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## EU Foreign Policy Elites and Fundamental Norms Implications for Governance

Uwe Puetter and Antje Wiener



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*Uwe Puetter* is Professor at the Department of Public Policy at the Central European University, Budapest. E-mail: [puetteru@ceu.hu](mailto:puetteru@ceu.hu).

*Antje Wiener* is Professor of Politics at the Institute of Political Science, University of Hamburg. E-mail: [antje.wiener@wiso.uni-hamburg.de](mailto:antje.wiener@wiso.uni-hamburg.de).

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## **Abstract**

Starting from the assumption that the European Union's (EU) common foreign and security policy (CFSP) will rely on a pre-dominantly intergovernmental governance setting for the foreseeable future, this paper focuses on alternative institutional options for conducting policy dialogue in such a context. It reviews the current coordination practice in the key forums for policy dialogue between the member states, such as the General Affairs and External Relations Council, the Political and Security Committee, as well as the Policy Unit and the role of the High Representative for the CFSP within these forums. To this end the paper proposes a two-fold theoretical framework combining insights from the analysis of other intergovernmental policy coordination contexts within the EU, on the one hand, and research on norm contestation on the other hand. Rather than assuming that key norms, principles and rules in the field of the CFSP can be agreed upon in a one-off fashion, we hold that even once these norms have acquired quasi-constitutional status, say, in the form of Treaty provisions or through repeated European Council resolutions, they remain inherently contested and therefore leave room for policy-makers to derive different policy approaches when enacting their meaning-in-use. The question is therefore whether the CFSP coordination context allows for the identification of diverging interpretations of fundamental norms and organising principles in foreign and security policy debates and thus can establish common understandings through practice rather than through initial acclamation. This can best be achieved through forward looking policy debates including the increased use of scenario-based policy review procedures. The overall reliance of the CFSP process on intergovernmental policy dialogue implies a central role for foreign policy elites both at the national and EU level. This poses key questions about the notion of legitimate decision-making within such a context.

## **Keywords**

Common Foreign and Security Policy - European Council - Legitimacy - Policy Coordination



## Introduction<sup>1</sup>

The European Union's (EU) current foreign and security governance set-up relies exclusively on intergovernmental policy coordination mechanisms. This implies that conflict over policy regularly threatens to undermine and delay common action. Differences over alternative policy options in specific foreign policy situations are not at all surprising as the EU has deliberately refrained from a stronger supranationalisation of this policy area. Member states are (yet) not ready to agree to a formal transfer of power and resources to the EU level. They explicitly reserve the right to act independently whenever being in disagreement over joint policies. However, EU member states agree in principle that there is now a greater need for closer coordination than ever before. While it is therefore not inconceivable that an alternative institutional architecture may be established in this policy area in the future, it is most likely that the EU's foreign and security policy will rely on a predominantly intergovernmental setting for the foreseeable future. Following this basic assumption, the paper focuses on *alternative institutional options* for conducting policy dialogue in such a context. We therefore do not consider potential alternative institutional options within a hypothetical supranational CFSP polity. Moreover we rather emphasise that because of the pronounced resistance of national governments to transfer substantial decision-making competences to the EU level in the field of CFSP we should expect institutional change and potential innovation within the boundaries of the current intergovernmental coordination structure. Here, the paper aims to provide a fresh look at what has become an increasingly elaborated coordination setting in EU foreign and security policy. Over the last ten years the EU has managed to establish a sophisticated web of coordination structures covering different levels of administrative hierarchy and has produced a wide range of procedures and policy guidelines (Duke and Vanhoonaeker 2006).

We bring forward three main questions. Firstly, assuming that CFSP is confined to a pre-dominantly intergovernmental coordination setting for the foreseeable future, how can we nevertheless understand this process in terms of a dynamic and evolutionary one? Secondly and more specifically, what factors do influence the coordination outcome and how are they interrelated? Finally, can we specify on the basis of such analysis alternative institutional options which allow the CFSP process to move towards a greater effectiveness in decision-making? In this case, effectiveness would be defined as ensuring collective and consistent policy action by a group of formally independent actors.

The paper introduces a two-fold conceptual approach to the discussion of the EU's current coordination set-up in the field of CFSP which on the one hand builds on the concept of *deliberative intergovernmentalism* (Puetter 2003, 2006), and on the other hand the *contested norms approach* (Wiener 2007, 2008; Wiener and Puetter 2009). The first perspective derives from research on other intergovernmental coordination settings in EU decision-making – notably in the field of Economic and Monetary Union (EMU). It

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<sup>1</sup> The authors would like to thank Tomas Adell and Hannes Hansen-Magnusson for research assistance. We are also grateful to Helene Sjursen and Wolfgang Wagner for comments on an earlier version of this paper.

holds that effective coordination depends on how the most senior decision-makers in a given policy field are integrated in the coordination process. Their respective degree of integration is measured in terms of organisational structures, working methods and the interplay of discussions at the level of ministers and at the level of senior civil servants, as well as ambassadors who are in charge of preparing and executing decisions and conclusions of Council meetings. The key question is to what extent the coordination setting allows for the development of an underlying working consensus and reference policy options which can be activated whenever unforeseen situations are encountered. It is assumed that routinised and scenario-based review procedures for domestic policy approaches matter the most in this context. In other words, senior policy elites shape, reproduce and apply policy norms and thus establish formal and informal guidelines for future coordination scenarios. Here, the second conceptual perspective applied by this paper is of particular relevance. According to this perspective, norms are contested by default. Most importantly, contestation does not occur in the absence of shared norms, but rather despite and against the background of explicitly stated agreements or conventions. We argue that this has general implications for the norms which are referred to by elites in intergovernmental coordination settings like the one of the EU's CFSP. In other words, like any other international environment, decision-making in EU foreign policy is formally based on and practically linked with a set of – formally and informally – established norms. However, these remain of a contested nature – a dynamic which is revealed each and every time individual actors interact in international encounters. More specifically, the contested character of norms comes to the fore whenever actors try to derive a set of specific policy decisions from them. It is argued that successful policy coordination in this field will essentially depend on whether the coordination context can provide adequate venues for contestation, so as to allow divergent interpretations of core policy norms to emerge and become understood by all involved actors at an early stage.

