

HOW DOES EXPERTISE INFLUENCE NEGOTIATIONS IN THE EU? *

Paper prepared for the EUSA conference, Los Angeles, April 2009

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ABSTRACT: This work examines the role of expertise in negotiations in the European Union (EU), distinguishing between content-specific expertise, procedural expertise and shared training and professional outlook of experts. It reviews a composite literature, identifying the functions and the causal mechanisms through which expertise may have an impact on negotiation processes and outcomes as a socialising, cognitive, legitimising, and operational device. Finally, it puts forward proposals for further research, formulating testable hypotheses about the scope conditions concerning the negotiating arenas and policy areas under which expertise is most (or least) likely to affect EU negotiations.

KEYWORDS: expertise; experts; European Union (EU); knowledge; negotiations.

* I wish to thank the participants at the workshop organised at the University College of Dublin, in particular, Andreas Duer, Gemma Mateo, Thomas Risse, and Daniel Thomas for their perceptive comments on an earlier draft of this paper. Research for this article was funded by a grant from the INTUNE project (Integrated and United? A Quest for Citizenship in an Ever Closer Europe) financed by the Sixth Framework Programme of the European Union, Priority 7, Citizens and Governance in a Knowledge Based Society (CIT3-CT-2005-513421).

The European Union (EU) is often presented as a technocratic project, driven by experts and informed by expertise. However, there is a very limited body of literature specifically dealing with the role of 'expertise' and 'experts', in the process of institution-building and policy-making in the EU. One notable exception are the works of Radaelli (1995, 1999a, see also Harcourt and Radaelli 1999), which tackle these themes head on, albeit the main focus of these works is on the policy process or the EU governance system more generally, rather than negotiations. Other scholarly works that consider, albeit indirectly, the role of expertise and experts in the EU are the studies of committee governance, reviewed in Section 2.

This work explores the issue of how expertise may affect negotiations in the EU, with reference to both the negotiation processes and the outcomes. For the purpose of this paper, the definition of 'expertise' coincides with: 'content specific knowledge', about the subject specific matter of negotiations; 'procedural knowledge' about the process of negotiation (the distinction between content specific knowledge and procedural knowledge is pointed out by Tallberg 2006), and 'shared training and professional outlook' (Barnett and Finnemore 1999; Chwieroth 2007). The focus here is mainly on the first and third definitions of expertise, because the second definition largely coincides with negotiating skills.

The role of technical knowledge in EU negotiations should be examined together with the role of 'experts' interacting in these fora. 'Experts' are policy-makers that master technical knowledge. They tend to be civil servants, based either in the member states

or in EU institutions. Academics, professionals based in think tanks and specialists from industry are not included in this definition of experts because they hardly ever participate directly to EU negotiations, even though in certain technical and complex policy areas considerable subject specific knowledge can be provided by industry, academia and professional lobbyists.

Having provided a working definition of ‘expertise’ and ‘experts’, Section 2 reviews the literature identifying the causal mechanisms through which expertise may have an impact on the negotiation processes and the outcomes. Section 3 puts forward proposals for future research, elaborating empirically testable hypotheses concerning the scope conditions under which expertise is most (or least) likely to affect EU negotiations. The leading questions that inform this work are: What have we learned so far about the role of knowledge in EU negotiations? What gaps exist in our understanding and how should we go about addressing these gaps, empirically and/or methodologically? The paper includes some illustrative examples in the field of Economic and Monetary Union (EMU) and financial services rule-making in the EU. These two policy areas are particularly amenable to the analysis of expertise in EU negotiations because they are technical policy areas, which are also politically salient. One could expect both expertise and traditional bargaining to play a prominent role in negotiations.

It is argued that it is important to investigate how technical knowledge influence negotiations in the EU because this can shed new light onto the core questions informing this special issue and more precisely: whether and under what circumstances actors engage in bargaining or arguing/ or problem solving; what

affects the ‘bargaining’ power of actors in the negotiating process; and, how coalitions are formed in EU negotiations.

