

# Beyond Weber and Straight Cucumbers : bureaucratic politics in the EU

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*Beyond Weber and Straight Cucumbers: Bureaucratic Politics in the EU*

*Oratie*

*Uitgesproken ter gelegenheid van de aanvaarding van het ambt van bijzonder  
hoogleraar 'Administrative Governance in the EU' aan de Faculteit der  
Cultuur- en Maatschappijwetenschappen van de Universiteit Maastricht*

*Op vrijdag 2 oktober 2009*

*Door*

*Dr. Sophie M.R.L. Vanhoonacker*

*Mijnheer de Rector Magnificus,  
Geachte toehoorders,*

## **1. Introduction**

*'EU restrictions on the size of 26 types of fruit and vegetables are lifted today, ending the 20-year absence of lumpy melons and suggestively shaped aubergines from supermarket shelves. Houray!' – The Guardian, 1 July 2009.*

Earlier this summer, the European Commission made headlines in the international press, not because it was launching yet another new piece of legislation but because it was actually withdrawing one. In particular, it announced it was scrapping a long-standing directive laying down rules on the size and shape of cucumbers and 25 other types of vegetable and fruit. The so-called 'straight cucumber legislation', that's to say, the rule that cucumbers classified as being 'Class One' cannot bend more than 10mm for every 10 mm of their length – I am quite serious - has often been ridiculed and quoted by a euro-sceptic media, as a typical illustration of how the EU bureaucracy gets excessively fixated on regulation. Interestingly enough, pressure to abolish the rules did not come from farmers unions or even the fruit and vegetable industry – in fact they considered the quality standards as a helpful instrument in their search for new markets. It just so happens that the abolishment of the directive was an initiative of the so-called 'Anti-Bureaucracy Group' in the European Commission. It was intended as a political message to demonstrate to the broader European public that it was serious about its commitment to reduce red tape.

Apart from your own obvious relief that curved cucumbers and knobbly carrots will no longer be wasted and can be used in your daily soup, the cucumber story - in whatever form you prefer it, straight or curved - is also insightful for several rather serious reasons. Firstly, it is an illustration of how international and European legislation is having an impact on almost every aspect of the lives of ordinary citizens. In an increasingly globalising world, standards are no longer set at the national level but negotiated in international or regional fora such as the United Nations or the European Union.<sup>1</sup> Many of today's challenges – be it tackling climate change or coping with swine flu – require responses far beyond the capacities

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<sup>1</sup> The above- mentioned EU standards for fruit and vegetables were *de facto* to a large extent based on pre-existing rules set by the UN Economic Commission for Europe in Geneva.

of national governments. Since the end of the Second World War, a whole range of international and regional organisations ranging from the UN to the World Trade Organisation (WTO) and the European Union have been established. All these institutional actors are supported by their own bureaucracies. In addition, national civil servants travelling to New York, Geneva, Paris, or Brussels also spend a lot of their time in these fora.

A second lesson which the cucumber case teaches us is that the broader public is well aware of this penetration of the international and European political level into their daily lives. However, while ordinary citizens may well understand that in today's complex world this 'intrusion' is unavoidable, the irritation about straight cucumbers is illustrative of a broader frustration with decisions taken far from the public eye, and which are difficult to contest.

## ***2. Administrative Governance***

It is precisely international bureaucracies, and specifically the supranational administration of the EU as one of the most advanced and powerful international civil services, that are the subject of my special chair as well as of the research programme Administrative Governance, currently formulated at the Faculty of Arts and Social Sciences. The term 'Administrative Governance' may not sound very exciting (at first instance, it might even strike you as boring) but it does accurately reflect the research focus of my chair on the role and impact of international administrative actors and units in multi-layered systems of decision-making. And I can assure you, it is an extremely stimulating area of academic research, particularly given the fascination institutions hold for political scientists.

