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Research Article

## The EU Governance System of External Relations

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## Abstract

The goal of this article is to explain six decades of EU external relations by adopting the modes of governance approach in order to a) detect the dynamic relationships among different actors involved in this policy domain; and b) explain the historical and changing institutional arrangements to address international crises, build institutions and embrace norms. Based on these premises, this article argues that member states and EU institutions interact in different ways to respond to the increasing demands for integration, producing at least three modes of governance based on Tömmel's theoretical premises (this issue). After explaining the theoretical underpinnings and historical development of the cohabitation of three modes of governance in the EU system of external relations, the article concludes that the dominant patterns of policymaking vary from the empowerment of EU institutions (trade) to cautious approaches based on horizontal coordination (security) and to a mix of hierarchical and non-hierarchical instruments of cooperation (political-diplomatic).

## Keywords

EU external relations; Modes of governance; Integration; Horizontal cooperation; Empowerment of institutions

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The participation of states and EU institutions in the system of EU external relations has produced different styles or modes of governance over the past six decades. In contrast to other areas of the European integration process, the governance of EU external relations has been characterised by 'spurts of growth, periods of backpedalling, and moments of pause, inaction, or stagnation' (Ginsberg and Penska 2012: xxi). This evolution of EU external relations has produced an incremental, albeit non-linear, historical insertion of this policy domain within the overarching integration process as well as a cohabitation of three modes of governance under the umbrella of the relations between the EU and the world.

In order to explain six decades of EU external relations, this article argues that member states and EU institutions interact in different ways to respond to the increasing demands for integration, producing at least three modes of governance based on the theoretical premises Tömmel lays out in this issue (2016). The pertinence of the modes of governance approach to studying the external relations of the EU allows us to a) detect the dynamic relationships among different actors involved in this policy domain; and b) explain the historical and changing institutional arrangements to address international crises, build institutions and embrace norms. Based on these premises, the argument develops in four parts. The first identifies the main concepts that explain the theoretical underpinnings of the cohabitation of three modes of governance in the EU system of external relations. The second, third and fourth parts review the evolution of the three main areas of external relations (trade, security, political-diplomatic) and trace back the empowerment of EU institutions and their instruments from the economic competences given to the Commission in the Treaty of Rome (1957) and the creation of European Political Cooperation in the early 1970s to the Treaties of Maastricht (1993), Amsterdam (1997), Nice (2003) and Lisbon (2009). The conclusion argues that the governance of the EU system of external relations is explained by the cohabitation of three modes of governance based on dominant patterns of policymaking that vary from the empowerment of EU

institutions (trade) to cautious approaches based on horizontal coordination (security) and to a mix of hierarchical and non-hierarchical instruments of cooperation (political-diplomatic).

## **GOVERNANCE AND THE EU FOREIGN POLICY SYSTEM**

The EU is a system that undergoes steady changes and operates under a variety of modes of governance responding to the interest of the actors and the characteristics of each policy domain. The EU system of external relations is characterised by the creation of the European space as a system of governance where EU member states and EU institutions and other agencies participate in debating, designing, deciding and implementing policies directed beyond the borders of the EU (Furness 2013; Kostanyan 2014).

The conceptualisation of EU external relations as a system of governance is not new in the scholarly literature. Based on different angles of analysis, the literature on EU external relations has been centred on three groups. The first group focuses on the characteristics of EU external relations. This group has evolved from studying EU actorness (Sjöstedt 1977) to explaining its presence (Allen and Smith 1990) and describing its process (Smith 1996). The second group has focused the debate on the type of power emerging from the EU, with some concepts already becoming part of the common language in European studies: the EU as a civilian (Duchêne 1973), normative (Manners 2000), small (Toje 2010) or market (Damro 2015) power. The third group, in which the analysis of this article falls, conceives EU external relations as a system of governance. Toje (2010) argues that the EU is a system of governance with overlapping policy functions driven by integration that functions as an effective tool for defusing historic grievances and fostering a community of values. Cardwell (2009) has advanced this line of research and argues that the complex EU system of governance dealing with the outside world has developed institutions and operational mechanisms that are unique, complex and materially different from a nation state.

