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# **Theorising Internal Security Cooperation in the European Union: A Neofunctionalist Perspective**

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## **Abstract**

This chapter explores the utility and value of neofunctionalist theory for understanding and/or explaining EU internal security. After introducing neofunctionalism's main tenets/dynamics, and reviewing current trends in neofunctionalist theorising, the paper discusses areas of typical application, briefly examines the application of neofunctionalism to JHA in the literature, and makes some methodological considerations. Thereafter, I investigate the extent to which substantial constitutional issues of EU Justice and Home Affairs (JHA) can be captured by neofunctionalist theory. For this purpose the most important neofunctionalist dynamics – functional spillover, political spillover, and cultivated spillover – are taken as a basis. The analysis concentrates on migration policy Treaty revision (in terms of institutional issues and decision rules) leading to the Treaty of Lisbon. I conclude that although neofunctionalists did not devise their theory with developments in the area of justice and home affairs in mind, neofunctionalism significantly adds to our understanding of EU internal security.

## 1. Introduction

In an edited volume that takes stock of theorising internal security cooperation in the EU, neofunctionalism arguably constitutes one of the more obvious choices for analysis. First, since the early developments of cooperation in the field of Justice and Home Affairs (JHA) in the 1980s, observers have pointed to functional interdependencies between the Single European Market and JHA issues. Second, EU Justice and Home Affairs have undergone an astonishing ascent from modest and obscure beginnings to an increasingly mature and vibrant field of EU policy-making. At the constitutional level it has shifted, in less than two decades, from an intergovernmental regime – in which only a handful Member States participated outside the Treaty framework – towards an almost fully communitarised EU policy area.<sup>1</sup> Neofunctionalism with its particular focus on *explaining* policy-making outcomes (Wiener and Diez, 2009), and its core competence with regard to the *dynamics* of European integration should be apt to account for these changes. Third, although neofunctionalism is one of the most widely criticised theories of European integration, it has remained relevant in the academic discourse over the years (cf. Niemann and Schmitter, 2009).

Treaty revision in the field of JHA is a particularly interesting and important research issue from a neofunctionalist perspective, as it may constitute a ‘decisive battlefield in the struggle between the predominance of the nation-state and supranational integration in Europe’ (Monar, 1998: 137). On the one hand, this area has become one of the most dynamic and fastest moving domains of the European integration project. On the other hand, it remains very close to the heart of national sovereignty, i.e. an area of ‘high politics’, and thus thought of as one of the least suitable fields for the workings of the spillover logic (cf. Hoffmann, 1964; 1995).

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<sup>1</sup> At the EU legislative level – although processes have often been cumbersome and frequently reflected only the ‘minimum standards’ stipulated in the Treaty (of Amsterdam) – output in quantitative terms has been remarkable (Monar, 2010). The rising importance of this policy field has also found prominent expression at the symbolic level. The ‘Area of Freedom, Security and Justice’ has been listed as one of the Union’s fundamental objectives in the Treaty of Lisbon where it ‘ranks’ second, ahead of the Single European Market, the Common Foreign and Security Policy, and Economic and Monetary Union.

The paper proceeds as follows: section two specifies the neofunctionalist tenets and the concept of spillover, before discussing current trends in neofunctionalist theorising. The third part of this chapter focuses on ontological and methodological issues, including typical research questions to which neofunctionalism is likely to contribute. Section four provides a case study on EU migration policy Treaty revision from a neofunctionalist perspective. This section – that focuses empirically on the last Treaty revision leading to the Lisbon Treaty – makes use of the sub-concepts of functional, political and cultivated spillover in order to analyse the extent to which neofunctionalism contributes to understanding and explaining the development of JHA at the constitutional level. Finally, I draw some conclusions and also assess the limitations of the neofunctionalist approach (with regard to analysing EU internal security).

## **2. Neofunctionalism**

Neofunctionalist theory was built on the intellectual foundations provided by functionalist, federalist and communications theories, combined with the indirect contribution of the ‘group theorists’ of American politics. Its earliest advocates, most notably Ernst Haas (1958) and Leon Lindberg (1963), combined functionalist mechanisms with federalist goals to explain and analyse the establishment and functioning of the European Coal and Steel Community (ECSC) and the European Economic Community (EEC).

### **2.1 Main tenets and dynamics**

Neofunctionalism's fundamental assumptions can be summarised as follows: (1) integration is understood as a process. Implicit in the notion of process is the assumption that integration processes are subject to evolution over time and develop their own dynamic. (2) The actors

participating in and shaping regional integration are assumed to be multiple, diverse and changing, forming and reforming transnational coalitions (Haas, 1964: 68ff). (3) Decisions are taken by rational actors, who are nonetheless able to learn from their experiences in cooperative decision-making (Haas, 1958: 291). (4) Incremental decision-making is given primacy over grand designs, as seemingly marginal adjustments are often prompted by the unintended consequences of previous decisions. (5) Neofunctionalists argued that positive sum-games and a supranational style of decision-making were typical forms of interaction in the Community setting, where participants seek to attain agreement by means of compromises upgrading common interests (Haas, 1964: 66). The neofunctionalist conception of change is succinctly encapsulated in the notion of 'spillover'. This general notion has generally been subdivided into three subtypes: functional, political and cultivated spillover (Tranholm-Mikkelsen (1991).

*Functional spillover* pressures arise when an established objective can be assured only by taking further integrative actions (Lindberg, 1963: 10). Individual policy sectors and issue areas tend to be so interdependent in modern polities and economies that it is difficult to isolate them from one another. This interdependence causes further integrative pressures to arise and permeate other policy/issue areas (Haas, 1958: 297, 383). Functional pressures thus stem from the various endogenous interdependencies, i.e. the tensions and contradictions arising from within, or which are closely related to, the European integration project, which encourage or require policy-makers to pursue related integrative action in order to secure their original objectives.

*Political spillover* describes the process through which (national) elites come to recognise that problems of substantial interest cannot be effectively addressed at the domestic level. This should lead to a gradual learning process whereby elites transfer their political expectations,

efforts and – according to Haas – even loyalties to a new European centre. These national elites thus come to push for further integration, adding a political impetus to the process. Haas (1958: chapters 8-9) devoted particular attention to the pressures exerted by non-governmental elites, whilst Lindberg (1963: chapters 1, 4) as well as Lindberg and Scheingold (1970: 119ff) attributed great significance to the effect of socialisation processes on governmental elites bringing about consensus formation among member governments (and thus more integrative outcomes).<sup>2</sup> Neofunctionalists have pointed out that the proliferation of working groups and committees at the European level has led to a complex system of bureaucratic interpenetration that brings thousands of national and EU civil servants into frequent and recurrent contact. This provides an environment conducive to the development of mutual trust and a certain esprit de corps among officials in Community forums, and thus facilitates socialisation processes. The underlying assumption is that the duration and intensity of interaction positively reinforces socialization and learning processes (Lindberg, 1963; cf. Lewis, 1998).

