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## Still rooted in Maastricht: EU external relations as a 'third-generation hybrid'

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## **STILL ROOTED IN MAASTRICHT: EU EXTERNAL RELATIONS AS A 'THIRD-GENERATION HYBRID'**

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### Abstract

This article argues that EU external relations since the Maastricht Treaty have constituted the Union as a hybrid international actor, reflecting a number of tensions built into the roots of the treaty. These tensions – reflected in the international roles and status of the EU – arise from the logics expressed in institutions and policies, and the ways in which those logics interact with each other when confronted with situations in which diplomatic, economic and security concerns are entangled. The result is that the EU has an ambiguous relationship to issues of European and world order. Since Maastricht, successive grafts in treaties and other forms have added elements to the EU's external relations, but have not resolved the basic issues and ambiguities attending hybridity. The article explores these issues and ambiguities and relates them to four key roles claimed by the EU in the world arena: those of market actor, security actor, diplomatic actor and normative actor.

## **STILL ROOTED IN MAASTRICHT: EU EXTERNAL RELATIONS AS A 'THIRD-GENERATION HYBRID'<sup>1</sup>**

### **Introduction**

The Maastricht Treaty (TEU – Treaty on European Union) represents a key juncture in the development of European Union (EU) external relations. It not only introduced the Common Foreign and Security Policy (CFSP) to the institutional architecture of the Union, but also laid the first foundations for what later became the European Security and Defence Policy (ESDP). Additionally, it introduced to the EU framework a number of policy areas (for example, the 'third pillar' of Justice and Home Affairs and more specific policy areas such as environmental policy) that have come to have major external relations dimensions in the world arena of the early twenty-first century.

The Treaty, though, did more than this. It institutionalised and embedded in the EU framework a hybrid structure of external relations which has fundamentally conditioned all subsequent attempts to establish an integrated EU 'foreign policy', and which is visible in the post-Lisbon era as much as it was in the early 1990s. By 'hybrid' in the context of this article I mean a political, institutional and legal structure derived from heterogeneous sources, or composed of elements of different or incongruous kinds.<sup>2</sup> This structure was not created simply by the TEU – it drew upon and consolidated tendencies that were apparent in some cases from the 1970s onwards – but the Treaty was a crucial formative moment in the process of hybridisation, since it crystallised and cemented in a number of key assumptions and sets of preferences.

These assumptions and preferences were partly political – that is to say, they were rooted in the aims and activities of political actors within the EU context (and more specifically, within the negotiating context for the Treaty itself). As Andrew Moravcsik has argued, the TEU is one of a series of intergovernmental bargains that have incrementally increased the scope and depth of coordination between Member States and European institutions in the field of external relations (Moravcsik 1993, 1998). Others have argued equally powerfully that account needs to be taken of a range of other actors in the negotiating process, and of the effect of institutional engagement itself in generating treaty change for the external relations domain (M.E. Smith 2003). Leaving aside the differences of approach and methodology, all would agree that political influences in EU external relations have strong elements of hybridity as defined above, arising from the operation of a ‘mixed actor system’ and reflecting heterogeneity of political influences. Not surprisingly, this political hybridity was reflected in the TEU’s institutional provisions for external relations, and also expressed what might be described as the competing cultures of external relations emanating not just from Member States but also from the European institutions and from different areas within them.

In terms of the definition given above, it is thus clear that on the one hand the framework set out in the TEU reflected heterogeneous sources, and on the other it consisted of different and what might be seen as ‘incongruous’ elements. It is also important to be aware that it reflects a number of co-existing logics in the European integration process (M. Smith 2009). On the one hand, there is the logic of integration, in which the developing architecture

of external relations is a key contribution to the development of the EU itself; in other words, the process through which external activity and presence contributes to the legitimacy and consolidation of the European construction, and is also subject to the progress or the tribulations of integration. At the same time, a different logic takes effect – that of external structure, and the opportunities and constraints that it creates, whereby the evolution of the world arena provides openings or limits for the assertion of a specifically ‘European’ form of actorness. Finally, it is important to recognise the operation of a third logic, which conditions and is conditioned by the first two – the logic of European identity and the search for a ‘certain idea of Europe’ in and through external relations, which has been a powerful driver of EU engagement in the world arena.

The two tendencies identified so far - the growth of hybridity and the operation of powerful and intersecting logics in the development of EU external relations – mean that the EU occupies an essentially ambiguous position on key questions of world order. As I have argued elsewhere (M. Smith 2007), there are important contradictions and tensions in the EU’s approach to European order (where it can be seen as possessing formidable structural and ideational power) and the broader world order (where it can be seen as embodying structural and procedural ambiguities that limit its potential and its actual impact). These ambiguities are also apparent in the EU’s approach to new centres of power and ‘strategic partners’ (or rivals) in the changing world arena of the twenty-first century.

