

**The London School of Economics and Political Science**

**The European Union's Latin America  
policy:**

*A study of Foreign Policy Change and Coordination*

**Daniel Dominik Schade**

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## **Abstract**

This thesis explores the evolution of the European Union's (EU) Latin America policy through an analysis of factors internal to the EU's foreign policy decision-making system. Its policy towards the region has changed in important ways over time and appears to have come to be more and more incoherent. Adapting existing Foreign Policy Analysis frameworks to the specific context of the EU's foreign policy, this thesis seeks to understand how factors of bureaucratic politics shape the EU's foreign policy towards third actors. It is hypothesized that where an analytical perspective which evaluates the EU's increased policy incoherence towards Latin America as the result of rational decision-making is not satisfactory, bureaucratic politics need to be considered instead. Under this perspective, the EU's policy incoherence is influenced by policy inertia arising out of previous commitments, the divergence of views between different internal EU actors, the autonomy of these to take decisions without prior consultation or coordination with others, and lastly the complexity and duration of EU foreign policy decision-making processes themselves. This research framework is then applied empirically by analysing the EU's negotiations for international agreements with partners in the Latin American region, and particularly those with regional organizations since the 1990s. This thesis finds that despite attempts to strengthen foreign policy coordination and coherence in the EU over time, the coherence of its Latin America policy has indeed been affected by bureaucratic politics arising out of factors such as changes to the internal organization of the European Commission or the disruption of established coordination mechanisms through the Treaty of Lisbon. The findings contribute to our understanding of the evolution of EU-Latin American relations, on-going debates on the study of interregionalism, as well as more generally to the literature on EU foreign policy-making.

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## Abbreviations and acronyms

AA	Association Agreement
ACP	African, Caribbean and Pacific Group of States
AFET	European Parliament Foreign Affairs Committee
ALBA	<i>Alianza Bolivariana para los Pueblos de Nuestra América</i> (Bolivarian Alliance for the Peoples of Our America)
AMLAT	Former Council of the EU preparatory body for EU-Latin American relations staffed by Brussels-based officials
ASEAN	Association of Southeast Asian Nations
CA	Central America
CAN	<i>Comunidad Andina</i> (Andean Community)
CAP	Common Agricultural Policy
CARIFORUM	Caribbean Forum
CCP	Common Commercial Policy
CELAC	Community of Latin American and Caribbean States
CETA	Comprehensive Economic and Trade Agreement
CFSP	Common Foreign and Security Policy
COLAC	Working Party on Latin America and the Caribbean
COLAT	Former title of COLAC
COPA	Committee of Professional Agricultural Organisations
COREPER	Committee of Permanent Representatives
CSDP	Common Security and Defence Policy
DDA	Doha Development Agenda
DG AGRI	Directorate-General for Agriculture and Rural
Development	
DG DEV	Directorate-General for Development
DG DEVCO	Directorate-General for International Cooperation and Development
DG RELEX	Directorate-General for External Relations
DG Trade	Directorate-General for Trade
EC	European Communities
EDF	European Development Fund
EEAS	European External Action Service
EIB	European Investment Bank
EMU	Economic and Monetary Union
ENP	European Neighbourhood Policy
EP	European Parliament
EPA	Economic Partnership Agreement
EPC	European Political Cooperation
EUFP	European Union Foreign Policy
EULAC	European Union-Latin America and the Caribbean Foundation
FAC	Foreign Affairs Council

FCA	Framework Cooperation Agreement
FDI	Foreign Direct Investment
FPA	Foreign Policy Analysis
FTA	Free Trade Agreement
FTAA	Free Trade Area of the Americas
GAC	General Affairs Council
GAERC	General Affairs & External Relations Council
GSP	Generalized System of Preferences
HRVP	High Representative of the Union for Foreign Affairs and Security Policy
INTA	European Parliament Committee on International Trade
LA	Latin America
LAIF	Latin America Investment Facility
MEP	Member of the European Parliament
MERCOSUR	<i>Mercado Común del Sur</i> (Southern Common Market)
MEBF	Mercosur-Europe Business Forum
MPF	Multiannual Financial Framework
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organisation
OSCE	Organisation for Security and Co-operation in Europe
ODA	Official Development Aid
PA	Principal-agent theory
PDCA	Political Dialogue and Cooperation Agreement
RELEX	European Union External Relations
SADC	South African Development Community
SEA	Single European Act
SICA	<i>Sistema de Integración Centroamericana</i> (Central American Integration System)
SIECA	<i>Secretaría de Integración Económica Centroamericana</i> (Secretariat for Economic Integration)
S&D Parliament	Socialists & Democrats Group in the European Parliament
TPC	Trade Policy Committee
TTIP	Transatlantic Trade and Investment Partnership
UN	United Nations
UNASUR	Union of South American Nations
OAS	Organisation of American States
OLP	Ordinary Legislative Procedure
WTO	World Trade Organisation

# CHAPTER 1:

## Introduction

### 1.1 EU foreign policy coherence towards Latin American: Why bother?

The initial motivation for this thesis was based on the fact that the EU's policy towards Latin America, originally founded on the pursuit of interregional ties and the conclusion of international agreements that would link all of the EU's policy areas relevant for the region in a comprehensive framework, appeared to gradually become more incoherent over time and across policy areas. This was despite various reforms to the EU's foreign policy system aiming at increasing the coherence of its foreign policy outputs. The contrast between the pursuit of coherence through systemic changes and the observation of foreign policy incoherence towards Latin America thus provides for this thesis' main puzzle. In turn, the main research question is to understand what has driven the formulation of incoherent policy outputs despite the EU's institutional reforms.

Since the 1990s, the European Union's (EU's) Latin America (LA) policy has generated a number of innovations and superlatives for its foreign policy. The 1997 Global Agreement with Mexico was at the time "one of the most ambitious pacts ever negotiated by the EU with a state that has absolutely no possibility of joining the EU." (Szymanski and Smith 2005, 172) Signed in 2002, the Association Agreement with Chile was in turn "the most comprehensive agreement ever signed with a third party", serving as "a model for current EU negotiations and a statement of future intentions." (García 2011, 501–2) The 2010 Association Agreement (AA) with Central America then represented "the first ever region-to-region agreement of the EU covering at the same time political dialogue, cooperation and trade" (Van Rompuy 2010). These innovations occurred despite the fact that the region is geographically distant from the European Union, is not amongst its major trade partners, and does not enjoy an eventual membership perspective.

When taking a long-term look at the evolution of the EU's relations with the Latin American region since the 1990s, it is possible to identify two over-arching dynamics: the EU's pursuit of supporting regional integration mechanisms through the development of region-to-region ties, on the one hand, and to institutionalise and deepen its existing relations by means of the negotiation of Association Agreements (Dominguez 2015, 172). The latter represent an important innovation in the EU's foreign policy as they attempt to link different policy areas of the EU's relations with third actors under a

single institutional framework that is codified in international law: once ratified they become international treaties between the EU and its member states on the one hand, and the third actors in question, on the other. This comprehensive approach is best explained in a memo from the European Commission on the 2010 Association Agreement with Central America:

The Association Agreement consists of three pillars: political dialogue, cooperation and trade. The Agreement is a comprehensive tool that provides with [sic] all the means needed for an integrated relation, going from political dialogue to cooperation and trade. The different parts of the Association Agreement complement each other. That is the most important added value of this instrument. It is not only a trade agreement and it goes far beyond traditional agreements as it creates interdependence between the various parts of the Agreement. (European Commission 2012)

While both the pursuit of interregionalism, defined as the development of ties between different regional integration mechanisms, and that of Association Agreements have been important dynamics in the EU's Latin America policy in their own right, and each provide distinct ideal-types for how the relations could to be structured, the two have often been closely intertwined. For instance, in the case of its ties with Mercosur, the Andean Community (CAN) and Central America (CA),

the EU has promoted integration in these three groups through covert and overt means, not least by making economic negotiations contingent on further integration. (García 2015, 622)

All three subregional groupings mentioned above are similar to the EU in their economic and political ambitions, but less integrated and institutionalised as yet. Despite these attempts to foster Latin American regional integration through the development of interregional ties in what has been described as a “one-size fits all approach” (Börzel and Risse 2009, 10) since the mid-1990s—that would have seen the EU negotiate Association Agreements with all relevant regional groupings—the state of EU-Latin American relations today demonstrates that this has not been realized in most instances, and the reality of EU-Latin American relations is much more complex.

For the purposes of this thesis, Latin America is defined as all hispanophone and lusophone countries in the Americas excluding those whose relations with the European Union are shaped by the CARIFORUM Economic Partnership Agreement (EPA). Already before the EPA relations with these countries were governed by the specific framework of the EU's ties with the African, Caribbean and Pacific (ACP) group of states, and have been dealt with in such a separate manner for a long period of time. The above definition thus excludes most Caribbean countries and dependent territories

of EU member states located geographically in South America and the Caribbean basin, such as French Guyana or the Falklands Islands.

In turn, when referring to European Union foreign policy a similar definition to the one developed by Federica Bicchì is taken, which defines

European foreign policy (EFP) as that body of declarations, decisions, and actions, that are made by the use of all the instruments that the EC/EU has at its disposal, that are decided at the EC/EU level, and conducted in its name toward a country or an area outside its borders. (Bicchì 2007, 2)

Under her definition European foreign policy encompasses the activities of the EU towards specific third actors, be these activities either directly targeted at them or having indirect effects on them. This is in line with research outlining the existence of a ‘European foreign policy system’ (K. E. Smith 2003; M. E. Smith 2008; White 1999a), which posits that the EU’s foreign policy is much broader than its activity in the realm of the Common Foreign and Security Policy (CFSP). For the purposes of this thesis, this will be referred to as European Union Foreign Policy (EUFPP) so as to limit the scope to the activities of the European Union and not that of other international organizations in the region.

**Table 1: EU agreement negotiations in Latin America**

Target	Start	End	Trade	Cooperation	Political
<b>Mexico</b>	1996	1997/1999	X	X	X
<b>Mercosur</b>	2000				
	Brazil	2007			X
<b>Chile</b>	2000	2002	X	X	X
<b>Andean Community</b>	2007				
	Colombia	2010	X		
	Peru	2010	X		
	Ecuador	2014	X		
<b>Central America</b>	2007	2010	X	X	X
<b>Cuba</b>	2014	2016		X	X

Horizontal dividers denote grouped negotiations. Source: Own compilation.

Taking stock of the EU’s relations with Latin America reveals the extent to which these diverge from the two goals of interregionalism and Association Agreements outlined above. Relations with the entirety of the Latin American and Caribbean region

are limited to the political realm and defined by a regular dialogue mechanism that has been set up in the guise of biannual EU-Latin America and the Caribbean summits since 1999. Nowadays these bring together the EU, and its member states, on the one hand and all member states of the Community of Latin American and Caribbean States (CELAC) on the other.<sup>1</sup> The evolution of the EU's ties to subregional organizations and individual countries also differs from the two perspectives set out above. Table 1 provides an overview over the EU's negotiations for international agreements in the region and the ultimate negotiation outcome.

With the exception of the agreements with Mexico and Cuba aside, all negotiations listed above began within an interregional setting, and were grouped as parallel processes in different waves of negotiations (as marked by the horizontal dividing lines). While the former is one of the most important Latin American economies, it nonetheless differs from the remainder of the region in that it is integrated with North America through the North American Free Trade Agreement (NAFTA), and has until recently not been a member of any of Latin America's substantive subregional integration mechanisms. In contrast, Cuba's distinct political history as a communist country meant that the country has not joined either of the above regional integration mechanisms either.

When negotiations began for an Association Agreement with Mercosur and Chile, it was hoped that the country would eventually join Mercosur, thus simultaneously supporting the enlargement of an existing regional integration mechanism (García 2011, 151). The next grouped set of negotiations was that for Association Agreements with the Andean Community and Central America, which passed through the EU's foreign policy decision-making system in parallel up to their eventual ratification by the European Parliament (EP). All of the interregional negotiations were flanked by other policies aimed at ensuring their success, such as through earmarking large parts of the EU's development cooperation funding towards the region for the specific goal of regional integration, including the direct support of the regional integration organizations themselves (European Commission 2007c).

While the initial goal of all negotiations was to reach comprehensive Association Agreements, covering all three 'pillars' (policy areas) included in the EU Central America Association Agreement detailed above, the ultimate outcome of the negotiations has only been compatible with this in three cases: the Global Agreement with Mexico, and the Association Agreements with Chile and Central America. Furthermore, in the case of

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<sup>1</sup> This organization regroups all 33 sovereign Latin American and Caribbean states.

negotiations with Mercosur, the interregional approach was replaced with one that prioritised Brazil over the others and included only a political component under a ‘strategic partnership’ (which is not based on a binding international agreement, but rather defined by ad-hoc declarations and fora for cooperation). In the context of negotiations with the Andean Community, the EU’s approach shifted towards bilateral trade negotiations with some of the countries in question only, and abandoned the two other pillars of the proposed Association Agreement entirely. Additionally, only the agreements with Mexico and Chile have been fully implemented so far, with only the trade provisions of the accords for which negotiations concluded in 2010 being in force today.

When comparing the initial format and goals of the negotiations to their eventual outcome, a considerable discrepancy can thus be observed. If the EU’s policy goals in the region were indeed to support regional integration mechanisms and to link the most relevant elements of its policies targeted at it through comprehensive and binding international agreements, as suggested by the initial format of negotiations, then the outcomes indeed do not cohere with the initial overarching aims. After all, if such negotiations were meant to be used as a means to foster regional integration, as was suggested by María García (2015, 622), then the abandonment of an interregional approach in the case of Mercosur and the Andean Community is incompatible with this.

**Table 2: EU trade with Latin American partners (2015 data)**

	<b>With EU</b>	<b>EU total</b>	<b>EU Rank</b>
<b>Andean Community</b>	15.3	0.8	3
<b>Central America*</b>	13.3	0.3	2
<b>Chile</b>	14.4	0.5	3
<b>Cuba</b>	22.8	0.1	2
<b>Mercosur</b>	19.1	2.6	1
<b>Mexico</b>	7.1	1.5	3

Partners’ trade with EU and EU trade with partner as % of total, EU rank as partners’ trade partner. Source: Own compilation based on DG Trade data. \* 2012 data.

The lack of attempts to include all three pillars of the Association Agreements in the ensuing bilateral negotiations with Brazil, Colombia, Peru and Ecuador provides further evidence for a departure from the original negotiation position. This is particularly relevant as the EU disposes of important advantages in the negotiations, namely the benefits that come with granting access to its single market, and the EU’s development

cooperation funding towards them, which should mean that the EU can wield considerable influence in the region (García 2015). Table 2 shows that for some of Latin America's regional organizations and countries the EU is the most important or second most important trade partner. This is not the case from the perspective of the EU as most Latin American trade partners only account for a small percentage of total EU trade.

It appears thus that the EU's policy towards the region is incoherent over time when looking at the changing negotiation framework outlined above, and despite the fact that the EU should have an advantage in any of the above negotiations. This pattern can be detailed further when considering some of the specifics surrounding the negotiations. In the case of the talks with the Andean Community, for instance, the EU's rhetoric of regionalism support has continued even after interregional negotiations were abandoned and replaced entirely by bilateral ones. For instance, a European Union strategy paper on Latin America from 2009 stated that

Encouraging regional integration remains a key policy priority in EU relations with Latin America and the Caribbean, as shown mainly in the negotiations on sub-regional Association Agreements. (European Commission 2009, 4)

This was despite the fact that at the time the CAN negotiations had already been abandoned and replaced through bilateral Free Trade Agreement (FTA) negotiations with Colombia and Peru only. This approach is conceptually incompatible with the support of CAN itself, as it weakened political and economic cohesion within CAN, with one of CAN's members, Bolivia even threatening to take the other members to the Andean Court of Justice over the bilateral nature of negotiations (ICTSD 2008). Yet even the eventual FTA reached with both regions makes specific reference to CAN integration in its article 10, which is devoted entirely to regional integration:

The Parties recognize and reaffirm the importance of the respective regional integration processes between the Member States of the European Union and between the Andean Community Member Countries as a mechanism to achieve greater trade opportunities and foster their effective integration into the global economy. (Official Journal of the European Union 2012, Article 10.2)

Furthermore, despite the fact that by 2010 these negotiations had been reduced to the bilateral trade realm only, the rhetoric of the EU's support for regional integration and ties that go beyond a mere trade component was even upheld at the 2010 EU-Latin America and the Caribbean Madrid summit, the final declaration of which stated:

We hereby commit to further strengthening this partnership, with the goals of deepening political dialogue and regional integration (Council of the European Union 2010b, 6).

Nonetheless, even alternative possibilities to uphold the aim of reaching a stronger format for political dialogue and cooperation with CAN in absence of an Association Agreement were de facto abandoned on the EU's side. While the Andean countries completed the process to ratify a previous Political Dialogue and Cooperation Agreement (PDCA) signed in 2003 by 2012 (Comunidad Andina 2012), Germany and Greece and thus consequently the EU itself have not yet done so in 2016 (Council of the European Union 2016). This is despite the fact that the European Commission's 2009 Latin America strategy specifically mentioned that the PDCA should be ratified and enhanced in order for the EU's interregional approach to remain intact even in absence of an Association Agreement with CAN itself (European Commission 2009, 4). Instead of attempting to ratify the PDCA, which would have provided for a format to interact with the entirety of CAN, further bilateral political dialogue mechanisms with Colombia and Peru were set up to complement those included in the FTA.<sup>2</sup>

Incoherence between the EU's abandonment of interregional negotiations with CAN and development cooperation funding towards the region can also be observed. When its multiannual programmes targeted at the organization and its member states were up for review in 2010—a point in time when the interregional perspective in negotiations had already been abandoned and Ecuador had left the remaining bilateral negotiations with Colombia and Peru—the mid-term review of the funding allocated to the latter country nonetheless suggested to

increase NIP II [National Indicative Programme 2011-2013] funds by an additional €4 million to support the eventual implementation of the EU-CAN multiparty trade agreement currently under negotiation. (European Commission 2010, 17)

The fact that the country did not partake in the initial negotiations was only mentioned in the development cooperation programming for the 2014-2017 period. While the support of the country's regional integration was still included as a major goal of the EU's development cooperation for the period in question, it nonetheless acknowledges a possible risk to the effectiveness of such programmes given that its ultimate participation in the EU's Free Trade Agreement with Colombia and Peru remained uncertain (EEAS 2014).

The example of the EU's negotiations with CAN, and the accompanying rhetoric and policies thus allows for the identification of further incoherence in the EU's policy towards the region in addition to the one observed above. On the one hand the

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<sup>2</sup> Internal CFSP document dated October 2010.

EU's rhetoric of regionalism support and the aim of developing ties with the region beyond the realm of its trade policy has been upheld despite the fact that both the interregional and comprehensive aspects of Association Agreements were abandoned. On the other, the EU does not appear to have adjusted its development programmes towards the Andean region, still providing regional integration support despite having abandoned it in the negotiations.

Similar observations could be made for any of the other negotiations outlined above, with the case of policy incoherence detailed here in the Andean case serving as a mere illustration of a broader trend in EU-Latin American relations. This observation of policy incoherence over time and between different foreign policy areas, such as trade negotiations and the EU's development policy can be made despite the fact that these developments occurred over a period of time in the evolution of the EU which focused increasingly on mechanisms to ensure that the EU's foreign policy become more integrated and coherent. This began with the Treaty of Maastricht of 1992, which created the over-arching structure of the EU itself, and posited that

The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. (Official Journal of the European Communities 1992, Article C)

Most recently, the Treaty of Lisbon has created with the High Representative of the Union for Foreign Affairs and Security Policy (HRVP) and the supporting European External Action Service (EEAS), a post and an institution whose primary role is to ensure the coherence of the EU's external policies.

Given that an important factor of the institutional changes to the European Union since the early 1990s has been to increase the coherence of its foreign policy, the main puzzle in this thesis is thus why, despite such attempts, there appears to have been an increasing incoherence in the EU's foreign policy towards Latin America induced by foreign policy changes over time, as well as between the different policy areas that make up the EU's foreign policy overall. In short, **what explains the incoherence of the EU's foreign policy towards the region despite the creation and continuous reform of internal EU mechanisms to ensure its foreign policy coherence?**

Analytical perspectives based on the rational decision-making behaviour of individual actors in the international realm would caution researchers to seek an answer to the apparent incoherence of the EU's foreign policy towards the region in a change of important factors that led the EU to adopt its Latin America strategy in the first place.

The apparent incoherence of the EU's position that was observed would thus amount to a rational restructuring of its position in line with a change of such broad factors that warrant an alteration of the position of the EU along the lines observed. However, given the economic imbalances observed above, and little change to these conditions over time, the EU should have enjoyed significant clout in any of the above negotiations, making it difficult to imagine reasons that would have led to the abandonment of broader political and developmental concerns in negotiations with Peru and Colombia, for instance.

Furthermore, the incoherence of the EU's foreign policy observed here is not an isolated phenomenon, but has been observed even in recent years towards other third actors and across other policy areas (see for instance Furness and Gänzle 2016; Portela and Orbie 2014; Verdonck 2015). While this thesis is primarily concerned with exploring the underlying causes for a change from coherence to incoherence in the EU's policies towards Latin America, it also seeks to contribute to broader enquiries into the incoherence of the EU's foreign policy towards third actors and across policy areas.

Given the apparent limitations of assumptions of rational decision-making in EU foreign policy processes, a key factor that has to be considered in this regard is the necessity for a decision-making system to produce parallel policy outputs that are consistent with one another in a number of ways. In absence of an only theoretically conceivable decision-making system with a perfect hierarchy where every policy output would ultimately stem from a single decision by a single empowered decision-maker, the main issue becomes that of being able to coordinate different policy outputs of a political system with one another.

This "administrative Holy Grail of co-ordination and 'horizontality'", ie. the ability to link different policy outputs, "is a perennial quest for the practitioners of government" (Peters 1998, 295), and this has been no different in the case of the European Union's external relations. Nonetheless, when considering reforms to the EU's foreign policy decision-making over time it is striking that instead of increasing the EU's ability to coordinate its external relations "each progress towards enhanced coherence was paradoxically increasing internal complexity" (Telò 2013, 27).

The typical response to a lack of external policy coherence due to failures in policy coordination mechanisms has been to reorganize the functioning of the EU's foreign policy bureaucracy in an attempt to foster coordination. This was achieved through treaty changes, portfolio and organizational reforms, or through the invention of new roles such as that of the EU's High Representative for its Common Foreign and

Security Policy. The evidence on the increasing incoherence of the EU's ties to Latin America outlined above, combined with the fact that EU has sought to increase the coordination capacity of its foreign policy decision-making system, will make it necessary to consider which broad factors internal to the set-up of the EU's foreign policy bureaucracy affect its capacity to produce coherent foreign policy outputs.

It is here that a consideration of analytical tools developed for the study of the foreign policy of states, namely Foreign Policy Analysis (FPA) can help inform the study of the external relations of the EU which increasingly resemble those of states in nature, scope and ambition. Consequently, this thesis seeks to adapt and apply this framework to the study of the EU's foreign policy with all its peculiarities. While the empirical side of the analysis will be concerned with factors contributing to the incoherence of the EU's policy towards Latin America, this analysis allows to gain wider insights on the utility of using Foreign Policy Analysis to study the EU's foreign policy.

## **1.2 A brief outlook on the contributions and findings of this thesis**

By contrasting a rationalist perspective on the evolution of the EU's relations with Latin America with one that explores it through the lens of Foreign Policy Analysis, the contributions of this thesis are two-fold: On the one hand it demonstrates the usefulness of adapting and applying FPA to external relations decision-making processes of the European Union, while on the other expanding our empirical knowledge of EU-Latin American relations and what this means for the EU's pursuit of interregionalism.

Each empirical chapter of the thesis explores whether the changes to the EU's Latin America policy over time can be explored through a rational alteration of the EU's foreign policy in line with wider changes to the reasons that led the EU to adopt its Latin America strategy based on regionalism promotion in the first place, or whether administrative factors as elaborated on in FPA literature offer a better understanding of the evolution of the EU's policy towards the region. While the exploration of the rationalist perspective always seeks to unearth decision-making pathways that support that deliberate decision-making has contributed to the evolution of the EU's Latin America policy, the hypotheses based on FPA evaluate the influence of different yet interrelated administrative factors, named various aspects of bureaucratic politics contribute to the generation of an incoherent foreign policy towards the region over time. In consequence, the thesis evaluates whether factors such as existing commitments and

administrative procedures, the diverging interests of different branches of the EU's bureaucracy, the absence of clear decision-making hierarchies, as well as the involvement of many actors in long decision-processes negatively influence the EU's capacity to formulate a coherent Latin America policy.

Empirically-speaking, this thesis finds that the incoherence of the EU's Latin America policy over time, which was outlined above, is even more complex when considering its details, and indeed increases over time even after the ratification of the Treaty of Lisbon.

While at times, and particularly in the incipient stages of the formulation of the EU's original Latin America strategy there is some evidence for the validity of perspectives that would emphasize the EU's rational decision-making, most empirical chapters provide strong evidence for the influence of factors outlined in FPA literature. The thesis then provides clear evidence for the varying importance of all factors of bureaucratic politics considered having contributed to the increasing incoherence of the EU's Latin America policy. Moreover the negative influence of aspects such as the role of diverging interests has increased over time. The complexity and long duration of EU foreign policy processes related to negotiations with third actors has also been a factor that contributed to the EU's increasing foreign policy incoherence in its own right.

Through the empirical insights outlined above this thesis provides some relevant insights for where researchers should focus their attention when trying to grasp the origin of incoherence in the EU's foreign policy. Firstly, while the diverging positions of member states on various aspects of the EU's foreign policy are an important source for the EU's foreign policy incoherence, this thesis shows that the relations between different institutions at the EU level, and even various Directorates' General inside the European Commission (and the EEAS since the Treaty of Lisbon), need to be considered for a better understanding of the multiple origins of EU foreign policy (in)coherence. Secondly, the duration of decision-making processes from a first consideration of signing an agreement with a third party to its ultimate ratification, needs to be considered as a source for foreign policy incoherence in its own right. Lastly, even though the Treaty of Lisbon radically reorganized the EU's foreign policy bureaucracy, these changes have made the coordination of the EU's external relations more difficult in practice.

Going beyond elaborating on the utility of applying FPA to the study of the EU's foreign policy and generating new insights on EU-Latin American relations, this thesis also contributes some insights to other literatures. Concerning research on the EU's

interregionalism policies, this thesis confirms that these have weakened in recent times and that there is a strong divergence between its initial ambitions and their realization in practice. Furthermore, while the European Union emphasizes that it wants to link trade, political and development considerations, as is the case in its Association Agreements, trade concerns often prime over the others.

### **1.3 The structure of the remainder of the thesis**

The following chapter outlines this thesis' analytical framework in detail and situates it with the existing literature. Chapter 3 provides some background information on the evolution of the EU's foreign policy decision-making framework focusing, in particular, on changes to the EU's treaties that were meant to increase its external relations policy coherence, and different rounds of bureaucratic restructuring within the European Commission; all of which are likely to have had an impact on the EU's Latin America policy. The first empirical chapter related to the examination of the EU's policy towards the region (Chapter 4) then outlines the origin of its 'one-size fits all' policy during the 1990s and how this initiated the negotiation of the EU-Mexico Global Agreement of 1997/1999. The following chapter (Chapter 5) then discusses the evolution of the EU's ties with Mercosur and Chile in detail, ending with the failure of negotiations for the Association Agreement with the former organization in the mid-2000s. Subsequently the evolution of the EU's ties with the Andean Community of Nations and Central America are discussed (Chapter 6), focusing on the decision-making processes surrounding the Association Agreement negotiations and their successful conclusion in one case and their failure in the other. The final empirical chapter (Chapter 7) then outlines the growing incoherence in the EU's Latin America policy after the end of negotiations outlined in the previous chapter, focusing on the EU's negotiations with Cuba and Ecuador, as well as the upgrade of the EU's initial Association Agreements with Mexico and Chile. The last chapter then draws conclusions from the empirical analysis in the chapters and evaluates the validity of the different hypotheses before discussing the contribution of this thesis in the context of the wider literature.

## **CHAPTER 2:**

# **The Analytical Framework: Studying EU foreign policy (in)coherence**

### **2.1 Introduction**

This chapter outlines the analytical framework adopted in the thesis, details the research methodology used, and discusses the thesis in the context of the existing literature on EU-Latin American relations and that on European Union policy coherence. The main part of this chapter is thus concerned with discussing the analytical framework adopted and which hypotheses derive from this. In doing so it discusses why Foreign Policy Analysis literature was used and adapted to the context of the EU's foreign policy rather than utilizing other theories such as new institutionalism to inform the analytical framework. Ultimately this chapter details that despite some differences with the foreign policy decision-making systems of sovereign states for which FPA was originally developed, it is nonetheless ideal to capture the complexity of the EU's foreign policy system in the analysis undertaken in this thesis.

The remainder of this chapter is structured as follows: The following section develops a formal definition of EU foreign policy coherence which is required for a structured discussion as to its origins in the EU's decision-making. This is followed by the outline of the analytical framework based on FPA and why it was chosen over other theoretical perspectives. The next section then outlines this thesis' methods and methodology and describes the empirical sources that have been consulted in the writing process. Lastly, the thesis is situated in the wider literature on EU-Latin American relations and that on EU policy coherence.

### **2.2 Defining EU foreign policy coherence**

EU policy coherence, at its most basic level, can be described as “the absence of contradiction between policies” (Portela and Raube 2012, 4). However, such a definition is the most minimal one imaginable and does not allow for a differentiation between different kinds of policy (in)coherence. Moving away from it, Leonard den Hertog and Simon Stroß (2013) have suggested instead that a mere absence of contradiction between

policies could rather be described by the term of consistency, which in itself would form a subset of policy coherence. In their view, policy coherence is instead as a more active process which “refers to *the synergic and systematic support towards the achievement of common objectives within and across individual policies.*” (italics in original, Hertog and Stroß 2013, 377).

However, rather than describing different *kinds* of policy coherence, such a definition offers clues as to the conditions under which it may originate. This will later on form the basis for the generation of hypotheses as to why the EU’s foreign policy towards Latin America is incoherent. The definition developed here instead focuses on factors outlining *how* the EU’s foreign policy is incoherent. The evaluation of policy coherence in the context of this thesis is thus based on “systemic outputs, i.e. the way in which the substance of different policies generated by the EU forms part of a coherent whole.” (Christiansen 2001, 747) Policy outputs are defined here as the activities of the EU targeted at a third actor, be it through the disbursement of funds, negotiations for international agreements, or simple declarations targeted at said actor.

When taking such a perspective it is then possible to define different *kinds* of coherence that need to be fulfilled for the EU’s policy outputs to be coherent overall. In this context most authors (Gebhard 2011; Hertog and Stroß 2013; Mayer 2013; Portela and Raube 2012) discuss at least two distinct kinds of policy coherence that need to be fulfilled for the EU’s foreign policy to be coherent overall, namely vertical and horizontal policy coherence. While the definitions differ to a certain degree, *horizontal policy coherence* is mainly described as the necessity for policy outputs to be consistent across various policy areas and different modes of decision-making at the EU level. While Carmen Gebhard (2011, 108) adds an additional factor, namely internal policy coherence, described as the absence of contradiction between policies falling under the remit of different former pillars of the EU’s structure, this is included in the definition of horizontal policy coherence provided here. An example for the lack of such horizontal policy coherence would be if different EU policies simultaneously aim to promote trade with a third country through FTA negotiations all while imposing economic sanctions on it in another. In contrast, *vertical policy coherence* focuses on the necessity for outputs at the EU level to match those of its member states. An example for this would be if the EU decided to halt its development cooperation funding towards a third country over human rights concerns, while some EU member states still continue to provide their own development funding to the third country unfazed by such considerations.

A third kind of coherence can be found in the EU's interaction with third actors, namely *external policy coherence*, which considers the need for consistency between the EU's outputs in international fora, be it of different internal EU actors towards the same third actor, or in different institutions, such as NATO and the OSCE (Gebhard 2011, 108–9). In consequence, “external coherence is primarily concerned with functionality and credibility rather than with specific foreign policy contents.” (Gebhard 2011, 109)

Although delineating different elements of foreign policy coherence somewhat differently, two useful additions can be made to the above three types of coherence when looking at Hartmut Mayer's (2013, 107) conceptualisation, as he adds a requirement for narrative and strategic coherence. *Narrative policy coherence* describes the necessity for the EU's foreign policy outputs having to match the rhetoric which legitimizes them. While closely related to both vertical and horizontal policy coherence, given that the EU's rhetoric may originate in a number of places, the justification for the EU's policy outputs should nonetheless be considered independently from the outputs themselves, as was already done when outlining the research puzzle above. The last type of coherence to be considered is that of *strategic policy coherence* which is concerned with the EU's policies following a broader goal. Mayer sees this as fulfilled when “[s]imilar or overlapping policies would follow the same principles, values and aims” (Mayer 2013, 107). Diverging somewhat from this definition, it will be used in this thesis to describe the necessity for policy outputs to be the same in similar situations, and that these should continue to be the same over time in absence of fundamental changes to the underlying situation that prompted such policy outputs in the first place. To return to the examples outlined above, in absence of a radical change in some underlying condition, the EU's policy towards the Andean Community should have remained the same over time for this kind of coherence to be fulfilled.

Taken together these five elements (summarized in Table 3) form a list of components of policy coherence necessary for the EU's foreign policy towards a third actor to be coherent overall. Crucially, in line with others' considerations the components of foreign policy coherence detailed here differ from the concept of policy effectiveness (Thomas 2012, 460–61), which is instead based on the effect of policy outputs.

**Table 3: Components of EU foreign policy coherence**

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<b>Horizontal</b>	Consistency across EU-level policy outputs
<b>Vertical</b>	Consistency between EU-level and member state level policy outputs
<b>External</b>	Consistency of EU policy outputs in international fora
<b>Narrative</b>	Consistency between policy outputs and the surrounding rhetoric
<b>Strategic</b>	Consistency of policy outputs over time and across similar situations

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While the overall puzzle of this thesis is larger, and these definitions can be used for other aspects of EUFP outputs, taking the example of the EU's relations with CAN from the introductory chapter help illustrate the value of separating different kinds of policy coherence. For the case at hand, at least three different kinds of policy incoherence can be observed: a lack of horizontal policy coherence between the EU's trade and development policy, a lack of narrative coherence given the disjunction between the EU's discourse on regionalism support and the abandonment of it in practice, and lastly a lack of strategic coherence given the change of the negotiation format over time.

### **2.3 EU Foreign policy through the lens of Foreign Policy Analysis**

Given this thesis' focus on determinants of EU foreign policy coherence towards Latin America, an analytical focus on the EU's policy-making processes that generate incoherent outputs is necessary. This is in line with alternative and more process- rather than output- focused definitions of policy coherence. Thomas Christiansen argues that on the one hand

we can conceive of 'coherence' in terms of the systemic outputs, i.e. the way in which the substance of different policies generated by the EU forms part of a coherent whole. Alternatively, we can regard 'coherence' in terms of the institutional process by which policies are made, i.e. in terms of the degree to which institution(s) operate a coherent and well-coordinated process of deliberation and decision-making [...] which in the following is termed 'institutional coherence'. (Christiansen 2001, 747)

Similarly, Michael E. Smith has argued that research into European Foreign Policy should use "actor-centred analyses where variations among, and linkages between, those actors are explicitly problematised rather than neglected or 'assumed' away." (M. E. Smith 2008, 181) This view is shared by Simon Duke, a scholar of administrative processes in the EU, who cautioned that

For those with an interest in public administration and organizational science, coherence is assessed from the perspective of the administrative and bureaucratic bases of the organization, its routines, functioning, and resources. International relations scholars tend to concentrate on the coherence of the 'end product', assessing the outcome of policies or the uniform treatment of third parties by the EU. (Duke 2012, 45–46)

In this view, the determinants of incoherent foreign policy outputs can thus be found in internal EU decision-making processes themselves, such as the interaction between the EU's institutions, its member states, and the activity of different administrative units within the institutions themselves (Christiansen 2001, 748). This resonates with a specific field of enquiry in International Relations research, namely that of Foreign Policy Analysis. As Valerie M. Hudson argues,

One hallmark of FPA scholarship is that the subfield views the explanation of foreign policy decisionmaking as of necessity being multifactorial and multilevel. Explanatory variables from all levels of analysis, from the most micro to the most macro, are of interest to the analyst to the extent that they affect decisionmaking. (Hudson 2015, 1)

For FPA researchers, there is thus not a single model to explain foreign policy outcomes and its underlying decision-making processes. Rather, it encourages conceptual pluralism in an attempt to offer multi-faceted determinants of foreign policy outcomes. While developed and popularized in the specific context of explaining decisions of both superpowers during the Cuban Missile Crisis (*Essence of Decision* by Graham T. Allison, first published in 1971, then updated with Philip Zelikow in 1999), it has gained academic attention to explain all kinds of foreign policy choices, such as radical reorientations of states' foreign policy in the aftermath of the Cold War (Carlsnaes 1993; Hermann 1990) or determinants of small states' foreign policy choices in the context of NATO (Doeser 2011).

Initially FPA was developed to explore national foreign policy decisions in the realm of so called 'high politics', having to do with questions directly impacting on national sovereignty, such as defence or the membership of one of the Cold War's two rivalling blocs. This would have made it difficult to apply FPA insights to the context of the EU, given that it is neither a state nor does it deal with most aspects of what has traditionally been considered 'high politics'. Luckily, FPA has been adapted to contexts of 'low politics', such as the ones in which the EU plays an important role in and of itself.

For instance, John Odell (1979) has studied the United States' historic decision to move from a system of fixed exchange rates to a flexible one by applying insights from FPA literature. The EU has come to be involved in this realm through its Economic and Monetary Union (EMU) and the associated common currency. Given the importance of

trade relations in EU-Latin American ties David A. Welch's (2005) book *Painful Choices: A Theory of Foreign Policy Change*, which uses Canada-United States free trade negotiations as one of his case studies to illustrate his take on FPA, is even more important for this thesis. In the European context, Jakob Gustavsson (1998) has developed a theory of foreign policy change to explain the re-orientation of Sweden's position towards membership in the European Union through economic factors. More importantly still, the very creators of FPA have argued in a footnote to a seminal article on bureaucratic determinants of foreign policy that while their arguments were limited to the realm of national security so as to provide for analytical clarity, "[e]xtension of the argument to other issue areas, e.g., foreign trade, is straightforward." (G. T. Allison and Halperin 1972, 47)

While the problem remains that FPA has been developed to study the foreign policy of states, I will argue that it nonetheless can and should readily be applied to the context of European Union Foreign Policy. This is due to the fact that the EU by most standards can be considered as an entity which disposes of a foreign policy in its own right, if lacking some of the tools at the disposal of most sovereign states. While Christopher Hill has provided a useful general definition of foreign policy in a contribution that sees it as the "sum of external relations conducted by an *independent* actor (usually a state) in international relations" (Hill 2003, 3; emphasis mine), his focus on the activity of an independent actor is particularly relevant, as the EU is solely responsible for some parts of the traditional foreign policy of its member states, and it shares powers with them in others. This is particularly the case for its foreign economic policy, as exemplified through its activity in the realm of trade. Here, Michael Smith has argued that while the "aims and means" of the policy may be principally economic, its underlying reasoning could still be "implicitly political or concerned with security" (M. Smith 1994, 287), thus rendering the EU's external relations politically relevant.

Furthermore, other authors have already used FPA to study foreign policy in the context of the EU, such as Henrik Larsen (2009) who has argued that an analysis of the foreign policy of EU member states necessitates an adaptation of FPA literature to take into account the existence of the EU. Conversely, Brian White (1999b) has argued that the existence of the EU offers new possibilities for the study of FPA itself. The most systematic attempt to utilize FPA to study the EU is an edited volume on *Contemporary European Foreign Policy* (Carlsnaes, Sjørnsen, and White 2004), which has argued that the existence of the EU requires a reconsideration of most FPA insights in the European

context. Some authors have also used FPA to study specific institutional dynamics of the EU's foreign policy decision-making process (Dijkstra 2009). Lastly, some of the insights from FPA research promote a focus on the bureaucratic and institutional determinants of foreign policy which may actually be deployed for an even greater analytical gain in the context of the EU. While most states (despite important differences between them) dispose of some kind of ultimately hierarchical and unitary foreign policy decision-making system that is influenced by institutional and bureaucratic dynamics, bureaucratic factors may actually be even more relevant in the context of the EU:

In contrast to states, which rely on one single bureaucracy for foreign policy and mostly a unitary source of foreign policy authority – the executive –, EU foreign policy has struggled with differences between the EU level and the member states as well as between the Community and the intergovernmental level. (Portela and Raube 2012, 4)

Studying determinants of (in)coherence in the EU's foreign policy thus requires a focus on internal EU decision-making processes and the actors involved in them. When taking such a perspective the use of Foreign Policy Analysis literature appears logical given that it cautions that foreign policy decisions should be analysed as more than rational decisions by unitary actors in the international system. While some differences exist between the EU and the foreign policy apparatuses of sovereign states, for which FPA was initially developed, this thesis argues that it can still be usefully deployed to study the EU's foreign policy.

### **2.3.1 EU-level decision making as the primary level of analysis**

While International Relations research has historically placed the level of analysis at the systemic level, ie. where different independent actors interact with one another, FPA literature has cautioned from the very beginning that such a perspective should be supplemented by others which focus on the foreign policy bureaucracies of states themselves (G. T. Allison and Zelikow 1999). This raises the question as to where the equivalent lies when studying the EU's foreign policy given the parallel existence of member state foreign policies and ministries in addition to that of the EU itself.

Michael E. Smith (2008) has pointed to these challenges for conducting research into what he calls European Foreign Policy. For him, this term encompasses the coordination of European states' foreign policy, either at the national level, or by making use of the EU's institutions and policies, or as a mix of both. While his definition encompasses the object of interest for this project, the view taken in his work is a member

state-centric one, which sees the EU's institutions primarily as facilitators for collective action as is the case in classic principal-agent approaches.

Extending on the earlier definition, European Union Foreign Policy is the set of “systematic EU intervention” (H. Smith 1998, 168) towards third actors or regions that goes beyond policy boundaries and modes of decision-making in the EU's bureaucracy (H. Smith 2002, 9–10). The primary level of analysis is thus the EU's collective foreign policy output in the name of the EU and at the level of the EU's institutions. The analysis in this thesis therefore spans across the EU's former pillars of decision-making, an approach also favoured by other FPA scholars who have studied the EU (White 2004, 15–17). This is also particularly relevant for researchers interested in the EU's relations with Latin America, as “going beyond CFSP is crucial to include the key themes of EU-LAC [Latin America and the Caribbean] [...] relations” (Ruano 2013b, 16).

This leaves the question of the continued existence of the foreign policies and related ministries and decision-making processes of the EU's member states and how to integrate these into the perspective taken in this thesis. This problem of a ‘Multilevel Foreign Policy’ (Foradori, Rosa, and Scartezzini 2007), where decisions taken at the national and EU-levels—sometimes even by the very same actors—influence the coherence of the foreign policy of the EU itself has been recognized by others as well. A conceptual solution to this problem lies in an adaptation of Robert Putnam's two-level games approach (Putnam 1988) to the specific context of the EU. Here, Sarah Collinson (1999, 217–20) has suggested that decision-making in the EU's commercial policy should be conceptualized as a three-level game instead, which simultaneously considers the bargaining of the EU's negotiators with third actors at the international level, the bargaining taking place at the EU level, as well as that at the national level. This has been applied and refined in an article on the EU's negotiations for the EU's 1999 Trade, Development and Cooperation Agreement with South Africa. The author cautions that,

“[t]he main argument of the article is that the three-level game model needs to place its domestic focus at the level of the Commission, rather than, as is done in most traditional three-level game models, at the level of the Member States” (Frennhoff Larsén 2007, 858).

Conceptualizing the main level of analysis as that of the EU's institutions (but not limited to the Commission), and treating these as the main foreign policy bureaucracies that are the subject of most FPA literature thus allows for overcoming the problem of the continued existence of member state foreign policy decision-making processes. Instead, member state activity will be considered mainly in the context of their

actions in the Council of the EU, with each member state seen as a part of the internal Council decision-making processes.

### **2.3.2 The hypotheses: Different yet related ‘lenses’ on EU foreign policy (in)coherence**

In line with existing FPA scholarship, foreign policy decisions can best be understood when analysed through different analytical ‘lenses’. In consequence, the analysis of the emergence of the EU’s foreign policy incoherence towards Latin America will be studied from two broadly different perspectives and their ultimate explanatory value thus explored.

A first analytical lens that can be taken is to consider whether the observed incoherence of the EU’s foreign policy output is actually the result of rational decision-making within the EU’s foreign policy bureaucracy, that is, decisions were taken because decision-makers considered that the EU needed to change its policy towards the region in such a way. This corresponds roughly to the first analytical perspective explored in Graham T. Allison’s and Morton Halperin’s work on the Cuban Missile Crisis, which describes it as follows:

This approach depends primarily on the assumption that events in international politics consist of the more or less purposive acts of unified national governments and that governmental behavior can be understood by analogy with the intelligent, coordinated acts of individual human beings. Following this approach, analysts focus on the interests and goals of a nation, the alternative courses of actions available, and the costs and benefits of each alternative. (G. T. Allison and Halperin 1972, 41)

In this view foreign policy decisions are based on rational decision-making. In the case in question the result of this process would be the change of foreign policy outlined above. Given this assumption of rationality, a previous foreign policy towards a third actor would only change when a cost-benefit analysis of various underlying factors warrants it. A specific part of the FPA literature that is concerned with foreign policy change allows for the identification of different such factors, or ‘drivers’ for change in the foreign policy of individual states. Charles Hermann (1990, 10–13) has identified four such factors: 1. Leader-driven change 2. Bureaucratic advocacy 3. Domestic restructuring 4. External shocks. The first describes the initiation of the process for foreign policy change based on authoritative top-down decisions by political leaders, due to a change of opinion at that echelon. The second encompasses instances in which groups of officials lobby for a reorientation of foreign policy in absence of political leadership. The third

then describes changes as induced by altered majorities after elections which may bring a party to power that has a different vision as to how foreign policy should be conducted. Lastly, and perhaps most relevantly, external shocks describe the initiation of foreign policy change as warranted by changes to the external environment of a state which is perceived by actors in a state's foreign policy decision-making system.

While leader-driven change in the context of the EU appears unlikely given the absence of a single foreign policy decision-making hierarchy, any of the other factors relevant for foreign policy change to occur could be of importance in the context of the change in the EU's Latin America policy. Nonetheless, the existing literature has privileged the consideration of external factors, and particularly the effect of the United States' policy towards Latin America (García 2008, 234, 2015; Grabendorff 2005; Gratius and Legler 2009; Roy 2010; Santander 2005). María García suggests in particular that developments in the realm of international trade have altered the EU's rationale for the negotiation of Association Agreements over time:

The AAs emphasize continued commitment to, and hopes for, regional integration. However, given changes in other economic powers' trade strategies and setbacks at the WTO, since 2006 the EU has been willing to forgo some of its interregional objectives in favour of perceived improvements in competitiveness. (García 2015, 636)

A similar explanation for the EU's partial abandonment of interregional relations can be found in the literature that explores its emergent complex interregionalism:

This situation is a first indication of the diplomatic implications of complex interregionalism: the EU has tried to privilege the interregional level of relations above all others, but because of slow progress has now been forced to return to the bilateral level of relations with key partners. [...]

Although the EU has tried to operate all of its relations in Latin America at the interregional level, predominantly economic balancing and bandwagoning reasons have forced it to sign important bilateral agreements. [...] It appears that if the interregional approach is not proving fruitful, then the EU will consider a bilateral approach, although the EU will only consider the bilateral option when there are pressing relative economic concerns, such as the countries in question signing agreements with the EU's competitors. (Hardacre and Smith 2009, 182)

In consequence, the EU's shift to bilateral agreements can thus be explained by changes to external (economic) factors that shaped the EU's initial policy towards the region which was based in interregionalism. To this another dimension based on the weakness of regional integration schemes in Latin America can be added. As Roberto Dominguez (2015) has argued, the EU's shift towards bilateral agreements in the region can also be explained by Latin America's inability or unwillingness to deepen their regional

organizations which would be a prerequisite for the signature of interregional agreements with the EU.

Nonetheless, the presence of external factors for foreign policy change towards Latin America is only a first step in concluding that it was indeed based on rational decision-making in the EU's foreign policy bureaucracy. After all, drivers for foreign policy change are little more than “[e]xternal stimuli [...] that potentially form feedback to the policymakers” (Hermann 1990, 16). These still need to form the basis for the rational cost-benefit analysis taking place in a foreign policy bureaucracy that ultimately shape the change of foreign policy. This is particularly important, as in the case under consideration there would need to be additional evidence suggesting that the reasons leading to the EU's increased shift towards bilateralism have also informed the decisions that have led to a continuation of the previous rhetoric of regionalism support and development cooperation projects based on such an over-arching goal. A reason for this could be concern for a loss of reputation:

Diplomatic negotiations take time and sudden changes may be a sign of unreliability. Other countries may perceive change as inconsistency that undermines credibility. (Kleistra and Mayer 2001, 383)

While a foreign policy change based on external economic conditions may have become necessary, the continuation of the previous rhetoric could have been based on a calculation that the EU's foreign policy activity needed to continue to appear consistent despite an actual underlying foreign policy change. In that sense, the observed incoherence of the EU's foreign policy outputs could still be based on coherent and rational internal decision-making. This proposition can be summarized as follows:

**Hypothesis 1: Rational incoherence** — *The observed incoherence in the EU's foreign policy towards Latin America is in reality the result of rational decisions based on cost-benefit analyses that have occurred within the EU's foreign policy bureaucracy.*

This contrasts with a second perspective which sees bureaucratic processes themselves as determining factors for foreign policy decision-making, which has come to be known as the bureaucratic politics paradigm (G. T. Allison and Halperin 1972). Jerel A. Rosati (1981, 236–38) provides a concise overview of it, summarized in four propositions: Firstly, the bureaucratic politics paradigm assumes that multiple entities and individuals make up the executive branch of any government, that these differ in their assessment of specific issues and that their individual preference structure differs.

Secondly, there is no dominant institution or individual in any state's foreign policy decision-making system, although presidents/heads of government hold a particular and privileged position. Thirdly, foreign policy decisions are the outcome of bargaining between the different actors involved in foreign policy decision-making. Lastly, there are gaps between decisions taken and how these are being implemented.

This perspective resonates with the above elaboration on internal determinants of EU foreign policy coherence, and provides an analytical lens that contrasts with the one seeing the EU's policies towards Latin America as the result of rational decision-making. Where the bureaucratic politics paradigm comments on the activity of the executive branch of national governments, this thesis instead considers the entities involved in the EU's foreign policy decision-making towards Latin America at the EU level, similarly stipulating that no single actor is in a dominant position to define the EU's foreign policy towards the region. In consequence, this thesis' second hypothesis which contrasts with the first analytical lens can be summarized as follows:

**Hypothesis 2: Bureaucratic Politics** — *The incoherence in the EU's foreign policy towards Latin America is the result of bureaucratic processes and institutional factors that shape the EU's decision-making.*

In and of itself this hypothesis cannot be operationalised, and needs to be further detailed in individual sub-hypotheses, so as to be able to study how the various elements that are parts of bureaucratic politics may have shaped the EU's policies towards the region. While each provides a distinct perspective on internal EU foreign policy decision-making, these sub-hypotheses by definition interact and overlap. For instance, the degree to which one of the factors underlying one of the sub-hypotheses influences EU foreign policy decision-making may be aggravated or moderated by another.

An initial element to consider here is that foreign policy change, and even more so change that is coherent in its outputs is a difficult process that is hampered by existing bureaucratic processes and commitments. Even when decision-makers agree on a foreign policy change, it will take time to permeate existing bureaucratic structures, as these operate according to specific organizational cultures which develop over time (Beach 2012, 142). To simplify the functioning of complex bureaucracies, often 'standard operating procedures' (G. T. Allison and Zelikow 1999, 169–70) are developed to deal with specific situations. A decision on foreign policy change will often require changing

such procedures and altering the existing administrative culture before the policy change can be implemented. This is particularly important in contexts where an institution is short-staffed and struggles to keep up with the demands placed on it. Notoriously low staffing levels have been a major problem for the EU's development policy bureaucracy in the past (Orbie and Versluys 2008, 69), and the same can currently be said of the EU's trade policy (see chapter 7).

There are also material factors limiting the EU's capacity for foreign policy change, related to the long timeframes of certain EU programmes and the way in which funding decisions are taken internally. Certain parts of the EU's policy towards a given third actor may be predetermined due to long-term funding commitments and planning periods. This means that certain EU policies can only be altered with great difficulty in the short-term, such as its development cooperation funding which is based on six-year planning periods, in line with the EU's budget.

The capacity of the EU to change its foreign policy coherently may also be based on the fact that many actors in the EU's foreign policy system are influenced by existing principles, values and norms that have previously served as its basis for foreign policy action. It is generally assumed that most actors in a foreign policy system share certain underlying values and beliefs:

Beneath the differences that fuel bureaucratic politics is a foundation of shared assumptions about basic values and facts. These underlying assumptions are reflected in various attitudes and images which are taken for granted by most players. (G. T. Allison and Halperin 1972, 56)

When it comes to the specific example of the EU, Daniel C. Thomas has pointed out that

the policy-making behaviour of member states is shaped significantly by shared perceptions regarding which policy options are consistent or inconsistent with pre-existing EU norms and commitments. [...] As a result, once member states have committed themselves to a particular set of norms and/or policy course, they are likely to find themselves entrapped, constrained to take further actions that do not reflect their original intentions and/or current preferences [...]. If this is correct, one would expect EU common and community policies to be consistent with pre-existing EU norms and policy commitments. (Thomas 2011, 15–16).

While his argument is limited to the behaviour of member states, it can easily be extended to other institutional actors involved in the EU's foreign policy, such as the European Commission and its various administrative sub-entities. Even where a change of policy may have been the outcome of a rational decision, the presence of such entrapment may lock in specific policy outputs by individual institutional actors, thus

increasing the risk of horizontal and rhetorical policy incoherence. This problem can also be fuelled by the power of precedent, as long-standing (public) commitments and resources dedicated to a previous policy goal will make it more unlikely for actors to want to initiate a change of policy (Thomas 2011, 17), and even less so when the suggested policy change is incompatible with other EU policy goals (Thomas 2012). The public dimension of this has been described as rhetorical entrapment (Schimmelfennig 2009; Splidsboel Hansen 2006), where an alteration of the EU's policy will lead it or its institutional actors to incur a loss of reputation given previous public commitment to a specific policy goal.

The first sub-hypothesis to be considered is thus based on the fact that it is difficult to translate foreign policy decisions coherently into foreign policy outputs given the existence of previous commitments, the prevalence of established views on an issue, as well as established bureaucratic procedures. Translated into the format of a hypothesis, this proposition reads as follows:

**Hypothesis 2a: Policy inertia** — *Even where a rational cost-benefit analysis may mean that the EU should change its Latin America policy in a coherent way, existing procedures, assumptions and commitments will render a coherent change of policy less likely.*

Aside from the mainly material factors, such as the long timeframes of existing EU programmes, underlying the sub-hypothesis outlined above, bureaucratic actors may also be naturally inclined to hold diverging views on particular policy issues. While, in line with the sub-hypothesis outlined above such differing views may simply be based on the fact that certain bureaucratic actors are bound more strongly by previous commitments given their role in past decision-making processes, the factors that can lead to diverging views between various bureaucracies are much larger.

The positions of specific actors within the EU's foreign policy apparatus may also diverge in line with their (perceived) role, their current position in the decision-making process, and the likely effect of any decision on the former two. When considering national foreign policy bureaucracies this has been summarized as follows:

Organizational interests are often dominated by the desire to maintain the autonomy of the organization in pursuing what its members view as the essence of the organization's activity (G. T. Allison and Halperin 1972, 49)

Relatedly,

The drawing of organizational boundaries *between* as well as within ministries tends to bias the allocation of attention and the formation of preferences and identities (Egeberg 1999, 163)

These insights can easily be translated to the specific context of the European Union, and existing research points to the fact that disagreements between different EU institutions in the foreign policy process are common (Orbie 2008, 39), that different institutional actors such as the Commission and the Council Secretariat compete for influence in the EU's foreign policy (Christiansen 2001; Dijkstra 2009), that an actor's position in the policy process will have an important impact on its view of any given issue (Stetter 2007, 139), and that EU policy output is always shaped by the competition of different interests internal to the EU (Carbone 2008, 330).

While differing views of individual institutional actors are likely to have a negative impact, particularly on the EU's horizontal and vertical policy coherence, the likelihood of this happening depends on how much individual actors care about the issue at hand. The more an actor is invested in a given policy, the less likely it is to want to change the status quo (Kleistra and Mayer 2001, 392), which is in line with the assumptions of the sub-hypothesis outlined above. This will also be determined by the general salience of an issue, with policy questions that will likely have important effects or be heavily scrutinized in public leading to individual actors' wanting to defend their positions more vehemently than otherwise:

EU foreign policy is the more powerful the less it is in the headlines. Where the policy content is routine and does not provoke rivalry and controversy among member states, it [the EU] is at its most powerful. (Matlary 2013, 138)

Once more, this member state-centric perspective can easily be extended to other institutional actors such as the European Commission or the European Parliament. Lastly, taking the specific example of Latin America, it is important to note that policy questions relating to the region will differ greatly in salience between different institutional and intra-institutional actors, for instance with most Eastern European member states typically remaining passive in discussions due to their limited historical or economic ties to the region (Ruano 2013a, 4).

Overall, diverging interests of the different institutions involved in the EU's foreign policy decision-making towards Latin America are thus likely to negatively impact the EU's foreign policy towards the region as actors will be determined to defend their view on specific issues, and in particular if these are politically salient. This can be summarized as follows:

**Hypothesis 2b: Diverging interests** — *A coherent foreign policy change towards Latin America that may be in the rational interest of the EU itself is less likely where the interests of key actors in the EU's foreign policy decision-making system diverge.*

While the above is seen as an important element driving foreign policy (in)coherence in the literature, it is nonetheless key not to overestimate its importance on its own, as

easy harmony of preferences is rare and this hypothesis leads one to expect failure of agreement except for those few issues where the member states' preferences are identical or where the stakes are so small that nobody cares about the outcome. Moreover, we know this to be false: member states' representatives often argue intensively about issues that nobody considers inconsequential before they reach agreement on a common policy. Nor can we simply dismiss these debates as meaningless rhetorical exercises. The reason that such debates are so intense, it is reasonable to assume, is that even where some preference convergence has occurred, the quest for agreement on an EU policy involves the compromise of policy preferences and adjustment of policy behaviour by member states that otherwise would prefer to avoid such concessions. (Thomas 2011, 12)

Additionally, Morten Egeberg has cautioned that

those who focus on bureaucratic structure do not necessarily figure out in what ways varying administrative arrangements might intervene in policy processes and ultimately shape policy outputs. (Egeberg 1999, 155)

It is thus important to also focus on the policy-making process itself, and particularly how much individual actors in the EU's foreign policy system are bound by collective decisions or those taken by individual actors elsewhere. Only when there are no mechanisms in place that ensure an ultimate agreement between different institutional and bureaucratic actors despite their diverging views on particular issues can the above sub-hypothesis influence EU foreign policy decision-making in an important manner. The consideration of individual actor's ability to defend their individual position and act independently of other actors on it is thus the essence of the ensuing sub-hypothesis.

It has already been pointed out that despite the various reforms of the EU's treaties there is no specific single foreign policy decision-making hierarchy in the EU (Portela and Raube 2012, 4), and even the Treaty of Lisbon's language was sufficiently vague to leave the implementation of its provisions to those very actors meant to abide by them (Missiroli 2010, 429), a process which has not been without difficulty in certain policy areas (Tannous 2013).

Yet it is the presence of coordination requirements and mechanisms and their functioning that can determine the coherence of the EU's foreign policy output even

when diverging interests are present. Taking insights from administration research, policy coordination that can help coherent policy outputs is less likely the more individual actors are self-contained in their activity and capable to act on their own and achieve their goals without the involvement of others, and it will not occur automatically unless actors' share the same views on any given issue (Peters 1998, 301, 304). The latter consideration would obviously represent the lack of diverging views between institutional actors, and thus the absence of factors considered under the sub-hypothesis based on diverging interests.

The typical response to a lack of coordination mechanisms or their malfunctioning has been to reorganize the functioning of the EU's foreign policy bureaucracy in an attempt to foster coordination. Yet, it is these very changes that can increase the autonomy of an actor in the EU's foreign policy process and change its position on a given issue, as this can involve the breaking up of functioning established coordination mechanisms, be they formal or informal. This is problematic as

The changing nature of politics and policy problems raises another issue about co-ordination, having to do with the extent to which co-ordination is a one-off event or a part of an ongoing series of interactions. Everything else being equal I would expect co-ordination processes to be more effective when each event represents one in a continuing series of interactions. (Peters 1998, 305)

In consequence, scholars who have studied the reorganization of bureaucracies have cautioned that "most major reorganization efforts have been described by outsiders, and frequently by participants, as substantial failures." (March and Olson 1983, 288) In the context of the EU, researchers have observed that

In parallel with efforts to ensure coherence between external relations and the CFSP, the 'Brusselisation' of foreign policy has provoked both rivalries between EU institutions and national foreign ministries and intensified *intra*-bureaucratic struggles. [...] Likewise, the reorganised Commission external relations empire has suffered from prolonged internal bickering over turf and resources (Peterson and Sjursen 1998, 179)

This situation is also rendered worse by the continuing growth of the EU's institutions and their tasks (Christiansen 2001), thus increasing the autonomy of individual actors until new coordination mechanisms have been established. Overall, in addition to a focus on the divergence of opinions between individual institutional actors, it is also important to consider their capacity to act on their own and how this is curtailed by established coordination mechanisms. In consequence:

**Hypothesis 2c: Actor autonomy** — *The weaker the requirements for policy coordination are between the different actors involved in the EU's foreign policy decision-making process, the less likely it is for the EU to coherently change its foreign policy towards Latin America.*

It is important to note here, that the EU's foreign policy decision-making process in itself is highly volatile and follows different logics depending on if it is an exclusive or shared competence of the EU, or whether it is intergovernmental in nature. In this context Michael Smith has described the EU's foreign policy decision-making system as a hybrid with “a political, institutional and legal structure derived from heterogeneous sources, or composed of elements of different or incongruous kinds.” (M. Smith 2012, 700) This has arisen “from the operation of a ‘mixed actor system’ and [is] reflecting heterogeneity of political influences” (M. Smith 2012, 700) on the EU's foreign policy system. These different institutional structures have then evolved in parallel, perpetuating this heterogeneity over time (Elgström and Pilegaard 2008).

Even where requirements and mechanisms for policy coordination are in place, reducing actor autonomy overall, the complexity of decision-making mechanisms, the duration of decision-making processes and the number of actors involved in different capacities can help individual bureaucratic actors to increase their overall decision-making autonomy through an exploitation of these complexities to escape control and coordination mechanisms. Particularly when placed at key positions within the EU's foreign policy decision-making hierarchy, such as DG Trade for the EU's Common Commercial Policy, this and other institutional actors have utilized information asymmetries arising in this setup to increase their decision-making autonomy over other institutions meant to control them (Gastinger 2015). While in the EU's trade negotiations the member states were meant to control DG Trade's negotiation efforts, in the past no mechanisms were put in place to do so in pre-negotiation phases, which is one of many steps necessary for the EU to conclude trade agreements. This allowed DG Trade to sometimes bargain strategically with third actors to overrule certain member state concerns.

