

“The Bureaucratic Politics of the European Union: the case of the EU’s Special Representative for the South Caucasus and the Crisis in Georgia”

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Michel Vincent Anderlini, PhD Candidate, Malmö University

E-mail : michel-vincent.anderlini@mau.se

Abstract : The 2011 and 2015 reviews of the European Neighborhood Policy (ENP) has put a stronger focus on the target countries’ selective compliance as regards to EU norms. In existing literature on Europeanization, selective compliance has often been clarified by looking further into target countries’ domestic factors, such as the mismatch between domestic policies and EU norms, their geopolitical context or the nature of their political regimes, thus overshadowing the impact of EU’s complex institutional structure on rule transfer processes. Role theory has underlined role conflicts within the EU’s institutional structure but has, nonetheless, neglected to account for how the EU’s international role(s) has been contested between EU institutions, from within. This article argues that role theory needs to re-shift its focus on the political settings in which international organizations are embedded, by better integrating the bureaucratic politics’ theoretical framework. This article maintains that the case of intra-role conflicts between the EU’s Special Representative for the South Caucasus and the crisis in Georgia and other EU bureaucratic agencies, and their effects on Georgia’s selective compliance, is a promising research avenue for providing a better understanding on how rule transfer processes work.

Key words: Europeanization, rule transfer, EU norms, EU institutions, Georgia, EU’s Special Representative

Introduction: The 2011/2015 reviews of the European Neighborhood Policy: a sharper focus on “selective compliance”

The 2011 and 2015 reviews of the European Neighborhood Policy has put a stronger emphasis on the concept of “differentiation”, meaning that the EU now accepted that “the enlargement– style conditionality did not deliver the anticipated results in domestic reform in neighborhoods countries” (Kostanyan et al., 2017); thus moving away from the “one-size-fits-all” approach that had been implemented since the launch of the ENP in 2003 (Dworkin & Wesslau, 2015). In existing literature, the concept of “selective compliance” or “selective rule transfer” (Casier, 2011) underlines how “rule transfer under the ENP has so far been selective (with domestic actors prioritizing certain provisions over others) and uneven (over countries and sectors)”. Europeanization, defined as “the penetration of European rules, directives and norms into otherwise differentiated domestic spheres” (Mair, 2004), is therefore not to be considered as a straightforward and self-fulfilling process, but as a “rocky road” (Àgh, 2016). Previous contributions are specifically looking at intrinsic features of ENP countries in order to explain selective rule transfer. Schimmelfennig and Sedelmeier (2004) distinguish between democratic (transfer of the EU fundamental principles of human rights, good governance, rule of law, etc.) and *acquis* conditionality (technical norms, such as regarding energy policy). In “defective democracies”, any transfer of the democratic rules would “have required these governments to give up the very instruments on which their political power rested’ (Ibid.), which would explain why incumbents are more likely to accept rule transfer as regards to more technical norms (Ademmer and Börzel, 2013, Bolkvadze, 2016). Adoption of these rules should, in that case, depend more on their direct relevance to the governments of associated countries, which explains why Association Agreements between the EU and the Eastern Partnership countries have a tendency to be “informally adjusted” when rule transfer is not successful (Maniokas et al., 2019). Börzel and Risse (2003) have examined how selective compliance could be clarified by taking into account the level of misfit between EU norms and domestic policies. Higher degrees of misfit decrease chances of successful rule transfer. Lavenex and Schimmelfennig (2009) argue that the geopolitical context of ENP countries should also be considered while attempting to explicate variations in rule transfer – the target state should be strongly dependent on the EU, and above all, more than on other governance providers (such as Russia) in order for Europeanization to occur.

