Bureaucratic Power Europe

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Zusammenfassung:

Die Forschung stimmt in der Beobachtung überein, dass sich der globale Akteur EU im Gegensatz zu ähnlich großen Staaten durch ein ausgeprägt regelorientiertes Verhalten, eine Vorliebe für Multilateralismus und für Kompromisslösungen sowie eine starke Abneigung gegen Erzwingungsmacht und den Einsatz militärischer Instrumente auszeichnet. Sie streitet über die Gründe für diese auffällige Verhalten. Dieses Working Paper kommt zu Ergebnis, dass das äußere Verhalten der EU ihren inneren institutionellen Strukturen geschuldet ist. Bei Entscheidungen in der Außen- und Sicherheitspolitik herrscht das Konsensprinzip. Um die daraus entstehenden Handlungsdefizite abzuschwächen, hat die EU seit Maastricht 1992 in immer stärkerem Maße Kompetenzen an internationale Bürokratien wie den Europäischen Auswärtigen Dienst delegiert. Dies hat Konsequenzen. Bürokratien handeln regelorientiert und prägen so das Verhalten der EU als globaler Akteur. Anders als im Staat steht der Bürokratie in der EU nicht die Institution des politischen Entscheiders gegenüber, sondern ein Kollektivorgan: der Europäische Rat oder der Ministerrat. Und Kollektivorgane handeln in einem ähnlichen Modus wie die Bürokratie, nämlich pfadabhängig und regelorientiert. Eine Fallstudie zur Ukrainepolitik der EU illustriert den Charakter der EU als bürokratische Macht.

Abstract

Ever since the academic community accepted the notion of the EU as a global actor, it has speculated on the 'nature of the beast'. Scholars concur that the EU as a global actor is characterised by a penchant for multilateralism and rule-based policy approaches and have devised conceptual characterisations such as civilian, ethical and normative power to capture this behaviour. This paper presents an alternative explanation of the EU's foreign policy behaviour that is grounded in liberal theory and refers to the interplay between the influence of international bureaucracies and intergovernmental decision-making. A case study on EU-Ukraine relations in the context of the European Neighbourhood Policy illustrates the theoretical argument.

1. Introducing Global Power Europe: What is the nature of the beast?[1]

Putin's war of aggression and the EU's reaction to it — punitive sanctions, arms deliveries via the European Peace Facility and the coordination of military training — have given new impetus to the aim of transforming the formerly civilian or civilizing role of the EU as a global power into a rather different actor. While former European Commission President Jean Claude Junker advanced the concept of European sovereignty, his successor Ursula von der Leyen announced that she would be presiding over a geostrategic commission (https://ec.europa.eu/commission/presscorner/detail/es/speech_19_6408). High Representative Josep Borrell (2022) interpreted the war as Europe's 'geopolitical awakening', and one of his advisers stated that 'Russia's war against Ukraine is transforming the EU into a credible global actor, dealing with issues of war and peace, and not simply engaging with trade and regulation issues.' (Laidi 2023). Moreover, by adopting an Economic Security Strategy (European Commission 2023) and new tools like the Anti-Coercion Instrument (ACI), the EU is trying to sharpen its profile as a geo-economic player.

Is the EU really about to transform itself into a geostrategic actor? Will it shed its former self and instead behave and wield power on the international stage much like the other great powers? And what would it take to make this transformation happen?

In this paper, I will assess the likelihood of this aspired transformation by asking what kind of power the EU has been so far. On a phenomenological level, the gulf between the EU's new aspirations and the traditional descriptions of it could hardly be wider. Even before the academic community accepted the notion of '[t]he European Union as a global actor' (Bretherton and Vogler 2006), scholars concurred that the EU behaves very differently than other great powers. According to most studies, the EU's external policy has been characterised by a distinct policy approach, namely a penchant for rules-based multilateralism, an adherence to and support for universal norms, and a preference for diplomacy, persuasion and compromise. In short, the EU is a global actor that wields power, but it exerts this power in very specific ways (Gehring, Urbanski and Oberthür 2017).

To capture this striking peculiarity analytically, scholars have come up with different concepts. Employing role theory, experts such as Hanns Maull (2005) reframed the concept of civilian power EU that Francois Duchene (1972) had developed decades earlier. Introducing a special issue on the topic, Lisbeth Aggestam (2008) spoke of 'ethical power Europe'. Chad Damro (2008) characterised the international role of the EU as 'market power Europe', while Sandra Lavenex (2014) and Anu Bradford (2020) described it as a regulatory power. Andrew Cottey (2020) referred to the 'astrategic' nature of global power Europe, while realists refer to the EU as coming from Venus when it comes to its foreign policy approach in contrast to the Martian behaviour of other great powers (Hyde-Price 2006). Others describe the EU as a small power (Toje 2011), a gentle power, a quiet superpower or a post-modern power (for these and similar characterisations, see also Nunes 2011; Orbie 2008, p. 2). Ian Manners' (2002) conceptualisation of the EU as a normative power has become the most prominent, however.