If the complexity of decision-making within one policy area such as trade already allows individual actors to gain more decision-making autonomy than foreseen given established coordination mechanisms, then this is likely to increase when considering coordination across different policy areas. This is facilitated by the fact that depending on the policy area under consideration the same actors at the EU level may take up different

roles and decision-making may require differing majorities or even unanimity voting. These difficulties extend beyond a consideration of CFSP and policies that used to be part of the EU's first pillar, as different provisions may guide decision-making in different areas even within the former pillars (Portela and Orbie 2014).

Rather than reducing the number of actors involved in EU-level decision-making over time, the creation of the HRVP and the EEAS with the Treaty of Lisbon has only increased the overall number of actors, increasing the complexity of the system overall, and further increasing the risk associated with each one defending its own interests due its unique position in EU decision-making (Lequesne 2013, 81–83) rather than the interests of the Union as a whole. Furthermore, established institutions are likely going to want to defend their established position within the system in line with the sub-hypothesis based on diverging interests, and will dispose of more knowledge of the process to do act independently than newly created institutional actors, or those which have been reshaped in important ways.

The complexity of the EU's foreign policy decision-making system poses two additional risks to the coherence of its foreign policy towards Latin America, one related to the sheer number of actors involved and the different roles that these fulfil, the other to the duration of the decision-making process from the very beginning to the generation of foreign policy outputs. Foreign policy decision-making has, for a long time, been conceptualised as a process, rather than individual decisions taken at specific points in time. This duration in turn introduces risks related to different discount rates between the various actors involved (G. T. Allison and Halperin 1972, 50, 53).

In essence, the longer the time period that it takes for foreign policy decisions to be taken and implemented, the more likely it will become that the positions of individual actors involved in the process will start to diverge, possibly contributing to the incoherence of the ensuing foreign policy outputs. This risk is further aggravated by the number of actors involved in the process and the requirements for individual decisions taken by these at different points in time.

In sum, the elements considered under this sub-hypothesis can be summarized as follows:

**Hypothesis 2d: Decision-making complexity** — *The more complex the EU's foreign policy decision-making is at any given point in time, the less likely it will be for it to change its foreign policy towards Latin America coherently.*

The two major hypotheses above thus form two analytical lenses to respond to the research question, with Hypothesis 2 considering different yet related aspects of bureaucratic politics as potential parallel explanatory factors for the EU's foreign policy (in)coherence towards Latin America.

### **2.3.3 Alternative analytical perspectives**

While this thesis uses insights from Foreign Policy Analysis to analyse factors internal to the EU that contribute to the incoherence of its policy outputs towards Latin America, some alternative analytical perspectives such as new institutionalism(s) or principal-agent theory could also have been used to structure the analysis undertaken here. All these theories

have in common that they do not consider the EU as a unitary actor in international politics, but rather as a complex political system that consists of more than merely member states and in which Brussels-based actors matter. (Delreux 2015, 152)

This section outlines why despite certain advantages of such analytical frameworks FPA was ultimately chosen over these all, while outlining that some of their assumptions are shared with the analytical framework outlined above.

Starting with new institutionalism, theories falling under this heading examine the role of institutional actors in foreign policy decision-making processes and consider under what conditions and for what purposes they are created, and how they subsequently shape decision-making processes. A large body of the literature on new institutionalism revolves around rational choice institutionalism. Principal-agent theory (PA) itself can be considered as a subset of this variety of new institutionalism (Delreux 2015, 159).

Rational choice institutionalism assumes that actors in the international realm, or member states in the context of the EU, attempt to maximise their interests based on cost-benefit analyses. Under this perspective the creation of institutions, defined as rules constraining the behaviour of individual actors, can help overcome collective action problems and thereby reduce transaction costs hampering cooperation.

Principal-agent theory then expands these basic insights to discuss the dynamics that can unfold once an institution—or an agent in the language of principal-agent theory—has been created by so called principals. When applied to the context of the EU the latter are most often its member states. PA then assumes that despite the intentions

of the principals the newly created agent will develop its own interests and given its privileged access to resources such as information will, under certain conditions, be able to take decisions against the preferences of its principals. The latter in turn are then incentivised to set up certain control mechanisms, such as ‘police-patrol’, meaning an active and regular oversight of the actions of the principal, or less resource-incentive ‘fire-alarm’ oversight, where principals will set up mechanisms to control only important and large deviations by an agent from its assigned role (Pollack 1997, 111).

A seminal article by Mark A. Pollack (1997) has outlined the advantages of using principal-agency theory to conceptualise the independent role of the EU’s supranational institutions on its decision-making processes, and particularly that of the European Commission and the European Court of Justice. This was followed by a book that expanded on his argument (Pollack 2003). However, his work was primarily concerned with the EU’s single market, leaving aside a possible application of PA to the EU’s foreign policy.

Considering PA’s application to the EU’s foreign policy, most of the literature uses it to analyse the dynamics of decision-making in specific policy areas, such as the EU’s trade policy or its behaviour in international organisations (Delreux 2015, 160). A special issue of the *Journal of European Public Policy* considers the value of principal-agent analysis for the study of the EU’s foreign economic policies in particular (see the introduction by Dür and Elsig 2011), and thereby offers a good overview of the utility of PA for such policy-specific analyses where the positions of principals and a single agent are clearly delineated.

However, applying PA to the EU’s external relations more broadly is more challenging as the set-up of principals and agents varies between different policy areas and does not help to conceptualize how agents may interact in more complex decision-making settings. If one considers decision-making in two distinct policy areas relevant for this thesis, trade and the CFSP, for instance, it is possible to note that principals, agents and control mechanisms differ between both policy areas. While theoretically the member states mandate the EU’s supranational institutions to perform certain tasks, the member states themselves should not be considered as unitary actors. When it comes to the delegation and control of powers for trade negotiations to the European Commission, or more specifically DG Trade, different national ministers and officials are involved than when delegating powers to the EU’s External Action Service to negotiate external agreements under the EU’s CFSP.

Not only are there thus two different delegation chains for distinct foreign policy areas, but there are implicitly separate sets of principals and explicitly distinct agents in both cases. Given my interest in the emergence of (in)coherence in the EU's foreign policy between different policy areas, the interaction between these distinct principals and agents needs to be considered alongside the dynamics of delegation processes themselves. As outlined above FPA can help structure such analyses that take into account the existence of parallel decision-making hierarchies and bodies whose competencies are sometimes distinct and may overlap, which is one of the reasons why an analytical framework based on FPA was chosen over principal-agent theory.

Another variety of new institutionalism, namely sociological institutionalism, also considers the socializing effect of institutions on the actors that created them in the first place, and thus allows to take into account that EU member state officials will develop an 'esprit de corps', or coordination and cooperation reflex, once socialized into the institutions within which they operate on a regular basis (Delreux 2015, 157).

While it can explain why representatives of the EU's member states may sometimes act against the preferences of the member states themselves as determined by rationalist approaches, this perspective does not allow to take into account all the dynamics that may arise between different institutional actors at the EU level. Nonetheless it cautions to think about the social identity of officials involved in decision-making processes and how this may transcend the formal roles assigned to them, something which also forms part of FPA literature when considering the role of individuals in policy processes.

Historical institutionalism is another variety of new institutionalism that needs to be considered. This theory emphasizes the importance of past decisions on future policy choices, emphasizing that past events restrict the number of future policy options available in a process called path dependency. Under historical institutionalism it is hypothesized that past decisions make it more and more costly to deviate from the direction of past decisions taken, thereby contributing to unforeseen effects of the creation of institutions and past choices. While this theory offers a relevant additional perspective on the dynamics of decision-making processes, it is nonetheless important to note that "a pure HI account is rarely sufficient to explain institutional change and design and that it needs to be complemented" (Delreux 2015, 159).

Nonetheless, historical institutionalism has been used to study the EU's foreign policy and has generated some important insights. For instance, it has also been pointed

out that the distinct evolution and history of EU foreign policy decision-making processes by policy area make it difficult for the EU to reach coherence in external negotiations such as those for Economic Partnership Agreements (Elgström and Pilegaard 2008). Furthermore, Maria García (2008) has used historical institutionalism to study the dynamics leading to the conclusion of the EU-Chile Association Agreement.

While not explicitly using historical institutionalism in this thesis, some of the hypotheses outlined above share common assumptions with this theoretical perspective. For instance, the hypothesis entitled ‘policy inertia’ (Hypothesis 2a) considers that the existence of administrative cultures that have developed over time, and the long duration of certain EU external commitments and programmes would make it difficult and costly to alter these in the short term. Furthermore, the hypothesis based on the complexity of the EU’s decision-making (Hypothesis 2d) considers the parallel yet distinct evolution of policy-making frameworks for different EU foreign policy areas as a source for its foreign policy incoherence.

While new institutionalism and principal-agent theory would have offered alternative bases for the analytical framework of this thesis, ultimately FPA literature was chosen over these given that it allows to consider more complex and different dynamics in decision-making processes that could not be sufficiently captured by either of the other approaches.

## **2.4 Methods and methodology**

Given that the hypotheses based on assumptions from the realm of bureaucratic politics depend on analysing how processes internal to the EU’s foreign policy decision-making system shape its foreign policy outputs, the perspective taken in this thesis is ultimately one that emphasizes causal pathways in decision-making processes. A research method suited to unearth causality in political processes is *process tracing*, which can be defined as “the systematic examination of diagnostic evidence selected and analyzed in light of research questions and hypotheses posed by the investigator” (Collier 2011, 823). Process tracing is specifically used to draw causal inferences from empirical data, “often times understood as part of a temporal sequence of events or phenomena” (Collier 2011, 824).

In order to be able to draw causal conclusion from process tracing in one’s research, David Collier (2011) emphasizes that the researcher must be familiar with the case at hand, and be able to offer sufficient descriptions of phenomena, before being able

to analyse them. When using process tracing as a tool to draw causal inferences from empirical data in particular, it is crucial to be able to place empirical evidence in a chronological chain of events.

Process tracing is thus particularly apt as a research method for cases in which a plethora of empirical data is available, so as to be able to provide detailed or ‘thick’ descriptions of phenomena and ultimately identify causal pathways through a temporal analysis and how these have been shaped by other variables, such as those outlined under Hypothesis 2. While research into policy-making for recent periods is always limited by problems of access to internal documents given moratoria on archival access and the secrecy surrounding decisions in the realm of foreign policy, the data gathered for this thesis is nonetheless sufficiently detailed to enable process tracing for the cases under consideration here (see below).

Nonetheless, the plethora of the EU’s foreign policy outputs towards Latin America over the time period under consideration here have made it necessary to focus the analysis around the EU’s negotiations for international agreements in the region. While this limits the empirical scope of the thesis somewhat, in reality the negotiations for Association Agreements have, through their focus on trade, development and political ties, covered most of the relevant aspects of the EU’s Latin America policy, and are necessarily influenced by other developments in EU-Latin American relations and in return provide the context within which these occur. After all, the eventual conclusion of an agreement will often alter the EU’s ties to the partner in important ways and over a long timeframe. While other developments such as the EU-Latin America and the Caribbean summit format and the associated dialogues are important developments that are technically separate from the negotiations for Association Agreements (see Dominguez 2015), the tone of discussions has nonetheless always been shaped by the state of the EU’s negotiations in the region, and presented opportunities for rhetorical commitment towards negotiations or substantial progress in the EU’s negotiations themselves. Similarly, the EU’s two strategic partnerships in the region with Brazil and Mexico have evolved as by-products of a failed and a successful negotiation for international agreements in the region.

Furthermore, the pursuit of negotiations requires specific decisions to be taken within the EU’s foreign policy bureaucracy, such as the granting of negotiation mandates to the European Commission, and therefore offers starting points to unearth causal pathways leading to the EU’s foreign policy outputs towards Latin America. The analysis

in this thesis is thus structured chronologically, and focuses on different rounds in the EU's negotiations for Association Agreements (see Table 1). Each chapter discusses specific grouped negotiations that occurred at that point in time, further breaking down the process into the separate steps necessary before negotiations could begin, the negotiations themselves, and the ratification process where these succeeded. The overall chronological approach of the thesis also allows a study of exactly when and how the EU's foreign policy towards the region started to be incoherent. Consequently, this permits an exploration of whether the functioning of foreign policy coordination mechanisms, or the complexity of decision-making processes in themselves have played a role in the process. While the initial analysis was shaped primarily by following the steps of formal decision-making procedures as much as possible (see chapter 3) to gain an overview over internal EU developments and decision-making timeframes, this was gradually supplemented by additional data that allowed for insights into decision-making dynamics not accurately captured by an analysis merely based on formality.

On this basis the different hypotheses can then be tested in each chapter, always looking for evidence that the emergence of the EU's policy incoherence towards the region represents either a rational decision or is the result of bureaucratic politics. To this end, the empirical data gathered is checked for the presence of indicators (see Table 4) that provide evidence as to their validity. When it comes to Hypothesis 1 this is the presence of mainly external factors that could change the cost-benefit analysis and parallel evidence that this view has shaped the EU's policy towards the region as a whole. The hypotheses based on assumptions from bureaucratic politics, consider factors such as pre-existing and long-standing policy commitments (Hypothesis 2a), the salience of an issue for individual actors (Hypothesis 2b), the weakness of coordination mechanisms (Hypothesis 2c), or the presence of different modes of decision-making (Hypothesis 2d).

**Table 4: A summary of the hypotheses and indicators**

<b>Hypotheses</b>	<b>Indicators</b>
<b>H1: Rational incoherence</b>	<ul style="list-style-type: none"> <li>- Clear temporal link between policy change and driver for change               <ul style="list-style-type: none"> <li>o Political change in LA</li> <li>o US trade policy</li> <li>o Development at the WTO</li> <li>o Change of majorities</li> </ul> </li> <li>- AND evidence of internal debate and diffusion across policy areas</li> </ul>
<b>H2: Bureaucratic Politics</b>	
<b>H2a: Policy inertia</b>	<ul style="list-style-type: none"> <li>- Long-standing public commitments</li> <li>- Established policy principles</li> <li>- Long timeframes of existing policies</li> <li>- Sunk costs               <ul style="list-style-type: none"> <li>o Previous development funding</li> <li>o Human resources</li> </ul> </li> </ul>
<b>H2b: Diverging interests</b>	<ul style="list-style-type: none"> <li>- Competence overlap</li> <li>- Salience of an issue</li> <li>- Policy-centred organisation of the European Commission</li> <li>- Established policy-based communities of interest</li> </ul>
<b>H2c: Actor autonomy</b>	<ul style="list-style-type: none"> <li>- Weakness of decision-making hierarchies and horizontal coordination mechanisms</li> <li>- Geography-centred organisation of the European Commission</li> <li>- Continued validity of previous principles/mandates for activity</li> <li>- Disruption of established coordination mechanisms</li> </ul>
<b>H2d: Decision-making complexity</b>	<ul style="list-style-type: none"> <li>- Number of actors involved in decisions</li> <li>- Varying modes of decision-making</li> <li>- Duration of administrative processes</li> </ul>

When considering the broader insights that this thesis can contribute to the literature discussing the EU's interregionalism policies and its foreign policy coherence, research on the evolution of the EU's ties with Latin America represents what has come to be known, methodologically speaking, as a single case study focussing on a crucial case (Gerring 2008, 659–63), one in which EU foreign policy coherence is the most likely and the pursuit of interregionalism to be the most successful. On the one hand this is based on the fact that the positions of Latin America and the EU are relatively similar:

Despite nuances and differences, the gaps between the European and Latin American worldviews are considerably smaller in comparison to the diplomatic clashes between the European Union and other regions or countries. (Dominguez 2015, 2)

Furthermore, the EU's policies that focus on the region emanate from the field of 'low politics', exclude important security considerations, and are relatively unimportant for most member states. Unlike in cases where security interests are prime concerns and purely intergovernmental CFSP decision-making applies (Malici 2008), the focus on Latin America means that actors' interests should be relatively similar, and the likelihood of the respect of formal decision-making mechanisms larger. Additionally, the focus on interregionalism as shaped by negotiations represents an important and relatively recent foreign policy tool of the EU in the realm of 'low politics' (Santander 2005, 286), and should thus allow for important insights into the area where the EU's international role is most pronounced (Matlary 2013, 138–39).

#### **2.4.1 Sources**

Given the difficulty of gaining insights into internal EU decision-making processes through any one particular source, the research for this thesis is based on a variety of data. These are notably semi-structured interviews, internal documents made available to me, publicly available documents, leaked diplomatic cables, secondary sources and media coverage.

Any one kind of source utilized to gather data comes with problems. While for interviews, for instance, the researcher needs to be able to separate an interviewee's opinion from underlying facts (Rathburn 2008, 686–90), public documents may represent a mere narrative separate from an underlying rationale. Official minutes of internal discussions on the other hand may omit important elements, and their content is shaped by the officials producing such documents.<sup>3</sup> Whenever possible, the analysis for this thesis is thus based on the triangulation of information gathered from different sources, so as to corroborate information contained in others.

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<sup>3</sup> A former EU official cautioned that researchers should always attempt to identify the note-taker for official summaries of meetings held in the Council of the EU before analysing the content of said document (Brussels, 19.6.2015, interview 17).

#### *2.4.1.1. Interviews*

Given that concerns related to the practice of the formulation of the EU's foreign policy are at the core of this thesis, interviews with persons involved in the formulation of EU-Latin American relations are a logical choice to generate empirical data. As Brian Rathburn (2008, 689–95) cautions, interviews can be particularly useful in revealing information on motivations, preferences and personal thoughts of interviewees when they are conducted carefully and thoroughly fact-checked. Thus, gathering data in this way has only been undertaken as one of the last steps in the data collection process, as this allowed me to ask questions related to specific pieces of information contained in other primary sources.

In total 37 individuals were interviewed in 31 separate interviews throughout 2015 in Brussels, London and Hamburg. While most of these were with a single person, some involved groups of interviewees. Where necessary some interviewees have also been contacted again to conduct follow-up interviews. Interviews were conducted with EU officials working in the Council, the European Commission and the EEAS, member state officials, members of the European Parliament, as well as Latin American diplomats. Interviewees were selected based on their previous or current role related to EU-Latin American relations, while some individuals previously active in the field were recommended to me during prior interviews. Interviews were conducted in English, French, German, or Spanish depending on the context and the interviewee. Caution was taken to preserve interviewees' anonymity. This meant that interviews were not audio recorded and only detailed hand-written notes were taken. When referencing interviews in the body of this thesis, these are only listed with a unique identifying number. This corresponds to a list in Annex 1 of all interviews conducted. Consequently, this list does not contain interviewees names and only provides some information on them, such as a broad description of their role, the date of an interview, and its location.

Each interview began with a set of open-ended questions depending on the position and background of the individual concerned. These were then followed by further questions depending on the initial answers given. This made it possible to react flexibly to the viewpoint or expertise of individual interviewees. Over the course of conducting different interviews, the focus changed more and more from general questions to those attempting to situate particular pieces of information or corroborate elements learned in a different context beforehand. The core problem revealed itself to be the high turnover of staff in the institutions targeted, making it difficult to gain insights

into developments dating back more than a few years. While this could be compensated for partially by asking interviewees for contact details of previous personnel holding their posts, often these individuals were not available to be interviewed or did not remember details from their previous postings. Consequently, empirical insights gained from the interviews have proven to be the most valuable for general conceptual insights, as well as the chapters on the EU's negotiations with the Andean Community (chapter 6) and EU-Latin American relations after the Lisbon Treaty (chapter 7).

#### *2.4.1.2. Documents*

Significant empirical insights for this project also emanated from a large range of official documents generated by the EU institutions, its member states and Latin American countries. Many relevant documents can be accessed through the EEAS website or the Council of the European Union's online database. While the most recent documents are typically classified, some formerly secret documents from the relevant time period for this have been declassified fully or in parts. The online *Archive of European Integration* hosted at the University of Pittsburgh similarly contains many significant documents, including some that are not listed in the Council's database. The online repository *Foreign Trade Information System* hosted by the *Organisation of American States* (OAS) has been particularly helpful in tracking developments for individual trade negotiations rounds between the EU and its Latin American partners. Lastly, specific keyword Google searches limited to the backend of the EU's official websites have also revealed some relevant documents that are not linked in a publicly accessible manner. These are regularly referred to in the bibliography by providing the full hyperlink to access the document in question.

While I could have supplemented my research with freedom of information requests to the EU's institutions, this was hindered by the fact that many documents that may be in existence are not listed in public registers, rendering precise enquiries impossible.

At times, classified documents have been made available to me by interviewees and others. I was only able to consult some of these documents under the condition that I do not publicly refer to them. Others are referenced with some identifying information in footnotes, though not fully identified and referenced as this could contribute to the identification of the sources who have made them available to me.

#### *2.4.1.3. Diplomatic cables*

EU diplomatic correspondence, that of its member states and of its Latin American partner organisations for the time period relevant for this thesis remains inaccessible at present due to archival embargo periods typically spanning thirty years. Nonetheless, certain types of diplomatic communication are used extensively in this thesis.

The so called ‘Cablegate’ leak of the United States’ diplomatic cables by the organisation Wikileaks has created an important and easily accessible database of diplomatic communication significantly ahead of the lapse of embargo periods. In total, the database contains 251,287 diplomatic cables, from the period between 2003 and 2010. While not emanating from a state actor directly involved in EU-Latin American relations, these cables have nonetheless proven to be a useful contribution to this thesis for a number of reasons. On the one hand, the United States’ extensive diplomatic network and its significant interests in the Latin American region mean that American diplomats have followed developments in the EU’s relations with the region closely, and hence reported on it. On the other hand, American diplomats appear to regularly consult with EU and member state officials on Latin American issues, offering some insights into the positions and opinions of key EU officials on certain issues. Lastly, some EU member state foreign offices have regularly shared internal EU documents and position papers with their American counterparts, hence making either their text or detailed summaries publicly available. An example of this is the provision of a summary of an internal discussion on the EU’s Cuba policy provided by the Czech Ministry of Foreign Affairs (US Embassy Czech Republic Prague 2005).

While researchers should be cautious as to the authenticity of the documents given their non-official source and publication, there remains little doubt at present as to the database’s accuracy. Not only have official US sources acknowledged the authenticity of these documents and issued restrictions for US employees on using them, but numerous newspapers have also researched the context of some of the cables and published stories based on key insights from the archive.

Consequently, I have performed keyword searches pertaining to EU-Latin American relations, as well as searches based on the origin and destination of cables on the database that is available and indexed on the Wikileaks website. I then discovered further cables by following cross-references contained in those provided as a result from the keyword searches. In total, I have identified around 150 diplomatic cables of relevance for this thesis, with references to individual cables provided when these have been used

in the text. Lastly, I have equally used a number of other diplomatic cables emanating from smaller leaks, such as cables exchanged between the Ecuadorean embassy in Brussels and the country's foreign ministry on EU-Ecuador Free Trade negotiations.

#### *2.4.1.4. Secondary sources and media coverage*

Where empirical work of an academic nature on specific elements of the EU's relations with Latin America is in existence, this has also been used in this thesis. This has proven to be particularly valuable for the chapters concerned with the pre-Lisbon situation where interview data could not easily be gathered or would have duplicated previous empirical research.

Equally, I have consulted media reports of developments in EU-Latin American relations from a large range of different sources available to online database services such as *Factiva*. Regular news bulletins produced by the news agency *Agence Europe*, which is focused on reporting on EU politics, have proven the most helpful. Given that many developments in EU-Latin American relations are relatively more important for the Latin American partners concerned, I have consulted reporting by national media outlets in most of the countries concerned to track smaller developments that may go unnoticed in reporting in Europe. The website *Bilaterals.org*, which follows developments in trade policy from a critical perspective by providing links to reporting on the matters has also proven to be particularly helpful in this regard. Whenever possible, I have triangulated the information contained in secondary sources with other kinds of data.

## **2.5 A brief literature review: The thesis in context**

The existing literature that considers the EU's relations with Latin America is relatively limited, both in its empirical detail and the analytical perspectives taken. The bulk of the research that has been done on the EU's ties with the region is not concerned with EU-Latin American relations for its own sake, but in the context of the discussion of interregionalism as an emerging phenomenon in International Relations. This section outlines the state of the literature on the EU's ties with the region before arguing that one needs to look at a different kind of literature that uses the EU's policies targeted at third actors to analyse EU foreign policy decision-making in itself, as is the focus of this thesis.

While comparatively little has been written on EU-Latin American relations in English (Dominguez 2015, 3–4), there is nonetheless an established body of literature that considers the ties between the two regions from different perspectives. The first detailed and structured elaboration on the relationship is Hazel Smith’s (1995) book on *European Union Foreign Policy and Central America*. In this seminal contribution the author outlines how different aspects of the EU’s foreign policy have interacted to support the Central American peace process up to the early 1990s. Her theoretical argument focuses on the fact that the EU was able to play a central role in the region due to the activity of the European Commission, and the relative absence of the member states from the overall policy process. Nonetheless, aside from the core empirical contribution on EU-Latin American relations up to the early 1990s, the book’s focus lies in the discussion of how the European Union fits into existing debates in International Relations. The author then expanded her empirical contribution somewhat in a book chapter (H. Smith 1998), which extended the analysis through most of the 1990s and considered the evolution of the EU’s ties with Latin America as a whole. Trying to conceptualise the role of the EU, she argued that the EU’s policy towards Latin America had formed something akin to a state’s foreign policy, aiming to

project a European political identity based on the political norms it chooses to propagate: pluralist democracy on the western model, respect for the rule of law, and commitments to human rights. (H. Smith 1998, 168)

Amidst growing EU foreign policy activity towards the region from the 1990s onwards, a volume edited by Wolf Grabendorff and Reimund Seidelmann (2005) discussed the evolution of the EU’s ties with Latin America’s different regional integration mechanisms, focusing on Mercosur in particular. Conceptually, the ties are elaborated on by using the concept of biregionalism, ie. the development of ties between two geographical regions and how these are shaped by factors internal and external to the diad under consideration. Crucially, the book also considers how EU-Latin American biregionalism has been shaped by a triangular relationship including the United States, be it with the latter conceptualised as a partner or a competitor.

The latest detailed account of the state of EU-Latin American relations over time is a book by Roberto Dominguez (2015) entitled *EU Foreign Policy Towards Latin America*, which categorizes the EU’s ties with the region according to the degree in which it is based on interregional relations. Overall, the book outlines a varied picture of the relationship as having been shaped primarily by a number of EU strategies developed as the result of disagreements between the EU and Latin American actors. In consequence,

the book describes the EU abandonment of some of the Association Agreement negotiations primarily as the result of Latin America's unwillingness to proceed with its own regional integration (Dominguez 2015, 173–74).

Leaving aside the consideration of regional and subregional factors of the two volumes introduced above, a further edited volume on *The Europeanization of national foreign policies towards Latin America* (Ruano 2013b) applies the concept of Europeanization to study the linkage between national policies and EU policies towards the region. This is explained as follows:

in order to understand the EU's policy towards Latin America and how it has evolved over time, it is necessary to analyze *both* the EU *and* member states' policies towards the region, especially the interaction between them. (Ruano 2013a, 3)

Through its consideration of various national foreign policies towards the region the book's main contribution is thus that the history of member states' ties with Latin America is an important explanatory factor for whether a member state tends to want to shape the EU's policy towards the region (such as Spain), or rather tends to accept an existing consensus (such as Poland) (Ruano 2013a, 4–5).

Other works have focused on the evolution of the EU's ties with individual actors on the Latin American continent. For instance, María García has described the EU's negotiations for an Association Agreement with Chile in detail, using historical institutionalism to structure her analysis (García 2008, 2011). She focuses on a number of critical junctures that have shaped the negotiations with the country, thus explaining how the EU came to conclude an agreement despite important odds against it from the outset. The same author has written on the evolution of the EU's ties with Latin America's regional integration organizations (García 2015), emphasizing how these have been shaped by the EU's structural power towards the countries concerned and the primordial importance of EU trade interests to elaborate on the different fate of negotiations with Mercosur, CAN and Central America.

The EU's ties with various countries and regional organizations in the region have also been the focus of specific book chapters and articles. For instance, a dedicated group of researchers at Sciences Po Paris has followed the EU-Mercosur negotiations, producing almost annual reports on their progress and how these can be conceptualised (Giordano, Valladao, and Durand 2001; Working Group on European Union-Mercosur negotiations 2000, 2003, 2005, 2006). Specific developments in the relationship have also been the focus of some research, such as the EU-Mexico Global Agreement of

1997/1999 (Szymanski and Smith 2005), the EU's strategic partnership with Brazil (Whitman and Rodt 2012), or the 2010 EU-Central America Association Agreement (Arana 2015).

For the most part, however, the EU's Latin America policy has not been seen as an object of analysis in its own right, but rather as one expression of a nascent phenomenon of interregionalism in International Relations, in which the EU has played a central role. The body of literature, to which some of the works cited above have also contributed, revolves around the conceptual terms of *interregionalism* (Börzel and Risse 2009; Doctor 2015; Grisanti 2004; Hänggi, Roloff, and Rüländ 2006; Söderbaum, Stålgren, and Van Langenhove 2005; Telò, Fawcett, and Ponjaert 2015; Vinod K. Aggarwal and Edward A. Fogarty 2004), *new regionalism* (J. B. Grugel 2004), or *biregionalism* (Grabendorff and Seidelmann 2005). This literature offers extensive accounts of the EU's motivations for promoting interregional ties, evaluates its prospects and comments on what conclusions can be drawn from it for the study of International Relations.

In reality there are different kinds of interregional ties that need to be considered, ranging from relations based purely on direct ties between two regional organizations with a capacity to enter into direct agreements, to hybrid regionalism where one regional organization such as the EU enters into ties with multiple states in another region (De Lombaerde, Söderbaum, and Wunderlich 2015, 754), sometimes with a goal of influencing ties between states in the region targeted to develop regional ties on their own.

Authors working on this phenomenon claim that: "Interregionalism is deeply rooted in the foreign policies and external relations of the EU." (De Lombaerde, Söderbaum, and Wunderlich 2015, 750) The officially stated aim of the EU's interregionalism policies is to expand and formalize its ties to other regional integration organisations and thereby strengthen them. Tanja Börzel and Thomas Risse (2009, 2015) discuss the EU's motivation to promote regional integration through interregionalism as an attempt "to diffuse its own model of democracy, social welfare and regional integration through partnership agreements and political dialogue" (2009, 22).

Exercising somewhat more caution as to the overall importance of the phenomenon Frederik Söderbaum *et al.* (2005) have argued that in an attempt to develop its distinct identity as an international actor, the EU has aimed to spread its own model of regional integration. In this sense, the EU has aimed to legitimize its own existence by bolstering similar organisations in Africa, Asia and Latin America through engagement with them (De Lombaerde, Söderbaum, and Wunderlich 2015, 751). In reality, however,

reality this has proven to be difficult across the board (De Lombaerde, Söderbaum, and Wunderlich 2015, 750), leading to an assessment that interregionalism has recently declined, to be replaced by a renewed focus on bilateralism (De Lombaerde, Söderbaum, and Wunderlich 2015, 752). Yet looking at one particular such interaction, Alfredo Valladão asserts that with regards to the EU's policy towards one of Latin America's regional blocs, Mercosur, the "EU had an almost missionary drive to diffuse its own 'unique experience'" (2015, 121).

The analysis of the EU's ties with Latin America often serves as a core empirical portion of works concerned with the EU's interregionalism, such as in an edited volume which considers the EU's policies towards the region and their effect on Latin American regional integration (Franck, Defraigne, and de Moriamé 2009). A further edited volume on *The European Union and the Global South* analyses the EU's interregional policies towards Latin America in the realm of development cooperation and trade ties alongside chapters that consider its relations with other regional organizations (Söderbaum and Stålgren 2010). One of the latest addition to this literature is a volume on *Interregionalism and the European Union* (Telo, Fawcett, and Ponjaert 2015) that tries to broaden the debate on EU interregionalism further. Crucially, the empirical chapter focused on Latin America (Valladão 2015) outlines the impact that the EU's interregionalism policies have had on regional integration.

Often the EU's interregional ties with Latin America will also serve as a point of comparison to its activity towards other regions, such as the South African Development Community (SADC) (Lenz 2012; Robles 2008a), or the Association of Southeast Asian Nations (ASEAN) (Robles 2008b). It is important to note, however, that studying the EU's ties with Latin America is only one strand of the literature on the EU and interregionalism. Some works detail the EU's ties with other regional organizations and geographical regions exclusively, such as in South East Asia (L. Allison 2015; Gaens 2011; Jetschke and Murray 2012; Shu 2015) or considering the SADC on its own (Jakobeit 2015).

While the initial literature concerned with interregionalism often portrayed it as a trend that could have an important impact on the international system itself, gradually authors have also come to be more critical of interregionalism, once more using the EU's ties with Latin America to caution that it may have important limitations. Sébastien Santander (2009, 2010a, 2010b), for instance, has argued that EU interregionalism appears to have come to an end given the EU's experience with Mercosur. Such analyses are based

mainly on recent setbacks of regional integration projects akin to the EU in the rest of the world, as well as problems that the EU is currently facing in extending its ties with such organizations. This is also reflected in Alan Hardacre's and Michael Smith's work that attempts to reconcile the persistence of the EU's interregionalism policies with a parallel move towards bilateralism under the term *complex interregionalism* (Hardacre 2008; Hardacre and Smith 2009). Nonetheless, the existing literature has yet to engage fully with the phenomenon of policy incoherence towards Latin America that has seen the EU abandon interregional ties on a number of occasions.

While analysing the EU's links to other regions in the world through an interregionalist lens has generated a large body of literature, there are also works whose main aim is to study aspects of the EU's foreign policy in and of itself by using empirical case studies based on the EU's ties with other regions. Given the focus on EU foreign policy-making in this thesis, such works need to be considered also before discussing possible determinants of EU foreign policy incoherence. A part of the findings in Hazel Smith's (1995) book on the EU's relations with Central America is on internal determinants of the EU's foreign policy, discussing the role of the European Commission in particular. While also using interregionalism to frame her case study, Laura Allison has studied the EU's ties with ASEAN to gain insights into the EU's actorness in international relations. When studying EU foreign policy, she cautions that

[a]ctorness is only realized [...] if the actor and its interlocutors both perceive it to have the responsibility and ability to do so, and once this is determined, the actor utilises its resources effectively to ensure that its aims are achieved (L. Allison 2015, 3)

While conceptually different from foreign policy coherence, her approach nonetheless demonstrates that important insights into EU foreign policy-making can be gained from studying the EU's ties with specific third actors, and regional organizations in particular. Similarly, in studying the EU's policy towards the Mediterranean, Federica Bicchì (2007) analyses which conditions internal to the EU contribute to the formulation of new initiatives in the EU's foreign policy, thus elaborating on the importance of policy windows, ideational concerns, and the role of policy entrepreneurs. An edited volume on the EU's ties with the Mediterranean after the Arab Spring (Horst, Jünemann, and Rothe 2013) in turn uses this case study to argue that its foreign policy can best be understood by a framework entitled Logics of Action, which focuses on an interaction between the legal framework and the activity of the actors active in its decision-making, collectively reinforcing the weakness of the EU's foreign policy.

In addition to a literature focused on using the EU's ties with third actors to further our understanding of EU foreign policy, there is also a dedicated body of literature that studies the EU's foreign policy coherence and how it relates to the EU's actorness towards third actors:

The importance of speaking and acting as one is a prominent theme, both explicitly and implicitly, in the scholarly literature on EU foreign policy and especially EU 'actorness' in world affairs [...] Yet contributors to this literature disagree on how to define and measure the concept. Some scholars focus on the activities of Member States while others focus on EU institutions; some focus on policy-makers' values, some on policy-makers' rhetoric, some on the policy-making process, and still others on policy choices or outcomes. (Thomas 2012, 458)

When focusing on the sources of EU foreign policy (in)coherence, researchers have often been concerned with the large number of actors involved in European foreign policy decision-making processes, an issue which has remained on the top of the agenda despite the provisions in different treaties which were aimed at clarifying the roles of different actors in the EU's foreign policy decision-making processes (Allen 1998). When considering the EU's foreign policy output, one frequent theme in the literature is the problem of foreign policy coherence due to multiple parallel EU policies that target the same third actors in different ways. This can be witnessed when analysing how the EU's development policy goals diverge from those in some other policy areas (Carbone 2008, 2009; Matthews 2008).

Others still have focused on problems of policy coherence arising out of the EU's former pillar structure, a problem that has remained important even after the Treaty of Lisbon. For instance, Michael Smith cautions that

while the EU is what some might describe as a 'commercial superpower', in other areas of its external action it is decidedly stunted. For the EU, this creates a problem of coherence and consistency, which is underlined by the interinstitutional problems that persist even after (or because of ?) Lisbon. (M. Smith 2013, 657)

Such problems have also been observed within specific policies spanning multiple modes of decision-making, such as the EU's conflict prevention policies in general (Stewart 2008) or those aimed at the promotion of democracy and human rights (Verdonck 2015). Others have also pointed out that where the EU simultaneously pursues economic and political goals, as was the case for its Asia policy in the 1990s (Algieri 1999), or in the negotiation for the Global Agreement with Mexico (Szymanski and Smith 2005), these may ultimately contradict one another with one typically winning out (Dandashly 2015). Something similar was observed in the EU's response to the Arab Spring, with

concerns over the promotion of democracy contrasting with security interests, and the latter ultimately winning out. Coherence difficulties can be observed as well when considering two policy areas that have the same objectives, yet originated in different modes of the EU's decision-making system, such as the possibility to grant or withdraw trade access under the EU's Generalised System of Preferences (GSP) (former 1<sup>st</sup> pillar), or CFSP sanctions (Portela and Orbie 2014). Lastly, conflicts of interest between internal EU actors are often cited as a source for incoherence, such as among member states when responding to the events of the Arab Spring (Noutcheva 2015), or the Libyan crisis in particular (Koenig 2011).

While a body of literature that outlines EU-Latin American relations exists, this has so far seen these ties through the analytical lens of interregionalism, rather than as case studies for EU foreign policy decision-making processes in and of themselves. Yet, books using the EU's ties to specific regions have been able to generate important insights as to functioning of the EU's foreign policy. Given an important concern for policy coherence towards third actors in a distinct set of literature, this thesis aims to utilize the analysis of the EU's ties with Latin America primarily to further our understanding of determinants of EU foreign policy coherence.

## **2.6 Conclusion**

This chapter has presented the analytical framework adopted in this thesis which contrasts assumptions of the EU's foreign policy change towards Latin America having been based on rational considerations with others derived from FPA literature which emphasize the impact of bureaucratic factors on the EU's foreign policy (in)coherence towards the region over time.

It has also discussed how this thesis fits within the existing literature on the coherence of the EU's foreign policy and factors that can contribute or hamper the formulation of coherent foreign policy outputs. Furthermore, the thesis has explored existing research on EU-Latin American relations, and situated the thesis in the wider literature on the EU's and interregionalism. The following chapter now offers an overview of how the EU's foreign policy decision-making system has changed over time, before elaborating on how this has influenced the formulation of the EU's Latin America policy in line with the hypotheses outlined above in the empirical chapters.

## **CHAPTER 3:**

### **An overview of EU foreign policy decision-making over time**

#### **3.1 Introduction**

As explored briefly in the first two chapters, EU foreign policy decision-making involves a large number of actors in differing roles throughout the duration of decision-making processes. While decision-making in any given EU policy area with an external remit is already complex, this is rendered more so by the continued parallel existence of individual policies, varying modes of decision-making, as well as a patchwork of mechanisms meant to ensure policy coherence between them.

Unlike decision-making in national contexts, which is the subject of most of the Foreign Policy Analysis literature, the very foundations of the EU's foreign policy system have been volatile given the EU's frequent treaty reforms, its enlargement processes, and changes to internal bureaucratic structures. This chapter aims to take stock of the relevant actors of the EU's foreign policy system, its decision-making rules and practice relevant for the policy areas under consideration, and the changes that have occurred over time. This allows me to identify possible bureaucratic sources for the EU's foreign policy incoherence towards Latin America in more detail, thus providing the necessary background information for the analysis in the empirical chapters.

Re-iterating a previously stated claim, "each progress towards enhanced coherence was paradoxically increasing internal complexity" (Telò 2013, 27). While there is some truth to this statement as is explored in the following, it is nonetheless important to note that the full effects of the most recent iteration of the EU's treaties, the changes introduced through the Treaty of Lisbon, will only be felt in the long term (Holland and Doidge 2012, 125) and the empirical analysis in this chapter can only provide some evidence as to the short to medium term effects of the changes introduced with it.

The increase in complexity observed by Mario Telò is related to issues such as the continuous increase of the powers of the European Parliament, or the rising use of qualified majority voting. With the creation of new institutional actors like the High Representative of the Union for Foreign Affairs and Security Policy (HRVP) and the European External Action Service (EEAS), the overall number of stakeholders in the EU's Latin America policy has increased even further. While research on decision-making in the EU's foreign policy has often focused primarily on the interactions between different of the EU's institutional actors, it is also necessary to consider decision-making

within them, as an entity like the European Commission is in turn composed of different administrative entities. Only a consideration of both inter-institutional and intra-institutional decision-making processes can reveal the full picture of bureaucratic politics influencing the coherence of the EU's foreign policy decision-making (Christiansen 2001). After all,

Contradictory views and policies within as important an institution as the Commission are every bit as damaging to external perceptions of the European Union as is disunity between the Commission and the Council, or among the member states. (Donnelly 2010, 21)

While the account below offers insights into most aspects of EU foreign policy decision-making, its focus is on decision-making in the policy areas most relevant for the EU's relations with Latin America and for the time period relevant for the empirical analysis in this thesis. Consequently, aspects like trade policy decision-making or that for the EU's development policy are elaborated on in detail, with other aspects featuring less prominently. Thus this chapter should not be seen as an exhaustive list of all actors and decision-making procedures in the EU's foreign policy. Instead, it establishes the background information necessary to comprehend how the set-up of EU foreign policy decision-making has influenced its Latin America policy in line with the hypotheses based on bureaucratic politics outlined in the introductory chapter.

The remainder of this chapter is structured as follows: it first offers an overview of decision-making in the different policy areas relevant for the EU's Latin America policy. It then focuses on the internal organisation of the Commission and the Council over time, and how this has likely influenced the bureaucratic processes underlying the EU's Latin America policy. Lastly, the chapter details overarching changes to the functioning of the EU's foreign policy decision-making system which have attempted to eliminate some of the bureaucratic factors influencing the EU's foreign policy decision-making, and elaborates on whether this is likely to have changed the autonomy of institutional actors in the EU's Latin America policy.

### **3.2 Decision-making in policy areas relevant for EU-Latin American relations**

Decision-making for the three policy areas most relevant for the EU's relations with Latin America, namely trade policy, development policy and political cooperation, differs radically along policy lines and given the EU's former pillar structure that was nominally abandoned with the Treaty of Lisbon. While the first two emerged from its former

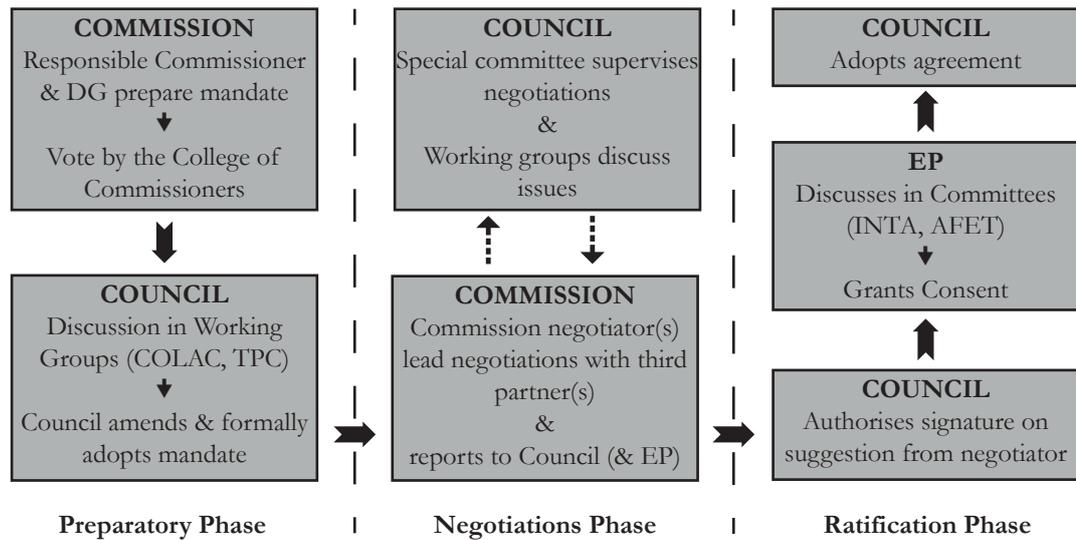
Community pillar, albeit still following different modes of decision-making, the latter originated in the pillar on the EU's Common Foreign and Security Policy (CFSP). When considering different aspects of the EU's Latin America policy, as is done in the empirical chapters of this thesis, these different modes of decision-making and policy areas need to be taken into account when considering the possible origin of the EU's policy incoherence towards the region through the lens of bureaucratic politics.

### **3.2.1 EU Trade Policy**

The Common Commercial Policy (CCP) is one of the most important and visible policy areas of the EU's external relations as the EU and its predecessors have been active in it for a long period of time, and given the potential economic repercussions on the EU and its member states, as well as its trade partners. While only one out of three policy areas included in negotiations for Association Agreements, "The common element in all these [external] agreements is trade" (Bretherton and Vogler 1999, 61). This has not been any different in the specific Latin American context, and provisions on trade policy decision-making in the EU have shaped its Latin America policy in important ways, which is why the parts relevant for the empirical cases under consideration are explored in detail below.

While the EU conducts trade policy through being represented in the World Trade Organization (WTO) as a full member, the most relevant aspects of the EU's trade policy-making for the Latin America context are its capacity to negotiate plurilateral and bilateral trade agreements with third actors. As Figure 1 outlines, the process under which this occurs is divided in three distinct phases, namely the approval of a negotiation mandate, which is an internal EU process, the actual negotiations with a third actor and finally the ratification process (Meunier and Nicolaïdis 2011, 283–86). Only once the latter is complete in the EU and the third actor(s) concerned can a trade agreement be implemented. Given that this policy area is one which has originated within the EU's former first pillar, the role of EU-level institutions is particularly pronounced (Orbie 2008, 37), attributing clear roles to the Commission, the Council and the European Parliament in the policy-making process. Nonetheless the process in itself is lengthy and highly complex; in line with the last hypothesis based on the complexity of EU decision-making processes, one can expect such processes to be prone to generating incoherent policy outcomes over time, as is elaborated on below.

**Figure 1: EU trade agreement decision-making**



Source: Own compilation based on different sources.

When describing the overall process in a simplified manner, it is the European Commission that proposes the opening of negotiations to the Council, which in turn provides the Commission with a negotiation mandate after extensive deliberations within its preparatory bodies. With the granting of a mandate the Commission, led by DG Trade, disposes of a right to negotiate on behalf of the Union with the third actor concerned, which is constantly supervised by a special committee of the Council. Once negotiations conclude successfully, the European Parliament has to give its consent, and the Council has to approve of the outcome with a qualified majority vote. Prior to the Treaty of Lisbon the European Parliament was merely consulted before FTAs could be ratified, rendering today's ratification phase more complex (see chapters 6 and 7). It is only once all of these steps are completed that a trade agreement is adopted and enters into its implementation phase.

While the above considerations are true for trade agreements that relate to the exclusive remit of the EU, some agreements are also considered mixed agreements, which follow a different ratification procedure, as they touch on the competencies of the EU and some exclusive competencies of the member states. In said case, unanimity is required and all member states need to ratify the agreement in question individually and according to their own domestic constitutional provisions (Diedrichs and Wessels 2006, 231). Nonetheless, even before member states ratify agreements, but after the EP's consent and the Council's final decision, parts of the agreement falling under the EU's exclusive

(former first pillar) competence may be provisionally applied, as is the case, for instance, in the liberalization of tariffs on the trade of goods.

Taking a closer look at the practice of EU trade policy-making reveals a number of intra-institutional actors involved in the process. Within the Commission it is today the Directorate-General for Trade (DG Trade) led by the EU's Trade Commissioner that undertakes the EU's negotiations. This structure has been relatively stable over time, though the supervisory role of individual Commissioners has been split according to geographical portfolios from time to time (see below). Before the Commission can ask the Council for a negotiation mandate, a vote by the College of Commissioners is also required.

While the Council does not dispose of a specific trade composition, it was the General Affairs and External Relations Council (GAERC) that dealt with the EU's trade policy (Bretherton and Vogler 1999, 51) until the Treaty of Lisbon. Since then this Council composition has been split in two, with the Foreign Affairs Council (FAC) now holding the overall responsibility for the EU's trade policy. This is assisted by a specific Trade Policy Committee (TPC, formerly known as the Article 113 or Article 133 Committee), which is one of the few Council working groups created directly through the EU's treaties, rather than being set up as member states see fit. As one of the oldest Council bodies in continued existence, it is responsible for recommending its views on negotiation mandates to the FAC, and follows the Commission's work during actual negotiations in the form of a special committee (Hayes-Renshaw and Wallace 2006, 91). The body itself has two main compositions, one staffed by the most senior member state trade officials. It furthermore has an official secretary and is attended by DG Trade's Director-General. This composition is responsible for reflections on the overall direction of the EU's trade policy, while lower level meetings are there to discuss the actual content of mandates and negotiations (Hayes-Renshaw and Wallace 2006, 91–92). Lastly, while no formal voting takes place in the TPC given its advisory role to the Council, recommendations and discussions will nonetheless informally take member states' voting weights into account (Hayes-Renshaw and Wallace 2006, 93).

The role of the European Parliament on EU trade agreements was relatively limited in the past. While the Council was regularly kept updated on DG Trade's work, the Parliament did not dispose of similar information rights. Within the Parliament, regular oversight of the EU's Trade policy is conducted through its Committee on International Trade (INTA). While some informal contacts between the Commission and

the EP have always existed, its influence was relatively limited overall as its legislative role was very constrained for most FTAs prior to Lisbon.<sup>4</sup>

While the Amsterdam and Nice treaties made some minor changes to the scope of the EU's Common Commercial Policy and the related voting procedures in the Council (Dominguez 2008, 128), major changes were only introduced with the Treaty of Lisbon, expanding the scope of the CCP to include investment treaties and altering the underlying institutional set-up. In particular, the Parliament's information rights in on-going negotiations were significantly increased to be technically on par with those of the Council (Woolcock 2010, 23). Even in the post-Lisbon context its consent is only required at the very end of the process (Hillman and Kleimann 2010, 5; Woolcock 2010, 23), and the use of this specific legislative procedure means that it can only vote for an agreement in full, or wholly reject it without being able to introduce amendments.

Researchers disagree as to which institutional actors ultimately have the most influence on the EU's trade policy under this set-up, though the focus was on the Commission and the Council prior to Lisbon (Orbie 2008, 39–41). Some have claimed that the Commission's powers ultimately depend on the member states' agreement for receiving a negotiation mandate and the approval of a finished agreement (Meunier 2007). This also extends to the actual negotiation period. While the underlying mandates are often vague, the presence of member state representatives nevertheless allows them to control the process to an important extent (Meunier and Nicolaïdis 2011, 286).

Others have stressed that the multi-level nature of the EU's trade policy plays into the hands of the Commission as the central actor (Billiet 2009; Elsig 2007), which is able to exploit different preferences of individual member states and the associated vague mandates provided (Conceição-Heldt 2011). Its formal role as the initiator of a process leading towards trade negotiations also means that "Member States tend to *respond* to, rather than be part of, the initial development of the agenda" (emphasis in the original, Frennhoff Larsén 2007, 861).

Further research has emphasized the key role that the Commission plays in choosing the venue in which negotiations are undertaken, be it in the multilateral, regional or bilateral realm (Dür and Elsig 2011, 334; Elsig 2007). Charlotte Bretherton and John Vogler attribute this to the long-lasting experience of DG Trade, which allows for it to defend a generally pro free trade position—sometimes even against the specific wishes of some member states (Bretherton and Vogler 1999, 65). However, once more the

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<sup>4</sup> European Parliament official, Brussels, 24.6.2015 (Interview 25).

Commission should not be seen as a single bureaucratic actor either, as for instance internal differences between DG Trade officials and those of the Directorate-General for Agriculture and Rural Development (DG AGRI), responsible for the EU's Common Agricultural Policy (CAP), have reduced the Commission's intra-actor coherence ever since the WTO Uruguay round negotiations (Bretherton and Vogler 1999, 54). While DG Trade's institutional role is to defend the EU's trade interests, DG AGRI's is to ensure the functioning of the EU's system of agricultural subsidies, which makes for a natural source of diverging views on trade matters that might require the liberalization of the EU's agricultural market.

It is important to note also that one cannot necessarily conceptualise the relationship between the Commission and the Council as one of antagonists. Rather, the latter's Trade Policy Committee is composed of officials who tend to stay in their posts for long periods of time and are socialized into the logic of the EU's trade policy and the defence of the Union's underlying interests (Hayes-Renshaw and Wallace 2006, 94), sometime against the preferences of the member states that they represent. In consequence, the relationship between the TPC and DG Trade has been described as one of collaboration, rather than controlling (Bretherton and Vogler 1999, 52). Some researchers have even pointed out that specific interest coalitions between the Council and the Commission exist that represent the EU's trade policy on the one hand, and agricultural interests on the other (van den Hoven 2007, 62–64), mirroring the opposition within the Commission itself. Lastly, the very complexity of the EU's internal trade policy decision-making can actually strengthen the Commission's position in external negotiations as its room for manoeuvre tends to be regarded as relatively limited by third actor representatives (Bretherton and Vogler 1999, 41).

Decision-making under the Common Commercial Policy is a key element for understanding the EU's relations with Latin America. While it is a former first pillar policy, decision-making for EU trade agreements is nonetheless complex, and even more so in the case of mixed agreements. This raises the potential for individual actors at different stages of the policy-making process to influence the EU's policy outputs when these hold diverging views and due to the complexity of the EU's decision-making system in itself, which is in line with two of the hypotheses considered under the lens of bureaucratic politics.

### 3.2.2 Development Cooperation

The EU's development policy was perhaps the EU's most relevant policy area for relations with Latin America until the start of trade negotiations with the region. As a former first pillar policy legislative decision-making takes a central role and attributes formally equal decision-making powers to the European Parliament and the Council under what is now the Ordinary Legislative Procedure (OLP) since the Treaty of Lisbon. Before said treaty change the Commission held the sole right for legislative initiative and the implementation of the policy. Nonetheless, decision-making in the policy area needs to be analysed closely to identify possible bureaucratic sources for the EU's foreign policy incoherence towards the region, as it depends on budget allocations to function, the continued existence of member states' own development policies, and the changes that the policy has undergone since the Treaty of Lisbon.

Furthermore, the importance of the EU's development policy for the overall coherence of the EU's foreign policy has been noted by others in the past:

Achieving coordination, coherence and complementarity between and across [...] [different aspects of foreign policy] is a mammoth task; but it is also an essential one [...]. In such a scenario development policy cannot be an optional extra, but constitutes a core component of Europe's external relations and CFSP. (Holland and Doidge 2012, 19)

After all, development policy targets and the underlying policies supporting them can only be successfully implemented if other activities and interests of the European Union do not contradict them. While this is a very basic insight, other considerations, such as those in the realm of trade (see above), may contradict this development-policy specific goal.

In this context it is important to note that when considering development budgets, the EU and its member states may be the largest donor of Official Development Aid (ODA) overall, but it is the member states in sum that dispose of the most relevant development cooperation budgets (Dür and Elsig 2011, 327). Despite the underlying legislative decision-making having remained largely the same since the Treaty of Maastricht (when the OLP's predecessor known as co-decision applied to the policy area), the underlying bureaucracy within the Commission has nonetheless undergone radical changes over time (Holland and Doidge 2012, 102–33).

The overall budget allocations for the EU's development policy depend on the Multiannual Financial Framework (MFF), which determines the overall size of the EU's budget for seven-year periods, while already allocating proportions to very broad policy

areas. It is only within this overall frame that decisions on how to allocate the EU's development money are taken, and in consequence the OLP only applies to this. The implementation of the policy, done largely through the administration of actual development cooperation instruments, such as the European Development Fund (EDF), was then mainly delegated to the European Commission. In turn, an analysis of how the Commission's development bureaucracy is structured at different points in time can reveal further insights into its capacity for coordinating the EU's development policy with other policy areas. The Council, on the other hand, is formally involved in the oversight of the policy area through its Foreign Affairs Council (FAC) composition and more informal meetings of national development ministers (Holland and Doidge 2012, 97–98), which are in turn prepared by specialized Council working groups.

Internal sources of incoherence in the EU's development policy outputs are partly down to differences between EU-level and member state level development cooperation activity (Bretherton and Vogler 1999, 132–33). Major problems also arise out of the previous division of development-related competencies within the European Commission itself (Bretherton and Vogler 1999, 132) and consistently low staffing levels in the policy's administration given the relatively large budgets administered (Holland and Doidge 2012, 102; Orbie and Versluys 2008, 69).

While the definition and implementation of the EU's development policy was initially handled within the same bureaucratic structure of the Commission, the Prodi Commission's reorganization in 1999 saw the responsibility for the bulk of the definition of the EU's development policy being attributed to RELEX Commissioner Chris Patten (Holland and Doidge 2012, 104). In consequence, a separate body, which came to be known as EuropeAid, was set up to handle the policy's implementation (Holland and Doidge 2012, 120–23). This created the potential for tension between DG RELEX, which would set the policy's overall goals, and officials within EuropeAid, which enjoyed considerable leeway over how to implement the policy on a day-to-day basis.

While the system had remained relatively stable over the intervening years, the Treaty of Lisbon then once more introduced significant administrative changes for this policy area. It is very difficult to understand and describe the exact nature of the changes introduced with the Treaty of Lisbon, which is down in part to the vagueness of the treaties' provisions on the functioning of the EU's development policy (see Tannous 2013). The complexity and uncertain nature of the changes introduced with Lisbon have

been noted by Commission development policy officials as a major source for frustration in their work.<sup>5</sup>

Therefore, the following is only a rough description of how the Treaty of Lisbon has changed decision-making within the EU's development policy hierarchy. Most relevantly perhaps, with DG RELEX and the External Relations portfolio being integrated into the newly formed EEAS and the role of the HRVP respectively, the responsibility for defining the EU's development policy was moved out of the European Commission entirely. This was accompanied by parts of the staff from the Commission's DG Development (DG DEV) who had worked on geographical desks being moved into the EEAS alongside DG RELEX officials. The remnants of DG Development were then fused with EuropeAid to form the new Directorate General for International Cooperation and Development (DG DEVCO), which once more united some policy definition with the bulk of the EU's development cooperation implementation. As a further important change from the pre-Lisbon set-up, DG DEVCO has gained powers over the annual programming of development cooperation budgets (Holland and Doidge 2012, 126), making it difficult to discern a clear decision-making hierarchy and creating potential for competence overlap.

The duality of the roles of the EEAS and DG DEVCO in this realm have thus once more created problems of policy ownership and double structures that make policy coordination difficult and raise the prospect of conflict between the two institutions (Duke 2012, 58; Holland and Doidge 2012, 126–27). Taking stock of the Lisbon-induced changes, Martin Holland and Matthew Doidge conclude:

With the above changes in mind, what remains unclear is precisely who speaks for Europe on development – the exact opposite of what the Lisbon reforms had originally promised. (Holland and Doidge 2012, 128)

Decision-making in the EU's development policy thus involves a large number of actors in different capacities that cannot all be discerned by analysing the functioning of the EU's Ordinary Legislative Procedure only. In consequence, it is possible to identify a potential for diverging views of different institutional actors to emerge, formerly within the Commission and now between the Commission and the EEAS, or between the EU's institutions and the development policies of the EU's member states. This potential for diverging views influencing the coherence of the EU's foreign policy outputs is rendered even more prominent when it has to be coordinated with other policy areas, as is the case

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<sup>5</sup> DG DEVCO officials, Brussels, 24.6.2015 (Interview 24).

for the EU's Association Agreements (Holland and Doidge 2012, 96–97), the decision-making for which is explored in detail below.

### **3.2.3 Political elements**

Political and cooperation concerns relevant for the EU's relations with Latin America are dealt with according to a mode of decision-making that differs from that in the EU's Trade and development policy, as it is largely intergovernmental. This is due to the fact that what today has come to be known as the European Union's Common Foreign and Security Policy (CFSP) evolved out of a purely intergovernmental format, the European Political Cooperation (EPC) in the pre-Maastricht period.

As a consequence, even if CFSP matters have gradually been normalized within the EU's institutional framework, the EU's member states still have a role to play in their own right, rather than as simple members of the Council. For instance, the formation of the San José Dialogue, one of the oldest formats of structured cooperation with Latin American countries (see the next chapter), was set up at the outset of a meeting between member state ministers and those of their Latin American counterparts. While the European Commission has always taken part in such meetings, the member states—or their formal Council representation through, for instance, the rotating Council presidency—can nonetheless claim an equal footing in this and similar dialogue formats set up with the region and elsewhere.

This prominent role of the member states is perhaps most visible at the biennial EU-Latin America and the Caribbean summits, which are intergovernmental in nature and regularly attended by Latin American heads of states, representatives of the EU's institutions, as well as European heads of states and government. Given the range of issues discussed at such meetings (see for instance EU-CELAC Summit 2015), including non-proliferation, the Colombian peace process or the fight against terrorism, which are all elements in which member states retain important competencies, this role played by them is logical.

As an important difference from the policy areas discussed above, decision-making rules under the CFSP largely exclude the European Commission and require unanimous decision-making in the Council instead. While the Treaty of Lisbon has introduced some changes to this end, with the HRVP and the EEAS taking over some of the tasks of the rotating Council presidency and the Council's CFSP staff, this rule has

remained largely unchanged. Political issues in the Latin American context are rarely a matter for important disagreements between member states when these concern discussions of a general nature. Nonetheless, this differing mode of decision-making makes linking the political elements of the EU's relations with Latin America to those arising out of the former Community pillar more difficult. This is particularly relevant as concerns over the rule of law, human rights and democracy all have repercussions (Bretherton and Vogler 1999, 132) in the two policy areas discussed above.

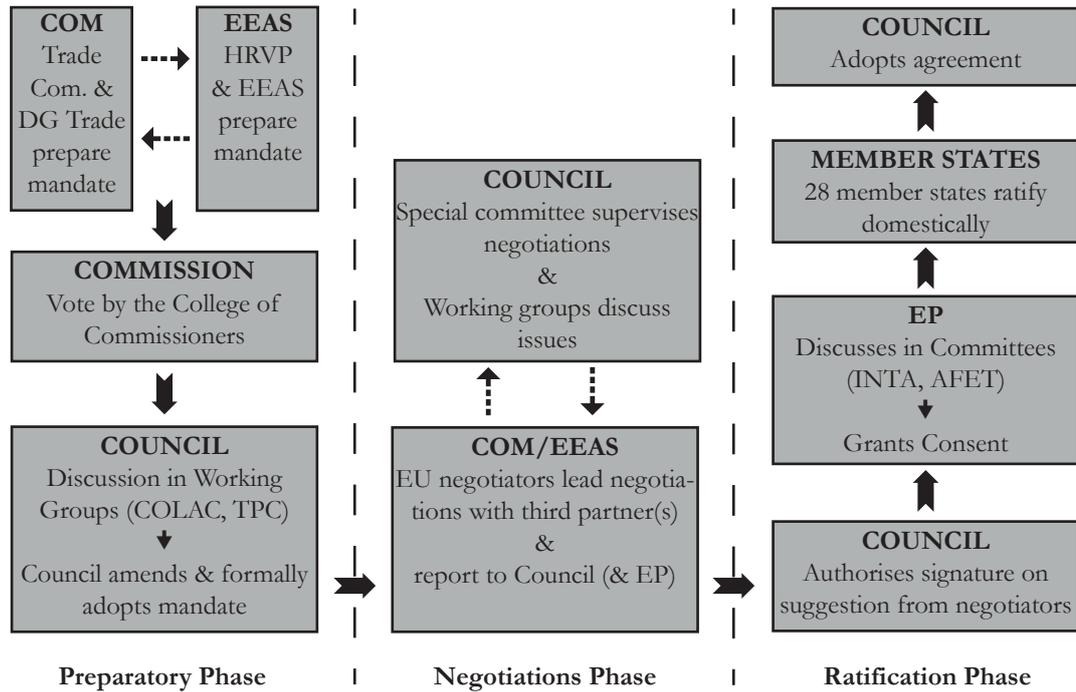
Overall, the political side of the EU's relations with Latin America operates in a radically different manner from those outlined above, relegating the European Commission to an actor of a secondary importance, and putting an emphasis on the role of the Council (and now the HRVP and the EEAS) and the member states themselves. These different modes of decision-making are likely to have an impact on foreign policy coordination between the different policy areas discussed, and when discussing political elements of Association Agreements in particular.