Nevertheless, the Europeanization has so far neglected the effects of the EU’s institutional structure on rule transfer within the ENP (Tulmets, 2008). Indeed, the

Europeanization literature has examined the intra- and inter-institutional coherence within the framework of the European Neighborhood Policy and has so far highlighted “good examples of coherence coordination” (Kostanyan et al., 2017). As an illustration, Wouters et al. (2013) point out “positive effects on common coordination structures” between the European External Action Service and the Commission officials when reacting to the Arab Spring, which allowed them to push for effective policies in the Southern Neighborhood. On the same line, Börzel and Van Hüllen (2014) also conclude that “the EU sent one message and spoke with one voice” towards its Southern and Eastern neighbors (within the framework of the Eastern Partnership) as all of its negotiated agreements contain provisions on good governance, both in terms of democratic and effective governance. Association agreements repeatedly follow a common template, thus proving that the EU’s complex institutional structure does not have a significant effect on the policies pursued within the framework of Europeanization. Nevertheless, Mastenbroek (2007) claims that many contributions within such field “more or less explicitly take a unitary actor perspective, focusing on national states or governments and their norms, and the attempts of international actors or domestic advocacy coalitions to steer them into compliance”. Opening the “black box” of Europeanization, in order to take into account the EU’s complex institutional structure and its effects on selective compliance, should therefore devote more attention to the “deliberations” between the actors involved in those processes. To that goal, a detour by role theory is therefore desirable.

International roles and role conflicts of the European Union

Role theory, due to its focus on the co-constitution of actors, is therefore prone to highlight and analyze conflicts between those as a result of international organizations’ complex structures (Archer, 2001). Drawing from a theatrical metaphor, role theory emphasizes that the behavior of actors is to be considered as a set of roles, which denotes “patterns of expected or appropriate behavior” (Elgström, 2006). As underlined by Harnisch (2011) and Thies (2010), roles are both shaped and re-shaped by actors’ role conceptions (actors’ perception of their position vis-à-vis others) and others’ role expectations (explicit demands by others on which positions is appropriate for them to adopt). The “actorness” of an actor, that is to say his/her possibility to behave ““actively and deliberately in relation to other actors in the international system” (Sjöstedt cited in Bretherton & Vogler 2006: 17), is in that context dependent of the congruence between role conceptions and role expectations (Wehner, 2016). However, as Nilsson expresses it (2015:49), international actors are expected to be subject to both intra-role

conflicts (internal conflicts between different role conceptions in a role set) or inter-role conflicts (conflict between an ego's role conceptions and alter expectations), since they are simultaneously embedded in a variety of institutional settings (Goode, 1960; Jackson, 1975). On that matter, Rosenau (1987) points out that "The confluence and simultaneity of conflicting role demands in the cognitive and emotional space of people, in other words, has transformed them into an arena in which world politics unfold".

Role theorists have widely examined role conflicts as regards to the international roles of the European Union, and have singled out four role conceptions that the EU is envisaging for itself: a *civilian power*, a *security provider*, a *leader* and a *normative power*.

To begin with, Aggestam (2006:21) argues that the traditional role of the European Union on the world stage is to act as a *civilian power*, an idea that was first coined by François Duchêne, who argued that "Europe must be a force for the international diffusion of civilian and democratic standards" (1973, quoted in Orbie, 2006). The civilian role of the European Union emphasizes the fact that the European Union, since its foundation, lacks military resources and relies, as a consequence, more on economic and diplomatic means to achieve influence in world affairs (Brlavac and Conrad, 2011). In practical terms, the EU's international role as a civilian power involves prioritizing conflict mediation over coercive means, a generous aid policy as well as supporting multilateralism in international trade (Freres, 2000). On that line, Koenig (2014) uses role theory to show that the European Union has acted as a civilian power during the Libyan crisis of 2011, advocating a "strong humanitarian response, multilateral diplomacy, forceful sanctions or support to post-conflict reconstruction", at the expense of the military arm of the Common Defense and Security Policy. Whitman (2002) underlines the limitations and inabilities of the European Union to cope with the conflicts in Ex-Yugoslavia in order to demonstrate that the role of civilian power has still "empirical and theoretical purchase when the EU is considered in the context of contemporary international relations". More recently, Elgström et al. (2018) analyze the perceptions of the role of the European Union as a mediator in two different conflict settings, Russia-Ukraine and Israel-Palestine, concluding that the lack of internal unity between the EU and its Member States as well as the presence of other international actors in the field are the major causes explaining why parties engaged in the conflicts were not perceiving the EU as an effective mediator. However, the European Union's role as a civilian power has nonetheless been recently questioned and revisited following the establishment and deepening of the European Security and Defense Policy

(ESDP) from the European Council in Helsinki in 1999 and onwards (Smith, 2000; Jonson, 2006; Whitman, 2006; Brljavac and Conrad, 2011).