*Cultivated spillover* describes the role of supranational institutions<sup>3</sup> that, seeking to expand their own powers, become agents of integration, because they are likely to benefit from the progression of this process. Once established, they tend to take on a life of their own and are difficult to control by those who created them. Supranational institutions may foster the integration process, for example, by acting as policy entrepreneurs, and through promotional brokerage, lifting agreements beyond the lowest common denominator (e.g. Haas, 1964: 75ff; Lindberg, 1963: chapter 3). Moreover, through leveraging their positions of centrality or authority in the Community's political system, institutions may be capable of directing the dynamics of relations with various types of actors (Nye, 1970: 809; Lindberg and Scheingold, 1970: chapter 3).

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<sup>2</sup> The subsequent case analysis focuses on this aspect of political spillover.

<sup>3</sup> While Haas emphasised the role of the High Authority and the European Commission, later on neofunctionalism was often interpreted as viewing the role of supranational institutions, more generally, as an integrative dynamic.

## **2.2 Current trends in neofunctionalist theorising**

The heyday of neofunctionalist theory was between the late 1950s and the mid-1960s, when the momentum of European integration seemed to clearly corroborate its assumptions. Thereafter, however, a series of adverse empirical developments exposed the theory to growing criticism (cf. Niemann, 2006: 20-23). In response, several neofunctionalists worked to reformulate their theory in the 1960s and early 1970s, with mixed results – some consequent modifications proving insightful, others less so. The theory's detractors argued that neofunctionalism became increasingly reactive to spontaneous occurrences and, therefore, so indeterminate in its conclusions as to provide no clear direction for research (Moravcsik, 1993: 476). The upshot was that by the mid-1970s, most academic observers had dismissed neofunctionalism as either out-of-date or out-of-touch and Haas himself (1976) declared the theory to be 'obsolete'. Nonetheless, the revitalisation of the European integration process in the mid-1980s was mirrored by a revival of neofunctionalism. Some authors suggested that the approach still contains a number of useful building blocks for contemporary theorising (Keohane and Hoffmann, 1991; Marks *et al.*, 1996; Pierson, 1996). Others went further, arguing that the Community's resurgence in the mid-1980s warrants the (wholesale) resurrection of the theory (Taylor, 1989; Tranholm-Mikkelsen, 1991).

It is worth noting that a number of more recent approaches owe something of an intellectual debt to neofunctionalism, and that neofunctionalist insights have also informed other theoretical approaches, such as multi-level governance and institutionalist scholarship on the EU (Niemann, 2006: chapter 5), though few authors give the theory explicit credit. The 'supranational governance' approach espoused by Stone Sweet and Sandholtz (1997; 1998) draws heavily on neofunctionalism (as the authors acknowledge, though without any apparent intent to revise the theory), emphasising the role and importance of transnational exchange, EU

rules and supranational institutions. They argue that cross-border transactions generate a demand for Community rules, which EC institutions seek to supply. Once Community legislation develops, supranational society emerges as (business) actors realise that one set of rules is preferable to numerous sets of (national) rules. Actors working within the new Community framework would then test the limits of EC rules. This would in turn lead to more precise rules (due to clarifications from EC adjudicators) that develop ever further away from member governments' original intentions. Stone Sweet and Sandholtz argue that the transfer of competence to the Community is uneven and depends on the intensity of demands for EC regulation in a given issue area. They most significantly depart from (early) neofunctionalism by leaving open whether actors' loyalties and identities eventually shift to the European level and by laying greater emphasis on the relevance of intergovernmental bargaining in EC politics.

Very few scholars currently self-identify as 'neo-neofunctionalists' who continue to rework the original theory. Philippe Schmitter is one of them. He first turned to the task of reformulating neofunctionalism in the early 1970s and returned to the subject thirty years later. Schmitter's analysis (1970; 2004) stresses the importance of external/exogenous factors alongside endogenous tensions and contradictions related to the regional integration project – not just as impediments but as a potentially facilitating factor in the integration process. As for the role of supranational institutions in fostering integration, he belatedly emphasised the role of the European Court of Justice in making major contributions to the assertion of EU supranationality. Schmitter illustrates the dynamic of his revised approach through a model of decision cycles. 'Initiating cycles', which the present European Union has passed through long ago, are followed by 'priming cycles' that account for the changing dynamics of Member States in between decision cycles. 'With each successive crisis resolved [...] regional-level rules [...] gain in significance to the point that they begin to overshadow the opinions and

actions of national governments, associations and individuals' (Schmitter, 2004: 61). As the effects of regional processes become more pronounced, national actors may become more amenable to changing the competences and authority of regional institutions.

Nonetheless, in his revised theory, Schmitter rejects the assumed 'automaticity of spillover', positing alternative strategic responses such as (a) 'spill-around', the proliferation of functionally specialised, independent, but strictly intergovernmental, institutions; (b) 'build-up', the concession by Member States of greater authority to the supranational organisation without expanding the scope of its mandate; (c) and 'spill-back', to describe instances where member states pull back from previous commitments. He points out that so far each of the EC/EU decision cycles has generated further imbalances and contradictions thus preventing 'encapsulation', a state of stable self-maintenance. He further implies that the EU has yet to enter the 'transforming cycle', where the potentialities for functionally integrating national economies (would) have been exhausted and attention would turn to the integration of polities.

Another revised neofunctionalist framework was developed by Niemann (1998; 2004; 2006). Taking early neofunctionalism as a starting point, he makes a number of modifications to the original theory. First, the ontological scope is expanded to a degree – beyond what Haas (2001) *post hoc* described as 'soft rational choice' for the original neofunctionalist account (cf. section 3). Second, Niemann's revised approach should be understood as a wide-ranging, but partial, theory wherein integration is no longer seen as an automatic and exclusively dynamic process, but rather as a conditional, context dependent and dialectic process (cf. Tranholm-Mikkelsen, 1991: 18-19), i.e. the product of both dynamics and countervailing forces that may either be stagnating or opposing in nature. This revised neofunctionalist framework accommodates two such countervailing forces: the first being 'sovereignty-consciousness', where actors oppose delegating competences to the supranational level on the basis of national traditions, identities and ideologies; and the second, 'domestic constraints and diversities', accounting for the

circumscription of national governments' autonomy to act due to constraints by actors (e.g. lobby groups or coalition partners) or structural limitations (such as a country's economy, demography or legal tradition) in the domestic political system. These countervailing pressures may be exacerbated by diversities between Member States, which may entail considerable adjustment costs for some and thus obstruct integrative endeavours.

Niemann also further elaborates and specifies the dynamics of integration. The scope of functional spillover, for example, is expanded beyond mere economic linkages and the concept is freed from its deterministic ontology. He argues that the degree of interdependence between policy areas is not the sole determinant of the strength of functional spillover logics and that functional structures do not determine actors' behaviour in a mechanical or predictable manner. Rather, for functional logics to gain traction they must be *perceived* as plausible or compelling (Niemann, 2006: 30-31). Among other spillover pressures, Niemann also refined the concept of political spillover (in terms of non-governmental elites). He argues that not only the quantity, but also the *quality* of interaction impacts on cooperative norm socialization and learning processes. Learning and socialisation are no longer regarded as constant (as implied by early neofunctionalists) but contingent on conditions such as 'a commonly shared lifeworld', 'uncertainty and insufficient knowledge', 'the possibility for lengthy discussion', and 'low levels of politicisation'. Under such conditions, actors are predisposed to deliberate, reason, argue and persuade, rather than bargain, and may consequently undergo more deeply-rooted (reflexive) learning: rather than simply adapting the means to achieve essentially unchanged goals, actors in such more deliberative/communicative mode tend to redefine their very priorities and preferences in processes aimed at reaching a (more) reasoned consensus (in contrast to what happens in purely strategic negotiations).<sup>4</sup>

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<sup>4</sup> Cf. Niemann (2004; 2006) who builds on Habermas (1981), Risse (1999), and Checkel (2001).

