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How much unity do you need? Systemic contestation in EU foreign and security cooperation

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ABSTRACT

The Common Foreign & Security Policy (CFSP) is a transnational policy framework to deliver collective foreign policy and also to manage differences among member states. As such, it has always been dependent on their support. Since 2019, however, disagreement within this system is said to have reached a new level. Taking this political trend as our starting point, this article proposes a new, conceptual approach to understanding how contestation challenges the EU's foreign policy cooperation system. While the majority of research focuses on disagreements in decision-making, we argue for a broader conceptualisation – systemic contestation. Drawing on norm contestation scholarship, we argue that systemic contestation manifests itself in two ways: as passive contestation, when member states disengage from and fail to take ownership of CFSP initiatives and their implementation; and as tacit contestation, when they fail to act when faced with the need to safeguard the system. This approach accounts for the transgovernmental character of the CFSP; and the central role of member states within it. Finally, we contend that our conceptualisation of systemic contestation offers promising new avenues for empirical research to understand the “black box” of EU foreign policy cooperation.

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1. Introduction

[A] dialectical relationship exists between the national instinct and the perceived need for solidarity. (Hill 2004, p. 160)

Predicated on unanimity and consensus, achieving agreement in the Common Foreign and Security Policy (CFSP) is not always straightforward. Since its establishment at Maastricht, there have been numerous instances where member states have either been unable to agree joint positions, or where all that could be agreed was a declaration. In a decision-making environment where the preferences and concerns of 27 member states must be taken into consideration, this is unsurprising. Indeed, it reflects the reality that, as with all areas of EU policy, navigating and managing disagreement is a core component of the policy-making process.

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However, over recent years – particularly 2019–2020 – the level of conflict within the EU's foreign policy system is said to have reached a new level (Meunier and Vachudova 2018, Maurer and Wright 2020, König 2020; and most recently Chalmers and Emmott 2021). On one especially difficult day – Monday 4th February, 2019 – the Political and Security Committee (PSC), the ambassadorial body, which conducts the majority of policy-making and decision-preparation in CFSP, failed to agree on no less than three key issues: Arab League conclusions; a joint statement on Venezuela; and an EU statement on the Intermediate-range Nuclear Forces treaty. This led Politico's Brussels Playbook to label it "Black Monday", declaring it would "go down [...] as the day a fatal blow was dealt to the EU's attempts to be taken seriously on a global stage" (Politico 2019). Leaving aside the hyperbole, this was clearly a day when the EU foreign policy system was almost overwhelmed by disagreement between member states.

While political observers mostly categorise these impasses as instances of increased contestation, they rarely acknowledge either the systemic nature of EU foreign policy cooperation, or the particular role that member states play in it (or, for that matter, the many past instances of disagreement). The aim of this article is to address this gap and contribute to the overall aim of this special issue to shed light on the conceptual value of contestation and politicisation in understanding EU foreign and security policy. We, therefore, examine how contestation manifests itself in the EU foreign policy cooperation system and with what potential consequences. Contestation, as set out in the introduction to this SI, is defined as "contention over specific norms" where "acts of contestation by challengers of a norm or a policy can lead to change in the nature of political conflict and bring about politicisation" (Biedenkopf et al. 2021 this special issue). We propose here an examination of *systemic* contestation – i.e. the impact of contestation by member states on the CFSP as a transgovernmental system of foreign and security policy cooperation, where *cooperation* is understood to be the core norm. In doing so, we propose a different way of thinking about contestation in the CFSP, opening up pathways for future empirical research.

Our starting point is that the transgovernmental nature of the CFSP requires a comprehensive (re)conceptualisation to understand contestation. Disagreement has always been at the heart of the CFSP. The purpose of its structures was to provide a platform for deliberation and cooperation wherein member states can agree on common policies that are not detrimentally opposed to their respective national interests. Indeed, wider Europeanisation research (e.g. Tonra 2001) suggests that at a certain point, it might be in the national interest of the 27 member states to ensure that the EU has a common foreign, security and defence policy. By focusing on member states' ownership EU foreign and security policy, our approach enables us to see wider manifestations of contestation beyond disagreement in decision-making, thereby ensuring a more comprehensive assessment of member states' engagement with the CFSP.

Taking a systemic approach requires alternative ways of thinking about contestation and politicisation. First, looking only at disagreements between member states in decision-making means insufficient attention is being paid to the transgovernmental nature of EU foreign policy cooperation. The effective functioning of CFSP and CSDP depends not only on actions taken by the institutional support structures, particularly the HRVP and EEAS, but also on the role member states play. In particular, it requires them to demonstrate leadership in and political support for the implementation of

their decisions; and to respond actively when the system they have created is challenged by their peers (either individually or in small groups). The absence of the former we term passive contestation; and of the latter, tacit contestation. These conceptualisations allow us to consider some of bigger systemic challenges (largely neglected in the literature) posed by contestation in the CFSP.

