Therefore, the increasing percentage of messages sent by the GSC expresses the more central role of the GSC in CFSP and the Lisbon Treaty will contribute to maintain the trend with the creation of the External Action Service.

Presidencies are next in line as senders (Figures 2 and 3). Every Presidency sends, on average, 10 per cent of messages. While big member states are marginally more likely to send more messages when they hold the Presidency, the striking fact is how small member states increase exponentially the number of messages they send during their Presidency. While Ireland has sent on average less than 200 messages per year, during the year when it was holding the Presidency this number jumped to 1,560, which can be taken as useful indicator how the commitment that member states undertaken in terms of foreign policy when they held the Presidency. Also, there is a 'run up' effect to the Presidency, by which member states that are going to hold the Presidency in the following semester tend to issue more messages in preparation. This makes perfect sense as the work of the Presidency is to set the agenda *in advance* of meeting, thus picking up this role before the formal semester of Presidency starts.

Finally, some states are more prone to sending messages than others. The typical distinction between big and medium-small member states, for instance, does have some descriptive value, but with a notable exception. The UK is consistently the biggest sender among member states. It is followed shortly by Germany and France, generally in this order by number of messages, but in reverse order in terms of number of pages sent, Berlin being generally more concise than Paris in its messages. Italy, despite its reputation as a big country, falls short in number of messages (and pages) sent. Between 1997-2007, the UK has sent between 700 and 950 messages per year, Germany between 750 and 800, and France between 550 and 750, while Italy has sent only between 350 and 600, on a par with the Commission and, most notably, the Netherlands. The Dutch are in fact consistently among the 'medium sized senders' of messages. This does not correlate with the relatively small number of votes that the Netherlands has in the Council of the EC, for instance, where the Netherlands has half the votes of Italy (5 to 10). But it does resonate with the international reach of The Hague, as well as with its involvement from the very start of the COREU system. Other countries sending more messages than their role within the EU institutional architecture would suggest are Sweden and Belgium, again probably reflecting their international status and an active foreign policy. 'Underachievers', together with Italy, are Spain and Poland, although it is fair to acknowledge that the latter's unfamiliarity with the system certainly explains for part of the variation.

New member states are, in general, not considered particularly active in the use of the network. Training was foreseen both in the stage of 'adhesion' and in the stage of 'pre-accession' for new member states acceding in 2004. Candidate countries were trained through the connection to another network, with a 'lighter' cypher system. This allowed them to associate with the position expressed by the Council, even if it did not permit them to take positions on them. A year before official accession, they started to receive all COREU messages, but only as passive actors. This training was

meant to let them follow and learn the EU foreign policy development and dynamics, in order to be able to perform an active role when full membership would have occurred.²⁹ The progression since 2004 shows that while all new member states started at the bottom of the ranking, with Malta sending just 64 messages, some of them started to climb to more active positions, with Poland and the Czech Republic overcoming not only Luxembourg, but also Ireland and, for Poland, also Denmark.

What kind of information?

The information that circulates via COREU is classified, meaning that unauthorised disclosure would affect EU interests in various ways. Messages have different classifications according to the secrecy of the contents. Classifications range from Top Secret EU, Secret EU, Confidential EU and Restricted EU.30 It has also become customary to include a lower level labeled Limited, which strictly speaking does not identify classified information, but just internal documents. The classifications Secret and Top Secret identify information that would bring exceptionally grave prejudice to essential interests of the EU and/or of member states, such as threatening lives or the economy or the intelligence system in member states and in the EU. Confidential is reserved for less critical but still crucial information, and together with Secret and Top Secret tends to be used for the ESDP. This distinction in four (five, if Limited is included) levels, is quite common across member states and largely reflects the choices of the majority of member states.

The evidence shows that the information circulated is relatively sensitive, but virtually no top information goes through COREU. As shown in Figure 4 for the period 2000-07, the vast majority of messages conveyed Restricted information (ca. 80 per cent on average of total traffic), with messages classified as Limited making up for nearly all of the rest. Confidential information reached its apex in 2001, with 2,62 per cent of all information was exchanged, while remaining below 1 per cent for the rest of the time. Secret information is extremely rare. It represents 0,02 per cent of the total flow only in 2000 and in 2002, while it does not appear at all in 2004-07. Top secret information, a category that was created with an eye to ESDP documents, has yet to go through the COREU.

²⁹ Interview with senior official, GSC.

