

The High Representative for CFSP and the Personification of EU Foreign Relations

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Introduction¹

A new actor in the European Union's Common Foreign and Security Policy (CFSP), the High Representative for CFSP, was introduced with the Amsterdam Treaty of 1997. This paper posits that the creation of the High Representative is the latest episode in an ongoing institutional rivalry between the Council and the European Commission which is reflected in various efforts to personalize the operation of the European Union's foreign relations.

The paper examines the creation of the High Representative in the context of two salient prior examples of this ongoing competition between European Union (EU) Member-States and the Commission. The first example is the European Commission's endeavors to increase its institutional role and international profile in the EU's foreign relations through the personal participation of individual Commissioners. In addition to the Commission President's representation of the European Community within international fora, the Commission's portfolios have been repeatedly reformed to emphasize the Commission's role in the EU's external political relations, first symbolized by the post-Maastricht creation of a Commissioner for CFSP. The second example is the recent creation of EU Special Envoys. These limited foreign policy actors are essentially policy instruments of the Council, being appointed, controlled and maintained by Council action.

The paper concludes to apply a theoretical perspective of this phenomenon by comparing Neo-Realist theory with a Historical Institutional (HI) approach. Particular attention will be paid to the HI assertion that EU Member-State policy-making can be

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constrained over time by past decisions within the same collective decision-making framework.

I. The Commission in EU Foreign Relations

From inception, the European Community (EC)² has possessed an international dimension through the development of the Common External Tariff (CET) and the Common Commercial Policy (CCP). As the EC's executive branch, the European Commission, has always played a critical institutional role with these activities both from a legislative perspective³ and as the collective trade negotiator on behalf of the EC.⁴ The Commission also copes with the incidental external consequences of the EC's legal status as an international organization.⁵ This residual authority of the EC to maintain international links traditionally has included authority for the establishment of representative offices in third countries.⁶

Nevertheless, the limitations of the Commission's remit in the 1950s and 1960s to economic-related issues is encapsulated in the simple functional portfolio title 'External

² In 1993, the supranational European Community (EC) was incorporated into the European Union (EU) which adds an intergovernmental 'pillar' structure composed of the Common Foreign Security Policy (CFSP) and Justice and Home Affairs (JHA). Although confusing, this distinction is critical to analysis of the European collective identity in international affairs.

³ The Commission's legislative role mainly derives from its exclusive power to propose EC legislation. See EC Treaty, Articles 100, 100a, 189, etc. The Commission also acts as the 'Guardian of the Treaties', empowered to initiate ECJ proceedings against Member-States or EC institutions to enforce observance of EC law. See EC Treaty, Articles 155, 169, 175.

⁴ The Commission's negotiation role is mainly confined to the negotiation of specific trade accords with third countries, under formal instructions from the Council, pursuant to either Article 113 (Trade and Cooperation Agreements) or Article 238 (Association Agreements). However, since the late 1960s, the Commission's remit has been extended to multilateral trade accords, such as the GATT (now the WTO), the GSP, and the Lomé conventions.

⁵ The archetypal example is the grant of legal personality to the European Community. Legal personality is a pre-requisite for the EC to be a party to international agreements. The Treaties also specifically provide for the Commission to maintain relations with other International Organizations.

⁶ A liaison office was established in London in 1952, followed by a Washington D.C. office in 1954.

Relations' which was assigned to the first of the Commission's eight original Directorates-General.⁷ The Commission's perceived pretensions to diplomacy and 'foreign relations' engendered by President Hallstein's formalized procedure for receiving the credentials of diplomatic missions accredited to the European Community elicited a sharp rebuke from the Member-States which clearly stunted the further development of the EC's external role for the next decade.⁸

In the 1970s, The EC Member-States forged a new collective forum for foreign policy-making - European Political Cooperation (EPC). A limited right of participation in the EPC was begrudgingly permitted to the Commission. The Commission incrementally improved its status within EPC, but its participation was never permitted to encroach on the national sovereignty of the Member-States and mainly resulted from a practical need for the expertise and cooperation of the Commission to give concrete expression to the diplomatic pronouncements of the EPC, through the instruments of the EC.⁹

In contrast, by the 1980s, a new dynamism of leadership stirred within the Commission which reached its peak under the Presidency of Jacques Delors, 1985-95. An

⁷ Directorate-General (DG) VIII 'Development' - was also an directorate with an explicitly external portfolio, but was traditionally disconnected from DGI as it administered the European Development Fund (EDF), a non-EC budget resource for development assistance to the former colonies of the Member-States. Indeed, the EC delegations in the newly-independent partner countries were originally styled delegations of the EDF. Additionally, the majority of delegation staffers were not officially Commission staffers until the 1987 'titularisation' addition of delegation local staff into the Commission Services.