Some of these concepts build on realist reasoning. Others refer to market forces. Most are rooted in constructivist thinking and emphasise the importance of historical background, role conceptions, norms and identities (Orbie, 2008 pp. 2–4). Analytically, these concepts conceive of the EU as a rather passive wielder of power and confirm the widely held assumption that the EU is capable of collective action only on issues of low salience in world politics (Sjursen and Rosén 2017, 20). This paper introduces an alternative concept that is

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1   See Risse-Kappen (1996).

rooted in liberal international relations theory and characterises the EU as a bureaucratic power. It shares the observation of the distinct behaviour of global power Europe but goes beyond extant research in two ways. It acknowledges that the EU uses power actively and directly, and it contends that the distinctive external behaviour of the EU is driven by its internal structures, most notably by a combination of two institutional features: delegation to supranational bureaucracies and intergovernmental decision-making. The paper argues, in essence, that the same mechanisms that facilitate cohesion and enable the EU to wield power more actively also predispose it to behave in particular ways. Hence, this model expects global power Europe to remain distinct as long as its internal structures are not fundamentally altered.

2. The unsolved puzzle

Extant concepts of global power Europe are analytically incomplete. They are convincing insofar as they relate the observable behaviour of the EU to its passivity as a wielder of structural or productive power (Barnett and Duvall 2005). They acknowledge that there are instances in which the EU acts cohesively and also uses compulsory power more actively, for example by employing sanctions. However, they are less convincing as explanatory models for why the EU uses power actively and why this active use of hard power is still rules-oriented and path-dependent.

Realists understand power as compulsory and see the particularity of the EU as being its inability to wield power. According to this narrative, the EU's distinctiveness is a shortcoming that results from its limited ability to align Member States' outlooks, strategic cultures and security concerns. Some realists note that the EU wields hard power in areas of high political salience, e.g. when 'shaping its "near abroad"' (Hyde-Price 2006, 226f). However, they explain neither the active use of power nor the rules orientation of the EU when employing compulsory power.

Proponents of regulatory or market power highlight the EU's unilateral power to regulate global markets. However, they also note the rather passive use of this power. According to this research, the EU does not use its huge economic leverage in a selective, coercive and instrumental manner. Rather, its power is rooted in the structure of markets. The EU generates standards and generalised rules on which external actors may converge. Bradford (2020, xiv) explains that '[d]ifferent from many other forms of global influence, the EU does not need to impose its standards coercively on anyone—market forces alone are often sufficient to convert the EU standards into the global standard […]'.

Constructivists, too, perceive the EU primarily as a rather passive wielder of power. In this strand of research, Ian Manners' concept of normative power Europe (NPE) stands out (for NPE, see Manners 2002; 2009; for an overview, see Forsberg 2011). According to NPE, the EU shapes the perception of what is normal in international relations through the persuasive or productive power of its own example — not by 'what it does or what is says, but what it is' (Manners 2002, p. 252). The causal logic of the EU as a model to be emulated by others is straightforward. However, Manners also holds that NPE may proceed more proactively and use positive or negative sanctions, and even military means, as a form of international policing to uphold norms such as sustainable peace, democracy and human rights (Manners 2009, p. 3). Being primarily interested in normative debates, Manners explains that the use of coercive power by the EU might still be compatible with NPE. This is because the EU, in contrast to self-interested states, is constituted by a commitment to universal norms (Diez and Manners 2014, p. 63) and bound to promote these norms in a coherent and consistent way (Manners 2009, p. 2). As to the reasons why the EU should do this, Manners

merely points to the conditions that prevailed during the EU's formative years and argues that 'the EU exists as being different to pre-existing political forms, and that this particular difference predisposes it to act in a normative way' (Manners 2002, p. 240).

Critics of NPE have not only highlighted empirical inconsistencies and the fact that the EU acts more like a realist or imperial power (Sepos 2013) rather than a normative power in communitarised fields, of all things, where the influence of those Member States that are concerned primarily about their own interests is more limited. They have also questioned the theoretical foundation of Manners' argument (Börzel and Risse 2009).

To summarise, NPE and the other concepts mentioned above analytically relate the distinct behaviour of the EU to its passivity as a wielder of power. Bureaucratic power Europe goes beyond this body of research by arguing that the interplay of two institutional features — the progressive empowerment of international bureaucracies and intergovernmental decision-making — while facilitating internal cohesion and external effectiveness also dispose the EU to behave in particular ways.

3. Bureaucratic power Europe

3.1 The triumph of bureaucratisation in EU foreign policy

After the Maastricht Treaty, the gap between expectations and capabilities, the latter hampered by intergovernmentalism and the diverging interests of the Member States, became a subject of constant lament. At subsequent intergovernmental conferences in Amsterdam, Nice and Lisbon, Member States experimented with institutional changes in three areas to close this gap: (a) the pooling of voting rights, (b) changes in the composition of the EU in terms of its Member States with the aim of raising the common denominator of interests, and (c) the delegation of competences to international bureaucracies. The EU and its Member States considered but never seriously pursued the first of these avenues. The limited possibility of majority decisions in the CFSP, introduced in article J.3 of the Maastricht Treaty, was reframed in subsequent treaty changes, but has seldom been used. In the communitarised areas of external relations, majority decision-making is legally institutionalised but also limited in practice (Meunier and Nicolaidis 2017). The adoption of coercive measures is even more closely controlled by sovereignty-conscious states and decision-making under the new geo-economic instruments follows this pattern (for the Anti-Coercion Instrument, see European Commission 2021).