### **3.2.4 EU Association Agreements: Combining modes of decision-making**

Having summarized the decision-making on the most relevant policy areas for the EU's relations with Latin America, this section provides a brief overview over how these relate to the specific context of negotiating EU Association Agreements with third actors. Crucially, in this context, negotiations for Association Agreements require the parallel use of decision-making mechanisms for the different policy areas concerned, rendering the process more complex than the one for 'pure' EU trade agreements, as Figure 2 shows.

The complexity arises out of two elements: Firstly, the initial preparation of a negotiation mandate is done by multiple institutional actors and requires coordination between them, and this duality is upheld for the EU's negotiators in the negotiations phase. Secondly, given the inclusion of political clauses Association Agreements are necessarily mixed in nature, automatically requiring the ratification in all of the EU's 28 member states. Whereas, prior to the Treaty of Lisbon, internal coordination for the preparation of a mandate and between the EU's negotiators was limited to administrative entities within the Commission, and typically DG Trade and DG RELEX (holding the responsibility for the political components and development policy goals), this now requires coordination between administrative units within the Commission and the EEAS, raising the possibility for these to hold diverging views on any given issue.

**Figure 2: EU Association Agreement decision-making**



Source: Own compilation based on different sources.

The structure of Association Agreements puts their trade, development and political components on a formally equal footing. It should nonetheless be noted, that the process is often driven by developments in the realm of trade as

EU representatives (but also member states' representatives) often prioritize trade and cooperation issues and do not want to disturb negotiations on these issues by tough talks on problematic [political] foreign policy issues. The result is that political dialogue is not exercised to its full foreign policy potential, and cases are limited where it is used as leverage to promote and obtain concrete EU foreign policy goals. (Keukeleire and Delreux 2014, 207)

Even when Association Agreements ultimately contain political clauses on regular meetings between officials on specific issues, these are rarely used to their fullest potential as these put further strain on the agenda of already overburdened civil servants (Keukeleire and Delreux 2014, 207). This has occurred despite the fact that in the pre-Lisbon period DG RELEX most often held the formal leadership role on Association Agreement negotiations, with the exception of the Prodi Commission when this resided with DG Trade (García 2008, 135). Since Lisbon, as elaborated on above, this responsibility has moved to the EEAS. No matter the formal institutional responsibilities, however, an informal coalition between Commission Trade officials and members of the

TPC (Orbie 2008, 40) has often led to trade issues being perceived as more important than others.

The automatic mixity and requirement for unanimity in the Council and national ratification aside (Dominguez 2008, 72), the dynamics of negotiations for Association Agreements are thus mainly shaped by procedures for the conclusion of EU's trade agreements. While the European Parliament still has to give its consent, it is its Foreign Affairs Committee (AFET) which takes the lead on Association Agreements, while the opinion of INTA is being taken into account. Nonetheless, even here trade policy elements will be important as its information rights on the progress of negotiations are largely based on those that it has gained in the realm of trade policy since the Treaty of Lisbon.

Given the primacy of trade concerns amongst the three most relevant policies outlined here, negotiations for Association Agreements are shaped by decision-making procedures and dynamics emanating from the EU's trade policy. While this does not represent a problem for the coherence of the EU's foreign policy outputs in itself, it nonetheless risks emphasizing the divergence of views between different institutional actors responsible for the definition of different areas of the EU's foreign policy, and the likelihood of policy coherence is thus likely going to depend on the strength of coordination mechanisms between them.

### **3.3 Intra-actor sources of policy incoherence**

The overview over decision-making mechanisms in the policy areas relevant for the EU's Latin America policy has revealed that the EU's institutional actors, and particularly the European Commission, cannot be considered unitary actors. As a consequence, sources for the incoherence of the EU's policy output within the set-up of individual institutional actors, and particularly the Commission need to be explored (Donnelly 2010, 21). The following section thus outlines changes to the functioning of the Commission over time, and particularly the change of portfolios and supporting Directorates-General, before taking a brief look at the internal organisation of the Council and its preparatory bodies, as well as the European Parliament.

### 3.3.1 The European Commission and foreign policy decision-making

While the general role and functioning of the Commission in the EU's foreign policy system has remained relatively constant over the period under consideration, there have nonetheless been important changes to its internal functioning that need to be considered here. These have influenced its capacity to define, coordinate and execute important elements of the EU's Latin America policy, and could thus contribute to our understanding of bureaucratic factors shaping the EU's foreign policy.

One main problem identified in the literature is that of the autonomy of different administrative units within the Commission vis-à-vis others. Thomas Christiansen points out that this is a defining feature of the Commission:

the very nature of the Commission – a single institution encompassing large and relatively self-contained Directorates-General (DGs) – is a recipe for fragmentation and internal tension. Owing to the internal divisions running through it, authors have for some time regarded it as a 'multi-organization' in which the policy-making of different administrative units creates different bureaucratic and organizational logics (Christiansen 2001, 751).

This underlying complexity of the Commission's structure and operational logics has been rendered more complex by many organizational changes it has undergone, thus weakening established coordination mechanisms and increasing the autonomy of individual DGs and Commissioners. The most important changes impacting the Commission in such a way were fundamental alterations to the EU's treaties and membership, such as through an increase in the EU's foreign policy competencies, the creation of the EEAS, or in line with the EU's various enlargement rounds. Nonetheless, individual factors like portfolio allocation and the personalities of Commissioners also need to be considered. This is even more relevant as:

Although the Commission is in general – beyond foreign policy – probably the most studied EU bureaucracy [...], the bureaucratic entities in the Commission that deal with foreign policy or external relations [...] have largely escaped the attention of bureaucratic politics. (Delreux 2015, 155)

While the EU's treaties define the Commissioners' role as neutral defenders of the EU's interests, it would be too simplistic to believe that, once appointed, Commissioners lose their national and party loyalties. The interplay between Commissioners' formal role and their personal background should thus not be underestimated (Lequesne 2000, 47–48). Given this and the appointment procedure which gives each member state a significant say, cohesion between the Commissioners has historically been very low and the Commission's central administration typically takes a hands-off approach (Kassim et al. 2013, 184–86).

Furthermore, the decision-making style of the Commission has been shaped by a desire to reach a consensus from the lowest to the highest administrative level, including the College of Commissioners. This means that even when no consensus can be reached at that level, a secret vote may take place, with information on voting patterns only occasionally becoming publicly available (Spence 2006b, 48).

The consensus-driven decision-making is particularly relevant given that historically the Commission president did not play a preponderant role in the College of Commissioners. While the Treaty of Amsterdam ultimately strengthened the role of the president, the influence of this institutional memory should not be underestimated (Lequesne 2000, 46). Ultimately the strength of the Commission president's authority that could lead to more policy coordination within the Commission is largely dependent on the president's leadership style given important constraints on his or her powers (Spence 2006b, 28–29). In sum,

A strong President can have his own way. A weak President is perforce obliged to preside over dissent, occasional incoherence among his team and, in the case of Santer, over outright censurable practice or at the very least inappropriate behaviour. (Spence 2006b, 27)

Given that individual Commissioners thus possess significant individual powers, a consideration of the distribution of portfolios and its holders is important. Here, again, the particular nature of the European Commission has influenced the way in which Commission portfolios have been assigned, as member states used to hold considerable sway over portfolio responsibilities and allocation.

This was particularly down to member states' desire to ensure that their designated Commissioners would receive positions of responsibility, rather than more symbolic portfolios. As Fraser Cameron argues, the necessity to find Commission portfolios taken together with the preservation of existing ones is what has hindered the creation of a functioning European Commission foreign policy apparatus since the Treaty of Maastricht (Cameron 2007, 53). It was only through changes introduced with the Treaty of Amsterdam in 1999 that the designated Commission president was able to influence the division of portfolios in his Commission (Nugent and Saurugger 2002, 349). While President Romano Prodi made extensive use of this new right, his successor José Manuel Barroso initially faced some difficulties in exercising this power over the preferences of the member states (Spence 2006b, 37).

The EU's enlargement rounds in the mid-2000s counteracted the effects of this change, as a sufficient number of portfolios had to be found for the acceding member

states. While this problem has been addressed today by the use of a number of Vice-Presidents with coordination responsibilities, member states initially resisted instating a hierarchy between Commissioners as was floated by different Commission presidents.

There has been a long-lasting emphasis on the Commissioner holding the External Relations portfolio as having a coordination role for other Commission portfolios dealing with issues touching on the EU's foreign policy (Spence 2006b, 50), with RELEX Commissioners also attending meetings of the former General Affairs & External Relations Council (GAERC) composition (Spence 2006b, 49). Nonetheless, this coordination system has never worked particularly well as individual Commissioners often preferred pursuing their own policies (Cameron 2007, 54).

The next sections thus focus on the allocation and organization of Commission portfolios over time, and what this has meant for intra-institutional policy coordination, before proceeding in a similar manner for the analysis of the underlying bureaucratic structures within the Commission.

#### *3.3.1.1. Commission portfolios over time*

The allocation of Commission portfolios has changed considerably over time, in line with the factors outlined above. Aside from these, two opposing paradigms as to the organisation of the portfolios with an external remit have shaped various Commission reorganizations. One would see different Commissioners holding responsibilities for relations with different regions or countries (largely based on a country's state of development and geographical region), which should maximize the capacity for cross-policy coordination. The other paradigm holds that portfolios should rather be organized according to policy areas, with each Commissioner being responsible for at least one policy with an external remit, thus increasing intra-policy coordination.

Table 5 provides an overview over the evolution of the Commission portfolios with a significant external remit. In line with the broad definition of EU foreign policy taken in this thesis, this includes primarily internal policy areas such as agriculture or fisheries, which—at times—play an important role in EU negotiations.

**Table 5: European Commissioners with External Relations portfolios over time**

<b>Delors III (1993-1994)</b>		
• Vice-President: External Economic Affairs and Trade Policy	Leon Brittan	UK
• Vice-President: Cooperation, Development and Humanitarian Aid	Manuel Marín	Spain
• External Relations and Enlargement	Hans van den Broek	Netherlands
• Agriculture and Rural Development	René Steichen	Luxembourg
• Environment, Fisheries	Ioannis Paleokrassas	Greece
<b>Santer (1995-1999)</b>		
• Common Commercial Policy; Relations with North America, Japan, China, South Korea, Hong Kong, Macao and Taiwan	Leon Brittan	UK
• CFSP; Delegations to third countries; Relations with Turkey, Cyprus, Malta, CEEC and NIS countries	Hans van den Broek	Netherlands
• Relations with the Southern Mediterranean, Latin America, Near and Middle East, developing countries in Asia	Manuel Marín	Spain
• Lomé Convention; Relations with South Africa, ACP countries and NGOs	João de Deus Pinheiro	Portugal
• Consumer Policy, Fisheries, Humanitarian Assistance and Emergency Aid	Emma Bonino	Italy
• Agriculture and Rural Development	Franz Fischler	Austria
<b>Prodi (1999-2004)</b>		
• Trade	Pascal Lamy	France
• External Relations	Chris Patten	UK
• Development & Humanitarian Aid	Poul Nielson	Denmark
• Agriculture & Fisheries	Franz Fischler	Austria
• Environment	Margot Wallström	Sweden
<b>Barroso I (2004-2009)</b>		
• Trade	Peter Mandelson	UK
• External Relations & ENP	Benita Ferrero-Waldner	Austria

• Development & Humanitarian Aid	Louis Michel	Belgium
• Agriculture & Rural Development	Mariann Fischer Boel	Denmark
• Fisheries & Maritime Affairs	Joe Borg	Malta
<b>Barroso II (2010-2014)</b>		
• First Vice-President: Foreign Affairs & Security Policy	Catherine Ashton	UK
• Trade	Karel De Gucht	Belgium
• Development	Andris Piebalgs	Latvia
• Agriculture & Rural Development	Dacian Cioloş	Romania
• Enlargement & ENP	Štefan Füle	Czech Republic
• Maritime Affairs & Fisheries	Maria Damanaki	Greece
• Climate Action	Connie Hedegaard	Denmark
<b>Juncker (2014-)</b>		
• Vice-President: Foreign Affairs & Security Policy	Federica Mogherini	Italy
• Trade	Cecilia Malmström	Sweden
• International Cooperation & Development	Neven Mimica	Croatia
• Humanitarian Aid & Crisis Management	Christos Stylianides	Cyprus
• Enlargement & ENP	Johannes Hahn	Austria
• Agriculture & Rural Development	Phil Hogan	Ireland
• Environment, Maritime Affairs & Fisheries	Karmenu Vella	Malta
• Climate Action & Energy	Miguel Arias Cañete	Spain

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Source: Own compilation from multiple sources

Prior to the entry into force of the Treaty of Maastricht, during Delors II the portfolios most relevant for the EU's Latin America policy were divided between two Spanish Commissioners<sup>6</sup>, Abel Matutes, the Commissioner for Mediterranean and Latin America policy, as well as Manuel Marín, the Commissioner responsible for Development, Cooperation and Fisheries policy. However, the overall responsibility for trade policy and external relations lay with the German Commissioner Frans Andriessen.

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<sup>6</sup> Prior to the 2004 enlargement round large member states appointed two, rather than one Commissioner.

The January 1993 reorganization of the Commission in line with the Treaty of Maastricht then did away with a geographical logic and created largely policy-based portfolios. Leon Brittan was made a Vice-President of the Commission and held responsibility for the trade portfolio and external economic relations. An additional portfolio with an external remit was created under the heading of External (Political) Relations and Enlargement under Commissioner Hans van den Broek. The portfolio for Cooperation, Development and Humanitarian Aid, however, was unified under Manuel Marín's portfolio (Lister 1997, 14). It appears that in addition to questions as to the exact distinction between the different portfolios, foreign policy coordination in the Commission was hindered by personal issues as the "frequently public disputes between van den Broek and Brittan were hardly conducive to efficient delivery of policy" (Cameron 2007, 53).

This change of organization was short-lived, however, and a geographical logic returned under the following Santer Commission. Under this Commission the number of portfolios with an external remit increased overall, with some foreign policy coordination responsibilities remaining with the Commission president himself. This increase of portfolios with an external outlook was mainly due to disputes between member state governments as to who would hold the influential External Relations portfolio, with the responsibilities ultimately having been split (Lequesne 2000, 47; Nugent and Saurugger 2002, 354).

This reorganization thus emphasized the regional aspects of the EU's external relations, and created a portfolio for relations with Latin America, the Mediterranean, the Middle East, as well as the coordination of development policy, which was given to Manuel Marín. Other regional portfolios were also created, such as one focusing on relations with ACP states.

While Leon Brittan remained responsible for what had become the Common Commercial Policy, the coordination of the EU's Latin America policy did not fall within his policy remit. In addition to these changes, an External Relations Group of the Commission was created, uniting the Commission president with the different Commissioners responsible for external relations (Lister 1997, 14–15). This entity was meant to introduce greater overall coordination into the Commission aspects of the EU's external relations. However, observers at the time pointed out:

The Relex Commissioners meet on a monthly basis in an attempt to coordinate vertical and horizontal issues, but there is no doubt that the overlaps between their areas of responsibility generate antagonisms; and that

these tensions are also evident within the DGs. (Bretherton and Vogler 1999, 182)

The geographical division of portfolios between 1995 and 1999 had two opposing effects on the coordination of the EU's foreign policy. On the one hand it decreased the Commission's coordination capacity within different EU policy areas (Dominguez 2008, 132), as for instance international trade agreements were negotiated mostly on an ad-hoc basis by different Commissioners at the time (Peterson 1999, 104), as "[e]ach Commissioner defended each subsequent FTA as a means to strengthen the Union's hand in their 'patch' of the globe." (Peterson 1999, 105). On the other hand, this focus on geography (Holland and Doidge 2012, 102) helped the European Commission identify and coordinate all policy areas relevant for its relations with Latin America (Orbie and Versluys 2008, 69).

Table 5 does not take into account a brief interregnum between the collective resignation of the Santer Commission on 15 March 1999 and the Prodi Commission's inauguration in September of that year. In the meantime, a caretaker Commission headed by Commissioner Marín remained in office. This drastic step had occurred over fraud allegations, thus widely weakening confidence in the Commission itself, as well as its organization at that point in time.

Overall, the role of the Commission in the EU's external relations was weakened throughout the 1990s due to the multiplicity of External Relations portfolios, the Commission's reticence to become involved in the intergovernmental CFSP, and on-going differences between different Commissioners (Cameron and Spence 2004, 127). While RELEX Commissioners did meet at least monthly during this period in an attempt to coordinate different aspects of the Commission's foreign policy (Bretherton and Vogler 1999, 182), the roadblocks for this were nonetheless sufficiently large. Charlotte Bretherton and John Vogler summarized the state of Commission-internal policy coordination as follows:

There are tensions and jealousies between officials of Relex DGs at all levels; and these are reflected in the College of Commissioners. This problem is exacerbated, at present, by the absence of a satisfactory mechanism for resolving disputes between Commissioners. (Bretherton and Vogler 1999, 39)

While the Commissioners with responsibilities for a region were thus theoretically able to coordinate the policies towards that region, this was not necessarily the case when competencies overlapped, or for policy areas in which member state governments would have a more active role.

Against this backdrop the Treaty of Amsterdam (see above) and the Prodi Commission were then seen as a fresh start for the institution. Through a declaration annexed to the treaty an attempt was made to overhaul the way in which the Commission dealt with its External Relations competencies (Bretherton and Vogler 1999, 40–41). Specifically, Declaration 32 in the Annex of the Treaty read as follows:

The Conference notes the Commission's intention to prepare a reorganization of tasks within the college in good time for the Commission which will take up office in 2000, in order to ensure an optimum division between conventional portfolios and specific tasks.

In this context, it considers that the President of the Commission must enjoy broad discretion in the allocation of tasks within the college, as well as in any reshuffling of those tasks during a Commission's term of office.

The Conference also notes the Commission's intention to undertake in parallel a corresponding reorganisation of its departments. It notes in particular the desirability of bringing external relations under the responsibility of a Vice-President. (European Union 1997, Annex, Declaration 32)

While nominally giving the President of the Commission more decision-making powers on the allocation of portfolios and underlying services, it nonetheless carried instructions as to how to organize the portfolio dealing with External Relations. Under this guidance, an organisation along policy-areas rather than regions ultimately prevailed. Alongside important administrative reforms, Prodi's appointment of Pascal Lamy as the EU's Trade Commissioner and that of Patten as External Relations Commissioner demonstrate the Commission president's focus on external relations (Dimitrakopoulos 2004, 5–6).

Despite Prodi's streamlining efforts for EU foreign policy, overall responsibility for Latin America shifted to the Trade Commissioner, while development aid to the region was now Patten's responsibility (Holland and Doidge 2012, 104). Nonetheless, other attempts were undertaken to strengthen the coordination of the EU's external relations. This is particularly relevant as the very aim of the administrative reform in the realm of external relations was to “define a coherent global approach that combined trade, aid and political dialogues” (Holland and Doidge 2012, 105).

This manifested itself in the creation of different coordination mechanisms amongst the four Commissioners most centrally involved: Trade, External Relations, Enlargement and Development (Dominguez 2008, 121–22). A high-level coordination mechanism for external policy, called the RELEX Group, was also created, uniting the responsible Commissioners and senior officials (Dominguez 2008, 132). Nonetheless, a potentially even more significant attempt to ensure coordination through the use of

Commission vice-presidents was at the time met with scepticism by member states over a fear of competition with the newly created post of the High Representative for CFSP, and small member states particularly feared that their Commissioners would be relegated to a 'junior' position (Kassim and Menon 2004, 101; Nugent and Saurugger 2002, 354).

The biggest challenge for the Commission's next President, José Manuel Barroso, was to find a sufficient number of portfolios after the EU's 2004 enlargement round, and once more after the enlargement to include Bulgaria and Romania in 2007. Despite this, the portfolios with an external relations remit remained very constant, as Barroso did not return to the geographical allocation of the Santer Commission. Nonetheless, the Commissioners holding these portfolios changed, with Benita Ferrero-Waldner receiving the external relations portfolio and Peter Mandelson the trade brief. Furthermore, Ferrero-Waldner was made Deputy-Chair of the RELEX group of Commissioners, thus officially being given the coordination role in absence of Barroso (Cameron 2007, 54). Shortly before the end of the tenure of Barroso I in October 2009 Mandelson was replaced by Catherine Ashton, who then remained in the post until the inauguration of Barroso II. Similarly, Karel de Gucht took over Louis Michel's portfolio after he joined the European Parliament in July 2009.

Adapting the previous coordination practice, during his first tenure as president, Barroso decided to preside over the group of Commissioners with external relations portfolios (Dominguez 2008, 121). This could have given him the possibility to weigh significantly into the Commissioners' separate portfolios. However, as a former member of Mr. Barroso's cabinet pointed out, the Commission president "picked his fights" and did not want to micromanage the work of any of the important external relations Commission portfolios,<sup>7</sup> allowing individual Commissioners significant leeway in their specific policy domains.<sup>8</sup>

The most significant change to the powers and composition of the Commission occurred with the creation of the HRVP and the EEAS under the Treaty of Lisbon. Its entry into force almost coincided with the beginning of Barroso's second term in office and meant that the Commission would be stripped of its External Relations portfolio and certain other competencies which with the underlying services and staff would become part of the new EEAS. At the same time, the post of the External Relations Commissioner was fused with that of the new High Representative for the CFSP to form

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<sup>7</sup> Former Barroso cabinet official, London, 8.6.2015 (Interview 3).

<sup>8</sup> *Ibid.*

the new HRVP who would now be a permanent vice-president of the Commission (similar to the role of the RELEX Commissioner mandated since Amsterdam). Like most bureaucracies, the European Commission accepted these changes only reluctantly, as it

was not very eager to give up its competences in external policy areas outside the domain of CFSP/CSDP such as Trade, Development, Neighborhood, or Humanitarian Aid. Development policy in particular was vehemently defended as a competence of the Commission, with the support of the EP. (Blom and Vanhoonacker 2015, 214)

While some External Relations competencies thus ultimately remained within the Commission, what used to be the External Relations portfolio was entirely moved out of the Commission and incorporated into the EEAS. Catherine Ashton was made the first HRVP of the Union in November 2009, which led to Ferrero-Waldner taking over the Trade portfolio until the inauguration of the second Barroso Commission. While the composition of the Trade portfolio then remained unchanged with Karel De Gucht as its new Commissioner, most other external relations portfolios saw a change of the make-up of portfolios and the Commissioners holding the posts.

It was intended that the newly created HRVP would continue in her role as a coordinating factor for the Commission's External Relations policies in the RELEX Commissioners' group. However, Catherine Ashton hardly ever chaired these meetings (thus privileging her role within the Council), with Barroso often taking over the role himself during his second mandate (Vanhoonacker and Pomorska 2016, 54–55).

In 2014, with the inauguration of the Juncker Commission a number of portfolio and Commissioner changes occurred. Most notably for this thesis is Federica Mogherini's appointment as HRVP, as well as that of Cecilia Malmström as EU Trade Commissioner. The most relevant innovation, however, was the creation of a number of Commission vice-presidents whose role it is to coordinate the Commission's action in a number of different policy areas, and thus creating a hierarchy between different kinds of Commissioners. While this represents the very kind of streamlining effort that Prodi initially advocated, its usefulness in the realm of the EU's external relations is not immediately clear. This is due to the fact that responsibilities for the activities of most of the Commission's vice-presidents touch on the EU's external relations in one way or another, including across different Commission portfolios. For instance, while Cecilia Malmström is responsible for the EU's Trade Policy overall, Vice-President Frans Timmerman's responsibility is to ensure that EU's trade policy is transparent as part of the Commission's 'Better Regulation' agenda. Additionally, Vice-President Jyrki Katainen's Jobs, Growth, Investment and Competitiveness mandate has obvious links

with the EU's Common Commercial Policy. At least on paper this creates a risk for competence overlap and the divergence of positions between different Commissioners. As a change from the Ashton period, HRVP Federica Mogherini has also taken a more active role within the Commission.<sup>9</sup>

Overall, the necessary division of portfolios as well as the lack or malfunctioning of coordination mechanisms between different Commissioners have remained a prominent feature of any kind of portfolio organisation of the Commission. While many of these aspects are rather technical in nature, personal factors, such as Catherine Ashton's focus on her duties outside of the Commission have further contributed to this picture, thus making for important elements to consider when studying bureaucratic sources of the EU's foreign policy incoherence towards Latin America in the empirical chapters.

### *3.3.1.2. The organisation of the Commission's Directorates-General over time*

Alongside the changes to the Commission's portfolio structure, the Commission's bureaucracy has also been reorganised a number of times. Paying attention to this is important as "the position of the Commission in international negotiations, is often affected by turf wars between competing DGs." (Delreux 2015, 155) These problems have been particularly accentuated where policy formulation and policy implementation are split between different administrative entities, as was and is the case for the EU's development policy (Vanhoonacker and Pomorska 2016, 55). The alterations to the structure of the underlying DG's were either in the realm of functional mergers or separations of different Directorates-General, or changes to their internal functioning. While these changes have often accompanied reorganizations of the Commission's portfolio structure, this wasn't always the case, and at times the set-up of Directorates' General has not matched the broader portfolio structure (Spence 2006a, 135).

These mismatches were often related to the fact that the different Commissioners needed to receive sufficiently important portfolios, with their competencies often spanning the work of multiple DGs, or parts of specific ones (Kassim and Menon 2004, 98). Much as the absence of a hierarchy amongst the Commissioners rendered coordination difficult at the highest level, this set-up has often led to in-fighting between DGs and a lack of oversight of their work, particularly when one DG reports to multiple Commissioners at once (Spence 2006a, 136). This was also influenced by

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<sup>9</sup> EEAS officials, Brussels, 16.6.2015 (Interview 8).

different logics as to how to integrate the Commissioners and their cabinets on the one hand, and the staff of their DGs on the other. For a long time Commissioners and their cabinets were located centrally in the Berlaymont building so as to facilitate interaction amongst them, which changed towards locating them within their DGs during the Prodi Commission, and has reverted to the previous logic ever since (Spence 2006a, 135).

Table 6 provides an overview of relevant changes to Commission Directorates-General over time, as well as their internal division. The 1990s can be seen as a period of fragmentation in this regard. While prior to the Delors III Commission both External Economic and Political Relations were being dealt with by DG I (Nugent 2001, 301), the necessity to allocate important tasks to different Commissioners led to the split-off of DG IA.

**Table 6: Relevant Commission Directorates-General and Directorates over time**

<b>Delors III (1993-1994)</b>	
<ul style="list-style-type: none"> <li>• DG I (External Economic Relations)</li> </ul>	<ul style="list-style-type: none"> <li>- External Economic Relations and Commercial Policy</li> <li>- Relations with North America, South Africa, Australia and New Zealand</li> <li>- Relations with the Newly Independent States</li> <li>- Relations with the Countries of the Far East</li> <li>- GATT, OECD, Commercial Questions in the areas of Agriculture and Fisheries</li> <li>- Mediterranean, Near and Middle East</li> <li>- Latin America</li> </ul>
<ul style="list-style-type: none"> <li>• DG IA (External Political Relations)</li> </ul>	<ul style="list-style-type: none"> <li>- Multilateral Political Relations</li> <li>- Political Relations with European and CIS Countries</li> <li>- Political Relations with North America, Asia, Australia and New Zealand</li> <li>- Political Relations with the Countries of Latin America, Africa, and the Middle East</li> <li>- Administration of the External Service</li> </ul>
<ul style="list-style-type: none"> <li>• DG VI (Agriculture)</li> </ul>	<ul style="list-style-type: none"> <li>- International Affairs Concerning Agriculture</li> </ul>

- DG VIII (Development) - Development Policy

#### **Santer (1995-1999)**

- DG I (External Relations: Commercial Policy and Relations with North America, the far East, Australia and New Zealand)
  - Relations with North America, Australia, New Zealand, NAFTA and APEC
  - Relations with Far East Countries
  - WTO, OECD, Commercial Questions with Respect to Agriculture and Fisheries

- DG IA (External Relations: Europe and the New Independent States, Common Foreign and Security Policy and External Missions)
  - Multilateral Relations
  - Management of External Missions

- DG IB (External Relations: Southern Mediterranean, Middle East, Latin America, South and South-East Asia and North-South Cooperation)
  - Southern Mediterranean, Middle East and Near East
  - Latin America
  - South and South-East Asia
  - North-South Relations

- DG VI (Agriculture) - International Affairs relating to Agriculture

- DG VIII (Development: External relations and development cooperation with Africa, Caribbean and Pacific; Lomé convention)
  - Projects in the Southern Mediterranean, Middle East, Latin America, South and South East Asia, Forests and Environment, Gender Issues

- European Community Humanitarian Office (ECHO)

#### **Prodi (1999-2004)**

<ul style="list-style-type: none"> <li>• DG Agriculture (DG AGRI)</li> </ul>	<ul style="list-style-type: none"> <li>- International Affairs I, WTO negotiations in particular</li> <li>- International Affairs II, Enlargement in particular</li> </ul>
<ul style="list-style-type: none"> <li>• DG External Relations (RELEX)</li> </ul>	<ul style="list-style-type: none"> <li>- CFSP</li> <li>- Multilateral Relations and Human Rights</li> <li>- North America, East Asia, Australia, New Zealand, EEA, EFTA, San Marino, Andorra, Monaco</li> <li>- Latin America</li> <li>- External Services</li> </ul>
<ul style="list-style-type: none"> <li>• DG Trade</li> </ul>	<ul style="list-style-type: none"> <li>- General Affairs, Resources, Bilateral Trade Relations I</li> <li>- Free Trade Agreements, Agricultural Trade Questions, ACP, Bilateral Trade Relations II</li> <li>- Coordination of WTO and OECD Matters, Services, Dispute Settlement and Trade Barriers Regulation</li> <li>- Sectoral Trade Questions and Market Access, Bilateral Relations III</li> </ul>
<ul style="list-style-type: none"> <li>• DG Development (DEV)</li> </ul>	<ul style="list-style-type: none"> <li>- General Affairs and operational support</li> <li>- Development policy and sectoral questions</li> </ul>
<ul style="list-style-type: none"> <li>• Humanitarian Aid Office (ECHO)</li> <li>• Common Service for External Relations</li> </ul>	

#### **Barroso I (2004-2009)**

<ul style="list-style-type: none"> <li>• DG Agriculture &amp; Rural Development (AGRI)</li> </ul>	<ul style="list-style-type: none"> <li>- International Affairs I, in particular Multilateral Negotiations</li> </ul>
<ul style="list-style-type: none"> <li>• Development and Relations with African, Caribbean and Pacific States (DEV)</li> </ul>	<ul style="list-style-type: none"> <li>- EU Development Policy: Horizontal Issues</li> <li>- Development Policy: Thematic Issues</li> </ul>
<ul style="list-style-type: none"> <li>• DG External Relations (RELEX)</li> </ul>	<ul style="list-style-type: none"> <li>- Crisis Platform - Policy Co-ordination in Common Foreign and Security Policy (CFSP)</li> <li>- Multilateral relations and Human rights</li> </ul>

- North America, East Asia, Australia, New Zealand, EEA, EFTA, San Marino, Andorra, Monaco

- Latin America

- DG Trade

- Services and Investment, Bilateral Trade and Relations
- Sustainable Development, Bilateral Trade Relations
- Development and Economic Partnership Agreements
- Public Procurement and Intellectual Property, Bilateral Trade Relations
- WTO Affairs, OECD and Food-related sectors

### Barroso II (2010-2014)

- *European External Action Service (EEAS)*

- Americas
- Latin America
- Mexico, Central America
- Andean countries
- Mercosur countries
- North America and Caribbean
- US, Canada
- Caribbean

- DG Development and Cooperation – EuropeAid (DEVCO)

- Latin America
- Horizontal Questions
- Thematic Questions

- DG Maritime Affairs and Fisheries (MARE)

- International Affairs & Markets

- DG Agriculture and Rural Development (AGRI)

- International Bilateral Relations

- DG Trade

- Resources, information and Policy Coordination
- Asia and Latin America
- Sustainable Development; Economic Partnership Agreements, Africa-Caribbean and Pacific, Agri-food and fisheries

- Service for Foreign Policy Instruments - Partnership Instrument

#### Juncker (2014-)

- *European External Action Service (EEAS)*
  - Americas
  - United States, Canada
  - Mexico, Central America, Caribbean
  - South America
  - Regional Affairs

- Service for Foreign Policy Instruments - Partnership Instrument

- DG Trade - *See 2010-14*

- DG Development and Cooperation – EuropeAid (DG DEVCO)
  - Policy and thematic coordination
  - Geographic coordination

- DG Maritime Affairs and Fisheries (MARE) - International Affairs & Markets

- DG Agriculture and Rural Development (AGRI) - International Bilateral Relations

Source: WZB (2014); own compilation.

In the Santer Commission the portfolio shift towards geographical responsibilities was then partially reproduced in the Commission's DGs (García 2008, 225; Nugent 2001, 301), leading to the creation of a further DG responsible for external relations. Strikingly though, while geographic responsibilities were now allocated across DG I, DG IA and DG IB, the former two also kept their previous responsibility for economic and political relations respectively, thus increasing the number of actors involved in policy coordination. To render this picture even more complex, the role for policy coordination of the Commission's policies in Latin America was given to DG VIII (Development).

When assessing the functioning of the Commission's external relations bureaucracy in the pre-Prodi period, most point to important problems that arose out of this increasing fragmentation:

The choice of the creation of DG IA and the bureaucratic rivalry seemingly caused by the need to find Commissioners and Directors-General adequate portfolios did much to keep the Commission from becoming the streamlined foreign service to which it might have aspired. (Cameron and Spence 2004, 128)

While the European Commission already disposed of offices in third countries at the time, which have turned into EU Delegations since the Treaty of Lisbon, the functioning of these during the 1990s illustrates some of the difficulties that the Commission faced in becoming an actor which focused on foreign policy coordination. While Commission personnel were on the ground in many Commission offices around the globe, which could have provided country-based insights into the EU's policies, the plethora of Commissioners with various External Relations related portfolios in reality meant that there was very little interaction with officials posted abroad. This only changed slowly when DG Trade officials began to join the Commission offices in the mid to late 1990s.<sup>10</sup>

Bretherton and Vogler furthermore point out that these “tensions and jealousies between officials of Relex DGs at all levels [...] are reflected in the College of Commissioners.” (1999, 39) In their opinion this problem was further exacerbated by the lack of coordination mechanisms pointed to in the section above. When it comes to the organisation of DGs in the Santer period, the same authors have also outlined natural tensions between geographically-organised horizontal external relations DGs, as well as those administering individual policies vertically (Bretherton and Vogler 1999, 132).

With the Prodi Commission's administrative changes, the set-up of Commission DGs was also overhauled significantly. Not only did DGs return to a functional, rather than geographical logic, but the old nomenclature was also abandoned in favour of names designating their functions that remain large intact to this date. The newly created DG External Relations (DG RELEX) after the Treaty of Amsterdam was furthermore designed specifically to address previous policy coordination problems by creating a central administration meant to coordinate the external relations policies of the Commission, including through being put in charge of the Commission's delegations in third countries (Cameron and Spence 2004, 129–30).

These new administrative divisions together with more fundamental changes to the functioning of Commission cabinets and the way in which the work of DGs is being overseen have indeed had some effect. This was further helped by a system in which DG

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<sup>10</sup> Former DG RELEX official, Brussels, 22.6.2015 (Interview 18).

RELEX did take leadership on many policies under the guidance of Commissioner Patten, as well as a new way for distributing the Commission's development aid. Nonetheless, this emerging shift between the EU's policy definition and implementation did create new room for administrative rivalries (Cameron and Spence 2004, 128).

Not much changed in this system during the first presidency of Barroso between 2004 and 2009. While the EU's enlargement rounds necessitated the creation of new Commission portfolios, the administrative services supporting the Commission's external relations remained largely intact. It was only with the changes of the Treaty of Lisbon that coincided with the beginning of Barroso's second mandate that the Commission's services were once more significantly overhauled.

With the Lisbon changes both DG RELEX's geographical units and those of DG DEV were moved to the newly created EEAS, thus doing away with this division that first emerged in the Santer period (Holland and Doidge 2012, 125). Nonetheless, the continued division between the EEAS and DG DEVCO has once more created a complex balance of competences between what is now two different institutions (Holland and Doidge 2012, 126–28). Internally, however, the historically fragmented administration of different parts of the EU's development policy has now been streamlined within DG DEVCO. The system that ensued which once more brings together policy definition and implementation thus looks much more like the one that can be observed in states (Holland and Doidge 2012, 121–23).

While the creation of the EEAS was meant to address some of the previous problems of policy coordination, a new fundamental problem for the coordination of the EU's foreign policy is that the oversight role is now attributed to a new actor which is no longer a part of the European Commission's bureaucracy, with the exception of the Foreign Policy Instruments Service (though part of the Commission, it is housed within the EEAS). While Vanhoonacker and Pomorska have recently argued that EEAS and DGs now appear to work better together as the EEAS has been included in intra-Commission coordination meetings (Vanhoonacker and Pomorska 2016, 55), interviews for this project did not confirm this relatively positive outlook. Equally importantly, a fundamental problem remains with the functional division of the different external relations DGs that have persisted in the Commission even after the Treaty of Lisbon. As Keukeleire and Delreux argue:

They each have their own working culture, set of objectives, legal bases for policy initiatives, and different type of instruments. This explains why, beyond the normal turf battles, coherent action is not always straightforward. (2014, 73)

Overall, while the Commission's services have thus seen a major overhaul over the period under consideration for this thesis, issues of administrative divisions have remained relevant up to this day and thus form part of the enquiry into the origin of incoherence in the EU's Latin America policy.

### **3.3.2 The Council's internal organisation**

While, given its size and competencies, the European Commission is responsible for the bulk of the decision-making and implementation activity relevant for the EU's Latin America policy, the Council nonetheless has a role to play in all of the policy areas concerned, be it as a co-legislator, the granter of negotiation mandates, or the primary institution which serves as an interlocutor for political dialogues. Thus, the Council's intra-institutional aspects potentially relevant for explaining the EU's policy incoherence towards Latin America also need to be explored. Its role in foreign policy coordination towards Latin America depends on the composition and roles of its preparatory bodies, as well as the activity of the independent Council Secretariat.

Much as is the case for the European Commission, the Council's preparatory bodies taking part in its internal decision-making process (ultimately culminating in the meetings of the actual Council of Ministers in its different compositions) have been shaped by functional logics arising out of the European Union's former pillar structure. While its internal decision-making process is ultimately hierarchical, thus differing from processes within the European Commission, the presence of different preparatory bodies with various and overlapping policy competencies—often staffed by different member state officials according to policy areas—can nonetheless be a hurdle for EU foreign policy coordination.

For the period under consideration here, Latin American issues have been dealt with inside the Council by working groups operating on a policy-oriented logic on the one hand, and those holding a geographical coordination role on the other. While the set-up of the former is the result of decision-making in what used to be the EU's first pillar, the latter have emerged out of European Political Cooperation and later on the Common Foreign and Security Policy. Over time, some reform efforts were made to better integrate bodies which have originated within the different pillars of the EU's superstructure (M. E. Smith 2004, 223–24). Nonetheless, the overall set-up of bodies within the Council remains largely untouched. Post-Lisbon the Trade Policy Committee (TPC), the Working

Party on Latin America and the Caribbean (COLAC), and the Working Party on Development Cooperation are the most relevant Council preparatory bodies for the EU's Latin America policy at the initial stage, and excluding those that prepare the actual meetings of the Council of Ministers higher up in the Council's hierarchy.

While the TPC has always existed per the EU's foundational treaties, its name has nonetheless varied over time, and used to be known as the Article 133 and Article 113 Committee in reference to the treaty articles outlining the EU's powers in the realm of trade policy-making. Considering the explicitly political side of relations with Latin America, the responsible Council preparatory body has undergone a few changes (formerly known as COLAT). On the one hand, in line with the development of the EU's summits with the Latin American and Caribbean region its name was changed to reflect this, while formerly a second Council preparatory body, AMLAT, was in existence. Both AMLAT and COLAT were concerned with relations with the Latin American region, but one was staffed by officials permanently based in Brussels, whereas the more senior COLAT was staffed by diplomats based in national capitals and met less frequently.<sup>11</sup>

Formerly all of these bodies were chaired by a representative of the rotating Council presidency. This has been altered somewhat since the Treaty of Lisbon, with most bodies relating to the EU's External Action being chaired by a representative from the EEAS in the name of the HRVP. For the three bodies mentioned above, both COLAC and the Working Party on Development Cooperation are permanently chaired by the EEAS, while the TPC retains the rotating Council presidency (General Secretariat of the Council 2016).

The organization of most Permanent Representations of member states to the EU also follows this functional logic, with officials from different ministries holding responsibilities for individual policy areas and only attending the meetings of the relevant Council preparatory bodies. Only some Permanent Representations, such as those of France or Spain<sup>12</sup> integrate their officials or attribute competencies based on external partners, thus making it easier to link political concerns with those arising in other EU policy areas.

The role and structure of the underlying bureaucracy that provides administrative support, the Council Secretariat, also needs to be explored. While it employs comparatively few civil servants compared to the European Commission, its

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<sup>11</sup> Former EU official, Brussels, 19.6.2016 (Interview 17).

<sup>12</sup> Member state diplomat, Brussels, 22.6.2015 (Interview 19); Member state diplomat, 4.11.2015 (Interview 29).

central and permanent role within the Council puts its officials into privileged positions. Its formal role is limited to that of administrators of the Council's activity, and supporting the presidency (be it the rotating one or the permanent chairmanship of the European Council introduced with the Treaty of Lisbon), but its autonomous influence on the EU's policy-making should not be underestimated (Stetter 2007, 153–59).

Ultimately this actor is central in advising the presidency, is crucial for finding compromise solutions between the positions of different member states and provides the official record of the Council's meetings (Hayes-Renshaw and Wallace 2006, 114, 117). The latter is particularly important, as Council officials are present at every Council Working Group session, and can influence future discussions through emphasizing certain aspects in the minutes of previous meetings and the structure of meeting agendas,<sup>13</sup> something which has also been recognized for the EU's relations with Latin America.<sup>14</sup>

While the Council Secretariat was originally split between officials dealing with issues arising out of the former European Political Cooperation (EPC) in the pre-Maastricht days, since then the administrative structures have been integrated, originally creating some tensions within the Secretariat itself given the presence of different administrative cultures and roles (Bretherton and Vogler 1999, 181).

Overall, the structure of the Council's preparatory bodies closely resembles the functional policy-based logic that has come to be the norm for portfolio attribution within the European Commission. This creates similar coordination problems as are present in the latter actor. While the representatives of the member states attending such meetings all ultimately serve in the same national government, the fact that attendance at the TPC may differ from that in COLAC makes it difficult to see the EU's Latin America policy in a manner that emphasizes the entirety of the EU's policies towards the region, rather than a sectoral focus on policy areas. Adding to this complexity, when considering actors involved in the EU's foreign policy-making towards the region, the Council Secretariat needs to be taken into account in the analysis as well.

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<sup>13</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>14</sup> EU officials, Brussels, 17.6.2015 (Interview 11).

### **3.4 The quest for coherence in EU foreign policy-making**

The above has outlined potential sources for the EU's foreign policy incoherence towards Latin America arising out of differing modes of decision-making for different parts of the EU's foreign policy and the complexity of the internal structure of the Council, as well as that of the European Commission in particular. In contrast, the following section outlines attempts to improve the coherence of decision-making in the EU's foreign policy over time, so as to establish whether the complexity of decision-making and the divergence of differing institutional actors' views may have been mitigated through the establishment of coordination mechanisms. This in turn can provide important background insights necessary for evaluating the hypothesis based on actor autonomy in the empirical section of this thesis.

Attempts to address problems of policy coordination in the EU's foreign policy have regularly featured on the agenda of EU treaty reforms and in more informal discussions between the various actors involved. Despite these continuous efforts to increase the coherence of the EU's foreign policy outputs, and horizontal policy coherence in particular, the underlying issues have not been resolved up to this day. This can be attributed primarily to the continued existence of different modes of decision-making on various aspects of the EU's foreign policy, which is in turn related to member states' reluctance to give up parts of their control over certain EU policy areas.

The first treaty-based provisions on the necessity for foreign policy coherence in the context of what today is called the Union's External Action go back to the period of the Single European Act (SEA) (Gauttier 2004, 25). These were extended with the Treaty of Maastricht, which introduced a specific article C on the coherence of the EU's foreign policy, which reads as follows:

The Union shall be served by a single institutional framework which shall ensure the consistency and the continuity of the activities carried out in order to attain its objectives while respecting and building upon the 'acquis communautaire'.

The Union shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies. The Council and the Commission shall be responsible for ensuring such consistency. They shall ensure the implementation of these policies, each in accordance with its respective powers. (Official Journal of the European Communities 1992, Article C)

The Treaty thus sets out a list of policy areas that needed to be consistent with one another, and distributed the responsibility for this to the Commission and the Council. In reality, however, the Treaty did not set up 'a single institutional framework'

as it claimed, but structured the functioning of the EU's policy-making according to the three different pillars, which varied greatly in the underlying decision-making provisions and functioned largely separately from one another. Furthermore, the above article in the treaty concerned with policy coherence provides a coordinating role both for the Commission and the Council, without clearly delineating when each should take a leadership role. This led to significant conflict potential as to the competencies of each. After all, both actors could adopt a reading of the article in question that would best suit their preferences (Gauttier 2004, 27–28).

Pascal Gauttier also cautions that the Treaty of Maastricht set up a number of overlapping competencies for certain parts of the EU's foreign policy (Gauttier 2004, 28–32), such as the fact that concerns over rule of law, human rights and democracy in partner countries would need to be reflected not only in its CFSP, but also in the policies administered under the first pillar (Bretherton and Vogler 1999, 132). Such overlapping competencies made it particularly hard to identify decision-making hierarchies or leadership roles between them. While coordination mechanisms between CFSP officials and those in the Commission have been in place since the Treaty of Maastricht (M. E. Smith 2004, 223), these ultimately fuelled misunderstanding and administrative rivalry (Bretherton and Vogler 1999, 182).

Such problems occurred not only between the Commission and the Council, the main institutional actors involved here, but also in their internal organisational structure. While some member states suggested that the Treaty of Amsterdam address some of these problems by uniting the former treaty's provisions on the EU's foreign policy under a single heading, this did not come about due to a lack of consensus between the member states (Bretherton and Vogler 1999, 191). Ultimately, the Treaty of Amsterdam thus did little to resolve the fundamental issues that the Treaty of Maastricht introduced to the coordination of the EU's foreign policy (Gauttier 2004, 27). As some authors have outlined, while many informal and ad-hoc attempts were made to overcome such difficulties, ultimately the structural elements and the different preferences of the institutions trumped such efforts (Gauttier 2004, 33–37; M. E. Smith 2001), and an institutional answer to the issue of foreign policy coordination remained absent even beyond the Treaty of Amsterdam.

Literature on what this meant for the coordination of the EU's foreign policy at the time has cautioned that this set-up was particularly problematic for relations between staff charged with the management of the EU's new Common Foreign and Security Policy

and Directorate-General for External Relations (DG RELEX) staff in the Commission, creating large potential for rivalry and mutual misunderstanding (Bretherton and Vogler 1999, 182). Others have pointed out that the overlapping competencies that the Commission holds in the different pillars have particularly impacted on this institution:

More than any other actor, the Commission has struggled with the major boundary problem between CFSP/CSDP and non-CFSP/CSDP competences, and thus also between being centre stage, backstage or not on the stage at all. [...] These [...] problems have led to a succession of 'border conflicts' or outright 'wars' or stalemates, not only between the Commission and the Council [...], but also within the Commission's own internal structures. (Keukeleire and Delreux 2014, 72–73)

From a macro perspective on the EU's foreign policy, in the pre-Lisbon period the presence of the EU's pillar structure, the lack of coordination mechanisms between the key institutions involved in the EU's foreign policy decision-making process, as well as within the Commission itself, have thus created significant hurdles for the formulation of a coordinated EU foreign policy, and these insights are used in this thesis to structure the empirical analysis in the following chapters.

The Treaty of Lisbon then formally did away with the distinction between the EU's various pillars and introduced new language as to the coherence of the EU's foreign policy under a specific heading entitled External Action. On the surface this resolves some of the problems that some member states had wanted to address since the Treaty of Amsterdam. First of all, the treaty's Article 21 sets out a number of objectives for the Union's External Action, such as a reference to certain universal values:

The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law. (Official Journal of the European Union 2008, Article 21, 1)

More specifically it tasks specific institutions at the EU with the coordination of its foreign policy by stating that:

The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the High Representative of the Union for Foreign Affairs and Security Policy, shall ensure that consistency and shall cooperate to that effect. (Official Journal of the European Union 2008, Article 21, 3)

While the Treaty upholds the language that gives both the Council and the Commission a role in policy coordination, the inclusion of the newly created HRVP (making use of the EEAS at its service) attributes the roles somewhat more clearly to the

different institutions. It is important to note, however, that the European Parliament is still not mentioned in this context.

Despite this, the treaty did not define a specific framework for the HRVP's and the EEAS' powers, functions and competencies (Holland and Doidge 2012, 124). Thus, the "Lisbon Treaty left the *modus operandi* of any more detailed coordination within the EEAS and between the Service and the EU institutions open." (Duke 2012, 53) This once more created room for conflict between the institutions, only this time with an entirely new actor involved in the process. Furthermore, despite formally abandoning the former three-pillar structure,

The Lisbon Treaty emphatically does not take one step that integrationists would have wished it to take, namely any significant extension within the area of foreign policy of the traditional 'Community method' of decision-making. (Donnelly 2010, 18)

The presence of different modes of decision-making were thus not abandoned with the new treaty either.

The creation of an entirely new institution at the EU level externalised some of the necessity for intra-institutional coordination that had formerly been addressed within the European Commission and the Council itself, thus disrupting established mechanisms for policy coordination. This is mainly related to the fact that the separation of parts of the Commission bureaucracy to be included in the new service created the potential for policy overlap within the structures of the EEAS, as well as between the EEAS and the Commission. Attributing this to the hybrid origin of the different policies contained under the External Action heading, Michael Smith has pointed out that, even after Lisbon, due to

constant challenges of adjustment and institutional boundary-drawing [...] the institutional context for EU diplomacy has remained uncertain, as has the more material dimension of institutional resources and capacity. (M. Smith 2013, 655–56)

While the EEAS gained a formal role in providing political guidance for the EU's External Action, most relevant funding sources and implementation powers remained with the European Commission (Balfour 2015, 37). As a consequence, new realms of overlapping competences were introduced, while reducing the EEAS' possibility to provide guidance due to its lack of resources (Carta and Duke 2015, 60). Furthermore, given that the EEAS itself is staffed by personnel of different origins within the Council, the Commission and member state foreign services, its activity will likely have been shaped by the continued presence of differing administrative cultures internally (Lequesne 2015, 46–48).

After a few years of operation, the HRVP suggested changes to the functioning of the EEAS to increase its role in ensuring the coherence of the EU's foreign policy. The 2013 EEAS review document that is the result of this process then devoted an entire chapter to the issue of policy coherence (EEAS 2013, 7–12), stressing that:

It is not always easy to achieve this [policy coherence] since it requires the establishment of linkages between: related geographic or thematic topics; the work in different institutions, and even the different levels of discussion in the Council bodies (European Council, Ministerial Council formations, PSC, thematic working groups). (EEAS 2013, 7)

While the document made some suggestions as to how to change its functioning to increase its coordination role, there is only anecdotal evidence that coordination between the EEAS and Commission Directorates-General has increased ever since having been formally included in internal Commission coordination meetings (Vanhoonacker and Pomorska 2016, 55).

There have been provisions in the foundational treaties of the EU that are meant to ensure policy coherence ever since the Single European Act. Nonetheless, the general nature of these has meant that at the macro level coordination mechanisms for inter-institutional EU foreign policy coordination were incomplete in the period prior to the Treaty of Lisbon, and marred by the vague attribution of roles to different institutional actors. While the creation of the EEAS was meant to address this by setting up an institution that would be able to provide political guidance for the EU's External Action, its limited remit and resources, the unclear position in the EU's institutional set-up, as well as factors internal to it have so far kept it from being able to take up this role. The analysis in the empirical chapters will use these insights to verify the validity of the hypothesis based on the autonomy of individual actors in the EU's foreign policy decision-making system.

### **3.5 Conclusion**

This chapter has further detailed the functioning of the EU's foreign policy decision-making that is relevant for the evolution of its relations with Latin America. In so doing it has provided the necessary background knowledge for the empirical analysis beginning with the next chapter, and further highlighted potential bureaucratic sources of the EU's foreign policy incoherence towards the region across time that are considered in the remainder of this thesis.

While many attempts have been made to increase the coordination and coherence of the EU's foreign policy over time, these efforts appear to have had only a limited success up to now. This can be attributed primarily to the fact the roles of the different actors in the coordination of the EU's foreign policy are not clearly defined, creating the potential for competence overlap, and that existing mechanisms have been disrupted by nearly continuous reforms to the foreign policy decision-making system in itself. Additionally, the organisation of and complexity within the EU's institutional actors can have an important impact on the coherence of the EU's foreign policy, and these thus need to be considered in the empirical analysis.

## CHAPTER 4:

### The development of 'one-size fits all' during the 1990s

#### 4.1 Introduction

The 1990s were an important period of change, not just for the European Union itself but also for its relations with third countries and organisations. Prior to the Treaty of Maastricht the Community's ties to Latin America were very limited. This would change immediately after the creation of the European Union at the end of 1993. Where previous ties to Latin America were principally bilateral in nature, with a focus on supporting peace processes in Central America, a new Latin America policy was designed that would give a structure to the relations with the continent while setting out clear priorities for action.

This has been described as the creation of a "one-size-fits-all" (Börzel and Risse 2009, 10) approach towards Latin America, under which relations with all actors in the region would follow the same model. The emphasis of the EU's Latin America policy was to develop its ties with regional organizations, rather than individual countries, and to integrate the ties into an overarching framework that would see economic, development and political dialogue aspects considered in a single agreement. This focus on interregionalism, rather than sectoral bilateral relations has remained the rhetorical anchor of the EU's Latin America policy up to today.

In line with the hypothesis based on rational decision-making, a number of developments have contributed to this policy focus on the region. While the gradual return of political and economic stability in Latin America provides the backdrop for the increase in EU interest in the region, the main external motivating factors arose as results of this process. First of all, the region's increased stability coincided with a return of regionalism, sparking the deepening or creation of some regional blocs not unlike the EU in their stated aims. Secondly, the region's growing importance meant that the United States launched a number of initiatives to deepen its ties with the region itself. While these are relevant external developments, the Treaty of Maastricht has also provided a substantial impetus for the formulation of an EU foreign policy towards the region. These factors and the associated development of the EU's Latin America strategy meant to unify the EU's policy towards the region thus support the hypothesis based on rational decision-making.

Nonetheless, while the origin of the EU's interest in the region can be easily identified, it cannot help to explain the initial attempts to turn it into practice. Rather, to

understand why the EU began negotiating for international agreements with some of the region's organizations but not others, or why the Mexico agreement was negotiated in stages, one needs to take into account factors of bureaucratic politics. It is here that one can understand that it was only the autonomy of the Commissioner responsible for relations with Latin America that allowed the EU to develop its strategy and align its development cooperation funding alongside. This was also facilitated through a lack of existing commitments and previous ties with the region, meaning that policy inertia did not affect the development of a coherent strategy negatively. Additionally, the lack of salience of the issue at the time meant that there was little internal opposition to strengthening the EU's ties with the region. Nonetheless, once more substantial aspects of the Latin America strategy were discussed, such as the negotiation of an agreement with Mercosur which would include a trade component, the interests of different actors started to diverge and the complexity of decision-making on international agreements and a lack of coordination mechanisms meant that it was Mexico instead of Mercosur which would sign the first Association Agreement with the EU in the region.

In order to explore the developments leading to the formulation of the EU's 'one-size fits all' approach and the attempts to turn it into practice, this chapter is structured as follows: The first section places the development of EU-Latin American relations in the 1990s in the EU's attempts to develop ties to other regional organisations in general, while the following one is concerned with the state of EU-Latin American relations prior to the Treaty of Maastricht, thus providing the background knowledge to situate the EU's later policies towards the region. The next section then explores the advent of its Latin America strategy, followed by a discussion of the first attempts to turn it into practice. The last section then explores the specific case of Mexico—simultaneously an outlier and a confirmation of the EU's attempts to turn its Latin America strategy into practice.

## **4.2 The European Union and interregionalism**

As discussed in chapter 2, the literature on the EU's interregionalism policies has identified the 1990s as a crucial period for its attempts to develop ties with other regional organisations across the globe (De Lombaerde, Söderbaum, and Wunderlich 2015, 752). The EU's attempts to develop interregional ties directly with the region's regional

integration mechanisms thus needs to be seen in the context of a wider move in the EU's foreign policy-making.

This was in turn related to the end of the Cold War, which allowed the EU to play a more active role in an increasingly polycentric world amidst the momentum of the Treaty of Maastricht (Fawcett, Ponjaert, and Telò 2015, 358). "The EU used to do little to promote the diffusion of its own model. This changed with the end of the Cold War when it subsequently expanded its foreign policy." (Börzel and Risse 2015, 56) In consequence "the promotion of regional integration has become part of the governance package the EU seeks to export", and interregionalism as a tool "to promote socio-economic development, democracy and good governance through dialogue and mutual cooperation (partnership) has developed into one of the foundations of its foreign policy" (Börzel and Risse 2015, 56).

This initial period of strong EU interregionalism promotion during the 1990s, for which only the Latin American dimension is discussed in this chapter was based on attempts for pure interregionalism (De Lombaerde, Söderbaum, and Wunderlich 2015, 754), meaning that the EU attempted to develop ties directly with existing or nascent regional integration organizations such as Mercosur wherever possible, and thereby attempting to strengthen them. A similar development occurred in the EU's policies towards ASEAN in South East Asia, yet the EU's efforts got underway only somewhat later than was the case for Latin America (L. Allison 2015). Furthermore, the very foundations for regional association with countries benefitting from the EU's ACP schemes were only laid in 2000 (Heron 2011, 338–40), making Latin America the first true testing ground for the EU's promotion of interregional ties.

### **4.3 Limited EU-Latin American relations prior to Maastricht**

Prior to the entry into force of the Treaty of Maastricht, which created the European Union, ties between its predecessor the European Communities (EC) and Latin America were very limited, in line with the organisation's restrained role in international affairs at the time (see H. Smith 1995, 1998). While European Political Cooperation (EPC) had provided the organisation's then 12 member states with a structural mechanism to discuss external political issues and react to them, the extent to which this was used with regards to Latin America was very limited. Nonetheless, in the running up to the creation of the

European Union both the Community itself and the member states through EPC displayed a growing interest in the region.

Ultimately, however, the limited nature of European Community and EPC relations with the region—with a heavy focus on Central America and the Andean region—meant that a new foreign policy towards the region could be initiated from 1994 onwards without too many existing stumbling blocks. In line with the hypothesis based on policy inertia, the absence of existing commitments, sunk costs and otherwise important goals for the region meant that a coherent Latin American strategy could be developed without bureaucratic hindrance.

Prior to the 1990s EC relations with Latin America were almost absent, as the economic and political turmoil in large countries like Brazil rendered them relatively unattractive partners.<sup>15</sup> EC activity in the region was largely limited to the disbursement of development funding and political dialogues set up in the context of Central America's civil wars and the unrest that these inflicted on larger parts of the region. First set up in 1984 (H. Smith 1995, 78–80), the San José Dialogue between the EC, its member states and the six states in the Central American region provided for the bulk of the EU's foreign policy activity in the Latin America at the time. It was labelled by one interviewee as an "exercise of soft power"<sup>16</sup> to ease the burden left by the region's civil wars that was envisioned after Hans-Dietrich Genscher and Emilio Colombo's 1981 initiative to provide the EC with a stronger presence in international affairs.<sup>17</sup> In its formalized iteration under the 1985 Luxembourg Agreement, the San José Dialogue then created a format for regular meetings between Central America's countries and the EC and its member states, while similar arrangements were still absent for the other countries of the region.

With the EC's enlargement to Spain and Portugal in 1986, two countries with an obvious interest in strengthening the Community's ties with countries in the region joined the bloc, thus providing an important background factor for the EC to strengthen its activity in the region in line with the hypothesis based on rational decision-making. This enlargement round indeed paved the way for a range of activities in the Commission that would eventually see bilateral relations being upgraded to a similar level as those with countries in other regions, mainly under the initiative of the European Commission. This

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<sup>15</sup> Former DG RELEX official, Brussels, 22.6.2015 (Interview 18).

<sup>16</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>17</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29); Former EU official, Brussels, 19.6.2015 (Interview 17).

was easily possible as setting up a number of dialogue formats had no obvious drawbacks for the existing EC member states, with the low salience of the issue contributing to a lack of diverging interests between them.

Nonetheless, outside of the realm of the Commission's activity, member state interest as expressed through EPC remained very limited during this period of time. An analysis of EPC documents shows that there were very few discussions or declarations on the region, as member states likely preferred national foreign policy to advance their interests there. EPC declarations from 1990 to 1993<sup>18</sup> reveal that the key issues discussed were democratization and peace processes in the region, and the fight against drug trafficking. The overall number of declarations produced on Latin America under EPC during that period remained very small and was mainly concerned with Central America and the Andean states.

Institutionally speaking, the only significant innovation at this time occurred with the signature of the Rome Declaration in December 1990, establishing a format of annual ministerial meetings with the Rio Group,<sup>19</sup> and thus creating a forum for dialogue and cooperation with parts of Latin America absent from the San José process. Originally initiated by countries in the region, Spanish and Portuguese lobbying meant that the idea was finally taken seriously by EC officials and turned into practice given that few costs were associated with it.<sup>20</sup> The Rome declaration itself then set out a list of priorities for EU-Latin American relations, such as increasing European investment and development aid in the region, the strengthening of Latin American regional integration projects, or the fight against drugs (Agence Europe 1990g, 1990h).

While this document and the public statements that accompanied it marked a first European interest in the region at large, its contents remained largely tied to a vision of increased bilateral cooperation with individual Latin American countries, and primarily in the realm of unilateral EC development support. As such, the dialogue set up with the Rio Group principally served as a launch pad for Commission suggestions to develop formalized treaty-based ties with the region's individual countries, rather than developing ties with the region itself (EPC Bulletin 1994, 216–25, 1995, 265–73, 1996, 230–38).

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<sup>18</sup> The analysis for 1990-1992 is based on (J. Grugel 1996, 86–87). I have supplemented this with an analysis of EPC documents from 1993 as reported in (EPC Bulletin 1996). During all of 1993 only 7 statements relating to LA were produced altogether.

