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Changing the appropriate?

A study on the treaty of Lisbon

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Abstract

The treaty of Lisbon introduced several significant institutional changes to the EU. The main research question of this thesis is therefore the following: *How has the institutional changes in the treaty of Lisbon affected how the EU debates norms and what norms the EU refers to?*

In order to approach the research problem this thesis uses a comparative case study design which looks at how the EU debate and refer to norms before and after the adoption of the treaty of Lisbon. The method used is a form of qualitative content analysis which analyses the transcripts of speeches made by the EU in the UN.

The results of this thesis are that we cannot observe any clear changes in how norms are referred to and discussed in the UN. This suggests that changes in formal institutions do not affect how actors debate and refer to norms. We should also not expect to see any changes in the immediate time period.

Key words: Norms, institutional change, the treaty of Lisbon, EU

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Table of contents

List of abbreviations	2
1 Introduction.....	3
1.1 Statement of purpose and research question	4
2 The EU and the treaty of Lisbon	5
3 Theoretical framework.....	8
3.1 Institutions	8
3.1.1 What are institutions?.....	8
3.1.2 Rational choice institutionalism	10
3.1.3 Historical institutionalism	12
3.2 Norms	13
3.2.1 What are norms and how do they function?.....	13
3.2.2 Defining the concept of norms	15
3.2.3 Constructing a typology of norms	16
3.3 Challenges with the theoretical framework.....	18
4 Methodological discussion.....	21
4.1 Research design.....	21
4.1.1 Case selection strategy	22
4.2 Content analysis	25
4.3 Empirical material	27
4.4 What agenda items should be analysed?	29
4.5 Validity and reliability	30
5 Analysis.....	31
5.1 The 62 nd UNGA	31
5.2 The 63 rd UNGA.....	34
5.3 The 64 th UNGA	36
5.4 The 65 th UNGA.....	39
5.5 The 66 th UNGA.....	41
5.6 The 67 th UNGA.....	41
5.7 Comparing the UNGAs	43
6 Concluding discussion	45
References.....	46

List of abbreviations

CBTB	The Comprehensive Nuclear-Test-Ban Treaty
CFSP	Common Foreign and Security Policy
CTBTO	The Comprehensive Nuclear-Test-Ban Treaty Organization
ECSC	The European Coal and Steel Community
EDA	The European Defence Agency
EEAS	The European External Action Service
EP	The European Parliament
EURATOM	The European Atomic Energy Community
HCOC	The Hague Code of Conduct against Ballistic Missile Proliferation
HI	Historical institutionalism
HR	The High Representative of the Union for Foreign Affairs and Security Policy
IAEA	International Atomic Energy Agency
IR	International Relations
NPT	The Treaty of Non-Proliferation
RCI	Rational choice institutionalism
START	Strategic Arms Reduction Treaty
UNGA	United Nations General Assembly. In this thesis used to refer to the time of each year when the UN member states meet in New York to discuss current issues on the international agenda.

1 Introduction

“To understand power in international relations, we must place it side by side with other quintessentially social concepts such as prestige, authority, and legitimacy”

Andrew Hurrell, *On global order* (2007:39).

From the ashes of World War II the EU has arisen to become one of the most influential organizations in the world. Often seen as the world’s ‘soft power’ the EU has frequently underlined the importance of diplomatic solutions and trade rather than military interventions (see Utrikespolitiska institutet, 2009:52). In contrast to many other actors in the world arena the EU is constantly changing and one of the more significant changes was introduced in the treaty of Lisbon.

The treaty is one of the most important one in the history of the EU because it amended the foundational treaties of the EU and introduced new institutional configurations (see Bernitz & Kjellgren, 2012:20). For instance the EU now has a position similar to a country’s foreign minister which is tasked with representing the EU in external matters. The question is what effects these institutional changes has had on the EU, especially in matters concerning ‘soft power’.

As illustrated in the quotation by Andrew Hurrell social concepts are vital to include in our analysis if we are to understand power in international relations. Power is more than geopolitical considerations. Powerful ideas like human rights, sovereignty and human dignity affect how and why states act. A world without norms, values and principles is an unrealistic world were humans behave more like robots than humans.

One could at the same time question ‘soft powers’ influence in world politics since norms and rights are often referred to but arguably not always acted upon. For instance, the invasion of Iraq in 2003 might have been motivated more by geopolitical considerations rather than norms and values. Surely, some might argue, it is only natural resources, military might and rational interests that determine how states act?

This is a somewhat problematic view on the world since norms and rationality is closely related (see Finnemore & Sikkink, 1998:888-889). While some IR-scholars try to ignore and downplay the importance of norms and values they often implicitly have a normative dimension to their analysis (Erskine, 2010:47). One good illustration of the problems with downplaying the importance of norms is when realist scholars argue that Thucydides classical work *History of the Peloponnesian War* is one of the earliest examples of a realist viewpoint. This is a problematic interpretation since Thucydides focuses a lot of attention on moral norms and how war disrupts these important norms (Monoson & Loriaux, 2006:38-41). It is also interesting to note that Thucydides actually criticizes some assumption that realist tend to make (*Ibid*, 2006:50).

Thus, the question is how the institutional changes prescribed in the treaty of Lisbon has affected how the EU debate and refer to norms. As influential as the EU is, any changes in the norms the EU support will most likely affect the rest of the world. Has the EU become more aggressive in regards to defending norms in world politics or is it too soon to note any effects? In this thesis I aim to bring light to this issue and try to conclude if institutional change can have an impact on how actors refer to and debate norms.

1.1 Statement of purpose and research question

The main aim of this thesis is to study how institutional change affect how actors debate and refer to norms. This is a research area which needs to be studied because current institutional theories often ignore the possible effects an institutional change might cause. Many theories describe the genesis of institutions but few focus on what possible effects institutional change can cause. By studying institutional change and norms we achieve an understanding of what effects an institutional change can have.

It is also important to study this area since norms play an important role in international relations. Norms can be understood in many ways (which is discussed in the theoretical framework) but one of the most common views on norms is that norms prescribe the appropriate behaviour. If institutional change has any influence on norms the ‘rules of the game’ might be subject to change and in turn have an effect on how actors behave.

Norms are also closely related to morals in that it constitutes what matters in international relations. Norms highlight what is important for actors which in turn affect how they act since a deviation of a norm will lead to debate and criticism from those who support the norm (see Erskine, 2010:46-48 and Raymond, 1973:213-214). If the institutional change has affected how the EU refers to and debate norms then this might have an impact on what topics will become the centre of attention in international relations.

In order to provide possible conclusions to the aim of this thesis I will use a research question to narrow down my research area. The question that will be used in this thesis is the following:

- *How has the institutional changes in the treaty of Lisbon affected how the EU debates norms and what norms the EU refers to?*

The research question used in this thesis uses the concept of norms and institutional change. These concepts will be discussed and defined in the theoretical framework.

2 The EU and the treaty of Lisbon

Before we can start analysing the effects of the treaty of Lisbon we need to have an understanding of how the EU has evolved and what the treaty of Lisbon changed. Due to the many changes prescribed in the treaty of Lisbon I will mainly focus on the changes made in the Commission, the European Parliament (henceforth abbreviated to the EP) and the European Council since these are among the central institutions regarding the general function of the EU.

The history of the EU begins in the aftermath of the Second World War where the European Coal and Steel Community (ECSC) was formally established in 1951 through the treaty of Paris (Bernitz & Kjellgren, 2012:13-14). The ECSC continued to evolve with focus on creating an internal European market and increasing the number of member states in the organization (see Bernitz & Kjellgren, 2012:15-18). In 1957 the treaty of Rome was adopted and the European Economic Communities (EEC) and the European Atomic Energy Community (EURATOM) was officially established (Bernitz & Kjellgren, 2012:14). The ECSC, EEC and EAEC (often called the European Communities) continued to coexist until 1967 when the Merger treaty was adopted. This treaty merged the EEC, EURATOM and ECSC, and created a single Commission and Council for the European Communities (Europa, 2014a).

In 1992 the Maastricht treaty was adopted which revised the foundational treaties and created a new organizational structure (Bernitz & Kjellgren, 2012:18). This new structure meant that the EEC was transformed from an economic union to a political union and the EEC changed its name to the European Union (Utrikespolitiska institutet, 2009:7 and Bernitz & Kjellgren, 2012:18). The Maastricht treaty also introduced the so called three pillars which is the European Communities, Common Foreign and Security Policy, and Police and Judicial Co-operation in Criminal Matters (Bernitz & Kjellgren, 2012:18). The Maastricht treaty also gave more power to the EP and created a co-decision procedure between the EP and the European Council (Summaries of EU legislation, 2014a and Europa, 2014a). However, the Maastricht treaty was criticized for not being enough change, which led to changes through the Amsterdam treaty and the Nice treaty (Bernitz & Kjellgren, 2012:19 & Utrikespolitiska institutet, 2009:10).

Despite the revisions the decision process was still criticized which led to a new revision; the treaty of Lisbon (Bernitz & Kjellgren, 2012:19-20). The treaty was officially adopted in 2009 by all the EU member states. This entails several important changes to how the EU functions and is organized. One of the important changes in the institutional design of the EU was the creation of the *High Representative of the Union for Foreign Affairs and Security Policy* (HR). Before, the responsibility held by the HR was divided between the *High Representative for Common Foreign and Security Policy* and the *Commissioner for External*

Relations. The HR is also the vice-president of the European Commission and the administrator of the *European Defence Agency* (EDA) (Summaries of EU legislation, 2014a).

The main task of the HR is to conduct the EU's *common foreign and security policy* (CFSP). This means that the HR has the right to propose defence and security missions. Any issues related to the CFSP is represented by the HR on behalf of the EU. The HR also represents the EU at third party talks and expresses the EU's position in international forums. The HR also presides over the Foreign Affairs Council of Ministers (European Union External Services, 2014a), which before the treaty of Lisbon was chaired by representatives of the Council of Ministers. However, it is important to note that the HR is not the only one that represent the EU in external matters. The president of European Council also represents the EU in external matters, but on a separate level and not with the same power as the HR. The treaty of Lisbon does not specify how the work is divided between the HR and the European Council. Instead, the HR and the Council decide how the work is divided amongst themselves through practical experience (Summaries of EU legislation, 2014b).

Another important institutional change to the HR position was the creation of the *European External Action Service* (EEAS). The HR is in charge of the EEAS which in turn aids the HR in the everyday work to ensure that the EU's external actions are consistent and coordinated. The EEAS also assist the president of the European Council and the members of the commission in matters concerning external relations and ensures close cooperation between the member states (European Union External Services, 2014a). The EEAS was established on the 26 July 2010 through a decision in the Council of Ministers (2010/427/EU) which was based on a proposal from the HR and endorsed by the EP. The EEAS was officially launched in January 2011 (European Union External Services, 2014b).

The Council of Ministers has with the treaty of Lisbon expanded the use of qualified majority voting (QMV) (Summaries of EU legislation, 2014d), but QMV is still exempted in taxation or foreign policy decisions (Europa, 2014b). The Council of Ministers also had its function clarified in that two configurations (the general affairs council and the foreign affairs council) where the ministers meet. The general affairs council are responsible for ensuring consistency in the council's different configurations and preparing European Council meetings while the foreign affairs council is responsible for developing the foreign policies of the EU (Summaries of EU legislation, 2014d).

While the European Council did not achieve any legislative powers through the treaty of Lisbon the treaty did officially include the European Council (before the council was not an official EU institution) in the EU and created a new president position in the council (Summaries of EU legislation, 2014e). The president is elected for two and a half years (Utrikespolitiska institutet 2009:14).

The function of the European Council is that it designates the direction of EU politics. This means that the European Council defines the schedule and objectives for the European Commission, Council of the EU and the EP. The president of the

council is tasked with driving forward the work of the European Council so that the work is consistent over time, and to facilitate cohesion and consensus within the European Council. The European Council also proposes a candidate for the HR position (Summaries of EU legislation, 2014e).

The Commission also saw some changes with the treaty. As discussed earlier one change was the creation of the HR position within the Commission. The treaty of Lisbon also clarified the number of commissioners and changed so that the European Council now has to take into account the results of the election results of the EP (Summaries of EU legislation, 2014f).