⁸ Luxembourg Compromise, EEC Bulletin 3 (1966), pp. 8-9. Clearly, the 'Empty Chair' crisis of 1965 was precipitated by General DeGaulle's opposition to the proposed linkage of CAP and customs duties to the EC's 'own resources', which would have thereby given the Commission a large and independent source of revenue. See e.g. F. Duchene, Jean Monnet. (New York, 1996), pp. 331-332. However, it is equally clear that General DeGaulle specifically desired to sanction the Commission regarding its diplomatic formalities. See E. Stein, 'Foreign Affairs Powers of an International Organization: The Case of the European Communities - Comments', 81st Proceedings of the American Society of International Law, (1987), 354-372, p. 360.

⁹ An early success of EPC/EC coordination was EC sanctions against Argentina during the Falklands crisis in 1982. See G. Edwards, 'Europe and the Falkland Islands Crisis 1982', Journal of Common Market Studies, 22:4 (1984), 295-313.

important factor in the resurgence of the Commission's prestige and influence within EC decision-making was the restoration of the stature of the Commission President. President Roy Jenkins' attendance at the 1977 London G-7 Summit marks the initial recovery of the European Commission's international role. Lord Jenkins' status as a former UK Chancellor of the Exchequer arguably was a contributing factor in the introduction of an EC representative at the London Summit. Nevertheless, President Jenkins' participation was less significant for his substantive input into the summit deliberations than for its symbolic value.¹⁰ President Jenkins became the 'human face' of the EC in a major international forum, and thereafter, the Commission President's participation in the G-7 was not seriously challenged.

Completion of the Internal Market, the '1992' program, seems certain to be remembered as the most significant achievement of the Delors Commissions. However, implementation of the PHARE and TACIS programs was perhaps a more significant achievement for the international status of the European Commission itself. The Commission was given responsibility for coordination of G-24 aid to Central and Eastern Europe at the 1989 Paris Summit. Unlike the rapidly increasing numbers of bilateral summits and contacts between the EC and other countries, this assignment was particularly important as a measure of the Commission's international stature as the multilateral delegation of authority was given by non-Member-State countries, including the United States and Japan.¹¹

¹⁰ See generally R. Jenkins, European Diary. (London, 1989), pp. 96, 99-100, 177, 293.

¹¹ S. Nuttall, 'The Commission the struggle for legitimacy', in C. Hill (ed.), The Actors in Europe's Foreign Policy. (London, 1996), 130-147, p.131.

As with Jenkins and the G-24 assignment was arguably attributable to the personal stature of Jacques Delors, a political figure, rather than the administrative reputation of the Commission. The Commission has continued to assume similar responsibilities in other areas, such as the Stability Pact for South-Eastern Europe following the 1999 NATO crisis, which is a recent example.¹³

It is also essential to note the upgrading in the political experience and prestige of the appointees to the Commission by the end of the Delors Commissions. Although over 50 per cent of all members possessed parliamentary experience, recent Commissions have been dominated by former ministers.¹⁴ Unfortunately, the politicization of the Commission is a trend more noted than explained. A possible long-term explanation is that the increasing prominence of the Commission as an institution has spurred Member-States to send nationally prominent appointees.¹⁵

The TEU of 1992 reorganised the newly-founded European Union's foreign relations with the creation of the Common Foreign and Security Policy (CFSP). The CFSP conceptually consolidates all aspects of the EU's collective foreign relations into a single

¹² Robert Bideleux argues that it was Jacques Delors's personal affinity for Delors and Delors' Catholic background which was most influential in the G-24 assignment going to the Commission. See R. Bideleux, 'Bringing in the East', in R. Hand and R. Taylor (eds.), *European Integration and Disintegration* (London, 1996), 225-249, 239.