In order to contribute to the research direction posed by Cardwell, this article approaches the EU system of external relations from its dynamic and evolving forms of governance. Based on the current literature on governance and external relations (Lavenex 2011; 2014), this article addresses the emerging tensions derived from the intersection of three elements: increasing regional integration, the transformation of EU member state competences and the empowerment of EU institutions. The integration process has been a mechanism to ameliorate the most significant challenges that Europe has faced since the mid-twentieth century, as corroborated by the growing number of policy domains falling under the EU agenda. However, the deepening and widening of the integration process has also been a source of tensions regarding the allocation of responsibilities and resources between state and regional actors. These frictions in the complex relationship between integration, states and EU institutions have paved the way for innovative scholarly debate about modes of governance (Börzel 2010; Héritier and Rhodes 2011; Tömmel and Verdun 2009), which aims at explaining the combinations of hierarchical and non-hierarchical means of political steering based on voluntary cooperation among public, private or non-governmental actors (Tömmel 2016).

For more than six decades, the evolution of the integration process, including the area of external relations, has produced numerous deadlocks in areas where European action is clearly needed or expected, but member states or EU institutions, or both, fail to act quickly. Tömmel (2016) argues that such deadlocks arise due to a variety of causes, such as member states refusing to transfer competences to the European level, the inability of the member states to implement European policies duly, incoherent or infeasible design of European policies, or from other obstacles to policymaking, for example changes in the policy environment. While the emergence of deadlocks is an inherent part of the integration process, the challenge is to overcome them through institutional

mechanisms in which a system of governance is produced as 'a system of co-production of norms and public goods where the co-producers are different kinds of actors' (Bartolini 2011: 8).

The study of EU external relations encompasses a variety of subsystems of co-production of norms and public goods and, hence, flexible analytical frameworks are needed to provide comprehensive explanations. As opposed to grand theories applied to EU policies where there is a dominant subsystem of co-production of norms (trade or security), governance approaches support an understanding of the cohabitation of different practices within one single policy domain where a variety of governance practices are interrelated within a broader policy domain: external relations in the case of this article. The added value of governance approaches lies in the fact that this cohabitation of practices has been identified and theorised. More precisely, based on Tömmel's historical and theoretical review of the integration process (2012), there are at least four overarching modes of governance to overcome deadlocks. While these four general modes of governance have emerged chronologically in the six decades comprising the integration process, rather than one succeeding the other, the four currently coexist in different combinations in the policymaking process in the European Union. The first is the linear transfer of powers from states to the European level in a limited set of policy domains, which was dominant in the initial stages of the integration process. The second mode experiments with more indirect forms of political steering and the involvement of a broader range of actors, moving from a simple interventionist policy model to a more sophisticated mode of governance that increasingly refrained from setting uniform norms or standards at European level. The third is based on a mix of hierarchical and non-hierarchical modes of political steering and adopts various approaches that serve to frame or coordinate the policies of the member states. The fourth mode is marked by the establishment of new procedures to harmonise national policies and increase the transfer of European policy approaches to third states, particularly to neighbouring states. As the main focus of this article is to examine the evolution of EU governance of external relations, two delimitations of the object of study are pertinent. The first is that the explanation of the articulation of institutions and states in the making of EU external relations benefits from the categorisation of the first three modes of governance Tömmel suggests, while the fourth mode of governance focuses more on the domestic impact of EU policies on third states, an area of research beyond the main goal of this article. The second is that while Tömmel's model includes public and private actors, the evolution of EU external relations has mostly centred on the relationship between member states and supranational institutions, which is the focus of this article.

The governance system of EU external relations is an overarching framework that interconnects different policy domains ranging from international trade to military/civilian missions beyond the borders of Europe. Each policy domain involves different actors acting under different rationales. At the one end of the spectrum, trade policies have followed the pattern of the first mode of governance where actors have been inclined to allow the transfer of power to European institutions based on the assumption of a non-zero sum game; emblematic of this mode of governance is the Commission's influence on trade negotiations since the early stages of the integration process (see Cini 2016 for a study of institutional change in the Commission). The opposite case is that of military-security cooperation that responds to the premises of the second mode of governance, in which, due to a zero sum game rationale, the dominant pattern of action is that the European level established certain basic rules of cooperation, while member states were expected to implement policies within this framework. In between these two modes, the development of political-diplomatic instruments follows the rationale of the third mode of governance by combining hierarchical and non-hierarchical modes of political steering and adopts various approaches that serve to frame or coordinate the policies of the member states.