Much of the literature produced on the subject of ‘European foreign policy’ and EU external relations over the past twenty years reflects a series

of attempts to wrestle with the coexisting logics shaping EU external policies, the implications of the consequent hybridity and the ambiguities of the EU's role in the world arena (see for example White 2001, Keukeleire and MacNaughtan 2008, Hill and Smith 2005, 2011, H. Smith 2002, K. Smith 2008, Peterson and Sjursen 1998, Bretherton and Vogler 2006, Bickerton 2011a, 2011b, Youngs 2010). This is not the place for a detailed review of this literature, which has come to be one of the most dynamic areas in the study of the EU, but it is important to the argument in this article that no treatment has yet managed entirely to square the circle constituted by these three intersecting forces – the debates continue, and this article is a further attempt to contribute to them. The article itself explores the problem in three stages. First, it identifies the roots of the problem of hybridity and its embodiment in the TEU. Second, it analyses the ways in which successive grafts onto the root stock of the TEU, mainly but not only in the treaties of Amsterdam, Nice and Lisbon, have added to the problem of hybridity and extended it into new areas of external policy, creating what I term a 'third-generation hybrid'. Third, it assesses the implications of the underlying hybridity for the EU's roles in the world arena, and specifically for four types of role: the EU as a market actor, as a security actor, as a diplomatic actor and as a normative actor. The article concludes that the EU has learned to live with hybridity – that it is in fact fundamental to the EU's international existence – but that current conditions in the world arena impose particular strains and pose particular challenges for the EU's hybrid external relations system.

### **Maastricht: the root stock**

A sense of context is vital to understanding how hybridity became a central component of the Maastricht Treaty. The end of the Cold War created new uncertainties and new challenges even as it seemed to open up new opportunities for the European project (Laffan, O'Donnell and Smith 2000). The European Community (EC) stood tall in the confusion of the early 1990s as a stable 'community of law' reflecting the twin assets of democracy and prosperity; not surprisingly, the new or newly liberated states of central and eastern Europe looked upon it as the potential guarantor of these three sought-after qualities – stability, democracy and prosperity – and their view was shared by others such as the United States. It appeared in terms of our earlier discussion that the internal logic of integration through the Single Market and other channels was positive, that the logic of the external opportunity structure was equally positive, and that in a continent where identities were contested and confused, the EC could provide an ideational anchor for those searching for a new European vocation.

The negotiations for the TEU, though, revealed something else. Although all three of the surrounding logics pointed in a positive direction, this was not enough to dictate a dramatic or transformational outcome for the Treaty (Laurson and Vanhoonacker 1992). The result was, as previously noted, the institutionalisation of hybridity. The Union framework was not a 'tree' but a 'temple', with three apparently distinct pillars under a common roof and a multiplicity of modes of policy-making, many of them retaining a key role for the Member States. In external relations, this was especially apparent; trade policy was firmly in 'pillar one' and subject to the 'Community method',

CFSP in 'pillar two' with an essentially intergovernmental character, JHA (with its major potential resonances for European order) in 'pillar three' with a strong intergovernmental element, and a significant number of major policy areas such as development poised uncomfortably somewhere in between. The treaty, that is to say, not only institutionalised hybridity, it actually magnified it by increasing the scope of the areas in which it could be found, and by linking this to the development of the fundamental integration project in a new and demanding way.

The implications of this situation were not hard to discern, especially given the key challenges to which the EU was exposed even before the treaty came into operation in 1993. The Gulf conflict of 1990-91 showed the problems faced by the soon-to-be Union in the context of the 'new world order' and the tension between Member State foreign policies and a collective European stance, whilst the breakdown of former Yugoslavia showed the tensions built into the foundations of the new European institutional architecture even whilst the treaty itself was being ratified and brought into operation. At the same time, the problems attending a collective European stance in the Uruguay Round of trade negotiations (for example in the negotiations relating to agriculture or to the 'cultural exception'), and the linked consideration of issues relating to a changing global economic order, showed that even in the more long established areas of Community competence and in areas where the Europeans collectively held a substantial amount of institutional and resource power, there were problems to be confronted (Woolcock 1993, Woolcock and Hodges 1996). The period of negotiation, ratification and implementation of the TEU was one in which the external

opportunity structure for the nascent Union was 'open' if confused, but in which issues around the nature and scope of integration in external policy and the nature and limits of a common European consciousness remained unresolved.