In the introduction to the 2004 edition of the *Uniting of Europe*, Haas made a final contribution to European integration theory. While this piece does not constitute an outright attempt to revise his neofunctionalist theory, Haas makes some astute observations on how new developments in IR and political science theory relate to, challenge and (potentially) stimulate neofunctionalism. In particular, Haas makes it his task to see how neofunctionalism ‘can become part of a respectable constructivism’ (Haas, 2004: xvii). He suggests that neofunctionalism may be considered a forerunner, and part of, constructivism. Haas also considers the utility of (old and new) institutionalist approaches. He concludes that revised neofunctionalist approaches benefited from institutionalist thinking, as a result of which the neofunctionalist tradition, in his view, ‘has a new lease on life’ and should be considered ‘no longer obsolescent’ (Haas, 2004: liii).

### **3. How to apply it: ontological, epistemological and methodological considerations**

#### **3.1 Ontology**

Early neofunctionalists made little effort to spell out any systematic ontology to underpin their theorising, but it can to an extent be inferred from their writings, where it is emphasised that decisions are taken by rational actors, who are nonetheless able to learn from their experiences in EC decision-making (Haas, 1958: 291). A more coherent theoretical understanding and a more meaningful application of neofunctionalist theory however, requires a more specific elaboration of neofunctionalist ontology. Haas (2001: 22-24) provides something of a retrospective ontological framework for his original neofunctionalist theory, describing the neofunctionalist ontology as ‘soft’ rational choice, thus assuming that societal actors ‘calculate’ their interests, ‘nationalism [is] trumped by the utilitarian-instrumental human desire to better oneself’, but ‘ideas and values [define] actor preferences’.

Niemann's (2004; 2006) revised neofunctionalist framework broadly affirms this stance, but slightly broadens the ontological scope by encroaching on constructivism to a larger extent. This extension was deemed necessary because (a) early neofunctionalism was pervaded by interests in cognitions, perception and the sociological dimension of institutionalist interaction (cf. Rosamond 2005), and (b) his account places more explicit emphasis on socialisation and learning than Haas's early neofunctionalism. Niemann's (2004: 20) ontological position acknowledges 'that there is a real (material) world out there, which offers resistance when we act upon it, [but actors ...] frame or construct the [material] world according to their knowledge, norms, experience and understandings. Hence, actors' interests and identities are moulded and constituted by both cognitive and material structures.' Given the significance of functional structures, Niemann's revised neofunctionalist framework accords an approximately equal significance to structure and agency (which mutually constitute each other), unlike early neofunctionalism, which favoured the latter (cf. Haas, 2001: 28-29).

In his final contribution Haas (2004) seems to have become more sympathetic to the view of neofunctionalism as embedded within a (pragmatic) constructivist ontology, while still putting greater emphasis on agency.

### **3.2 Areas of typical application / typical research questions**

It has been rightly argued in the literature – and also been taken to heart by those revising the theory – that neofunctionalism does not and cannot provide a general theory of integration. The theory possesses certain analytical tools to deal with certain kinds of questions, i.e. those related to (describing and) explaining integration. Hence, (typical) research questions, to which

neofunctionalism can provide insights include: How can EU decision outcomes be explained? Why does European integration take place (e.g. in a particular policy area)?<sup>5</sup>

While scholars have shifted their attention to questions such as the nature of the EU political system, the social and political consequences of the integration process and the normative dimension of European integration since the 1990s (cf. Diez and Wiener, 2004), the issue of explaining outcomes of EU decision-making, which has occupied scholars since the 1950s, is still a very important one. The ongoing salience of this question partly stems from the continuing disagreement among analysts regarding the most relevant factors accounting for the dynamics and standstills of the European integration process and certain segments of it.

As for the area of typical application, neofunctionalism operates at the nexus of explaining, on the one hand, and all dimensions of the triad of *polity*, *politics* and *policy*, on the other hand. While most applications of neofunctionalism focus on the interface of *politics* (process/style) and *polity* (form/institutional design) (e.g. Haas, 1958; 1970; Lindberg, 1966; Schmitter, 1969; Niemann, 2006; 2008; 2011), the *policy* (content) dimension is also relevant in the latter works and features still more prominently in (Lindberg; 1963: chapters. XI, XII; Mutimer, 1989; Jensen, 2000).

### **3.3 Application to JHA**

There is very little scholarship that analyses JHA issues from a decidedly neofunctionalist perspective (Niemann, 2006; 2008). However, many authors and studies have (implicitly) echoed neofunctionalist assumptions or insights. Sassen (1999; 2008) for example has argued that the internationalisation of the economy, the growth of transnational exchange, and the

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<sup>5</sup> And arguably even with this set of questions, early/conventional neofunctionalism can only cope with them in an unsatisfactorily manner, as it mainly concentrates on the dynamics of the integration process.

increased judicialisation of European politics has diminished state sovereignty and reinforced supranational cooperation. In addition, the role of supranational institutions, and especially the European Commission, as policy entrepreneurs and promoters of integration in this policy area has also been highlighted, both in terms of Treaty revision (Niemann 2008; 2012) as well as the legislative agenda and substantial legislation (Kaunert 2009; 2010).

Other authors have emphasised the functional pressures originating from the single market and the free movement of persons as drivers for integration in the realm of migration. States are considered unlikely to waive the power of internal controls, unless they can be provided with an equivalent protection with regard to persons arriving at external frontiers. This implies shifting controls to the external borders and common migration policies, as otherwise, for instance, the restrictive efforts of one Member State would be undermined by liberal policies of another state (cf. Monar, 2001; Turnbull and Sandholtz, 2001; Niemann, 2008; 2010).

Knélangen (2001) and Müller (2001) have reflected on the explanatory potential of several integration theories, including neofunctionalism, at the end of their comprehensive studies on EU Justice and Home Affairs, without however, applying it in an in-depth or systematic fashion.

### **3.4 Methodological considerations / operationalisation**

One avenue for evaluating neofunctionalism's explanatory power is to assess the extent to which its sub-concepts/dynamics can account for certain outcomes or developments in EU policy-making. For each neofunctionalist pressure, indicators can be specified in order to operationalise it for empirical research. Given space constraints, the most prominent neofunctionalist dynamic: functional spillover, will serve as an example.

The notion of functional spillover is here operationalised by probing several indicators and mechanisms including: (1) the salience of the original integrative objective, which determines the strength of the functional pressure for further action. (2) The degree of functional interdependence between issue A (original objective) and issue B (requiring further action), that is to say, the extent to which changes/tensions in issue area A (e.g. single market) affect issue area B (e.g. JHA), thus requiring more collective action. (3) The availability of functional solutions. Is further action in a particular issue area necessary to achieve the original integrative goal, or are there alternative solutions? If the initial objective cannot be secured by other means, the functional connection is likely to be a strong one.