Debating concepts such as 'core groups' or a 'multi-speed Europe', decision-makers also discussed the second avenue at length but ultimately proceeded in the opposite direction by enlarging the Union. The EU failed to seize one of the most recent opportunities for a differentiated Europe when Member States opted for the German proposal to develop Permanent Structured Cooperation (PESCO) in an inclusive way.

Instead, the EU pursued the third avenue towards more effectiveness by successively enlarging and merging supranational bureaucracies and delegating competences to them. The following paragraph describes this development with a focus on the former second pillar. A first wave of delegation occurred with the Maastricht Treaty when the former European Policy Centre (EPC) Secretariat was rebranded the CFSP Unit, integrated into the Council Secretariat and its staff increased from 6 to 26 (Dijkstra 2008, p. 154). The next step was taken with the Amsterdam Treaty and the establishment of the High Representative, who also served as Secretary General (SG/HR). Amsterdam and the subsequent launch of the Common Security and Defence Policy (CSDP) at the Helsinki Summit in De-

cember 1999 took delegation to new levels, leading to the creation of a 31-person strong Policy Unit and the system of Special Representatives. To implement the CSDP, the EU created a new Directorate-General for military and civilian crisis management with a staff of 70, a Military Staff (200 persons), a Civil-Military Planning Cell (25–30 members), and a Civilian Planning and Conduct Capability. Altogether, the number of personnel working on foreign and security policy issues within the Council Secretariat rose to over 350. In addition, the Union established the European Defence Agency (at present 170 staff) and incorporated the former Western European Union (WEU) Satellite Centre and the EU Institute for Security Studies. The Lisbon Treaty gave a final push to the creation of new and the merger of existing international bureaucracies and the delegation of competences. The newly created post of High Representative (HR) was tasked with agenda setting, coordination, administration and representation of the EU's foreign relations. Most importantly, the HR also leads the European External Action Service (EEAS), a hybrid entity that integrates the former foreign, security and defence offices of the Council Secretariat, the former DG Relex, and the Delegations of the Union (Morgenstern-Pomorski 2018). By the end of 2021, the EEAS employed 5,235 people. A total of 2,475 of these were posted in Brussels and 2,761 in Delegations. Additionally, 3,322 staff members from the European Commission contributed to the work of the Delegations (EEAS 2021: 44). Although approximately 30 percent of the total staff are local agents, the EEAS has similar resources to the foreign office of a larger Member State at its disposal.[2] The creation of the post of the President of the European Council led to the formation of yet another bureaucracy in the form of the President's cabinet with at present 35 officers (https://www.consilium.europa.eu/en/european-council/president/cabinet/).

Scholars of the EU have highlighted this 'most remarkable recent institutional development in the EU' (Dijkstra 2012, p. 312). So far, however, this development has largely been analysed through the lens of integration, institutional, and principal-agent theories. The integration literature is centred on 'Brusselisation and the socialisation of Brussels-based staff deployed from the Member States (Duke and Vanhoonacker 2006, p. 165). Institutionalists ask whether rational choice or path dependencies explain the design and development of international bureaucracies. Principal-agent theories focus on why states create semi-autonomous international secretariats to solve collective action problems, how those bureaucracies develop agency and gain influence, and how the Member States exercise oversight (Hawkins et al. 2006).

3.2 Bureaucracy and foreign policy

Going beyond the existing literature, this paper is primarily interested in the effects the rise of bureaucracies has on the EU's foreign policy behaviour. It adds to the small number of papers that have analysed the external behaviour of the EU through the bureaucratic policy lens (Glavind 2015; Dimier 2006).

Since Max Weber's writings on bureaucracy as a central element and guiding principle of rational-legal rule (Weber 2013), the sources of power and modus operandi of bureaucratic organisations have been a major field of research in sociology and disciplines such as organisational theory (Bauer, Knill and Eckhard 2017). The functioning of bureaucracies

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2   The German foreign office employs approx. 12,000 people. However, the majority of these employees are local agents (approx. 5,700) or hold functions equivalent to the FG I – FG IV category. Only 1,744 employees serve in the 'höherer Dienst', which is equivalent to the European AD category (https://www.auswaertiges-amt.de/de/aamt/auswdienst/mitarbeiter/214948).

and how they affect policy outcomes has also found its way into foreign policy research and international relations. The seminal study in foreign policy research is Graham Allison's (1971) book on the Cuban Missile Crisis. Building on Max Weber's work, Allison argued that national policies are heavily influenced by the logics of bureaucratic organisations. Allison developed two models of bureaucratic decision-making: the organisational process model and the governmental (or bureaucratic) politics model. The second model assumes that political decisions reflect bargaining among different bureaucracies interested in maximising their own influence rather than rational calculations. The first model is more relevant for our context. It assumes that governments view foreign policy problems through the lens of bureaucracies. Bureaucracies tend to develop their own system of categories and routines that allows them to classify, process and respond to foreign policy challenges. To perform complex tasks and coordinate large numbers of actors in a timely fashion, bureaucracies rely on standard operating procedures — 'rules according to which things are done…' (Allison 1971, pp. 67f). Thus, political decisions first and foremost resemble organisational output. Insofar as bureaucracies interpret the world according to their internal classification system and prepare responses according to their standard patterns of behaviour, they restrict policy options, create path dependencies and might even cause governments to respond inadequately to foreign policy challenges.