As a result of this rather painful germination and rooting process, the strengths and weaknesses of the Maastricht bargain on external relations were being questioned even before the treaty came into operation. Once it was in effect, the debates did not subside, and the problems of collective action, resources and impact that were exposed in the early 1990s formed part of the context for the Reflection Group established in 1995. Most significantly, though, in terms of the argument here, there was no suggestion that the treaty should be uprooted or abandoned; rather, the debate was about how it might be refined and strengthened especially in the operational sense. The roots were established – the question was how the hybrid structures that had been set up could be made to work more effectively and coherently.

### **The Negotiation of Hybridity: from Amsterdam to Lisbon**

The decade between the preparations for the Amsterdam Treaty and the negotiation of the Lisbon Treaty was a constant if punctuated effort to grapple with the implications of the hybrid external relations structures that had emerged from the early 1990s. It was argued earlier that these structures brought together both well-established areas of external relations and novel domains of external activity, and that the three-pillar structure embodied in the TEU constituted in a very direct sense the institutionalisation of hybridity.

Here, I focus on three sets of efforts to negotiate this set of structures, and on a further set of forces that strongly shaped the context in which these efforts took place.

The first explicit attempt to work through the implications of the hybrid structures established in the TEU was the IGC of 1995-1997 which led to the Amsterdam Treaty. As has been well documented, these negotiations led to what was almost a set-piece confrontation between those espousing a 'maximalist' and a 'minimalist' version of further development – the former stressing the need for further transfers of activities and powers to the EU level, the latter emphasising the retention of a strong if not central role for Member States (Westlake 1998). The treaty itself embodied what at the time appeared to be an uneasy compromise between these two positions, with the consolidation of the resource base for CFSP, the establishment of the position of High Representative, the introduction of the potential for closer cooperation and for some element of qualified majority voting in CFSP, and the potential for absorption of the Western European Union (WEU) into the Union structures. Alongside this, the scope of the Common Commercial Policy in 'pillar 1' was extended subject to certain restrictions, and the attempt to achieve greater coherence of policy between the different pillars of the Maastricht structure was continued. This was in many ways an incremental set of developments, working on the areas of tension identified in the existing structures but not placing the structures themselves into question, and with the negotiators playing the role of 'blind watchmakers' as argued by Martin Westlake (2008: chapter 2). Even the British, who constituted the core of the 'minimalist' camp within the negotiations, did not suggest that the structures

should be uprooted and re-planted – rather, they suggested that the equivalent of a bit of trimming and weeding would be sufficient, given the relatively recent growth in the structure itself.

The point about Amsterdam, though, as of the Nice Treaty that followed in 2000, was that this was not just incremental growth and extension. The treaty rather grafted into the Maastricht root-stock a set of new qualities and characteristics, with the aim of making the whole structure more stable and sustainable. By doing so, both Maastricht and Nice created the potential for further growth and development into new and perhaps unanticipated areas – especially in the context of new external challenges and opportunities. Nowhere was this more apparent than in the Treaty of Nice, which was explicitly shaped by the external experiences of former Yugoslavia and the external challenge of dealing with the implications of enlargement to central and eastern Europe. The development of the European Security and Defence Policy after the St Malo meeting between France and the UK in 1998, followed by the elaboration of new structures for the management of security issues in the wake of the Kosovo conflict of 1999, created new dimensions for the conduct of ‘European foreign policy’ (Howorth 2000, 2007). At the same time, the demands of enlargement lent new urgency to the achievement of consistency across a wide range of other external policy issues, and the continuing pressures of commercial policy in a partly globalised world arena meant that further extension of the Common Commercial Policy was a high priority.

By the end of the 1990s, it could thus be argued that substantial progress had been made in extending and integrating key areas of EU

external relations. This had been achieved not simply through the negotiation and renegotiation of treaty provisions, which often followed developments in the operational area rather than initiating them. Rather, it had been developed on the basis of successive grafts onto the structure of EU external relations established initially at Maastricht in 1991-92. The structure was still there – but it had had a number of new instruments and attributes grafted onto it, which had changed both the appearance of the structure, and more importantly the dynamics of its operation. By the early part of the twenty-first century, at least part of the ‘maximalist’ agenda from Amsterdam had been achieved, and more was to follow, by a process of evolution rather than revolution, without disturbing the roots laid down at Maastricht.