<sup>19</sup> This international organization was founded in 1986. At the time of the signature of the Rome Declaration its membership included all hispano- and lusophone countries of South America and Mexico. Over time its membership has grown to include all Latin American and some Caribbean states.

<sup>20</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

There were some differences between the various ‘third generation’ agreements ultimately concluded with actors in the region (IRELA 1997). However, their key commonality was the introduction of innovative elements, such as a ‘democracy clause’. This was meant to allow for agreements or parts of them to be suspended if any party had concerns as to the democratic credentials of the other. They also included provisions to expand existing cooperation under the agreements by common accord, and the promise of some economic and trade facilitation (del Arenal 1997, 123–25). Overall, however, the traditional focus on development policy was maintained. As an additional factor that foreshadowed the EU’s policy from 1994, all these agreements stressed the necessity for increased Latin American regional integration and the EU’s support for it.

Given that the EC’s ties with Latin America remained without political salience, on the suggestion of the European Commission a first such agreement was signed with Argentina in 1990 (Agence Europe 1990j), rapidly followed by one with Chile built on the Argentinian model (Agence Europe 1990f), and signed on the occasion of the launch of the Rome Declaration. Over the coming years the Commission suggested proceeding in a similar manner with all of the region’s countries, likely because this would see it lead the negotiations and have a formal role under the dialogue mechanisms created through the agreements. This process was finished by 1993—a very rapid development when comparing it to later EU negotiations in the region—with the conclusion of such agreements with the Andean Community of Nations and Central America. While these were formally concluded with the regional organizations in question, in reality these required individual country signatures and ratification in each case.

While the above required the—mostly uncontroversial—agreement of the European Commission and the member states in line with the EU’s procedures to conclude international agreements, the former actor’s activity in the region was not limited to this. Once the EU-Rio Group format was established, the European Commission used the 1991 ministerial meeting to sign a technical cooperation agreement with the Latin American Integration Association (ALADI)<sup>21</sup> (Agence Europe 1991c), followed by a similar agreement with Mercosur in 1992 (Agence Europe 1992a), thus foreshadowing the importance of ties with regional integration organisations in the aftermath of Maastricht. Through these agreements the Commission could share its expertise in the

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<sup>21</sup> An organization founded in 1980 that replaced the Latin American Free Trade Association. While discussions for different LAC integration efforts took place in the context of this organization, it has been overshadowed by projects such as the Union of South American Nations (UNASUR) and the Community of Latin American and Caribbean States (CELAC).

realm of European integration with these similar minded organizations and their bureaucrats in the Latin American context.

Simultaneously the European Commission increased its presence through a doubling of the number of its delegations in the region, opening up representations in countries like Colombia and Peru (Agence Europe 1990i, 1993b), the latter of which doubled as its representation to the Andean Community. This could be seen largely as a symbolic move, as their staffing levels remained limited and negotiations for the third generation agreements such as those with Brazil did not involve the delegations at all.<sup>22</sup>

**Table 7: Net ODA by the EU's institutions in million current \$**

	<b>Americas</b>	<b>Asia</b>	<b>Total EC/EU</b>
<b>1985</b>	75	152	1,320
<b>1986</b>	97	193	1,473
<b>1987</b>	170	257	1,693
<b>1988</b>	235	370	2,508
<b>1989</b>	255	394	2,611
<b>1990</b>	316	328	2,808
<b>1991</b>	297	516	3,707
<b>1992</b>	386	471	4,515
<b>1993</b>	396	483	4,211
<b>1994</b>	479	890	5,069
<b>1995</b>	661	877	5,398

Source: Own compilation based on OECD (2016).

Given the development focus of the third generation agreements signed with the countries in the region, the Commission's role as a development actor increased in important ways, thus justifying the institution's increased presence on the ground. The 1991-1995 financial period saw the budget allocation for development funding, or Official Development Aid (ODA), in the region increase importantly under the guidance of Spanish Commissioner Abel Matutes, thus following a trend that had already begun with Spain's and Portugal's accession to the EU in 1986 (see Table 7). The autonomy and lack of clear hierarchies and coordination mechanisms in the Commission at the time allowed this change to be suggested with ease. While the final allocation did not reach the initially proposed level that was to match Europe's support for Central and Eastern European

<sup>22</sup> Former DG RELEX official, Brussels, 22.6.2015 (Interview 18).

countries (Agence Europe 1990c), the commitment was so important that it led Matutes to speak of a "double leap" (Matutes cited in Agence Europe 1990b) for the EC's activity in the region.

This was flanked by a somewhat controversial decision to allow the European Investment Bank (EIB)<sup>23</sup> to fund projects in the region, a treatment previously reserved for the ACP group of states. The issue was first raised at the first EU-Rio Group ministerial meeting in 1991 by Latin American representatives (Agence Europe 1991b) and the possibility specifically included in the final document (Agence Europe 1991c). It was discussed extensively between the Commission and the Council and within the Council itself between 1990 and 1992. Ultimately the Council decided in May 1992 to extend this possibility to Latin American countries (Agence Europe 1992b), offering a new way of strengthening cooperation with the continent outside of the elements described above.

EC-Latin American relations were thus very limited in the period prior to the Treaty of Maastricht. While the development of the admission of Spain and Portugal into the Community meant that its activities in the region, and particularly bilateral development funding, increased gradually, EC activity paled in comparison to its focus on other regions of the world, such as Asia (see Table 7). While these changes can be seen through the lens of Hypothesis 1 as a result of rational decision-making after the EU's 1986 enlargement round, bureaucratic factors have nonetheless played a relevant role. In line with the hypotheses based on policy inertia and diverging interests, it was particularly the lack of previous commitments and the low salience that allowed the Commission, and particularly Abel Matutes, to initiate the negotiations for third generation agreements with the region and increase the allocation of development aid for it. The latter was largely independent to develop his proposals given the autonomy of individual Commissioners and their DGs at the time.

#### **4.4 The advent of 'one-size fits all'**

The development of the EU's Latin America strategy since 1994 can be attributed to a number of external and internal developments, supporting the validity of the hypothesis based on rational decision-making. Nonetheless, even here the contrasting analytical lens

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<sup>23</sup> The EIB is a non-profit financial institution that is owned collectively by the EU's member states and that provides funding for projects along criteria set by its owners.

of bureaucratic politics can generate some additional insights, such as the influence of a lack of salience of the Latin America strategy for most internal EU actors.

The return of political stability, democratic governance and economic growth in the Latin American region provided the backdrop for the EU's 'discovery' of the region after 1994 (Devlin 2001, 82; García 2008, 53). While there were brief periods of acute crisis on the continent at the end of the 1990s and in the early 2000s, events such as the Mexican Tequila crisis of 1994 could not undo the stability that the continent had found, and could not stop further progress in the peace settlements in Central America.

Alongside the above-mentioned developments within the region, intra-regional trade increased and a number of regional integration mechanisms were either created or revived (Devlin 2001, 79). Against this backdrop the *Mercado Común del Sur* (Mercosur) formed in 1991,<sup>24</sup> and Andean as well as Central American integration processes picked up steam. The advent of a period of 'new regionalism' has to be regarded as one of the main external factors motivating the development of the EU's Latin America strategy. While the democratization and economic opening efforts were beneficial for the revitalization of regional integration in Latin America at first, this meant that these were increasingly looking for developing relations with other regional organizations like the EU on an interregional basis (Devlin 2001, 84), and applying the concepts of the Washington consensus<sup>25</sup> through FTA negotiations.<sup>26</sup>

While the processes in the region rendered it more and more relevant for the EU's external relations in and of itself, a related external development further contributed to this, namely the renewed interests of the United States in developing ties with the region. Seeking to increase its trade with Latin American countries, Mexico was included in negotiations for the North American Free Trade Agreement (NAFTA) between the United States and Canada, negotiations for which concluded successfully in 1992 (see the section on EU-Mexico relations below). When the agreement entered into force in 1994, talks began on a Free Trade Area of the Americas (FTAA) that aimed at eliminating tariffs between all of North, Central and South America (Nelson 2015, 79–83). While the launch of these two negotiations provided for important external developments that influenced the cost-benefit analysis of EU policy-makers, fears over an increased influence of the

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<sup>24</sup> At the time this grouping consisted of Argentina, Brazil, Paraguay and Uruguay.

<sup>25</sup> The Washington consensus describes prescriptions for the improvement of growth in developing economies based on liberalisation and opening up of these economies to international trade.

<sup>26</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

United States to the detriment of the EU were already present beforehand, as the Mexico, Brazil and Paraguay third generation agreements of the early 1990s explicitly mention the aim to strengthen regional integration within Latin America while leaving out the United States (Page 2001, 130).

Aside from these two factors external to the EU, changes to the nature of the EU itself have also created incentives for a change to the EU's policy towards the region. The Treaty of Maastricht, which entered into force on November 1<sup>st</sup> 1993, created today's European Union and provided it with specific external relations competencies under the Common Foreign and Security Policy (CFSP). This treaty change meant that European integration had taken a qualitative leap forward as the extension of the organization's competencies made for a period of dynamism that occurred in parallel to the strengthening of Europe's relationship with Latin America.

Celestino del Arenal (1997, 112, 122–23) notes that the dynamics of European integration around the time of the Treaty of Maastricht were crucial for the EU's attempt to intensify and redefine its relationship with third actors, and Latin America in particular. After all, the idea behind a European Union went beyond the prior economic remit of the EC and a rethinking of its foreign policy in line with its new status was only logical. While such effects are not directly tangible and therefore difficult to trace, the rhetoric of an international European responsibility in official documents and declarations points to their importance to the EU's member states.

When the new CFSP was discussed at the 1992 Lisbon European Council meeting, this sense of growing European responsibility in external affairs and particularly promoting regional integration could be seen in the meeting's conclusions. Without being specific to the Latin American region, one of the aims of the CFSP was defined as

promoting regional political stability and contributing to the creation of political and/or economic frameworks that encourage regional cooperation or moves towards regional or subregional integration (Portuguese Presidency of the European Council 1992, 31).

With the promotion of regional organizations defined as one of CFSP's goals, the definition of the EU's Latin America policy along these lines would be significantly easier.

Even before the creation of the CFSP under Maastricht, however, some EU activity in the realm of regionalism support already existed (see Edwards and Regelsberger 1990). First and foremost, EU Commissioners during the tenure of Jacques Delors as Commission President had espoused the concept and mentioned it whenever possible.

Representative of many similar declarations, on an official visit to a summit of ALADI, the responsible Commissioner Matutes stated that

[t]he development of steadily closer relations between the Community and Latin America implies necessarily a greater regional integration (cited in Agence Europe 1990e).

Over time this issue became a focus of the EU's talks in the EU-Rio Group format to the extent that Matutes' successor Manuel Marín put it at the top of the agenda of its third annual ministerial meeting (Agence Europe 1993a).

The public indication of the EU's shift towards a 'one-size fits all' approach in Latin America was then present in the declaration of the IV EU-Rio Group ministerial meeting in April 1994. The document (as partially reproduced in *European Foreign Policy Bulletin* 1997, 213–20) specifically mentioned the importance of regional integration in Latin America, and both regions' intention to cooperate at the interregional level. It was also in this document that an EU-Mercosur interregional agreement was first envisioned (del Arenal 1997, 127). Regionalism promotion and interregional itself had come to be the EU's policy priority for the region by then, and this coincided with important drivers for the EU's foreign policy towards the region to change, supporting the validity of Hypothesis 1, which is based on rational decision-making. Nonetheless, a consideration of bureaucratic politics can generate additional insights into the development of the EU's Latin America strategy as outlined above.

Once more, given the absence of any previous policy covering Latin America as a region and the presence a relatively permissive consensus among the member states, the bureaucratic factors of policy inertia nor the divergence of interests played a role here. On the other hand, it is here that the autonomy of individual actors, and in particular that of Commissioner Manuel Marín has to be emphasized. Once more, the division of portfolios within the Commission and their relative independence at the time helped the EU to define its Latin America strategy.

The Commission's portfolio for the EU's relations with Latin America—which existed given the regional logic of the organisation of its portfolios at the time—had been in the hands of a Spanish Commissioner since the country joined the European Union in 1986. A first important advocate for a European focus on the region was the EC's Spanish Development Commissioner Abel Matutes, who emphasized at a meeting of ALADI in 1990 that:

I would like to assure you [Latin American ministers] of the Commission's availability and of my own in a personal capacity to contribute to the relaunch of the Latin American integration process. (cited in Agence Europe 1990e)

He proposed the almost doubling of development funding for the region (alongside that for Asia) in the 1991-1995 timeframe (Agence Europe 1990d), thus establishing the Commission as a relevant development actor in the region.

His portfolio was taken over by Manuel Marín, another Commissioner from Spain, in 1993 with the entry into force of the Treaty of Maastricht. He continued to be an advocate for developing strong ties with Latin America. Under the Delors III Commission EU-Latin American relations were still largely limited to the realm of development cooperation, and CFSP initiatives in the region were almost absent. Marín's role as Development Commissioner thus meant that he could propose changes to the EU's Latin America policy without being challenged by other colleagues, supporting the hypothesis based on policy autonomy. His influence on the definition of the EU's Latin America policy was seen by Maria Garcia (2008) as so significant that she talks about a 'Marín Effect'.

In effect, Marín developed an internal Commission proposal circulated in October 1994 which came to be known as the 'Marín Document' (García 2008, 116). It advocated for the deepening of ties with LAC by signing new agreements, and in particular for the conclusion of an Association Agreement with Mercosur and Chile (García 2008, 199) as a single undertaking. The stated aims of this document once more need to be understood in the context of regionalism support, as they would link the different policy fields of development aid, cooperation and political dialogue. In a mindset framed by development concerns, as would be logical for a Development Commissioner and the underlying bureaucracy, regionalism support would have to contain all these elements so as to increase the partner region's institutional capacity for cooperation with the EU (Page 2001, 117–18).

While Marín's views and that of other officials in the Commission were influenced by the attempts of the United States to conclude FTAs (Sanahuja 2000, 44) supporting the idea of rational decision-making within the EU, his motivation went beyond that as he generally favoured the Latin American region. When looking at the Commission's Asia strategy that Marín oversaw at the same point in time (European Commission 1994b) then one notices that it promoted a more gradual deepening of the relationship with the region than the approach he favoured towards Latin America (García 2008, 119–20). Marín wasn't shy either to voice his vision of strengthening subregional organizations in Latin America and increased cooperation with the region as a whole even prior to the 'Marín Document', such as during the IV EU-Rio Group

ministerial meeting in April 1994 (Agence Europe 1994c) or in an op-ed for *El País* discussing the importance of the conclusions of the June Corfu Council for the EU's Latin America policy (Marín 1994).

Both Commissioners' activism was further helped by sharing this vision with Jacques Delors, who envisioned a closer cooperation with Latin America as part of his attempts to strengthen the global role of the European Union (Lister 1997, 16–17). Delors wasn't shy either in advocating for this goal, such as during a 1993 visit to the continent (Agence Europe 1993d). The supporting administrators in Marín's Directorate-General were also largely favourable of this approach, as those dealing with Latin America in the Commission during the 1990s were primarily Spanish nationals (García 2008, 118) a tendency that was reinforced over time. For instance, when DG I expanded in 1990 to reflect the EU's increased international ties, Matutes' former chef de cabinet Juan Prat was made responsible for the North-South and Latin America portfolio (Agence Europe 1990a). Such staffing decisions, however, should not only be considered in the context of national interest promotion, as Spanish officials brought along the necessary linguistic competences and regional expertise given the country's strong ties to Latin America.

Marín's agency in this field was also aided by the fact that both within the EU-12 countries, and then the EU of 15 member states from 1995 there was a widespread consensus on the necessity to strengthen relations with Latin America, and specifically by concluding interregional Association Agreements. This was due to the fact that the issue remained without salience for most countries, all while being able to accommodate the preferences of Spain and Portugal. The conclusions of the Corfu European Council in June 1994 (Greek Presidency of the European Council 1994) underlined Europe's willingness to deepen its relations with LAC. The document becomes very specific in mentioning that the relationship with Mercosur should be strengthened, and economic and political relations with Mexico deepened. The last sentence contains an element that comes close to an operative clause, as it specifically invited the Commission "to pursue these questions further" (Greek Presidency of the European Council 1994, 16). Given that the EU had already concluded third generation agreements with Mexico as well as all Mercosur states individually, this meant that a further deepening of the relationship with these actors would necessitate a new type of agreement, thus giving Marín the authority to develop these ideas further.

Marín's concrete proposals were then incorporated into the 'Basic Document' of the Council on EU-Latin American relations of 1994. In terms of its content the

document outlines the state of EU's relations with the region at the time, notably differentiated by subregional organizations. Crucially, it states that

We [the Council] seek to intensify the dialogue and cooperation between the European Union, the Rio-Group, Central America (San Jose), and Mercosur, broaden the agenda and enhance the political aspects of this dialogue. We are prepared to take up and strengthen dialogue and cooperation with other regional and sub-regional groupings, as well as with individual countries. (Council of the European Union 1994, 5)

In terms of concrete proposals for strengthening the relationship, the necessity of an intensified political and economic relationship with Mexico, as well as the "vision of a free trade agreement between the EU and MERCOSUR" (Council of the European Union 1994, 5) (as well as Chile)<sup>27</sup> is mentioned. The relationship with the Rio Group is portrayed more as a forum for discussing common issues with the largest number of partners possible, and no concrete proposals were made.

This absence of diverging interests between the member states is not unsurprising, as none of the member states stood to lose in principle from this approach, while Spain, Germany and the United Kingdom could deepen their already strong economic ties with the region. While Spain had only been a member of the EU since 1986, it was nonetheless particularly keen on improving the EU's relationship with Latin America and had deepened its ties bilaterally during the 1980s. Aside from this general incentive to advocate closer EU ties with the continent, one also has to consider that Spain's economic entanglement with the region increased importantly throughout the 1990s. From a much lower level overall, by the end of the decade it had become the second source of Foreign Direct Investment (FDI) to the region, only being surpassed by the United States (García 2008, 70–72).

It was his home country that turned out to be Marín's closest ally in turning the proposed policy change towards Latin America into action. During its Council presidency in the second half of 1995, during which member states dispose of important policy autonomy, one of the stated priorities was to push forward this agenda towards Latin America, namely by working towards "increasing the existing cooperation and negotiating new treaties" (Comité Organizador de la Presidencia Española del Consejo de la Unión Europea 1995, 29; translation mine). In particular, the document refers to the negotiation of new treaties with Mercosur, Mexico, Chile and Cuba.

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<sup>27</sup> The EU hoped for a Chilean accession to Mercosur, which is why they are mentioned in the same section. See the section on Mercosur/Chile later in this chapter, as well as in the next chapter for a discussion of the consequences of this position.

Given the support in principle by the member states, the work by Marín in the Commission could then continue. Without being specific to Latin America, a document from 1995 (European Commission 1995a) establishes regional integration policies as a core part of the Commission's aims to support sustainable economic development in developing countries. It also issued a Communication on the perspective for the EU's relations with Latin America in the 1996-2000 period (European Commission 1995c).

This can be considered as an outline for a broad EU Latin America strategy as it contains a long list of reasons for the EU to increase its cooperation with the region, and particularly the favourable political climate that preceded a stabilization of the region's economies. Aside from these more general reasons for increased cooperation, the document mentions that Europe is the region's most important development aid donor, that the number of political meetings between the EU and the region has increased, and that it is an important export market for the EU. An emphasis on these issues follows the tripartite structure of the different policy areas to be covered under comprehensive Association Agreements. On the basis of the underlying analysis the document then proposes to further the relationship across all three policy areas, using the interregional cooperation framework overall. The document specifically names Mercosur, Central America and the Andean Community of Nations as subregional organizations with which Association Agreements should be pursued.

While the various external and internal factors that have influenced the EU's decision-making to develop its Latin America strategy during the 1990s provide strong support for the hypothesis based on rational decision-making, the process can only be understood in full when considering bureaucratic politics. Once more, it was the absence of policy inertia and diverging interests between internal EU actors that allowed the decision-making process to get underway. This was coupled with the autonomy of Commissioner Marín to outline his proposals and that of Spain to advocate for them during its Council presidency. In this instance, the assumption of rational decision-making is thus largely compatible with the consideration of bureaucratic politics, something which changed during the early implementation phase of the EU's Latin America policy, as is outlined below.

#### **4.5 The difficult implementation of the EU's new Latin America strategy**

While the definition of the EU's 'one-size fits all' Latin America strategy was based on a relative consensus of the relevant actors in the EU's foreign policy system, attempts to turn it into practice show the difficulties that can arise when internal EU disagreements are present. Given the lack of coordination mechanisms that would be strong enough to mitigate these differences and the complexity of the EU's decision-making system, these shaped the EU's attempts to negotiate agreements in the region, and the timeline under which these occurred.

Developing ties with Mercosur and Chile was to be the initial testing ground for the EU's new Latin America strategy as negotiations for agreements with both had been mentioned specifically in the documents defining it. While the next chapter outlines the negotiations for Association Agreements with parts of the region since the late 1990s, the following sets out the initial development of ties with Mercosur. After all, the organisation had only been founded in 1991, and policy inertia was thus not an issue given the lack of previous ties with the region.

Informal ties between the EC and Mercosur had already existed since its inception in 1991. After the signature of the Treaty of Asunción, its foundational document, but before its ratification, the project was presented to EU officials on the fringe of the 1<sup>st</sup> EU-Rio Group ministerial meeting in 1991. It was also at that meeting that Mercosur foreign ministers first proposed the conclusion of an EU third generation Framework Cooperation Agreement with the organization (Agence Europe 1991a). The European Commission led by Commissioner Matutes then signed a technical agreement meant to provide administrative assistance to the nascent organization on the fringe of the 2nd EU-Rio Group meeting a year later (Agence Europe 1992a).

While Brazil, the bloc's most important economy, had not figured prominently on the EU's horizon, the creation of Mercosur in 1991 and the 1992 Rio Earth Summit slowly changed this perception.<sup>28</sup> The foundation of Mercosur in itself thus provided for a development that would change the EU's cost-benefit analysis of ties with this subregion. The desire for developing ties to this new actor was also exacerbated by the FTAA process, first announced by Bill Clinton in 1994. This process has furthermore been mentioned in the literature as one of the key reasons for the EU's focus on

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<sup>28</sup> Former DG RELEX official, 22.6.2015 (Interview 18).

developing ties with Mercosur and Chile in the first place (Devlin 2001, 86; García 2008, 75; Valladao 2001, 44).

Under the guidance of Manuel Marín, whose autonomy had remained unchanged, the Commission proposed three scenarios for relations with Mercosur in 1994 in a communication issued after the adoption of the 'Basic Document'. Two of these options emphasized the immediate necessity to enter into free trade negotiations with the region, either as a policy-specific agreement, or in the context of an Association Agreement. The third option proposed the immediate start of negotiations for a third generation agreement, which would involve "preparations for the liberalization of trade" (European Commission 1994a, 15). Underlining the importance that the Commission attributed to the regional component, the formal request for a negotiation mandate to be issued by the Council was delayed to the very end of 1994. By then the Ouro Preto Protocol had modified Mercosur's legal basis so that it would gain legal personality (Torrent 2001, 143). This meant that the Commission could negotiate with its Mercosur equivalent directly, rather than diplomats from all of Mercosur's Member States only.

Marín's work on this proposal in the Commission was facilitated once more by his relative autonomy and a supportive administrative apparatus in his DG due to the posts relating to Latin America being staffed mainly by Spaniards (García 2008, 118), thus reaching a high administrative continuity of the very officials who had been responsible for the negotiations of other third generation agreements. The independence of his portfolio also meant that his work was shielded from the criticism of other Commissioners, such as Leon Brittan, with whom Marín had an almost hostile relationship (Lister 1997, 14), or René Steichen (Agence Europe 1994b) who voiced concerns as to the EU's agricultural interests.

The further fate of the proposal is illustrative of a divergence of interests between Marín and member state representatives in some of the Council's compositions. Agricultural ministers from several countries with a large agricultural sector, such as France, Italy or Ireland, voiced concerns that an FTA with the region could hurt the EU's Common Agricultural Policy (CAP) (Agence Europe 1995a) given Mercosur's large agricultural sector and its capacity to produce agricultural products more competitively than the EU. Due to reluctance in the Council to accept the Commission's proposals for negotiations, there was a risk of European embarrassment vis-à-vis their Mercosur partners, given that the Commission proposal had already been made, thus possibly rendering the EU's foreign policy rhetorically and horizontally incoherent. As this would

ultimately be an agreement of mixed competencies between the EU and its member states, it would have to be ratified in Council, but also by all member states individually. This gave every single member state a de facto veto over the suggested negotiations.

A solution to the problem consisting in emptying the mandate of its contentious (trade) content—much like the third option initially floated by the Commission—was proposed by the Council’s judicial service (Torrent 2001, 143). This was in turn taken up by Spain’s Council presidency in 1995. After having convinced the Commission of this approach, the actual negotiations were so speedy that the accord could be signed in the margins of the Madrid summit of the same Council presidency (Council of the European Union 1995), illustrating how little content remained in the actual accord. Nonetheless, the *Madrid Declaration* adopted at the same time set out a roadmap for the further deepening of the relationship (García 2008, 76), acknowledging that the ultimate goal would be to sign an Association Agreement with Mercosur which would include an FTA. The presence of a strong agricultural interest coalition combined with the complexity of decision-making on EU international agreements thus meant that these clashed with the desires of other institutional actors, with the former ultimately winning out. This rendered the EU’s foreign policy output towards Mercosur incoherent given the Commission’s previous declarations and the work done by Marín’s DG.

The development of the EU’s relationship with Chile at the same time has to be considered in the context of its relationship with Mercosur, as the EU hoped that the country would eventually join the organization (García 2008, 123). This became unrealistic as a short-term development by 1996 (Agence Europe 1996a), and a similar agreement to the 1995 EU-Mercosur Framework Agreement was reached with Chile on the fringe of the Florence European Council in 1996 (Council of the European Union 1996b).

Chile was particularly keen on an update of the relationship, as it had already made a request to establish closer ties with the EU in July 1994, even before the 1991 Agreement had expired after the initial 5 year period (García 2008, 116). When the Global Agreement with Mexico was discussed during 1995 (see below), the country stepped up its diplomatic efforts once again and asked the EU to update its relationship along similar lines (Agence Europe 1995b), providing further external incentives for the EU to enter into negotiations with the country in line with the hypothesis based on rational decision-making. While the 1996 agreement was briefly put in jeopardy by the UK’s obstructive stance in EU affairs over the internal EU ‘beef war’, the country later revised its position,

allowing the agreement to pass (Agence Europe 1996e; Gabara 1996). A different decision would have been paradoxical in any case, as the United Kingdom was one of the strongest advocates for the Chile agreement (Agence Europe 1996i), and no significant opposition was present in any of the other member states. Nonetheless, this period of obstruction demonstrates the influence that the complexity of the EU's foreign policy decision-making system can have on its foreign policy outputs. After all, a single member state could have halted an agreement consented to by a very large majority.

In absence of the focus on Mercosur and Chile as the EU's first testing ground for its new Latin America policy, the EU also had to redefine its approach to Central America and the Andean region, the origin of the EC's political efforts in the region. Nonetheless, after the conclusion of the third generation agreements with both regions in 1993, relations with these would not be a priority until the mid-2000s (see chapter 6). This can mainly be attributed to the fact that unlike Mexico or the Mercosur countries their economies were largely irrelevant for the EU's external trade or broader political goals, thus rendering even the development of the proposed FTAA largely irrelevant. The Commission and member states were thus mainly focused on the Mercosur process at the time.

Nonetheless, there were advocates for negotiations with CAN and Central America within the EU's foreign policy apparatus, and particularly Italy during its Council presidency in the first half of 1996 (Italian Presidency of the European Council 1996a). While the country has fewer interests in the region than Spain or Germany, the presidency nonetheless wanted to prove its capacity to further a number of important EU dossiers. Given that work on developing the EU's ties with Mercosur was already underway, one of its aims was thus to restructure the existing dialogue and cooperation arrangements with Central America, and to set up a similar system for the Andean region.

The San José dialogue had already been renewed for a further decade at its 10<sup>th</sup> meeting in 1994, one year after the signature of the third generation agreement with the region. At the same time participants vowed to launch a new phase in their cooperation through the signature of several EU aid agreements for the region (Agence Europe 1994a). The European Commission in turn—in line with its strategy documents for other LA regions made public earlier in 1994 and 1995—published a Communication "on the renewal of the San José dialogue" (European Commission 1995b). At the XII San José dialogue in 1996 during the Italian Council presidency the *Florence Solemn Declaration* was

then adopted, which stated that the dialogue would indeed be intensified (Agence Europe 1996b).

The declaration was based on the blueprint of the Commission's earlier Communication. In the following years issues related to the rule of law, human rights, regional integration and the fight against drugs were discussed based on the EU's interests, while Central American countries were keen on discussing trade facilitations under the EU's Generalized System of Preferences (GSP) (Agence Europe 1995c, 1998b, 2000b). Nonetheless, furthering ties with the region in a similar manner as was proposed for EU-Mercosur relations appeared nowhere on the horizon, and even the ratification process of the 1993 third generation agreement remained slow, only entering into force in 1999.

Developments in the EU's relationship with the Andean Community of Nations remained similarly limited. While the third generation agreement finally entered into force in 1998 (Italian Presidency of the European Council 1996a), the only other significant change in the relationship occurred when a dialogue similar to the San José format—although less formalized (Agence Europe 1996d)—was set up with the Declaration of Rome (Italian Presidency of the European Council 1996b) at the very end of the Italian Council presidency in June 1996. While the UK similarly threatened to block this process, its opposition dissipated at the same time as was the case with Chile.

Unlike in the other dialogue formats with Latin America, the short document only stipulates that regular meetings will be held “on the sidelines of other ongoing political dialogues” (Italian Presidency of the European Council 1996b, 2). The creation of this political dialogue format thus meant an addition to the more technical meetings of the Joint EU-Andean Pact Committee set up with the signature of the 1993 agreement. This weaker format can be attributed to the fact that there were some divisions within the Council as to whether a separate meeting with the Andean states would weaken the previously successful Rio Group format.<sup>29</sup>

Suggested by the Andean states before the 6<sup>th</sup> annual ministerial meeting in Cochabamba during the Italian presidency, the EU went into the meeting without having developed a clear position. This was mainly due to divisions not only between the Council and Commission officials, but also because the two Council bodies dealing with Latin American issues, namely EPC officials from national capitals (COLAT), and those permanently based in Brussels and meeting in the AMLAT grouping couldn't agree on a common position. At the meeting in Cochabamba the chair of the EU's delegation

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<sup>29</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

Susanna Agnelli furthermore received different advice from both the Commission and Council officials present.<sup>30</sup>

The evolution of the dialogues with Central America and CAN has shown bureaucratic politics at work. The autonomy of the Council presidency to prepare foreign policy initiatives allowed discussions on these to go ahead in the first place. Nonetheless, the complexity of internal EU decision-making, this time primarily within the Council and between the Council and the Commission, meant that the presence of diverging interests could be seen at play during direct talks with the EU's partners.

Aside from this development the European Commission under Marín once more used the opportunity to deepen its ties with the organization by providing funding for technical projects aiding its integration (Agence Europe 1997a). This came after the Andean Pact transformed itself into the Andean Community of Nations after its respective 1996 and 1997 deepening rounds. Similar to the case of Central America, the issue of opening the EU's market was raised by the Andean countries during biregional meetings (Agence Europe 1997b), but rejected by the EU at the time as EU officials believed that these countries were not ready for an FTA.<sup>31</sup> It was only in 1999, on the fringe of the Rio summit that such an agreement similar to the one proposed to Mercosur was first officially considered, albeit once more receiving only a lukewarm European response (Agence Europe 1999a).

While both Commission and member state differences thus shaped the EU's attempts to turn its Latin America strategy into practice vis-à-vis some of the regions subregional organizations, relations at the regional level—which would be limited to political relations—evolved independently due to member state activism. This manifested itself in the development of a dialogue format with all of the region's countries, which culminated in the agreement on regular summits at the level of head of state or government. Once more, the fact that there was little to lose from setting up such meetings and the prestige that could arise out of hosting such a summit rendered the process relatively smooth, as is elaborated below.

The idea to hold regular summits between the EU and Latin American states was first floated by the Spanish Prime Minister in 1996 (Agence Europe 1996f), attempting to provide an additional venue within which the changed approach towards the region could be demonstrated. Holding such a regular summit was first proposed to

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<sup>30</sup> *Ibid.*

<sup>31</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

the Council in March of 1997 (Agence Europe 1997c, 1997e) and France soon came to be a strong advocate for it. President Jacques Chirac even suggested this as his own idea during a visit to Latin America in March of 1997, and this has found its way into existing research and media coverage (European Voice 1998b; García 2008, 149; Müller-Brandeck-Bocquet 2000, 571). When it became clear that Austria was reluctant to hold it during its Council presidency in 1998 as initially proposed given that it felt that this was too large a responsibility in addition to its first Council presidency, it was decided to hold the summit during the ensuing German presidency (Agence Europe 1997d). The latter country then also came to be a strong advocate of the proposal (Agence Europe 1997d, 1997f; European Voice 1998b).

The advent of this new summit format then allowed the Commission to restate its focus on the region, and to attempt to bring forward some of the processes that had run into difficulties above. Crucially, this fell into the period of the demise of the Santer Commission and Marín's caretaker Commission presidency, which allowed the latter even more leeway in his activities than beforehand. These efforts culminated in the publication of a new strategy document for Latin America in the first half of 1999 that outlined new priorities for the EU's ties with the region and seeking to influence the agenda for the upcoming Rio EU-Latin America summit. This fell in the immediate preparation period of the first EU-LAC summit due to be held later that year. In the document the Commission proposes to develop a "strategic partnership" (European Commission 1999a, 8) with the region, based on the same three policy priorities as outlined beforehand, and continuing this preferably by signing Association Agreements with the region's subregional organizations.

The summit then brought together the heads of state and government from both regions, thus symbolizing each region's interest in the other. The summit's *Rio Declaration* (EU-LAC summit 1999) underlined the common interests between the two regions, listed existing areas of cooperation and outlined general areas to strengthen the relationship. However, the document did not outline concrete proposals as to how the relationship between the regions would be strengthened in detail, most likely given the internal differences outlined above. The declaration avoided a commitment to any particular negotiations, and thus limited the possibility for future policy inertia.

The conclusion of the summit then caused a flurry of public information activity within the European Commission, which published an information booklet on the EU's relations with LAC in June of that year (European Commission 1999b). In 2000 the new

Prodi Commission created a strategic follow-up document to the Rio summit (European Commission 2000b). Much like the summit's declaration it does not contain any radically new proposals for enhancing the relationship, with the exception of the Commission's aim to implement the EU-Mexico Global Agreement that had been reached by then (see below). Rather, the document is primarily concerned with the reaffirmation of prior goals in the relationship, which is unsurprising given how early this was produced in the tenure of a Commission with a completely redesigned foreign policy apparatus.

The Commission and some allied member states were thus eager to translate the EU's new Latin America strategy into political practice given a number of external developments, a fact that was helped by the absence of prior EU ties with regional organizations in Latin America. Nonetheless, important difficulties in translating this strategy into practice could be seen. In line with the hypothesis based on a divergence of positions, a first problem arose on the content of negotiations with Mercosur, as sensitive agricultural issues would have to be addressed if including an FTA component. While this was not necessarily the case for relations with the other subregional organizations, there was no significant external development that warranted a focus on these, and the EU's position thus remained largely unchanged for the time being. Nonetheless, the importance of the autonomy of individual actors could be seen through the case of the Italian Council presidency and the *Rome Declaration*, and the beginning of the EU-Latin America summit process. As each Council presidency stood to gain from these proposals, there was continuously strong advocacy for these plans that would come to fruition with the 1999 Rio summit and have turned into regular meetings ever since.

#### **4.6 Negotiating the PCA with Mexico**

The EU's negotiations for the EU-Mexico Global Agreement, which was initially signed in 1997 and supplemented by a Free Trade Agreement (FTA) in 1999 is simultaneously an outlier from and a symbol of the Union's 'one-size fits all' policy towards Latin America. While conforming to the requirements of an Association Agreement in all but its name, its bilateral nature has meant that it lacked the initially desired interregional aspect. Most importantly, Mexico would be the first and only Latin American country with which the EU had concluded an Association Agreement until the one with Chile in 2002.

While the EU's relations with Mexico initially did not differ from those with other countries in the region, the coming-into-force of NAFTA in 1994 set it radically apart economically from the remainder of the region. This provided for an external development which would ultimately see the country being treated differently from the rest of the region in line with the hypothesis based on rational decision-making. While it was the NAFTA experience that ultimately made Mexico a case apart, the precise nature of the policy change towards the country and its distinction from the 'one-size fits all' approach can be explained by different factors of bureaucratic politics.

In line with the hypothesis based on policy inertia the EU's policy change towards the country was facilitated by the fact that, just like for the rest of the region, the EU's relations with the country were limited, and the existing third generation agreement even set to expire in 1996. This allowed for the EU to develop a novel approach towards the country with the coming-into-force of NAFTA in 1994. While internal EU actors largely agreed on the necessity to react to this with the conclusion of an FTA with the country, thus fulfilling some preconditions for the ensuing Mexican exceptionalism to be compatible with the assumption of rational incoherence, dissent as to the precise nature of the agreement rendered the process time-consuming and further contributed to its isolation from the remainder of the EU's Latin America policy. This was primarily due to the lack of strong coordination mechanisms within the European Commission at the time.

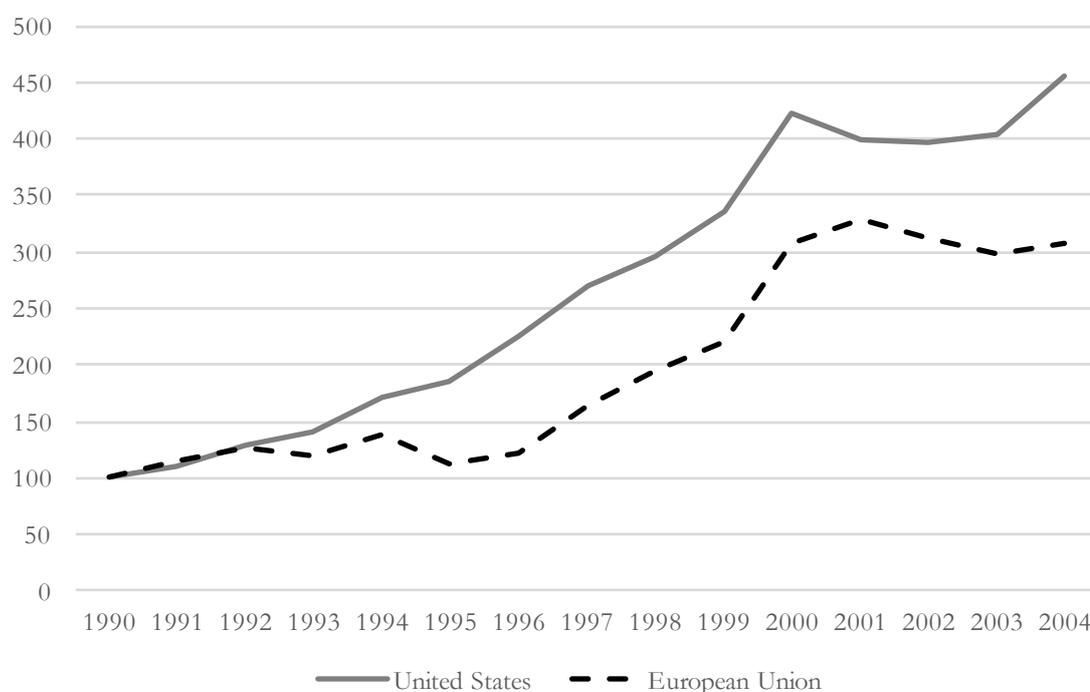
NAFTA as an important external development emerged in the same context as the EU's increasing interest in Latin America, albeit somewhat earlier. Much as the United States became increasingly interested in strengthening its ties with the region as a whole, Mexico's inclusion in the project of a North American Free Trade Area between the US and Canada was only natural given the country's geographic proximity and the strong existing economic ties between the two countries. With the signature of the agreement in 1992, only two years after the beginning of talks on the issue, and its coming-into-force in 1994 the process itself was speedy. Both the process itself and its progress have been explained by difficulties in liberalizing multilateral trade at the time (García 2008, 60).

NAFTA left EU officials and member states worried about its terms of trade not only with Mexico itself, but with all of the three North American countries, thus influencing the thought process that would lead to the EU's negotiations with Mexico (De Lombaerde, Pietrangeli, and Schulz 2009; García 2008, 75; Page 2001, 127). While an FTA with the United States or Canada was regarded as unrealistic at the time, Mexico would be able to provide a back door into NAFTA, while signalling its interest in

negotiating an FTA with the EU in an attempt to diversify the structure of its external trade. Furthermore, the country could serve a bridging function between North America and Latin America (Grevi and Khandekar 2011; Hess 2009), thus justifying a political focus on the country.

Concerns over worsening terms of trade became more and more widespread after NAFTA had entered into force<sup>32</sup> and its negative economic effects for the EU could be felt in the decoupling of the EU and United States' trade volume with the region (see Graph 1). All of this would set Mexico apart from the upgrade of relations with the rest of the region, as FTAs with other Latin American countries were not envisioned at the time, making relations with Mexico a case apart (Sanahuja 2000, 45–46).

**Graph 1: EU and US trade with Mexico**



Base year 1990 = 100; EU-12 data for 1990-1994, EU-15 after. Source: Own compilation based on Eurostat (2014), United States Census Bureau (2014).

While EU member states and Commission officials agreed on the ultimate goal of an FTA with Mexico, discord over the details of the kind of agreement to be signed and the negotiation process rendered the process relatively lengthy and contributed to the separation of the EU's Mexico policy from the remainder of its Latin America policy, in

<sup>32</sup> Former EU official, Brussels, 19.6.2015 (Interview 17); (Szymanski and Smith 2005, 173).

line with the hypotheses based on interest divergence, actor autonomy and the complexity of decision-making. The key institutional factor in this development was the autonomy of the different portfolios within the European Commission.

The idea to upgrade EU-Mexico relations was initially discussed during the December 1994 European Council meeting in Essen, which urged the Commission to “put ideas on the future form of treaty relations with Mexico [...] into concrete form without delay.” (European Council 1994), recognizing the threat from NAFTA and taking note of the scheduled expiry of the existing agreement with the country in 1996 (Szymanski and Smith 2005, 180). The shape of the proposed agreement with the country, however, was then developed in the Commission itself.

In essence, the document outlining its proposal for the evolution of the EU’s treaty-based ties with the country proposed the conclusion of an Association Agreement, including an FTA, in all but its name (European Commission 1995d). This was in line with Mexico’s desire to deepen the relationship, which it voiced as early as September 1993, and which was already well received by the responsible European Commissioners of the time (Agence Europe 1993c). In 1995, and in parallel to the Commission’s proposal, Mexico began strong lobbying efforts in Europe in support of such an agreement (Sanahuja 2000, 46; Szymanski and Smith 2005, 180), thus creating an additional external factor contributing to the EU’s rationale to handle Mexico as a case apart in line with the hypothesis based on rational incoherence.

While the Commission’s 1995 paper specifically framed the proposed negotiations with the country in the context of the EU’s Latin America strategy, its focus on economic and trade issues already set it apart in form. This is unsurprising given the division of Commission portfolios in the Santer Commission, with its previously noted negative consequences for the coordination of the EU’s external policies (Dominguez 2008, 132). Under this set-up, relations with Mexico formed part of Leon Brittan’s portfolio which included North America, while the Latin America policy was Manuel Marín’s responsibility, a state of affairs mirrored in the divisions between DG I and DG IB at the time. Brittan was thus able to initiate the process for an agreement with Mexico without extensive consultation and policy coordination with Marín and his DG, supporting the hypothesis based on the autonomy of individual actors.

In order to render Brittan’s proposal and priorities for Mexico compatible with the wider Latin America strategy in more than rhetoric, and so as to overcome the divergence of positions between him and Marín, extensive coordination between these

two portfolios and DGs would have been necessary, but was largely absent given the independence of Commissioners at the time. To make things worse, as mentioned previously, there was considerable hostility between Commissioners Brittan and Marín (Lister 1997, 14).

The complexity of decision-making and the divergence of the positions of different member states further contributed to making the EU's Mexico policy a case apart. While member states agreed to Brittan's idea in principle, differences nonetheless arose between member states as to the exact shape of negotiations and which elements to include, contributing to the relatively lengthy negotiation period overall. The main discord arose over whether the agreement to be negotiated with Mexico would contain an FTA component from the outset, as favoured by the Mexican side (Agence Europe 1996h), or whether the political and dialogue component (for which negotiations would be led by Marín's DG) would come first, followed by a lengthier process of FTA negotiations. Once more, agricultural issues were behind these disagreements despite the fact that agriculture would play a considerably lesser role in trade with Mexico than in negotiations with Mercosur (Allen and Smith 1990, 104). Ultimately the provision of an important safeguard to more sceptical countries, as well as putting the agreement on the agenda of pro-FTA Council presidencies over the negotiation period helped to overcome these difficulties.

While Spain and the UK (in absence of its short period of obstruction as outlined above) were particularly vocal as to the necessity of speedy FTA negotiations, thus advocating for a negotiation in a single undertaking (Agence Europe 1996c, 1997j) given the negative effects of NAFTA, other countries voiced fears over the effects on European agricultural markets. In this case a coalition centred around France, Portugal and Austria opposed the negotiation of all elements at the same time, fearing that this would set a precedent for negotiations with Mercosur (Page 2001, 127). Their concerns were shared by the Commissioner for Agriculture Franz Fischler (Peterson 1999, 105).

These differences were slowly resolved by different Council presidencies—once more pointing to the importance of their autonomy at the time—which made progress on the agreement a policy priority. As mentioned earlier, Spain's 1995 Council presidency made Latin American relations a priority, including to reach an agreement on negotiations with Mexico itself. While a compromise on negotiations for the Global Agreement with Mexico was only reached under the Italian Council presidency in the first half of 1996, conceding to the more reluctant camp by allowing for a two-tier process, Spain

nonetheless provided the necessary groundwork for this to occur.<sup>33</sup> In line with its commitments towards the Latin American region, the German Council presidency in the first half of 1999 allowed for important progress in the FTA negotiations (von Kyaw 1999, 14), which was effectively concluded during Finland's tenure in the second half of 1999.

While previous research has pointed to important discord between the EU and Mexico in the negotiations on the inclusion of the 'democracy clause' (Szymanski and Smith 2005), interviews conducted for this thesis have provided for a different account of the events. Since 1995 a standard 'democracy clause' was to be included in all EU international agreements,<sup>34</sup> and would thus also have to form part of the Global Agreement. Mexico had already attempted to resist the inclusion of a prior version in the 1991 Framework Agreement (del Arenal 1997, 124) and did show a similar reluctance in the negotiations for the PCA. While the Commission initially agreed to modify the standard text for the agreement (Agence Europe 1997h) this led to protests by a majority of Member States (Agence Europe 1997g) and finally Mexico agreed to the inclusion of the standard formulation (Agence Europe 1997i).

Szymanski and Smith (2005) explain Mexico's initial reluctance by referring to the country's concerns that the clause would represent a limitation of its rights as a sovereign nation, and that references to democratic governance would alter the technical nature of trade negotiations. Asked about this, however, an interviewee familiar with the negotiations asserted that the discord over the democracy clause had less to do with Mexico's position in itself, but rather with the position of Armen Dariz, Mexico's ambassador to the EU at the time.<sup>35</sup> According to this account, once the ambassador was recalled on the behest of the EU, the difficulties in the negotiations disappeared.

While the role of the European Parliament in the conclusion of international agreements was limited at this period of time, concerns of some of the parties represented in it nonetheless briefly threatened the conclusion of the Global Agreement as its assent was nonetheless required due to the agreement being one for an Association, rather than a pure Free Trade Agreement. This development supports the hypothesis based on the complexity of the EU's decision-making system. The EP's concerns were due to Mexico's human rights track record, which led to the country's government to lobby the EP (see

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<sup>33</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>34</sup> For a detailed discussion of the evolution of the democracy clause see (Crawford 1997).

<sup>35</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

footnote 162 in Dominguez 2008, 77), and Mexico's foreign minister was even questioned by it before it agreed to its 1997 version (Szymanski and Smith 2005, 127).

While NAFTA provided the rationale for the EU to separate Mexico from the remainder of its Latin America policy, the main influence on the shape of the ultimate agreement can be found in factors of bureaucratic politics. It is here that the final decision to negotiate all of the agreement's components in a single undertaking can be attributed directly to discord between the member states. Ultimately, the agreement reached during the Italian Council presidency of 1996 meant that a concession to the more sceptical countries was granted, splitting the negotiation process in two. As such the version of the Global Agreement concluded in 1997 (European Commission 1997) did not yet cover trade relations, for which negotiations only concluded in November of 1999, with the agreement entering into force in 2000. The agreement represented the first successful instance of a transatlantic free trade accord that was unprecedented in its depth and the number of cross-policy linkages at the time (Szymanski and Smith 2005). The communication on its conclusion once more emphasized the important link to NAFTA, as it stated that the FTA component would see the EU receive similar treatment in Mexico as was the case for the United States and Canada (European Commission 2000a).

Overall, the specific nature of the agreement and its outlier status from the EU's Latin America policy can be attributed to the fact that the responsibility for relations with the country in the Commission resided with Leon Brittan rather than Manuel Marín and that these could act largely independently, while a majority of member states was concerned over a loss of market share in the country to the United States. While the issue of the democracy clause is important in itself, it has only shaped the timeline of the EU's policy change, rather than the nature of the agreement itself.

#### **4.7 Conclusion**

The development of the EU's Latin America strategy during the 1990s amounted to a completely novel focus on the region given the lack of previous engagement with it outside of Central America. Whereas the region was only seen as a recipient of EU development funding and EU-brokered attempts to ease the burden of transitioning to democracy after a period of civil war and political instability in many countries, the aim of interregionalism and Association Agreements meant that the region was seen more as a partner than had been the case before.

While the formulation of the EU's 'one-size fits all' Latin America strategy since 1994 was largely coherent, some strategic, rhetorical and horizontal incoherence in the EU's foreign policy outputs could nonetheless be observed. For instance, while the Commission's stated aim was to negotiate an Association Agreement with Mercosur as the first step to turn the strategy into practice, many EU member states voiced their concern about the likely impact on the EU's agricultural policy. This pattern was repeated later on when the decision was made to split the EU's negotiations with Mexico in two.

This can be explained partially by a consideration of external and internal factors that have altered the EU's cost-benefit analysis of relation with the region. It was Latin America's economic growth, the return to stability and a renewed focus on regional integration that served as a motivating factor for the EU's Latin America strategy in the first place. Additionally, the United States' trade policy, as evidenced through the NAFTA project can explain why Mexico was the first country in the region with which the EU signed an Association Agreement which included free trade provisions.

Nonetheless, a consideration of bureaucratic politics can help our understanding of other aspects of the EU's Latin America policy at the time and provide additional insights not accurately captured by a consideration of rational decision-making. While policy inertia was largely irrelevant during this period given the lack of important previous ties to the region, there is some evidence in support of the hypothesis based on a divergence of positions between various actors in the EU's complex foreign policy system. The initial formulation of the Latin America strategy was facilitated by the issue's lack of salience for most member states. Later on, an increasing divergence of opinion over agricultural aspects of the proposed trade negotiations with Mercosur and Mexico can explain why the former negotiations were limited to a political agreement, and the latter was negotiated in two stages.

Additionally, the autonomy of individual actors in the European Commission, and particularly that of Manuel Marín and his supporting Directorate-General can explain the EU's focus on Latin America at the time and over other regions such as Asia. Similarly, the autonomy of Leon Brittan and his DG, which included a responsibility for ties with Mexico, can help explain why the negotiations for the Global Agreement were largely separate from the broader Latin America strategy. Lastly, while decision-making complexity did not hinder the conclusion of any EU agreement at this stage, there were nonetheless moments when the necessity for an agreement by many institutional actors could have put the conclusion of agreements in jeopardy, as is evidenced in the UK's

position in the context of the 'beef wars', or indeed the European Parliament's criticism of the Global Agreement after negotiations had concluded with Mexico.

With its elaboration of the EU's Latin America strategy this chapter has shown that the EU is capable of formulating coherent foreign policy outputs towards third regions under certain conditions. It is on this basis that the EU's further negotiations with Mercosur and Chile will be discussed in the next chapter, illustrating how factors of bureaucratic politics can limit the EU's capacity to generate coherent foreign policy outputs even more than can already be seen in the case of Mercosur and Mexico here.

## CHAPTER 5:

# Failing interregionalism: Negotiations with Mercosur and Chile

### 5.1 Introduction

The negotiations with Mercosur and Chile were to be the first true testing ground of the EU's 'one-size fits all' Latin America strategy devised earlier on. As a new regional integration organisation, Mercosur provided an opportunity to structure the EU's ties with it under the umbrella of an Association Agreement from the outset, including an FTA component. While the decision to undertake negotiations was a logical continuation of the new Latin America strategy, the outcome of the process was radically different from the one envisioned initially as negotiations with Mercosur were halted in 2005. Simultaneously, negotiations for an Association Agreement with Chile concluded successfully in 2002, setting the country apart from an earlier link with the Mercosur negotiations.

Both negotiations are discussed in parallel in this chapter, as they had been treated as such by the EU from the very first moment when negotiations were envisioned. Consequently, the progress of EU decision-making on both negotiation mandates occurred in parallel until the negotiations phase when both processes were decoupled. The initial rationale for this link was that Chile would ultimately enter into Mercosur itself, given that it didn't fit into any of the other regional integration mechanisms in the region.

The underlying logic to this rationale was that if the EU created a free trade area with Mercosur and aided Mercosur to improve its own integration, there would be a greater incentive for Chile to fully enter Mercosur. (García 2008, 123).

When measured against this yardstick, the ultimate outcome of both negotiations reveals an important strategic, horizontal and narrative incoherence in the EU's foreign policy towards both actors. The outcome of negotiations did not square with the goal of supporting Chile's integration into Mercosur while the EU continued to uphold its rhetoric of supporting the regional organization. Simultaneously, as will be explored below, the output of different EU policies targeted at Mercosur and Chile did not match the dynamics of the negotiations.

While the initiation of the negotiations with Mercosur and Chile can be explained through rational decision-making based on a number of external factors, just

like the decoupling of the negotiations with Chile, this is not the case when considering the developments leading to the negotiations with Mercosur being halted, nor for the shape of negotiations themselves. It is here that the analytical lens based on bureaucratic politics can once more generate important additional insights. While there is very little evidence for policy inertia having played a role, diverging interests between different parts of the EU's bureaucracy and the autonomy of individual actors amidst weak coordination mechanisms have an important explanatory value.

So as to outline these dynamics, the chapter is structured according to the administrative processes before the adoption of negotiation mandates, followed by a section on the negotiations phase. It is only at this point in time that Chile will be discussed separately, as the decoupling only occurred once negotiations were underway.

Against this backdrop this chapter will put more emphasis on the EU's negotiations with Mercosur, as this was the more difficult process, while mentioning developments relating to Chile in the side-lines. Only the last section concerned with the negotiations themselves discusses both as separate processes, as it was then that the linkage came undone.

## **5.2 Envisioning Association Agreement negotiations with Mercosur and Chile**

As introduced briefly in the previous chapter, a number of external developments prompted the European Commission to begin the process of implementing its Latin America strategy by focusing on Association Agreement negotiations with Mercosur and Chile. While Manuel Marín was successful in pushing for the signature of Framework Cooperation Agreements (FCA) with both Mercosur and Chile in 1995 and 1996 respectively, these fell short of the ambitions of Association Agreements. While preparatory work on the Association Agreements began as early as 1996 (Robles 2008b, 338), the process that would see the European Commission receive its negotiation mandate from the Council would take almost four years to complete (Faust 2004, 46).

The main external motivating factor for the Commission's focus on these negotiations was the creation of Mercosur itself as the emergence of this new regional actor allowed the Commission to devise plans for the implementation of its Latin America strategy in absence of existing commitments.<sup>36</sup> As one interviewee put it: "Mercosur was

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<sup>36</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

the flavour of the month in the 1990s.<sup>37</sup> While Mercosur's creation was a strong external incentive in itself, once more broader trends in international trade policy need to be considered as well, such as problems arising in the negotiations for the Doha Development Agenda (DDA) at the World Trade Organization (WTO), and the shift of the United States' trade policy towards the region.

The Commission's emphasis on implementing the EU's Latin America strategy can be seen in the trajectory of EU-Mercosur and Chile negotiations since the advent of the strategy. While the Framework Cooperation Agreements with Mercosur and Chile had to be emptied of any trade component due to member state divisions, the Commission's negotiators were nonetheless successful in injecting language into these that would foresee the process of Association Agreement negotiations.

For instance, the EU's 1995 FCA with Mercosur states that:

Parties shall undertake to forge closer relations with the aim of increasing and diversifying trade, preparing for subsequent gradual and reciprocal liberalization of trade and promoting conditions which are conducive to the establishment of the subsequent interregional Association (Council of the European Union 1995, Title 2, Article 4).

A similar provision can be found in the 1996 Framework Agreement with Chile (Council of the European Union 1996b, Title 3, Article 4). The parallel negotiations for the EU's Association Agreement with Mercosur provided an additional grounding for the Commission's strategy, as the outcome from such negotiations would certainly serve as a blueprint for future agreements of the same type.

Even before the Commission officially envisioned entering into Association Agreement negotiations with these partners, DG1B under Marín's leadership had thus successfully pushed for a rhetorical commitment to such negotiations, aiming to help regional integration processes in the region. While it is advisable to question such publicly voiced rationales, research has pointed to the fact that this motivation was indeed present in the Commission and the wider EU foreign policy community at the time (Doctor 2007, 291), supported by claims to this end by the EU's later chief negotiator (Falkenberg in Doctor 2007, 291). Sciences Po's Mercosur working group also agreed with this assessment, albeit also mentioning EU attempts to counter-balance US political influence in the region (Working Group on European Union-Mercosur negotiations 2005, 15).

While considerations of support for regionalism have provided for a rhetorical leitmotif for the Association Agreement negotiations with Mercosur and Chile, external

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<sup>37</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

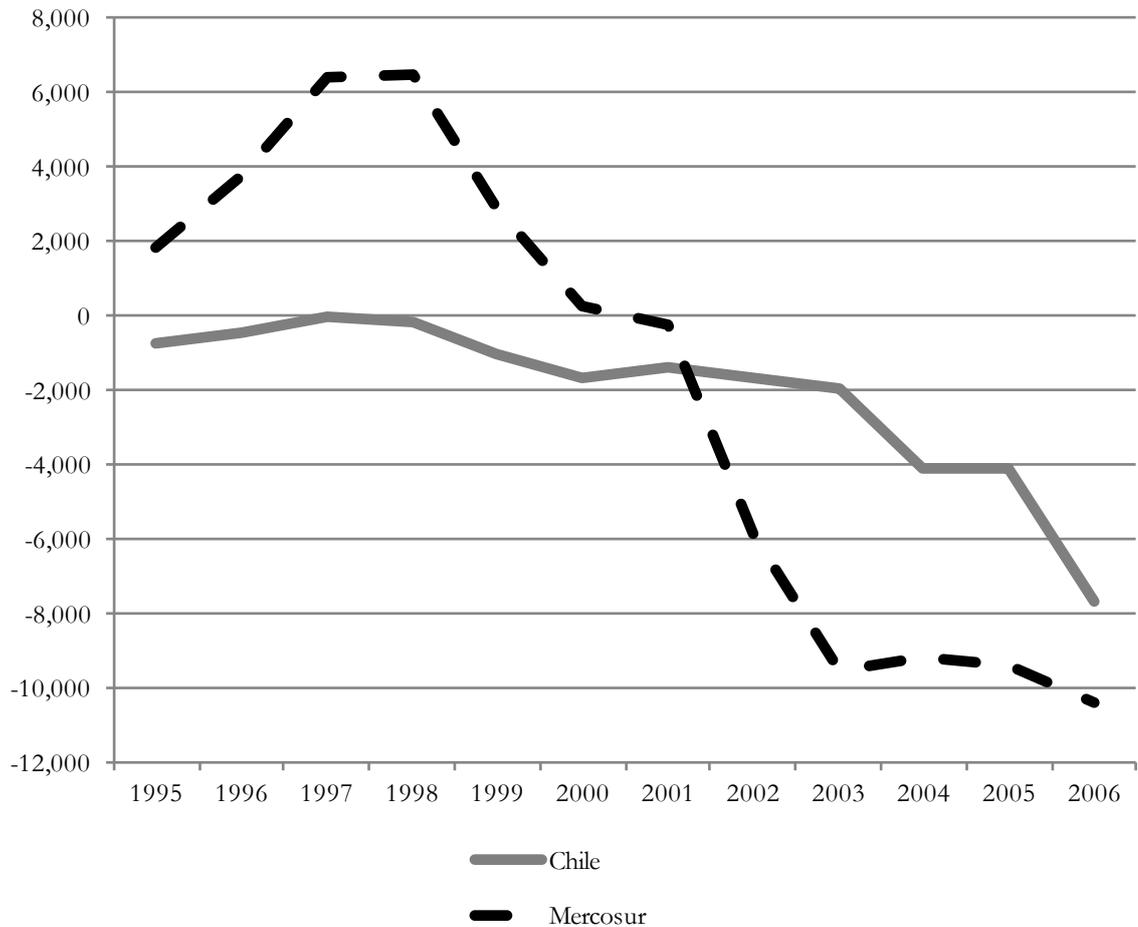
developments in the realm of trade policy also coincide with Marín's attempts for these negotiations to get underway. This is a view favoured by Marukh Doctor:

Once one stripped away the 'distractions' offered by the many named or explicit objectives, it was patent that the substantive core of any agreement would be measured by the potential economic impacts of a bi-regional association as well as public perceptions thereof. (Doctor 2007, 297)

Though somewhat surprising given the rhetorical emphasis on regionalism support for its own sake at the time, the argument makes sense in the wider context of developments in trade policy. Neither Chile nor Mercosur are major trade partners of the EU, with Mercosur only accounting for 2.4% of the EU's total trade volume in goods in 2000, and Chile accounting for 0.4%. Nonetheless, as argued in the previous chapter, growth on the continent rapidly increased the economic importance of both Mercosur and Chile. While the 1997-98 financial crisis in emerging markets and the 2001-2 Argentinian crisis put a brief dent into this positive track record and made Mercosur appear less economically attractive (Doctor 2007, 290), in the 10 years after the Framework Cooperation Agreement of 1995 the economies of the five countries concerned nevertheless managed to sustain average economic growth levels of 2% annually. While this is lower than the growth rates in other emerging regions at the time, when the European Commission first proposed the draft negotiation mandates in July of 1998, it seemed as though the much more rapid economic growth of the previous years would continue into the future.

Aside from these general considerations, it is important to note important changes in the EU's trade balance with the region across the relevant period of time here (Graph 2). During the mid to late 1990s the EU's trade balance with Mercosur was positive, while that with Chile was mostly balanced. Hence it was initially Mercosur that more actively pursued negotiating a trade treaty with the EU due to its trade deficit at the time (Robles 2008a, 191). The picture dramatically reversed after 2000, with the EU developing an important trade deficit with the region.

**Graph 2: EU-15 trade balance in goods with Mercosur and Chile**



Source: Own calculation based on Eurostat (2014).

It has been noted by a research group at Sciences Po Paris that around the time of the start of negotiations

the economic actors have been one step ahead of the negotiation process, so that this process simply follows the dynamics of the trade and investments it is supposed to facilitate and support. (Working Group on European Union-Mercosur negotiations 2000, 5)

Furthermore, the same report notes that the economies of both organisations are largely complementary despite some difficulties in terms of the sensitive nature of agricultural products for the EU (Working Group on European Union-Mercosur negotiations 2000, 6). Agriculture is particularly important for the European Union due to the extensive system of subsidies set up under the Common Agricultural Policy and the large agricultural production capacity of Mercosur—as will be detailed further on. Other important sectors to be considered were those of services and public procurement (García 2008, 138).