In international relations, Michael Barnett's and Martha Finnemore's seminal study *Rules for the World (2004)* opened up a new perspective on international bureaucracies and their influence on the policies of international organisations (IOs). Their research shows that international bureaucracies may extend their autonomy by tapping into three sources of authority — moral authority, rational-legal authority, and authority as experts. They then ask how semi-autonomous bureaucracies affect the policies of IOs. Following Max Weber, they argue that 'bureaucracies are organized around rules, routines and standard operating procedures designed to trigger a predictable response to environmental stimuli'. Their 'preferred (and often prescribed) job is to create more rules that structure social action for others in ways perceived to accomplish tasks' (Barnett and Finnemore 2004, p. 38; p.18). This rules orientation influences the policy output of IOs in several ways. First, it creates path dependencies. Further, as bureaucracies 'tailor their missions to fit the existing, well-known rulebook', their response tends to neglect case-specific factors. Moreover, by processing, filtering and classifying information according to established pattern, bureaucracies fix meaning and define the norms of proper behaviour (Barnett and Finnemore 2004, pp. 31–34; Piiparinen 2008, p. 699). This process is not neutral. Bureaucracies tend to frame social reality so as to make political problems fit to what IOs are capable of managing.

Building on these strands of research, I argue that the enlargement and empowerment of semi-autonomous bureaucracies enhance the actorness of the EU and predisposes it to act in particular ways. I identify three mechanisms through which the bureaucratic modus operandi influences the behaviour of global power Europe. First, by creating and following rules and standard operating procedures, bureaucracies reinforce institutional path dependencies. By following rules, bureaucracies also favour one-size-fits-all approaches. This propensity to treat similar phenomena alike impedes reflection on and adequate response to case-specific peculiarities. As Ana Juncos (2014, p. 89) puts it: 'organizations fit problems, no matter the specificities of a particular situation, into "standard" solutions'". Second, this bureaucratic modus operandi hampers strategic behaviour. Rules orientation and the lack of flexibility impede the ability to prioritise objectives, use the available means in a targeted manner and devise ways to react effectively and efficiently to high-priority objectives. This strategic obliviousness is reinforced by another mechanism. Bureaucracies tend to use their social construction power to depict external challenges in such a way that

managing them does not overburden the EU. Given the EU's consensual culture, bureaucracies tend to describe challenges as technical and as having win-win solutions rather than as political and involving distributional conflicts. Third, due to the bureaucratic mode, rapid reactions to changing circumstances and decisionism are unlikely. Whenever external challenges change quickly and are not textbook, paralysis is more likely than a rapid and decisive response.

3.3 Bureaucratisation and collective decision-making: A mutually reinforcing relationship

As mentioned, both international organisations and states maintain foreign and security bureaucracies. Why would we then assume that the creation of large bureaucracies has a formative impact on the behaviour of global power Europe but not on the foreign policies of states? The answer is clear. In states, the bureaucracy is counterbalanced by the institution of the political decision-maker. This dichotomy was already identified by Max Weber. He associated the administrative and the political level of government with two of his three ideal types of rule and sources of authority: traditional, charismatic and rational-legal. The political leader wields charismatic authority. In contrast, legal authority, 'the belief in the validity of legal statutes which is justified by rational rules, [and] professional competence [...] is based on modern civil servants [...]' (Weber 1994, 37, translation by Walters and Walters 2015, p. 138). Thus, the bureaucracy functions according to an entirely different logic than the political level, which is represented by the leader. Weber illustrates the different rationales by describing the ideal types of civil servants and leaders. The civil servant 'should manage his tasks in an objective fashion [...] and preside over his *Amt sine ira et studio,* without scorn or partiality'. In contrast, the political leader must fight for power. Partisanship and passion are his or her fundamental characteristics. 'The political leader [...] is solely responsible for his own actions, and cannot and may not pass it on to others' (Weber 1994, 53, translation, 38f). The leader is not expected to always follow the rules and manage tasks in an objective fashion. Instead, he or she is characterised by the ability and willingness to take decisions based on decisionism. The leader's strength is not continuity but rather the ability and even inclination to change course and take controversial decisions, even if the past does not provide orientation and the consequences are unforeseeable and potentially costly.