This remains an accurate description of what has been achieved in the structures of EU external relations, even after the abortive Constitutional Treaty and the Lisbon Treaty. Despite the grand ambitions of some for the development of a unified EU foreign policy, what has resulted from nearly a decade of negotiation and ratification (or non-ratification) remains recognisably a structure rooted in Maastricht. Although the pillar structure in external relations has in principle been abolished, it still exists in many areas, and the practices of policy-making are strongly influenced by it. Further grafting operations have produced the role of High Representative for Foreign and Security Policy/Vice-President of the Commission (HRVP), which in many ways crystallises the underlying hybridity of CFSP in particular, but adds to it responsibilities in security and defence policy and development policy which are not often found in national diplomatic services. Major areas of external relations such as trade and investment, not to mention international monetary

policy for at least the Eurozone states, remain subject to distinctive policy-making processes, whilst areas such as development policy in general, environmental policy and others remain stubbornly mixed in formal allocations of competences and in informal policy-making processes. Financial, human and institutional resources are as much a focus for contestation as they are for coordination, although it is tempting sometimes to overstate the contestation that does take place, and to miss the mass of everyday coordination processes that take place.

My point is a simple one, but one that requires further argumentation and exemplification: the development of the structures, expectations and practices surrounding the broad domain of EU external relations is still rooted in the Maastricht Treaty, which after twenty years remains the root-stock of the EU's role(s) in the world arena. This root-stock has been the subject of almost continuous grafting processes, most obviously through the negotiation of successive treaty provisions for a wide variety of areas in EU external relations. These negotiations have fallen into two major periods, those of Amsterdam and Nice and of the Constitutional Treaty and Lisbon. It is thus appropriate to see the current framework for EU external relations as representing a 'third-generation' hybrid'. Equally obviously, over the twenty-year period, the negotiation (formal and informal) of EU external relations institutions and practices has been affected continuously by the evolution of the external opportunities and constraints generated by the world arena. And finally, the successive graftings and re-graftings to which EU external relations have been subject must be seen in the light of a continuous search for elements of European identity. So the three logics of development in EU

external relations to which I drew attention earlier have existed in a continuous and fluctuating balance, surrounding the development of EU external relations and permeating its constant re-negotiation. In the next part of the article, I will pursue this argument further, by exploring the ways in which hybridity has shaped the development of the EU's roles in four areas: as a market actor, a security actor, a diplomatic actor and a normative actor.

### **The EU's Roles in the World Arena**

As Ole Elgström and myself have pointed out (Elgström and Smith 2006, Introduction; see also Aggestam 2008, Knodt and Princen 2003), the analysis of the EU's roles in the world arena rest on a combination of material and ideational factors. On the one hand, material factors such as institutions, resources and operational processes form an indispensable part of what is possible. On the other hand, ideational factors such as images, expectations and discourses of EU international action are indispensable to an understanding of the ways in which role conceptions are formed and EU actions are 'received' in the world arena. The combination of these factors enables us to penetrate not only the processes by which understandings of role(s) are shaped and elaborated, but also the ways in which roles are performed and evaluated within and outside the EU. The concept of role thus provides us with a way of furthering the argument in this article, by exploring the ways in which the logics of EU external action and the hybridity of the structures set up and elaborated since Maastricht feed into specific domains of EU activity. As noted above, four such domains will be explored here, with

an emphasis not only on the dominant roles in each area but also on some of the tensions within each area that further reflect the impact of hybridity.

The first of these is the domain of the EU as a market actor. Since the inception of the European Coal and Steel Community and the European Economic Community in the 1950s, this has been the core of the EU's international presence and external activity. The regulation of the European internal market and the projection of the EC's market power were for many years almost the entirety of its international activity, with add-ons from development policy still strongly affected by the exercise of market power and the granting of market access. The legal and institutional base for this lay in the Common Commercial Policy and its grant of extensive competence to the Community, with the Commission as a powerful agent of international commercial action in defence of promotion of the Community interest. With the development of new dimensions of external commercial policy, especially from the 1980s onwards, it was clear that there would be pressure to extend the reach of the CCP, for example into trade in services, the treatment of intellectual property issues and the handling of regulatory matters at the global or the regional level (M. Smith 2004).

The process of extension of the CCP, however, was not trouble-free. During the 1990s, the pressures created by the pursuit of the EC's Single Market Programme combined with the extension of global trade negotiations into new areas, to create the demand for a more 'complete' CCP. This was met with resistance – or at least questioning – by a number of Member States, who were suspicious of the ways in which their interests might be handled in areas such as services (financial, audio-visual and others) or intellectual

property. The politicisation of global trade negotiations through links with human rights or environmental issues during the 1990s also posed its own set of challenges. As a result, the question 'who speaks for Europe?' in commercial policy remained open, and the EU could be presented as a 'conflicted trade power' (Meunier and Nicolaïdis 1999, 2006).