This article selects three policies in the area of external relations that are emblematic of these three modes of governance and lead EU foreign policymaking: trade, defence and political-diplomatic. A

significant number of EU policies has developed external components (monetary, competition or transport, for example) that influence global governance or are affected by extra-EU factors, but the main focus of those policies remain within the EU territory and the external component is peripheral. By contrast, the European Union has created an international legal personality in the area of trade, developed numerous institutions in the political-diplomatic arena and adopted policies to respond to international security crises, particularly after the conflicts in the former Yugoslavia in the early 1990s. This complexity is reflected in the steady development not only of permanent communication, practices and informal institutions among foreign affairs ministries, but also the creation of institutions such as the High Representative of the Union for Foreign Affairs or the European External Action Service. While some other EU policies are also focused on external relations (European Neighbourhood Policy, Enlargement Negotiations or International Cooperation and Development), they largely fall under the coordination of the political dimension of the High Representative. The following sections will focus on reviewing sixty years of external relations by exploring the modes of governance in three of its areas: trade, security and political-diplomatic.

### **GOVERNANCE OF EU FOREIGN TRADE POLICY**

EU external trade policy has been a solid pillar of the EU system of external relations and comes closest to the metaphor of the European external 'single voice.' Conceived as an extension of the common market created for coal and steel, EU external trade policy was founded on the decision of the member states to empower legally the European Commission with a leading role in the early stages of European integration, a policy decision that is emblematic of the first mode of governance.

Commercial policy has been one of the most important and powerful instruments of the EU's external relations. As a customs union, there are common rules for imports into the EU, and hence the European Commission represents the interests of the EU as a whole in international negotiations, enabling the 28 member states to speak with one voice in trade policy in international forums such as the World Trade Organization (WTO). The Commission is also empowered with the 'right of initiative' by proposing legislation, policies and programmes of action and is responsible for overseeing the enforcement (implementation remains the responsibility of member states) of the decisions of the Parliament and the Council in the area of trade.

From its inception, the European Community (EC) assumed four specific external relations functions. The first was to develop and implement the Common Commercial Policy (CCP). It should not be ignored that the Treaty of Rome envisioned the creation of the common market by the end of a twelve year period. The Common External Tariff was established in July 1968, 18 months ahead of schedule. The second function was fostered by French insistence on the recognition of the member states' historical ties with their ex-colonies: the extensive institutionalisation of links between the EC and the African, Caribbean and Pacific countries in the four Lomé Treaties (1975, 1979, 1984 and 1989) and the Cotonou Agreement (2000). The third responsibility allocated to the European Commission was the power to negotiate association and preferential trade agreements with third states and international organisations. A fourth component with external relations implications was contained in Article 237 of the Treaty of Rome, which entitled the European Commission to negotiate the accession of potential new members (Siles-Brügge 2014).

The period between 1958 and 1968 was characterised by the learning process of member states and the European Commission to agree on terms of trade. From legal and institutional standpoints, two elements were crucial to the consolidation of the European Commission in the area of external trade. The first is Article 113 of the Treaty of Rome, which laid the foundations for the emergence of the Community as an important international actor; the second was the role of GATT (General Agreement on Tariffs and Trade) negotiations, which was fairly relevant for the development of an

international presence in the integration process. As Hazel Smith (1995) argues, the Kennedy Round (1963-1967) of the GATT was important for three reasons. First, it legally compelled EC member states to produce common policies and contributed to shaping common positions towards third parties in policies such as the Common Agricultural Policy (CAP). Second, as a result of the embryonic regional cohesion, the negotiations of the Kennedy Round also helped the Commission, acting on behalf of the Community, to become a more visible actor in international trade. A significant example of this visibility was the 1966 formation of a Nordic trade delegation within the GATT, which was designed to defend Nordic interests with respect to their trading relationship with the Community. Third, the Kennedy Round enabled the incipient definition of the emergent European Community as an international actor in opposition to the United States (Smith 1996).