The EP saw the co-decision procedure increased to new political fields and strengthened its power over the annual EU budget. The EP kept its task in electing the president of the Commission and also has to give its consent to the commission as a whole before the Commission can begin its work. The number of seats in the parliament increased as well (Summaries of EU legislation, 2014g).

3 Theoretical framework

In this part I will discuss the theoretical framework that will be used in this thesis. The two main concepts that will be used are institutions and norms. First I will have a general discussion about the concept of institutions. After that I will discuss different institutional theories and conclude what we can expect from an institutional change. After that I will discuss the concept of norms, decide on a definition and chose a typology of norms. When that is done I will address some of the challenges with the theoretical framework.

3.1 Institutions

In order to be able to use the concept of institutions we first need to define what an institution is. When I have defined my understanding of what an institution is I will discuss what different theories tell us about the possible effects of an institutional change.

3.1.1 What are institutions?

One of the most commonly used concepts in social science is institutions. The concept is often used when explaining micro-, meso- and macro-level processes and phenomena. The concept is widely used but a shared universal definition is hard to find.

There are two main challenges with using the concept of institutions by itself and in relation to norms. First of all social scientists tend to use either the concept of institutions or the concept of norms when explaining identical (or very similar) processes which causes some confusion (see Finnemore & Sikkink, 1998:891 and Kay, 2003:407). While one person might use institutions when explaining what causes institutions to change another one might use norms instead. In this thesis the distinction between institutions and norms is to be understood as norms being single standards of appropriate behaviour and institutions being set of behavioural rules that are organized together and interrelate (see Finnemore & Sikkink, 1998:891).

The second problem is that the concept of institution differ depending on what institutional theory we use (March & Olsen, 2006:4). Those who use a rational choice approach will focus on other aspects of institutions than those who use a constructivist approach (see part 3.1.2 for a more detailed discussion of this). This presents us with a challenge when we want to use different approaches to

understand the same case. We thus need to keep this in mind when using different theories to explain the same case.

While there exists differences among the different theories concerning the concept of institutions everyone define institutions as some form of social order that restrict behaviour (see Hague & Harrop, 2007:86, Hurrell, 2007:59, March & Olsen, 2006:3, Olsen, 2009:5-6 & Rodrik, 2007:154). Institutions restrict how actors can behave by assigning the proper behaviour by defining and referring to rights and obligations. Therefore, members of an institution is expected to follow the proper behaviour, obey and guard the standards and principles of the institution (March & Olsen, 2006:7). While many approaches share the understanding that institutions restrict actors behaviour there are disagreements on why institutions change and what effects these changes have (see Olsen, 2009:3). This will be discussed in part 3.1.2.

It is also important to distinct between formal and informal institutions. Douglas North was one of the first to highlight the difference between formal and informal institutions and he defined formal institutions as “political (and judicial) rules, economic rules, and contracts” (North quoted in Bleich, 2006:221) and informal institutions as “codes of conduct, norms of behaviour and conventions” (North quoted in Bleich, 2006:221). This distinction presents us with an important issue that needs to be addressed which is how we study institutions.

Formal institutions are often considered easier to analyse than informal institutions (Bleich, 2006:221-222). For instance, a change in the electoral rules in a country is easier to study since this change can be traced in the country’s law, the working documents leading up to the decision and the political debate within the country’s parliament. In contrast, changes in rules of conduct, norms and conventions has to be observed and interpret, which makes it harder to study. Norms, rules of conduct and conventions are often not written down but have to be interpret by the observer.

In regards to formal and informal institutions this thesis will only focus on formal institutions. The aim of this thesis is to explore if the changes in the treaty of Lisbon has had any effect on how norms are debated by the EU. Thus, the focus is on the formal institutions and not on the informal institutions. We therefore need to keep in mind that the informal institutions might have an effect but I will not be able to say anything about that with this in this thesis.

In light of the previous discussion on the general idea of what institutions are I have decided to use James G. March and Johan P. Olsen’s definition used in the book *The Oxford Handbook of Political Institutions*. March and Olsen define institutions as:

“is a relatively enduring collection of rules and organized practices, embedded in structures of meaning and resources that are relatively invariant in the face of turnover of individuals and relatively resilient to the idiosyncratic preferences and expectations of individuals and changing external circumstances” (March & Olsen, 2006:3)

This definition establishes that institutions are a collection of rules and organized practices embedded in structures of meaning. This is more of a constructivist view on the world in that actors are affected by structures of meaning. Thus, individuals are affected by their background (education, culture and so on), their language and their understanding of the world (see Schuetz, 1953:2 and Haritaworns, 2008).

Another important aspect of the definition is that the rules and organized practices are affected by idiosyncratic preferences, expectations of the individual and changing external circumstances. Institutions, as I understand it, are more than formal rules and the most frequent behaviour. Instead they are affected by internal (changing preferences, new ideas, new understanding etc.) and external factors (expectations from others, external shocks etc.). In this thesis the focus will be on the external factors.

Now that I have discussed the general idea of institutions and presented my understanding of institutions we can continue and discuss different institutional theories and their understanding of institutional change. The problem with many institutional theories is that they focus on the creation of institutions and not on the effects that a change has. This is a problem because this thesis focuses just on that; the effects of the change. Therefore we have to force the answers out of the different approaches and try to apply some of the theoretical underpinnings to a phenomena they have not earlier focused upon.

The institutional theories I have included in this thesis are rational choice institutionalism (RCI) and historical institutionalism (HI). The reason for why I have chosen to only include these two theories is because of two reasons. The first reason is that many other theories emphasizes on ideas and social constructions rather than formal institutions. For example constructivist institutionalism implies that institutions do not have much influence on how actors behave (see Bell, 2011:886-887). Since this thesis only focuses on formal institutions it is redundant to use theories which focus on social constructions and discourses. Secondly, these two theories are among the most used theories in the area of institutions. Since these theories are widely used it becomes important to study aspects in order to develop the theories further.

3.1.2 Rational choice institutionalism

RCI has several varieties within itself (see Peters, 2005:50), but there is one assumption that all share; political action is driven by instrumental rationality which means that individuals make decisions based on utility-maximizing choices (Weyland, 2002:58-59). The consequence of this assumption is that individuals are considered to be the central actors in a political process (Peters, 2005:47 & 50). Therefore, institutions are the constraints on the individual's decision making process. For instance, the type of electoral rules used in a democratic elections

affect the way politicians behave. It is also important to note that some RCI scholars look at how individuals shape institutions (see Weyland, 2002:59-60).

RCI traditionally approaches the concept of institution in two ways. The first approach views institutions as an exogenous constraints while the second approach see institutions as external provisions (rules provided by the players themselves) (Shepsle, 2006:24-26). Furthermore RCI differentiate between structured and unstructured institutions. Structured institutions are organizations and rules that are robust over time while unstructured institutions are more informal practices which are susceptible to change over time (*Ibid*, 2006:27-28).

The idea of structured and unstructured institutions leads us to an important concept; the concept of collective action. Collective action can be understood as “the capacity of a group of individuals to coordinate for mutual advantage” (Shepsle, 2006:28). The problem is that some actors will be free-riding, which is when an individual abstains in contributing to the outcome (Shepsle, 2006:30). Despite this problem groups do form, but the reason why groups are formed is debated with some focusing on political entrepreneur’s ability to muster resources to enable collective action and others on the aspect of cooperation through the idea of repeated prisoner’s dilemma games (see Shepsle, 2006:31-32).

Change in institutions is not something RCI put a lot of emphasis on since “institutions account primarily for pattern maintenance, the preservation of structures, and the repetition of behavior—i.e., for stability and even rigidity” (Weyland, 2002:70). Change is primarily viewed as exogenous in RCI rather than a continuous process of adjustment (Peters, 2005:61 & Weyland, 2002:70). Since RCI does not focus on institutional change (RCI tend to focus on equilibrium analysis, see Weyland, 2002:71) there is little focus on how long after a change we can expect to see any effects. Some RCI scholars argue that those responsible for changing institutions can anticipate every possible effect of the institutional change while others state that this is an unrealistic assumption (Weyland, 2002:72).

While there is debate on whether the designers of institutions can predict every possible outcome of an institutional change most RCI scholars agree with the idea that institutions are formed on a *tabula rasa*. This means that when a new institution is created or if an institution is in a process of change the past history of the institution has little influence on how the institution will develop after the foundation or change (Peters, 2005:51).

One aspect which is related to change is the idea of repeated games. Whenever an individual is faced with a situation in which the individual’s decision is dependent on other individuals the rational choice strategy changes (see Hollis, 1994:118-119). If the same game is repeated the individuals will base their current strategies on past decisions which might affect what choices an individual will make (Shepsle, 2006:31-32).

There are some weaknesses with RCI. First of all the idea of individuals making decisions based on rational choices might not be entirely true since individuals are affected by cognitive limitations and psychological limitations which might make the individuals not making a truly rational choices (Shepsle, 2006:33-34).

The effects of the change and the expected time period for a change to have an effect is not a focal point within RCI. However, since RCI views changes and creation of institutions as being built on *tabula rasa* it can be assumed that we should expect to see an effect not long after an institutional change. The individuals will change their rational choice strategies to enable a new utility-maximizing strategy. The possible effects of an institutional change is not specified within RCI but since some RCI scholars assume that the people responsible for institutional change can fully predict the possible effects we should be able to see more cohesion in the EU (since this was one of the goals with the treaty). It could also have an effect on the collective action aspect in which actors are faced with new circumstances which affect their strategies.

3.1.3 Historical institutionalism

HI, in contrast to RCI, highlights the importance of looking at political interaction over time which leads to the idea of *path dependency*. As institutional change is in motion the cost of reversal increases and therefore the process of institutional change is dependent on earlier events (Pierson, 2004:20-21). HI considers institutions capable of learning from other institutions and from past events which means that institutions evolve (as in adapting and modifying) over time (Peters, 2005:78-79 & Weyland, 2008:283-284).

Change is analysed with the help of the concept *punctured equilibria*. When an institution is created the institution is expected to be in a state of equilibrium. When this equilibrium is ‘punctured’ the institutions start to change (Peterson, 2005:77). This highlights the importance of *critical junctures* which are “moments when substantial institutional change takes place thereby creating a ‘branching point’ from which historical development moves into a new path” (Hall & Taylor, 1996:942). Bryan Mabee states that critical junctures are important for two reasons. First of all, junctures tend to provide external pressure on the current political order which forces those who want to keep the current political order to change the institution. Secondly, the junctures allows for greater potential changes since it is not only the involved actors interests that are important but also the timing of the juncture (2011:30-32).

It is also important to note what kind of change it is. Three kinds are presented by Paul Pierson in the book *Politics in time* and these are *layering*, *functional conversion* and *diffusion*. The layering kind of institutional change is when a part of an existing institution is changed. This means that some parts of the old institution will be kept while others are removed. Often these kinds of changes are made when an institution needs to adapt to a changing social context. It can also mean the introduction of new institutional tracks that will overturn the existing institution (2004:137-138). The functional conversion kind of institutional change is when existing institutions are redirected to new purposes and changes what role the institution play. The last kind of institutional change is diffusion which is when

an institution is replaced by another entirely new one (*Ibid*, 2004:138). In relation to the treaty of Lisbon it seems to be a layering kind of change since the existing institutions are kept but changed to some degree.

There are some issues with HI's view on change in that it too easily account for change. HI tends to treat institutions as fluid which is not entirely realistic (Greif & Laitin, 2004:635) and also has a tendency to be a mechanical and static accounts of institutional change that shows signs of determinism (Bell, 2011:885).

While HI often focuses on institutional change it does not write much about how long after a change we can expect to see any effects. The idea of path dependency implies that during the period after an institutional change the actors will have more freedom in how it can behave in comparison to later periods of the institutions lifespan. At the same time HI implies a form of socialization with the institutions being able to learn from earlier events and from other institutions.

In regards to the treaty of Lisbon it is rather clear that it is a layering kind of change. Therefore the existing institutions are still on the same path except for a few institutional changes. The earlier events of the institutions lifespan should therefore affect the institutions after the treaty which suggests that we should not expect to see any major changes in how the EU debate and refer to norms.

3.2 Norms

The second central concept in this thesis is norms. In this part I will first have a general discussion on what norms are and what function they serve. When this has been discussed I will decide on a definition of norms that will be used in this thesis. Finally, I will discuss and decide what typology of norms I will use.

