Theorizing the Role of the European Commission in the Common Foreign and Security Policy

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This article analyses why the EU member states have delegated tasks to the European Commission in the sensitive fields of foreign and security policy. While various publications give a descriptive account of the role of the Commission in foreign policy, few relate such observations to European integration theory. This article outlines competing rationalist and constructivist explanations for delegation and it subsequently studies the rationale of member states during the most important historical instances of (non-)delegation. From these findings, it concludes that member states delegated particular tasks to the Commission out of a functional need to bridge the divide between between economic integration and foreign policy coordination. There was a clear need for consistency and the European Commission was, due to its expertise of the internal market and knowledge of the acquis communautaire*, best placed to provide it. As a result, the Commission is particularly active in the so-called cross-pillar dossiers.*

INTRODUCTION

The role of the European Commission in the Common Foreign and Security Policy (CFSP) has been the subject of various publications by (former) officials and think tank experts (e.g. Nuttall 1992, 1997, 2000; Duke 2006; Spence 2006). While they provide a wealth of empirical material, hardly any attempt has been made to this date to theorize the role of the European Commission in the second pillar.[1] This is surprising. The core theoretical debate in European integration, after all, constitutes historically the relationship between the member states and the supranational institutions – between supranationalists, who see supranational institutions as the 'engines of integration', and intergovernmentalists, who stress the importance of the member states (e.g. Haas 1958; Hoffmann 1966; Moravcsik 1998; Sandholtz and Stone Sweet 1998; Pollack 2003). Yet the question should be raised whether these theories are relevant in the second pillar at all, given that the logics of economic integration and foreign policy coordination are by no means similar (Wagner 2003). It is in this context that this article attempts to theorize the role of the Commission in the CFSP.

When it comes to theorizing the role of the European Commission, there are plenty of interesting topics for research. This article will, however, concentrate on the important question of delegation (Hawkings et al. 2006), asking why the member states have delegated certain tasks to the European Commission in this sensitive policy area, which was traditionally seen as their *domaine réservé*. In the first section of this article three competing explanations of delegation are discussed – credible commitments, efficiency and mimetic isomorphism. These explanations are derived from the rationalist and constructivist ontologies. The article subsequently studies the most important

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[1] Notable exceptions include Wagner (2003), Smith (2004) and Stetter (2007), yet they do not theorize delegation to the European Commission in the CFSP specifically or systematically.

historical instances of the (non-)delegation of tasks to the European Commission in the realm of foreign policy (1970-2008) in order to shed a light on the underlying rationales of the member states. It relies, in this respect, on official documents, preparatory reports, secondary literature, and where necessary on a limited number of semi-structured elite interviews.

The findings of this article show that member states delegated tasks to the Commission out of a need to bridge the divide between economic integration and foreign policy – i.e. the first and second pillars of the Maastricht Treaty (1993). Foreign policy coordination in the European Union (EU) developed separately from the economic integration due to its sensitive nature. Yet there were many overlapping grey areas relating to the external dimension of internal politics (e.g. external trade). This meant a functional need for consistency and the European Commission – due to its expertise of the internal market and knowledge of the *acquis communitaire* – was best placed to provide it.[2] The member states therefore delegated, time and again, tasks to the Commission relating to consistency in order to improve the quality of policy-making. While this article primarily studies the delegation phase, there is a clear impact on the daily operation of the CFSP. The European Commission plays an active role when the so-called cross-pillar dossiers are discussed, but is largely absent in foreign policy proper and in security and defence issues.

DELEGATION TO SUPRANATIONAL INSTITUTIONS

The research agenda on delegation in the European Union is substantial. Yet like in much of the rest of social science research, there is an ontological split between explanations based on rationalism and constructivism. The rationalist research agenda is, needless to say, more comprehensive. This has partially to do with the fact that intentionality by definition better fits an agency perspective. There is, however, no good reason why the reasons of the member states for delegation cannot be studied from a constructivist and non-rationalist perspective. This article suggests three competing explanations based on credible commitments, efficiency and mimetic isomorphism.

Credible Commitments

The most prominent rationalist explanation behind the delegation of powers to the supranational institutions in the European Union, such as the Commission and the Court of Justice, is that they improve the credibility of commitments (e.g. Moravcsik 1998; Pollack 2003; Franchino 2007). Supranational institutions can act as neutral monitors to check whether the member states are indeed implementing their agreements. They thus increase the confidence amongst the parties. In case of possible infringement, supranational institutions can also be given a role in the enforcement of the agreements. In the most extreme cases, the member states can even give supranational institutions exclusive implementation powers, if they feel that they cannot trust each other – for example the European Central Bank or the competition prerogatives of the European Commission (Majone 1996). Finally, supranational institutions play a role when it comes to incomplete contracting. If the member states sign up for a particular treaty, they should not be in a position of undermining or blocking that treaty when negotiating secondary legislation or interpreting the agreement. Specific rules can be established to prevent that (Hawkings et al. 2006).