The motives for choosing to focus on international bureaucracies are plentiful. Firstly, it presents us with interesting challenges from a conceptual and theoretical point of view. The German sociologist Max Weber, who was one of the first and most influential thinkers about public administration and who developed an ideal model of bureaucracy, developed his concept within the context of a hierarchically-organised government. The question however remains to which extent the ideal type of the top-down Weberian state is still relevant as a comparative standard for today's political and administrative realities. A supranational polity such as the EU or an international bureaucracy such as the World Trade Organisation does not have a single centre. Decisions are taken through a process of intense consultation and negotiation among politicians, civil servants, the private sector and civil society. Although relations of hierarchy may still play a role, there is an important place for policy networks,

forcing us to think beyond Weber and requiring new concepts and updated theoretical models in order to conceptualise bureaucracies.

Besides the conceptual and theoretical challenges, we also face a serious gap in terms of empirical fieldwork. Public administration and organisation studies are dominated by case studies on the national and local level, while the number of systematic studies of international bureaucracies is still limited. This lacuna is quite surprising given the increasing role of international organisations, but it may stem from the fact that the administrative level is less visible than the political level. As Derk-Jan Eppink (2007), a former staff member of the cabinet of Commissioner Frits Bolkenstein, rather succinctly put it, ‘The politician wants to read his name in the newspaper every day; the mandarin ... just twice: when he is born and when he dies’.

Thirdly, the growing importance of international administrations also gives rise to normative questions about the democratic quality of public policies. If indeed it appears that international non-elected civil servants do exert an important influence on the choices made by politicians, this brings new challenges and concerns in terms of legitimacy and public accountability.

Last but not least, our choice has also been reinforced by some internal motives. As a centre of expertise in European Studies, our faculty has considerable know-how on the process of European integration and its underlying institutional and administrative structures. In addition, we have an increasing number of colleagues with a focus on questions of global governance. Furthermore, the interdisciplinary cocktail of philosophers, historians, political scientists, IR scholars and colleagues with a background in public administration should allow us to come up with creative answers to questions we feel need urgently to be addressed. And we by no means ignore our colleagues from the Law Faculty; the emerging multi-level administrative order also raises important new questions for scholars in European and international public law.

I now propose to further elaborate upon the faculty’s Administrative Governance programme. Thereafter, I will give you a taster of my own research, which deals with a particular category of civil servants, namely the national- and Brussels-based diplomats dealing with European foreign policy.

### ***3. The Administrative Governance Research Programme***

Taking into account the vast scope of the Administrative Governance theme and the fact that we are venturing into relatively unexplored territory, we (Prof. Tannelie Blom, Prof. Thomas Christiansen, Dr Nico Randeraad and myself) have opted to build our research on three main pillars:

### *3.1 History Matters*

Firstly our programme includes a strong historical perspective. Although the rise of an international administration is a relatively recent phenomenon and EU history is still young, it is important to embed our work in the longer tradition of scholarly work on public administrations and administrative history. Hereby we are not just interested in the development of an EU civil service over time, but also in the paths that national administrations have followed as they developed in the 19<sup>th</sup> and 20<sup>th</sup> centuries. In other words, we start from the assumption that international bureaucracies do not develop in a vacuum but rather that they have strong roots in the national traditions of their constituent member states. The hierarchical structure of the European Commission as it developed from the 1950s for example, cannot be understood without a good knowledge of French administrative history; nor can we grasp the British irritation with the way the Brussels civil service has become politicized without being aware of its long tradition of, and emphasis on, the neutrality of the administration.

### *3.2. The Role of Bureaucratic Information and Expertise*

Leaving history aside, a second key theme in our research is that of the role of bureaucratic information and expertise as a key source of influence in multi-layered systems of decision-making.

The traditional view of bureaucracies is a functional one. The choice for professionally trained civil servants with life-long contracts was, in the first instance, meant to support governments in their daily work. For early thinkers about administrative organisations such as Max Weber and Woodrow Wilson (the later US president), there was a clear distinction between the political and the administrative level. In 1887, Wilson noted that administration ‘lies outside the proper sphere of politics’ and that ‘administrative questions are not political questions’. We all know, however, that this dichotomy is artificial. The administrative branch is more than just a neutral secretariat keeping the machinery running.