2. Taking stock from a composite literature

As mentioned before, there is not a specific body of literature discussing the role of expertise in EU negotiations, even though experts and expertise feature in the studies of EU committees. Hence, this literature review begins by examining the body of scholarly works dealing with committee governance in the EU and it subsequently examines other approaches - mainly drawn from comparative politics, public policy and international relations - which explore the role of expertise and experts in policy making. This review of the literature is organised according to analytical categories reflecting the various ‘functions’ that can be performed by expertise in EU negotiations: as a socialising, cognitive, legitimising, and operational device. Each approach is examined in the context of the literature it originally came from and how it has been applied in the EU context. Finally, the causal mechanisms through which expertise may have an impact on the negotiation processes and the outcomes are identified.

Expertise as a socialising device

The literature on *committee governance* in the EU includes studies of the socialisation process taking place in the various committees (Lewis 2005; Beyers 2005; Beyers and Trondal 2004; Egeberg et al. 2003, Fouilleux et al. 2005; Trondal 2001; Trondal and Veggeleland 2003), as well as the literature on comitology (Pollack 2003; Joerges and

Vos 1999) and the study of specific committees (see the special issue of the *Journal of European Integration* 2008).

The vast majority of the scholarly works on committee governance in the EU that are relevant to the role of expertise explore the process of socialization, which can be defined in different ways, but which tends to coincide with the acquisition of a supranational logic, the willingness to compromise and the internalisation of norms as a result of interactions in the committees. It is however possible to distinguish between internalization of supranational norms and internalization of specific normative views about public policy, especially in committees dominated by expertise (Quaglia et al. 2008). In highly technical committees, participants, although formally representing their countries, can be socialized to a technocratic vision that privileges expertise and Pareto-efficient decision-making rather than the national interest (Majone 1999: 295–6).

Another, often neglected, type of socialization concerns the specific values or policy paradigms (Quaglia et al. 2008). One example is the ‘stability-oriented’ macroeconomic paradigm that prevails in the Economic and Financial Committee (the former Monetary Committee) and in the forerunner of the ECB, the Committee of Central Bank Governors (Dyson and Featherstone 1999, Verdun 1999). Recent work by Banducci and Radaelli (2008) distinguishes the impact of the different types of socialisation on experts working in EU committees in several policy areas.

This literature ties in with the literature on socialisation in international organisations (Barnett and Finnemore 1999), and the effects of the presence of a shared educational

background (Chiewroth 2007) and professional outlook (Marcussen 2009) amongst policy makers. Accordingly, technical language, professional training, an evidence-based approach (Majone 1989) and the interaction in the technical fora facilitate the socialisation process amongst experts.

The causal mechanism identified by this body of scholarly literature is that expertise, mainly in the form of a shared training and professional outlook, facilitates socialisation in certain negotiating arenas, such as ‘committees of experts’, which, in turn, facilitates the process of negotiation and the reaching of an agreement. In these cases, expertise is an independent or intervening variable. At the same time, the development of shared expertise is also facilitated by the interaction in (certain) EU committees, notably ‘technical’ committees, in which the matters discussed have a highly technical content. In these cases, expertise is a dependent variable.

Expertise as a cognitive device

In comparative politics, the concept of *policy paradigm* was originally developed by Peter Hall (Hall 1993, 1989) in conjunction with historical institutionalism. Policy paradigms, which are the overarching frameworks of ideas that structure policy-making in a particular field, comprise beliefs concerning policy objectives, instruments and strategies (Hall 1989). Thus, policy paradigms, and their different components, help policy makers to chart policies, identifying objectives, devising strategies and selecting instruments. Paradigms are generally rooted in, or informed by, a specific body of technical knowledge. They are intersubjective beliefs expressing both individual and collective intentionality, and therefore they can be applied as independent or intervening variables to explain the behaviour of individual

policy-makers as well as groups of policy-makers (Ruggie 1998). In the EU, McNamara (1998), Marcussen (2000) and Quaglia (2004) have traced the influence of specific bodies of economic ideas (or policy paradigms) in facilitating and shaping the coming about of EMU. Parsons (2000, 2002) has analysed the influence of specific bodies of ideas in shaping France's policy towards the EU.