¹³ See generally 'Fact Sheet European Commission's contribution to the Balkans', *EU Press Release*, No.54/99 (August 12, 1999). (www.eurunion.org/news/press/1999/1999054.htm (9/29/99)).

¹⁴ Admittedly, two examples in a span of fifteen years is not conclusive proof of the existence of the asserted trend.

¹⁴ In addition to having national parliamentary experience, a majority of the Santer Commission were full ministers, including two former Prime Ministers. See A. MacMullen, 'European Commissioners 1952-1995: National Routes to a European Elite', in J. Nugent (ed.), *In the Heart of the Union* (London, 1997), 27-48. A majority of the current Prodi Commission are also former full ministers.

¹⁵ Desmond Dinan suggests that the rise in the political weight of Commissioners has a more immediate origin in the 'domineering' nature of the Delors presidency and national governments efforts to counter the political strength of Jacques Delors with powerful representatives of their own. See Dinan, *Ever Closer Union?*, 1st Ed. (London, 1994), pp. 20-6. However, it should also be noted that the trend towards

institutional framework within which the Commission fully participates. The Commission chose to emphasize its new legal status within the CFSP by reorganizing its external portfolios to create a new Commissioner for CFSP.

The high expectations for the new portfolio is clear from the appointment of (then) Dutch Foreign Minister Hans van den Broek as the first incumbent for the post and the creation of a new bureaucratic structure, DGIA for External Political Relations, in support of his duties. Although, as a practical matter, the assignment of Commission external portfolios along thematic lines (economic, political, development) proved difficult to implement, the symbolic gesture was understood: the Commission was a foreign policy actor.¹⁶

The current Prodi Commission further strengthens the authority of the Commissioner for CFSP by investing the position with sole responsibility for coordination. As a result, the 'thematic' external portfolios - external trade, enlargement, development & humanitarian assistance - are explicitly subordinate to the Commissioner for CFSP, although each Commissioner retains primary responsibility for their respective portfolios.

Regardless of the internal division of responsibility at the level of Commissioner, however, the Commission's influence within the CFSP framework remains most concretely

politicization was already underway in the Second Delors Commission, prior to completion of the Internal Market in 1992.

¹⁶ Although conceptually simple, the thematic approach initially faced considerable bureaucratic obstacles. The existing geographic desks of DGI were resistant to the directive of receiving instructions on 'political' issues from the newly created parallel set of 'political' desks in DGIA. Additionally, the DGIA desks, outside the PHARE/TACIS groups, found that most of the Commission's 'foreign relations' budgetary resources were devoted to programs administered by DGI as external economic relations.

The Santer Commission remedied these flaws creating Commission portfolios which fused thematic responsibility for specific policies, such as Development, Enlargement, Multilateral Trade Relations, with oversight of related bureaucratic resources assigned on a geographic basis. On the level of Commissioner, responsibility for CFSP coordination was shared between the Commissioner for CFSP and the Commission President. Accordingly, DGIA retained bureaucratic responsibility for coordination of the

founded upon its institutional control of the two EU-level resources most critical to the implementation the CFSP: the EU delegations and the EU Budget. Although styled 'EU' delegations since 1992, the external delegations of the European Communities are staffed and administered by Commission fonctionnaires, not Member-State diplomats.¹⁷ Additionally, funding for CFSP activities, unless specifically and specifically authorized by Council action, has been incorporated into the general EU budget and is disbursed, on an operational basis, through Commission action.¹⁸

II. Council Envoys and the High Representative for CFSP

Between the signature of the Maastricht Treaty in 1991 and the signature of the Amsterdam Treaty in 1997, a new development became observable in the operation of the EU's CFSP: the increasing number of direct diplomatic interventions by the Council in EU-level CFSP activities through use of EU Special Envoys. A distinction must be made between the two related but separate employments of an EU Special Envoy. The first reflects the appointment of EU nationals to multilateral positions, such as the International Mediator for Bosnia which was first held by Lord Owens, and followed by former Swedish PM Carl Bildt. Although formally operating under a wider UN mandate, the Bosnian Peace Mediators were selected by the EU Council and regularly reported to the Council on the

CFSP, but was also assigned geographic responsibility for Relations with Central and Eastern Europe and the Former Soviet Union, and thematic responsibility for Enlargement.