3.2.1 What are norms and how do they function?

The debate surrounding how to define norms is a source of confusion amongst scholars. Different scientists tend to use the concept in different ways or use concepts other than norms (Interis, 2011:424-425). I will in this thesis focus on macro-level norms and not on norms on the micro-level and meso-level (for example norms within the field of psychology).

This leads us to a central question; *what exactly is a norm?* Many scholars provide different kinds of definitions but there is one aspect that almost all definitions share: all of the definitions argue that norms prescribe the proper (or appropriate) behaviour in a given situation (see Axelrod 1986, Björkdahl 2002a, Checkel 1997, Finnemore & Sikkink 1998, Katzenstein 1996 and Morris 1953). Norms tell us what is considered to be 'normal' and a breach of a norm will create a debate among the involved actors (Finnemore & Sikkink, 1998:892).

One example of this concerns the development of a norm against leader assassination in world politics. Thomas Ward (2000) discusses in the article “Norms and Security. The case of international assassination” how assassination has become sort of a taboo in world politics. This is significant since assassination could potentially avert a full scale war and/or crimes against humanity. Despite this, assassination is frowned upon as something immoral and wrong.

A common problem with norms is that norms and values are sometimes seen as the same. This is understandable since norms often take many forms (Checkel, 1997:471). For example the norm concerning the idea that agreements should be kept can be seen as both legal and moral (Raymond, 1997:225). However, far from every norm is actually moral (Björkdahl, 2002b:14). For example the norm concerning stopping at a crossing when a red light is shown does not have much moral value within itself. By only looking at norms as moral we could miss out on important norms in the analysis.

Richard T. Morris separates between values and norms. Values are, according to Morris, “individual, or commonly shared conceptions of the [desirable], i.e. what I and/or others feel we justifiably want—what it is felt proper to want.” (1953:610, my edits). In contrast, norms are “[generally] accepted, sanctioned prescriptions for, or prohibitions against, others' behavior, [belief], or feeling, i.e. what others ought to do, believe, feel—or else.” (1953:610, my edits). Norms, according to Morris, always include sanctions while values never do (1953:610). The distinction between norms and values are important. States and other actors have opinions about what values are desirable but values do not themselves have the power to assign *the* appropriate behaviour. At the same time, states might refer to values when legitimizing certain behaviour. In order to avoid focusing on the normative discussion concerning norms I will follow Morris's distinction between values and norms.

We now know that norms assign the proper behaviour, but what exact function do norms have? Gregory A. Raymond presents in the article “Problems and Prospects in the Study of International Norms” four main functions norms have. Norms in international politics can function as a source for international action, as ‘signposts’, as standardization and routinizing procedures, and as ‘tripwires’.

When norms function as a source for international action it does so in three possible ways. They can be *constitutive*, *constraining* or *enabling*. First of all, norms are constitutive because they define what meaning something has and give a certain action meaning (Raymond, 1973:213-214). For example, the norms concerning membership in the UN could be seen as constitutive since the membership defines which actors can be considered a sovereign state. Secondly, norms constrain the behaviour of actors. This was shortly touched upon earlier in that if an actor deviates from a norm others will question the actor's motives and actions. The consequence of this is that norms constrain the behaviour of actors since the actors will consider the possible consequences of deviating from a norm before doing so. However, norms can still be deviated from (*Ibid*, 1973:213-214). Thirdly, norms enable action in that if a norm is breached others might take

specific actions against the one(s) whom deviated from the norm (*Ibid*, 1973:213-214).

Norms can also function as “signposts” (a concept coined by Ludwig Wittgenstein). Signposts are “heuristic mental aids to warn policymakers of the prearranged actions that various states will take under certain circumstances” (*Ibid*, 1997:214-215). In other words, when policymakers decide on a certain action they will consider the relevant norms present in world politics before making the final decision. For example, if a policymaker wants to invade and annex a neighbouring country the policymaker will know that the international community will most likely act in specific ways to punish the aggressor.

Norms also standardizes and routinizes procedures in world politics. Since norms assign the proper behaviour, most actors will conform to what is considered to be the ‘normal’ behaviour. Certain norms will have certain procedures and routines which affect how actors behave (*Ibid*, 1997:215). For example, the emergence of diplomats have standardized the way states interact. Diplomats are, according to Hedley Bull, the main communication link between states. Diplomats negotiate agreements between states, gather information to their own state and minimize the friction between states by observing the correct behaviour (Bull, 1995:163-166). While the role of diplomats might have changed due to new forms of communication (see Bull, 1995:166-172), diplomats still play a large role in state-to-state communications and certain routines and procedures have emerged in the diplomatic world.

Norms can also function as a ‘tripwire’. In other words, if a widely accepted norm is violated then actions to punish the transgression might be gathered more easily than before (Raymond, 1997:215). For example, the Iraqi invasion of Kuwait transgressed on several important norms and thus the world could more easily unite and punish Iraq’s transgression of the relevant norms.

3.2.2 Defining the concept of norms

I have now discussed what norms are and in order for this study to achieve a high level of validity and reliability I have decided to use a definition used by other scientists that I believe best captures my understanding of norms. The definition I will use is used by Annika Björkdahl in her dissertation *From idea to Norm – Promoting Conflict Prevention*. Björkdahl’s definition is the following:

“Norms are intersubjective understandings that constitute actors’ interests and identities, and create expectations as well as prescribe what appropriate behavior ought to be by expressing values and defining rights and obligations.” (Björkdahl 2002a:43)

Björkdahl’s definition highlights several important aspects of norms. First of all norms are intersubjective because they are a product of social interaction. As different actors interact norms emerge that create expectations of how others should behave and what possible interests others could have. If an actor goes against these

expectations it will cause a debate. For example, if a democratic country suddenly enacts several laws restricting important aspects of a democracy (for example the rule of law and freedom of speech) this will go against the identity and expectations the country has created for itself. The democratic country can thus be prepared for a possible condemnation from other democratic countries.

Secondly norms prescribe the appropriate behaviour by referring to values and defining rights and obligations. The expectations the actor has created have not emerged from a vacuum, but instead are interconnected with other norms. It also separates between norms and values. This highlights the importance of looking at changes over time and to be aware that norms affect each other.

3.2.3 Constructing a typology of norms

In order to study norms in international politics some have tried to construct typologies of norms with the aim of finding different types of norms. It is important to note that norms often do not strictly confine to just one category but sometime have many roles and belong to different categories (Checkel, 1997:471). Two types of typologies can most often be identified; *horizontal* and *vertical* typologies.

The horizontal typology looks at different types of norms. Most often two main categories are described; constitutive (or social) norms and regulative (or legal) norms. Constitutive norms identifies the identity of an actor which in turn prescribe what is expected of the actor by others. In contrast, regulative norms specify and assign the proper behaviour for the actor which constrains the actor's behaviour (Finnemore & Sikkink, 1998:891, Katzenstein 1996:5 and Raymond, 1997:225-227). Some scholars also argue for a third horizontal type of norms; the *prescriptive* or *evaluative* norms. The difference between the first two horizontal categories and the third one is that prescriptive norms describes what we ought to do (Raymond, 1997:225).

In contrast to the horizontal typology the vertical typology often look at the hierarchy or level of importance of norms. Some norms play a much larger role in the world than other norms and might act as a foundation for other norms. Therefore, by looking at what norms are the fundamental ones we can see where norms derive their existence from (Raymond, 1997:223).

Another typology is constructed by Matthew Interis who divides norms into sanctioned norms and non-sanctioned norms. The non-sanctioned norms are called descriptive norms and are norms that tell us 'what is done'. The sanctioned norms are called injunctive norms and tell us what should be done (2011:431-432).

The problem with the horizontal, vertical and the Interis typologies concerns change. These typologies are good at identifying norms at a cross-section and not so much on how norms change over time. It is unlikely that a norm will go from being a constitutive norm to being a regulative norm or that the hierarchy of a norm will change. It is also unlikely that a norm will go from being non-sanctioned to

being sanctioned. We therefore need another typology that is more suitable in describing possible changes in certain aspects of norms.

The typology that I have decided to use is the one that Richard T. Morris presents in the article “A Typology of Norms”. The reason for this is because the many characteristics that are included in Morris’s typology touch upon what the other typologies look at. Morris formulates a classification table where a norms characteristics are divided into four aspects; *the distribution of norms, the mode of enforcement of the norm, the transmission of the norm* and *the conformity of the norm*. Each of these aspects have several under characteristics which are rated on a one dimensional scale (1953:611-612). This typology enables us to identify norms as either absolute or conditional. Absolute norms are norms that are known by all and supported by all under all circumstances while conditional norms are only known by a few, supported by few and defended sporadically (Morris, 1953:612).

The problem with Morris’s Typology is how one determines what constitutes as absolute or conditional norms. According to Matthew Interis there is no objective way to know when a conditional norm goes from being an absolute norm (Interis, 2011:433). This presents us with a problem concerning reliability since my interpretation of a norm might differ from others in regards to identifying it with the typology. At the same time, others will still be able to replicate my study (discussed more in part 4.5) and determine if the results seems reasonable.

I will make some minor changes to Morris’s typology in order for the analysis to be more specified and avoid redundancy. The removed aspects is the extent of knowledge of the norm and the category transmission of the norm. The reason for the removal of the extent of knowledge of the norm is because the discussion takes place in the first committee in the UN which suggests that the norms are already widely known by both subjects and objects (some examples are A/64/C.1/PV.18 and A/65/C.1/PV.12, page 7). It therefore becomes redundant to study this aspect. The reason for why the second category was completely removed was because we are only looking at how the EU debate and refers to norms and not how the other actors are socialized into accepting the norms. The tweaked typology is presented in table 1.

Table 1 – Modified typology of norms

Distribution of norms

- i) *Extent of acceptance, agreement with norm:*
 - (1) By subjects
 - (a) By a few.....almost everyone
 - (2) By objects
 - (a) By a few.....almost everyone
- ii) *Extent of application of norms to object:*
 - (1) To groups or categories
 - (a) By a few.....almost everyone
 - (2) To conditions

- (a) In specified few.....in almost all

Mode of enforcement of the norms

iii) Reward-Punishment

- (1) More reward than punishment.....more punishment than reward

iv) Severity of sanctions

- (1) Light, unimportant.....heavy, important

v) Enforcing agency

- (1) Specialized, designated responsibility.....general, universal responsibility

vi) Extent of enforcement

- (1) Lax, intermittent.....rigorous, uniform

vii) Source of authority

- (1) Rational, expedient, instrumental.....divine, inherent, absolute, autonomous

viii) Degree of internalization by objects

- (1) Little, external enforcement required.....great, self-enforcement sufficient

Conformity to the norms

ix) Amount of conformity attempted by objects

- (1) Attempted by very few.....attempted by almost everyone

x) Amount of deviance by objects

- (1) Very great.....very little

xi) Kind of deviance

- (1) Formation of patterned idiosyncratic sub-norms.....evasion.....deviation

I have now discussed different typologies and decided on a tweaked version of Morris's typology. It should be noted that this typology is only a selection of characteristics and is not intended to represent every possible characteristics of a norm (Morris, 1953:612). Despite the problems with Morris's typology I believe the typology is best suited for this thesis's aim and purpose. There are some problems with how we determine if a norm is absolute or conditional but this is minor since the focus is more in identifying a possible change than if a norm is absolute or conditional.

3.3 Challenges with the theoretical framework

The theoretical framework of this study has some issues that needs to be discussed. One issue is grounded in a philosophy of science discussion and deals with the challenge of understanding norms. For example norms are understandings that constitute an actor's interest and identities, but how can we analyse an identity?

A common view in philosophy is science is that "science is derived from facts" (Chalmers, 2004:1) which means that science is when we can observe and conduct

experiments on a phenomena (*Ibid*, 2004:1). The problem with norms is that there are some aspects which are unmeasurable and unobservable. For example how can we measure and observe an individual's expectations of another individual?

There has been attempts to circumvent the problem of not being able of measuring the unobservable. Behavioural scientists argue that since norms are the typical behaviour of actors we could measure this behaviour and see how often a certain behaviour is observed (Raymond, 1997:217). However, is the observed amount of a behaviour a good indication of a norms influence over behaviour?