Consequent to such questioning of EU's role as a civilian power, a growing number of studies have discussed whether such role should be instead considered as *security provider*. Alistair Sheperd (2015) argues that the blurring of the traditional internal-external security divide has led the Union to make better use of the full range of the instruments at its disposal in order to tackle transnational threats more effectively. The EU is therefore pushed into better coordinating its civilian-military capacities, notably when establishing its CSDP missions. The EU's role as a security provider is therefore "clear from the wide range of military and civilian mission that the Union has undertaken, but also identifiable through its other policies, such as the European Neighborhood policy and development assistance, which have to some extent become security focused" (Peen Rodt, Whitman and Wolff, 2016:1). In that context, Delcour (2010) assessed the capacity for the European Union to emerge as a security provider towards its eastern neighbors, through the launch of the European Neighborhood Policy (ENP) and concludes that such role is only partially fulfilled, due to a lack of policy coherence. The EU's role conception of security provider enters thus in conflict with how it is perceived by South Caucasus countries, namely as a "well-meaning but ineffective" actor (Delcour & Wolczuk, 2018). However, such role conflict do not seem to occur in the cases of Central Asia (Spaiser, 2018:203), nor in the Sahel (Kartsonaki & Wolff, 2015).

Furthermore, as Kilian and Elgström note, the European Union has also presented itself as a *leader*, particularly in the context of climate change negotiations (2010). Building on existing literature on leadership as regards to international institutions, Aggestam and Johansson (2017) use role theory and highlight the importance of the relationship between a leader and its followers in order to exercise leadership, which is defined as "process in which an actor purposely seeks to influence and guide activities in a group towards collective goals, decisions and desired outcomes". Analyzing the capacity for the High Representative of the Union for Foreign Affairs and Security Policy / Vice-President of the Commission (HR) to act as an effective leader in international affairs, they conclude that the lack of legitimacy accorded to the HR by Member States makes it harder for the EU to pursue its goals on the world's stage. On the same line, Elgström (2007) draws from interview with delegates from three multilateral negotiation settings (the United Nation's Forum on Forests, the Convention on International Trade in Endangered Species and the World Trade Organization) that internal disunity, coordination problems and role conflicts between the EU and its Member States prevents the

EU to be an effective leader, that is to say to initiate policy change and reach its global objectives.

Lastly, Bengtsson and Elgström (2011:115) notice that “in the context of role theory, we can posit that the notion of a normative great power is a meta-role referred to not only by EU representatives themselves but also by analysts and practitioners outside of the Union”. Drawing upon the theoretical contributions of Manners (2002; 2006), the role of the European Union is thought to act on the international sphere as seeking to promote values that it is not only funded upon, but that are considered as desirable for other actors, thus leading the EU to “disregard Westphalian conventions” (Manners and Whitman, 2003). To a certain extent, role theorists have regarded the normative power role of the EU as a distinctive feature in international relations, thus constituting the uniqueness of the EU as an international organization: “the central component of normative power Europe is 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). On that line, Bengtsson and Elgström have analyzed how the EU’s role as a normative power has been performed throughout its interaction with the Union’s eastern neighbors and with ACP countries, concluding that the Union was acknowledged as a normative power by most European countries (except Russia and Belarus) and not by the majority of ACP countries, which mostly saw the EU as a too patronizing and self-confident (2011). Tuominen (2016) studies the EU’s role performance in the United Nations Human Rights Council and conclude that the role of normative power is challenged and contested by other actors who disagrees with the legitimacy of human rights principles, using the decision-making rules in the HRC (by consensus) to put the EU in minority positions. Michalski and Pan (2017) demonstrate how the EU and China have learned to understand each other’s role conceptions (normative power versus a rising power and “stalwart” guardian of national independence) in order to establish and deepen their strategic partnership.