A similar approach, although with more emphasis on the role of technical knowledge in a transnational dimension, was developed in the field of international relations to explain international public policy and policy coordination. *Epistemic communities* are networks of 'professionals with recognised expertise and competence in a particular domain and an authoritative claim to policy-relevant knowledge within that domain or issue area' (Haas 1992: 3). Such communities are formed by individuals who share the same world-view (or episteme) and in particular four aspects of it: 'a shared set of normative and principled beliefs, which provide a value-based rationale'; 'shared causal beliefs'; a 'shared notion of validity'; 'a common policy enterprise' to which their professional competence is directed. This typology of beliefs bears some resemblance to the one applied in the advocacy coalition approach, reviewed below.

The epistemic community theory formulates international policy coordination as the dependent variable, whereas states' interests become an intervening variable, framed by knowledge, which is the independent variable. This perspective highlights the role that networks of knowledge-based experts cutting across national boundaries have in helping states to identify their interests and frame policy. The focus is on individuals, generally experts and their technical beliefs, not on politicians. In the EU, Amy Verdun (1999) characterises the EU central bankers gathered in the Delors Committee

in 1989 as an ‘epistemic community’ active in the creation of EMU and in drafting the blueprint of the European Central Bank (ECB).

In the 1990s, *the advocacy coalition* approach was developed in the field of public policy by giving particular attention to actors and their beliefs. An advocacy coalition is composed of ‘actors from various governmental and private organisations who both share a set of normative and causal beliefs and engage in a non-trivial degree of co-ordinated activity over time’ (Sabatier 1998: 99). ‘The belief system’ of a coalition is organised into a ‘hierarchical, tripartite structure’: the ‘deep core’ of the shared belief system includes basic ontological and normative beliefs; the ‘policy core’ beliefs, which represent the causal perceptions by the coalition and are its fundamental ‘glue’; and the secondary aspects of the coalition’s belief system, which can vary somewhat among different members (Sabatier 1998). The tripartite structure of belief system is also reminiscent of the literature on policy paradigms of the late 1980s.

The advocacy coalition approach is particularly fruitful in order to assess the role that technical knowledge – the independent or intervening variable - plays in the policy process (Sabatier 1998). It emphasises the process of ‘policy learning’ (Meseguer 2005) which in turn might trigger a process of ‘policy transfer’ (Dolowitz and Marsh 1996, Bulmer et al. 2007). Both the processes of learning and transfer can be facilitated by the presence and interaction of like-minded experts that value expertise in the policy debate.

In the EU, this approach, together with the concept of policy narrative, has been used by Radaelli (1999b) to explain policy making in taxation policy in the EU. Dudley

and Richardson (1999) have used the concept of advocacy coalitions in order to explain EU policymaking in the steel sector, arguing that ideas and interests are ‘not separate entities, only analytically separable ones’ (Jacobsen 1995: 309), especially in the economic field. Following the same approach, Quaglia (2008b) has highlighted the importance of competing paradigms concerning financial services regulation in order to explain why the completion of the single financial market in the EU has proved to be so difficult.

According to this literature expertise in the form of content specific knowledge is a cognitive device, helping actors to evaluate their individual or collective interests. The causal mechanism through which expertise may affect the process of negotiation and the outcome is that a shared body of technical knowledge can lead to the identification of similar interests. It also contributes to framing issues, such as the creation of EU institutions, or the development of EU policies, in a relatively consensual way.

For example, the ‘sound money’ ideas (meaning the stability-oriented economic paradigm) that originated in Germany and came to be shared by macroeconomic elites in the EU facilitated the reaching of an agreement on EMU and its shape (Dyson 1994, McNamara 1998, Marcussen 1999). Moreover, the broad consensus in the economic literature on the principle of central bank independence (for a review see Cukierman 1992, Eijffinger and de Haan 1996), which was also shared by macroeconomic policy makers, and the perceived successful model provided by the German Bundesbank, facilitated the reaching of an agreement on the establishment of the European Central Bank, as well as the specific features of EMU (Dyson 1994, Verdun 1999, McNamara 1998, Marcussen 2000).