We argue that the two-fold theoretical perspective of this paper also reveals a double challenge for the legitimacy of EU level decision-making. As CFSP procedures essentially rely on consensus generation among foreign and security policy elites, we assume that this group of actors judge CFSP practices according to their legitimacy, i.e. whether these practices allow national representatives access to all levels of decision-making and generate decisions to which individual actors feel committed. At the same time this very elite centric dynamic of CFSP decision-making may work against the aim of a higher degree of legitimacy in the EU's foreign and security policy at the citizens' level, and then instead reinforce the democratic deficit of EU decision-making. We therefore distinguish between these two notions of legitimacy and reflect on their relationship at the end of this paper. At an empirical level this paper illustrates the two-fold research approach outlined above by applying it in the framework of a short review of the core institutional contexts for coordination among the most senior policy-makers in the CFSP field: the Political and Security Committee (PSC) and the General Affairs and External Relations Council (GAERC).<sup>2</sup> The key role

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<sup>2</sup> With the first meeting of EU foreign ministers under the Lisbon Treaty on 8 December 2009 the GAERC Council formation became the Foreign Affairs Council. This paper refers to the old acronym GAERC throughout when relating to the meetings of EU foreign ministers focusing on CFSP issues as it essentially focuses on a review of the coordination praxis before December 2009.

of senior policy elites and the importance of how they apply and refer to core policy norms in the CFSP context are illustrated by referring to three different country contexts – those of Germany, Sweden and the United Kingdom. The RECON project to which this working paper refers to, aims to illustrate how domestic notions of fundamental norms which receive general recognition and acceptance at the EU level become relevant when it comes to deciding on specific foreign policy issues. It is thus the very practice of interaction among policy-makers of different national background which allows for a critical reflection on the overall coordination at an organisational level. The key question here is whether the coordination process is capable of accommodating to divergent interpretations of fundamental norms in the area of foreign policy making or not. Finally, this paper outlines the objectives of the ongoing research. Most importantly, we expect that the understandings and interpretations of fundamental norms on part of foreign policy elites are also very much reflected in three very different domestic discourses over foreign policy issues to which elites try to respond. This in turn has consequences for the assessment of the coordination setting and the practices and procedures applied in this context.

## **The role of norms and the coordination setting**

The two-fold theoretical perspective used in this paper is informed by the idea that institutional dynamics which influence the overall coordination process are constituted both by the organisational *context* as the coordination setting and the *content* of negotiations as the coordination activity. In other words, the way in which coordination processes are organised and implemented has implications for the overall effectiveness of the CFSP governance set-up. However, in order to determine more precisely which institutional solutions are more or less adequate to the CFSP context, a better understanding of what dynamics substantial debates over policy actually follow is needed. With this two-fold perspective we aim to advance and contribute to the growing literature on CFSP governance. In particular, approaches focusing on the role of administrative elites in the CFSP process have greatly influenced our understanding of specific CFSP governance mechanisms and have conceptualised both the policy process and its institutional context as an environment providing for social interaction (Duke and Vanhoonacker 2006; Juncos and Pomorska 2006, 2008). Most importantly, this research has stressed the relevance of socialisation processes among administrative elites. These processes have been identified as being crucial in stabilising the CFSP evolving decision-making practices and procedures, as well as in promoting a distinctively European perspective in CFSP policy-shaping, which in turn helps to identify consensual positions and allows for the emergence of positions beyond those identified as member states' interests. While we acknowledge and build on this stream of research we make a point of arguing that it needs to be taken further in order to achieve a better understanding of the political and institutional dynamics and to identify alternative institutional options for more effective CFSP decision-making. At the same time this quest for effectiveness needs to be put into context regarding questions about the legitimacy of such a governance context. A key focus of these existing researches has been on the relative importance of administrative elites in relation to capital based civil servants and, most importantly, their political superiors (see in particular Duke and Vanhoonacker 2006). However, such a focus mainly helps us to better understand the emergence of

relatively stable CFSP decision-making *procedures and processes*. It also helps us to better understand which institutional resources (knowledge, central position in the process) that enable administrative bodies and actors such as the Council Secretariat and the presidency to exercise a particular influence in the overall policy process.

However, such a perspective risks ignoring the political dynamics of CFSP decision-making. Moreover, pointing to the relevance of administrative elites in the policy process alone is yet not sufficient for establishing better knowledge about when and how CFSP issues are dealt with at a political level of decision-making as compared to the administrative level of decision-making. We therefore stress the inherent interrelatedness of policy *content* and institutional *context* and seek to advance their conceptual integration. The following will delineate such a two-fold conceptual focus and assess relevant analytical criteria.

### **Content: the role of norms in EU foreign and security policy**

The paper emphasises the role of fundamental norms such as democracy, non-intervention, human rights and the rule of law. While fundamental norms are by definition fairly general (Wiener 2008: 59-86), they form an important part of all intergovernmental coordination contexts and provide reference and orientation points as a normative structure of the EU polity. However, in distinction from liberal community assumptions, it is important to note that EU membership does not imply automatically the shared interpretation of fundamental norms, i.e. the social recognition of norms by individuals of different socio-cultural backgrounds. Instead, policy-makers are expected to enact the meaning in use according to their individual experience and expectation. This implies the potential input of individual cultural validation albeit to varying degrees of shared social recognition, depending on the frequency and intensity of iterated international interaction. The importance of norms in the policy process, especially concerning those organising principles that evolve from the policy process, is expected to increase once a specific coordination regime develops, is institutionalised and then used on a regular basis.

Norms are referred to in relation to specific decisions over policies as they provide guidance on appropriate or non-appropriate actions, embodying the essence of policy ambitions and objectives which are perceived as being shared by all actors within the coordination process. Overall, intergovernmental policy coordination within the EU can be considered to take place within a relatively dense normative structure, in particular when compared to other examples of regional or global 'contextual regimes' and 'nascent pattern of governance' (Toope 2000: 93) such as NAFTA, Mercosur, ASEAN or the African Union. Even the comparatively young field of CFSP was developed against the background of an integration process which had led to supranational policy-making and intensive intergovernmental coordination in a number of other policy areas, thus providing both an implicit and explicit normative framework for decision making (see Manners 2006; Sjursen 2006). Therefore, this paper assumes that a wide range of norms and principles have proliferated in the CFSP context which are relevant both with regard to the content of policies devised at the EU level and with regard to the way policy coordination is actually done, i.e. the organisational and procedural guidelines and routines. Moreover, these policy norms can be more or less formalised. They can have the status of quasi-constitutional



principles, as it is the case with the Treaty provisions relevant to the CFSP field (see Article 11, TEU<sup>3</sup>), or they have the form of written guidelines which are not legally binding to the member states in the strict sense of EU law, but are nonetheless formally stated in official documents and communications. The latter is the case with European Council conclusions and policy documents such as the European Security Strategy (ESS).

In order to conceptualise the role of norms and their impact on CFSP policy coordination, the paper distinguishes between three types of norms; These are fundamental norms, organising principles and standardised procedures (Wiener 2008: 65-68). Norms in the first category are the most general and abstract ones, and probably also the ones to which policy-makers refer to most often when encountering substantial differences over policy choice in a given coordination scenario. We count a number of principles and norms towards this category which are reflected in core EU treaty provisions and which are generally considered to be part of a European consensus on international politics, i.e. the respect for human rights, rule of law, democracy, sovereignty and fundamental freedoms. These norms are generally expected to be the most contested ones. Norms in the other two categories are more specific. Organising principles comprise those norms which more specifically guide policy-makers in terms of key policy practices and orientations which are considered to be essential for the great majority, if not all policy choices. In the case of the CFSP the principles of multilateralism and integration within the UN framework, the emphasis of the combined approach of civilian-military crisis management in case of interventions and the general responsibility of individual member states to coordinate their national policies at the EU level and adhere to collective policy decisions are subsumed under this category.<sup>4</sup> However, the room for contestation of these principles remains still considerable as divergent interpretations on what the implementation of each of these principles may imply in a specific situation may very well arise due to the fairly general nature of these principles. Finally, standardised procedures are norms which are very specific. They clearly prescribe how policy-makers need to act in a given situation. However, standardised procedures are most pertinent in the CFSP context with regard to procedural and organisational issues such as the definition of the decision-making process in the case of the adoption of common strategies or joint actions (Articles 13 and 14, TEU). In these cases, we expect relatively little contestation during actual coordination situations. At the same time, however, standardised procedures tell policy-makers little about *what* policy option to choose but only *how* they should deal with a given situation procedurally.