My stance on the issue is that by only measuring the frequency of a behaviour we risk missing key aspects of the function of norms. As Andrew Sayer states in the book *Realism and Social Science*; "Meaning has to be understood, it cannot be measured or counted, and hence there is always an interpretative or hermeneutic element in social science" (2000:17). At the same time, we should not ignore the possibility of measuring the frequency of a norm within official document since an important norm could be expected to be more present than other norms, but some form of hermeneutic element is still needed in connection to a quantitative analysis.

This leads us to another issue that needs to be addressed; can we achieve an objective understanding of norms, especially if some aspects are unobservable? This is a philosophy of science discussion where some argue that while knowledge is selective we can achieve a somewhat objective knowledge of the world. In other words, we are not confined into an iron cage of social constructions (Sayer, 2000:53-55). However, this position risks assuming that the scientist is detached from the research and can assume a passive role whom is not affected by the scientist's biases and social constructions. As Alfred Schuetz illustrate in the following quote:

"All our knowledge of the world, in common sense as well as in scientific thinking, involves constructs, namely, a set of abstractions, generalizations, formalizations, idealizations specific to the respective level of thought organization. Strictly speaking, there are no such things as facts, pure and simple. All facts are from the outset facts selected from a universal context by the activities of our mind." (Schuetz, 1953:2)

We need to be aware that our knowledge is situated in that our background, experiences, understandings and expectations affect our perspectives (see Haritaworns, 2008). This highlights the importance of being aware of one's biases. Since norms contain some aspects which are unobservable and refers to certain values our preconceived ideas can affect how we interpret the significance of a change in how norms are debated. This presents us with an issue that needs to be discussed; can we achieve true objective knowledge about a phenomena when our social constructions affect how we perceive reality?

My stance on this is that while it is hard to achieve true objective knowledge of the world I do believe that if we use a scientific approach, are aware of our biases and are open with our analysis we can achieve a somewhat objective knowledge of the world. In order to as much as possible avoid the problems concerning personal biases I will use a typology of norms as my analytical tool for this thesis (which is

discussed in part 3.2.4). While the typology might not eradicate the problems related to the observer it does enable others to follow the logic that leads up to the conclusion. The typology also grants us a higher level of reliability, something which is discussed more in part 4.5.

Despite all the challenges with the theoretical framework I still believe that the framework is sufficient for this thesis's purpose. I share Patrick Thaddeus Jackson's opinion in which he argues that as long as science is done in a systematic way, is open for public criticism and has the ambition of producing 'worldly knowledge' (see Jackson, 2011:194-195 for an elaboration on what worldly knowledge is) then we are conducting 'good' science (Jackson, 2011:193-194). There are problems with the epistemological aspects of the study due to the study's interpretive nature (which affects the study's reliability) but as long as we are open with how we interpret it, try to produce some worldly knowledge and are open for public criticism then the philosophical issues are less problematic.

4 Methodological discussion

In this part I will first discuss this thesis's research design. The design will be the guiding light which will determine what case(s) will be analysed, what methods will be used and what empirical material will be gathered. After that I will discuss the method I have chosen for this thesis and what empirical material will be gathered. Finally I will discuss what agenda items will be analysed and issues concerning validity and reliability.

4.1 Research design

One of the most important steps in a study is the research design since this will shape of the study. Alexander L. George and Andrew Bennett formulates five tasks in a research design in the book *Case Studies and Theory Development in the Social Sciences* and I will use these tasks as inspiration for my own design. While I present the tasks from one to five it is important to note that these tasks are integrated (George & Bennett, 2005:88).

The first task is to specify the problem and research objective (George & Bennett, 2005:74) in order for the aim of the study to become clear. The research problem and objective has already been discussed (see part 1.1), but we need a general idea of what type of study design we want. George and Bennett presents six different kinds of theory developing designs (*Ibid*, 2005:75-76) and with the guidance of these kinds of studies I have decided that my study will be inspired by the discipline configurative type of theory developing design. This type of theory developing design entails using established theories to explain a case. These kinds of studies also have a certain level of theory testing since the theories used should be able to explain the outcome (*Ibid*, 2005:75). As discussed in the theoretical framework the theories will be RCI, HI and CI.

The next task that George and Bennett recommend to follow is to specify the variables. We need to know which variables are the dependent (y) ones and which are the independent (x) ones. When we know the y and the x's we can decide which of the x's that is will be held constant to enable comparison between cases included in the study (*Ibid*, 2005:79). While this study does not fully fit into George and Bennett's view science (in that we can specify and isolate variables) I will still try to follow the logic of independent and dependent variables in this thesis to enable others to understand my reasoning. The independent variables in this study will be the institutional changes prescribed in the treaty of Lisbon while the dependent variable will be the norms I analyse. Changes in the dependent variable is determined with the help of the typology of norms discussed in part 3.2.4.

The third task George and Bennett recommend us to follow is the case selection process. Case selection is important since it will help us to achieve well-defined objectives to work towards (*Ibid*, 2005:83). The case selection strategy is discussed more in depth in part 4.1.1.

The fourth task is to describe the variance in the variables. This is helpful for us because the significance of the results are dependent on how we describe the variance. We can either describe the variance in either qualitative or quantitative terms (*Ibid*, 2005:84-86). The description of the variance is determined by the typology presented in the theoretical framework. A change is when at least one aspect of the typology differs significantly from at least two points in time.

The fifth and last task is to formulate the data requirements and tackle some important general questions. When we have discussed and decided on important aspects of task 1-4 we have a general idea of the research design. This general idea leads us to important discussions of what kind of material we will analyse and with what kind of method(s). We also need to be clear on what philosophy of science position we have during the study in order to avoid being philosophically confused (*Ibid*, 2005:86-88). The philosophy of science issues are discussed in part 3.3, the choice of method and empirical data is discussed in part 4.3 and 4.4, and validity and reliability issues are discussed in part 4.5.

4.1.1 Case selection strategy

One of the most important parts in a study is the selection of cases. The selection of certain cases can drastically change the results which in turn have implications for the thesis as a whole. The first question we need to tackle is the one concerning analysing a large amount of cases (large-N analysis), a small amount of cases (small-N analysis) or conducting a case study.

In light of the research question (presented in part 1) this study will be a case study. The case in question will be the EU debating norms during different time periods (more specifically before and after the treaty of Lisbon). Thus, this study is a form of comparative case study (see Esaiasson *et al*, 121-122) where the case is compared between different periods of time.

One could ask the question of why conduct a case study of the EU and not a comparative study between similar organizations whom have underwent similar institutional changes. First of all there are few organizations whom are comparable with the EU and have underwent similar institutional changes. Therefore the EU is a unique case. Secondly there has not been many studies on the possible link between institutional change and changes in how norms are debated and referred to. Therefore it is beneficial to conduct a case study to see if there are any possible links and other possible variables. If there is a possible link then it would be a good idea to increase the number of cases and strengthen the possible causal relation.

Another important question concerns the selection of the treaty of Lisbon. The EU has had several treaties that have introduced several important institutional

changes like the Maastricht treaty, so why choose the treaty of Lisbon? The reason I have chosen the treaty of Lisbon is because it is the newest treaty in the EU. This makes the treaty important to study since the effects of the treaty is relevant to us today. While looking at the effects from an earlier treaty might give us insight on how institutional change affect norms the results will most likely have little relevance for us today (however, it is important to note that the theoretical insights gained from these types of studies could be argued to be timeless).

There are several benefits with a case study design. First of all a case study (and small-N analyses) achieves a high level of conceptual validity (George & Bennett, 2005:19-20) since we can work with *thick concepts*. These kinds of concepts are concepts that “cannot be reduced to a single indicator without losing some important part of their meaning” (Coppedge, 1999:468) and “are often multidimensional, because no aspect of the concept is reducible to any of the others” (Coppedge, 1999:468). The problem with statistical studies (or large-N studies) is that we risk conceptual stretching which is when we increase a concepts intention while keeping the concepts extension the same and vice versa (see Collier & Mahoney, 1993:846). Case studies are also beneficial since it enables us to use complex theories that are sensitive to space and time (Coppedge, 1999:471-473).

The second benefit is that case studies are good at deriving new hypotheses. By using a case study design we can explore several possible variables which could explain why a case might be a deviant or outlier case (George and Bennett, 2005:20-21). This is beneficial for this thesis since the effects of an institutional change has not been widely studied in social science.

The third benefit is that case studies are good at exploring causal mechanisms. Due to only focusing on a single case we can study several possible causal mechanisms (*Ibid*, 2005:21). This is not the focus of this thesis, but it is still important to keep in mind.

The fourth benefit is that case studies allows us to accommodate complex causal relations. Equifinity (when many different causal paths leads to the same outcome, see George & Bennett, 2005:209), path dependency and similar complex causal relations can be hard for large N-analyses to accommodate for (*Ibid*, 2005:22). However, as George and Bennett point out, this is only a relative advantage rather than an absolute advantage since case studies “produce generalizations that are narrower or more contingent” (George & Bennett, 2005:22).

While case studies have several advantages there are weaknesses that we need to be aware of. One challenge concerns selection bias which is “commonly understood as occurring when some form of selection process in either the design of the study or the real-world phenomena under investigation results in inferences that suffer from systematic error” (David Collier and James Mahoney quoted in George & Bennett, 2005:23). It could be that a researcher has deliberately chosen a case that fits into the researcher’s preconceived idea of the possible result and thus producing the desired results for the researcher (George and Bennett, 2005:22-25). Selection bias can also cause the researcher to either understate or overstate the relationship between the dependent and independent variable. At the same time,

selection bias can be beneficial since knowledge about a case can help us establish new possible explanations and understandings of a case (*Ibid*, 2005:24-25).

In order to decrease the possibility of selection bias and increase the generalizability of the study one could randomize the case selection process (see Teorell & Svensson, 2007:84). In this thesis a randomized selection process is not desirable nor appropriate since I am interested in the effects of the institutional changes in the treaty of Lisbon. I have therefore made a strategic choice of the case to study (see Teorell & Svensson, 2007:84). Selection bias is therefore something we need to be aware of and be careful with the implications of the results.

Another challenge is the identification of the conditions in how variables affect the outcome and to what degree. While case studies are stronger in assessing “*whether* and *how* a variable mattered to the outcome” (George & Bennett, 2005:25, their italics) they are weaker in assessing “*how much* it mattered.” (George & Bennett, 2005:25, their italics). While this is an issue it is not a problem in this thesis since the focus is to see if institutional change affect norms, not how much the institutional change affects norms.

The lack of representativeness is another relevant issue. Since this thesis is a case study it is problematic to argue that the results will be generalizable. It is therefore important to not overgeneralize the results (George & Bennett, 2005:30-32). However, this is not a problem for this thesis since the EU is unique with few comparable organizations. This study does not aim to generalize the results but rather explore the possible links between institutional change and norms. Thus, the lack of representativeness is not a major concern.

Another issue is the risk of single-case studies to be indeterminate when confronted with more than one possible explanation. While this is a potential problem it could be used to a studies advantage by having theory developing ambitions or analysing multiple observations from a single case (George & Bennett, 2005:32-33). I do not see indetermination as a problem for this thesis since I have already stated that I am only exploring possible links and not to determine exactly what causes actors to change how they debate norms.

The last weakness that needs to be addressed is the potential lack of independence of the included cases. This is a common critique from those whom prefer large-N analyses (George & Bennett, 2005:33-34), but I do not see this as a problem for this thesis due to the fact that norms and institutions do not exist in a vacuum (as discussed in the theoretical framework). Since this thesis will study an institutional change it is problematic to assume that the different time periods are independent from each other.

I have now discussed the strengths and weaknesses with conducting a case study. The next step is to discuss what time periods will be analysed. Since this thesis focuses on the effects of the institutional changes prescribed in the treaty of Lisbon we need to look at time periods before and after the adoption of the treaty. I have decided that the time period 2007/2008 to 2012/2013 will be analysed.

While I believe that this time period is optimal one could argue that if we analyse a longer time period we could achieve a better understanding on if

institutional change affect how actor's debate norms since some norms might be harder for actors to change their stance on. While this objection is valid I have two points that argues against this. The first point is that the focus is on the institutional change in the treaty of Lisbon, which makes it unnecessary to look too far back in time since this will tell us little about the effects the changes the treaty could have caused. The second point concerns comparability. By comparing time periods too far in the past we risk analysing contexts whom share little to no context with each other. The time period is suitable for this thesis's purpose since the context will be relatively similar between the first and the last period in time.