EU external trade policy has evolved by broadening the scope of the common commercial policy itself in order to respond to the transformations of the international trade structure. When the EEC Treaty was negotiated, international trade was primarily comprised of goods. By the time GATT members were negotiating the Uruguay Round (1986-1994), the agenda had expanded to include trade in services, intellectual property, and investment. In this regard, the Amsterdam Treaty provided that the Council could decide unanimously whether the Commission could negotiate international agreements on services and intellectual property. The Treaty of Nice extended the scope of the common commercial policy to encompass all trade in services, with a few notable exceptions, as well as all trade-related aspects of intellectual property rights. Audiovisual, education, health care and social services were a number of particularly sensitive service sectors explicitly identified as being of mixed competence, whereas foreign direct investment in non-service sectors was not incorporated in the revised common commercial policy (Smith 2003).

The Lisbon Treaty has reinforced the system of governance of trade by introducing three main changes (Niemann 2013). The first is increasing the role of the European Parliament as a co-legislator on trade matters (e.g. anti-dumping actions must pass through the Parliament, the 'ordinary legislative procedure' and more scrutiny on trade negotiations). The second is the EU's power to adopt autonomous acts on trade in services and commercial aspects of intellectual property and the fact that Foreign Direct Investment is now an EU power under trade policy. The third is that QMV (qualified majority voting) becomes the general rule in Council for all aspects of trade policy, leaving unanimity required only in limited, specific circumstances: cultural/audiovisual services that risk undermining the EU's cultural and linguistic diversity, or social, educational or health services that risk seriously disturbing the national organisation of these services.

All in all, five characteristics may be identified with regard to the mode of governance in EU external trade policy. First, the EU provides a highly developed institutional framework at the regional level. Second, it has the capacity to perform a variety of economic functions and is underpinned by a well-developed set of policy instruments. Third, EU policymaking influences member states' foreign economic policies through the internalisation of major areas of activity and provides incentives to economic agents to shape their actions within the European context. Fourth, there is recognition from other international actors that the EU is a capable and valid strategic partner (Smith 2003: 80-3). Fifth, beyond global trade negotiations, the EU's capacity to shape the international trade agenda varies depending on the particular characteristics of preferential trade agreements (Woolcock 2014).

## **GOVERNANCE AND EU DEFENCE POLICY**

The institutional responses of the EU in the area of defence and security policy have followed the premises of the second mode of governance. Even before the Treaty of Rome came into force, there were expectations that the founding members of the EU would provide credible and collective responses to deal with regional security. The preferred mechanisms of governance to address the

security challenges or deadlocks have been cautious actions to establish certain basic rules of cooperation with limited transfer of competences to European institutions. It was only after the mid-1990s that there was a more structured debate over the EU as a security provider and the creation of EU level mechanisms of coordination to enhance cooperation.

From the 1950s to the late 1970s, several converging factors shaped the rationale of European actors in opting for a mode of governance sceptical of further transfer of power to EU institutions: questions of German rearmament, the role of the United States as a security provider, competition between regional security projects, and the remnants of distrust in the domestic politics of several European countries. Two projects of regional defence cooperation, conceived outside of the integration process, aimed at addressing the deadlocks that the European reconstruction and international crises posed to European countries: the European Defence Community (EDC) and the Fouchet Plan. With regard to the EDC, Ralph Dietl has argued that in the context of the Korean War, 'Great Britain and the United States deemed a German defence contribution indispensable to bolster Western European defences..., which ... led France to produce the so-called Pleven Plan for the EDC in 1950' (Dietl 2002: 29) in order to control West Germany's rearmament within a supranational European army. In August 1954, however, the French National Assembly voted against the EDC Treaty. After France's rejection, the United Kingdom proposed an intergovernmental alternative to the EDC, under the Western European Union (WEU). At the end of September 1954, the UK secured the consent of all ex-EDC powers, plus Canada and the United States, for supporting the WEU as an alternative to the EDC (Ruane 2000).