In this context, the paper highlights the role of core norms used in the area of EU foreign policy, which are considered to guide common action and referred to in policy dialogue at the intergovernmental level. The paper is interested in the quasi-constitutional quality of these norms. While formally adhering to and sharing these norms, member states regularly arrive at diverging interpretations about their application in specific foreign policy situations. This paper argues that approaches focusing on the different meaning and role of constitutional norms in specific cultural and political contexts can provide a tool for understanding this process. Instead of

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<sup>3</sup> All reference to Treaty provisions (TEU and TEC) in this paper is based on the Treaty of Nice.

<sup>4</sup> See in particular Article 11, TEU.

simply reemphasising divergence between member states on foreign policy issues, this study rather concentrates on those areas in which unity is expressed through shared principles. It is argued that shared norms remain contested by default as they acquire different meanings in different domestic contexts. As these contexts are still pivotal for foreign policy formation, more attention needs to be devoted to how contestation processes work and unfold. This problem is not trivial, since reference to shared norms in the area of foreign policy is crucial in EU level policy dialogue and conceived to be an important mechanism for ensuring greater consistency of policy action. Rather than assuming that key norms, principles and rules in the area of foreign and security policy can be agreed upon in a one-off fashion, we hold that once these norms have acquired quasi-constitutional status, say, in the form of Treaty provisions or through repeated European Council resolutions, they remain inherently contested and therefore leave room for policy-makers to derive different policy approaches when enacting their meaning-in-use (see also Milliken 1999). Here, the specific cultural context including constitutional tradition and practice in domestic settings matter.

### **Context: the coordination setting**

These insights into the role of constitutional norms and their impact on EU level foreign policy dialogue have in turn implications for the analysis of institutional dynamics and should bring discussions about options for institutional engineering and adjustment. We hold that insights to how elites interpret and enact fundamental norms in the area of foreign and security policy are an important precondition for considering alternative institutional options and working methods in the context of EU foreign policy coordination. Based on insights from the field of EU economic policy coordination, this paper understands EU foreign policy-making as a form of *deliberative intergovernmentalism* (Puetter 2003, 2006) which preserves the formal independence of the involved actors but implies at the same time the development of highly routinised and dense coordination procedures, including a constant dialogue over policy among the most senior decision-makers at member state and EU level. The concept of deliberative intergovernmentalism implies that the practice of EU level coordination matters for policy formation. However, the concept is neither normative nor idealistic. It does not assume that member state's foreign policy approaches converge. It rather starts from the idea that in the absence of a supranational authority enforcing collective decisions in the CFSP field, consensus among the key policy makers who represent the member states as independent actors in the coordination process and decide about the implementation and execution of EU policies through national policies and/or the case-by-case pooling of national resources, is a pivotal precondition for successful policy execution and implementation. As the field of economic policy coordination in the context of EMU shows, mutual persuasion to comply with what are considered to be appropriate policy options from a Community point of view becomes a core feature of the coordination process. Whether such dynamics do or do not prevail is crucial for the viability of formally agreed policy objectives in the context of specific coordination *episodes*. Deliberative intergovernmentalism assumes that because of the lack of legally binding coordination resources, the most senior policy makers in a given policy field which is subject to such a coordination regime – ministers and senior civil servants – are the pre-dominant actors as their potential political and administrative leadership is a

necessary condition for the successful execution and implementation of EU policy objectives within the national context. Therefore, in terms of the organisational context of the coordination process, a lot depends on whether established procedures and practices opens for a close policy dialogue which allows the generation of consensus and self-commitment by the involved actors. Here in particular, one will get the possibility to have frank exchanges over alternative policy options and to link the more political discussions among ministers with those dealing with more technical considerations matter. The flexibility of the agenda, the possibility to meet in a more informal and restricted setting and, finally, the relation between Council level meetings and those of the most senior expert committees in the field are in this regard key criteria (Puetter 2006: 21-33).

Bringing together core insights from deliberative intergovernmentalism and the contested norm approach provides a productive conceptual framework for a closer assessment of CFSP coordination practices. For example, we argue that the outcome of CFSP coordination processes essentially depends on the degree to which these processes can provide *venues for contestation* during the phase of policy formation (Puetter 2007). The question is therefore whether the coordination context allows for the identification of diverging interpretations of fundamental norms and organising principles in foreign and security policy debates and as a result can establish common understandings through practice rather than through initial acclamation. This can only be achieved through a regular focus on medium and longer term perspectives. According to the perspective of deliberative intergovernmentalism a key indicator showing the potential of a coordination setting to provide for this is the existence of scenario-based policy review procedures. In this procedures, we assume that fundamental norms and organising principles in a given coordination area are regularly discussed in relation to their application in specific policy scenarios. A scenario-based policy review can take two forms; either as a forward looking debate or as a critical and comparative review of existing (domestic) policy approaches. In the first case the EU would discuss potential reactions to a potentially arising foreign policy problem prior to the actual occurrence of a specific situation. This could be a very clearly defined crisis situation (known threat of conflict, war or humanitarian crisis) or a more broadly defined scenario as it is set out in the context of forward looking debates dealing with medium or longer term policy approaches towards a specific country or world region. Alternatively, in the second case, ministers or senior civil servants would review existing policies of individual member states and provide a critical assessment with potential recommendations and conclusions for a joint approach in the given field. In contrast, policy dialogue which develops predominantly in an ad-hoc manner in the context of crisis situations is unlikely to lead to greater coherence in joint actions. Here, the comparison with the field of economic policy coordination can offer fruitful insights as this sphere of EU policy-making is already more established and characterised through a higher degree of institutionalisation. This is particularly relevant to the discussion of alternative institutional options for future CFSP decision-making.