In the current literature, it is generally recognised that even if officials have no formal decision-making competencies, they play an important role in the policy-making process. The

principal devices they have at their disposal are time, size, mobilisation of interests, and, last but not least, information and expertise. Firstly, officials have time: not in the satirical meaning that they are slow (some even claim lazy), but in the sense that they generally have permanent contracts - they are 'career civil servants' - and therefore will be around much longer than their elected political superiors. If they don't agree with certain developments, formally they cannot stop them but they can - within certain limits - resort to delaying tactics such as holding up information, delaying the provision of documents etc.

Secondly, there is their size. And size matters. In the current European Commission for instance, there are 27 Commissioners and approximately 32,000 civil servants. Every Commissioner has under his or her authority several hundred officials, often based in different Directorates-General. As such, you might well appreciate that it is difficult, if not impossible to get a full grip on the activities of such a vast group of people. Now many of you in this audience may be of the opinion that these numbers should be drastically reduced. But administrative organisations will always largely outnumber the political branch of government, making any attempt to exert control a challenging task. That politicians sometimes have the feeling that they are losing control over their administrative agents is well illustrated by the outcry of a frustrated Commissioner Verheugen warning his colleagues that 'The Commissioners have to take extreme care that important questions are decided in their weekly meeting and not decided by the civil servants among themselves'.

A further important resource of bureaucratic institutions is the mobilisation of support for their preferred solution. More than ever, administrations closely interact with pressure groups and civil society. Lobbying is not just a one-way process whereby interest groups try to get access to the public policy-making process - the flip-side is that the bureaucracy can use these groups in the agenda-setting process or to advance certain political approaches over others.

Last but not least, there is the resource of information and expertise. It is precisely this fourth category, generally accepted as the principal source of influence of the administration, which we want to investigate further and therefore have as the main focus of our attention. It is impossible for politicians, be it ministers or parliamentarians, to be experts in every subject. Moreover, it is often the case that a minister leads a department in an area where he or she has hardly any previous experience. The Belgians in the audience may remember the recent commotion in the Flemish and even Dutch press about the newly appointed Flemish minister of culture Joke Schauvliege. She was accused of never reading books, and when it appeared that her last theatre play was a piece by the local amateur dramatics company in her village,

Evergem, she was denounced as a philistine, and her cultural erudition compared to the thickness of a surfing board. Although this may be an extreme example, it is indeed the case that politicians, despite their own views, educational background and priorities, are highly dependent on their administrative staff.

Singling out information and expertise as a key resource for administrations, we have identified two main questions that we want to investigate further. Firstly, the question of how and under which conditions international administrations such as the WTO secretariat or the European Commission manage to translate their informational advantage into influence. In other words, to what extent does their expertise allow them to make a difference? The assumption is that civil servants are not merely neutral but that they may have their own interests and opinions on the preferred solutions to societal problems. Secondly, we are also interested in what is called 'the politics of information'. This is the process whereby information is standardised and institutionalised. If, for instance, the European Commission and the EU Statistical Office Eurostat develop indicators to monitor member state progress on sustainable development, we want to know how they arrived at these statistical indicators and what the underlying political interests were.

### *3.3. International Public Administrations: Public Control and Accountability*

So, history is important, and information and expertise may be key, but that is by no means the whole picture. What about values? What role do they place in the administrative branch? This brings me to the third main theme of our Administrative Governance research programme which is the *normative question* of public control and the accountability of civil servants. If it is indeed the case that civil servants play an important policy-making role, how can we prevent what Weber has termed a '*Beamtenherrschaft*' or the dominance of the political system by the bureaucracy? In the traditional Westphalian state, the parliament closely scrutinizes the acts of government, and ministers carry the ultimate responsibility for the actions of their administration. But to whom are international civil servants explaining and justifying their conduct and who takes responsibility in case of failure? How can accountability be achieved in a system like the EU with multiple centres of decision-making and where there is only a very weak link between public elections and the political output? The emergence of a multi-level system of governance forces us to rethink traditional mechanisms of accountability, including those of bureaucratic accountability.