The foreign policy of states is characterised by a precarious equilibrium between the two logics of action. In the EU, the institution of the political leader is replaced by a collective decision-making body: the Foreign Affairs Council or the European Council. As mentioned, decision-making in both bodies is dominated by the consensus principle. However, Member States have developed ways of working within the councils which allow them to arrive at decisions well above the lowest common denominator. Building on rational and ideational reasoning, research assumes that these include bargaining, strategic compromises and normative coordination. Bargaining within the institutional settings of the EU allows broader ranges of solutions because negotiations are recurrent, multi-issue and subject to a distant shadow of the future (Dür, Mateo and Thomas 2010). Strategic compromises reduce negotiation costs and typically consist of multi-annual and multi-issue frameworks that structure subsequent negotiations. Normative coordination assumes that the policies of member states converge around common norms and agreed aims. Whether conversion is driven by socialisation, deliberation (Sjursen and Rosèn 2017) or rhetorical entrapment (Schimmelfennig 2001) is less important here than the assumption that norms and aims, once agreed, stabilise expectations and outcomes. In brief, these modes of decision-making enhance the ability of the EU to act, but they also influence how global power Europe acts.

Strategic compromises and normative coordination favour generalised approaches, one-size-fits all solutions and rule-based behaviour. Moreover, as strategic compromises are difficult to reverse, they lead to path dependency. Normative coordination mechanisms reinforce path dependencies, as positions that correspond with previously agreed aims, norms and principles are more likely to carry the day. These modes also result in an inward orientation. Decisions reflect not only what is required externally but also what is internally acceptable. The reverse side of these modes of decision-making is that they impede selectivity and effective case-specific solutions as well as leading more generally to behaviour that is characterised by strategic obliviousness. Lastly, these modes impede decisions based on decisionism and rapid reactions to changing circumstances. When the EU is suddenly confronted with new and unprecedented challenges, inaction is more likely than bold responses.

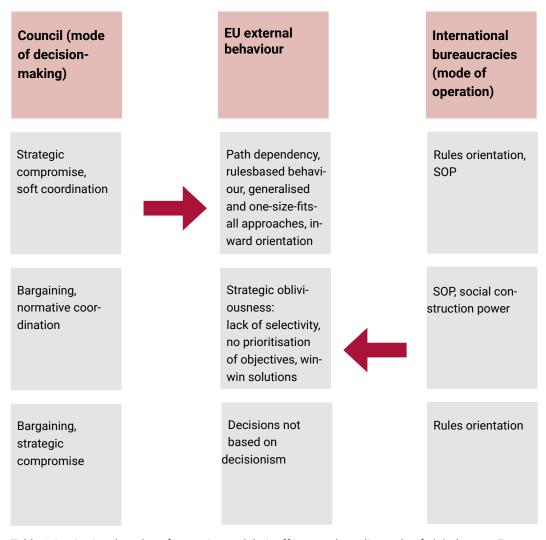| Council (mode of decision-making)		EU external behaviour		International bureaucracies (mode of operation)
Strategic compromise, soft coordination	→	Path dependency, rulesbased behaviour, generalised and one-size-fits-all approaches, inward orientation		Rules orientation, SOP
Bargaining, normative coordination		Strategic obliviousness: lack of selectivity, no prioritisation of objectives, win-win solutions	←	SOP, social construction power
Bargaining, strategic compromise		Decisions not based on decisionism		Rules orientation

Table 1: Institutional modes of operation and their effects on the policy style of global power Europe.

To conclude, unlike policymaking in states, the administrative and political principles of EU policymaking are mutually reinforcing. The mode of decision-making employed in the EU Council (bargaining, strategic compromise, soft coordination), combined with the mode of operation of international secretariats (rules orientation, standard operating procedures, framing of challenges as not involving distributional conflicts and proclivity towards win-win solutions) generate the distinct policy style of global power Europe that has puzzled observers for so long (see Table 1).

The following case study on EU-Ukrainian relations from 1994 to 2014 and beyond illustrates this theoretical argument. It falls into the area of mixed competences where the Commission and the EEAS enjoy considerable leeway and were the EU invests significant resources and exerts power not only as a role model, but by offering incentives and imposing sanctions. This case unfolded over a long period of time and witnesses several critical junctures that had the potential to force European policy off established paths. Lastly, the case has been selected because it throws light on the background of the current war.

4. Bureaucratic power Europe in operation: Building peace in the European neighbourhood

On 30 March 2012, the EU and Ukraine initialled the text of an Association Agreement (AA), which included an ambitious Deep and Comprehensive Free Trade Area (DCFTA) scheme. The general policy approach behind these agreements had guided EU-Ukraine relations since their inception with the Partnership and Cooperation Agreement (PCA) in 1994. By offering incentives to spur democratic and liberal reforms, the EU aimed at creating a more stable Ukraine as part of a neighbourhood of well-governed states. The EU's incentives included access to the single market as well as additional rewards such as technical and financial assistance and visa liberalisation. To enjoy full market access, Ukraine would have to approximate the acquis communautaire as closely as possible. The AA/DCFTA did not depart from the 'everything but institutions' logic of the 2004 European Neighbourhood Policy (ENP) and did not offer the prospect of membership. The signature on the agreement set in motion a train of events that changed the landscape of both Ukraine and Europe. Literally at the very last minute, then President Viktor Yanukovych refused to sign the document at the fateful Vilnius summit in November 2013, throwing away the results of four years and 21 rounds of negotiations. Instead, Yanukovych declared his willingness to sign an alternative integration scheme — Putin's project of a Eurasian (Economic) Union. This about-turn sparked violent protests that resulted in Yanukovych's ouster, the annexation of Crimea by Russia and the start of an internationalised civil war in the Donbas region that plunged Russia and the West into a second Cold War. This outcome stands in sharp contrast to the EU's original aspirations. Initially, the EU pursued a Russia first policy. When it launched the ENP, it declared it was driven by a 'determination to avoid drawing new dividing lines in Europe' (European Commission 2003, p. 3) and instead to foster stability, prosperity and democracy in the 'common neighbourhood'. Yet, its policies, combined with mounting Russian attempts to (re-)establish an empire, forced Ukraine to choose between Russia and the EU, a choice that was bound to exacerbate the internal schisms and conflicts within Ukraine.

