

Negotiations as Usual

Putting Domestic Constraints on the Table in the Council of the European Union

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Abstract

The argument developed in this thesis is that negotiations in the Council of the European Union cannot be understood in isolation from the domestic politics of the member states. Building on the logic of Robert Putnam's two-level game theory, and the fact that negotiated EU agreements need to gain support from vital parts of the governments' domestic constituencies, government negotiators are constrained by their domestic political actors. This is part of the democratic political system in which governments should be responsive to the wills of their domestic constituency. Apart from tying the hands of the negotiators, it has often been suggested that these domestic constraints should make negotiators more influential in negotiations, since it would prevent them from being pushed around and agreeing to unfavourable deals. This relationship between domestic constraints and influence in the Council of the EU is the main interest of this thesis.

In the thesis, the negotiation process is in focus and the communication of domestic constraints in negotiations is given a more prominent role than in previous research. The expectation is that if domestic constraints should make negotiators more influential, information about the domestic constraints needs to be spread to the negotiating adversaries. In the thesis, theoretical work is also done regarding the difference between traditional intergovernmental negotiations and the negotiations between the member states in the EU. A crucial assumption in the domestic constraints theory is that there is a possibility to defect from concluded agreements if they do not gain domestic support, and the possibility to defect therefore makes it possible to employ a threat of domestic defection if agreements do not meet the domestic constraints. In this regard, EU negotiations differ from other international negotiations, since *ex post* defection in practice is not a possibility for EU agreements. In the first empirical section of this thesis, relying on a set of qualitative interviews with member state negotiators in the Council, it is therefore empirically explored how domestic constraints are communicated in this setting, where a threat of defection is practically impossible. In the second and third empirical sections, which rely on a survey with member state negotiators in the Council, it is evaluated which negotiators are most likely to communicate domestic constraints, and whether frequently communicating domestic constraints leads to influence in the Council.

Two primary results emanate from the empirical analyses. First, it is shown that studying the communication of domestic constraints is important, if it should be possible to make relevant inferences about the effect of domestic constraints on influence. Secondly, it is shown that domestic constraints are communicated and lead to influence, even when domestic defection is not a possibility. This is done through practices associated with the everyday negotiations in the Council, which makes the communication of domestic constraints part of the ordinary negotiations in the Council of the EU.

Key Words: Negotiations, Council of the European Union, Domestic constraints, Two-level games.