The second attempt to create a European security foreign policy was the Fouchet Plan, which was proposed in the context of the Suez crisis that made clear the diplomatic divide between European countries and the United States. In 1961, the French Ambassador to Denmark, Christian Fouchet, presented a plan to deepen security cooperation between the six European Community members based on three major topics: the relationship of the emerging political union within the European Communities, the participation of the United Kingdom in the political union; and the union's links with the Atlantic Alliance (Vanhoonacker 2001: 267). The debate did not lead to a consensus, and the Dutch vetoed the Fouchet proposal for a political union in June 1962 (Vanke 2001).

The idea of common military capabilities essentially remained frozen for more than two decades. In 1986, Article 30.6 of the Single European Act (SEA) included political and economic aspects of security (economic sanctions, for instance) as a subject for European Political Cooperation (EPC) consideration. However, with regard to hard security, the article was clear when it stated that closer cooperation within NATO or the WEU would not be implemented by the EPC (Alonso Terme 1992). Ireland, as a neutral country, was one of the strongest voices seeking to ensure that neither WEU nor NATO-related matters would be included within the EPC framework.

The end of the Cold War and the instability in the Balkans contributed to a reconsideration of the security and military role of the EU. Article J.4 (1) of the 1993 Maastricht Treaty stated that the Common Foreign and Security Policy (CFSP) 'shall include all questions related to the security of the Union, including the eventual framing of a common defence policy, which might in time lead to a common defence' (European Commission 1992: 126). The implementation of the 'eventual framing' and the creation of mechanisms to overcome the deadlock or EU incapacity to act in the Balkans remained pending during the 1990s. It was not until 1998 that EU ministers addressed the issue of military security at the St. Malo summit. The United Kingdom, a key actor in this initiative, decided to move forward with constructing EU military capabilities, even if this institutional innovation had to take place within the context of NATO (Deighton 2002). In this background, the European Security and Defence Policy (ESDP) emerged as a substantive move forward in the development of military affairs based on four main factors: a) the three major Western European powers agreed on the need for ESDP; b) the unresolved deadlock or inaction of the 1990s forged the acceptance that a security

and defence policy should be included in the EU agenda; c) the United States supported the 'autonomous capacity project' and was committed to exploring means whereby it could function effectively with NATO; and d) the EU had shown more flexibility in collaborating with non-EU European NATO allies (Moens, Cohen and Allen 2003).

The mode of governance in the area of security demonstrates a reluctance to transfer powers to the EU level, but some new trends indicate a possible transit to a more complex mode of governance, particularly after 2000 (Shepherd 2015). More precisely, the creation of new mechanisms of security cooperation have paved the way to develop a *horizontal nexus*, in which the new institutional setting facilitates horizontal policy cooperation among the member states in order to implement EU policy concepts at the national level without relinquishing sovereignty or transferring power to the EU level (Tömmel 2016). This parallels the horizontal relations between countries in the area of Justice and Home Affairs (Caviedes 2016) or citizenship (Maas 2016). As part of a new setting to promote a horizontal nexus, the Nice European Council in 2000 approved the creation of three new permanent political and military bodies: the Political and Security Committee (PSC) is the body of the Council that deals with crisis situations and examines all the options that might be considered as the Union's response within the single institutional framework; the European Union Military Committee (EUMC) is the highest military body established within the Council and is composed of the Chiefs of Defence represented by their military representatives in Brussels; and the European Union Military Staff provides military expertise and support to the ESDP, including the conduct of EU-led military crisis operations (Missiroli and Quille 2004). Along the same lines of strengthening the horizontal nexus of cooperation on security, in 2001 the Council transferred two agencies from the WEU to EU structures, namely the Satellite Centre and the Institute of Security Studies. The EU also created the European Capabilities Action Plan (ECAP) in November 2001 and, following the adoption of the European Security Strategy (ESS) in December 2003, the Headline Goal 2010 was approved, underlining the development of the EU Battle Groups. The creation of the European Defence Agency (EDA) in 2004 is also of the utmost relevance. Under the Lisbon Treaty, the Common Security and Defence Policy (CSDP) replaced the ESDP and the EDA became a strategic cornerstone with the goal of bringing more value for investments and improving security at a reasonable cost.