4.2 Content analysis

All research problems can be approached by many different ways, but the decision is dependent on what the aim of study is and what we want to achieve knowledge about. I have already discussed what the aim of the study is and what I want to study. The next step is to decide on a suitable method to tackle the research problem.

I have decided to use a form content analysis to approach the research problem. The method has a wide variety of forms but one definition is formulated by Klaus Krippendorff who defines the method as “a research technique for making replicable and valid inferences from texts (and other meaningful matter) to the contexts of their use” (2004:18). Krippendorff raises several important points regarding the epistemological foundation he bases his definition on. First of all, Krippendorff argues that texts “*have no objective – that is, no reader-independent – qualities*” (2004:22, his italics). This means that a text is always interpret differently by others due to having different understandings of concepts, meaning and symbols. In short, people cannot understand a text identically. This is important to keep in mind since others might read my chosen empirical material and understand the material different from me.

Secondly, texts have several meanings and cannot be ‘found’, ‘described’ or ‘identified’. Similar to the first point, people approach and understand texts differently. Every person might have valid accounts of a text but they will most likely be different from each other (*Ibid*, 2004:22-23). This is very important to be aware of since my interpretation might differ from others which means I cannot present the results as the one single true interpretation of a text. At the same time, by being transparent in how we analyse the documents we can at least achieve an intersubjective understanding.

Thirdly, “*The meanings invoked by texts need not be shared*” (*Ibid*, 2004:23, his italics). What Krippendorff argues is that if we cannot share the meaning of a text then a content analysis would be utterly pointless (2004:23). While I share Krippendorff's position in that it is not necessary to find a common ground with the authors and audiences of a text I still believe that we need to be careful when

analysing texts so we do not under- or overestimate the significance of symbols in a text.

Fourthly, texts speak of meaning other than the given text. We cannot rely on computers to analyse a text since texts often refer to objects that do not exist anymore, distant events, ideas and other aspects which are not measurable (*Ibid*, 2004:23). Again, this highlights the problem of the interpreter of the text because everyone understand a text differently. To avoid too many problems with personal biases I will try to be open with what material I analyse, how I interpret the results and use the typology of norms (presented in part 3.2.4) to show the reasoning behind my analysis and conclusions. This enables others to replicate my study and see if the results are reasonable.

Fifthly, texts do not exist in a vacuum but rather the meaning invoked in the texts are affected by other texts, discourses and contexts (*Ibid*, 2004:24). We therefore need to be aware that texts use symbols, concepts and meaning tied to a specific context. Later texts will most likely be affected by earlier texts. So while I analyse the texts separately and compare the results we still need to keep in mind that they are not independent from each other and from other texts.

Lastly, the texts never speak for themselves but inform someone. Depending on what texts we look at we can expect that it will have different idea of what the potential audience is (*Ibid*, 2004:24-25). Potential issues concerning this will be discussed in part 4.4.

Now that we have a general idea of what a content analysis is we need to decide whether the method will be more inclined towards a quantitative or a qualitative approach. It should be noted that while I present the content analysis as qualitative and quantitative there is not a dichotomy between these two (May, 2011:213).

The quantitative content analysis is used to find patterns and regularities in a large amount of data (*Ibid*, 2011:209). This is useful when we have a large quantity of documents that we want to analyse, something that would take a long time with more qualitative methods (Esaïsson *et al*, 2010:224-225). While quantitative content analysis enables us to analyse a large quantity of documents we lose some important insights (as touched upon in part 3.3). The quantitative content analysis inform us greatly of the product, but little of the process behind the product. (May, 2011:210). This is a problem because one of the aim of this thesis is to look at how institutional change has affected how the EU debates and refer to norms.

Another problem is related to the operationalization of norms. Since statistical methods is used the concepts used need to be defined, standardized and categorized (*Ibid*, 2011:210). This means that anything that is not observable is excluded from the analysis which is a major issue since norms have aspects which are unobservable.

The qualitative content analysis share some similarities with the quantitative content analysis in that both methods systematically analyse a document of some sort. In contrast with the quantitative content analysis the qualitative content analysis does not count or measure the content (Boréus & Bergström, 2005:44). Instead, the focus is on the process and social context. The author(s) of the

documents become a part of the study because they address an audience in a specific context (May, 2010:211). The weakness with the qualitative content analysis is the process of interpreting the texts. This was discussed in part 3.4 and is a fundamental philosophy of science question. Since two people interpret the same text differently we will most likely achieve different understandings of a text which in turn affect our conclusions. This is a problem since others might not be able to replicate my thesis and achieve similar results. At the same time if we use an analytical tool, use empirical material which others have access to and are open with how we interpret the text other will be able to replicate the study as well as being able to assess if the conclusions are reasonable.

The design of the content analysis will be similar to one of the designs presented by Klaus Krippendorff in the book *Content Analysis - An Introduction to Its Methodology*. Since the aim of this study is to understand how institutional changes affect how the EU debate and refers to norms I will analyse texts from before and after the institutional change has occurred. The first step is to gather relevant texts, the second step is to analyse the texts and the last step is to compare the results of the analysis. This is referred to by Krippendorff as “Comparing Similar Phenomena Inferred From Different Texts” (2004:93).

In light of the previous discussion I have decided to use a method inspired by qualitative content analysis. While a quantitative content analysis would be useful, due to the large amount of data, I believe that we lose too much of the nuances in the texts if we are forced to quantify the included concepts. The different texts will be analysed on a year basis with the help of the typology of norms. The results from each year will then be compared to see if we can find any changes between the different years. A change is when one or more aspects of norms has changed between at least two periods in time.

4.3 Empirical material

Now that I have discussed the research design and what kind of method will be used the next step is to discuss what kind of data will be analysed. Since the method used is a form of content analysis the material will be some form of content that can be analysed. Written material is most often associated with documents (for example laws, declarations and transcripts), but some also consider other form of media as documents (for example movies, photographs and recorded speeches) (May, 2010:194-195).

Since the aim of this thesis is to study how the treaty of Lisbon has affected how the EU refers to and discusses norms we need to analyse documents which capture this phenomena. I have decided that the documents will be transcripts of speeches made by or on behalf of the EU in the UN since I believe this is the best way to track changes in how the EU debate and refer to norms.

The reason for why the UN was chosen was because of two reasons. First of all the UN often discuss the same topic every year which makes the comparison over time easier and less distorted by current international events. Secondly the UN is a global arena where every UN member state and other actors are often able to join in the discussions and access the meeting records. The actors whom speak at the UN will be aware of this.

One problem arises when we look at the transcripts available through the UN. Each meeting record in the UN has an index which informs of several important aspects (see Dag Hammarskjöld Library, 2011:5). The most important aspect is the last part of the index which tells us if the meeting record is a *verbatim record* (abbreviated to PV) or a *summary report* (abbreviated to SR). The difference between these two types is that the PV is the full account of the meeting while the SR is a summarizing report of the meeting (Dag Hammarskjöld Library, 2014a). The problem is that the principle organs and selected subsidiary are only allowed to have either PVs or SRs (Dag Hammarskjöld Library, 2014a) and out of the committees in the UN it is only the first committee that have PVs (Dag Hammarskjöld Library, 2014b). This means that I only have access (through the UN) to primary documents (documents which are written by authors whom have witnessed the events described in the document) from the first committee and secondary documents (documents are written by authors whom have written about the event/process after it has happened and whom have not personally witnessed the event/process) from the 2nd-6th committees (see May, 2010:196-197).

Primary documents are often seen as most reliable because the author(s) wrote the document close to the event both in space and time. These documents are therefore less distorted. Secondary documents are less reliable due to the fact that the one(s) producing the document has not witnessed the event/process. This means that the author(s) might ignore some important aspects of an event/process (May, 2010:196-197). This highlights the notion that the meaning and significance of a sentence can change depending on how the sentence is phrased. For example in critical discourse analysis the sentence ‘it could be raining’ and ‘it will rain’ have two different levels modality (see Jørgensen & Phillips, 2000:87-88) where the first sentence makes a weaker claim of truth than the second one.

The EU does have some full transcripts from meetings in the 2nd to 6th committees during the relevant UNGA, but the problem is that the EU delegation at the UN and the EU member states delegations at the UN do not have all transcripts available from before the adoption of the treaty of Lisbon. In light of this issue I have decided to only analyse the first committee. This is a problem since changes in the other committees are not included in the analysis. At the same time, the SRs are not appropriate to use as the empirical data due to the nuances that are lost which can have dire consequences for the analysis. If we include empirical data that does not correctly reflect the EU’s official position we risk making incorrect conclusions.

Before I conclude the discussion on the empirical data I will address some general issues. First of all, I will only analyse transcripts which are in English or

Swedish since I am only proficient in these languages. This can cause problems since some countries in the EU use their own language during their speeches at UNGA which means that some nuances can be lost in translation. Secondly, I cannot say anything about the implicit norms. While the EU might officially support norms in the UNGA the EU might have other unofficial norms and interests it actually supports. For example, the EU's commitment to peacekeeping operations might be an excuse to exert pressure for future trade gains.

Despite all the problems with the empirical data I still believe that the UN-documents are the most ideal data for this study. The benefits outweigh the downsides of the data since the data is easily compared over time and fits into this thesis's purpose. I am aware that there are issues concerning only looking at one committee, the nuances lost in translation and the hidden aspects of norms, but the documents from the UN are the most appropriate if we want to study how states refer to and discuss norms in international politics.

4.4 What agenda items should be analysed?

Another important task that needs to be discussed is to decide if every topic should be analysed of only a selected few. This is not an easy task since depending on what choices we make it can drastically change the outcome of the study.

The ideal goal would be to study every topic in every committee during every UNGA since we would be able to monitor changes in every committee, but due to problems with the transcripts (see part 4.3) and the comprehensive task of analysing such a massive amount of data this becomes unrealistic. At the same time, by choosing to only focus on one topic might be too narrow and also presents us with the problem of selection bias and generalizability. Another relevant problem is that the topic I choose might not be a topic that the EU consider to be as important as I might believe it is. However, while the EU might not consider a topic as important the aim of this thesis is to study if some sort of change has occurred regardless of topic discussed.

The criteria for choosing topics to analyse is that the topic has to be discussed during every included UNGA. This is to enable comparison between different points in time. This will be done by comparing topics at the index of speeches that the UN compile after each UNGA. As discussed earlier I will only look at topics discussed in the first committee.

I have decided that I will focus on the topic of nuclear disarmament. This means that speeches concerning the general debate on disarmament, weapons of mass destruction, nuclear non-proliferation, nuclear weapons testing and nuclear disarmament will be analysed. The reason for this choice is twofold. First of all the topic of nuclear disarmament was discussed during every UNGA. Secondly the topic deals with countries who do not fully conform to many of the international

conventions which makes it interesting to see if the treaty of Lisbon has changed how the EU debate and refer to the norms present in the debate.

4.5 Validity and reliability

In the realm of science we are dependent on our analytical tools and concepts in order to understand the world around us. Therefore it is a problem if these tools and concepts have problems with validity and reliability.

Validity and reliability are related to two errors of measurement; systematic and unsystematic. Systematic errors of measurement are errors which are repeated in a predictable way. For example, if we define democracy as ‘allowing elections’ and nothing more we will find that some authoritarian countries will be considered democracies when in reality they are not. If we are able to avoid systematic errors of measurement then we have a good level of validity (Teorell & Svensson, 2007:55-57). This thesis has a good level of validity since the comparison between the theoretical definitions and the operationalization is close and there is an absence of any systematic errors of measurement (see Esaiasson *et al*, 2010:63).

Unsystematic errors of measurement are errors which are random and unpredictable. For example, depending on how we formulate a survey question we might achieve different unpredictable answers due to people understanding the question differently. If we are able to avoid unsystematic errors of measurement then we have achieved a good level of reliability (Teorell, 2007:55-57).

This study has some issues with reliability which needs to be addressed. As discussed in part 3.3 and 4.2 there are some hermeneutic aspects of this thesis which means that the way I analyse a text will most likely differ from others. This suggests problems with reliability since others might not be able to achieve the same results as me. At the same time others will be able to replicate my method by using the same material and theoretical tools and achieve similar results (see Esaiasson *et al*, 2010:70-71). Thus, while issues concerning reliability is something to keep in mind it is not a problem since the empirical material and theoretical tools are accessible by others.