The focus on intergovernmental policy coordination implies an elite focused perspective. This is not a normative statement but rather an acknowledgement of the current state of the overall coordination set-up. This setting is conducive to elite-centric decision-making in many ways. Member state governments are the key actors

in the process. They act as gatekeepers with regard to the information flow between Brussels based decision-making and the domestic context. The creation of independent resources within the CFSP field at the EU level has further enhanced the privileged role of national executives in the process. Notably, the creation of the Policy Unit and the expansion of the Council Secretariat's resources in this field as well as the creation of the PSC, which is composed of Brussels based national diplomats, underline the central role of EU and national foreign policy elites. Most importantly, however, there is a structural bias in foreign and security policy towards elite decision-making. In many EU member states there is a long tradition of the executive enjoying considerable room for independent decision-making through its constitutional mandate and the prevailing governance tradition. This structural bias, however, may have different pronunciations depending on the policy issues at stake. The comparison between Germany, Sweden and the United Kingdom is a very indicative one in this regard as they represent different foreign policy traditions and examples of a different degrees of parliamentary and public involvement into foreign and security decision-making. Ultimately, however, decision-making on foreign and security policy does not take place in a vacuum. However powerful elites and their influence ultimately depends on party politics, electoral cycles and public opinion – whether they feel more or less inclined to 'listen' to it. In fact, we observe that the domestic context have a great impact on how elites react, debate and decide in the context of EU level policy coordination procedures. Identifying more clearly the dynamics behind this interrelatedness of EU level coordination and domestic contexts is relevant to a better understanding of the CFSP. This paper aims to provide a starting point for further research on this field.

## **Reviewing the coordination set-up**

The EU's foreign and security policy set-up has undergone remarkable institutional changes over the last ten years. However, one key principle has persisted ever since the initial attempts to forge closer coordination among Western European countries within the context of European Political Cooperation from the 1970s onwards: The institutional framework for joint activities in this policy area is predominantly intergovernmental and is likely to remain so for the foreseeable future. Although a formal supranationalisation of the EU's foreign and security policy could seem to be the preferable option considering the EU's role as a global actor in economic affairs (Bretherton and Vogler 2006), member states have so far remained defiant about transferring formal decision-making competences to the community and therefore entrusting the Commission with the relevant powers to initiate and execute policies.

Instead preference has been given to the development of an increasingly sophisticated intergovernmental coordination set-up. It is beyond the scope of this paper to provide a historical account of the evolution of EU foreign and security policy. However, the following institutional developments are particularly relevant for the analytical perspective taken in this paper. Firstly, with the establishment of the CFSP in the Maastricht Treaty and later with the progressing implementation of a European Security and Defence Policy (ESDP), the Council has been placed at the centre of the policy-making process. Council decisions in this area require unanimous agreement (Article 23, TEU) and policy implementation relies essentially on the coordinated

action of individual member states. Non-compliance with collectively agreed policy guidelines, measures and positions remains legally unsanctioned. Most importantly, member states can easily ignore even the overall commitment to coordinate policies at the EU level (Article 11, TEU) as there are no mechanisms to sanction inactivity or even counterproductive behaviour. In fact, there is no lack of experiences with coordination failure or the complete absence of coordination – the division over the US-led invasion of Iraq in 2003 being only the most drastic example (Puetter and Wiener 2007).

However, since the 1990s the EU has scaled up its coordination resources in the CFSP field quite substantially. Most importantly, a dense web of coordination forums and mechanisms has been developed around the Council. These mechanisms have contributed to a greater institutionalisation and routinisation of the overall coordination process and have enhanced the capacity of the EU to involve member state administrations on a wide range of foreign and security policy issues in the coordination process. The most important developments have been the establishment of the PSC as the leading senior expert committee in this policy field, as well as the Policy Unit in relation to the appointment of the High Representative for the CFSP – Javier Solana – in 1999. At the same time a large number of topically focused Council working groups (Juncos and Pomorska 2006, 2008) have emerged in the CFSP field. These groups support the work of the PSC and the Council and contribute to the linking up of foreign and security policy elites in Brussels and the member states. Although there are further committees and coordination structures which have proliferated in connection with this evolution of the CFSP field – such as the EU's Military Committee (EUMC) and the Committee of Civilian Aspects of Crisis Management (CIVCOM) – the paper concentrates on the Council, the PSC and the Policy Unit as we expect these contexts to be most relevant for substantial decisions over policy. Moreover, these three institutions are dealing with a broader political agenda and are not exclusively focused on either a specific subject area or predominantly technical decision-making. In the following, each institutional context is briefly reviewed.

## **The Council**

The Council formation dealing with CSFP issues – GAERC – is one of the oldest and clearly the most senior Council formation within in the EU and was previously called simply the General Affairs Council (see Hayes-Renshaw and Wallace 2006: 36-41). The growing importance of CFSP coordination has been reflected in an ever expanding agenda in this field which now tends to occupy most of the time of the ministers. The frequency of the meetings is high compared to other Council formations. The GAERC has a regular meeting schedule of monthly meetings, but special meetings are called in addition when the workload or a crisis situation requires it. Many of the meetings are planned for two consecutive days. The agenda of GAERC meetings is very much 'event-driven'<sup>5</sup> as EU governments seek common positions on a range of issues in world politics regularly covering several world regions during a meeting. This also implies that the Council review some topics quite frequently – as it is the case with the most persistent international conflict situations.

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<sup>5</sup> Anonymous interview on file with the authors; conducted in the first half of 2009.

A large part of the 'output' of GAERC meetings with regard to external relation aspects is constituted by the adoption of declarations or conclusions. These are communicated in a press statement after each meeting and express the EU's common policy stance. However, unless previously established EU level activities or the use of supranational resources as in those areas for which the Commission has executive responsibility (e.g. development, aspects of the European Neighbourhood Policy), these Council conclusions can only gain further recognition if member states' foreign policies are adjusted accordingly and carried out with a view to supporting the stated policy objectives. In this sense the discussions among ministers about such common EU positions can be crucial for committing individual ministers to their position. In practical terms, however, not all issues receive the same attention and more comprehensive discussions including the so-called table rounds in which many if not all ministers seek to express their views on a specific matter, can only take place with regard to a very small numbers of issues. This is important knowledge as the Council typically has to decide on a number of different issues during each meeting.

The Council has by now also made decisions several times under the procedure foreseen in Article 14, TEU, and has adopted a number of so-called joint actions which involve 'operational action by the Union'. This has been the case with regard to the creation and implementation of a number of EU missions around the world – several of them having a military component.<sup>6</sup> This instrument implies a much more specific definition of what the EU wants to achieve in a given context and includes the pooling of member state and EU resources to this end. Once the Council has agreed on a joint action, its implementation depends on whether and to which extent individual member states provide the necessary resources, e.g. troops, administrative personnel, technical experts and finances. For some member states joint actions can be of significant political relevance – either domestically or externally – as they have vital interests in a given country or region.

The outline above of the role of the Council in the coordination process highlights a number of institutional features which require closer attention. The frequency of GAERC meetings is high by EU standards. Moreover, the duration of meetings further reflects the seniority and importance of this Council formation in EU politics. Therefore working relationships between EU foreign ministers can be characterised as relatively close and intense. In this perspective we should expect that individual ministers develop a mutual understanding of different positions and interpretations of norms and organising principles. Being permanently and extensively engaged in EU level dialogue we should also expect that ministers develop common informal understandings on how to approach specific foreign policy scenarios and develop common responses taking past experiences into account. In short, this view suggests that the coordination set-up is conducive towards a socialisation process of ministers implying shared practices and understandings over policy and procedures (Lempp 2009: 480-489; Lewis 1998).