While developments in the region hence provide an important backdrop for the Association Agreement negotiations, the wider context of World Trade Organisation negotiations are more relevant. After the creation of the World Trade Organisation in 1995, negotiations were underway under this new framework to liberalise trade in services and agriculture. In this context Mercosur countries were extremely vocal in the late 1990s that the EU would have to liberalise its market to allow access for Latin American products (Müller-Brandeck-Bocquet 2000, 573), and particularly agricultural products. This even led to an alliance of Mercosur, Chile and the United States in April 1999 ahead of a WTO negotiation round so as to pressure the EU into reforming its Common Agricultural Policy (Agence Europe 1999n) and thereby allowing the liberalisation of trade in agriculture. In contrast, the European Union was particularly keen on the liberalisation of services (covered under the ongoing WTO negotiations) and the public procurement sector.

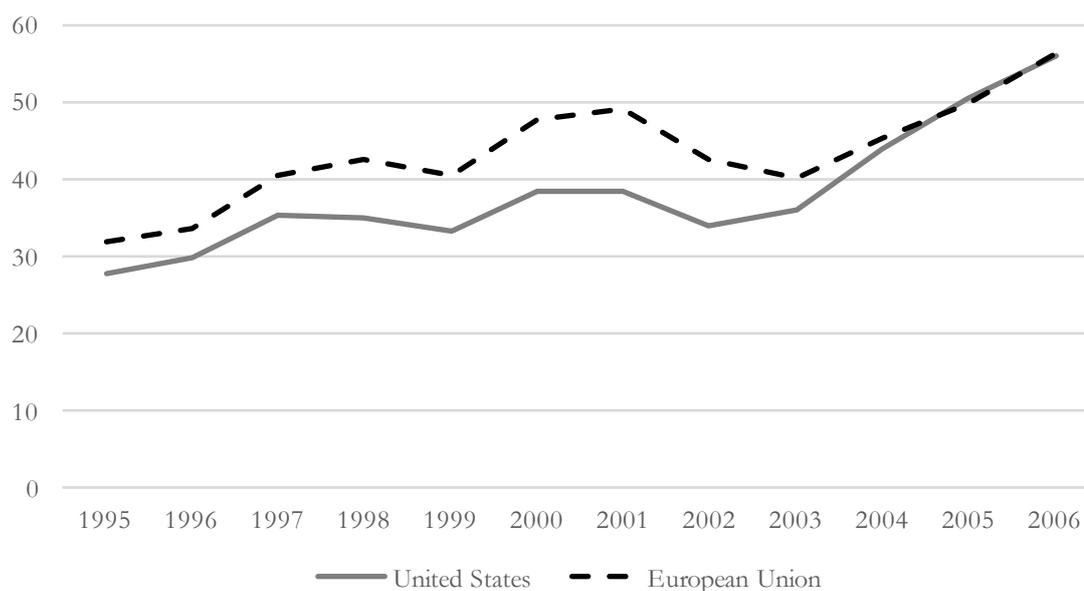
As the areas discussed under WTO negotiations touched on many sensitive issues that would arise in the negotiations with Mercosur, important parallels are drawn below in the timeline of both negotiations, with the EU's Chile and Mercosur negotiations particularly influenced by those in the realm of the WTO. Overall, it is important to note that one can consider the decision to undertake and continue negotiations with Mercosur as a rational reassurance of the EU for the potential failure of the WTO Doha Round (Doctor 2007, 291).

Aside from the factors outlined above, much like in the case of Mexico the trade strategy of the United States loomed over the thinking process within the European Commission. While discussed since 1994, negotiations for the Free Trade Area of the Americas finally started to take shape in the late 1990s (see Nelson 2015, 63–112). The possibility of such an agreement coming to fruition put the EU under pressure to ensure continued market access in Latin America (Doctor 2007, 291; Müller-Brandeck-Bocquet 2000, 578). As Mahrukh Doctor has noted:

Peaks in EU negotiation seriousness [for the EU-Mercosur Association Agreement] tended to coincide with peaks in perceived US influence in the region (Doctor 2007, 290)

This view of developing EU-Mercosur relations as a counter-weight to the rapprochement of the United States with Latin America under the FTAA project had at the time been voiced by the French President Jacques Chirac, who saw the EU's ties with Mercosur as an important component of a multipolar world order (Barrau 1999, 43; Santander 2001, 62).

**Graph 3: EU and US trade volume with Mercosur over time**



In billion international US dollars. Source: Own calculation based on Eurostat (2014); United States Census Bureau (2014).

When looking at the development of trade between Mercosur and the European Union, and that of the United States over time (Graph 3), it is important to note that in the absence of free trade treaties the trade between the regions has evolved very similarly across time—albeit with the EU’s trade volume with Mercosur being marginally larger than that of the United States during much of the time period under consideration here. The creation of a Free Trade Area of the Americas could have jeopardised the EU’s position as a more important trade partner for Mercosur than the United States and was therefore an important background consideration for EU trade officials.<sup>38</sup>

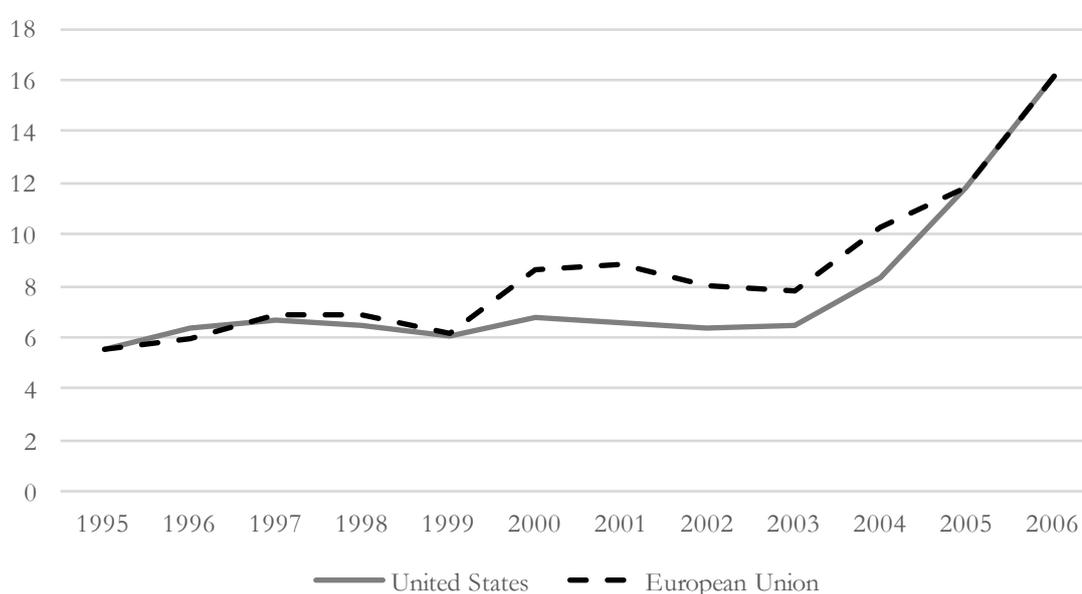
Such considerations were even more relevant in the case of the negotiation between the European Union and Chile.<sup>39</sup> It was the aim of both the EU and the United States to sign FTAs with the country, with the EU’s negotiations on the Association Agreement concluding a few months before the beginning of negotiations between the United States and Chile. The EU’s agreement with Chile entered provisionally into force in 2003, while negotiations between the United States and Chile concluded in December 2002 only. The latter then entered into force in 2004. This delayed effect can be seen in the development of the trade volume of both the United States and the European Union

<sup>38</sup> Former EU official, Brussels, 19.6.2016 (Interview 17).

<sup>39</sup> *Ibid.*

with Chile (Graph 4). While the graphs follow very similar curves until 1999, the EU's trade with the country then developed somewhat more rapidly until 2003, the year when the EU-Chile agreement came into force. While the EU's trade with the country grows much more quickly over the following years, both curves approach and converge again once the US agreement had come into force. The brief gap between both agreements shows the potential that a failure to negotiate such an agreement by either the European Union or the United States could have had on trade with a specific Latin American partner.

**Graph 4: EU and US trade volume with Chile over time**



In billion international US dollars. Source: Own calculation based on Eurostat (2014); United States Census Bureau (2014).

The underlying economic factors for negotiations with Mercosur and Chile and the dynamism of regional integration in Mercosur thus provide for important external developments that are compatible with the hypothesis based on rational decision-making. Anecdotal evidence suggests that these views were indeed shared by different actors in the EU's foreign policy decision-making system, and have thus served as the basis for the EU wanting to open negotiations with both. While the Commission desired to begin Association Agreement negotiations with Mercosur earlier on, as has been explored in the previous chapter, by the late 1990s this view had diffused throughout the EU's foreign policy decision-making system.

### **5.3 Commission divisions over the proposal**

Nonetheless, the process leading to the negotiations cannot be understood without a consideration of factors of bureaucratic politics, as divisions within the European Commission shaped the timeline for the granting of a negotiation mandate and the content of the mandate in itself. This was down primarily to the fact that Commissioner Marín and Agriculture Commissioner Franz Fischler had diverging interests on the issue ahead of asking the Council to grant a negotiation mandate in July 1998. These divisions led to the rare event of a contested vote in the College before the process continued in the Council. The absence of functioning coordination mechanisms between Commission portfolios in the Santer Commission then shaped the EU's decision-making process once the Council discussed the negotiation mandate.

The autonomy of Commissioner Marín and DGIB in driving the Association Agreement process forward was crucial under the geographical division of competencies until 1999 (García 2008, 135), as

Manuel Marín [...] was a vehement advocate and driving force of a close partnership between EU and MERCOSUR (Müller-Brandeck-Bocquet 2000, 570–71)

Aside from the motivation arising out of Marín's own Latin America strategy, the prospect of the FTAA discussed above contributed to similar dynamics in the Commission as had been the case for negotiations with Mexico. Already in February of 1998, in a brief outlining the EU's preparations for the 1999 EU-Latin America summit Commissioner Marín had promised that the Commission would draft a negotiation mandate by June (Agence Europe 1998j). It would eventually take until July 22nd for the Commission to submit such a proposal to the Council over disagreements with Franz Fischler.

Under normal circumstances, draft negotiation mandates prepared within the Commission's bureaucracy typically see very little opposition in the College of Commissioners due to their general nature. The case of the draft mandate for Mercosur and Chile negotiations thus differed, as the disagreements between Commissioners had more to do with differences as to the overall orientation of the EU's foreign policy, rather than the specific content of the mandate in itself (García 2008, 139, 143). Franz Fischler's views on the mandate were influenced by powerful agricultural lobby groups, and particularly the Committee of Professional Agricultural Organisations (COPA). This grouping, as well as national farmer lobbies started to voice opposition against EU

negotiations with Mercosur around the time of the negotiations for the Framework Cooperation agreements (Faust 2004, 51), fearing that the European agricultural sector could be negatively affected by any kind of rapprochement with the region.

For instance, COPA voiced concerns in 1996 when the Framework Cooperation Agreement with Mercosur came into being, arguing that the EU's agricultural products were essentially the same as those of Mercosur (Agence Europe 1996g) and hence fearing that this would negatively affect the EU's Common Agricultural Policy. In the more specific context of the EU-Mercosur FTA, organisations from the agricultural sector believed that ultimately it would be them who would have to pay for the benefits that others—and principally the industrial and services sectors—would gain from any form of agreement with Mercosur (Copa-Cogeca in García 2008, 142; Working Group on European Union-Mercosur negotiations 2006, 27).

These groupings then pointed to the difficulties that any agreement with Mercosur would create in the ongoing process of CAP reform, while arguing that the agricultural issues at stake could only be resolved in the context of WTO negotiations (Doctor 2007, 295). COPA additionally mentioned that the European Commission had committed itself at the Amsterdam Council meeting in 1998 not to conclude any further FTAs (Turner 1998a). Fischler and his DG adopted this position, mentioning that agriculture would suffer the most under any Mercosur Association Agreement, while complicating the on-going CAP reform even further (García 2008, 141–42). This formed the basis for an important divergence of positions between two influential Commissioners.

The Commissioner responsible for relations with most of the developed world as well as the EU's position in the WTO, Leon Brittan, was initially similarly opposed to Marín's attempts, not only for the previously mentioned personal reasons, but because he favoured a different approach to EU FTA negotiations (Müller-Brandeck-Bocquet 2000, 571). Instead of pushing for negotiations with emerging economies Brittan was a strong advocate for developing ties with North America, and particularly the United States, submitting a proposal to this end in March of 1998. His opposition weakened considerably when his project for what could have been a previous iteration of the Transatlantic Trade and Investment Partnership (TTIP) (European Commission 1998) was dropped due to member state insistence, and particularly that of France (Müller-Brandeck-Bocquet 2000, 570–71). Despite this, Brittan was already vocal in public about a date for the proposed mandate on a tour of Mercosur countries in April 1998 and even

stressed that negotiations could begin at the 1999 EU-Latin America summit (Agence Europe 1998k).

Despite Fischler's position extensive preparatory works for FTA negotiations were carried out within the Commission due to the autonomy of individual portfolios and their supporting DGs, completing an overview of existing trade relations and barriers between Mercosur and the EU, a so called 'photography' in April 1998 (Turner 1998c) and officially by mid-May (Dauster 1998, 447). While dissimilar from today's scoping exercises ahead of EU trade negotiations,<sup>40</sup> this was nonetheless a necessary precondition included in the previous Framework Cooperation Agreement with Mercosur for putting Marín's proposal for Association Agreement negotiations on the table at a meeting of the College of Commissioners. The photography and an analysis by the European Commission found that there were no significant issues of trade sensitivity that would prevent the negotiation of a beneficial and WTO-compatible agreement with Mercosur (Müller-Brandeck-Bocquet 2000, 570). Given that most development and political dialogue aspects were already covered by the previous FCA, no apparent difficulties would be present in those areas either, rendering it possible for Marín to table his proposal.

Before the initial vote scheduled on the draft mandate in the College on 8 July, Fischler sought to build a coalition of fellow Commissioners from France and southern Europe to postpone its decision to submit the mandate (Agence Europe 1998l). He indeed received some support from Commissioners whose nationality was that of important agricultural producers: the two French Commissioners, Yves-Thibault de Silguy (Economics and Finance) and Edith Cresson (Research, Science & Technology), and the Irish Commissioner Pádraig Flynn (Employment and Social Affairs) were all against Marín's proposal (Santander 2001, 62–63).

A delay was indeed granted until 22 July (Agence Europe 1999h) so as to study some of the reservations voiced by Fischler (Agence Europe 1998i, 1998l). In the end, however, these views did not prevail and the proposal was transmitted to the Council for approval on that date. Most unusually for the consensus-driven decision-making process at this level, this resulted in a contested vote with four Commissioners voting against the proposed mandate after an extensive debate (Agence Europe 1998f; García 2008, 142). It appears though that four Commissioners, including Fischler, voted against submitting the proposed mandate to the Council. One account additionally lists de Silguy, Cresson and

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<sup>40</sup> DG Trade official, Brussels, 18.6.2015 (Interview 12).

Flynn (Agence Europe 1998f); another mentions President Santer himself (García 2008, 142).

In the end the proposed mandate was indeed based on past agreements, and particularly the EU's most advanced agreements (García 2008, 136–37) such as the Europe Agreements with Eastern Europe and the EU-Mexico Association Agreement (see previous chapter). While the proposal remained vague on agriculture, leading to fears that Mercosur would reject the offer (Turner 1998b), the negotiations were ultimately meant to cover all sectors of the economy (Müller-Brandeck-Bocquet 2000, 573). Overall, the Commission had hence attempted to balance the sensitivity of agriculture with WTO requirements (Müller-Brandeck-Bocquet 2000, 571), as well as the EU's trade interests. Marín framed the issue of the negotiations within the context of the Framework Agreements at the press conference (Agence Europe 1998f), downplaying both his personal role in the process and the divisive nature of the vote.

Ultimately I concur with Maria Garcia that the Commission's proposal for a negotiation mandate was motivated primarily by the market prospects in Mercosur and Chile, as well as its possibility to support regional integration in the region (García 2008, 137), thus supporting the hypothesis based on rational decision-making. Compatible with two of the hypotheses from the lens of bureaucratic politics, the autonomy of the different Commission portfolios in the Santer years and the lack of functioning coordination mechanisms once more allowed Commissioner Marín to develop his preferred alternative further. Nonetheless, the presence of opposition within the Commission nonetheless demonstrates that not all actors in the EU's foreign policy system shared the same views on the issue, leading to the contested vote on the draft negotiation mandate and a slight delay in the process. These differences of opinion, once extended to the realm of the Council, would ultimately prove fatal for the negotiations with Mercosur while allowing those with Chile to move forward.

#### **5.4 Establishing the negotiation mandates in the Council**

The period during which the Council deliberated on the negotiation mandates for the proposed Association Agreements with Mercosur and Chile lasted almost a year and was shaped by important disagreements between member states. Replicating the concerns elaborated on above in parts of the Commission, these were mainly related to agricultural questions and the strategy to pursue in the context of WTO negotiations.

The fact that the go-ahead for negotiations was ultimately given to the Commission in June 1999 can be explained by a number of factors. On the one hand, advocates for the agreement, such as the German Council presidency in the first half of 1999 and Commissioner Marín, used their positions to influence more sceptical actors. On the other, the previous commitments included by Marín in the FCAs, as well as the looming June 1999 EU-Latin America summit meant that the EU was already publicly committed to the project. In this case, the hypothesis based on policy inertia thus contributed to the EU beginning the negotiations in the first place.

While most member states agreed that it was necessary to support Mercosur integration and the democratization process in the region by negotiating agreements with both Mercosur and Chile (García 2008, 147), differences in the realm of trade policy and related agricultural questions (García 2008, 144) threatened to derail the process altogether. This is due to the fact that decisions on opening negotiations for Association Agreements require unanimity voting in the Council, hence giving every single member state a veto over the matter.

The agreements' strongest supporters in the Council were Spain and Germany, largely due to their large economic interests in the region (García 2008, 143). While not opposed to the negotiations per se, another group of member states, and particularly the Netherlands and the United Kingdom, favoured multilateral, rather than regional, trade negotiations (Agence Europe 1999b) in the context of the WTO.

The strongest opponent of the proposed negotiations, however, was France. The country became vocal about it at the same time as it was being decided on in the College of Commissioners (Turner and Neligan 1998). The French criticism was based on their own analysis of the likely impact of agricultural questions, and the country made the proposal to focus on the elimination of non-tariff barriers rather than to negotiate a full FTA with Mercosur (Agence Europe 1998e).

At an Agriculture Council meeting on the same day as the College's meeting, the matter was discussed due to French insistence. At that point in time 12 agricultural ministers noted concerns about the proposed mandate (Agence Europe 1998a) with ministers from France, Germany and Belgium seemingly the most concerned. While the Spanish minister showed some concerns as well, he simultaneously pointed to the potential positive aspects. At the same time, the Swedish, Danish and British ministers appeared on the other side of the fence (Agence Europe 1998a; European Voice 1998a). It is important to note here, that the position of certain agricultural ministers did not

match the overall structure of countries favouring and opposing an agreement with Mercosur, the German minister being the most relevant outlier here.

The French reaction was not limited to the discussions in the Agriculture Council, as the French Foreign Ministry once more voiced its concerns and claimed that the Framework Agreements did not provide for FTA negotiations, hence accusing the Commission of non-compliance with the earlier agreements (Agence Europe 1998g). In September French Foreign Minister Hubert Vedrine reiterated the French position himself, and set conditions for a French agreement, namely wanting the prior completion of the ongoing CAP reform and WTO negotiations, as well as further prior integration within Mercosur itself (Agence Europe 1998h). This was a set of conditions that would be impossible to fulfil, hence equating to a French veto on the opening of negotiations.

COPA and its allies continued their opposition by lobbying France and the different agricultural ministers to be sceptical of the Commission's proposal for both negotiations (García 2008, 140–43). While other highly competitive sectors would have stood to gain from the negotiations (Faust 2004, 51) their lobbying efforts were not as organized at the time, and civil society interest<sup>41</sup> was almost absent (García 2008, 186–89). Initially, agricultural interest groups pointed to an incompatibility between the EU's reform agenda and any EU-Mercosur agreement. This view found some support with the French, Irish and Dutch agriculture ministers (Santander 2001, 62). When it became clear that some kind of agreement would be found in the Council, this strategy was altered, and the agricultural lobbies suggested that EU-Mercosur negotiations would have to be linked to the progress of WTO negotiations (Doctor 2007, 295).

Given the difficulties of the Council in reaching an agreement on the proposed negotiation mandate, the responsible DG under Marín's leadership did not remain idle in attempting to influence the Council's decision-making process. It did so by using a variety of strategies, such as support for lobbying groups, re-emphasizing the necessity of interregional ties with Latin America, and conceding on some of the points raised by the critical member states in the Council. Once more, an available policy space, albeit constrained by the activity in the Council, was utilized by Marín to ensure the survival of his political agenda towards the end of his mandate.

Marín used his autonomy as a Commissioner to shape the rhetoric of the EU's relations with Latin America ahead of the 1999 Rio summit by publishing an updated

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<sup>41</sup> For an overview over interest group, and particularly civil society involvement in Mercosur and Chile, see Cecilia Alemany (2004).

Latin America strategy document in March of 1999. This coincided with the Commission's collective resignation and Marín taking over as the caretaker Commission president until the arrival of the Prodi Commission later on, further increasing his autonomy to shape the Commission's policy. The document portrays the negotiations with both actors as a natural progression from the Framework Cooperation Agreements signed earlier:

Following the successes of the 1995 and 1996 agreements aimed *inter alia* at paving the way for free trade, the EU is examining new initiatives with a view to establishing interregional association agreements [with Mercosur and Chile] covering three key areas: the strengthening of political dialogue, the progressive establishment of a free-trade area and deeper cooperation. (European Commission 1999a, 5)

It also emphasizes that developing these ties in a similar manner as those with Mexico was only logical (European Commission 1999a, 5). At the same time, the document ensured that a logical distinction was made between entities with whom Association Agreement negotiations would be sensible and those with whom they would not, thus excluding a similar possibility for the Andean Community and Central America (Agence Europe 1999c). As the date of the summit approached Commissioner Marín also became increasingly vocal about his antipathy for the French position and mentioned the potential loss of face for the EU if it were to go to the EU-Latin America summit without a mandate for negotiations (Harding 1999a).

But DG IB's actions did not remain limited to attempting to influence the Council's decision-making process through mere rhetoric. Facing the opposition of agricultural lobbies and the positions of some Commissioners and member states, Marín's bureaucrats became actively involved in rallying businesses that would benefit from an envisioned FTA with Mercosur. It thus helped to create the Mercosur-Europe Business Forum (MEBF) (Santander 2005, 295; Torrelli 2003, 9–10), which was meant to act as a counterpart to COPA and its allies. While it was dominated by German firms at first during the Council's decision-making phase (García 2008, 146), its membership would rise over the course of the actual negotiations.

The MEBF then launched a campaign to convince the Council to agree to a mandate, all while lobbying respective national governments. The forum had privileged access to decision-makers at the national and EU level due to the involvement of CEOs from large companies across the continent, but particularly in Germany and Mediterranean EU countries (for a list of the companies involved in the MEBF see Torrelli 2003, 7). The lobbying attempts appear to have had an influence at the very least

in the case of Germany, as officials from that country have admitted to trying to forge a consensus in the Council largely due to German business interests (García 2008, 146). While the companies represented in the MEBF on the European side all had similar interests in Chile, no specific organisation was set up for that purpose, nor did the MEBF specifically address the Chile negotiations (García 2008, 194).

Given these differences not only between individual member states, but also within the Commission itself, the ultimate go-ahead for negotiations with Mercosur and Chile can be attributed to successful bargaining in the Council as mediated by Germany and Spain (García 2008, 146–47; Müller-Brandeck-Bocquet 2000, 571), as well as the looming deadline of the 1999 EU-Latin America summit (García 2008, 135–36). Germany's position was particularly privileged as it disposed of an important autonomy to shape the process given its Council presidency in the first half of 1999.

While the differences between the EU's member states remained unresolved over the course of 1998, attempts to reconcile the different positions were made by Germany once it had taken over the presidency, with the aim of coming to an agreement during the General Affairs Council meeting on May 31<sup>st</sup> (Agence Europe 1999i)—just in time for the 1999 EU-Latin America summit. Given the symbolic nature of this first ever summit of its kind, it needed to be filled with some relevant content, and the announcement of negotiations between the EU and Mercosur and Chile would have been ideal for this purpose.<sup>42</sup>

Within this framing, important efforts got underway to build coalitions in order to reach an agreement ahead of the deadline that the Council had set itself. This also helped to sway the French position, as by February 1999 its strategy had shifted to trying to delay any actual decision on negotiations with Mercosur until after the summit itself (Agence Europe 1999b), all while symbolically launching them during the summit. Nonetheless, over time different proposals were floated to overcome the internal differences. For instance, France, Ireland and the UK were behind a proposed formula that would see the negotiations only aim for an FTA (rather than necessitating one) (Agence Europe 1999k), with the Scandinavians and Benelux countries backing similar compromise solutions by the German Council presidency (Agence Europe 1999k). On the other side of the divide were Spain, Portugal and Italy as strong supporters of spelling out the goal of an FTA in itself. Similar coalition patterns could be found on whether the mandate should include a proposed timeline for the negotiations.

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<sup>42</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

Nonetheless, no agreement was found by the self-imposed deadline and the topic put on the agenda of the June Cologne European Council meeting (Agence Europe 1999f). To the surprise of different observers (Agence Europe 1999j; Riccardi 1999) the European Council's conclusions then made no mention of the issue. Ultimately, the Council only came to a last-minute agreement during a special session of the General Affairs Council on 21 June (Agence Europe 1999e), just prior to the start of the EU-Latin America summit itself. Nonetheless, it would then take until 15 September for the actual negotiation briefs to be decided on in a General Affairs Council meeting (Agence Europe 1999l), allowing the negotiations to get underway in earnest.

The ultimate compromise reached was a Franco-Spanish one (Agence Europe 1999e). It aimed for tariff negotiations with Mercosur by July 2001—and hence implicitly linking it to the scheduled conclusion of WTO trade talks, while removing the necessity for the creation of a Free Trade Agreement, and thereby potentially easing WTO rules that would have required a large opening in the agricultural realm (Agence Europe 1999e). This was also possible due to the Commission conceding on the wording with the ultimate formulation to “negotiate a commercial liberalisation *aiming* at the creation of an FTA” (García 2008, 147) allowing everyone to read into it what they chose. Lastly, due to French insistence, the mandate did not contain a date by which negotiations were supposed to be finalised. Unofficially, however, Mercosur's countries, as well as member states like Italy and Spain, wanted to see the conclusion of negotiations by 2005 (Harding 1999b).

Ultimately, France gave in on many of the issues due to their belief in counterbalancing the FTAA project, and providing an insurance policy against the failure of ongoing WTO negotiations (Agence Europe 1999i). Nonetheless, the country's ultimate change of position has been explained as follows:

President Chirac himself had launched the idea of an EU-Latin American summit [...] and France would have been threatened by a serious loss of face if it had continued to offer resistance. (Müller-Brandeck-Bocquet 2000, 571)

While in the end the Commission (and its negotiation partner Mercosur) appeared to be relatively happy with the Council compromise on the mandate (Agence Europe 1999g), it nevertheless severely restricted the room for manoeuvre of the European Commission (Working Group on European Union-Mercosur negotiations 2005, 15), rendering it difficult for the institution to conduct negotiations as it saw fit (see below). This came about despite the Commission's expertise in the area and its access to a large pool of information on trade relations with Mercosur due to its preparatory work.

It is hence possible that part of the ultimate failure of the Mercosur negotiations was premeditated due to the negotiation compromise found in the Council.

While the Council ultimately reached a consensus on opening negotiations with Mercosur and Chile, this section has shown that the process was shaped more by bureaucratic politics rather than rational concerns on the best negotiation strategy for the EU. Once more the divergence of positions, primarily along the lines of member states supporting free trade with Mercosur and those concerned over the likely impact on the EU's CAP, put the suggested timeline at risk and led to a negotiation mandate that tied the Commission negotiators to the timeline of ongoing WTO talks. Furthermore, the autonomy of individual actors helped the formulation of the compromise proposal, alongside the EU's policy inertia arising out of previous (rhetorical) commitments towards Mercosur and Chile.

## **5.5 Negotiating despite internal divisions**

The internal divergence of interests that caused the delay in the Council's approval of the negotiation mandates did not disappear over the actual negotiations in the following years, and would ultimately contribute to a decoupling of the Mercosur and Chile processes, and the failure of negotiations with Mercosur in 2004. Consequently, from this point on both negotiations are outlined separately, focusing on the more complex issue of Mercosur.

### **5.5.1 Mercosur**

After the just-in-time agreement by the Council that the EU would indeed undertake negotiations with Mercosur, the EU-Latin America Rio de Janeiro summit final communiqué included wording that the negotiations would officially begin at an EU-Mercosur Joint Council—an institution set up under the previous FCA—to be held on the fringe of the November 1999 General Affairs Council meeting (Agence Europe 1999m).

While a launch date for the negotiations was hence found, the communiqué explicitly did not include a timeframe within which negotiations should be concluded. Technical talks on the overall structure and chapters of negotiations were then underway

in the second half of 1999, with the Cooperation Council<sup>43</sup> setting the agenda for the actual negotiation rounds that began in April 2000 (Agence Europe 1999d, 1999m).

By this time the new Prodi Commission had taken office, fundamentally revamping the portfolios of the Commission, as well as the underlying DGs. This meant that a new team of Commissioners took over with responsibilities for individual EU policies (see chapter 3). Consequently, negotiations on the trade components of the proposed agreement were led by the newly created DG Trade under Commissioner Pascal Lamy, while DG RELEX under Chris Patten was responsible for the remainder and coordination of policies under the agreement, creating further potential for diverging interests between both entities in the Commission. The only remaining Commissioner from the previous Commission was Franz Fischler, whose portfolio was enlarged to include fisheries. Despite their nominal supervisory role, all three Commissioners would take an active role in the negotiations.

What is most fascinating though is that the Commission's new set-up divided by policy areas rather than geographical regions, the shake-up of personnel and the fact that its negotiation mandate was relatively clear appears to have put an end to most divisions internal to the Commission. While Brazilian officials felt that Fischler's former scepticism negatively affected the launch of negotiations, they argued that as these continued the Commission appeared to be united, as opposed to the EU's member states.<sup>44</sup> This is even more surprising as the new RELEX Director-General Guy Legras previously held the same position in DG Agriculture and had voiced strong concerns over the prospects of an EU-Mercosur agreement (Agence Europe 2000e). Despite this all three Commissioners appear to have defended the negotiations against criticism from other internal EU actors, and acknowledged that the EU would have to make important concessions on agriculture early on (Agence Europe 2000f).

While negotiations on the political dialogue and cooperation elements supervised by DG RELEX proceeded quickly (Agence Europe 2000c) given their similarity to the previous FCA, the broader trade agenda and agricultural issues were initially bracketed from the negotiations in line with the Council-mandated WTO link. This meant that early reports over quick progress in the negotiations were necessarily exaggerated by the focus on these issues.

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<sup>43</sup> A regular meeting at the ministerial level established through the Framework Cooperation Agreement. Similar mechanisms were established with Mexico and Chile.

<sup>44</sup> Latin American diplomats, Brussels, 16.6.2015 (Interview 7).

Despite the fact that no progress was made in the Doha Round until July 2001, the trade chapter was nonetheless opened after that date in line with the original mandate from the Council. It is from this critical phase of the negotiations onwards that difficulties between the parties and within the EU itself once more came to the fore. An external factor complicating the talks was the fact that Mercosur's institutions were not as integrated as the EU's, leading to confusion among the EU's negotiators as to who was authorized to speak on Mercosur's side.<sup>45</sup> Furthermore, while the trade chapter was opened in 2001, one interviewee cautioned that none of the difficult questions had truly been addressed in talks up to the breakdown of negotiations in 2004.<sup>46</sup>

Looking at the constellation of actors on the EU's side, the opening of the trade negotiations meant that lobbying organizations came to be increasingly active once more, with aggressive lobbying by the industrial and services sectors (Doctor 2007, 294). While the creation of the MEBF had helped to ensure that negotiations would go ahead in the first place, its lobbying efforts were less prominent at this stage. Its members had previously been able to agree on the benefits of launching negotiations with Mercosur, however its diverse membership now rendered the formulation of a coherent position more and more difficult (Doctor 2007, 295; Faust 2004, 52). This was also related to the fact that Spanish firms took a more and more active role in the MEBF as negotiations progressed (Torrelli 2003, 8–9), counter-balancing the previous domination of German firms in this entity.

The Commission continued to be a strong supporter of the agreement, for instance flanking the negotiations with heavily increased development budgets for regionalism support in 2002 (Agence Europe 2002g, 2002h). The Commission's activities led Mercosur officials to state publicly that they believed the Commission was more favourable towards the negotiations than the member states (Agence Europe 2002f). Its view was further supported by the European Parliament, which repeatedly called on member states to remove the restriction on negotiations for trade issues ahead of the July 2001 deadline, and thus positioning itself against the more sceptical member states (Agence Europe 2001a).

The most relevant actors on the EU's side at this stage were the member states, given that the Commission's room for manoeuvre in the negotiations had been severely limited beforehand by the negotiation mandate. During the negotiation rounds they were

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<sup>45</sup> European Parliament official, 18.6.2015 (Interview 14).

<sup>46</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

continually present in the form of a special committee (see chapter 3) to observe the process and so as to provide constant input for the Commission's negotiators. As this process is entirely secret and unrecorded, very little public information is available on it. Maria Garcia has argued, however, that the member state presence in the form of the committee had a significant impact on the progress of the negotiations (García 2008, 185), and their differing views determined the progress and dynamics of the entire process.

The coalitions of supporters and more sceptical member states did not change radically, with Germany continuing to be the strongest proponent for the agreement. While Spain and Portugal were keen on supporting Mercosur through this process (Agence Europe 2002d), the former's position was somewhat mixed. On the one hand Spain accused the Commission of neglecting Latin America in its development policy, while insisting that agricultural concessions to Mercosur would have to be carefully balanced internally (Agence Europe 2000d). France, on the other hand, retained its scepticism across the board.

Given that the most difficult questions were bracketed from the negotiations at first, the largest risks during this part of the negotiation phase occurred with the Argentinian crisis in April 2002 (Agence Europe 2002e, 2002i), and the election of Luiz Lula da Silva as president of Brazil in 2003, which weakened the country's attitude towards free trade. Commission officials were furthermore increasingly worried that Mercosur's regional integration hadn't gone far enough to ensure the successful conclusion of negotiations.<sup>47</sup>

While these external developments could have altered the EU's reasoning to abandon the negotiations in line with the hypothesis based on rational decision-making, a number of other external developments, the EU's policy inertia and the autonomy of the Commission negotiators meant that these continued for the time being. Negotiations at this stage were helped by a continued lack of progress in the realm of the WTO Doha Round, and the continuing talks towards an FTAA. It was the overall absence of a multilateral WTO deal on the trade issues to be considered in the Mercosur negotiations (García 2008, 150) that enabled the negotiations to get underway in the first place. The lack of progress on agricultural issues in the WTO then also took pressure off the EU to make important concessions in the talks with Mercosur (Müller-Brandeck-Bocquet 2000, 577–78). This overall lack of progress in the WTO realm has probably kept the negotiations alive for longer than they would have otherwise as “abandoning talks was

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<sup>47</sup> European Parliament official, 18.6.2015 (Interview 14).

not on the cards, partly as a hedge against the (increasingly likely) possible failure of the Doha Round.” (Doctor 2007, 291). This external factor was aided by the fact that DG Trade had already invested heavily in the negotiations by then and that the Commission’s negotiators were sufficiently autonomous to keep making offers despite some reservations in the Council.<sup>48</sup> Commission officials were conscious of the fact nonetheless, that they would have to negotiate with the member states internally over which concessions they could offer.<sup>49</sup>

These developments led high level officials to believe that negotiations could indeed conclude successfully, so that at a November 2003 ministerial meeting a timetable was set to end negotiations in October 2004 (Agence Europe 2003c, 2003d, 2003e). This goal was re-iterated at the May 2004 EU-Latin America summit in Guadalajara (Agence Europe 2004g). Nonetheless, negotiations would ultimately break down once more difficult aspects were put on the table, and particularly in the realm of agriculture. By 2004 detailed market access offers were discussed between both sides, with the Commission’s negotiators making extensive offers including in the agricultural realm so as to enable a successful conclusion of the negotiations (Agence Europe 2004i).

Internal EU differences were then quick to crop up again as multiple member states voiced their criticism as to the willingness of the Commission to open up the EU’s agricultural market for imports from Mercosur (Agence Europe 2004j), with Commissioner Fischler stepping in to defend the offer made by the Commission, pointing in particular to the Commission’s previous impact assessments (Agence Europe 2004f). Member state criticism was partly fuelled by COPA’s renewed lobbying against the agreement at critical junctures during the negotiation process (Agence Europe 2004a, 2004c).

The concerns over agricultural issues did not only come to the fore once more at this point in time because they were on the table by then, but also because the perceived risk of losing market access with the FTAA had been averted due to the failure of these negotiations in 2004 (Nelson 2015, 110). Despite these difficulties and the reduced incentives for the EU, the Guadalajara Declaration issued during the EU-LAC summit in May 2004 reiterated the rhetorical link between Association Agreements and the support of regional integration:

In view of the progress achieved, we reconfirm the positive signal given by the Madrid Declaration in relation to the negotiation of Association

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<sup>48</sup> Latin American diplomats, Brussels, 16.6.2015 (Interview 7).

<sup>49</sup> EU trade official, Brussels, 18.6.2015 (Interview 12).

Agreements, including Free Trade Agreements. Such Association Agreements are our common strategic objective. The Parties recognise that the prospect of Association Agreements should give a new impetus for strengthening regional economic integration processes. (Council of the European Union 2004, 8).

The document also officially welcomed the progress in the negotiations and set a deadline for October 2004 for these to conclude (Council of the European Union 2004, 8). Nonetheless, negotiations had come to an effective deadlock at the next negotiation round less than a month later in mid-June of 2004 over agricultural and public procurement issues (Agence Europe 2004d). While the EU's chief negotiator Karl Falkenberg initially remained optimistic, stating that negotiations could still conclude before the end of the term of the Commission at the end of October that year (Agence Europe 2004i), no progress was made at further negotiation rounds (Agence Europe 2004l) and a final ministerial meeting on 20 October led to a suspension of negotiations (Agence Europe 2004k).

The main differences between both sides occurred over the degree to which each other's markets would have to open up. While the FTA would ultimately have to liberalise at least roughly 90% of trade within 10 years under WTO rules (García 2008, 138–39), both sides disagreed on whether this was actually the case. An EU official has put the blame on Mercosur's market access offer stating that it was non-compliant with WTO rules.<sup>50</sup> Brazilian officials however have put the blame on the limited agricultural concessions offered by the EU.<sup>51</sup>

There is some truth in both sides of the argument, as the Council's Article 133 Committee on 7 June 2004 made clear to the Commission that the member states would not accept any further concessions to Mercosur (Agence Europe 2004e), having been critical of the Commission's negotiation strategy for some time (Agence Europe 2004h). While several attempts were made to relaunch the process throughout 2005 and 2006 (Agence Europe 2005b, 2006d), the EU had essentially frozen the process in 2005.<sup>52</sup> Yet negotiations were never officially abandoned but left in limbo for a very long period of time, and this was compatible with the EU's continued rhetoric of regionalism support. In consequence the negotiations were off the table until an attempted relaunch on the occasion of the EU-Latin America summit of 2010 in Madrid (Council of the European Union 2010a) that has yet to bear any fruit (see chapter 7).

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<sup>50</sup> EU officials, Brussels, 17.6.2015 (Interview 11).

<sup>51</sup> Latin American diplomats, Brussels, 16.6.2015 (Interview 7).

<sup>52</sup> Member state diplomat, Brussels, 22.6.2015 (Interview 19).

While a deepening of the relationship has not occurred in the trade realm over the period covered here, the two parties nevertheless made use of the political aspects of the existing Framework Agreement. In policy areas where the main responsibility lies with the member states this manifested itself in declarations and attempts to foster cooperation in the United Nations upon request from Mercosur (Agence Europe 2000g; Harding 2000) and to push for a comprehensive Security Council reform (Agence Europe 2004b). Looking at the EU's development cooperation targeted at Mercosur and its members, the EU's commitments to the region remained in place and were updated over the years due to insistence from the European Commission (Agence Europe 2002g, 2002h). While negotiations on the Association Agreement with Mercosur failed over trade issues in the end, this did not have any impact on the EU's other policies towards the region, once more leading to an incoherence of the EU's policy outputs towards Latin America.

The negotiations phase with Mercosur was thus shaped by a number of parallel dynamics. While a number of external developments have indeed altered the EU's rationale at the time when negotiations were first opened, these are not sufficient to explain the dynamics of the negotiation process. This was shaped in part through dynamics in the realm of bureaucratic politics, such as the limitations of the previous negotiation mandate, which made for the most difficult issues being bracketed from the initial negotiations, thus supporting the hypothesis based on the complexity of decision-making within the EU and its policy inertia. On the other hand, the reorganization of the European Commission and the change of personnel led to a disappearance of the divergence of interests internal to the Commission, and the autonomy of its (trade) negotiators meant that the negotiations proceeded despite divisions among the member states in the Council. Yet it is this presence of these diverging interests on agricultural issues and the failure of the FTAA project that led to the ultimate breakdown of negotiations with Mercosur and the ensuing strategic, narrative and horizontal policy incoherence.

### **5.5.2 Chile**

Following from the parallel nature of the decision-making process in the Commission and then the Council, the EU Latin America summit of 1999 also marked the official start of negotiations with Chile, and these were then still tied to the timeframe for the Mercosur negotiations. Nonetheless, the two were later decoupled, marking an important moment

for the emergence of the EU's strategic and narrative policy incoherence towards Latin America. Once more, while a number of external developments are compatible with the assumption of rational decision-making, the lens of bureaucratic politics nonetheless provides a fuller picture.

In this case it was the relative absence of agricultural issues in this relationship, the prospect of a US-Chilean FTA, Chilean lobbying and the EU's policy inertia that meant that once Mercosur negotiations started to become more difficult, the EU decoupled the processes to speed up negotiations with Chile itself. This would lead to a conclusion of negotiations in April 2002, just in time to be announced at the 2002 EU-Latin America summit in Madrid.<sup>53</sup>

While the parallelism of both processes was initially meant to contribute to Chile's rapprochement with Mercosur, the country made it clear that it was interested primarily in bilateral ties with the EU.<sup>54</sup> Chilean officials had been critical of the fact that the EU desired to couple the processes together from the outset (Agence Europe 1998h), arguing that FTA negotiations with Chile would be much simpler than within the complex setting of Mercosur and given differences over agricultural questions (Agence Europe 1998c), a view confirmed by interviewees who mentioned only some difficulties in the realm of fisheries due to Spanish demands.<sup>55</sup>

Some officials in the European Commission shared this assessment already in 1998, fearing that the difficulties of the Mercosur progress could derail the Chilean negotiations (Agence Europe 1998d). While the Chile negotiations were technically subject to the same delay due to WTO negotiations, the Commission's Chief Negotiator Guy Legras first mentioned its desire to decouple the Chile negotiations from the WTO process in late June 2001 at an EU-Chile Cooperation Council (Agence Europe 2001b), as it became clear that a multilateral consensus at the WTO appeared to be out of sight. Additionally, Commissioner Patten—who had taken a personal interest in the EU-Latin America summit format (Agence Europe 2001c)—had already stressed in 2000 that, in his opinion, negotiations could conclude in time for the 2002 EU-Latin America summit (Agence Europe 2000a).

The main supporter of decoupling at the time was Spain (Agence Europe 2001b), as it would host the 2002 summit during its Council presidency, and the conclusion of negotiations would be a worthwhile announcement. While by early 2002

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<sup>53</sup> For a more detailed overview over the EU-Chile negotiation process see (García 2008, 2011).

<sup>54</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>55</sup> *Ibid.*

some difficulties remained in the negotiations for a few member states, a General Affairs Council meeting on 28 January officially affirmed that negotiations would be sped up (Agence Europe 2002b) and the WTO link removed. Ultimately negotiations concluded on 26 April, in time for the agreement to be initialled at the II EU-Latin America summit in Madrid (Agence Europe 2002a). The signature followed in November after legal revisions and translations (Agence Europe 2002c), with the trade chapter of the agreement coming into effect on 1 February 2003 (Agence Europe 2003b).

During the actual negotiations the member states were represented similarly to the Mercosur negotiations in a special committee to give continuous input to the Commission's negotiators. Their influence through this official body appears to have been relatively limited in this instance however (García 2008, 185), as no significant divergences of opinion existed, and member states and DG Trade under Pascal Lamy were concerned about the progress of FTAA negotiations and the prospect of a separate US-Chile agreement from the outset. Interestingly, and contrasting with the case of negotiations with Mercosur, it was the EU that ultimately concluded an agreement with the country first, with bilateral Chilean-US negotiations only being launched afterwards in August 2002 (Agence Europe 2002j).

While the process for EU-Chile negotiations was initially coupled with that for EU-Mercosur negotiations, the slow progress in the latter and the looming risk of once more losing market access to the United States ultimately contributed to a change of heart amongst both the new Commission and the member states, allowing for a bilateral EU-Chile Association Agreement to be signed. This is compatible with the hypothesis based on rational decision-making. Nonetheless, bureaucratic politics, and the lack of a divergence of opinions on the Chilean issue, as well as the EU's policy inertia arising out of its previous commitments to the country help to explain this development more fully. It is striking, however, that there appears to be no evidence for the decoupling of the negotiations being discussed in the context of the EU's Latin America strategy, which is likely once more down to the autonomy of DG Trade during the Prodi years.

## **5.6 Conclusion**

The first true attempt to turn the EU's Latin America strategy into practice instead contributed to the emergence of its strategic, horizontal and narrative policy incoherence towards the region. Instead of concluding an integrated Association Agreement with

Mercosur and Chile, so as to support further regional integration, negotiations with Mercosur failed while a separate Association Agreement was concluded with Chile instead. While a number of external developments are compatible with the hypothesis based on rational decision-making, such as the lack of progress in the WTO's Doha Development Agenda, or the United States' attempts to conclude a Free Trade Area of the Americas, the dynamics of the negotiations with both partners can only be fully understood when utilizing the lens of bureaucratic politics.

Initially the shared assessment of all relevant internal EU actors allowed discussions on negotiation mandates to proceed within the Commission under the leadership of Marín. This was additionally helped by the autonomy that he and his DG disposed of within the Santer Commission's administrative logic. Once details of the proposals emerged, however, the positions of various Commissioners diverged in important ways, primarily due to agricultural considerations, thus leading to a delay in the Commission's preparatory process and a rare contested vote in the College of Commissioners.

Come the deliberations in the Council, divergent opinions between the member states replicated the internal Commission difficulties, leading to a protracted period of internal deliberations as unanimous decision-making on the mandates was required. These could only be resolved due to the bargaining led by individual member states during their Council presidencies, and the looming deadline of the 1<sup>st</sup> EU-Latin America summit which was meant to symbolically announce the start of negotiations. During this period considerations of diverging opinions, the EU's policy inertia and the complexity of the EU's decision-making can thus contribute to our understand of the decision-making process.

Later on, the Commission's leeway in the negotiations was limited by the Council's mandate through the inclusion of a delay before negotiations on the trade chapters could begin. Despite this the change of Commission portfolios and Commissioners in the Prodi Commission appear to have eliminated divergences of opinion within this actor, leading to it taking up a united position in favour of a Mercosur Association Agreement which would include important agricultural concessions.

Ultimately, it was the divergence of positions in the Council over agricultural issues that put an end to the negotiations. Nonetheless, negotiations were only frozen officially due to the EU's policy inertia over its rhetoric of regionalism support. This contrasts with the negotiations with Chile, which were accelerated over a number of

external developments. This was facilitated by the fact that all internal EU actors shared the same assessment of the situation after the Prodi Commission had taken office, and due to the lesser importance of agricultural issues in this instance.

Ultimately, the developments outlined in this chapter demonstrate how the EU's policy incoherence towards Latin America could emerge due to a number of bureaucratic factors. While the influence of some of these was weakened with the Prodi Commission, this also made for the disappearance of a Commission portfolio with a geographical responsibility for Latin America.

## CHAPTER 6:

# Building regions? The case of the Andean Community and Central America

### 6.1 Introduction

The evolution of the relations between the European Union and two further regional groupings, this time in Central America and the Andean region, is the most notable development in the EU's interregionalism policies in Latin America since the standstill of the EU's negotiations with Mercosur in 2004. The outcome of these negotiations and the incoherence of the EU's policy outputs related to them has already served to illustrate this thesis' initial puzzle in the introductory chapter. To reiterate, while a common understanding had been reached to begin negotiations for Association Agreements with both the Andean Community of Nations<sup>56</sup> and the Central American Common Market<sup>57</sup> at the EU-Latin America summit of Vienna in May 2006, the EU has since concluded an Association Agreement in the latter case only, while the outcome in the former was a joint Free Trade Agreement with Colombia and Peru. These developments are illustrative of strategic, horizontal and narrative policy incoherence. While the EU did uphold its goal of interregionalism in one case, it abandoned it in another, all while maintaining a rhetoric of regionalism support in public. Lastly, while negotiations on an interregional basis were halted in the case of the Andean Community, the EU's development cooperation towards the region did not take this into account, leading to horizontal policy incoherence.

As this chapter will show, once more a number of external developments can partially explain the EU's move to abandon negotiations with the Andean Community. However, the lack of internal debate and policy adaptation in line with these external factors, and the continuation of interregional negotiations with Central America despite the presence of similar external factors, means that there is very little evidence in favour of the hypothesis based on rational incoherence.

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<sup>56</sup> This organisation's Spanish name is *Comunidad Andina* (CAN). When negotiations got underway, its membership consisted of Bolivia, Colombia, Ecuador, Peru and Venezuela. Venezuela later withdrew from the organisation.

<sup>57</sup> This organisation is known as the *Sistema de Integración Centroamericana* (SICA) with a seat in San Salvador, while its economic branch *Secretaría de Integración Económica Centroamericana* (SIECA) is based in Guatemala City. The membership of the latter organisation is smaller and consists of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and Panama only. However, the latter country initially did not partake directly in the others' attempts to set up a customs union.

When considering factors of bureaucratic politics instead, the dynamics of the negotiations in both cases can be explored in much more detail. First of all, the EU's policy inertia can explain why negotiations were opened with both regional organisations in the first place, and why the EU's rhetoric of regionalism support in the Andean region wasn't abandoned even after the interregional negotiations had failed. Secondly, the importance of diverging interests between different institutional actors on the EU's policy outputs can also be seen at play. While the interests of DG RELEX and DG Trade largely aligned for the Central America negotiations, this was not the case for negotiations with CAN. Furthermore, the autonomy of individual Commission DGs can help us understand why the EU's development cooperation funding towards the Andean region did not cohere with the developments in the EU's negotiations with the region. Lastly, the slow pace of the ratification of the Central America agreement and a previous Political Dialogue and Cooperation Agreement with the Andean Community demonstrates the influence of the complexity of foreign policy decision-making in the EU.

The remainder of this chapter is organised as follows: after outlining the factors contributing to the opening of negotiations for Association Agreements with both regional organizations, it then elaborates on a number of different developments in the negotiation processes with both regions, which can best be understood through the lens of bureaucratic politics. While these will be elaborated on broadly in sequence, the analysis is divided into three parts. The first is the process of internal deliberations that led the granting of negotiation briefs with both regions in the first place. This is followed by an analysis of the factors that led the EU to abandon the Association Agreement framework in one case, while successfully concluding negotiations in the other. Lastly, the ratification process and the difficulties that arose in this context are further elaborated on.

## **6.2 An unlikely case for negotiations**

The negotiations of Association Agreements with the two regions mentioned above may not appear to be relevant developments in the EU's foreign policy in and of itself. If one considers the existence of a previous EU-Latin America strategy that has aimed to create deeper links between both regions with a focus on regional integration organisations it would appear hardly surprising that the EU chose to open negotiations for Association Agreements in both cases. Yet, the consideration of a number of political and economic

factors prior to the beginning of the process shows that only a consideration of bureaucratic processes can explain the opening of negotiations in both cases.

First and foremost, the economic case for negotiations between the EU and both regions was very weak. In the early 2000s the focus of the EU's trade policy was clearly limited to the multilateral realm, with the hope of reaping the economic benefits of a successful conclusion of the WTO's Doha Round. This preference was expressed during the Prodi Commission under then Trade Commissioner Pascal Lamy by imposing a *de facto* moratorium on the launch of new EU FTA negotiations (once those with Mercosur had already begun) (Woolcock 2007, 5) a focus that was shared by many of the EU's member states at the time.

This can be explained for the most part by the fact that the extent of Doha's liberalization measures would have had to be known before being able to realistically assess the potential and possible depth of any bilateral trade negotiations.<sup>58</sup> Furthermore, Spain, the EU's most prominent advocate for strengthening EU-Latin American ties, had desired to undertake negotiations for an FTA with the entirety of Latin America in the late 1990s,<sup>59</sup> mirroring the approach of the United States under the FTAA project. This would have rendered Association Agreement negotiations with subregional negotiations in Latin America unnecessary.

The EU's trade with the region was also much more limited than that with Mercosur discussed in Chapter 5. After all, imports and exports between the EU and CAN's four member states after Venezuela's withdrawal accounted for less than 1 % of the EU totals in each case (see Table 8). Most imports from these regions were also already liberalized under the EU's GSP and GSP+ schemes for the foreseeable future, and neither region was a particularly relevant recipient of European exports.

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<sup>58</sup> DG Trade official, Brussels, 12.6.2015 (Interview 6).

<sup>59</sup> Former EU official, 19.6.2015 (Interview 17).

**Table 8: EU-CAN and EU-SIECA trade in goods**

	2005		2010		2015	
	Imports	Exports	Imports	Exports	Imports	Exports
<b>Bolivia</b>	140 (0.0)	171 (0.0)	335 (0.0)	307 (0.0)	645 (0.0)	738 (0.0)
<b>Colombia</b>	3,277 (0.3)	2,475 (0.2)	4,783 (0.3)	3,945 (0.3)	6,589 (0.4)	6,533 (0.4)
<b>Ecuador</b>	1,580 (0.1)	883 (0.1)	2,035 (0.1)	1,403 (0.1)	2,585 (0.2)	2,009 (0.1)
<b>Peru</b>	2,444 (0.2)	1,087 (0.1)	5,190 (0.3)	2,312 (0.2)	4,949 (0.3)	3,730 (0.2)
<b>Venezuela</b>	3,778 (0.3)	2,848 (0.3)	3,808 (0.2)	4,133 (0.3)	2,161 (0.1)	3,003 (0.2)
<b>CAN-4<sup>60</sup></b>	7,441 (0.6)	4,616 (0.4)	12,343 (0.7)	7,967 (0.6)	14,768 (0.9)	13,010 (0.7)
<b>SIECA</b>	4,835 (0.4)	3,715 (0.4)	5,654 (0.4)	4,597 (0.3)	5,169 (0.3)	5,723 (0.3)

In million € (% of total EU trade in goods). Source: (Eurostat 2014)

Furthermore, the European Commission, and DG Trade more specifically, faced important human resource constraints on the number of trade negotiations that it could undertake at that point in time.<sup>61</sup> This is mainly due to the complexity of such negotiations, creating a number of barriers before any EU negotiation receives the go-ahead. Internally the EU was undergoing important changes with the 2004 enlargement round, leading to an overall inward-focus that further strained the EU's capacity to undertake significant foreign policy initiatives, especially in a region that did not play an important role for any of its 10 new member states.<sup>62</sup>

Lastly, the EU's political focus was not on either of these regions, unlike when the EU first started official dialogues with them in the 1980s. While Mercosur had evolved rapidly (see Chapter 5), the same could not be said of the Andean Community (though it has been in existence for much longer than Mercosur). While its institutions were

<sup>60</sup> Excluding Venezuela which withdrew from the organization before negotiations began.

<sup>61</sup> Former member of the Barroso cabinet, 8.6.2015 (Interview 3). The problematic nature of these resource constraints in general have been acknowledged by a large number of interviewees.

<sup>62</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9); Former EU official (Brussels, 19.6.2015, Interview 17).

relatively developed, it still lacked integrated policies. In the case of SICA and SIECA, neither their institutions nor the political and economic integration functioned very well.<sup>63</sup> With SIECA reuniting countries as distinct as Nicaragua, with the second-lowest GDP in all of Latin America, and Costa Rica, an upper-middle income economy, the region's countries furthermore diverge significantly. While this is not quite as extreme in the case of the Andean Community, there are nevertheless important differences between its different member states.

For these reasons the EU was initially wary of replacing the existing political ties to the Central American and Andean region by new and untested mechanisms. This can be seen by the fact that already the establishment of formal political relations with both regional groupings through the 1996 Declaration of Rome, as well as the EU-Central America Framework Cooperation Agreement of 1993, were accompanied by fears on the European side that these could break up the then successful Rio Group and San José dialogue formats.<sup>64</sup> The latter were regarded at the time as having contributed to the peace processes and democratisation wave in the region in important ways. Despite this (as outlined in chapter 4), the EU nevertheless eventually signed Political Dialogue and Cooperation Agreements with both regions in 2003<sup>65</sup>, making renewed negotiations within a few years additionally unlikely as it would take a long time before these agreements could come into force due to the ratification requirements of both parties, and given that renewed negotiations would once more bind scarce resources.

The EU's reluctance to enter into negotiations for any kind of agreement that would include trade provisions with both regions at the time is demonstrated by its reaction to various Latin American calls to do so. As early as 1997 Peru openly approached the EU Council presidency troika of the time about a potential EU-Andean Community FTA.<sup>66</sup> Similarly, with the Doha negotiations having come to be increasingly lengthy, Colombia started to join in such calls, while Costa Rica began to advocate for a similar agreement for itself.<sup>67</sup>

This originally engendered disbelief and negative reactions from the EU's side<sup>68</sup>, as it was believed that none of the Latin American countries would stand to benefit

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<sup>63</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2), and Latin American diplomat, Brussels, 3.11.2015 (Interview 27).

<sup>64</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>65</sup> Neither of these has come into force up to this date.

<sup>66</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

<sup>67</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>68</sup> *Ibid.*

economically from this. After all, most of these countries' significant exports to the EU were already unilaterally liberalized under GSP and GSP+. Furthermore, EU representatives were doubtful as to whether any of the countries concerned had the necessary experience and capacity to negotiate what would necessarily be complex FTAs. Bilateral negotiations with individual countries would likely strain the EU's human resources too much for only a small economic benefit (in contrast to the potential of an FTA with Mercosur discussed previously), with EU officials further doubting the institutional capacity of both regional organisations to enter into talks.<sup>69</sup> Lastly, by the early 2000s the successful negotiation of a Free Trade Area of the Americas had largely dissipated (as discussed in Chapter 5).

The Guadalajara Declaration that came out of the 2004 EU-Latin America summit perhaps best illustrates the important barriers facing the potential of negotiations with both regions, stating that any

future Free Trade Agreement shall be built upon the outcome of the Doha Development Agenda and the realization of a sufficient level of regional economic integration. (Council of the European Union 2004, 8)

Overall, aside from the EU's general commitment to interregionalism there are thus very few factors that could rationally explain the EU's opening of Association Agreement negotiations with both regions given their lack of economic importance, the EU's moratorium on new Free Trade Agreements, the absence of US FTA negotiations, and the fear that both regional integration mechanisms weren't sufficiently advanced to negotiate successfully with the EU. It is thus only a consideration of elements of bureaucratic politics that can explain the opening of negotiations in both instances.

### **6.3 A lengthy pre-negotiation phase: Overcoming diverging internal views**

This section outlines the developments during the period when the idea for negotiations with both regions was first seriously considered within parts of the European Commission up to the point when the Commission's negotiation mandates were approved by the Council. While only a small part of the overall process of concluding such agreements, this section nevertheless spans two and a half years between November 2004 and the adoption of the negotiation mandates in April 2007. It once more

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<sup>69</sup> *Ibid.*, and Latin American diplomat, Brussels, 3.11.2015 (Interview 27). The latter has stressed that the institutions of SICA and SIECA are suffering from a lack of expertise of its bureaucrats, which the interviewee accounted to nepotism in the appointment process, the geographical location of the institution's seat, as well as its general lack of funding.

demonstrates the role that the autonomy of individual Commissioners and Commission Directorates-General can play in the EU's foreign policy, all while the divergence of views on specific issues increases the duration of the EU's foreign policy process.

### **6.3.1 Envisioning negotiations**

Given the political context outlined above, the actual opening of negotiations with both organisations appeared nowhere on the horizon in the early to mid-2000s. The ultimate launch of a process leading to negotiations hence cannot be understood as a rational policy choice, but needs to be analysed in the context of bureaucratic politics. The initial factor that provided for the first consideration of the negotiations within the Commission's Directorate-General for External Relations was the inauguration of the Barroso Commission in November 2004. Here, it was a combination of a change of the responsible Commissioner combined with the renewed autonomy of Commission DGs that provided the initial impetus for a consideration of the negotiations.

The inauguration of the Barroso Commission meant an important change for the composition of the Commission as a whole, with the most important posts being staffed with new Commissioners. While, as Portugal's former prime minister, Commission president José Manuel Barroso had an obvious interest in Latin America as such, it was ultimately two other Commissioners who played a crucial role in the process to begin negotiations with both regions: RELEX Commissioner Benita Ferrero-Waldner and Trade Commissioner Peter Mandelson.

Having served as Austria's Foreign Minister under the conservative government of prime minister Wolfgang Schäussel until her nomination to the post of Foreign Relations Commissioner in the autumn of 2004, Ferrero-Waldner was instrumental for the EU's renewed focus on Latin America, and the relevant subregions in particular.<sup>70</sup> While it is unclear what exactly motivated her to take an active role in shaping the EU's relations with Latin America, she already showed a keen interest in the region as Austria's foreign minister and is married to an expert on Latin American literature.<sup>71</sup>

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<sup>70</sup> Her continuing interest in the region is evidenced by her having served as the president of the European Union-Latin America and the Caribbean Foundation (EULAC Foundation) after stepping down as European Commissioner. This is a joint EU-Latin American institution which was created during her tenure as RELEX Commissioner.

<sup>71</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

The important role that Ferrero-Waldner Commissioner played for the launch of negotiations can also be attributed to an important change of management style within the Commission. While Barroso did not return to the old organizational system of attributing portfolios by region, he did decide to preside over a special group of Commissioners with external relations portfolios himself (Dominguez 2008, 121). This could have given him the possibility to weigh significantly into the Commissioners' separate portfolios. However, as a former member of Mr. Barroso's cabinet pointed out, the Commission president "picked his fights" and did not want to micromanage the work of any of the important external relations Commission portfolios, thus allowing individual Commissioners significant leeway in their specific policy area.<sup>72</sup>

It is in this changed institutional context that the reflection process on the future of EU-Latin American relations began. Given the failure of the Mercosur negotiations at the end of the previous Commission's tenure, this would no longer be an option to turn the EU's Latin America strategy into practice. The new Commission was then once more approached by both the Andean Community and Central America in short succession as to their desire to negotiate Free Trade Agreements with the EU, given the slow progress of the Doha Development Agenda negotiations.<sup>73</sup> For a country like Peru the initial aim was to diversify its external markets in the context of the then ongoing FTAA negotiations, as well as to overcome the limitations of the EU's unilateral GSP scheme<sup>74</sup>—even if this meant concessions that could have adverse economic effects in the short term. Overall, the motivation of the Latin American states can perhaps best be explained through their governments' common belief in the merits of the Washington consensus.