While the EU has finally created specific governance mechanisms in the EU military sector in order to initiate a process of military convergence, some tangible steps have been taken with regard to military-civilian operations, which are the most important outcomes in providing effective security cooperation in cases of crisis. Certainly, the first operations were quite modest, but they constitute concrete actions, which would have been unthinkable a few years ago. As of early 2015, the EU had initiated ten military operations, and five of them have been completed: Concordia (Macedonia) and Artemis (DR Congo) were launched and concluded in 2003, Support to AMIS II (Sudan-Darfur) between 2005 and 2006, EUFOR DR Congo in 2006, and EUFOR Chad-Central African Republic in 2008-2009. The current five operations have deployed more than 3,000 soldiers in the field in the operations EUFOR Althea (since 2004), EUNAVFOR-Atalanta (2008), EUTM Somalia (2010), EUTM Mali (2013) and EUFOR Central African Republic (2014).

While the second mode of governance dominates the rationale of the security and defence external EU policies, the mechanisms of horizontal cooperation have opened more avenues to resolve and overcome periodic deadlocks in the area of security, particularly the gap between expectations and the incapacity to act in crisis situations. In spite of the progress made in the past two decades in this policy domain, there is still a long list of challenges where more instruments are required to face several security challenges collectively, including the need to: revisit the security exemption under Article 346 of the Lisbon Treaty and the fact that the armament policy does not fall under EU competence (Chang 2011); improve the EU-NATO coordination of policies and resources (Ginsberg and Penska 2012); strengthen the policies orientated toward building an armaments market, which is



currently fragmented, in order to reduce costs of defence goods in areas such as air-to-air re-fuelling, drones, satellite communication, and cyber security (Biscop 2015).

### **POLITICAL-DIPLOMATIC GOVERNANCE OF EU FOREIGN POLICY**

The area of external political-diplomatic relations has followed a path of steady institutionalisation of governance. In contrast to the dominant modes of governance in the areas of trade and security of the EU system of external relations, the institutional development of political-diplomatic instruments has followed the rationale of the third mode of governance by combining hierarchical and non-hierarchical modes of political steering and adopting various approaches that serve to frame or coordinate the policies of the member states. The cohabitation of 28 national foreign policies, the Commission's agenda on external relations and the creation of the European External Action Service (EEAS) in 2010 results in a complex grid of horizontal and vertical forms of interaction that has emerged as a result of practices developed over time and often in reaction to deadlocks over assuming an active role in cases of international or regional crisis (Henökl 2015).

In the initial stages, the six founding members of the EC did not perceive the need to act together in order to face international crises or emerging regional instabilities. For example, when the United Nations Security Council imposed sanctions against Southern Rhodesia (1966-1968), member states simply assumed the position that their implementation was a matter to be decided by each EC country (Nutall 1992). Subsequent international events were gradually approached by the EC members with pragmatism, and the EPC mechanism, which was introduced as an informal process of consultation in 1970, came to represent the appropriate response to the international crises of the late 1960s. The Luxembourg Report (1970), the Copenhagen Report (1973), the London Report (1981) and the Stuttgart Declaration (1983) provided a political acknowledgement of the EPC and some ground rules for what Lak calls 'a morally binding non-legal foundation' for EPC (1992: 42).

The EPC was an informal mechanism that did not evolve beyond an incipient or weak second mode of governance. However, it provided the background for building trust and shaping the pillars for further institutionalisation after the early 1990s. The launch of the EPC coincided with the emergence of West Germany's policy of *Ostpolitik* in 1969, which many European countries initially regarded with distrust. The EPC process reduced the level of suspicion and helped prove that West Germany was a reliable and safe ally through regular exchanges of information and consultations, and promoting the coordination of EC member's positions, as the Luxembourg or Davignon Report (1970) recommended (Hill and Smith 2000).