The net result of this set of intersecting pressures was paradoxical. At one level there was a progressive 'completion' of the CCP, which might be seen also as a progressive reduction in the level of hybridity in EU external commercial policy. Through the 1990s, the extension of Community competence into areas such as trade in services and intellectual property was steady and broadly uncontested, whilst the Lisbon Treaty effectively rubber-stamped the extension of the CCP to all matters involving external commerce and for good measure also gave competence for the first time in international investment policy (art. 207 TFEU). It might be concluded that this effectively eliminated any remaining aspects of hybridity in the pursuit of external commercial policy, but such a conclusion would be misleading. The EU is undoubtedly a leading market power in the global arena (Damro 2012, Woolcock 2011), but it is still not a completely unified one. The persistence of commercial diplomacy at the level of EU Member States is one area in which this remaining hybridity can be glimpsed; at the same time, the continuing development of the linkages and transnational forces characterising globalisation means that the CCP in itself must be pursued in the context of the internal integration process as well as coexisting and often contending processes of regionalisation, securitisation and broader politicisation. As we

shall see shortly, this has profound implications for some of the other roles the EU has acquired in the world arena.

One of these other roles – and arguably the one with the most marked development during the twenty years since the TEU – is that of the EU as security actor. This is not to argue that the European integration process before Maastricht was not at least indirectly a process with security implications; rather, it is to note as many others have done that it was at Maastricht that security policy became an essential part of the way in which the European integration process was constituted and understood by those involved in it (Howorth 2007, Hyde-Price 2006, 2007, Nuttall 2000). In the twenty years since then, the framing of what has become the European Security and Defence Policy has been a continuous process and one with major implications for the EU's role in the world arena.

Unlike the EU's role as a market (especially commercial) actor, where the notion of exclusive Community competence was established at an early stage, its development as a security actor has from the outset been explicitly and indelibly marked by high levels of hybridity. The ESDP institutions remain intergovernmental rather than supranational, the resources and specifically the military capabilities on which operations rest are controlled at the national level in Member States, and the context in which it operates is permeated by vital national interests, especially those of the major EU Member States. Nonetheless, the development of military planning and (for example) crisis management procedures at the EU level have proceeded inexorably during the past decade at least, resulting in a decidedly mixed picture both at the level of overall strategic concerns and at the level of operations. Not only this,

but interaction with the other key European military organisation, the North Atlantic Treaty Organisation (NATO) has been elaborated and sets of rules have been developed in the cause of managing that element of hybridity – which of course also has a strong transatlantic dimension (Rees 2011a).

The development of the ESDP has thus led to a series of institutional and operational innovations in the cause of managing hybridity and containing the potential problems that lie in the continuing dominance of national military structures and of particular Member States. But of course this is not the whole of the story about the EU as a security actor. The changing nature of security challenges in the world arena has led away from purely or even predominantly military structures, and towards an increasingly mixed picture in which national and transnational forces with both military and civilian ‘faces’ are heavily mutually engaged (Howorth 2011, Rees 2011b). At its simplest, this situation means that the ‘third pillar’ of Justice and Home Affairs established at Maastricht (and subsequently at least partly absorbed into the ‘first pillar’) has become increasingly relevant to the EU’s external relations. Not only this, but the demands posed by new and newly securitised areas of international activity have created further pressures to add to the EU’s role as security actor: the increasing linkages between ‘traditional’ security and challenges such as those of terrorism, the environment, energy and human rights have become apparent and have challenged the EU to move beyond the initial assumption that conventional military structures might be displaced from the national to the European level. Indeed, it might be argued that ESDP in this ‘conventional’ sense has stalled since the mid-2000s, but that the other and

arguably more challenging aspects of security in the contemporary era have become the dominant focus of EU activities.