By contrast, the absence of a shared body of technical knowledge and even more so the presence of competing technical paradigms complicates the negotiation process, making the reaching of an agreement more difficult. For example, unlike for the principle of central bank independence, there is no agreement in the economic literature and amongst macroeconomic policy makers on the best model for banking supervision, and more generally financial services supervision (Busch 2004). Moreover, there are different supervisory models in Europe (for an overview see Masciandaro 2005). Hence, when the ECB was set up one of the points on which it was difficult to find an agreement was whether or not it should have supervisory competence (Dyson and Featherstone 1999; interview, London, 5 December 2005). Furthermore, there is an ongoing debate as to whether or not central banks should engage in banking supervision as is the case for example, in Italy, and Spain, and whether a single supervisor for the entire financial sector, similar to the British Financial Services Authority model, provides more effective supervision. Even amongst experts (financial regulators and supervisors) there is no consensus on the best model for financial supervision in the EU.

Expertise as legitimizing device

The approaches reviewed so far are mainly drawn from the literature on comparative politics and public policy (for a review see Blyth 1997, Jacobsen 1995, Finnemore and Sikkink 2001). To this, one should add ‘*soft*’ *constructivist* approaches, whose theoretical focus is the constitutive role of ideational elements in international and EU politics (for constructivist approaches applied to the EU see the special edition of the *Journal of European Public Policy*, in particular the article by Christiansen, Jorgensen

and Wiener 1999). There are different clusters of constructivism identified in the literature: conventional, critical, and postmodernist (Ruggie 1998; Katzenstein et al. 1998; Checkel 2003) or sociological and Wittgensteinian/interpretative (Christiansen et al. 1999). These different strands of social constructivism formulate different epistemological programmes: they have specific foci and preferred methodologies. The main discussion here is on soft constructivism, meaning the sociological (conventional) current that applies positivist methodologies to empirical studies (Shimmelfennig 2003; Lewis 2003, Checkel 2003, Risse 2000, Marcussen et al. 1999).

Social constructivism analyses the interactions amongst entities in the international arena by specifically looking at the alterations of political actors' constitutive features, their identities and interests. Social constructivism examines practices of deliberation, persuasion and argumentation (Checkel 1999a, 2001b; Risse 2000) leading to the reconfiguration of one's identity and interests. Social constructivism highlights the legitimating function of ideas (socially constructed elements) and by extension, for the purpose of this article, of technical knowledge.

In the EMU literature, Risse et al. (1999) and Marcussen et al. (1999) have highlighted the role of socially constructed elements, first and foremost national identities, in shaping member states approaches towards EMU. McNamara (2002) points out that in the making of EMU the spreading of the idea of central bank independence worldwide provided some sort of perceived legitimation to this model. Marcussen (2009) discusses the 'scientisation' of central banking, whereby legitimate decision making is based on expertise and evidence, and is almost 'apolitical'.

Expertise mainly as content specific expertise as well as professional outlook can act as a legitimating device performing a normative or constitutive function, defining what is, or is not appropriate in a certain policy (Surel 2000), providing the intersubjective bases of social action and social order (Wendt 1999; Ruggie 1998), and the language in which to communicate (Laffey and Weldes 1997; Yee 1996). The normative function of ideas is empowered in policy domains characterised by high density of international institutionalisation and a high degree of international and transnational normative activity (Checkel 1999c, 533), for example, the promotion of human rights regimes.

Expertise as an operational device

An influential stream of research on ideas in the early 1990s adopted *rational choice institutionalism* (Goldstein and Keohane 1993, Garrett and Weingast 1993), considering ideas, including specific bodies of technical knowledge, as intervening variables, providing *focal points of agreement* for policy makers and for the formation of domestic coalitions. Similarly to Hall (1989), Goldstein and Keohane (1993) distinguished between ‘world views’, ‘principled beliefs’ and ‘causal beliefs’, and emphasised their individualistic grounding. In these empirically-grounded studies different sets of ideas were detected as influential in certain policy areas and the combination of ideas was regarded as instrumental in constructing policy coalitions, as Garrett and Weingast (1993) point out in the making of EMU.