The weaknesses of the EPC were evident in the aftermath of the Soviet military intervention in Afghanistan in 1979 when it took the EC over two years to agree a common position and to impose limited sanctions against the Soviet Union. The delayed EC decision to act produced a deadlock and opened the possibility of exploring alternative modes of governance to overcome it. Thus, the EC members approved the London Report in October 1981, which gave the European Commission full access to the EPC, established a consultation role for the Commission, and empowered it to enact trade sanctions. Among the new mechanisms established by the London Report, the introduction of Crisis Procedures had particular significance because it meant the Commission would convene a ministerial meeting within 48 hours at the request of three member states in order to improve the EU's response capacity. Likewise, it set up an embryonic EPC secretariat in the form of a small team of officials from the preceding and succeeding presidencies to help the incumbent foreign ministry (Hill and Smith 2000). The SEA provided a legal status for the EPC in 1987 and formally created the EPC secretariat in Brussels to assist the country that temporarily held the Presidency of the Council of the European Communities. Despite ambitious references to foreign policy in the SEA, the only commitment the member states made was to consult with one another prior to the adoption of a

national position on 'any foreign policy matters of general interest' (Article 30.2a). In that regard, the SEA maintained the strategy of pragmatism practised and articulated in the previous documents on foreign policy.

The 1993 Maastricht Treaty established the intergovernmental second pillar of the CFSP and marked a turning point in the modes of governance practised in the EU. This Treaty included the objective of a 'foreign policy' and brought it into legal existence in its Title V. As a result of this legal innovation, the Commission enhanced its role in policy deliberations, though the role of the European Parliament in the field of CFSP remained marginal and based upon its supervision over the CFSP budget. The combination of the path that the TEU inaugurated for further diplomatic action, together with the recurrent international crises where the voice of the EU was absent, provided incentives and pressures for more institutional innovations and for a more decisive mode of governance. The Treaty of Amsterdam created the post of High Representative (HR) in order to contribute to the formulation, preparation and implementation of policy decisions in the area of external relations. The ninth NATO Secretary-General, Javier Solana, was appointed as the first HR and held this position for a decade (1999-2009). During his tenure and despite limited resources, Solana built an institutional space within the EU system of external relations and actively engaged in numerous international negotiations ranging from different types of mediation in the former Yugoslav Republic of Macedonia, Ukraine and the Middle East, to forging consensus among EU members to raise the voice of the EU as an international actor. Another significant institutional innovation was the adoption of 'constructive abstention', which allows a decision to proceed even when not all EU members want to be involved, thereby diluting the inefficiencies surrounding the unanimity rule (Larive 2014).

While the Constitutional Treaty failed to be ratified, most of its innovations relating to foreign policy remained as part of the Lisbon Treaty. The title of Minister of Foreign Affairs was changed to the less controversial High Representative of the Union for Foreign Affairs and Security Policy, but the job description remained unaffected. This post currently merges the position of High Representative for the CFSP with that of the Commissioner for External Relations and was held by Catherine Ashton from 2009 to 2014 and by Federica Mogherini since 2014. The incorporation of supranational and intergovernmental elements into the position of the High Representative aims at increasing the horizontal coherence of the European foreign policy (Koehler 2010). On the other hand, the creation of the EEAS has reinforced a socialisation process among the different national foreign affairs ministries whose daily contacts produce a trend towards increasing information sharing in order to strengthen the EU as a more effective and influential actor in world affairs (Vanhoonacker and Reslow 2010). All in all, one of the most significant challenges of the EEAS is to develop a solid and coherent strategy based on the variety of foreign policy traditions (Duke 2012). Analysing the mode of governance also demonstrates that the European Commission has developed a very extensive formal and organisational agenda dealing with external relations: the Barroso II Commission (2009-14) relied mostly on a group of five Commissioners having an explicit external relations role (Furness 2012) and the Juncker Commission has focused on the project 'A Stronger Global Actor' in order to combine the tools available within the Commission in a more effective manner under the leadership of HR/VP Mogherini (European Commission 2014). In sum, the dominant third mode of governance in the political-diplomatic relations of the EU system has been constructed incrementally from the informal EPC mechanisms to the multiple institutional instruments of hierarchical and non-hierarchical institutional instruments created in the past two decades.