However, such a perspective requires further qualification considering a number of other features of the GAERC setting. We should expect that both the complexity and

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<sup>6</sup> For an overview of EU operations see <http://www.consilium.europa.eu/showPage.aspx?id=268&lang=en>.

event-driven character of the GAERC agenda prevent the development of a routinised process of scenario-based policy review. The room for forward looking debates is limited. Moreover, the large number of participants in GAERC meetings implies very limited scope for face-to-face discussions over divergent policy approaches. These observations imply that more research is needed on the actual dynamics of Council decision-making. While we should expect socialisation tendencies being more strongly pronounced in this setting than in other formations of the Council, it is difficult to sense what they actually involve. Moreover, looking at the actual meetings of the Council is not enough. The practical limitations on truly interactive discussions also imply that bilateral contacts between individual ministers or small groups of ministers can be quite decisive in the preparation phase before GAERC meetings. In order to grasp this activity a capital-focused research perspective needs to complement the focus on decision-making in Brussels. Finally, the way ministers approach the content of policy debates is also relevant. Socialisation and a general readiness to seek common positions are only one part of the story. We also need to ask whether and how ministers refer to different types of norms in their negotiations. For example, reference to fundamental norms in Council conclusions is frequent. Interviews with those engaged in Council negotiations, however, suggest that understandings on norm application in specific policy contexts mainly emerge on case-by-case basis and that cross-reference – not withstanding substantive debate – to norm application in similar foreign policy scenarios is rare.<sup>7</sup> These initial empirical findings deserve to be followed up more closely as it would be indicative of how far the coordination process has evolved over time. In the current set-up we expect the Council to function relatively effective in terms of adherence to standardised procedures but not so much in terms of norm application in specific situations.

### **The Political and Security Committee (PSC)**

The establishment of the PSC as a permanent senior expert committee in the field of CFSP through the Nice Treaty (Article 25, TEU) and the related decisions by the Council and European Council mark a shift in the organisation of the overall CFSP coordination set-up.<sup>8</sup> The PSC's mandate and composition as well as the frequency of its meetings are a clear indication of the growing scope and the intensity of the coordination process. At the same time the PSC's institutional design fits the intergovernmental orientation of the overall CFSP set-up and reflects the central role of member state governments. The PSC is charged with the monitoring of the 'international situation' and with the 'definition of policies (ibid.)'. It can propose or investigate policy options even on its own initiative. Moreover, the Council can confer executive powers to the PSC in the context of crisis management operations. The PSC is therefore considered as the 'linchpin' (Duke 2005) of the CFSP coordination process.

The PSC is composed of special PSC ambassadors of the member states who are senior diplomats at the Permanent Representations of the member states in Brussels and have ambassador rank. A deputy PSC ambassador takes part in the meeting as well. The PSC normally meets twice a week. In addition, special PSC meetings are

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<sup>7</sup> Anonymous interview on file with the authors; conducted in the first half of 2009.

<sup>8</sup> See Council Decision 2001/78/CFSP and European Council, Presidency Conclusions, Nice, 7-9 December 2000.

called in crisis situations or when the workload demands. Meetings typically run for several hours. The delegations of the bigger member states tend to speak up on most, if not all of the agenda items. Once a larger number of other delegations join the discussion, debates frequently develop into full table rounds with statements from all member states. Delegations are generally equipped with clear instructions from their capitals on what positions to take in the PSC. However, the way capitals instruct their representatives varies from country to country, with some administrations taking a more hierarchical approach and others a more flexible approach (see also the section 'Country examples and policy episodes' in this paper). In difficult negotiation situations PSC ambassadors may call their capitals during a meeting in order to get new orders or to explore the scope for a change in the initial position. Although the PSC presidency concludes each meeting with a set of conclusions which are considered to represent the results of the meeting, each delegation does its own detailed reporting and then submits it to the respective capital. Typically, there are detailed debriefings in the capitals with the relevant unit heads in the foreign ministries based on the results of each PSC meeting. Moreover, in each capital a so called European Correspondent acts as the chief coordinator of PSC matters and ensures consistency with the work of the relevant ministerial units and other policy decisions taken at the national level. The complexity of the PSC coordination process is further underlined by the fact that there is a separate group of the PSC ambassadors' personal assistants – the so-called Nikolaides Group – which is in charge of PSC agenda preparation. The purpose of these preparatory meetings is mainly technical and excludes political debates.

The composition of the PSC is not without repercussions for the coordination process. The status of PSC members who are Brussels based diplomats and therefore less closely involved with capital based decision-making and the politics of it, implies a certain detachment from the domestic context. At the same time PSC members are directly instructed by their capitals and have to defend national positions within the committee. Another factor which hampers the transmission of more politically motivated arguments and interpretations between the PSC and the capital level is the fact that the PSC agenda is dominated by a bulk of more technical issues which relate on the PSC's mandate to exercise political and strategic oversight over ongoing EU missions. This further restricts the scope for forward looking or more principled debates – a precondition for more effective norm application as we hold. According to one participant in PSC meetings<sup>9</sup> there is always an 'obligatory part' of the meetings which is constituted by operational and procedural issues which must be dealt with immediately. In addition to this the drafting of Council conclusions on CFSP topics consumes a substantial part of the sessions. Finally, there is a 'freestyle part' of each meeting in which new or forward looking items can be discussed or in which policy initiatives can be followed more rigorously. This part of the meeting tends to be set by the PSC's presidency which rotates according to the general EU presidency schedule. The constraints constituted by the complex PSC agenda are also reflected in statements from PSC participants who acknowledge that there are 'no real surprises' with regard to the emergence of topics and the arguments presented.

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<sup>9</sup> Anonymous interview on file with the authors; conducted in the first half of 2009.



Historically, the composition of the PSC and its predecessor – the Political Committee – was different.<sup>10</sup> Instead of the Brussels based PSC ambassadors the capital based Political Directors of the national foreign ministries formed the committee. Given their senior rank and overall responsibility for strategic planning and direction of national foreign policy, the Political Directors are considered to be very important to the preparation and conduct of debates on substantial policy issues. Members of this group of policy-makers are among the most senior civil servants in their respective ministries and in charge of dealing with a particular domestic political setting in which EU level decisions need to be backed, justified and implemented. Long-serving diplomats and civil servants dealing with CFSP issues, therefore, stress the political calculus behind the initial decision to send the Political Directors of national ministries to the CFSP's most central expert committee. As the overall objective to achieve closer EU level foreign policy coordination remained contested at the time, there was a general agreement that the involvement of capital based high level civil servants was a precondition for creating political and administrative leadership over EU foreign policy initiatives and their implementation through the member states. The growing scope of the coordination agenda and the increasing frequency of meetings were the main reasons why this approach could not be maintained. Currently, the only forum for EU-level dialogue among the Political Directors is the regular informal lunch which is held at the occasion of GAERC meetings. However, these lunches take part outside the format of the PSC.<sup>11</sup>

Similarly to the Council formation dealing with CFSP issues – GAERC – the above outline of the main institutional features of the PSC shows a mixed result. On the one hand, the high frequency of meetings and their duration suggest socialisation tendencies and a highly developed mutual understanding of positions and coordination attitudes as well as a collegial atmosphere. On the other hand, we should expect that due to the fact that a substantial part of the PSC agenda consists of technical and procedural issues, substantive debates over policy choice are limited to a small number of subjects and face severe time restrictions. Moreover, the diplomatic infra-structure surrounding the work of the PSC facilitates and encourages the involvement of national foreign ministries and their respective sub-units in the coordination process but at the same time may prove to be a key obstacle towards the involvement of substantive policy debates due to its formalised nature.