The existing literature has either limited itself to simply describing this puzzling outcome or has tried to explain it by maintaining (a) that a disconnect between the technical approach of the Commission and (inadequate) political oversight by the EEAS resulted in a lack of strategic reflection (Gehring, Urbanski and Oberthür 2017), or (b) that unreconcilable differences between European normative hegemony and Russian realpolitik caused this clash. Instead, I argue that three traits of bureaucratic power Europe explain why the EU as an organization sleep-walked into this crisis: its path dependency and its rules-oriented behaviour, its strategic obliviousness, and its failure to respond quickly and boldly to changing circumstances.

4.1 EU policy towards Ukraine: Rules-oriented and path-dependent

Despite the EU's language of conditionality, the European offers of association developed in a path-dependent and rule-oriented manner, followed an internal logic, and were notably detached both from the state of reforms in Ukraine and from the country's needs (Cadier 2019). The 1994 PCA did not enter into force until March 1998, and by this time Ukraine, under President Leonid Kuchma, had already abandoned the reform path. The ENP was launched before the Orange Revolution, Ukraine's first democratic awakening. The 2015 Action Plan to implement the ENP did not respond to the hopes and aspirations of the Western-oriented reform government. Negotiations on the DCFTA, unveiled by the Commission in 2006, did not start until after Ukraine's accession to the WTO in 2008. By this time democracy had already begun to backslide under Viktor Yanukovych's short-lived premiership. In 2008, the EU moved relations with Ukraine (and other partner countries) to the next level by introducing the Eastern Partnership (EaP). Subsequently, negotiations progressed smoothly, although Ukrainian backpedalling on its reform promises gathered pace when Yanukovych returned as president after the 2010 elections. A draft was finally initialled in July 2012, although Yanukovych had by then created a system of politicised justice (D'Anieri 2019, p. 198). In the run-up to the Vilnius summit, Ukraine moved even further away from European political standards. Yet, the EU stood ready to deliver. The watershed events after the failed Vilnius summit — the Revolution of Dignity, the annexation of Crimea and the war in Donbas — changed the entire geopolitical landscape, but not the EU's approach towards Ukraine. The AA/DCFTA was finally ratified in two steps in March and June 2014. However, despite the awareness among some member states of a new Cold War, the EU did not prioritise the objective of strengthening Ukraine against a more aggressive Russia. Instead, EU policy continued on its established path (Ikani 2019, 39).

This path dependency and rules orientation resulted from the interplay between routine policy behaviour in the Commission and bargaining in the European Council. The Commission never dealt with Ukraine and its particular needs on an individual basis. Instead, it developed frames that allowed it to treat an entire class of neighbouring states in a uniform and rules-based manner. The PCAs were the first standard tool used by the EU to structure relations with its neighbouring states to the east. The ENP amplified this rules-based and one-size-fits-all approach by bringing the eastern and southern neighbours under one roof and offering similar approximation strategies and incentives to this class of very different states, including Ukraine (Kelley 2006). The Commission had developed the ENP as an alternative to further enlargements. Yet, the design of the ENP closely followed the template of the successful enlargement policy, and the new DG Neighbourhood was filled with staff that had been made redundant by the conclusion of enlargement (Forsberg and Haukkala 2016, p. 195). The further development and implementation of the EU's association policy towards Ukraine was heavily influenced by these templates rather than by Ukrainian acts and needs. The Action Plan to implement the ENP is a case in point. Despite being an instrument nominally tailored to the specific conditions of individual partner countries, the Action Plan for Ukraine resembled Action Plans for the other partner countries. The 'enhanced' agreements — later re-dubbed DCFTAs — were developed in the context of the Commission's Global Europe Strategy and offered to all partners (D'Anieri 2019, p. 151). The only reward for the Orange Revolution was the highly symbolic decision to choose Ukraine as the first country with which to start negotiations. The Commission even copy-pasted policy by offering the DCFTAs, which had hitherto been negotiated with the eastern partners, to the southern neighbours as well and the AAs, which had hitherto been intended for the southern neighbours, to the eastern partners.