#### *4. Foreign policy bureaucracies*

Now that you have a general idea of our Administrative Governance Research agenda, I will talk about my own research and how it contributes to the programme. As I mentioned at the beginning, my own research has focused so far, and will continue to focus in the near future, on the diplomatic bureaucracies underpinning the European foreign policy process. By this I mean, not only the diplomats based in the different national ministries of foreign affairs, but increasingly also, the emerging European-level diplomacy, made up of foreign policy civil servants and diplomats based in Brussels. The European Union is a very interesting case: it represents one of the most advanced – and complex – forms of foreign policy cooperation ever, and since 1989 that cooperation has gained extra momentum.

##### *4.1. The EU as a foreign policy actor*

If you visit the website of the Council of the European Union, you will see how the EU is reacting to international events all over the world on a daily basis. You will find a declaration congratulating the Afghan people with their recent elections, a condemnation of the unjustified trial of the Burmese Nobel Peace winner Suu Kyi. But words are cheap you might think. There is also concerted action: you will learn that there is an EU arms embargo against Iraq, discover that the EU is engaged in a military operation called Atalanta trying to protect vessels against pirates off the Somali coast, and see that it is present in Kosovo with 1800 international police officers, judges, and customs officials assisting in the delicate process of state building. As a matter of fact, since 2003, the EU has engaged in more than 20 small- and medium-scale civilian and military operations.

While the adoption of joint foreign policy declarations already has a long tradition, the EU's role in crisis management (such as the various operations in the Balkans) only started in 2003. This rather recent operational role has everything to do with the sensitive character of foreign policy cooperation. In the early years of European integration the Member States of the European Communities concentrated on reducing trade barriers and it was only from the early 1970s onwards that they started to coordinate positions on foreign policy issues such as the Middle East or the East-West dialogue.

The rules of the game were, however, quite different from those on economic integration, an area where the supranational European Commission had the exclusive right of initiative. In the sensitive field of foreign policy, it was the six-monthly rotating Presidency, where member states take turns at the helm of the European Union, which played the central

role leaving the Commission to some extent side-lined, only being consulted when there was an overlap with trade issues. The Member States, which wanted as far as possible to keep everything in their own hands, behaved as real control freaks or gate-keepers. It was not until the late 1980s that a small secretarial unit was established in Brussels, not in the European Commission but on the premises of the Council Secretariat, under the watchful eye of the Member States.

The fall of the Berlin wall in 1989 and the outbreak of the Yugoslav crisis barely two years later made Europe's political leaders realise that a declaratory policy, that's to say a policy of 'all mouth but no trousers' was not enough to address the challenges of the post-cold war period. And so, it was here in Maastricht in December 1991 that they committed themselves to the development of a Common Foreign and Security Policy or CFSP. I admit that CFSP is a terrible acronym. In fact, in his memoirs, the former Commissioner of External Relations Chris Patten recounts how, when he was returning to the UK after having worked for five years on CFSP, people told him: 'The C-What? Didn't you used to be Chris Patten?'

But after Maastricht, it would still take another Treaty – the 1999 Amsterdam Treaty – for the Common Foreign and Security Policy to really start to take shape. An important breakthrough had come in December 1998, when the British Prime Minister, Tony Blair, meeting with French President Jacques Chirac in Saint Malo, agreed that the EU should have the 'capacity for autonomous action' (i.e. independently of the US), 'backed up by credible defence forces'. This does not mean that the EU now suddenly had the ambition to become a military superpower, but rather that it was - you might say, at last - ready to support its declarations with operational actions such as peace-keeping and peace-making tasks, waving a European flag rather than a whole set of national flags.

These new ambitions raised challenges not only in terms of human and material capabilities (there is no European army or police force), but also as regards the governance of CFSP. The earlier practice of running everything from the national capitals was incompatible with the desire to bring about a more operational foreign policy, and create new and more permanent Brussels-based structures able to react promptly to international developments. At the political level, the most important development was the appointment of the Spaniard, Javier Solana, as the High Representative for the Common Foreign and Security Policy. Solana was not based in the supranational European Commission but in the Council Secretariat, the supporting body of the Member States. This is not surprising since his main task was to assist the rotating Presidency, i.e. the Member States. Despite the Treaty's minimalist job description - he was supposed to be merely an assistant - Solana has been

arguably very proficient in his ability to fill the position. In short, he has become Europe's *de facto* foreign policy minister.