As a conclusion, existing research on the different roles exercised by the European Union in international affairs have exposed the EU as being constituted by “a set of varied but interrelated identities constructed and represented through different means and mechanisms”, identities that are shaped, contested and re-shaped through interactions with other levels of analysis (Manners and Whitman, 1998). However, this contribution agrees therefore with Klose (2018) concluding that role theory “bears an untapped potential for developing a more systematic understanding of the EU’s emerging actorness in international affairs”, since the intra-role conflicts that are analyzed only touch upon the intersections between the state and the

institutional levels. As a consequence, state and institutional actors are regarded as unitary actors holding diverging role expectations on each other. Contrarily, this study will argue that, in order to fully take into account the effects of the EU's institutional structure on selective compliance, we need to unpack the "ego" behind institutions within the role theorist framework.

The "blind spot" of role theory: the contestation of role(s).

In order to "unpack" the ego of international institutions such as the European Union, a discussion of the concept of role contestation will now proceed. Role theory came into foreign policy analysis through the analysis of national role conceptions (NRCs), notably by examining statements or speeches by state elites or high-ranked foreign-policy makers, as Holsti (1970) did when he outlined 17 different national role conceptions that could guide the foreign policy behavior of states. However, such approach "begs the question of why foreign policy elites can stand for the entire country with regard to its role conceptions" (Cantir and Kaarbo, 2012). In that matter, Barnett (1993) enquires "to what extent are we justified in using language generally reserved for the actions of individuals, and in appropriating theories that are built at the individual level, to discuss and consider the actions of states". In order to fully grasp why such an equivalence between foreign leaders and national role conceptions is theoretically possible, two assumptions need therefore to be uncovered: (1) role conceptions have often been conceived as *social phenomena*, which can be shared among the most individuals within the state (Chafetz et al., 1996); (2) even if national role conceptions are not widely shared domestically, state elites are anyhow the ones that dispose of the resources, powers and capabilities to shape foreign policy behavior, as they define the "kinds of decisions, commitments, rules and actions suitable to their state, and of the functions, if any, their state should perform on a continuing basis in the international system or in subordinate regional system" (Holsti, 1970).

Accordingly, questions related to the origins of role(s) have been to a lesser extent addressed in existing role theoretic literature, which also affected the study of role conflict - this study's interest. As Cantir and Kaarbo (2016:6) explain:

When scholars talk about role conflict, the actor experiencing it is the country (or, more often, a

country's leaders). Either a country's ego expectations are incompatible with alter expectations, or the same country has to struggle with the presence of a number of mutually incompatible roles or elements or a role. The political setting in which these decision makers are embedded is usually absent from considerations, and the ego is a unitary and unified actor even if its role set is not".

Consequently, recent perspectives have shed a light on how national role conceptions are shaped, agreed or challenged through domestically-located processes, using the concept of role contestation; which could also be applied for the institutional level (Cantir and Kaarbo, 2012; 2016: Kaarbo and Cantir, 2013; Wehner and Thies, 2014; Brummer and Thies, 2015; Jones, 2017). Role contestation aims to disaggregate the state and further looking into the social interactions of domestic actors holding diverging role conceptions (Cantir and Kaarbo, 2016:6). Bringing back foreign policy analysis (FPA) into role theory, the emphasis on role contestation has the "unquestionable advantage" of "introducing agency-structure interactions, where the agency is not necessarily associated with states", and by focusing on influential actors such as opposition parties, coalition governments, pressure groups or bureaucratic agencies, "predictions can be made considering the likely future trajectories of foreign policies of states" (Herbut, 2017:164).

Cantir and Kaarbo (2016:9-11) outline two different types of role contestation: *vertical role contestation* (between the elites and the masses) and *horizontal role contestation* (contestation between different domestic political elites). Cantir and Kaarbo identify four different settings of horizontal role contestation: (1) between governing elites and opposition, (2) in multiparty coalitions, (3) in small groups and leader-advisory relations, (4) across bureaucratic agencies. However, for the sake of this paper, only the last setting will be presented.