The new security challenges of the post-Cold War and post-Maastricht eras have thus been a key factor driving the development of hybridity in the EU's security and defence policies, and in securitising ever-increasing areas of the European integration process. The problems thus created are not simply confined to a small Brussels elite of 'securocrats'; increasingly they have attracted the attention of the European Parliament and of a wide variety of pressure groups and non-governmental organisations (NGOs). The notion in the Maastricht Treaty that there would be a kind of deliberative process through which the CFSP would develop gradually into a common defence policy and then in the fullness of time into a 'common defence' has been continuously challenged since the very time at which the Treaty was being negotiated, with former Yugoslavia, '9.11' and the Arab Spring of 2011 as key punctuation marks (Allen 2012 forthcoming). As a result, treaty provisions have been supplemented – and perhaps transcended – by fixes for immediate challenges and responses to external demands. At many points, these have also come into conflict with the EU's continuing self-assessment as a 'force for good' and a 'civilian power' (see below), thus providing further evidence for the policy impact of hybridity in the EU's security policy structures. This stands as a rather dramatic example of the ways in which the three logics of EU external relations – internal integration, external challenge and opportunity, and the search for identity – can come together and shape the evolution of the EU's hybrid policy structures.

Implicit in the discussion above has been an understanding about development in another key area of the EU's international role(s): that of the EU as a diplomatic actor. In some ways, this was the key to the Maastricht Treaty provisions on the CFSP: as a development of the existing European Political Cooperation (EPC) process, the CFSP was implicitly conceived as a set of provisions for more effective diplomatic coordination among the Member States. As such, it was of course also a key response to the challenges of the post-Cold War era, as seen in 1991-92. The mechanisms that were set up or consolidated at Maastricht were thus hybrid from the outset, given that one of their key aims was the more effective accommodation and coordination of Member State positions; we have already noted the constraints placed on the development of 'supranational' mechanisms such as majority voting or the power of initiative for the Commission in this area. Not for nothing did Christopher Hill and William Wallace refer to the 'hydra of European foreign policy' as it had developed by the mid-1990s, referring thereby to its 'mixed system of common actions, shared competences, joint declarations and transgovernmental cooperation' (1996, p. 3). The key roles were to be played by national foreign ministers and by national diplomatic representatives in third capitals, and also by the rotating presidency of the Council of Ministers (Nuttall 2000, Smith 2001), but within a setting where their interactions in themselves might generate new forms, levels and understandings of cooperation.

This essentially evolutionary approach to the development of the EU as a diplomatic actor was subject to challenge from the outset, but there were powerful forces lined up to defend it. As noted earlier, the pressure to

complete the unfinished business of the TEU on such matters as the resources available to the CFSP, the provision of continuity in coordination and the development of a 'European' diplomatic presence made itself felt in the Amsterdam Treaty especially, and led to rapid evolution in the late 1990s. The establishment of the office of High Representative for the CFSP, and its occupation by Javier Solana, was a major element in raising the profile of this area of diplomatic coordination, and the division of labour between Solana and Chris Patten as Commissioner for External Relations the subject of much analysis (Allen 2012 forthcoming). From the perspective of the argument here, this is strong evidence of the persistence (but also of the changing nature and impact) of hybridity in the EU's role as diplomatic actor. Not only in the relationship between EU-level diplomacy and national diplomacy, but also in the division of labour between 'intergovernmental' and 'supranational' elements of the policy structures in Brussels itself, there was a distinctive set of tensions and intersections.

This element of hybridity has if anything become more prominent since the late 1990s. Most obviously, the Lisbon Treaty had as one of its key elements the transformation of EU external action, through the creation of a new set of services and internal roles. The office of High Representative was bolstered in such a way as to make it effectively something in between the head of a diplomatic service and a foreign minister, and to make an organic link between the new European External Action Service (EEAS) and the Commission's services through the HR's role also as Vice-President of the Commission. The new office of President of the European Council was also given diplomatic functions, in the shape of an obligation to ensure the

representation of the EU externally and at its level (i.e. in relations with Heads of State and Government both inside and outside the EU). The rotating presidency of the Council, at least in diplomatic matters, was to become rather less prominent but nonetheless to operate in coordination with the EEAS and the HRVP (Duke 2009, Joint Study 2010).

This novel set of relationships within the EU's external relations structures is of course still in its bedding-in period. Without entering into a detailed analysis of the problems that emerged during the first year of operation of the EEAS, it is important here to note that the Lisbon Treaty in fact further entrenched hybridity – albeit in a distinctive form – within the EU's external relations structures. The HRVP was in some ways the encapsulation of this and of the problems it could create; an overloaded job description, a demanding policy agenda and the pressure of establishing a diplomatic service from scratch, drawing upon personnel from the Commission, the Council Secretariat and national diplomatic services, would have taxed anybody inserted into this post (Balfour, Bailes and Kenna 2012, Hemra, Raines and Whitman 2011, Lehne 2011). When to this is added the changing nature of diplomacy itself – with increasing attention to transnational processes, to the eruption and accommodation of new quasi-diplomatic actors and to the linkages between areas such as commercial policy, environment, energy, development and security – then the challenge could be seen as insuperable (Hocking and Smith 2011; see also Emerson *et al* 2011 on specific ways in which this relates to the representation of the EU externally). The development of rules and conventions for handling relations between the EEAS and other Brussels services has been a major preoccupation, and has

consumed much energy, quite apart from the development of new ways of dealing with Member States, some of whom have high expectations of the EEAS and others of which harbour deep suspicions. This could be seen as a disabling manifestation of hybridity, and of the three logics to which I have drawn attention in this article; but the point needs to be made that in many ways these needs for adjustment and innovation have been faced by all diplomatic services, not just by the Brussels machinery.