#### **4. Case study: explaining migration policy Treaty revision**

To demonstrate how neofunctionalism may be applied to JHA, I have focused on EU migration policy Treaty revision. After the third pillar was established through the Treaty of Maastricht, the subsequent intergovernmental conference (IGC) leading to the Amsterdam Treaty brought visa, asylum and immigration policy into the community sphere (Title IV TEC). Nonetheless, the decision-making and the institutional set-up remained largely intergovernmental, being only partially reformed by the Treaty of Nice. The Treaty of Lisbon afforded the EU's central institutions a significant increase in powers and introduced the Community method – qualified majority voting (QMV) in the Council, co-decision of the European Parliament (EP), and full jurisdiction by the European Court of Justice (ECJ) – for nearly all aspects of asylum and immigration policy.<sup>6</sup> The Lisbon provisions on migration thus constitute a remarkable leap forward.

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<sup>6</sup> However, member states' right to determine access to the labour market by third-country nationals, for example, remains outside the scope of the Treaty.

The subsequent sections<sup>7</sup> analyse the extent to which the concepts of functional, political and cultivated spillover may contribute to understanding and explaining the development of migration policy decision rules and institutional aspects, focusing on the ‘last’ Treaty revision – here understood as the entire process from the Convention to the Treaty of Lisbon. In a departure from the standard method of preparing EU Treaty reforms, the Laeken European Council decided to form a Convention on the Future of Europe. The Draft Treaty produced by the Convention already included, to a great extent, the substantive changes of the Treaty revision leading to the Treaty of Lisbon.

## 4.1 Functional spillover

The basic underlying rationale for JHA cooperation is often viewed in terms of functional logics: the establishment of the internal market and the objective of free movement of persons required cooperation in the areas of external border control and other flanking measures to compensate for the elimination of intra-EU borders.<sup>8</sup> States are generally assumed to be reluctant to give up control over their borders without a guarantee of equivalent protection at external frontiers. The risk that the restrictive measures adopted in one Member State might be undermined by more liberal policies in another – since ‘the free movement of persons also means free movement of illegal immigrants’ or rejected asylum seekers – necessitates the adoption of common policies on asylum-seekers, refugees and illegal immigrants (de Lobkowitz, 1994: 104).<sup>9</sup> Similarly, concerns were raised that the abolition of internal borders

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<sup>7</sup> The subsequent sections (4, 5, and 6) draw on Niemann (2008; 2012).

<sup>8</sup> The principle of free movement of persons goes back to the four freedoms enshrined by the Treaty of Rome. The 1975 Tindemans report first seriously placed its implementation on the Community agenda, and the adoption of the Schengen Agreement of 1985, the internal market project and the Schengen Convention of 1990 gradually reinforced the objective (Den Boer, 1997). The considerable significance that was attached to it was at least in part because, among the four freedoms, the free movement of persons has the most direct bearing on the lives of individual citizens (Fortescue, 1995: 28). Furthermore, failure to properly ensure this objective risked compromising the efficient working of the internal market (Commission, 1985).

<sup>9</sup> To include migration in a paper on ‘internal security’ is neither meant as a normative, nor as a political statement but reflects the processes of securitisation of migration policy, i.e. the tendency of discussing migration primarily as a security issue. In the EU context, the Schengen cooperation is commonly presented as the starting point for an

would lead to ‘asylum-shopping’ and an uncontrollable influx of illegal immigrants (Achermann, 1995). The Dublin Convention sought to address the question of asylum shopping by determining that asylum applications had to be dealt with in the state of first entry, but this in turn raised the question of arbitrariness, given Member States’ differing standards of reception and varying interpretations of the refugee status. Thus some degree of harmonisation, for example on the reception of asylum seekers, became necessary. To achieve this objective, and to enact further flanking measures, a greater use of the Community method was deemed necessary both to expedite cooperation and to enable outcomes above the lowest common denominator. As for the last Treaty revision, this rationale bolstered the case for greater use of qualified majority voting (QMV) in order to overcome decision-making deadlocks in the legislative process.

During the last Treaty revision – spanning from the Convention to the Lisbon Treaty – another source of functional pressure became even more pressing: enlargement. Although an exogenous event, enlargement was gradually internalised as a settled policy goal and thus became an endogenous source of pressure for reform of EU decision-making rules. The establishment of enlargement as an internal objective gave rise to (anticipated) problems/tensions in terms of decision-making and co-ordination among the Member States under the decision rule of unanimity. Even with a mere 15 delegations many already regarded unanimity as problematic. This logic of impending decision-making gridlock was presented, for example, in various Commission papers as early as the Amsterdam IGC (cf. e.g. Commission, 1996a; 1996b). At the time, however, the force of this argument was checked by a perceived ‘lack of urgency’ since ‘no enlargement is foreseen before 2003–2005’ (Patijn, 1997: 38; also cf. Devuyst, 1998: 626; Moravcsik and Nicolaidis, 1999: 78, 82). Nonetheless as

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increased linking of security and migration, which resulted in the blurring of different forms of migration and the development of control-oriented, restrictive migration policy. The perceived need of cooperation at the EU level to prevent misuse of free movement by irregular migrants and organised crime tied the debate on migration,

enlargement approached pressure mounted, and provisions made at the Seville European Council of 2002 for signing the Accession Treaty the following year and the participation of new Member States in the 2004 EP elections, made enlargement an imminent reality. This put substantial pressure on issue areas that were subject to unanimity, such as migration. Enlargement was to be cited frequently at the Convention as a rationale to substantiate the need for reforming the decision rules of Title IV, i.e. of asylum and immigration policy (cf. Commission, 2002a; EP, 2003b).

Although only a brief empirical review here (for more see Niemann, 2008, 2012), it seems that functional pressures were strong indeed during the last Treaty revision, in three key respects. First, the two original goals were rather salient: (i) the completion and functioning of the internal market and (ii) enlargement have clearly been vital EU objectives. Second, the functional interdependences – between (i) the internal market and migration<sup>10</sup>, as well as (ii) imminent enlargement and migration/JHA decision rules – have been strong, with original policy objectives clearly impacting on migration policy/decision rules. Third, we can ask whether further action necessary to achieve the initial objectives, or were there alternative solutions? It seems that some degree of harmonisation of migration policies was perceived necessary, and that this objectives and the goal of enlargement could were considered achievable only with a reformed institutional set-up (Niemann, 2006: chapter 4).

## 4.2 Cultivated spillover

The following section turns to the concept of cultivated spillover and the role of supranational institutions. The *Commission* is generally held to have a vested interest in further integration,

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refugees and asylum to the fight against drugs, terrorism, police cooperation and assistance in criminal matters (Huysman,s 1995: 53; 2000: 752; 2006: 48, 66; Levy, 2005: 35; Van Houtum and Pijper,s 2007: 299-300).

<sup>10</sup> Occasionally, it has been pointed out that the functional link between the single market and migration policy has been exaggerated (Huysmans, 2000). This may be true, but the perception or (discursive) construction of thisfunctional link, and thus its impact on politics, has been very strong indeed (Niemann, 2000; 2006).

not least because it is likely to benefit from a more supranational decision-making set-up. In terms of the institutional set-up of EU migration policy, the Commission already acquired an important advantage through obtaining the exclusive right to initiate legislation on asylum and immigration matters after the five year transitional period following the entering into force of the Amsterdam Treaty. However, the last Treaty revision was also important from the Commission's perspective. QMV and co-decision tend to favour the Commission's legislative preferences because it reduces the number of (member state) veto players that tend to drive proposals towards the lowest common denominator and it increases the power of the EP, which has (often) tended to be more sympathetic of Commission proposals on migration policy than the member states (Kaunert, 2009: 151ff; Kaunert and Leonard, 2012: 1405).