Second, we question the often implied assumption that contestation is always negative, a key insight from the literature on norm robustness and contestation (e.g. Deitelhoff and Zimmermann 2020). While in extreme cases the extent of contestation may mean cooperation within a transgovernmental system ceases – e.g. splits over the Iraq War – such instances are exceptional. It is important to remember instead that CFSP was partly created to help member states manage their differences, challenging the idea that their interests must converge if EU foreign and security policy cooperation is to work. It thus plays a vital role in containing lack of convergence and managing divergence. Taking a systemic approach to exploring this dynamic policy environment, therefore, has the potential to offer new insights into how contestation impacts EU foreign and security policy cooperation. In particular, we argue that in a policy-making context that can be characterised as transgovernmental, contestation in CFSP is *qualitatively* different from that found in other EU policy areas.

The aim of this article is to conceptualise the nature and significance of contestation within the CFSP/CSDP as a basis for future empirical research. It is beyond its scope to assess systemically if today there is more contestation (or increased politicisation) in the EU foreign policy system than in the past. Thus, we neither try to explain particular moments of disagreement between member states in the decision-making process nor assess why these moments may or may not be occurring more frequently.

It is organised as follows. In part 2 we make the argument for a systemic approach to understanding contestation within CFSP based on its unique character as EU policy-making environment and accounting for the particular way authority has been structured and divided. In part 3 we present our conceptual approach, demonstrating the value of looking at contestation as more than just a challenge in decision-making, and also in the specific contexts of policy-shaping and implementation. Here we focus particularly on tacit contestation – i.e. the leadership and ownership shown (or not) by member states, and their (un)willingness to implement agreed policy; and passive contestation – member states' lack of interest or inaction when faced with challenges to the validity of the cooperation system by their peers, both of which can weaken and undermine collective approaches in EU foreign policy. In the final part, we discuss the relevance of our conceptually different approach to contestation and offer some overall conclusions.

2. CFSP is different: the necessity of a systemic approach to contestation in EU foreign and security policy

Contestation sits at the heart of the EU foreign and security policy-making system. Indeed, it is one of the primary rationales for creating a transnational cooperation system. Historically it ensured foreign policy was kept separate from communitarian policy-making while still utilising the platform offered by the EEC/EU for member states to discuss their different interests and positions, even if the original participants in what was then European Political Cooperation (EPC) were pessimistic as to its likely outcome (Smith 2004).

Indeed, the evolution of the EU's structures for facilitating cooperation between sovereign states in such a highly sensitive area of policy thus provides a successful example of what Duchêne (1973) describes as the "domestication" of member state relations.

When reflecting on how contestation manifests itself within this system, and what it means for its functioning and capacities, we must, therefore, keep in mind two important factors. First, contestation in and of itself is not automatically negative – while it involves actors "express[ing] disapproval of norms" (Wiener 2014, p. 1), the consequences may, in fact, serve to strengthen and improve policy-making. Second, this reflects the particular nature of the EU foreign policy-making environment, specifically the CFSP (and CSDP) as a transgovernmental system of international relations in its own right (e.g. Sjursen 2011). Contestation and the difficulties involved in achieving consensus have been endemic in EU foreign policy cooperation, from European Political Cooperation in the 1970s/1980s to the CFSP today (Nuttall 1992).

The CFSP's transgovernmental nature lends itself to a systemic approach to understanding how contestation manifests itself in this context. Indeed, following on from Clarke and White (1989) (see also Smith 2004, Mérand *et al.* 2011), we argue it is indispensable. Systemic approaches have been developed in Foreign Policy Analysis since the 1970s as means to go beyond the simple mapping of self-contained actors involved in foreign policy-making by highlighting the importance of their relationships to explaining foreign policy outcomes. As Clarke and White (1989, p. 34) argue, "the components of a system are defined by their functions within the system rather than by their formal institutions, or their political or constitutional authority". Structural foreign policy perspectives follow thus a holistic ontology, in contrast to agency-based perspectives that focus on individual actors (Carlsnaes 2013). For our purposes, therefore, such an approach offers an appropriate basis for assessing contestation within the EU's foreign policy-making system, looking beyond a narrow focus on its constituent parts. It enables us to situate acts of contestation in the wider environment, allowing us to consider not only the action of an individual actor, but also at the impact on and the reaction of the rest of the system.

In foreign policy terms, the EU is an actor in its own right with, for example, its own diplomatic status and capacities. However, while it exhibits some state-like features, it is not a state and, therefore, does not enjoy the unitary nature of foreign policy action we would associate with a state. Rather, it is both actor and environment – i.e. "a complex system of action" (Clarke and White 1989, p. 18). As such, it serves as "a political opportunity structure" for member states with "both strong incentives to collective action and significant obstacles to it" (Smith 2003, p. 558). This is reflected in the construction of the system and the relationship between its component elements: thus, the primary role of the HRVP and EEAS is to support the member states in defining, deciding and implementing joint decisions. Ultimate authority (and responsibility) for those decisions, though, rests with the 27 member states that empower these institutions to act on their behalf, and whose transgovernmental engagement and interaction is constant and runs the full gamut of policy questions. Simultaneously, each member state has their own national foreign policy which sits alongside and interacts with the CFSP – and one of the most significant elements of those individual foreign policies is the decision to engage in systemic, EU-level cooperation and to structure their national systems to enable this.