The appearance of Solana on the EU foreign policy stage and the perceived need for a more efficient and effective decision-making process has had an important impact on the administrative structures supporting European foreign policy. Solana soon received the assistance of a policy unit. From 2000 the decisions of the Ministers of Foreign Affairs were prepared by a new Political and Security Committee at ambassadorial level, and meetings of the representatives of the chiefs of defence began to deal with military matters. These are just a few examples of the multiple bodies that have mushroomed in recent years. They illustrate well how even one of the most anxiously guarded European policy areas has not been able to resist the centripetal forces of Brussels. And the story does not end here. If today a majority of Irish citizens vote 'yes' (which we will know tonight or tomorrow), we will take another step in the direction of the ratification of the Lisbon Treaty which will bring further institutional changes. The new Treaty provides that the monthly meetings of Ministers of Foreign Affairs will no longer be chaired by the rotating Presidency but by Solana's successor, the High Representative of the Union for Foreign Affairs and Security Policy. It would have been simpler to call him the 'Union Minister for Foreign Affairs' but as we know the EU is highly skilled at not calling things by their name.<sup>2</sup> Solana's successor, who will also be a Vice President of the European Commission, will be formally in charge of giving guidance to European foreign policy and representing the Union in relations with third countries and international organisations. He will receive his own administration, the so-called European External Action Service (EEAS) and he will also be responsible for the Union delegations, or what one might think of as the 'EU embassies' in third countries.

#### *4.2. Understanding the Emerging EU-Level Diplomacy*

It is clear that for EU foreign policy and diplomacy *aficionados* like several of my colleagues and myself, the new developments give rise to many fascinating questions directly related to the Administrative Governance Research agenda which I presented earlier. The three foci of the programme -the historical lenses; information and expertise as a key source of bureaucratic influence; and the normative question of accountability -, provide us with interesting angles from which to study the emerging EU-level diplomacy in more detail.

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<sup>2</sup> The term Union Minister for Foreign Affairs was originally used in the 'Treaty Establishing a Constitution for Europe' but after the French and Dutch 'no' votes, it was changed into the 'High Representative of the Union for Foreign Affairs and Security Policy'. The change was mainly an act of window-dressing since the functions were not changed.

Rather than presenting a long shopping list, I will give a couple of examples of questions that my CFSP colleagues and I are in the process of researching, or hope to embark upon investigating in the near future.

Admittedly, European foreign policy cooperation is still young and EU-level diplomacy is only just emerging. This does not mean, however, that our research is condemned to be devoid of any *historical context*. With some forty years of foreign policy cooperation already, there are of course many well-established rules and habits in place. Any new initiatives will always, to a lesser or greater extent, be influenced by earlier institutional choices and trajectories. As argued by the Danish philosopher Søren Kierkegaard “life must be understood backwards. But... it must be lived forwards”. A good illustration of how continuity and change generally go hand in hand is the European External Action Service, an institutional innovation of the Lisbon Treaty. At first sight this new European foreign policy administration, comparable to a European Ministry of Foreign Affairs and another example of the EU not calling a spade a spade, seems revolutionary. When taking into account the longer-term perspective, however, this new development appears just another step in an incremental process whereby the locus of decisions has gradually been shifting from the national capitals to Brussels. Different foreign policy actors who, up to now, have been scattered in national foreign ministries, the Council Secretariat and the European Commission, and who have had to cope with the resulting problems of coordination will finally be brought together in one location under the authority of the High Representative. Although the new Treaty has not yet entered into force, the political and academic discussions surrounding the shape of this new body have been underway for quite a while. It is very clear from these debates that the new service will not seek to do away completely with past traditions but, on the contrary, will be a carefully built compromise striving to overcome some of the previous deficiencies, while at the same time building on – and respecting – the legacy of the past.