What all these reasons for delegation have in common is that distribution is at the core of the analysis. Member states gain through cooperation, but because they have different interests, there is almost always the *ex post* risk of defection or freeridership, which may affect the distribution of gains initially agreed. By getting a relatively impartial third party involved, member states try to institutionalize their bargain (Keohane 1984; Moravcsik 2009). The more formal power that is delegated to supranational institutions, the bigger the chance that they can indeed uphold the agreement (Tallberg 2002). Since member states are generally keen on their sovereignty, the amount

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2   This argument bears resemblance with Nuttall (1992, 2000), yet differs in that it sees the delegation of consistency tasks to the Commission as a careful functional cost-benefit analysis on the part of the member states.

of autonomy is also likely to be topic of debate. Member states, with outside alternatives, that are least wary of defection may want to keep their prerogatives, while others are likely to prefer more formal autonomy for the supranational institutions. If credible commitments are indeed the main explanations for the delegation of tasks to the Commission in the CFSP, one would thus expect the negotiations to focus on how to institutionalize the distribution of gains from cooperation and how much formal autonomy it should have.

Efficiency of Policy-Making

The question remains whether this logic of delegation based on credible commitments also hold in the CFSP. Wagner (2003), for example, has claimed that this policy can be best conceptualized as a coordination, where defection is less of a problem, rather than a collaboration game. Member states, in such model, continuously (re-)negotiate their common positions. This implies that there is a clear need for efficiency. Various institutional practices can improve the process of policy-making. Using procedural rules and having a chairmanship are obvious examples (Tallberg 2006). Other common practices include the position of an informal honest broker or the outsourcing the conference centre to an international secretariat. Contrary to the institutions for the purpose of credible commitments, these institutions generally does not require the transfer of substantial competences (e.g. Majone 2001; Tallberg 2002; Dijkstra, forthcoming). They affect the distribution of the gains of cooperation to a lesser extent and often generate positive-sum rather than re-distributive payoffs. While these institutions are to be expected in the CFSP, these are generally not the type of tasks with are delegated to the Commission.

Two functions relating to the efficiency of foreign policy-making, where the Commission could play a role are informational input and external representation. Due to its complexity, foreign policy requires substantial informational input and expertise during the agenda-setting, decision-making and implementation phase (e.g. Pollack 2003; Epstein and O'Halloran 1999). This counts particularly for the joint actions in the context of the European Security and Defence Policy (ESDP). Member states can perform information-gathering and analysis functions themselves, but in case of joint actions and decisions, it is more effective to pool their scarce diplomatic and military resources. Collective representation is another functional need that makes cooperation more efficient (Tallberg 2006). It is better, after all, to speak with one clear voice – when in agreement – then with several. While member states might like to keep external representation in their own hands, they will have a hard time determining which of them presents the collectivity. Delegating these tasks to a supranational institutions is not only a way to avoid such debate, they are due to their continuity also better capable of performing these functions than other sub-optimal alternatives, such as the rotating Presidency.

In line with continuity is the need for overall foreign policy consistency (e.g. Hill 2003). Payoffs of foreign policy decisions and actions are generally higher, if they are consistent with other decisions and actions. This is notoriously difficult in the European Union, which with its pillar structure artificially separates the external dimension of economic integration from foreign policy proper (Stetter 2007; Zielonka 1998). The need for consistency between both is obvious: it makes no sense to train police forces in a third country (second pillar), while neglecting the capacity of the judiciary (first pillar). Supranational institutions are generally in a good position to point the member states at such consistency, as a result of their continuity (*vis-à-vis* the permanently rotating diplomats) and their ability to coordinate between different strands of foreign policy due to their limited size and restricted departmental independence (cf. ministries in the capitals). The European Commission has furthermore unrivaled expertise about the internal market and knowledge of the *acquis communautaire*. This can be useful as well during the foreign policy deliberations. In the particular case of the European Union the functional demand is for consistency is thus high and the Commission is well-placed to supply it.

Because this article argues that the need for consistency constitutes the main explanation for delegation to the European Commission in the CFSP, a few comments are in place. Consistency has

so far been described as a *functional* need that improves the payoffs of cooperation. It can also be argued that consistency has become a norm championed by those, who would like to empower the European Commission. From such perspective, it is simply rhetoric in the power game amongst the member states individually and the Commission. In order to prove that consistency is a functional need, it is therefore necessary to not only show that the question of consistency was at the core of the deliberations, but also that there was a calculative logic behind it. This is most obvious in cases where the need for functional consistency directly results from preceding (negative) experiences. If consistency – or efficiency more broadly – is the main rationale for delegation, the negotiations thus centre around the question how to improve the process and quality of policy-making.

Mimetic isomorphism

The competing constructivist explanation for delegation – mimetic isomorphism – has its roots in Charles Lindblom's metaphor of 'muddling through' (1959). Lindblom stated that while policy-makers ideally engage in extensive and comprehensive cost/benefit analyses, such approach "assumes intellectual capacities and sources of information that men simply do not possess, and it is even more absurd as an approach to policy when time and money that can be allocated to a policy problem is limited, as is always the case" (ibid.: 80). Member states are therefore likely, under the condition of uncertainty, to copy the institutional arrangements of other successful well-functioning international organizations. So far there is still rationality in this argument, yet when using other institutional formats constructivist point out, member states not necessarily use best practices, but rather institutions that are conceived as legitimate or that seem appropriate (Powell and DiMaggio 1983; March and Olsen 1989). The result of this all is that it leads to a "startling homogeneity of organizational forms and practices" (Powell and DiMaggio 1983: 148) with the organizational structures of supranational institutions not necessarily fitting their actual functions. This leads to sub-optimal outcomes (Pierson 2004; McNamara 2002).