What helped Colombia and Peru argue their case were the vague previous commitments for the EU to consider deeper trade ties with the Andean region, following the logic of the hypothesis based on policy inertia. These references could be found in the previous agreements with the EU, as well as EU-Latin America summit declarations. The Madrid Declaration of the 2002 summit mentions both the successful conclusion of the Doha Round and the necessity of reaching Political Dialogue and Cooperation Agreements as precursors to trade and association negotiations (Council of the European Union 2002, 3). Once the PDCAs were signed in 2003, the formulations on eventual Association Agreement negotiations contained in these could then be pointed out by the

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<sup>72</sup> Former member of the Barroso cabinet, London, 8.6.2015 (Interview 3).

<sup>73</sup> EU Trade official, 12.6.2015, Brussels (Interview 6); Former EU official, 19.6.2015, Brussels (Interview 17).

<sup>74</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

Latin American parties (Council of the European Communities 2003, 2). The Guadalajara Declaration of 2004 was then more precise as to eventual Association Agreement negotiations with Central America and the Andean Community, however adding the condition for their “sufficient level of regional economic integration” (Council of the European Union 2004, 8). Nevertheless, the document included provisions on “a joint assessment phase of the respective integration processes of the Central American and Andean Community's [sic]” that would lead in “due course” to the beginning of negotiations (Council of the European Union 2004, 8). Nonetheless, given overall timing of the latter declaration immediately after the EU’s big bang enlargement round, and a continued reference to Doha (US Embassy Italy Rome 2004), this was meant as a symbolic gesture at the time and negotiations on the European side were only envisioned for the distant future.

Therefore, other bureaucratic factors also need to be considered to explain the process leading to the beginning of negotiations with both regional organizations. It is here that the influence of the incoming RELEX Commissioner Ferrero-Waldner needs to be considered. While it is unclear what exactly motivated her to take initiative on the EU’s Latin America policy, she nonetheless asked DG RELEX to begin to study the options for Association Agreement negotiations with CAN and Central America within three months of her taking office.<sup>75</sup> While the DGs’ bureaucrats were initially reserved about the idea by making reference to their resource constraints<sup>76</sup>, work to this end got underway due to the new Commissioner’s insistence.

It has been noted by multiple interviewees that such a policy shift initiated by an incoming Commissioner is highly unusual. They stated that Commissioners typically need some time to adjust to their new role at the beginning of the mandate, and will often find it difficult to overrule or out-manoeuvre the key personnel in the Directorate-General who will typically remain in place. Despite this, the central role of Ferrero-Waldner has been confirmed by most interviewees, while one used the case as an example to underline that the EU’s bureaucracy can occasionally rapidly change tracks if the political situation permits, and key bureaucrats are convinced of the merits of such a change in the first place.<sup>77</sup>

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<sup>75</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2); EU officials, Brussels, 17.6.2015 (Interview 11).

<sup>76</sup> Former Commission official, Hamburg, 27.4.2015 (Interview 1).

<sup>77</sup> Former EU official, 19.6.2015, Brussels (Interview 17).

In any case, preparatory working groups between the Commission and Central America, as well as with the Andean Community, were set up already in January 2005 (Agence Europe 2005d, 2005a). At a San José dialogue meeting in May 2005 mention was furthermore made by Ferrero-Waldner that negotiations could officially be launched in 2006—in time for the next EU-Latin America summit—while cautioning that this still depended on the progress of the Doha Round (Agence Europe 2005c).

This did not mean, however, that there was no resistance to the negotiations on the European side, or to the proposed format on the Latin American end. Alongside the preparatory work a case needed to be made for the merits of the negotiations to convince the Commission as a whole, as well as the different member states (the strategy to bring the two regions on board is outlined in the section dealing with the negotiations themselves), in order to overcome the problem of diverging internal views as to the necessity for these negotiations.

The upcoming 2006 EU-Latin America summit provided the incentive for Ferrero-Waldner to make her case in a 2005 Commission communication prepared by DG RELEX on *A stronger partnership between the European Union and Latin America*<sup>78</sup>, which would serve as the basis of discussions for the future of EU-Latin American relations in the preparations for the summit. The document calls specifically for the establishment of

an enhanced strategic partnership through a network of association agreements (including free trade agreements) involving all the countries of the region and liable to contribute to the integration of the region as a whole (European Commission 2005, 6)

It furthermore makes rhetorical reference to the EU's previous commitments to the region, as well as the responsibility of proving its continued interest in the region even after the big bang enlargement round (European Commission 2005, 5).

The inauguration of the Barroso Commission led to a change in the functioning of the Commission; it increased the autonomy of the Commissioners with external relations portfolios and gave a Commissioner favourable towards negotiations with both regional organizations the RELEX portfolio after the failure of the EU's negotiations with Mercosur. This can explain the initial development of the idea for negotiations with CAN and Central America alongside the EU's rhetorical entrapment arising out of previous public declarations. Once this thought-process was initiated the Commission

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<sup>78</sup> This was the first of two Latin America strategy documents prepared during Ferrero-Waldner's tenure as Commissioner.

nonetheless needed to approve it in the College of Commissioners and the Council needed to agree to the negotiation mandates.

### **6.3.2 Overcoming internal bureaucratic reservations**

With DG RELEX and the responsible Commissioner convinced of the merits of negotiating with the Andean Community and Central America, a number of other internal EU actors needed to be brought on board for the process to go forward. This ultimately succeeded due to an alignment of preferences of other internal EU actors over a lack of progress in the Doha Round and further DG RELEX activity.

Due to the tripartite structure of Association Agreements, DG RELEX—albeit the lead actor for Association Agreements—was not the only entity within the Commission that needed to give its go-ahead before the demand for a negotiation brief could be put to the Council. Given that the political dialogue and cooperation elements had already been dealt with to a large extent in the negotiations leading to the PCAs of 2003, the trade component would be the most significant—if not the only—substantial addition in the negotiations for the Association Agreements. Aside from securing member state support, gaining that of DG Trade (alongside a number of other relevant DGs, such as AGRI) was hence the most important element before negotiations could be envisioned. While DG RELEX's initial internal concerns about the project were limited to timing and workload issues over the DG's small staff footprint,<sup>79</sup> DG Trade's concerns were of a more fundamental nature.

For EU trade officials—as was the case for many member states—a number of different elements still stood in the way of the negotiation of Association Agreements with either region. At the time of DG RELEX's Latin America strategy document the Doha Round was still ongoing and the EU was still strongly committed to its successful conclusion, with the moratorium on new FTA negotiations still in place in late 2005. At the same time, DG Trade was busy updating the EU's existing agreements with the rest of the world so as to take into account the effects of the EU's enlargement rounds.

Additionally, trade officials argued that the economic case for the agreement was relatively weak. While negotiations would occupy an important number of the EU's trade negotiators, neither the markets of CAN nor SIECA were deemed important or integrated

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<sup>79</sup> Former EU official, 19.6.2015, Brussels (Interview 17).

enough economically for the EU to warrant such costly processes.<sup>80</sup> The difficulty for further economic integration at least in CAN was illustrated by the fact that Venezuela had increasingly begun to embrace principles of socialist economic planning under President Hugo Chavez.<sup>81</sup> When four of the five CAN members called for the EU to negotiate an FTA with the region in 2003, Venezuela was notably absent (Agence Europe 2003a), and similarly abstained from negotiations with the United States (see below). Similar tendencies could be observed in the Central American region, with Honduras, Guatemala and Nicaragua showing sympathy for the ALBA regional integration project launched by Venezuela and the Petrocaribe project funded by it (Erisman 2011, 125). The latter would allow these countries to receive Venezuelan oil at significantly reduced rates.

Lastly, the EU was involved in an on-going dispute at the WTO over its banana quotas and tariffs which involved some Central American and Andean states under the leadership of Ecuador (US Embassy Ecuador Quito 2005). Given that disagreements over the EU's position on one of these countries' key exports were proving difficult to resolve, the prospect of amicable and successful negotiations for Association Agreements between both sides appeared relatively slim.

Some of these difficulties were addressed by purely coincidental developments, such as the timetable of the Council's rotating presidency, or a scheduled biannual EU-Latin America summit which provides a prominent forum for relations between the two regions. With Austria due to take over the presidency in the first half of 2006, and as the host of that year's EU-LAC summit, the country's support for progress in the relationship was virtually assured. On the one hand this was due to the country still being governed by the very same government from which Ferrero-Waldner emerged. On the other tangible progress in the EU-Latin America relationship would be a sign of prestige for the country holding the presidency and hosting the summit. The country then used its policy autonomy when holding the presidency to ensure that some progress would be made in the EU's relations with the Latin American region

The importance that Austria attributed to progress in the EU-Latin America relationship can be seen in the document outlining its presidency priorities. It specifically mentions the EU-LAC summit as "the largest event during the Austrian presidency in

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<sup>80</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2); Latin American diplomat, Brussels, 3.11.2015 (Interview 27); EU officials, Brussels, 16.6.2015 (Interview 8).

<sup>81</sup> This is perhaps best illustrated by Venezuela's project for an *Alianza Bolivariana para los Pueblos de Nuestra América* (ALBA), an alternative regional integration scheme between socialist-leaning countries in the region (Flemes 2009).

2006” (Federal Ministry of Foreign Affairs 2005, 28) and acknowledges the presidency’s desire for the beginning of negotiations with both regions. This political priority for negotiations did not eliminate the prevalent concern over developments in the Doha Round, however, as the document states:

It is hoped that the Sixth Ministerial Conference of the World Trade Organisation WTO in Hong Kong in December 2005 will come up with decisions that will make it possible to conclude the round by the end of 2006, or at the latest by mid-2007. The outcome of this conference will determine the trade policy agenda during the Austrian Presidency. (Federal Ministry of Foreign Affairs 2005, 35)

These Austrian concerns were shared by DG Trade. The failure of the December 2005 WTO negotiations in Hong Kong then paved the way for a changed approach in the EU’s trade policy in general, in turn softening DG Trade’s position towards the Association Agreements with Latin America.

When the Barroso Commission’s new Trade Commissioner Peter Mandelson took up his position at the same time as Ferrero-Waldner in 2004, the EU’s preferences for the Doha Round and the consequential moratorium on FTAs were still manifest (Agence Europe 2004b). This was based on Mandelson’s adamant support for economic liberalization in the multilateral realm. In consequence, as Commission officials active at the time have pointed out to me, this was the primary reason why Mandelson was initially opposed to DG RELEX’s proposals for negotiations with both regional organisations.<sup>82</sup> It was only after Doha’s failure became apparent in Hong Kong that a significant shift of thinking on the EU’s trade strategy started to emerge within the EU’s trade policy apparatus. This, combined with Austria’s presidency, Ferrero-Waldner’s persuasion, as well as the promise of certain safeguards related to progress in the integration process of the regions concerned, ultimately helped to sway DG Trade’s position in favour of the proposed negotiations according to Commission officials.<sup>83</sup>

While only published after DG Trade had informally agreed to the negotiations with both regions, its *Global Europe* (DG Trade 2006) communication of October 2006 best illustrates the change of thinking that occurred after Hong Kong’s failure. The document outlined an entirely new vision for the EU’s trade policy based on bilateral treaties where necessary, and thereby proposing to end the moratorium on new FTAs outside of the Doha context. On the one hand the document states that

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<sup>82</sup> EU Trade official, Brussels, 12.6.2015 (Interview 6).

<sup>83</sup> *Ibid.*; Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

Europe remains committed to the WTO and is working hard to resume negotiations as soon as circumstances in other countries allow. (DG Trade 2006, 10)

On the other, as a departure from previous policy it mentions that:

Free Trade Agreements (FTAs), if approached with care, can build on WTO and other international rules by going further and faster in promoting openness and integration, by tackling issues which are not ready for multilateral discussion and by preparing the ground for the next level of multilateral liberalisation. (DG Trade 2006, 10)

The document furthermore makes specific reference to the negotiations with both regions, stating that a European focus on FTAs from that time on was by no means entirely novel. After all, such a changed approach followed the logic of both proposed agreements for which preparations had already begun (DG Trade 2006, 10–11). The emergence of this changed approach made negotiations with both regions much more logical from the perspective of the EU's stated trade policy preferences, thus reducing the divergence of views between DG Trade and DG RELEX.

Nonetheless, the language of the document itself reveals that the change of thinking cannot be explained by *Global Europe* alone. Furthermore, given the lack of overall importance of both regions' economies for the EU, DG Trade's change of thinking does not readily square with the priorities of the document. It is instead the free trade policy of the United States that served as a further factor in the change of DG Trade's thinking. The failure of the FTAA project initially meant that the EU would not have to fear immediate market access issues in the Latin American region, as has been explored in the previous chapter.

However, the abandonment of this grand project did not mean that the United States ended its advances towards the region. This time around, the focus was on bilateral negotiations with willing Latin American countries, hence rendering EU market access fears acute once more.<sup>84</sup> US negotiations with a number of countries in both Central America and the Andean region had begun in May 2004, ultimately leading to the conclusion of agreements with Central America in 2005, and with Panama, Colombia and Peru in 2006.<sup>85</sup>

For the EU's trade preferences these agreements had two effects: On the one hand, a senior EU trade official pointed out that the EU and the US are economic

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<sup>84</sup> Former EU official, Brussels, 19.6.2016 (Interview 17).

<sup>85</sup> The so called *Dominican Republic Central America Free Trade Agreement* (CAFTA-DR) is an agreement with the 5 SIECA states, as well as the Dominican Republic. While negotiations had equally begun with Ecuador, these have never led to the conclusion of an actual agreement.

competitors in both regions, and that any move by the US would mean that the EU would naturally have to follow suit<sup>86</sup> despite the region's relative economic insignificance. Furthermore, the capacity of these countries to successfully conclude agreements with the United States alleviated some of DG Trade's concerns over their capacity to negotiate such complex agreements bilaterally (US Embassy Peru Lima 2006), potentially rendering negotiations less costly for DG Trade and increasing their chance of success. While not alleviating all of DG Trade's concerns, its position had nevertheless become more favourable with the effective failure of Doha and the conclusion of the US FTAs, thus decreasing the divergence of views within the Commission.

It is here that the issue of the upcoming EU-Latin America summit became relevant again, and meant that the Council could ultimately provide an additional impetus to DG RELEX's (and Austria's) project. Given that such summits, as well as the summit declaration, are technically a matter between governments rather than the supranational institutions, the Council (aided by preparatory work within COLAC) had to agree on an approach ahead of the May 2006 Vienna summit that would signal a deepening of the ties between the EU and Latin America despite the failure of the negotiations with Mercosur. The announcement of negotiations with Central America and the Andean Community would hence be an ideal signal.

It is in this context that the General Affairs Council conclusions from 27 February 2006 on the Commission's 2005 Latin America strategy document need to be seen. In it the Council specifically gave its general support for DG RELEX's plans, stating that:

The Council [...] welcomes the comprehensive Commission Communication on 'A stronger partnership between the European Union and Latin America' which comes at an appropriate juncture in the relationship between the two regions. (Council of the European Union 2006b, 12)

With regards to the proposed negotiations specifically, the document equally affirms the Council's willingness to support these:

While reiterating its attachment to ongoing multilateral negotiations in the WTO under the DDA, the Council recalls the EU's strategic objective of enhancing the EU-Latin American bi-regional partnership through a network of association agreements, involving all the countries of the region and aimed at promoting the integration of the region as a whole. [...] It also expects that appropriate decisions can be taken regarding the opening of negotiations on association agreements, including free trade agreements, with the Andean Community and Central America. (Council of the European Union 2006b, 14)

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<sup>86</sup> EU Trade official, Brussels, 12.6.2015 (Interview 6).

While a commitment to Doha remained at this time, more than seven months ahead of the publication of *Global Europe*, it nevertheless signalled the Council's willingness to entertain the negotiations with both regions in principle, including in the realm of trade.

It is necessary to consider at this point that the Council's approval for the process at this stage should not be taken for granted. Rather, it is once more a number of parallel developments that contributed to its positive attitude towards DG RELEX's approach. First and foremost, it is surprising that some of the member states would, at least in principle, welcome negotiations with a regional organization that contained Venezuela, or any of the countries politically influenced by it, as a member state. While Venezuela's increasingly belligerent rhetoric was largely seen as an internal problem of the Andean Community, some of the EU's member states such as Spain and the Czech Republic nevertheless voiced important criticisms as to the democratic credentials of Venezuela's government. In 2002, Spain's conservative government under José María Aznar, which held the rotating Council presidency at the time, even went so far as to welcome the failed coup against Hugo Chavez (BBC News 2004). Such views were shared in some Eastern European countries like the Czech Republic (US Embassy Czech Republic Prague 2006), which was equally sensitive to the country's close alignment with Cuba.<sup>87</sup> Given the necessary inclusion of democracy and human rights provisions in any EU agreement, this issue had the potential to be a significant hurdle for any negotiations.

By early 2006, however, this Spanish obstacle to negotiations had disappeared. When José Luis Rodríguez Zapatero was made prime minister of Spain in 2004 after the electoral victory of the PSO, Spain's social-democratic party, the country slowly moved away from its radical opposition to Latin America's socialist governments. Instead, Zapatero opted for a policy of engagement. While the changed political climate dictated from above took some time to permeate inside Spain's bureaucracy,<sup>88</sup> the government even proposed relaxing the EU's so called Common Position on Cuba (see the following chapter), which had limited European interactions with the island (US Embassy Czech Republic Prague 2005). The fact that it was the previous Aznar government which had initiated the Common Position makes the reversal of Spain's policy even clearer.

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<sup>87</sup> This can be seen in a number of American diplomatic cables (US Embassy Czech Republic Prague 2006, 2007) and was confirmed in an interview with a former EU official (Brussels, 19.6.2015, Interview 17) and a member state official (Brussels, 4.11.2015, Interview 31).

<sup>88</sup> MFA officials appear to have been particularly critical of the premier's position towards Venezuela (US Embassy Spain Madrid 2005).

Similarly, agricultural concerns such as those that had contributed to the failure of negotiations with Mercosur were less prevalent in the case of these regions, if one leaves the sensitive issue of bananas aside. This allowed countries like France to take a more positive attitude towards the negotiations than was the case for Mercosur.<sup>89</sup> This was accompanied by what has been described to me as member states' "permissive consensus"<sup>90</sup> on the Commission's proposed Latin America strategy that developed in parallel to the support for *Global Europe*. Furthermore, as explained by an Eastern European Trade Policy Committee delegate, the new member states largely lacked clear preferences as to the opening of trade negotiations, with political concerns over some of the left-wing governments not being allowed to interfere with a general liberalization agenda. In any case it was feared that a refusal of such negotiations would play into the hands of Venezuela and its anti-liberalization agenda for the region,<sup>91</sup> thereby potentially creating a perceived urgency for negotiations. Additionally, as someone who is familiar with the discussions in the Council's Latin America working group has explained, while the issue of competition with the EU never comes up in formal discussions, "the EU always needs to be on par with the United States when it comes to market access in the region".<sup>92</sup> Lack of member state support for the negotiations was hence not an inhibiting factor at this stage, as their positions aligned themselves largely with that of DG RELEX and the now convinced DG Trade.

Against this backdrop of shared assessments between the relevant actors, the preparatory work for negotiations with Central America under the joint assessment exercise continued successfully. This eventually contributed to the identification of a number of economic integration steps that the region would have to undertake in parallel to negotiations with the EU. By the May 2006 EU-LAC summit in Vienna both sides were sufficiently satisfied that the EU-Central American side-summit could announce the decision that formal negotiations would be launched. Nonetheless, the agreement still included safeguards on regional integration, as follows:

Central America confirmed its commitment to implement as planned the decisions taken by CA Heads of States on 9 March 2006 in Panama, as well as to seek ratification of the CA Treaty on investment and services and to develop a jurisdictional mechanism that could secure enforcement of regional

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<sup>89</sup> EU trade official, Brussels, 18.6.2015 (Interview 12); Member state official, Brussels, 22.6.2015 (Interview 19).

<sup>90</sup> European Parliament Official, Brussels, 24.6.2015 (Interview 25).

<sup>91</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9).

<sup>92</sup> EU officials, Brussels, 17.6.2015 (Interview 11)

economic legislation throughout the region. (Council of the European Union 2006c, 2)

While this did not mean that negotiations could begin straight away, given the absence of a mandate from the Council, the commitment to the opening of negotiations in this public biregional forum nevertheless sent a strong signal and represented rhetorical entrapment from the EU's side. The remaining internal EU policy process could thus be seen as more of a formality than it would have been otherwise.

Similar progress could not be achieved in the context of negotiations with the Andean Community due to a number of developments that destabilized this regional actor ahead of the summit. This was mainly due to a more radical shift in Venezuelan foreign policy, as well as the election of Evo Morales in Bolivia. Much like the conditions imposed on Central America, the EU had already insisted in its preparatory work for the joint assessment in 2005 that CAN would have to establish an internal common tariff before negotiations could begin (US Embassy Peru Lima 2005). This meant that the Andean Community would have to undertake further integration steps before any future negotiations. With Venezuela unwilling to deepen regional integration as demanded, a fulfilment of these conditions appeared increasingly unlikely.

In a surprising move Hugo Chavez then decided in April 2006 that Venezuela would withdraw from the organization altogether<sup>93</sup> and join Mercosur instead. This radically changed the dynamics of possible negotiations with the EU: On the one hand it eliminated an internal CAN hurdle to negotiations, with the four remaining members of the organisation committed at least in theory to negotiations with the EU. On the other it temporarily put the organisation into administrative disarray, as Venezuela's departure meant a loss of almost one third of total funding for CAN's institutions.<sup>94</sup> While Chavez's decision was not communicated as a move against free trade in public, it nevertheless appears to have aimed at punishing Colombia and Peru for their free trade agenda that led them to sign the agreements with the US and pursue negotiations with the EU in the first place (US Embassy Venezuela Caracas 2006).

Aside from a potential blow to the organisation's administrative capacity to negotiate with the EU, one additional problem became apparent: the political landscape of Bolivia had been radically changed with its presidential elections of 2005. Evo Morales

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<sup>93</sup> Chavez had made reference to CAN's apparent pro-FTA stance when leaving the organisation (Maihold 2008, 23). Instead Venezuela's government has since promoted the Bolivarian Alliance for the Peoples of Our America (ALBA), essentially a redistribution scheme towards poorer Latin American countries which chose to align with Venezuela's left-wing policies.

<sup>94</sup> Former EU official (Brussels, 19.6.2015, Interview 17).

had been elected president of the country with a landslide victory for his political party supported by the country's indigenous movements. With his inauguration in early 2006 the political view of the country's government on free trade was about to change. While Morales' positions did not appear to be as radical as that of Venezuela's president, the country nevertheless slowly began to alter its domestic economic policies, while also developing ties with Hugo Chavez and ultimately joining ALBA (see Girvan 2011).

Once more, Spanish and Czech officials, this time joined by the EU's High Representative for the Common Foreign and Security Policy, Javier Solana, voiced fears over these political developments in conversations with US counterparts. The main concerns at the time were the potential of an ever closer alliance between Bolivia and Venezuela (US Embassy Belgium Brussels 2006; US Embassy Czech Republic Prague 2006; US Embassy Spain Madrid 2006a), which was perceived as a threat to the spread of Western values in the region. Lastly, there were concerns about Bolivia's programme to re-nationalise its oil and gas resources by expropriating foreign companies (Agence Europe 2006c).

Ultimately, none of these factors altered the EU's willingness to launch negotiations with the Andean Community. The Spanish Foreign Ministry's director for foreign policy discussed the EU's attitude to the negotiations with American diplomats, saying that

the EU was clear at the Summit that the door is open to begin negotiations on a trade agreement right away, whether with three countries or four. (US Embassy Spain Madrid 2006b)

This meant that multiple dynamics were at play on the European side ahead of the summit. On the one hand, the EU was ready to entertain FTA negotiations for economic reasons, while attempting to continue supporting the Andean Community's regional integration. Balancing these goals was rendered particularly difficult by the fact that the Andean Community's four members had not been able to agree to a common position ahead of the summit, which put the declaration for the entire summit at risk.

Ultimately the European side suggested a compromise proposal that, while not offering a concrete timeframe for negotiations, still made reference to the ultimate scope and a future start of negotiations.<sup>95</sup> In the summit's final declaration this compromise reads as follows:

Recalling the common strategic objective established in the Declaration of Guadalajara, we welcome the decision adopted by the EU and the Andean Community to initiate during 2006, a process leading to the negotiation of an

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<sup>95</sup> Former EU official (Brussels, 19.6.2015, Interview 17).

Association Agreement which will include political dialogue, cooperation programmes and a trade agreement. (Council of the European Union 2006a, 12)

Through this compromise and by its continued insistence on a regional approach, the EU upheld its political pressure on the organization to integrate before any negotiations could begin.<sup>96</sup> In this context the EU demanded that CAN find a common position for the negotiations ahead of any further meetings (US Embassy Bolivia La Paz 2006a). Nonetheless, Ferrero-Waldner cautioned in a meeting of the European Parliament's Foreign Affairs Committee that the process would most likely be difficult, and that convincing Bolivia would prove to be challenging (Agence Europe 2006a).

At CAN's June 2006 meeting the remaining members of the organisation indeed agreed to strengthen its institutions and policies, and indicated their desire to negotiate an Association Agreement with the EU (US Embassy Ecuador Quito 2006), thereby facilitating the opening of negotiations. What remained, however, were differing positions as to the trade component of the negotiations, with Bolivia arguing that the economies of the region were too disparate for a regional approach (US Embassy Bolivia La Paz 2006a).

In an attempt to force Bolivia to give up its reservations in the trade realm, the EU gave the country a deadline to join the process (US Embassy Colombia Bogotá 2006) or be excluded from any trade negotiations with the EU altogether. While Bolivia would eventually leave the negotiations, the country's lack of a clear political position on the negotiations and the political pressure was nevertheless sufficient for it to join the process at the time (US Embassy Bolivia La Paz 2006b). Both sides then came together at a meeting in July, after having finalized the joint assessment exercise. While the meeting gave the green light for preparations for the negotiations to go ahead, it still demonstrates the EU's insistence that further Andean integration would have to occur before negotiations could get underway properly (EU-CAN High Level Meeting 2006).

The EU's willingness to entertain negotiations with the Andean Community and Central America was ultimately down to a combination of factors that led to a reduction in the divergence of interests between internal EU actors, the fact that DG RELEX and Austria made use of their policy autonomy, and the fact that the EU was rhetorically entrapped to entertain the negotiations.

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<sup>96</sup> *Ibid.*

### 6.3.2.1. *Approving the negotiation briefs*

The last step before negotiations could begin was the granting of negotiation briefs to the Commission. Securing an agreement in the Council on these for a number of proposed trade agreements was ultimately one of the priorities of the German presidency in the first half of 2007. By late April 2007, when the General Affairs Council gave the go-ahead for the trade element of the Association Agreements, these had become only two of five new mandates for Free Trade agreements being granted to the European Commission (Agence Europe 2007) under the new approach announced with Global Europe. Free trade negotiations would equally get under way with the Association of Southeast Asian Nations (ASEAN)<sup>97</sup>, South Korea and India.

This approach of granting negotiating briefs in parallel formally aligned the two negotiations with the EU's overhauled trade strategy and hence eliminated some of the difficulties of prioritisation of trade negotiations that DG Trade was concerned about. At the same time, the agreed negotiation briefs addressed some of the remaining concerns within this Directorate-General by including important elements of conditionality on the remaining issues (European Commission 2007b). The Council thereby demonstrated the existence of what was earlier described as a permissive consensus on the negotiations. On the one hand it showed its awareness of some of the remaining issues, while on the other it entrusted the Commission with a large degree of independence to resolve these.

The negotiation briefs for talks with Central America are not in the public domain. Nonetheless, the conditionality of negotiations can be derived from the discussions surrounding the Commission's mandate to negotiate with CAN. Already the draft mandate prepared by DG RELEX that was approved by the College of Commissioners took note of DG Trade's concerns and those likely to be voiced by the Trade Policy Committee by tasking the Commission's negotiators with ensuring that the agreement contain

A clause referring to the effective start of the negotiations and the conclusion of the Agreement [...]. This clause should refer to the assessment of the concrete achievements on the commitments undertaken by the Andean Community at the High Level Meeting of July 2006 as regards the strengthening of its regional economic integration. (European Commission 2007b, 6)

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<sup>97</sup> This regional integration organisation is composed of Brunei, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.

COREPER, a high-level Council preparatory body also made sure to further emphasize the importance of this element prior to the Council's go-ahead. The notes of a meeting at which the proposed mandates were discussed contain a declaration that states that

The Commission will, as appropriate, take into account the possible impact that the evolution of the Andean Community Integration could have on the development of the negotiations, having in mind the importance of developing a strong framework of relations with the Andean Community (COREPER 2007, 13)

A similar declaration was made concerning the on-going WTO dispute settlement over the EU's banana import regime that Ecuador had filed in November of 2006 and that was then supported by Colombia. After the countries had taken this step Commissioner Mandelson had threatened the Andean Community in December that negotiations could only begin once the complaint had been lifted, as "it is not possible to litigate and negotiate at the same time" (as cited in Agence Europe 2006b). This was addressed as follows in the context of the upcoming negotiations by COREPER:

With regard to the CAN negotiating directives, the Commission will take into account the possible impact that the evolution of WTO dispute settlement on bananas could have on the development of the negotiations, having in mind that the Commission is fully aware of the clear limitations and risks to engage in meaningful discussions aimed at improving preferential market access pending the active pursuit of a WTO panel on that key product. (COREPER 2007, 13)

The declaration meant that it would be at the Commission's discretion to adequately take the issue into account in its negotiation strategy, and thereby add an important political component to the negotiations.

While the two Association agreements stand out from the 'pure' Free Trade negotiations with Asian countries agreed at the very same meeting, a further COREPER document that is not fully in the public domain demonstrates how the EU aimed to reconcile the difference between the two distinct types of agreements:

Negotiations on Free-Trade Agreements [...] shall lead to agreements with a clear legal and institutional linkage to the existing or future Partnership and Cooperation Agreements or updated Framework Agreements. Such legal and institutional linkage would entail, inter alia, the [sic] Free-Trade Agreement could be totally or partially suspended if the conditions for such suspension under the Partnership and Cooperation Agreement or updated Framework Agreement apply, and that there would be a coherent institutional framework for the administration of the agreements. (COREPER document 8598/07 as cited in Okano-Heijmans 2014, 16)

In essence this meant that while the other proposed free trade agreements would not be fully-fledged Association Agreements, similar political elements would necessarily

have to accompany the 'pure' free trade agreements either within it or in additional treaties with such countries, thereby rhetorically limiting the differences between the two kinds of agreements that the EU would negotiate in the future.

While DG RELEX as the initial driver for the negotiations with both regional organizations initially faced important internal hurdles to gaining negotiation briefs, these could ultimately be overcome. This was related to the EU's rhetorical entrapment, and an alignment of the interests of internal EU actors which led to the relative coherence of their positions over time. While DG Trade ultimately still had some concerns as to the feasibility of the negotiations with both regions, these could be addressed by the inclusion of conditionality in the agreement. The necessity for policy coordination at this point of the process has to be considered as strong and working relatively well, as DG RELEX could not begin negotiations on its own, having to take existing concerns on board in the draft mandate for the negotiations.

#### **6.4 The negotiation experience: Handling difficulties differently**

Actual negotiation rounds with both regions began shortly after the approval of the mandates in the Council. While these have encountered a number of difficulties, and a radical change of approach has occurred in the case of the Andean Community, it is nevertheless important to note that the parallelism of both processes was upheld during the entire negotiations phase.

Given the important difference that arose during both negotiation processes these are outlined separately within this section, with a focus first on the Andean Community, which is then supplemented by the different perspective of the negotiations with Central America. While a number of external factors have contributed to both negotiations' disparate outcomes, ultimately this section argues that the hypothesis based on rational decision-making cannot account for these differences. Instead, bureaucratic politics once more help us in gaining a fuller picture of the developments underlying this emergence of policy incoherence. Here, the lack of diverging positions in the Central American case can explain why the EU insisted on an interregional approach despite a number of external challenges to it. In contrast, an emerging divergence of views with DG Trade combined with its autonomy in the negotiation process can help our understanding as to why the EU ultimately negotiated a free trade agreement with

Colombia and Peru only, while abandoning the inclusion of political and cooperation chapters.

#### **6.4.1 Negotiating with the Andean Community**

The negotiations with the Andean Community need to be considered in two distinct parts: a first period of negotiations following the originally envisioned interregional approach, and a second one that outlines the EU's change towards bilateral free trade negotiations with Colombia and Peru. Whereas the initial period is illustrative of the EU's capacity to align its different policies when necessary and under the strong incentive set by the adoption of the negotiation mandates, the second once more reveals distinct policy goals of different internal EU actors.

##### *6.4.1.1. Aligning the EU's policies during the negotiations*

With the go-ahead for negotiations given by the Council, the Commission could shift its focus to a negotiation strategy that would help overcome some of the internal CAN difficulties that these were facing. While these attempts would ultimately fail, the initial phase of the negotiations nevertheless demonstrated the unity of the EU's position, making use of the different policy tools at its disposal across policy areas to drive forward the negotiation process. This phase hence demonstrates a scenario under which the negotiation mandates have united the European Commission, much as could be observed in the case of the negotiations with Mercosur. The commitment by the member states in this case furthermore allowed the Commission a relative degree of autonomy and served to overcome any possible internal bureaucratic divisions.

The factors that had rendered the announcement of a start to negotiations at the 2006 Lima summit impossible still remained when negotiations were scheduled to go ahead in early 2007. While the EU was originally mainly concerned about the problems for Andean integration that arose due to Venezuela's decision to leave the process, it became increasingly clear that the position of Bolivia would render the negotiations particularly difficult. This was due to ideological as well as economic factors. While the country's membership in ALBA ensured that it was rhetorically opposed to the concept

of free trade, the nature of the country's export structure also meant that the negotiation of an FTA with the EU would have provided few benefits for the country.<sup>98</sup>

The difficulty of reconciling the aim for a true biregional agreement with its trade aspect had already become apparent in the July 2006 EU-CAN meeting which gave the green light for the preparation of formal negotiations. In the document Bolivia had requested "flexibility in the future negotiations considering the different levels of development between the CAN countries" (EU-CAN High Level Meeting 2006, 2). By early 2007 the issue of dissenting voices within the Andean Community had come to be even more prevalent with the inauguration of President Rafael Correa in Ecuador. Given his political views the country then began to develop closer ties with Venezuela and Bolivia, ultimately introducing a two-way split within CAN.

While both countries' detailed trade policy preferences were not necessarily clear from the outset of the negotiations, their position was more and more at odds with those of Colombia and Peru, the main proponents of a free trade agreement with the EU. Ahead of the official opening of negotiations in June 2007, EU diplomats voiced their concerns as to these developments to US counterparts (US Embassy Peru Lima 2007).

Nonetheless, negotiations began somewhat successfully. This can be attributed in large part to the way in which the EU approached the negotiations, emphasizing that trade would only be one of its three constituent pillars. This initially led Ecuador to believe that the EU's aims were different from pure free trade negotiations, which stands in contrast with the country's refusal to pursue FTA negotiations with the United States (US Embassy Ecuador Quito 2007b).

From the outset the EU had introduced important elements of conditionality, as well as incentives that would accompany the negotiations to boost their success. Much as can be seen in the parallel negotiations with Central America (see below), it was the EU's position that negotiations would only occur in a region-to-region context that was meant to further incentivise regional integration. When communicating with the Andean partners ahead of the first round of negotiations in April 2007, the EU made its conditions clear by stating that:

it is expected that the CAN will continue making further progress in the definition of a common tariff reduction point, as well as in the process of taking the necessary decisions on the harmonization of the Andean Customs Regimes. (EU-Andean Community Ministerial meeting 2007)

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<sup>98</sup> Senior DG Trade official, Brussels, 12.6.2015 (Interview 6).

This condition was accompanied by a clear positive incentive in the realm of the EU's development funding. Given DG RELEX's leadership role on the allocation of the EU's multiannual development cooperation frameworks, it was able to alter the funding to the region in support of the negotiations. The 2007-2013 regional strategy document thus voices one of the EU's main development goals for the region as follows:

to support regional trade and economic integration in the Andean Community, notably by encouraging intensification of this process before and during negotiations on an Association Agreement, including a free trade area; (European Commission 2007a, 15)

This was meant to be achieved by earmarking more than 40% of the EU's total aid to the region for the regional economic integration envelope (European Commission 2007a, 30). The EU hence provided significant monetary incentives to help the region integrate further economically and therefore to achieve the EU's negotiation conditions.

This mix of conditionality and incentives helped initial progress in the negotiations. Any of the frequent Colombian and Peruvian attempts to convince the EU of the merits of bilateral negotiations, such as by Peruvian president Alan García in November 2007 (Noriega 2007), were countered by restating the EU's insistence for region-to-region negotiations, while mentioning the potential for side payments to keep Bolivia at the negotiation table (US Embassy Bolivia La Paz 2007).

EU and member state officials were equally keen to point out to the Colombians the advantages of the biregional approach for the ultimate passage of an agreement. While there were important concerns about the human rights situation in Colombia amongst European politicians, the issue would likely not be scrutinised as closely in European parliaments if the agreement were to be regional, rather than bilateral (US Embassy Colombia Bogotá 2008b).

These attempts, alongside the relatively positive attitude of Ecuador during this initial phase made for a successful start of negotiations. The country's commitment at this point went so far that when Bolivia threatened to leave before the official start, Ecuadorean diplomats successfully intervened and thereby pre-empted a potential Colombian and Peruvian exit from the regional organisation (US Embassy Ecuador Quito 2007b).

While initial negotiation rounds, which were mainly concerned with issues of a general nature, did not make for significant differences of position, difficulties nevertheless began to arise in the spring of 2008 (European Commission 2009). Nonetheless, there were increasing European political concerns over the situation in

Bolivia and Ecuador. The former had undertaken a controversial nationalisation project in its natural gas industry, hurting European business interests (US Embassy Bolivia La Paz 2008b). In the latter case it became apparent that Ecuador's foreign policy apparatus was suffering from internal divisions, thereby threatening the unity of the country's foreign policy positions (US Embassy Ecuador Quito 2007a, 2008b).

Looking at the negotiations themselves, these had reached a gridlock ahead of the EU-LAC summit of May 2008, mainly over Bolivia's refusal to negotiate anything but the trade of goods, with Ecuador gradually moving to a similar position (US Embassy Colombia Bogotá 2008b; US Embassy Ecuador Quito 2008c). Furthermore, Ecuadorean negotiators voiced their opposition to the agreement's proposed sustainability chapter, as they believed that political conditionality should not form part of the considerations for a trade agreement (US Embassy Ecuador Quito 2008a). These difficulties also meant that EU officials started to become more and more impatient with a general lack of progress in the process (US Embassy Ecuador Quito 2008b). For the European side this was reminiscent of the later negotiation rounds with Mercosur.

Ultimately, it was a further issue that demonstrated the determining influence of external political, rather than economic, factors on the negotiations. Bolivia and Ecuador used the EU's discussion of the Returns Directive to threaten a unilateral withdrawal from negotiations. This piece of legislation in the realm of the EU's immigration and asylum policy was meant to facilitate the expulsion of illegal immigrants from the EU's territory and had no direct link to the negotiations, nor did officials on the EU's side believe that Latin American countries should be concerned about this.<sup>99</sup> Nevertheless both countries voiced their fear that it would discriminate against their nationals in the EU (Phillips 2008a, 2008c). Whether these were actual political concerns or mere posturing is unclear. However, a former Latin American diplomat mentioned that Bolivia's main aim was to delay the negotiation process so as to be able to define its own strategy.<sup>100</sup> In any case, the unclear link between the position of Bolivia and Ecuador, the content of the Returns Directive and the EU's foreign policy means that this should not be seen as evidence for the EU's horizontal policy incoherence towards the region.

When these difficulties became apparent, an attempt to save the regional approach was made at the May 2008 EU-Andean Community summit held on the fringe

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<sup>99</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>100</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2). The interviewee cautions that this was merely an excuse for the Bolivian side to slow down negotiations as the government under Evo Morales was still unsure as to its own preferences in these negotiations.

of the overall EU-Latin America summit in Lima. The difficulties at this stage were summed up succinctly in an internal EU note for the Council presidency ahead of the meeting:

Bolivia wants a maximum of exceptions, long-term calendars etc ,[sic] for its 'asymmetries' which may become the breaking point in negotiations. Ecuador is oscillating, and changed part of its approach during the third round, as well as part of its team. Colombia and Peru are visibly frustrated with these difficulties and have publicly called on the EU to consider giving up its bi-regional approach.<sup>101</sup>

This further shows that the Returns Directive played no role in the actual negotiations at this point in time. In order to defuse the problems outlined in the internal note, both sides agreed on a format that would allow for more flexibility in the negotiations (Phillips 2008b). The joint communique of the EU-CAN meeting described this as follows:

They [The heads of state and government] agreed that particular attention would be paid to the specific development needs of member countries of the Andean Community, taking into account the asymmetries between and within the regions and the need for flexibility, in the appropriate manner, granting a special and differentiated treatment for the member countries of the Andean Community, in particular Bolivia and Ecuador, on the part of the EU. (CAN-EU troika summit 2008)

The new approach would have enabled the establishment of different levels of liberalization in the trade realm, thereby effectively turning the trade component of the agreement into a series of bilateral accords, while saving the overall goal of an Association Agreement. Ultimately, however, this did not help to overcome the difficulties in the process.

This phase of the negotiations illustrates the EU's capacity to generate coherent foreign policy outputs when the interests of its internal actors converge and when the roles of each actor are clear, such as on the definition of long-term priorities and funding lines in the EU's development cooperation funding. Despite important challenges to the negotiation format, it was the EU's insistence on the biregional format, the promise of side payments as a concession for trade negotiations, as well as the channelling of development funds that helped keep all Andean Community member states aboard.

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<sup>101</sup> One interviewee showed this document to me.

#### 6.4.1.2. *Changing tracks*

It is nonetheless at this point in the negotiations, during the spring of 2008, that a significant shift in the EU's policy occurred. After previous difficulties in the negotiations the Commission unilaterally cancelled the next negotiation round scheduled for April. This initial move could be interpreted at the time as a further attempt to demonstrate the EU's desire to proceed only in a region-to-region format. However, the developments over the ensuing month would lead the EU to revert to bilateral trade negotiations with only some of the Andean countries, and thereby a radical change of its negotiation position. While the FTA ultimately reached with Colombia and Peru is a single agreement, the tariff schedules with both parties nonetheless diverge.

This change of policy can be explained by increasing economic concerns in DG Trade that would see the broader political goal of support for regional integration become secondary to trade concerns, as well as to fears of alienating the governments of those countries which were more willing to improve ties with the EU. This equally meant a decoupling of the political parts of the negotiations from the trade aspect, which ultimately contributed to the horizontal incoherence of the EU's policy towards CAN.

Interviewees have offered different accounts of the ultimate motivation for the EU's change of approach, with a member state representative calling it a "pragmatic response"<sup>102</sup> to changing circumstances, while others insisted that the means of achievement for the ultimate goal of a biregional Association Agreement had simply been altered, but not the goal in itself.<sup>103</sup>

Initially the EU's aim still appears to have been to return to the biregional format by providing the concerned countries with additional incentives to do so. In July Ferrero-Waldner announced a further development cooperation project that would once more help the economic integration of the region (Agence Europe 2008c). Ultimately this last-ditch effort was not successful, however, and other dynamics began to overtake the process, thus leading to the EU's policy incoherence towards the region.

When the EU initially decided to suspend negotiations, this was seen by Colombia and Peru as another opportunity to call for bilateral rather than interregional negotiations. The presidents of both countries, Álvaro Uribe and Alan García, sent identical letters to Commission President Barroso to that end in September. This was accompanied by significant lobbying from the diplomatic representations of both

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<sup>102</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

<sup>103</sup> EU officials, Brussels, 17.6.2015 (Interview 11).

countries, arguing that their pursuit of improving ties with the EU should not be held hostage by unwilling third parties.<sup>104</sup>

While the insistence of these countries appears to ultimately have led DG RELEX to accept the concerns of DG Trade (see below), concerns remained over the possible impact on Andean regional integration. It was in this context that the letters, as well as diplomatic representatives from both countries, pointed to the Andean Community's precedent of allowing bilateral free trade—albeit not political—negotiations in the context of their agreements with the United States (US Embassy Colombia Bogotá 2008c). Reference was made to the 2004 decision 598 of the Andean Community Commission, which allowed the organisation's member states the following:

If it is not possible to conduct community negotiations for whatever reasons, the Member Countries can negotiate bilaterally with third countries. (Andean Community Commission 2004, article 2)

Making use of this precedent would hence—at least in theory—help to overcome the problem of a bilateral approach's legal impact on the regional integration process. If we are to believe one of the interviewees, the existence of decision 598 was one of the main factors that ultimately convinced Ferrero-Waldner and DG RELEX that a change of approach would not mean a loss of face given its previous policy preferences<sup>105</sup>. This suggests that while policy inertia played a role in DG RELEX's deliberations, ultimately these were overcome by the existence of decision 598.

At the same time, DG Trade officials were anxious to allow for continued trade negotiations given their concerns over market access in the Andean Community's two most important economies.<sup>106</sup> Nonetheless, a fear was also present that taking a bilateral approach would reduce pressure on Ecuador to continue negotiating with the EU.

The main concern was once more the potential loss of competitiveness compared to the United States. Both Colombia and Peru pursued an aggressive FTA agenda that also included negotiations with Canada (US Embassy Colombia Bogotá 2007; US Embassy Peru Lima 2008), and a Colombian FTA with EFTA (US Embassy Colombia Bogotá 2008a). Furthermore, the United States Congress had ratified the agreement with Peru in 2007, and it was due to enter into force by 2009. This was not the

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<sup>104</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

<sup>105</sup> *Ibid.*

<sup>106</sup> DG Trade official, Brussels, 12.6.2015 (Interview 6).

case for the US-Colombia agreement, as ratification only occurred in 2011,<sup>107</sup> but the continued link between the different negotiations can nevertheless be seen in a US diplomatic cable (US Embassy Colombia Bogotá 2010).

Other evidence for the importance of the US factor in these negotiations could be seen by EU chief negotiator Rupert Schlegelmilch's comments to US counterparts that the terms of trade agreed by both countries with the US would be the EU's lowest aim in those negotiations (US Embassy Colombia Bogotá 2009b). Additionally, the Andean Community had failed to proceed with the small integration steps towards a customs union that were part of the EU's conditions, and that would have allowed for actual region-to-region negotiations. With the envisioned efficiency gains from an integrated CAN market less likely, the EU's trade interests in Colombia and Peru hence played out in favour of a bilateral approach.

This would come at a further price for a possible negotiation success with Ecuador, however. Given the structure of the country's exports to the EU, which are largely based on agricultural products such as bananas, and the EU's sensitivities, any kind of WTO-compatible bilateral FTA with the country would prove difficult to reach. Given the relatively more diverse economies of both Colombia and Peru, the fulfilment of this legal requirement that any FTA liberalise a very significant share of trade between both partners would not be a significant issue. A bilateral approach would hence ultimately render an agreement with the already reticent Ecuador even less likely.

Lastly, Commission officials from all camps were worried that any significant change of approach would lead to a reopening of the time-consuming and possibly conflictual process of reaching a new negotiation mandate with the Council, thereby further reducing the EU's credibility in the face of the more willing negotiation partners (US Embassy Colombia Bogotá 2008c). Additionally, if negotiations had failed at this point, then this would have meant a repeat of the Mercosur debacle, having wasted precious human resources without achieving tangible results.

Ultimately, amidst these complex preference patterns, the views of DG Trade were key given its autonomy in negotiations of the trade aspects of any agreement, and due to the fact that DG RELEX was divided over whether to reward Colombia and Peru's desire to negotiate with the EU and the prospect of weakening Andean integration. This emergent change of position within the EU was first unofficially communicated to the

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<sup>107</sup> The agreement was originally held up in Congress over human rights concerns, much as would be the case in the European Parliament later on (see below). In the end the end of negotiations between Colombia and the EU contributed to the ratification in Congress.

Andean countries in August (US Embassy Ecuador Quito 2008b), but it would take longer to reconcile the different EU priorities with a new negotiation format.

DG Trade was nonetheless nominally weakened given that Trade Commissioner Mandelson surprisingly resigned from his position on 3 October 2008 (Agence Europe 2008d). He was replaced by Catherine Ashton, an official who was entirely new to the European Commission at the time, and hence unlikely to be able to influence important policy decisions at the beginning of her tenure. Nonetheless, the Council in the form of its Trade Policy Committee (still called Article 133 Committee at the time) had demonstrated confidence in DG Trade's assessment as to the options for the Andean region. When discussing the letters that had been sent to President Barroso, the meeting concluded by stating that

the Committee encouraged the Commission to do its utmost to overcome the impasse whilst keeping in mind issues of regional integration (Article 133 Committee 2008b)

This offered DG Trade large room for manoeuvre. Facing these opposing views, Ferrero-Waldner and DG RELEX ultimately fell in line with DG Trade's preferences by arguing that they favoured a position which would not see Colombia and Peru punished for their membership in CAN.<sup>108</sup> Once this internal change of thinking towards a bilateral approach had occurred, it had to be rendered at least rhetorically compatible with the EU's stated policy aims for the region, based on the promotion of regionalism and the improvement of human rights.

The Commission's preferred strategy to unite these different elements began to emerge in Barroso's response to both presidents on 6 October, which is described in detail in a US diplomatic cable (US Embassy Colombia Bogotá 2008c). In essence, the EU signalled to its Andean partners that it was willing to negotiate a separate free trade agreement with willing Andean countries. Simultaneously, the other two pillars could be negotiated with all of CAN, with the FTA simply making reference the biregional Political and Cooperation Agreement of 2003, or a new political agreement to be reached. In the words of the US diplomat who authored the cable, this would have the following advantage:

This linkage allows the EC to avoid the time-consuming process of having EU member-states change the negotiating instructions and gives the Commission the political cover it believes it needs against accusations of fracturing the CAN. (US Embassy Colombia Bogotá 2008c)

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<sup>108</sup> Former Latin American diplomat, Hamburg, 7.5.2015 (Interview 2).

Nonetheless, in a further attempt to demonstrate the EU's commitment to Andean regional integration, the decision as to how to proceed was essentially left to the Andean countries who were due to hold a summit later in October (Agence Europe 2008b). While one former official involved in the process described this as a decision aimed at respecting the sovereignty of the Andean countries<sup>109</sup>, the weight of the evidence points to a face-saving measure by DG RELEX to try to ensure coherence between the EU's rhetoric and its policy outputs towards CAN. Nonetheless, the initial idea for a split of the trade from the cooperation and political aspects had already been floated once at the time of the 2006 EU-Latin America summit over Bolivia's negative attitude towards the negotiations (US Embassy Ecuador Quito 2008c).

While CAN's Guayaquil summit attempted to demonstrate unity in the face of the EU, with CAN's member states agreeing that the political and cooperation pillars would be approached as a group, the summit nevertheless allowed for bilateral negotiations in the trade pillar (Agence Europe 2008a). Importantly, Ecuadorian President Correa had taken the decision beforehand that he would not attempt to block bilateral negotiations of any of his partners, while leaving the door open for the country to join into the trade portion later on (US Embassy Ecuador Quito 2008b). This paved the way for the interested parties to move forward with a bilateral approach, with Ecuador remaining part of the group, while Bolivia then left the process for good (US Embassy Bolivia La Paz 2008a).

Ultimately, the Commission proposed to the Council that the negotiation briefs should be modified in such a way as to split the political and cooperation pillars from the trade aspects, thereby asking that the Council

authorise the Commission to negotiate a multiparty trade agreement between the European Community and its Member States, of the one part, and the member countries of the Andean Community which share the aim of reaching an ambitious, comprehensive, balanced trade agreement, consistent with the WTO, of the other part, and to designate the Article 133 Committee [Trade Policy Committee] to assist the Commission in that task; (Working Party on Latin America 2008, 2)

In parallel, the Commission asked for the Council to

authorise the Commission to negotiate a political dialogue and cooperation agreement between the European Community and its Member States and the Andean Community and its member countries, with a view to strengthening and updating the commitments set out in the Political Dialogue and Cooperation Agreement between the European Community and its Member States, of the one part, and the Andean Community and its member countries, of the other part, signed in 2003 and to designate the Working Party on Latin

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<sup>109</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

America to assist the Commission in that task; (Working Party on Latin America 2008, 2)

This meant that the negotiation briefs would only have to be modified minimally, since the overall goal of a region-to-region approach was nominally upheld, albeit in the context of two separate negotiations. The formulation on the parties to the free trade agreement would further allow the EU to keep the door for all of CAN's members open, while allowing for negotiations with those most willing to do so.

The most important change on the EU's end, however, was that the decision-making processes for both were meant to be decoupled internally, with the negotiations for the multiparty trade agreement being the responsibility of DG Trade and hence a different Council structure (the TPC) than the negotiations for an updated PCA which would remain the responsibility of DG RELEX (and COLAC in the Council).

While the member states appear to have received this proposal favourably overall, in line with their previous trust in DG Trade's judgement, there nevertheless appear to have been concerns by some member states as to what this approach would mean for the value of political clauses in the trade agreement if the political pillar were to be excluded from the FTA (Article 133 Committee 2008a). Ultimately, however, a mandate change along those lines was agreed and trade negotiations with the willing Andean countries could continue.

Despite the above concerns for the political aspects of the negotiations the attempts to upgrade the political and cooperation pillars in the region-to-region context were abandoned relatively quickly, with progress only occurring in the trade realm.<sup>110</sup> The EU's shift to bilateral negotiations is hence illustrative of the primacy of DG Trade's, rather than DG RELEX's concerns in this context.

When looking at the remaining trade negotiations, initially only Bolivia had decided not to join the process, while Ecuador remained a part of the group of the willing after further internal divisions were overcome (US Embassy Ecuador Quito 2008a). Bolivia then accused the EU of attempting to break the Andean integration project. Nevertheless, the country was repeatedly invited to join the negotiations under the new format by various EU representatives (US Embassy Bolivia La Paz 2008a; Willis 2009). Its government nonetheless upheld its opposition to the agreement, even attempting to block the others' negotiations by claiming that the other CAN member states had violated

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<sup>110</sup> *Ibid.*

CAN's ministerial decision 667, which stipulated that negotiations with the EU would be on a region-to-region basis (Fritz 2010).

These concerns were not addressed by CAN's other members, however, and an initial round of negotiations with the three countries took place in early 2009. The outcome from this round appeared to demonstrate that splitting the negotiations despite the overall common framework allowed for some progress to be made (US Embassy Colombia Bogotá 2009b). Nonetheless, limitations related to the position of Ecuador became apparent already in the second negotiation round that took place in this format. While Colombia and Peru were getting closer to reaching an agreement with the EU, the continued discord within Ecuador's government, its poor preparation, as well as the outstanding issue of banana prices and quotas, meant that the latter increasingly fell behind (US Embassy Colombia Bogotá 2009a).

Ecuador then withdrew from the process entirely in July 2009, citing the unresolved WTO banana dispute (Fritz 2010) and the EU's difficulties to concede sufficiently in the agricultural realm. While this was the official answer, its withdrawal nevertheless mainly related to its growing unease about FTAs and the country's rapprochement with Venezuela and ALBA. As the negotiations with the two remaining partners went on, Bolivia and Ecuador came to be ever more vocal about their opposition to the EU's supposed imposition of a neoliberal model on the region (Agence Europe 2009b).

Ultimately this clear-cut divide allowed the negotiations with Colombia and Peru to be sped up, eying a closure in time for the EU-Latin America summit in May 2010. This schedule was then driven as much by a desire to demonstrate progress in the EU's relations with Latin America in time for the summit, Spain's upcoming Council presidency, as well as Ferrero-Waldner's brief move to the trade portfolio with the Commission's Treaty of Lisbon reshuffle.

Much like the decision to open negotiations with Central America and the Andean Community in 2006 was driven by the schedule of the EU-Latin America summit, the 2010 Madrid summit would be another moment to demonstrate that progress in the EU's relations with the region had been made despite the apparent difficulties in line with the hypothesis based on policy inertia.

Ecuador's withdrawal from the process created further difficulties for the EU's rhetoric of continued support for regional integration, an issue which was addressed in a Commission document outlining its strategy for Latin America ahead of the entry into

force of the Treaty of Lisbon. The document entitled *The European Union and Latin America: Global Players in Partnership* (European Commission 2009) would be Ferrero-Waldner's final input into the relationship as External Relations Commissioner ahead of the 2010 summit. The document aimed to take stock of the progress in the relationship between the two regions, while also demonstrating that the EU's policy remained compatible with the broader policy goals of regional integration. Lastly, the document offered the possibility of leaving a legacy upon which the new European External Action Service's strategy for the region could be built. In terms of the relations with the Andean region, the document provided the following narrative:

When negotiations came up against difficulties, the EU presented alternative approaches to support the countries and regions concerned. In the case of the Andean Community (CAN), an attempt to conclude a region-to-region Association Agreement was not successful. However, at the request of a number of Andean countries, the EU offered them the opportunity to conclude a trade agreement with a regional perspective, together with the option of expanding the 2003 Political and Cooperation Agreement. (European Commission 2009, 4)

The desire to conclude the agreement was also driven by Spain's impending Council presidency in the first half of 2010, which made the strengthening of the EU's ties with the region a priority (US Embassy Spain Madrid 2009). This once more demonstrates the importance of the autonomy of the Council presidency ahead of the changes introduced with the Treaty of Lisbon. Given Spain's particular interest in the region, and the prestige of hosting the 2010 summit, Spanish diplomats made significant efforts that ultimately allowed for the timely conclusion of negotiations (Trueb 2012, 277–78).

This was further aided by the fact that the introduction of the foreign affairs provisions from the Treaty of Lisbon was only gradual, meaning that the Spanish Council presidency was still able to generate initiatives on the EU's foreign policy. While it did foresee a reduction of the role of rotating presidency in the realm of foreign affairs by changing external relations working groups to a permanent chairmanship by EEAS officials, this only occurred in late 2010 in the case of the working group dealing with Latin America (Trueb 2012, 279). The chairmanship of the relevant Article 133/Trade Policy Committee would furthermore remain the responsibility of the rotating presidency.

This Spanish activism was helped by Ferrero-Waldner's short-term position as the EU's Trade Commissioner until early February 2010, replacing Catherine Ashton who had been selected as the EU's first HRVP. This meant that only the very last phase of the negotiations was overseen by her successor Karel De Gucht. While the agreement could

be initialled at the Madrid summit in May,<sup>111</sup> the breakthrough and de facto finish had already occurred in early March (Agence Europe 2010a). Given that such a summit declaration has to be drafted unanimously between all remaining partners, the announcement was at least somewhat clouded by the inclusion of a footnote which refers to a Bolivian legal challenge to the agreement, filed in the Andean Community's Court of Justice (Council of the European Union 2010b, 7).

The EU's change of track in the negotiations, while initiated by external divisions within the Andean region, can ultimately be explained by the autonomy of DG Trade due to the great importance of trade aspects in the Association Agreement negotiations. Ultimately DG RELEX's concerns for regional integration were thereby relegated to a secondary role behind DG Trade's view that an FTA with Colombia and Peru was necessary. While the roles of both were initially bound by the negotiation mandate from the Council, the problems that occurred after few negotiation rounds meant that their preferences had started to diverge beforehand. While regional integration remained important for DG RELEX, DG Trade was ultimately happy about the exclusion of more reluctant countries from the free trade negotiations as this increased the likelihood of their success.

#### **6.4.2 Negotiating with Central America**

While the negotiations with SIECA ultimately succeeded in the same format as originally intended, a number of external developments risked putting this outcome in peril. Despite these, the EU insisted on continuing the negotiations in the interregional framework in this instance. This ultimately kept the negotiations alive and helped to overcome internal divisions amongst the Central American countries.

This difference in the EU's negotiation position when compared to those with the Andean Community can be attributed primarily to the fact that, this time around, the preferences of DG Trade and DG RELEX remained aligned all through the negotiations. While Commission policy alignment due to the negotiation mandate played a central role for the progress of the negotiations—much like at the beginning of negotiations with

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<sup>111</sup> Earlier drafts of the summit's Madrid declaration seen by the author show that this appears to have occurred on a very tight schedule, given that the announcement of the agreement remained bracketed until the very end.

CAN—continued vertical policy coherence between the EU’s member states towards the region also aided in the success of the process.

Three external developments had the potential to derail the entire negotiation: firstly, Costa Rica’s continued attempts to diverge into a bilateral approach whenever difficulties arose in the negotiation process; secondly, Nicaragua’s ideological proximity to ALBA; and thirdly, the Honduran *coup d’état* of 2009. While it was the EU’s threat of ending negotiations in the former two cases that helped overcome SIECA’s internal difficulties, it was the return to relative stability in Honduras and the EU member states’ pragmatic acceptance of positive developments in the country that allowed for negotiations to conclude successfully.

Much like in the case of Ecuador and Bolivia, it was the election of a left-wing president in Nicaragua that created a first significant risk for the region-to-region negotiations. Daniel Ortega, a member of the former *junta* that ruled the country during the Sandinista Revolution from 1979 to 1990 won the presidential elections of 2006. Initially, as confided to American diplomats, his election was not seen as a problem by the European Union (US Mission to the European Union 2007), and negotiations in the interregional format went ahead as planned. Nevertheless, over time the country aligned itself ever more closely with ALBA, coinciding with increasing criticism of the prospects of the free trade chapter of the proposed Association Agreement.

Before any effect could be felt on the negotiations, however, relations between the country and the EU began to worsen ahead of the country’s municipal elections of 9 November 2008, when Nicaragua decided to align itself more closely with Russia. This manifested itself in the country’s recognition of the independence of South Ossetia and Abkhazia. Thereby, the country directly took sides in the Georgian conflict, triggering anger in the EU institutions and member states alike. Furthermore, a number of opposition parties were barred from participating in the elections, leading to highly critical comments from European officials. As a result, the country upped its rhetoric, accusing European ambassadors of a campaign to

destabilise and topple the legitimately constituted government led by the comrade commander Daniel Ortega (Nicaraguan diplomat cited in Caroit 2008; translation mine).

The EU took a strong and coherent stance in reaction to these developments, with member states and the EU’s institutions freezing development aid to the country (US Mission to the European Union 2009). For Nicaragua the consequences of such a

decision were important, since European Union aid accounts for 40% of the development aid received, the total of which makes up around 10% of the country's GDP (Caroit 2008).

While these developments initially did not impact significantly on the negotiation process for the Association Agreement, ultimately the country's political demands did lead to a suspension of negotiations ahead of a round scheduled for April 2009. In an attempt to block further progress, the country asked for the set-up of a compensation fund for economic asymmetries, demanding an astronomical sum of 60 billion euros—more than six times the country's annual GDP. When this elicited a negative response from Brussels, the country unilaterally withdrew from the negotiation process. While the measure was seemingly pointed against the EU, European officials believed nevertheless that it was targeted more against the country's Central American neighbours, who were also increasingly worried about the political development within its government (US Embassy Nicaragua Managua 2009).