¹⁷ Of course, it can not be ignored that the Member-States, though the Council, exercise oversight over the Commission's instrumentalities to a degree paralleling the oversight over the Commission as a whole. Commission 'Ambassadors', officially retaining the lower-ranking diplomatic title of 'Head of Delegation', are confirmed in their appointments by the Member-States through a vote of COREPER. Additionally, Commission delegates regularly make reports to the Council (and/or its committees).

The Council's invitation for the High Representative to produce a report reviewing improvement/coordination of the EU delegation network highlights the tension between Commission and Council. See generally Council Conclusions, Helsinki, December 1999.

conduct of negotiations.¹⁹ Although an important indicator of the relative increase in the EU's international stature as a collective foreign policy actor, the development does not impinge on the operation of the CFSP as these envoys remain beyond the direct control of the EU Member-States.

In contrast, the EU Special Envoys established by Council Regulation represent a significant modification of the operation of the CFSP as a third party outside the CFSP framework is directly responsible for representing the EU abroad.²⁰ Although a Member-State citizen instructed by the Member-States, the EU Special Envoy is not a member of the Council nor a serving Member-State representative. One of the first illustrations of this foreign policy instrument related to the direct EU administration of the Bosnian city of Mostar by an EU appointee.²¹ Subsequent illustrations are the Special Envoys for the Middle East Peace Process,²² and the Great Lakes Region.²³

Prior to this development, the Member-States' central role within the CFSP was exemplified by the Maastricht Treaty's apportionment to the Council Presidency, or alternatively, the Council Troika (including the Commission),²⁴ responsibility for representation of the EU to the outside world. However, it must be noted that the Council has not forfeited its direct role in the implementation, as well as the formulation, of the CFSP. Indeed, the Special Envoys can be characterized as improving, rather than

¹⁸ Article 28, TEU(amended by Amsterdam Treaty).

¹⁹ See generally D. Owen, *Balkan Odyssey*. (London, 1995).

²⁰ Appointment of a Special Envoy is specifically authorized by Article 18.5, TEU (amended by Amsterdam Treaty).

²¹ See Joint Action of 15 July 1996, O.J. L185/2 (1996).

²² Mr. Aldo Ajello. See Joint Action of 25 March 1996, O.J. L87/1 (1996).

²³ Mr. Miguel Angel Moratinos. See Joint Action of 25 November 1996, O.J. L315/1 (1996).

²⁴ See Article J, TEU. The Troika was comprised formerly of the immediate past, present, and next Council President, together with the Commission. Currently, the Troika does not include the past President, but may include the Secretary-General. See Article 18.4, TEU (amended by Amsterdam Treaty).

hindering, the Council's role. Special Envoys provide a mechanism for increasing the Council's receptivity in the implementation of specific CFSP initiatives. The EU Special Envoys provides effective working-level contacts in addition to the Council's existing ministerial-level diplomatic contacts.

Additionally, the direct Council has endowed the Special Envoys with a legitimacy which potentially threatens, the established role played by the Commission in the implementation of CFSP policies. Currently, Special Envoy missions abroad complement Commission external delegations for support and the Commission still retains full control of CFSP projects, all of which are funded through the EC budget. Special Envoys, with an additional infusion of bureaucratic resources, will be capable to assume direct responsibility for an alternative CSFP budget funded by the EC budget.

a. The High Representative

The deliberations of the 'Reflection Group' of Member-State representatives which convened prior to the 1996 IGC co-creation of centralized EU-level foreign policy figure, in part to respond to the CFSP's effectiveness.²⁵ However, several smaller Member-States opposed a completely new institution based on the possible depreciation of the Commission's role and the potential for such a figure to be influenced by the larger Member-States.²⁶ Ultimately, a compromise was

²⁵ See e.g. European Commission, Report for the Reflection Group, (Brussels, May 1995), pp. 66-67.

²⁶ See J. Monar, "The European Union Affairs System After the Treaty of Amsterdam: A Strengthened Capacity for External Action?" Foreign Affairs Review, 2:4 (Winter 1997), 413-436, pp. 423.