According to Powell and DiMaggio (1983), there are two conditions under which mimetic behaviour is likely to occur: uncertainty between the means and ends of an organization as well as ambiguity about the goals of an organization lead to more copying. Both seem relevant in European foreign policy. When the member states established a new system for foreign policy coordination in the early 1970s, they did not have much of an idea how it would work and they definitely did not know where it was going to (its *finalité*). The question that remains is, however, which institutional forms were conceived as legitimate and formed the basis for the new structure of the foreign policy system and the delegation to the European Commission. There were, in this respect, two important albeit competing norms. Firstly, there was the institutional structure of economic integration with its 'Community method' and its consensual norms (Hayes-Renshaw and Wallace 2006; Lewis 1998). If this design was the basis for foreign policy cooperation, one would expect a significant role for the Commission. Secondly, there was the institution of Westphalian diplomacy with the strong notion of sovereignty (Batora 2005). A system based on such norm would hardly leave room to supranational actors. In the constructivist explanation of delegation, the Commission is thus likely to be caught in a more general debate over these norms rather than over specific functions leading to misfit.

Explanation	Relevant topics of discussion during the negotiations
Credible commitments	How to guarantee the agreed distribution?
Efficiency	How to improve the process of policy-making?
Mimetic isomorphism	How to create legitimate and appropriate institutions?

Table 1. Summary of competing explanations of delegation

HISTORICAL INSTANCES OF (NON)-DELEGATION

The sovereignty concerns of the member states have been a constant factor throughout the history of European foreign policy coordination. The ambitious plans for a European Defence Community, for example, failed ratification in the French National Assembly due to Gaullist opposition (Parsons 2006). The subsequent Fouchet Plans, which were quintessentially Gaullist themselves, were vetoed by The Netherlands and Belgium, because it was feared that these plans would weaken the role of the smaller member states (Vanke 2006). When the member states tried for the third time to create foreign policy coordination, they thus went for the lowest common denominator. The Luxembourg Report (1970), which established European Political Cooperation (EPC) – the predecessor of CFSP – only envisaged a process limited to "exchanging information and consulting regularly [and] joint action when it appears feasible and desirable". It was placed outside the Treaty framework and because previous attempts broke down over the institutional structure, EPC was "provided with a bare minimum of institutional support" (M.E. Smith 2004: 71). There were consultations at ministerial, political director and working group level and these meetings took place in the country holding the rotating Presidency. Due to disagreement about the location of a permanent secretariat, the member states did without: administrative support was in the hands of the Presidency.

The European Commission was kept at arms length due to a strong notion of sovereignty on the side of France, yet it was not completely ignored. In boundaries dossiers between EPC and the activities of the European Communities, it was to "be consulted" (article 5). The European Commission was thus invited when cross-pillar issues were discussed, but invitations were by no means automatic. Time and again it had to fight for a place at the table. Some scholars see this link with the European Communities as a concession by France in order for the integrationist member states to sell EPC domestically as different from the Fouchet plans (Nuttall 1992; M.E. Smith 2004). Yet this ignores its specific function. The member states also clearly required the economic expertise of Commission in many of their negotiations with third states. In one of the first foreign policy dossiers on the Helsinki Conference on Security and Cooperation in Europe (1973-1975), for example, the Commission's role started divisively, but even the French Presidency recognized that its input on negotiations about the economic basket was indispensable (Nuttall 1997; interview national official, 2008). The Commission thus provided its expertise, because there was a functional demand.

The original stalemates between the intergovernmentalists and supranationalists prevented significant further institutional development during the 1970s. It was only in the early 1980s that European Political Cooperation regained institutional momentum. The failure of the European foreign policy machinery following the Soviet invasion in Afghanistan that took place on the day after Christmas (1979) was important in this respect. With the incoming and outgoing Presidency on holiday, it took the member states three weeks to issue a response and made them realize that they had to improve procedures. In the London Report (1981), they introduced the Troika – a logical functional format – to create continuity between the succeeding Presidencies. The Commission became furthermore 'fully associated' with the conduct of EPC. Full association in practice meant that the Commission gained automatic access to all meetings and information, thus ending the endless invitational debates of the 1970s. It undoubtedly helped that France had a new (non-Gaullist) government with Cheysson as the foreign minister. As a former Commissioner, he had experienced the problematic relationship with EPC and appreciated the specific needs of the Commission.

While the London Report already signalled the increased foreign policy ambition that would guide much of the 1980s, it was also the end of an epoch. Until the London Report EPC developed informally outside the Treaty framework. Subsequent discussions turned to how to give European Political Cooperation a formal Treaty base. This was, of course, not a neutral legalistic exercise: the integrationist member states, in particular, saw it as an opportunity to bring the Community and Political Cooperation closer in order to strengthen the role of the European Commission. The first serious initiative, in this respect, was the draft European Act co-sponsored by the German and

Italian foreign ministers Genscher and Colombo (1981). While this proposal was intergovernmental in intent – leaving the separation in decision-making procedures in tact (including the limited powers of the Commission) – it did constitute a single institutional framework. For some member states this was still a bridge too far (Smith 2002; Nuttall 1992). The Heads of State and Government simply took note of the proposal and diplomatically invited the foreign ministers to examine it.