Despite these difficulties, the EU maintained its position that negotiations would only go ahead with the entirety of the Central American region (Gutiérrez Wa-chong 2009), in line with fears that this would have the potential to weaken the region's integration and further worsen the economic case for an agreement.<sup>112</sup> In this instance the interests of DG RELEX, pushing for a regionalist agenda, and those of DG Trade aligned, allowing the EU to maintain its initial stance. After all, given the size of the region's economy the negotiation of bilateral FTAs would not be warranted, nor would the prospect of a United States FTA with some of the countries in the region have any discernible impact on the EU's trade patterns.<sup>113</sup>

Negotiations were able to resume later in the month, after other Central American countries leaned on Nicaragua.<sup>114</sup> At the same time, the EU made a promise that it would study the set-up of an additional funding mechanism for Latin America to tackle some of the existing issues of disparity in the region (Agence Europe 2009d; Guatemala Times 2009), thereby addressing the issue of Nicaragua's development funding demands—albeit at a low level. In the words of Guatemala's Deputy Foreign Minister this meant that

Central American and the European Union have [...] decided to install a bi-regional working group to study the establishment of a financial mechanism for the development of Latin America. (Guatemala Times 2009)

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<sup>112</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>113</sup> *Ibid.*

<sup>114</sup> Latin American diplomat, Brussels, 3.11.2015 (Interview 27).

From this proposal would emerge the Latin America Investment Facility (LAIF), thereby once more demonstrating the EU's ability to use development funding as part of its negotiation strategy when the views of internal Commission actors cohere.

Ultimately, it was the political conditionality of linking the EU's development policy to the negotiation process, as well as the insistence on the regional format that helped overcome this particular blockage. At the same time, one should not overestimate the sometimes hostile rhetoric of the Nicaraguan government. Guisell Morales-Echeverry, Nicaragua's ambassador to the UK, has mentioned in public<sup>115</sup> that for Nicaragua ALBA and the negotiations with the EU were always seen as complementary, helping to balance out any possible negative side-effects.

Another important setback for the negotiations occurred only a few months later, when the July 2009 negotiation round was suspended in the wake of the Honduran *coup d'état* (Agence Europe 2009c). The country's president Manuel Zelaya was deposed by the country's military on 28 June 2009, nominally over a row between his office and the constitutional court. The action was quickly dismissed by external actors including the EU as a de facto military *coup d'état*. This led the EU to suspend political contacts with the country, and all member states withdrew their ambassadors and suspended development funding to the country (Agence Europe 2009a; US Embassy Tegucigalpa 2009), once more demonstrating the EU's vertical policy coherence towards Central America.

While the EU was quick to react to this crisis situation, the urge to return to negotiations once the situation had stabilised was equally evident. Bettina Trueb (2012, 277–78) has pointed out that over the last year of the negotiations Spanish diplomacy played an important role to close the deal in time for the EU-Latin America summit to be held in Madrid. The impact of Spain's activity can once more be attributed to the autonomy of the country's rotating presidency in the first half of 2010.

When Spain's Deputy Prime Minister María Teresa Fernández de la Vega visited Costa Rica in in early August, shortly after the *coup*, she made it clear that the country wished for negotiations to continue, with Honduras returning to the negotiation table once the crisis resolved (Murillo 2009). A European Parliament delegation visiting Costa Rica in October 2009, was more sceptical as to the possibility for renewed negotiation, mentioning that a solution in Honduras would have to be found first (Long 2009).

In any case when a political settlement based on the upcoming elections in November 2009 was found, Ferrero-Waldner was quick to embrace the agreement

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<sup>115</sup> At the 2013 *Latin America Adelante* conference in London.

(Agence Europe 2009e). Despite some on-going concerns, the EU hence slowly returned to *realpolitik* and officially resumed negotiations in early 2010, with an aim to conclude these in time for the upcoming summit.

A further stumbling block was the factor of Costa Rica, the country in the region that has been the most vocal supporter of an agreement with the EU. Being more politically stable and with a more sophisticated economy, the country continually saw itself as a case apart. Whenever negotiations were facing difficulties, it was the EU's categorical opposition to bilateral negotiations that forced the country back into line (Gutiérrez Wa-chong 2008, 2009).

Nevertheless, the agreement in itself does take stock of some of the disparities in the region, and thereby addresses some of Costa Rica's concerns. While the Association Agreement in itself was negotiated between all the partners at hand, the trade chapters are nevertheless individual parts. This is not just a means to allow for different tariff schedules, but equally a safeguard to allow for a gradual entry of force of the agreement, even when the ratification is blocked in some of the Central American countries.<sup>116</sup>

Ultimately, an alignment of interests on the EU's side, be it amongst different parts of the Commission, or amongst large member states (Trueb 2012), helped the EU to maintain its initial position throughout the negotiation process. Despite a number of external developments in this instance it was the primacy of political concerns over the situation in some of the Central American countries, and the absence of an economic incentive for bilateral negotiations that could have swayed DG Trade, that helped the EU maintain its position and not change its policy approach, as was the case in the negotiation with the Andean Community. With the positions of all relevant internal EU actors aligning and the negotiation mandate providing clear instructions for the Commission's negotiators, policy coherence was not threatened in this context. This allowed for the conclusion of a full Association Agreement with SIECA and Panama at the 2010 EU-Latin America summit, which contributed to the latter country's ultimate accession to the grouping.

At the same time, it is necessary to note that the approach of separating the trade chapter into individual country agreements allowed for sufficient flexibility for the ratification and implementation phase, thereby alleviating some concerns by DG Trade over the region's capacity to integrate, while also offering important concessions to Costa Rica.

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<sup>116</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

## **6.5 The ratification experience**

The conclusion of the Association Agreement with SIECA and of the FTA with Colombia and Peru at the EU-LAC summit in 2010 marked the end of the Commission-driven process of the negotiations. This started another stage leading to its ratification and ultimately its implementation.

While the latter phase was marked by the Commission leading an external negotiation process, aided at critical junctures by member states such as Spain, this section is concerned with the ratification stage that would see a return to internal EU bargaining, principally over the European Parliament's new powers gained with the Treaty of Lisbon. This section once more demonstrates the difficulty for the generation of coherent EU foreign policy outputs in absence of agreement amongst all the institutional actors involved in the process and amidst the complexity of the EU's decision-making system.

The Treaty of Lisbon's entry into force in 2009 has to be considered as a factor that risked putting the agreements' ratification at stake. Whereas the dynamics of negotiations for international agreements were largely limited to the coordination between different DGs of the Commission, as well as the Council, the Treaty of Lisbon renders this set-up somewhat more complex.

The most important bureaucratic change for the EU's foreign policy overall was the creation of the European External Action Service (EEAS), and its formal role in the negotiations for international agreements (Woolcock 2010, 25) (see chapter 3). This did not prove to be of any importance for the agreements in question, however, given that the remaining negotiations were largely limited to the trade realm, which remained under the auspices of the Commission's DG Trade. The focus of this section is hence the European Parliament, as well as the influence that individual member states had given that the agreements were of a mixed nature, requiring ratification by all of the EU's member states.

### **6.5.1 Dealing with the European Parliament**

The changes introduced with the Treaty of Lisbon led to an increase of the powers of the European Parliament that would radically alter its attitude towards FTA and Association Agreements. While not gaining a formal input into the formulation of negotiation briefs, the Treaty of Lisbon nevertheless provided it with information rights on the progress of negotiations not dissimilar to those of the Council, and even pure free trade agreements

without political and cooperation provisions now require the European Parliament's consent (Woolcock 2010, 23). This has the potential to influence the dynamics of the EU's future Association and trade negotiations in important ways, but ultimately did not directly create new hurdles for the negotiations at hand. This can be attributed to the fact that the existing briefs for both negotiations did not lose validity with the entry into force of the treaty, and that both negotiations were very advanced at the time.

The most important internal EU disruption for the cases here can ultimately be attributed to changes in the ratification process for the EU's Association and free trade agreements. Prior to the Treaty of Lisbon the European Parliament was only consulted for pure FTAs, and thus without decision-making power. Furthermore, the EP had no input into either the negotiation mandate or the negotiations as such, and even when its assent was required for specific international agreements it was only the very last actor to be involved, even after ratification by the EU's member state parliaments (Hillman and Kleimann 2010, 5; Woolcock 2010, 23). With the Treaty of Lisbon, the Ordinary Legislative Procedure (OLP) now applies to the EU's trade policy, increasing the power of the EP on most trade matters. This is particularly relevant as the EU has to adopt bilateral safeguards legislation before the agreement could even enter into force provisionally. This legislation sets out to define technical conditions under which the application of (trade) agreements can be temporarily suspended in case of a disruptive surge of imports. With Lisbon the passage of such legislation gives the EP equal decision-making powers to those of the Council.

When it comes to the ratification process for international agreements that Parliament already had to assent to previously, the only technical change to the EP's powers is that it can now consent to these with a simple rather than absolute majority (Woolcock 2010, 23). However, the increase in the its powers on trade matters has meant that the EP's role became more important even for agreements such as the EU-Central America Association Agreement. In any case it decided to test its increased role with regards to the ratification of the EU-Colombia-Peru FTA, hoping to set a precedent for the future. This put the Parliament at odds with the Commission, which was keen to see its successfully negotiated agreement approved.

Given the ultimately different nature of the agreements, one being for an Association and the other for free trade, Parliamentary approval procedures differed. Whereas the EP's Foreign Affairs Committee (AFET) holds primary responsibility for Association Agreements, it is the Committee on International Trade (INTA) that is

responsible for trade agreements, as well as giving an opinion on the trade parts of the Central America deal. This differentiated treatment has been pointed out as somewhat inconsequential by a professional working in the EP, given that trade was the primary concern for both of the agreements at hand.<sup>117</sup> Ultimately it contributed to the fact that only the approval of the Colombia and Peru FTA agreements was put in peril by dynamics within the EP.

Awareness of the potential difficulties that an agreement with CAN or any of its members could have in the European Parliament was apparent even while the negotiations were ongoing. In 2008 a French trade official posted to Colombia mentioned that the regional approach would most likely aid the agreement's ultimate ratification, as the European Parliament would not be able to single out Colombia from the other countries (US Embassy Colombia Bogotá 2008b). Parliamentary opposition became clearer, however, at the point in time when DG Trade had announced that negotiations had concluded in March 2010, with a number of Parliamentary groups issuing press statements that were very critical of the deal (Agence Europe 2010b).

The main division lines over this agreement can best be seen in a written question that was put to the Commission by INTA. In it, the latter entity shows its concern about the human rights situation in Colombia and Peru (Moreira, David, and Lange 2012) and INTA ultimately puts the agreement's contribution to an improvement of the situation into question. The question acknowledges the existence of a chapter in the FTA on trade and sustainable development which was meant to address these and similar issues. The main issue taken, however, is that these provisions do not fall under the dispute settlement process that apply to its trade aspect, which would ultimately allow for the suspension of the preferences granted under the agreement.

Parliament's interpretation of its new role became clear when the question was debated in a session on 22 May 2012. Bernd Lange, a German Socialist & Democrats (S&D) MEP and current head of INTA, voiced his position on parliament's duties as to the agreements as follows:

I believe that it is clear that trade is not an end in itself, but a means of improving people's living conditions. [...] Parliament is, of course, investigating very carefully, on the basis of the rights granted to it under the Treaty of Lisbon, whether this trade agreement with Colombia and Peru meets these requirements. (European Parliament 2012)

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<sup>117</sup> European Parliament official, Brussels, 18.6.2015 (Interview 14).

Ultimately the Parliamentary question and his statement call for an ‘action plan’, in the absence of which Parliament’s consent to the agreement would be at risk. In a separate statement on the question INTA’s rapporteur on the agreement, Portuguese European Peoples’ Party MEP Mário David, voiced best what was meant by this, namely

a transparent and binding road map, possibly with the support of the Commission, regarding human labour rights [sic] and sustainable development (European Parliament 2012).

In his answer, Karel de Gucht, the EU’s then Commissioner for Trade, was at pains to point out to what degree the agreement already included human rights safeguards, arguing that binding elements like a road map would only prove to be counterproductive. This is not to say that such concerns did not exist within the Commission (US Mission to the European Union 2007), but the role that a trade agreement should play was simply interpreted differently. Despite De Gucht’s aim to demonstrate that Parliament’s demands were already satisfied through the text of the agreement, the issue of the ‘roadmap’ did continue to play an important role before Parliamentary approval was reached.

The issue came about due to heavy lobbying by human rights groups and church activists who leaned on MEPs, particularly from the S&D Group, to address the issue of the respect for the rights of trade unionists in Colombia, mentioning a number of disappearances and killings (Fritz 2010, 7). Given a long-standing network of activists that observes Colombia’s human rights track record in the context of the on-going conflict, the focus was soon on this country alone. No similar and strong advocacy groups exist in the case of Peru or the Central American region. Therefore, despite similar problems in some Central American countries, the same hurdles did not occur in the context of the ratification of the Central America agreement.<sup>118</sup>

There is some evidence that the issue of the roadmap caused concern in the Commission over the agreement’s successful and speedy ratification. One NGO employee claimed that DG Trade officials were so unnerved that they told an NGO group that they had gone too far with their demands.<sup>119</sup> While the Commission treated the issue as having to be resolved largely by Colombia itself, it did nevertheless intervene when the European Parliament threatened to inject non-technical measures into the safeguards

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<sup>118</sup> European Parliament official, Brussels, 22.6.2015 (Interview 20).

<sup>119</sup> NGO official, Brussels, 23.6.2015 (Interview 23).

legislation, fearing that this could create a dangerous precedent of politicising technical aspects of trade policy.<sup>120</sup>

Ultimately, it was the Parliamentary left which called for the implementation of the roadmap, with the S&D Group finding a face-saving compromise that would allow them to back the agreement while Colombia put in place a non-binding roadmap.<sup>121</sup> An interview with an EEAS official has confirmed that since the passage of the agreement in Parliament the issue of the roadmap has furthermore not been followed up systematically<sup>122</sup>, which would confirm the hypothesis that the institutions themselves were not interested in this issue.

While the issue in question was ultimately resolved and Parliament's consent given with 72% of the votes in favour, the road to reach approval for it was still rocky and introduced delays in the ratification process. The introduction of the roadmap furthermore created a distinction between different countries in the region, despite a problematic human rights track-record in most of them.

Ultimately the case in question once more demonstrates the difficulty for coherent foreign policy outputs by the EU amidst diverging views between its key internal actors and the complexity of EU decision-making. With the EP only becoming officially involved in the last stage of the process for the EU's international agreements, its actions can threaten the EU's foreign policy coherence even when the views of all other relevant internal EU actors cohere. While the Lisbon Treaty changes should provide for more regular talks between MEPs and the EU's negotiators, the EP's consent requirement adds another stumbling block for EU foreign policy outputs to be coherent across time.

### **6.5.2 A difficult ratification process**

The European Parliament's approval of both the EU-Colombia-Peru FTA and the Central America Association Agreement allowed the national ratification process to get underway, thereby launching another time-intensive phase before either agreement can fully come into force. Most importantly, however, it also permitted the provisional application of parts of both agreements. Nevertheless, neither agreement has been ratified

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<sup>120</sup> Latin American diplomat, Brussels, 3.11.2015 (Interview 28).

<sup>121</sup> European Parliament official, Brussels, 22.6.2015 (Interview 20); European Parliament official, Brussels, 22.6.2015 (Interview 21).

<sup>122</sup> Latin American diplomat, Brussels, 3.11.2015 (Interview 28).

or fully implemented at present, once more demonstrating the complexity associated with this element of the EU's foreign policy.

While pure EU trade agreements do not require ratification domestically in every member state of the EU, this is not the case for Association Agreements as these are mixed agreements given their political parts, or FTAs which contain some political provisions or trade provisions not in the exclusive competence of the EU (as outlined in chapter 3). While the Commission argued that the EU-Colombia-Peru FTA is an exclusive EU agreement, the Council disagreed with this assessment and domestic ratification came to be necessary (Brown 2013, 173).

Once the ratification process at the EU level is finished, however, the parts exclusive to the EU's competence can provisionally enter into force beforehand. That was the case for the FTA with Colombia and Peru, and most of the trade components of the Association Agreement with SIECA, all of which entered provisionally into force in 2013. The promise of provisional application even ahead of the ultimate ratification and full implementation of an agreement can be used as an EU means of pressure on its partners. Typically, this is only granted when ratification is completed in the partner countries concerned, hence putting pressure on both the Central American states, as well as Colombia and Peru to speedily ratify the agreement. At the same time, provisional application gives the EU's member states more time to finish their domestic ratification process.

Securing provisional application was crucial for some of the partner countries in question, given that the reform of the EU's GSP scheme put the previous unilateral EU preferences under its GSP+ scheme in peril. While initially all of the countries concerned would still have benefitted from the EU's reformed GSP scheme as of 2014 (DG Trade 2012, 20), its new eligibility criteria based on World Bank development indicators were to remove Colombia and Peru from the list altogether within years. EU and member state representatives in the region then made a concerted diplomatic effort to push for fast domestic ratification. This was the case for instance in Colombia where the EU's ambassador, accompanied by those of Germany, France and Spain held a public press conference urging the country to speed up its ratification process (Buckley 2012).

While for the EU's trade policy an agreement's actual ratification and full implementation is not crucial for most of its trade benefits to accrue, the same cannot be said for some of the other provisions. Without all the EU member states' ratification of the Association Agreement the political and cooperation pillars remain formally inactive.

It is at this point of the process that the EU's institutions are weakest, having no influence over the ratification process within the member states.

Looking at the two agreements in question, a large majority of member states have ratified the agreement with Colombia and Peru, while ratification is still pending for a larger portion of EU member states in the case of the Central America Association Agreement (Council of the European Union 2016). While typically ratification is a technical if lengthy process, given the Council's previous formal approval of an agreement, the outcome of the Dutch referendum on the EU's Association Agreement with Ukraine on 6 April 2016 demonstrates that political concerns can at times hinder the implementation of the EU's policy.

It would be impossible to provide an overview here of the domestic ratification processes for both agreements in all member states. Some anecdotal evidence can, however, portray additional difficulties for the EU's foreign policy conduct. A relevant example is the case of Germany, in which the ratification of the EU-Central America Association Agreement and the FTA with Colombia and Peru was risked over domestic political concerns. While the country's representatives in the Council appear to have been somewhat interested in the follow-up of the roadmap in the latter case,<sup>123</sup> this has not led to a delay in the start of the domestic ratification process of the agreement. In fact, Germany's parliament was the first in the EU to give its approval to the deal with Colombia and Peru.

Throughout the domestic ratification process for both agreements, a large number of NGOs have nonetheless lobbied politicians to oppose these over a long list of concerns. A majority in Germany's *Bundestag*, the country's chamber of elected representatives, for both agreements could only be reached between the governing Christian Democratic and Free Democratic parties in the spring of 2013 and they were opposed by the three opposition parties represented, thereby leading to its approval by only a relatively small margin. Most relevantly the social-democratic SPD, part of the S&D Group which had approved both agreements in the European Parliament, voted against the agreements at the German level, citing human rights and procedural concerns (Bode 2013; Neuber 2012).

Had voting patterns remained the same for both agreements in the *Bundesrat*, the representation of Germany's federated states, the country would have failed to ratify both agreements. The Peru and Colombia FTA was ultimately passed in May 2013 by a majority

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<sup>123</sup> European Parliament official, Brussels, 22.6.2015 (Interview 20).

that involved SPD-governed states, leading to a headline that effectively stated that the “SPD has outvoted the SPD on free trade” (Neuber 2013, translation mine). The successful approval of the Central America Agreement was even more difficult and came down to a change of mind of two SPD-governed states at the last minute (Maier 2013), revealing a rift in the party over the agreement.

While the concerns in the German case appear to have been of a general nature, individual political aspects equally have the potential to delay the ratification process. For instance, the provisional application of the trade chapter of the Central America agreement with Costa Rica and El Salvador was delayed by Italian reservations over its capacity to sell specific protected cheese products in those countries (KAS 2015).

The ratification of the agreement has also been held up over a political issue in the case of Lithuania, which made its ratification of the agreement dependent on political demands towards Nicaragua. Lithuania informed all of the Central American representations to the EU of its intent to delay ratification of the agreement domestically until Nicaragua ceases to recognize the sovereignty of two disputed and Russian-held territories in Georgia, namely South Ossetia and Abkhazia.<sup>124</sup> While the document dates back to July 2012, just after the Association Agreement was signed in Tegucigalpa, the country has indeed not ratified it (Council of the European Union 2016).<sup>125</sup> While the seriousness of this issue is unclear, diplomats from both Central America and the Andean countries have nevertheless voiced their impatience with the EU’s slow ratification progress.<sup>126</sup>

Despite these difficulties, the provisional application of the trade part of both agreements has been an important step forward in the EU’s relationship with both partner regions. The first meetings of the joint bodies meant to administer the agreements have nonetheless shown that some difficulties remain before the implementation of the trade parts can be considered a full success.<sup>127</sup>

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<sup>124</sup> A document to this effect and dated July 2012 was seen by the author, and the country’s continued position has been confirmed in talks with a Latin American diplomat (Brussels, 3.11.2015, Interview 28). Given the past of its relationship with Russia, and its geographical position the country takes issue with a change in the status quo of territories in the post-Soviet space.

<sup>125</sup> Representatives from large EU member states who were asked about this (Brussels, 4.11.2015, Interview 29 & 30) were unaware of this on-going issue.

<sup>126</sup> Senior EEAS official, Brussels, 16.6.2015 (Interview 8); Latin American diplomat, Brussels, 3.11.2015 (Interview 27); Latin American diplomat, Brussels, 3.11.2015 (Interview 28).

<sup>127</sup> Latin American diplomat, Brussels, 3.11.2015 (Interview 27); Latin American diplomat, Brussels, 3.11.2015 (Interview 28).

The nature of the EU's ratification process for international agreements shows some of the difficulties associated with the generation of coherent EU foreign policy outputs towards both regions over time due to the complexity of the EU's decision-making system. While all actors at the EU level may share a similar assessment as to the necessity for free trade or Association Agreements at one point in time, this can be challenged during the ratification phase at the domestic level or when new national governments are elected in some of the EU's member states. The fact that a very small EU country like Lithuania which has almost no substantial ties with or interests in the Latin American region can potentially put a project like the Association Agreement with Central America on hold demonstrates the difficulty that the EU faces in ensuring the coherence of its foreign policy towards the region. Thus, the necessity for a shared assessment between all the relevant actors in the EU's foreign policy system extends to the domestic level for Association Agreements and simultaneously has a temporal dimension. Partner countries' awareness of this issue is exemplified by the impatience with the ratification process as voiced by some representatives from the region, and further puts into question the EU's capacity for policy coherence in this realm.

## **6.6 Conclusions**

This chapter has detailed two developments in the EU's foreign policy towards Latin America, one being the negotiation of an Association Agreement with SIECA, and the other the conclusion of an FTA with Colombia and Peru. The developments leading to the opening of negotiations and those with SIECA illustrate instances under which the EU was capable of producing coherent foreign policy outputs due to the absence of a divergence of interests between the relevant actors and the coordination between them. While the processes in themselves were highly complex, both negotiation outcomes can ultimately be explained through the return of diverging interests between DG RELEX and DG Trade, while they remained aligned throughout the process of negotiations with Central America.

Preparations for the Association Agreement negotiations were rendered possible by a reorganization of the European Commission with the arrival of the Barroso cabinet at the end of 2004. The autonomy of DG RELEX and that of the RELEX Commissioner Benita Ferrero-Waldner allowed for the initial thought process that would lead to the negotiations in the end. While this was initially blocked by internal Commission

divergences of view and the requirement for adoption by the College of Commissioners, a gradual alignment of DG Trade's position with that of DG RELEX meant that the Council could be asked for its approval, which was ensured through a 'permissive consensus' among the EU's member states.

The negotiation briefs then ensured that initially DG RELEX and DG Trade remained united in negotiations with the Andean Community until Bolivia's and Ecuador's threat to leave the negotiations led to a split in their assessment as to the future of negotiations. Ultimately, DG Trade, supported by the Trade Policy Committee, prevailed and negotiations continued for an FTA with only some of CAN's members. The same did not happen in the case of negotiations with SIECA, as the absence of strong economic incentives meant that the preferences of both DGs continued to align on the matter, thus leading to the successful conclusion of an Association Agreement with the organization.

The ratification phase once more demonstrates the difficulties that can arise for coherence in the EU's foreign policy outputs due to the complexity of the EU's foreign policy system. While the Treaty of Lisbon allowed the European Parliament to threaten the ratification of the EU-Colombia-Peru FTA at the EU level, the examples of Germany, Italy and Lithuania furthermore illustrate the risks to coherent foreign policy decision-making due to the necessity for domestic ratification of mixed agreements.

While ultimately both agreements were signed and are provisionally applied at present, the complexity of the EU's foreign policy decision-making process on international agreements is further illustrated by the timeline of the negotiation. With preparatory work in the Commission having begun in 2005, both agreements' ratification is still not completed in 2016.

## CHAPTER 7:

### One region, many policies: Complexity in the making

#### 7.1 Introduction

The previous chapters have focused on the evolution of the EU's ties with specific regional organizations and countries in Latin America at different points in time. This chapter takes a different approach and offers a broader perspective on the development of the EU's relations with the region in the post-Lisbon context. Whereas the negotiations featured previously were representative of the most important developments in the EU's relations with the region, such priorities have been largely absent since the end of negotiations with Central America and for the EU-Colombia-Peru FTA, which coincided with the entry into force of the Treaty of Lisbon.

Instead, since then developments in the EU's relations with Latin America have appeared to lack a guiding framework, with EU foreign policy outputs toward the region differing radically with regards to the different partners in the region. This can mainly be attributed to changes in the EU's institutional set-up since Lisbon, which have once more disrupted established coordination mechanisms through the set-up of the EEAS, and contributed to a divergence of views among different internal EU actors. Whereas the Treaty of Lisbon was meant to help overcome coordination problems in the EU's foreign policy apparatus, the effect on the EU's Latin America policy has, to the contrary, rendered the formulation of coherent foreign policy outputs more difficult at least in the first half-decade of this newly created institution.

Substantive developments in the EU's Latin America policy have been limited so far to the negotiation of Ecuador's accession to the EU's existing FTA with Colombia and Peru, despite a continued rhetoric of regionalism support in the Andean region and negotiations for a political agreement with Cuba amidst continued criticism of the country's political system. Instead of a coordinated and coherent foreign policy, however, the negotiations with Ecuador represent foreign policy activity that was largely limited to the realm of the EU's trade policy only, while leaving aside political or development policy considerations. Ultimately, this development was only rendered possible by processes internal to the EU's trade policy system that enabled DG Trade to act in an autonomous manner. Given the continued existence of the previous mandate for negotiations with the Andean Community, DG Trade was able to exert pressure on Ecuador to return to the negotiation table that it had abandoned in 2008.

The EU's agreement with Cuba, in turn, shirks trade elements for the most part while re-establishing political and development ties with the country. This can largely be attributed to the autonomy and advocacy of the newly created EEAS. Rather than reacting to external developments in Cuba that would have changed the conditions underlying the EU's previous Cuba policy, in line with the hypothesis based on rational decision-making, this change of foreign policy was ultimately rendered possible by a disappearance of diverging views on the EU's Cuba policy over time, as member state preferences in the Council slowly shifted, thus enabling the EEAS to develop a new Cuba policy.

Similarly, the EEAS has shown a keen interest in negotiating upgrades of the existing Association Agreements with both Mexico and Chile, a process which has for now been hampered by the differing position of DG Trade, providing further proof of a lack of horizontal policy coherence in the post-Lisbon period. This picture is further exacerbated by some smaller changes in the EU's Latin America policy, most of which also lacked in horizontal policy coherence.

Through an exploration of these developments in the EU's Latin America policy, this chapter provides the strongest evidence for the validity of the hypotheses based on the divergence of interests between different actors in the EU's foreign policy system and the influence of their decision-making autonomy on the coherence of the EU's foreign policy outputs. Given that the EU's over-arching rhetoric of regionalism support had largely disappeared after the negotiations with the Andean Community and Central America, and due to the fact that the EU's ties with Ecuador and Cuba were limited prior to the negotiations discussed here, there is less evidence in support of the hypothesis based on policy inertia. In any case, this chapter provides almost no support for the hypothesis based on rational decision-making. While a number of external developments provided incentives for the EU to develop its Latin America policy further, there was no over-arching internal consideration of these which would allow for it to be valid in this context.

In order to underline the importance of the changes to the EU's foreign policy system introduced with the Treaty of Lisbon, the chapter begins with a brief section discussing their relevance for the EU's Latin America policy since then, thus expanding on the considerations from Chapter 3. In the following section, the chapter then explores the negotiation process for Ecuador's accession to the existing EU-Colombia-Peru FTA, as well as those with Cuba. The remainder of the chapter is then devoted to exploring other developments in EU-Latin American relations since the entry into force of the

Treaty of Lisbon, which further underline the lack of horizontal policy coherence in the EU's Latin America policy, and how this has been influenced by bureaucratic politics.

## **7.2 EU foreign policy decision-making in the post-Lisbon context**

As discussed in Chapter 3 the entry into force of the Treaty of Lisbon initiated important changes to the functioning of the EU's foreign policy apparatus, exceeding the usual portfolio changes within the Commission. Through the creation of the EEAS the institutional set-up of the Commission has been radically altered in an attempt to streamline the underlying foreign affairs bureaucracy. Nonetheless, when considering the EU's foreign policy towards Latin America, this new system appears to have had the opposite effect—at the least in the first half decade of its existence.

While just prior to the entry into force of the Treaty of Lisbon Commission portfolios dealing with different aspects of the EU's Latin America policy were already divided along policy lines, the creation of the EEAS has seen DG RELEX and the responsible Commissioner moved out of the Commission's bureaucracy entirely. DG RELEX staff has now integrated into the new service, thus institutionally separating the political aspects of the EU's relations with the region from the Commission's trade and development policy in particular. While many of the former DG RELEX staff have remained in place, the hybrid nature of the new service has meant that many member state diplomats have joined the ranks, often taking up positions with important responsibilities.<sup>128</sup> According to some of the interviews conducted, this hybridization and politicization of the Commission's former foreign policy bureaucracy has contributed to a lack of trust between officials based in the EEAS and the Commission (and particularly DG Trade), which negatively influences the coordination of policy-making between the different institutional actors involved.<sup>129</sup> While it has been pointed out that issues of distrust and competition are not entirely novel, as similar internal divergences have existed within the Commission in the past and continue to persist to this day, the creation of the EEAS has created additional hurdles for successful cooperation across the now fully independent bureaucracies.<sup>130</sup>

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<sup>128</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>129</sup> EU Trade official, Brussels, 18.6.2015 (Interview 12); EEAS officials, Brussels, 16.6.2015 (Interview 8).

<sup>130</sup> Member state diplomats, Brussels, 4.11.2015 (Interview 30).

Similarly, while the EEAS has been a keen advocate of underscoring the EU's international presence through the negotiation of further EU agreements in the region or the upgrade of existing ones—supported by a widespread consensus amongst member states on the necessity to continue with free trade negotiations in the region<sup>131</sup>— DG Trade has shown itself to be much more reluctant. This is due to the fact that the latter institution is lacking the necessary human resources to undertake a large number of parallel FTA negotiations at any given point in time.<sup>132</sup> Negotiating further agreements in Latin America would thus divert from its own priorities focused on finalizing the EU-Canada trade negotiations (CETA) and those with the United States (TTIP).

While interviewees have pointed out that, despite the above problems, regular coordination meetings take place between the different institutions and DGs involved in policy-making toward individual regions and countries, these have been rendered more difficult by the fact that equivalent positions cannot always be found in the parallel hierarchies, or that currently geographical responsibilities often overlap, rendering coordination even more difficult.<sup>133</sup>

While some officials blamed these problems on the set-up of the EEAS as a hybrid between the Commission and Council, they nonetheless believed that over time the political nature of the entity would allow the EU to show more policy initiative once all coordination problems are resolved.<sup>134</sup> It was also pointed out in the same interview that the new structure of the EU's delegations under the leadership of the EEAS have already helped to facilitate cooperation amongst the different administrative entities in Brussels given the integration of decision-making hierarchies within the delegations themselves.<sup>135</sup>

Another often-cited problem in the initial period of the EEAS had more to do with the personalities involved, rather than the nature of the institution in itself. The appointment of Catherine Ashton as the first High Representative in the post-Lisbon period has been seen as particularly problematic for the EU's Latin America policy in terms of providing leadership that could enable foreign policy change, as well as for policy coordination attempts overall.

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<sup>131</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9).

<sup>132</sup> *Ibid.*

<sup>133</sup> EEAS officials, Brussels, 16.6.2015 (Interview 8); EEAS official, 23.6.2015 (Interview 22).

<sup>134</sup> EEAS officials, Brussels, 16.6.2015 (Interview 8).

<sup>135</sup> *Ibid.*

Interviewees have pointed out on a number of occasions that Ashton's interpretation of her role being closely linked to the Council increased distrust of her within the Commission bureaucracy.<sup>136</sup> This has only started to change under the tenure of the new HRVP Federica Mogherini since 2014, who has relocated her offices to the Commission building, and revived the institution of the Group of External Relations Commissioners which now meets at least on a monthly basis.<sup>137</sup> While the change is too new for any effect to be seen on the strength of coordination mechanisms in the EU's Latin America policy that could reduce individual actors' autonomy, the move in itself indicates a return to the functioning of policy coordination with the Commission in the period prior to Lisbon.

Similarly, officials have pointed out that Catherine Ashton lacked interest in the Latin American region, all while introducing difficult administrative changes in the EEAS Latin America unit under the 2013 EEAS review.<sup>138</sup> While not explicitly addressed in the document (EEAS 2013), the geographical desks for EU-Latin American relations were nonetheless redrawn in the wake of the review, creating a new South America division (out of two previous ones), as well as merging two other divisions into a single one for Mexico, Central America and the Caribbean.<sup>139</sup> Considering policy proposals that have come out of the EEAS, interviewees have claimed that these were the sole result of officials responsible for the region, rather than through top-down political guidance.<sup>140</sup> Once more, officials have only started to see renewed political guidance on policy towards the region since Federica Mogherini has entered office.<sup>141</sup>

While no interviewee directly pointed to this, the creation of the EEAS has led to similar divisions of competencies within the Council's working parties and committees with the rotating presidency losing the chairmanship for a majority of the foreign affairs working groups to the EEAS, with some remaining with the Council presidency. The Working Party on Latin America and the Caribbean (COLAC) changed chairmanship, but this was not the case for the senior level Working Party of Foreign Relations Counsellors (RELEX), or the Trade Policy Committee (TPC) (General Secretariat of the Council 2016). This could contribute to a lack of coordinated agenda-setting between

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<sup>136</sup> Senior EEAS official, Brussels, 18.6.2015 (Interview 13); Member state diplomat, Brussels, 4.11.2015 (Interview 29).

<sup>137</sup> EEAS officials, Brussels, 16.6.2015 (Interview 8).

<sup>138</sup> *Ibid.*

<sup>139</sup> *Ibid.*

<sup>140</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

<sup>141</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29); Latin American diplomats, Brussels, 16.6.2015 (Interview 7).

these different bodies, particularly when cross-cutting issues such as negotiations for Association Agreements are concerned, and thus increasing each actor's autonomy in decision-making processes further.

Lastly, while the powers of the European Parliament on foreign policy issues have remained largely untouched, its increased role in the EU's trade policy has led to a reorganization of its International Trade Committee (INTA), which has set up permanent country expert groups to deal with the increased workload after Lisbon. Given that the small number of MEPs involved in these receive regular updates from DG Trade, one interviewee believed that this represented an attempt to render specific trade policy discussions less public against the spirit of the Treaty of Lisbon.<sup>142</sup>

Overall, Lisbon has created some room for diverging views between the European Commission and the newly created EEAS. The disentanglement of the Commission's external relations policy from the remaining trade and development policy competencies have weakened coordination mechanisms between these different policy perspectives, which could thus negatively impact on the EU's horizontal policy coherence by increasing individual actor's autonomy in the policy process. The political vision of the EEAS also contrasts with the more technical perspective of the Commission, increasing the likelihood that both institutions will assess priorities for the EU's Latin America policy differently. How these changes have played out in the evolution of the EU's Latin America policy since the Treaty of Lisbon is elaborated on below.

### **7.3 The EU-Ecuador FTA**

Negotiations for Ecuador's accession to the existing FTA with Colombia and Peru represent an important development in the EU's Latin America policy given the previous limitation of negotiations to some of the Andean Community countries only (see Chapter 6). The internal EU decision-making processes underlying this development show that this was possible primarily due to the policy autonomy of DG Trade in the post-Lisbon context and the continued validity of the previous mandate for negotiations with CAN. DG Trade could thus simply take the initiative for renewed negotiations with the country without having to take stock of the actions and opinions of other internal Commission actors and the EEAS. This precluded the possibility for the EU's policy output towards Ecuador and the remainder of the Andean region to be coherent in its narrative and

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<sup>142</sup> Member of the European Parliament, Brussels, 17.6.2015 (Interview 10).

horizontally, as it is the EEAS that is now responsible for political ties with the region and the overall rhetoric of the EU's External Affairs communications.

While Ecuador had initially left negotiations for the EU-Andean Community Association Agreement shortly after Bolivia, EU-Ecuador negotiations were relaunched in 2013 on the country's accession to the now concluded FTA with both Colombia and Peru. Ultimately these negotiations were concluded quickly by 17 July 2014 (European Commission 2014b), indicating a pace of negotiations that was remarkably faster than that of other normally very lengthy FTA negotiations.

However, Ecuador's willingness to return to the negotiation table cannot be considered an external development in its own right that could have altered the EU's cost-benefit analysis for reopening negotiations by the country. To the contrary, Ecuador's willingness to negotiate with the EU was mainly induced by changes made to the EU's trade regime in itself, rather than a change of heart by the country's government. A reform of the EU's Generalised System of Preferences (GSP) had previously changed the list of countries eligible for it, with Ecuador risking to lose its access by January 2015.

The last major political declaration on the EU's ties with the Andean region goes back to the immediate aftermath of the Lisbon-induced changes, a point in time when the EEAS was not yet fully operational. At the last meeting of the European Union-Andean Community Joint Committee which still operated under the original 1996 agreement—given that its successor has not been ratified to this date—the EU's rhetorical commitment to the Andean integration process remained strong. The document accompanying the meeting stated that:

The European Union underlined that it did not renounce the reopening of negotiations for an Association Agreement when [political] conditions would allow for it to occur. It is and will continue to be its political priority in the Andean region to aim for a profound relaunch of region-to-region relations without exceptions and without a weakening of the Andean integration process. (translation mine, Comisión mixta Comunidad Andina - Unión Europea 2010, 5).

However, since then public declarations on the EU's (political) ties with the region have been remarkably absent, and no further meetings between the EU and Andean Community's institutions have taken place with the exception of a meeting of a structured High Level Dialogue on Drugs matters in 2012 (EU-CAN High Level Meeting on Drugs 2012). Similarly, the EEAS has not been active in developing its bilateral ties with Ecuador since then, resembling the exclusion of matters of political dialogue from the bilateral negotiations with Peru and Colombia.

DG Trade on the other hand used its policy autonomy post Lisbon and the leverage created through Ecuador's looming exit from GSP to relaunch negotiations with the country. The country had been a constant beneficiary of the GSP over time, and originally still stood to benefit under reforms that came into force at the beginning of 2014 (DG Trade 2012). As one out of only 10 countries it even gained immediate access to a specific scheme entitled GSP+, offering even more beneficial unilateral market access by the EU given the country's signature of certain human rights-related international treaties and conventions (European Commission 2014a).

For Ecuador this access to the EU's market is highly relevant economically, as in 2014 the EU was the country's second most important recipient for its goods exports, only after the United States. These amounted to a total value of 2.2 billion euros in 2014, mainly in the agricultural realm, with the country additionally exporting services to the amount of 400 million euros (DG Trade 2015). These exports were facilitated in large parts through the country's access to the European market under GSP conditions. This status meant that in 2013 the country's exports to the EU were taxed at 253 million dollars only, as opposed to 606 million in absence of GSP and GSP+ (Enríquez 2014b).

Despite the lack of a Free Trade Agreement with the EU, Ecuador hence benefitted significantly from preferential access to the EU's market under this scheme, without having to reciprocally open up its own. This relative comfort of being able to trade with the EU added an important economic element to the country's reluctance to continue to negotiate with the EU in 2008. Ecuador's comfortable situation was due to change, however, as the country had been classified as an upper-middle income country by the World Bank in 2011, 2012 and 2013. This meant that under the EU's technical GSP rules it would lose eligibility to both schemes one year later, on 1 January 2015 (European Commission 2013a). This immediately put a large amount of Ecuador's exports to the EU at threat and risked having a severe impact on the country's economy.

The problem was exacerbated by the provisional application of the EU's FTA with Peru and Colombia as of March and August of 2013 respectively. Additionally, the trade chapter of the EU's agreement with Central America provisionally entered into force for its member countries throughout 2013. This meant that these countries, which share partially similar (agricultural) export patterns to the EU, would not only continue to be able to export to the European market at GSP rates, but at even lower tariffs for some kinds of exports.

As one interviewee noted, Ecuador was facing not one, but two interrelated problems at the same time: On the one hand the country was under threat of losing both its GSP and GSP+ preferences without any viable alternative in sight, putting a large part of the country's external trade with the EU at risk, hence potentially having a significantly negative economic impact on the country as a whole.<sup>143</sup> Secondly, the imminent provisional entry into force of the EU's FTA with Colombia and Peru created a risk of trade diversion away from Ecuador. This was mainly due to the similar nature of exports from those countries to the European market. For Ecuador, the desire to negotiate with the EU at this point appears clear.

DG Trade was aware that from an economic standpoint the country had little choice but to entertain negotiations that would allow it to secure its exports to the EU were it not to suffer serious economic problems in the short term. When the decision was made to negotiate an FTA with willing members of the Andean Community only in 2008, the possibility was left for either Bolivia or Ecuador to join the process later on. This was further emphasized in the actual FTA between the EU and Colombia and Peru, which recognizes the right of the other Andean countries to join it and specifically mentions the importance of the Andean Community integration process in its article 10 (see Official Journal of the European Union 2012). This meant that DG Trade could rely on a pre-existing mandate, only now with a significantly improved negotiation position towards Ecuador given the GSP cut-off date and due to the fact that the country would join an existing FTA, rather than partake in the negotiations for the substance of the latter.

This is particularly relevant as the size of the Ecuadorean market is insignificant for the EU, and given that unlike Colombia and Peru the country had not concluded or planned to conclude an FTA with the United States. Fears of losing market access to the latter thus could not have provided an external incentive for the EU to change its cost-benefit analysis and to invest human resources in the conclusion of the agreement.

The institutional position of DG Trade in the post-Lisbon framework was also particularly beneficial. While the EEAS holds the overall authority over Association Agreements, this is not the case for pure FTAs as the existing one with Colombia and Peru. Furthermore, given that the EEAS lacked clear political priorities towards the Andean region, it initially welcomed any renewed EU activity towards Ecuador.<sup>144</sup> Given that under the new development cooperation funding period starting in 2014 funding

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<sup>143</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

<sup>144</sup> Senior EEAS official, Brussels, 18.6.2015 (Interview 13).

allocated to the region would shrink significantly and exclude direct cooperation with the Andean Community's institutions,<sup>145</sup> DG Trade's activity could not directly clash with that of DG DEVCO either. Lastly, DG Trade did not have to return to talks with the Council for a new mandate given that the old one was still valid and member states, led by Spain, favoured the conclusion of new EU FTAs in the region.<sup>146</sup> Overall, this political vacuum significantly reduced the necessity for DG Trade to resort to internal policy coordination, increased its policy autonomy and thus reduced its overall workload required for an agreement that was to bring only little economic benefit otherwise.

The negotiation process in itself would also be relatively straightforward for DG Trade. Article 329 of the existing EU-Colombia-Peru FTA outlines a process under which the remaining Andean countries can join the existing agreement (see Official Journal of the European Union 2012). These provisions foresee that it is the EU's sole responsibility to undertake such negotiations, which are limited by treaty to technical elements such as tariff schedules. Only once such negotiations have concluded do these need to be approved by representatives from all of the FTA's members in its dedicated trade committee.

Whereas Ecuador would have been able to shape the trade agreement in itself had it remained part of the initial negotiations, the possibilities to alter the existing agreement were hence much more constrained once the country decided to negotiate its accession to the previous deal. Given that Ecuador's eventual accession to the FTA with Colombia and Peru would only involve relatively minor changes, the workload for the EU's added benefit of gaining market access in Ecuador was similarly reduced, thus outweighing staffing concerns that have hindered trade negotiations with other countries in Latin America since the entry into force of the Treaty of Lisbon.

Due to the above factors it is unsurprising that DG Trade showed leadership on the issue, driving the process forward at a remarkable pace and by making use of all the trade policy tools at its disposal. The first element to consider is Ecuador's loss of GSP preferences. While the criteria used to determine GSP eligibility under the EU's reformed scheme outlined above are seemingly objective at first glance, a look at the debates that took place when the reform was being decided on in 2011 and 2012 reveals that there was some controversy related to these. A usual row over offering market access to former colonies of some EU member states aside, it was the usage of the World Bank

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<sup>145</sup> DG DEVCO officials, Brussels, 24.6.2015 (Interview 24).

<sup>146</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9).

classification that came under some scrutiny. A working document for the European Parliament's Committee on International Trade acknowledges some of the objectivity problems related to the World Bank's classification, while equally pointing out that for cases where the EU is aiming for a Free Trade Agreements with countries about to lose access to GSP "this proposal could of course lead to increased leverage for the EU in these negotiations" (Fjellner 2011, 3).

That the GSP reform was used as a means of pressure by the Commission even before it was adopted can be seen when looking at a number of leaked diplomatic cables from Ecuador's embassy to the EU from 2011 and 2012. On 22 November 2011 the Ecuadorean Vice-Foreign Minister for Commercial Affairs Francisco Rivadeneira was informed of the EU's intent to reform its GSP and GSP+ schemes by DG Trade official Peter Thompson, revealing that if the reform went ahead as planned, Ecuador would lose its preferential access to the EU's market. Given the general nature of the proposed criteria to determine GSP status, the same official equally pointed out that chances of gaining an exception were rather slim and that the country should hence aim for a speedy accession to the existing FTA with Colombia and Peru (Yépez Lasso 2011a). This take-it-or-leave-it offer was immediately accompanied by the potential of a figurative carrot, namely the possible extension of GSP preferences once an agreement had been signed so that no gap would emerge between the country's loss of GSP status and its accession to the existing FTA. This offer was made despite the fact that member states did not want to formally politicize the GSP process by introducing exceptions and thus potentially violating WTO provisions.<sup>147</sup>

The definitive nature of the EU's offer could be seen in a number of meetings between Ecuador's ambassador to the EU and a variety of EU officials on the matter. While the Commission officials in question showed different levels of understanding for Ecuador's position, they nevertheless all emphasized that Ecuador had only the chance of joining the existing FTA, or risk losing preferential access to the European market altogether (Yépez Lasso 2011b). Given the previous failure to conclude an agreement with the EU, some officials also insisted that a formal relaunch of negotiations would have to be preceded by a declaration from Ecuador's president Correa stating his favourable position towards their speedy conclusion (Yépez Lasso 2012c).

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<sup>147</sup> Former EU official, Brussels, 19.6.2015 (Interview 17); Member state diplomat, Brussels, 22.6.2015 (Interview 19).

When asked about the rather strong position of the EU on the matter, several DG Trade officials interviewed for this project related to me that the end of Ecuador's GSP status was merely coincidental.<sup>148</sup> However, they equally acknowledged that the country's loss of GSP preference proved to be the perfect opportunity to invite the country back to the negotiation table.<sup>149</sup>

At first Ecuador seems to have used a two-tier strategy in reaction to these revelations. While undertaking preliminary talks with the EU that could eventually lead to the relaunch of negotiations, Ecuador's diplomatic representatives seem to have also aimed to lobby EU member states and the European Parliament so as to introduce a possibility for middle-income economies (such as Ecuador) to continue benefitting from GSP+ if they kept fulfilling all political conditions beyond the initial deadline (Yépez Lasso 2012b). Given that this proved to be unsuccessful in the end, the country was left with little choice but to join the negotiations or lose preferential access to the European market.

In the words of Ecuador's ambassador to the EU at the time, Fernando Yépez Lasso,

the possibility of our country's exclusion from GSP+ is an element of pressure by the European Commission and certain business interests for Ecuador to join the FTA that the EU has concluded with Colombia and Peru as our only alternative to avoid a loss of market access and the eventual economic, commercial and social repercussions. (translation mine, Yépez Lasso 2011a, 4)

While possibly exaggerating as to the intentionality and the political component of DG Trade's move, his assessment nonetheless accurately described the country's options ahead of its scheduled exclusion from GSP+ at the end of 2014.

The limited nature of Ecuador's influence over the agreement it would eventually join can be seen in the negotiation phase. As already mentioned, the official phase of negotiations was very speedy, which can be explained in part by time playing to the Commission's hand as Ecuador was facing the deadline of losing GSP preferences as of the end of December 2014, but also by the limited number of adjustments that the EU was willing and able to offer to Ecuador. Ultimately, substantial negotiations were limited to tariff schedules and lines (Enríquez 2014a, 2014c) rather than substantial changes to the nature of the agreement.

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<sup>148</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>149</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

This relatively harsh negotiation outcome was nevertheless flanked by the prospect of significant benefits that the country would receive in case of agreeing to accede to the existing agreement, as already mentioned, when changes to the GSP system were first discussed. By continuing to offer a piece of bridging legislation that would provide provisional GSP-like market access until the FTA could enter into force, the economic shock that the country would have faced on 1 January 2015 would not have to occur.

However, the EU's conditions to discuss such a bridging measure were clear from the outset and dependent on the country's signature and ratification process of its accession to the FTA, as can be seen in some of the leaked diplomatic cables (Yépez Lasso 2011a, 2012a) or in public declarations from EU diplomats in Quito, who were keen to stress that measures to prevent the country's loss of GSP status would be studied once the negotiations had concluded (Enríquez 2014c).

The proposal for the bridging legislation, while unique, was not a completely novel idea. Its political significance should nevertheless not be underestimated. While the European Parliament's Committee on International Trade floated the idea of an automatic extension of GSP preferences in case of a concluded but not yet applied FTA at the time the GSP reform was debated (Fjellner 2012, 9), this did not find its way into the final piece of legislation. Furthermore, the end of negotiations by July 2014 only meant that any possible bridging legislation would have to pass through the EU's legislative process more rapidly than is the norm, so that it could apply from January 2015 onwards. Ultimately the legislative act was introduced by the Commission at the beginning of October, with the votes taking place in the Council and Parliament on the same day in mid-December, leaving less than two and a half months for the proposal to pass through the EU's legislative process.

It was only at this point in time that DG Trade had to rely on cooperation from the other EU institutions on the matter, as it had to receive the approval of both the Council and the European Parliament for the agreement to pass. Nonetheless, given its negotiation success with Ecuador this had only little influence on the likelihood of the EU's approval for the agreement.

So as not to ease pressure on ratification by Ecuador, the proposal for the bridging legislation ultimately continued to contain a mix of figurative carrots and sticks. While offering Ecuador the much-needed GSP+ extension, it made the country's continued eligibility dependent on—amongst other things— “Ecuador conducting

continuous efforts to sign and ratify the Protocol of Accession [to the FTA]” (European Union 2014), thus introducing conditionality, in addition to a maximum timeframe of application of 2 years.

Despite the fact that it was ultimately passed, the proposal for the bridging legislation—rather than the FTA overall—was not without problems. On the one hand, some feared that this would create a precedent that would hollow out the technical nature of the EU’s GSP scheme, while running counter to the EU’s WTO obligations.<sup>150</sup> On the other hand, some MEPs feared a loss of influence given that the Commission alone would determine whether to suspend the preferences,<sup>151</sup> and that the bridging legislation could lead to a problem where different Andean countries were treated differently, possibly weakening the EU’s human rights conditionality.<sup>152</sup> The existence of a tension over the problematic nature of the EU’s use of its trade position for its own benefit equally became clear in Parliament, where the legislative proposal’s rapporteur, Helmut Scholz from the GUE/NGL Group, mentioned the dilemma that Ecuador was finding itself in, even anticipating some of the upheaval in Ecuadorean civil society on the agreement that would take place over the course of 2015 (European Parliament 2014). In any case, an interviewee reported heavy Ecuadorean lobbying ahead of the relevant legislative decisions. This was not only limited to Ecuador’s diplomatic representation but also done through larger pro-trade networks.<sup>153</sup> Ultimately the bridging legislation passed the EU’s legislative process in time, and Ecuador’s GSP+ preferences were upheld beyond the 2015 cut-off date.

At this point other Commission DGs also became involved in the process. Shortly after the conclusion of negotiations, the EU’s Commissioner for Development Andris Piebalgs visited the region and announced that Ecuador would continue to benefit from further EU development funding between 2014 and 2017 to the amount of 67 million euros (European Commission 2014d) to prepare the country for its FTA accession, and despite the EU’s overall move to end bilateral cooperation along the lines that the country received previously. Rather than shifting its development funding towards the country in close cooperation with DG Trade’s priorities, however, DG

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<sup>150</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9). The legality of GSP schemes depends in large parts on the objective nature of the criteria used to determine eligibility.

<sup>151</sup> This was agreed to despite the European Parliament’s legal services questioning the legality of such a formulation.

<sup>152</sup> The concern was primarily related to the fact that the EP had insisted on creating a human rights “road map” in the case of Colombia, but not in the case of Ecuador.

<sup>153</sup> European Parliament official, Brussels, 24.6.2015 (Interview 25).

DEVCO officials have pointed out that this occurred independently in line with its own analysis of the needs of the country.<sup>154</sup> This mirrors similar adjustments of the EU's development cooperation funding in the context of the EU's FTA negotiations with Colombia and Peru. Nonetheless, the interview with DG DEVCO officials revealed the autonomy of Commission DGs in the aftermath of the Treaty of Lisbon, as DG Trade had not extensively consulted with DG DEVCO officials on the progress of FTA negotiations, nor did DG DEVCO officials want to involve DG Trade in the decision to alter the allocation of its development cooperation funding.

Ultimately DG Trade has made significant use of its trade policy instruments to influence Ecuador through a strategy of figurative carrots and sticks into its accession to the existing FTA with Colombia and Peru. While it would have been unlikely for the EU to show any interest in the country's loss of GSP and GSP+ status after the cut-off in absence of previous FTA negotiations with the country, the precedent gave DG Trade the necessary opportunity to add one more of the Andean Community countries to an existing trade agreement—hence ironically the possibility of getting closer to the initial aim of reaching a deal with all of the Andean Community's countries.

Nonetheless, that this negotiation process was ultimately steered by DG Trade only demonstrates some of the weaknesses of the EU's foreign policy decision-making system in the post-Lisbon period. Given that the negotiations with the country coincided with a lack of political priorities for the region in the EEAS alongside the beginning of a new development cooperation funding period, this lack of internal policy coordination was less visible than it could have otherwise been. In that light DG DEVCO's adjustment of the development cooperation money earmarked for Ecuador only appears to be the result of internal policy coordination, but was in reality done independently from DG Trade's negotiations.

Thus the example of negotiations for Ecuador's accession to the existing EU-Colombia-Peru FTA shows that the Treaty of Lisbon has once more disrupted established coordination mechanisms in the EU's foreign policy and increased the autonomy of individual actors, while simultaneously increasing the potential for diverging views between them. These insights from the perspective of bureaucratic politics are rendered even more relevant as in this instance no compelling argument can be made as to the validity of the hypothesis based on rational decision-making. After all, external

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<sup>154</sup> DG DEVCO officials, Brussels, 24.6.2015 (Interview 24).

(economic) factors that could have provided an incentive for the reopening of negotiations with the country were absent in this instance.

#### **7.4 EU-Cuba negotiations**

The recently concluded negotiations for a Political Dialogue and Cooperation Agreement (PDCA) with Cuba, which began in 2014, are perhaps even a more relevant development in the EU's Latin America policy than the negotiations with Ecuador. Once more, rather than representing a rational EU response to specific (external) developments, however, this is an example where the EU's policy has clearly been altered due to bureaucratic politics. Rather than the result of changes to the functioning of the EU's foreign policy decision-making system in itself, as could be observed for most of the foreign policy changes under consideration in this thesis, the negotiations with the country were rendered possible by gradually changing opinions within the Council, thus leading to shared assessments as to the best approach towards Cuba among key actors in the EU's foreign policy system.

While the altered positions of many member states enabled the EU's foreign policy change to get underway, the negotiation process in itself represents an instance during which the autonomy of the EEAS, rather than that of DG Trade, has played a key role. In this case, given that the negotiations were largely limited to the political realm, the EEAS did not need to resort to extensive coordination with the European Commission, thus making a possible divergence of views by DG Trade or DG DEVCO largely irrelevant.

Cuba has been a political outlier in Latin America and consequently from the EU's policy towards the region for a long time. While part of the EU's designation of the Africa, Caribbean and Pacific Groups of States (ACP), the Spanish-speaking island is neither a signatory of the Cotonou Agreement or an Economic Partnership Agreement (EPA) with the EU. Nor has it seen a return of democracy or significant economic growth as experienced elsewhere, having been continually ruled by the Castro family ever since the Cuban Revolution of 1959.

As a consequence of the island's special status the EU decided in 1996 on a Common Position with regards to Cuba, on a Spanish initiative. The document makes the intensification of the EU's and member state ties with the island dependent on its progress towards democracy and the rule of law (Council of the European Union 1996a).

While relations with Cuba evolved slowly based on this consensus between 1996 and 2003 (Hare 2008, 2–5), including the opening of a Commission delegation in the country, this would soon change. In 2003 Fidel Castro set in motion a crackdown against opposition leaders, and the EU in a review of its Common Position reacted by limiting political contacts with the country (Hare 2008, 5–8). Castro in turn retaliated by unilaterally rejecting EU development cooperation funding.<sup>155</sup>

The 2003 decision was once more taken upon an initiative from Spain under its conservative prime minister José María Aznar, though supported by other countries favouring a hard line towards Cuba, and particularly the Central and Eastern European states that would accede to the EU in 2004. The position of Spain changed slowly after the social democrat José Luis Rodríguez Zapatero became the country's prime minister in 2004. Nonetheless the opposition of some hardliners, such as the Czech Republic (being suspicious of any government declaring itself to be Communist) meant that the EU could not agree on attenuating its position towards the country having realized that the 2003 position was not showing any effects. Instead, “the EU's desire for a common position dominated the debate more than events in Cuba itself.” (US Embassy Czech Republic Prague 2005) This, taken together with the fact that the Czech Republic regularly leaked details of internal discussions to the United States (US Embassy Czech Republic Prague 2005, 2008) meant that any coherent EU policy output toward the country would be very hard to achieve given this lack of vertical policy coherence.

This problem of vertical policy coherence increased over time as more and more member states unhappy about the impossibility of altering the Common Position at the EU level, due to the requirement for unanimity, resorted to altering their national foreign policies towards the country independently. By 2013, when negotiations were officially suggested by the EEAS, 16 of the EU's then 27 member states had established structured bilateral relations with the country (European Commission 2013b, 3). By 2007 Spain became increasingly vocal about its desire to alter or abandon the Common Position—a move which was enthusiastically supported by the EU's Development Policy Commissioner Louis Michel later on—thus favouring a policy of engagement, and set up its own bilateral ties with the country (Hare 2008, 2–5). Gradually Eastern European states also changed their position towards the country, with first timid Czech-Cuban meetings

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<sup>155</sup> Internal Council CFSP document dated June 2008.

taking place in 2008.<sup>156</sup> Since then the Czech Republic has become a strong supporter of a policy of engagement.<sup>157</sup>

This slow shift of member states' positions could also be seen in the evolution of the annual review of the Common Position and the actions by the Union's institutions. Already in 2007 first meetings at the ministerial level occurred between EU and Cuban officials.<sup>158</sup> After the Common Position's 2008 review and a visit by Louis Michel to the island the EU's resumed its development cooperation.<sup>159</sup> By 2009 internal Council discussions were largely limited to debates over the language to use in the annual review of the Common Position while there was a general agreement that EU engagement with the island should continue despite ongoing concerns as to the state of human rights, the rule of law, freedom and democracy in the country.<sup>160</sup> Paul Hare, a former British ambassador to Cuba, sees 2008 as the year in which EU-Cuban relations returned to business as usual (Hare 2008, 1). Nonetheless, the prospect of concluding an agreement with the country was still not yet on the horizon.

By 2010 the positions of the member states had converged so far that the HRVP was invited to develop proposals as to how to structure EU-Cuban relations going forward, with the EEAS recommending the opening of negotiations for the future PDCA by 2012 (European Commission 2013b, 3). The 2010 policy change was made possible in part by Spain holding the rotating Council presidency in the first half of that year and being the host of the 2010 Madrid EU-Latin America and the Caribbean summit.<sup>161</sup> Where the idea for an EU-Cuba agreement originated is unclear, but an official interviewed stressed that, given the underlying shift of member state positions, the idea developed within the EEAS bureaucracy despite a lack of political guidance from the HRVP herself.<sup>162</sup>

In any case by 2013 a recommendation was made to the Council to grant a negotiation mandate, outlining the rationale to do so as follows:

The proposed EU-Republic of Cuba Political Dialogue and Cooperation Agreement aims at codifying, in a bilateral framework, the existing political, cooperation and trade relations between the two sides. It should create a coherent, legally binding overall framework for the EU's relations with the Republic of Cuba. (European Commission 2013b, 3)

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<sup>156</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>157</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

<sup>158</sup> Internal Council CFSP document dated June 2008.

<sup>159</sup> Internal Council CFSP document dated April 2009.

<sup>160</sup> Internal Council CFSP document dated June 2009.

<sup>161</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

<sup>162</sup> Senior EEAS official, Brussels, 18.6.2015 (Interview 13).

Rather than proposing a radically novel approach towards the country, the aim that was stated internally was to formalize existing relations, and thus prioritize political over trade concerns. The negotiation mandate agreed by the Foreign Affairs Council on 10 February 2014 (Council of the European Union 2014, 2) provides for a central role of the HRVP, with the Working Group for Latin American and the Caribbean Affairs (COLAC) overseeing the process in the Council, though assisted by the Trade Policy Committee for the limited number of trade issues. The preponderance of political concerns is also evidenced by the fact that the European Parliament's Committee for International Trade (INTA) has not been kept informed about the progress of negotiations<sup>163</sup>, which would have been necessary otherwise.

While policy coordination with DG Trade was not necessary in this instance, the EEAS' activity on renewing political dialogue with the country through the agreement was accompanied by an increased allocation of development cooperation funding. The 2014-2020 financial framework sets aside 86 million euros for the country. This linkage with the EU's development policy was possible given the timeline of the current financial framework and the EEAS' role in shaping the overall allocation of the EU's development cooperation funding under it (European Commission 2014c). Nonetheless, how the coordination between the EEAS with the activity of DG DEVCO will influence the EU's development assistance towards the country under the complex set-up governing the implementation of EU development projects in the aftermath of the Treaty of Lisbon (see Chapter 3) still remains to be seen.

With negotiations having finished in March 2016, the process coincided with a period of normalizing Cuban-United States relations. It is important to note though, that the European Union began the process well ahead of any change of US policy towards the country, and that while the processes have occurred somewhat in parallel, there is limited evidence for one influencing the other. If anything, the EU has become more vocal about its negotiations since the historic handshake between Barack Obama and Raúl Castro.<sup>164</sup> Lastly, it should be cautioned that the conclusion of negotiations is not the end of the process, as the agreement still awaits ratification, which may prove to be somewhat challenging in the European Parliament given that Cuba has still made no significant progress towards democracy.<sup>165</sup>

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<sup>163</sup> European Parliament official, Brussels, 18.6.2015 (Interview 14).

<sup>164</sup> European Parliament official, Brussels, 24.6.2015 (Interview 25).