Role contestation between bureaucratic agencies, which will be in my future study's main interest, has also a bearing on decision-making processes on foreign policy issues as well as on policy outcomes, such as norm diffusion processes (Marsh, 2014). Indeed, as Hollis and Smith argue (1986), "it is often at least plausible to think of 'the national interest' as a policy defined through a power struggle among competing bureaucracies and termed 'the national interest' as a mark of the winner's success in the competition", as bureaucracies do not

necessarily hold similar role conceptions (Vennesson et al., 2009). Based on such premise, Marsh (2014) studies Obama's decision to order 30,000 additional troops to Afghanistan and underlines role contestations between the "surge advocates" (Joint Chief of Staff, Secretary of Defense, generals, Secretary of State) and the "surge opponents" (Vice President, US Ambassador to Afghanistan, National Security Council), which resulted in the compromise solution of the US sending 30,000 and not 40,000 troops, as initially proposed by the group supporting the surge. Marsh's analysis demonstrates that "the policy preferences of both surge advocates and opponents were strongly influenced by consideration of bureaucratic role and interests" (Ibid.). Jones (2017) accounts for the different national role conceptions shown by China between 1979 and 1992 as regard to territorial disputes in the South China Sea by looking at how two bureaucratic actors, the Ministry of Foreign Affairs and the People's Liberation Army Navy "privately vied for a role that was reflective of their parochial interests". Such role contestation resulted in the top leaders of the Politburo Standing Committee ultimately choosing the role of *defender of national interest*. Keane and Wood (2016) contend that the state-building programs to be implemented in Afghanistan by the US Provincial Reconstruction Teams (PRTs) suffered of incompatibilities and contestations of role conceptions between different branches of government, among which the US military was in a dominant position, which led to "divisive policies, contradictory goals, and incoherent objectives". Role theory should therefore operate a "return to individual decision makers and bureaucracies in order to better understand role contestation and the origins of role conceptions (Cantir and Kaarbo, 2016:16). Role conceptions and expectations are, in that context, not to be considered as unitary, stable social phenomena: role contestation shows that "[the] notions of ego and alter are fluid and can range depending on circumstances", that ego and alter are "layered" (Ibid: 184).

To sum up, the literature on role contestation has exposed a "blind spot" within role theory that is the assumption that both states and individual may have multiple role conceptions, but are to be regarded as unitary actors, thus leading to role theory's disinterest for the political settings in which those actors are embedded. The same assumption is present when role theory has been approaching the case of international organizations such as the European Union: "conceptualizations and analyses of Europe's role in international affairs often start from a unitary actor assumption" (Koenig, 2016:159). As I have outlined earlier when analyzing role theory's contribution regarding the European Union's role(s) in international affairs, intra-role conflicts are solely analyzed between the European Union and its Member States. However, as Koenig (2016:159) argues:

“while the assumption provides for parsimony and facilitates comparison with other international actors, aggregation risks oversimplification. Presenting the EU as a unified entity can conceal relevant internal dynamic, which are necessary to understand its role enactment and performance”.

As a result, my future research will consider the “micro-foundations of the Union’s international role”, and the EU as a “composite foreign policy actor” (Ibid.). Role theory, when considering the case of the European Union as an international actor, should therefore incorporate the role contestation literature in order to “unpack” the “realities of its internal politics and bureaucracy” (Wright, 2011) in order to provide an alternative explanation for selective compliance in Europeanization processes. On that matter, role contestation negatively affect Europeanization processes, as Schimmelfennig and Sedelmeier underline (2004):

“If target states learned about such internal conflict and receive inconsistent signals, they would be tempted to manipulate it to their advantage or simply be confused”.

The case of the EU Special Representative for the South Caucasus and the Crisis in Georgia

Why studying the effects of bureaucratic politics on selective compliance in Georgia? Looking further at the effects of potential intra-role conflicts on selective compliance is also particularly interesting in Georgia, since one specific actor is tasked to ensure “both a voice and political presence for the European Union in regions wracked by conflict (Fouéré, 2016), by improving the coherence of EU action in Georgia: the EU’s Special Representative for the South Caucasus and the Crisis in Georgia (EUSR), on which a very little amount of research exists. Being established in July 2003, and extended since then, the position of the EUSR, one of its objectives is to “enhance the effectiveness and visibility of the European Union in the region”, and to “assist the Council in further developing a comprehensive policy towards the South Caucasus” (Council of the European Union, 2006). The obligation to avoid role conflicts between the EUSR and other EU bureaucratic agencies is enshrined in article 8 of the same Council Joint Action:

“To ensure the consistency of the external action of the European Union, the activities of the EUSR shall be coordinated with those of the SG/HR, the Presidency and the Commission. The EUSR shall provide regular briefings to Member States’ missions and Commission delegations. In the field, close liaison shall be maintained with the Presidency, the Commission and Heads of Mission who shall make best efforts to assist the EUSR in the implementation of the mandate. The EUSR shall also liaise with other international and regional actors in the field.” (Ibid.).