The path dependency and rules orientation was reinforced by intergovernmental decision-making. In the Council, the Member States agreed in principle on the need to incentiv-

ise reforms in Ukraine, but disagreed on the distribution of the associated costs, delaying, inter alia, the ratification of the PCA (D'Anieri, 2019, p. 94). Over the next few years, the Council defused conflicts between southern-oriented and eastern-oriented Member States as well as a group of states with a decidedly anti-Russian attitude that joined the EU in 2004 by means of consecutive strategic compromises. The contours of this grand bargain appeared in the 1990s when the Council connected the impending Eastern Enlargement to the emerging Euro-Mediterranean Partnership. As a consequence, the ENP only became possible by including the Mediterranean neighbours under the same institutional roof. The Member States even predetermined the future by dividing the €11.2 billion available for the Neighbourhood Policy under the multiannual budget for the period 2007–2013, allotting two-thirds of the funds to the southern countries and one-third to the eastern countries. The Russian-sceptical Eastern European states that joined the EU in 2004 and 2007 challenged but did not derail this strategic compromise and the path-dependent and techno-cratic nature of the EU's Ukraine policy. The 2008 EaP, despite having been initiated by a Russia-critical Polish-Swedish paper, also responded to French President Sarkozy's initiative for a Mediterranean union. In fact, the EaP combined both initiatives and reiterated the original bargain. Hence, observers noted that despite its anti-Russian orientation, the impact of the EaP 'has been largely undirected and unspecific' (Cadier 2019, 79).

This strategic compromise made it more difficult for the Member States to change course. In response to Ukraine's democratic backsliding, EU-foreign ministers repeatedly debated whether to proceed with the signing of the AA/DCFTA in order to tie a wavering Ukraine more closely to the EU — the position of the Visegrad Group — or whether the signature should be made dependent on democratic standards — the German and British position. However, as no Member State was determined enough to challenge the course, even the rigged Ukrainian parliamentary elections in October 2012 caused only a temporary setback and did not derail the process which was heading on autopilot towards ever closer association (Amadio Viceré 2018). In fact, negotiations gained traction after Yanukovych resumed the presidency, simply because he had put together a competent negotiating team and did not dare to abandon the European perspective.

More surprisingly, the strategic compromise survived even the critical juncture of 2014. While countries such as Poland called for deterrence of Russia and a stronger eastern dimension, other members such as France insisted on a focus on crisis prevention and the south. As a result, prioritisation of financial means in support of Ukraine became politically impossible. The overall ENP funding in the 2014–2020 period, agreed in late 2013, as well as the distribution among recipient states remained unscathed (Ikani 2019, p. 40).

To conclude, the offers made to Ukraine were not in response to the needs of or developments in the country but were part of the evolving ENP programme, which was driven by standard operating procedures on the part of the Commission and strategic compromises on the part of the Council.

4.2 Strategic obliviousness

At first, despite the rhetoric of a 'common neighbourhood', the EU ignored Russian objections and later failed to understand Russia's imperial aspirations and the geopolitical dynamics at play (Auer 2015). The Russian government, in this regard supported by Western observers, argued that the AA/DCFTA would result in an economic decoupling of Ukraine from Russia. Initially and in light of this, Russia called for a trilateral dialogue on economic relations between the EU, Ukraine and Russia. When this fell on deaf ears in Brussels, and as Russia moved away from the West and became more assertive after Putin's return to the

presidency in 2012, Moscow proposed alternatives to Ukraine such as the Eurasian (Economic) Union (EEU) and also used incentives and the threat of sanctions to lure Ukraine away from the European scheme. Yet, EU leaders refused to acknowledge that there was a choice between deeper cooperation with Ukraine and with Russia. They even denied that their policies might exacerbate conflicts with Russia. Only in the run-up to the Vilnius summit did their statements convey an awareness of such competition. Yet, even then leaders failed to act or downplayed the geopolitical nature of the EU's integration project. Again, this strategic obliviousness was connected to the bureaucratic nature of the global actor EU.

The Commission and the EEAS were particularly oblivious to the geopolitical implications of their policies, failing, for example, to acknowledge NATO extension as a parallel track. Again, routines and rules but also cognitive frames played a role here. The EU's rules-oriented and routinised behaviour hampered a more selective approach that would have taken Russian objectives and Ukrainian needs into account. As mentioned above, the ENP, although constituting a single policy framework, in principle envisaged implementation through individually negotiated Action Plans. The enhanced ENP and its 'more-for-more' rhetoric, introduced by the Commission in 2010/2011 as a response to the Arab Spring, even explicitly emphasised the principle of selectivity (Bouris and Schumacher 2017). In practice, however, the Commission, supported by the EEAS,[3] did refused to entertain possible alternatives to the AA/DCFTA more suited to Ukraine's needs. Observers and decision-makers in Kiev had consistently argued that the European (and Russian) offers of association would have bound Ukraine to one side or the other, a prospect that the deeply split country could ill afford. Yanukovych therefore constantly reflected on schemes such as the 3-plus-1 formula that would have allowed Ukraine to develop a balanced relationship with both Russia and the EU. Changing the established path, however, was well beyond anything the Commission was able to contemplate.