The Commission exhibited markedly greater assertiveness in the JHA debate throughout the Convention than at the Nice IGC. The JHA dossier was, in fact, one of the Commission's (strategic) priorities during the Convention (Norman, 2005: 136), and it expended considerable political energy in the cultivation of relations with other actors, both formally and informally. For example, the two Commission representatives regularly attended informal meetings of Convention members, as in the group of so-called 'movers and shakers' that met regularly at the Brussels Hilton to discuss ideas, test positions and cultivate relations (Norman, 2005: 43). Likewise, the Commission representatives were 'keen contributors to plenary debates' (Kassim and Dimitrakopoulos, 2007: 1255). The Commission actively fostered spillover by making a (more) considerable effort to explain the structural rationales for further integrative steps in the area of visa, asylum and immigration policy, also by pointing to the inadequacy of current decision rules for a timely implementation or swifter progress of the (Amsterdam and Tampere) policy objectives forums (e.g. Vitorino, 2001; 2002).

The negotiating infrastructure suited the Commission. Unlike at an IGC, the convention structure meant its representatives were equal participants. The two Commission

representatives, Barnier and Vitorino, were both also ‘first-tier’ members of the Praesidium with quite some leverage to influence the Convention agenda and negotiations (Beach, 2005: 200). Moreover, the predominantly deliberative decision-making style at the Convention meant that explanations attached to propositions carried greater weight and sound arguments could quickly gain traction with negotiators. The Commission argued forcefully for further Europeanization by pointing to the impending enlargement or the inadequacy of current decision rules for effective implementation of agreed objectives (Vitorino, 2002b). The Commission also contributed to the latter rationale by the timely initiation of the required legislative proposals. It was thus up to the Council to find agreement, which further spurred the revelation of problems attached to the unanimity rule.

During the Convention the Commission enjoyed significant informational advantages vis-à-vis other groups (Beach, 2005), possessing a formidable institutional memory and considerable administrative/substantive backing, and readily capitalised on this advantage. The task-force established for the Convention consisted of a strong team of experts on the various Convention topics (including JHA) and officials from the legal service, providing sizeable in-house resources to enhance the Commission’s presence and allow its two representatives to shine at the Convention (Kassim and Dimitrakopoulos, 2007: 1255; Norman, 2003: 136). The two Commission representatives had themselves acquired considerable relevant experience – Barnier during the IGC in 2000 as the Commissioner responsible, and Vitorino representing the Commission in the EU Charter negotiations in 1999-2000. Vitorino's superior expertise and personal reputational capital – together with the remarkable political energy that he and his cabinet brought to bear – allowed him to shape the (JHA) debates in both the Working Group Freedom, Security and Justice, and in the Plenary (Beach, 2005: 198; Goulard, 2003: 374).

Much like the Commission, the *European Parliament* generally stands to benefit directly from the progression of the integration process. At the last Treaty revision, the potential extension of

co-decision to those aspects of migration policy, where the EP until then merely needed to be consulted, clearly constituted an opportunity for Parliament to enhance its competences.

The EP's impact on the last Treaty revision negotiations in the field of migration stands in marked contrast to its lacklustre showing at the Nice IGC. This turnaround may in part stem from the fact that, unlike at Nice, EP representatives at the Convention were fully legitimate and equal participants. Parliament had two delegates in the Praesidium, Klaus Hänsch and Íñigo Méndez de Vigo, affording it some opportunity to shape the Convention agenda and the development of negotiations (Beach, 2005: 199-200). As well as the two members of the Praesidium, the EP sent 16 representatives (and 16 alternate members) to the Convention, where considerable coordination among MEPs allowed them to form a comparatively coherent and well organized fraction and to exert significant influence over Convention deliberations (Beach, 2007: 1284; Duff, 2003: 4). In addition, EP representatives skilfully cultivated relations with other Convention members. For instance, key MEPs such as Brok and Hänsch, were regular participants in the informal 'movers and shakers' meetings at the Hilton in Brussels where ideas and positions could be ventilated informally (interview NAT-2; EU-4).<sup>11</sup> Moreover, EP members had frequent meetings with national parliamentarians, for example, in the context of COSAC (interview EU-1), or through the European political families. More generally, MEPs proved to be 'especially skilful at building coalitions behind the scenes' (Beach, 2005: 198).

The EP representatives generally felt at home with the negotiation infrastructure of the Convention. Given the parliamentary-like environment and MEPs familiarity with the EU machinery, Convention matters were 'bread and butter' to them (Milton and Keller-Noëllet,

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<sup>11</sup> For this empirical investigation, apart from using documentation and secondary literature, I have conducted about 20 interviews. The non-attributable interviews have been coded as follows: 'EU' refers to interviews conducted in the EU institutions (including the Council Secretariat), and 'NAT' refers to interviews with representatives of national governments/administrations. Most interviews were conducted in Brussels in 2004.

2005: 33) and thus ‘privileged the representatives of the EP’ (Beach, 2007: 1272). In addition, and as in the case of the Commission (also cf. next section), the Convention's more open-ended and deliberative nature (compared to an IGC), meant that good arguments – such as those regarding the reform of migration policy decision rules and institutional issues – could not be rejected out-of-hand, but were likely to register and shape the direction of negotiations.

EP members were among the most active delegates at the Convention, not least on Title IV issues (visa, asylum and immigration), frequently intervening in Plenary and Working Group debates and contributing their own papers to the discussion (Brok, 2002; Kaufmann, 2002; Lancker *et al.*, 2002; Mendez de Vigo *et al.*, 2002; cf. Maurer, 2003). Klaus Hänsch (PES), Elmar Brok (EPP), Andrew Duff (Liberals) and Johannes Voggenhuber (Greens), who all supported further communitarisation of Title IV, also played a prominent role in their respective political families. With few exceptions, MEPs tended to act in concert with the two Commission representatives, as perhaps the most dedicated proponents of the Community method concerning asylum and immigration issues. EP members employed the functional rationales to argue for further integration – both those rooted in the internal market and particularly those relating to enlargement and its impact on (JHA) decision rules (EP 2001: 6, 26; Brok, 2002: 3; Duff, 2003: 2; Mendez de Vigo, 2002: 2; Meyer, 2002: 2) – and thus became active agents of JHA integration. Ultimately, MEPs and the European Parliament more generally were among the strongest, if not the strongest, advocates of the Draft Constitutional Treaty (EP, 2003a; Beach, 2005), thus contributing substantially to its binding strength and endurance.