5 Analysis

The analysis will be presented by dividing the UNGAs on a year basis. The different UNGAs will be analysed by using the typology presented in the theoretical framework. When the different UNGAs have been analysed I will compare the results from each UNGA and see if the norms have changed. During the analysis several abbreviations are used. The meaning of the abbreviations can be found in the list of abbreviations in the beginning of this thesis.

5.1 The 62nd UNGA

The 62nd UNGA spanned between 2007 and 2008. During the debates the EU made statements during the 10th (17 October 2007), 17th (25 October 2007), 22nd (30 October 2007) and 23rd (31 October 2007) meetings. All statements were made by Ambassador Pereira Gomes from the delegation of Portugal and all statements were held in English. During the statements made by the EU two main norms can be identified; the norm of non-proliferation and the norm of nuclear disarmament. Other norms like the norm of nuclear-free zones can also be found but are not as much discussed as the other two (see A/C.1/62/PV.10, page 6).

Concerning the first category of the typology of norms the extent of acceptance by the subject and objects seems to not be universal. While the majority seem to accept the norms of non-proliferation and nuclear disarmament there are some UN member states that do not seem to conform to the norms. We get an idea of the magnitude of acceptance in the statement made during the 23rd meeting. During the meeting the EU stated that “the EU conducted an extensive campaign lobbying all States that have not ratified the Treaty [referring to the CTBT] — the 10 Annex 2 States and 34 non-Annex 2 States — earlier this year.” (A/C.1/62/PV.23, page 6, my edit). The main focus of the statement is towards the annex 2 countries which are countries who participated in the CTBT between 1994 and 1996, and possessed a nuclear reactor or nuclear research during that time. This suggests that the norm concerning non-proliferation is not universally accepted among the UN member states.

The quote also touches upon the extent of application of the norms. It is clear that the EU promotes the universalization of the CTBT which suggests that the norm of non-proliferation can be considered to be applicable to every member state and under any condition. The EU does not state any conditions or any special categories that are allowed to deviate from the norm. However, the EU clearly states that it is not against the peaceful use of nuclear energy (see A/C.1/62/PV.23, page 4). The extent of application concerning the norm of nuclear disarmament is also true.

If we continue to the second category of the typology of norm we get an idea of the mode of enforcement. Throughout the UNGA there are two countries which seem to be deviating from the norms of non-proliferation and nuclear disarmament; Iran and North Korea. When discussing Iran the EU seem to argue for a mix of reward and punishment. The EU highlights several times during its statements that Iran's inability to negotiate a solution will result in a loss of confidence from the international community (see A/C.1/62/PV.10, page 4 and A/C.1/62/PV.22, page 2). During a statement in the 10th meeting the EU "urge Iran to consider the generous and far-reaching proposals made to them in June 2006, which would reaffirm Iran's rights to the peaceful use of nuclear energy" (A/C.1/62/PV.10, page 5). This statement seem to be a mix of reward and punishment as it reaffirms that if Iran fulfils the requirements of the Security Council (see A/C.1/62/PV.10, page 5) they will be free to use nuclear energy for peaceful purposes.

In the case of North Korea they are urged by the EU to "observe the obligations of the NPT, to sign and ratify the CTBT, to refrain from any further tests of a nuclear device and to re-establish the moratorium on long-range missile testing" (A/C.1/62/PV.10, page 5). The EU does however welcome the fact that North Korea had "shut down its reactor at Yongbyon and admitted IAEA inspectors" (A/A/C.1/62/PV.10, page 5). This suggests that if North Korea would conform to the relevant treaties the world would achieve better relations with North Korea. Therefore it is a mix of reward and punishment.

The other countries which have not signed and/or ratified the relevant treaties are harder to determine since they have not directly deviated from the norms, merely evading. No 'severe' sanctions can therefore not be found. In regards to the severity of sanctions against Iran and North Korea there are sanctions (for example resolution 1696 (2006), resolution 1737 (2006), resolution 1747 (2007) and resolution 1718 (2006)) put in place (see A/C.1/62/PV.2, page 5). The EU urges Iran and North Korea to negotiate with the international community, to adopt and ratify the relevant conventions and resolutions, and conform to IAEA's recommendations.

By looking at the EU's statements we see that the EU underlines that non-proliferation and nuclear disarmament is a universal responsibility. For instance during the 12th meeting the EU stated that "The proliferation of weapons of mass destruction and their means of delivery remains a growing threat to international peace and security which requires a global approach" (A/C.1/62/PV.12, page 15). The EU also specified Russia's and USA's responsibility in reducing their nuclear weapons arsenal (see A/C.1/62/PV.10, page 6) and called for Iran and North Korea to conform to the international community's demand. Most often the EU urges the other UN member states to take their responsibility and conform to the norms (see A/C.1/62/PV.10, page 6, A/C.1/62/PV.12, page 15).

The extent of the enforcement is hard to determine. Regarding Iran and North Korea the extent of enforcement seems to be uniform since the Security Council has adopted resolutions against these countries (see A/C.1/62/PV.10, page 4 & 5). Concerning the countries who have not signed and/or ratified the relevant treaties

the EU mainly urges these countries to comply and there does not seem to be a rigorous response from the EU. The EU also is concerned that the CTBTO preparatory commission's financial stability which could threaten the CTBT's verification system (see A/C.162/PV.23, page 6) which suggests that the extent of enforcement is somewhat lax. Therefore it seems to be a mix of lax and rigorous enforcement depending on how much a country deviate from the norms.

Throughout the 62nd UNGA the EU rarely talk about an absolute source of authority, instead the EU refer to instrumental sources of authority like the CTBT (see A/C.1/62/PV.23, page 6, A/C.1/62/PV.10, page 6, A/C.1/62/PV.23, page 6), the NPT (see A/C.1/62/PV.10, page 3), The HCOC (A/C.1/62/PV.12, page 17) and relevant resolutions like the Security Council resolutions 1540 (2004) and 1673 (2006) (see A/C.1/62/PV.10, page 4, A/C.1/62/PV.12, page 15). There are also some discussions about the START 1 and Moscow treaty (see A/C.1/62/PV.10, page 6).

The degree of internalization seem to be medium and some external reinforcement is needed. One way that this external reinforcement is achieved is through the IAEA and during the 10th meeting the EU stated that it reaffirmed its full support for the IAEA's work and recognized the IAEA's global role to prevent the spread of nuclear weapons (see A/C.1/62/PV.10, page 4). This becomes clear when the EU discussed Iran's nuclear program by stating that the confidence of Iran needed to cooperate with IAEA and implement IAEA's work plan (see A/C.1/62/PV.10, page 4-5). Other sources of external enforcement is the UN Security Council (see A/C.1/62/PV.10, page 4 & 5) and to some extent the CTBTO (see A/C.1/62/PV.23, page 6). Despite the deviation from Iran and North Korea the majority of the UN member states seem to conform (to some degree) to the norms, at least the EU does not state the opposite, which suggests that self-enforcement is mostly sufficient.

The last category of the typology is the conformity to the norms. As discussed earlier the amount of conformity is questionable since there are countries whom have not signed or ratified the CTBT and/or the NPT (see A/C.1/62/PV.23, page 6) and deviate from the norms (like Iran and North Korea) which argues against the idea that everyone attempts to conform to the norms of non-proliferation and nuclear disarmament. At the same time the majority of the UN member states have signed the treaties which suggests that most of the UN member states attempt to conform to the norms. The amount of deviance is small and mostly confined to Iran and North Korea. These two countries deviate from the norm which the EU several times highlight during its statements (one example is A/C.1/62/PV.10, page 4-5). The countries which have not signed the relevant treaties could be interpret as an evasion of the norms since these countries are not accused by the EU as trying to develop, distribute and/or use nuclear weapons.

5.2 The 63rd UNGA

The 63rd UNGA was held between 2008 and 2009. The EU made statements during the 2nd (6 October 2008), 8th (14 October 2008), 11th (17 October 2008) and 16th (23 October 2008) meetings. Almost every statement was made by Ambassador Eric Danon of the delegation of France except the one during the 16th meeting which was made by Deputy Permanent Representative of France Sophie Moal-Makame. Every statement was held in French. During the discussions two main norms are referred to by the EU; the norm of nuclear disarmament and the norm of non-proliferation. The norm of nuclear-free zones are also discussed but not as extensively (see A/C.1/63/PV.8, page 11-12).

If we start with the first category of the typology, the distribution of norms, we can note that the acceptance of the norms is debatable. This is highlighted in statements during the 8th (see A/C.1/63/PV.8, page 9) and 11th meetings (see A/C.1/63/PV.11, page 8). For instance, during the 11th meeting the EU stated that “Already 130 States have subscribed to the Code [referring to the HCOC] and the European Union urges all States that have not yet done so to adhere to it as soon as possible.” (A/C.1/63/PV.11, page 7, my edit). Thus, the notion that not all UN member states have signed and/or ratified the relevant treaties is an indication that there is not a universal acceptance of the norms of non-proliferation and nuclear disarmament. The EU also devote time toward discussing the three main deviates from the norms; Iran, North Korea and Syria (see A/C.1/63/PV.8, page 10). Concerning nuclear disarmament Russia and the USA are discussed by the EU whom urges the states to reduce their nuclear arsenal in accordance to international treaties and the post-START discussion (A/C.1/63/PV.8, page 10).

The extent of application of the norms seems to be universal. For instance the EU stated that it supported the universal non-proliferation based on the NPT and the IAEA (see A/C.1/63/PV.8, page 9). Another example is when the EU discussed the HCOC and stated that “The EU considers that it is necessary to reaffirm the Code’s clear, multilateral and universal purpose” (A/C.1/63/PV.2, page 17). The statements made by the EU suggests that the norms are applicable on every state and by undermining the norms the function of the treaties become less effective. It is also important to note that the EU is not against the right to use nuclear energy for peaceful purposes (see A/C.1/63/PV.8, page 9). This suggests that the norm is applicable to everyone under all circumstances and to all groups if the intent is the peaceful use of nuclear energy.

If we continue to the second category of the typology, the mode of enforcement of the norms, there are two countries which seems to be deviating from the norms of non-proliferation and nuclear disarmament. These countries are Iran and North Korea. Concerning Iran further sanctions are introduced which are more heavy punishments. The EU stated that:

“In adopting the sanctions resolution 1835 (2008) on the Iranian nuclear programme on the basis of Article 41 in Chapter VII of the United Nations Charter, the Security Council again sent a firm message to Iran on the international community’s resolve. We deplore Iran’s persistent failure to comply with the requirements of the Security Council and the IAEA Board of Governors by refusing to suspend enrichment, to shed full light on its past and present activities and to grant IAEA the access and cooperation that it has demanded to resolve the outstanding questions mentioned in its reports, in order to restore confidence“ (A/C.1/63/PV.2, page 15)

Concerning North Korea the EU was concerned about North Korea restarting their nuclear reactor in Yongbyon. However, the EU only underlined that North Korea needed to comply with obligations and continue with the six-party talks (A/C.1/63/PV.2, page 15-16). Thus it seems to be a mix of punishment and reward. The severity however is heavy since earlier sanctions are still active.

Syria is also discussed during this UNGA and the issue is the allegations that Syria had a non-declared nuclear reactor (see A/C.1/63/PV.2, page 16) but little is said if Syria should be rewarded if they start conforming to the norms or punished for allegedly deviating from the norms. This is also the case with countries whom have not signed and/or ratified the relevant treaties and resolutions.

The enforcing agency which seems to be universal. Hints of this can be found during the 2nd (A/C.1/63/PV.2, page 14), 8th (A/C.1/63/PV.8, page 9) and 16th (A/C.1/63/PV.16, page 2) meetings. One good quote that illustrates this is from a statement during the 8th meeting where the EU stated that “We would recall, however, that the international community must at all costs prevent any redirection of civil nuclear programmes for the purposes of developing nuclear weapons.” (A/C.1/63/PV.8, page 9). This quote suggests that non-proliferation is a universal responsibility to ensure that nuclear energy is used for peaceful purposes.