The ministers discussed the plan extensively, but it did not add up also in the absence of clear functional needs. Their deliberations eventually resulted in the Solemn Declaration on the European Union (1983), which was a non-binding document that reiterated much of the already established practice. Discussions on the future status of EPC also played in the European Parliament. Under the leadership of Altiero Spinelli, it adopted the draft Treaty Establishing the European Union (1984), which brought EPC and the Communities together, albeit with different decision-making procedures. The parliamentary draft Treaty only to a limited extent enhanced the role of the Commission by giving it the shared right of initiative (article 67(1)). On foreign policy it was thus more pragmatic than ideological. Few member states were, however, willing to work on the basis of the parliamentary draft, let alone to ratify it instantly (Nuttall 1992: 240). While all these proposals in the early 1980s thus ultimately failed, they did help to spread the idea of a possible codification of political cooperation.

Before going, however, to the negotiations of the Single European Act, which eventually led to the codification of cooperation, it is necessary to look at the development of the informal role of the European Commission. Its full association of the London Report marked the conclusion of the debates in the 1970s on whether it should be invited at all. From the early 1980s, it started to make use of its access to Community resources to yield political influence in the context of political cooperation. The use of sanctions, in this respect, stand out. Whereas over Rhodesia (1975), South Africa (1976-1977) and Iran (1979-1980) the member states could not agree on the timely use of *Community* sanctions, they were successful in the case of Poland after the Soviet crackdown of the Solidarity movement (1982) (ibid.: 261-262). Since Greece opposed action in the context of EPC – where consensus was still the rule – the member states resorted to Community article 113 (currently article 133), which gave them more flexibility, but it also meant that they put the Commission in the driving seat. While the member states literally forgot to invite the Commission for discussions over Iran, it was COREPER and the Commission which looked into import restrictions against the Soviet Union (ibid.: 170 and 203)!

The pattern repeated itself over the Falkland Islands (1982) where Community sanctions, despite internal differences, were agreed upon within two weeks (Edwards 1984). Similarly in 1985, Belgium made any bilateral restrictive measures against South Africa conditional on Community implementation. When the member states used sanctions against Iraq (1990), it had been widely accepted that article 113 was the standard operating procedure (Nuttall 1992: 264). During the 1980s, the European Commission thus started to play a more important role in the context of political foreign policy through the use of sanctions in the domain of the Community (Bonvicini 1988: 65). This was, however, the result of an explicit decision by the member states to go through the Community rather than through the EPC machinery. It subsequently led to a clear functional need for consistency between the activities of European Political Cooperation (political decisions to use sanctions) and the European Community (implementation of sanctions) and the member states tasked the Commission to make the connections.

The Single European Act and the Maastricht Treaty (1987-1999)

The momentum for Treaty change was generated by a speech of President Mitterrand in front of the European Parliament (23 May 1984), where he called for a new Treaty. This led to the *Ad hoc* Committee on Institutional Affairs chaired by the Irish senator James Dooge. Its report was modest on foreign policy and not much different from the Genscher-Colombo Act: the role of the European Commission was not strengthened. Before the member states were, however, in a position to comment on the report at the Milan European Council (June 1985), they were faced with a new

proposal by the United Kingdom and very similar draft text of Germany and France. The British proposal was a codification of established practices – though not a formal Treaty – which included even the option of excluding the Commission from the foreign policy deliberations. It did, however, propose a permanent low-level supporting secretariat for EPC. The Franco-German proposal was a formal Treaty with no exclusion of the Commission and with a high-level political secretariat. A combination of all these proposals finally led to the Single European Act.

The preparatory work for this draft treaty was delegated to the Political Committee and it soon became clear that the British approach was the best way forward (Nuttall 1992: 249). During the negotiations, the Commission stated its preference "at the end of the day only united institutions – one Council, one Parliament, one Commission" (Opinion on Intergovernmental Conference). It explained that this did not imply a change in the very nature of decision-making, but rather that it wanted to bring the Community and Political Cooperation together in one legal document yet with different titles. This idea formed the basis of the French draft act (19 November). Yet whereas the Commission had pleaded for an eventual *rapprochement*, no such reference was made in the French document. This proposal on the institutional structure was finally accepted – the *Single* European Act. Apart from codification, the Single European Act brought two things. Firstly, it created a consistency requirement between the Community and Political Cooperation after this had played so prominently as regards sanctions. The Presidency and Commission were explicitly tasked to look after it. This gave the Commission an incentive to structure its bureaucracy in a way that it would be able to bridge the divide. It created an EPC Directorate in the Secretariat-General to coordinate the work of the Directorates-General (Nuttall 2000: 25). Secondly, the Single European Act established a small-scale and low-level permanent EPC secretariat.

While the Single European Act only marginally strengthened the Commission in the context of European Political Cooperation, it was the international events shortly after the codification of cooperation that would have a lasting effect on its informal position in foreign policy. Particularly, the fall of the Berlin Wall (1989) was important. It had an impact on the role of the European Commission in two ways. Firstly, due to its knowledge of the *acquis communautaire*, the European Commission became a key actor in the discussions over German reunification. The German Democratic Republic, after all, had to be integrated into the Federal Republic, but also into the European Community. The alignment of the Democratic Republic took place under immense time pressures and over the summer a small group of high-level Commission officials worked in close liaison with the German government to make reunification technically happen. Secondly, the Commission became the coordinator of international aid for the Central and Eastern European countries. France was not in favour, yet it was the United States that thought that the Commission would be best placed to do the job. The functional need for consistency between the activities of the Communities and Political Cooperation thus led to an active role for the Commission in the most salient EPC dossiers of the day.