### **The office of the High Representative and the Policy Unit**

Another key feature of the current coordination set-up is the office of the High Representative. The post is not only relevant for the external representation of the CFSP but has a lot potential relevance for the internal functioning of the coordination process as well. Due to its seniority and direct access to the agenda planning and issues related to the exercise and organisation of the presidency, the High

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<sup>10</sup> On the historical changes in the composition and set-up of the PSC and its predecessor – the Political Committee – see Duke 2005.

<sup>11</sup> Technically the PSC can still convene in 'Political Director formation' (Council Decision 2001/78/CFSP). However, de facto the committee works in the composition of the PSC ambassadors and their deputies. The informal lunch meetings of the Political Directors at the occasion of GAERC meetings are not formal PSC meetings and are, therefore, not considered to be part of the committee's work.

Representative can attempt to structure the coordination process in a particular way, promote specific issues or policy priorities and use regular bilateral contacts with foreign ministers and senior civil servants to steer discussions. Given that the CFSP is a very recent field of EU activity and does yet not rely on a dense formalised set of policy guidelines – in particular at the level of organising principles and guidelines for their implementation – the office of the High Representative could be regarded as a potentially important informal resource. Most importantly, in the absence of a permanent Council presidency, the High Representative is the key actor who has the potential to ensure procedural and substantive consistency of policy debates over time by attempting to structure the agenda and individual debates in a particular way and by reminding individual actors of previously established common understandings. However practitioners involved with the current coordination process tend to emphasise that the current holder of the post – Javier Solana – does not see such a role as a main priority of his job and tends to approach ongoing discussions in a very pragmatic rather than principled way. Instead Solana is more focused on fostering progress on a number of policy issues he has paid special attention to since taking up the position. These patterns may change with other individuals filling this position and/or with the adjustments to the overall institutional set-up as foreseen by the Lisbon Treaty.

With the Amsterdam Treaty a Policy Planning and Early Warning Unit – generally referred to as the Policy Unit – has been established under the direct responsibility of the High Representative.<sup>12</sup> The initial conception of the Policy Unit was a diplomatic infrastructure of senior Brussels based diplomatic foreign policy experts who are in charge of monitoring and analysing foreign policy events and providing ‘policy options papers’ to the Council (Ibid ). Based within the General Secretariat of the Council the set-up of the Policy Unit reflected the intention not to transfer new competences to the Commission as regards the formulation and proposition of policies. Also the personnel of the Policy Unit was recruited from the capitals and not through the Commission or the General Secretariat’s own recruitment mechanisms. At the time each member state seconded one diplomat to the Policy Unit. The overwhelming majority of the diplomats who started off the work of the body were of senior rank and with established networks of high-level contacts within their respective ministries. The seniority of the members of the Policy Unit was seen as helping the effective testing of the political acceptability of policy options at an early stage in the policy formation process and the organisation of political support in the member states.<sup>13</sup>

However, this initial approach could not be maintained beyond the 2004 and 2007 enlargements of the EU when also each new member state seconded one official to the Policy Unit. As a result of the grown size of the Policy Unit there is now a much greater differentiation in rank as regards the career background of its individual members. In addition, the Policy Unit also has become more closely integrated in organisational terms with the external and political-military affairs in the/ through

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<sup>12</sup> See Declaration No. 6 on the Establishment of a Policy Planning and Early Warning Unit, Treaty of Amsterdam.

<sup>13</sup> Anonymous interviews on file with the authors; conducted in the first half of 2009.

the Directorate General E of the General Secretariat of the Council. This development very well reflects the growth in Brussels based bureaucratic resources in the field of CFSP but may at the same time have hampered the role of the Policy Unit as a clearing house for divergent views between member states' attitudes towards EU-level policy decisions.

Again the review of the office of the High Representative and the Policy Unit reveals a mixed picture. While technically both institutional features add to the institutional infrastructure of the overall CFSP coordination set-up, these instruments are not used to the full possible extent as regards substantial discussions over policy between member states representatives (ministers and diplomats). This in turn implies that the contestedness of fundamental norms and organising principles relevant to the CFSP policy process is likely to emerge repeatedly over time even in areas which have been subject to coordination before and that intergovernmental communication instruments only partially function as venues for contestation.

## **Country examples and policy episodes**

As a consequence of the above review of core CFSP institutional contexts at the EU level we hold that complementing the research focus on Brussels based institutions by looking simultaneously at different capital context is crucial for answering our three main research questions. While the way Brussels based institutions are set-up certainly has an impact on the overall coordination process, we stress that the interaction of national representatives within them and the political dimension of policy issues at stake also deserves close attention. In particular, we expect the latter perspective to reveal the potential for norm contestation more precisely. To this end we propose looking at different country contexts and policy episodes. We expect to find different underlying attitudes towards the most referred to fundamental norms and some of the organising principles in CFSP. At the same time we are expecting to find fairly well established standardised procedures which are hardly contested and are followed through in most coordination instances. While the existence of different underlying attitudes towards the most referred to fundamental norms and organising principles in general come as no surprise for observers of the CFSP process, a closer understanding of these very dynamics is needed in order to better reflect on the interrelatedness of institutional context and policy content with a view to the overall effectiveness and evolutionary potential of the CFSP process. Moreover, while we share the notion of the general importance of administrative elites in CFSP decision-making, it is yet not very well understood how their influence varies according to specific decisions over policy. While they play a crucial role in structuring the overall policy process and channelling discussions according to routinised procedures and practices, there is no doubt that a number of decisions of substantive policy issues are taken at the political level. We therefore need to ask what makes policy decisions 'political' in the sense that ministers and deputy ministers decide to take them up themselves. At the same time we need to ask more specifically on which topics do senior administrative elites enjoy considerable freedom as regards policy formulation and the preparation of final decision-making? – Again, we do expect to find answers to these questions only by involving the capital level more closely as well.