Unsurprisingly, the Commission also proposed an alternative solution to the creation of a Council-based High Representative. While accepting the Special Envoy mechanism for 'certain tasks' 'on an *ad hoc* basis', the Commission asserted that the '[p]rimary responsibility for implementation [of the CFSP] should

reached in the final draft of the Amsterdam Treaty to re-style the Council Secretary-General as the EU's 'High Representative for the CFSP'.²⁷ The Secretary-General was also endowed with two important bureaucratic resources to implement his new CFSP responsibilities: the Council Secretariat's CFSP Directorate and a newly created 'Early Warning Unit', essentially a Council think-tank equivalent to a national Foreign Office Policy-Planning Unit.²⁸

In practice, the Secretary-General's most important resource, thus far, has proved to have been his own flexibility and abilities as a diplomat. Dr. Javier Solana, the outgoing Secretary-General of NATO, began his tenure as the inaugural Secretary-General already enjoying the high regard of the Member-State governments and the governments of many third countries, including the U.S.²⁹ As a result, Dr. Solana was able to speedily apply himself to participating in a wide range of CFSP activities, most notable being his visits to the Balkans, Russia, and the Philippines. It is notable that the level of Dr. Solana's participation in such activities, and that of the Commission's participation in comparison, continues to fluctuate without any fixed protocol being established.

Clearly, the emerging European Security and Defense Policy (ESDP) will continue to be an important focus for the High Representative, particularly emphasized by Dr. Solana's concurrent appointment as Secretary-General of the Western European Union (WEU). The

lie with the Presidency and the Commission.' European Commission, 'Reinforcing political union and preparing for enlargement', *Commission Opinion* (Brussels, February 1996), p. 17.

²⁷ Article 26, TEU (amended by Amsterdam Treaty). The Secretary-General's previous duties as the head of the council administration and advisor in ministerial discussions have been transferred to the Deputy Secretary-General.

²⁸ By mid-2000, the Early Warning Unit was composed of approximately two dozen officials drawn from Member-State Diplomatic Services, the Council Secretariat, the Commission and the WEU Secretariat. The broad aim is to gradually expand the number of personnel and to have the Council Secretariat provide the majority of the unit's personnel. Interview with member of the Council Secretariat.

²⁹ See e.g. 'Javier Solana, Europe's diplomat-in-chief', *The Economist*, April 8, 2000, p. 58.

EU's objective of creating a 60,000 strong EU 'Rapid Reaction Force' by 2003 has been incorporated inevitably into a much wider reconsideration of the EU's military dimension and its relationship with NATO.³⁰ Additionally, on a more practical level, the prior lack of substantial EU consideration of security/military issues, and a corresponding absence of Commission participation, presents the Secretary-General with relatively unfettered jurisdictional control vis-à-vis the other EU institutions.

III. Theory

Theoretical analysis of the process of European integration has traditionally divided into two broad camps: the Intergovernmentalist and the Neo-Functionalists. Intergovernmentalism is essentially the application of Neo-Realism to the study of European integration.³¹ In summary, Neo-Realism focuses on the anarchic nature of the international arena and the competitive pursuit of power, in its broadest sense, as the defining features of international relations. Not only are nation-states considered to be the relevant actors, Neo-Realism views nation-states as rational and unitary policy-making entities on international relations issues.³²

³⁰ See e.g. R. Wielaard, 'EU Debates New Defense Policy', Associated Press on AOL News Website, February 27, 2000. It should be emphasized, however, much of the immediate impetus for the reform of the EU's military sphere arises from NATO's Kosovo intervention which preceded Dr. Solana's selection as Secretary-General.

³¹ Neo-Realism as distinguished from Realism, tends to exclude the ethical content of the theory which expresses the tension between the aspirations and practice of nation-states in applying ethical standards to international relations. See generally A. Murray, Reconstructing Realism. (Keele University Press, 1997), pp.1-27. The discussion is intended to be only a summary of the theories' basic principles.

³² It should be noted that Neo-Realists distinguish the centrality of power politics to a 'maximization' of power which may, but not necessarily, guide actor behavior. In other words, every action by a nation-state does not necessarily maximize national power to an absolute degree at the expense of all other national interests. See M. Mastanduno, 'A realist view: three images of the coming international order', in T.V. Paul and J.A. Paul (eds.), International Order and the Future of World Politics. (Cambridge, 1999), 19-40, pp.21-22.