The Commission also brushed aside objections related to looming competition over integration competition because it had framed relations with Ukraine and the conflict with Russia in such a way that the challenge remained manageable for the Commission and the EU. According to this cognitive framework, association involved technical issues, had no geopolitical dimension and was basically a win-win situation. Against its own better judgement, the Commission maintained till the end that conflicts between the DCFTA and the EEU could somehow be defused (Füle 2013a). However, it never tried to reconcile the two integration projects and never talked with Russia about Ukraine, instead, merely maintaining that its integration scheme 'serves the stability, security and prosperity of the EU, partners and indeed the entire continent' (European Commission 2008, p. 3). Even on the eve of the Vilnius summit, EU leaders declared that '[s]tronger relations [of Ukraine] with the EU do not come at the expense of relations between our Eastern partners and their neighbours, such as Russia […]. The Eastern partnership is conceived as a win-win where we all stand to gain' (Van Rompoy and Barroso 2013).

In the Council, the failure to react to Russian objections was caused by internal stabilisation mechanisms such as the aforementioned strategic compromise and the resulting path dependence. The effects of framing were also at play. The story here, however, is more complicated as the norms and ideas that were enshrined in the 1990 Paris Charter and other founding documents could be and were interpreted differently. Poland and other Eastern

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3 Catherine Ashton, Head of the EEAS, left the lead over the Ukraine portfolio to Neighbourhood Commissioner Stefan Füle. However, the EEAS was actively involved and Ashton co-signed all of the important declarations on Ukraine.

European members referred to principles such as equal sovereignty to advance their geo-political agenda (Cadier 2019) and defend Ukraine's right to choose alliances. Western EU states referred to the ideas of common security and 'Europe — whole and free' to defend cooperation with Russia. Reference to these contradictory frames blocked two possible deviations from the established path: a truly geopolitical approach that would have prioritised the goal of bringing Ukraine quickly into the Western fold. And a common security approach including a conversation with Russia on the place of Ukraine in the European security architecture.

4.3   *Inflexibility and inability to take decisions based on decisionism*

Yanukovych's most pressing problem in 2013 was the looming default. Loans from the International Monetary Fund (IMF) in the order of US\$ 10 billion would have kept Ukraine afloat but were linked to drastic economic reforms. Signing the DCFTA would have resulted in losses of trade with Russia in the order of at least US\$ 3 billion a year, while the gains would only have materialised in the longer term. The maximum economic assistance available under the AA/DCFTA was a meagre US\$ 610 million. When, on the eve of the Vilnius summit, Putin offered credits and a discount on gas prices, worth at least US\$ 10 billion, Ukraine basically asked the EU for a counter-offer. When the EU negotiators failed to put anything on the table, Yanukovych walked away.

This non-decision on the part of the EU supports the bureaucratic power model and contradicts the perception of the EU as a geopolitical actor. As a collective actor, the Council was ill-equipped to make a decision that would have affected the interests of its members in a very uneven way. Moreover, making such decisions quickly and without precedence was way beyond anything the Council could accomplish. The Commission's rule book did not contain responses to such a demand, leaving it unable to respond. Thus, the only reaction to this external challenge was a non-reaction.

5.   Conclusion

This paper adds a liberal perspective to the mainly constructivist literature on global power EU. It argues that not only norms but also institutional structures shape the EU's foreign policy behaviour. In essence, it posits that the distinctive traits of global power Europe that have perplexed observers for some time, such as its rules orientation and strategic obliviousness, are caused by the interplay of consensual decision-making in the Council(s) and the modus operandi of international bureaucracies.

Despite the Commission's aspiration to turn the EU into a geo-economic and geostrategic actor, the concept of bureaucratic power Europe anticipates that the EU's foreign policy will remain distinctive as long as its basic institutional set-up remains unchanged. In fact, initial assessments of the EU's use of its new instruments such as the Investment Screening Regulation find that 'institutional challenges undermine the EU's ability to position itself as a geopolitical actor' (Weinhardt, Mau and Pohl 2022, p. 110; for a rather mixed assessment of the EU's response to the war and its future as a geostrategic actor, see also Orenstein 2023).

Remaining unique does not mean that the EU is doomed to failure. Admittedly, bureaucracy is often negatively connoted with inflexibility, sluggishness and dysfunctionality, and such effects are certainly discernible in the case presented here. However, the foreign policy of states, too, is often characterised by dysfunctionality and even outright failure. The import-

ant point is that bureaucratic power Europe has other advantages and tends to produce different dysfunctionalities to states. Bureaucratic power EU is neither inferior nor superior to states — it simply behaves differently. The main weaknesses of bureaucratic power Europe are its lower level of flexibility and its lesser ability to act strategically and respond to changing circumstances. Bureaucratic power Europe is capable of learning. The failed Vilnius summit, for example, triggered an evaluation that resulted in a more flexible neighbourhood programme. Changing course, however, is not one of its strengths. The main advantages of bureaucratic power Europe are its predictability, its reliability and its immunity to over-adventurous and reckless behaviour. This is why many third states prefer the EU as a partner in multilateralism. These traits remain an asset even when the international environment becomes more competitive.

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