Its central position during these events following 1989 was an important input for the Maastricht Treaty (1993), which aimed at upgrading foreign policy coordination. The process that led to the Treaty was similar to the Single European Act with proposals rotating from almost every member state. Already at a relatively early stage, during the Rome European Council (December 1990), the outline of the eventual agreement became visible, but it took member states another year to reach final agreement. With regard to foreign policy coordination, the two extreme proposals were to continue the status quo in terms of institutional structure or to finally merge the structures of the Communities and EPC. While the European Commission entered the negotiations with renewed confidence and urged for a qualitative leap forward, its Opinion on the Intergovernmental Conference (21 October 1990) fell short of a complete *rapprochement*. It acknowledged the "very specific nature of foreign and security policy", in which it was better to share the right of initiative with the member states. The Commission furthermore interestingly suggested creating an expert bureaucracy for preparing foreign policy decisions consisting of the small-scale EPC Secretariat and representatives of the Commission to be located in the Council Secretariat.

After the infamous Black Monday of the Dutch Presidency (30 September 1991), however,

all integrationist options were off the table. On the basis of earlier Franco-German proposals and the Luxembourg Presidency draft Treaty (18 June 1991), the pillar structure was introduced, which kept economic integration and foreign policy cooperation neatly separate. Some member states were clearly not satisfied with the higher profile of the European Commission and wanted to put it back in its box (interview national official; Commission official). The Commission did get a shared right of initiative, but it would continue to play a secondary role. In terms of external representation, it became fully associated with the Troika. The EPC Secretariat was furthermore merged with the Council Secretariat and became known as the CFSP unit. It consisted of 26 a-grade officials and its purpose was to further support the Presidency. In terms of the institutional structure, little changed and the Maastricht Treaty can be characterized as business as usual (Dijkstra 2008).

The Treaty did not discuss the intra-institutional politics of the European Commission or the inter-institutional relations between the Commission and the Council. Despite the set-back in Maastricht, the Commission leadership thought that the Commission should become an equal player to the larger member states (interview Commission official). It therefore established the position of Commissioner for External Political Relations as well as a new Directorate-General. However for various reasons – stringent staff constraints and bureaucratic conflicts – these "new arrangements caused more problems than they brought benefits" (Nuttall 1997: 317), which hindered it from making use of the shared right of initiative (Nuttall 2000; Duke 2006; Cameron 2007). Interviewees from the Commission also argue that it did not make sense to come up with proposals and defend them in front of the member states, because it did not have necessary foreign policy expertise and legitimacy. The Commission furthermore preferred to pursue external relations under the first pillar where it had more formal power. The initiative thus remained with the Presidency, which in turn increasingly started looking at the Council Secretariat's CFSP unit for administrative support and informational input (Dijkstra 2008).

The Amsterdam Treaty (1999)

That the institutional machinery had not much changed became obvious during the Bosnian War (1992-1995). European member states were not able to bring this conflict to a halt and watched how the Americans negotiated the Dayton agreement. It was thus unsurprising that the Reflection Group, in charge of preparing the Amsterdam Treaty stressed in the preamble of its report "that the time has come to provide this common policy with the means to function more effectively" (December 1995). For this purpose, it discussed how to improve the various phases of the foreign policy cycle. For the 'preparatory phase' (i.e. agenda-setting) it foresaw an analytical expert bureaucracy without formal powers. While the report was inconclusive on its location, the majority of the members of the group preferred the Council Secretariat for "the merit of abiding by the present institutional framework by not creating any new bodies". At the same time, "a broad majority of members point … to the need to involve the Commission in forecasting and analysis … in order to avoid inconsistency between the political dimension and the external economic dimension of the Union". This body became the Policy Unit of the Council Secretariat. Functions of an informational nature were thus not delegated to the Commission (Stetter 2007; Dijkstra 2009), yet the discussion over the specifics in terms of efficiency and consistency were striking.

The Westendorp Report also discussed the 'personification of CFSP' in order for the Union "to implement its external actions with a higher profile". While some members favoured a "Mr or Ms CFSP" to be located in the Commission, because of consistency and its resources, "for the majority, this would be someone in the Council". The report furthermore stressed that inter-institutional tensions needed to be avoided. The member states eventually created the position of the High Representative of the CFSP in the Council Secretariat with a strong emphasis of collective representation in addition to the rotating Presidency. The main representational function in CFSP was thus also not delegated to the European Commission. What was more, many observers at the time foresaw problems between the new executive tasks of the Council Secretariat and the Commission, particular after the member states nominated the high-level candidate Javier Solana as

the High Representative (e.g. Allen 1998). This raised speculations over whether the member states would indirectly try to get back some of their prerogatives.