### **4.3 Political spillover**

The tangibly greater impact of political spillover in terms of socialization, deliberation and learning processes at the Convention, which also influenced the outcome at subsequent IGCs,

is perhaps one of the most significant reversals since the Nice IGC. A number of favourable conditions inherent the Convention setting may account for this reversal: (I) the initial phase of listening and reflection which preceded negotiations, during which expectations and visions could be freely shared, generated a deeper understanding of other members' ideas and softened pre-conceived opinions (Kleine and Risse, 2005). (II) The quantity of interaction – over 50 sessions of both the Plenary and the Praesidium held within 18 months – fostered the emergence of an 'esprit de corps' and a strong sense of responsibility for a successful outcome (Göler, 2003). (III) Convention members enjoyed a remarkable degree of autonomy and were largely unconstrained by governmental briefs (Maurer, 2003: 134; but Magnette and Nicolaidis, 2004). Moreover, in contrast to the preceding IGCs, domestic bureaucracies could do little to hinder the deliberation process as government representatives were not generally obliged to go through inter-ministerial coordination processes for the formation of national positions (Maurer, 2003: 136). (IV) The atmosphere, spirit and negotiating structure meant that flat rejection of a position was not an option available to members of the Convention, as proposals could not be dismissed without entering into a reasoned discussion where one's arguments would be subject to scrutiny (Closa, 2004: 201). In such an environment, sound arguments, validated on the basis of accepted criteria, carried greater persuasive weight, and were therefore more likely to prevail in the debate.

As a result of this negotiating format, the logic of (strong) functional (and exogenous) rationales for further communitarisation was afforded sufficient time to gain traction and eventual acceptance in the minds of actors. In such a deliberative process, negotiators may be expected to concur more fully with the eventual outcome, which would likely emerge through reasoned consensus rather than simple compromise. That the Title IV Convention outcome was indeed largely perceived as such was borne out in interviews (EU-3, EU-6, NAT-1, NAT-4). This same logic applies, albeit to a lesser extent, to the Draft Constitutional Treaty as a whole,

lending greater moral weight and authority to the Convention text and problematising significant departures from this consensus for negotiators at subsequent IGCs (Closa, 2004), not least because Member States were very much involved and implicated in its development. Moreover, there was a general feeling that the Convention format had worked well. The dominant policy discourse thus favoured retention of the provisions that the Draft Constitutional as far as possible (Guardian 14/3/03; Frankfurter Allgemeine Zeitung 16/6/03). Due to the considerable bonding strength or moral momentum of the Convention text, negotiations on most (non-institutional) issues at the subsequent IGCs came to take it as a starting point. In a way, it turned into the default setting (Beach, 2005: 199). The moral momentum, with regard to migration issues, was such that the Convention text on these issues was not reopened.

The narrative of socialization, deliberation and learning presented above is difficult to substantiate within given space limitations.<sup>12</sup> Nonetheless, interviewees consistently described the negotiations in terms of arguing and reasoning, either unprompted, or when asked to choose from a range of potential characterizations (EU-7, EU-2; NAT-5, NAT-6). Likewise negotiators generally made little mention of hierarchy, status, qualifications or other sources of power in their statements, suggesting a reluctance to add non-discursive authority to their arguments (interview with K. Hänsch, 2004). Moreover, there is a remarkable consistence between speakers' utterances in the plenary with statements made in other forums (e.g. Vitorino, 2001; 2002a; 2002b), which is also indicative of 'truthful arguing'. Furthermore, in the absence of persuasive arguments, 'powerful' actors did not prevail in the Convention. For example, the attempts of the German Foreign Minister, the UK government representative and others to reintroduce unanimity for the (whole) area of immigration (Fischer, 2003; Hain, 2003) eventually succumbed to the powerful rationales for further communitarisation described

above (interview EU-3, NAT-5). Finally, the successful resolution of issues such as migration – which produced deadlock in a bargaining-like setting of Nice – in the context of the more discursive setting of the convention, similarly indicates that deliberation and arguing is likely to have played a role (cf. Kleine and Risse, 2010).

## **5. Conclusion**

Although neofunctionalists neither devise their theory against the backdrop of developments in justice and home affairs, nor focused much on integration in this domain, it seems that neofunctionalist theory adds considerably to our understanding of EU internal security. It seems to do so in a twofold manner. First, neofunctionalism provides us with significant insights into the (still) important question of how decision outcomes in the area of JHA can be explained. Concerning this question, neofunctionalism particularly indicates crucial driving forces and mechanisms of change – such as the various spillover mechanisms introduced and illustrated above – that led to particular decision outcomes. The example of migration Treaty revisions suggests that the theory does not only apply to the area of ‘low’ politics, but also to topics close to the heart of national sovereignty. Second and closely related, it can thus be argued that neofunctionalism goes beyond mainstream intergovernmentalist conceptualisations of JHA as a purely state-dominated (or government-dominated) process and highlights the involvement of non-state/non-governmental actors across different levels in decision-making processes. Consequently, neofunctionalism provides a more nuanced picture of the complex reality of EU internal security policy-making.

This chapter has also revealed some limitations of neofunctionalist theory. Most importantly, neofunctionalism (in its conventional version) struggles to account for the limits of European integration. For example, the fact that policy-makers have not agreed on a full

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<sup>12</sup> But also see the general indications in the literature (Göler, 2003; Maurer 2003; Closa, 2004; Niemann, 2006). For indicators of communicative action and persuasion, see Checkel (2001), Niemann (2004).

communitarisation of asylum and immigration policy during the last Treaty revision cannot be adequately explained by (mainstream) neofunctionalist theory because it lacks an account of disintegrative pressures. Similarly, neofunctionalism may have trouble explaining the disconnect between high level political agreement and lower level stagnation on operational cooperation, discussed in several chapters in this volume. However, in this respect it is useful to note that some revised neofunctionalist frameworks do not conceptualise integration solely as a dynamic or integrative process, but also consider countervailing forces (Niemann, 2006). Hence, integration is assumed here to be a *dialectical* process, both subject to dynamics *and* countervailing forces. The latter may induce either stagnation or spillback. Through such a dialectical account the non-linear, stop-and-go nature of the European integration process, and here specifically EU internal security, is thought to be conceptualised more adequately. In this process the strength, variation and interplay of pressures on both sides of the equation would thus determine the outcome of a particular decision or sequence of decisions.

The latter aspect should, of course, be seen as a shortcoming of neofunctionalism. However, in some sense it may also be seen as a strength that the theory is capable of reformulation. Neofunctionalist theory can thus be seen as still evolving. This should be taken as a challenge rather than an excuse for dismissing neofunctionalism as a framework for conceptualizing EU internal security.

## References

- Achermann, A. (1995) Asylum and Immigration Policies. In Bieber, R. and Monar, J. (eds.), *Justice and Home Affairs in the European Union*, Brussels: European Interuniversity Press.
- Beach, D. (2005) *The dynamics of European integration*, Basingstoke: Palgrave Macmillan.
- Beach, D. (2007) The European Parliament in the 2000 IGC and the Constitutional Treaty Negotiations: From Loser to Winner. *Journal of European Public Policy* 14 (8): 1271-1292.
- Brok, E. (2002), What the Constitution of the European Union will need to say on “Freedom, Justice and Security”, CONV 436/02. Brussels.
- Checkel, J. T. and Moravcsik, A. (2001) A Constructive Research Program in EU Studies?. *European Union Politics*, 2(2), pp. 219-249.
- Closa, C. (2004) The Convention method and the transformation of EU constitutional politics. In Eriksen, E., Fossum, J. and Menéndez, A. (eds.), *Developing a Constitution for Europe*, London: Routledge.
- Commission of the European Communities (2002a) Communication from the Commission to the Convention, CONV/229/0222.
- Commission of the European Communities (1996) Justice and Home Affairs provisions in the EC Treaty—a possible location, CONF/3912/96.
- Commission of the European Communities (1985) White Paper on the Internal Market, COM(85)331 final.
- de Lobkowicz, W. (1994) Intergovernmental Co-operation in the field of Migration. In Monar, J. and Morgan, R. (eds.), *The Third Pillar of the European Union*, Brussels: European Interuniversity Press.