<sup>165</sup> *Ibid.*

To conclude this section, the requirement for unanimous decision-making in the realm of the CFSP meant that the EU could not change its foreign policy at the EU-level, thus precluding the risk of a horizontally incoherent Cuba policy for a long time. Nonetheless, this led to a considerable vertical incoherence in the EU's Cuba policy as the impossibility to alter the Common Position made it difficult for the EU to shift towards a policy of engagement, and incentivised member states to alter their Cuba policy bilaterally. Only once member state positions started to align could the EEAS become active and launch the initiative for the PDCA. Rather than representing a horizontally coherent policy change, however, the political nature of the agreement meant that the EEAS was autonomous in its actions and very little coordination had to occur with DG Trade. On the other hand, the EEAS' role in the EU's development policy meant that it could set aside funding for the country in the EU's 2014-2020 financial framework. The promise of these bureaucratic explanations of the EU's Cuba policy contrast with the analytical lens based on rational decision-making, as very little has changed in Cuba and given that the developments described here occurred independently of the United States' efforts to normalize its relations with the country.

### **7.5 Latin America policy amidst institutional divisions**

The pattern of horizontal policy incoherence in the EU's foreign policy outputs towards Latin America explored above can also be seen in the evolution of the EU's ties with the remainder of the region. It is here that the division between the EEAS and the Commission, particularly in the guise of DG Trade, has come to be particularly pronounced.

Not only do these institutions diverge considerably in their assessment of how the EU's Latin America policy should evolve, but the lack of functioning coordination mechanisms between them has meant that both were autonomous in the generation of foreign policy outputs in their respective policy areas. This can be seen, in particular, when considering the willingness of Chile and Mexico to upgrade their existing treaties with the EU to modernize both the FTA components and the political chapters.

### 7.5.1 Upgrading existing Association Agreements

While the entire Latin American region is still not covered either through EU Association Agreements or free trade agreements, Mexico and Chile, the two countries with whom the EU signed the first AAs in 1997 and 2002 respectively, have repeatedly voiced their desire to upgrade their existing agreements to further liberalize bilateral trade and continue to develop the political components of the agreements. The EU has signalled its formal interest in doing so on the occasion of both the 2013 EU-Latin America summit in Chile and at the 2015 Brussels summit, but so far no progress has been made in either negotiation. While the EEAS has been a keen promoter of these upgrades, DG Trade has remained more reluctant with regards to the negotiations, and particularly the suggested timeframes, leading to a constellation in which the most relevant institutional actors diverge in their assessment of the issue at hand.

Discussions on upgrading the existing agreement with Mexico date back to 2008,<sup>166</sup> when the country was declared a ‘strategic partner’ of the EU. Nonetheless, it would take almost five years before this goal was made official. The Santiago Declaration of the EU-Latin America summit of 2013 states that Mexico and the EU have reached an

agreement to explore the options for a comprehensive update of the Economic Partnership, Political Coordination and Cooperation Agreement (Council of the European Union 2013, 6)

This was rendered more precise at the summit two years later: The Joint Statement of the EU-Mexico summit that was held in the margins of the 2015 EU-Latin America summit in Brussels acknowledges the necessity and willingness of both sides to upgrade the existing Global Agreement. Nonetheless, the language chosen is revealing as to underlying political difficulties, as both sides only agreed to “a willingness to launch, in 2015, the process of starting negotiations [...] to modernise our Global Agreement and to reinforce our Strategic Partnership” (EU-Mexico Summit 2015, 1), rather than deciding on an actual timeframe for negotiations. The first round of negotiations for the upgrade then took place in June 2016, though no matters of substance were discussed (EEAS 2016).

This slow pace is reflective of important internal EU differences as to the speed with which this process should go forward. While the EEAS holds the overall control of the upgrade process, the most significant changes would occur in the realm of trade relations only. Given its current focus on TTIP negotiations and its on-going lack of

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<sup>166</sup> DG Trade official, Brussels, 18.6.2015 (Interview 12).

resources,<sup>167</sup> DG Trade officials are reluctant to speed through a process that will require detailed technical work. Given the different priorities of both institutions this can explain why EEAS officials have pushed for a swift overhaul to please the Mexican side, while DG Trade has been more cautious.<sup>168</sup>

Underlying these institutional tensions are continued demands by the Mexican side to swiftly upgrade the agreement, which are supported by a coalition of member states led by Spain. Others, however, share DG Trade's specific concerns about the necessity for a detailed scoping as to the likely effects of changes to the agreements, and more generally the effects on EU trade policy prioritisation amidst limited resources for negotiations.<sup>169</sup> These differences of opinion have hindered the progression of the process, despite interviewees repeatedly mentioning the desire of both Mexico and the EEAS to press ahead. A Mexican official interviewed for this thesis voiced concerns that from the country's perspective it was incredibly difficult to identify the correct counterpart in the EU's institutions for different kinds of discussions, citing frustration that the EU would not move forward in renegotiating its ties with its "closest partner in the region despite repeated assurances by the EEAS".<sup>170</sup> Similarly, a Spanish official was concerned that relations with the country would deteriorate if no progress was achieved soon.<sup>171</sup>

Overall there is thus considerable disagreement between the EEAS, which holds the overall responsibility for the modernization of the Association Agreement, and DG Trade, despite the fact that EEAS officials have recognized the resource constraints of the former institution.<sup>172</sup> This is particularly problematic as the changes required to the political chapters of the agreement would be minimal while Mexico-EU trade negotiations would bind a significant amount of DG Trade's resources at a time when a number of other important trade agreements are under negotiation.<sup>173</sup>

The case for an upgrade of the EU's Association Agreement with Chile is largely similar, with the country having lobbied the EU ever since the 2013 EU-Latin America summit in the country, which recognized that talks had taken place "to explore the options to modernise the Association Agreement after 10 years of Association" (Council

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<sup>167</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9).

<sup>168</sup> EEAS officials, Brussels, 16.6.2016 (Interview 8).

<sup>169</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9).

<sup>170</sup> Latin American diplomat, Brussels, 2.11.2015 (Interview 26).

<sup>171</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

<sup>172</sup> EEAS officials, Brussels, 16.6.2016 (Interview 8).

<sup>173</sup> DG Trade official, Brussels, 18.6.2015 (Interview 12).

of the European Union 2013, 6). While the 2015 EU-Mexico summit was clear in that the existing agreement would be upgraded despite the lack of a timeline, the language adopted at the Brussels summit for the modernization of the Chile agreement was also more cautious, stating that both sides

agree to move forward in the process towards the modernisation of the bilateral Association Agreement through the establishment of a Joint Working Group (EU-CELAC Summit 2015, 17)

While Chile is pro-FTA leaning and is a member of the Pacific Alliance and the Trans-Pacific Partnership Agreement (TPP), which should make the country an obvious choice for upgrade, the same DG Trade resource constraints remain,<sup>174</sup> while the EEAS part of the negotiations (it is once more the lead institution overall) is significantly easier.<sup>175</sup> Thus, much as could be observed in the case of Mexico, there are significant disagreements between both the EEAS and DG Trade as to the timeline of negotiations.

While the new October 2015 EU trade strategy ‘Trade for all’ published by DG Trade specifically acknowledges the necessity to upgrade the Mexico and Chile agreements along the lines of CETA and what is being discussed in the context of TTIP, and to strive for a conclusion of negotiations with Mercosur (European Commission 2015, 33), no timeline is offered here either. Rather, the document simply states that a scoping exercise would have to be completed before any further steps can be taken by DG Trade.

The case of upgrading the EU’s existing Association Agreements reveals the difficulty of the new set-up of the EU’s foreign policy decision-making system in the post-Lisbon context. While the EEAS was created to eliminate coordination problems and provide political leadership on the EU’s foreign policy, which should in theory increase its capacity to generate coherent foreign policy outputs towards the region, this has so far not proven to be the case. Instead, the division of competencies that formerly used to be housed in the Commission have led to distrust between the newly independent institutions and considerable divergences of opinion on the matters at hand. Furthermore, the disruption of coordination mechanisms caused by the Treaty of Lisbon has meant that both could nonetheless act autonomously, with the EEAS making promises towards Mexico that DG Trade then did not recognize as its own. This in turn has created horizontal incoherence in the EU’s foreign policy outputs towards Mexico and Chile and considerable frustration among the EU’s negotiation partners.

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<sup>174</sup> European Parliament official, Brussels, 18.6.2015 (Interview 14).

<sup>175</sup> Member state diplomat, Brussels, 4.11.2015 (Interview 29).

### 7.5.2 Incremental changes

In absence of clear political leadership or advocates within the European Union for the evolution of its ties with the Latin American region in the aftermath of the Treaty of Lisbon, other developments have appeared more haphazard, and once more driven by largely autonomous actors within the EU's foreign policy decision-making system. Given the parallel disruption of policy coordination mechanisms this has led to further instances in which EU foreign policy output towards the region has been horizontally incoherent.

At the level of region-to-region ties, the preparation for the biannual interregional summits is now a responsibility of the EEAS and the ultimate agenda-setting capacity has moved away from the rotating presidency of the Council,<sup>176</sup> thus theoretically allowing for long-term guidance on what should be discussed at these high-level fora. The Lisbon change has also allowed for the 2014-2020 Multiannual Indicative Regional Programme for Latin America to be developed jointly between the EEAS and DG DEVCO. Under this new guidance the previous programmes targeted at regional organizations have disappeared and were replaced with region-wide ones (DG Development and Cooperation 2014). The general nature of the document leaves much room for divergences of view between both actors in the implementation phase, as the competencies of both in the EU's development policy overlap in important ways.

Another important development for the EU's ties with Latin America as a whole is the set-up of the European Union-Latin America and Caribbean Foundation (EULAC), a relatively small institution designed to facilitate thinking on the evolution of ties between both regions. The process for the setup of the foundation was started in the pre-Lisbon period almost as an afterthought at the EU-LAC Lima summit in 2008<sup>177</sup> and as the result of a thought process between the attending French, German and Spanish heads of state and government.<sup>178</sup> In consequence the summit's conclusion stated that:

We [The heads of state of both the EU and Latin America and the Caribbean] have decided to consider the creation of an EU-LAC Foundation conceived as a trigger for debate on common strategies and actions aimed at strengthening our bi-regional partnership as well as enhancing its visibility. (Council of the European Union 2008, 14)

The language used closely modelled that found for the EU's ties with the Mediterranean region, in itself a project supported by Nicolas Sarkozy, the French

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<sup>176</sup> Senior EEAS official, Brussels, 18.6.2016 (Interview 13).

<sup>177</sup> Former EU official, Brussels, 19.6.2015 (Interview 17).

<sup>178</sup> Former Commission official, Hamburg, 27.4.2015 (Interview 2)

president from 2007 to 2012. The decision to establish the foundation was then taken at the 2010 EU-LAC Madrid summit (Council of the European Union 2010b, 9), once more as a low priority item, as discussions on this did not even feature in documents by Spain's rotating presidency which outlined proposed priorities for the summit's agenda.<sup>179</sup> The language in the summit's declaration was sufficiently vague and specifically made further Senior Official Meetings (SOMs) responsible for the details, which were led by the EEAS on the EU's side,<sup>180</sup> while the preparatory work prior to the Treaty of Lisbon had been the responsibility of the Commission.<sup>181</sup>

While the foundation was provisionally set up in Hamburg in November 2011, making former RELEX Commissioner Benita Ferrero-Waldner the founding president,<sup>182</sup> its set-up was marred by funding issues and disagreements as to the underlying statute and overall political ownership of the institution.<sup>183</sup> This was reflected in the status of its relations with the EU's institutions. While the EEAS was meant to provide political guidance for the institution, a large part of its funding was, at one point, administered through DG DEVCO, creating important problems of oversight<sup>184</sup> and further demonstrating the autonomy of individual institutional actors in the EU's decision-making system since Lisbon.

While the provisional status of the institution as a non-profit foundation under German law was meant to be changed to that of an independent international organization, jointly owned by the EU, its member states and the Latin American states, this process led by the EEAS has proven to be similarly slow. While a treaty that would establish the foundation as such was signed at 2015 EU-LAC summit in Brussels,<sup>185</sup> little progress on this has been made since due to disagreements between the parties involved. From the Latin American side the EEAS has been criticised to this end, as its stated goals appear to have frequently changed, including after already having come to a formal agreement<sup>186</sup>, pointing to problems of policy coordination within the EEAS.

Taking stock of developments in the EU's relations with regional organizations, negotiations with Mercosur were officially relaunched in 2010, coinciding with the EU-Latin America Madrid summit of that year (Council of the European Union 2010b, 7),

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<sup>179</sup> Internal Council CFSP document dated 2009.

<sup>180</sup> Internal Council CFSP document dated January 2011.

<sup>181</sup> Internal Council CFSP document dated November 2009.

<sup>182</sup> Internal Council CFSP document dated November 2011.

<sup>183</sup> Latin American diplomat, Brussels, 2.11.2015 (Interview 26).

<sup>184</sup> Former Commission official, Hamburg, 27.4.2015 (Interview 2).

<sup>185</sup> *Ibid.*

<sup>186</sup> Latin American diplomat, Brussels, 2.11.2015 (Interview 26).

largely as a result of governmental insistence to provide a new and (largely) symbolic impetus to the process. Since then a similar split between the EEAS' role in negotiating the political elements of the agreement and the trade component has occurred. While the negotiation rounds since then have largely dealt with the cooperation and political dialogue dimensions of the proposed Association Agreement, trade offers were only exchanged in May 2016 (DG Trade 2016). While this time around member state disagreement on trade offers is much less pronounced, the long duration until the beginning of the trade component of the negotiations is probably down to internal Mercosur differences which have left DG Trade with little enthusiasm for the process.<sup>187</sup>

The EU under the new system has also so far struggled to react to new political developments in the region, such as the Pacific Alliance.<sup>188</sup> The informality of links between the countries who are members of this institution and the lack of central institutions have made it distinct from other integration mechanisms in the region and that of the EU itself, rendering it more difficult to develop interregional political links.<sup>189</sup> Membership of the organisation is based on free trade between its members and with other important economies such as the EU. Despite this, it was a high level EEAS official who represented the EU at its 2015 summit in Paracas, Peru, not a DG Trade official.<sup>190</sup>

Lastly, a number of developments have occurred in the realm of the EU's bilateral relations with the region, all of which were limited to a single policy area and occurred without the necessity for policy coordination under the current set-up of the EU's foreign policy decision-making system. One example for the developments in this realm is that Colombia has recently been added to the list of countries which do not require Schengen visas. Against the established procedure under which the Commission proposes changes to said list, this change got underway due to Spanish lobbying and without the involvement of the EEAS, with DG HOME being responsible for the bulk of the talks with Colombia.<sup>191</sup> Two Latin American countries, Chile and Colombia have also signed Framework Participation Agreements to be able to take part in the EU's CSDP under a process involving exclusively the EEAS and the EU's member states,<sup>192</sup> and thus side-lining other issues in the relationship with the countries, such as the upcoming

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<sup>187</sup> Member state diplomat, Brussels, 17.6.2015 (Interview 9).

<sup>188</sup> An informal intergovernmental organization based on free trade between its members. Currently it is composed of Chile, Colombia, Peru and Mexico.

<sup>189</sup> Senior EEAS official, Brussels, 18.6.2016 (Interview 13).

<sup>190</sup> Commission officials, Brussels, 24.6.2016 (Interview 24).

<sup>191</sup> EEAS official, Brussels, 23.6.2016 (Interview 22).

<sup>192</sup> *Ibid.*

upgrade of the EU-Chile Association Agreement or the initial implementation phase of the EU-Colombia-Peru FTA.

Outside of the above-mentioned negotiations with Cuba, Ecuador, and the stalled ones with Chile and Mexico the EU's ties with the Latin American region since the entry into force of the Treaty of Lisbon have been shaped by foreign policy outputs that are limited to individual policy areas, be it in the interregional or bilateral realm. Once more this can be attributed to the autonomy of individual actors amidst a lack of functioning coordination mechanisms in the post-Lisbon context. While this does not necessarily indicate that the institutional actors who have not been involved in individual decisions taken would have held a different view, opportunities were nonetheless lost to combine elements from different policy areas with broader political goals under the guidance of the EEAS.

## **7.6 Conclusion**

Despite the stated aim of the Treaty of Lisbon to increase foreign policy coordination in the European Union, the institutional change to the EU's foreign policy established with it have led to a situation in which the potential for the generation of incoherent foreign policy outputs towards Latin America has increased. Considering the most important developments in EU-Latin American relations since Lisbon, a lack of horizontal policy coherence becomes apparent.

While previously an incoherence between the EU's rhetoric of regionalism support and the conclusion of international agreements could be observed, this rhetoric has largely disappeared in the post-Lisbon period. Thus, despite the fact that the EU's Latin America policy since then has been largely limited to negotiations with individual countries, rather than subregional organizations, this has not been a source for the incoherence of the EU's policy outputs at this point in time.

There was always some compelling evidence for the validity of the hypothesis based on rational decision-making in previous chapters. However, the developments discussed here cannot be understood without the perspective of bureaucratic politics. It is particularly the autonomy of two institutional actors, the EEAS and DG Trade, and the divergence of views between them, that can help us understand the developments that have led to the accession of Ecuador to the existing FTA between the EU, Colombia and Peru, the PDCA with Cuba, and the lack of progress in the upgrade process of the

Association Agreements with Chile and Mexico. The possibility for both actors to take largely independent decisions in the relations with these countries was made possible largely due to the disruption of existing coordination mechanisms through the Treaty of Lisbon and given that the system in itself was rendered even more complex than was previously the case.

## CHAPTER 8:

### Conclusion

#### 8.1 A recapitulation of the research framework

The initial motivation for this thesis was the fact that the EU's policy towards Latin America, originally based on the pursuit of interregional ties and the conclusion of international agreements that would link all of the EU's policy areas relevant for the region in a comprehensive framework, appeared to gradually become more incoherent over time and across policy areas. This was despite various reforms to the EU's foreign policy system aimed at increasing the coherence of its foreign policy outputs. The term policy coherence was defined in this context as the horizontal, vertical, external, narrative and strategic consistency of the EU's foreign policy outputs towards the region. The main research question driving this thesis was thus how one could explain the emergence of the EU's foreign policy incoherence towards the region despite the establishment of numerous mechanisms aimed at the contrary.

To respond to this research question two distinct analytical lenses on the origins of the EU's foreign policy incoherence towards Latin America were developed, based on literature from the field of Foreign Policy Analysis. The first one, entitled 'rational incoherence', considered whether the incoherence of the EU's foreign policy outputs towards the region is in reality based on the EU's rational decision-making, given a change of mainly external conditions that would require it to change its policy towards the region. This contrasted with a perspective based on scholarship arguing that one needs to consider factors of bureaucratic politics instead (Hypothesis 2), as was initially suggested by Graham Allison and Morton Halperin (1972) for the foreign policy of sovereign states.

This broad analytical lens was then further specified in distinct sub-hypotheses based on more specific literature dealing with bureaucratic politics and decision-making mechanisms in the EU. In turn, four distinct yet partially interrelated elements of bureaucratic politics were considered: firstly, the EU's capacity for generating foreign policy outputs based on rational decision-making may be hampered by policy inertia, which could make it difficult for the EU to adapt its policy towards third actors given established policy principles and programmes that are hard to alter in the short term, or the change of which would mean that previously spent resources would essentially be lost (Hypothesis 2a).

A second element considered was the potential for diverging interests between the different actors involved in the EU's foreign policy-making to influence the coherence of the EU's foreign policy outputs negatively. It was hypothesized that the importance of this factor is related to elements such as an overlap of competence between different institutional actors and the salience of any given issue (Hypothesis 2b).

A third factor considered was the autonomy of individual actors within the EU's foreign policy system to generate policy outputs without consultation or coordination with others. It was hypothesized that the absence of strong formal requirements for coordination at given points in time, and the disruption to established informal and ad-hoc coordination mechanisms caused by the almost continual reform of the EU's foreign policy system since the Treaty of Maastricht, would negatively influence the EU's capacity to generate coherent foreign policy outputs (Hypothesis 2c) and especially where the positions of different institutional actors diverge significantly.

The last factor considered was the complexity of the EU's foreign policy system itself, involving a large number of actors with varying roles at different times of the decision-making process. It was hypothesized that the continued underlying presence of the EU's former pillar structure, as outlined by Michael Smith (2012), has negatively impacted the EU's capacity to formulate a coherent foreign policy towards Latin America across these boundaries. Furthermore, the mere long duration of foreign policy decision-making processes in the EU, and particularly when it comes to the conclusion of international agreements may generate incoherence in and of itself given the possibility that internal EU actors change their positions on a given issue across time (Hypothesis 2d), contributing to a divergence of views between them.

The two broad hypotheses and the interlinked sub-hypotheses were considered in the empirical chapters of this thesis, which were organized chronologically, thus following the EU's different negotiations for international agreements with Latin American regional organizations and countries over time. This allowed causal pathways to be uncovered, relevant both for commenting on the validity of Hypothesis 1, which required a change of (external) conditions to impact on the EU's cost-benefit analysis of its Latin America policy, and that of Hypothesis 2, which considered the impact of intervening variables on internal EU foreign policy decision-making processes.

## **8.2 The main findings**

This thesis' primary empirical findings related to the research framework are two-fold: Firstly, the empirical chapters detailed that the EU's foreign policy incoherence towards the region was not limited to the examples that drove the elaboration of the initial research puzzle. Secondly, the empirical analysis revealed that neither the first nor the second analytical lens can be supported or refuted in its entirety, instead revealing a more complex picture of the determinants of EU foreign policy incoherence.

In addition to the EU's foreign policy incoherence resulting from the divergence of its Latin America policy from the stated aim of promoting interregionalism and concluding comprehensive Association Agreements in the region, and the incoherence of its policies towards the Andean region outlined in the introduction, each chapter has unearthed some incoherent aspects of the EU's foreign policy towards the region. In the first empirical chapter, a lack of horizontal and strategic policy coherence was observed in the case of negotiations with Mercosur and Mexico. While the Commissioner responsible for relations with Latin America at the time aimed to conclude an Association Agreement, including a free trade agreement, with the regional organization already during the 1990s, the concerns of some member states meant that the agreement reached in the end was much more limited in scope. This contrasted with the EU's Latin America strategies adopted a few years prior. Similarly, while the aim was to reach a comprehensive Association Agreement in the case of Mexico from the outset, ultimately its FTA provisions were only concluded later on.

In the chapter detailing the EU's negotiations with Mercosur and Chile, strategic and horizontal policy incoherence could once more be observed in addition to an incoherence of the EU's narrative. While the initial stated aims of the negotiations were to foster Mercosur-Chile integration, and to put the EU's interregionalism strategy into practice, the negotiation outcomes did not fit this overall strategy or the continued rhetoric of regionalism support. Additionally, different aspects of the EU's policies influencing the region did not match horizontally, as the EU's agricultural, trade and development policy outputs were in contrast to one another.

The next chapter then discussed the observed policy incoherence of the EU towards CAN and Central America that formed the basis for the elaboration of the puzzle of this thesis in more detail. Once more, strategic, narrative and horizontal policy incoherence could be observed. This is primarily due to the negotiation outcome in the Andean case not fitting with the EU's unaltered Latin America strategy or the rhetoric

surrounding its relations with the region. Secondly, the continuation of development cooperation projects based on the assumption that the Andean Community would be strengthened through the EU's Association Agreement negotiations even after these had failed provides important evidence for the EU's horizontal policy incoherence.

The final empirical chapter then provided further evidence for a lack of horizontal policy coherence in the aftermath of the Treaty of Lisbon, as the activities of the EEAS and those of DG Trade did not always match each other. However, by the time period considered in this chapter, an over-arching EU Latin America strategy had disappeared and the rhetoric surrounding its policy towards the region no longer emphasized regionalism support, thus removing the risk of strategic or narrative incoherence in this case.

Considering evidence supporting the differing hypotheses as to the origin of the EU's policy incoherence towards Latin America, the overall picture that has emerged is somewhat complex. While the first hypothesis of rational incoherence cannot be refuted entirely and has some promise for explaining specific aspects of the EU's emerging policy incoherence towards Latin America—as is explored below—ultimately bureaucratic factors have to be considered as well.

When looking at the evidence supporting Hypothesis 1, Chapter 4 provides strong evidence that the development of the EU's initial interregional approach towards the region in the aftermath of the Treaty of Maastricht was based on rational decision-making. Looking at external drivers for the EU's foreign policy, the economic growth rates in the region, the return to political stability and democratic governance, and the renewed focus on regional integration in Latin America all played directly into the EU's considerations to develop its Latin America policy as outlined in the Basic Document of 1994, and the Commission's Latin America strategy of 1995. In addition to those factors internal to the region, the United States' Latin American policy needs to be considered as well. Both the project for a Free Trade Area of the Americas and the negotiations for the North American Free Trade Area contributed to the EU's resolution to alter its policy towards the region. Economic considerations related to the latter in particular can explain why Mexico was the first country to benefit from Association Agreement negotiations with the EU. Lastly, the context of the Treaty of Maastricht provided an important backdrop for the EU to develop new foreign policy initiatives, such as the one related to increasing its ties with Latin America. Nonetheless, the coherent development of this

policy cannot be explored entirely without taking additional bureaucratic factors into consideration, as is elaborated on below.

Chapter 5 also offers mixed evidence as to the validity of this hypothesis. While negotiating with Mercosur was a rational next choice for putting the EU's Latin America strategy into practice, given the organization's economic weight in the region, the ultimate failure of negotiations appears to have been based primarily on particular sectoral interests, rather than those of the EU as a whole. The initial parallel negotiations with Chile were a rational choice at the time given the belief that the country would ultimately join Mercosur. The decision to continue negotiating with the country despite the difficulties in the Mercosur process can then also be explained through a cost-benefit analysis based on the external factor of the United States' efforts to conclude an FTA with Chile, and the fact that the latter's accession to Mercosur had come to be increasingly unlikely. In short, while it is true that a consideration of policy inertia, as suggested by María García (2011), can contribute to our understanding of the EU-Chile negotiation process, this is not incompatible with an assumption of rational decision-making.

The developments elaborated on in Chapter 6 offer strong evidence for the EU's increasing foreign policy incoherence towards the region. In consequence, this is where the assumption of rational incoherence can be best applied, and in this instance there is little evidence supporting its validity. Already the decision to open negotiations with the Andean Community and Central America, while compatible with the goal of interregional ties, was hampered by bureaucratic processes internal to the EU (see below). Most importantly, however, the decision to shift to bilateral negotiations with some of CAN's states while upholding the EU's rhetoric of regionalism support and an aligned development policy cannot be explained through rational decision-making. While the increasing political divergence within CAN and the United States' efforts to negotiate bilateral FTAs with Colombia and Peru provided important external factors that could alter the EU's cost-benefit analysis, these factors were also present in the Central American case. Additionally, there is little evidence that the decision to shift to bilateral trade negotiations considered additional political or development factors, or led to a change in the EU's development funding to the region in the short to medium term.

The final empirical chapter, detailing the evolution of the EU's ties with Latin America since the entry into force of the Treaty of Lisbon offers the strongest evidence against the validity of the hypothesis based on rational incoherence. Instead of reacting coherently to factors that would warrant an alteration in its policy, the negotiations with

Ecuador and Cuba show that DG Trade and the EEAS reacted separately to external factors in their respective policy areas, and there is very little evidence that the remainder of the EU's policy towards those actors has been reconsidered in light of those negotiations. A similar pattern can be observed when considering the renegotiation processes with Mexico and Chile, where the differing positions of the EEAS and DG Trade have led to policy incoherence towards the countries in question.

Overall, while the hypothesis that the EU's Latin America policy is based on 'rational incoherence' cannot be refuted in its entirety, its validity is limited across time and negotiation processes concerned, with the last chapters demonstrating that bureaucratic politics have come to shape the EU's Latin America policy more and more over time. The influence of the different factors of bureaucratic politics considered here has not been consistent over time either, with each contributing a partial explanation for parts of the EU's policy incoherence towards the region at different points in time.

When it comes to the hypothesis based on the EU's policy inertia, there is almost no evidence for it having played a role in the initial development of the EU's one-size fits all approach after the Treaty of Maastricht. This is due to the fact that the EU's Latin America policy until then had been extremely limited, and the treaty provided an opportunity for an important relaunch of the EU's foreign policy—in line with a relatively streamlined decision-making system for the EU's ties with Latin America (Hypothesis 2c). This picture changes somewhat when considering the EU's negotiations with Mercosur and Chile. On the one hand, even after Mercosur negotiations had failed in all respects, considerations related to sunk costs and the established principle of regionalism support led to these being merely suspended (for a very long period of time) and not aborted entirely. On the other hand, while the EU's continued negotiations with Chile fit the perspective of a rational reorientation of the EU's policy towards the country, aspects of policy inertia have certainly also played a role, as was suggested by María García (2011).

The chapter focused on the negotiations with CAN and Central America then provides perhaps the strongest evidence for policy inertia. The beginning of negotiations with both regions cannot be imagined without the lock-in from the EU's rhetoric based on regionalism support, and specifically language promising such negotiations from previous talks with both regional organizations and their member states. The importance of this goal then contributes additionally to the exploration as to why the EU's rhetoric and development policy haven't changed even after switching to bilateral trade negotiations in the Andean case. In contrast, only some evidence for the validity of this

hypothesis can be found in the last empirical chapter, as by then the EU's rhetoric of regionalism support had largely disappeared and the EU only committed indirectly to the renegotiation of the Association Agreements with Mexico and Chile since 2013.

In contrast to the mixed explanatory value of the EU's policy inertia, the importance of diverging interests could be seen in all empirical chapters to a certain extent. While the formulation of the EU's one-size fits all policy does represent a rational decision given a number of external and internal EU factors, this would not have been possible without the relatively low salience of the EU's Latin America policy for most of the EU's member states and a significant number of the Commission's Directorates-General at the time. Only when it came to putting the thus-defined EU's Latin America strategy into practice did diverging interests come to negatively influence the coherence of the policy process. The concerns of the EU's Agriculture Commissioner and numerous member state agriculture ministers then influenced Manuel Marín's suggestion for free trade negotiations with Mercosur as a first step to putting the EU's Latin America policy into practice, with agricultural considerations ultimately leading to the limited nature of the 1995 EU-Mercosur Framework Agreement. Similar internal disagreements also put the FTA component of the EU's Global Agreement with Mexico into jeopardy, leading to the conclusion of different components of the agreement in 1997 and 1999 respectively. When considering the process for Association Agreement negotiations with Mercosur later on the presence of diverging interests, and particularly between institutional actors representing agricultural, trade, political and development elements of the EU's external relations, becomes even more relevant in explaining the ultimate failure of the negotiations.

Similarly, the chapters focusing on negotiations with the Andean Community and Central America provide evidence that diverging interests of different parts of the EU's foreign policy bureaucracy influenced the process. The relative lack of economic importance of the Central American region contributed to an alignment of interests between DG Trade and DG RELEX in particular, as the former believed that individual agreements with the countries in the region would not be viable. A consideration of the negotiation process with the Andean Community, however, shows an important divergence between DG Trade and the member states on the one hand (due to the United States' free trade strategy), and other internal Commission actors on the other. Without a consideration of these diverging interests it would be difficult to explain why the negotiations were altered in the one but not the other case. Lastly, the negotiations with

Cuba and Ecuador, and the process for the upgrade of negotiations with Mexico and Chile, show that interests between important institutional actors continued to diverge further in the aftermath of the Treaty of Lisbon, and between DG Trade and the EEAS, in particular. This was aided by an increased complexity of the EU's foreign policy system at that point in time (Hypothesis 2d).

Most of the influence of the diverging interests of different internal EU actors on the EU's policy coherence can be explained by individual actors' autonomy in the EU's policy process. With functioning coordination requirements and mechanisms, the impact of these diverging positions on the EU's foreign policy coherence would likely have remained limited overall. This factor could be seen at play in all of the empirical chapters. Beginning with the first chapter, the isolated work of Commissioner Marín and his supporting DG allowed for a formulation of the EU's 'one-size fits all' approach in the first place, accompanied by work to reallocate parts of the EU's development cooperation funding towards the region. While the initial process leading to negotiations with Mercosur and Chile demonstrated that at times the autonomy of specific parts of the Commission's bureaucracy were limited, the ultimate failure of negotiations with Mercosur then showed that it was the autonomy of the EU's trade negotiators, the Commission's Agriculture DG, and the supporting Council bodies that can partially explain the failure of the negotiations against the preferences of other parts of the Commission and Council. The following chapter then demonstrated the importance of this sub-hypothesis, particularly when considering that the EU's development policy did not match the evolution of its negotiations with CAN, given that the goal of regionalism support was upheld even after the interregional framework had been abandoned in the negotiations. The final and chronologically most recent empirical chapter contains the strongest proof of the relevance of this hypothesis. In the post-Lisbon context, the autonomy of individual actors in the EU's foreign policy decision-making system appears to have increased, as DG Trade was able to bring Ecuador into the existing FTA with Colombia and Peru, and the EEAS negotiated the PDCA with Cuba largely without taking trade considerations into account. The same pattern could be observed in the case of the upgrade of the agreements with Mexico and Chile, where the EEAS promised and lobbied for a speedy start to the process, but DG Trade was able to nonetheless put the effort on hold.

Lastly, there is also some evidence for the complexity of the EU's foreign policy decision-making system having played a role in and of itself. Throughout the thesis the

requirement to involve a large number of actors in the decision-making process has increased the length of time until the EU could enter into negotiations, and the duration of the negotiations themselves as well as the ensuing ratification processes. Taking the example of negotiations with Mercosur, the complexity of the decision-making system has not only delayed the start of Association Agreement negotiations, but also required different parts of an agreement to be negotiated once a deadline had passed. Similarly, the requirement for member states to ratify most international agreements of the EU has contributed to its foreign policy incoherence towards the region. For instance, while the EU's move to bilateral FTA negotiations in the case of CAN was meant to be flanked by the ratification of a previous Political Dialogue and Cooperation Agreement, the lack of national ratification in some of the EU's member states has held up this process. Similarly, the ratification of the Association Agreement with Central America was put in jeopardy by the concerns of one of the EU's smallest member states. Lastly, the increased complexity of the EU's foreign policy after the Treaty of Lisbon enabled diverging positions between different actors to play an important role in the trajectory of the EU's Latin America policy since then.

To summarize the evidence supporting or weakening the differing hypotheses, this thesis has shown that while an analytical lens based on rational decision-making has some merit in exploring the emergence of the EU's foreign policy (in)coherence towards Latin America, a consideration of bureaucratic politics nonetheless offers a more complex and accurate picture. In consequence, it is impossible to consider that the EU's incoherent policy towards the region is based on strategic concerns and a cost-benefit analysis, but rather represents the result of an EU foreign policy process that is influenced by the structure and functioning of the underlying bureaucracy.

### **8.3 Relevance of the findings**

This thesis' findings resonate with the existing literature in a number of ways beyond the empirical literature on EU-Latin American relations. The thesis also contributes to the literature on interregionalism by providing further evidence for its demise in the context of the EU, yet cautioning that the EU's move away from it was not necessarily strategic as has been suggested beforehand. Conceptually speaking, it has demonstrated that Foreign Policy Analysis can be applied to the context of EU foreign policy decision-making by situating the level of analysis in the realm of the EU's institutions. By doing so

it is also able to contribute to the literature on EU foreign policy coherence, and internal bureaucratic determinants of foreign policy in particular.

### **8.3.1 EU-Latin American relations**

Empirically-speaking this thesis has contributed to the limited academic literature on EU-Latin American relations. While some of the earlier negotiations, such as the ones with Chile or Mexico (see for instance García 2011; Szymanski and Smith 2005) have been discussed to a certain extent, the elaboration of more recent events in the EU's relations with the region, such as the negotiations with CAN and the Andean Community has been much more limited. It is here that the thesis contributes entirely novel empirical insights on internal determinants of a number of negotiations processes, such as those with Ecuador and Cuba, the relaunch of the Mercosur discussions, and the discussed upgrade of the Association Agreements with Mexico and Chile. Even for the cases that have been discussed in the literature, this thesis' focus on processes internal to the EU allows for seeing these in a new light. For instance, this thesis has shown that while policy inertia has played a role in the EU's negotiations with Chile, as was argued elsewhere (García 2011), this argument is nonetheless not complete unless considering factors such as the autonomy of individual actors in the EU's foreign policy decision-making system.

Additionally, this thesis has generated new empirical insights through interviews with decision-makers and stakeholders involved in EU-Latin American relations and the consideration of internal documents not used in the literature up to now. United States' diplomatic cables have been used to study the evolution of the EU's relations with Latin America in context. The consideration of these sources has made it possible to outline, for instance, that so far Mexico's initial reluctance for the inclusion of a democracy clause in the Global Agreement has been overstated (Szymanski and Smith 2005), that the ratification process of the EU's Association Agreement with Central America has been held up due to specific considerations of a very small member state, or that the number of EU member states critical of the EU's common position on Cuba has steadily grown over time.

### **8.3.2 The EU's interregionalism policies are less strategic than argued previously**

While some authors (García 2015; Hardacre and Smith 2009, 2014) have argued that the weakening of the EU's interregionalism policies can be explained through strategic considerations based on the weakening of regional integration schemes elsewhere, or indeed the importance of development in the realm of international trade policy, this thesis has revealed that such considerations only offer a partial answer as to the determinants of this policy change, and that the consideration of bureaucratic factors can complement these existing perspectives.

Generally speaking, this thesis' analysis of the EU's negotiations for Association Agreements in the region—and the failure to conclude them in a number of instances—helps to further our understanding of interregionalism as an EU foreign policy tool. While the initial chapters provide some evidence for the fact that the EU's pursuit of interregionalism was driven by rational as well as normative concerns, as is argued in parts of the existing literature (Börzel and Risse 2009, 2015), further developments in EU-Latin American relations do not confirm its validity later on. Indeed, the observation of the weakening of the EU's regionalism policies in Latin America matches the analysis by some authors who have argued that the EU has increasingly resorted to bilateral ties (Santander 2010b, 2013).

While it is true that the EU's rhetoric has remained similar to that of the 1990s until very recently, this was not the case for its foreign policy outputs towards the region. For instance, the EU's move towards bilateral negotiations was described in public as being compatible with the aim of deepening the Andean integration process and the EU's ties with it. In practice, however, any attempts to do so were abandoned afterwards. Later on, the relaunch of FTA negotiations with Ecuador were portrayed in a similar light. While there is some evidence for normative concerns and rhetorical entrapment having influenced the opening of negotiations in a number of instances, these goals have been overshadowed principally by purely economic aspects later on, leading to an incoherent EU policy towards certain actors. Furthermore, the accession of Ecuador to the existing FTA with Colombia and Peru shows that normative concerns were entirely absent from the policy process at that point in time.

While the findings in this thesis partially support the idea of the existence of an EU policy of 'complex interregionalism' that would see the EU making use of different venues and levels for the development of ties with third actors (Hardacre and Smith 2009, 2014), in reality this has often been limited by bureaucratic considerations.

### **8.3.3 Foreign Policy Analysis helps in studying EU foreign policy coherence**

While initially developed for the context of studying the foreign policy of sovereign states, this thesis has shown that Foreign Policy Analysis literature can further our understanding on the determinants of the (in)coherence of foreign policy outputs in the European Union. It thus contributes to an existing literature that considers FPA in the context of European integration (Carlsnaes 1993; Dijkstra 2009; Larsen 2009; White 1999b). Rather than directly applying insights from FPA, this thesis has adapted some existing ones, and argued that the intra-institutional factors and the complexity of decision-making systems in and of themselves can be important elements contributing to the relevance of bureaucratic politics as a determinant of foreign policy-making.

#### *8.3.3.1. Intra-institutional bureaucracy matters in EU foreign policy-making*

The interaction between the different institutional actors at the EU level in EU legislative processes and other decision-making procedures is clearly delineated, allocating a clear role to the Commission, the Council and the Parliament, albeit depending on the policy area concerned. Consequently, these mandated coordination and control mechanisms can be considered as relatively strong when not disrupted by treaty changes.

This thesis has found, however, that factors hindering coherent EU foreign policy decision-making do not necessarily exist in the (formal) relations between these institutions only, but more so within them. It is here that the internal organisation of the European Commission, with its portfolio structure, the supporting bureaucracy, and internal rules of procedure can have a major impact on the coherence of the EU's foreign policy decision-making. While the Commission's activity in the realm of international negotiations is guided by the necessity for a negotiation mandate, its activity before this is granted and once negotiations get underway is dependent on the organisation of its internal bureaucracy.

Taking stock of Commission reforms since the Treaty of Maastricht, a number of factors have been particularly important for the possibility for coherent foreign policy decision-making within the Commission. Firstly, the role of the Commission president matters. The more power the Commission president has to set its agenda and act as an arbiter between different Commissioners' positions, the more likely it is that the

Commission's foreign policy activity will be coherent overall. For most of the foreign policy activity considered in this thesis the consecutive Commission presidents have remained largely absent from the picture, thus not making use of the hierarchical influence bestowed on them.

Secondly, the organizational logic of Commission portfolios has a large influence on its capacity to define coherent policies towards third actors. Over time, in the realm of the EU's external relations, these have been guided by providing portfolios according to either geographic or functional areas. At times, where a Commissioner was responsible for relations with a specific third actor or region, the EU's foreign policy coherence towards said actor was stronger, while intra-policy coherence was weaker. When Manuel Marín and his supporting DG were responsible for relations with Latin America, it was relatively straightforward for them to define a new Latin America strategy and to alter the disbursement of the EU's development funding towards the region in line with this. In turn, a division of portfolios according to policy lines makes it less likely that all the policies targeting a third actor are coherent in themselves, all while individual policy areas may benefit from internal policy coherence. This can lead to situations such as the ones observed ahead of the renegotiation of the Association Agreements with Mexico and Chile, where the EEAS promised quick progress, but DG Trade halted the beginning of talks on the upgrade of the FTA component. The influence of Commission reorganisations (and the new post-Lisbon set-up) according to these two opposing logics could thus clearly be seen in the EU's negotiations with Latin America.

Thirdly, the independence of individual Commissioners and their DGs is a positive factor for the initiation of EU foreign policy initiatives, but hinders the coherence of its foreign policy outputs later on. The initiative for most of the negotiations with Latin America considered in this thesis ultimately originated with specific Commissioners, who were able to develop these projects given the absence of internal Commission coordination mechanisms and requirements which would have allowed other Commissioners or DGs to provide (sceptical) inputs into the initial policy process. However, once proposals became more concrete, the lack of early consultation has hindered both the speed and coherence of the EU's ensuing foreign policy outputs. This could be seen in particular when considering the difficulties in reaching negotiation mandates for the Association Agreements with Mercosur, the Andean Community and Central America. Once these were reached, however, Commissioners often showed unity vis-à-vis the Council, such as when Agriculture Commissioner Franz Fischler defended

the Commission's market liberalization offers in negotiations with Mercosur against the Council's criticism, thus overturning his previous position on the matter.

While this thesis has focused less on the internal structure of the Council, given the preponderance of Commission activity for most of the negotiations under consideration, its internal organisation still has an influence on the EU's foreign policy coherence. Much like the European Commission the consideration of the EU's activity towards third actors across policy lines is hindered by the set-up of its preparatory bodies. These originated within different pillars of the EU's former three-pronged structure, and have thus operated according to different decision-making logics. While COLAC is the Council body most immediately concerned with political relations with the region, the role of the Trade Policy Committee, and thus of economic considerations, has been preponderant for most of the negotiations under consideration here, supplemented by the activity of agricultural bodies in the case of the negotiations with Mercosur in particular. The different leadership role of individual bodies depends on what kind of agreement is under consideration, such as assigning the main supervisory role to COLAC for the EU's PDCA negotiations with Cuba, but to the TPC where FTAs form part of Association Agreements. This renders an across-the-board consideration of Latin American issues even more difficult.

Intra-institutional foreign policy coherence is further hindered through the existence of coalitions between officials involved in policy-making in specific policy areas across institutional lines. The most relevant coalitions that could be observed for the cases under consideration in this thesis are those between DG Trade officials and members of the TPC, and those working on agricultural matters in the Commission and the Council. Such divisions have ultimately contributed to the failure of the EU's negotiations with Mercosur, and the preponderance of trade concerns in the negotiations with Colombia and Peru.

### *8.3.3.2. The complexity and duration of EU negotiations creates coherence problems*

In addition to intra-institutional constraints to coherent EU foreign policy outputs, the complexity and duration of the process leading to the ratification of international agreements in the EU needs to be considered as a significant issue. While the EU's treaties are very clear as to the different steps of the process, such as the granting of a negotiation mandate, the roles of the different institutions during the negotiations phase and the

decision-making procedures leading to the ratification of international agreements, the system is nonetheless incredibly complex.

Depending on the kind of agreement negotiated, a large number of Commissioners, Commission Directorates-General, Council preparatory bodies, European Parliament committees and national parliaments are involved in the process at one point or another and in differing roles. This account does not even consider the bureaucratic divisions within the foreign policy apparatuses of the EU's member states, or different parliamentary committees which may have to be involved. All of this makes it difficult for all actors to share the same assessment as to the issue at hand, and the positions of different actors can change over time.

While it is true that some actors are more relevant for the progress of EU negotiations, and it is unlikely that, for instance, individual member states would make use of their possibility to halt the conclusion of an EU agreement unless they have very strong reservations, the impact of the sheer multitude of actors involved in the EU's foreign policy-making could nonetheless be seen throughout this thesis. On the one hand, the necessity to involve a large number of entities internal to the Commission and Council preparatory bodies before a negotiation mandate can be granted prolongs the phase until actual negotiations can get underway, and particularly when individual Commissioners or member states have reservations. This could be seen, for instance, before the Commission was granted the mandate to negotiate with Mercosur, the Andean Community and Central America. Furthermore, depending on the underlying decision-making procedure, individual actors sometimes do halt EU negotiation processes altogether against the preferences of large majorities, as could be seen when the UK withdrew its consent from EU negotiations as a retaliatory measure during the so called 'beef wars', or in the opposition of Lithuania's parliament to ratify the EU-Central America Association Agreement.

This leads to another problem for EU foreign policy coherence based on the long duration of the process leading to the conclusion of an EU international agreement. For instance, initial preparatory work for the EU's negotiations with Central America got underway in the Commission towards the end of 2004 and a negotiation mandate was only granted in 2007. The negotiations themselves then lasted until 2010 and the Association Agreement, while provisionally applied in parts since 2013, has not been ratified in 2016. Up to now, the entire process has thus lasted almost 12 years, spans three different European Commissions and the changes introduced since the Treaty of Lisbon.

This creates important temporal hurdles to the EU's foreign policy coherence for a number of reasons. For instance, the responsible Commissioners have changed numerous times, as has the organization of the supporting Directorates-General. Simultaneously, national elections have radically altered the composition of the Council. This means that many of the actors which initially decided on the opening of negotiations were no longer present when these concluded, leading to the possibility that the initial negotiation mandate no longer matches the Council's preferences or new economic realities.

As a note of caution, however, the particularity of the EU in this context should not be overstated. This is also a concern influencing the negotiations for international agreements by most sovereign states, as, for instance, the outcome of the United States' elections of November 2016 could have an impact on the ratification of the previously signed Trans-Pacific Partnership (TPP) free trade agreement.

Lastly, while the Treaty of Lisbon has at least in theory provided for more information rights for the European Parliament on EU trade negotiations, the late involvement of this actor has meant in the past that either its democratic rights were severely constrained (given that its one-off decision to halt an almost decade-long process of negotiations would be unlikely due to the severity of the consequences) or the EU's treaty partners had to scramble to address the EP's concerns. This could, for instance, be observed in the ratification phase of the EU's FTA with Colombia.

#### **8.3.4 The Treaty of Lisbon has rendered EU foreign policy coherence more difficult**

Contrary to the stated aims of the Lisbon reforms aimed at increasing the coherence of what has come to be known as the EU's External Action, the positive impact of these changes could not be observed in this thesis. In line with the contributions of others (Missiroli 2010; Portela and Raube 2012; M. Smith 2012; Tannous 2013), the Treaty of Lisbon has in reality not made significant changes that would address the underlying problems for foreign policy coherence in the EU's decision-making system. While the creation of the post of the HRVP and the supporting institution of the EEAS has meant that institutional EU actors now exist to provide political guidance to the EU's foreign policy activity, the nature of both as new *kinds* of actors in the EU's foreign policy system has in reality increased conflict potential, thus weakening the similarity of institutional

views on foreign policy issues and disrupted established foreign policy coordination mechanisms.

The core problems for the new institutional structure of the EU's foreign policy decision-making system have been the hybrid nature of the new actors created and the lack of a clear definition of hierarchies under the Treaty of Lisbon itself. The underlying idea of creating the EEAS out of parts of the Commission, and the Council bureaucracy and supplementing this with member state diplomats, was to unite as much foreign policy expertise as possible. However, the different background of EEAS officials has made it difficult for the institution to function efficiently given the different bureaucratic cultures that are now combined within it. Secondly, stripping some competencies away from the European Commission has upset the careful balance of its internal organization. While foreign policy coordination between for instance DG RELEX and DG Trade occurred within the Commission's bureaucracy beforehand, this now involves administrative processes between different institutional actors who are suspicious of one another given the unclear nature of the roles of both institutions involved. This is largely a result of the vagueness of the Treaty of Lisbon's provisions on the EEAS, having left the establishment of practical procedures to inter-institutional bargaining.

A similar problem can be observed in the stated roles of the HRVP acting simultaneously as the head of the EEAS, a member of the Council, and a Vice-President of the European Commission. Once more, the Treaty of Lisbon has left the interpretation of these different roles and how they interact to the individual holding the office. In terms of the EU's foreign policy coherence, and particularly its foreign policy activity towards Latin America, Catherine Ashton's interpretation of the HRVP role as being primarily a member of the Council was problematic. Whether Federica Mogherini's emphasis on being simultaneously a member of the Commission and the Council leads to a fundamental change still remains to be seen.

Lastly, the European Parliament has gained important information rights on the EU's trade policy with the Treaty of Lisbon. The effects of this could not yet directly be seen in the negotiations underlying the analysis in this thesis. However, it is likely that involving this institutional actor in the EU's international negotiations earlier on should contribute to inter-institutional foreign policy coherence, as this would allow the Commission's negotiators to take the EP's concerns on board earlier on during negotiations for international agreements.

#### **8.4 Methodological considerations**

The kind of ‘thick’ description necessary for studying the influence of bureaucratic politics on the EU’s relations with Latin America posed some important challenges in the research undertaken for this project. Unlike historical work on EU politics for which researchers can access numerous archives and official repositories, this is not available for this research project given archival moratoria and due to the fact that freedom of information requests to the EU’s institutions are extremely resource- and time-intensive. One interviewee even cautioned that freedom of information requests may raise suspicions among officials involved in relevant policy processes and could reduce the number of officials willing to be interviewed.<sup>193</sup> Therefore the empirical work in this thesis has relied entirely on other kinds of sources and in most instances these were sufficiently varied to allow for the necessary triangulation between them. Nonetheless, the degree of certainty surrounding particular events and decisions inevitably varies and this needed to be pointed out at each occasion.

Staggering the use of different sources across the research process has been particularly helpful in uncovering the largest number of empirical sources possible. Initial research for this thesis was based largely on existing academic literature and press coverage on EU-Latin American relations. When it comes to the latter the use of *Agence Europe*, a news ticker service for EU matters has been particularly helpful. While the coverage of many events in the database was very limited at best, it nonetheless allowed to construct important timelines, uncover references to official meetings and documents, and learn the names of key officials involved in policy processes. When combined with press coverage aggregated on websites covering international trade negotiations from a critical perspective, such as *Bilaterals.org*, a relatively clear picture of key events emerged over time.

It was at this point that my research turned towards other sources, such as official EU documents available in online repositories. Here the previous establishment of a timeline including references to key documents and officials sometimes helped to uncover the full texts of key declassified internal documents, references to the content of classified documents in non-classified ones, or at least corroborating their existence as classified files in the database. I have also found it useful to make use of United States diplomatic cables made public through the ‘Cablegate’ leak. The extensive nature of the

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<sup>193</sup> Former EU official, Brussels, 19.6.2016 (Interview 17).

United States' diplomatic network across the globe meant that political reporting occurred on most EU-Latin American matters from Brussels and Latin American capitals. These were furthermore easily searchable in full text online. Sometimes the assessment of US diplomats as to the meaning of particular events and decisions also helped to further contextualise them. Lastly, reporting on talks between US and key European officials on Latin American matters also provided important insights into bureaucratic structures and the thinking of officials involved, all while constantly considering the nature of the sources in question. Furthermore, any researcher interested in using this database as a source needs to be aware of the potential repercussions coming with this, such as potential ethical, methodological and legal issues, including a prohibition for the publication of work based on it in certain journals (Michal 2015).

Once large parts of this initial research had occurred I also began to interview key officials that had been identified previously. It is important to consider that no matter how diligently one prepares for interviews for officials, the dynamics of interactions with policy-makers will outweigh such preparations. While always striving to meet officials individually to allow them to speak as freely as possible, this has not always been the case, and numerous interviews ultimately took place in a grouped setting.

Nonetheless, it is my belief that this has been beneficial for most of the grouped interviews in question. On the one hand, I sometimes gained access to more and more senior interviewees than originally asked for as they tended to join interviews on short notice. Most interviewees also started debates on some of my questions among each other, thus uncovering aspects that I had not been aware of, or which may not have been raised otherwise. Furthermore, the dynamics of such interviews meant that often interviewees would ask one another whether they believed that their assessment was an accurate one, thus immediately refuting or corroborating statements which may have gone unchallenged otherwise. They also helped each other to remember details of specific accounts that others may have forgotten about. Being able to witness such exchanges first-hand thus increased the analytical value that I could attribute to empirical insights gathered in such a way.

The interviews themselves also proved to be an important means of access to official documents not available to me otherwise. While this was often associated with important restrictions on their direct use in my research (see the discussion on sources in chapter 2), these have nonetheless proven to be invaluable sources for background insights and to confirm certain pieces of information related to me in interviews.

While research into recent developments in the EU's foreign policy thus comes with important limitations in terms of the availability of necessary data, a creative use of different kinds of sources, and especially relatively new ones such as leaked official documents can help to provide a sufficiently detailed picture of events necessary for the application of the analytical framework used in this thesis.

### **8.5 Policy implications**

This thesis has revealed important stumbling blocks for the generation of coherent EU foreign policy outputs towards third actors. Over time many efforts have been undertaken to overcome issues related to the lack of EU foreign policy coordination, including through the latest iteration of the EU's treaties. The creation of the HRVP and the EEAS are both important institutional innovations that—as per the treaty—are meant to foster foreign policy coordination in the EU.

Nonetheless, in practice, the Treaty of Lisbon—at least for the parts of the EU's foreign policy under consideration in this thesis—appears to have worsened the EU's capacity for foreign policy coordination in the first instance. This is due to the hybrid nature of the post of the HRVP and the EEAS as its supporting institution, which transferred many concerns that had been resolved within the Commission's bureaucracy to an inter-institutional context, and united officials from different bureaucratic origins in a new entity. Past experience from reforms of the EU's treaties and the Commission's organization shows that it can take some time until administrative innovations truly become effective and new modes of operation have been found for the interaction between the different institutions. One policy implication arising out of this thesis is thus that it may simply take some more time before observers can truly tell whether the innovations of the Treaty of Lisbon have been effective or not. However, one should not ignore lessons that can already be learned from this, and the EEAS review (EEAS 2013) contains many important ideas for how to alter the set-up of the EU's foreign policy bureaucracy in the medium- to long-term. Unfortunately, it appears that very few of these have been taken up by any of the actors involved in the EU's foreign policy system since then.

While the creation of the EEAS has shaken up the role of the Commission in the EU's foreign policy, its importance under the new set-up should nonetheless not be underestimated, and a consideration of internal Commission factors would have to be

part of any attempts to increase the EU's capacity for coherent foreign policy making. What stands out from the temporal analysis of the Commission's organization in this thesis is that a major hindering factor for internal Commission policy coherence has been the relative independence of individual Commissioners and their Directorates-General. Only when it operated in ways that provided for more elements fostering hierarchical and coordinated decision-making between different portfolios could policy incoherence in the Commission be averted. As a consequence, allowing the Commission to function more like the government of sovereign states with more discretionary power residing in the Commission president could help address this issue. The administrative changes introduced in the Juncker Commission since 2014 are a step in the right direction. Every Commissioner now reports to a Vice-President of the Commission along thematic lines. Nonetheless, the nature of the Vice-President portfolios has meant that there are still some overlaps of competencies between them, and individual Commissioners may have to report to multiple Vice-Presidents depending on which topic they are currently working on.

Another conclusion can be drawn from the experience of the EU's negotiations with Latin America. A further key concern as to the EU's foreign policy coherence has been the long duration of negotiations. This has meant that negotiation mandates may come to be out of date, or that internal EU majorities and preferences have changed once negotiations conclude. While it is impossible to mandate for negotiations to be shortened, the EEAS should coordinate more intensely with DG Trade so that the actual negotiation process is not drawn out by the fact that no trade negotiators are available when political clauses have already been negotiated.

Additionally, the existence of mixed agreements, which require ratification by the European Parliament and national parliaments, renders the ratification process of these much more complex, allowing individual countries' parliamentary majorities to block the ratification of agreements to which the Council, the College of Commissioners and the European Parliament have agreed. While meant to increase the democratic credentials of the EU, the decision-making process for mixed agreements nonetheless puts the EU's capacity to conclude international agreements at all in jeopardy. This has been averted in the case of the FTA with Colombia and Peru, but the impact of this remains to be seen in the case of the Association Agreement with Central America. Relatedly, similar considerations are likely to influence the ratification of CETA, the proposed FTA between the EU and Canada, as the Commission has decided that the

agreement would be ratified given the provisions for a mixed agreement. This contrasts with provisions on the ratification of trade agreements in the United States, where only the approval of one of the chambers of parliament at the federal level is required. To avoid such problems in the EU in the future, it is likely that coordination mechanisms to involve national parliaments early on during negotiations will be necessary.

### **8.6 Avenues for future research**

This thesis has focussed on the coherence of EU foreign policy making in the context of its relations with Latin America, revealing that the EU's capacity for generating coherent foreign policy outputs is influenced by internal factors, such as whether the relevant actors in the EU's foreign policy decision-making system have a similar assessment of an issue, or the strength of coordination mechanisms meant to ensure cross-policy coherence. These insights were gained through an analysis of the EU's relations with Latin America over time.

While this allowed for some generalisations as to internal dynamics of EU foreign policy decision-making, such as the influence of the division of Commission portfolios and Directorates-General on EU foreign policy decisions, additional factors may be present when considering the EU's ties with third actors where other internal EU policy areas become relevant. After all, Latin America has been deliberately chosen for this thesis' empirical analysis so as to exclude security concerns or the perspective of future EU membership. This allowed for studying EU foreign policy decision-making under ordinary conditions, with a strong involvement of the EU-level institutions, and the European Commission in particular. While the analytical lenses developed in this thesis have been useful for understanding the dynamics of the EU's foreign policy towards Latin America, their validity once 'high politics' is more relevant remains to be seen.

In consequence, a first avenue for future research would be to test the model developed here in other contexts, such as the evolution of the EU's relations with its neighbourhood (with the added dimension of the European Neighbourhood Policy) or partners which are more economically relevant for the EU and its member states. If necessary, the model can then be adapted to be applicable in such 'high politics' contexts, where the role of the EU's member states is stronger still. This could be done through, for instance, incorporating insights from FPA literature as to the centrality of different

actors in foreign policy decision-making processes in addition to the factors considered here, and thus allow for a further generalisation of this thesis' findings.

Secondly, having outlined how internal EU processes shape its foreign policy decisions, the literature on the EU's international actorness should be revisited in line with the insights developed here. It would be particularly important to further study whether some of the conceptualisations of the EU, such as being described as a trade or normative power (Meunier and Nicolaïdis 2006), are an intentional result of EU foreign policy decision-making or whether the EU's actions that form the basis for such descriptions have been shaped by bureaucratic factors.

Thirdly, EU-Latin American relations could be further explored as the empirical analysis for this thesis has focused on the evolution of its ties with the region surrounding negotiations for interregional Association Agreements. While a bulk of the EU's foreign policy activity towards the region was captured by this approach, other relevant aspects could only be discussed in the margins. Nonetheless, a number of important developments have occurred in EU-Latin American relations that should be of interest for any researcher looking at the EU's foreign policy toolkit.

For instance, the EU-Latin America summit format, and its role for the relationship between both regions, deserves some more attention. While only intergovernmental in nature and lacking the binding commitments of international agreements, these summits nonetheless make for regular meetings at the highest political level and generate a plethora of activity within the Council of the EU. The same is true for the EU-Latin America and Caribbean Foundation (EU-LAC Foundation), a unique international organization meant to enhance ties between the regions. While the EU has upheld its aim of a 'strategic partnership' with the entire Latin America and the Caribbean region, it has also entered into two bilateral 'strategic partnerships' with Brazil and Mexico during the mid-2000s, and their relevance and impact on broader EU-Latin American ties should be further explored. Additionally, the advent of further EU-Mexico and EU-Chile negotiations deserves close attention, as these will allow for the study of the post-Lisbon context of EU-Latin American relations.

## ANNEX 1:

### List of interviews conducted

All individual interviews have separate id numbers (#) matching those in the individual chapters of this thesis. The descriptors for the interviewees are based on the post held most relevant for this thesis. All ids denote interviews with individuals, unless marked as a group interview, in which case the information provided has not been separated by the individual in the group interviewed.

**Table 9: List of interviews conducted**

#	Interviewee description	Place	Date	Other
1	Former Commission official	Hamburg	27.4.2015	
2	Former Latin American diplomat		7.5.2015	Via telephone
3	Former member of the Barroso cabinet	London	8.6.2015	
4	German official	Brussels	12.6.2015	
5	Former Commission official	Brussels	12.6.2015	Follow-up Interview 1
6	Senior DG Trade official	Brussels	12.6.2015	
7	Senior Latin American diplomat Latin American diplomat 1 Latin American diplomat 2	Brussels	16.6.2015	Group interview Group interview Group interview
8	Senior EEAS official EEAS official	Brussels	16.6.2015	Group interview Group interview
9	Member state diplomat	Brussels	17.6.2015	
10	Member of the European Parliament	Brussels	17.6.2015	
11	Senior EU official EU official	Brussels	17.6.2015	Group interview Group interview
12	DG Trade official	Brussels	18.6.2015	
13	Senior EEAS official	Brussels	18.6.2015	
14	European Parliament official	Brussels	18.6.2015	
15	NGO official	Brussels	18.6.2015	
16	EEAS official EEAS official	Brussels	19.6.2015	Group interview Group interview
17	Former EU official	Brussels	19.6.2015	
18	Former DG RELEX official	Brussels	22.6.2015	
19	Member state diplomat	Brussels	22.6.2015	
20	European Parliament official	Brussels	22.6.2015	

<b>21</b>	European Parliament official	Brussels	22.6.2015	
<b>22</b>	EEAS official	Brussels	23.6.2015	
<b>23</b>	NGO official	Brussels	23.6.2015	
<b>24</b>	Senior DG DEVCO official	Brussels	24.6.2015	Group interview
	DG DEVCO official 1			
	DG DEVCO official 2			
<b>25</b>	European Parliament official	Brussels	24.6.2015	
<b>26</b>	Latin American diplomat	Brussels	2.11.2015	
<b>27</b>	Latin American diplomat	Brussels	3.11.2015	
<b>28</b>	Latin American diplomat	Brussels	3.11.2015	
<b>29</b>	Member state diplomat	Brussels	4.11.2015	
<b>30</b>	Member state diplomat 1	Brussels	4.11.2015	Group interview
	Member state diplomat 2			Group interview
	Member state diplomat 3			Group interview
<b>31</b>	Former EU official	Brussels	5.11.2015	Follow-up from Interview 17

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