The creation of the post of High Representative and supporting services did indeed affect the European Commission. The expected tensions in the field of traditional foreign policy (diplomacy, representation) were, however, surprisingly limited (Crowe 2003; Patten 2005; Dijkstra 2009). Solana was mainly busy with establishing his position *vis-à-vis* the Presidency, while External Relations Commissioner Patten chose exit over voice (Hirschman 1970) and decided to reorganize the Commission's aid budgets and external delegations instead (Spence 2006). He was reluctant to confront Solana and preferred the pragmatic road: "If [the ministers in the Council] were obliged to choose between backing Javier Solana or me, there was only one possible outcome" (Patten 2005: 156). While Solana and Patten thus avoided confrontation, they also avoided collaboration. An interviewee, in this respect, notes "you will be surprised by the limited number of contacts between Solana and Patten". The fact that the political leaders did not fight over turf had, however, a positive effect on cooperation between desk officers. These practices have continued despite problematic relations between External Relations Commissioner Ferrero-Waldner and Solana.

Whereas in traditional foreign policy the tensions were limited, the development of civilian crisis management in the second pillar in the context of the European Security and Defence Policy (ESDP) proved difficult. Within the context of development policy (first pillar), the member states had developed a whole range of security-related instruments for which the European Commission became responsible. The Commission, for example, trained police services in the Palestinian Territories, Guatemala, South Africa, Albania, Algeria and Macedonia. It supported border guards, strengthened judicial services in many of the Central and Eastern European Countries, and was in charge of tendering de-mining contracts. The Humanitarian Office and the Monitoring and Information Centre (DG Environment) also did much in the field of civil protection with crisis management missions to Turkey, Iran, Morocco and the United States. Given that these actions all took place under the first pillar, the Commission had a particularly strong position. Small wonder that when the member states at the Feira European Council (2000) decided to make police, rule of law, civil administration and civil protection the focal points of civilian ESDP missions, it feared for its competences (Dijkstra 2009).

The point here is thus not that the Commission played a strong role in the second pillar as part of ESDP, but that it was doing already very similar activities under the first pillar, which is again evidence of the artificial division between the two. This debate on what constitutes the first and second pillar eventually led to the ECOWAS/Small arms case (2008), in which the Court of Justice argued that cross-pillar cases should be dealt with under first pillar decision-making rules (Hoffmeister 2008; Van Vooren 2009). The Commission thus defended its first pillar competences and the Court reiterated that the Commission has a role to play in the cross-pillar dossiers. When it however comes to pure ESDP dossiers, the role of the Commission remains very limited. In the EU Military Committee, it was for example for a long time absent (Duke 2006), despite its full association, because it felt that it could not make a useful contribution. In civilian crisis management, it plays a more active role – for example through managing the CFSP budget – but various interviewees pointed to the fact that the Commission is much more active in the RELEX working group, which ensures cross-pillar coordination, than in the pure second pillar Committee for Civilian Crisis Management (CIVCOM).

The Constitutional Debate (2001-2008)

Many of these discussions took place in the shadow of the Constitutional debate. Even before the Nice Treaty – which had no effect on the role of the European Commission in CFSP – was ratified, the member states launched the European Convention in the Laeken Declaration (15 December 2001), which would eventually lead to the Constitution and the Lisbon Treaty. As regards foreign policy, the Convention aimed particularly at making it more consistent both at the policy and institutional level. The creation of the position of the 'double-hatted' Foreign Minister (High

Representative under Lisbon) and the supporting External Action Service stand out in this respect. Yet rather than strengthening the role of the Commission in the CFSP, however, both potentially undermine its formal autonomy. Two observers, in this respect, argue that the Convention did "not extend the Commission's powers over foreign policy" (Everts and Keohane 2003: 171). For a project with some federalist pretensions in search of a *finalité* for Europe this is a rather sobering conclusion.

The rationale behind the merger of the posts of External Relations Commissioner and High Representative into the position of Foreign Minister was to promote more consistency between Communities and CFSP policies, on the one hand, and to decrease the number of political external representatives as well as related turf battles. Giving one person the power over diplomacy and the aid budgets would lead to more robust foreign policy action. Yet at the same time it must be stressed that this does not lead to an automatic empowerment of the Commission by the Constitution. The member states remain the formal principals of the Foreign Minister. This arguably gives them also an indirect say over the development budget and trade competences of the Commission. It order to prevent this, the Commission has ensured that the Foreign Minister did not get a privileged status amongst other Commissioners. The Foreign Minister in the Constitution, for example, does not coordinate the trade and development Commissioners, despite his/her Vice-Presidency seat. How this is going to work out remains to be seen, but quite clearly the Foreign Minister position was not created just to strengthen the Commission, but rather as a half-hearted attempt to do something about consistency.

A similar rationale applies to the European External Action Service and the European Union External Delegations. These bodies bring together the officials from the European Commission, the Council Secretariat and the member states. Apart from the improvements in consistency, this should also lead to economies of scale when it comes to foreign policy expertise. Yet at the same time, the negotiations over the institutional structure of the External Action Service have shown the European Commission being reluctant to pool its trade and even its development experts (through member states likewise do not want to pool their military resources). It is furthermore an important observation that rather than making the External Action Service and the Union Delegations part of the European Commission, they became independent, consisting *also* rather than solely of officials from the Commission. To conclude, there has thus been a strong functional pressure for more consistency and this is why the Commission got more involved. It does not take the lead.