The extent of enforcement is a mix of lax/intermittent and rigorous/uniform. This becomes apparent when we compare the enforcement against Iran and North Korea and compare it with the enforcement on the rest of the countries. These two countries seem to be met with a uniform enforcement where the EU highlights the countries obligations and refer to resolutions from the UN Security Council. In contrast, other countries whom have not signed and/or ratified the relevant conventions, resolutions and treaties the extent of enforcement seem lax since they are only urged by the EU to conform to the norms. The EU also acknowledges that while the “existing machinery has produced significant obligations and commitments in the disarmament field. [...] there are still problems relating to its functioning.” (A/C.1/63/PV.16) which suggests that the extent of enforcement is not functioning as it should be.

The source of authority seems to be instrumental and rational, and the EU does not (directly) refer to any divine or inherent rights or obligations. The EU refer to international treaties like the NPT (A/C.1/63/PV.2, page 14 and A/C.1/63/PV.8, page 9), the CTBT (A/C.1/63/PV.2, page 16 and A/C.1/63/PV.8, page 10), the HCOC (A/C.1/63/PV.2, page 16 & 17, A/C.1/63/PV.11, page 7 & 8) and to relevant UN Security Council resolutions (see A/C.1/63/PV.8, page 11).

The degree of internalization is medium and some external reinforcement is needed. The earlier quote concerning sanctions shows that the IAEA is one external enforcement and during two points in time the EU talk about IAEA's role where the EU "emphasizes the essential and unique role of the International Atomic Energy Agency (IAEA) in monitoring compliance by States with their nuclear non-proliferation undertakings" (A/C.1/63/PV.2, page 14). During the 8th meeting the EU also highlighted that the IAEA "must be the driving force behind these discussions." (A/C.1/63/PV.8, page 10). At the same time the IAEA is seen as an institution that needs to be strengthened (see A/C.1/63/PV.8, page 9). At the same time, it seems that the majority of the UN member states conforms to the norms of non-proliferation and nuclear disarmament. The EU does not argue that the developing of nuclear weapons is widely spread among the UN member states which suggests that some self-reinforcement is present.

The last category of the typology is the conformity to the norms. The conformity to the norm seems to be attempted by the majority of the UN member states. There are countries whom evade the norms of non-proliferation and nuclear disarmament but they do not actively deviate from it (at least the EU does not highlight this). The EU only highlights two countries which seem to deviate from the norms; Iran and North Korea. These countries are seen as a threat to international peace and the EU urges these countries to negotiate and conform to their obligations. Thus it suggests that these countries deviate greatly from the norms.

5.3 The 64th UNGA

The 64th UNGA was occurred between 2009 and 2010. The EU made statements during the 9th (13 October 2009), 12th (16 October 2009), 18th (23 October 2009), 19th (27 October 2009) and 22nd (30 October 2009) meeting. All the statements were made by Ambassador Magnus Hellgren of the Swedish delegation and the statements were held in English. Two main norms could be identified; nuclear disarmament and non-proliferation.

The first category of the typology discusses the distribution of the norms. The extent of acceptance seems to not be universal, which is made clear during the 9th, 19th and 22nd meeting (see A/C.1/64/PV.9, page 11, A/C.1/64/PV.19, page 7 and A/C.1/64/PV.22, page 6) where the EU highlights the fact that not all countries have signed and/or ratified the relevant treaties and resolutions. This becomes especially clear during the 22nd meeting where the EU states that "The near-universality of the CTBT, although not yet in force, has resulted in the Treaty's establishing a strong global norm against nuclear test explosions" (A/C.1/64/PV.22, page 6). During this meeting the EU especially urges "the nine States listed in annex 2 to the CTBT whose ratification is necessary for its entry into force." (A/C.1/64/PV.22, page 6). The debate of the CTBT is an indication that the norms of non-proliferation and nuclear disarmament is not universal.

The extent of application is universal. The EU does not state any conditions or categories which are exempt from the norms of nuclear disarmament and non-proliferation. The statement made in the 22nd meeting gives us a clue of the extent of application of the norms. The EU underlines that the CTBT, while not yet in full force, has resulted in establishing “a strong global norm against nuclear test explosions” (A/C.1/64/PV.22, page 6). However, it is important to note that peaceful use of nuclear energy is allowed if this follows the NPT (see A/C.1/64/PV.9, page 11).

If we continue to the second category, the mode of enforcement, it is somewhat hard to determine if reward or punishment is more present when the EU discusses the countries whom are evading the norms. Since these countries have not directly deviated from the norm they are not faced with direct punishment.

In regards to North Korea and Iran it is clear that punishment is used rather than reward. The EU stated during the 19th meeting, in regards to Iran, that “in a spirit of mutual respect in order to find a negotiated solution that will address Iran’s interests as well as the international community’s concerns. The evolution of our relations with Iran will depend on that.” (A/C.1/64/PV.19, page 8). Thus the punishment is deteriorating relations with the international community. In the case of North Korea some hints of punishment can be found, especially during the 9th meeting where the EU condemns North Korea’s latest activities and urges North Korea to conform to the international community’s demands (see A/C.1/64/PV.9, page 10-11). To be condemned in the UN is also a clear indication that the relations will deteriorate, something that suggests a form of punishment. We also have to remember that sanctions against Iran and North Korea are still active, which is a clear punishment.

The severity of sanctions seems to be a mixture of light and heavy. In regards to Iran and North Korea sanctions are active, which are a heavy form of punishment. For instance during the 9th meeting the EU stated that “The EU once again urges Iran to comply fully with Security Council resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008) and 1835 (2008).” (A/C.1/64/PV.9, page 7-8).

Concerning the enforcing agency the EU stated that “In view of the new threats to security, the disarmament machinery has an increasingly important role to play. We should make every effort to preserve and, where possible, strengthen it.” (A/C.1/64/PV.18, page 1). At the same time the EU acknowledges that the disarmament needs improvement by stating that “The existing disarmament machinery has produced significant obligations and commitments in the disarmament field. While there is room for improvement, the machinery continues to have the potential to fulfil its functions.” (A/C.1/64/PV.18, page 2). This suggests that the extent of enforcement is not rigorous/uniform. This also becomes apparent with the countries who evade the norms by not signing and/or ratifying the relevant conventions since the EU does not highlight any punishment or actions against these. With the transgressor of the norms, Iran and North Korea, the degree of enforcement is somewhat uniform with UN Security Council resolutions being referred to.

The source of authority are rational and instrumental sources. The EU refers to the CTBT (see A/C.1/64/PV.9, page 10 and A/C.1/64/PV.22, page 6), the NPT (see A/C.1/64/PV.9, page 9, A/C.1/64/PV.19, page 7), the HCOC (see A/C.1/64/PV.12, page 8) and UN security Council resolutions (see A/C.1/64/PV.19, page 7-8) when discussing the UN member states' rights and obligations. The EU does not refer to any absolute or inherent right or obligations. For instance, when discussing the NPT the EU stated that the treaty "remains the cornerstone of the global nuclear non-proliferation regime, the essential foundation for the pursuit of nuclear disarmament in accordance with its article VI, and an important element in the development of the peaceful uses of nuclear energy. We must preserve and strengthen its authority and integrity" (A/C.1/64/PV.9, page 9).

The degree of internalization seems to be at a medium level and some external reinforcement is needed. The reason for why the degree of internalization is at medium is that the majority of the UN member states seem to conform to the norms and no external reinforcement is directly used (other than the EU trying to persuade the countries). At the same time some external reinforcement seems to be needed in regards to countries whom directly deviate from the norm. This is clear when the EU discusses Iran and North Korea. Here the EU calls for these countries to comply with the relevant international treaties and resolution, and to cooperate with the IAEA.

One external reinforcement is the IAEA and during a statement during the 9th meeting the EU "emphasizes the essential role of the IAEA in monitoring States' fulfilment of their nuclear non-proliferation undertakings" (A/C.1/64/PV.9, page 11). During the 9th meeting the EU argue for a strengthening the safeguards system in the IAEA (see A/C.1/64/PV.9, page 10). Another external reinforcement is the UN Security Council (see A/C.1/64/PV.9, page 9 and A/C.1/64/PV.12, page 7).

The last category of the typology of norms is the conformity to the norms. It seems as if most of the member states try to conform to the norms relevant to non-proliferation. Throughout the 64th UNGA it seems as if the majority of states conform to the norm, but the EU does not state how many countries who have not signed and/or ratified the relevant treaties.

There are mainly two countries which the EU refer to when discussing deviants of the norm; Iran and North Korea (see A/C.1/64/PV.12, page 8 and (A/C.1/64/PV.9, page 10-11). For instance during the 9th meeting the EU "strongly condemned the test of a nuclear explosive device carried out by the Democratic People's Republic of Korea on 25 May 2009" (A/C.1/64/PV.9, page 10-11) expresses its concerns by stating that "Such actions undermine the stability of the Korean peninsula and represent a threat to international peace and security." (A/C.1/64/PV.9, page 10-11) and that North Korea needs to "return to compliance with the NPT and IAEA safeguards obligations" (A/C.1/64/PV.9, page 10-11). In regards to Iran the deviation seem to be failure to comply with the resolutions and failure to cooperate with IAEA but Iran does not seem to actively work against the norm (see A/C.1/64/PV.9, page 11).

Concerning the countries whom have not ratified the relevant treaties and resolutions the deviation is more of evasion than deviation. These countries are not accused by the EU of trying to acquire, develop or use nuclear weapons. Therefore they cannot be said to be deviating from the norm.

5.4 The 65th UNGA

The 65th UNGA spanned over 2010 and 2011. The EU made statements during the 2nd (4 October 2010), 9th (13 October 2010), 12th (18 October 2010), 17th (22 October 2010) and 19th (26 October 2010) meetings. All the statements were made by Ambassador Jean Lint of the delegation from Belgium and all the statements were held in French. During the 65th UNGA two main norms could be identified; nuclear disarmament and non-proliferation.

If we start with the first category of the typology of the norm (the distribution of the norms) it seems the norms of non-proliferation and nuclear disarmament are accepted by the majority of the UN member states. One sign of this is during a statement in the 9th meeting where the EU calls upon nine states listed in the annex 2 of the CTBT to sign and ratify the treaty without any delay or reservations (A/65/C.1/PV.9, page 15). This suggests that the norms are not fully accepted by the UN member states. The extent of application of the norms are universal. No special condition or category of groups are specified by the EU during the whole UNGA. However, the EU are not against the peaceful use of nuclear energy (see A/65/C.1/PV.19, page 10).

If we continue to the second category of the typology it is hard to determine if countries whom have not signed or ratified the relevant treaties and other relevant resolutions are either punished or rewarded since these countries are not deviating from the norms (they are merely evading the norms). In the case of Iran and North Korea it is clear that punishment is used more than reward. For instance during a statement in the 19th meeting the EU stated that Iran needed to respond “positively and without further delay to this offer of dialogue.” (A/65/C.1/PV.19, page 10). Therefore, the opposite of this would mean a punishment since this would destroy the “confidence of the international community in the exclusively peaceful nature of the Iranian nuclear programme” (A/65/C.1/PV.19, page 10). During this UNGA the sanctions from the 63rd UNGA is still active and new sanctions (Resolution 1929 (2010)) are also introduced (see A/C.1/65/PV.19, page 10). It is clear that further severe punishment is put in place. This is similar to when the EU discussed North Korea in that North Korea needs to comply with the relevant resolutions in order to find a satisfactorily negotiated solution.

The enforcing agency is a universal responsibility. For instance, during the 2nd meeting the EU stated that “The proliferation of missiles with the potential to deliver weapons of mass destruction remains a major concern for international security.” (A/65/C.1/PV.2, page 6). The quotes suggests that if proliferation of

nuclear weapons is a concern for international security and thus a responsibility for every UN member state. The EU does not state any specified responsibility for any certain actors or a condition where the norms are not enforceable.

The extent of enforcement is a mix of lax/intermittent and rigorous/uniform. In regards to Iran and North Korea the extent of enforcement seems to be somewhat uniform since they are met with resolutions from the UN Security Council and are urged by the EU to follow their obligations. At the same time, the countries whom evade the norms seem to be met with a lax enforcement and are merely urged by the EU to conform to the norms.

The source of authority are rational and instrumental. The EU mainly refers to the NPT (see A/65/C.1/PV.2, page 4, A/65/C.1/PV.9, page 14 and A/65/C.1/PV.19 page 9), the CTBT (see A/65/C.1/PV.2, page 6, A/65/C.1/PV.9, page 15 and A/65/C.1/PV.19 page 10), The HCOC (see A/65/C.1/PV.17 page 15-16) and several resolutions (see A/65/C.1/PV.2, page 6 and A/65/C.1/PV.17 page 15). The EU does not seem to refer to any divine rights and/or obligations. Instead, the rights and obligations come from treaties.