The fourth role for the EU in its external relations to be examined here is in some ways different from the others examined so far. Whilst these dealt with (admittedly broad and changing) areas of external activity, the notion of the EU as a normative actor poses distinctive questions. In some ways at least, these questions pervade the other three areas we have explored, because they relate to the EU's self-identification as a 'different' form of power in the world arena. This self-identification has not only been powerful as an influence on policy discourses – it has also attracted a large and growing number of scholars to the field (for example, Manners 2002, 2006, Scheipers and Sicurelli 2007, Whitman 2011). It shares with the areas explored above the fact that it became more explicit and more formalised in the Maastricht Treaty, which set out for the first time a set of principles on which EU external action was to be based. These principles embodied multilateralism, development, the peaceful handing of disputes and a range of other normative positions. They were not of course unheralded or unprecedented, since the notion of the EC as a 'civilian power' with distinctive approaches to international issues had been advanced since the 1970s. The principles were further developed in the Amsterdam Treaty, which formally incorporated the

so-called 'Petersberg tasks' dealing with conflict resolution, peace-keeping, peace-building and the like, and further elaborated during the late 1990s and 2000s with reference to areas such as democratisation, human rights, good governance and associated normative concerns.

From this brief and crude outline, it might be assumed that 'normative power' is part of the essence of the EU, and that it is therefore constitutive of the European integration process. To paraphrase Ian Manners (2002), the EU is a normative actor not only because of what it does, but also because of what it is – a shining example of the norms that it seeks to propagate in the wider world arena. It might also be contended, however, that the focus on normative concerns is (a) not as distinctive as it appears, given that many major actors might claim to be 'normative powers' in one way or another and (b) little more than a rationalisation of the fact that the Europeans are relatively weak and unable to wield other types of power in the world arena (see for example Kagan 2003). In penetrating this set of contending arguments, the notion of hybridity is helpful, since it gives us some clues as to the limits of 'normative power Europe' as well as to the strength of this conception.

The fact is that the EU is a normative hybrid as well as a hybrid in terms of institutions and political processes. What does this mean? One dimension of the matter is that whilst there is a normative layer at the EU level consisting of elements to which all EU Member States subscribe (and by implication their publics as well), this layer is uneven and sometimes remarkably 'thin'. Thus, all relevant actors in the EU might subscribe (as they do) to the abolition of the death penalty, but this is qualified either by other EU

norms (for example, stability and a market economy) or by material considerations to do with commercial advantage. Equally, all relevant actors in the EU subscribe to norms of multilateralism in global governance, to such an extent that the EU might be described as a compulsive multilateralist (M. Smith 2012 forthcoming), but these are qualified and can be marginalised by the EU's material interests in commercial advantage or in 'trade defence'. The tension between the EU as 'market power' and the EU as 'normative power' is clear in such cases, but parallel tensions can and do exist in respect of the EU's role as a security actor and as a diplomatic actor.

Whilst this version of hybridity is distinct from those encountered in the EU's roles as market actor, security actor and diplomatic actor, it clearly emanates from at least some of the same roots as those other forms – and of course it intersects with them and coexists with them at many points. The explicit statements of principle in the Maastricht, Amsterdam and successive treaties – synthesised in considerable detail in the Lisbon Treaty – form the core of the EU's self-identification as a normative power, but they come up against powerful structural and external imperatives as well as against the demands of the integration process itself in a globalised economic and security arena.