Thus, CFSP is a system created to manage, mediate and regulate the differing (sometimes sharply) and competing (sometimes significantly) interests of EU member states, based on the fundamental condition that member states have a shared interest in maintaining the integrity of the system and its capacity to operate (see also Juncos and Pomorska 2021, in this special issue). Although the system possesses some centralised institutional features – notably the HRVP, EEAS and PSC – decision-making itself is not centralised and competence has not been delegated. Rather, the member states remain the primary actors and bear the primary responsibility for implementing their agreed policies which, in turn, depends on their national systems. They operate in a transgovernmental system that has evolved over many years and which is governed by processes and norms of behaviour – particularly deliberation and the “coordination reflex” (e.g. de Schoutheete 1980, Nuttall 1992, Glarbo 1999, Tonra 2001, Smith 2004) – that have resulted in a very high level of socialisation within CFSP decision-making forums. Certainly, these facilitate policy agreement and in many situations member states can identify shared interests enabling common positions to be reached. However, while the differences may no longer be as profound as they were in the early 1970s, they have not disappeared and remain important drivers of contestation with CFSP. Indeed, given member states’ different interests, backgrounds and relationships, contestation might even be needed for foreign policy to develop and to evolve beyond “a vapid consensus”.¹

Systemic contestation thus brings into focus CFSP’s transgovernmental character and the central *and active* role it assigns member states. This encompasses their part not only in policy-making and implementation, but also in how they engage (or not) with contestation by their peers and challenges to the efficacy of the system as a whole. The added value of the conceptual approach we propose, therefore, is that it looks beyond active contestation by individual member states and accounts for the consequences of lack of ownership, inaction and passivity by other member states and the central institutional actors. In the next part we examine its manifestation in the form of tacit and passive contestation.

3. Thinking differently about contestation: passive contestation and tacit contestation

Our central argument is that contestation in CFSP/CSDP not only takes place in the context of decision-making when member states showcase disagreement but also occurs when member states show a lack of leadership in policy initiation and implementation. The scholarship on norm contestation (Wiener 2014, Zürn 2018) provides us with the basis for a more systemic analysis of the impact of such contestation on the CFSP. Deitelhoff and Zimmermann (2020) argue that to understand the dynamic relationship between norms and contestation we must consider types of contestation. They distinguish between contestation in “norm application”, a “common practice” which does not necessarily have a negative effect; and contestation of “norm validity” which might result in “norm decay” – i.e. “[v]alidity contestation [...] attacks the very core of a norm, that is the basis of its normative obligation” (p. 52). For the CFSP as a transgovernmental foreign policy cooperation system, *the core norm is cooperation*. Without this, it cannot function. A further and specific set of procedural and behavioural norms – e.g. the

coordination reflex, consensus-seeking etc. (see Juncos and Pomorska 2021, in this special issue) – facilitate this cooperation.

Applying Deitelhoff and Zimmermann's understanding of validity contestation, therefore, allows us to see how challenges to CFSP procedural and behavioural norms, as well as to the broader norm of cooperation, amount to *systemic contestation* – i.e. whether stakeholders consider the CFSP a legitimate framework for addressing foreign policy challenges. This enables us to distinguish between those member states contesting the *content* of specific policy proposals versus those contesting the cooperative *nature* of the system itself, including its procedures and mechanisms. Crucially, because CFSP is transgovernmental, contestation here looks different to that taking place in other EU policy contexts due to the much stronger need for activism and ownership by the member states, without which there is no CFSP. Thus, passivity on the part of member states also amounts to a form of contestation.

To further unpack what this systemic contestation looks like, we, therefore, propose two conceptual lenses: *passive contestation* and *tacit contestation*. We discuss both in more depth next, illustrating each with new empirical evidence drawn from 23 semi-structured interviews. These were conducted with member state PSC ambassadors or diplomats working on the CFSP, plus officials in the EEAS and EuCo. With two exceptions, all interviews were conducted face-to-face between February 2018 and April 2019. Each interviewee is assigned an individual reference number. The aim of these empirical illustrations is to demonstrate how our conceptualisation of contestation in CFSP and CSDP plays out in practice and to emphasise the main point of our contribution: that we need to think about contestation differently in CFSP/CSDP due to the transgovernmental nature of the foreign policy system itself. Our objective is not to test systematically or empirically the magnitude of this form of contestation – a different research design and follow-up research would be necessary to do that. Rather, we seek to show the potential value of our conceptual approach and the basis it can provide for further such research.

3.1. Passive contestation: non-activism in a transgovernmental policy system

Contestation has always been present in the specific policy discussions taking place within CFSP and its predecessor, EPC. However, insufficient attention has been paid to it at the *systemic* level, something that becomes much more important in light of the qualitative upgrade in the commitments Member States have made in the context of their foreign policy cooperation since Maastricht, and in the increased expectations for its outputs that resulted, as highlighted by Hill in the context of the Capabilities-Expectations Gap (Hill 1993). It is straightforward to identify it where a member state overtly challenges the basis for EU-level foreign policy cooperation; but how do we evaluate it when the challenge is not so overt – for example, when national leaders and/or foreign ministers fail to consider valuable or salient systemic cooperation in the EU?