Throughout the meetings it becomes clear that the degree of internalization is at a medium level and that some external reinforcement is needed. There are some countries that evade and deviate from the norms but the majority seem to conform to the norms and do not need external reinforcement. One form of external reinforcement is the IAEA. Concerning the IAEA the EU stated that it “remains committed to ensuring responsible development of peaceful uses of nuclear energy, in the best safety, security and non-proliferation conditions” (A/65/C.1/PV.2, page 6). Another external reinforcement is the UN Security Council of which the EU stated that it played a “crucial role that should be further strengthened in addressing cases of non-compliance threatening international peace and security” (A/65/C.1/PV.2, page 5). In regards to CTBTO the EU stated its support for the organization (see A/65/C.1/PV.9, page 15).

The last category is the conformity to the norms. Concerning the amount of conformity it seems that most UN member states attempt to conform to the norms. There are however some countries which seems to not fully conform to the norms. This becomes rather clear during a statement in the 9th meeting where the EU called “all States to respect the moratorium on experimental nuclear tests and to abstain from any act contrary to the obligations and provisions of the Treaty.” (A/65/C.1/PV.9, page 15). One good example of this is Syria whom seem to be evading and deviating from the norm. In this case the EU urges Syria to cooperate with the IAEA and ratify the CTBT (see A/65/C.1/PV.19, page 10).

There are two countries whom deviate from the norms; Iran and North Korea. In regards to Iran and North Korea the EU stated during the 2nd meeting that:

“We continue to face major proliferation challenges, which must be addressed resolutely in order to maintain the credibility of the NPT regime. Iran’s nuclear programme and the Democratic People’s Republic of Korea’s testing of a nuclear explosive device and delivery mechanisms are the two most worrying examples in this regard. Both issues raise

grave concerns and have led the EU, in particular in the case of Iran, to engage in sustained efforts to find a negotiated solution.” (A/65/C.1/PV.2, page 5)

This quote shows us that Iran and North Korea deviate from the norms of non-proliferation and disarmament in different ways. In the case of Iran the EU focuses on their nuclear program while in the case of North Korea the focus is on their testing of nuclear devices. This is a great deviation from the norms.

5.5 The 66th UNGA

The 66th UNGA was held between 2011 and 2012. The EU made no statements in the first committee during the 66th UNGA. The EU does not state any reason why the EU did not make any statements during the 66th UNGA, but according to an article in the Guardian the reason was due to disagreement on how the EU should make statements. The United Kingdom did not want the EU to start its statements ‘on behalf of EU’. Instead the United Kingdom wanted to keep the past wording ‘on behalf of the EU and its member states’. This disagreement made the United Kingdom block several statements during the 66th UNGA (Borger, 2011).

5.6 The 67th UNGA

The 67th UNGA spanned between 2012 and 2013. The EU made statements during the 2nd (8 October 2012), 9th (17 October 2012), 12th (22 October 2012) and 19th (5 November 2012) meeting. Every statement, except for the statement during the 19th meeting, were held by Mr. Andras Kos who was the Minister Counsellor of the European Union during the 67th UNGA. The statement Mr. Kos did not make was held by Ms. Apeyitou from the delegation of Cyprus. Every statement was held in English. Two main norms can be identified; nuclear disarmament and non-proliferation.

The first category of the typology is the distribution of the norms and concerning the extent of acceptance it seems that there is not a universal acceptance of the norms. For example the EU stated during the 2nd meeting that “The EU promotes universal adherence to, and the full implementation of, all non-proliferation and disarmament treaties and conventions” (A/C.1/67/PV.2, page 6). The EU does not specify how many have not signed and/or ratified the relevant treaties but it suggests that not all accept the norms.

The extent of application seems to be applicable to everyone and to all conditions. The EU does not specify certain groups or conditions that would be exempted from the norms on nuclear disarmament and non-proliferation. For instance during the 9th meeting the EU stated that the:

“the application, reaffirmed by the 2010 NPT Review Conference, of the principles of irreversibility, verifiability and transparency to guide all measures in the field of nuclear disarmament and arms control as a contribution to establishing and upholding international peace, security and stability, taking these conditions into account” (A/C.1/67/PV.9, page 13)

If we continue to the second category, the mode of enforcement, we can note that punishment is used more than reward during the debate. In regards to North Korea and Iran the response seems somewhat uniform. The EU highlights the importance for both countries to cooperate with the IAEA (see A/C.1/67/PV.2, page 7) and refers to the UN Security Council resolutions (see A/C.1/67/PV.9, page 11). We also need to remember that sanctions against Iran and North Korea are still active. The case of Syria the response by the EU is that this is a matter for the Security Council to decide on (see A/C.1/67/PV.2, page 7).

The enforcing agency is a universal responsibility. The EU highlights that “The proliferation of weapons of mass destruction and their means of delivery [...] continues to be a major threat to international peace and security. It calls for a global approach, in addition to actions at the national and regional levels” (A/C.1/67/PV.2, page 6). During the 2nd meeting the EU also highlights that if the UN member states do not work together non-state actors could get hold of weapons of mass destruction (see A/C.1/67/PV.2, page 6) and damage the confidence and credibility of the disarmament and non-proliferation treaties (see A/C.1/67/PV.2, page 7). A global approach towards non-proliferation is according to the EU vital for international peace and security (see A/C.1/67/PV.12, page 9).

The extent of enforcement seems to be a mix of lax/intermittent and rigorous/uniform depending on if the country deviates from the norms. In the case of the deviating countries the extent of enforcement seems to be uniform with the EU referring to the countries obligations to the adopted Security Council resolutions and relevant treaties. Concerning the countries that evade from the norms the extent of enforcement seems to be lax. The EU merely urges these to comply with the norms and does not specify any specific actions.

Sources of authority is rational and instrumental. The sources are mainly the NPT (A/C.1/67/PV.2, page 7, A/C.1/67/PV.9, page 10 and A/C.1/67/PV.19, page 3-4), the CTBT (A/C.1/67/PV.2, page 8), the HCOG (A/C.1/67/PV.2, page 9 and A/C.1/67/PV.12, page 12) and other relevant resolutions (see A/C.1/67/PV.2, page 9). Any inherent or absolute sources of authority are not uttered by the EU during the meetings.

The degree of internalization seems to be at a medium level. The majority of the UN member states seem to conform to the norms since the EU does not argue for any external reinforcement against these. However, Iran, North Korea and Syria seems to require external reinforcement through the IAEA (A/C.1/67/PV.9, page 10-11 & 11-12), the UN Security Council (A/C.1/67/PV.9, page 12) and the CTBTO (A/C.1/67/PV.9, page 12). Therefore suggesting that some external reinforcement is needed.

The last category is the conformity to the norm and it seems that the majority of the UN member states attempt to conform to the norm (at least the EU does not state the opposite). At the same time there seems to be some countries that evade from the norm because the EU states several times that it works toward getting more states to sign and/or ratify the relevant treaties (see A/C.1/67/PV.2, page 7).

Iran, North Korea and Syria are three countries that are deviating from the norms and are urged by the EU to comply with the IAEA (see A/C.1/67/PV.2, page 7-8) and other obligations. The amount of deviance in the case of Iran and North Korea is great since they go directly against the norm of non-proliferation and nuclear disarmament. The language toward North Korea is strong during this UNGA. The EU strongly condemns the actions of North Korea and calls North Korea's actions provocative (A/C.1/67/PV.9, page 11). In the case of Syria the focus seems to be on the chemical weapons due to the events of the Syrian civil war (see A/C.1/67/PV.12, page 10-11) and the EU calls for the UN Security Council to decide on the matter.

5.7 Comparing the UNGAs

The last step of the analysis is to determine if we can observe any changes in how the EU debates and refers to norms. During all the UNGAs two main norms can be identified; nuclear disarmament and non-proliferation.

Throughout the UNGAs the distribution of the norms remains relatively unchanged. The extent of acceptance and application is unchanged at the end of the studied time period with the exception of some new countries whom signed and/or ratified some of the relevant treaties. The EU does not state that there has been an increase in countries whom do not accept the norms or are no longer covered by the norms.

The mode of enforcement also seems to be unchanged. The countries who have not signed or ratified the relevant treaties and resolutions are urged by the EU to do so, but they are not directly punished for evading the norms. The countries that deviate from the norms are, in contrast, punished. For instance, both Iran and North Korea are presented with sanctions and are urged by the EU to comply with their assigned obligations. The severity of the sanctions against the deviants can be considered to be heavy.

The enforcing agency and the extent of enforcement are unchanged. The responsibility are universal since deviants of the norm are, according to the EU, a threat to international peace. The EU therefore argues for a global approach during every analysed UNGA. The extent of enforcement is a mix of lax/intermittent and rigorous/uniform depending on the situation where deviant countries are met with a more uniform enforcement in comparison to the evading countries. The sources of authority are unchanged with the EU referring to the obligations derived from

treaties and resolutions. No absolute, inherent or divine rights/obligations are (directly) uttered by the EU.

The amount of conformity does not seem to have changed. Some additional countries have signed and ratified the most important treaties (like the NPT and the CTBT) but overall the majority of countries seem to conform to the norms. Iran and North Korea (and after later Syria) are the deviants from the norms and they seem to be deviating greatly.

While no direct changes in how the EU debate and refer to norms can be observed the EU does have a representative during the 67th UNGA whom speak on behalf of the EU. Another important aspect which is important to note is that the EU did not make any statements during the 66th UNGA. This was due to a disagreement within the EU on how the EU should make statements in the UN.

6 Concluding discussion

The purpose of this thesis was to answer the question *how has the institutional changes in the treaty of Lisbon affected how the EU debates norms and what norms the EU refers to*. My analysis shows that on the topic of nuclear weapons we cannot see any significant changes. The way the EU refers to and debate norms are unchanged during the whole analysed time period.

What is the significance of the result? The results suggests that changes in formal institutions do not have a noticeable impact on how actors debate and refer to norms. Instead, other factors seem to be what determine if actors will change the way norms are debated and referred to. Thus, we should not expect to see many changes in the way the EU debate and refer to norms over time.

The results presents us with some challenges for RCI and HI. According to RCI we should expect to see changes more or less in connection to the treaty, which is not the case. However, the idea of repeated games provides us with a possible explanation to the results. Since the actors within the EU have long negotiated for a common foreign policy it is hard for the EU to change its stance. The events during the 66th UNGA suggests that the institutional changes affected the perceived optimal outcome for the actors which made the EU's disagreeing on the issue.

HI offer us some helpful theoretical insights when analysing the significance of the results. Since the type of institutional change is a layering kind we know that the past institutions are still in use after the institutional changes. The path these institutions are on have therefore not changed and will most likely not change until the institution arrives at a critical juncture which will put the institutions on a new path.

While the results suggests that changes in the formal institutions do not have an impact on how actors discuss and refer to norms it is still too early to conclude that the institutional changes prescribed in the treaty of Lisbon does not have any effect on this aspect. This study has only looked at one arena, one committee and one topic. It is therefore possible that I have missed some aspects due to constraints in the empirical data. What we can be quite sure of is that the idea that institutional change to formal institutions might not be the main reason to why actors change the way they debate and refer to norms in international politics.

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Transcripts from the UN

62nd UNGA

A/C.1/62/PV.10
A/C.1/62/PV.12
A/C.1/62/PV.17
A/C.1/62/PV.22
A/C.1/62/PV.23

63rd UNGA

A/C.1/63/PV.2
A/C.1/63/PV.8
A/C.1/63/PV.11
A/C.1/63/PV.16

64th UNGA

A/C.1/64/PV.9
A/C.1/64/PV.12
A/C.1/64/PV.13
A/C.1/64/PV.18
A/C.1/64/PV.19
A/C.1/64/PV.22
A/C.1/64/PV.23

65th UNGA

A/C.1/65/PV.2

A/C.1/65/PV.9

A/C.1/65/PV.12

A/C.1/65/PV.17

A/C.1/65/PV.19

66th UNGA

No statements made by the EU in the first committee

67th UNGA

A/C.1/67/PV.2

A/C.1/67/PV.9

A/C.1/67/PV.12

A/C.1/67/PV.19