- den Boer, M. (1997) Travel Notes on a Bumpy Journey from Schengen via Maastricht to Amsterdam. In Den Boer, M. (ed.) *The Implementation of Schengen*, Maastricht: Institute of Public Administration.
- Devuyst, Y. (1998) Treaty reform in the European Union: the Amsterdam process, *Journal of European Public Policy*, 5(4), pp. 615-631.
- Diez, T. and Wiener, A. (2004) Introducing the Mosaic of Integration Theory, in Wiener, A. and Diez, T. (eds.), *European Integration Theory*, Oxford: Oxford University Press, pp. 1-21.
- Duff, A. (2003) Der Beitrag des Europäischen Parlaments zum Konvent: Treibende Kraft für einen Konsens, *Integration*, 26: 3-9.
- European Parliament (2001) Report on the Treaty of Nice and the Future of the Union. Committee on Constitutional Affairs. Rapporteurs: Iñigo Méndez de Vigo and António José Seguro, A5-0168/2001 Final.
- European Parliament (2003a) Resolution on the draft Treaty establishing a Constitution for Europe [...], 11047/2003, 24/9/2003.
- European Parliament (2003b) Background Information: Convention: Area of freedom, security and justice, Brussels, 3/4/2003.
- Fischer, J. (2003) Suggestion for amendment of Article III-163 (revised), Available at <http://european-convention.eu.int/amendments.asp?content=848&lang=DE>
- Fortescue, J. A. (1995) First Experiences with the Implementation of the Third Pillar Provision, in Bieber, R. and Monar J. (eds.), *Justice and Home Affairs in the European Union*, Brussels: European Interuniversity Press.
- Göler, D. (2003) Die Europäische Union vor ihrer Konstitutionalisierung. *Integration*, 26(1), pp. 17-30.
- Goulard, S. (2003) Die Rolle der Kommission im Konvent. *Integration*, 26(4), pp. 371-398.

- Haas, E. (1958) *The Uniting of Europe*, London: Stevens.
- Haas, E. (1964) Technocracy, Pluralism and the New Europe, in S. Graubard (ed.), *A New Europe?*, Boston, MA, 62-88.
- Haas, E. (1970), The Study of Regional Integration: Reflections on the Joy and Anguish of Pretheorizing, *International Organization* 24(4), pp. 607-44
- Haas, E. (1976), Turbulent fields and the theory of regional integration, *International Organization* 30(2), pp. 173-212.
- Haas, E. (2001), Does Constructivism Subsume Neo-functionalism? in Christiansen, T., Jørgensen, K. and Wiener, A. (eds.), *The Social Construction of Europe*. London: Sage, pp. 22-31.
- Haas, E. (2004) Introduction: Institutionalism or constructivism?, in *The Uniting of Europe*, (3<sup>rd</sup> edition), Notre Dame: University of Notre Dame Press, xiii-lvi.
- Habermas, J. (1981a,b) *Theorie des kommunikativen Handelns*, (2 vols.), Frankfurt/M.: Suhrkamp.
- Hain, P. (2003) Suggestion for amendment of Article III-163. Available at: <http://european-convention.eu.int/amendments.asp?content=848&lang=EN>» (accessed on: 1/4/2007)
- Hoffmann, S. (1964) The European Process at Atlantic Cross-purposes. *Journal of Common Market Studies*, 3(2), pp. 85-101.
- Hoffmann, S. (1966) Obstinate or Obsolete: the Fate of the Nation State and the Core of Western Europe, *Daedalus*, 95(3), pp. 862-915.
- Huysmans, J. (1995) Migrants as a security problem: dangers of “securitizing” societal issues, in Miles, R. and Thränhardt, D. (eds.) *Migration and European integration: the dynamics of inclusion and exclusion*, London: Pinter, pp. 53-72.
- Huysmans, J. (2000) The European Union and the Securitization of Migration. *Journal of Common Market Studies*, 38(5), pp. 751-777.

- Huysmans, J. (2006) *The politics of insecurity: fear, migration and asylum in the EU*, London; New York: Routledge.
- Jensen, C. (2000) Neofunctionalist Theories and the Development of European Social and Labour Market Policy, *Journal of Common Market Studies*, 38(1), pp. 71-92.
- Kassim H. and Dimitrakopoulos, D. G. (2007) The European Commission and the future of Europe. *Journal of European Public Policy*, 14(8), pp. 1249-1270.
- Kaufmann, S. (2002) Justiz- und Innenpolitik: Die Gesamte Konstruktion der Dritten Säule Muss Fallen. Intervention at the Fifth Plenary Session of the European Convention Held on the 06-07 June. Available at: <http://european-convention.europa.eu/docs/speeches/8208.pdf> (Accessed on: April 14, 2014).
- Kaunert, C. (2009) Liberty versus Security? EU Asylum Policy and the European Commission, *Journal of Contemporary European Research*, 5 (2), pp. 148-170.
- Kaunert, C. (2010) *European Internal Security: Towards Supranational Governance in the Area of Freedom, Security and Justice*. Manchester: Manchester University Press.
- Kaunert, C. and Leonard, S. (2012) The development of the EU asylum policy: venue-shopping in perspective, *Journal of European Public Policy*, 19(9), pp. 1396-1413.
- Keohane, R. and Hoffmann, S. (1991) *The New European Community: Decision-making and Institutional Change*. Boulder, CO: Westview Press.
- Kleine, M. and Risse, T. (2005) Arguing and Persuasion in the European Convention: Contribution to the State of the Art Report, Berlin, 28 February 2005.
- Kleine, M. and Risse, T. (2010) Deliberation in Negotiations, *Journal of European Public Policy*, 17(5), pp. 708–726.