Deitelhoff and Zimmerman (2020) provide a useful starting point. They distinguish between direct and indirect contestation whereby “direct contestation is openly voiced, while indirect contestation is a hidden kind that shows up at the level of implementation” (p. 56). Similarly, Wiener (2014) refers to “implicit” contestation “through negation or disregard” (p. 2), again highlighting the importance of (deliberate)

neglect in how states approach their policy commitments. When considering contestation in the context of the EU's foreign policy cooperation system, therefore, we must assume that it is not simply found in outright opposition to something: it can also be identified in situations where actors fail to actively support or defend the system itself. We call this *passive contestation*.

As a concept, passive contestation allows to consider the transgovernmental CFSP at a systemic level. Despite extensive institutionalisation across the thirty-year period since Maastricht which has seen the establishment of key EU-level actors (HRVP, EEAS etc.) – a process often referred to as “Brusselisation” – member states remain the key stakeholders in EU foreign and security policy. Without their ownership and buy-in, it cannot be effective. This reality was highlighted by both the previous and current HRVPs. During Federica Mogherini's EP confirmation hearing in 2014, she emphasised “ownership” by member states as being one of her three guiding principles (Mogherini 2014). Similarly, her successor Josep Borrell (2019) emphasised “unity” and the united “power of EU member states” in his mission statement. Both recognised that the EU's international actorness depends on effective foreign policy cooperation, which, in turn, depends on the member states. While today the HRVP and EEAS can support the member states' cooperation more proactively and with greater resources than ever before, they cannot substitute for the member states' role in shaping and implementing policy decisions. We propose, therefore, that passive contestation consists in a *lack of ownership or leadership initiative* on the part of member states and *disengagement from policy implementation* – both of which we argue are as negative and corrosive for EU foreign policy cooperation as direct and active contestation.

Clearly, these ideas pose particular empirical challenges. It is not straightforward to disentangle policy contestation from systemic contestation. It demands that we not only look for moments of direct and active contestation but also consider how proactive member states are in driving initiatives and implementation forward and the degree to which they consider opportunities for deliberation and cooperation in EU foreign policy-making salient and worthwhile. This requires, for example, an understanding of underlying motivations and of the domestic trends and concerns in particular member states, their respective strategic cultures, etc. or as one PSC ambassador noted, the “internal dynamics of single member states [have] become more relevant”. Tacit contestation may be motivated by a broader strategic preference (e.g. an Atlanticist-leaning); or by specific and immediately pressing domestic concerns (e.g. the migration crisis). It can also come in a variety of forms: e.g. dismissing, marginalising or ignoring the need for (meaningful) CFSP cooperation; seeking alternative venues and means for solving international problems, etc. It can be rooted simply in apathy or lack of interest. All of these, though, can be as negative for the system as active contestation: passive contestation still damages the core norms underpinning the CFSP. In a period defined largely by international crisis on the one hand and strengthening nationalistic tendencies among member states on the other, therefore, there is a clear imperative to understand behaviour with the potential to undermine the system.

Passive contestation through *decreased ownership* of foreign policy initiatives specifically and the foreign policy system more generally has become more visible in recent years. This is partly a consequence of the reforms to the foreign policy system introduced through the Treaty of Lisbon. Over time, and particularly since the formal

institutionalisation of the European Council (EuCo), foreign ministers have become less important political actors, and indeed the general quality of EU foreign ministers has been questioned by some more experienced diplomats (see Maurer and Wright 2020). No longer present in EuCo meetings, they find themselves increasingly side-lined by heads of state and government who have taken more active control of the direction of EU foreign policy-making in key crisis situations (e.g. Russia and the Ukraine; Syria; Turkey and the eastern Mediterranean, etc.); and whose foreign policy positioning is more strongly focused on national priorities than in the past (Lehne 2020). One PSC ambassador illustrated the situation for a colleague from an unnamed member state:

[M]ost of their foreign policy is with their PM's office and they have a direct link because some topics are very much of concern of the PM's office. It can be difficult for the ambassador if you have a strict line from the PM's office and you are in conflict with the view of the majority [...] When you are alone, it's tough, especially for the ambassador who has to report back and fight and explain internally. (I-4)

Tensions over policy between capitals and representations in Brussels are entirely normal. Diplomats must balance what is demanded of them by their governments with "what the market will bear" in terms of agreement with their peers – indeed, "half the job is to explain what is going on in Brussels, what is feasible" (I-5). They are, as Jeffrey Lewis (2005) characterises them, "Janus-faced".