In order to investigate the relevance of domestic contexts for the interpretation and enabling of EU level norms and principles in the field of CFSP we are looking initially more closely at three country settings – those of Germany, Sweden and the United Kingdom. We have selected these countries as we believe that each of them pursues a distinctive foreign policy approach. We consider all three approaches as particularly indicative for the role of individual member states in the CFSP governance set-up although we expect that more country examples need to be included in order to complement this analysis in the future. As regards Germany we see a foreign policy tradition of placing a particular emphasis on good neighbourly relationships with its European partners explained by its post-war history and its role as a founding member of the European integration project. At the same time the country experiences an internationalisation and militarisation of its foreign and security policy which contrasts with the experiences during the Cold War period. Therefore, legitimacy concerns and the question of parliamentary control in particular with a view to military action are salient issues. By comparison, Sweden, while being a smaller EU member state, nevertheless has a long-lasting commitment in its foreign policy to regional as well as global issues. The scope of its foreign policy agenda makes it – unlike many other smaller member states – comparable to bigger countries such as Germany and the United Kingdom. Swedish foreign policy is special in the EU context as decision-making based on key foreign policy references (i.e. fundamental norms and organising principles, is considered a core feature of national foreign policy. In particular the insistence on respect for international law, human rights, development and gender equality are noteworthy. Finally, the United Kingdom is besides Germany and France one of three big players in CFSP and commands over significant military resources which are crucial for the implementation of potential military operations. As a former colonial power it has a truly global foreign policy agenda and a tradition of military intervention. Consequently, the latter instrument is perceived differently by the public and core elites than in Germany. At the same time a close transatlantic relationship has been a core feature of British foreign policy and has brought the country in opposition to other EU member states which have shown a greater preference for the formulation and implementation of distinctively European positions which may not necessarily converge with those of the United States. It is because of these different underlying foreign policy perspectives that we expect that these country examples are particularly helpful to a more detailed study of diverging interpretations of fundamental norms and organising principles in CFSP.

Preliminary interviews with senior officials in Brussels and the three capitals who participate in GAERC and PSC meetings and/or are in charge of the preparation of the work of these bodies in the relevant ministries suggest that each country context has specific implications for the interpretation of fundamental CFSP norms and some of the organising principles, as well for the overall assessment of the political relevance of the coordination process. To this end we are looking more closely into different features of domestic political settings which may be of particular relevance to the practice of approaching foreign policy issues within the national administrations and, most importantly, by the representatives of these administrations in EU level negotiations. This includes, firstly, domestic understandings of key CFSP norms which are related to the foreign policy traditions

and/or national foreign policy approaches which have already been established in these countries in the past. Secondly, we ask how far elites conceive themselves to be bound by partisan politics and public opinion with regard to specific norms and principles in CFSP. Such an approach is by no means a comprehensive one with regard to conceptualising domestic processes of foreign policy formation. Our objective in this project is a more modest one as we essentially want to illustrate how diverging interpretations of CFSP norms and principles emerge and become manifest in the different stages of the coordination process.

To this end we also seek to establish our findings with regard to a number of policy episodes in CFSP. For example, we look more closely at the EU's repeated engagement in the Democratic Republic of Congo, its reaction towards Iran's nuclear program, and the EU's attempts to find coordinated positions with regard to the process of UN reform. Each policy episode is expected to reveal contestation of CFSP norms and principles more specifically and to help understanding the respective role of the different institutional layers and bodies of the coordination set-up. For example, the increasing relevance of a military component in EU foreign and security policy receives different political attention in the countries looked at in this project. Whereas the relatively small stabilisation and security mission Artemis in Congo in 2003 received very high awareness in the German media including a political discussion about the appropriateness of the intervention, it was much less debated in the Swedish media. Although both the political situation and the EU mission received attention by the British press, the issue of whether the EU should become engaged through an own mission did not become subject to a more substantive political debate. The same pattern could again be observed in connection with the EUFOR mission in Congo which was aimed at protecting the national election process in 2006.<sup>14</sup> – These country specific patterns deserve to be followed up more closely in order to enhance our understanding of the different meanings EU foreign policy norms and resulting policy decisions acquire in different member state contexts.

Moreover, established foreign policy practices of national governments can be an important source of diverging interpretations of fundamental norms in the CFSP field as well as to some of the organising principles. We understand foreign policy practice as being constituted both by underlying policy preferences and administrative practices which may influence the way in which member state governments coordinate within the EU context. A good example for the relevance of the former dimension is the Swedish emphasis on the fundamental norms of human rights, respect of international law and the protection of democracy. While all three EU member states subscribe to these norms in principle and acknowledge their relevance for CFSP policy-making, preliminary interviews suggest that Swedish foreign policy-makers tend to value the practical relevance of these norms for EU policy formation to a much larger extent than their counterparts in Germany and the UK. In this regard, Swedish officials insist on the principled nature of their approach to foreign policy issues. As a consequence, Swedish representatives tend to insist on a further formalisation of the application of these norms in EU foreign policy and intend to

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<sup>14</sup> Initial media screening included the following sources: Dagens Nyheter, Frankfurter Rundschau, Die Welt, TAZ, Observer, Guardian, Times, Independent. This research will be complemented by involving the analysis of news coverage by one major TV network per country.

include reference to them in written policy documents. British officials, on the contrary, are less concerned with written reference to these norms and have a more pragmatic approach to their application in EU foreign policy. Preliminary interviews reveal that the latter group of policy-makers consider reference to these norms in policy documents as having little effect on specific policy decisions and do not feel particularly bound by such documents. Again, such patterns of diverging interpretations of EU foreign policy norms deserve closer attention and will be followed up more closely in the research related to this RECON partner project.

Similar to the examples above relating to the substance or *content* of the coordination process, we can establish different patterns of administrative practice related to individual member states which become relevant with regard to the institutional and organisational *context* – the coordination setting. An example for such diverging administrative practices are differences in the internal organisation of the foreign ministries in the three countries and the way national civil servants interact with the Brussels based PSC ambassadors and other diplomatic staff in charge of PSC and GAERC matters within the Permanent Representations. The German foreign ministry and Berlin's Permanent Representation in Brussels, for example, follow a strictly hierarchical model of internal organisation. This becomes most apparent in the preparatory discussions prior to PSC and GAERC meetings and with regard to the numerous bilateral contacts which unfold between the member states during this process. In particular lower-ranking officials have less room for manoeuvre when interacting with others in EU negotiation contexts or bilaterally than their counterparts in Sweden and the United Kingdom. At the other end of spectrum are Swedish officials who consider themselves as having more room for manoeuvre and see themselves acting on the basis of more principled instructions which allow them to apply their own judgement in specific situation as long as they comply with the overall policy directions determined by their superiors. Moreover, Swedish officials as well as British officials in Brussels and the two capitals seem to enjoy faster and closer access to the most senior civil servants and the foreign ministers compared to their German counterparts. These diverging practices frequently lead to situations in which potentially contentious aspects cannot or can only to a limited extent be discussed in greater detail at an early stage in the coordination process. This situation may also imply that officials from countries with a less hierarchical preparation and internal coordination process will first consult with counterparts in those member states who are – because of their ministry's internal organisational structure – perceived to be more accessible.

## **Repercussions for legitimacy and democracy**

The brief review above of the CFSP coordination set-up reveals a number of challenges for democratic decision-making in the field of CFSP. Most importantly, the decentralised governance architecture, which allows national governments to formally retain control of foreign and security policy, provides foreign policy elites with a strong role in the policy formation and coordination process. At the same time, while acting as representatives of national governments who conceive themselves as the stakeholders of the CFSP process, elites themselves are likely to assess the CFSP coordination set-up based on their respective perception of legitimacy as it is

practiced in the decision-making process. From their perspective this implies equal access to all levels of the coordination process as well as the ability to express diverging opinions over policy. Given the indicated link between the principle of contestedness as an indicator for perceived legitimacy (Wiener 2008; Wiener and Puetter 2009) we attribute high relevance to the question of whether the different CFSP coordination settings (GAERC, PSC, Policy Unit and bilateral contacts) have the potential to function as venues for policy contestation. Unless foreign policy elites, and in turn, individual member state governments conceive of CFSP decision-making as a truly collective process which accommodates to diverging interpretations of fundamental norms and organising principles, they are unlikely to lend full support to commonly agreed positions and policies when it comes to implementing them through the means and resources of national foreign and security policy. We hold that applying such an elite focused notion of legitimacy to examine the CFSP coordination process helps to better identify alternative institutional options for the further development and refinement of the CFSP coordination set-up (see next and final section of this paper).