## CONCLUSIONS

This analysis of three sectors of EU foreign policy reveals that each has developed different modes of governance based on the type of interactions among their actors and the dimension of the

deadlocks they have faced in six decades of European integration. Three out of the four modes of governance that Tömmel (2016) identifies in the EU integration process describe the three subsystems of the EU system of external relations explored in this article. However, these modes of governance are heuristic devices to explain processes that are in constant transformation and hence some new institutional innovations may open the door for new modes of governance or for combinations of the existing ones.

The dominant first mode of governance in the area of trade has historically been linear and marked by the empowerment of the European Commission since the early stages of integration, which catalysed the international presence of the EU in global trade negotiations. The creation of the customs union was a period in which the Commission and the member states became accustomed to the commitments made as a result of the external representation of the EC. Once the Commission reached the status of being the 'external voice' of the EC, it also accumulated power through several areas indirectly connected with the single market and the jurisprudence of the European Court of Justice. In recent years, the trade agenda of the EU has been consolidated with the addition of areas such as services or the more active role of the European Parliament in monitoring the role of the EU international negotiations.

In the area of security cooperation, on the other hand, the dominant second mode of governance has experienced some institutional transformations particularly focused on developing horizontal mechanisms of cooperation rather than transferring power to EU institutions. While some of these transformations strengthen the capacity of the EU to overcome deadlocks, member states are inherently cautious and sensitive to cooperating in the area of security. In the European case, in an environment of distrust derived from the experience of two wars in less than half a century, and with the presence of the United States and NATO, there were no incentives to pursue the creation of a European army. As a result of the instability in the Balkans and the hesitance of the United States to intervene in the area, demands for the creation of EU military capabilities heightened, and the military theme became part of the EU foreign policy agenda. Transformations at the state level are already taking place and numerous political and military bodies have been created within the Council, which has stepped up the development of military capabilities at the European level. The best example of this is the modest though increasingly regular military operations that have taken place since 2002.

The political-diplomatic third mode of governance is quite diverse and combines hierarchical and non-hierarchical mechanisms. In comparison with the two previous policy domains, this area has experienced a significant transformation from a traditional approach of informal dialogue in the 1970s to the current configuration with multiple institutional mechanisms at the state and European level. The diversity of areas that include external relations in the Commission, the increasing political role of the European Parliament in international affairs, the creation of new posts such as the High Representative or institutions such as the EEAS provide a diversity of actors and capacities where there is no single dominant mode of governance but a combination of institutional arrangements.

The three dimensions of governance cohabitating in the policymaking of EU external relations facilitate cooperation to address common problems and establish institutional arrangements at the European level. However, the voice of the EU is still projected at different tones in international fora such as United Nations. The combination of domestic, regional and international variables explains this variation, rather than a functional spillover. Unlike trade policies where national perspectives have all developed along the lines of a few diverse models, the security and diplomatic aspects of foreign policy still differentiate themselves immensely for each individual country. Against this background of different traditions and perspectives of national foreign policies, the EU has provided incentives and mechanisms to develop institutions and legal frameworks of common external practices at the regional level. The combination of diverse domestic practices and regional

arrangements produces a cohabitation of modes of governance in the area of external relations. As Keohane (2012) has indicated, there is a general trend in international relations to increase the legalisation of global activities, but the coherence of institutions remains challenging due to the absence of an overarching organisational framework. In addition, the global environment will continue testing the capacity of the European Union to manage crises and buttress a more stable international system. Investment and trade relations with the United States and China (trade governance), the re-emergence of geopolitical calculations with Russia (political-diplomatic governance) and the contributions to post-conflict situations in Africa (security governance) are emblematic challenges that the governance of external relations will face in the coming years. Based on the trends of more than six decades of European integration, it is likely that the EU governance of external relations will continue increasing proactive mechanisms to address crises and deepen the three logics of modes of governance in a kaleidoscope of patterns of policymaking that vary from the empowerment of EU institutions (trade) to cautious approaches based on horizontal coordination (security) to a mix of hierarchical and non-hierarchical instruments of cooperation (political-diplomatic).

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