For the system to work effectively, though, also requires a receptive national government open to the possibility of dialogue. An important factor in this is the standing of the PSC ambassador in the eyes of their prime minister and foreign minister. In recent years, however, the appointment of more junior diplomats to the role by many states suggests that for some capitals the post is considered of less importance. While it is viewed as being an indicator of someone "on their way to a good career", the downside is that more junior appointees "don't have the same authority [...] particularly with military people" (I-3. Also noted by I-5). Moreover, it is not clear whether they are always sufficiently listened to in national capitals and so are less able to push back or present a persuasive alternative perspective. From a systemic perspective, this matter given CFSP decision-making is consensus-based. Its decision-making will only be as strong as its weakest component.

At the same time, and as has been shown elsewhere – see, for example, Maurer and Wright (2020) – we are seeing changes in the dynamics of how national capitals engage with the foreign policy-making system. In particular, much stronger national sensitivities are being expressed over relations with third countries, frequently over economic interests: the developing relationship between a number of member states and China through its 16 + 1 format; strong bilateral relationships with Russia; and close identification of some with the Trump Administration are useful examples. The EU's foreign policy cooperation system is thus subject to much greater pressure from above. While the argument can be made that the more direct involvement of leaders in decision-making strengthens the overall legitimacy of the system, it reduces the possibilities of compromise and risks undermining the norms that underpin that system. The trend towards prioritisation or more explicit pursuit of "national interests" can be seen in the challenges member states have faced in reaching consensus on a number of foreign policy positions, such as how to respond to Chinese actions in the South China Sea,

the US decision to move its embassy to Jerusalem, and the “Black Monday” deadlock in February 2019 noted above.

Exacerbating this trend has been the impact of populism and nationalism in a number of capitals across Europe. This has placed greater pressure on co-operative foreign policy-making at EU level as member state governments prioritise national concerns and also place a greater emphasis on being seen to do so. One PSC ambassador described how this played out on one particular occasion:

Country Y has a problem with gender and anti-discrimination. [...] [They] suggested moving the whole discussion to COREPER II, although this is clearly a PSC issue. And what is the point? The COREPER ambassador is the boss of the PSC ambassador so they should want the same anyway. This is just so that the COREPER ambassador [...] can go home and say that he fought against these gender-liberals and won. It's the same as country Z does after the FAC. That is really the one and only reason why the Foreign minister of country Z is there: so he can fabricate a fight, provide then a solution and afterwards go in front of the cameras and rage about how great he was fighting for the greater good of country Z. (I-21)

Indeed, some diplomats note that the populist *Zeitgeist* is challenging the very notion of cooperation and compromise:

There are a couple of member states now who when certain issues are at stake are prepared to pursue their own national objectives quite ruthlessly and are quite deaf to [...] appeals to compromise or solidarity or keeping the show on the road that normally drive a committee like [the PSC]. [...] There are more instances of this kind of behaviour now and it's a source of a lot of anxiety among the other member states, if you like, as to whether the kind of basic principles of loyal cooperation, [...] whether there are now a bunch of member states who really just don't care about that. (I-9. This was re-iterated by I-6, I-16, I-17)

The threat this poses to the whole system of cooperation is clear:

In the [FAC] if you can't make a compromise then you're in trouble – and [it suggests] you don't understand European integration. It goes quite deep in the mentality. The diplomats are really professional. It's more about the mentality. It's not only the new member states [...] A more populist approach can be harder. (I-16)

The decreased willingness to compromise on national positions to achieve a consensus and the degradation of the principle of “loyal compromise” is not simply a diplomatic failure. Rather it seems reflective of a broader change in political thinking and calculation in a number of capitals as to the value of EU foreign policy cooperation and what it is for. The trend for greater involvement of national leaders in foreign policy means a different calculus is increasingly at work. This places a much greater emphasis on domestic economic and political preferences which are in and of themselves entirely legitimate goals, but at the price of abandoning a more strategic, long-term and collaborative approach to foreign policy-making, particularly where more populist agendas are being pursued. A noteworthy example of this was the decision by several member states not to sign the UN's 2018 *Global Compact for Migration*: not only did they withdraw their support for the political declaration, they did so without first informing their EU counterparts or seeking a prior discussion on this question in Brussels (EU Observer 2018), thereby challenging key behavioural norms, notably the coordination reflex.

Disengagement from proactive policy implementation is the other main form of passive contestation. Lack of effective implementation is arguably the Achilles' heel of meaningful

EU foreign policy cooperation: member states may reach a collective decision but then fail to invest sufficient resources to ensure it is successfully carried out. One unintended consequence of the strengthened role of HRVP and establishment of the EEAS has been to exacerbate the problem, with these actors able to exploit their structural agenda-setting capacities on the one hand and member states able to take a much more *laissez-faire* attitude towards policy-making on the other (see Maurer and Wright 2020). This is particularly problematic in the context of implementation, however, which is increasingly left to these central institutional actors who, in turn, fail to exploit the resources and capacities of the member states:

[T]here is little strategic sharing out of responsibilities [...] We do it more in security and defence but in classical foreign policy? In this regard, there is not sufficient *esprit de corps* among the ministers. They come to the meeting because they have to but don't necessarily feel a connection between what was achieved in Brussels and what they do. It could be a lot more, this sharing of responsibilities. (I-22)