Expertise in the form of technical knowledge may affect the negotiating process and outcome by performing a *political function of coalition formation*. The causal mechanism through which this takes place is the identification of focal points of

agreement for policy-makers, and socio-economic and political forces, especially when different sets of ideas are at play, and ideational packages can be formed. For example, in the area of European monetary integration, foreign policy beliefs (or ideas about Europe) meet economic ideas (Risse, Engelman-Martin, Knopf and Roscher 1999). Most of the time, ideas and interests reinforce each other in the formation of coalition (cf Jacobsen 1995), as suggested by Quaglia (2008b) in the negotiations concerning the making of the so-called Lamfalussy directives concerning securities trading.

Other rationalist approaches, such as leadership theories consider technical knowledge as a resource in the negotiating process providing policy makers with an intangible asset to be deployed in negotiations. Expertise can therefore provide extra leverage to the actors mastering it (cf Tallberg 2006). In this case, expertise affects the bargaining power of actors, giving them an extra edge in policy debates. Technical knowledge can be an *intangible asset* that strengthens the position of the policy-makers that master such expertise - it substitutes power in certain policy areas (Radaelli 1995). Mastering of technical knowledge represents a source of power in EU negotiations, providing extra leverage in the discussion (cf Wallace 2005). Paraphrasing Haas (1990), there are instances when knowledge is power, which is not to say that knowledge is the main source of bargaining power in EU negotiations.

For example, amongst central banks, the Bank of Italy has consistently invested a considerable amount of resources in order to develop in house cutting edge economic knowledge to be deployed in policy debates, both domestically and in international fora. In contrast, the Bundesbank was an independent central bank and a powerful

domestic and international actor in its own right until the creation of EMU, but did not feel the need to do so (Quaglia 2008a). This approach changed once it joined the Eurosystem, where access to advanced technical knowledge provided extra leverage in policy making. Consequently, several central banks, including the Bundesbank, have stepped up their research departments (Eijffinger, de Haan and Koedijk 2002).

There is often (but not always), a correlation between the issue salience, the intensity of preferences for certain actors and the degree of technical expertise they can master on that specific subject. For example, Luxemburg, which has a large financial sector compared to the size of its economy and population, masters considerable expertise in financial services, and invests considerable resources in policy making in this sector. On the other hand, size matters indirectly as well, in that one can assume that the most powerful actors, such as the large member states, on average, have more expertise and human resources available to them. For example, the UK, France and Germany are generally seen as the most well resourced in terms of expertise (technical knowledge) and experts (human resources) in the negotiating process on financial services.

According to these approaches, the causal mechanism through which expertise in the form of technical knowledge and process specific knowledge may affect the negotiating process and outcome is by acting as an operational resource that increases the bargaining power of actors, providing intangible assets.

Proposals for further research

The review of various bodies of scholarly works touching upon the role of expertise in negotiations in the EU (and elsewhere) underscores that there are several sometimes overlapping causal mechanisms through which expertise may affect negotiation processes and the outcomes. Yet, we still know relatively little about the scope conditions under which expertise is most likely (or less likely) to affect negotiations in the EU through the causal mechanisms identified in the previous section. It is however possible to tease out testable implications that can be subject to future empirical research. The scope conditions are formulated as falsifiable hypotheses about under what conditions expertise matters in EU negotiations. They concern: the arena of negotiations and the policy area being negotiated.

H1. Expertise is most likely to affect negotiation processes and outcomes in technical arenas, especially if participants have a shared professional training and outlook.

Indeed, in technical fora (e.g. highly specialised committees), participants are likely to be socialised in the same professional culture, share similar cognitive and legitimising maps and value expertise as a resource. Hence, for example, in the policy areas of EMU and financial services regulation, one would expect expertise to play a greater role in the negotiations taking place in gatherings of central bankers, who have a strong shared professional outlook (Marcussen 2009, Verdun 1999), rather than in gathering of finance ministers, who tend to have diverse professional backgrounds.

H2. Expertise is most likely to affect negotiation processes and outcomes in arenas located at lower levels.