- Knellangen, W. (2001) *Das Politikfeld Innere Sicherheit im Integrationsprozess. Die Entstehung einer Europäischen Politik der Inneren Sicherheit*, Opladen: Leske + Budrich.
- Lancker, Nagy, M. and Floch, J. (2002) Espace Commun de Liberté, de Sécurité et de Justice'. Working Group X, Working Document 26. Available at: <http://european-convention.europa.eu/docs/wd10/5617.pdf> (Accessed on: May 08, 2014).
- Levy, C. (2005) The European Union after 9/11: The Demise of a Liberal Democratic Asylum Regime?, *Government and Opposition*, 40(1), pp. 26-59.
- Lewis, J. (1998) Is the "Hard Bargaining" Image of the Council Misleading?. *Journal of Common Market Studies*, 36(4), pp. 479-504.
- Lindberg, Leon (1963) *The Political Dynamics of European Integration*, Stanford: Stanford University Press.
- Lindberg, L. (1966) Integration as a Source of Stress on the European Community System. *International Organization*, 20(2), pp. 233-265.
- Lindberg, L. and Scheingold, S. (1970) *Europe's Would-Be Polity*. Englewood Cliffs, NJ: Prentice Hall.
- Magnette, P. and Nicolaïdis, K. (2004) The European Convention: Bargaining in the Shadow of Rhetoric. *West European Politics*, 27(3), pp. 381-404.
- Marks, G., Hooghe, L. and Blank, K. (1996), European Integration from the 1980s: State-Centric v. Multi-level Governance, *Journal of Common Market Studies* 34(3), pp. 341-78.
- Maurer, A. (2003) Die Methode des Konvents. *Integration*, 26(2), pp. 130-151.
- Méndez de Vigo *et al.* (2002) Working Group X "Freedom, Security and Justice". Working Group X, Working Document 09. Available at: <http://www.european-convention.europa.eu/docs/wd10/4527.pdf> (accessed on: 1/4/2007)

- Meyer, J (2002) 'An Area of Freedom, Security and Justice. CONV 447/02. Available at: <http://european-convention.europa.eu/pdf/reg/en/02/cv00/cv00447.en02.pdf> (accessed on: April 09, 2014).
- Milton, G. and Keller-Noëllet, J (2005) *The European Constitution. Its Origins, Negotiation and Meaning*. London: John Harper.
- Monar, J. (1998) Justice and Home Affairs. *Journal of Common Market Studies*, 36(1), pp. 131-42.
- Monar, J. (2001) The Dynamics of Justice and Home Affairs. Laboratories, Driving Factors and Costs, *Journal of Common Market Studies*, 39(4), pp. 747-64.
- Monar, J. (2010) Experimentalist Governance in EU Justice and Home Affairs, in Sabel, C., and Zeitlin, J. (eds.), *Experimentalist Governance in the European Union*, Oxford: Oxford University Press.
- Moravcsik, A. (1993) Preferences and Power in the European Community, *Journal of Common Market Studies*, 31(4), pp. 473-524.
- Moravcsik, A. and Nicolaidis, K. (1999) Explaining the Treaty of Amsterdam, *Journal of Common Market Studies*, 37(1), pp. 59-85.
- Müller, T. (2003) *Die Innen- und Justizpolitik der Europäischen Union. Eine Analyse der Integrationsentwicklung*, Opladen: Leske + Budrich.
- Mutimer, D. (1989) 1992 and the Political Integration of Europe: Neofunctionalism Reconsidered, *Journal of European Integration* 13(2-3), pp. 75-101.
- Niemann, A. (2012) The Dynamics of EU migration policy: from Maastricht to Lisbon, in Richardson, J. (ed.), *Constructing a policy-making state? Policy dynamics in the European Union*, Oxford: Oxford University Press, pp. 209-233.

- Niemann, A. (2011) Conceptualising Common Commercial Policy Treaty revision: Explaining the stagnancy and dynamics from the Amsterdam IGC to the Treaty of Lisbon, *European Integration online Papers*, vol. 15, article 6.
- Niemann, A. (2008) Dynamics and Countervailing Pressures of Visa, Asylum and Immigration Policy Treaty Revision: Explaining Change and Stagnation from the Amsterdam IGC to the IGC 2003-2004, *Journal of Common Market Studies*, 46(3), pp. 559-591.
- Niemann, A. (2006) *Explaining Decisions in the European Union*. Cambridge: Cambridge University Press.
- Niemann, A. (2004), From pre-theory to theory? Developing a revised neofunctionalist framework for explaining EU decision-making outcomes, *Dresdner Arbeitspapiere Internationale Beziehungen*, No. 11, 1-59.
- Niemann, A. (2004b) Between communicative action and strategic action: the Article 113 Committee and the negotiations on the WTO Basic Telecommunications Services Agreement, *Journal of European Public Policy*, 11(3), pp. 379-407.
- Niemann, A. and Schmitter, P. (2009) Neo-functionalism, in: Wiener, A. and Diez, T. (eds.), *Theories of European Integration*, Oxford: Oxford University Press, 2nd edition, pp. 45-66.
- Niemann, A. (1998), The PHARE programme and the concept of spillover: neofunctionalism in the making, *Journal of European Public Policy*, 5(3), pp. 428-446.
- Norman, P. (2005) *The Accidental Constitution. The Making of Europe's Constitutional Treaty*. 2<sup>nd</sup> edition, Brussels: EuroComment.
- Nye, J. (1970) Comparing Common Markets: A Revised Neo-Functionalist Model, *International Organization*, 24(4), pp. 796-835.
- Patijn, M. (1997) The Dutch Presidency. European Policy Centre, *Making Sense of the Amsterdam Treaty*, Brussels.

- Pierson, P. (1996) The path to European integration: a historical institutionalist analysis, *Comparative Political Studies* 29(2), pp. 123-163.
- Risse, T. (2000) Let's Argue!: Communicative Action in World Politics. *International Organization*, 54(1), pp. 1-39.
- Rosamond, B. (2005) The uniting of Europe and the foundation of EU studies: revisiting the neofunctionalism of Ernst B. Haas, *Journal of European Public Policy*, 12(2), pp. 237-254.
- Sassen, S. (2008) *Das Paradox des Nationalen: Territorium, Autorität und Rechte im globalen Zeitalter*, Frankfurt/M.: Suhrkamp.
- Schmitter, P. (1969) Three Neo-functional Hypotheses About International Integration, *International Organization* 23(1), pp. 161-166.
- Schmitter, P. (1971) A Revised Theory of Regional Integration, in Lindberg, L. and Scheingold, S. (eds.), *Regional Integration: Theory and Research*. Cambridge, MA: Harvard University Press, pp. 232-264.
- Stone Sweet, A. and Sandholtz, W. (1997) European integration and supranational governance, *Journal of European Public Policy* 4(3), pp. 297-317.
- Taylor, P. (1989) The New Dynamics of EC in the 1980s, in Lodge, J. (ed.) 1989. *The European Community and the Challenge of the Future*. New York: St. Martin's Press.
- Tranholm-Mikkelsen, J. (1991) Neo-functionalism: Obstinate or Obsolete?, *Millennium*, 20(1), pp. 1-22.
- Turnbull, P. and Sandholtz, W. (2001) Policing and Immigration: The Creation of New Policy Spaces. In Stone Sweet, A., Sandholtz, W. and Fligstein, N. (eds.), *The Institutionalization of Europe*, Oxford: Oxford University Press.
- Van Houtum, H. and Pijpers, R. (2007) The European Union as a Gated Community: The Two-faced Border and Immigration Regime of the EU. *Antipode*, 39(2), pp. 291-309.

Vitorino, A. (2002a) Speech at the European Parliament, 18/12/2002. *International Debates*, 2(3).

Vitorino, A. (2002b) Renforcer l'espace der liberté, de sécurité et de justice, European Convention, Speech/02/261, Brussels, 6/6/2002.

Vitorino, A. (2001) A la Conférence des Présidents des commissions compétentes en matière d'immigration des parlements de l'UE, Sènate belge, Speech/01/608, Brussels, 4/12/2001.

Wiener, A. and Diez, T. (2009) Taking Stock of Integration Theory, in Wiener, A. and Diez, T. (eds.), *European Integration Theory*. Oxford: Oxford University Press, pp. 241-252.