How, then, can a greater degree of ownership be instilled in national capitals? One frequent suggestion is to task smaller groups of member states or individual foreign ministers to represent the EU on specific policy topics or towards particular third countries. Some fear this could undermine the HRVP and the notion of having a single EU diplomatic representative, leading to perceptions of disunity and disagreement. However, there is clearly merit in considering how to ensure foreign ministers take greater ownership of – and, therefore, responsibility for – EU foreign policy. One PSC ambassador from a medium-sized country stated as follows:

The Hungarian minister frequently is very difficult but I'm sure even he would be very happy to be asked to do something on behalf of the EU. If we're really serious about a [CFSP], we need to much more capitalise on these things. On some issues it may be more possible than others. [...] You need to have this coordination at the political level and they have to own it. [...] I know for a fact that my minister would love to be able to go out after a meeting and announce she has been asked to do X, Y and Z. (I-22)

In short, therefore, the concept of passive contestation has the real potential to help us think about and analyse the consequences for the EU foreign policy cooperation system of a decreased member state ownership of or disengagement from policy implementation. While much EU-level foreign policy may be quite routinised or performative, its wider impact – and therefore value for member states – will only reflect what they themselves are willing to put in.

3.2. Tacit contestation: when apathy is worse than disagreement

Alongside a consideration of the role of member states as actors at all stages of EU foreign policy cooperation, the systemic approach presented here places equal importance on the collective responsibility of EU member states in the CFSP and CSDP, and therefore demands a consideration of what happens if collective responsibility starts to weaken. The contestation literature builds upon the notion of “tipping points” – i.e. when contestation practices start to seriously undermine a norm or regime. Deitelhoff and Zimmermann (2020, p. 58) suggest “the weakening of a norm's robustness, or even norm decay, is most likely when validity contestation becomes widespread”. They also demonstrate that

before such a tipping point is reached, proactive advocacy and defence of norms against contestation can also strengthen them. We propose using this notion of tipping points not as temporal features but as an essential mechanism to understand the EU foreign policy cooperation system.

This type of perspective enables us to dissect the often implied monocausal assumption that contestation at the EU level is always negative. As noted, we must not assume automatically that contestation does harm to or diminishes foreign policy cooperation. Rather we should be open to the empirical possibility that contestation by one or more or member states can also strengthen the EU foreign policy system, highlighting its added value: it is in such moments of perhaps profound disagreement that the CFSP as a “forum for member state deliberation” becomes really beneficial and essential. In short, if everyone agreed, there would be no need for this forum for deliberation and negotiation. Key questions remain, though: how do we know when a tipping point has been reached? And when it has, how many member states are “too many”? In addition, do the characteristics of the contesting member state or states matter (i.e. size, status as founding member, etc.)? And what happens if the remaining states do not actively challenge the contestation but simply lack sufficient interest or concern to invest political energy into such interactions?

In highlighting the CFSP and CSDP as negotiation forums we reject the implicit unitary bias in scholarly and policy debates that equates the success of the EU as international actor with the necessary convergence of interests between member states. Macaj and Nicolaidis (2014) have already sought to demystify the “single voice” mantra in EU foreign policy, suggesting that in EU foreign policy cooperation

national preferences vary along many dimensions including welfare, productivity, incomes, forms of representative democracy, national integration model, economic and military interests, conceptions on the use of force, worldviews and historical affinities with different countries and regions of the world. (p. 1074)

CFSP and CSDP as cooperation systems are there specifically because the interests of the member states are *not* the same. The reason for the existence of the EU foreign policy cooperation system is thus to allow member states with different experiences, perspectives and interests to (re)adjust their negotiation positions – note: not preferences – and put forward policy suggestions that lead to a win-win situation for all; or, failing that, proposals that remove the need for an objection. It is, therefore, crucial for our understanding of contestation to remember that the CFSP and CSDP have been designed as transnational forums to manage difference and divergence between member states.

In the context of an analysis of systemic contestation, therefore, the focus should not be on specific instances of divergence in interests, therefore, but instead on examining how member states defend the notion of *cooperation* and *compromise* as the basis of reaching collective agreements. Reh (2012, p. 416) suggests that the EU “is highly dependent on the legitimizing force of compromise” and its core characteristic “the recognition of difference”. In this process of reaching an inclusive compromise, the EU goes beyond tit-for-tat bargaining exchanges, as

recognition signals non-domination; mutual concessions are non-coercive and establish long-term trust in diffuse reciprocity; and an ongoing communication between parties

about their grounds for conflict, characterized by justification, perspective-taking and empathic concern, promotes a logic of cooperation. (Reh 2012, p. 416)

This seems especially apposite for understanding CFSP and CSDP. The question, then, is how far member states are willing to defend this inclusive compromise-seeking approach, especially in situations where they might be facing an uncooperative peer. How much salience do individual member states attach to opportunities for deliberation and how does the collective of EU member states (and their supporting institutions) react to increased contestation by individual member states? We argue that when member states do not care enough to defend the CFSP, this is as detrimental for EU foreign policy cooperation as active contestation. Indeed, it could be argued that it is worse as it implies the overall rejection of the added value of the CFSP system.