Avoiding role conflicts particularly in Georgia seems to be a remarkably harder task due to the amount of EU actors present in Georgia: the EU delegation, the European Commission, the External Action Service, EU Member States’ embassies and the European Union Monitoring Mission (EUMM). In fact, evidence from the field appear to reveal a certain lack of coordination between the different actors present in Georgia. Examining the EU crisis management in the South Caucasus, and more specifically as regards to the South Ossetian conflict, Mnatsakanyan (2018) observes that “a particularly confusing situation arose concerning the mandates of the two EU Special Representatives (EUSRs) engaged in the South Caucasus after the Russia-Georgia war”, with overlapping mandates. Indeed, although the EUSR for the South Caucasus Peter Semneby was in place since 2003, a French diplomat named Pierre Morel, who had been the EUSR for Central Asia, was appointed as an additional EUSR for the crisis in Georgia on September 2008, which led to a significant lack of coherence of EU action. As an illustration, on several occasions, both EUSRs went into the field to conduct the same confidence-building activities without informing each other (Ibid.). The same could be observed for the planning and implementation of post-conflict rehabilitation projects, with disputes over responsibilities between different services of the European Commission and the European External Action Service (Ibid.). Nonetheless, Mnatsakanyan (ibid.) does not look into the effects of such role conflicts on selective compliance in Georgia, a gap that my future research is intending to fill.

Furthermore, studying selective compliance in Georgia through the lenses of infra-role conflicts is also interesting since Georgia stands out as a particularly intriguing case as regards to selective compliance (Bolkvadze, 2016). During 2004–2012, the country was run

by the outspokenly pro-Western, reform-oriented administration led by Mikheil Saakashvili, which placed integration with the EU among its top priorities. The Georgian Dream coalition continued seeking closer ties with the European Union, which resulted in the signing of the Association Agreement (AA), including a Deep and Comprehensive Free Trade Area (DCFTA), with the EU on 27 June 2014. As pointed out by Kalachia (2015), “the agreement brought Georgia closer to the EU, but reaffirmed Georgia's position as the "centre of gravity" for Western engagement in the South Caucasus”. Yet, Georgia reveals patterns of selective compliance, as EU norms, which have entered the legislation of some neighboring countries, face severe obstacles to effective application (Schimmelfennig, 2010). As a matter of fact, the latest Association Implementation Report on Georgia issued by the European Commission in January 2019 (European Commission, 2019) clearly reveals a mixed pictures regarding the country’s compliance with EU norms, with challenges in rule transfer concerning the justice sector, rule of law, high-level corruption, gender equality, fight against organized crime or consumer policy.

Conclusion: role theory, bureaucratic politics and selective compliance: a promising research agenda?

Jean A. Garrison (2003) defines the valuable contribution of the bureaucratic literature as follows: “to understand foreign policymaking demands knowledge about what is happening among the members of the group or groups involved in defining the problem, making choices, overseeing implementation of the decision, and evaluating the outcome”. My future research will argue that the Europeanization literature has overlooked the impact of the EU’s complex institutional structure and comprehensively accounts for selective compliance by looking at domestic factors within target countries. Role theory has brought a valuable contribution in that regards, but has solely analyzed the lack of coherence in EU action by underlining role conflicts between the EU and its Member States. By incorporating the bureaucratic literature within the role theorist framework, this reseach might be able – through questioning the unitary actor assumption - to examine the presence and effects of intra-role conflicts within EU institutions, as well as to provide an alternative and complementary explanation for selective compliance. By looking further into how the role(s) of the EU’s Special Representative for the South Caucasus and the crisis in Georgia are contested by other EU institutions, this research’s ambition is to both investigate the extent to which “the decision unit involved in making foreign policy can shape the nature of that policy” (Hermann, 2001),

how potential intra-role conflicts could be manipulated by actors located in target countries, but also to resonate for other cases of selective compliance in the EU's eastern and southern neighborhood.

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