³⁰ Council Decision of 19 March 2001 adopting the Council's security regulations (2001/264/EC), OJ, L 101, 11 April 2001, p. 1). Reflecting the predominance of French during the early days of EPC, classifications are often referred to in French. The measure 'Top secret' was introduced by the Decision of the Secretary-General of the Council/High Representative for CFSP (at the time, Javier Solana) on 27 July 2000, which was published in OJ, C 239, 23 August 2000. It was part of the attempt by Solana to cut down on leaks coming from the Council and especially from the building of the Council.

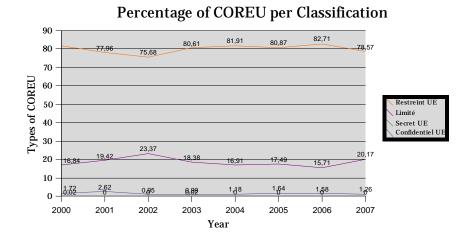


Figure 3: Percentage of COREU per Classification

How accurate are classifications and how homogeneous is the treatment of classified information across the EU? There is some leeway for interpreting regulations differently. Information might be not only under-, but also over-classified, with related extra costs in terms of handling as classified information requires different procedures according to the level of classification. Forwarding messages to specific desk within ministries of Foreign Affairs is a responsibility of member states' in-house communication channels. Different member states have different procedures for passing on COREUs, with different degrees of security attached to the varying classifications. Some member states for instance are less interested in making documents available for reading only in an especially protected room or in using sealed envelopes for circulating documents. For Luxembourg, for instance, the cut off point is the distinction between Restreint and Confidentiél. Documents classified as Limité and Restreint can be forwarded to previously identified people through the national secure e-mail system,³¹ whereas Confidentiél or up are circulated by secure fax.

Security breaches do exist, although evidence is patchy. There are some most obvious cases, as the United States, Russia and Israel are reportedly able in one way or another to get hold of draft documents prior to discussion.³² They then try to affect negotiations among member states by publicly blaming some actors for certain changes. But security breaches are not just linked to the powerful or technologically-savvy. On 6 June 2007, for instance, an Italian MP criticised the position expressed by the then German Presidency on the death penalty moratorium as exposed in a COREU dated 4 June 2007. The Under-secretary of the Ministry of Foreign Affairs replied on the substance of the matter, with no concern or reference to the breach of

³¹ In the case of Luxembourg, it is called LUSECNET (Luxembourg Secure Network) and was established when Luxembourg had the Presidency in 2005. In this respect, the Presidency can provide a strong incentive for modernisation of communication channels to address the expected flood of information. See Grand-Duche de Luxembourg, Ministère d'État, 'Rapport d'Activité 2006', Mars 2006, p. 68. Available at: http://www.gouvernement.lu/publications/informations_gouvernementales/rapports_activite/index_html (accessed 24 March 2010).

³² Interview with official, GSC.

confidentiality which made the discussion possible.³³ Similarly, a COREU classified as Confidentiél appeared in the first page of a newspaper in Sudan.³⁴ Privately, officials from all sorts admit that they do not feed into the system very sensitive information, despite a general trust in the system and in how it works.

More than information

Originally, the COREU system was meant to ease the flow of information among participants prior to meetings and after meetings. Prior to meetings, participants would exchange not only logistical details about meetings, but also comments on crucial preliminary issues such as the agenda. After meetings, loose threads might be tightened, in relation for instance to declarations, or minutes would be circulated. While accurate, this picture does not capture the full range of consultations that have come to take place among participants and especially among member states through the COREU. Three examples best show how the COREU system has gone way beyond a mere means for exchange of information: 1) the agenda setting role of information beyond CFSP fed into the system; 2) the decision making practice of the silent assent procedure; 3) the implementation of the Code of Conduct for Arms Exports via information about arms' denials. These three examples show how the agenda setting, the decision making and the implementation of EU foreign policy have been significantly altered because of the use made by member states of the COREU system.

First, member states feed into the system issues not always covered by CFSP/Title V of the TEU. Most notably, they inform each other of bilateral consultations with third countries or groups of countries. More than a gesture of courtesy to fellow partners, this practice opens up national foreign policies to close scrutiny by other member states. To make a hypothetical example, Spain might feed into the system a short document in which it briefly mentions the points touched upon in bilateral discussions with Morocco. While the document itself might not be particularly significant, it offers the possibility to other member states interested in the dialogue between Spain and Morocco to raise the issue at a meeting, asking for further details. Indirectly, this practice thus broadens the EU foreign policy agenda by fostering exchanges of information on bilateral relations. It also implies further transparency in bilateral relations of member states. Moreover, some member states (especially the big ones) might feed into the system, on request of the Presidency or of their own choice, reports from their Embassies based in troublesome spots. These collective reports by the EU Heads of Mission in a particular country (generally referred to as 'HoMs' reports')³⁶ provide fresh information and an assessment about the situation on the ground, which countries without an Embassy in that country find particularly interesting and can rely quite heavily on the information provided. This is also true of reports from EU Special Envoys and Representatives, which fall within CFSP 'proper' but at times make use of Delegations too. Given the ongoing shrinkage of resources

³³Audizione 18, III Commissione – XV Legislatura – Seduta del 6 giugno 2007, available to press on the 7 June 2007. Available at: http://documenti.camera.it/Leg15/bancheDati/resoconti/audizioni/03/audiz2/2007/0606p/s010.htm (accessed 24 March 2010).