One of the most striking features from our empirical data is the lack of a global perspective among the majority of states – what can be termed “collective smallness”. At the same time, though, there is a recognition that the challenge posed by “contesting” states has increased. The absence of a global perspective is unsurprising: with the exception of France and Germany which have genuinely global ambitions in terms of their economic, political and diplomatic reach, the vast majority of member states are small- or medium-sized. They lack the resources and increasingly the interest in many of the international issues brought to their collective attention. This means that in practice while member states must deal with a lot of issues at the same time in the context of the CFSP, their complexity and often cross-cutting nature challenge the capacities of many and they are simply not relevant to everyone at the same time (I-1).

This was one of the main rationales for creating the EEAS. In many cases it has greater resources, capacities and institutional memory than many member states. As the representative of one smaller state put it, “we have in the EEAS a real ally” (I-16). At the same time, the EEAS cannot replace the political clout of 27 member states. Again, it is often striking how difficult it is for the EU collective to pool political attention to things that really matter. The increased institutionalisation of the CFSP might even be a hindrance here, as now member states can hide behind the false assumption that they do not need to follow up on EU decisions but rather can leave this to the EEAS or the HRVP. This was particularly visible in the EU’s failure to find an immediate collective strong response to the US’s declaration to withdraw from the Intermediate-range Nuclear Forces (INF) Treaty in response to Russia’s decision to disregard the treaty. While NATO (2020) issued a statement on 1 February 2019, it took until 14 July 2019 for the HRVP (2020) to be able to make a declaration on behalf of the EU. This delay is stark and concerning given the importance of the issue at hand. However, the delay demonstrates clearly the underlying reluctance of many EU member states to believe that a strong EU27 stance could bring about change and was thus worth investing the time and energy to achieve agreement (I-21).

Relations with third countries are another area of on-going disagreement between member states. In recent years, dealing with the US, China and Russia has proved increasingly difficult due to divisions between member states and discussions are often deliberately avoided due to a fear either that information about member state positions and lack of unity might leak; or due to the special relationships individual states have with third countries, e.g. the Saudis (I-13). Divisions can also be linked to core EU values, particularly

human rights and immigration. One PSC ambassador noted that divisions are “particularly painful on human rights which we thought was the backbone. [...] human rights is not what we thought a few years ago” (I-22). Another official (I-10) noted

The Hungarian colleague doesn't have much room for manoeuvre. Generally, it's around immigration but this pops up in all sorts of areas, like human rights. It's more difficult than it used to be and some are prepared to just block progress. It's happening all the time. [...] It is a more challenging environment and we're less unified than we used to be. [...] Human rights has become problematic – Greece is also a problem here: for example anything to do with China and Egypt. We're finding it more and more difficult to find common ground. The other area where we are less and less united is the Middle East Peace Process. Even before Trump, we have found it an increasingly difficult space to achieve common positions.

The systemic problem this poses is if the sense of collective responsibility and principle of loyal cooperation are no longer sufficient to overcome doubts about ineffectiveness and mistrust. The risk is that member states will be more likely to avoid areas where disagreement exists because no one wants to invest time and effort in seeking a compromise position that might fail. If one of the strengths of early efforts at cooperation in EPC was the focus on areas of policy where a consensus could likely be built, the corollary is that the comprehensive ambition of the CFSP leaves it more vulnerable to contestation, and particularly tacit contestation which undermines the integrity of the system itself.

One suggested solution to the problem is the idea of introducing Qualified Majority Voting in the CFSP, as for example proposed by the European Commission (2018) in September 2018. However, member state diplomats are unequivocal in their opposition, arguing that QMV would not resolve the underlying problem but would instead likely aggravate tensions between member states. For example, one official felt that they probably “won't provide a solution and will open up another can of worms” (I-22). Another stated “to have full backing of [27] you must consult them and that takes time. This is why majority voting in FP won't work – you don't get the buy in” (I-4). Another official emphasised the wider negative consequences of such a change:

it might weaken the EU's standing in issues if third parties know that some member states are opposing something. Consensus has been something quite sacred here. The EU is seen as a union of its states so all states must uphold their obligations. Where a single MS blocks something, this can also damage our reputation. (I-8)

This highlights the importance of investing more time and energy in states engaging with each other, seeking to convince rather than threatening to outvote them, and underlining the salience and value of the EU foreign policy cooperation system. This does, though, require all states to accept their responsibility for maintaining the efficacy of the system. Sitting out the debate and choosing not to engage, while others actively undermine the system risk pushing it towards a tipping point. One PSC ambassador (I-22) described it as “incremental brinkmanship”:

4. Discussion: why does it matter if contestation looks different in the EU's foreign and security cooperation system?

In this article, we have argued that a systemic approach can offer important insights to understand contestation in the EU's foreign policy system. We argue that a systemic conceptualisation of contestation in CSFP is necessary to account for the transgovernmental

nature of EU foreign policy cooperation. We have proposed two conceptual lenses do this: passive contestation and tacit contestation. For the former, member states challenge the system through passivity and disengagement, absence of leadership and a failure to drive forward the implementation of decisions. For the latter, the notion of systemic foreign policy cooperation is challenged by how the collective responds (or fails to respond) to individual member states' contestation practices. For both we have provided empirical illustrations designed to highlight a future research agenda that can shed more light how contestation manifests itself in EU foreign and security policy, the similarities and differences between contestation this policy area compared to others, etc.