CONCLUSION

This article has given an overview of the historical instances of the (non-)delegation of tasks to the European Commission in the area of foreign policy. The purpose was to understand why member states have delegated tasks in the sensitive area of foreign policy. The article has offered three competing theoretical explanations. The first explanations about credible commitments – that the member states try to institutionalize the future distribution of cooperation – which is the rationalist mainstream explanation in European integration theory, does not seem to be of relevance in foreign policy coordination. Second-order concerns, such as defection and free-ridership, do not block cooperation and they are not the subject of discussion. That the CFSP developed slowly and often fails to yield results has rather to do with first-order problems: different policy preferences of the member states leading to *ex ante* rather than *ex post* failure – agreements are not reached in the first place. That credible commitments are not at the centre of the institutional debates in the various instances of (non-)delegation in European foreign policy supports the thesis that the CFSP can be best conceptualized as a coordination rather than a collaboration game and that the integration logics of economic integration and foreign policy coordination differ (Wagner 2003).

The constructivist explanation of mimetic isomorphism, in contrast, holds more explanatory power. Throughout the institutional development of the Common Foreign and Security Policy, there has been a vivid debate between the proponents of the Community method and the guardians of

national sovereignty. This debate did not only play in the very beginning, but also in the period leading up to the Single European Act as well as the Maastricht and the Amsterdam Treaty. There is furthermore the continuous and persistent belief in certain ideas: That the *rapprochement* between the Community and foreign policy coordination would be the end goal of institutional development. Other non-calculative reasons also played a role. The French foreign minister Cheysson was, for example, more receptive of the needs of the European Commission, as he had been a Commissioner himself. Finally post-delegation, the self-restraint within the Commission on the extent to which it should play a role in the foreign policy proper is interesting. It did make use of its shared right of initiative after the Maastricht Treaty or its seat in the EU Military Committee, because it thought that the member states would not take its proposals serious. The European Commission, due to its lack of foreign policy expertise, had no legitimacy to play such role.

And yet mimetic isomorphism – and constructivism – fails to explain why specific functions were delegated to the European Commission in the CFSP at particular moments in time. Of all the possible roles that the Commission could play, the member states choose particularly to delegate the task of consistency and rejected other proposals. To portray the consistency debate just as a political norm to empower the Commission furthermore conflicts with the evidence. Even two of the most supranational actors – Spinelli in 1984 and the Commission in 1990 – recognized the specific nature of foreign policy requiring specific tasks for the European Commission. This does not fit in with the expectation that the member states would be discussing legitimate internalized formats. Mimetic isomorphism also has problems with the failures of the member states to delegate tasks (e.g. the Genscher-Colombo Plan, Spinelli draft Treaty, Dutch Presidency Black Monday draft Treaty) or cases of non-delegation (e.g. Single European Act, Amsterdam Treaty). In fact it has little to say about the timing of delegation or to which actor tasks are delegated.

The functionalist argument of the need for consistency is, in this respect, more convincing. From the very start, the member states recognized that economic integration and foreign policy coordination could not function as two completely separate entitites. When the functional need to connect both arrived with the sanction dossiers, the Commission was tasked to provide the bridge. When the German Democratic Republic had to be included in the Community, the officials of the European Commission were again in lead. In the preparatory talks over the Amsterdam Treaty, the relationship with the Commission was explicitly stressed when empowering the Council Secretariat. Finally, the Court of Justice recognized that the Commission was in charged of cross-pillar dossiers during the ECOWAS case. What is more, the efficiency explanation is also very powerful when analysing instances of non-delegation. Grandiose plans for institutional development (from Spinelli to the Dutch draft of the Maastricht Treaty) that did not take the pragmatic route and that stressed functionalism generally failed in the context of foreign policy coordination. Rationalists stress the cost-benefit analysis that informs decisions. Only when the member states could benefit from the expertise of the Commission they delegated tasks in the sensitive field of foreign policy. This was only the case in cross-pillar dossiers. The function of the Commission is to provide consistency.

REFERENCES

Allen, D. (1998) 'Who Speaks for Europe?: The Search for an Effective and Coherent External Policy' in J. Peterson and H. Sjursen (eds) *A common foreign policy for Europe? Competing visions of the CFSP*, London: Routledge, pp. 41-58.

Bonvicini, G. (1988) 'Mechanisms and procedures of EPC: more than traditional diplomacy?' in A. Pijpers, E. Regelsberger and W. Wessels (eds) *European Political Cooperation in the 1980s: A Common Foreign Policy for Western Europe*, Dortrecht: Martinus Nijhoff, pp. 49-70.

Cameron, F. (2007) *An Introduction to European Foreign Policy*, London: Routledge.

Crowe, B. (2003) 'A common European foreign policy after Iraq?', *International Affairs* 79(3), pp. 533-46.

Dijkstra, H. (2008) 'The Council Secretariat's Role in the Common Foreign and Security Policy', *European Foreign Affairs Review* 13(2), pp. 149-166.

Dijkstra, H. (2009) 'Commission Versus Council Secretariat: An Analysis of Bureaucratic Rivalry in European Foreign Policy', *European Foreign Affairs Review* 14(3), pp. 431-450.

Dijkstra, H. (forthcoming) 'Explaining Variation in the Role of the EU Council Secretariat in First and Second Pillar Policy Making', *Journal of European Public Policy*.

Duke, S. (2006) 'The Commission and the CFSP', *EIPA Working Paper* W/01.

Edwards, G. (1984) 'Europe and the Falkland Islands Crisis 1982', *Journal of Common Market Studies* 22(4), pp. 295-313.