³⁴ Interview with official, GSC.

³⁶ 'CFSP Guide', 18 June 2008, 10898/08, PESC 813, RELEX 459, p. 18. Available at: http://register.consilium.europa.eu/pdf/en/08/st10/st10898.en08.pdf (accessed 26 March 2010).

devoted to embassies by small and medium embassies, there is an increasing number of countries and potential crises on which the small and member states must rely on partner countries for information.

Second, decision making has crept into the COREU system via the practice of silent procedure. According to this procedure, documents marked for silent assent which do not raise objections by member states within the specified deadline are considered approved. Interestingly, the deadline can be as short as within 2 hours of the sending of the text (which was considered the minimum amount of time that the Commission needed to react, whereas member states could be quicker). The procedure reflects the need for the Presidency to react quickly to international events, but also the desire to avoid discussion in meetings of uncontroversial texts, such as draft declarations for bilateral dialogues between the EU and non member countries. It is difficult to quantify the number of declarations approved via the silent procedure, given the secrecy surrounding the system, but it has become a quite common practice, according to insiders.³⁷ A similar suggestion comes from the increasing number of CFSP Declarations issued in comparison to a constant number of CFSP meetings.

Third, the exchange of information via COREU can also support the implementation of EU foreign policies. This is the case of exchange of information in relation to arms' denials, which circulate via COREU. The EU approved a Code of Conduct for Arms Exports in 1998, which lays down criteria aimed at harmonising practices of EU member states, while leaving them the power to grant or deny applications for licences to export arms. The basis of the Code is thus not legally but politically binding: member states have agreed to circulate through COREU details of licences refused together with an explanation of why the licence has been refused. Before any member state grants a licence which has been denied by another member state for an essentially identical transaction within the last three years, it will first have to consult the member state which issued the denial(s). The effect of this practice has been to bring transparency to the system of arms exports from the EU and to increase the coherence of member states' actions, de facto creating a common policy while the decision to transfer or deny the transfer of military equipment has remained at the national discretion of each member state.

These examples suggest that the role of the COREU system goes beyond the exchange of information for which it was originally created. Member states have established practices that use the system also to other purposes, ranging from agenda setting to decision making to implementation. The similarities between, on the one hand, the COREU system and, on the other, the daily work among different departments of the same ministry or among different ministries in the same country thus seem to have increased.

One among many or a very special system?

The COREU network is in no way the only communication network among member states, but it is by far the most innovative and the oldest one. Contrary to the COREU, all the other systems used by EU member states are decentralised networks, which allow 'exchange of data upon which national authorities can act, provided they

³⁷ Interview with senior official, GSC.

consult the system' (Müller-Wille 2004: 25).

First, there is no equivalent for business related to the EC, as representatives of member states and of EU institutions circulate documents via secure e-mail systems or hard copies and diplomatic bags.

Second, there is a similar, but much more recent, system, named ESDP-net, which is used to circulate information related to ESDP. While technically part of CFSP, the system runs in a parallel way, being based on the previous WEU-net (Duke 2006). The system, introduced by the Treaty of Nice when the EU inherited the WEU-net network, connects the Foreign Ministries, the Permanent Representations, the Council Secretariat and the Commission 'in the event of an engagement of force' (Esterle, in Schmitt 2005: 50). In the light of its operational and highly confidential nature, the Secretariat put into place three specific measures in order to develop the system. First, it produced a security regulation to protect data exchanges; second, it established some rules to allow the member states to exchange data on the quality of a government facility produced by one of them, and third, it proceeded to an agreement with NATO for protecting classified information, in order to allow secure exchanges between the organisations (Esterle, in Schmitt 2005: 50). Accordingly, in March 2003, the Athens accord on Infosec committed NATO and the EU members to exchange classified information in matters related to crisis management and peacekeeping operations (Esterle, in Schmitt 2005: 51). The Athens Accord opened the door to the exchanges of highly confidential information between the two organisations and paved the way for the progressive mutual recognition of evaluation and approval of cryptographic equipments (Esterle, in Schmitt 2005: 51).