Neo-Functionalism, to the contrary, emphasizes a cooperative process of engagement between nation-states. Supranational institutions, in the context of neo-functional analysis, are mechanisms by which national sovereignty is shared and merged between cooperating nation-states. Neo-Functionalist analysis separates the processes of economic and political integration. Economic integration, as in the framework of the European Community, is perceived to create 'spill-over', in other words, an increasing pressure for greater integration of national economies through the gradual interlocking of specific economic sectors; so that coal and steel production integration gradually leads to the common market. Political integration involves the gradual transfer of political allegiance of the populace to a supranational level as political activities are increasingly conducted within supranational institutional frameworks.

Historical Institutionalism (HI) is essentially an hybrid conceptual approach incorporating elements of both Intergovernmentalist and Neo-Functionalist theories.³³ In a nutshell, HI does not deny the continuing importance of the nation-state, but rather points out that policy actors find it increasingly difficult to changes established institutional arrangements which also tends to discourage the formation of new frameworks, thereby constraining their own behavior.

Both Neo-Functionalism and Historical Institutionalism observes constraints on the behavior of nation-states, however, HI significantly differs from Neo-Functionalism in locating the root causes of these constraints. As alluded to above, HI conceptualizes policy-making as a 'path dependent' exercise, meaning that decision-making frameworks

³³ See e.g. P. Pierson, 'The Path to European Integration A Historical Institutional Approach',

develop into routines that gradually accumulates a measurable cost for the policy actors to switch from the status quo to alternative decision-making frameworks. On the other hand, Neo-Functionalism envisions a gradual shift of the policy-making locus from the national level to the supranational forums through the logic of greater efficiency through greater integration and a process of socialization for the supranational level by individuals, interest groups and other sub-national actors.

The theoretical divide between the two camps inevitably produces differing perspectives on the independence of the EU's institutional framework, especially regarding the role played by the European Commission in the EU's policy-making process. Both Neo-Functionalism and HI, posit that the Commission possesses an independent identity, with independent policy objectives separable from the Member-States, as well as a measurable sense of self-interest. Supporting evidence for the institutionalist argument is crystallized by two undisputed points of fact: 1) The Member-States, through the adoption of the constituent treaties of the EU, delegate certain limited powers to the Commission in specific policy areas, and 2) The Commission's actual authority often has expanded beyond those limits initially set by the Member-States. The corresponding impingement on the sovereignty of the Member-States implicit in such expansions of the Commission's sphere of activity presents a substantial challenge to the Neo-Realist analysis of the EU.

Surprisingly, this issue does not necessarily provoke concern within the Neo-Realist camp. Following an absolutist state-centric position, intergovernmentalism essentially characterizes the Commission as a neutral agent of the Member-States, incapable of an

Comparative Political Studies, 29:2 (April 1996), 123-163, and K. Thelen and Sven Steinmo, 'Historical institutionalism in comparative politics', in S. Steinmo, K. Thelen, and Frank Longstreth (eds.), Structuring Politics historical institutionalism in comparative analysis. (Cambridge, 1992), 1-32.

independent policy role. In comparison, a moderate Neo-Realist ‘agent-principal’ analysis would concede the potential of the Commission as the Member-States’ agent to form a coherent institutional identity which seeks to expand its authority at the expense of the principals.³⁴ Nevertheless, agent-principal analysis is careful to note that such expansions are exceptional and only possible under the limited and particular circumstances of disharmony of Member-State interests.³⁵ Ultimately, all Neo-Realist explanations are founded on the assertion that the European Commission does not express independent views, but rather *anticipates* the preferences of all (or a majority) of the Member-States.³⁶ This ‘rational anticipation’ of the Member-States’ preferences limits any expansions of Commission authority to those directly supported by the Member-States for the promotion of the Member-States’ own interests. Rational anticipation also produces the related effect of suppressing Commission initiatives which would challenge the Member-State’s interests and thereby elicit a sanction of the Commission. Accordingly, the paucity of examples of actual sanction against the Commission do not indicate the lack of control by the Member-States over the Commission.³⁷

Neo-Realism distinguishes between high and low politics; the ‘height’ being correlated to the significance of the policy sector to the sovereignty of the nation-state. Foreign policy, as the interaction of nation-states in the international arena as functional units, is the archetypal example of high politics. Accordingly, Neo-Realism predicts that

³⁴ See Mark A. Pollack, ‘The Commission as an Agent’, in N. Nugent (ed.), *At the Heart of the Union*, pp. 109-128.