The implementation of these institutional options, however, is in most cases likely to add to what is usually referred to as the EU's democratic deficit. Thus, the CFSP set-up largely escapes close democratic scrutiny. This tendency is only enhanced by the further development of Brussels based but intergovernmentally controlled resources for the development, coordination and implementation of EU foreign and security policy since this particular institutional architecture enhances the problem of parliamentary control at both the national and EU level. Given its often secretive and non-transparent character, CFSP decision-making is likely to be conceived as illegitimate from a citizen's perspective. This is not say that decision-making processes in the field of foreign and security policy are not already often escaping close parliamentary and/or wider public scrutiny in many member states. After all, this policy area is more likely to be considered as being a (legitimate) prerogative of the executive than other policy areas.

In conclusion, we, therefore, propose to distinguish among two different notions of legitimacy which have to be applied to decision-making in the CFSP field, the first notion being elite-focused and the second being citizen oriented. Both notions stand to be elaborated further as research within the framework of this project proceeds. They will receive particular attention with a view to evaluating contextualised foreign and security policy practices as an activity that matters for the project of reconstituting democracy in Europe. For now, we maintain that there is no easy way out of the dilemmas emerging from these two notions as the current decentralised form of European governance in the field of foreign and security policy leaves no clear alternatives. While concentrating analytically on the former perspective this paper does not reject the relevance of the second perspective. One immediate way of responding to this dilemma is the strengthening of parliamentary control over existing mechanisms both at the EU and national level. To this end it is also conceivable to have rotating hearings of ministers and deputy ministers from other member states as well as the High Representative in front of the relevant committees of national parliaments.

## **Conclusions: alternative institutional options for CFSP governance**

This paper has offered a review of the current state of EU foreign and security policy coordination at the level of senior decision-makers. It has done so against the background of a two-fold conceptual framework for demonstrating the role of core foreign policy norms on the one hand, and the relevance of working methods and organisational arrangements within the main forums for EU level policy dialogue on the other hand. The paper stresses the interrelatedness of policy content and institutional context. Such a widened conceptual focus is intended to advance the literature on CFSP governance and to push the discussion beyond the immediate concentration on institutional practice and administrative elites while at the same time building on insights generated by such research. In this context the paper emphasised the interrelatedness of EU level coordination process and domestic processes of policy formation by referring to the examples of Germany, Sweden and the United Kingdom. It was argued that although the EU has established an increasingly sophisticated system of intergovernmental policy coordination in recent years, there is still room for further institutional development even within the current decentralised governance setting. Most importantly, we suggest that the coordination process needs to further institutionalise regular scenario-based policy reviews which are both forward-looking and reflexive in the sense that they take previous CFSP practice and potentially competing national policy options into account. A key indicator of proceeding in this direction would be a change in how CFSP negotiations refer to fundamental norms and organising principles in this policy field. This would imply changes in the current CFSP coordination practice including a different structure of the agenda of the most important institutions and the extensions and/or creation of meeting formats which would emphasise such a focus. Moreover, the role of the presidency and the use of written policy documents matter in this regard.

The identification of these dynamics allows us to derive conclusions on alternative institutional options for the CFSP coordination framework. We assess existing coordination forums and procedures according to their ability to function as venues for contestation for policy makers, i.e. enabling them to identify and review diverging interpretations of fundamental norms and organising principles when it comes to formulating specific policies. Here, the review of the main CFSP coordination forums – the GAERC level dialogue among foreign ministers and deliberations within the PSC context at ambassador level – as well as the office of the High Representative and the Policy Unit reveal that currently the potential of these coordination contexts to provide venues for contestation is limited by a number of factors. In case of the GAERC meetings among EU foreign ministers the scope, the complexity and the event-driven nature of the agenda are key obstacles for both forward looking policy debates and reflection exercises. Similarly, the organisation of the PSC agenda suggests a limited capacity of the committee to function as a venue for contestation within the coordination process. Here, the extensive list of procedural and technical issues the PSC is responsible for can be regarded as a key obstacle to providing greater room to substantive debates over policy. This situation in turn leads to repeated misunderstandings and inconsistencies in the coordination process with a particular risk of paralysis in unforeseen crisis situations. In the current intergovernmental coordination set-up these deficiencies could be addressed through



further adjustments of coordination arrangements. In particular the provision of more room for regular substantive and forward-looking policy debates using the technique of scenario-based reviews could be a response. This would also involve a recalibration of the role of Political Directors in the coordination set-up and potentially a specific meeting format for the PSC which would allow discussions outside the regular framework followed by the bi-weekly meetings with their strong focus on technical and procedural issues. In addition, the more structured use of regular informal GAERC meetings with a specific focus on policy review and forward looking debates could be considered. The review of the historical context of the creation of the Policy Unit is particularly instructive in this regard as it demonstrates the search for venues through which substantial policy differences can be addressed.

The role of national foreign policy elites is a crucial one in a decentralised policy setting as the degree to which elites feel integrated within the coordination process is likely to largely determine their commitment to foster and implement common policy objectives and guidelines agreed at the EU level through the means and resources of national foreign and security policy which remain the main instruments of the CFSP. Most importantly, we hold that the CFSP's normative framework as it is expressed in EU treaty provisions and policy documents remains of a contested nature. National foreign policy elites attach different meanings and relevance to individual norms and policy guidelines, thus revealing diverging interpretations. Here, we distinguish in particular between fundamental norms for which we expect to observe the highest degree of divergence in the way national foreign policy elites interpret and seek to apply them, and to a lesser extent organising principles which similarly remain contested among the key actors of the coordination process. In contrast, we expect little contestation at the level of standardised procedures which regulate how the coordination process is set up and which procedures need to be followed in cases of formal decision-making. This focus on foreign policy elites – both at the administrative and political level – inevitably leads to legitimacy concerns. Here we identify a paradoxical situation in the sense that the current institutional dynamics seem to be particularly driven by an elite focused notion of legitimacy, i.e. how elites consider themselves as part of the CFSP polity. At the same time, the very mechanisms and dynamics which foster such a notion of legitimacy among elites are likely to run counter to a notion of legitimacy which is based on a citizen's perspective. This dilemma needs to be addressed through reinforced mechanisms of parliamentary control of executive decision-making in both the member states and at the EU level.

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2009/17

Uwe Puetter and Antje Wiener

### **EU Foreign Policy Elites and Fundamental Norms**

Implications for Governance

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