Moreover, during the 1970s, the member states engaged in exercises of information sharing in fields related to security, police co-operation and counter-terrorism. This was, for instance, the case of the Trevi Group, established in the early 1970, aimed to connect security services of the member states. As with the EPC of the early years, the Trevi Group was an informal and non-committal forum, with no connection with the EC structure and no involvement of the European Commission and Parliament (Shpiro 2001: 18). The structure set up for co-operation was also very informal and loose, as did not rely on a Secretariat in charge of co-ordination and did not engage in independent analysis of intelligence (Occhipinti 2003: 32; Woodward 1994, quoted in Walsh 2006). Therefore, in its early format, the Trevi Group did not foresee any formal requirement aimed to commit the member states to share intelligence information. At the highest level, the Trevi Group established a forum for the EC Ministers of Internal Affairs, with the rotating Presidency assuming the role of Secretariat for organisational details, as was the case of the early EPC. At the lower levels, in 1977, it created four working groups of senior government officials and police officers, with the aim to establish a permanent site of consultation in the areas of terrorism, police co-operation, drug-trafficking, organised crime, computer crime, money laundering and crime analysis, and trans-border crime.

The difference between the co-operation and information sharing within CFSP and the Trevi Group probably derives from the very nature of exchanges in intelligence matters: 'the semi-secret nature of Trevi, as well as the "distance" it maintained from the more open European institutions, enabled policy issues to be discussed and information shared in an informal and professional atmosphere, relatively disconnected from everyday political squabbles' (Schpiro 2001: 21). As an evolution of

this exercise, Europol was created in 1995, with the aim to enhance law enforcement co-operation (Schpiro 2001: 20). In the framework of the Europol Convention, a computerised system of data and information sharing was created. Although explicitly related to the EU within the framework of the former Third Pillar, Europol also does not necessarily rely on horizontal channels of communication. Accordingly, it is based on restrictions on the handling of analytical files. If information exchanged is of 'a strategic type', all member states can access the files, but if information 'bears on specific cases not concerning all member states, and has a direct operational aim', originators of files have the final say on the disclosure of the dossier (Europol Convention Article 4.5, quoted in Walsh 2006). This is probably the most notable difference between Europol computerised system and the COREU's system: while the latter is aimed to guarantee horizontal co-operation, the former balances the need for co-operation versus the need of securing highly sensitive dossiers.

Finally, specific systems of information-sharing have been established to allow border-guards, police stations and consular agents to proceed to decentralised secure exchanges of information. In this framework, EU member states (or some member states) take part in other systems of information-sharing, which do not rely on centralised agencies to run them. This is the case for instance for the Schenghen Intelligence System and the Customs Information System (CIS) (Müller-Wille 2004: 25).

Prospects for the future

In 2001, a proposal to proceed towards a technical revision of the system has been put forward and a new technological infrastructure for its cryptographic protection of interchanged data, the SESAME (Secure European System for Applications in a Multivendor Environment), has been under study ever since. This technical adjustment is aimed to ensure the security of the system, as well as to incorporate now largely unsecured bilateral exchanges among member states. The main security advance will be fragmentation of messages in an 'internet cloud', which will make them more difficult to intercept and decipher. Information exchanged will be, in other terms, more diffuse: once sent, information will be decomposed in a high number of different pieces and then recomposed when it reaches the mailbox.

In relation to the addressees of the exchanges, SESAME will in practice distinguish between a formal and an informal framework. The formal level will remain as it is with CORTESY, based on a 'hub-and-spoke' format coupled with multilateralism: all formal messages will be distributed simultaneously to all European correspondents, including the Commission, via the hub based in the GSC. The informal level will instead centre on a 'need to know' basis. It will thus be possible to send messages to just one or a few recipients, and at various levels of the hierarchy. The goal of the reform is, therefore, to improve the security and the selectivity of exchanges. The intention to proceed towards a technical revision of the system testifies the will of providing safer channels for the circulation of information within the EU foreign policy. Even if this does not necessarily end the risk of misuses, these developments can better deter the threat of external agents who try to decrypt messages exchanged through the system, thus encouraging even more exchange of information and a further crystallisation of practices beyond what was originally planned in the 1970s.

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RECON is an Integrated Project financed by the European Commission's Sixth Framework Programme for Research, Priority 7 – Citizens and Governance in a Knowledge-based Society. Project No.: CIT4-CT-2006-028698.

Coordinator: ARENA - Centre for European Studies, University of Oslo.

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