A systemic conceptualisation of contestation emphasises the ownership by member states of CFSP and CSDP. Those calling for a more active EU in international affairs – an entirely reasonable argument – should, therefore, not simply direct their attention to the Brussels-based actors, i.e. the HRVP, EEAS, etc.; they must also scrutinise (and, as appropriate criticise) the masters of EU foreign, security and defence policy: political elites in national capitals. Ownership in the context of CFSP does not only mean participating in the decision-making process; it connotes a responsibility to actively promote policy initiatives and follow up with meaningful action to implement agreed decisions. Systemic contestation thus goes a step further in that it encompasses a failure by member states to take such ownership.

Second, a systemic approach to understanding contestation means looking beyond disagreements in decision-making as the primary indicator of member states' support for and the efficacy of the CFSP. For example, Tonra highlighted the need to scrutinise the "prevalence of formulaic agreements" where actual policy divergences are papered over to achieve consensus, but where in practice member states still continue to do what they were doing before the agreement. In such cases, agreements have little value beyond creating a mirage of cooperation. Indeed, it could even be argued that such formulaic agreements are actually more harmful for an effective EU foreign and security policy than failed agreements. They raise expectations without the prospect of delivery while hiding the underlying problems of member states' *lack* of ownership or willingness to exercise ownership. This speaks to the on-going relevance of Hill's "capabilities-expectations gap" in CFSP (Hill 1993), and of Tojé's updated conceptualisation of a "consensus-expectations" gap (2008).

Third, we contend that a systemic conceptualisation of CFSP contestation highlights the increasing impact of populism and nationalism (Meunier and Vachudova 2018, Jenne 2021) on national foreign policy thinking across the EU. While Budapest and Warsaw are most frequently identified as the chief nationalist culprits, populist trends are also visible across other European states, with many governments failing either to acknowledge the added value of European cooperation or create any impression of fighting for a European-level consensus. For the CFSP to function effectively does not simply mean pointing fingers at those who contest/disagree but working proactively to draw them into deliberation and collective activity. While initiatives such as PESCO and CARD indicate increased activism emanating from Brussels, in the long-term CFSP can only function with the proactive support of *all* member states.

There have always been governments that have questioned and even contested the idea of European cooperation and integration. However, what is different today is the performative aspect of contestation for domestic purposes (see Juncos and Pomorska 2021,

in this special issue) and the apparently widespread and increasing acceptance of such behaviour. This stands in stark contrast to Hill's (2004) observation that

[i]f at times hard choices mean that the concrete national need will always be put ahead of the more theoretical collective benefit, then this tends to be presented as an exceptional matter and not something to be gloried in. (p. 161)

Today, the EU foreign policy cooperation system – and its purpose as a means for strategic, longer-term thinking – is under sustained pressure from more populist governments whose inward-looking rhetoric speaks primarily to immediate domestic concerns: Hill's exception risks becoming the rule. The consequence is the diminution of political energy (and interest) available to promote the added value of European foreign policy cooperation, with controversial issues left off the collective agenda and/or pursued outside EU frameworks. Member states are no longer going the extra mile when needed to try to convince their partners. This suggests that to examine disagreement in decision-making will only reveal the tip of the iceberg. Instead, the systemic conceptualisation of contestation proposed here, which takes in other elements and behaviours in the policy cycle, will enable a proper exploration of what is taking place below the surface of CFSP cooperation.

Finally, our systemic understanding of contestation in CFSP provides a useful basis for thinking about the (currently unlikely) possibility of a more ambitious EU foreign policy. A strategic and proactive EU foreign policy that is more than the sum of its parts and is able to focus on the longer term requires the collective support and active ownership of member states. As Hill (2004) notes, “[i]nstitutional mechanisms may be a necessary condition of achieving this, but they are unlikely to be sufficient” (p. 161). PESCO or intergovernmental initiatives outside the EU framework might provide short-term solutions to policy problems and, if managed well, create the impetus for intensified cooperation/integration. The risk remains, though, that such approaches will, over time, diminish the ambition of the CFSP to provide a platform for strategic foreign policy action of a political union like the EU, particularly if member states were tempted to delegate big, complex and uncomfortable foreign policy question to the HRVP and EEAS – actors designed to support, guide and nudge, but not replace, the member states. A successful EU foreign policy cooperation system will always require the weight, engagement and attention of the member states. In an increasingly anti-liberal contested international environment, systemic contestation in the CFSP reminds us that that cannot be taken for granted.

Note

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