In these arenas, negotiations are likely to be less ‘politicised’ and more evidence based, privileging knowledge-based arguments over political ones (Majone 1989). Hence, for example, in the policy areas of EMU and financial services regulation, one would expect expertise to play a greater role in the negotiations taking place in the council working groups and the Lamfalussy committees, respectively, rather than in high level ministerial meetings (e.g. Ecofin Council).

H3. Expertise is most likely to affect negotiation processes and outcomes in complex policy areas, with low political salience, shielded from public scrutiny.

These features increase the length of the causal chain and reduce the traceability of policy (Radaelli 1999a). An example is international monetary policy (Odell 1982). In the EU, one would expect expertise to play a greater role in the negotiations of EMU and financial services, which have several technical aspects, deal with complex matters, and are generally the domains of core executives (cf Dyson and Featherstone 1999), than in the negotiations, for example, on EU structural funds or the EU budget, which have a lower technical content and higher political salience.

H4. Expertise is most likely to affect the negotiation process and its outcome in the absence of significant clear cut competing interests.

This tends to happen when the policy areas negotiated have the characteristics of public goods and interest groups have little incentive to lobby for them (Gowa 1983), and/or when there are no clear-cut winners and losers (McNamara 1998) - thus, policy constituencies are undefined or cross cutting. In the EU, one should be able to detect a

difference in the role played by expertise in two equally technical policy areas, with different public good content. In this respect, financial services regulation is different from EMU, because the content of financial regulation creates specific winners and losers. By contrast, in the case of EMU winners and losers are not easily identifiable (McNamara 1998).

From a methodological point of view, a suitable way of proceeding would be through several paired or multiple in-depth comparisons of EU negotiations involving different arenas and policy areas, which determine the scope conditions and which can also be seen as intervening variables. The researcher could then perform a congruence test, checking whether the hypothesised relations between the independent variable – expertise – and the dependent ones - negotiation process and outcome - hold (or not) under different scope conditions (e.g. arenas located at high-low levels of negotiations, policy areas with high-low political salience and public scrutiny). This congruence procedure could be supplemented by a detailed process tracing, with a view to examine the specific causal mechanisms at work in each specific case (on small case study methodology see Gerring 2007, George and Bennett 2005).

Two caveats should however be kept in mind for future research. The first caveat is analytical: the different scope conditions identified can be separated analytically, but in practice it might be more difficult to do so, because they might also overlap in part. For example, some arenas that bring together experts with a strong professional identity are likely to be arenas located at lower levels of negotiations (though not necessarily as evidenced by Verdun's analysis of the Committee of Central Bank

Governors). To address this potential problem, process tracing and elite interviews with the participants to the negotiations should prove to be valuable tools. The second caveat is empirical in that data gathering might be rendered more difficult by the fact that technical fora and experts working therein tend to avoid publicity and access for interviews might be limited, even though this also depends on the policy area.

Conclusions

This article has reviewed the literature on expertise in policy making and by extension in negotiations in the EU. It has identified two main gaps in the existing literature. The first gap is theoretical: it concerns the delineation of testable hypotheses concerning scope conditions that affect the role played by expertise in EU negotiations. The second gap is empirical: there are very few works analysing the role of knowledge in the EU and EU negotiations more specifically.

By conducting an extensive review of the literature, this article has identified several functions that expertise can perform in EU negotiations and the causal mechanisms through which it may have an impact on the process and the outcome of negotiations in the EU. The socialising, cognitive, legitimating and operational functions of expertise are enhanced by specific conditions that can be formulated as hypotheses concerning the arenas of negotiations and the policy areas. Methodologically, the analytical leverage of these hypotheses could be gauged through congruence tests and process tracing, informed by policy analysis and elite interviews, based on a limited number of selected case studies comparisons. By examining the empirical record using the hypotheses and causal mechanisms outlined in this paper it should be

possible to gather a better understanding of the multi-faceted role played by expertise in EU negotiations.

ACKNOWLEDGEMENT: Research for this article was funded by a grant from the INTUNE project (Integrated and United? A quest for Citizenship in an ever closer Europe) financed by the Sixth Framework Program of the European Union, Priority 7, Citizens and Governance in a Knowledge Based Society (CIT3-CT-2005-513421).

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