This means that rather than a set of clear-cut and distinct roles for the EU in the world arena, we are confronted with a considerable level of role confusion, reflecting at least in part the impact of the three underlying logics of EU external relations. Although in this part of the discussion I have identified four rather broad roles, it is also evident that there can be conflicts, tensions and uncertainties within the four areas: thus for example, there are tensions

between the EU's role as 'liberalising' and 'protectionist' market actor, between the 'civilian' and 'martial' tendencies in security policy, between the multilateralist and unilateralist tendencies in diplomacy, and as already noted between the materialist and the ideational in the EU's self-perception as a normative power. This is an international actor – to put it crudely - that at certain key points either forgets or cannot articulate its script, or seems to speak with a forked tongue. Such a tendency is a reflection of the demands of the integration process, the fluctuating challenges and opportunities produced by a rapidly changing external context and the 'thin' self-identification of the EU as a normative actor. Most importantly, for the purposes of the argument here, the tendency is rooted in successive attempts to deal with hybridity in the structures of the EU's external relations, starting with Maastricht.

## **Conclusion**

A number of significant conclusions flow from the arguments presented here. The first is that the Maastricht 'root stock' has had a potent effect on all subsequent efforts to define and redefine the EU's external relations. This is not to say that all subsequent efforts have been prisoners of the TEU, but it is to say that those efforts have been working within and trying to grapple with a set of political, institutional and cultural constraints that were embedded in and by the Maastricht Treaty.

A second and linked conclusion is that there have been successive grafts onto the Maastricht root stock, and that these have created new dynamics and tensions of their own by constituting the current framework for EU external relations as a 'third-generation hybrid'. As noted earlier, each of

the Amsterdam, Nice, Constitutional and Lisbon Treaties has attempted to deal with the effects of embedded hybridity in the EU's external relations, and the two key phases of negotiation and renegotiation have each added to the scope and scale of that hybridity without resolving the essential problems to which it gives rise. Partly this is because the context within which the successive treaties have been negotiated has not transcended the interaction of the three logics that lie at the core of this article. They have had to cope with the fluctuations of the integration logic, the external logic and the identity logic whilst also dealing with the intersections and interactions between them. And as noted at the outset, the treaties themselves have then fed back into the subsequent operation of these three logics to create a new context for subsequent (re)negotiation of the external relations structures.

A third conclusion is that the Maastricht root stock has proved robust and resilient in the face of radical contextual change. One reason for this is that the successive grafts noted above have contributed to a modification of (although not a reduction of) hybridity. Most notably, the 'three pillars' and the 'temple' structure that served as a compelling image of the Maastricht outcome have been changed: what we see now is like a set of three major tree trunks growing from a common root, in which the branches have become entangled so that in some areas at least it is difficult to distinguish what relates to one trunk and what to another. This is still an essentially hybrid structure, for example when compared to the image of a single tree with different branches that was also canvassed at Maastricht. The three trunks derive from the same roots, were trained to grow in different directions, but have grown together to create a complex and resistant whole, without

significantly undermining the hybridity established and made explicit by Maastricht.

What further conclusions can we draw from this for the present and future of the EU's external relations? First, they are robust and vigorous and this is partly because of their hybrid nature. Second, they can be adapted to changing circumstances without losing their essentially hybrid nature, and they thus constitute a stable and persistent pattern of relations despite the fact that they exist in a different world from that of the TEU. Third, it is more profitable to work with the hybridity – to look for means of coordination and coalition-building within the structure – rather than to look for grand transformations into some purer state. The EU's external relations continue to be hard work, and continue to be criticised externally for incoherence and inconsistency, but that is part of their essence, not something to be wished away. In the current state of the integration project, challenged from within by crisis and from without by an increasingly multipolar world, and subject to problems of identity and legitimacy at several levels, it might be reassuring to reflect on the robustness and vigour of the hybrid established twenty years ago.

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<sup>1</sup> I am grateful for comments and suggestions made by David Allen and Ole Elgström on the draft of this article.

<sup>2</sup> This basic dictionary definition of hybridity is adopted for the purposes of the argument here, but it should be noted that there is a significant literature within Comparative Politics on the features and dynamics of hybrid regimes. See for example Diamond (2002), Brownlee (2009), Bogaards (2009), Molino (2009) and Levitsky and Way (2010). More recently, this set of approaches has been extended into consideration of issues such as peace-building: see for example the special issue of *Global Governance* (18(1), 2012) and particularly the articles by Jarstad and Belloni (2012) and Belloni (2012)). The comparative politics literature focuses especially on the phenomenon of 'competitive authoritarianism' or 'defective democracy', where elements of democratic rule such as elections co-exist with a wider authoritarian

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structure; the peace-building literature focuses especially on related issues of 'hybrid peace governance' in political orders where contrary elements coexist and the possibility of violence is high. These approaches also raise the issue of stability – are such regimes or orders in transition, or can they be stable and persist for extended periods? The latter question will be examined with respect to the EU's external relations in the Conclusion to this article, since it is clearly significant to the argument advanced here.

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