Epstein, D. & O'Halloran, S. (1999) *Delegating Powers: A Transaction Cost Politics Approach to Policy Making under Separate Powers*, Cambridge: Cambridge University Press.

Everts, S. & Keohane, D. (2003) 'The European Convention and EU Foreign Policy: Learning From Failure', *Survival* 45(3), pp. 167-186.

Franchino, F. (2007) *The Powers of Union: Delegating in the EU*, Cambridge: Cambridge University Press.

Haas, E. (1958) *The Uniting of Europe: Political, Social and Economical Forces (1950-57)*, Stanford: Stanford University Press.

Hawkins, D.G. et al. (eds) (2006) *Delegation and Agency in International Organizations*, Cambridge: Cambridge University Press.

Hayes-Renshaw, F. & Wallace, H. (2006) *The Council of Ministers*, Basingstoke: Palgrave.

Hill, C.J. (2003) *The Changing Politics of Foreign Policy*, Basingstoke: Palgrave.

Hirschman (1970) *Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States*, Harvard: Harvard University Press.

Hoffmann, S. (1966) 'Obstinate or Obsolete? The Fate of the Nation-State and the Case of Western Europe', *Daedalus* 95(3), pp. 862-915.

Hoffmeister, F. (2008) 'Inter-pillar Coherence in the European Union's Civilian Crisis Management' in S. Blockmans (ed.) *The European Union and International Crisis Management: Legal and Policy Aspects*, The Hague: T.M.C. Asser Press.

Keohane, R.O. (1984) *After Hegemony: Cooperation and Discord in the World Political Economy*, Princeton: Princeton University Press.

Lewis, J. (1998) 'Is the 'Hard Bargaining' Image of the Council Misleading? The Committee of Permanent Representatives and the Local Elections Directive', *Journal of Common Market Studies* 36(4), pp. 479-502.

Lindblom, C. (1959) 'The Science of 'Muddling Through'', *Public Administration Review* 19(2), pp. 79-88.

Majone, G. (1996) *Regulating Europe*, London: Routledge.

Majone, G. (2001) 'Two Logics of Delegation: Agency and Fiduciary Relations in EU Governance', *European Union Politics* 2(1), pp. 103-122.

March, J.G. & Olsen, J.P. (1989) *Rediscovering Institutions: The Organizational Basis of Politics*, New York: Free Press.

McNamara, K. (2002) 'Rational Fictions: Central Bank Independence and the Social Logic of

Delegation', *West European Politics* 25(1), pp. 47-76.

Moravcsik, A. (1998) *The Choice for Europe: Social Purpose and State Power from Messina to Maastricht*, Ithaca: Cornell University Press.

Nuttall, S. (1992) *European Political Cooperation*, Oxford: Oxford University Press.

Nuttall, S. (1997) 'The Commission and foreign policy-making' in G. Edwards and D. Spence (eds) *The European Commission*, London: Cartermill International.

Nuttall, S. (2000) *European Foreign Policy*, Oxford: Oxford University Press.

Parsons, C. (2006) 'The Triumph of Community Europe' in D. Dinan, Origins and Evolution of the European Union, Oxford: Oxford University Press.

Patten, C. (2005) *Not Quite the Diplomat: Home Truths about World Affairs*, London: Allen Lane.

Pierson, P. (2004) *Politics in Time: History, Institutions, and Social Analysis*, Princeton: Princeton University Press.

Pollack, M.A. (2003) *The Engines of European Integration: Agency, Delegation, and Agenda Setting in the EU*, Oxford: Oxford University Press.

Powell, W.W. & DiMaggio, P.J. (1983) 'The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields', *American Sociological Review* 48(2), pp. 147-60.

Sandholtz, W. & Stone Sweet, A. (1998) *European Integration and Supranational Governance*, Oxford: Oxford University Press.

Smith, H. (2002) *European Union Foreign Policy: what it is and what it does*, London: Pluto Press.

Smith, M.E. (2004) *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*, Cambridge: Cambridge University Press.

Spence, D. (2006) 'The Commission and the Common Foreign and Security Policy' in D. Spence and G. Edwards (eds) *The European Commission*, London: John Harper.

Stetter, S. (2007) *EU Foreign and Interior Policies: Cross-pillar politics and the social constructions of sovereignty*, London: Routledge.

Tallberg, J. (2002) 'Delegation to Supranational Institutions: Why, How, and with What Consequences?', *West European Politics* 25(1), pp. 23-46.

Tallberg, J. (2006) *Leadership and Negotiation in the European Union*, Cambridge: Cambridge University Press.

Vanke, J. (2006) 'Charles de Gaulle's Uncertain Idea of Europe' in D. Dinan, Origins and Evolution of the European Union, Oxford: Oxford University Press.

Van Vooren, B. (2009) 'EU–EC External Competences after the Small Arms Judgment', *European Foreign Affairs Review* 14(1), pp. 7-24

Wagner, W. (2003) 'Why the EU's Common Foreign and Security Policy Will Remain Intergovernmental: A Rationalist Institutionalist Choice Analysis of European Crisis Management Policy', *Journal of European Public Policy*10(4), pp. 576-95.

Zielonka, J. (ed.) (1998) *Paradoxes of European foreign policy*, The Hague: Kluwer Law International.