³⁵ *Ibid.*, pp. 114 and 120.

³⁶ *Ibid.*, pp. 117-118, 120-121 and 125-126.

³⁷ Although a potentially valid conclusion, it depends on the same sort of counter-inductive reasoning, without concrete examples, which institutionalists utilize in pronouncing upon the Commission’s ability to pursue positions in opposition to Member-State preferences.

foreign policy decision-making would be one of the most difficult activities to integrate on a supranational basis as foreign policy is essentially synonymous, in Neo-Realist terms, with national power. HI analysis would not deny this assertion, but instead postulates that *once established*, a supranational foreign policy institutional framework would gradually and increasingly constrain national behavior in foreign policy.

Applying these conceptual lenses to the development of the EU's CFSP, as summarized above, both theories hold a broad explanatory utility. Pursuant to Neo-Realist tenets, the EU Member-States' progress in foreign policy integration undisputedly has been belabored, spanning over 20 years between the first ministerial meeting of the EPC and the first EU Council meeting with a joint EC/CFSP agenda. Further, the present capabilities of the CFSP remain greatly limited and predominately driven by the consensus will of the individual EU Member-States. On the other hand, HI also provides a useful insight to the path taken by the EU to the present institutional framework. Fulfilling the HI linkage between the resilience of institutions over time and the increasing cost of replacing existing institutions, the essential structure of the EU's foreign policy apparatus only has been incrementally modified from the EPC formulation in the transition to the CFSP framework.

Conclusions

Therefore, what insights can be gleaned from the postulated trend towards a personification of the EU foreign relations? Although the salutary benefits of personification in the conduct of foreign affairs are established and undisputed, it is an innovation proven slow to be accepted within the EU framework, whether dated from the creation of the rotating council presidency or from the emergence of the Commission

President as a participant in international summits. Accordingly, the Neo-Realist analysis observation of the various reforms as measured efforts by the Member-States to improve the efficiency and effectiveness of CFSP activities is unsatisfactorily vague in explaining the causes of the unmethodical development.

Alternatively, the HI approach permits analysis to encompass the longer historical context which the personification trend has operated. Accordingly, the Commission's effort to elevate the importance of its own CFSP representative with a new portfolio title and the bureaucratic commitment of a specific DG for the External Political Relations may be explained as an attempt to carve out a larger foreign policy role for itself within the existing institutional framework. Although potentially detrimental to the status of the Council, in the Neo-Realist analysis, this maneuver may be perceived, substantively, as an unimportant action not requiring a response, as the locus of foreign policy power remained with the Council. However, the Member-States did respond, but the response was not a direct confrontation with the Commission as Neo-Realism would predict for unconstrained unitary sovereign actors. Instead, the EU Member-States created new institutions, the EU Special Envoy and the High Representative for CFSP, to challenge the Commission within the same broad framework. In the HI analysis, such a development disputes the Neo-Realist assertion that the threat of direct retaliation against the Commission's competences and resources by the EU Member-States maintains an unspoken, but constant, constraint against Commission behavior which would challenge the Member-States' supremacy.³⁸

³⁸ Presumably, the Neo-Realist response to the HI analysis would be that the Member-States remain able to alter the institutional framework and 'directly retaliate' against the Commission, but have simply *chosen* an indirect method of retaliation.

Unfortunately, further theoretical analysis, at present, may be unproductive as the dynamics of the present institutional framework are still undergoing change. Commissioner Patten now possesses increased legitimacy to speak on behalf of the Commission on CFSP matters, but it has not yet translated into a measurable increase in the authority of the Commission vis-à-vis the Member-States or the High Representative.³⁹ Additionally, the limits of Dr. Solana's authority are still being explored and it is possible that the High Representative may yet prove a challenger, not only to the Commission but also to the Member-States' authority. Finally, the seemingly interminable pre-enlargement reform process has fostered a great uncertainty that the structure of the CFSP institutional framework will not undergo still further modification again in the near future.

³⁹ Unfortunately, the personal relationship between Commissioner Patten and Dr. Solana suffered new scrutiny following Mr. Patten's early announcement of his desire to serve only a single term in Brussels. See e.g. 'EU's Patten to stand down after one term', [Reuters on AOL News Website](#), June 9, 2000.