Earlier in my presentation I pointed out the importance of *information and expertise as a key resource of policy-making*, which empowers civil servants in their relation with their political masters. Foreign policy is no exception. It is essential for politicians to dispose over accurate and timely information about international developments when choosing between different policy options. Traditionally the task of gathering and processing information is performed by diplomats in the ministries of foreign affairs, supported by diplomatic missions and secret intelligence services. In the sensitive field of foreign policy, information sharing amongst countries has been the exception rather than the rule and has occurred mostly on an *ad hoc* basis. The foreign policy cooperation amongst the Member States of the European

Communities from 1970 onwards constituted an interesting break with the past: firstly, the exchange of information took place in a multilateral rather than in a bilateral context and, secondly, it was relatively institutionalised. Back in 1973, the Member States had already created an electronic communication network called COREU (*Correspondence européenne*) allowing the ministries of foreign affairs and the European Commission to exchange several thousand coded messages per year. What was communicated was, however, entirely determined by the individual Member States and by the political events of the time. There were no European-level institutions with autonomous capacities for information-gathering and processing.

Once the European Union started to engage in civilian and military crisis management and the need for rapid and first-rate information became more urgent, this dependence on the Member States and the Presidency started to pose problems. Gradually, several of the units in the Brussels-based Council Secretariat started to play a role in analysing information. For the delivery of the data, the Council Secretariat continued, however, to depend to a large extent on what the national capitals are willing to share. It is therefore not surprising that slowly but gradually they start to engage in information-gathering as well. Before the previously mentioned joint operation in Kosovo, for instance, there was a fact-finding mission there, composed of staff based at the Council Secretariat who reported to the Member States via Solana. This process is ongoing today as the civilian operation proceeds.

The gradual development of an institutionalised form of information-sharing and, increasingly, information-gathering and analysis is not only interesting because it is quite unique in the world of diplomacy, but also because it raises the question of influence which I mentioned before. What are the implications for European foreign policy if the contributions of big countries such as France and the UK are consistently more important than those of smaller Member States? Can we expect small players with specific expertise such as the Dutch, with their knowledge of Indonesia, or the Swedes through their experience with peace-keeping, to ever be able to punch above their weight? What does the increasingly important role of Brussels-based diplomats mean for the content of European foreign policy? These are all questions that so far have not been addressed in the academic debate, but which can help us better understand the underlying power structures in the emerging European foreign policy.

As a researcher one always runs the risk of digging deeper and deeper. But one has to be cautious not to be carried away by one's own research topic. It is important to link our findings about the European diplomatic bureaucracies to the broader question of the EU as an external actor. What does the study of national and EU level diplomats teach us about the

Union's role in international affairs? As a support mechanism for the foreign ministers, diplomatic bureaucracies are an important link in the external governance puzzle, but they are not the quintessential, all-important element. Foreign policy remains highly political, and whether or not the Member States manage to speak with one voice is not only a question of a well-functioning and effective diplomacy. As we have seen with the war in Iraq, the parallel paths of European and national foreign policy do not always converge and in very sensitive matters the national interest more often than not still has the final word. A second caveat is that, at least for the moment, Europe's economic weight continues to be much bigger than its political power. Any vital study of European foreign policy should therefore also pay attention to the interaction with the other dimensions of EU external relations, in particular the Common Commercial Policy.

### *5. Beyond Weber and Straight Cucumbers*

It has been quite a long road from Weber to the re-appearance of curved cucumbers on European markets and I realise very well that many of you associate bureaucrats with grey rather than green. However, I hope that I have managed to convey to you how bureaucratic organisations, despite their notorious rigidity, have simply been incapable of remaining immune to the impact of broader trends, such as globalisation and the development of a knowledge society.

National civil servants spend more and more time interacting, socialising, agreeing and disagreeing, in regional and international fora. At the same time, supranational and international administrations play an increasingly important role in the process of policy-making, directly impacting upon the life of ordinary citizens. The bureaucratic architecture of these organisations has, however, received little attention in the academic literature and it is clear that long-standing Weberian arguments about bureaucracies need to be updated. Through my special chair and the establishment of a research programme focusing on a number of specific but sufficiently broadly-defined research questions, I hope, in interaction with my colleagues, to unlock the 'black box' of international bureaucracies and to contribute to putting Maastricht definitively on the international Administrative Governance map.

*Dankwoord*